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Noble words -- and not much else

The Convention on the Rights of the Child does little for those it purports to protect

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On Sept. 30, at the Palais des Nations in Geneva, the United Nations' Office of the High Commissioner for Human Rights and the Committee on the Rights of the Child will be hosting a commemorative 10th anniversary meeting on the matter of the Convention on the Rights of the Child. In less than 10 years, all of the UN member nations but Somalia and the United States have ratified the convention. UNICEF proclaims the convention's "... uniqueness stems from the fact that it is the first legally binding international instrument to incorporate the full range of human rights -- children's civil and political rights as well as their economic, social and cultural rights -- thus giving all rights equal emphasis."

For example, Articles 3 and 12 of the convention require that in all legal decisions affecting a child, her best interests shall be given primary consideration and that she be heard in respect of any legal process that might affect her interests. Article 22 requires that member states ensure that all children of refugee parents receive appropriate protection and humanitarian assistance consistent with the convention and other international human rights instruments. Article 32 stipulates that member states must respect the right of a child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, and to take whatever legislative measures are needed to see that this occurs.

Canada, like the other member states, is bound by Article 4 which requires our country to take all appropriate legislative, administrative, and other measures, to the maximum extent of its available resources, for the implementation of the rights recognized in the convention.

But, like the experience of the child who dared to declare the emperor to have no clothes, children's rights advocates and children are seeing through the rhetoric. They have observed the convention to be a hollow and weak authority that offers little precedent for change, or remedy to the injustices around them.

Consider a few encounters with the convention within Canada:

- Consistent with the convention's Article 28 requirement that all children receive an education, Ontario's Education Act states that a child who is otherwise admitted to attend school shall not be