



PILOTING EARLY CHILDHOOD RIGHTS INDICATORS IN BRITISH COLUMBIA: PROTECTION AGAINST VIOLENCE

FINAL REPORT
EXECUTIVE SUMMARY



GlobalChild



University
of Victoria

“We are never too young to lead and never too old to learn.”

Kofi Annan, Secretary-General of the United Nations (1997-2006)

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Definitions

This report adopts the *UN Convention on the Rights of the Child (CRC)* definition of children as under 18 years of age, while adopting the definition of General Comment 7 for the early childhood as the “period below the age of 8.”

Article 19 of the *CRC*, and General Comment 13, are both drafted to address child protection within a broader and more comprehensive scope of “protection against violence, neglect and abuse.” While violence is often understood to mean only physical harm or intentional harm, the *CRC* and the Committee on the Rights of the Child emphasize that their references to violence must not be interpreted in ways that minimize the impact of, and need to address, non-physical and non-intentional forms of harm (such as neglect and psychological maltreatment). However, within this report, the phrase “child protection” is used to refer to protection from Violence Against Children (VAC) and the collected data did not include the wider scope of article 19 (i.e. the structural commitments in the forms of policies and legislative mandates that includes neglect and diverse forms of abuse).

EXECUTIVE SUMMARY

This report summarizes the pilot test of the [Early Childhood Rights Indicators \(ECRI\)](#) tool in British Columbia (BC), Canada. This pilot specifically focused on Indicator 8, *The Right of Children to be Free from Violence*. The data collected outline governments' structural capacities, in terms of legislation, to protect young children from violence. These findings highlight the province's strengths as well as identify gaps and areas for improvement. This information will aid policymakers in creating child-friendly policies and practices. Within the context of this report, the term violence against children (VAC) has been considered in its narrow sense and referring to only physical and sexual violence, and not in the broad manner that article 19 is addressing.

The Early Childhood Rights Indicators tool is based on children's rights as defined in the *United Nations Convention on the Rights of the Child*, (hereafter *CRC* or *Convention*). The *CRC* is the most widely ratified human rights instrument in the world. It sets out how governments can work to protect the civil, political, economic, social, and cultural rights of all children. The General Principles of the *Convention* include non-discrimination, best interests of the child, the right to life, survival, and development, and the right to have their views heard. Countries that have ratified the *CRC* are referred to as States Parties. States Parties provide reports on their progress with the *CRC* to the Committee on the Rights of the Child, the group that oversees implementation of the *Convention*. The Committee then recommends how States Parties can improve their commitments to implementation.

The Committee has made several General Comments that supplement the *Convention*, as well as three Optional Protocols that States Parties may choose to adopt. General Comment 7 (GC7), *Implementing child rights in early childhood*, is the main General Comment that informs ECRI. GC7 was a response to the observation that young children were often overlooked in States Parties' reports to the Committee. However, GC7 remained underutilized on its own. As such, a group of experts in early child development (ECD), human rights, and child advocacy formed the GC7 Indicators Group to find a way to make GC7 easier to implement. The group created the Indicators Framework, a monitoring tool for States to assess how well they support young children's rights. Eventually, this framework became digitized into ECRI.

ECRI has seventeen indicator sets that align with various themes in the *CRC*. Each indicator set has three subsets of indicators: Structure, Process, and Outcome (United Nations, 2012a). ECRI was previously piloted in Tanzania, as an example of a low-resource setting, and in Chile, as an example of a middle-resource setting. The purpose of these pilots was to gain insight into the practicality of ECRI before making it available globally. This report focuses on the third and final pilot, which used BC as the example of a high-resource setting.

The BC pilot focused on Indicator set 8. This indicator set, with 51 questions (compared to 10 to 15 questions for other indicator sets), is very comprehensive, as, in addition to GC7, it has also been informed by an operationalized General Comment 13, *The right of the child to be free from violence*, after the Chile pilot in 2012.

The BC pilot took place without a government partnership, unlike those in Tanzania and Chile. From 2016 to 2017, the Principal Investigator (PI) attempted to partner with the Ministry of Children and Family Development (MCFD), the main provincial body responsible for young children, but these attempts were unsuccessful and the pilot proceeded without government support. As the previous pilots

relied on government partnerships for data collection, the purpose and methodology had to be revised for BC. To adjust for limited data collection capacity, this pilot's scope was narrowed to focus solely on the legislative capacities under the structure-related indicators of Indicator set 8.

The revised objectives of the BC pilot were as follows:

1. to evaluate the tool's questions, ease of use, and data collected
2. to collect data and build a baseline measurement of governments' existing structural capacities to prevent VAC
3. to conduct knowledge translation activities to inform stakeholders about the BC pilot and initiate actions to raise awareness about the *CRC*, *GC7*, and children's right to be free from violence

As the pilot focused specifically on the questions from the Structure category of Indicator 8, it evaluated the ability of existing legislative commitments to address violence against young children. These include federal and provincial laws as well as Indigenous treaties and agreements. Some international laws and human rights instruments were also relevant, such as the *UN Declaration on the Rights of Indigenous Peoples* and the *Canadian Charter of Rights and Freedoms*.

Data was collected along eighteen themes of child protection in legislation (denoted A-R, see the section Children, Violence, and Legislation, or the summary in Appendix IV). Three levels of government—federal, provincial, and Indigenous—were evaluated on whether they had made legal commitments to these themes. Relevant legislation was reviewed to identify gaps in capacity. As a safeguard for the data collected, since the government was not involved in the process, the data were verified with support from the Office of the BC Representative for Children and Youth (RCY).



There were lessons learned with regard to the efficiency of the tool as well as the capacity of the province. In terms of the tool efficiency, the complexity of some questions in Indicator 8 created challenges for the BC pilot. Several questions, although they had been reviewed, were unspecific to the local context and were difficult to answer. As well, some questions were found to be too complex or difficult to interpret, especially those with multiple parts. These questions were revised accordingly during the post pilot period.

Some lessons learned from the attempts to develop a government partnership include the need to invest sufficient time to develop a relationship, and to identify a focal person or champion to guide the team through developing this partnership.

The data collected during this pilot led to the emergence of three thematic gaps in BC's structural capacity to protect children from violence:

1. **BC has not made any structural commitment to provide human rights education to children, caregivers, or decision-makers.** Children and adults are often more prone to rights violation when they do not have adequate knowledge of their rights. In its Concluding Observations on the combined 3rd and 4th periodic report for Canada, the Committee urged Canada to “develop an integrated strategy for training on children’s rights for children, caregivers and all professionals including government officials, judicial authorities, and professionals who work with children in health and social services” (United Nations, 2012b). This recommendation is not yet fulfilled in Canada on federal or provincial levels.

The *Convention*, through its procedural rights, reiterates the significance of human rights training for children, parents, and professionals working for and with children. One of the most important procedural provisions is set out in article 42. Article 42 obligates governments to undertake all measures to make the principles and provisions of the *Convention* widely known, by appropriate and active means, to adults and children alike. Child rights efforts will fail if the adults who care for and work with children are neither familiar with nor mindful of these rights and their own obligations as duty bearers to children. This is why the *Convention* emphasizes the need to educate both children and adults in relation to child rights (UNICEF *Innocenti* Research Centre, 2013). States Parties need a comprehensive strategy to educate all of society about children’s rights, including tailoring education efforts to different age groups.

2. **BC also lacks a comprehensive provincial strategy for addressing VAC.** In the absence of this strategy, BC’s approach to addressing violence is uncoordinated, and children are at risk of falling through the cracks between the numerous federal and provincial services and policies that are meant to protect them. A comprehensive provincial strategy would help promote and prioritize children’s right to live free from harm and would improve coordination between government bodies, non-government organizations, and communities to better fulfill this right under the *CRC*.
3. **BC does not have a strategic agenda for addressing determinants of violence such as poverty.** There are factors in children’s lives that can predispose them to experiencing violence, such as poverty. First Call BC’s most recent Report Card states that 1 in 5 children in the province live in poverty (BC Child and Youth Advocacy Coalition, 2018). The province needs a positive agenda for violence prevention that recognizes children’s right to be free from poverty. Previous Committee recommendations have addressed this need, calling for Canada to create a poverty reduction strategy with explicit, annual targets to reduce child poverty (United Nations, 2012b).

The *CRC* articulates the right to a standard of adequate living for the child’s holistic and optimal development. This refers not only to physical and mental development, but also to spiritual, moral and social development, as defined in article 27. In line with the spirit of the *CRC*, article 27 assigns primary responsibility for living conditions to the family and other caregivers, within their abilities and financial capacities. Likewise the article delegates obligations to States Parties, within their means, to provide material assistance when needed and to support families and

caregivers in the performance of their parental care responsibilities. Hence it is imperative to stress that according to article 27, both the family and other caregivers have responsibilities, but the States Parties are the duty bearers, and they have obligations to respect, protect and fulfil this right for children. It is crucial to point out that States Parties should not use Parental Responsibility to shift their care and protection obligations to parents or other caregivers as a means of reducing their public expenditure bill (Hodgkin & Newell, 2007).

With completion of the three pilots of ECRI, GlobalChild is now working with the Committee on the Rights of the Child to provide global access to ECRI for all States Parties.

The BC Child Rights symposium is the first of this kind in BC, and as the main knowledge translation activity planned for BC pilot, it is intended to:

1. Raise awareness about the status of young children's rights to protection against violence in BC
2. Increase communication and collaboration between child rights and ECD stakeholders
3. Build capacity of stakeholders to promote protection of children from violence as a necessity for well-being

The symposium will ultimately inform future actions to benefit young children in BC.

REFERENCES

- BC Child and Youth Advocacy Coalition. (2018). *Child poverty report card*. Retrieved from <http://still1in5.ca/report-card/>
- Hodgkin, R. & Newell, P. (2007) *Implementation Handbook for the Convention on the Rights of the Child*. UNICEF. Retrieved from https://www.unicef.org/publications/index_43110.html
- UNICEF Innocenti Research Centre. (2013). *Championing Children's Rights: A global study of independent human rights institutions for children*. Retrieved from <https://www.unicef-irc.org/publications/669-championing-childrens-rights-a-global-study-of-independent-human-rights-institutions.html>
- United Nations. (2012a). *Human Rights Indicators: A Guide to Measurement and Implementation*. Retrieved from https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf
- United Nations. (2012b) *Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session (CRC/C/CAN/CO/3-4)*. Retrieved from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f3-4&Lang=en

Photographs

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