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**Department of Foreign Affairs and
International Trade**

Human Rights Issues Management

**Multilateral Case Study: DFAIT's
Involvement in the Convention on the
Rights of the Child**

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INTRODUCTION

Definition of Case

This case study examines management issues around DFAIT's involvement in the final drafting, ratification and implementation of the Convention on the Rights of the Child. The case study spans the period from November 1988 to June 1995. Four key events or processes have been selected for analysis from this period including:

1. the November 1988 meeting of the UN Open-ended Working Group on the Draft Convention on the Rights of the Child;
2. the organization of the World Summit for Children held in September 1990;
3. the federal/provincial review process leading to Canada's ratification of the Convention in December 1991; and
4. the presentation of Canada's first report on the Convention in Geneva in May 1995.

Global Human Rights Context

The Convention on the Rights of the Child is the result of a long, international process regarding both individual, and more specifically, children's rights. In 1924, the Geneva Declaration on the Rights of Child, adopted by the League of Nations, was the first manifestation by the international community of a concern with children's rights. This was followed by the 1959 Declaration on the Rights of the Child, an expanded version of the earlier initiative, adopted unanimously by the United Nations General Assembly. The first draft of a Convention on the Rights of the Child was submitted to the U.N. in 1978 for the International Year of the Child. The idea was to transform the 1959 Declaration (not legally binding) into a legally binding Convention. The United Nations Human Rights Commission established a working group in 1979, open to all States and non-governmental organizations including Canada, to build on the first draft submitted by Poland. Ten years later, the Convention on the Rights of the Child was adopted by the U.N. General Assembly in November 1989. The Convention is the most widely ratified human rights instrument in international history.

Canada's Involvement

Canada is party to all the major conventions on human rights developed by the UN since the 1960s. Like many Western nations, Canada was concerned initially that the draft did not adequately address children's political and civil rights. In addition, East-West tensions were running high making progress in achieving consensus quite slow. By 1982, however, Canada and other Western nations became more actively involved in the drafting of the Convention as East-West tensions eased and the value of Convention as a human rights instrument became more apparent. In 1982, a sub-group of the Federal/Provincial/Territorial Consultative Committee on Human Rights was established to give input on the drafting of the Convention for the Canadian delegation to the UN Working Group. Canada subsequently became very active in the UN Working Group helping to draft several articles including those related to freedom of religion, disabled children, juvenile justice, female circumcision and procedures for monitoring the Convention.

Roles and Responsibilities of Key Stakeholders

Key players in the drafting, ratification and reporting on the Convention have included the following:

DFAIT/JLO:

- leads the Canadian delegation to the UN Open-Ended Working Group on the Draft Convention in Geneva;
- represents Canada's interests at the UN Working Group on the drafting of the Convention;

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- provides advice to federal, provincial and territorial jurisdictions on the interpretation of the Convention and its implications for domestic law in Canada;
- promotes early ratification of the Convention in Canada.

DFAIT/AGH:

- ensures that the draft Convention supports Canadian foreign policy objectives and is in keeping with Canada's ratification of other international human rights instruments;
- coordinates the input of Canadian stakeholders into the drafting and ratification of the Convention in Canada including federal, provincial and territorial jurisdictions and NGOs;
- leads the presentation of Canada's reports on the Convention to the UN Committee on the Rights of Children in Geneva;
- responds to concerns and queries on the Convention from the Canadian public;
- promotes the ratification of the Convention in Canada and at the UN.

Canadian Missions Abroad

- lobbying foreign governments on significance of the Children's Summit and ratification of the Convention;
- providing logistics support to the Summit;
- providing follow-up to Summit in countries of accreditation through preparation of the country reports and their focus on children's rights.

Federal Government Departments:

- the departments of Justice, Health Canada, Heritage Canada, Indian and Northern Affairs, Human Resource Development Canada are involved in implementing the Convention at the federal level;
- Heritage Canada is responsible for coordinating ratification and implementation of the Convention with provinces and territories while Justice and Health Canada are responsible for ensuring the Convention's ratification and implementation at the federal level.

Consultative Committee of Officials on Human Rights:

- managed by Heritage Canada, a sub-group of this federal, provincial and territorial coordinating body deals with the drafting, ratification and implementation of the Convention;
- ensures compliance with the Convention at the provincial and territorial levels;
- provides input to Canadian delegations to the UN on the drafting, ratification and reporting on the Convention;
- participates in Canadian delegations to the UN regarding drafting and reporting on the Convention.

Canadian NGOs

- lobby politicians and the media to support special interests/issues associated with Canada's position on the draft Convention (rights of parents, right to life);
- lobby the UN Committee on the Rights of the Child, the media and politicians with regard to issues of compliance with the Convention in Canada;

SYNOPSIS OF CASE

Meeting of UN Working Group — November 23 to December 8, 1988

Event/Process	Synopsis of the Event
Context	<ul style="list-style-type: none"> • in 1987, the UN Working Group on the Draft Convention accelerated finalization of Convention for 1989 to coincide with 30th anniversary of the Declaration on the Rights of the Child. • two working group meetings were scheduled for 1988; the January meeting concluded a first reading of the text, and the November meeting finalized the text for adoption by UN. • this case study examines the November meeting where DFAIT/JLO was leader of the Canadian delegation (Candel) to Geneva accompanied by federal Justice Department, Quebec and Ontario provincial governments.
DFAIT Objective	To reach a definitive text of the Convention before the end of the Working Group session in December 1988 as a means of enhancing the protection of children's rights internationally.
JLO value-added	<p>providing leadership:</p> <ul style="list-style-type: none"> • prepared Canada's position paper for the UN Working Group with input from Justice and the F/P/T Continuing Committee; • provided leadership in decision-making regarding the Canadian position throughout negotiations at the UN on legal and foreign policy issues. <p>exerting influence on process:</p> <ul style="list-style-type: none"> • lobbied other States to build consensus for proposed amendments outside of the plenary to avoid lengthy debates; • chaired a meeting of Western Group countries before the formal Working Group to exchange views and gain consensus on key issues before formal meetings commenced. <p>building consensus:</p> <ul style="list-style-type: none"> • chaired draft groups on articles 28 and 29 (education) where Canadian proposals brought texts in line with other existing covenants; • chaired draft group and achieved consensus on Article 40 (juvenile justice) which was very controversial. • in articles 3 and 5, JLO successfully presented Canadian position and Canadian proposals adopted. <p>providing expertise:</p> <ul style="list-style-type: none"> • legal expertise valuable in drafting legal text and analyzing implications for Canadian domestic law; • multilateral expertise helped Candel put forward proposals promoting consensus and protecting Canadian interests.
Management of the Event	<p>priority setting: finalizing the Convention was a clear foreign policy priority for Canada in 1988.</p> <p>resource allocation: JLO assigned a legal expert on human rights to drafting process (approximately 20% of his time); Canada's Permanent Mission to Geneva provided logistical support to Candel.</p> <p>planning: UN drafting process followed predictable schedule so planning and coordination smooth; objectives for Candel clearly formulated in Canadian position paper and understood by Candel; size and composition of Candel calculated to exert maximum influence during UN sessions.</p> <p>coordination with stakeholders: JLO provided advisory services to F/P/T Continuing Committee on Convention and implications for Canada; organized prep meetings of Candel to prepare strategy.</p> <p>decision-making: JLO perceived as providing leadership in developing negotiation strategies, providing legal expertise on implications for domestic law as well as knowledge of UN context.</p>
Performance	<ul style="list-style-type: none"> • DFAIT objectives were achieved. • DFAIT's involvement was cost effective: there was limited resource investment, given the benefits accrued to Canada's international image; specialized expertise was provided which was geared to the needs of that particular context.

Organization of the World Summit for Children — May 1989 to October 1990

Event/Process	Synopsis of the Event
Context	<ul style="list-style-type: none"> the World Summit for Children in September 1990 raised the profile of children's issues and promoted the ratification of the Convention on the Rights of the Child. Canada's Prime Minister was asked by UNICEF to co-chair Summit with leader of developing country. This case study examines DFAIT's role in the drafting process of the Declaration and World Action Plan as well as in the organization of the World Summit in conjunction with UNICEF.
DFAIT Objectives	<ul style="list-style-type: none"> To enhance Canada's role as a leader in the promotion of children's issues internationally.
DFAIT value-added	<p>providing leadership:</p> <ul style="list-style-type: none"> IMH and Canadian Missions successfully lobbied Heads of State to attend, ensuring stature of event; IMH prepared the initial draft of the World Declaration and Action Plan; IMH provided expert resources to UNICEF in protocol, summit organization, delegate accreditation; IMH/BCF provided expert resources to the PMO and UNICEF on communication strategies. <p>building consensus:</p> <ul style="list-style-type: none"> IMD chaired four interdepartmental committee meetings to review UN Declaration and Canada's national document; IMH funded consultations with NGOs and youth to provide input into Canada's national document. <p>providing legal expertise:</p> <ul style="list-style-type: none"> JLO provided legal opinions on draft texts of the Declaration and Action Plan; JLO managed responses to NGOs concerned with Canada's endorsement of the Convention. <p>providing international fora expertise:</p> <ul style="list-style-type: none"> IMH prepared briefing package for Canadian delegation; JLO and IMH coordinated Canada's co-sponsoring of resolutions at UN to get the Convention adopted; Canadian missions provided logistical expertise on Summit organization. <p>providing communication expertise:</p> <ul style="list-style-type: none"> IMH included a communications expert from BCF to develop communication strategies for Summit. <p>promoting Canada's image:</p> <ul style="list-style-type: none"> the event was lauded by Prime Minister and UN Ambassador as very successful in enhancing Canada's profile internationally.
Management of the Event	<ul style="list-style-type: none"> priority setting: with PM as co-chair, Summit organization was a top priority for DFAIT. planning: Summit was largest gathering of world leaders ever so rules/process had to be invented as they went along; DFAIT provided expertise from organization of G-7 summits but planning was responsive to a new context. resource allocation: Director and Director General of IMH responsible for Summit and actively involved as was CDN Ambassador to UN; difficult for IMH to field adequate resources for Summit organization and keep them; approximately 2.5 full-time officers at FS-1 and FS-2 levels allocated to IMH for Summit but personnel changed over time; 2 additional FS-1s fielded to IMH in last two months; Canadian missions provided logistics and lobbying support throughout world; use of 5 outside consultants in NY in last two months. decision-making: IMH perceived by stakeholders as providing excellent leadership with regard to building consensus around Canada's national document, Declaration and Action Plan and coordinating with other government stakeholders on the Summit organization.
Performance	<ul style="list-style-type: none"> DFAIT objectives achieved. key stakeholders satisfied with the quality of the services DFAIT provided and Summit outcomes. the event was very beneficial to Canada's image given the limited resources involved although costly to DFAIT in terms of the stretch it put on an already taxed resource base.

Ratification of the Convention in Canada — May 1989 to December 1991

Event/Process	Synopsis of the Event
Context	<ul style="list-style-type: none"> • Canada signed the Convention in May 1990, indicating its commitment to ratification. • Canada ratified the Convention in two and a half years following extensive consultations between federal, provincial and territorial jurisdictions to ensure Canadian compliance. • this case examines DFAIT's role in providing advice to Canadian stakeholders on the interpretation of the Convention, upholding Canada's international commitments regarding the ratification of the Convention and promoting the signing and ratification of the Convention by States Parties to the UN.
DFAIT Objectives	<ul style="list-style-type: none"> • To honour Canada's international commitments by ensuring the Convention's ratification in Canada by 1991. • To ensure Convention compliance globally by promoting its signing and ratification at the UN.
DFAIT value-added	<p>providing expertise in international fora (IMH):</p> <ul style="list-style-type: none"> • advised the F/P/T Consultative Committee on the ratification process for an international instrument, the meaning of reservations and their significance to Canada's international reputation; • prepared memos to the Minister on the process of ratification, answered letters from the public on interpretation of the Convention and organized NGO consultations. <p>providing legal expertise (JLO):</p> <ul style="list-style-type: none"> • seen as the expert on the Convention in Canada; • advised the F/P/T Continuing Committee on the interpretation of the Convention and its implications for domestic law; • briefed provinces, academics, NGOs on content of the Convention and prepared legal opinions on Convention; • helped provinces reduce the number of their reservations to Convention from approximately 30 to 2; • prepared the Cabinet Memorandum recommending the ratification of the Convention in Canada. <p>exerting influence:</p> <ul style="list-style-type: none"> • IMH and Canadian Missions lobbied other countries to sign the Convention and have it be the fastest Convention ever to come into force at the UN; • IMH managed Canada's co-sponsoring of key resolutions on the ratification of the Convention at the UN general Assembly; • IMH and JLO advised and pressured Canadian stakeholders to agree to ratification in order to meet Canada's international commitments and deadlines.
Management of the Event	<p>priority setting: the Convention and its ratification continued to be a top foreign policy priority.</p> <p>resource allocation:</p> <ul style="list-style-type: none"> • continuity in legal expertise provided by JLO supported Canadian stakeholders in understanding the Convention and thus accelerating the ratification process; IMH resources allocated were modest but provided continuity between Summit objectives with the ratification process in Canada and at the UN. <p>coordination with stakeholders:</p> <ul style="list-style-type: none"> • stakeholders perceived JLO's legal expertise and IMH's expertise on foreign policy questions as invaluable. <p>decision-making:</p> <ul style="list-style-type: none"> • DFAIT was proactive in lobbying provincial and territorial governments as well as Cabinet to ratify the Convention as early as possible; • DFAIT was effective in arguing for early ratification in Canada and proposing workable solutions to provincial concerns.
Performance	<ul style="list-style-type: none"> • DFAIT objectives were achieved • the continuity and quality of legal expertise provided by DFAIT throughout the drafting and ratification process resulted in successful achievement of DFAIT objectives and an enhanced image as expert on the Convention, at minimal cost to the organization in human or financial resources.

Presentation of Canada's First Report to the Committee on the Rights of the Child — February to June 1995


Event/Process	Synopsis of the Event
Context	<ul style="list-style-type: none"> the preparation of the report to UN Committee on Children's Rights is the responsibility of Justice and Health for the federal portion and Heritage for coordination of reports from the provinces and territories; the report was presented to the UN Committee, the monitoring body for the Convention, in May 1995; this case study examines DFAIT's role in coordinating Canada's presentation and leading Candel.
DFAIT Objectives	<ul style="list-style-type: none"> To honour Canada's commitments by ensuring compliance with Convention monitoring procedures. To promote Canada's image with regard to the respect of children's rights.
DFAIT value-added	<p>providing leadership:</p> <ul style="list-style-type: none"> AGH selected members of Candel, ensuring inclusion of adequate knowledge and expertise; AGH chaired four meetings of Candel to prepare a strategy for presentation at the UN; Permanent Mission to Geneva led Candel and delivered the opening statement to the UN Committee. <p>providing expertise in international fora:</p> <ul style="list-style-type: none"> Perm Mission to Geneva met with Committee members and States Parties who had presented reports to understand Committee workings, advise and prepare Candel for Committee questions, concerns. <p>promoting Canada's image:</p> <ul style="list-style-type: none"> Perm Mission to Geneva reworked Canada's Opening Statement prepared by Health Canada to promote Canada's image and ensure a favourable response from the Committee; DFAIT managed media relations during the presentation ensuring little negative coverage of Canada.
Management of the Event	<p>priority setting:</p> <ul style="list-style-type: none"> presentation of the report to UN Committee was DFAIT priority given implications for Canada's image. <p>planning:</p> <ul style="list-style-type: none"> presentation of report followed predictable schedule at UN so planning and coordination were smooth; NGO lobbying of Committee during presentation had not been foreseen by Candel, although DFAIT leadership helped Candel respond to Committee concerns and deflect media attention in effective way. <p>resource allocation:</p> <ul style="list-style-type: none"> two people from IMH involved in coordinating four Candel meetings prior to Geneva mission; three people from the Perm Mission to Geneva, including Acting Permanent Representative, were allocated on full-time basis for period Candel in Geneva; report presentation to the UN represents a small fraction of the human rights work done by IMH and Perm Mission to Geneva. <p>coordination with stakeholders:</p> <ul style="list-style-type: none"> Candel members perceive DFAIT's role in presenting report as invaluable given their ability to access information on Committee concerns and their expertise operating in UN context; Candel members impressed with DFAIT's knowledge of domestic context for children in Canada and ability to field Committee's questions on a substantive domestic issues.
Performance	<ul style="list-style-type: none"> concluding observations of Committee were relatively positive for Canada compared to other countries. little negative press regarding Canada's compliance with the Convention. Canadian stakeholders satisfied with the services and expertise DFAIT provided. given minimal investment of DFAIT's time and resources, Canada's image was effectively promoted.

Conclusions on DFAIT Performance

Given the analysis of DFAIT value-added in the above case study, several conclusions emerge:

1. **Canadian stakeholders value DFAIT's expertise in the following areas:**
 - providing legal expertise in international human rights;
 - packaging information on Canada's achievements for international consumption;
 - operating strategically in multilateral contexts.
2. **DFAIT's impact in multilateral contexts can be significant with minimal resource outlay, provided human resource allocation includes appropriate expertise and continuity in personnel.**
3. **With clear policy objectives and a relatively predictable planning schedule in the UN fora, DFAIT's approach is proactive and its performance impressive.**

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