

**Title: Children in Care Sunday**

**Originating Body:** The Maritime Conference Church in Action Committee (Children and Youth in Crisis Working Group)

**Maritime Conference Action:** Transmit with concurrence

**Financial Implications:** N/A

**Staffing Implications:** limited, as the Maritime Conference unit has material to offer.

**Proposal:**

The Maritime Conference proposes that:

The 40th General Council (2009):

1. Designate “Children in Care” as the United Church’s particular focus for this years Children’s Sunday (November 22<sup>nd</sup>, 2009).
2. Direct the General Council Executive to prepare and provide worship and educational resources\*, on the United Church website and in print as required, that:
  - a) provides information about the way we practice child welfare in Canada.
  - b) raises awareness about many of the issues children in care face.
  - c) provides examples of how we as a caring community in the United Church can encourage our Canadian government to better meet its obligation to children in care under the United Nations Convention of the Rights of the Child.

*(\*Note: Children and Youth in Crisis Working Group, of Maritime Conference Church in Action Committee have been working on material they are prepared to share for this purpose.)*

**Background:**

November 20<sup>th</sup>, 2009 marks the 20<sup>th</sup> anniversary of the adoption of the Convention of the Rights of the Child. While movement towards the goals and commitments expressed in this document has sometimes been slow around the world, in Canada the situation has been of particular concern for children in care and this needs our attention.

Approximately 80,000 Canadian children are under the protection of Child and Family services and are referred to as ‘children in care’, more commonly known as foster children (*Provincial/Territorial Ministry of Child and Family Services Annual Reports*). Children in care are particularly vulnerable children, often powerless in relation to their environment, yet expected to adapt and behave “normally” in situations and conditions that are far from “normal”. These children have high incidences of juvenile delinquency, substance abuse, school failures and mental health issues (*Canadian Association for Community Living, 2003. Current Issues and Resources - Children and Youth Justice*). Many experience social isolation and discrimination. Children in care are over represented in families living below the poverty level and minority groups (*Child Welfare League of Canada*). Over the last few years there has been both an

increase in the number of children coming into care and in the severity of their problems (*Child Welfare League of Canada, 2001 "Summary of Child Protection"*). Frontline workers (foster parents and social workers), often diligent and caring, can only be as effective as policy and programs allow. Children's rights advocates claim that the poor life prospects for these vulnerable Canadian citizens are neither inevitable nor acceptable.

Canada ratified the United Nations Convention of the Rights of the Child in 1991. Nations that ratify this international convention are bound to it by international law. Compliance is monitored by the United Nations Committee on the Rights of the Child. Although we made a commitment that states otherwise, there is still no national standard of child protection in Canada. The system of alternative care we have in Canada needs significant reform if it is to meet its obligations under the Convention. It has been recommended that Canada, among other things, establish a federal Ombudsman's office responsible for independent oversight of child protection, establish a means of monitoring and reporting on the status of children and develop legislation that makes children's rights part of Canadian law. In Canada, the United Nations Convention of the Rights of the Child has not been directly incorporated into child welfare legislation which means it does not have the force of law in Canadian courts (*Canadian Coalition for the Rights of Children "Submission for Stakeholder Report on Canada: Universal Periodic Review" 4<sup>th</sup> cycle, February 2009. UN Human Rights Council*).

First and second reports to the United Nations Committee on the Rights of the Child (basically summaries of how we are meeting our obligations under the Convention) contain long lists of federal and provincial programs for children. They do not, however, analyse how children are doing, identify where children's rights are not being respected and what corrective actions will be taken (*Coalition for the Rights of Children*). The outcomes of our programs, of how well they are meeting the needs of children, are missing. In 2009, Canada will present its third/fourth report to the United Nations committee for review but little has been done to respond to the recommendations of the second review (*Coalition for the Rights of Children*). Review by the United Nations committee about how well we are honouring our obligations under the Convention is only effective if Canadians hold their governments accountable at home.

In a society that often stresses individualism, collective responsibility for the welfare of children in care has not always been sufficiently acknowledged. Obligations under the Convention on the Rights of the Child are clear on this front. If anything, states must do more for these children because they have been marginalized and victimized. Our quick fix reactive, instead of proactive, responses to the problems of these vulnerable children deviates from our obligations under the Convention. Children in care are a marginalized population, and if their rights are to be respected, it is clear that these rights need to be acknowledged in legislation and practiced and supported by advocacy.

Unfortunately, there is a significant gap in understanding of the relevant issues of this invisible population by the general public. The risks these children face and how the community can, to the maximum extent possible ensure their healthy development, need to be addressed. Yet this very group needing advocacy is at a disadvantage. Most children have parents to advocate for them. These children often do not. Added to this is the fact that the role of advocate is a

declining part of a social worker's role given the pressures within bureaucratic and hierarchical agencies (*Mark Ezell, Advocacy in the Human Services*).

The United Church of Canada has a long tradition of listening to and giving voice to the invisible and marginalized in our society. Raising awareness of issues that these children face and implementation of beneficial policy and programs are interrelated. In their lives, children in care need their voices to be amplified because of the extent of their powerlessness in relation to their environments. Justice for these children requires advocacy that goes beyond the needs of most children. Advocacy begins with awareness.