

1992 BILL 223

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 223

CHILDREN'S RIGHTS ACT

MS MJOLSNESS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 223
Ms Mjolsness

BILL 223

1992

CHILDREN'S RIGHTS ACT

(Assented to , 1992)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) "child" means an individual under the age of 18 years;
- (b) "parent" includes the guardian of a child.

Application

2 The rights set forth in this Act apply to every child.

3 Nothing in this Act shall limit the responsibilities, rights, and duties of parents to provide appropriate direction and guidance in the exercise by the child of the rights recognized in this Act.

Children's rights

4 Every child has

- (a) the right to be free of poverty and the right to food, clothing, housing, and a standard of living that encourages the child's development;
- (b) the right to a home, including but not limited to
 - (i) the right to parental and adult support, guidance and continuity in the child's life,

- (ii) the right to reside with parents and siblings except when it is in the best interests of the child to reside elsewhere,
 - (iii) the right to be consulted in decisions related to guardianship, custody, or a determination of status, and
 - (iv) the right to independent adult counselling and legal assistance in relation to all decisions affecting guardianship, custody, or a determination of status;
- (c) the right to the highest attainable standard of mental and physical health through universal access to proper nutrition, health care and health education, including but not limited to
- (i) preventative and rehabilitative care for victims of child neglect and abuse,
 - (ii) special care for mentally or physically handicapped children so that they can lead the fullest possible life in their communities;
 - (iii) sexuality information , education, counselling, protection resources and care, and
 - (iv) the right to be consulted and to make informed decisions about the child's health care;
- (d) the right to learn in an environment which respects human rights and dignity, and helps the child to develop his or her full potential through
- (i) free and compulsory primary education,
 - (ii) equal access to higher education,
 - (iii) access to educational and vocational information and guidance, and
 - (iv) adequate time for leisure and recreation;
- (e) the right to a safe physical environment, free from harmful pollutants or other hazards;
- (f) the right to be protected from abuse in any form,

including

- (i) physical abuse including corporal punishment, neglect, emotional abuse or sexual abuse,
 - (ii) child prostitution or pornography,
 - (iii) involvement in narcotic production or trafficking,
 - (iv) abduction or sale,
 - (v) neglect, and
 - (vi) involvement in armed conflict;
- (g) the right to be protected from economic exploitation in any form by the provision by government of
- (i) a minimum age of employment,
 - (ii) appropriate regulation of the hours and conditions of employment, and
 - (iii) appropriate penalties to ensure the effective enforcement of this right;
- (h) the right to freedom of expression including the right to seek, receive, and impart information of all kinds and the right to be considered and heard according to the child's evolving capacities;
- (i) the right to privacy at home, in the family, and in correspondence;
- (j) the right to justice and proper treatment when accused of a crime, including but not limited to
- (i) freedom from arbitrary or unlawful detention, and
 - (ii) the right to prompt access to legal and other appropriate assistance;
- (k) the right to universal and quality government services including but not limited to 24-hour access to crisis intervention and professional assistance;

(l) the right to be informed of these rights through appropriate and active means;

(m) the right to enjoy these rights free from discrimination in any form.

Binds Crown

5 The Crown is bound by this Act, unless an Act of the Legislature expressly declares that it operates notwithstanding the *Children's Rights Act*.

Proclamation

6 This Act comes into effect upon Proclamation.