

*Article 2 //*  
*Non discrimination*

*Article 3 //*  
*Protection of the best interests of the child*

*Article 6 //*  
*Right to survival and development*

*Article 12 //*  
*Respect for the views of the child*

REALITY CHECK

FINDINGS FROM  
THE SECOND ANNUAL  
LISTENING TOUR  
OF THE ONTARIO  
PROVINCIAL ADVOCATE  
FOR CHILDREN  
AND YOUTH

# REALITY CHECK

FINDINGS FROM THE  
SECOND ANNUAL LISTENING TOUR  
OF THE ONTARIO PROVINCIAL  
ADVOCATE FOR CHILDREN & YOUTH

## ABOUT THE DESIGN

The design of *Reality Check* overlays the text of the United Nations *Convention on the Rights of the Child* with statements from children and youth in Ontario who have experienced inequities and rights violations. This juxtaposition reflects the gap between Canada's promises to young people and their lived realities. We centre the voices of children and youth in the text as well as the design because change must begin with listening.

### Provincial Advocate for Children & Youth

#### Reality Check: Findings from the Second Annual Listening Tour of the Provincial Advocate for Children and Youth

Office of the Provincial Advocate for Children and Youth ©2016

<b>978-1-987815-39-9</b>	L'ÉPREUVE DES FAITS: Résultats de la deuxième tournée annuelle de consultations de l'Intervenant provincial en faveur des enfants et des jeunes de l'Ontario	<b>Numérique</b>
<b>978-1-987815-38-2</b>	L'ÉPREUVE DES FAITS: Résultats de la deuxième tournée annuelle de consultations de l'Intervenant provincial en faveur des enfants et des jeunes de l'Ontario	<b>Livre imprimé</b>
<b>978-1-987815-37-5</b>	REALITY CHECK: Findings from the Second Annual Listening Tour of the Provincial Advocate for Children and Youth	<b>Digital</b>
<b>978-1-987815-36-8</b>	REALITY CHECK: Findings from the Second Annual Listening Tour of the Provincial Advocate for Children and Youth	<b>Book</b>

#### TORONTO OFFICE

401 BAY STREET, SUITE 2200 TORONTO, ONTARIO M7A 0A6 PHONE 416-325-5669  
TOLL-FREE 1-800-263-2841

#### THUNDER BAY OFFICE

435 BALMORAL STREET THUNDER BAY, ONTARIO P7E 5N4 TOLL-FREE 1-888-342-1380

<b>WEB</b>	WWW.PROVINCIALADVOCATE.ON.CA
<b>EMAIL</b>	ADVOCACY@PROVINCIALADVOCATE.ON.CA
<b>TWITTER</b>	@ONTARIOADVOCATE
<b>FACEBOOK</b>	OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

# Table of Contents

7	Message from Provincial Advocate for Children and Youth
10	The Role of the Advocate's Office
15	Do We Measure Up?: Looking at the Principles of the UNCRC
<b>17</b>	<b>ARTICLE 2: NON-DISCRIMINATION</b>
17	Discrimination towards racialized, newcomer, and refugee youth
19	Young people with mental health needs feel discrimination
23	Discrimination experienced by children with learning disabilities
25	Discrimination and Aboriginal youth
27	Marginalization of LGBTT2SQ youth
<b>29</b>	<b>ARTICLE 3: PROTECTION OF THE BEST INTERESTS OF THE CHILD</b>
29	Access to services is not consistent
31	Barriers to education
33	Transitioning between services or out of care is difficult
<b>37</b>	<b>ARTICLE 6: RIGHT TO SURVIVAL AND DEVELOPMENT</b>
37	Surviving is not thriving
38	Being in care does not feel like home
<b>43</b>	<b>ARTICLE 12: RESPECT FOR THE VIEWS OF THE CHILD</b>
43	No voice or control over their lives
45	Complaints not taken seriously
47	Final Reflections
48	Appendix—A Summary of the United Nations Convention on the Rights of the Child

# Message from the Provincial Advocate for Children and Youth

On November 20th, 1989, the *United Nations Convention on the Rights of the Child* (UNCRC) was adopted by the United Nations General Assembly. Canada ratified the UNCRC in 1991. In 1993, Canada passed legislation naming November 20th—National Child Day.<sup>1</sup>

All countries who ratified the UNCRC are reviewed regularly by a panel of experts known as the UN Committee on the Rights of the Child. It is the Committee’s job to assess how well each country is complying with the UNCRC to protect the rights of children and youth. The committee asks each country to prepare a summary of any new policies, legislation or other developments that have been implemented to improve the status of children’s rights.

Every five years the federal government works with each province and territory to help prepare Canada’s report for the Committee. In Ontario, the Ministry of the Attorney General works across provincial ministries to respond to this request from the federal government. Ottawa then combines all of the information from the provinces and territories into a single national report.

As my office learned during Canada’s periodic review in 2013, the general public—and most importantly children and youth—are not involved in the process of preparing Ontario’s report.

This process must change because the manner in which Canada prepares its report to the UN Committee on the Rights of the Child speaks volumes about the lack of importance and value we place on children’s perspectives on the matters and issues that affect their lives. Our Office uses a process for listening to young people that we believe could serve as model to help address this gap; it is called a “Listening Tour”.

My office completed its first “Listening Tour” in November 2009, a week before the UNCRC turned 20 years of age. The goal of every tour is to meet and listen to the young people my office is mandated to serve. The tour is designed to mark National Children’s Day by holding focused conversations with children and youth about their rights and the UNCRC. It is my hope that the Ontario government will be encouraged and inspired by what young people say during these tours and take



1. *Child Day Act*: <http://laws-lois.justice.gc.ca/eng/acts/C-27.7/page-1.html>

similar steps to engage children and youth in 2018 when Canada will once again prepare its report to the United Nations Committee on the Rights of the Child.

As the following pages show we had a very busy and informative Listening Tour this year. A small team, including myself and a few of my staff, began traveling in mid-November and visited communities across Ontario including Ottawa, Toronto, Consecon, Cobourg, Peterborough, Belleville, Collingwood, Guelph, Hamilton and Timmins. The young people who attended the meetings shared stories about their life experiences and the things they wanted to see changed.

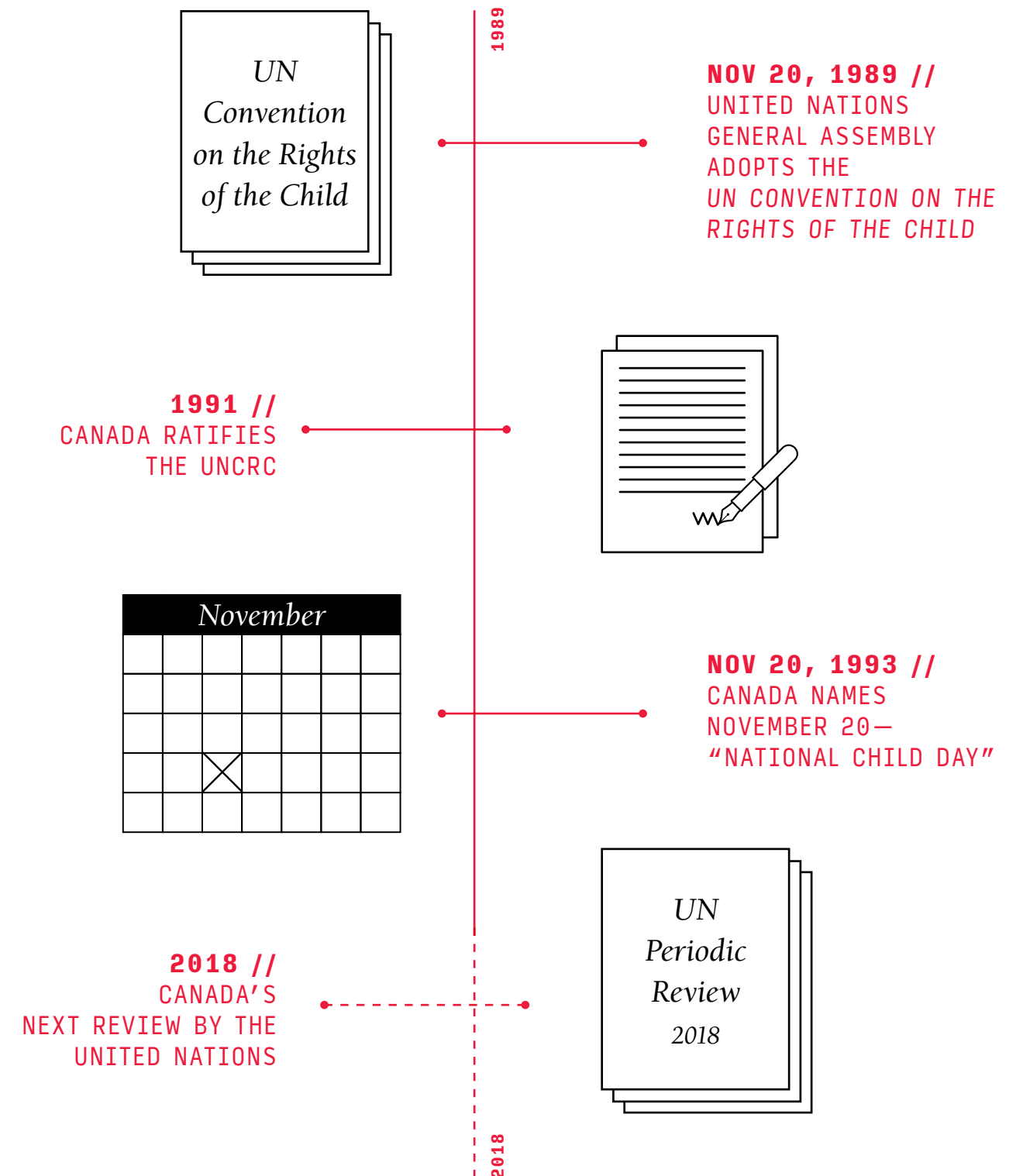
Everywhere we went young people spoke with openness and courage. Some were not in a positive place in their lives, but they were strong and serious about having input and telling my office what their lives are like and how they hoped things might be different. They spoke about feelings of pain, isolation and invisibility. Some had found pockets of support as was echoed in the words of one 12 year old boy who said to me: “This place saved my life,” then continued, “This place stole my soul”.

The meetings were powerful and I want every young person who participated to know that my team and I listened carefully to what was said. I sincerely hope this report encourages the Ontario government to step up and meet the challenge of listening to children as it once again participates in the preparation of Canada’s report to the United Nations Committee on the Rights of the Child.



**Irwin Elman**  
Provincial Advocate for Children and Youth

## History of the UN Convention on the Rights of the Child in Canada



# The Role of the Advocate's Office

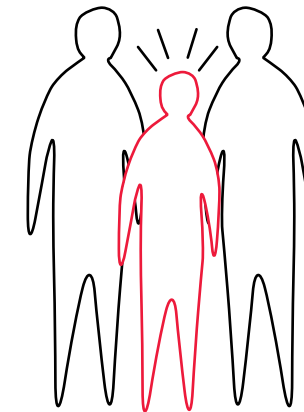
The role and purpose of the Office of the Provincial Advocate for Children and Youth is outlined in the *Provincial Advocate for Children and Youth Act, S.O. 2007, Chapter 9* (the Act).

1. The purpose of the Act is to provide for the Provincial Advocate for Children and Youth as an independent officer of the Legislature to,
  - a. provide an independent voice for children and youth, including First Nations children and youth with special needs, by partnering with them to bring issues forward;
  - b. encourage communication and understanding between children and families and those who provide them with services;
  - c. educate children, youth and their caregivers regarding the rights of children and youth; and
  - d. conduct investigations and make recommendations to improve children's aid society services and services provided by residential licensees where a children's aid society is the placing agency. 2007, c.9, s.1; 2014, c.13, Sched.10, s.1.

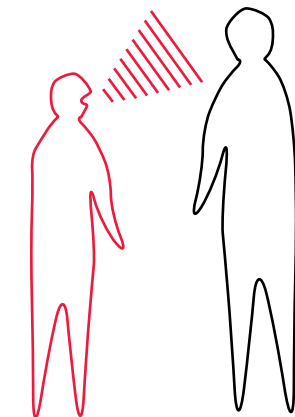
In fulfilling our role there are legislated principles that must be applied to how we do our work. In interpreting and applying this Act, regard shall be paid to the following principles:

1. The principles expressed in the *United Nations Convention on the Rights of the Child*.
2. The desirability of the office of the Provincial Advocate for Children and Youth to be an exemplar for meaningful participation of children and youth through all aspects of its advocacy services. 2007, c.9, s.2 (3).

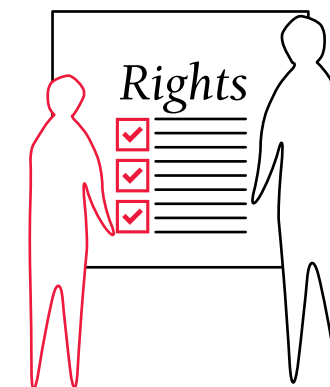
The UNCRC applies to all children under the age of 18. It aims to ensure that children's voices are heard in discussions and decisions that affect them.



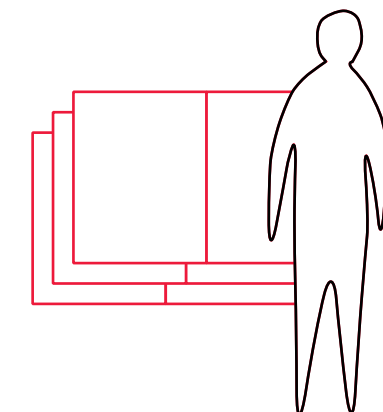
Provide an independent voice for children and youth by partnering with them to bring issues forward



Encourage communication and understanding between children and families and those who provide them with services



Educate children, youth and their caregivers about the rights of children



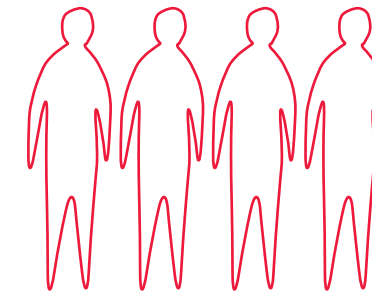
Conduct investigations and make recommendations to improve Children's Aid Society services and services provided by residential group homes where a Children's Aid Society is the placing agency

The UNCRC contains 54 articles that outline the rights of children. The key articles below form the guiding principles behind every other article in the convention.

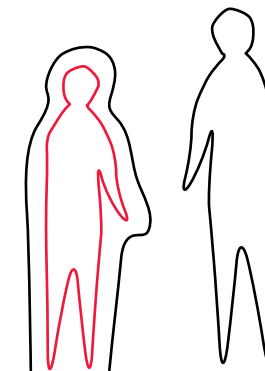
- ✓ **Article 2:** Non-discrimination.
- ✓ **Article 3:** Protection of the best interests of the child.
- ✓ **Article 6:** Right to survival and development.
- ✓ **Article 12:** Respect for the views of the child.

These principles are important to our office as they form the foundation of the kinds of advocacy services we provide to young people.

1. **Individual Rights Advocacy.** Each year we receive thousands of phone calls from children, youth, families, caregivers and people involved in the lives of young people from across Ontario and beyond. When we receive a request for advocacy service, an Advocate will work with the caller to develop an advocacy plan and follow through with the young person until the issues they raised are addressed.
2. **Systemic Advocacy.** When we notice patterns or trends in the calls we receive from young people, we may decide to look deeper into these issues through “systemic advocacy”. Here we look into the bigger system, maybe policies, rules, guidelines and laws (legislation) and how these things affect the way services and resources are provided to children and youth.
3. **Community Development Advocacy.** When an issue or concern effects specific groups or populations of young people, we provide community development advocacy. Here we bring together young people, along with any existing supports and allies (supportive friends) in their communities. Working with young people in their communities we provide outreach and education about our office and work with the community and its young people to facilitate conversations and advocacy strategies that the community can undertake to create needed change.
4. **Investigational Advocacy.** The Office is also able to conduct investigations and make recommendations for improving children’s aid society services and services provided by residential programs (group homes) where a children’s aid has placed a child.



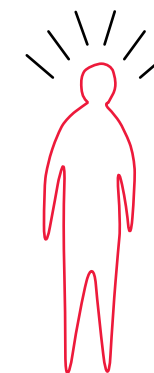
ARTICLE 2 // Non-discrimination



ARTICLE 3 // Protection of the best interests of the child



ARTICLE 6 // Right to survival and development



ARTICLE 12 // Respect for the views of the child

# *Do We Measure up? : Looking at the principles of the UNCRC*

To help structure the feedback we received from young people on the Listening Tour, the report has been organized using the four articles of the UNCRC that form the core principles of all 54 articles of the UNCRC. These articles also guide the work of our Office:

- ✓ **Article 2:** Non-discrimination.
- ✓ **Article 3:** Protection of the best interests of the child.
- ✓ **Article 6:** Right to survival and development.
- ✓ **Article 12:** Respect for the views of the child.

These articles explain the way children must be treated and provide language that explains how the Convention on the Rights of the Child must be understood and carried out.

In each location on the tour, a meeting was organized with young people in the office's mandate. In some meetings, we met with young people and the agency staff who worked with them; in others, the agency staff left the meeting giving young people more privacy to share their thoughts and experiences. At every meeting, they gave us permission to record their comments and use them in this report. We hope that everyone who spoke will see their concerns reflected here.

What we heard on the Listening Tour was revealing. We saw big gaps between the UNCRC articles and the lived experience of the young people within our mandate. In a number of residential settings we visited, young people reported feeling unsafe and without hope. For many of these young people, hope was in the distance, away from the institution. The greater the disconnection they experienced from family and home, the greater the sense of hopelessness they felt.

It was clear that the majority of children and youth we met on the tour possessed strength and a willingness to speak up about their experiences. It was powerful. Even though some spoke about feeling hopeless, a glimmer of hope could be heard in the comments of many.



## Article 2 // Non-discrimination

No child should be treated unfairly for any reason or on any basis. The

Convention applies to all

children, whatever their race, religion or abilities;

whatever they think or say,

whatever type of family they come from.

“EVERYONE IS NOT A TERRORIST.”

— YOUNG PERSON IN CARE

## Article 2: Non-discrimination

What the Article says: No child should be treated unfairly for any reason or on any basis. The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor.

Many young people we heard from on the tour felt that their rights were not being promoted or respected. Some told us they had been treated unfairly in a number of ways. This was difficult to hear.

“I had difficulties to find friends because I was the only person who spoke my language in that school. It was so hard, because at that time I didn't know that much English. It was so hard to speak English. It took me a long time to make friends.”

— YOUNG PERSON IN CARE

### DISCRIMINATION TOWARDS RACIALIZED, NEWCOMER AND REFUGEE YOUTH

Many newcomer and refugee children and youth told us they had traveled for a number of years to reach Canada; a considerable number settled in Toronto.<sup>1</sup> Some were here alone and others were with their families. Encouragingly, all of the young people we met were in school and all had goals and a plan to succeed. They felt that their future depended on the actions they took in the present. We heard accounts of the pressure they felt to succeed.

The impacts of immigration felt by newcomer youth were shared through their stories. They spoke in a matter of fact way about the obstacles they overcame and talked excitedly about their hopes for a new life in Canada. They also spoke about the many challenges they faced while attending school. They said it took a long time to make friends. They felt isolated. They spoke about being bullied by other students and being treated with disrespect by teachers. They often felt that they were being stereotyped.

1. According to the 2011 census, 1 in 5 people in Canada identify themselves as a visible minority. Newcomers make up 46% of Toronto's total population, and 7 out of 10 immigrants to Ontario live in Toronto. In 2011, 19% of newcomers were age 14 and under, and another 15% were youth, ages 15-24, representing over one third of the newcomer population. <http://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-010-x/99-010-x2011001-eng.cfm>

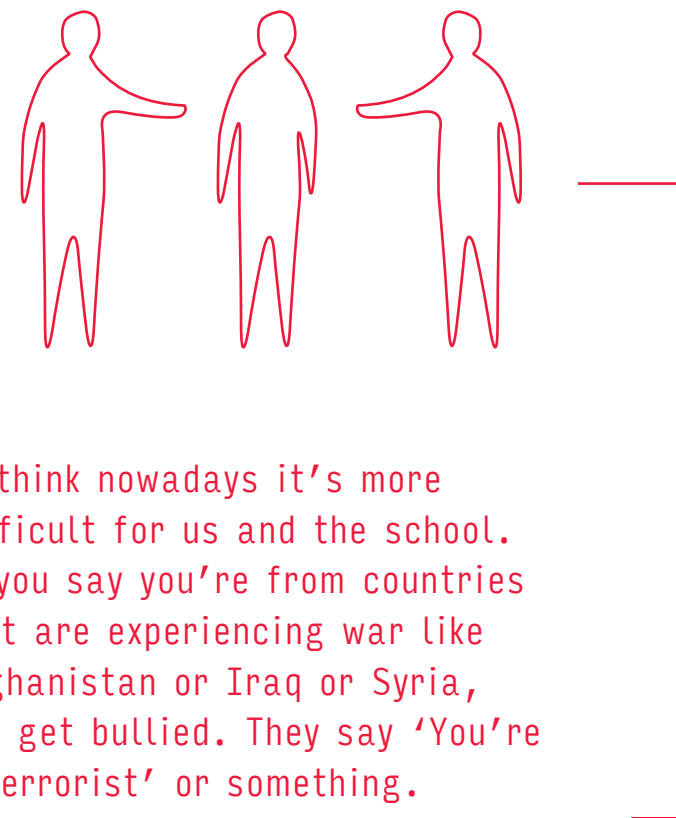
One young man had been accused of being a terrorist by other students. Other young people said that teachers were indirectly racist or biased towards them and that some of their students fed off of that expression of bias.

We were told that well-meaning teachers didn't seem to know what to do or how to take action to support victims of racism or bullying by other young people. Remarkably, although not the purpose of our meeting, youth we met often moved the discussion from the experiences of racism they encountered to offering solutions to the problem. They decided to approach the principals of the schools they attended and offer themselves as training resources for students and teaching staff.

**“It’s not only kids that judge you by your religion. It’s some teachers, but you don’t know how to point it out because they say it in a way that you can’t do anything, because they’re elders and stuff. You have to respect them.”**

— YOUNG PERSON IN CARE

Young people also talked about the difficulty of being a racialized person, particularly with the current backlash against those of Islamic faith. They told us that many of their parents worried, especially for the young women who wore the hijab, after hearing stories about women being pushed in the subway or beaten and the burning of a mosque in Peterborough in November 2015.



**“I think nowadays it’s more difficult for us and the school. If you say you’re from countries that are experiencing war like Afghanistan or Iraq or Syria, you get bullied. They say ‘You’re a terrorist’ or something. Everyone is not a terrorist. They have bad and good people in every country. I want to change their point of view.”**

— YOUNG PERSON IN CARE

We heard that few teachers took the time to make an announcement or take any action to address any backlash towards young people who were being racialized. Some teachers did take action and took the time to speak out about it; but they were rare exceptions. When asked if their schools were safe, they said, “It depends on which school you go to.”

The young people talked a lot about how to change things. They wanted to be seen as “human beings”, not as stereotypes of particular religions or anything else. Others felt there was no point complaining to school authorities if nothing would be changed. They weren't sure that talking would make any difference, particularly when school authorities seemed indifferent to the discrimination and lack of safety these students experienced almost daily.

Some young people were nervous about standing up for what they wanted to say in school, particularly without support or advocates. Some felt that if they had a chance, their peers would stand up and say, ‘This is not the school environment we want.’ Others felt that speaking up would make them even more of a target. It was hard to talk about creating safety in high schools and reducing bullying because of the uncertainty they felt about being heard; but there was hope.

Wanting to feel safe at school was a huge issue. Young people felt all students must be able to experience their schools as being safe spaces. Teachers were viewed as being an integral part of creating safe spaces, beginning with acting as role models to create and maintain positive change.

### **YOUNG PEOPLE WITH MENTAL HEALTH NEEDS FEEL DISCRIMINATION**

We know that the number of children and youth with mental health needs in Ontario is high. The Ministry of Children and Youth Services (MCYS) estimates that between 15 to 20 percent of children and youth in Ontario have a mental health need and that the rate is even higher for Aboriginal children and youth.<sup>2</sup> Within the youth justice system, the number of young people with mental health needs is even higher. A survey of probation officers in Ontario conducted by MCYS

**“My mum told me not to go to the mosque any more. Just pray at home. It’s because parents, they want to keep us safe, so that’s why they’re terrified.”**

— YOUNG PERSON IN CARE

2. *A Shared Responsibility: Ontario’s Policy Framework for Child and Youth Mental Health.* [http://www.children.gov.on.ca/htdocs/English/topics/specialneeds/mentalhealth/shared\\_responsibility.aspx#need](http://www.children.gov.on.ca/htdocs/English/topics/specialneeds/mentalhealth/shared_responsibility.aspx#need)

indicated that 68% of youth on probation have a mental health need.<sup>3</sup> Young people spoke with us about the issues that they faced, including discrimination, when they are identified as having a mental health need.

Young people with mental health needs felt unsafe, marginalized or discriminated against not only in their schools and community, but also within clinical settings that are supposed to help them. They felt they were not being taken seriously, even when suicidal,<sup>4</sup> simply because they were young.

One of the programs we visited provided a place of safety for young people with mental health needs or disabilities who needed a safe environment within a mainstream high school. Many of these students had spoken with their teachers about the bullying that led them to feel unsafe but received little support. Several young people had moved from school to school until finally finding a specialized program and staff that took their needs seriously. Young people described situations in which their peers at school would make fun of them for having mental health needs or suicidal thoughts.

“I’ve moved from multiple schools because of bullying. I was at school a lot, but because of one person who was my friend and then turned on me and started bullying me, it caused me to leave that school and go to a new school. Then at that new school, just being the new person, everyone would pick on you. Then I ended up leaving that school and going to another school.”

— YOUNG PERSON IN CARE

“There’s this one child and youth worker who basically, if I did something good she would try to put me down somehow. Then she would try and make an excuse for why. It just got on my nerves and I ended up not going to school for a few weeks and then everything went downhill. I kind of tried to work past it, but I couldn’t really because of that one person.”

— YOUNG PERSON IN CARE

3. *A Snapshot of Mental Health and Addiction Issues Within the Youth Justice System, presentation by Misirowski, Jennifer (MCYS), Human Services and Justice Coordinating Committee (HSJCC) Conference November 27, 2013.*

4. *In 2012, 552 young people ages 10 to 24, took their own lives. This number rises steadily each year. <http://www.statcan.gc.ca/tables-tableaux/sum-som/101/cst01/hlth66a-eng.htm>*

“If we were to come out saying how we feel or saying that we were suicidal, school staff would just look at you and be like ‘Oh, you guys are just looking for attention’ or ‘Just get over it’, like nothing happened kind of thing.”

— YOUNG PERSON IN CARE

“Having teachers at least aware of what to do or trained about what to do with a student having a panic attack or anxiety attack or mental breakdown of some sort. Having more trained or safe teachers that you can go talk to would be helpful.”

— YOUNG PERSON IN CARE

Feeling a lack of safety in their schools was associated with not only an absence of safe spaces within the school setting but also with the limited number of staff who were trained and able to help young people in crisis.

Not feeling safe was reported as also being a concern at community-based service agencies. A lack of safety in clinical settings was thought to be due to a perceived lack of communication between clinicians (doctors,

“I know a lot of teachers, you can come to them and even talk to them about your problems and they just kind of put it off as if it’s not really a big deal.”

— YOUNG PERSON IN CARE

“I really want my school to have a safe space or a safe room where kids can go if they’re feeling depressed or anxious or having an anxiety attack. Somewhere they can go where it’s quiet. Yeah, there are the resource rooms and those kinds of spaces, but they’re not always the best for that kind of situation. I’ve been shoved into a resource room when I’m in the middle of an anxiety attack and it’s not helpful, because there are still other students there.”

— YOUNG PERSON IN CARE

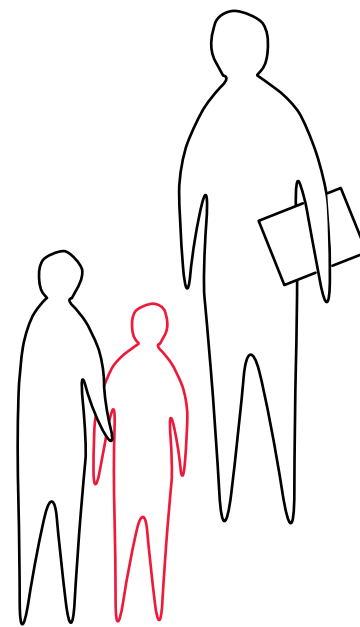
psychiatrists, social workers, counsellors, etc.) and front line nursing staff. Young people using these services told us that the nursing staff would create connections with them, offer practical help as well as understanding, and then the clinicians would tell them, even suicidal youth, that they should just “suck it up” and send them home after only brief periods of observation. Clinicians would do this despite the fact these youth were referred by a professional person to the unit with a specific request to provide the young person with observation and treatment.

“When I went to the hospital for a suicide attempt the nurses were really good and they kept me overnight. However, the psychiatrist that I talked to at the crisis centre was not helpful and made the situation worse for me and my mom.”

— YOUNG PERSON IN CARE

A staff person in one tour stop location confirmed what the young people had told us. They shared that their local hospital will often respond to a youth in crisis by “treating the matter as being of no real concern and sending the young person home.”

Young people also spoke about long wait times they encountered trying to access mental health services. Because of the long wait times, they and their families often went to hospital emergency rooms when in crisis, but after being seen, rarely received needed or



“I’ve been to our local hospital many times and they just wanted to send me home the same night because I would say I’m fine. My mom and the agency would keep pushing to try to get me to stay because they were worried. The hospital just kept trying to send me home.”

— YOUNG PERSON IN CARE

helpful care. To illustrate the scale of this problem, a 2015 report card prepared by Children’s Mental Health Ontario revealed that 6,000 children and youth were waiting over a year for treatment and that by 2016 that number was expected to climb to 12,000.<sup>5</sup>

For the majority of youth, mental health needs that went unaddressed only became worse. Young people spoke about self-medicating or self-harming in order to cope with their difficulties. Some youth and their families waited so long for support that they just gave up seeking the help they needed so desperately needed.

“I like coming to this school because it’s a one-time opportunity and I never thought I could read in my life until I came here.”

— YOUNG PERSON IN CARE

## DISCRIMINATION EXPERIENCED BY CHILDREN WITH LEARNING DISABILITIES

Young people with learning disabilities talked to us about the discrimination they felt at school. Regardless of which system they were in, young people felt that teachers did not know enough about learning disabilities to teach or support them.

Discussions during the tour also revealed some stereotypes about young people involved with the youth justice system. Teaching staff in a classroom at one youth justice facility told us that there were very few students with learning disabilities in attendance, contrary to research that found correctional institutions see disproportionate numbers of young people with learning disabilities.<sup>6</sup>

At the Provincial school for children with learning disabilities we visited, young people spoke about how helpful the school was and how the mainstream system did not support them or meet their learning needs. They spoke about how they were able to be successful in school—sometimes for the first time. One boy mentioned that before attending this school program, he thought that he would never be able to read. Despite their successes, the young people worried about how they would manage in a regular classroom setting that didn’t understand how to support them or how they used the technology that helped them to be successful. A key element of this specialized program was that it taught the young people to develop the confidence to advocate for themselves within the mainstream system that is typically resistant to allowing them to use the strategies or technology that helps

5. Children’s Mental Health Ontario, 2015 Report Card: Child & Youth Mental Health, Moving Towards a Fully Functioning System. <http://www.kidsmentalhealth.ca/about-us/cmho-report-card-2015.php>

6. 2% of all young people ages 15-24 have a diagnosed learning disability, and experience lower school completion rates, higher unemployment, earn lower income and have much higher involvement with the youth justice system. Learning disabilities among Canadians aged 15 years and older, 2012. <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2014003-eng.htm>



them learn. The children were being taught how to assert their rights to an equal education once they left the specialized school setting to return to a mainstream education environment.

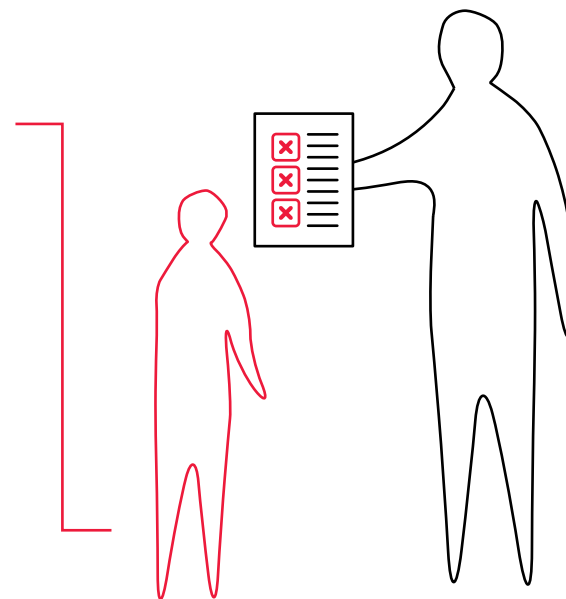
“Last year I had a lot of trouble with teachers basically not knowing how to help me, even if I advocated for myself. One of my teachers last year refused to put anything on an iPad. She didn’t want me using my iPad at all. None of the teachers knew how to do it, so they refused to do it and I just wasn’t allowed to use it. I almost failed that class.”

— YOUNG PERSON IN CARE

“More kids could learn to read if they had Empower<sup>7</sup> to help them. It’s the reading program that we do.”

— YOUNG PERSON IN CARE

One of the teachers pointed out how little specialized knowledge and training mainstream teachers have to work with children with learning disabilities. One teacher told us they learned more about working with young people with disabilities in the first month of being at the specialized school than they did in four years at a regular school. This teacher also expressed that in the earlier stage of their career they were scared and had no idea how to work with children with disabilities.

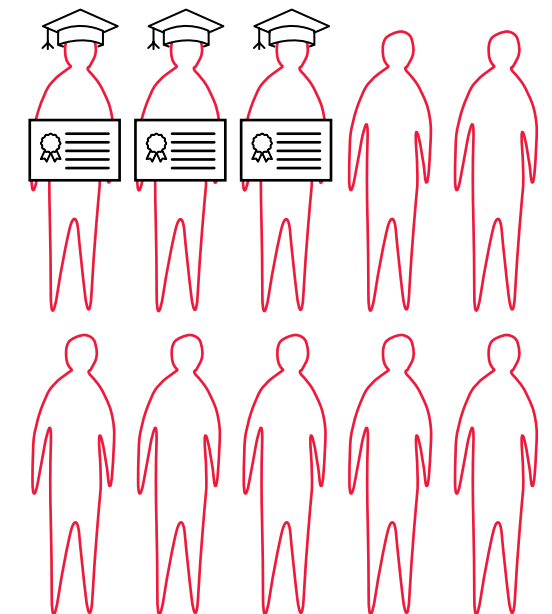


7. Empower™ Reading offers a comprehensive approach to teaching children, adolescents and adults with various levels of reading disabilities, the skills needed to analyze text, decode words, and successfully learn to read and gain knowledge from written materials. <https://www.sickkids.ca/empower/index.html>

## DISCRIMINATION AND ABORIGINAL YOUTH

Aboriginal young people on-reserve spoke about living in poor quality housing and in communities with limited resources. They described houses that were badly constructed, not properly insulated, and that often contained black mould. For far too many Aboriginal youth this is the norm.

Canadian newspapers are full of stories of Aboriginal communities in crisis. In a recent news story about nine people dying in a house fire, Ontario Regional Chief Isadore Day said, “There should be a direct and immediate response to this situation.” This is typical across all First Nations who are living in developing world conditions.<sup>8</sup> Poverty, inequality, high suicide rates, lack of access to clean water, ongoing medical crises and community evacuation orders are all reminders of the inequities faced by Aboriginal peoples.<sup>9</sup> Many of the Aboriginal children and youth we spoke with experienced a number of these issues in their communities.



Aboriginal young people we met who traveled a minimum of 1½ hours to school each way said that they would rather go to school in their own community if it could be set up, even if the school was much smaller. The majority of the young people we spoke with had dropped out of school. Only three out of ten had completed high school and only one was able to attend university or college. One of the biggest barriers to completing their secondary education—beyond those tied to the legacy issues stemming from the intergenerational trauma caused by the Indian Residential Schools—appeared to be the lengthy trip to school, which meant getting up very early and returning home late in the evening.

Access to recreational activities was also an issue for Aboriginal youth. Only one of the on-reserve young people we spoke with had even accessed funding via the Band Office to participate in extra-curricular activities.

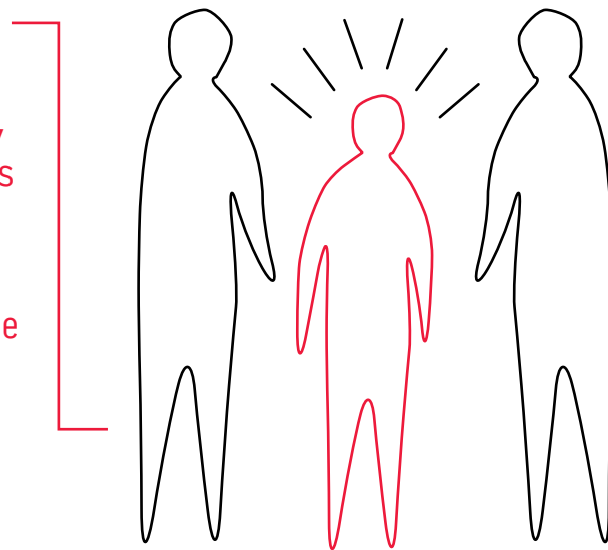
8. Source: <http://www.thestar.com/news/canada/2016/03/31/chief-blames-third-world-living-conditions-on-first-nations-reserve-for-fatal-fire.html>

9. Source: <http://www.thestar.com/news/canada/2016/03/28/northern-ontario-native-communities-live-with-ongoing-medical-crisis-doctors-warn.html>

We also spoke with Aboriginal young people in a number of locations who talked about feeling unsafe in their schools and communities. When asked whether the schools were safe and comfortable for them, the answer was, “It depends on what kind of safe you’re talking about.”

“I came out at this agency and since then, you know, I’ve lived on my own, I’ve had relationships with same sex partners. I’m enjoying being able to be me. But it was while I was at this agency that I was able to be like ‘Okay, this is how it’s going to be’. My parents weren’t very happy when they found out about it, but at the same time I didn’t have to deal with their comments and the digs and the disapproval.”

— YOUNG PERSON IN CARE



The more outgoing and confident Aboriginal children and youth we spoke with felt more comfortable in school, but even then we continued to hear stories about being bullied or threatened by non-Aboriginal students or being disrespected by their teachers. Subtle comments by teachers or other students made them feel worse than overt acts of bullying. Complaints to school principals were often brushed off unless knowledgeable and confident adult advocates stepped in.

### MARGINALIZATION OF LGBTT2SQ YOUTH

Many of the LGBTT2SQ young people who spoke with us mentioned the inherent biases they faced at service agencies or in systems of care. They also spoke about feeling isolated, marginalized and ignored within their family. Some spoke about growing up in a foster family that was unaware or unsupportive of LGBTT2SQ issues. These youth felt as if there had been no effort on the part of child welfare authorities to place them with a home and caregivers that would have been more aware and supportive or with foster parents that would have acknowledged and treated them without discrimination and accepted them.

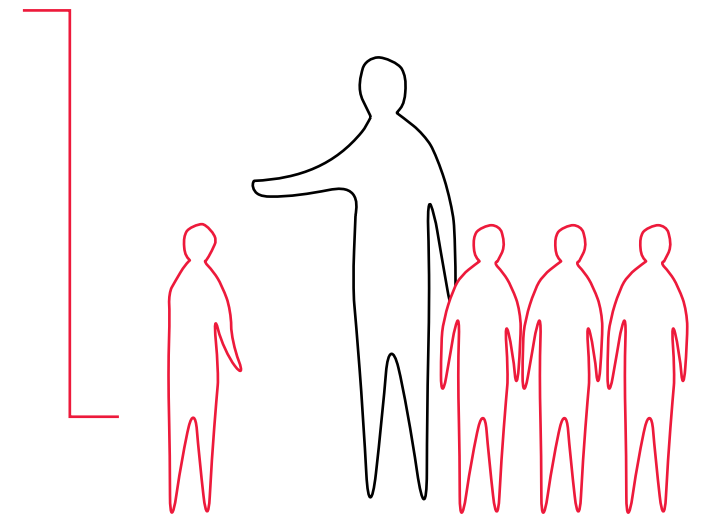
“My foster homes that I was placed in were very, very conservative about the LGBTT2SQ community, and I identify with that community. Being LGBTT2SQ, it would have been nice to know that information before I had to go live there.”

— YOUNG PERSON IN CARE

On the positive side, we noted that in many locations, young people who identified as being LGBTT2SQ felt comfortable talking about the issues they faced because of their gender or sexual orientation. They also felt safe and open about being ‘out’ to staff and other young people in the settings in which they lived.

“I remember when I first came out to my parents. I’m like ‘Mum, I’m bisexual’. She sat there and laughed her head off for about 20 minutes and then told me I’ll get over it. Then when I invited my ex-girlfriend over to the house she told me to keep the doors open. I’m like, ‘Okay, so do you believe me, or not, when I tell you that I like this girl? She’s like ‘I don’t know, I just want you to keep the door open.’”

— YOUNG PERSON IN CARE



## Article 3 // Protection of the best interests of the child

The best interests of children must be a primary concern when adults make decisions that affect young people's lives. This includes budget, policy and law-makers, parents and caregivers, private and public sectors agencies and the staff of service systems.

“THIS SYSTEM IS BROKEN.”

— SERVICE PROVIDER

## Article 3: Protection of the best interests of the child

What the Article says: According to Article 3 of the UNCRC the best interests of children must be a primary concern when adults make decisions that affect young people's lives. This includes budget, policy and law-makers, parents and caregivers, private and public sectors agencies and the staff of service systems. The 'best interests of the child' means adult decision-makers of any kind must think about how their decisions will affect young people.

Ontario has a long way to go in terms of making the best interests of children a primary concern when making policies and laws or decisions about resources/funding to meet the needs of children and youth. There are huge gaps to be addressed so that the best interests of children can be seen in the resources and services we provide for the province's young people.

As an example, in 2013, 19% of all children in Canada were living in poverty,<sup>10</sup> only a slight decrease since 2000. On January 26th of this year, the Canadian Human Rights Tribunal ruled that the federal government was not acting in the best interests of Aboriginal children.<sup>11</sup> The Tribunal found that the federal government discriminates against First Nation children on-reserve by failing to provide the same level of child welfare services that exist elsewhere. Shockingly, the on-reserve child welfare system receives up to 38% less funding than the mainstream child welfare system.

### ACCESS TO SERVICES IS NOT CONSISTENT

Children and youth at the sites we visited told us about many systemic issues they faced. We heard that access to services or the provision of service is not consistent. Incidents involving serious issues, being moved often, being put in secure custody or detention (jail) far from their home communities, frequent use of restraints, or being placed in secure isolation were all raised in discussions. Time after time, we heard about individual staff who

10. "Let's Do This—Let's End Child Poverty for Good. 2015 Report Card on Child and Family Poverty in Canada, Nov. 2015. <http://www.campaign2000.ca/reportCards/2015RepCards/NationalReportCardEn2015.pdf>

11. The Canadian Rights Tribunal Decision: <http://s3.documentcloud.org/documents/2698184/Jugement.pdf>

“This system that our children are in is broken, and it needs to be fixed, and it doesn't seem like anybody is taking the time to figure out how to do it, or even gives a darn about it. I think at this point politicians and everyone else are basically placating parents so that we'll just sit back and keep accepting the status quo. The system needs to be fixed.”

— SERVICE PROVIDER

did an excellent job and who really cared about the young people, but they seemed to be the exception, not the norm in the system.

Access to services to meet many young people's needs—and the delivery of those services—really depended on the staff who were working that day or evening. We spoke with some young people in psychiatric service settings who had only met their worker once or who had experienced having a disorienting number of changes of workers.

“My life is difficult, I need to say. I’ve really been bouncing around places my entire life. I’ve been to some foster homes, mostly group homes. Actually this is the first treatment centre that I’ve been to. When I first came here it was really difficult for me to adjust to the setting. Over the years the rules keep changing. Every time I get used to one rule, the rule changes and then I have to get used to the new one. It’s really difficult.”

— YOUNG PERSON IN CARE

“There were times when I thought things were unfair, but I didn’t want to talk about it because I didn’t want to get anyone in trouble. So you’re kind of stuck in a position where you think things can be better, and you want to do something better, but you can’t because you’re scared to. You don’t want to be going from home to home, because this is the only kind of place that you feel safe.”

— YOUNG PERSON IN CARE

“It really depends on the worker, because my first worker was meh, and then my other worker was pretty great, as far as she knew how to keep a one-on-one connection. I know that’s definitely not the case for a bunch of other people, so I think it really just comes down to the individual worker.”

— YOUNG PERSON IN CARE

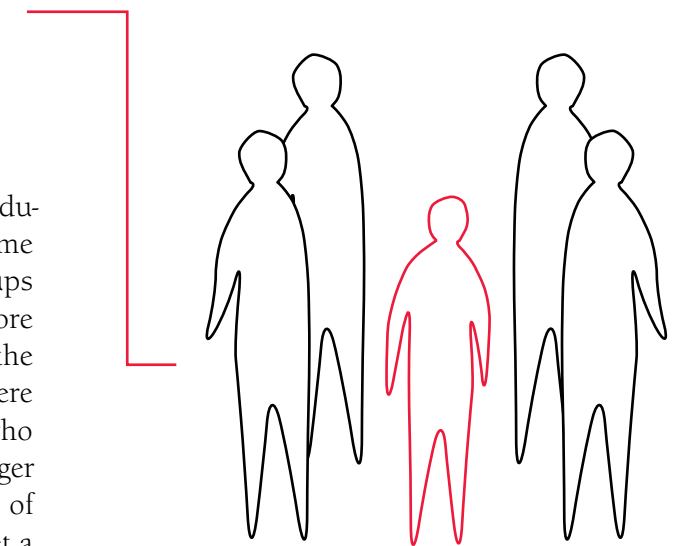
“If you have a staff turnover, which happens a lot in this field, it doesn’t work, because you don’t form those relationships, you don’t form the trust, and it ends up that kids are in crisis all the time, because someone new is coming through the door every day. There are too many inconsistencies in their homes, in their programs.”

— YOUNG PERSON IN CARE

### BARRIERS TO EDUCATION

For incarcerated young people, receiving a proper education was described as being a moving target. In some locations, they thought that the smaller teaching groups and opportunity to learn at their own pace was more beneficial than attending school on the outside. On the outside, academic success appeared to depend on where you lived and who the teachers were. Young people who were in a secure custody or detention centre for longer periods reported that inconsistencies in the delivery of education in these settings affected their ability to get a good education.

In a program for teenagers with autism, parents were upset at seeing their children being forced to leave a school program where they were progressing, often for the first time in their lives. Prior to accessing the school program many children were participating at only a primary level. Before the school program, they were often at home for long periods of time or in psychiatric institutions with no access to educational resources. At the school, with specialized teachers, they progressed and their learning capacity increased. They participated in activities like sports and camping, things that their parents never thought their children would be able to do.





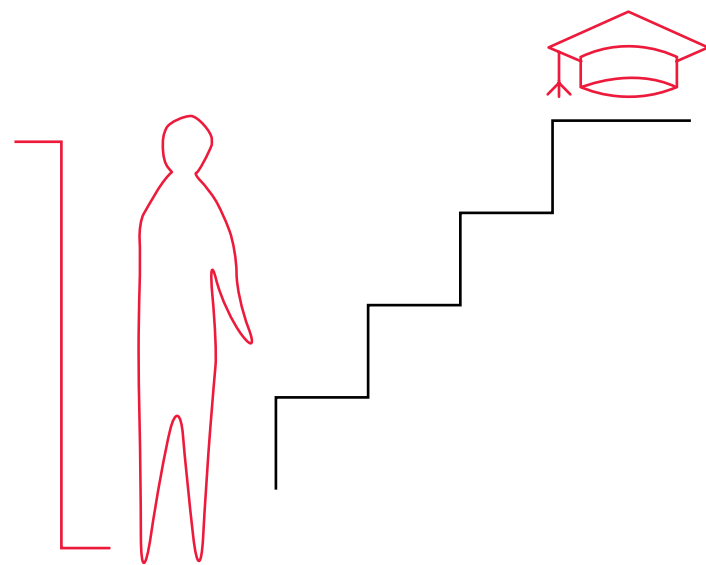
It's also important to note that despite the fact that the *Education Amendment Act*,<sup>12</sup> makes it mandatory for school boards to provide access to education for all students, regardless of disability, many of the young people attending particular programs were sent home from school, often for months at a time, because the school was unable to provide an education for them.

“School here’s pretty good. You work at your own pace, so it’s like I can learn, instead of having to keep up with everyone else’s pace. I can improve my marks as I go along too.”

— YOUNG PERSON IN CARE

“There’s situations where someone is close to graduating, and they’re like ‘Oh, we don’t have a course to offer you right now’. Then they’re waiting for second semester to change the courses but really they had seven teachers, and they cut three of them. They should have just kept them all because they taught different things. I can’t even go and upgrade my credits and stuff like that.”

— YOUNG PERSON IN CARE



12. Source: <https://www.edu.gov.on.ca/eng/literacynumeracy/inspire/research/Bennett.pdf>

### TRANSITIONING BETWEEN SERVICES OR OUT OF CARE IS DIFFICULT

We heard from young people about difficult transitions between services and that there seemed to be many gaps in the system where young people became lost. Some young people spoke about being moved suddenly between services without even being told why or where they were going.

“Why do they move us so much? I’ve been to over 40 different placements. They just move you for the worst reasons ever. I was moved within the first week of me being there.”

— YOUNG PERSON IN CARE

“Some things make me nervous about living alone (at age 18). They’re helping me learn to cook and do things.”

— YOUNG PERSON IN CARE

“The longest I’ve been at a placement is two years, and that’s only happened once. I move every year, and they... I just feel they expect us to be good, they expect us to get along with people, and not go into crisis and stuff, but I just don’t understand how they can expect that from us when we’re getting moved so often and you don’t get time to settle in.”

— YOUNG PERSON IN CARE

Young people exiting care, treatment or other support programs were nervous about living on their own once they reached age 18. Many felt unprepared since they had limited experience making decisions for themselves and had received very little in the way of life skills training. Some felt that things would get harder for them as they moved into the next stages of their lives.

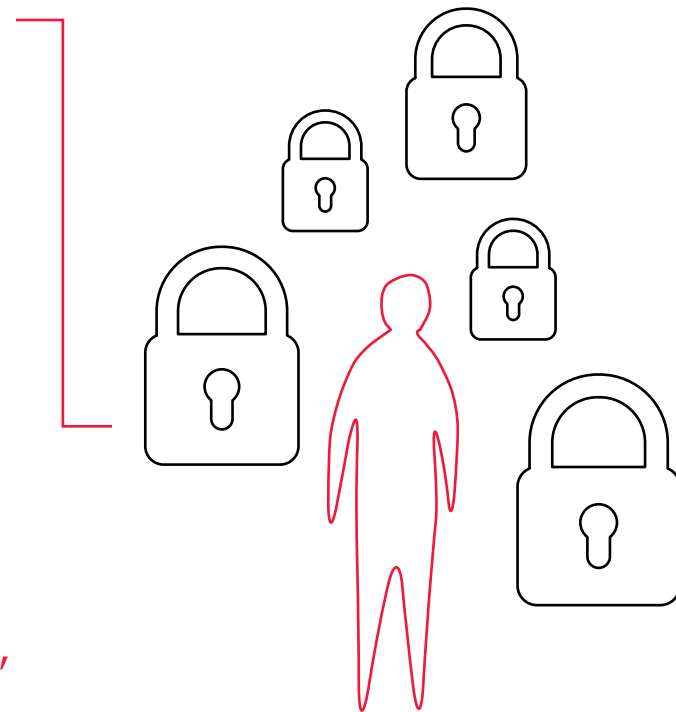
“They put us here to help us to move forward, to move out on your own, to be able to keep going. But we have no freedom, everything, all of the decisions are made for us, like we have to ask for everything. All the food is locked up, so we have no chance to show them that we can be mature with some kinds of things. We have no chance to show them our maturity, because they are doing everything for us. We’re being treated like we’re nine years old, which isn’t fair to us.”

— YOUNG PERSON IN CARE

“I’m 16 years old, and I can’t make any choices for myself. Really.”

— YOUNG PERSON IN CARE

For young people moving into the adult system, the change was described as being disorienting. Staff spoke to us about their inability to help young people who had stabilized while in their care but who were just going to be pushed out at age 18. Staff feared that young people would struggle and be less likely to be successful in their shift into adulthood when forced to leave places where they had developed connections and were having success. At 18, many young people are still unprepared for life as adults.



One staff spoke about a young woman who would turn 18 in three months: “She has been in too many places. She has developed positive relationships here. She is very alone and will go to adult services in three months. She doesn’t know.”

“So he was in the adult psych ward at 15, an adult psych ward because there was nowhere else for him to go. It’s a shame, it’s sad to do that.”

— STAFF MEMBER

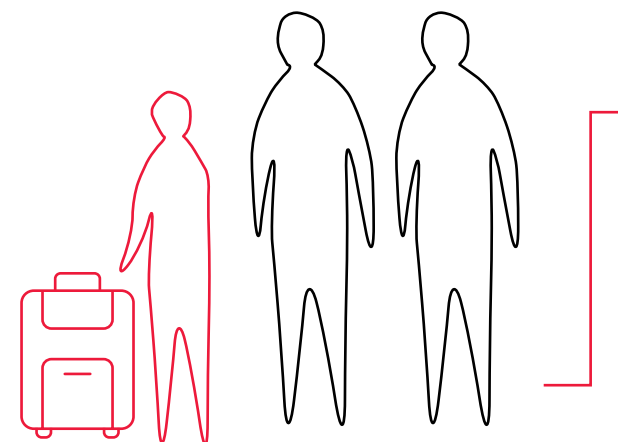
A number of parents were concerned that they would have no say in their child’s life once they turned 18 and were seeking legal guardianship of their adult children.

“The other place where he was at—it was basically a very cold environment. They really didn’t have much to do with him. He was basically... like I said, actually being treated like an animal would be a nice way to put it. We would watch him getting worse and worse. Residents would be locked in rooms all the time, it was just horrible.”

— STAFF MEMBER

“Many of these kids are still children. They’re functioning at a lot less than their biological age. So you can say they leave at 18, but he functions as a six year old. Would you say to your six year old, you have to leave your house? Or where you’ve lived, or where you formed relationships for the last two or three years? Here’s your bags, see you later, who cares?”

— STAFF MEMBER



## Article 6 // Survival and development

Every child has the inherent right to live and thrive. Governments are obligated to ensure that the resources necessary to promote health and positive child development are available to families and communities.

“STAFF  
DON'T CARE  
IF YOU GET  
RESTRAINED.”

— YOUNG PERSON IN CARE

## Article 6: Survival and development

What the Article says: According to Article 6 of the UNCRC, every child has the inherent right to live and thrive. Governments are obligated to ensure that the resources necessary to promote health and positive child development are available to families and communities.

In Canada, one in five children lives in poverty;<sup>13</sup> this statistic doubles when it comes to Aboriginal children living in poverty. Living in poverty, children and youth have limited access to the supports and resources other youth take for granted. Access to these resources makes all the difference when it comes to creating the conditions in families and communities that lead to positive development for every child.

### SURVIVING IS NOT THRIVING

We heard from many children and youth on the tour who felt that they were merely surviving and not living in situations that allowed them to thrive. Many felt that they were surviving not necessarily because of the systems they were in, but rather through their own inner strength, peer support and help from trusted staff. They felt they were surviving despite the systems that were supposed to help them.

Children in foster care, treatment settings or group homes talked about being moved from place to place with little time or support to help them comfortably transition or settle in. Many reported that they didn't feel they were housed in safe places. Others spoke about living with violence or being bullied and seeing other young people being restrained or put in secure isolation.

13. “Let's Do This—Let's End Child Poverty for Good. Report Card on Child and Family Poverty in Canada, Nov. 2015. <http://www.campaign2000.ca/reportCards/2015RepCards/NationalReportCardEn2015.pdf>

“I have a few staff that I consider family, people that I can go and talk to when anything's wrong.”

— YOUNG PERSON IN CARE

“Sometimes we don't get treated the best. Because they say it's a treatment facility, I want treatment, not to be disrespected because I disrespected you. I want to be helped, and I want to help other people.”

— YOUNG PERSON IN CARE

“I think that some staff, and all the higher up people, don’t care if you get restrained. They just go harder and harder. And then there are all the program supervisors who just think that they can take advantage of restraints.”

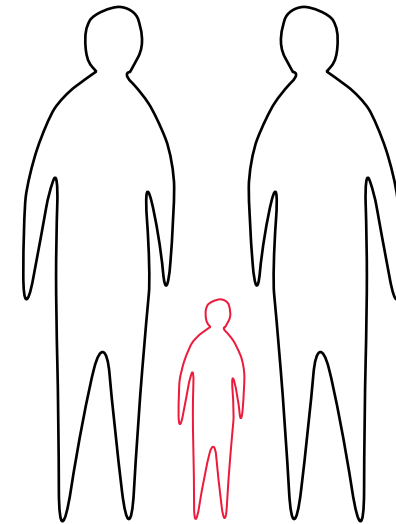
— YOUNG PERSON IN CARE

“There are some staff, that if you’re in restraint and they’re trying to talk to you and you won’t listen, they’ll just press harder. Or twist your wrist.”

— YOUNG PERSON IN CARE

“I get a lot of panic attacks. I have three or four a week, just from restraints and kids screaming and yelling.”

— YOUNG PERSON IN CARE



**BEING IN CARE DOES NOT FEEL LIKE HOME**

For many young people the idea of home meant a safe place, with roots, a sense of belonging and mutual respect where real relationships and connections could be formed. They hoped for a sense of home and a stable everyday life. For many, there was the sense that a home life would never be found in the care settings in which they lived.

In one location, the young people were not allowed to talk during dinner or while watching TV. They could only talk outside. It’s hard to develop social skills or maintain friendships when you are not allowed to speak with others inside the place where you live.

“They don’t talk. We’re not allowed to talk. Sometimes the staff watch you eat, which is kind of freaky. Some people aren’t too bad. Other staff, it’s almost like they’re patrolling the whole situation.”

— YOUNG PERSON IN CARE

“Some of the staff here, they care a lot. But there are other staff that think they’re better than us. They think that we’re just criminals, that we’re no good to society, and that they’re all perfect. It’s not fair. We shouldn’t be treated like criminals.”

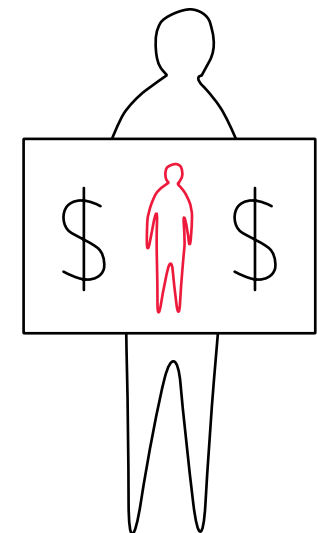
— YOUNG PERSON IN CARE

“If you were in your normal family, your parents wouldn’t call the cops on you for lashing out in anger or talking back, they wouldn’t make you stay home. I really, really think that group homes should no longer exist.”

— YOUNG PERSON IN CARE

“When you’re in foster care or group homes, that’s basically like going to residential school all over again as some people have compared my experience to, because anything that Native Child and Family Services tried to give me from my culture, my Seventh Day Adventist foster home ripped it away.”

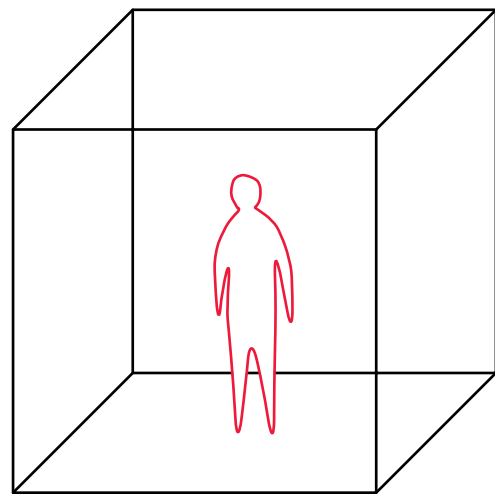
— YOUNG PERSON IN CARE



“It’s weird knowing you’re (just) a pay cheque (to staff).”

— YOUNG PERSON IN CARE

Being in care and far from family was difficult for many youth. Living with strangers made them feel they didn't matter to anyone. They felt disconnected and found it hard to form meaningful relationships with others. Some young people in child welfare who were Aboriginal or from the north or out of province received no visitors, either because of distance or rules that limited contact.



"I don't think they are my friends any more. I've been away for so long."

— YOUNG PERSON IN CARE

"I would lose my privileges. I would be in my room for 14 days, not talking to nobody."

— YOUNG PERSON IN CARE

"I see my siblings three times a year. I don't find that's fair because that's the only family I have left. I'm not allowed to see my other friends. I have no parents and I only have my siblings left and I barely get to see them. I don't find that fair."

— YOUNG PERSON IN CARE

"You're in segregation for 23 and a half hours. You're in there the whole time. Shower and go out for 20 minutes of recreation time, so yeah, 23 hours."

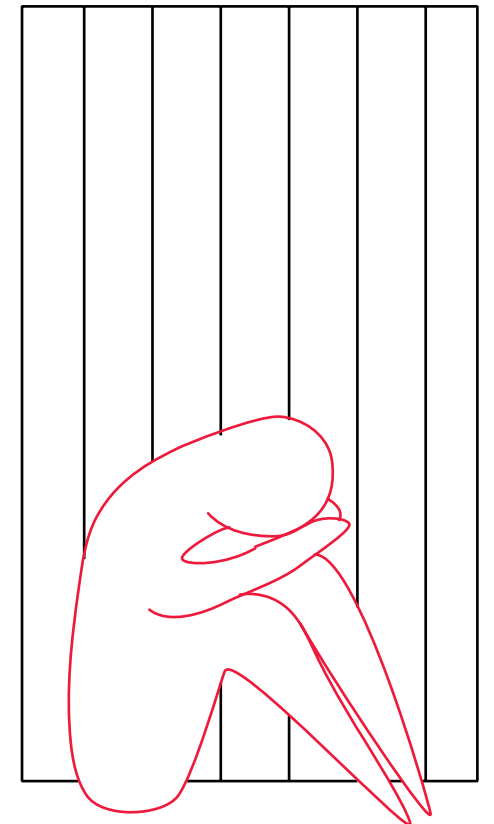
— YOUNG PERSON IN CARE

"I think the worst thing about being here is that I can't call my girlfriend. They won't let me call her. I can't get her on my call sheet. My mom has to go all the way to my girlfriend's house (then I can reach her by calling my mom)."

— YOUNG PERSON IN CARE

"When I first got here I was confined to that room. When we weren't touring the grounds with the staff, we ate our meals there; we weren't allowed to interact with other kids. We dealt with that staff that was assigned to us. I'm a 19 year old guy, and I can say that I sat there and I cried for that whole week in that room. That was just terrible. Every time I was in there, it felt like a prison cell."

— YOUNG PERSON IN CARE





## Article 12 //

# Respect for the views of the child

Every child has the right to express his or her opinion freely and to have that opinion considered in any actions affecting their lives.

When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

— YOUNG PERSON IN CARE

# Article 12: Respect for the views of the child

What the Article says: According to Article 12 of the UNCRC, every child has the right to express his or her opinion freely and to have that opinion considered in any actions affecting their lives. When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

On the tour, young people spoke often about feeling that their opinions were ignored and that they had little or no input into any decisions that affected their lives

### NO VOICE OR CONTROL OVER THEIR LIVES

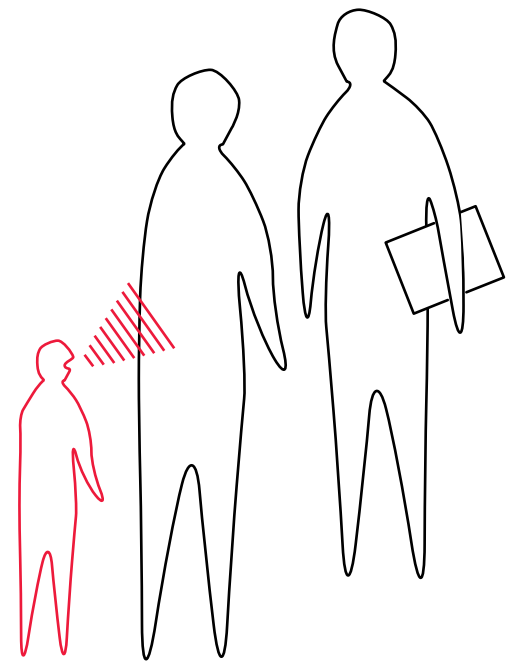
Many young people spoke about feeling they were being treated like property or like they were “owned” by their parents, care providers or an agency or service. They felt that they could just be picked up and dropped anywhere without being told why. They felt little respect was given to their thoughts or feelings when it came to decision-making processes that affected their lives.

“Adults tend to use teens and kids as property. I’m going through the process of a gender switch. I’m at that stage now where I want to try it out. I’m using a male pronoun, my male name. My mom, she’s not calling me it. I’m explaining, ‘mom, it’s my name, not yours.’ She thinks whatever I’m doing to my body is hers, because I’m her kid. She needs to realize that it’s my body, and it’s in my control, with my brain and what I say out of my mouth.”

— YOUNG PERSON IN CARE

“Sometimes I didn’t like the plan of care because when I would read what they had written, I felt like a client. I didn’t feel like a person, I felt like a case number, a pay cheque. I felt like they were categorizing me as something, they were labeling me something.”

— YOUNG PERSON IN CARE



“At my mental health facility where I was for the majority of my time as an adolescent, the adults drafted the plan of care and then brought it to me at the end to kind of review it with me. So I wasn’t actually part of the plan of care meeting, I was just kind of there for the review at the end.”

— YOUNG PERSON IN CARE

“You tend to get to a point where you just don’t have any say. They’ll come to you, and you’ll simply say ‘Well, it looks like everything’s already been decided, hasn’t it?’”

— YOUNG PERSON IN CARE

“It’s difficult in court. Most of the time it’s just the lawyer’s opinion that’s heard. It’s difficult to be there.”

— YOUNG PERSON IN CARE

Many young people resented the fact that words were put in their mouths, often in situations where they desperately wanted their own voice to be heard.

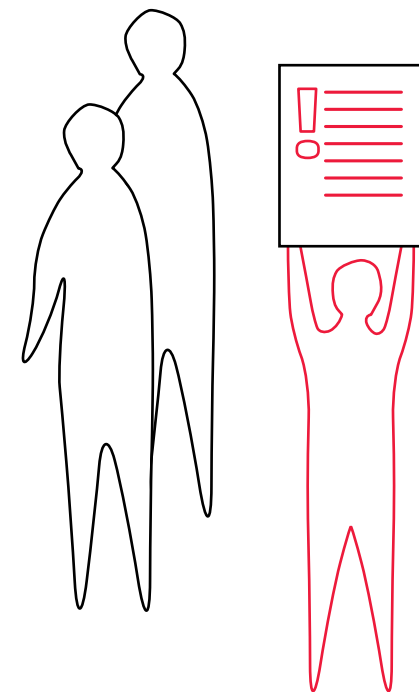
“In the court papers the words say what they want to say, instead of what I want to say. It’s unfair. For example, they said my parents weren’t making any progress, but I thought they were. My mom was making an effort. They didn’t say that in the papers for court.”

— YOUNG PERSON IN CARE

### COMPLAINTS NOT TAKEN SERIOUSLY

Many children and youth told us their attempts to make a complaint about their living environment would not be taken seriously, would be ignored or that they would be prevented from making their complaint at all.

One young woman told us that when she wanted to call our Office from her group home, the staff mocked her saying, “Oh, you want to call the Advocate’s Office on us?” Other young people told us that staff would hide the phone or tell them that the phones were not available, so that they couldn’t call our Office.



“Most of the time when a child makes a complaint, it goes nowhere. Or it’s found unfounded, you’re not believed, by whichever level of power, whether it’s the staff themselves, a police officer or a worker. It doesn’t matter if other kids agree with you. Even in foster homes or group homes. There’s no accountability to believing the child.”

— YOUNG PERSON IN CARE

## *Final Reflections*

The Listening Tour confirmed that the values and principles that form the foundation of the articles contained in the UNCRC are important to young people but that Canada has a long way to go to ensure the principles are reflected in the supports and services provided to children and youth. There is clearly a need for children's rights to be more fully acknowledged and for young people to be given the respect to which they are entitled as rights-bearing citizens of Ontario.

In every location we visited on the Listening Tour, we heard a lot about the lived experiences of children and youth. The young people spoke their truths and shared how they wished things might be different in their lives. We heard a lot about how their voices were silenced and how they felt invisible and ignored in decisions that affected their lives. We heard that there are limited opportunities for young people to speak up and be heard and that they had little faith that adults would truly hear them and create the change they wished to see. From what we heard it seems that staff, as well as the young people themselves, find it difficult to rise above the often complicated and unresponsive systems in which they find themselves.

The UN Committee on the Rights of the Child needs to hear the stories the young people of Ontario wish to tell. All Canadians need to be aware of the huge gaps that exist between what children and youth need in order to thrive in their lives and the reality in which most young people in care live. If this situation is to change, young people need to be at the forefront of defining the problems and solutions and working with adult supporters and allies to prepare a more fully informed response to the UN Committee on the Rights of the Child.



## APPENDIX

# A summary of the United Nations Convention on the Rights of the Child<sup>1</sup>

## ARTICLE 1 (DEFINITION OF THE CHILD)

The Convention defines a ‘child’ as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

## ARTICLE 2 (NON-DISCRIMINATION)

The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn’t matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.

## ARTICLE 3 (BEST INTERESTS OF THE CHILD)

The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

1. Source: [http://www.unicef.org/crc/files/Rights\\_overview.pdf](http://www.unicef.org/crc/files/Rights_overview.pdf)

## ARTICLE 4 (PROTECTION OF RIGHTS)

Governments have a responsibility to take all available measures to make sure children’s rights are respected, protected and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing their social services, legal, health and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children’s rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. (see Article 41 of the Convention that points out that when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail).

## ARTICLE 5 (PARENTAL GUIDANCE)

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues “in a manner consistent with the evolving capacities of the child”. The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

## ARTICLE 6 (SURVIVAL AND DEVELOPMENT)

Children have the right to live. Governments should ensure that children survive and develop healthily.

## ARTICLE 7 (REGISTRATION, NAME, NATIONALITY, CARE)

All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

**ARTICLE 8 (PRESERVATION OF IDENTITY)**

Children have the right to an identity—an official record of who they are. Governments should respect children’s right to a name, a nationality and family ties.

**ARTICLE 9 (SEPARATION FROM PARENTS)**

Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

**ARTICLE 10 (FAMILY REUNIFICATION)**

Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

**ARTICLE 11 (KIDNAPPING)**

Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention’s Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

**ARTICLE 12 (RESPECT FOR THE VIEWS OF THE CHILD)**

When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to do. This Convention encourages adults to listen to the opinions of children and involve them in decision-making—not give children authority over adults. Article 12 does not interfere with parents’ right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child’s participation in decisions must be appropriate to the child’s level of maturity. Children’s ability to form and express their opinions develops with age and most adults will naturally give the views of a teenager greater weight than those of a preschooler, whether in family, legal or administrative decisions.

**ARTICLE 13 (FREEDOM OF EXPRESSION)**

Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

**ARTICLE 14 (FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION)**

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children’s right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

**ARTICLE 15 (FREEDOM OF ASSOCIATION)**

Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms and reputations of others.

**ARTICLE 16 (RIGHT TO PRIVACY)**

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

**ARTICLE 17 (ACCESS TO INFORMATION; MASS MEDIA)**

Children have the right to get information that is important to their health and well-being. Governments should encourage mass media—radio, television, newspapers

and Internet content sources—to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children’s books.

#### **ARTICLE 18 (PARENTAL RESPONSIBILITIES; STATE ASSISTANCE)**

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to their children—the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

#### **ARTICLE 19 (PROTECTION FROM ALL FORMS OF VIOLENCE)**

Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behaviour—ones that are non-violent, are appropriate to the child’s level of development and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

#### **ARTICLE 20 (CHILDREN DEPRIVED OF FAMILY ENVIRONMENT)**

Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

#### **ARTICLE 21 (ADOPTION)**

Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born, or if they are taken to live in another country.

#### **ARTICLE 22 (REFUGEE CHILDREN)**

Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

#### **ARTICLE 23 (CHILDREN WITH DISABILITIES)**

Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

#### **ARTICLE 24 (HEALTH AND HEALTH SERVICES)**

Children have the right to good quality health care—the best health care possible—to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

#### **ARTICLE 25 (REVIEW OF TREATMENT IN CARE)**

Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on “the best interests of the child”. (see Guiding Principles, Article 3)

#### **ARTICLE 26 (SOCIAL SECURITY)**

Children—either through their guardians or directly—have the right to help from the government if they are poor or in need.

**ARTICLE 27 (ADEQUATE STANDARD OF LIVING)**

Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families and guardians who cannot afford to provide this, particularly with regard to food, clothing and housing.

**ARTICLE 28: (RIGHT TO EDUCATION)**

All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way—without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.

**ARTICLE 29 (GOALS OF EDUCATION)**

Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures. It should also help them learn to live peacefully, protect the environment and respect other people. Children have a particular responsibility to respect the rights their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

**ARTICLE 30 (CHILDREN OF MINORITIES/  
INDIGENOUS GROUPS)**

Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

**ARTICLE 31 (LEISURE, PLAY AND CULTURE)**

Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

**ARTICLE 32 (CHILD LABOUR)**

The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do be safe and suited to their level of development and comply with national labour laws. Children's work should not jeopardize any of their other rights, including the right to education, or the right to relaxation and play.

**ARTICLE 33 (DRUG ABUSE)**

Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**ARTICLE 34 (SEXUAL EXPLOITATION)**

Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**ARTICLE 35 (ABDUCTION, SALE AND TRAFFICKING)**

The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**ARTICLE 36 (OTHER FORMS OF EXPLOITATION)**

Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

### **ARTICLE 37 (DETENTION AND PUNISHMENT)**

No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

### **ARTICLE 38 (WAR AND ARMED CONFLICTS)**

Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

### **ARTICLE 39 (REHABILITATION OF CHILD VICTIMS)**

Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

### **ARTICLE 40 (JUVENILE JUSTICE)**

Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

### **ARTICLE 41 (RESPECT FOR SUPERIOR NATIONAL STANDARDS)**

If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

### **ARTICLE 42 (KNOWLEDGE OF RIGHTS)**

Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

### **ARTICLES 43–54 (IMPLEMENTATION MEASURES)**

These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.



*Article 2 //  
Non discrimination*

*Article 3 //  
Protection of the best  
interests of the child*

*Article 6 //  
Right to survival  
and development*

*Article 12 //  
Respect for the  
views of the child*

**Provincial Advocate**  
*for Children & Youth*

**TORONTO OFFICE**

401 BAY STREET, SUITE 2200 TORONTO, ONTARIO M7A 0A6  
PHONE 416-325-5669 TOLL-FREE 1-800-263-2841

**THUNDER BAY OFFICE**

435 BALMORAL STREET THUNDER BAY, ONTARIO P7E 5N4  
TOLL-FREE 1-888-342-1380

**WEB** [WWW.PROVINCIALADVOCATE.ON.CA](http://WWW.PROVINCIALADVOCATE.ON.CA)

**EMAIL** [ADVOCACY@PROVINCIALADVOCATE.ON.CA](mailto:ADVOCACY@PROVINCIALADVOCATE.ON.CA)

**TWITTER** @ONTARIOADVOCATE

**FACEBOOK** OFFICE OF THE PROVINCIAL ADVOCATE FOR  
CHILDREN AND YOUTH