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Convention on the Rights of the Child

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I. Introduction

Shortly after the Convention on the Rights of the Child was adopted by the United Nations General Assembly in 1989, the Canadian Council on Children and Youth held a consultation to discuss the Convention's implications for Canada. In the consultation's Proceedings, Landon Pearson, the Council's chair, made several significant observations. Noting that the consultation had been organized to clarify the implications of the Convention for Canadian domestic policy, she said "...we [Canada] fall short of the standards set by the Convention with respect to child care, juvenile justice, sexual exploitation, child abuse and economic support" (Canadian Council on Children & Youth, 1990: iv). Further, she declared that "we can be proud of our Government's international commitment to the concept of children as persons with human rights that must be respected. Although our status as a federated state means that the process of ratification will be slower here than in most other countries, we have been assured that the will exists at the federal, provincial and territorial levels of government to proceed. From now on, the Convention will have to frame all policy discussions with respect to children, both at home and abroad" (Canadian Council on Children & Youth, 1990: iv).

Child care was one of the key policy issues addressed by the Council's pre-ratification consultation. Among the participants' conclusions were that:

- Adequate child care should conform to standards set by the federal government, be based on a sound knowledge of child development and at the same time, acknowledge the practices of minority groups and indigenous people;
- The government must recognize that child care policy is not simply day care. It involves such things as family responsibility leave, pregnancy and parental leaves, more flexible working arrangements and prenatal support and care;
- The emphasis in any child care policy should be on facilities and parental leave provisions, not tax measures;

- There was strong support among the participants for the long-term objective of a high quality, universal state-supported child care system in Canada (Canadian Council on Children & Youth, 1990: 6).

In an article on child care in the Proceedings, I noted that there was – at that time – no national child care policy but that a majority of preschool-age children were in non-parental child care arrangements as their mothers participated in the paid labour force. I concluded that “It is clear that there will need to be some new directions in child care policy...If child care policy is to be in the best interests of children, Canadian governments need to take another look at what we know about the best ways to design and implement a high quality child care system that will truly meet the needs of all Canadian families and children” (Canadian Council on Children & Youth, 1990: 37).

Governments in Canada have “taken another look” at child care not once but several times since 1990. But in 2006, Canada still has no national child care policy. Today, a higher proportion of preschool-age children are in non-parental child care as a considerably higher proportion of their mothers participate in the paid labour force than in 1990. The number of regulated child care spaces has grown somewhat over the years but access has remained substantially the same as it was when the Convention on the Rights of the Child was introduced. And research on quality shows that even regulated child care programs are more likely to be mediocre than excellent (Goelman, Doherty, Lero, LaGrange, & Tougas, 2001). Thus, the concern expressed about child care in 1990 – that access to high quality regulated early learning and child care is for the few, not the majority – still pertains in 2006.

This paper’s starting place is with the Convention’s assumption that child care is a right and that governments have a responsibility in ensuring that this right is achieved. The definition of “child care” or early learning and child care used here includes child care centres and other “care” services like regulated family day care as well as nursery/preschools whose primary purpose is “early childhood education”. While kindergartens are separate from child care programs in Canada, they are part of the same “early learning and child care concept”. And some parts of family resource programs, which to be more focused on supporting parents than on providing “care” or “early childhood education” are part of the concept as well. These are all intended to enhance child development and/or well-being, and to support parents in a variety of ways, in and out of the paid workforce.

The paper reviews the Canadian political and social context for child care, putting this in a historical context; reviews the current child care situation; discusses the Articles of the Convention that pertain to early learning and child care; and concludes that Canada has not yet taken the issue of children's right to early learning and child care seriously.

II. The Canadian context for early learning and child care

In the 1980s and 1990s, child care became a mainstream policy and program area in most industrialized nations and part of the social fabric in many countries. Not so in Canada. In most industrialized countries – even the United States – considerably more preschool-age children attend early childhood programs than is the case here. In most of the countries of Western Europe, many children aged 0-6 – and virtually all 3-6 year olds – attend good quality publicly funded early learning and child care programs.

Since the Convention on the Rights of the Child was introduced in 1990, there has been considerable debate and learning in Canada about child care, or early learning and child care, as it has come to be called. However, while federal and provincial governments have introduced several reforms¹ to the family policy package in recent years, Canada has failed to make progress towards a system of universal high quality early learning and child care or even towards establishing widespread access to high quality programs.

Canadian demographic trends affecting early learning and child care

A number of demographic trends – most of which are not unique to Canada – contribute to the need for early learning and child care or have implications for how it is delivered. These include: a substantial increase in the labour participation rate of mothers of young children; a shrinking child population; intensified presence of visible minorities including Aboriginal people, especially in cities; a stubbornly high child poverty rate; and improved provisions for maternity and parental leave. A parallel trend – while not a demographic one –

¹ Canada introduced the Canada Child Tax Credit with the low income supplement and improved the duration of benefits for maternity/parental leave in the 1990s. However, it should be noted that in the 1990s, Canada also abolished its national welfare program, the Canada Assistance Plan and the national presence in housing, both of which play a role in the social safety net for families.

has been the growing expert and public appreciation of the importance of the early years and the role that early childhood education can play in enhancing child development and children’s lives.

For child care, perhaps the most important social and economic change in families is the shift from a single-breadwinner family model to one in which the expectation is that both fathers and mothers will be employed while their children are young. Canadian employment patterns among mothers with young children have changed dramatically over the last quarter century. In 1976, the labour force participation rate for women with children under age 16 was 39%. These rates rose steadily between 1992 when mothers’ labour force participation rates were 61%, 68% and 76%, with children 0-3, 3-5, and 6-15 years respectively (Statistics Canada, 2004). In 2003, 66% of mothers of children younger than 3 years were employed (as were 75% of women whose youngest child was 3-5 years and 82% with youngest child aged 6-15).

Table 1. Labour force participation rate of mother with children 0-15 years (rounded)

	1995 (%)	1998 (%)	2001 (%)	2003 (%)
With youngest child 0-3 years	61	65	66	66
With youngest child 3-5 years	68	71	73	75
With youngest child 6-15 years	76	78	81	82

Having two earners in the family has been an important component of economic security over the last decade when unemployment, increased casualization of the labour force and stagnating income had a significant impact on young families. Indeed, it should be noted that where family incomes improved over the last decade, it is largely due to having two earners working longer hours (Johnson, Lero & Rooney, 2001). At the same time, the increased prevalence of single-parent families with young children means that these factors have an even bigger impact on single mothers who are more likely to be poor, and, if employed, to have low-waged jobs that are more insecure with fewer benefits. It is also worth noting that not only are more children experiencing life in single parent families but they are doing so at increasingly younger ages (Marcil-Gratton & Le Bourdais, 1999). This underlines why it is important that child care is high quality during the very years that are so critical for child development.

The demographic environment also includes a shrinking child population. In the 1990s, child populations in Canada – particularly those under age six – declined, especially in regions that experienced out-migration (Childcare Resource & Research Unit, 2005). Since 1992, the number of children 0-5 years has decreased in all provinces². In Canada as a whole, the 0-5 cohort decreased from 2,257 million in 1992 to 2,046 million in 2003. Most provinces lost population in the 6-12 year age group as well.³

Canada has long been a diverse nation. That Canada relies heavily on immigration as a source for population replacement has implications for child care policy and programs. Immigrants and refugees now form a substantial portion of the population in some cities, in 2001 accounting for 18.3% of Canada's total population, up from 17.4% in 1996 (Doherty, Friendly & Beach, 2003). As a majority of new immigrants settle in Canada's largest urban areas, more than 50% of the kindergarteners in some classes in Toronto, Vancouver and Montreal were born outside Canada or are from recently immigrated families (Larose, Terrisse, Bédard & Karsenti, 2001).

At the same time, First Nations and other Aboriginal people form a majority in some regions. As a result of migration into cities, today half of all Aboriginal people live in large urban areas (Statistics Canada, 2003a). That their birth rates tend to be considerably higher than the national average has significant implications for the form and content of early learning and child care programs.

Another demographic trend that shapes the child care context is that in the past 15 years – throughout the 1990s and 2000s – child and family poverty has increased. In 2003, more than a million children – almost one in six children in Canada or about 15% – lived in poverty. Poor children come disproportionately from lone parent, mother-led families or are from recently-immigrated or Aboriginal families (Campaign 2000, 2000). Poverty is more common among families with younger children (both two- and single-parent families) for whom it is more likely to be more severe and of longer duration (National Council of Welfare, 1999).

² Comparable data are not available for the territories.

³ However, as this age group increased somewhat in the three largest provinces, the 6-12 year age group grew somewhat in Canada as a whole – from 2,680 million in 1992 to 2,764 million in 2003.

The introduction of the supplement to the Canada Child Tax Credit (sometimes called the National Child Benefit or NCB), introduced in 1998 to provide financial support to low income families with employed parents is part of the poverty/child care context too. Both the NCB design and provincial welfare reforms have encouraged or pressed more parents (mothers) with young children to join the paid labour force, often taking low-waged insecure jobs. This policy design that requires or encourages parental employment for mothers of young children has significant implications for how child care services are designed and distributed.

Finally, maternity and parental leaves are part of the context for child care programs as these determine when parents are likely to begin to need alternative care for very young children. Typically, in contrast to the 1970s or 1980s, women now have a continuous attachment to the labour force throughout the childbearing years. Almost 90% of Canadian women who were employed when pregnant returned to work within a year after birth, with 60% having returned within six months after childbirth (Statistics Canada, 2003b). Canadian maternity/parental leave provisions are shared between federal and provincial governments. Provinces set the length and conditions of leave under employment legislation and the federal government provides benefits under Employment Insurance (EI).

In 2001, the federal government increased the parental leave portion of the benefit to 35 weeks making a total benefit covering 50 weeks combined maternity/parental available to eligible new parents. All provinces/territories have amended their employment legislation to allow for an extended parental leave that matches or exceeds the federal benefit period. The EI benefit pays 55% of wages (up to a ceiling of \$413 in 2005 for eligible workers. However, for a variety of reasons (including self-employment and the number of hours worked) many new parents are not eligible.

The early childhood learning context

In addition to these demographic, social and economic elements, in the past 15 years, profuse child development research has reinforced ideas that were – until recently – new to many Canadians: that learning begins at birth, that young children learn through play, that development in the early years forms a platform for future success, and that early childhood education programs have an important role to play in how children develop. The strength of this research has convinced observers from diverse areas of interest such as economics, politics, and health to embrace the idea that high quality early learning and child

care is the foundation for lifelong learning and fundamental for a prosperous 21st century society (Kamerman, Neuman, Waldfogel & Brooks-Gunn, 2003). The change in terminology to “early childhood education and care” – used internationally – and “early learning and child care” – a Canadian term – signals the growing acceptance of these ideas. It also signals the breadth of the related idea that early childhood education and child care are – in the words of Carol Bellamy, General Director of UNICEF in the 1990s – “inseparable” (United Nations Children’s Fund, 2001: 71).

At an individual level, most parents seem convinced that early learning and child care programs are valuable for their children. Experience in all regions of Canada shows that if kindergarten, nursery school, preschool and child care centres are available and affordable, families will enroll their children in them⁴. Indeed, some parents line up for hours on kindergarten registration day or put their names on child care and preschool waiting lists before the child is born. This signals that Canadian parents across social/economic/cultural groups and regions seek opportunities for their children to “get the best start in life”.

Over the past two decades or so, the Canadian purposes for providing early learning and child care have swung back and forth from those associated with the child including: life-long learning, school readiness, alleviating at-risk status to purposes associated with parents: supporting employment, women's equality, balancing work and family, reducing poverty and social integration (Friendly & Oloman, 2000). Most recently, the purposes associated with the child have gravitated toward an emphasis on human development as it is interpreted in conceptions about prosperity in modern societies. Economists like American Nobel Prize winner James Heckman are now frequently cited in Canada as part of arguments that universal early learning and child care must be part of the strategy for human capital that is considered to be critical for modern competitive countries (2004). This conception of development takes a view of childhood as a preparatory stage with children as adults-in-training whose value lies in their future contribution to the society socially and economically. In this conception, an early learning and child care program will be judged by the extent to which it has the right characteristics to contribute to producing children who are ‘school ready’.

⁴ For example, when Quebec opened the publicly-funded early learning and child care system for 0-4 year olds to children whose parents are not in the paid labour force, their participation swelled waiting lists for scarce spaces.

While the human capital approach has most recently been one of the main Canadian drivers for the early learning and child care debate, a parallel idea about children – more consistent with the Convention on the Rights of the Child – that the child is a citizen with rights and a voice that should be listened to, emphasizing the value of early childhood as an important stage in its own right – has been much less clearly articulated in Canada (see the OECD’s Canada Country Note, 2004). While these two poles of ideas about early childhood programs and the nature of the child will obviously not be played out in black and white, overall, whether early learning and child care is primarily a program to support parental employment, a program for alleviating poverty and its effects, or a program that is primarily for children is not at all clear in Canada. This conceptual gap in ideas is one that distinguishes Canada from countries with better developed early learning and child care systems.⁵

III. The state of early learning and child care in Canada

Canadian political realities

Senator Landon Pearson’s observation, quoted earlier in this paper, that “...our status as a federated state means that the process of ratification will be slower here than in most other countries” (Canadian Council on Children & Youth, 1990: iv) was prophetic. Senator Pearson had at that time “been assured that the will exists at the federal, provincial and territorial levels of government to proceed” but while Canada and all provinces did ratify the Convention, in the 15 years since ratification, we have made little or no progress towards complying with it in the area of early learning and child care.

The case of early learning and child care illustrates the substantial shifts in political understandings about Canadian federalism that have occurred over the past decade and have had a powerful impact on social programs, particularly child care. With the exception of programs intended for specific populations for whom the federal government has responsibility⁶, under Canadian constitutional conventions, health, social and educational programs like early learning and child care have been assumed to be the responsibility of provincial/territorial

⁵ For a fuller discussion of this and a review of pertinent literature, see Friendly & Beach, 2006.

⁶ Under the *Constitution Act of 1867*, for example, the federal government’s jurisdiction over “Indians and lands reserved for Indians” is connected to contemporary funding of early learning and child care services on reserve.

governments since Confederation⁷. However, while there have always been tensions between federal and provincial governments about programs within provincial jurisdiction, there was historically an accepted role for Ottawa in maintaining overarching policy frameworks of national principles and providing financing. For example, in health, this took the form of a series of pieces of national health legislation that culminated in the Canada Health Act in 1986.

In the 1990s, a further shift to provincial domination was put in place through a move to executive decision-making as intergovernmental agreements became the norm. From the mid 1990s on,⁸ the Social Union Framework Agreement (SUFA) laid out how these intergovernmental agreements would work, providing the framework for subsequent agreements by defining how national social programs would be developed or modified.

Within these historical understandings and shifts over time, an examination of how early learning and child care has developed in Canada will provide some explanation for its current state and prospects for the future.

A short history of early learning and child care

As early as the 1900s, a number of provinces had child care facilities, often operated by religious groups or charities but there was virtually no government involvement until World War II when an Order-in-Council established the Dominion-Provincial-War-time Agreement, the first federal intervention in organized child care (1942). The Agreement offered 50% cost-sharing to assist provinces to provide child care for children whose mothers were working in essential war industries⁹. Only Ontario and Quebec participated in this agreement. After the war, the federal government withdrew its support and all six of the Quebec child care centres, and many of Ontario's, closed. Following World War II, the federal government had no role in child care until 1966.

The federal government's second foray into child care in 1966 was an indirect one but it had an important impact on the way child care has developed since that time. The Canada Assistance Plan (CAP), the national welfare program, was introduced in 1966 to ameliorate or prevent poverty. Through the

⁷ Of course, early learning and child care didn't exist at the time of Confederation nor did Medicare, Canada Pension or other social programs.

⁸ Whether SUFA still shapes Canadian social policy is unclear.

⁹ This did not include farming or other rural occupations that women carried out while men left for the war so some provinces did not qualify for child care assistance from the federal government.

child care provisions of the federal Canada Assistance Plan Act, the Government of Canada provided cost-sharing agreements to provinces for welfare services including child care. For the purpose of 50-50 cost-sharing, CAP treated child care like other welfare services, establishing federal conditions for cost-sharing. The federal government's conditions stipulated that their funds could pay only for services for needy (or potentially needy) families and to be eligible for funding as a welfare service, child care had to be regulated and public or not-for-profit. The design of CAP is important because it meant that federal funds were used almost exclusively for fee subsidies for families who were income-or means-tested to determine eligibility. It also illustrates the role that the federal government played at that time of shaping social programs by tying financing to conditions.

Social services are a provincial responsibility in Canada so the provinces were not compelled to participate. However, although it took a decade, eventually all the provinces cost-shared their eligible child care costs with the federal government. CAP thus began to spur the development of child care services throughout Canada and to shape their evolution throughout the 1970s and 1980s.

The residual approach to funding meant that regulated child care emerged as a welfare – rather than a universal or educational – service. But as mothers with young children entered the paid labour force in growing numbers – reaching a majority in the 1980s – middle class families also began to use child care centres that usually served both subsidized and fee paying families. Although there were always difficulties with the limited funding arrangements, the supply of regulated child care services grew throughout Canada as most of the provinces developed and refined service delivery, regulation and funding in the 1970s and 1980s. In 1971, parental out-of-pocket child care expenses were allowed as a tax deduction under The Income Tax Act and maternity benefits for eligible new mothers were included under The Unemployment Insurance Act.

In 1970, the Royal Commission on the Status of Women called for a National Day Care Act, the first national recognition of child care as part of the growing recognition of women's equality. The provinces – beginning with Quebec in 1979 – began to provide some global funding (in addition to fee subsidies for low income families) to child care centres to reduce fees for parents across the economic spectrum and to improve staff wages. Community demand for a national child care program – led by the growing feminist movement – grew throughout the 1980s. At the same time – separated conceptually,

administratively and programmatically from “care” – public kindergarten was established in almost every province and territory, becoming an entitlement in most jurisdictions so that by the mid 1980s, most Canadian five year olds and (in Ontario, four year olds) were enrolled in public, mostly part-day kindergarten programs.

Early learning and child care in the 1980s and 1990s

Between 1984 and 1995, there were three significant attempts to develop a national approach to child care as successive federal governments announced that a national strategy for child care would be developed. Each of these – the Task Force on Child Care set up by the Trudeau government (1984), the Special Committee on Child Care of the Mulroney government (1986), and the aborted national child care program based on the Chretien Liberal’s 1993 Red Book election commitment – was initiated by a federal government. Each recognized the primacy of the provinces in social or educational services such as child care. However, none of these was successful in producing a pan-Canadian strategy or approach to early childhood education and care, each for its own reasons. (For a further discussion of these, see Friendly, 2001).

Early learning and child care in the 1990s to 2006: From the CHST to a national early learning and child care program

In the mid 1990s, Canada’s political arrangements underwent a shift that had significant implications for early learning and child care and, indeed, for social programs overall. In 1996, all federal dollars for provincial health, education and welfare including those under the Canada Assistance Plan were subsumed in a block fund, the Canada Health and Social Transfer (CHST)¹⁰. Social policy experts expressed fears that without federal leadership through setting conditions and pinpointing funding, provincial spending would become less accountable both to the federal government and the public, especially as federal funds had been substantially reduced and there was considerable pressure to make budget cuts. The new, more provincialized arrangements were formalized in February 1999 as the federal government and the nine provinces comprising “the rest of Canada” outside Quebec signed the Social Union Framework Agreement (SUFA). These features of Canadian federalism continued to play a key role in the development of a national early learning and child care program through 2005. Throughout this period, child care was off national policy agendas and, indeed, lost ground in some provinces such as Ontario and Alberta (Childcare Resource & Research Unit, 2002).

¹⁰ The CHST was replaced by the CHT (health) and the CST (everything else) in 2005.

A 1997 intergovernmental agreement to a National Children's Agenda was intended to provide a policy framework for initiatives to support young children and their families. It set out four broad goals: (1) all children should be as physically, emotionally and spiritually healthy as they can be, with strong self-esteem, coping skills and enthusiasm; (2) all children will have their basic needs for food, shelter, clothing and transportation met and will be protected from abuse, neglect, discrimination, exploitation and danger; (3) all children should have opportunities to reach their potential for good physical and social development, language skills, numeracy and general knowledge; and (4) all children should be helped to engage with others, to respect themselves and others, and to develop an understanding of the rights and responsibilities of belonging to a wider society (Federal/Provincial/Territorial Council of Ministers on Social Policy Renewal, 1999). There was however little or no follow up to determine whether and how these goals were being met.

"The beginning" and the next step towards a national child care program

While "child development" and child poverty - not child care - garnered political attention in the last part of the 1990s, child care remained off policy agendas until 2003 when another intergovernmental agreement - the Multilateral Framework on Early Learning and Child Care - was put in place by Federal Human Resources Minister Jane Stewart and provincial/territorial social services Ministers. The Ministers' communiqué said that "This early learning and child care framework represents another important step in the development of early childhood development programs and services" (Government of Canada, 2003) while Minister Stewart called the Agreement "the beginning of a very solid national day-care program for Canadians" (Toronto Star, 2003).

But it was the next step towards a national early learning and child care program that was historic as it was the first time that a national child care program had been promised since Brian Mulroney's Progressive Conservative government in 1986. This commitment came in the 2004 election campaign when the federal Liberals promised to develop a national early learning and child care system based on four principles - Quality, Universality, Accessibility and Developmental [programming] (QUAD). The campaign platform promised \$5 billion over five years (new dollars) to begin to build the system. Most of this money was to be transferred to provinces/territories using the CST formula but \$100 million was to be used for "accountability and data" and \$100 million was to be used for early learning and child care for First Nations communities (on reserve).

After the Liberals won the 2004 election, they began negotiations with provinces in the SUFA model – that is, proceeding by securing assent from the provinces. The federal government insisted on only one condition – that the federal funds be used for **regulated** early learning and child care programs but it still proved impossible to come to enough of an agreement to execute a multilateral agreement. Instead nine provinces signed bi-lateral agreements-in-principle with the Government of Canada on early learning and child care in 2005¹¹.

These agreements marked the first time that a Canadian government had followed through with an election commitment to improve child care at the national level. While there was considerable variation in the provinces' directions as described in the agreements-in-principle, in signing them, the provinces committed to developing detailed Action Plans based on the four QUAD principles, modified in intergovernmental meetings (Quality, Universal inclusiveness, Accessibility and Developmental [programming]). All agreements included provincial commitment to collaborative infrastructural work in such areas as a national quality framework and data systems. In signing the agreements-in-principle, the federal government promised five year funding agreements with provinces upon production of an Action Plan intended to specify how the federal transfer funds will be spent. Two provinces, Manitoba and Ontario, released their Action Plans, and concluded five year funding agreements with the Government of Canada in November 2005.

The end of the national early learning and child care program

Following the January 2006 election of a minority Conservative government, the new government announced that the processes set in motion by these agreements would be terminated. It was announced that all jurisdictions – the three provinces with five year funding agreements¹² (Quebec, Ontario and Manitoba), the seven provinces that had not yet released the Action Plans they had devised, and the three territories would get federal funding for one year; federal funding would end March 31, 2007.

Instead the Conservative government promised an individual cash payment to parents – the “Choice in Child Care Allowance”. This was to consist of a payment to all parents with children under age 6 of \$1,200, taxed in the

¹¹ Neither the territories nor Quebec¹¹ signed agreements-in-principle.

¹² The three five year agreements (Manitoba, Quebec and Ontario) contained a pro forma “escape” clause that specifies that either partner to the agreement may cancel it with one year’s notice.

hands of the lower-income spouse. In addition, the Conservatives said that they would initiate a Community Childcare Investment Program (capital funding to set up child care) to “help employers and communities create child care spaces in the workplace or through cooperative or community associations by establishing a tax credit” of \$10,000 per space.

Following the election, cancellation of the previous government’s early learning and child care commitment through agreements with the provinces was the first announcement the new government made after the swearing-in ceremony.

The following section describes the current state of early learning and child care in each province/territory.

The current state of early learning and child care

Currently, each of Canada’s 14 jurisdictions – 10 provinces, three territories and the federal government – has its own approach to early learning and child care. Each has a number of programs for “care” and “education” as well as programs for meeting other objectives such as ameliorating the effects of poverty and supporting parents.

Each of the provinces and territories has a provincial program of regulated child care that usually includes nursery or preschools, centre-based full-day child care and regulated family child care. These provincial child care programs provide legislated requirements for operation of services and a variety of kinds of funding arrangements, usually under a social or community services ministry. Provincial/territorial governments also have responsibility for public kindergartens that in most jurisdictions are part-time for five year olds under ministries of education. Generally, kindergarten programs for five year olds (or fours in Ontario) are a public responsibility while “care” and early childhood education programs for children younger than age five such as nursery schools are assumed to be a private, family responsibility. In addition to these provincial/territorial programs, there are a variety of care and education programs – for example, Aboriginal Head Start – that are under the aegis of the federal government. These programs are supplemented by family resource programs (primarily intended to support parents), an assortment of cash payments and complemented by paid maternity and parental leave.

According to Statistics Canada (2005) data¹³, between the mid-1990s and 2001 the proportion of children aged six months to five years who were in child care outside the nuclear family increased significantly while more child care-using families shifted to child care centres and relatives. Unregulated child care arrangements are sometimes provided by a relative, an unregulated family child care provider or in-home caregiver. In 2005, there were regulated child care spaces for only a minority of children with both parents (or a single parent) in the paid labour force. Overall, the proportion of **all** children 0-12 for whom there was a regulated child care space was 15.5% in 2004, up from 7.5% in 1992¹⁴.

No region of Canada now provides a system of well-designed and funded early childhood education and care services to meet the needs of a majority – or, except Quebec, even a large minority – of families and children. The quality of early learning and child care programs and access to them vary enormously by region and circumstances. Overall, regulated early learning and child care programs across Canada are in short supply or – like public kindergarten – not sensitive to parents’ labour force needs.

While many aspects of early learning and child care programs vary considerably across Canadian provinces and territories, Quebec’s system – while only partly developed – is at the high end of the continuum in most ways. Beginning in 1997, the Quebec government undertook a massive reorganisation of the child care system and transformed it into the early childhood care and education component of a new family policy that included improved maternity/parental leave as well. Québec’s 1997 Act Respecting Childcare Centres and Childcare Services, which came into effect in 1997, stipulates that *every child is entitled to receive good, continuous, personal childcare until the end of primary school* (Government of Quebec, 1997: paragraph 2), a conception that is closer to that of the Scandinavian countries than to the rest of Canada. Québec’s educational services for children now have three major components – early childhood agencies (centres de la petite enfance [CPEs]), school-age child care programs and full-day kindergarten for all five year olds; CPEs include non-profit child care centres (installations) and regulated family day care. In addition, for-profit child care centres – garderies – have been increasing in Quebec in the last two or three years, (Jensen, 2006).

¹³ These data are from the National Longitudinal Study of Children and Youth.

¹⁴ Note that the number of children 0-12 dropped over the decade while the number of child care spaces rose from 372,000 to 745,000.

The differences between Quebec and the rest of Canada can be seen in access figures including the cost to parents – a flat rate of \$7 a day in Quebec (\$150 a month) rather than user fees that can be as high as \$1200 a month – availability and spending per space (Figures 1 and 2).

Figure 1. Percent of children 0-12 for whom a regulated full or half day child care space is available by province/territory 2004

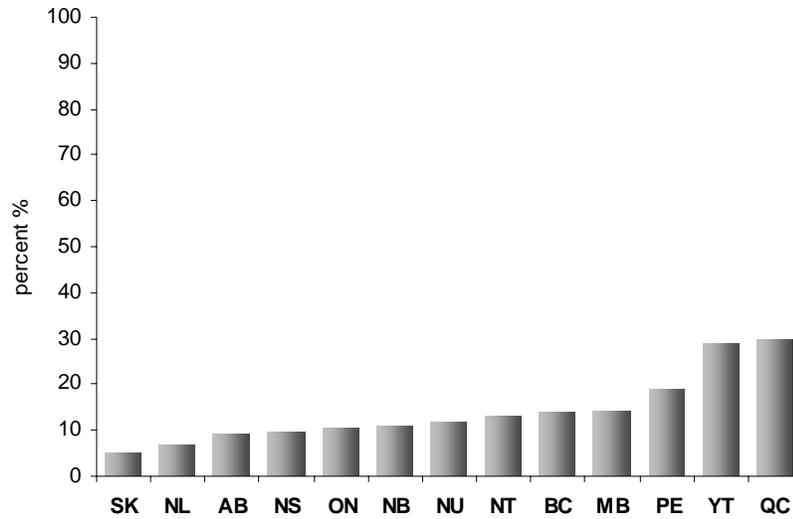
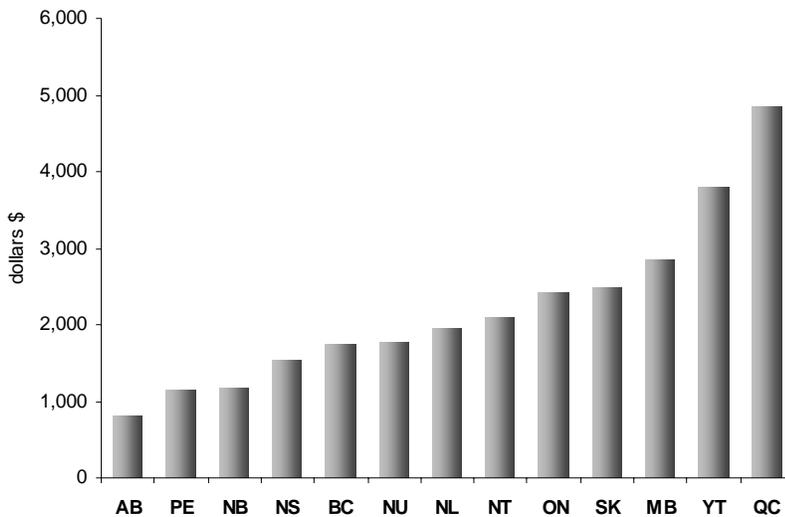


Figure 2. Public spending per regulated child care space by province/territory 2004



Studies show that Quebec – although some steps were taken towards improving quality such as doubling the required complement of ECE-trained staff¹⁵ – like the rest of Canada, has problems concerning the quality of its child care programs (Fournier & Drouin, 2004). (For a more detailed analysis of Quebec’s initiatives, see Tougas, 2002).

There is enormous variation not only among provinces but within regions. Rural and remote communities, infants and school-age children and special needs and Aboriginal children are particularly underserved (Organisation for Economic Co-operation & Development, 2004). Outside Quebec, regulated child care is not funded – or funded in a limited way – and is often too costly for ordinary families¹⁶. Research shows that it is too often not high quality enough to be “developmental” (Goelman, H., Doherty, G., Lero, D., LaGrange, A. & Tougas, J., 2001) or, as the Convention on the Rights of the Child would have it, in the best interests of children.

And child care for young children older than age six is also outside the experience of many families. Young school-aged children may be alone after school or attend recreation or other community programs that are not intended to provide “care”, that is, they may not “conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision”, as described in Article 3 of the Convention.

IV. Early learning and child care and the Convention

The Articles that relate to early learning and child care in the Convention on the Rights of the Child emanate from the ideas in the Convention’s Preamble that childhood is entitled to special care and assistance, that the family should be afforded the necessary protection and assistance to allow it to assume its parental responsibilities and that the child should be fully prepared to live an individual life in society as an individual separate from the family. Of the Convention’s three broad kinds of rights intended to protect children’s interests – protection

¹⁵ This was increased in CPE or non-profit centres but not in for-profit centres which still are bound by the old requirement that one-third of staff in a centre are qualified ECEs.

¹⁶ For more detail, province by province, and comparative data over time, see Friendly & Beach, 2005 and Childcare Resource & Research Unit, 2005.

rights, participation rights and provision rights – the Articles pertaining to early learning and child care are primarily concerned with provision rights.

This section identifies and discusses each of the Convention’s Articles that make a contribution to conceptualizing early learning and child care as an issue of children’s rights.

Article 18

- 1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.*
- 2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.*
- 3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.*

Article 18, particularly clauses 2 and 3, is the Article of the Convention that is most directly concerned with early learning and child care. It identifies child care – “institutions, facilities and services for the care of children” and “child care services” – specifically. The Article’s focus on “children of working parents” in clause 3 is, by today’s standards, somewhat out of date as much broader conceptions of blended early learning and child care have superseded earlier ideas about “care” for children of working parents. More current conceptions of early learning and child care have shifted more emphasis to the child’s needs and rights from the needs and rights of parents (or mothers) as drivers of public policy although both emphases remain important (see Moss, 2006).

Two points in Article 18 are particularly important for early learning and child care policy. First, the Article clearly assigns responsibility for “rendering appropriate assistance to parents” and “ensuring that children of working parents have the right to benefit from child care services and facilities” to States Parties – national governments – not parents, provinces or local communities. And second, it is significant that this Article identifies the benefit to children

from child care as a right. These two points are important ones to consider when reviewing States Parties' approaches to public support for early learning and child care.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 4 is one of the most important Articles of the Convention not only for child care but overall. It specifies how – the national government – or State Party – should fulfill its responsibility for ensuring that commitment to children's rights are met.

Article 4 is about the concept of First Call. As Griffin points out, the concept of First Call was coined by UNICEF to signify that the best interests of the child must be a priority. It should not depend on whether a particular party is in power; the economy has been well managed; interest rates rise or fall; a country is at war (1996). It means that in ratifying the Convention, signatory nations have not only pledged that they will harmonize national law with the Convention's principles but that they are expected to assume responsibility for institutionalizing appropriate "legislative and administrative" mechanisms to ensure compliance.

It is important to note that the Article's caveat with regard to economic, social and cultural rights – acknowledgment that a State Party's available resources may be limited and that the "international cooperation framework" may need to be oriented to helping the country comply with the Convention – would not apply to Canada as an affluent country with considerable wealth and a provider – not a recipient – of international aid. It is also important to note that the Article does not include a caveat regarding specific political arrangements such as federalism within a State Party. This absence of a limitation recognizing compliance difficulties arising from assignment of issues like child care to a lower level jurisdiction is consistent with the United Nations comments regarding Canada's lack progress towards compliance with the Convention in the 1990s (United Nations Committee on the Rights of the Child, 1995).

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 3, especially clause 3, is also an overarching Article. It is very relevant to early learning and child care as it relates to quality. If the “facilities responsible for the care...of children” do not “conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision”, it is hard to make the argument that the provision of child care is good for children – something to which it would appropriate that they have a right. This concept is entirely consistent with the child development and quality research that is concerned with the best interests of the child; that is, participation in good quality child care is a benefit to children developmentally and an asset to their quality of life in the short term while poor quality child care may be a negative experience in both the short term and long term (National Research Council & Institute of Medicine, 2000).

It is again important to note that from the perspective of the Convention, the responsibility for ensuring that the facilities are good places for children by “conform[ing] with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision” is that of the State Party, not the parents. As clause 2 describes, the State Party’s assurance of care and protection recognizes the rights and duties of parents/guardians. This is consistent with the role of parents set out in Article 18 as “hav[ing] the primary responsibility for the upbringing and development of the child” but both Articles set out the responsibility of States Parties to provide parents with the assistance they need to perform their parenting role.

Article 23

1. *States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*
2. *States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.*
3. *Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present Article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.*
4. *States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.*

Article 23 is concerned with the right of “a mentally or physically disabled child to “enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community”. However, the Convention’s concept in 1990 set out in this Article – “recognizing the right of the disabled to special care” is not fully consistent with contemporary ideas about inclusion of children with special needs in regular early learning and child care as a human right (Bach, 2005). Over time, the concept of equity for children with special needs has progressed from neglect and institutionalization to the development of separate facilities to – more recently – the idea that all individuals have the right to full participation in their community and in society by being welcomed into inclusive programs with the opportunity to participate alongside of typically developing peers. This idea – if not the full practice – of

inclusion has become mainstream in Canada. From this perspective, today the language of clause 1 of Article 23 could be interpreted to mean that in Canada, “enjoy[ing] a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community” means full inclusion.

Article 24

1. *States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*
2. *States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:*
 - (a) *To diminish infant and child mortality;*
 - (b) *To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;*
 - (c) *To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;*
 - (d) *To ensure appropriate pre-natal and post-natal health care for mothers;*
 - (e) *To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;*
 - (f) *To develop preventive health care, guidance for parents and family planning education and services.*
3. *States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.*
4. *States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present Article. In this regard, particular account shall be taken of the needs of developing countries.*

Article 24 is much more about access to health care and to prevention in a traditional sense rather than about the more contemporary notion of “social determinants of health” which was relatively unexplored when the Convention was drafted in 1990. Today, however, it is widely recognized that early childhood experiences have a long-term effect on physical and mental health. As the 1996 Report on the Health of Canadians noted, “there is strong evidence that early childhood experiences influence coping skills, resistance to health problems and overall health and well being for the rest of one’s life” (Federal-Provincial-Territorial Advisory Committee on Population Health, 1996). Early childhood development provides a platform for adult employment, education, income, status and lifestyle and these, in turn, are linked to adult health.

Early learning and child care is only one of a number of factors that are known to have an impact on children in the early years. Sufficient family income, adequate food and good nutrition, a healthy environment, housing and educational early childhood programs all have an effect on childhood health in the preschool years, then on the young school-aged child, and on into the child’s development into an adult. Some of these factors (such as a healthy environment, good nutrition and early childhood education) affect children directly and some (such as adequate income and access to reliable child care) have their main impact more indirectly, through their effect on the child’s first and primary environment, the family. Although these factors are all important, there is strong research support for the idea that, early learning and child care programs are an important – even a determining – factor that affects children both directly and more indirectly through their impact on their parents (National Research Council & Institute of Medicine, 2000).

Article 27

- 1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.*
- 2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.*
- 3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.*

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 27 is very pertinent to early learning and child care in the sense that reliable child care is a family support program needed to enable parental employment, thereby having a direct connection to the child's standard of living. While clause 2 is – as are other parts of the Convention – clear that the primary responsibility for securing the “conditions of living necessary for the child's development” is the parents', clause 3 once again assigns responsibility for assisting parents as they implement this right to the State Party.

This is pertinent to child care in the most traditional sense of child care as an employment support program. Without the availability of affordable reliable child care, parents – usually mothers – may be forced to stay out of the paid labour force, to work at poorly paid part-time employment, or not to take advancement. Some women – especially single mothers – are driven into dependence on social assistance and into poverty. As child poverty can have negative consequences for children's well-being and development, children's lives and their future possibilities are enhanced if their families are supported economically. While paid work may not necessarily mean that family income provides an adequate living standard, without employment income children lack even the possibility of escaping poverty.

Article 28

1. States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;*
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;*

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 28 recognizes the child's right to education, "with a view to achieving this right progressively" but the Convention as it was written does not specifically recognize the right to education in early childhood nor the inseparability of early childhood education and child care. However, today the idea that high quality child care should be viewed as educational as it can play an important developmental role in early childhood is well supported by research (Organisation for Economic Co-operation & Development, 2001). Observation of models for blended early learning and child care services in countries such as Sweden, Denmark, Spain and Italy, has contributed to this contemporary understanding even in countries like Canada and the United States that have maintained care and education for young children as two separate silos. Carol Bellamy, UNICEF's Executive Director, sums this up when she says, "There is a growing consensus that child care and early childhood education are inseparable" (United Nations Children's Fund, 2001: 71). If an early learning and child care program is high quality, it provides intellectual and social stimulation that promotes cognitive development and social competence with effects that can persist into elementary school to establish a foundation for later success (National Research Council & Institute of Medicine, 2000). This pertains regardless of social class (although poor children may derive more benefit) and whether or not the mother is in the paid workforce.

It is important to note though that the idea of blended early child education and child care should not be seen to suggest that early childhood programs should be didactic or teacher driven or that "school readiness" is necessarily the sole legitimate goal for children. As Peter Moss (2004) represents the ideas underlying this concept, it concerns "the development of the child

through active involvement with the environment and others by exploring, questioning, experimenting and debating” (2004: 19).

Article 29

1. *States Parties agree that the education of the child shall be directed to:*

(a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential;

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child’s parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. *No part of the present Article or Article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present Article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.*

The concept of the purposes of education addressed in Article 29 is a broad and fundamental one that bridges age groups and varying national ideas about education. In relation to early childhood education, Article 29 addresses the idea of “quality” in its broadest sense, transcending the basic health, safety and facility requirements discussed in Articles 3 and 18. While different societies – and even different communities and individuals in a society – may have different ideas about the specific purpose of education, this Article bridges points of view to reinforce the idea that while there is no single universal definition of quality early learning and child care, the clauses of Article 29 appear to present a range of values so critical to the well being of children that they are universally perceived to be the foundation of any definition of quality in education.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.

While this Article does not specifically address the right of minorities or persons of indigenous origin to early learning and child care in his or her own culture or language, analysis of the role that such programs can play illustrates why Article 30 is relevant to early learning and child care. In Canada, this would be especially so for communities that have a historical claim on special status – Aboriginal communities and for French language communities outside Quebec – vis-à-vis maintenance of language and culture.

V. In conclusion

This paper has reviewed the political and social context for early learning and child care, discussed the child care situation in 2006 and analyzed the Articles of the Convention that pertain. Nine of the Convention's Articles for early learning and child care – the three most important and direct or overarching – Articles 18, 3 and 4 – the Articles on disabilities, health, education, standard of living and minority and indigenous populations – apply to early learning and child care. Through these Articles, the Convention addresses early learning and child care from various perspectives – care for working parents, education, health, family support and equity.

That child care as an issue of children's rights under the Convention has not moved forward appreciably since 1990 is not unique to child care. It is perhaps interesting to note that in the first report of the United Nations Committee on the Rights of the Child (1995), in a very short list of "Positive factors" observed about Canada, one refers to Canada's leading role in adopting the Convention initially; three refer to mechanisms that no longer exist (the National Centre for Crime Prevention, the Family Support Enforcement Fund & the Children's Bureau); one refers to local and community – not national – actions and the last refers to Canada's participation in international co-operation project through international organisations such as UNICEF. These surely do not present a very strong list of positive factors.

The rest of the report is a much longer list of Principal Subjects of Concern and Suggestions and Recommendations. The first of the Principal Subjects of Concern is a strongly worded observation that – while Canada’s official report made the argument that “the federal nature of Canada is a complicating factor in the implementation of the Convention (United Nations Committee on the Rights of the Child, 1995:3) and a reminder that Canada is “bound to observe fully the obligations assumed by ratifying the Convention”, making the suggestion that a permanent mechanism to do this should be established. The 1995 Committee made a number of very strong recommendations such as ensuring “full implementation of Article 4” and allocation of adequate resources to ensuring children’s economic, social and cultural rights. At the same time, it should be kept in mind that this report was received at the time that Canada was devolving power to the provinces, eliminating the Canada Assistance Plan, making massive cuts to social programs and declaring that the national improvements to child care were off the political agenda (Friendly, 2001).

While the United Nations has called on world government leaders to “make children – the youngest most especially – the priority at all policy tables...and to ensure that this has the necessary financial and political support” (United Nations Children’s Fund, 2001), in Canada there has never been the sustained, consistent approach to public policy needed in order to establish an early learning and child care system that aspires to comply with the Convention. At the level of government which has the jurisdictional responsibility for early learning and child care – the provinces and territories – child care has often moved backward, then forward, then often backward again in most provinces/territories rather than moving steadily forward to meet long term goals. Indeed, in some jurisdictions, it has virtually stagnated for a decade.

This paper has traced how and when early learning and child care in Canada became a public policy issue and how it has been on and off public policy agendas since the 1970s. But as the data describing accessibility and quality show, little progress has been made. Most recently, the first serious attempt at the level of the State Party to forge a cross-Canada program with agreed-upon principles of quality, universality, accessibility and developmental [programming] was cancelled by the subsequent government (Friendly & Ferns, 2006).

The preface to a forthcoming book on children’s rights edited by Howe & Covell provides an insightful analysis of four levels of government commitment to the Convention on the Rights of the Child in ascending orders of strength. The

first level – the symbolic level – proclaims and endorses action but there is little actual implementation. The second level is one of wavering commitment – spurts of action that are not sustained with “sporadic and isolated” developments. “Wavering but upward” commitment is a third level, with spurts of progress that overall show progress. At the fourth level, there is “firm and demonstrable” commitment: thus, the “words of the Convention are followed by deeds” (Howe & Covell, in press).

For Canada overall as a State Party, the answer to the question: *With regard to early learning and child care, since the Convention was ratified, what do developments in Canada reveal about the level of government commitment to the rights of the child?* is that government commitment falls somewhere between Level 1 (merely symbolic) and Level 2 (spurts of action that are not sustained). This assessment is notwithstanding the relatively steady – albeit sometimes slow and not always sustained, especially when governments change – progress made in Quebec and to some extent in Manitoba. And if the spurts of progress that have occurred have been motivated at all by consideration of the Convention’s Articles and processes, this is not apparent. Indeed, it would be fair to say that the issue of early learning and child care as a children’s right has not been addressed by governments at any level¹⁷ and that the Convention has played very little role if any in government’s consideration of early learning and child care. As the preface to the forthcoming book points out in a general sense, “there is good reason to be suspicious about Canada’s strength of commitment”.

The period of the Convention on the Rights of the Child, as this chapter has discussed, paralleled an era in Canada in which not only has the role of the federal government diminished vis-à-vis the provinces but the role of government as a leader, facilitator and provider of services and programs has been challenged in favour of the marketplace, “the community” and individual families. These developments have created an environment in which “firm and demonstrable” commitment with ongoing forward movement does not occur and are – in some quarters – hard to justify.

As Sheila Kamerman, an international expert in early learning and child care policy, has documented, there are some clear international trends regarding early learning and child care in such areas as financing, governance, balance between family policy such as maternity/parental leave, focus on quality and

¹⁷ With the exception of the City of Toronto which included a right to child care as one plank in its Children’s Charter. The City of Toronto, however, has neither the jurisdictional responsibility nor the funding for child care.

attention to infants and toddlers as most countries have achieved close to universal coverage for older preschool-age children (that is, roughly 2.5 to school attendance age) (2005). Over the past 15 years, nations with a variety of histories, cultures, fiscal capacities and political arrangements have set in motion public policy for high quality early learning and child care programs. These show us that vision, commitment and political will can go a long way to turning symbolic commitments to children's rights into the reality that makes a difference on a day-by-day basis for children.

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