

A large, stylized maple leaf is the central graphic. The top and bottom lobes of the leaf are a vibrant red, while a horizontal band across the middle is a bright yellow. The text is overlaid on this design.

**ABOUT  
CANADA**

**CHILDREN & YOUTH**

Bernard Schissel

ABOUT CANADA  
CHILDREN AND YOUTH



About Canada Series



Fernwood Publishing • Halifax & Winnipeg

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# **ABOUT CANADA CHILDREN AND YOUTH**



# CONTENTS

INTRODUCTION: THE RIGHTS OF CHILDREN .....	9
1 FREEDOM FROM WANT .....	13
Canada in a Global Context .....	14
Understanding Child and Youth in Poverty in Canada .....	17
Poverty's Outcomes and the Income Gradient .....	23
Family Support, Lone Parenthood and Children in Poverty .....	24
Poor Children, Poor Families .....	26
2 FREEDOM FROM ILL HEALTH .....	29
The Health Status of Young Canadians .....	30
Infant Mortality .....	31
Birth Weight .....	34
Childhood Obesity .....	36
Emotional Health .....	41
Mental Health .....	41
Sexual Health .....	44
Sexual Victimization/Children in the Sex Trade .....	47
Health and Wealth .....	51
3 FREEDOM FROM LEGAL DISCRIMINATION .....	53
Justice for Canadian Children and Youth: A Historical Development .....	53
Canada in Comparison .....	59
Justice and Gender .....	64

Justice and Race .....	65
Youth Justice: Welfare or Security? .....	68
<b>4 FREEDOM FROM LABOUR DISCRIMINATION .....</b>	<b>69</b>
Labour and the Safety of Young People .....	75
A Child Labour History of Canada .....	78
Our Exploited Child Labour Force .....	80
<b>5 THE RIGHT TO LEARN .....</b>	<b>81</b>
Educational Success .....	81
Dropping Out .....	84
Problem Kids .....	87
The School Environment .....	88
Education, Television and the E-world .....	91
<b>6 THE RIGHT TO PROTECTION FROM CORPORATE AGGRESSION .....</b>	<b>93</b>
Selling Health .....	94
Selling Food .....	96
Selling Consumerism .....	99
Finding a Balance .....	103
<b>7 CHILD AND YOUTH RIGHTS .....</b>	<b>105</b>
Freedom from Poverty .....	108
Freedom From Ill Health .....	109
Freedom from Legal Discrimination .....	110
Freedom from Labour Discrimination .....	110
The Right to Learn .....	111
Freedom from Corporate Aggression .....	112
How Well Are We Doing? .....	113
<b>NOTES .....</b>	<b>115</b>
<b>ACKNOWLEDGEMENTS .....</b>	<b>119</b>
<b>ABOUT CANADA .....</b>	<b>120</b>

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*Bernard Schissel*

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1 FREEDOM FROM WANT .....	13
Canada in a Global Context .....	14
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<b>NOTES.....</b>	<b>115</b>
<b>ACKNOWLEDGEMENTS.....</b>	<b>119</b>
<b>ABOUT CANADA.....</b>	<b>120</b>

*To Ben:  
In hopes of a safe and just world  
for children and youth*



## Introduction



# THE RIGHTS OF CHILDREN

It should be a straightforward task to describe the state of children and youth in Canada. We are, in relative terms, a highly developed society in which democratic rights and protections are supposed to accrue to everyone. We would assume that young people receive rights and protections equal to or greater than anyone else, given our collective belief that young people represent the future. However, the situation of children and youth in Canada is bleaker than is commonly admitted, in both absolute and relative terms. The absolute condition of young people is a barometer of how well we protect our offspring. The relative condition is a barometer of how well our good intentions extend to all children, those living with privilege and those living without.

There are deep contradictions in the public perception about children and youth. The “vulnerable child principle” is one that we hold in common and that generates considerable fear among adults for children, especially their own children. State welfare agencies assume, for example, that given their age and lack of experience, young people are especially vulnerable to the predatory nature of society. The “competent child principle,” on the other hand, is based on the premise that young people have competencies that need to be fostered and that their independence is to be encouraged. Parents strive to raise independent, self-assured and fearless children who can step out into the world without hesitancy. Our bipolar view of children and youth in Canadian society creates problems not only for parents but also for social policy makers who attempt to create and run institutions that aid in the protection and development of kids. Unfortunately, a third view springs from the view of the child as competent. Political campaigns, and ensuing social and justice policy, are often based on the belief that children

can be too competent, that they can pose a threat to community well-being and security. The vulnerable, the competent and the threatening child are all images that have informed youth criminal justice policy in Canada to varying degrees at various historical periods.

This book takes us on a complex and contradictory journey of discovery into a world that, on one hand, craves to protect the young and innocent and, on the other, is dismissive or, at worst, vengeful. Some of our laws are clearly intended to protect the young from predatory adults, and yet for centuries, children have suffered abuse and neglect in formalized school systems and, more distressingly, in their own families. We know that children and youth are often the victims of war. We stand in abhorrence of war, and yet we think nothing of encouraging young people to enter the military, heralding war-zone service as a tribute to youthful social engagement.

When we compile empirical evidence regarding the health of the young, the exploitation of the young by the corporate world, the abuse of the rights of the young in our justice system, the rigidity of some education systems and the position of young people on the socio-economic strata, we find that our expressed desire to protect the young is somewhat of a conceit. We discover that young people in Canada and worldwide are not privileged—in fact, they often lack the basic human rights that we suppose accrue to everyone. The story of Omar Khadr is significant at this time in Canadian history because it illustrates clearly how far we fall from human grace when politics overrides humanity. Although the Khadr case is complicated by issues of war and sovereignty, the reality is that Canada essentially abandoned a fifteen-year-old citizen to the political demands of another country in abrogation of child rights.

Children's rights, most of which are universally agreed upon, form the framework for the discussions in this book. I explore the state of children and youth in Canada by describing the social and economic nature of Canada's young in the contexts of the *Charter of Rights and Freedoms* and the *United Nations Convention on the Rights of the Child*, to which Canada is a signatory. These important agreements articulate the basic rights of food, clothing and shelter, freedom from ill-health and freedom from harm, among others.

Although this book is directed primarily to Canadian society, it is impossible to understand the situation of Canadian young people outside of the global situation of young people. In the West, we often hear news reports of children being exploited in troubled spots in other parts of the world. Rightly, our hearts go out to the young people and their families. Ironically,



such compassion for children suffering outside of our borders often masks an antipathy toward Canadian children and youth, especially disadvantaged youth. This book is a study of the best of care and the worst of care, of good intentions and less than good outcomes.

My purpose in this book is simple. I am concerned with how we respond to the following United Nations' declaration:

Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

The statement is uncomplicated in its moral position and grounded in an unassailable ethic of care many would argue is primordial. This book is a report card on how we measure up to these words and intentions.

In any discussions of children's rights, one of the constants in the bureaucracy we have created to deal with children and youth in Canada is the vigilance and dedication of many adults who care for children. Such people are exemplified by teachers, for example, who spend extra hours in innovative schools program for children at risk, youth workers in the justice system, who work beyond their mandate to care for kids who have no place to live, and justice officials, who practise discretion to make sure that young people in trouble with the law are treated with kindness and support, not only for ethical reasons but also as a foundation for healing. It is also important to realize that many of those in charge of children and youth in society earn insufficient wages given the importance of their work and that they often work in the context of scarce resources and without much political support, and often aggressive political opposition. This book is also a reminder that their plight is not an enviable one.