

Attawapiskat shows us the time has come for a National Children's Commissioner

Canada's children should be thriving better than most. It's time for an Office of the Commissioner for Children and Young Persons in Canada.

By MARV BERNSTEIN | December 14, 2011

In Canada, we read about families and children in developing countries coping with disasters and their devastating impacts. UNICEF Canada knows Canadians respond with concern and generosity to these emergencies. But what should we do when we find an emergency in our own country?

It's been weeks since the unacceptable living conditions in Attawapiskat hurled this northern community into the national spotlight. Canada is one of the most affluent nations in the world and at the very least we expect all our children to have shelter, clean water, sanitation and access to school.

Our government also agreed with this when Canada ratified the Convention on the Rights of the Child in 1991. Basic provisions like shelter, sanitation and education are not needs; they are rights all children have – including the children in Attawapiskat. All levels of government share the responsibility with communities and families to provide for and protect these rights.

Unfortunately, in the current political standoff, there is a fundamental lack of agreement on how that responsibility is shared.

The Chief and opposition MPs point to the federal government's inadequate funding, arcane administration and excessive control over First Nations affairs. Independent reviews suggest the federal government is not managing its responsibilities closely enough.

The provincial government maintains that the conditions in Attawapiskat must be addressed by the federal government. The federal government alleges mismanagement of funds and replaced the authority of Attawapiskat's Chief and Band Council with a third-party manager. The Assembly of First Nations asked the United Nations to appoint a Special Rapporteur to determine whether the Canadian government is meeting its obligations under domestic law and international treaties.

How do we break this political gridlock, which now involves at least four different sources of governance and oversight, to achieve both short-term and long-term solutions?

If we paid closer attention to our international commitments, we – all Canadians – would recall our obligation to put children first and ensure that the rights of all Canadian children are realized. Canadians who want to see this happen can join UNICEF Canada and insist that our governments and institutions fulfill their commitments to children, as outlined in the Convention on the Rights of the Child, by establishing a National Children's Commissioner. It is finally time for an independent and impartial officer of federal Parliament with the power to investigate and mediate the inter-jurisdictional disputes that so often envelop First Nations children and families on-reserve.

It is important to realize that Attawapiskat is only one example of many other volatile situations across the country that could be defused, at least in part, by a National Children's Commissioner.

The appointment of an independent National Children's Commissioner, by an all-party process and in consultation with Aboriginal peoples, would help ensure that the children of Attawapiskat – and others – don't become the innocent casualties of jurisdictional, political and funding disputes and that their voices will be heard throughout the process of crafting long-term solutions to these very serious systemic problems.

The concept of a national Children's Commissioner is not new. Canada is one of the few countries in the industrialized world that lacks a dedicated federal advocate for children.

There are about seven million children in Canada – almost a quarter of the population – who have little or no voice in the decisions that affect them. There are critical areas of federal jurisdiction over which provincial and territorial child and youth advocates have no authority – divorce, youth criminal justice and immigration, in addition to Aboriginal matters. If we don't appoint a National Children's Commissioner, Canada is at risk of continuing to lag behind other industrialized countries on many measures of child well-being. Attawapiskat clearly illustrates this.

Ultimately, we will be defined and judged as a society by future generations on the basis of how we have shouldered our greatest responsibility, which is to ensure the well-being of all of our sons and daughters and to promote respect for their fundamental human rights. The creation of a National Children's Commissioner should be a proud part of that legacy.

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