

Summary of the History of the Rights of the Child in Canada

Unborn children have rights but Canada fails to uphold them.

In 1924, the League of Nations (LON), which included Canada, adopted the [Geneva Declaration of the Rights of the Child](#), a historic document that recognised and affirmed for the first time the existence of rights specific to children and the responsibility of adults towards children.

The fundamental needs of children were summarised in five points. The document discussed the well-being of children and recognised that mankind owes to the child the best that it has to give, including their right to development, care, assistance, relief and protection.

However, even though the document addressed certain fundamental rights, it was not legally binding.

In 1934, the General Assembly of the League of Nations once again approved the Geneva Declaration. The signatories promised to incorporate the principles of the document into their national laws, but they were not legally bound to do so.

Nonetheless, the Geneva Declaration remains the first international Human Rights document in history to specifically address children's rights.

The United Nations (UN) was founded after World War II. It took over the Geneva Declaration in 1946. However, following the adoption of the Universal Declaration of Human Rights in 1948, the advancement of rights revealed the shortcomings of the Geneva Declaration, which therefore had to be expanded.

They thus chose to draft a second [Declaration of the Rights of the Child](#), which again addressed the notion that "mankind owes to the Child the best that it has to give."

On 20 November 1959, the *Declaration of the Rights of the Child* was adopted unanimously by all 78 Member States of the United Nations General Assembly in Resolution 1386 (XIV). This marked the first major international consensus on the fundamental principles of children's rights.

The Preamble to the *Declaration of the Rights of the Child* states that "**the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth**".

On April 17, 1982, The [Canadian Charter of Rights and Freedoms](#) was signed, guaranteeing that "everyone" has the "right to life, liberty and security of the person and the right not to be deprived thereof". However, it offers no explicit protection for children in the womb.

On September 2, 1990, Canada took the step of signing the [Convention on the Rights of the Child](#) to solidify its efforts to protect children.

The Convention on the Rights of the Child reinforced that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth". It continues to state, in part, that:

- In all actions concerning children, the best interests of the child shall be a primary consideration.
- States Parties undertake to ensure the child such protection, and, to this end, shall take all appropriate legislative and administrative measures for the implementation of the rights recognized in the present Convention.
- States Parties recognize that every child has the inherent right to life.
- States Parties shall ensure to the maximum extent possible the survival and development of the child.

Most recently, [The Geneva Consensus Declaration](#), signed by 35 States on October 22, 2020, emphasized that "in no case should abortion be promoted as a method of family planning" and reaffirmed that "the child... needs special safeguards and care... before as well as after birth" and "special measures of protection and assistance should be taken on behalf of all children," based on the principle of the best interest of the child.

Unfortunately, Canada was not among its signing Parties. Instead, Canada offers no protection to the child in the womb and does not even recognize this child as a human being, but continues to define when a child becomes a human being based on antiquated law written in 1953. More precisely, [Canada's Criminal Code Sec. 223 \(1\)](#) states:

When child becomes human being

223 (1) A child becomes a human being within the meaning of this Act when it has completely proceeded, in a living state, from the body of its mother, whether or not

- (a) it has breathed;
- (b) it has an independent circulation; or
- (c) the navel string is severed.

Killing child

(2) A person commits homicide when he causes injury to a child before or during its birth as a result of which the child dies after becoming a human being.

This section of the Criminal Code not only denies humanity to the preborn, but strips them of their right to life. As a result, abortion is permitted in Canada throughout all 9 months of pregnancy, for any reason or no reason whatsoever, up to the moment of birth.