

Canadian Child and Youth Advocates: A comparative analysis

by

Mary Theresa Hunter
B.A., University of Winnipeg, 1987
M.A., University of California, 1992

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Supervisory Committee

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Mary Theresa Hunter
B.A., University of Winnipeg, 1987
M.A., University of California, Santa Barbara 1992

Supervisory Committee

Dr. James C. McDavid, Supervisor
School of Public Administration

Dr. Lynda Gagné, Departmental Member
School of Public Administration

Dr. Michael J. Prince, Outside Member
Faculty of Human and Social Development

Dr. Leslie Foster, Outside Member
School of Child and Youth Care

Abstract

The purpose of this dissertation is to compare features of eleven Canadian provincial / territorial Child and Youth Advocates (CYAs) and identify factors that contribute to their success at influencing changes to public policies, practices and laws to improve services and programs for children and youth. This exploratory study compares and provides explanations regarding the CYAs' evolution, institutional designs, legislated mandates, implementation, expectations and accountability structures. This study is based on reviews of publicly available documents and interviews with CYA key contacts, members of their legislative oversight committees and informed experts.

The CYAs are statutory officers who assist their legislatures in protecting children's rights and holding governments to account. They also provide a valuable source of information and advice for decision-makers and government agencies. Each CYA is uniquely designed to serve the needs and interests of their jurisdictions. They have overlapping functions and use some common approaches to systemic advocacy aimed at laying the groundwork for change. This study identifies several factors that contribute to the CYAs' success at influencing systemic change.

Comprehensive legislation and adequate resources enable some CYAs to undertake a full range of systemic advocacy functions. Raising awareness helps to build a common understanding of children's rights and promotes a collective will for change to better serve their needs and interests. Effective use of the media is a powerful tool for raising awareness about the CYAs' systemic concerns and recommended changes and for putting pressure on governments to take action. Educating and providing guidance to the media aids in controlling messages that are reported. Elevating the views and interests of young people who have direct experience with government systems is an effective strategy used by some CYAs to influence systemic change and increase the participation of young people in public

decision-making. Building positive relationships with government agencies promotes greater cooperation with CYAs' advice. The use of strategic plans for systemic advocacy may aid the CYAs to clarify their goals, objectives and performance measures and to monitor changes over time.

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List of Abbreviations

AB	Alberta
ACY	Advocate for Children and Youth
BC	British Columbia
CBC	Canadian Broadcasting Corporation
CCCYA	Canadian Council of Child and Youth Advocates
CCPCYA	Canadian Council of Provincial Child and Youth Advocates
CFS	Child and Family Services
CDPDJ	Commission des droits de la personne et des droits de la jeunesse
CRIA	Child rights impact assessment
CRC	Convention on the Rights of the Child
CYA	Child and Youth Advocate
ENOC	European Network of Ombudspersons for Children
EU	European Union
HRIC	Human rights institution for children
ICHRP	International Council on Human Rights Policy
KPI	Key performance indicator
LRCY	Legal Representation for Children and Youth (AB)
MB	Manitoba
MLA	Member of the Legislative Assembly
MOU	Memorandum of Understanding
NB	New Brunswick
NDP	New Democratic Party
NGO	Non-governmental organisation
NHRI	National human rights institution
NL	Newfoundland and Labrador
NS	Nova Scotia
NU	Nunavut
OCA	Office of the Children's Advocate
OCYA	Office of the Child and Youth Advocate
OIC	Order in Council
OMB	Ombudsman
ON	Ontario
OPACY	Office of the Provincial Advocate for Children and Youth

OYS	Ombudsman, Youth Services
PACY	Provincial Advocate for Children and Youth
PPLOC	Standing Committee on Procedure, Privileges and Legislative Officers (NB)
QC	Québec
RCMP	Royal Canadian Mounted Police
RCY	Representative for Children and Youth
SK	Saskatchewan
TOC	Theory of Change
UN	United Nations
UNICEF	United Nations Children's Fund
UNICEF IRC	United Nations Children's Fund Innocenti Research Centre
YT	Yukon Territory

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Chapter 1. Introduction

When Canada ratified the United Nations Convention on the Rights of the Child (UN CRC) (1989) (Appendix A) in 1991, it made a significant commitment to implement the treaty and to be held accountable to the international community through regular reports to the UN Committee on the Rights of the Child (CRC Committee). In 2002, the CRC Committee endorsed the creation of national, independent human rights institutions for children (HRICs) and outlined the necessary structural and functional features to ensure their effectiveness (Appendix B).¹ To date, more than 70 countries have established national or sub-national HRICs (UNICEF, 2012). In general, their roles are ‘to monitor, promote and protect children’s rights, and ultimately ensure that the rhetoric contained in the CRC is translated into laws, policies and practices’ (UNICEF, 2001). National HRICs are considered to be “...one necessary indicator of political will to promote and protect children’s rights...” (UNICEF, 2001, p. 1).

So far, Canada has not established a national HRIC. Instead, nine provinces and two territories have established Child and Youth Advocates (CYAs). The Government of Canada (2001, 2009) points to the provincial / territorial CYAs as satisfying the UN’s expectation that member countries will establish HRICs as mechanisms for implementing the CRC. The sub-national CYAs are considered to be a subset of HRICs however, the majority were created or strengthened in response to tragedies involving children and youth in the care or custody of the State (UNICEF, 2013). Most of the CYAs serve all young people in their jurisdictions, while four have primary mandates to protect the rights and interests of children and youth involved with child welfare and youth justice systems. The CYAs evolved over time and in response to local needs and interests. Their designs, mandates, functions and powers vary however, they

¹ These guidelines are in keeping with the UN High Commissioner for Human Rights’ *Principles Relating to the Status of National Institutions*; (i.e., *the Paris Principles*) (UN Centre for Human Rights, 1993).

have commonalities to provide individual advocacy, raise awareness about children's rights, investigate systemic issues and give advice to their governments to improve services for young people. All of the CYAs make extensive use of the UN CRC in their work although, only the enabling legislation of three CYAs make explicit reference to the CRC.

The designs and mandates of all types of national human rights institutions (NHRIs) are grounded in the UN General Assembly's *Principles Relating to the Status of National Institutions (Paris Principles)* (UN Centre for Human Rights, 1993) (Appendix C)². These normative principles identify broad minimum standards regarding NHRIs' "...legal foundation, membership, mandate, funding and so on..." (International Council on Human Rights Policy [ICHRP], 2005, p. 9). These benchmarks are intended to ensure that HRICs are well positioned to support and promote human rights. Effective NHRIs must operate independently of government (UN Centre for Human Rights, 1995) and be entrenched in the national constitution or law (ICHRP, 2004). Their mandate, accessibility, accountability, operational efficiency, public legitimacy and cooperation with other institutions also contribute to their success.

Not all countries are expected to have stand-alone HRICs. General ombudsmen or human rights commissions may be responsible for promoting children's rights (UNICEF, 2001). HRICs' mandates tend to emphasize either individual advocacy (for example in Norway, Belgium and New Zealand) or systemic advocacy (such as in Sweden, Iceland and Denmark) (UNICEF, 2001). Regardless of their core functions, HRICs generally play catalytic roles "...for legislative, policy and attitudinal change." (UNICEF, 2001, p. 11).

² The *Paris Principles* are used as accreditation standards by the International Coordinating Committee of National Human Rights Institutions (ICC).

In keeping with recommendations of the CRC Committee (1995, 2003, 2012), all of the provincial / territorial CYAs are now independent legislative officers. The CYAs are relative newcomers to the growing assemblage of statutory officers across Canada, where there is a longstanding tradition of these types of institutions at both the federal and provincial / territorial levels.³ Statutory officers are independent accountability agents who report directly to parliament / legislatures and are intended to assist them in fulfilling their traditional roles of scrutinizing the executive and protecting the rights of individual citizens (Thomas, 2003). Statutory officers also perform other roles, including audit, regulatory, ethical, judicial and/or ombudsmen (Gay & Winetrobe, 2003).

A proliferation of statutory officers across Westminster-style democracies in the 1990s (Gay 2003; Bell, 2006) fueled debates over their value and raised concerns about the relative power and influence these unelected officers have over decision-makers (Smith, 2004; Power, 1999; Sutherland, 2002). Supporters of the statutory officers argue that parliaments have been forced to create their own bureaucracies to deal with the “...expanded scope and complexity of government in the Twentieth Century.” (Thomas, 2006, p. 22). Balancing the independence and accountability of these officers is essential to ensure their legitimacy within the parliamentary system (Gay and Winetrobe, 2003; Thomas, 2003).

With no authority to implement changes to laws, public policies and practices, statutory officers are often portrayed as “toothless watchdogs” who can “bark but not bite” (Thomas, 2003, p. 293). However, the public tends to view them as trusted experts and the officers

³ The federal Auditor General of Canada was established in 1868; Chief Electoral Officer created in 1920, Privacy Commissioner and Access to Information Commissioner, both created in 1983. The Canadian Human Rights Commission and Public Service Commissioner share some features of Parliamentary Officers, including independence from government and reporting directly to Parliament. The Canadian provinces and territories have created legislative officers, typically in the roles of: Auditor General, Conflict of Interest Commissioner, Chief Electoral Officer, Information and Privacy Commissioner, Ombudsman, and Police Complaint Commissioner.

frequently use the media to convey their authoritative messages and exert influence through publicity and persuasion (Good, 2007). Statutory officers may hold legislative bodies and governments to account by providing evidence of misdeeds in their reports and through the media. Some view the unelected officers' ability to directly or indirectly call elected officials to account as a threat to democracy (Pond, 2010; Gay and Winetrobe, 2003) and a violation of the principles of responsible government, in which ministers make decisions about their own units and legislatures hold the executive to account (Smith, 2004, Savoie, 2008, Stilborn, 2010; Sutherland, 1991, 2006). Rather than serving parliament, statutory officers have been accused of becoming its masters (Smith, 2004).

On the other hand, UNICEF (2013) views the distinctive feature of an effective HRIC as its ability to influence decision-makers through:

...their combination of independence and 'soft power': the capacity to report, to convene, to mediate and to influence lawmakers, government bodies, public institutions and public opinion. Indeed, it is the ability to influence those with direct responsibility for policy and practice that distinguishes an effective institution. (p. 5)

Despite widespread recognition that the performance of NHRIs should be assessed, little empirical research has examined their impacts (ICHRP, 2004; Fowlie, 2007, 2008; Hyson, 2006, 2009). NHRIs' mandates are often vague and performance measurement schemes rarely exist in ways that can be used to assess their impacts (Hyson, 2006; UNICEF, 2008). Carver and Korotaev (2007) state that in general, research on HRIs "...has focused on their legal foundation, structure and powers... [i.e.] how to translate the legal provisions of the *Paris Principles* into national legislation." (p. i).

Assessing the systemic impacts of Human Rights Institutions for Children (HRICs) is complex. HRICs do not have direct authority to make changes to laws, policies and services. They may use a number of approaches to advocate for changes to child- and youth-serving systems. Their advocacy efforts often overlap with the work of other institutions and the HRICs are only one source of influence on complex, open systems (ICHRP, 2004). Their ability to influence systemic change depends on the support and cooperation of various individuals and other public and civil agencies (ICHRP, 2005; Reif, 2000; UNICEF, 2005). Change may be the result of many factors and often cannot be attributed directly to the efforts of a particular institution (UNICEF, 2013).

Systemic change is often a long-term goal of advocacy agencies. More immediate goals may focus on building alliances, raising awareness, strengthening political will and reframing policy issues, laying the groundwork for change. Systemic advocacy often focuses on raising awareness, facilitating discussions, developing networks and "...supporting collaboration aimed at building consensus." (UNICEF, 2008, p. 14). Policy and social changes are long-term goals of HRICs that often take years to occur, with no clear linkages to their contributions (UNICEF, 2013; Montague, 2014).

Only a handful of studies have examined the implementation and impacts of HRICs. For example, Melton (1991) compared the leadership styles and strategies used by the first two Norwegian Children's Commissioners to influence public officials. Melton concluded that the Commissioners had been generally persuasive however, it was not clear if they had influenced policy change. A more recent and extensive evaluation of the Children's Commissioner for Wales found no conclusive evidence that it had influenced systemic changes (Thomas, Cook, Cook, France, Hillman, Jenkins, Pearson, Pugh-Dungey, Sawyers, Taylor and Crowley, 2010).

A few studies have focused on the emerging provincial / territorial CYAs. Howe (2009) examined the influence of nine provincial CYAs “...on policy and legislative change, systemic reform, public consciousness, and child participation” (pp. 18-19). Based on a review of pertinent documents (e.g., reports and legislation) and interviews with CYA key informants and a few outside experts, Howe concluded that the CYAs with the greatest impacts operated independently of government, had broad mandates and strong powers, focused solely on children’s issues and were accessible to children. In addition, “...skilful leadership in the context of a receptive political culture...can play a significant role in advancing the rights of children” (p. 17). Peña (2012) examined the evolution of the Ontario Office of the Provincial Advocate for Children and Youth from an internal unit of the Ministry of Children and Youth to an independent legislative officer in 2007. Liston (2013) compared some key aspects of the BC Representative for Children and Youth (RCY) with other CYAs, international HRICs and prior BC children’s advocates. Liston found that the RCY is a unique hybrid model with “...the powers of a commissioner of inquiry...many of the functions of an Ombuds, and...structural independence of a provincial auditor general.” (p. 19).

A recent global study of HRICs (UNICEF, 2013) concluded that “...isolating specific factors contributing to institutional effectiveness remains challenging.” (p.9). UNICEF included a comparison of the sub-national Canadian CYAs and HRICs in Australia, New Zealand and the United States. This study found that most of the CYAs’ mandates focus on children and youth involved with child welfare systems but, that they may also advocate for broader policy changes to protect the rights and interests of all children and youth in their jurisdictions.

UNICEF (2013) points out that HRICs must be responsive to immediate issues /needs and maintain focus on longer-term goals of influencing systemic changes that will result in better

outcomes for children and youth. Therefore, HRICs should develop strategic plans based on theories of change that identify long-term outcomes, strategies and intermediate goals that may be used to track progress toward meeting longer-term intended outcomes (UNICEF, 2013, p. 51). Systemic advocacy often involves raising awareness, facilitating discussions, developing networks and “...supporting collaboration aimed at building consensus.” (UNICEF, 2008, p. 14). Examples of intermediate advocacy outcomes include: increased public awareness of children’s rights, changes in public attitudes, closer alliances with external agencies and greater internal organizational capacity (UNICEF 2013; Montague, 2014).

Little research has been conducted on the Canadian CYAs and international HRICs in general. It is unclear to what extent the CYAs fulfill the UN’s expectations that member countries will provide leadership and coordination for implementing the CRC. No research has examined how provincial / territorial legislative assemblies balance the independence and accountability of the CYAs. Performance measurement systems are lacking to assess the influence of CYAs / HRICs on changes to laws, policies and social services affecting children.

The purpose of this dissertation is to compare features of eleven Canadian provincial / territorial Child and Youth Advocates (CYAs) and explain factors that contribute to their success at influencing systemic changes to public policies, practices and laws to improve services and programs for children and youth. This study compares and provides explanations regarding the CYAs’ origins and evolution, their legislative mandates, implementation of their systemic advocacy functions, expectations and accountability. Each CYA is a unique institution and they have several overlapping functions and use common approaches to advocate for changes to public policies, practices, and legislation to improve public programs and services for children

and youth in their jurisdictions. They also share a common commitment to implement the UN CRC.

This exploratory, comparative study is based on reviews of publicly available documents and interviews with CYA key contacts, members of their legislative committees and informed experts. A large number of documents were gathered pertaining to the backgrounds, legislative mandates and operations of each CYA, including reports produced by governments, commissions and other external bodies, the CYAs, the media, Hansard and various other sources. It was beyond the scope of this study to gather input from members of the government, community advocacy agencies, service users (children, youth and families) and the public.

My interest in studying the CYAs stems from my own early experiences working with vulnerable children and families in an inner-city daycare and group foster homes in Winnipeg Manitoba, and later with homeless families in California. After returning to Canada in the early 90s, I developed a passion for public policy. Throughout this research project, my interest in the CYAs and the roles they play has never waned. I strongly believe in the value of the work they perform, both in standing up for individual children and youth and in advocating for improvements to the system of public policies and programs to better protect and serve the needs of young people and their families. Children and youth are among the most vulnerable members of our society and their needs tend to be less visible than those of groups who can vote and advocate for themselves.

My aim for this study was to describe and compare eleven Canadian CYAs and learn more about them through reviews of written materials and interviews with a number of individuals who have first-hand knowledge and experience. Such in-depth comparison work has not been done before. While the CYAs are a collection of distinctive institutions with unique origins,

roles, approaches and expectations, their work also has several overlaps and commonalities. They are embedded in respective regional, socio-cultural and political settings, and they are connected through both the national context and international context relating to the UN CRC.

My approach to this study has been to listen, interpret and make meaning of what others conveyed, through my own lens and render descriptions and comparisons that may provide a basis for further research in this field. I am not a CYA, and believe this has some advantages. I did not launch this study with strong, preconceived ideas or particular biases about how their work should be carried out. I learned from reviewing reports by UNICEF, that there is not one ideal model for HRICs. Throughout the study, I continually learned about how each CYA is structured and performs its roles.

Just as each CYA is unique, each person who contributed to this study has a particular perspective, based on their individual backgrounds, roles and personal experiences. As a group of educated, professional Canadians who are privileged in many ways, and share a passion for standing up for young people, I believe we share some common understandings and are able to communicate some semblance of our ideas, meanings, and intentions. This dissertation represents co-constructed narratives about the CYAs' histories, conditions, implementation, goals and achievements in 2016, based on input from various authors and interview participants. I have tried to represent the ideas and meanings of authors and participants whose contributions are the foundation for the comparative analyses and lessons drawn in this study. I have tried to include their voices through numerous citations and by asking interviewees to review and edit their quotations. I hope that my interpretations and representation of information and perspectives that others have shared with me do not disappoint. I am aware that each reader will make their own interpretations and construct their own meanings from the materials presented.

Chapter 2. Literature Review

This chapter reviews several branches of literature to provide background for understanding the emergence of the sub-national CYAs, to clarify their roles and potentials for influencing systemic change. First, the historical, international and national contexts in which the CYAs emerged are reviewed to situate them within these broader settings. Second, literature on statutory officers is summarized to provide insights into the CYAs' broader, intended roles. Third, the processes and influences by which human rights institutions (HRIs) have diffused throughout the world is examined. Fourth, research and evaluation studies of NHRIs, and those for children in particular, is reviewed to elucidate factors that contribute to their influence and what may be expected of them.

Historical and International Contexts of NHRIs

All modern human rights treaties are founded on the United Nations *Universal Declaration of Human Rights* (1948) that came about in response to the atrocities committed during the Second World War. While not enforced, this historic document represents a worldwide consensus on the basic human rights of all people (UNICEF, n.d., "Convention on the Rights of the Child"). Since 1965, the UN has adopted nine legally binding treaties, and several non-binding instruments relating to human rights⁴. The UN treaties represent frameworks for discourse on human rights and for putting them into practice. They also include legal and other means of holding governments accountable for their implementation and/or violation (UNICEF, 2001). Six UN committees have been established to monitor implementation of specific treaties. Countries that have ratified the treaties are required to report regularly to these committees and the UN issues public reports on countries' progress toward implementation.

⁴ <http://www2.ohchr.org/english/law/>

United Nations Convention on the Rights of the Child

The UN Convention on the Rights of the Child (CRC) (1989) has been endorsed by 196 countries, all members of the United Nations, except the United States.⁵ The 54 Articles and two Optional Protocols of the CRC (Appendix A) lay out the basic human rights of all children, including “...the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life.” (UNICEF, 2013b).

Four key principles underlie the CRC: “non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.” (UNICEF 2013b). The CRC presents standards for the protection of children's rights in health care; education; and legal, civil and social services. By ratifying the CRC countries have made a significant commitment to protect and guarantee the rights of children through their actions and policies, and to be held accountable to the international community through regular reports to the UN Committee on the Rights of the Child on their progress toward implementing the CRC.

The UN actively encourages countries that have endorsed human rights treaties to establish independent NHRIs “...to protect rights, advise governments, address violations and raise awareness.” (UNICEF, 2001, p. 2). Four different NHRI models emerged throughout the twentieth century: classical ombudsmen, equalities institutions, human rights commissions, and hybrid institutions (ICHRP, 2004). Giddings (2001) notes that by the end of the 1990s, more than 90 countries had adopted some type of national ombudsman.

⁵ Please see Amnesty International for an explanation: “Why hasn’t the United States ratified the Convention: What is holding it up?”: <http://www.amnestyusa.org/our-work/issues/children-s-rights/convention-on-the-rights-of-the-child-0>

The Ombudsman model originated in Sweden in 1809, to protect citizens' rights against abuses by the state (UNICEF, 2001). Traditionally, ombudsmen have had three primary functions: to monitor the administrative state and make recommendations regarding administrative (and sometimes statutory) changes; to investigate citizens' complaints regarding claims of administrative injustice; and to educate the public about their rights (Hyson, 2006). Children's ombudsmen have more wide-ranging responsibilities "...to monitor, promote and protect children's rights" (UNICEF, 2001, p. 2). Human rights commissions have a wider mandate, such as to protect civil and economic rights, and to provide protection from discrimination. Equalities institutions tend to focus on the rights of distinct, vulnerable populations, such as women, minority groups and people with disabilities. Hybrid institutions blend parts of the other models and are designed to suit local needs (Rees, 2010).

With near universal ratification of the CRC, world leaders met in 2002 for a Special Session on Children and endorsed a unified plan of action called "*A World Fit for Children*" (UN General Assembly Special Session on Children, May 2002, A/RES/S-27/2, Para. 31). Following this session, the UN Committee on the Rights of the Child (2002) endorsed the establishment of national, independent, human rights institutions for children (HRICs), to support implementation of the CRC. Since then, more than 200 HRICs have been established in over 70 countries (UNICEF, 2013). The UN CRC Committee (2002) acknowledges that creating institutions exclusively devoted to children may not be feasible in all states. More general types of human rights institutions may be more appropriate to take on the role of promoting and protecting children's rights.

Normative Standards. The design and mandate of NHRIs are grounded in the UN General Assembly's "Principles Relating to the Status of National Institutions," (1993, resolution

48/134) (the Paris Principles) (Appendix C). These normative guidelines “...define the minimum attributes of national institutions with respect to their legal foundation, membership, mandate, funding and so on...” (ICHRP, 2005, p. 9). These benchmarks are intended to ensure that NHRIs are well positioned to achieve their basic function; that is: “...to promote and protect human rights effectively, as well as more specific programme objectives.” (p. 9). The Paris Principles are premised on the notion that to be effective, NHRIs must be independent of government control (UN Centre for Human Rights, 1993). In addition, other “...institutional factors influence the effectiveness of NHRIs, including...their functions and whether they have adequate powers, their accessibility and accountability, their ability to cooperate with other institutions, and their operational efficiency.” (ICHRP, 2004, Forward).

The UN Committee on the Rights of the Child (2002), the UN Children’s Fund (UNICEF) (2001) and the European Network of Ombudspersons for Children (ENOC) (2001) have put forward guidelines regarding the desired structural and functional features of national HRICs based on the *Paris Principles*. These benchmarks are intended to apply to a range of institutional models adopted throughout the world to promote and protect children’s rights (UNICEF, 2001; UN Committee on the Rights of the Child, 2002). For example, UNICEF (2001) acknowledges that it would be impractical for every country to have a stand-alone NHRI for children. In some cases, general Ombudsmen or Human Rights Commissions have responsibility for the promotion and protection of children’s rights.

NHRIs are statutory officers

NHRIs are relative newcomers to the growing assemblage of statutory officers adopted world-wide. Canada has a longstanding tradition of statutory officers, beginning with the adoption of an Auditor General in 1868, “...immediately after Confederation in order to ensure

that members of Parliament could know that public money was properly spent.” (Fraser, 2009). Throughout the 1990s, a proliferation of parliamentary officers in all Westminster-style democracies (Gay 2003; Bell, 2006) sparked debates over their value and raised concerns about the limitations of these institutions (Smith, 2004; Power, 1999; Mulgan, 2003; Thomas, 2008).

Statutory officers are independent accountability agents intended to assist parliament in fulfilling their roles to provide oversight of the executive and uphold the rights of citizens (Thomas, 2003). These officers report directly to parliament and operate independent of the executive. This special relationship with parliament distinguishes them from other types of government agencies. The autonomy of statutory officers is considered to be essential to their ability to carry out their roles.

Statutory officers perform a variety of functions, including: audit and regulatory roles intended to increase accountability of the executive; and ombudsman roles to protect the rights of individual citizens (and other roles) (Gay and Winetrobe, 2003). Their role is often depicted as providing advice and making recommendations to parliament. These officers do not have direct authority to enforce their recommendations and are often portrayed as “toothless” watchdogs who can “bark but not bite” (Thomas, 2003). Without the power to enforce their recommendations, they are dependent upon parliament / legislature to take up their suggestions. On the other hand, statutory officers are considered to be powerful and influential (Good, 2007) because they are viewed as expert authorities and may have the public’s confidence. Their reports on the government are made public and feed into the media’s propensity to exploit negativity, criticisms and misdeeds. In this regard, statutory officers are able to enforce their authority and have even been accused of having too much power (Smith, 2004; Power, 1999; Sutherland, 2002).

Studies of the roles and impacts of statutory officers indicate potential strengths and limitations of this institutional arrangement. One of their intended purposes is to increase public confidence (Thomas, 2003). However, their oversight reports often highlight government's shortcomings and misdeeds which can negatively influence the public's perceptions and reduce public trust in the government (Thomas, 2003; 2009). Their reports are made public and feed into the media's propensity to exploit discrepancies, negativity and transgressions. Sometimes the officers' reports identify or implicate individual ministers or bureaucrats as responsible parties (i.e., "naming and shaming") (Gay and Winetrobe, 2003). This raises concerns for bureaucrats who have long been protected from individual blame within the Whitehall tradition. It also raises concerns for ministers who are being held to account by unelected officials (Smith, 2004; Sutherland, 2002). Statutory officers are often viewed as expert authorities and have the confidence of both the public and the media. Through their rapport with the media statutory officers can draw plenty of attention to the executive's failures and exert pressure on the government to make changes.

Given their "watchdog" roles, special status within government, and ability to issue public reports, statutory officers run the risk of provoking antagonism and resistance among the ministers and bureaucrats in the governments/departments they scrutinize. This adversarial relationship may undermine their ability to influence positive changes to policies and services (Power, 1999).

Thomas (2003) asserts that the accountability of statutory officers has been inadequate and legislative bodies must do more to hold these officers to account. The accountability and transparency of legislative officers are viewed as key elements to ensure that their role is to assist the legislature or parliament, and not act on their own. Thomas (2003) also recommends that

statutory officers should emphasize a balanced and fair approach to their investigations and reporting. They could do so by developing positive working relationships with ministers, bureaucrats and the public.

Although statutory officers can be quite powerful, they do not have authority to enforce their recommendations. Their roles are limited to using a variety of instruments to try and influence changes within a complex, open system of public agencies and political actors.

Diffusion of NHRIs

While there is a broader literature on policy diffusion (e.g., Majone, 1991; Dobbin, Simmons & Garrett, 2007) and policy transfer (e.g., Dolowitz & Marsh, 1996; 2000; Evans & Davies, 1999; Evans, 2009), this section reviews literature focused on the global spread of NHRIs.

Human rights institutions have a long history, predating the first modern parliamentary Ombudsman (classical) adopted by Sweden in 1809 (Hyson, 2009; Diaw, 2007). During the first half of the twentieth century, the Ombudsman model spread throughout Northern Europe (UNICEF, 2001, p. 2). Between the 1960s and 1980s, classical Ombudsmen and human rights commissions were adopted by several countries in the Commonwealth, Western Europe and North America (Reif, 2000; Diaw, 2007). During the 1990s and early 2000's, Ombudsmen, human rights commissions and hybrid human rights institutions spread throughout the rest of the world.

The United Nations strongly supports and actively encourages governments to create national institutions to promote human rights (UNICEF, 2001, p. 2).⁶ Reif (2000) attributes the

⁶ There are many different types of Ombudsmen, ranging from those with a general purpose to ones with more specific foci (UNICEF, 2001).

proliferation of NHRIs to: the transition to democracy by nations in South America; the end of the Cold War and restructuring of states in Central and Eastern Europe; and “third wave” democracy in Southern Europe. Hybrid NHRI models have been uniquely tailored to fit the historical, political and legal conditions of adopting countries.

Pegram (2010) examined a confluence of factors that influenced the adoption of different types of NHRI models across diverse political systems (free, partly free and not free). He identified three overlapping mechanisms of this diffusion (coercion, acculturation, and persuasion) operating through a range of international organizational platforms, and interacting with domestic factors. Acculturation is defined as “...the general process by which actors adopt the beliefs and behavioral patterns of the surrounding culture.” (pp. 747-748). Persuasion implies a learning process and indicates internal explanatory factors for the adoption of NHRIs, such as their compatibility with existing norms. Pegram found that classical ombudsman were prevalent in consolidated democracies, human rights ombudsmen were found in hybrid democracies, and human rights commissions were found in a wide range of political systems. Pegram concluded that the arrangement of interacting mechanisms and types of institutions adopted tend to be influenced primarily by domestic factors through a process of acculturation, followed by persuasion by international actors. Pure coercion is a more likely explanation only in extreme cases, such as post-conflict situations, where external interventions have occurred. Political negotiation is also apparent in the adoption pattern of NHRIs worldwide. However, given that NHRIs have spread across a wide range of regimes, suggests that “...a powerful international process of diffusion is at work...” (p. 729).

Cardenas (2003a) and Pegram (2010) point to the active roles played by international organisations in the creation and fortification of NHRIs across diverse political systems. While

acknowledging the influence of other actors, Cardenas (2003a) asserts that the UN has exerted significant influence and actively engaged in institution building through four main mechanisms: setting standards, building capacity, granting membership and facilitating the establishment of regional networks (Cardenas, 2003a; Pegram, 2010).

While broader changes in international and domestic systems (i.e., the end of the Cold War and the spread of democracy) may have been necessary factors in the proliferation of NHRIs, I argue that they alone have been insufficient. The UN has defined and promoted the concept of an NHRI, provided states with the technical capacities needed to build these institutions, facilitated the networking of these new actors, and offered them the benefits of membership in international organizations. Without this web of UN activities, the global rise of NHRIs may not have been possible in the first place. (Cardenas, 2003a, p. 36)

Transgovernmental actors have also contributed to the creation and strengthening of NHRIs (Cardenas, 2003b). For example, the Canadian Human Rights Commission and other NHRIs have provided technical assistance, including education, consultation, communication and networking. Pegram (2010) identified various international organizations that were instrumental in the spread of NHRIs, such as financial institutions (e.g., International Monetary Fund and World Bank) and nongovernmental organizations (e.g., Human Rights Watch), regional organizational platforms (e.g., EU). Regional networks, such as those in Europe, Latin America and Asia Pacific, also play important roles in creating standards, building capacity, and assisting with the formation of other regional NHRI networks (Pegram, 2010).

Human Rights Institutions for Children (HRICs)

The first recognized national Ombudsman for Children was established in Norway in 1981. An international children's rights movement was well in progress before the UN CRC was established in 1989. Following widespread ratification of the CRC, more than 200 human rights institutions for children (HRICs) have been established at either the national or sub-national level by at least at least 70 countries (UNICEF, 2013). While the United States has not ratified the CRC, Children's Ombudsmen exist in several American states. The specific designs and mandates of HRICs vary however, their primary purposes are to monitor, promote and protect children's rights, and ultimately to ensure that the human rights rhetoric contained in the Articles of the CRC are translated into laws, policies and practices (UNICEF, 2001).

Descriptive reports of HRICs adopted throughout the world are common in the gray literature. Country-level reports to the UN Committee on the Rights of the Child include descriptions of HRICs, when they exist. The websites of individual NHRIs typically provide access to their enabling legislation, annual reports and other ad hoc reports on their activities (often in English). International organizations, such as UNICEF (2001) and Save the Children Norway (Miljeteig, 2005) have reported on HRICs adopted throughout the world. Some reports have compared the structural and functional features of these institutions (UNICEF, 2001, 2004; Miljeteig, 2005; Waage, c2006; Hodgkin & Newell, 2007).

Only one empirical study was found that examined the global diffusion of HRICs. Gran and Aliberti (2003) conducted a cross-national comparison of 193 countries to explain why some (35) had adopted children's rights institutions by the year 2000, while others had not. Gran and Aliberti used qualitative comparative analysis to explore three explanations for the adoption of HRICs: 1) citizenship rights relating to the protection and enforcement of children's rights; 2)

internationalization of law (i.e., the emergence of children's rights institutions in response to ratification of the CRC); and 3) the logic of industrialism (functionalism) asserting that "New social policies arise in response to a need and because governments can pay for the program." (p. 97). Gran and Aliberti (2003) found that the adoption of national children's rights institutions could be explained by a combination of: the proportionate child population (need), a country's ability to pay (wealth), and either the prevalence of political rights or international pressure relating to the CRC.

Despite the paucity of research on HRICs, evidence suggests that international, transnational and national influences have actively influenced their diffusion. For example, in response to Canada's regular reports on its progress toward implementing the CRC (1994, 2001, 2009), the UN Committee on the Rights of the Child's (2003; 2012) has consistently called for the federal government to establish a national level HRIC and for the provincial CYAs to become independent.

On a global level, international and transnational organizations, such as UNICEF and Save the Children Norway (Miljeteig, 2005) have vigorously supported the creation and strengthening of national HRICs and the formation of regional networks. For example, the UNICEF Office for Western Europe was active in the creation of the European Network of Ombudspersons for Children (ENOC) in 1997 (Kinderienè, 2012). ENOC was the first regional network of HRICs, which began with ten European Children's Ombudsmen (ENOC [Hodgkin & Newell], 2010). In 2016, ENOC's membership had grown to 43 discrete institutions situated in 35 countries (ENOC website). Other regional networks have also emerged, including the Australasian Asia Pacific Association of Children's Commissioners, and the Ibero-American Network of Ombuds for

Children (UNICEF, 2007). The Canadian Council of Child and Youth Advocates (CCCYA) was established in 1996, and is described in more detail below.

A Global Network of Independent Human Rights Institutions for Children was established by more than 30 States in 2002, supported by the UNICEF Innocenti Research Centre (IRC) (UNICEF, 2004; UNICEF, n.d., “Global Research on Ombuds for Children”). The Global Network meets periodically and provides a ‘forum for the exchange of ideas, practices and initiatives in support of the work of children’s rights institutions.’

Canadian Context

The Government of Canada’s reports to the UN Committee on the Rights of the Child (1994, 2001, 2009) confirm that since ratifying the CRC in 1991, a number of steps have been taken toward strengthening Canada’s commitment to children. There have been significant increases in federal transfer payments to the provinces and territories for programs and services for children, youth and families. Temporary appointments were made of a national Secretary of State for Children (1997-2003) and a Minister of State for Children and Youth (2003-2004). The federal government and all provinces and territories participated in developing a National Children’s Agenda, launched in 1997 (listed as 2000), followed several years later by a national action plan titled *A Canada Fit for Children* (2004). In 1999, First Ministers, except Québec, signed the *Social Union Framework Agreement* (February, 1999) to reform Canada’s social services system and ensure secure, pan-Canadian social programs (Canadian Centre for Management Development, 2000). An Interdepartmental Working Group on Children’s Rights was established, co-chaired by the Public Health Agency of Canada and the Department of Justice (Government of Canada, 2009), to coordinate national implementation of the CRC and the Department of Justice, to oversee federal legislative implementation of the CRC.

Despite these efforts, the Government of Canada has been criticized for failing to provide stable, national leadership on children's issues and coherent mechanisms to monitor and coordinate efforts across levels of government to guarantee the rights of all Canadian children (Canadian Coalition for the Rights of Children, 1999; Standing Senate Committee on Human Rights, 2007; UN Committee on the Rights of the Child, October, 2003; UNICEF IRC and UNICEF Canada, 2009). To redress this problem, a Private Member's Bill, C-418: *An Act to Establish a Children's Commissioner of Canada* (Garneau, 2009), was submitted for First Reading on two occasions (2009; 2010); however, it did not advance.

Collins & Pearson (UNICEF IRC and UNICEF Canada, 2009) observe that in Canada:

In reality, children are not always a priority for governments, especially if the electorate wants other issues addressed. Without the vote, it is difficult for children to make themselves heard. As a result, children are not considered a priority in policy development and analysis; any assessment of how government policy might impact on children happens more by chance than by design. For these and other reasons, the absence of an independent institution for children's rights at the national level remains a serious obstacle to implementation of the Convention on the Rights of the Child in Canada. (p. 45)

Provincial Child and Youth Advocates (CYAs) began to emerge even before Canada ratified the UN CRC in 1991, initially operating within existing institutions, such as ministries and ombudsman offices. The ON Office of the Child and Family Service Advocacy received a legislative mandate in 1984, under the *Child and Family Services Act*, and operated within the Ministry of Community and Social Services. The AB Children's Guardian was established in 1986, under the *Child Welfare Act*, within the Ministry of Family and Social Services. Following

Canada's ratification of the CRC, the CYAs continued to emerge and evolve and have now gained prominence as independent legislative officers in almost every province and territory.⁷

The two most recently established CYAs are in Canada's Northern territories of the Yukon and Nunavut. Parts of the CYAs' unique histories have been captured over the years in a handful of reports and some comparisons have been made (Geigen-Miller, 2003; Government of Canada, 2009; Howe, 2009; Laidlaw Foundation, 1997; MacLean & Howe, 2009; Peña, 2012; Liston, 2012; Standing Senate Committee on Human Rights. [Andreychuk & Fraser], 2007; Whitehead, Bala, Leschied, & Chiodo, 2004; World Vision Canada, 2006).

International human rights treaties have significant implications for domestic law and legal scholars have studied Canada's progress toward implementing the CRC in comparison with other countries and the emerging CYAs are often mentioned (Collins, 2006; Collins & Pearson, 2011; Paetsch, Bertrand, Walker, MacRae, & Bala, 2009; Reif, 2009; Standing Senate Committee on Human Rights, 2007; UNICEF IRC, 2005, 2009; World Vision Canada, 2006;). However, the primary foci of these studies is on legal, constitutional, budgetary and policy reforms, and the role of civil society in relation to Canada's implementation of the CRC.

A study by World Vision Canada (2006) scrutinized Canada's progress toward implementing the CRC in comparison with other countries. This study examined how the CRC has been incorporated into domestic law in South Africa, Sweden, Norway and Argentina, and the roles played by national HRICs in promoting children's rights in Norway, Sweden, New Zealand, England, Scotland and Australia. This report made a number of recommendations for actions to further demonstrate the Government of Canada's commitment to uphold children's rights and called for the creation of a national, independent HRIC:

⁷ Prince Edward Island and the North West Territories have not established CYAs.

...to handle issues outside the jurisdiction of the provinces and territories, to address systemic issues arising at the national level, and to coordinate and establish national standards for institutions across the country. (p. 6).

Paetsch, et al. (2009) compared Canada with other countries in terms of established mechanisms to provide children with a voice in family law proceedings. This study found that while a wide range of mechanisms are employed in Canada, their use is inconsistent across the country. Reif (2009) compared the roles of traditional Ombudsmen with those that have a human rights mandate. Reif focuses on the roles of provincial Ombudsmen in advocating for children's rights, but does not address the array of stand-alone CYAs.

UNICEF IRC (2005) put the CRC into historical perspective by reviewing various phases in the advancement of children's rights throughout the 20th century. They analyzed the degree to which States parties and the international community have established legal and political accountability mechanisms to ensure the universal realization of children's rights. One aspect of this study was an analysis of the role of NHRIs that advocate on behalf of children. These authors caution that on their own, NHRIs cannot guarantee the protection of children's rights, and may even serve as a "smokescreen" to mask the government's failure to entrench the rights of children through more stable mechanisms. UNICEF IRC (2005) emphasize that to be effective, NHRIs that advocate for children's rights must be part of a broader framework of institutions, such as "...an independent judiciary, a legislature which takes full account of its CRC-based obligations and a bureaucracy that actively promotes children's rights in its day-to-day activities." (UNICEF IRC, 2005, pp. 50-51).

While all of the elements studied by legal scholars are important and operate in unison to advance Canada's implementation of the CRC, many of the issues examined are outside the scope of this dissertation, except insofar as they relate to the CYAs.

Research on the Roles and Impacts of NHRIs

There is scarcity of research on the roles and impacts of NHRIs (Uggla, 2004; Fowlie, 2008; ICHRP, 2004). Much of the available literature focuses on how normative standards outlined in the *Paris Principles* have been translated into legislation (ICHRP, 2004). Other research has examined the "...legal foundation, structure and powers" of NHRIs (Carver & Korotaev, 2007, p. i). There has been little research on how NHRIs have evolved and what they actually do (ICHRP, 2004). Evaluation studies of Ombudsmen typically focus on "...value for money audits, or by using case studies to demonstrate individual or systemic improvements to administration with the ombudsman as a catalyst for change." (Fowlie, 2007). NHRIs are relatively new types of institutions and their ability to effectively promote and protect human rights has not been adequately assessed (ICHRP, 2004). "The tendency has been to assume that creating them is a good thing in itself." (Forward).

Fowlie (2008) identified three categories of literature focusing on evaluation of ombudsmen's performance: theoretical discussions, academic work, and practitioner self-evaluation. "In all categories the volume of literature is scant...[and] [t]he focus, scope, volume of information provided and age of this material point to large gaps in the literature." (pp. 35-36). The only academic work identified by Fowlie (2008) is a dissertation by Male (1999), who conducted original case studies comparing the features of two ombudsmen in North America, including differences in jurisdictions and powers, and similarities in public perceptions.

Fowlie (2008) observed that most ombudsmen regularly undertake some type of self-evaluation for the purpose of their annual reports. These evaluations typically address the volume and types of complaints received and results produced by the ombudsman office.

Generally, these annual reports do not demonstrate effectiveness with respect to either evaluation criteria or in analyzing performance in comparison with what are considered the pillars of ombudsman practice: confidentiality, impartiality, and neutrality. (p. 42).

A study by the ICHRP (2004) assessed the extent to which NHRIs “...are successful in carrying out their mandate to promote human rights and protect the rights of citizens...” (Forward). Based on original field research in three countries, and drawing on secondary information about NHRIs in several other countries, ICHRP addressed three interrelated thematic issues: public legitimacy; accessibility of NHRIs to vulnerable sectors of society; and links between NHRIs and other institutions. ICHRP (2004) did not try to measure the effectiveness of these institutions because their impacts cannot be examined apart from other factors.

They intermesh frequently and at many levels with the work of government departments, judicial bodies, lawyers’ organisations, non-governmental organisations, and other civil society associations. The general political culture, and the way these bodies behave, facilitate or obstruct the activity and effectiveness of national human rights institutions. (ICHRP, 2004, p. ii)

ICHRP (2004) observed that a common shortcoming among NHRIs was not conducting self-assessments of their performance aside from producing annual reports. While clear performance measurement schemes should lay out what these institutions are expected to

achieve, they rarely exist in a way that can be measured, and the mandates of NHRIs are often vague (Danet, 1978, cited in Hyson, 2006). ICHRP (2004) recommends:

The task for an institution, in consultation with both government and civil society, is to develop a programme that sets out what it can expect to do. That programme becomes the standard against which effectiveness is measured. The problem with some of the institutions studied is that they would have difficulty even reaching the first objective of this process, which is to develop a plan that all stakeholders more or less agree on. (p. 107)

Given the lack of research on the effectiveness of the Ombudsmen and other types of NHRIs, both ICHRP (2005) and Fowle (2008) produced self-assessment guides to assist these institutions in measuring outcomes.

Scholars warn that in some political settings, NHRIs may not deliver on their intended benefits (e.g., Cardenas, 2003a; Kumar, 2003; Reif, 2000). Instead, creating these institutions can raise social expectations that governments are unable or unwilling to meet. In some cases, NHRIs may actually result in reducing human rights (Cardenas, 2003a). Kumar (2003) cautions that trying to ‘institutionalize human rights’ might result in NHRIs that are “...political tools in the hands of oppressive and authoritarian regimes to legitimize the human rights violations that have and are being committed.” (p. 265).

On their own, NHRIs cannot guarantee human rights. Their work often overlaps with other governmental agencies, nongovernmental organizations and other civil agencies (ICHRP, 2004). The effectiveness of NHRIs is dependent on a strong overall system that supports human rights, including judicial, fiscal, political and social institutions (ICHRP, 2004; Reif, 2000; UNICEF IRC, 2005).

Research and Evaluation of HRICs

Only a handful of research and evaluation studies have examined the implementation and impacts of HRICs. An early study by Melton (1991) compared the leadership styles and use of instruments by the first two individuals to hold office in the Norwegian Children's Ombudsmen (*Barneombudet*) in relation to their effectiveness. He determined that while the first Barneombudet (Flekkøy) was inclined to use research and rational argument to try and convince authorities to make systemic changes, the second one (Torgersen) leaned more heavily on gaining popular support and media attention to bring pressure on the government to make changes. Melton hypothesized that the leaders' reliance on different approaches may be more effective under different political circumstances and may be reflective of the Ombudsmen's perceptions of what strategies would work best in relation to the motives of Norwegian public officials. While it was not clear that the Barneombudets had directly influenced major policy reforms, Melton concluded that their activities had been generally persuasive. Melton (1991) determined that although the Barneombudets had limited resources and a weak mandate, the first two leaders raised the institution's profile and it gained widespread recognition and public support.

Melton notes that "By its nature, the ombudsman model presumes a "great person" theory of social change – that one person sufficiently talented and motivated really can make a difference" (p. 207). Others also support the notion that leadership qualities are essential to the Children's Ombudsmen's ability to influence systemic reform (Barrington, 2004; Flekkøy, 1991; Howe, 2009; NOU, 1995, cited in Miljeteig, 2005).

Evaluations of the Children's Ombudsmen (*Barneombudet*) in Norway and Sweden (established in 1993) were undertaken in the mid-90s. These studies found that the Ombudsmen

were effective at influencing systemic changes favourable to children. For instance, the Norwegian Children's Ombudsman was credited with raising the profile of children and their place in society, and helped put children on the political agenda (NOU, 1995). The Norwegian Children's Ombudsman's efforts to disseminate information about children's rights had "...helped to make the rules of law more effective...[and were]... instrumental in improving the position of the child in law." (p. 26). The Swedish Children's Ombudsman's recommendations for putting the CRC into practice were reflected in the parliamentary strategy (Government of Sweden, 1999). The Norwegian study recommended that the Children's Ombudsman's role should focus on the coordination and initiation of "professional and political processes" to bring cohesion to policies for children and youth (Ministry of Children and Family Affairs, 1996). In contrast, the Swedish Children's Ombudsman evaluation proposed that this office should focus on representing the views of individual children and youth (Government of Sweden, 1999).

A report by Save the Children, Sweden (2008) reveals that the Children's Ombudsman in Norway and the Children's Ombudsman in Sweden both operate under the authority of ministries. The Norwegian Children's Ombudsman reports to the Minister of Children and Equality however, "...neither the Norwegian Parliament nor the Government have the power to instruct the Ombudsman." (Norwegian Barneombudet's website). The Norwegian Parliament proposed moving the administration of this office under its authority (Save the Children, Sweden, 2008). The Swedish Ombudsman for Children also operates under the authority of a ministry, however, no problems have been identified regarding this arrangement. The Swedish Parliament has ongoing discussions about the roles and reporting relationship of its Ombudsman for Children. In 2002, the Swedish *Ombudsman for Children's Act* was amended to fortify its mandate and powers and ensure greater independence (Barnombudsmannen "Background").

Miljeteig (2005) reports that “...there has been literally no evaluation of other Ombudsman for Children institutions apart from Norway and Sweden.” (p. 26). UNICEF (2004) backs up this claim and draws attention to the need for such evaluation:

...only two institutions have been independently evaluated to date – in Norway and Sweden. Moreover, there has not been any systematic analysis of the legislation establishing institutions, to determine to what extent it is compliant with the Paris Principles. The UN Secretary General’s End-Decade Review, *We the Children*, called for such evaluations... (p. 13).

While progress has been slow, in recent years, evaluations have been conducted on a handful of other children’s rights institutions. For example, Thomas, et al. (2010) undertook a participatory evaluation of the Children’s Commissioner for Wales between 2005-2008 (established in 2001). This study examined the Commissioner’s engagement with children and youth, young people’s awareness of the Commissioner, the effectiveness of the Commissioner in individual advocacy cases, the impacts of this office on policies and services, and overall, whether the Commissioner had fulfilled its intended objectives. This study found that the impacts of the Children’s Commissioner’s work on policy and services were mixed, and only limited evidence was available to make this assessment. Thomas, et al. (2010) note that attributing systemic changes to the work of the Children’s Commissioner is challenging:

...it is notoriously difficult to attribute specific policy changes to the intervention of the Commissioner, when most changes are the result of a combination of different factors and when other important players may also be pressing for similar changes. (p. 45)

A similar observation about attributing systemic changes to implementation of the CRC is made by the UNICEF Innocenti Research Centre (2004):

In a complex, post-modernist world, a range of factors work independently and synergistically towards results. This study posits that while it is difficult to argue a direct and distinct cause-effect relationship with the implementation of the CRC, it is certainly reasonable to attribute partial causality. Moreover, it is possible to observe and comment on trends which are likely to be attributable to the CRC. (p. viii)

Studies of the Canadian Child and Youth Advocates

Some studies have drawn comparisons between the structural and functional features of the emerging CYAs (e.g., Canadian Children's Rights Council, 1997; World Vision Canada, 2006; UNICEF IRC & UNICEF Canada, August 2009; Whitehead, Bala, Leschied & Chiodo, 2004; Maclean & Howe, 2009; the Government of Canada's reports to the UN Committee on the Rights of the Child, 1994, 2001, 2009). A study by Peña (2012) examined the evolution of the Ontario Provincial Advocate for Children and Youth and a study by Howe (2009) endeavoured to compare features of the CYAs in relation to their systemic impacts.

Howe (2009) compared the designs, mandates, and other features of nine provincial CYAs in relation to their impacts on policies and legislative changes, public awareness and the participation of children. This study was based on reviews of available documents (e.g., annual reports, other public reports and legislation) and interviews with a representative from each of nine provincial CYAs and five experts from child rights and child welfare organizations. Howe found that the CYAs that were most effective at influencing systemic changes to protect children's rights were the ones that operated independently of government, had broad mandates

and strong statutory powers, focused exclusively on children's issues and were accessible to children. Even in the absence of some desirable structural and functional features, "...skilful leadership in the context of a receptive political culture...can play a significant role in advancing the rights of children" (p. 17).

At the time of Howe's study several CYAs had only recently been appointed as independent officers and their impacts on systemic issues had not been fully realized. For example, the Ontario PACY was established as an independent legislative officer in 2007, and the BC RCY was newly created in 2006. The Yukon CYA was inaugurated in 2010, as the first of its kind in the Canadian territories. In addition, some of the more long-standing CYAs have been subject to ongoing reviews and modifications. For example, reviews of the provincial child welfare systems in Saskatchewan (Pringle, et al., 2010) and Alberta (Alberta Child Intervention Review Panel, June 30, 2010) resulted in legislative changes that significantly impacted the roles and status of these CYAs.

UNICEF Global Study of HIRCs

In an effort to fill the gap in research on children's rights institutions, the UNICEF Office of Research initiated a global study on HRICs that began in 2007 (UNICEF Office of Research 2012; 2013a). This study examined the roles and impacts of HRICs in a wide range of international jurisdictions to identify the features and conditions of effectively functioning children's rights institutions. This study included: a literature review; a web-based survey of individual institutions; case studies of individual countries; interviews; document reviews; seminars; as well as expert input and involvement of UNICEF field partners. The analysis focused on appointment procedures and structural and functional features in relation to the

HRICs' effectiveness. Effectiveness was operationalized as the HRICs' independence, financial autonomy and accountability.

The UNICEF study revealed that "...isolating specific factors contributing to institutional effectiveness remains challenging." (UNICEF, 2013, p.9). The study identified several features that underlie effective HRICs, including: their mandates are grounded in the UN CRC; they have operational and financial independence; they have the capacity to identify child rights abuses and make recommendations; staff have appropriate competencies and character; and governments take the institutions' advice seriously. Given the vast diversity of circumstances of the countries involved in the UNICEF study, it was concluded that:

...the structure of an institution can influence certain capacities, such as its accessibility to children. However, there is no 'one-size-fits-all' model which guarantees institutional effectiveness. (UNICEF, 2013, p. 75)

The existing Canadian CYAs participated in the UNICEF global study. UNICEF (2013) determined that while most of the CYAs are mandated to advocate for children involved with child welfare, they are also able to advocate for broader policy changes to protect children's rights. UNICEF acknowledged the potential of the CYAs to improve conditions for children and youth in general and emphasized the ongoing obstacles they face. For example, governments are often unresponsiveness to the CYAs' advice regarding policy changes and the CYAs must continually reaffirm their roles as guardians of children's rights. The absence of a national children's advocate is viewed as a disadvantage for Canada:

The CRC Committee has recommended that the State Party in Canada establish a federal ombudsman's office responsible for children's rights. (UNICEF, 2013, p. 316).

Discussion

The provincial / territorial CYAs emerged within the context of the UN CRC, and are held up as structures for implementing this treaty, in keeping with Canada's commitment to the international community (Government of Canada, 2001, 2009). The CYAs are recognized by UNICEF (2013) as sub-national HRICs. Like all types of human rights institutions, the work of the CYAs is rooted in international human rights treaties and the UN's vision regarding structural and functional features of effective institutions.

NHRIs operate at arm's length from governments to monitor and influence human rights environments. With no direct authority, NHRIs' influence depends on a receptive overall political climate (ICHRP, 2004; Reif, 2000; UNICEF, 2005) and the cooperation of a range of actors and institutions to bring about meaningful change (ICHRP, 2004). These interdependencies make it difficult to disentangle the work of NHRIs and attribute systemic changes to their efforts. Systemic advocacy work often focuses on laying a foundation for change by increasing understanding and promoting public and political will for change. As independent statutory officers, the CYAs may use their power and authority to elicit cooperation and exert influence on decision-makers to improve public policies, programs, practices and laws to protect and support the rights and interests of children and youth.

Research on NHRIs is generally scarce, focusing mainly on how their features align with international, normative principles (Carver and Korotaev, 2007). UNICEF (2013) sought to address this gap in the literature regarding HRICs with its Global Study. The existing provincial / territorial CYAs participated in this study. Only a handful of studies have focused on the CYAs and they continue to emerge and change. This study provides a comprehensive, comparative understanding of eleven existing CYAs.

Chapter 3. Methodology

Research Design

Eleven independent provincial / territorial CYAs were the primary units of analysis in this study. A comparative case study design was used to systematically compare and explain the CYAs' intended purposes, legislated designs, mandates and functions and expectations regarding their systemic impacts. The CYAs' interpretations and implementation of their systemic advocacy roles, including strategies used to influence change were also examined. The CYAs' accountability arrangements with their legislative assemblies and relationships with government were also compared.

Sampling and Data Sources

Data were gathered from multiple sources, including:

1. A wide-range of public documents and websites, such as: commissioned reviews and background reports leading to the creation / evolution of the CYAs; the CYAs' enabling legislation, business / service plans, annual reports, other reports and websites.
2. Interviews with key contacts from each CYA as well as members of their legislative oversight committees, and external experts who were very familiar with the work of individual CYAs.

Ethics

Ethical approval for this study was sought from the University of Victoria Human Research Ethics Board. The main ethical challenge was protecting interviewees' confidentiality. The study is considered to be low risk because the information gathered was neutral and pertained to the CYAs' professional roles as independent statutory officers. Interviewees were

informed that their identities could not be entirely protected because they hold unique positions within their institutions and provinces / territories. Explicit permission was sought to attribute quotations and comments to particular interviewees.

Methods

Research methods included reviewing a wide range of publicly available documents pertaining to each CYA and interviewing CYA key contacts, members of their legislative oversight committees and external experts. Individual case studies of the CYAs were developed using background documents to consider their origins and evolutions, details of their legislation, and how they implement their various systemic advocacy functions.

Instrumentation

Recruitment letters were drafted for the CYA key contacts, oversight committee members and external experts (Appendix D). A common set of interview questions were developed (Appendix E). Interview questions were piloted with volunteers (friends, colleagues, family) prior to administration. With the participants' permission, the interviews were audio recorded.

Data Collection

Specific database software was not used for this study. Instead, multiple files were created to store, categorize, code, sort and retrieve data for analysis. This may not have been the most efficient way to organize the large amount of qualitative data gathered for this study. However, it enabled me to continuously go between documents and check sources for accuracy while developing individual case studies and when analyzing the data.

A wide range of documents relating to the backgrounds, evolution and performance of each CYA were gathered and stored in electronic and paper files. All documents were carefully

reviewed and notations were made regarding details pertaining to each CYA. Data were extracted from documents and compiled into individual case study documents. Secondary analysis of background documents and research reports regarding the CYAs was also conducted while developing the literature review and research proposal.

With approval of the University of Victoria's Human Research Ethics Board, recruitment letters were mailed by post to all potential study participants. Follow-up emails were sent after two weeks with an offer to discuss the study and confirm interest in taking part in interviews. All research participants were sent an outline of the interview questions and a consent form, with a request that the consent form be reviewed, signed and returned prior to the interview. At each point of contact, participants were reminded that their participation was voluntary.

Key contacts from all 11 CYAs were invited to participate in this study however, two did not take part. At least two members from legislative oversight committees in each jurisdiction were recruited for interviews. A number of MLAs declined and many did not respond to my invitation. This was not surprising, given that many CYAs have little oversight by their legislatures, and several regions had recently established new governments where members may not be well informed about the CYAs. Experts on the individual CYAs were difficult to identify. Five people whom I approached who had previously been familiar with the CYAs had moved onto other interests and did not feel up-to-date in their knowledge about the CYAs.

Interviews were conducted between May and August, 2016, with the following:

- eleven key contacts, representing nine CYAs;
- three Members of Legislative Assemblies (MLAs); and
- four external experts in regard to five CYAs.

Data Analysis

The following data analysis was undertaken:

- Within-case analysis was used to examine background issues, framing of problems, rationales for establishing or strengthening the independent CYAs, the content of their legislation regarding intended purposes and expected impacts.
- Time-focused analysis was used to track the evolution of each independent CYA (Yin, 1994) over time, capturing the chronology of precipitating events and influences, such as lessons drawn from other CYAs and international HRICs.
- Explanatory descriptions of the evolution of each independent CYA were developed using interpretive analysis of data drawn from documents, media reports, and interview data, including:
 - framing of problems and rationales for establishing the independent CYAs;
 - the CYAs' primary intended purposes and expected systemic impacts;
 - the CYAs' interpretation and implementation of their systemic advocacy roles, including reviews / investigations, providing information and advice to public bodies, use of the media, building alliances and other strategies to influence systemic change, monitoring government implementation of their recommendations;
 - accountability arrangements between the CYAs and their respective House / Legislative Assemblies were examined, including annual reports and performance measures.

- Data gathered from document reviews and interviews was triangulated (Yin, 2009) to ensure validity and reliability of evidence in studying the CYAs.
- Pattern matching was used to examine key structural and functional features defined in each CYA's enabling legislation and were compared with the CYAs' interpretations and implementation of their systemic advocacy roles. The CYAs' systemic advocacy functions were compared to one another.
- Cross-case synthesis (Yin, 2009) of the 11 CYAs compared their intended purposes, designs, mandates, functions, implementation, independence, accountability, performance measures and expectations regarding their systemic advocacy functions.

Discussion

An extensive literature review revealed the historical and international contexts for the emergence of human rights institutions, and those for children in particular. Reviews of research and evaluation studies on different types of NHRIs indicated that there are limitations in attempting to link systemic outcomes to the work of advocacy organisations.

A large number of documents on each CYA were gathered and carefully reviewed to create individual case studies that were used as the basis for comparative analyses and for developing interview questions. The case studies document the CYAs' evolution over time and events that influenced their development. Sections of the CYAs' legislation were extracted for comparative analysis. Data regarding the CYAs implementation of their systemic functions were drawn from the CYA's reports, websites and through interviews.

Most documents pertaining to the QC Commission des droits de la personne et des droits de la jeunesse (CDPDJ) were available only in French. Google Translate was used as needed to

gain a basic understanding of the content of these reports. The invitation to participate, consent form and interview questions for the QC CDPDJ were professionally translated, and the option was given to complete a written questionnaire in French.

This research was well received by prospective participants who also made favourable comments regarding the value of the overall project and the appropriateness of interview questions. Those CYAs that were not directly represented among the interviewees were included in this study through reviews of relevant documents and interviews with knowledgeable experts.

Chapter 4. Origins and Evolution of the Child and Youth Advocates

Public advocacy for children and youth has a moderately long history in the Canadian provinces and territories (UNICEF, 2005). Changing notions of children and international agreements regarding their rights have influenced the evolution of child welfare systems over the years (Cunningham, 2005; Mead & Wolfenstein, 1954; Hébert & Hartley, 2006; Covell & Howe, 2001). Traditionally, children were viewed as the property of their parents, then as vulnerable citizens in need of state care and support. Following the Second World War, as international human rights treaties emerged, children began to be viewed as bearers of intrinsic rights.

In 1979, Canada participated in celebrating the International Year of the Child on the 20th anniversary of United Nations Declaration of the Rights of the Child (1959), a precursor to the UN Convention on the Rights of the Child (1989). It was around this time that informal provincial Child and Youth Advocates (CYAs) began to emerge, even before Canada ratified the UN CRC in 1991. The early adopted CYAs operated within ministries and ombudsman offices. After Canada ratified the CRC, the CYAs continued to emerge and evolve in almost every province and territory.

Prince Edward Island (PEI) and the Northwest Territories (NWT) have so far not established CYAs. Both jurisdictions have created public legal offices to provide services for young people. In the NWT, the Children's Lawyer was created in the Department of Justice in 2011 (Government of the Northwest Territories, 2011), and PEI adopted a children's lawyer program in 2016 (Campbell, 2016). The need for independent CYAs in these regions has been identified. PEI is considering establishing a CYA, following recommendations of the jury in the inquest into the Patricia Hennessey, Nash Campbell murder-suicide (CBC News, June 16, 2015). In the NWT:

Feedback from community consultations identified the need for a child's advocate in addition to a family advocate. (MacLaurin, 2010)

Early adopters

Ontario (ON) was a leader nationally and internationally when it established an informal Child Advocate (no legislation) in 1978, within the Ministry of Community, Family and Children's Services. Mr. Les Horne filled this position as ON's first Child Advocate:

The Advocacy Office in Ontario developed out of a movement to combat hopelessness. We called hopeless children "Hard to Serve." We found them in jails, in hospitals, in treatment centres, and schools. The one thing they had in common was that nobody would or could help them... In those days advocacy meant sitting in a gloomy meeting with a group that had exhausted all its familiar resources and lighting a spark of hope by changing definitions, by introducing new resources, and by getting people to think outside the box... There was a strong conviction that Ontario owed every child and young person the right to develop to his or her full potential and that no one was a throw-away. (Les Horne, in Geigen-Miller, 2003, p. i)

There was leadership in ON for children's rights and a move away from institutionalizing young people that led to the *Child and Family Services Act* in 1982. The ON Office of the Child and Family Service Advocacy was given a mandate under this revised statute in 1984, and operated within the Ministry of Community and Social Services. The Advocate's roles were to provide individual advocacy for children and families receiving or seeking services from the ministry and advise the minister, as well as to provide advocacy for young offenders and children attending residential and demonstration schools (Snow & Finlay, 1998).

The province of AB established a Children’s Guardian in 1986, under the *Child Welfare Act*, within the Ministry of Family and Social Services to support children with guardianship orders (Provincial Archives of Alberta, 2006; Knitel, 2003). This occurred in response to a review of child welfare and community health services (Thomlinson, 1984), regarding the suicide death of a young man named Richard Cardinal (Knitel, 2003). In 1989, the Office of the Children’s Advocate was created through an amendment to the *Child Welfare Act* (1984), reporting to the minister to provide individual advocacy for children receiving services under the *Act* and to provide information and advice to the minister regarding the quality and suitability of services (Alberta Children’s Advocate n.d.).

British Columbia (BC) was also an early adopter, creating an informal Deputy Ombudsman for Children and Youth within the BC Office of the Ombudsman in 1987, to monitor services for children and youth in the care or custody of the state (Reif, 2004).

Table 1: Origins of the Provincial and Territorial Child and Youth Advocates

Province Territory	Date first established	Date became formal institution	Date became independent
ON	1978	1984	2007
AB	1986	1989	2012
BC	1987	1996 2006	1996 2006
MB	1992	1999	1999
SK	1994	1994	1994
QC	1995	1995	1995
NS	1999	1999	1999
NL	2002	2002	2002
NB	2004	2006	2006
YT	2010	2010	2010
NU	2013	2013	2013

Evolution of the Child and Youth Advocates

Ontario Office of the Provincial Advocate for Children and Youth.⁸ The ON Office of Child and Family Service Advocacy received a formal mandate in 1984, and continued to operate internal to government for many years. In the late 1990s and early 2000s, several reports, including those of the Coroner, raised concerns about children and youth receiving services under the ON *Child and Family Services Act (1990)*, particularly those in residential care (Whitehead, Bala, Leschied, & Chiodo, 2004). In its 2003 election campaign, the ON Liberal Party proposed creating an independent CYA. Shortly after the Liberals were elected, the Ministry of Child and Youth Services commissioned an independent review of the Office of Child and Family Service Advocacy. Results of this review included recommendations to create an independent CYA with a focus on individual advocacy (Whitehead, et al., 2004). This report was criticized for several reasons, including that it was not really independent of ministry control (Geigen-Miller, 2006).

In 2005, the ON government announced its intention to create an independent CYA. However, the *Provincial Advocate for Children and Youth Act* was not passed until October 2007, to establish the office. The Advocate position was filled by an interim leader until July 2008, when the current Advocate was appointed.

Alberta Office of the Child and Youth Advocate. Following its early beginnings, the AB Advocate began reporting to the Minister of Children's Services in 1999, and its name was changed to the Child and Youth Advocate in 2004 (Alberta, Provincial Archives of Alberta, 2006). The CYA began providing legal representation for children and youth receiving ministry services in 2006. In November 2008, the Minister of Children and Youth Services appointed the

⁸ See Peña (2012) for in-depth analysis of the OPACY's evolution to independence.

Child and Youth Advocacy Review Committee (March, 2009, p.7): "...to review the accountability and transparency of the Alberta Child and Youth Advocate." In July 2009, the minister commissioned an independent Child Intervention Review Panel to examine and identify ways to improve the delivery of child intervention services.

The AB Child Intervention Review Panel (2010) made 14 recommendations, including to clarify the roles of the Child and Youth Advocate and for it to focus on individual advocacy, given its internal position within the ministry. The Government of Alberta (October, 2010) accepted ten of the Panel's recommendations however, it did not agree with the recommendation to limit the Child and Youth Advocate's role to individual advocacy. Instead, the government sided with the recommendation made by the Review of Child and Youth Advocacy (2009) to strengthen the CYA's systemic advocacy role.

Children and Youth Services values the current role of the Child and Youth Advocate. Feedback from children and youth, obtained through their contact and relationship with the Advocate, can point to systemic issues. This feedback is used along with other quality assurance processes to identify trends, inform practice, and suggest improvements to services for children and youth. (Government of Alberta, October 2010, p. 14)

It was not until November 2011, in keeping with a commitment made by the recently appointed Premier Allison Redford, that new legislation was adopted to establish an independent CYA. In 2012, the AB Office of the Child and Youth Advocate (OCYA) was established as a stand-alone, independent legislative office under the *Child and Youth Advocate Act* (2011) (Government of Alberta, Nov 21, 2011). Mr. Del Graff, the incumbent, was appointed as the independent CYA and undertook the transition. Also, in April 2012, the Progressive

Conservative Party won re-election leading to the restructuring of various government ministries and services (AB Ministry of Human Services, 2012). In May 2014, the OCYA assumed responsibility for reviewing deaths of children who had received child intervention services within the past two years (AB OCYA, 2015).

The *Child and Youth Advocate Act* (2011) also established the AB Child and Family Services Council for Quality Assurance within the Ministry of Human Services “...to provide external oversight of the child intervention system and publicly report on findings related to systemic matters.” (Government of Alberta, News Release, October 15, 2010). Also in 2011, AB Children and Youth Services appointed the External Expert Panel Regarding the Death of a Young Child. The Panel (2011) made 11 recommendations, including that the ministry develop a two-year action plan and accountability framework for implementing the Panel’s advice.

British Columbia Representative for Children and Youth. While an early adopter of an informal Children’s Ombudsman in 1987, BC has had a history of discontinuities in establishing public advocates for children, youth and families. Between May 1994 and November 1995, Judge Thomas Gove led an inquiry into the tragic and much publicised death of a young boy named Matthew Vaudreuil who died at the hands of his mother in 1992. The Gove Report (1995) included 118 recommendations for changes to the child welfare system. In response, the New Democratic Party established an independent Child, Youth and Family Advocate by statute (1996) to: provide individual advocacy, outreach and education to children, youth and families regarding designated services; give advice to government and communities about the quality of designated services; and perform other related advocacy duties. In 1997, BC passed legislation to create the Children’s Commission, reporting to the Attorney General to: review and investigate the deaths and critical injuries of all children in the province; set standards for ministries

regarding internal review processes for responding to complaints about designated services (and monitor compliance); provide public education and make recommendations to government regarding the provision of designated services.

Following their election in 2001, the BC Liberals undertook a Core Services Review (December, 2001) that resulted in significant downsizing of government. They also commissioned a relatively less extensive and lower profile review of the child welfare system than the Gove Commission. This study by Morley (2001) identified overlaps and inefficiencies in the oversight and advocacy roles of five agencies and recommended that the number of agencies be reduced. New legislation was passed to establish the Office for Children and Youth in 2002, to replace and combine the roles of the Children's Commission and the Child, Youth and Family Advocate. Responsibility for reviewing child deaths was transferred to the BC Coroners Service.

In November 2005, in response to public outcry over two more heart-rending deaths of young children involved with the child welfare system, the discovery that over 700 child death files had been stored in a warehouse without investigation by the Coroner's Office, and pressure from previous child and youth advocates (i.e., *Dulcie McCallum (former Ombudsman)*, *Joyce Preston (former Advocate for Children, Youth and Families)*, and *Cindy Morton (former Children's Commissioner)*) (Hughes, 2006), resulted in the BC Liberal government's appointment of The Honourable Ted Hughes to conduct another independent review of BC's child welfare system. The "Hughes Report" (Hughes, 2006) contained 62 recommendations, including "[t]hat a Representative for Children and Youth be appointed as an Officer of the Legislature, for a five year term, renewable to a maximum of 10 years." (p. 30). In May 2006, the *Representative for*

Children and Youth Act was passed, providing legislative authority to appoint the new legislative officer.

Manitoba Office of the Children's Advocate. The province of Manitoba (MB) established the Office of the Children's Advocate (OCA) in 1992, with a mandate under *The Child and Family Services Act* (1985), and reporting to the Minister of Family Services (The MB OCA, c.2001). In keeping with requirements of the legislation, an all-party Standing Committee on Privileges and Elections began a review of the OCA 1996 (Chaychuk, 1998), including public consultations in 1997. In response to recommendations of this review, *The Child and Family Services Amendment and Consequential Amendments Act* (1998) established the OCA as a legislative officer in 1999.

In September 2006, three reports were released in relation to five-year-old Phoenix Sinclair who was murdered by her parents in June, 2005 (External Child Welfare Review Committee, 2006; Koster & Schibler, 2006; The MB OCA, 2006). These reports identified an array of problems in the child welfare system that failed to protect this young girl. In response, the MB Government made a commitment to implement more than 200 recommendations in a strategy called *Changes for Children* (The MB OCA, c.2007; Manitoba Family Services, n.d.). The strategy included funding for additional front-line child welfare staff and training, early intervention and prevention services, and enhanced computer systems for information tracking and sharing. In November 2007, the *Children's Advocate Enhanced Mandate Act* transferred responsibility for child death review special investigations to the OCA from the Office of the Chief Medical Examiner. However, the MB OCA may not publicly release child death reports and the Ombudsman is responsible for reporting on the government's implementation of the Advocate's recommendations in these reviews.

In March 2011, the Hon. Ted Hughes was appointed to undertake a Commission of Inquiry into the death of Phoenix Sinclair. The inquiry specifically examined the services provided to Phoenix and her family, the circumstances surrounding her death, and why her death had gone unnoticed for many months (MB OIC, 2011). Mr. Hughes (2013) made 62 recommendations, including 13 regarding the creation of a MB Representative for Children and Youth (MB RCY) with its own legislation. The functions of this office would be modelled after the BC RCY (based on Mr. Hughes' recommendations to BC in 2006) including to: raise awareness, review child deaths and critical injuries, undertake special investigations and ensure that all of the MB RCY's reports would be made public. Mr. Hughes also proposed the creation of a legislative Standing Committee on Children and Youth to oversee the new MB RCY, similar to BC.

In 2015–16, two different Bills pertaining to *The Children's Advocate* legislation were put forward to the MB Legislature under the NDP government. However, these Bills did not pass prior to the provincial election in April 2016, when the Progressive Conservatives formed a new government. The MB OCA continues to operate under *The Child and Family Services Act*.

In June 2015, the Assembly of Manitoba Chiefs hired an advocate for the large number of Indigenous children and families involved with MB Child and Family Services (CFS):

The assembly created the position of family advocate to respond to mounting concerns about children in the care of CFS in Manitoba. More than 10,000 children are in care and roughly 90 per cent of them are aboriginal. (NationTalk, June 16, 2015)

Saskatchewan Children's Advocate Office. SK was the first province to establish an independent CYA as a legislative officer in 1994, through a significant revision of *The Ombudsman Act*, renaming it the *Ombudsman and Children's Advocate Act* (Geigen-Miller,

2003). The Children's Advocate was created as one component of an Action Plan for Children (SK Legislative Assembly, February, 1994), with a mandate to: educate the public about the "interests and well-being of children;" review and investigate any matter regarding a child or group of children receiving any government service; try to resolve issues; and advise any minister regarding services for young people.

Several events contributed to the development of SK's Action Plan for Children (1994). The SK Ombudsman's report (1992) on the deaths of several children stemming from neglect or abuse prompted the government to focus greater attention and resources on child protection (Combes & Evans, 1998). A Task Force on Child and Youth Advocacy was established in 1992, to consider approaches to child and youth advocacy in SK (Volpe, Cox, Goddard & Tilleczek, 1997; Bernstein and Schury, 2009). In 1993, the SK Department of Education, Training and Employment issued a discussion paper entitled: *Children First: An Invitation to Work Together: Creating Saskatchewan's Action Plan for Children*. The discussion paper emphasized the need to address fragmentation and gaps in existing services by encouraging various departments to work collaboratively and share resources to serve the best interests of children (Bernstein and Schury, 2009). The resulting SK Action Plan for Children (1994) was a collaborative initiative covering numerous programs and services for children and families, and involving seven government departments and hundreds of community agencies.

The Plan was based on the belief that "Children have rights and entitlements as defined by the United Nations Convention on the Rights of the Child" and on such positive principles as "Wherever decisions are made that may affect the child, the safety and best interests of the child must be the primary consideration"

(Saskatchewan, Legislative Assembly of, 1994, p. 1).

Mr. Bob Pringle was the Minister of Social Services (1993-96) with responsibility for coordinating the Action Plan for Children (SK ACY website). In the fall of 1996, the Children's Advocate took on the role of reviewing the deaths of children who had been receiving services from the Department of Social Services (SK ACY, 2000). In 1998, the SK ACY conducted a child death review regarding 20-month-old Karen Rose Quill, who died in 1997 in a foster home that had been identified as overcrowded. In light of these findings, the Minister of Social Services asked the Advocate to review the foster care system. The CYA's report on foster care (2000) and the Karen Quill death review (1998) identified concerning trends in SK's child welfare and foster care systems (Pringle, et al., 2010). In 2001, the Department of Social Services launched a Child Welfare Redesign initiative.

Another high profile case of an abused 20-month-old child known as "Baby Andy" resulted in several reviews and reports that emphasized the lack of communication between on-reserve agencies and the ministry, and identified other key issues, such as staff training and failures to follow policies and procedures (Pringle, et al., 2010).

In 2005, Indigenous and non-Indigenous leaders collaborated to develop principles to guide the re-visioning of child welfare services for Aboriginal children in Canada and the U.S. In 2006, the First Nations Child and Family Caring Society published *Reconciliation in Child Welfare: Touchstones of Hope for Indigenous Children, Youth, and Families*. The SK ACY adapted the *Touchstones of Hope* principles and developed *Children and Youth First Principles* (2007) based on UNCRC, to guide the ACY's work.

In February 2009, the SK ACY released a report on foster home overcrowding. In January 2010, the province of SK commissioned a comprehensive review by The Child Welfare Review Panel, chaired by Mr. Bob Pringle. The Panel (Pringle, et al., November, 2010) made 12

recommendations, including for fundamental change in how child welfare services are delivered. Following the release of this report, a SK Cabinet Committee for Children and Youth was established and announced the SK Children and Youth Agenda in the 2011-12 budget:

...which invests more than \$34 million in a new, cross-government approach to the complex issues facing Saskatchewan children, youth and families. (p. 1)

In November 2010, Mr. Pringle was appointed as the SK Children's Advocate. In September 2012, *The Advocate for Children and Youth Act* was passed.

Québec Commission des droits de la personne et des droits de la jeunesse. The Québec (QC) Commission des droits de la personne et des droits de la jeunesse (CDPDJ) was established in 1995, through a merger of the Commission des droits de la personne (established under the Charter of Human Rights and Freedoms in 1976) and the Commission de protection des droits de la jeunesse (Geigen-Miller, 2003; CDPDJ website "Origin and mission"). The CDPDJ protects the safety and development of young people as guaranteed under the *Charter of Rights and Freedoms* (1976), the *Convention on the Rights of the Child* (ratified by QC in December 1991), the *Youth Protection Act* (1984) and the *Youth Criminal Justice Act* (2002) (CDPDJ website "Youth rights: Your rights").

Nova Scotia Office of the Ombudsman, Youth Services. The NS Office of the Ombudsman extended its mandate to include Youth Services (OYS) in 1999, in acknowledgement of the rights of youth and the need for government to be accountable regarding services for young people (OYS website). Youth Services emerged in response to two investigations into allegations of abuse in provincial youth facilities that occurred in the mid-1990s (Samuels-Stewart, 1995; and Stratton, 1995, cited in NS Office of the Ombudsman, 2015).

Ombudsman representatives provide outreach and advocacy for children and youth, parents, guardians and staff in provincial and municipal youth correctional and secure-care facilities, as well as residential child care facilities. The representatives regularly visit these facilities where they meet with youth, inform them of their rights, listen to any concerns of youth and staff, and monitor conditions in the facilities. Youth in RCMP and municipal holding facilities are also informed about the Ombudsman's Youth Services (OYS website). Ombudsman representatives appraise, explore and provide accounts of any concerns but also seek to "...resolve issues quickly with the co-operation of staff at each home or facility." (NS Office of the Ombudsman, 2015, p. 1).

There is no separate enabling legislation for the NS OYS and no mention of children and youth or Youth Services in the NS *Ombudsman Act* (1989). Nonetheless, Youth & Seniors Services is one of four functional areas within the NS Office of the Ombudsman. There has been some discussion about creating a separate CYA in NS, in keeping with other Canadian provinces (CTV Atlantic, March 8, 2016; Bishop, June 25, 2013).

Newfoundland and Labrador Office of the Child and Youth Advocate. The NL Office of the Advocate for Children and Youth (ACY) was established as an independent legislative officer in 2002, under the *Child and Youth Advocate Act*. Following several commissioned inquiries in the early 1990s, that called for changes to provincial policies affecting child and youth, the House of Assembly appointed two consecutive legislative Select Committees on Children's Interests (interrupted by a provincial election) that worked over 15 months (1995-96). The second Committee's mandate was to scrutinize and report on existing legislation and policies regarding children's services, recommend policy and legislative changes to improve

circumstances for children and promote their well-being, and other related tasks (Newfoundland and Labrador, House of Assembly, 1996).

The Select Committee undertook widespread community consultations on issues pertaining to specific target groups (e.g., foster children, front-line service providers and managers), accepted written submissions and conducted research on how other jurisdictions approached integration of services for children. The Select Committee (2006) adopted a framework that viewed children and youth within the contexts of their families and communities. The Select Committee also examined why recommendations of previous inquiries (Royal Commissions, parliamentary committees and nongovernmental agencies) had not been wholly executed.

The Select Committee on Children's Interests report (1996) contained 59 recommendations, including three broad changes to ensure "fundamental change." The Committee challenged the "conventional wisdom" that underpinned the welfare-state in NL, including structures within government and societal attitudes.

Professionals must come to be viewed primarily as the facilitators of the solutions to the problems and challenges as the child, their families and communities see them placed against a norm for good conduct and proper care of a child. (p. 3)

The Committee recommended creating a temporary Child, Youth and Family Secretariat within government to "better coordinate and integrate" services (p, 32), given that the provincial government was too small to merit a separate, "junior" ministry. The Committee also recommended establishing an independent Children and Youth Advocate (CYA) office to oversee and facilitate implementation of the Committee's strategic plan and recommendations. The CYA would have a government-wide and systemic mandate:

...to review and comment upon the operations, programs and mandate of all provincial government departments and agencies...[and] comment upon the approach of municipal governments toward children and youth. (pp. 55-56)

The Select Committee on Children's Interests (1996) also recommended the adoption of a new service model based on the concepts of "devolution legislation" and "prevention-oriented social policy."

Devolution legislation concerns involving children, families, communities and community organizations in seeking to address social challenges... Prevention-oriented social policy refers to focusing our efforts on addressing potential problems before they overwhelm government and society. Early identification and treatment of learning differences and early childhood development are just two examples of a prevention-oriented social policy. (p. xiii)

Further public consultation on the new service model confirmed strong support for creating a CYA (NL ACY, 2005). In 2002, the NL ACY was established as an independent legislative officer to serve all children and youth in the province.

New Brunswick Child and Youth Advocate. The NB Office of the Child and Youth Advocate (OCYA) was established as an independent legislative officer in 2006. The *Child and Youth Advocate Act* was first enacted in 2004, however it was not until the Ombudsman (Mr. Bernard Richard) agreed to take on the role that the OCYA came into existence. The *Act* was amended in 2007, to permit this arrangement (section 5.2).

Significant events leading up to the creation of the NB CYA included reports of the Child Death Review Committee in relation to the tragic deaths of two young children as a result of

neglect at the hands of their parents (Koster & Hillier, 1996; Creaghan, 1998). In addition, “...neglect cases in New Brunswick have represented the majority of referrals as far back as 1985.” (NB Ombudsman and CYA, 2008, p. 30). The NB OCYA has a mandate to protect the rights and interests of all children and youth in the province. Following the Ombudsman’s retirement in 2011, the Child and Youth Advocate became a separate, stand-alone legislative officer (NB CYA Newsletter, April 2011).

Yukon Child and Youth Advocate. The Yukon (YT) *Child and Youth Advocate Act* established the CYA as an independent legislative officer in April 2010. This occurred following a review of the Yukon *Children’s Act* (2002) between 2003 and 2008 (Carvill, April 19, 2008), that included widespread public consultation. The new *Child and Family Services Act* (April, 2008) included a commitment by the YT government to create an independent CYA within one year (Part 12, S211). A discussion paper was released in November 2008 (Health and Social Services, Government of Yukon), inviting the public to provide feedback within one month on proposed legislation to create a made-in-Yukon model of an independent CYA. First Nations strongly objected to the tight timelines and limited consultation process (e.g., Keevil, December 23, 2008). However, the YT government issued a report summarizing comments received about the proposed independent CYA (Health and Social Services, February, 2009) and committed to tabling a Bill within one month. The YT *Child and Youth Advocate Act* passed in May 2009. The Yukon CYA serves all children and youth in the territory under the age of 19 who receive or are eligible to receive designated services of a department of the Yukon Government, including all departments, secretariats, executive agencies, boards, commissions, foundations, corporations of the Yukon Government as well as First Nation service authorities (which they do not currently have) (A. King, personal communication, February 13, 2017).

Nunavut Representative for Children and Youth. Almost immediately after the Territory of NU was established in 1999, suggestions were made that a child advocate would be an important asset to protect the rights and interests of its young population (NU RCY website “Our History”). In the interim, a Children’s First Secretariat was established (c. 2000) to coordinate services for children and youth (Government of Nunavut, Department of Education, 2000). This government working group later included non-government organisations and became known as *Nunavut’s Promise to Children and Youth* (NU RCY website “Our History”).

The Government of NU’s Action Plan 2009-2013 (*Tamapta*) made a commitment to create an independent Child and Youth Representative. The development of the NU RCY also coincided with a review of the NU child welfare system in 2008-2009 (Phaneuf, Dudding, & Arreak, July 2011) which also recommended the establishment of an independent CYA and the steps to be taken. A draft of the *NU Representative for Children and Youth Act* was completed in 2012, followed by public consultation.

We have heard from Nunavummiut through the Social Services Review process and in other forums that a Child and Youth Representative is needed... this office would help to ensure that the rights and interests of children and youth are heard and considered, so that the Government of Nunavut can work more effectively to safeguard their wellbeing. (Government of Nunavut, 2012, p. 1)

In September 2013, the RCY Act was passed to establish the RCY as an independent legislative officer. The RCY position was filled in June 2014, and staff devoted 15 months to developing the office before officially opening on September 30th 2015. The NU RCY provides advocacy services to all children, youth and families in the territory (NU RCY, 2015).

Institutional models

All of the provincial / territorial CYAs are independent legislative officers that operate arms-length from government and report directly to their respective legislatures. Most of the CYAs are stand-alone, hybrid equalities institutions (Rees, 2010) that perform a mix of traditional functions and focus on the needs and rights of children and youth. The exceptions are the Nova Scotia (NS) Office of the Ombudsman that provides Youth Services, and in Québec (QC), where the Commission des droits de la personne et des droits de la jeunesse promotes and protects the rights of children and youth. In these provinces, child and youth advocacy is provided by broader institutions that serve all populations.

Populations served

One important difference between the CYAs is the populations they serve. As shown in Table 2, most (7) of the CYAs may provide advocacy services for all children and youth in their jurisdictions who access any type of government service. The NS Ombudsman's broad mandate extends services to all children and youth in the province however, through its "Youth and Seniors Services" division, the Ombudsman primarily assists youth who are in the care or custody of the state, as well as staff who work in these facilities. The QC CDPDJ also has a broad mandate to serve all of citizens of Québec. Children and youth in QC have special protections under specific legislation. Under their enabling legislation, the CYAs in SK, NB, NL, YT and NU may also serve all children and youth in their jurisdictions.

Four of the CYAs' services are targeted to children, youth and their families who receive child welfare services. The BC RCY serves children, youth, young adults and their families who

receive “designated” or “reviewable” services.⁹ The BC RCY received a special mandate in 2013, to provide services to young adults under the *Community Living Authority Act* (October 2004). The AB CYA provides advocacy for children and youth who receive “designated” services¹⁰ and may appoint legal representation for young people in relation to “designated” services. The MB Children’s Advocate serves children and youth who receive or are eligible to receive services under the *Child and Family Services Act* (1985). The ON Provincial Advocate for Children and Youth delivers advocacy services to children and youth who are, or are seeking to obtain services under the ON *Child and Family Services Act* (1984), as well as children and youth who are in, or being transported to court holding cells. The ON OPACY also provides advocacy for children who attend provincial schools for the deaf or blind, and demonstration schools for students with learning disabilities.

⁹ In BC, “designated” or “reviewable” services are those provided under legislation including the *Adoption Act*, the *Child Care BC Act*, the *Child, Family and Community Service Act*, the *Community Living Authority Act* and the *Youth Just Act*; as well as early childhood development and child care services; mental health services for children; addiction services for children; services for youth and young adults during their transition to adulthood; additional services or programs that are prescribed where the Lieutenant Governor in Council can create additional regulations prescribing “designate” services.

¹⁰ The AB CYA Act defines “designated services” as those services provided under the *Child, Youth and Family Enhancement Act*, except adoption services, and services under the Protection of *Sexually Exploited Children Act*, or service provided to children in the youth criminal justice system.

Table 2: Populations served by the CYAs

P/T CYA	Serves children, youth and families receiving / eligible to receive designated services	Serves all children and youth
BC RCY	✓ (also serves some young adults)	
AB CYA	✓	
SK ACY		✓
MB OCA	✓	
ON PACY	✓	
QC CDPDJ		✓
NB CYA		✓
NS OMB		✓
NL ACY		✓
YT CYA		✓
NU RCY		✓

Organisational structures

Table 3 presents a snapshot of how each CYA is structured in terms of senior leadership positions and operational divisions, as well as the number and locations of the CYAs' offices. Only four CYAs have more than one office. The BC RCY has three offices, including its head office in Victoria on Vancouver Island, a northern office in Prince George and an office in Metro Vancouver (Burnaby). The AB OCYA has a head office in Edmonton in the north and a southern satellite office in Calgary. The ON OPACY's head office is in Toronto in the south, with a satellite office in the north-eastern city of Thunder Bay. The QC CDPDJ has its head office in Montréal and seven additional offices throughout the province. All of the CYAs regularly travel throughout their vast regions to do outreach and education.

Table 3: CYAs organisational structures (2015-16)

P/T CYA	Organisational Divisions / Positions	Offices
BC RCY	<p>Representative for Children and Youth: Mary Ellen Turpel-Lafond</p> <p>Deputy RCY: Dawn Thomas-Wightman</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Advocacy • Aboriginal Initiatives • Monitoring, Research, Audit and Evaluation • Reviews and Investigations • Communications • External Relations and Strategic Direction • Corporate Services 	Victoria – Head Office Prince George Burnaby
AB CYA	<p>Child and Youth Advocate: Del Graff</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Advocacy Services • Systemic Advocacy, Evaluation and Research • Engagement and Education • Investigations and Legal Representation • Strategic Support (Finances, HR) 	Edmonton – Head Office Calgary
SK ACY	<p>Advocate for Children and Youth: Bob Pringle</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Advocacy and Public Education • Systemic and Policy Advocacy • Investigations and Research 	Saskatoon
MB OCA	<p>Children’s Advocate: Darlene MacDonald</p> <p>Deputy Children’s Advocate: Corey La Berge</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Communications, Research, and Public Education • Special Investigation Review Services • Advocacy and Intake Services • Special Projects • Quality Assurance • Administration and Finance 	Winnipeg

P/T CYA	Organisational Divisions / Positions	Offices
ON PACY	<p>Provincial Advocate for Children & Youth: Irwin Elman</p> <p>Divisions (Domains):</p> <ul style="list-style-type: none"> • Individual Rights Advocacy • Systemic Advocacy • Community Development Advocacy • Investigations (began early 2016) 	<p>Toronto – Head Office Thunder Bay</p>
QC CDPDJ	<p>Président (acting): Camil Picard</p> <p>Vice-president responsible for youth: Camil Picard</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Protection and promotion of youth rights • Legal Department • Research, Education, Cooperation and Communications • Protection and Defence of Rights • Secretariat and Administration 	<p>Montréal – Head Office Québec Saguenay Saint-Jérôme Sept-Îles Sherbrooke Trois-Eivières Val-d’Or</p>
NB CYA	<p>Child and Youth Advocate: Norman J. Bossé</p> <p>Deputy Advocate / Senior Legal Counsel: Christian Whalen</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Individual Advocacy • Communications, Education, and Outreach • Systemic Advocacy 	<p>Fredericton</p>
NS OMB	<p>Ombudsman: William A. Smith</p> <p>Executive Director: Christine Brennan</p> <p>Division:</p> <ul style="list-style-type: none"> • Youth and Senior Services 	<p>Halifax</p>
NL ACY	<p>Child and Youth Advocate: Carol Chafe</p> <p>Divisions:</p> <ul style="list-style-type: none"> • Individual and Systemic Advocacy • Strategic Development and Planning 	<p>St. John’s</p>
YT CYA	<p>Child and Youth Advocate: Annette King</p> <p>Deputy Child and Youth Advocate: Bengie Clethero</p>	<p>Whitehorse</p>

P/T CYA	Organisational Divisions / Positions	Offices
NU RCY	<p data-bbox="337 275 1073 306">Representative for Children and Youth, Sherry McNeil-Mulak</p> <p data-bbox="337 327 456 359">Divisions:</p> <ul data-bbox="354 380 846 527" style="list-style-type: none"> <li data-bbox="354 380 792 411">• Child and Youth Advocacy Services <li data-bbox="354 415 846 447">• Communications and Public Awareness <li data-bbox="354 451 824 483">• Systemic Investigator and Researcher <li data-bbox="354 487 818 518">• Critical Injury and Death Investigator 	Iqaluit

Leadership

Appendix F presents brief summaries of the current Advocates' educational and professional backgrounds. All of the Advocates have advanced degrees with various concentrations. The Advocates in AB, MB, SK and YT have graduate degrees in social work and many years of field experience. The Advocates in BC and NB, and the Executive Director of the NS Office of the Ombudsman¹¹ have legal degrees and backgrounds. The ON Provincial Advocate for Children and Youth has a graduate degree in education and many years of work experience in youth services. The NL ACY has a nursing degree and background, as well as a graduate degree in employment relations. The NU RCY has degrees in psychology and health administration and experience in public administration. The QC Commissioner has degrees in psychology and administration and many years' experience working in youth services.

Another unique feature of the BC RCY is that both the RCY and Deputy RCY are of Indigenous heritage. Mary Ellen Turpel-Lafond, the RCY is an accomplished lawyer and is on leave from her position as a provincial court judge in SK. Ms. Turpel-Lafond is a member of the Muskeg Lake Cree Nation in SK. Dawn Thomas-Wightman, the Deputy RCY, is a member of the Snuneymuxw First Nation of the Coast Salish People in BC. She has 20 years' experience

¹¹ Mr. William Smith, the recently appointed Nova Scotia Ombudsman was an RCMP for 30 years.

working in Aboriginal child welfare in BC. One of Mr. Hughes recommendations (2006) regarding the BC RCY was that at least one senior staff, as well as other staff should be of Indigenous origin. Given the high number of Indigenous children and youth in the BC child welfare and youth justice systems, the RCY staff should comprehend and reflect Indigenous values and cultures to ensure it is accessible to and credible with Indigenous communities.

Significantly, there was changeover in the leadership of three CYAs between October and December 2016. Ms. Turpel-Lafond, the BC RCY took early leave before her second term ended in November. Mr. Pringle, the SK ACY, was not renewed and ended his term in October. In mid-December, Ms. Chafe ended her term as the NL ACY and did not to reapply for a second term.

Budgets, staffing and population estimates

The CYAs' annual budgets and staffing levels are shown in Table 4. The CYAs' annual reports sometimes indicate both their budget allocations and actual expenditures. Budget allocations are related to population size and provide an indication of the level of commitment by the provinces and territories to the CYAs' operations. The overall populations of each jurisdiction are included in Table 4 to give a rough, relative comparison of the size of the CYA offices. Many population variables could be considered, such as age distribution and percentage of rural and urban occupants. However, a finer grained analysis of population statistics exceeds the purpose of this comparison which is a relative comparison of the CYA operations in relation to overall population size. Given their broader mandates, the more general NS Office of the Ombudsman and the QC CDPDJ cannot be directly compared with the stand-alone CYAs. However, they are included in Table 4 to offer complete information on all CYAs. The AB OCYA budget is significantly larger than other stand-alone CYAs because it includes funds for legal representation for children and youth receiving ministry services (not criminal matters).

Table 4: CYA budgets, staffing and population estimates (2015)

P / T CYA	2014/15 Budgets	Full-time Equivalent Staff	^P / T Population 2015
BC RCY	\$7,817,697	FTE: 58	4,693,000
AB OCYA	\$12,796,000 (includes 4+ M for legal representation)	FTE: 66	4,179,700
SK ACY	\$2,523,000	FTE: 20	1,132,300
MB OCA	\$3,695,000	FTE: 34	1,296,000
ON OPACY	\$8,070,867	FTE: 37	13,797,000
**QC CDPDJ	\$14,783,500	FTE: 141	8,259,500
NB OCYA	\$902,000	FTE: 10 (+ 3 students)	754,300
*NS OMB	\$1,682,000	FTE: 17	943,400
NL ACY	\$1,297,200	FTE: 12	527,800
YT CYA	\$401,003	FTE: 3	37,400
NU RCY	\$1,570,000 (actual \$749,144)	FTE: 9	36,500

^ Statistics Canada <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/demo02a-eng.htm>

*NS Office of the Ombudsman total budget

** QC Commission des droits de la personne et des droits de la jeunesse total budget

Convention on the Rights of the Child

The enabling legislation of only three CYAs' explicitly refer to the United Nations Convention on the Rights of the Child (UN CRC), including the ON *Provincial Advocate for Children and Youth Act* (2007), the YT *Child and Youth Advocate Act* (2010), and the NU *Representative for Children and Youth Act* (2013). QC ratified the UN CRC in 1991, and the QC CDPDJ (n.d. "Youth rights: Your rights) is committed to protecting young people's rights under the convention. However, this obligation is not reflected in the legislation governing the CDPDJ.

The NU *Representative for Children and Youth Act* (2013), mentions the CRC in the preamble and under the Powers of the RCY:

Affirming Nunavut's commitment to the implementation of the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989 and ratified by Canada on December 13, 1991;

Powers

4. (1) In addition to any other powers under this or any other Act, the Representative for the purpose of performing his or her duties may

(d) engage in public outreach and education respecting matters affecting children and youth and the role of the Representative and raising awareness and understanding of the United Nations Convention on the Rights of the Child;

The ON *Provincial Advocate for Children and Youth Act* (2007) refers to the CRC as one of the key Principles to be applied:

(3) In interpreting and applying this Act, regard shall be had to the following principles:

1. The principles expressed in the United Nations Convention on the Rights of the Child.

The YT *Child and Youth Advocate Act* (2009) identifies the CRC in the underlying principles and core intentions of the Act:

Principles to be applied

(3) In interpreting and applying this Act, regard shall be had to the following principles:

1. The principles expressed in the United Nations Convention on the Rights of the Child.

Requirements and considerations in carrying out functions and duties

17(1) In carrying out their functions and duties under this Act, the Advocate must

- (b) take into account the provisions of the United Nations Convention on the Rights of the Child;

Almost all of the other CYAs' enabling legislation reflect the core principles and intent of the CRC, such as promoting / protecting children's rights, best interests and well-being, and ensuring that the viewpoints of children and youth are sought and respected in decisions made about them. Only the BC *Representative for Children and Youth Act* (2006) does not refer to children's rights, best interests and respect for their viewpoints in decision-making. Rather, the BC legislation focuses on protecting especially vulnerable children and youth who are in the care and custody of the state and improving access, effectiveness and responsiveness of "designated,"

“reviewable” and “prescribed” services, as defined in the legislation. The BC RCY legislation originated in an independent review of BC’s child protection system (Hughes, 2006) and reflects the findings of this inquiry regarding failings of this system of services.

All of the CYAs make extensive use of the UN CRC to guide their work. This is reflected in their publications, websites and educational materials. For example, in 2007 the SK ACY developed the *Children and Youth First Principles* based on the UN CRC, as a set of tenets to guide their work (SK ACY, 2015). In 2009, the SK Premier made a commitment that government would follow these principles (SK ACY, 2016).

Canadian Council of Child and Youth Advocates

The Canadian Council of Provincial Child and Youth Advocates (CCPCYA) was created in 1996 as an informal network the provincial/territorial CYAs through which they could “...identify issues of mutual concern and strive to promote improvements nation-wide.” (CCPCYA, 2010). As new CYAs were established, membership in the Council grew from five affiliates in 2005, to ten members in 2010. Its name was changed to the Canadian Council of Child and Youth Advocates (CCCYA) to be inclusive of CYA members from the territories. In time, the CCCYA established a website, and has posted several joint statements and reports (e.g., June, 2010; March, 2011), including a special report to the UN Committee on the Rights of the Child (November, 2011). The CCCYA members meet face-to-face at least annually. In June 2015, the CCCYA released National Advocacy Standards as a set of guidelines regarding minimum levels of service for all of its members in an effort to assure consistency in quality. The standards address the CYAs’: clarity of purpose; consideration of children’s views and empowerment of young people; equal treatment of all children; accessibility and accountability to young people; support for staff; confidentiality of information; and, formal policy and process

for providing feedback on its services. The CCCYA standards (2015) are grounded in legal norms outlined in the UN CRC, including:

- The right to provision and protection of rights without discrimination (Article 2);
- The right to have the best interests of the child be a primary consideration in all actions and decisions affecting children (Article 4); and
- The right to life, survival and development of the child to the maximum extent possible (Article 6). (p. 1)

Discussion

Eleven provincial and territorial CYAs evolved over time and in response to local needs and conditions, resulting in a unique collection of public advocacy agencies. Initially, several provinces adopted informal children's advocates that eventually led to the creation of formal institutions through legislative reforms. The earliest CYAs operated within ministries and ombudsman's offices. SK was the first to establish an independent CYA, through the *Ombudsman and Children's Advocate Act* (1994). The QC CDPDJ was amalgamated in 1995, to provide protection of human rights and freedoms for both adults and children. The NS Office of the Ombudsman began providing Youth Services in 1999, and continues to this day. These agencies represent three different models of public child and youth advocates across Canada. Six other provinces and two territories also have dedicated, stand-alone CYAs. All of the CYAs are now independent legislative officers, each with distinct mandates, powers and functions.

Evolving societal notions of children as the bearers of "rights," bolstered by normative principles laid out in the UN CRC have pervaded modern public institutions. Many of the CYAs were created or strengthened in response to tragic incidents involving children and youth who

were in the care or custody of the state. However, only the BC RCY, MB OCA, AB OCYA and ON OPACY have mandates that focus on extremely vulnerable populations of children, youth and families who receive services through child welfare, youth custody and other intensive programs. The majority of CYAs have legislative directives to serve all young people in their jurisdictions who may receive any type of government services. The broader NS Office of the Ombudsman and the QC CDPDJ serve all citizens and offer specialized youth services. The SK ACY and the NL ACY emerged out of integrated, provincial action plans for children and youth. The NB OCYA evolved out of the broader provincial Ombudsman's office. The YT CYA and the NU RCY were most recently established and serve all young people in their regions.

There is evidence of policy diffusion across some of the CYAs, in terms of reviews that preceded their creation that included reviews of HRICs in other domestic and international jurisdictions (e.g., Whitehead, et al., 2004; SK Child Welfare Review Panel, 2010). In addition, similar language is used in some of the CYAs' legislation, such as "rights," "interests," and "well-being of children and youth," that reflect normative principles contained in the UN CRC (e.g., MB OCA, SK ACY, YT CYA, AB CYA, NB CYA, and NL ACY).

The CYA operations and budgets range in size. Only the CYAs in BC, AB and ON, provinces with the largest populations, have more than one office location. The QC CDPDJ offers youth services within its broad mandate as a human rights commission with offices in eight locations throughout the province. All of the CYAs provide outreach and public education, necessitating travel throughout their vast regions to meet with young people, families, service providers and community members.

While each of the CYAs is unique, they have several overlapping roles and share a number of common concerns. For example, all of the CYAs use the UN CRC as a seminal document to

guide their work. Only the legislation of the ON OPACY, YT CYA and NU RCY refer to the UN CRC however, almost all of the others' enabling legislation reflect the core principles of the international treaty, to protect and represent the rights, interests and well-being of children and youth. The QC CDPDJ also states a commitment to protect young people's rights under the UN CRC, as QC is a signatory to the convention. Where the CRC is not embedded in the CYAs' legislation, no evidence was found that the CYAs advocate for its inclusion. The CYAs are affiliated by means of the CCCYA, through which they meet regularly to share information and collaborate on raising awareness about issues of national interest.

Chapter 5. Systemic Advocacy Functions

All of the CYAs have primary roles to provide individual advocacy for children, youth, and often their families.¹² They also have systemic advocacy functions that are intended to have broader impacts. By advocating for “systemic” improvements to services, policies, practices and laws, the CYAs seek to protect children and youth from harm, enhance their well-being and uphold their rights, including the right to have their voices heard. This chapter compares the systemic advocacy functions of eleven provincial / territorial Child and Youth Advocates’ (CYAs), both as these roles are prescribed in the CYAs’ legislation and in terms of how they are interpreted and implemented.

Definitions and goals

Systemic advocacy generally refers to the promotion of:

...change that pervades all parts of a system, taking into account the *interrelationships* and interdependencies among those parts. (“Systemic Change” Wordpress, n.d.)

The New Zealand Health and Disability Commissioner (n.d., “Models of Advocacy”) describes advocacy as a type of conflict resolution that can be categorized along a continuum between protest and lobbying. They differentiate between two main types of advocacy: “case advocacy” relates to an individual or group regarding a single issue (e.g., advocating for an individual’s access to health services); while “cause or systemic advocacy:”

...is where an individual or group advocates on the need to bring about changes to a structure, system, policy or legislation. This form of advocacy does not focus on

¹² BC also provides advocacy services for young adults and their families in relation to services provided under the *Community Living Authority Act*.

an individual but instead represents the rights and interests of a group with similar concerns and issues. Systemic advocacy...could relate to a local service or it could be based on a regional or national service systems failure. (paragraph 14)

The Annie E. Casey Foundations (2007) offers a broad notion of systemic advocacy including a range of activities that may lay the foundation for policy and social change:

The impact of advocacy efforts provides the essential infrastructure that leads to policy change and, subsequently, to social change. Key examples of the impact of advocacy efforts are strategic alliances, public awareness, public will and political will. (p. 14)

For the purpose of this study, a range of functions pertaining to systemic advocacy were identified in the CYAs' legislation, including:

- raise awareness and educate the public about children's rights;
- conduct systemic reviews / investigations;
- undertake research on ways to improve government services and systems that impact children and youth;
- provide information and advice to government about how to improve its system of services for children and youth, including policies, laws, programs and practices; and
- monitor the implementation of the CYAs' recommendations.

The CYAs' own definitions and goals for systemic advocacy were examined to clarify the meaning of systemic advocacy and provide a basis on which to ground the analysis in this chapter (Appendix G). In general, the CYAs define systemic issues as broad trends, themes,

recurring or emergent issues related to public services that may impact many young people. Some CYAs identify systemic issues primarily through reviews of individual case files, while others also draw on internal child death and critical injury reviews / investigations, monitoring activities and external sources, such as engagement with young people and the community to help identify systemic concerns.

When the CYAs engage in systemic advocacy, they analyze broad issues and may draw on research and the direct experiences of young people (noted by the ON PACY) to develop recommendations to governments and other publicly-funded service providers regarding needed changes to programs, policies, practices, legislation or other factors related to public services. In contrast, two CYAs seek to identify systemic problems by emphasizing the voices of young people and expect governments to provide solutions. Improvements to services and the overall child- and youth-serving system are expected to enhance circumstances for young people and result in better outcomes.

Legislated systemic advocacy functions

Table 5 summarizes components of the CYAs' systemic advocacy functions outlined in their legislation. These categories were constructed for the purpose of this study to enable consistent comparisons of the CYAs' legislated systemic advocacy roles.

The NS Ombudsman Act (1989) does not address the OYS. All other CYAs have legislated authority to conduct systemic reviews and investigations and to provide information and advice to governments regarding services for children and youth. About half of the CYAs have explicit authority to conduct child death and critical injury reviews and investigations. The majority may also monitor implementation of their recommendations.

Most of the CYAs have delegated roles to educate and raise public awareness about various topics related to children's rights, access to services and / or the services offered by the CYA offices. For example, the SK Advocate for Children and Youth Act (2012) states:

(2) The Advocate shall:

(a) become involved in public education and advocacy respecting the interests and well-being of children and youths;

Whereas, the BC RCY Act (2006) stipulates that the RCY will:

6.(1)(a) support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation,

(i) providing information and advice to children and their families about how to effectively access designated services and how to become effective self-advocates with respect to those services,

For the most part, interviewees agreed with the legislated functions I identified as components of systemic advocacy. In a few cases, certain aspects of the CYAs' legislated roles were questioned. For example, the ON *Provincial Advocate for Children and Youth Act* (2007) defines advocacy and clearly stipulates a separation between the PACY's investigative and advocacy functions:

2. (1) In this Act, "advocacy" means promoting the views and preferences of children and youth as provided for in this Act, and exercising the functions and powers outlined in sections 15 and 16, but does not include conducting investigations or providing legal advice or legal representation;

Separation of investigative function from advocacy function

13.1 (3) The director of investigations and the investigative team shall not concurrently conduct investigations and provide advocacy under subsection 15 (1).

The ON PACY understood why I proposed that investigations, as described in his legislation, could be considered systemic advocacy and he pointed to the proviso in his legislation. He also stated that even within his own office there are different opinions about what constitutes “advocacy” versus “investigation” and how the two activities may overlap. From one perspective, when a review or investigation is undertaken and results in recommendations, it may be considered advocacy because the party making the recommendation(s) wants the other party to act on this advice (I. Elman, personal communication, June 14, 2016). The ON PACY agreed that investigations resulting in recommendations were a form of systemic advocacy.

The OPACY has both a Director of Advocacy and a newly appointed Director of Investigations. In 2014, an investigative function was added to the ON *Provincial Advocate for Children and Youth Act* (2007):

1(d) conduct investigations and make recommendations to improve children’s aid society services and services provided by residential licensees where a children’s aid society is the placing agency.

Similarly, in the AB OCYA, systemic advocacy and investigative reviews are performed by separate divisions, although they both “...reflect efforts made to do systemic advocacy.” (D. Graff, personal communication, July 21, 2016).

The NS *Ombudsman Act* (1989) is broad in scope and does not mention services specifically for children and youth, nor does it address the functions carried out by the “Youth and Seniors Services” division of the Ombudsman’s office. The previous NS Ombudsman, Mr.

Dwight Bishop outlined the functions of Youth Services, as may be found on the Canadian Council of Child and Youth Advocates (CCCYA) website.

Table 5: CYAs' legislated systemic advocacy functions (Oct 2016)

Roles / Functions	BC	AB	SK	MB	ON	QC	NB	NS*	NL	YT	NU
Systemic advocacy explicitly stated in enabling legislation		✓			✓					✓	✓
Systemic reviews / investigations	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Review / Investigate child death & critical injuries	✓	✓		✓						✓	✓
Raise public awareness	✓	✓	✓		✓	✓	✓		✓	✓	✓
Conduct research	✓	✓	✓			✓			✓		✓
Information / advice to government	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Monitor implementation of recommendations	✓		✓	⌘	✓		✓		✓	✓	✓

* The Nova Scotia *Ombudsman Act* (1989) does not address services provided for children and youth.

⌘ The MB Ombudsman has a statutory authority to monitor and report on implementation of the OCA's recommendations.

Implementation of systemic advocacy

This section compares the provincial / territorial CYAs' systemic advocacy functions and their interpretations and implementation of these roles. It is more challenging to directly compare the CYAs' systemic advocacy implementation than their legislated functions. Each CYA is unique and they take different approaches to systemic advocacy within the parameters of their

legislation. Some of the CYAs' legislation are more open-ended, while others are more specific in defining their roles.

Table 6 compares the CYAs' implementation of systemic advocacy functions. In some cases, functions are implemented that are not explicit in the CYAs' legislation. As mentioned, the NS *Ombudsman Act* does not refer to activities undertaken by the Youth and Seniors Services division. The CYAs in SK, ON, NS and NL do not have explicit mandates to review or investigate child deaths and / or critical injuries; however, they may undertake this type of work as part of more generally prescribed functions to review or investigate any matter that comes to their attention. In addition, the MB OCA undertakes activities to raise public awareness although the *Child and Family Services Act* (1985) does not stipulate this as one of its roles.

In a few instances, the CYAs' enabling legislation describe functions that are not featured in the CYAs' annual reports or on their websites. For example, the AB OCYA does not refer to research activities, although its legislation states that it may engage in research. The NB OCYA does not monitor implementation of its recommendations to government, although its legislation identifies this as one of its roles.

Some CYAs' legislation provide them with authority to choose whether or not to undertake investigations or reviews. For example, the BC RCY may choose not to investigate a child death / critical injury, following a review of the incident. The NL ACY and NU RCY may decide not to review or investigate a complaint brought to their attention under particular circumstances.

The YT CYA is just beginning to examine systemic issues identified through the review of six years of individual case files. The recently created NU RCY is also in the early stages of identifying systemic issues.

Raise awareness / educate the public about children's rights. As shown in Appendix H, almost all of the CYAs have directives in their legislation to raise awareness / inform / educate children, youth, families and / or the public. The BC RCY is also authorized to inform young adults and their families about how to access prescribed community living support and services and how to become self-advocates. The BC RCY and the ON OPACY also emphasizes self-advocacy in their education and outreach activities. Only the NU RCY has a specific dictate to raise awareness and understanding about the UN CRC, although all of the CYAs use the CRC as a seminal reference document in raising awareness. The legislation governing the MB Children's Advocate and the NS Ombudsman do not mention raising awareness or providing public education however, they both undertake these types of activities.

Most CYAs have dedicated staff who focus on communications, outreach and education, while some CYAs have less resources and take more creative approaches. For instance, with only three staff, the YT CYA has partnered with First Nation child welfare agencies and the YT government to deliver workshops throughout the territory focused on children's rights, advocacy in child welfare and the services provided by the CAO.

The recently established NU RCY office has created a Communications and Public Awareness division. Staff travel throughout the territory to meet with service providers, children in schools and community members to deliver information about the RCY office and gather input about issues that impacting children and youth.

As a new office in Nunavut, we have a very clear duty to raise Nunavummiut's awareness of the office's existence, its role and its core services. We recognize educating and engaging our many stakeholders is key to building broad

understanding and support for child rights and our office's work... (NU RCY, 2015, p. 11)

The CYAs take a number of direct approaches to raise awareness. Most engage in meetings with child-serving community groups, First Nations and government, participate in community events, deliver speeches and make presentations. Some CYAs provide more individual or targeted information and training. For example, the NS OYS staff regularly visit youth custody facilities to meet with residents and staff. The MB OCA takes a unique approach by using two mascots, Wavy Guy and Baby Wavy, to engage with young people and assist with raising awareness about children's rights and the OCA. Some CYAs publish newsletters, brochures and information sheets targeted to children and youth.

Several CYAs maintain dynamic websites and social media sites to deliver information and gather input about issues that are impacting youth. For example, the ON OPACY uses the media and social media to promote public awareness and is developing a new social media strategy and website to stimulate youth involvement. The intention is to provide more information and resources to young people and create a viable online community that is accessible on mobile phones (ON OPACY, 2015). The BC RCY's Communications Team manages community outreach and education, their website, social media accounts and a mobile app for youth (BC RCY, 2015).

Some CYAs view raising public awareness and delivering education as a means of generating pressure on the government to pay attention to issues affecting children and youth.

...without the ability to increase public awareness or to make statements that in fact challenge the government, they may not consider those things. (D. Graff, personal communication, July 21, 2016)

Collaborate / build alliances. None of the CYAs' legislation stipulate that they must collaborate or build alliances with government bodies and / or non-governmental organisations (NGOs). The CRC Committee (2002) recommends that HRICs work closely with non-governmental organisations (NGOs) that play complementary roles in the promotion of children's rights. The Annie E. Casey Foundation (2007) also identifies alliances as a key component of effective advocacy strategies:

...structural changes in community and institutional relationships and alliances have become essential forces in presenting common messages, pursuing common goals, enforcing policy changes and insuring the protection of policy "wins" in the event that they are threatened. (p. 17)

Many of the CYAs demonstrate the value of working collaboratively with governments, NGOs and young people. For example, the AB OCYA (2015) collaborates with various partners:

Systemic advocacy work often involves connecting and collaborating with others. The OCYA works hard to foster and maintain positive relationships with many individuals and organizations. The OCYA has many allies in its systemic advocacy work, including those who work within systems that deliver services to children and youth. They share the common goal of improving circumstances for young people who are receiving their services, and many welcome the opportunity to be involved in bringing about such improvements. (p. 13)

The AB OCYA (2015) has also partnered with government to host various learning events on issues of common interest, such as a Mental Health Symposium in 2014, in collaboration with the AB Centre for Child, Family and Community Research. The MB OCA recently partnered with the MB Ombudsman to create a poster about staying safe online (MB OCA website). The

NB OCYA (2016) collaborated with the New Brunswick Health Council on publishing the fifth annual NB *State of the Child Report* (November 2013). In relation so this, the NB OCYA collaborated with Executive Council on a “Strategy for the Prevention of Harm to Children and Youth” (p. 22).

Several CYAs have formal agreements with government departments and NGOs regarding how they will work together on issues of common concern. For example, the BC RCY has several formal agreements with government departments including an advocacy protocol with the Ministry for Children and Family Development (April, 2011) and Community Living BC (September, 2013). The SK ACY has a formal protocol agreement with the Human Rights Commission for the following reason:

They have some powers that we don't and we have some advantage for them to work with us. So we work closely around the deaf and hard of hearing issues because they have some authority to demand that government do certain things...
(B. Pringle, personal communication, June 13, 2016)

Several CYAs also work closely with community agencies. For example, the BC RCY (2015) has signed agreements the Métis Nation BC (October, 2013) and the First Nations Education Steering Committee (July, 2011). The SK ACY also has formal agreements with NGOs including: the Federation of Saskatchewan Indian Nations; the Métis Nation (pending); the Council for Children, that provides independent legal representation; and the SK Youth in Care Network, the ACY's most significant partner (B. Pringle, personal communication, June 13, 2016). The ON PACY noted that there are a number of formal and informal community advocates for children in ON:

We are not the only child advocates in the Province. What we do have, which perhaps others do not, is positional authority stemming from our legislation, resources that other advocates may not have, and access to decision makers that stems from our positional authority. Understanding this helps us collaborate, when appropriate, with other advocates. (I. Elman, personal communication, June 14, 2016).

The BC RCY and YT CYA have worked with Aboriginal community partners to deliver outreach and public education about children's rights and services provided by their offices. The BC RCY and ON OPACY have also collaborated with Aboriginal community partners on initiatives focused on the needs of Aboriginal children and youth (BC RCY, 2015; I. Elman, personal communication, June 14, 2016).

Some CYAs collaborate with community partners on research initiatives. For example, the MB OCA (n.d., c. 2015) partners with researchers and participates in research at the University of Manitoba on topics of mutual interest. The BC RCY (2015) reports collaborations with researchers and other institutions to explore ways to improve outcomes for vulnerable children and youth.

Systemic reviews and investigations. All of the CYAs may undertake reviews / investigations regarding matters that are systemic in nature. Only four CYAs' legislation explicitly use the term "systemic" in regard to reviews / investigations of issues affecting children and youth. The AB CYA may investigate systemic issues in relation to the serious injuries or deaths of young people who were receiving designated services. The ON PACY is authorized to undertake systemic investigations into services provided by a children's aid society or licensed residential facility. The YT CYA may review policies or systemic issues that emerge

as trends through individual advocacy case reviews. The NU RCY can carry out systemic reviews of laws, policies, services and programs provided by government and designated authorities.

Most CYAs may identify systemic issues through various sources, such as individual advocacy cases, child death and critical injury reviews / investigations and concerns raised by the media, public or child-serving agencies. The YT CYA must identify systemic issues through individual advocacy case file reviews and is now beginning to do so based on six years of data. The YT CYA may also refer systemic issues for review to pertinent agencies, such as a “...department, First Nation service authority or school board that is providing the designated service.” (YT *Child and Youth Advocate Act*, Section 12.2). The MB OCA also identifies systemic issues that need further examination through individual and group advocacy cases (D. MacDonald, personal communication, May 19, 2016).

In many cases, the CYAs may receive referrals for systemic review and investigation from their respective Legislative / House of / National Assembly. For example, the MB Standing Committee of the Assembly on Legislative Affairs may refer any issues related to services provided under the *Child and Family Services Act* (1985) to the OCA for review and investigation. The NS Ombudsman may also receive referrals for investigation from a legislative committee.

Most CYAs may use their discretion to initiate reviews or investigations of any issues they deem necessary. For instance, the NL ACY may undertake reviews or investigations, regardless of whether a complaint has been received. The NS OYS may also conduct “own motion investigations” under the *Ombudsman Act* (1989).

In 2016, the ON OPACY received an expanded mandate to investigate any matter brought to his attention and to establish a Director of Investigations (OPACY, 2015). As mentioned, this function is not considered “advocacy” under the *PACY Act*.

The BC RCY has a unique, legislated oversight role to:

6 (1) (b) monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions; (BC RCY Act, 2006)

The BC RCY’s monitoring function was recommended in the Hughes Report (2006) to address serious concerns about the child welfare system and was not meant to be “advocacy” per se (Hon. T. Hughes, personal communication, May 16, 2016). However, since the aim of the RCY’s monitoring role is to make recommendations for improvements to services, this role fits under the broad definition of systemic advocacy. The RCY’s oversight role is not intended to be permanent, although it has continued after two periodic reviews by the BC Select Standing Committee on Children and Youth in 2011 and 2015.

The 2006 Hughes Review had stated that formal oversight by an external body may not be necessary in the future, and that the Ministry’s own performance measurement system, quality assurance programs, and public reporting may be sufficient to assure British Columbians that vulnerable children and youth are being protected as they should be. (Select Standing Committee on Children and Youth, 2012, p. 7)

Some CYAs release special reports on their reviews or investigations of systemic issues. For example, the AB OCYA issues special reports on key issues affecting children and youth, such as youth aging out of care (April, 2013) and the overrepresentation of Aboriginal children and youth in the child welfare system (July 2016). The BC RCY has produced dozens of special reports on in-depth systemic reviews, such as the needs of youth leaving care (April 28, 2014) and the provincial adoption system (June 19, 2014).

The SK ACY has reported on systemic investigations, such as foster home overcrowding (2009; 2011) and administrative fairness (2012). The MB OCA has undertaken systemic reviews and issued special reports on many topics, such as marginalized indigenous girls (June 2016), youth suicide (May 2016), *Barriers to Long-term Success for Youth in Care with Complex Needs* (July 2015) (MB OCA, n.d., c. 2015).

The NB OCYA has undertaken many types of systemic investigations, including on topics ranging from searches and dispute resolution in schools, medical care for children in custody, youth mental health in emergency hospital settings and transportation of youth with mental health disorders by Sheriff Services (NB OCYA written submission). The NB OCYA publishes reports on its systemic investigations to raise public awareness, such as its recent release of *More Care Less Court* (2015). This report recommended greater collaboration among various service-providers and communities to protect children's rights under the *Youth Criminal Justice Act* (2002) and the UN CRC (1989) (written submission from N. Bossé, NB CYA).

Child deaths / critical injuries reviews / investigations. All of the CYAs have some authority to undertake reviews and / or investigations into child deaths and critical injuries. This work is systemic in nature, as the CYAs' examine the circumstances surrounding these incidents to identify if and how the system of publicly-funded services failed to protect young people, and

to recommend changes intended to prevent similar tragedies from occurring. The CYAs' legislation varies with regard to child deaths / critical injuries. Some Acts are explicit and detailed, while others give the CYAs general authority to investigate "any matter" that comes to their attention, but provide no details regarding child deaths and critical injuries (Appendix I).

The BC *Representative for Children and Youth Act* provides a detailed description of the RCY's roles and parameters regarding reviews and investigations of the deaths and critical injuries of children and youth who were receiving, or whose families were receiving a reviewable service at the time of, or in the year prior to the incident. Public institutions that provide reviewable services must report incidents to the BC RCY, who may decide if an investigation is needed. The Standing Committee on Children and Youth may refer a child death or critical injury to the RCY for investigation. Following an investigation, the RCY must file a report which may be made public.

The AB *Child and Youth Advocate Act* also describes the OCYA's role to investigate the deaths and critical injuries of children and youth who were receiving designated services at the time or, or in the two years prior to the incident. Public bodies that deliver designated services must report a child death or critical injury to the Advocate. Following an investigation, the OCYA must report on findings and recommend improvements to designated services to prevent similar incidents (AB CYA, 2015).

The MB Children's Advocate received an expanded mandate in 2007, under the *Children's Advocate Enhanced Mandate Act* (2007), including to review the deaths (but not critical injuries) of children and youth who were in care, or who had, or whose parents / guardian had received services under the *Child and Family Services Act* (1985) within one year before the death. *The Fatalities Inquiry Act* (1990) requires MB's Chief Medical Examiner to notify the Children's

Advocate upon learning that a child has died in MB. The OCA must determine which of these deaths require statutory review (D. MacDonald and C. La Berge, personal communication, May 19, 2016). If the Children's Advocate has jurisdiction to conduct a review, the Chief Medical Examiner must, upon request, provide a copy of the medical examiner's report on the manner and cause of death; and a copy of the final autopsy report, if one has been ordered by the medical examiner and the children's advocate requires it for review. The OCA must report on the findings of their review, including recommended service improvements, to the Minister, Ombudsman and Chief Medical Examiner. The MB OCA prepares approximately 50 child death reports per year and this work demands a great deal of human resources. Since their child death reports are not made public, the OCA feels that this work is not visible and does not educate the public about the experiences, needs and circumstances of children and youth, as compared to other provinces, where child death reports are released to the public.

The *YT Child and Youth Advocate Act* (May, 2009) specifies that upon referral by the Legislative Assembly or a Minister, the CYA must review and report on the death or critical injury of a child or youth who was "in the care or custody of the government or a First Nations service authority." The CYA must follow the terms of reference set out by the referring party. So far, the YT CYA office has not undertaken any such reviews and does not have the staffing capacity or expertise to conduct these types of intensive reviews (A. King, personal communication, June 16, 2016).

The *NU Representative for Children and Youth Act* (2012) also provides a detailed description of the RCY's duty to: "review any matter related to the death or critical injury of any child or youth." The Director of Child and Family Services and the Coroner are required to make a report and provide relevant information to the NU RCY regarding the death or critical injury of

a child or youth who was in custody or receiving services, or whose parent / guardian was receiving services under the *Child and Family Services Act* (1998) within one year of the incident. The NU RCY office is developing its capacity to undertake child death and critical injury reviews, which they view as highly sensitive and require in-depth knowledge and expertise.

The other CYAs' roles in reviewing and investigating child deaths and critical injuries are less clearly laid out in their enabling legislation. For instance, the SK *Advocate for Children and Youth Act* (2012) does not mention child deaths or critical injuries. However, the SK ACY is authorized to investigate any issue related to young people who receive any publicly-funded services, or upon referral by a Legislative Committee or the Lieutenant Governor in Council. The SK ACY only investigates a handful of child deaths and critical injuries, when it determines that an internal ministerial review was inadequate (B. Pringle, personal communication, June 13, 2016). The SK ACY has worked with some ministries to develop frameworks to improve their internal review processes to reduce the need for further investigation. The SK ACY office may investigate all child deaths and critical injuries however, they are only informed about those of children and youth who were involved with youth corrections or social services, suicides and high profile case. Only some of the SK ACY's child death and critical injury investigative reports are made public.

The ON *Provincial Advocate for Children and Youth Act* (2007) is vague regarding child death and critical injury reviews / investigations. Under the Act, child-serving agencies must inform the OPACY in a timely manner regarding the death or serious injury of a young person where the child, youth, or their family had received or pursued services from the children's aid society within one year of the incident. In general, the ON PACY may review and investigate

any matters that come to his attention. Recent changes to the ON PACY Act granted the PACY an investigative role, but does not state that this may pertain to child deaths and critical injuries. However, in a related Press Release, the OPACY (March 1, 2016) indicates that the investigative function does indeed include child deaths and critical injuries:

The Office of Provincial Advocate for Children and Youth will now have the legislative authority to investigative [sic] matters concerning a child or a group of children receiving services from a children's aid society (CAS) or a residential licensee where a CAS is the placing agency. This includes systemic investigations into child deaths and critical injuries.

The ON OPACY has undertaken several activities related to child deaths. For example in 2013, at the request of the OPACY, the ON Chief Coroner undertook an inquest into the 2002 death of a young boy. The OPACY assembled an advisory panel of young people with experience being in care to attend the inquest hearings and assist the OPACY in formulating recommendations to help prevent a similar tragedy from occurring (OPACY, 2015). In addition, the OPACY learned that in 2014, 20,000 serious incidents¹³ in residential care facilities were reported to the Ministry for Children and Youth Services. The OPACY is reviewing a large sample of these cases and will publicly report on its findings. The OPACY also has standing at an inquest into the deaths of seven Aboriginal youth from Thunder Bay ON.

The QC CDPDJ has a broad mandate and may investigate any matter that is a violation of a child or group of children's rights under the Youth Protection Act (2016) and the *Youth Criminal Justice Act* (updated to September 2016) (CDPDJ, 2012). For example, in October 2015, the

¹³ Serious occurrences may include: "...the use of physical restraints, assaults, suicides, missing person's reports, deaths, charges laid by police or improper care" (ON OPACY, 2015, p. 41)

CDPDJ approved an investigation into allegations of abuse of young boys in the city of Québec (CDPDJ, 2015).

The NB *Child and Youth Advocate Act* (2004) does not mention child and youth deaths / critical injuries. However, the OCYA may decide after reviewing an internal (ministry) child death report to further review or investigate an incident (N. Bossé, personal communication, July 26, 2016). To avoid a conflict of interest, the NB CYA does not sit on the provincial Child Death Review Committee, but does meet with them regularly.

The NL *Newfoundland and Labrador Child and Youth Advocate Act* (2002) does not refer to child / youth deaths or critical injuries but gives the NL ACY authority to review and investigate any issue that comes to her attention. The ACY may review the adequacy of public services provided to a child or youth prior to their death, unless it is under review by the Child Death Review Committee. In 2014, the NL ACY requested a legislative change that would require government departments to report the deaths and critical injuries of all children and youth who were receiving government service (NL ACY, 2015). The same year, the ACY received information on the deaths and critical injuries of all children and youth who were receiving services from the Department of Child, Youth and Family Services from 2009 – 2014. The NL ACY's investigations into child deaths and critical injuries place heavy demands on limited staffing resources (C. Chafe, personal communication, July 14, 2016).

The NS *Ombudsman Act* (1989) does not address child deaths and critical injuries. However, given its broad mandate, the OYS occasionally undertakes child death reviews. The OYS has undertaken a handful of child death reviews (C. Brennan, personal communication, August 18, 2016) but only one report has been publicly released (July 2014).

The CYAs are not the only public institutions that examine child deaths. Most jurisdictions have established child death review committees, typically associated with Chief Coroners or Chief Medical Examiners to undertake reviews and investigations.¹⁴ These committees include a range of experts and other stakeholders, including police and government representatives.

The BC Coroner's Service has a Child Death Review Unit that examines the death of all children and youth in BC to understand how they died with the aim of reducing risks that will prevent similar deaths. The BC Child Death Review Unit publishes annual reports and trend analysis on their website. The AB Chief Medical Examiner chairs a multidisciplinary committee that reviews the deaths of all children under 18 years (Ornstein, Bowes, Shouldice, Yanchar, & Canadian Paediatric Society, 2013). The MB Chief Medical Examiner hosts a multi-disciplinary Children's Inquest Review Committee and the Children's Advocate is a member. ON has three child death review committees under the Office of the Chief Coroner: Deaths Under 5 Committee, Paediatric Death Review Committee – Child Welfare, and Paediatric Death Review Committee – Medical. The ON Chief Coroner's Office is currently reviewing the ON child death review system, in collaboration with the OPACY and the Ministry of Children and Youth Services (Office of the Chief Coroner of Ontario, Paediatric Death Review Committee and Deaths Under Five Committee Report, 2015)

The QC Office of the Chief Coroner, and the NB Coroner's Services also host Child Death Review Committees. The NL Child Death Review Committee was established in 2014, under the auspice of the Office of the Chief Medical Examiner, to examine the causes of child deaths and trends. Since the NS Office of the Ombudsman released its child death report calling for the

¹⁴ The Saskatchewan Prevention Institute (May 2016) defines these terms: "...there is a distinction between a "review" and an "investigation", particularly for coroners and medical examiners [who]...investigate deaths covered under their provincial and territorial Acts, with the goal of determining the cause and manner of death. Reviews often examine the larger picture, including organizations, systems, policies, and processes." (p. 7)

creation of a provincial child death review committee (July 2014), discussions have taken place between the OYS, Chief Medical Examiner, Department of Health, and Department of Community Services regarding how they may collaborate to apply appropriate expertise to child death reviews. SK is also in the process of creating a coherent child death review process (Saskatchewan Prevention Institute, 2016).

Child death reviews have been the focus of national studies (Saskatchewan Prevention Institute, May 2016; Ornstein, et. al, 2013) and international research (Fraser, Sidebotham, Frederick, Covington & Mitchell, 2014). National and provincial studies of child abuse and neglect are also conducted periodically by a team of Canadian Researchers (Trocmé, Fallon, MacLaurin, et al., 2005; Public Health Agency of Canada, 2010).¹⁵

Research. Only a handful of CYAs have legislated authority to undertake research. Under SK's *The Advocate for Children and Youth Act* (2012, para. 14.3.a) and NU's *Representative for Children and Youth Act* (2015, para. 4.1.g), the purpose of undertaking research is broadly to improve the rights, interests and well-being of children and youth. In both the BC *Representative for Children and Youth Act* (2006, para. 6.1.b) and the AB Child and Youth Advocate Act (2011, para. 9.2.g), the purpose of conducting research is to improve designated services. The QC CDPDJ (February 2012) is authorized to undertake or sponsor research on any matter relating to human rights and freedoms.

The legislation of other CYAs do not include designated roles regarding research. However, research is highly relevant to the CYAs' work in addressing a wide array of issues that affect young people and their families. In practice, most of the CYAs use and participate in

¹⁵ For more information on the Canadian Incidence Study of Reported Child Abuse and Neglect, please see the Canadian Child Welfare Research Portal: <http://cwrp.ca/overview>.

research. They use existing research to better understand systemic issues and best practices and to inform their recommendations for improvements to government services, policies and laws that promote and protect the rights and best interests of children and youth.

For example, the BC RCY (2015) uses research to inform recommendations to improve designated or prescribed services with the aim of improving outcomes of vulnerable children and youth. The AB OCYA recently established a Quality Assurance division with a dedicated research specialist. The AB OCYA (website) conducts literature reviews and research on advocacy best practices, as well as youth satisfaction surveys. The SK ACY (2015) identifies trends or systemic issues in service delivery that need to be improved through various sources, including:

Research, analysis and engagement with government and community stakeholders helps us understand, elevate and alleviate broader system, social and public policy, and service issues that affect children and youth in Saskatchewan. (p. 18).

The CYAs' capacities to undertake research vary and some collaborate or participate in research activities. For example, the MB OCA partners with and takes part in research located at the University of Manitoba (MB OCA, 2015). The NB OCYA collaborates on research into children's rights. In particular, the NB OCYA collaborated with faculty at the Université de Moncton and many community members to develop a proposal for a provincial Network of Excellence on Child and Youth Mental Health that will involve many partners including academics, government departments, health care professionals, youth and families and community organizations from across Canada (NB OCYA, 2016). The NB OCYA is also working with an Academic Advisory Committee to create a research and evaluation plan for the

provincial Child and Youth Harm Prevention Strategy (November, 2015) that overlaps with the OCYA's Child and Youth Rights and Wellbeing Framework (November, 2014).

Some CYAs contract for research on relevant topics. For instance, the NL ACY hired consultants to undertake large research studies on important issues, including part-day school programs and speech-language pathology waitlists (C. Chafe, personal communication, July 14, 2016). The YT CYA may also contract for research on relevant topics (A. King, personal communication, June 16, 2016).

The ON OPACY (2015) uses research to inform its work and supports advocacy projects that include community-based research. For instance in 2015, the OPACY supported an advocacy project in North Bay ON called *Walking the Red Road*, a component of an urban Aboriginal strategy. The project raised awareness, increased the visibility of young people and prompted the development of networks that are expected to have positive impacts on young people and communities. In addition:

The project incorporated an active youth participation model to help develop the research methodology and engage with the North Bay community (Aboriginal and non-Aboriginal). (OPACY, 2015, p. 27)

The NS OYS undertakes research as part of its investigative function, to explore ways to enhance the interests and well-being of children and youth who are in the care or custody of provincial and municipal facilities (NS Office of the Ombudsman, n.d.).

In setting up the NU RCY office, staff examined the policies and procedures, structures and electronic case management systems of other CYA offices. The RCY has created a senior

systemic investigator / researcher position, anticipating that research will help to inform its recommendations to government on systemic issues (NU RCY, 2015).

Youth engagement / elevating the voices of youth. All of the CYAs engage with children and youth through individual and group advocacy cases, participating in events and delivering educational workshops and materials targeted to young people. Each CYA also participates in annual events to celebrate National Child Day on November 20th.

Some CYAs collaborate on initiatives that involve youth and help to elevate their voices. For example, in 2014-2015, the MB OCA worked with a community agency and local television station to video-record young people's stories about issues that matter to them through the Digital Storytelling Project (MB OCA, 2015). The BC RCY collaborated with the BC Public Guardian and Trustee and the Federation of BC Youth In Care Networks on delivering 20 "Plan Your Path" workshops throughout BC for youth and service providers focused on youth transitioning out of care (BC RCY, 2015). The SK ACY partners with the Youth in Care Custody Network to emphasize the views of young people in their advocacy work (B. Pringle, personal communication, June 13, 2016).

Some CYAs host events targeted to young people, such as the periodic youth summits put on by the BC RCY (2016), and the Feathers of Hope youth forums hosted by the ON OPACY (2015). The CYAs also present at conferences targeted to youth and youth-serving agencies. For example, the ON OPACY staff:

...have shared the Feathers of Hope story with attendees at the Assembly of First Nations National Youth Summit in Saskatoon, First Nations Youth in the Yukon at the Choices conference, and with Justice Murray Sinclair and co-commissioners

Dr. Marie Wilson and Chief Wilton Littlechild of the Truth and Reconciliation Commission of Canada (TRC). (ON OPACY, 2014, p. 19)

The CYAs also use other creative ways to engage with children and youth. Several CYAs maintain social media accounts and a few have created mobile-friendly apps to interact with young people (ON OPACY, 2015; BC RCY, 2015). The NL ACY (website “Calendar Project”) has produced an annual calendar since 2008, that features children’s art. In 2014, the NU RCY (2015) held a contest that invited submissions of children’s art for their logo. The MB OCA has two mascots, Wavy Guy and Baby Wavy, that help the office to connect with children and youth to inform them about their rights and the functions of the OCA. The NU RCY (2015) is forthright about children and youth being at the centre of their work:

We like to say that all our work is driven by the voice of the child. When we advocate for individual children, the child or youth directs our work, according to his or her capacity. When we carry out reviews, we also seek input from children and youth. They are, after all, the people who are most affected by the legislation, policies, programs and services we review. (p. 7)

None of the CYAs’ legislation requires the involvement of young people in advisory roles. The UN Committee on the Rights of the Child (2002) recommends that human rights institutions for children (HRICs) include children and youth in meaningful ways in their operation, such as through children’s advisory councils. Only the BC RCY and AB OCYA have youth advisory groups. The AB OCYA (2014) established a Youth Advisory Panel in 2013-14, made up of eight young people from around the province. The Advisory Panel meets quarterly, contributes to the OCYA’s website and promotional materials and participates in consultations and meetings with government and non-governmental child-serving agencies.

Where possible, the OCYA involves young people in its advocacy efforts. Young people are often best placed to speak about the impacts of government policies and services, and their voices can be powerful in delivering messages to key decision-makers. (AB OCYA, 2015, p. 13)

The ON PACY's legislation has the strongest requirement of all the CYAs to engage with children and youth and ensure that young people participate in their work. The Act includes two "Principles to be Applied," including those contained in the UN CRC and the intent that the OPACY will be an "exemplar" for youth participation. The OPACY takes these principles to heart, placing children and youth at the core of their work and emphasizing their voices:

When the Advocate's Office engages in systemic advocacy, we draw on the expertise of young people who have direct experience with the issue. We work with them to recommend changes at the level of policy, funding, program delivery, and in how service providers, decision makers and the public view and treat young people who need government services. (OPACY, 2015, p. 12)

The OPACY (2015) has facilitated several youth-led initiatives, such as:

- *Our Voice Our Turn* – to study barriers faced by youth who are aging out of care;
- *My REAL Life Book* – to present the perspectives of youth who have experience being in care on "...the debilitating effects of being left out of their own lives" (p. 37);
- *Hairstory* – to emphasize the rights and needs of Black youth involved with child welfare, youth custody, mental health and other public services;
- *I Have Something to Say* – to elevate the voices of children and youth who have special needs regarding how government can better meet their needs; and

- Feathers of Hope: A First Nations Youth Action Plan – which has become a youth movement and has resulted in regular forums on the needs of Aboriginal youth.

The preamble to the ON PACY Act states the “office must be an exemplar in child and youth participation” The Office states that they take this instruction seriously and while not an “exemplar” strives to be one. The ON OPACY has demonstrated that presenting the first-hand views of young people who have direct experience with public services is effective in several ways:

We understand our role as a partner with children and youth. We work to elevate their voice and take our instruction from them in how we undertake this work. In this way it is not as important what I think about a particular issue but what children and youth think and how I deliver the message about what they think and their experience. If you think about our work as walking with young people then you will understand sometimes young people will ask us to walk alongside and support them as they use their voice, and other times they will tell us to walk in front and speak for them, and yet other times they will ask us to stand behind, get out of the way and be there if they need support. Providing young people with this opportunity, either individually or collectively in our systemic work, mobilizes children and youth. We understand that in the mobilization we are already involved in creating change. (I. Elman, personal communication, June 14, 2016)

The OPACY employs up to 15 young people as “Amplifiers” to lead initiatives, do outreach and gather input on key issues and suggestions for change (OPACY, 2015). The Amplifiers also participate on government advisory committees, work on specific projects, collaborate with provincial organizations that are led by youth, and help to develop educational

and media materials. The PACY does not have a youth advisory committee because it would only involve a handful of young people who could not represent the views of an entire population. Instead, the OPACY works with large groups of youth (thousands) on specific issues, providing young people with greater control and input regarding the OPACY's work. In the coming year the OPACY will bring young people together from all areas of its mandate who are involved in some manner with the Office to help design a formal advisory structure (I. Elman, personal communication, June 14, 2016).

The BC RCY delivers community outreach and youth engagement programs at each of its three offices to raise awareness about children's rights and the services offered by the RCY, and promote self-advocacy. The AB OCYA Engagement and Education division delivers public education and engages with Aboriginal and non-Aboriginal youth (AB OCYA, 2015). The AB OCYA also involves children and youth in its systemic advocacy work by submitting written input from youth and co-presenting with them to government on proposed changes to laws and services. In addition, the AB OCYA (2014) conducts surveys of young people aged 12 years and over.

Information and advice to government. All of the CYAs have legislated functions to provide information and advice to government and in a few cases, other publicly-funded service providers, such as children's aid societies (ON) and delegated First Nations authorities (Appendix J). For example, the *NU RCY Act* (2012) sanctions giving advice and making recommendations to government and approved service providers regarding "...the effectiveness, responsiveness and relevance of legislation and policies related to children and youth;" (Section 3e), as well as "...the availability, effectiveness, responsiveness and relevance of programs and services related to children and youth;" (Section 3f).

Some CYAs may advise government regarding particular types of services. For example, the QC CDPDJ may make recommendations to government, in particular to the Minister of Health and Social Services, the Minister of Education, Recreation and Sports and the Minister of Justice (*Youth Protection Act*, 2016, Section 23(e)). The YT CYA may make recommendations to responsible government departments, First Nation service providers and school boards regarding designated services. The BC RCY (RCY Act, 2006) may make recommendations to improve the effectiveness and responsiveness of designated or reviewable services. The AB CYA's legislation is broader in that the CYA may make recommendations to the government regarding any issues in regard to children's rights, interests and well-being, and to any public entity or other person deemed appropriate, following to an investigation.

The CYAs make formal recommendations to government in reports following reviews and investigations of child deaths / critical injuries and other systemic issues and in other ways, such as official position statements. Some CYAs make numerous formal recommendations to government and other public service-providers. For example, in one year the MB OCA (2015) made 52 formal recommendations to government in relation to the deaths of 13 children and youth. Over ten years, the BC RCY (2016) made 189 recommendations to government entities.

The NB CYA noted that he has work toward preparing briefer, more focused and timely reports, with as few recommendations as necessary. This approach has been effective at gaining government buy-in and making tracking the issues and compliance more manageable (N. Bossé and G. Kotze, personal communication, July 26, 2016).

The AB CYA must sometimes repeat the same recommendations in subsequent investigative reports because the government has not implemented his earlier recommendations (D. Graff, personal communication, July 21, 2016). Some CYAs, such as the NS OYS specify

timeframes for complying with recommended changes (C. Brennan, personal communication, August 18, 2016).

Most of the CYAs' recommendations to government are made public through specific reports and / or as summaries in their annual reports. The MB OCA child death review reports include recommendations but are not made public. However, the OCA may summarize these recommendations in their annual report.

The CYAs may also give advice to government and publicly-funded agencies through informal channels. For example, the NL ACY (2015) may have informal telephone conversations with senior government administrators and provide consultation and input on new and amended legislation. The NB OCYA also participates in consultations with government departments and is contacted for information and advice regarding new initiatives that support children's rights (N. Bossé and G. Kotze, personal communication, July 26, 2016).

We engaged in many consultations in furtherance of children's rights, such as with the Department of Social Development regarding its Community Based Services for Children with Special Needs (CBSCSN) program, with the Department of Public Safety and its Crime Prevention Roundtable, and with the Department of Health regarding its proposed Health Quality Assurance Act. (NB OCYA, 2016, p. 24)

The SK ACY also provides informal advice to government:

Our child- and youth-rights lens is sought by the government on many policy and program issues....The value of our office's work on systemic issues is our ability to have discussions with the government on how they will uphold children and

youth rights in the development of policy and programming. (SK ACY, 2015, p. 18)

The BC RCY (2015) also gives informal advice to government when it has concerns about systemic issues through conversations with senior managers. The BC RCY also meets regularly with the Select Standing Committee on Children and Youth to provide updates on her work and discuss her reports. The RCY's relationship with the Standing Committee is an important way in which the government is made aware of issues affecting children and youth (C. James, personal communication, June 2, 2016).

In an effort to ensure procedural fairness and gain greater buy-in, some CYAs work with government entities when they are developing findings and recommendations regarding systemic changes to ensure their accuracy, relevance and attainability. For example, the MB OCA works with decision-makers to develop achievable goals:

They need to be practical to be effective, so we have a conversation with different stakeholders about what makes sense in terms of recommendations. I think you end up with better buy-in at the end of the day. (D. MacDonald and C. La Berge, personal communication, May 19, 2016).

The NS OYS also consults with government and seeks their input and feedback when developing reports and recommendations. The OYS appears to have a very open and collaborative relationship with the government that has contributed to the government's responsiveness to the OYS' advice (C. Brennan, personal communication, August 18, 2016). The NB CYA also provides opportunities for government to comment on their draft reports to ensure accuracy, transparency and fairness (N. Bossé and G. Kotze, personal communication, July 26, 2016).

The ON OPACY and the NS OYS do not aim to tell governments what actions they should take to address systemic problems facing young people. Instead, both raise issues of concern and elevate the voices of youth with the expectation that governments will furnish appropriate solutions. The ON OPACY does make process-oriented recommendations about involving young people in decision-making (I. Elman, personal communication, June 14, 2016).

And often times...the government says to us “well, what should we do?” And actually my thought is to never tell government what to do. It’s my job to partner with young people to let the government know what young people think is going wrong and what young people think good would look like, but how to get there? That is why bureaucrats get the big bucks! A youth told me once “Think about it as if you were asking the public about a bridge. It makes good sense to ask the users of the bridge about what qualities the bridge should have, e.g. pedestrian access, four lanes or two, sightlines, etc. You might want to involve them in building of the bridge to make sure it stays close to their hopes for it but, to ask the public “how should we build the bridge?” is not fair. Most would say: don’t ask me, I’m not an engineer. (I. Elman, personal communication, June 14, 2016)

Monitor implementation of recommendations. As shown in Appendix K, most CYAs have legislated authority to monitor implementation of their recommendations and to hold governments to account, with the exception of the AB CYA, MB OCA, and the QC CDPDJ. In MB, the Ombudsman has a legislated duty to track implementation of the OCA’s recommendations and report to the Legislative Assembly. Uniquely, the YT CYA may request to be advised of steps taken to address her recommendations or the reasons for inaction.

Almost all of the CYAs track the governments' actions in response to their advice and some release public reports regarding implementation. The NS OYS tracks implementation through quarterly reports from government departments. The NS Ombudsman's annual reports include a tally of recommendations made each year, details regarding larger investigations, and summaries of the governments' actions. The NL ACY receives regular updates on the government's actions in response to her advice and starting in 2014, releases annual public reports on the status of recommendations (2014; 2015). The BC RCY accounts for the government's compliance with recommendations in annual reports and periodic public reports (May 23, 2007; November 26, 2007; December 11, 2008; Nov 29, 2010; October 2014; November 2014). The QC CDPDJ also published a follow-up report on recommendations regarding youth protection in Northern Québec (2010).

While the AB CYA does not have authority to hold the government to account for implementing his recommendations, the government's actions are monitored and progress reports are posted on the OCYA's website twice per year (AB OCYA, 2015). In general, the AB OCYA is dissatisfied with the government's responsiveness to his advice.

The SK ACY tracks the government's responses to its recommendations and meets regularly with senior ministry staff to discuss implementation. Occasionally, they "agree to disagree" on the ACY's advice (B. Pringle, personal communication, June 13, 2016).

The NB OCYA internally tracks, but does not report on the uptake of their advice to government. On the other hand, the province of NB released its Child and Youth Harm Prevention Strategy in November 2015, co-chaired by the NB CYA. It contains 102 recommendations for government and non-government agencies and corresponds with the OCYA's Child Rights and Wellbeing Framework that was outlined in the OCYA's *State of the*

Child Report (November, 2014). The NB CYA and Executive Council are responsible for overseeing the strategy's execution (Province of New Brunswick, November 2015). An Inter-departmental committee has been established to monitor implementation of specific recommendations in the strategy, as well as the government's use of Child Rights Impact Assessments (CRIAs) (N. Bossé, personal communication, July 26, 2016).

Many CYAs are also authorized in their legislation to take extra steps when governments do not comply with their recommendations by reporting to higher authorities, such as the legislative assembly. The BC RCY may submit special reports to the legislative assembly on noncompliance with recommendations and may publicly release these reports. The SK ACY may report to the Lieutenant Governor in Council on the government's failure to act on its recommendations. The ON PACY may report to the Premier and the Legislative Assembly if no action or inadequate steps are taken to implement their advice. The NB CYA may report on government's failure to act on its recommendations to the Lieutenant Governor in Council, followed by a report to the Legislative Assembly. The NL ACY may report to the Lieutenant Governor in Council if no actions are taken by government and may refer to this report in its annual report to the House of Assembly. The NU RCY may report government's inaction to the Commissioner in Executive Council. The NS Ombudsman may report on the governments' unresponsiveness to the provincial Governor in Council, or the applicable Municipal Council, followed by a report to the House of Assembly. Only the YT CYA has no formal recourse regarding noncompliance.

Relationships with government. Interviewees were asked to characterize the CYAs' relationships with government and describe how these relationships affect their ability to influence systemic change. The CYAs have both formal and informal working relationships with

government. Formal arrangements include signed protocols, scheduled meetings and official recommendations made by CYAs in their investigative and special reports. Informal approaches to working with government consist of occasional telephone calls to discuss issues and attempt to resolve problems, including with line-staff, supervisors, senior bureaucrats, as well as ministers.

Most interview participants reported constructive relationships between the CYAs and government. The CYAs work hard to maintain positive rapport with government and this greatly contributes to their ability to gain cooperation and acceptance of the CYA's advice. Several interviewees echoed the sentiment of the ON PACY that "what we do" is as important as "how we do it" (I. Elman, personal communication, June 14, 2016).

Several CYAs addressed the importance of being fair, building trust and balancing working with government and maintaining their arms-length oversight roles as legislative officers.

We are always in a delicate balance between seeking the benefits of fostering positive working relationships and collaboration with government on the one hand and acting as an independent critic of government on the other hand. (NB OCYA written submission)

For example, the AB OCYA works hard to maintain positive relationships with government and to strike a balance in their approach to ensure credibility (D. Graff, personal communication, July 21, 2016). The OCYA works with all levels of government, including caseworkers and their supervisors, directors and assistant deputy ministers, and has access to deputies and ministers (D. Graff, personal communication, July 21, 2016). One external expert was very complimentary of the AB CYA's work and would like the Advocate be more outspoken:

I think he is seen to be a bit of a thorn in their side, but he is there to provide a public check and balance and I think that he is doing a good job of that...At the end of the day you want the system to hear you...I think he's very mindful of what it takes to be heard, and that's not a simple matter. (G. Rogers, personal communication, June 21, 2016)

The SK ACY maintains a supportive relationship with the government and meets quarterly with representatives of the Ministry of Social Services and Youth Corrections and twice per year with the ministries of Health, Justice and Education. The SK ACY office has positive relationships with most ministries and all deputy ministers however, some tensions exist in their relationship with the Minister of Youth Corrections and the Minister of Social Services (B. Pringle, personal communication, June 13, 2016).

Mr. Pringle also noted that the political climate poses some challenges to his work:

...governments don't like to be criticized...the provincial government, in the political culture we have at the moment, independent critiques are largely unwelcome. And sometimes I'm undermined in my view. And so we strive for that balance between fair criticism on the one hand and giving credit and offering support on the other. (B. Pringle, personal communication, June 13, 2016)

The MB OCA has worked diligently over the years to build positive relationships and credibility with various stakeholders, including the Minister of Child and Family Services, the Director of Child Welfare and mandated agencies and delegated authorities. Maintaining these relationships helps to ensure that the OCA's recommendations are well received by government (C. La Berge, personal communication, May 19, 2016). In April 2016, the MB election resulted

in a turnover of power and the OCA is optimistic about forging positive relationships with the new government.

...like all the offices, this is nonpartisan...so it's an interesting walk we do because you certainly don't want to be in bed with them but yet you know if you're just tuned out all the time, you're not there to make changes for children and youth. So you want to get the right stride going, which I think we've accomplished. (D. MacDonald, personal communication, May 19, 2016)

The ON PACY has an open, candid relationship with the Liberal government and they tend to 'speak the same language.' The government accepts that the Advocate is just doing his job when he is critical. The OPACY is strategic in its approach and understands that both the government and politicians need to be on board for meaningful change to occur (I. Elman, personal communication, June 14, 2016).

The NB OCYA has a positive relationship with government. The OCYA's systemic advocacy staff meet regularly with members of government departments, seeks their input to guide their advocacy processes and collaborates on systemic advocacy initiatives. The OCYA views working with government through cooperation and collaboration as mutually beneficial and generates greater gains toward achieving appropriate services and policies that respect children's rights (N. Bossé and G. Kotze, personal communication, July 26, 2016). Interviewees talked about CYAs' need to be tough but fair and not to be seen as trying to sabotage the government.

...we can work with governments to achieve a result without being a bad watchdog which is: you go ahead and do it government and then we'll bite you if you haven't done it right or if we feel you have been hiding information...So

being the advocate, the child advocate, being the watchdog and making sure that government is doing what they should be doing is one thing. How you go about doing that I think is as important as having the power to do it... it's the cooperation and the collaboration I think that gets us a far sight further into the prevention and proper and respectful policies in our government. (N. Bossé, personal communication, July 26, 2016)

The NS OYS characterizes their relationship with government as very positive, built on trust, fairness and credibility (C. Brennan, personal communication, August 18, 2016). The OYS has sought to create a safe environment where they do not seek to assign blame or embarrass the government, but to identify systemic issues that need to be addressed. As appropriate, the OYS is inclined to contact government / facilities to raise issues and complaints and give staff the opportunity to respond. The OYS also supports departments and facilities to make necessary changes and resolve problems, as they emerge. Ministry and facilities staff are viewed as content experts who are often in a better position to solve problems when they are brought to their attention. This approach has resulted in fewer public complaints to the OYS and promoted greater systemic change and cooperation from government. The NS OYS has been effective at influencing change through quiet persuasion, rather than holding government's "feet to the fire" by going public with their findings (C. Brennan, personal communication, August 18, 2016). Only two of the OYS' recommendations were initially not accepted however, at a later date when they were raised again on a subsequent matter, they were accepted and implemented.

[T]o work with them to improve their processes in terms of their complaint resolution processes, response times and those sorts of thing. It's doing that kind of work that although may be a bit more labour-intensive at the beginning helps in

the long run. Otherwise we'd still be doing hundreds of corrections-based [for example] complaints a year, year after year...and that should really be their job.

(C. Brennan, personal communication, August 18, 2016)

The NL ACY has built good relations with the government and positive rapport with leaders of various child-serving ministries. Maintaining these constructive relationships makes “all the difference” to gaining cooperation (C. Chafe, personal communication, July 14, 2016). The NL ACY makes it clear that her recommendations and the government’s responses will be made public. While this may be an incentive, the Advocate believes that positive working relationships greatly contribute to the government’s compliance. The NL ACY has received very little resistance to her recommendations.

I’m very fortunate and not every advocate can say that they’ve got good relationships and a good rapport. And that’s half the battle. So you know, I’m delighted with it and I just hope it doesn’t change. (C. Chafe, personal communication, July 14, 2016)

The YT CYA has a formal, prescribed relationship with the government and interacts mainly with management (A. King, personal communication, June 16, 2016). The NU RCY’s relationship with the Government of Nunavut is new and generally developing well, although not without some challenges. The NU RCY has been working to raise awareness and build relationships with government through a targeted information campaign that included letters, phone calls, meetings, presentations and a mail out of office materials (i.e. posters, rack cards, FAQ document). The NU RCY has also had meetings with Deputy Ministers, senior officials and front-line service providers, and has interacted with members of the Legislative Assembly. The

NU RCY and government are guided in their work by Inuit societal values that include respectful communication and working together for the common good.

...sometimes we need to remind people...we're not here working in opposition. It can absolutely feel that way and we get that. We're very mindful of that in terms of how we approach our work. So we let those values really serve as a strong guide for us. (S. McNeil-Mulak, personal communication, June 30, 2016)

Two CYAs' relationships with government have been criticized and depicted as barriers to their effectiveness. For example, the SK ACY office was seen to be doing "fantastic work" but, the ACY's relationship with the government was viewed as being too close (D. Forbes, personal communication, May 24, 2016). Mr. Forbes (MLA) perceived that the ACY tends to behave more like a deputy in the Ministry of Social Services, rather than an independent legislative officer. This approach decreased the ACY's effectiveness, as neither the legislative assembly nor the ministry tend to take his input very seriously.

The BC RCY's relationship with government has been challenging. Over ten years, the RCY has dealt with two premiers, four different Ministers of Children and Family Development and various deputy ministers (Global News, October, 2016). The RCY's relationships with some deputies and ministers were more amenable however, in recent years her relationships with the current Minister and other members of the legislature have been in decline.

Turpel-Lafond's blunt reports created a fractious relationship with the Liberal government. There was a public spat with the speaker, an attempt to limit her access to cabinet documents, and a report by a former deputy minister...[i.e., Mr. Plecas]...that essentially called for the dismantling of her office. (Culbert, October 24, 2016)

While interviewees characterized the BC RCY as highly intelligent, dedicated and hardworking, her relationship with the government is perceived to be strained and marked by friction. There is a general perception that the RCY's approach to the ministry has been provocative and overly critical:

...her start point in most instances is to blame the Children's Ministry. Over time, the impact of this confrontational approach diminishes her usefulness. People understand that numerous factors are involved, and want to see less blame, and more practical assistance applied. (Victoria Times Colonist, Editorial, May 15 2016)

Early in the final year of her tenure, the BC RCY depicted her rapport with the government as professional and cooperative (BC RCY, April 2016). However, as her term came to an end, Ms. Turpel-Lafond revealed severe limitations in her relationship with the Ministry of Children and Family Development (Zussman, October 24, 2016) and that the Minister had refused to meet with the RCY during her final year (Kane, October 24, 2016).

At times I felt there was a spirit of retaliation towards me," she said in an end-of-term interview... This is an essential position, the work has to be done in a non-political way... Even though at times they have treated me as a member of the opposition and intentionally targeted me in that regard to destabilize my work. (Zussman, October 24, 2016)

Most CYAs work diligently to build positive working relationships with government while maintaining their independent oversight positions. For most, working with government was seen to be a key factor in gaining receptiveness and cooperation. The BC RCY stood out as taking a more aggressive and confrontational approach with the government that did not appear to be very

effective. In an end-of-term interview, the BC RCY stated that she wanted to be remembered for “holding people’s feet to the fire” (Talmazan, Global News, October 24, 2016).

Relationship with the media. The CYAs’ have varied relationships with the media. They may use the media and social media to raise public awareness and convey key messages about important issues affecting children and youth. Several interviewees addressed the need to educate members of the media so that they understand the CYAs’ roles, have a depth of understanding of issues and are able to follow stories as they unfold. The media is seen to be a tool that may be used strategically to raise public awareness and bring pressure on the government.

Most of the CYAs have dedicated and experienced communications staff that prepare media releases, manage requests for information and interviews and have developed communications plans. Some CYAs’ are developing new relationships with the media because either the CYA was recently established (e.g. NU RCY and YT CYA) or, in the case of the AB CYA, is newly independent and did not have access to the media when it operated internal to the ministry. Several CYAs are in the process of developing communication plans regarding the types of requests they want to respond to, and how to handle media contacts in general. Only the YT CYA reported that it does not have a communications strategy and lacks the resources to develop this area, hindering its relationship with the media.

Some CYAs view the media as unpredictable. For example, in spite of having a Communications Officer who helps to prepare media releases, the MB OCA reported disappointment that the media tends to sensationalize information, take comments out of context and often misconstrues the intention and emphasis of some of the OCA’s reports. The NS OYS appears to have a general distrust of the media based on previous bad experiences. The OYS

could go to the media to bring pressure on the government however, tends not to take this approach because it is viewed as threatening and unnecessary, since the government has cooperated well with the OYS' recommendations.

The NU RCY commented on the media:

...what we do find is that if they don't grasp our mandate and...they work on the fly often times, and they don't have time to digest and grasp the details of the mandate, then the story that results shows that and that can be quite damaging or a missed opportunity for us. (S. McNeil-Mulak, personal communication, June 30, 2016)

Other CYAs have cultivated closer relationships with the media through dedicated communications staff and have learned how to manage the information that gets reported. The BC RCY appears to have the most robust relationship with the media, responding to over 200 requests per year (BC RCY, 2015). The BC RCY has a communications team that manages the large number of media requests for information and interviews.

The NL ACY also has regular contact with the media through press conferences and interviews and has found ways to ensure that the media understands issues. For example, when the NL ACY is ready to release a public report, embargoed copies are provided to members of the media half an hour prior to a press conference, where the NL ACY answers questions. Following this, the NL ACY will participate in interviews, as requested. As a result, reporters quote the key messages highlighted for them and focus on the main points in their questions.

...it's almost like they're actually collaborating and working with me to get key messages out to the public. That's been really good. (C. Chafe, personal communication, July 14, 2016)

Other CYAs have also learned to manage information reported by the media. For example, before releasing an investigative report, the AB OCYA may send embargoed copies to members of major media outlets (and the ministry) to enable journalists to prepare their stories. The aim is to gain media exposure in a controlled and consistent manner and to increase public awareness about particular issues that may lead to systemic change (D. Graff, personal communication, July 21, 2016).

Most CYAs also use press releases in an effort to control media reports. For example, the NS OYS is selective in its approach to the media. However, in the case of the Ombudsman's child death review report (July 2014), the office prepared a media release and found that the media used it almost verbatim. In this way, the OYS was able to have some control over the story that was reported.

Interviewees also noted the importance of educating the media so that issues are understood and followed over time, rather than merely reporting headlines. The CYAs need to play a role in elevating the media's comprehension of issues and their systemic implications (D. Forbes, personal communication, May 24, 2016). Educating journalists about how to report child welfare issues and First Nations issues is also important. Occasionally, positive messaging and solutions would be helpful. For the NU RCY, educating members of the media will be ongoing because of high turnover in positions in the North.

Fostering relationships with certain reporters may also be an effective way to control media stories. When journalists are informed about the CYA's roles, and have a strong understanding

of the issues, they are better able to grasp and report on key issues. Also by developing these relationships, journalists gain a better understanding of the issues and are inclined to follow-up on stories over longer time periods. The AB OCYA depends on certain journalists for media exposure, such as in Aboriginal newspapers. The SK ACY also noted that it is important to know who is doing the reporting and how to frame messages. For example, more basic information is needed for newer members of the media. The MB OCA has built trusting relationships with some members of the media who regularly cover stories and will seek information to understand issues within the context of the system of services for children and youth.

The media is viewed by many CYAs as an important tool for amplifying messages and disseminating information to the public. “[I]t’s the media that gets the message out” (B. Pringle, personal communication, June 13, 2016). The media is important because it has the greatest reach with the public and various media sources are interconnected (e.g., newspapers, TV, radio) (I. Elman, personal communication, June 14, 2016). The NB OCYA believes that the media is important for raising public awareness and increasing perceptions of the legitimacy of the OCYA. The CYAs’ relationships with the media are seen to be valuable:

It’s definitely a relationship that we value and that we want to foster because they are an important vehicle to get our message out to the public and we really want to make sure they understand what we do and represent our voice accurately. (S. McNeil-Mulak, personal communication, June 30, 2016)

In ON, the media has a good understanding of issues affecting children and youth and in some ways, the Toronto Star deserves credit and is an “unofficial child advocate.” (I. Elman, personal communication, June 14, 2016). The ON PACY noted that going to the media is a one-shot approach. It cannot be taken back and if it does not bring about change, there are few

comparable ways available to bring such a high level of pressure on the government (I. Elman, personal communication, June 14, 2016).

Some CYAs are hesitant to go to the media because it is perceived to be potentially threatening and they want to maintain good relationships with the government. However, one interviewee remarked that if the media is not used effectively, the public may question if the CYA has enough visibility and is having an adequate impact (L. Dempster, personal communication, June 30, 2016).

Advocacy for Indigenous children, youth and families. Several interview participants addressed the CYAs' work with and on behalf of Indigenous children, youth and families and collaboration with First Nations leaders, communities and designated service providers, as key areas of systemic advocacy. Indigenous¹⁶ or Aboriginal¹⁷ children and youth are among the most vulnerable young people in Canada (CCCYA, 2010). They are impacted by a myriad of disadvantages including: high rates of poverty (Macdonald & Wilson, 2013), prolonged underfunding of services for children and youth who live on reserves (Canadian Human Rights Tribunal, January 2016), historical injustices, such as residential schools, that affect multiple generations and entire communities, as well as systemic discrimination (First Nations Child and Family Caring Society of Canada, 2010).

¹⁶ “Indigenous peoples in Canada include three broad groups with Aboriginal rights described in Canada’s constitution, First Nations (Indian), Métis and Inuit. First Nations people may include both status Indians and non-status Indians. However, only status First Nations people are subject to the Indian Act and only their communities live on reserve.” Canadian Centres for Policy Alternatives /Save the Children. *Poverty or Prosperity: Indigenous Children in Canada*. June 2013, p. 8. Retrieved from <https://www.policyalternatives.ca/publications/reports/poverty-or-prosperity>

¹⁷ “The term ‘Aboriginal identity’ refers to whether the person reported being an Aboriginal person, that is, First Nations (North American Indian), Métis or Inuk (Inuit) and/or being a Registered or Treaty Indian, (that is, registered under the Indian Act of Canada) and/or being a member of a First Nation or Indian band. Aboriginal peoples of Canada are defined in the Constitution Act, 1982, section 35(2) as including the Indian, Inuit and Métis peoples of Canada.” StatsCan: *Aboriginal Peoples in Canada: First Nations People, Métis and Inuit*. Retrieved from <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm#a7>

In his final report on the life and death of Phoenix Sinclair, Commissioner Ted Hughes found “Research shows that Aboriginal children are taken from their homes in disproportionate numbers, not because they are Aboriginal, but because they are living in far worse conditions than other children.” (MB OCA, March 2016, p. 2)

Indigenous children and youth are significantly overrepresented in both out-of-home care¹⁸ and youth custody systems in many provinces and territories. According to Statistics Canada (2012), in 2010-11, seven out of eight regions¹⁹ reported overrepresentations of Indigenous youth aged 12-17 in youth correctional systems (except Newfoundland and Labrador). While Indigenous youth made up just 6% of the population in these jurisdictions, 24% of male youth in custody and 34% of female youth in custody were Indigenous.

Indigenous young people are also vastly overrepresented in out-of-home care. In 2011:

Almost half (48.1%) of all children aged 14 and under in foster care were Aboriginal children. (Statistics Canada: Aboriginal Peoples in Canada)

The Aboriginal Children in Care Working Group’s *Report to Canada’s Premiers* (July 2015) highlighted the disproportionate number of Indigenous children in out-of-home care, especially in the Western provinces (p. 7):

- In British Columbia, the Aboriginal child population makes up 8% of the total child population, yet more than 55% of children living out of their parental home in the

¹⁸ “Out-of-home care includes voluntary care agreements and placements in residential, foster, and community or kinship care” Canadian Child Welfare Research Portal. Retrieved from <http://cwrp.ca/out-of-home-care>

¹⁹ Note 13: “The eight reporting jurisdictions in 2010/2011 were Newfoundland and Labrador, Prince Edward Island, New Brunswick, Ontario, Alberta, Manitoba, Yukon and the Northwest Territories”

province are Aboriginal. One in five Aboriginal children in the province will be involved with child welfare at some point during his or her childhood.

- In Alberta, 9% of the child population is Aboriginal, and 69% of children in care are Aboriginal.
- In Saskatchewan, 25% of the child population is Aboriginal, and about 65% of children in care are Aboriginal.
- In Manitoba, 23% of the child population is Aboriginal, and about 87% of the children in care are Aboriginal.

In 2015-16, the BC RCY reported that the proportion of Indigenous children and youth in care increased from 50% in 2006, to over 61% in 2016, while the overall number of children and youth in provincial care declined (BC RCY, October 24, 2016).

The disproportionate poverty rate of Indigenous children and youth is viewed as a significant contributing factor to their overrepresentation in child welfare and youth custody systems (Macdonald & Wilson, 2013).

...50% — of status First Nations children live below the poverty line. This number grows to 62% in Manitoba and 64% in Saskatchewan. (p. 6)

One third of the SK ACY's work is with First Nations agencies, which requires positive working relationships. The SK ACY noted that while some beneficial changes have occurred, SK still has the highest rate of Indigenous child poverty rate in Canada and the provincial government has not yet responded to the Truth and Reconciliation Commission Report (2015) (B. Pringle, personal communication, June 13, 2016).

Many of the CYAs address the particular needs and interests of Indigenous children and youth. For example, the BC RCY has an Indigenous Strategies and Partnerships team that leads community outreach and youth engagement, helps to ensure that the RCY office reflects Indigenous values and viewpoints and is culturally sensitive and attentive to the needs of Indigenous children, youth, young adults, families and communities (BC RCY, October 24, 2016).

Some CYAs have undertaken key initiatives focused on Indigenous children and youth. For example, the SK ACY has adopted the *Touchstones of Hope for Indigenous Children, Youth and Families* (Blackstock, Cross, George, Brown, & Formsma, 2006), a set of “...*key values (touchstones) to guide reconciliation in child welfare.*” (p. 5). The ACY uses these principles to work with First Nations children, youth and families and to promote changes to the SK child welfare system (SK ACY 2016).

We work to advance the use of these principles and the reconciliation process by all child and youth serving ministries. We also take steps to educate ourselves, government and the public about the importance of these principles in transforming the child welfare system. (SK ACY, 2016, p. 7)

In addition, the SK ACY has advocated for the federal government to address inequalities in on-reserve child welfare funding. In 2014, the ACY observed in Ottawa the concluding statements of the Canadian Human Rights Tribunal on First Nations Child Welfare regarding federal underfunding of child welfare services on reserve (SK ACY, 2015).

The ON OPACY reports (2015) that its Feathers of Hope initiative that began in 2013, became a youth movement and resulted in a number of spinoffs, including regular forums focused on the needs of Aboriginal youth, and the Feathers of Hope Working Group that:

...brings together Feathers of Hope Youth Amplifiers, First Nations leadership from across Ontario, provincial and federal government representatives and Advocate's Office staff to develop strategies and solutions for addressing the recommendations voiced by young people at the original Feathers of Hope forum. Achievements to date have also included the creation of a Feathers of Hope Unit at the Ministry of Children and Youth Services. (p. 23)

In addition, the OPACY recommended including the perspectives of young people in the independent review of First Nations representation on Ontario juries. This became one of the recommendations in the final report of this review (ON Ministry of the Attorney General, 2013).

The NB OCYA informed expert noted that the OCYA needs to rebuild relationships with First Nations, perhaps through outreach and engagement with First Nations, establishing relationships with social workers, hiring Indigenous staff in the OCYA and signing MOUs with all First Nations leaders (M. LeBlanc, personal communication, June 22, 2016).

Some CYAs have issued special reports focused on systemic issues that affect Indigenous children and youth. For example, in 2015-16, the AB OCYA undertook a Special Report on the over-representation of Indigenous young people in care. Following widespread consultation and further study of this issue, the AB OCYA (July 2016) identified a number of contributing factors and made eight main recommendations to the government intended to improve the delivery of child welfare services for Indigenous children, youth and families. The MB OCA has also undertaken special reports on issues related to Indigenous children and youth in the child welfare system. In 2016, the MB OCA released two special reports that included recommendations for the MB government. One report was in collaboration with Dr. David Milward from the University of MB that examines alternatives to "...adversarial court-based approaches to

addressing child welfare issues.” (MB OCA, March 2016, p. 4). The MB OCA also released a report prepared in partnership with Dr. Marilyn Bennett of the University of MB that examined the experiences of Indigenous girls (MB OCA, 2016).

The BC RCY has produced several reports outlining the provincial government’s failure to adequately serve the needs Indigenous young people and their families:

...report after report issued by RCY has documented poor service to Indigenous children, often with horrible consequences, including Out of Sight (September 2013), When Talk Trumped Service (November 2013), Lost in the Shadows (February 2014), Paige’s Story (May 2015), A Tragedy In Waiting (September 2016), Too Many Victims (October 2016) and Last Resort (October 2016). (BC RCY, April, 2016, p. 12)

At the national level, the Canadian Council of Child and Youth Advocates (CCCYA) released a report (2010) calling on all levels of government to “...to take urgent, coordinated immediate action to improve the living conditions and well-being of Aboriginal children and youth in Canada.” (p. 12). The CCCYA made four recommendations, including for the creation of a national children’s advocate, a federal system to track and report on the health, education and well-being of Aboriginal children and youth, and other initiatives aimed at improving outcomes for Indigenous children and youth.

First Nations children are impacted by jurisdictional issues regarding the delivery of services to people who live on-reserve.

For status First Nations children living on reserves, the federal government is responsible for funding social services, health care, education and income

supports. Transfer payments for these social services on reserve have increased by a mere 2% per year since 1996. (Canadian Centres for Policy Alternatives /Save the Children, June 2013, p. 6)

...jurisdictional ambiguities and underfunding give rise to gaps and disparities in the services available to First Nations children...as a result, First Nations children can encounter differential standards of service, require increased-intensity interventions by health and social service systems, and even face increased risk of institutional care. (The Jordan's Principle Working Group, 2015. Retrieved from <http://cwrp.ca/publications/Jordans-Principle-Working-Group-Report>)

An important step toward addressing access to health and social services for young people is “Jordan’s Principle.” This measure arose in response to the tragic death in 2005 of a five-year-old Indigenous boy names Jordan River Anderson from Norway House Cree Nation, MB. Jordan was born with multiple disabilities and lived for two years in the hospital before he died because the federal and provincial governments could not agree on which level of government would pay for his home health care services (Blackstock, 2012). In 2005, the First Nations Child and Family Caring Society released a research report that contained numerous recommendations, including:

Jordan’s principle asserts that governments must fund services to Status Indian children that are normally available to other Canadian children without disruption or delay. The government department (federal or provincial) that first receives the request to pay for the service must pay and then has the option of referring the matter to a jurisdictional dispute table for resolution. (p. 16)

In 2007, a Private Members Bill was passed unanimously by the Parliament of Canada.

“Jordan’s Principle” is a measure that puts children first to ensure that jurisdictional issues do not

hamper the delivery of health and social services for First Nations children and youth (Blackstock, 2012; Indigenous and Northern Affairs Canada).

Advocacy for other specific populations. Several CYAs provide targeted advocacy services for particular groups of children and youth, in addition to those CYAs that specifically serve young people who receive designated services.

In 2013, BC RCY received a mandate to provide services to young adults between the ages of 19 - 24 years and their families who are eligible to receive services through the *Community Living Authority Act*. The RCY provides individual advocacy, informs young adults and their families about how to access “prescribed” services, and keeps the public informed about advocacy services for this group of young adults and their families.

The SK ACY approached the Ministry of Education about addressing shortcomings in service for deaf and hard of hearing children and youth, after being contacted about this by a community agency (SK ACY, 2015).

The NB OCYA also advocates for improved services to specific populations. For example, in 2013-14, the OCYA initiated a roundtable involving government and non-government participants to discuss autism services. In addition, the NB OCYA (2016) made a submission to the Review of Inclusive Education Programs and Practices in NB Schools Project (Porter and AuCoin, 2012) regarding the need for a conflict resolution process. In response, the government drafted a policy to address this need.

The ON PACY has a specific mandate to provide advocacy for children who attend schools the deaf, schools for the blind and other demonstration schools that serve children who

have disabilities. The OPACY has also facilitated initiatives that focus on the specific needs of African Canadian youth, and youth with special needs.

Advocacy for broader systemic changes. In addition to their defined systemic advocacy roles, some CYAs have addressed the need for broader systemic changes to support and promote the health and well-being of children, youth and families in an effort to prevent vulnerabilities. The BC RCY (October 24, 2016) and SK ACY (2015) have called for an overall, cross-government, coordinated plan. In response, SK has developed a Child and Family Agenda (previously called the Children and Youth Agenda) that supports a "...cross-ministry approach to helping Saskatchewan children, youth and families with the complex issues they face." (Saskatchewan Child and Family Agenda, March 2014, p. 1). The NB OCYA (November 2015) initiated the NB Child and Youth Harm Prevention Strategy founded on the principles of youth engagement and coordination, including the harmonization of other provincial strategies to address the needs of children, youth and families.

Several CYAs have identified poverty as an underlying issue that places children, youth and families at risk. Most provinces have adopted poverty-reduction plans, except BC:

Poverty can have a crushing effect on a child's growth and development and on his or her future prospects. B.C. is the only province in Canada without one. (BC RCY, October 24, 2016, p. 14)

A number of CYAs have identified the need for cross-government coordination and the reduction of silos in delivering services for children, youth and families:

...any sound strategy to do the best for children and youth must be cross-ministerial in a real sense. The actions of one ministry may affect another's ability

to deliver services to children and youth or to keep them healthy or safe. B.C. needs a comprehensive children's plan – a table at which the primary focus beyond all else, is the well-being of children and youth. (BC RCY, October 24, 2016, pp. 13-14)

The SK ACY has also been a strong proponent of early childhood development programs. While federal support for early childhood programs has been in place for several years, it is up to the provinces to ensure their effectiveness:

In the coming year, our office will continue to advocate that an early childhood development strategy form part of the poverty reduction strategy, and advocate for the needs of children and youth who are deaf and hard of hearing. (SK ACY, 2015, p. 65)

The SK ACY and YT CYA (A. King, personal communication, June 16, 2016) addressed the need to build a strong system of supports to enable children and youth to reach their full potentials.

Ensuring that children are safe, healthy, get a good start early in life, and have the supports and services required allowing children and youth to reach their full potential, is fundamental to upholding their rights. Further, government investments on family support and early childhood programs benefit society as a whole, and are the most cost effective way to reduce poverty, encourage economic growth, and build strong and supportive communities. (SK ACY, 2016, p. 9)

The ON PACY remarked that his office tries to address the “bigger picture” or “fundamental changes” that children and youth want and need to make a meaningful difference in their circumstances.

Of course we’re interested in safeguards and making young people safe but we want so much more for them. And they want that for themselves. Sometimes our approach requires government to do more than they’re willing to do or to look at. On the flipside, I don’t think young people are ever saying anything people don’t already know. It’s just kind of an ‘emperor has no clothes’ kind of thing. It’s just saying it out loud and then bringing decision makers around the young people who are saying the undeniable truth. When that happens, young people generally say “What are we going to do about it?” And at that moment change can take place. (I. Elman, personal communication, June 14, 2016)

Through their work, the CYAs tend to see the big picture with regard to government services. Many of the CYAs identify the need for broad, coordinated strategies across government and to provide for the needs of children, youth and families in order to promote their health and well-being and prevent vulnerabilities.

Child Rights Impact Assessments (CRIA). Three interviewees referred to the use of Child Rights Impact Assessment (CRIA)²⁰ tools in their provinces to review policies, laws and budgets, in keeping with Article 3 of the UN CRC:

²⁰ SK 2015 Annual Report references: *UNICEF Canada website*: <http://www.unicef.ca/fr/discover-fr/article/what-is-a-child-rights-impact-assessment>; and *UNICEF Canada’s report: Child Rights Impact Assessments: the Fundamentals. Submitted by UNICEF Canada to the Standing Senate Committee on Human Rights, February 3, 2014. Available at: http://www.unicef.ca/sites/default/files/imce_up-loads/cria_senate_presentation_unicef_canada_feb_3_2014.pdf*

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.

UNICEF encourages Member countries to undertake CRIAs²¹ on all decisions concerning young people as an important process for advancing positive systemic change:

A CRIA should be undertaken whenever there are new policies, proposed legislation, regulations or budgets being adopted, or other administrative decisions at national, provincial/territorial, and local levels that can have an impact on children. (UNICEF, n.d., “What is a Child Rights Impact Assessment?”)

The SK ACY promotes the use of a CRIA tool across government that was developed by the Ministry of Social Services for use in developing policies and reviewing programs affecting children and youth (SK ACY, 2016). The NB government also uses a CRIA tool²² to assess the impacts of all decisions regarding new policies, laws and programs on children’s rights. The NB OCYA participates on an Interdepartmental Working Group on Children and Youth, made up of representatives of the Executive Council and all child-serving ministries. This Committee monitors the use of the CRIA tool, as well as implementation of the provincial Strategy for the Prevention of Harm to Children and Youth (N. Bossé, personal communication, July 26, 2016). NS also has a CRIA tool and the OYS encourages its use across government in making policy decisions affecting young people and their families (C. Brennan, personal communication, August 18, 2016).

²¹ UNICEF Child Rights Impact Assessment website: <http://www.unicef.ca/en/our-work/article/child-rights-impact-assessment>) provides information and resources for undertaking child rights impact assessments.

²² http://www.unicef.ca/sites/default/files/imce_uploads/BLOG/new_brunswick_cria_form_-_eng.pdf

Discussion

The CYAs perform various systemic advocacy functions, and there are some differences in their legislated roles and implementation. The CYAs define systemic issues as broad themes, trends or recurring problems in services that affect groups of young people, such as youth in detention centres, or equal access to services for Indigenous children. The CYAs' systemic advocacy efforts promote changes to policies, laws, programs, practices and integration of services to enhance the rights, interests and wellbeing of children and youth.

All CYAs seek to raise awareness and educate members of the government, legislature and the public about children's rights, needs and problems they face in relation to public services. Many CYAs also work to build alliances and collaborate with government and non-government agencies around issues of mutual concern. These types of activities contribute to developing a common understanding and base of support for shared goals and approaches to upholding the rights of children and youth.

The CYAs identify underlying, widespread or ongoing systemic problems in different ways. The YT CYA is expected to recognize trends and gather evidence primarily through reviews of individual advocacy cases, while the MB OCA may identify systemic problems through reviews of individual and group advocacy cases. However, most CYAs draw on a variety of sources to identify systemic concerns, including analyses of individual case files, as well as reviews and investigations of child deaths and critical injuries, systemic reviews and investigations, research, public consultations and the direct experiences of young people. Through focused systemic and child death / critical injury reviews and investigations, the CYAs may delve into specific incidents or matters to uncover underlying problems that negatively impact or put young people at risk.

Based on their findings, most CYAs formulate recommendations for governments and other public service providers regarding necessary changes to correct problems and improve conditions for young people. Almost all of the CYAs hold governments to account for implementing their advice and may appeal to their legislatures for back-up when faced with resistance as a means to enforce their authority. In contrast, two CYAs do not seek to tell governments how to correct systemic problems. Instead, they focus on identifying issues that negatively impact groups of children and youth and often facilitate young people to speak for themselves and have their voices heard with the expectation that governments will come up with adequate and appropriate solutions. This approach has been largely successful for both the NS OYS and the ON OPACY in gaining governments' attention and cooperation in making changes to improve circumstances for young people receiving government services.

The CYAs may use the media to help raise public awareness about children's rights, the services offered by their offices and difficulties faced by children and youth with regard to government services. They may also use the media to gain exposure for their reports or general concerns and to bring pressure on public agencies to respond. However, the CYAs have varying relationships with the media. Some have learned how to exert some control over the content of media reports, while others feel unable to manage what gets reported. The media may be inclined to sensationalize issues and misconstrue the CYAs' messages in headlines and take a "shame and blame" approach in their reports. A few CYAs are hesitant to use the media because it is perceived to be potentially threatening to public agencies, which could undermine their relationships with governments. However, several CYAs have been successful at using the media, while maintaining positive relationships with the government. They have done so by educating journalists, issuing media releases, targeting their messages, distributing summaries

and embargoed copies of their reports, and arranging press conferences. The media tends to respond by focusing on the messages that are provided to them. Cultivating relationships with particular journalists also contributes to better understanding of issues and greater depth and continuity in media reports. Using transparent processes has also been effective, where governments are informed in advance about what the CYA will publicly release and are perhaps given the opportunity to provide input and feedback before the CYAs' reports are finalized.

Many interviewees emphasized the importance of building constructive, non-threatening working relationships with government, while maintaining their arms-length, authoritative roles as legislative officers to successfully bring about meaningful systemic changes that improve circumstances for children and youth. The CYAs take different approaches to their relationships with the public service. Some work closely with government agencies to help build their capacity to solve problems or to facilitate or collaborate in identifying solutions to systemic issues. Elevating the voices of children and youth in identifying problems based on their experiences is also a compelling approach to elicit the government's attention and cooperation and to gain visibility and respect for young people.

Establishing credibility and building mutually respectful, trusting relationships with government agencies goes a long way to gaining cooperation with the CYAs' input and advice on systemic issues. It is essential to have buy-in from the public, the government and members of the legislature for meaningful changes to occur.

Chapter 6. Performance and Accountability

This chapter compares the CYAs' accountability and reporting relationships with their legislatures, the range of reports they produce and the types of performance measures used to assess their performance. Interviewees' perspectives regarding expectations of the CYAs' systemic advocacy and the extent to which they are meeting these expectations are also examined. Interviewees were also asked to identify the CYAs' greatest strengths, as well as internal and external barriers to implementing their systemic advocacy roles. Unintended consequences associated with the CYAs' systemic advocacy roles and other related influences were also addressed. A final section discusses UNICEF's (2013) recommendation regarding the use of strategic plans for systemic advocacy.

Reporting relationships

All of the CYAs submit annual reports to their Legislative Assemblies / House of Assemblies (NS; NL) through the Speaker, or directly to the president of the National Assembly (QC), and may be invited to present their reports and answer questions. The QC CDPDJ is also required to report to the government every five years on its execution of the *Youth Protection Act* (2016) and any recommendations to revise this Act. The CYAs' annual budgets and staffing requests are typically vetted through a separate legislative finance committee. The YT CYA is the only one required to submit quarterly budget expenditure reports.

As shown in Table 7, some of the CYAs report to legislative committees. Most of the CYAs have little accountability and limited relationships with members of their legislatures, even if they report to a Legislative Committee. In many cases, the CYAs are more likely to have contact with members of the Opposition who read the CYAs' reports and ask questions about issues they will raise in the House.

Four CYAs report to standing committees responsible for legislative officers. The AB CYA reports to the Standing Committee on Legislative Officers. The Committee is comprised mainly of new Members and the OCYA was invited to provide them with an orientation on his office. The CYA has met with this Committee more frequently than in previous years however, this was in part to provide input on a required review of the *AB Child and Youth Act* that began in July 2016 (D. Graff, personal communication, July 21, 2016).

The NB OCYA reports to the Standing Committee on Procedure, Privileges and Legislative Officers (PPLOC), as do all the NB legislative officers. This Committee was created by the Liberal government elected in 2014. After many years of no oversight, the NB CYA met with the PPLOC in November 2015, however this meeting focused on the Official Languages Commissioner. Since then, a member of the PPLOC has raised concerns about the accountability of legislative officers and changes may be made. In general, the NB CYA has a weak relationship with the Legislative Assembly with few opportunities to engage with Members about the work of his office and no Members ever contact the CYA to ask questions (N. Bossé, personal communication, July 26, 2016). Mr. Bossé also noted that while MLAs do not know very much about the OCYA, deputy ministers know much more.

The NU RCY reports to the Standing Committee on Public Accounts, Independent Officers and Other Entities which reviews the reports of all legislative officers. The RCY will appear annually to present her budget to this Committee. The NU RCY also meets annually with the Management and Services Board regarding financial and administrative issues.

The MB OCA's annual reports are referred to the Standing Committee on Legislative Affairs and the Children's Advocate appears before this Committee once per year. The MB OCA is open to, and maintains relationships with members of the Legislative Assembly, who may

telephone or meet with the Children's Advocate (D. MacDonald, personal communication, May 19, 2016).

The BC RCY has the greatest accountability, as the only CYA that reports to a dedicated all-party Select Standing Committee on Children and Youth, as recommended in the Hughes Report (2006).

The Select Standing Committee on Children and Youth...works to foster greater awareness and understanding among legislators and the public of the BC child and youth-serving system. The Committee also provides a public forum for discussion of reports by the Representative for Children and Youth. (BC Legislative Assembly, n.d., "Parliamentary Committees")

The BC Select Standing Committee meets regularly with the RCY to stay up-to-date on key issues and discuss her reports, including annual reports and service plans. During these meetings, Committee members ask informed questions and have good discussions with the RCY and may follow up by telephone to ask her questions (C. James, personal communication, June 2, 2016). Since 2006, the BC RCY has met with the Committee more than 30 times (BC RCY, April 2016). The BC Select Standing Committee on Children and Youth (July, 2015) also meets regularly with the Ministry of Children and Family Development to review their implementation of the RCY's recommendations. The Committee has generally had a positive working relationship with the BC RCY however, over the past year this relationship has become strained, in keeping with growing tensions between the RCY and the BC government (C. James, personal communication, June 2, 2016).

Some interviewees commented on the BC Select Standing Committee on Children and Youth model. The SK ACY remarked that he would like to have a Standing Committee similar

to the one in BC (B. Pringle, personal communication, June 13, 2016). The SK ACY informed expert also thought the BC model was beneficial for ensuring the independence and accountability of the RCY:

...our advocate doesn't really report to anybody. He reports to the House but he gets to decide when he's going to do the report. So no MLAs are involved in questioning him or part of the reception of the reports. So I think it misses a lot internally. (D. Forbes, personal communication, May 24, 2016)

Conversely, the ON PACY was skeptical that a dedicated committee, like the one in BC, would be beneficial to create change, but could provide greater accountability for the office itself (I. Elman, personal communication, June 14, 2016). The AB CYA commented that the AB Standing Committee on Legislative Offices does not have the same level of attention to the OCYA's work as the BC Standing Committee would have with the BC RCY. However, legislative officers in AB have an affiliation by virtue of reporting to the same Standing Committee and "...work quite closely as officers responsible for different parts of independent processes." (D. Graff, personal communication, July 21, 2016). The AB OCYA shares some services with other legislative officers, such as an IT system. The officers meet regularly to discuss their different roles and coordinate the release of reports on overlapping issue. For example, the AB OCYA and the Auditor General synchronized the release of their reports on Aboriginal child welfare.

Table 7: Accountability relationships

P/T CYA	Annual report submitted to	Budget approval
BC RCY <i>Representative for Children and Youth Act</i>	Speaker of the Legislative Assembly	Select Standing Committee on Finance and Government Services
AB OCYA <i>Child and Youth Advocate Act</i>	Standing Committee on Legislative Offices	Budget and business plan submitted to Standing Committee on Legislative Offices
SK ACY <i>Advocate for Children and Youth Act</i>	Speaker of the Legislative Assembly	Board of Internal Economy
MB OCA <i>Child and Family Services Act</i>	Standing Committee of the Assembly on Legislative Affairs	Legislative Assembly Management Commission (LAMC)
ON OPACY <i>Provincial Advocate for Children and Youth Act</i>	Speaker of the Legislative Assembly	Board of Internal Economy
QC CDPDJ <i>Youth Protection Act</i>	Annual report to president of the National Assembly	Committee on Public Finance of the National Assembly
NB OCYA <i>Child and Youth Advocate Act</i>	Standing Committee on Privileges, Procedures and Legislative Officers Committee (PPLOC)	Legislative Administration Committee (LAC)
NS OYS <i>Ombudsman Act</i>	Annual report to the Speaker of the House of Assembly	Annual Accountability Report to Minister of Finance
NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i>	Speaker of the House of Assembly	Management Commission
YT CYA <i>Yukon Child and Youth Advocate Act</i>	Speaker of the Legislative Assembly	Quarterly reports to Members' Services Board on expenditures
NU RCY <i>Representative for Children and Youth Act</i>	Standing Committee on Public Accounts, Independent Officers and Other Entities	Management and Services Board (MSB)

Reports

The CYAs' websites are a rich source of information about their work, the issues they focus on and provide access to their public reports. All of the CYAs publish informative annual reports that are available to the public. Some CYAs also publicly release annual service, performance or business plans. Many of the CYAs have produced dozens of other in-depth special reports on key issues pertaining to children and youth. Table 8 summarizes the range of reports produced by each CYA. The BC RCY has produced a high volume of special and investigative reports.

Annual reports. All of the CYAs' annual reports include budget and financial reports or statements. As presented in Appendix L, there are differences in the CYAs' legislation with regard to the content of their annual reports. The BC *Representative for Children and Youth Act* (2006) is relatively detailed, specifying that the RCY's annual report shall include: the attainment of goals, objectives and performance measures put forward in annual service plans, as well as audited financial statements. The NU *Representative for Children and Youth Act* (2013) also outlines the essential content of the RCY's annual report, including summaries of various activities undertaken during the year, an account of the well-being of NU children and youth, and a financial statement. The ON *Provincial Advocate for Children and Youth Act* (2007) addresses the content of the PACY's annual report in terms of "*whatever information the Advocate considers appropriate,*" but minimally, the activities and accomplishments of the office, financial information and expected outcomes for the following year. The SK *Advocate for Children and Youth Act* (2012) mentions only a few items to be included in the ACY's annual report. The YT *Child and Youth Advocate Act* (2009) also identifies only a few items to be included in the CYA's annual report and states that after the report is given to the Legislative

Assembly, it will be distributed to First Nations and the public. The YT CYA produced a 4-page summary report for the years 2010-2015, following her first year in office (starting in May 2015) that provides a breakdown of advocacy cases since the office began and highlights of key events and milestones. The other CYA's legislation provide few details regarding the content of their annual reports.

Service plans. Five CYAs make their Annual Business / Services Plans available to the public. Since 2012-13, the BC RCY's annual reports have included annual service plans. Prior to that, separate annual Service Plans were produced. The BC RCY's annual reports feature highlights of activities performed and strategic initiatives underway and planned for the following year. In addition, the BC RCY's performance is measured in relation to relevance, responsiveness, accountability and excellence. The QC CDPDJ's annual reports include measures of performance against its five-year strategic plan (e.g., Planification stratégique 2010-14).

Since 2014, the AB OCYA has published four-year business plans separate from its annual reports that identify "strategic opportunities," goals, priorities and performance measures. The NS Office of the Ombudsman produces a separate annual accountability reports that assesses performance against the goals, priorities, and performance measures contained in the Ombudsman's Statement of Mandate (February 27, 2015). The NL ACY prepares a separate annual performance report that addresses the ACY's priorities, goals, objectives and performance measures, opportunities and challenges. However, the NL ACY's performance report does not appear to correspond to a strategic plan.

Special reports. Most of the CYAs produce special reports on various systemic issues. The BC RCY has been most prolific in publishing special reports on a wide range of issues,

including: the provincial adoption system (June 19, 2014) and youth leaving care (April 28, 2014). The AB OCYA has published a number of special reports on topics including youth aging out of care (April, 2013) and the overrepresentation of Aboriginal children and youth in the child welfare system (July 2016). The AB OCYA also produces Service Delivery Reports twice per year for each Child and Family Service region and Delegated First Nation Agency that summarize the OCYA's involvement and identifies systemic issues identified in each jurisdiction during the period. The SK ACY has reported on several systemic investigations, including foster home overcrowding (2009; 2011) and administrative fairness (2012). The MB OCA has published special reports on systemic reviews, such as marginalized indigenous girls (June 2016) and youth suicide (May 2016). The NB OCYA has also produced reports on systemic issues, including the need for greater collaboration to protect young people's rights in the criminal justice system (2015).

Child death and critical injury reports. Those CYAs that undertake child death and critical injury reviews / investigations may release public reports, except for the MB OCA. While the NB OCYA no longer conducts child death reviews, a few influential reports are available on investigations that were undertaken when the CYA was part of the Office of the Ombudsman (e.g., The Ashley Smith Report, June 2008). Child death and critical injury reports are available on the CYAs' websites.

Monitoring reports. A few CYAs provide publicly-available monitoring reports on the implementation of their recommendations. The BC RCY tracks the government's responses to recommendations in annual reports and periodically releases public reports summarizing the government's compliance with recommendations (May 23, 2007; November 26, 2007; December 11, 2008; Nov 29, 2010; October 2014; November 2014). Since 2014, the AB CYA

produces publicly-available reports on the implementation of his advice twice per year (March 31, 2014; September 30, 2014; March 31, 2015; September 30, 2015; March 31, 2016). The QC CDPDJ produced one public report in follow-up to recommendations regarding youth protection in Northern Québec (2010). Since 2014, the NL ACY has produced annual status reports on its recommendations to the government (2014; 2015).

Media releases. Most CYAs provide access to their past and present media releases on their websites.

Other reports. The CYAs provide access to a variety of other reports that reflect their work. For example, the AB OCYA makes available reports on conferences in relation to systemic issues, such as youth suicide awareness and prevention (May 2013), and mental health symposia (October 2014; February 2014). The NB OCYA produces periodic “State of the Child” reports that identify trends in the health and well-being of children and youth in NB (NB OCYA, 2008; 2009; 2011; 2013; 2014). The BC RCY has collaborated with the BC Provincial Health Officer on “Growing up in BC” reports on the state of children and youth in BC (June 2015; October 2010).

Table 8: Types of reports available on the CYAs' websites

P / T CYA	Types of reports available on the CYAs' websites
BC RCY <i>Representative for Children and Youth Act</i>	<ul style="list-style-type: none"> • Annual reports • Service plans • Child death and critical injury investigation (CID) reports • CID follow up reports • Progress reports on implementation recommendations • Monitoring reports • Special reports • Statements • "Growing Up in BC" (with the BC Provincial Health Officer) • Editorials and submissions
AB OCYA <i>Child and Youth Advocate Act</i>	<ul style="list-style-type: none"> • Annual reports • Business plans • Child death and critical Injury investigative review reports • Special reports • Media releases • Newsletters • Policy manuals and rights handbooks • Service reports (prepared twice per year) • Monitoring reports (progress on implementation of Advocate's recommendations) • Systemic review reports • Symposium report
SK ACY <i>Advocate for Children and Youth Act</i>	<ul style="list-style-type: none"> • Annual reports • Media releases • Special reports • Child death and critical injury investigation reports • Program and services investigations • Progress reports on foster home overcrowding • Mandatory investigations
MB OCA <i>Child and Family Services Act</i>	<ul style="list-style-type: none"> • Annual reports • OCA newsletters • Special reports • Media releases • Information sheets [The Megaphone]
ON OPACY <i>Provincial Advocate for Children and Youth Act</i>	<ul style="list-style-type: none"> • Annual reports • News releases • Information sheets • Special reports • Other publications (various)

P / T CYA	Types of reports available on the CYAs' websites
QC CDPDJ <i>Youth Protection Act</i>	<ul style="list-style-type: none"> • Activity and management reports • Declaration of services (2012) • Investigative reports • Consultation and recommendations reports • Reports on International Covenants and Conventions • Follow up on recommendations • Briefing notes • News releases • Training sessions and resources • Fact sheets
NB OCYA <i>Child and Youth Advocate Act</i>	<ul style="list-style-type: none"> • Annual reports • News bulletins • Systemic review reports • Child death investigation report • Position paper • State of the Child Report (in collaboration with the NB Health Council) • Youth's guide to child protection booklet
NS OYS <i>Ombudsman Act</i>	<ul style="list-style-type: none"> • Annual reports • Annual accountability reports • Business plans • News releases • Child death review report (1 publicly available) • Brochure "We have time to talk" [English and Mi'kmaq]
NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i>	<ul style="list-style-type: none"> • Annual reports • Four-year business plans • Case reviews • Child death / critical injury investigation reports • Status of recommendations • Pamphlets, booklets • Press releases
YT CYA <i>Yukon Child and Youth Advocate Act</i>	<ul style="list-style-type: none"> • Annual reports • Protocols (with Ministries of Education, and Health and Social Services) • UN CRC in child friendly language (Canadian Heritage) • Fact sheet: Rights of the child
NU RCY <i>Representative for Children and Youth Act</i>	<ul style="list-style-type: none"> • Annual report • Business plan • Placeholders on website for future reports including media releases and investigative reports

Expectations

Interview participants were asked to identify intermediate and longer-term expected outcomes of the CYAs' systemic advocacy work and if the CYAs were meeting interviewees' expectations.

Raise public awareness. The most common response among nine interview participants, was that the CYAs are expected to raise public awareness about the rights of children and youth, the key issues that affect them, and services offered by the CYA. In theory, raising public awareness will put pressure on the government to take actions that will lead to better outcomes for young people.

...the greatest outcome that the ACY currently achieves is the public awareness of some of the issues that come with providing care and services to youth....There have been a number of cases just in very recent years that have made headlines. And the public attention that those cases got, they clogged the media, they clogged the open-line shows. That kind of public attention puts a lot of pressure on government and it pushes, it forces the hand to implement change, which in my mind is a very positive thing (L. Dempster, personal communication, June 30, 2016)

The NS OYS noted a lack of public understanding of the roles performed by the OYS however, they are hesitant to promote their services too much because they lack the capacity to respond to a high volume of contacts and complaints.

Build alliances / collaboration. Four interview participants identified collaboration or building alliances as an expectation of the CYAs. For example, the NB OCYA is expected to

build greater alliances between government and civil society. The NB OCYA collaborates with non-governmental child serving agencies through meetings and conferences and share common ideas and goals. The AB OCYA is uniquely positioned, given their long existence and recent independence, to bring together representatives from across government to work toward solutions to systemic issues. The NU RCY noted that as a result of their efforts to build alliances, reduce silos and facilitate collaboration among service providers, changes were already starting to occur:

...it's often the intersection of many service providers that is at play in order to move a child forward on the path that they need to go. (S. McNeil-Mulak, personal communication, June 30, 2016)

Elevate the voices of children and youth. Four interviewees addressed the CYAs' roles in promoting listening to young people. The ON OPACY's emphasis on involving young people in decision-making and elevating their voices has been embraced by the ON public service. ON is the first province to establish a permanent Premier's Council on Youth Opportunities:

Twenty-five young people from a variety of cultures, communities and backgrounds will be part of the council. They will give advice on how to improve the delivery and design of government programs and services for youth, report on specific challenges and share ideas on how to best support youth. (Government of ON, March 2013)

The NS OYS also works to elevate the voices of young people and to ensure that their views are respected:

...we're not the voice for the youth but we want to make sure that what the youth have to say is at least heard and considered...in decisions that are made that affect them, whether it's policy or legislation ... We're very careful to say that, to ensure they're heard versus being their voice. (C. Brennan, personal communication, August 18, 2016)

The YT CYA is working to address the goal of building a strong system of public services that support children and youth and respects their rights, interests and preferences in decisions that are made about them (A. King, personal communication, June 16, 2016).

The NU RCY works to raise government and public awareness about children's rights and especially their right to be consulted on issues that affect them. The RCY noted that through these activities they are seeking to change common attitudes and beliefs about how young people are viewed.

Raise government awareness. While all of the CYAs are expected to bring systemic issues to the government's attention, only a handful of interviewees identified this as a key function. The NB OCYA raises government awareness about children's rights and systemic problems in order to focus attention on particular issues. Similarly, the YT CYA seeks to "shine a light" on issues that government may already be aware of, to help elevate and focus attention on particular concerns and influence political will (A. King, personal communication, June 16, 2016).

...there's an expectation that they will sort of get to the bottom of a tragic event, that they will really take a deep dive into the situation, particular cases and that they will kind of connect the dots between the case and the cause, which is where you get to the systemic piece. And that over time with each of these cases, you

start threading those themes together and you get more and more...evidence for the requirement of systemic change to address some of the systemic issues. (G. Rogers, personal communication, June 21, 2016)

The NU RCY uses precepts laid out in the UN CRC to raise government awareness about children's rights, the challenges they face and ways to address these issues. The NU RCY is seeking to change a mindset about children and youth both within government and the general society (S. McNeil-Mulak, personal communication, June 30, 2016).

During the first few years of his tenure, the SK ACY was successful at focusing the government's attention on issues affecting children, youth and families, resulting in increased public spending and greater supports. However, in recent months the ACY's advice has not been well received (B. Pringle, personal communication, June 13, 2016).

Hold government to account. Three interviewees addressed the expectation that CYAs will hold governments to account for improving services for children and youth. The NS OYS views their primary role as ensuring that governments are accountability for providing fair and transparent services to children, youth and their families. The OYS brings problems to the governments' attention, makes policy recommendations where they see room for improvements and monitors the government's responses to these issues. The NL ACY has authority to make recommendations to government and hold the government accountable for implementing their advice. To assert this authority, the NL ACY informs the public about the government's compliance through annual status reports (2014; 2015). The YT CYA may bring specific concerns to the government's attention and, even without giving specific advice, may recommend that the government report back on what it is doing in regards to these issues. The aim is to ensure that the government at least acknowledges the problems.

Government responsiveness. All interviewees identified government responsiveness and improvements to services for children and youth as long-term expected outcomes of the CYAs' systemic advocacy work. Over time, it is anticipated that governments will embrace the notion of children's rights and include the input of children and youth in decisions that are made about them. For example, the YT CYA indicated that her goal is for government to build stronger systems that embrace the rights, interests and preferences of children and youth in order to support them to reach their full potentials (A. King, personal communication, June 16, 2016).

Approach to systemic advocacy. Six respondents addressed the CYAs' style or approach to systemic advocacy as an expectation and critical factor to their effectiveness. Several interviewees emphasized taking a respectful approach in their systemic advocacy work. For example, the NL ACY and NS OYS both focus on identifying systemic failures, rather than seeking to blame individuals, in order to create safe and trusting working relationships with government. The NU RCY takes a respectful approach to raising awareness about children's rights by honouring traditional Inuit cultural and societal values, while emphasizing the tenets of the UN CRC. The ON PACY stressed the importance of style in conveying messages:

...there's process and content, so I often say the way in which you do something can make as much change as what you do. (I. Elman, personal communication, June 14, 2016)

The overall approaches taken by two CYAs were criticized by three interviewees, but for opposite reasons. The SK ACY was praised for performing good work but criticised for operating more like an internal arm of the government, rather than an independent legislative officer (D. Forbes, personal communication, May 24, 2016). This approach was considered to be ineffective, since neither the government nor the legislative assembly tend to take the SK ACY's

advice very seriously. The BC RCY was also highly praised for her diligence and having the best interests of children and youth at heart. However, the RCY's approach to government is seen to be confrontational and blaming of the children's ministry. Interviewees viewed this approach as counterproductive, since the RCY's relationship with the government has become increasingly strained and uncooperative. Concerns were also expressed about front-line workers who may bear the burden of the RCY's strong criticisms (C. James, personal communication, June 2, 2016).

...her start point in most instances is to blame the Children's Ministry. Over time, the impact of this confrontational approach diminishes her usefulness. People understand that numerous factors are involved, and want to see less blame, and more practical assistance, applied. (Victoria Times Colonist, May 15, 2016, Editorial)

Meeting expectations

Most interview respondents stated that the CYAs are meeting their expectations. A couple of external experts had both positive comments and some reservations about the work of the CYAs. For example, in spite of the BC RCY's contentious relationship with the government, external experts concurred that there was "no question" the RCY has lived up to expectations and serves a very valuable purpose. The RCY focuses attention and elevates particular issues to put pressure on the government to act, which makes a significant difference.

If you look at the budget last year, I do not believe that if we did not have a Representative for Children and Youth bringing attention to all these issues you would have seen the interest of the Ministry that occurred. (C. James, personal communication, June 2, 2016)

One external expert pointed out that it depends on whose perspective one takes in terms of judging if the BC RCY is living up to expectations. She questioned if the ministry has been responsive enough, whether real changes are being made and if children and youth who are currently in the system will experience benefits (C. James, personal communication, June 2, 2016).

The NB CYA has gained the attention of both government and the public and influenced broad systemic changes such as:

We have seen broad systems change in matters relating to our advocacy, for example within the youth criminal justice system (policing, prosecutions, legal aid, judges, corrections, probation, mental health, sheriff services, education). (NB CYA, written submission)

The NB external expert had a mixed review of the ACY. In some ways, it was living up to expectations and more work is needed to rebuild relationships with First Nations.

First Nations social workers are a major issue of importance and it's something that the Advocate needs to refocus and try to rebuild those relationships because the children need them on this front. (M. LeBlanc, personal communication, June 22, 2016)

The NL ACY was highly praised for doing "some phenomenal work" to raise public awareness and inform Members of the House of Assembly. Through her reports, presentations in the House and through the media, the ACY focuses on key issues and the types of systemic changes that are necessary. The ACY stated that her office has had a very positive influence on systemic change.

The ON PACY noted that he is very proud that the ON public service has embraced the notion of “youth engagement,” a term that he refuses to adopt. Establishment of the Premier’s Youth Council and the government’s commitment to consult with young people about any policies or programs that affect them, are indications that the processes by which decisions are made in the government are becoming more inclusive of young people’s input (I. Elman, personal communication, June 14, 2016). While the OPACY has facilitated many projects and events to involve young people and elevate their voices, Mr. Elman emphasizes: “...that was young people who did that. They are the driving force, the inspiration and touchstone for our work.”

The SK ACY reported that until recently, his office had a positive impact on government (B. Pringle, personal communication, June 13, 2016). The SK informed expert noted that in some ways the ACY does “fantastic work” but, because the ACY operates as if it is internal to government, the Ministry of Social Services tends not to follow the ACY’s advice. The SK expert also questioned the value of work that cannot be measured.

...it’s hard to measure influence on systematic change...what’s the value if you can’t assess what your impact is? (D. Forbes, personal communication, may 24, 2016)

While the AB OCYA informed expert stated that the office does good work, the AB CYA himself is disappointed with the government’s level of responsiveness to his recommendations:

In 12 investigative reviews and one special report we made 41 recommendations. 15 have been met 26 have seen some progress. One of those 26 very little progress. And so I don’t think that government is responding adequately to our recommendations. (D. Graff, personal communication, July 21, 2016)

The NS OYS is living up to expectations, although public awareness could be enhanced. Periodically, there are calls to create a stand-alone Children's Advocate and Ms. Brennan is concerned that the public does not really understand what the OYS does. On the other hand, the OYS has demonstrated success and the same model has been applied to senior's services within the Ombudsman's office (C. Brennan, personal communication, August 18, 2016).

Interview participants identified a range of expectations of the CYAs including raising public awareness, focusing the government's attention on issues that impact children and youth and building alliances with government, young people and NGOs. In general, the CYAs are living up to expectations and making inroads by influencing governments to make positive changes to systems of services for children and youth.

Performance Measures

Only five CYAs report annually using performance measures and indicators to gauge their work. However, these are constructed in different ways and cannot be aligned. These five CYAs also produce annual service or business plans that set targets in the form of goals, objectives and service levels against which the CYAs measure their achievements.

The BC RCY (2015) produces annual report / service plans in which it:

...measures its performance in achieving its outcomes of relevance, responsiveness, accountability and excellence by tracking key performance indicators (KPIs) and associated performance targets. In addition to KPIs, the Office also tracks a number of secondary indicators for each outcome. The Office uses three primary data sources to measure its performance: internal management information systems; publicly available reports; and survey data. (p. 39)

The BC RCY has conducted three user-awareness surveys (2014-15; 2013-14; 2012-13) of persons and agencies with whom the RCY has had some type of contact. The BC RCY also reports on the implementation of its recommendations in both its annual reports and in periodic, specific reports (e.g., November, 2010; October 2014; November 2014). The RCY (2015) states that implementation of these recommendations is not in its control however, the degree to which corresponding changes have been made provides an indication of the RCY's effectiveness at influencing the government to improve services.

...in October 2014, the Representative issued a comprehensive report on the 148 recommendations made by the Representative in 22 reports during the six-year period between Jan. 1, 2008 and Dec. 31, 2013 and government's response to implementing those recommendations. The Representative continues to track the status of unimplemented recommendations made in reports issued prior to Jan. 1, 2014 and the progress of recommendations made in the six reports issued since that time. (p. 40)

The AB OCYA established a four-person Quality Assurance division in 2014-15, to "...focus on data analysis, program evaluation, and performance management to continuously improve quality of services." (2015, p. 17). The AB OCYA also worked on finalizing a Quality Assurance Framework to use as the basis for an Implementation Plan. The AB OCYA has also used advocacy standards to monitor its work over each of six years, including: responsiveness, decision-making processes, involvement of young people, and the collection of information. The AB OCYA (2015) indicates compliance and target rates for each standard. The AB OCYA also gathers feedback from young people who use the Legal Representation for Children and Youth

(LRCY) services and advocacy services, and collects feedback on public presentations and workshops, as well as youth justice system awareness sessions.

The AB OCYA introduced an Advocacy Practice Framework in May 2014:

...to provide both staff and stakeholders with a common understanding of the work of the OCYA. The framework is also a tool with which to monitor our current practices, and to guide improvements and the development of new practices. (AB OCYA, 2015, p. 17).

The QC CDPDJ's 2014-15 Annual Activity and Management Report [Rapport d'activités et de gestion] assesses the Commission's work for the fiscal year against its 2010-2015 Strategic Plan. This analysis lays out the objectives, actions, indicators and results under three main goals, including "Assurer le respect de l'intérêt supérieur des enfants et la valorisation de leurs droits;" [Ensure respect for the best interests of children and the promotion of their rights.] The report also provides in-depth descriptions of the Commission's primary activities undertaken during the year in the areas of advocacy, protection, and promotion of human rights and freedoms.

The NS Ombudsman publicly releases an annual Accountability Report that includes an assessment of its performance under core business areas in relation to the goals, priorities, and performance measures laid out in its annual Statement of Mandate. For example, the outcome "An efficient and effective complaint resolution process" has a measure of "timely completion of reviews and investigations." Time for completion of reviews is compared with previous years (NS Office of the Ombudsman, July 2015).

The NL ACY's annual performance reports addresses the goals, objectives, performance measures and indicators for the ACY's main activities, including: public education and

promotion; reviews and investigations; and, systemic advocacy. The report features “highlights and accomplishments,” as well as “opportunities and challenges” of the work performed over the year.

The other CYAs produce informative annual reports that are descriptive in nature and include various statistics, such as the numbers and types of advocacy cases (e.g., child welfare, youth justice, mental health, etc.), ages of children involved; statistics on child death / critical injury reviews / investigations such as ages, causes, etc., and summaries of other key activities undertaken by the CYA offices.

Assets

Interviewees were asked to identify the CYAs’ greatest assets for undertaking systemic advocacy. The CYAs’ independence and the robustness of their legislation each topped the list among seven respondents. Other commonly cited strengths were the CYAs’ staff, leadership, experience, access to information and legal acumen.

Seven interviewees identified the CYAs’ legislation as an important asset for performing their roles. Four CYAs specifically referred to the broadness of their mandates as a key advantage. The AB CYA noted that the balance between the breadth of his mandate and the specificity of his legislation ensures that “doors can’t be closed on us” (D. Graff, personal communication, July 21, 2016). The AB CYA also commented that his legislation enables his office to view issues systemically. The NS *Ombudsman Act* (1989) provides a broad mandate that enables the OYS to work across all types of provincial and municipal government services and programs. The OYS is also able to bring together service providers from across governments to work collaboratively to resolve issues, particularly in complex cases. (C. Brennan, personal communication, August 18, 2016). Entrenching the BC RCY’s roles in legislation is seen to give

her authority and make it difficult to remove functions and powers (C. James, personal communication, June 2, 2016).

Seven interviewees identified the CYAs' independence from government as an important asset in undertaking systemic advocacy. It ensures that they are unrestrained by ministerial and political interests. The AB CYA's independence from government in 2012, enhanced his ability to do systemic advocacy. Initially, it was important for the OCYA to assert its independence (D. Graff, personal communication, July 21, 2016). The BC RCY's independence from government is viewed as a strength because families are willing to talk to the RCY staff who are not seen as threatening in the way that social workers may be. The BC RCY's independence is also viewed as crucial to her ability to speak truth to power outside of the control of government (C. James, personal communication, June 2, 2016).

Six interviewees recognized the CYAs' staff as important strengths of the organizations because they were highly qualified, knowledgeable and experienced, as well as passionate about their work. The SK ACY noted that the competence and diversity of their staff, including nine Indigenous employees, a lawyer and a child rights expert is an important asset. The ON PACY also noted the strength of their diverse staff team, made up of all ages and backgrounds in a wide range of disciplines and countries of origin (I. Elman, personal communication, June 14, 2016).

Six interviewees acknowledged the CYAs' relationships with government and young people as vital assets for their systemic advocacy work. The AB OCYA has long-established relationships across government and is effective at assembling service providers from diverse settings, including social workers, probation officers and mental health workers, to work on resolving youth-related issues (D. Graff, personal communication, July 21, 2016). The NS Ombudsman's broad mandate enables the OYS to bring together different service providers to

work toward coordinated responses and approaches, particularly in complex cases (C. Brennan, personal communication, August 18, 2016).

The ON PACY emphasized their relationship with young people as a major strength:

...the young people themselves are obviously an amazing assets in anything they may volunteer in, from being in a project to working on our staff. We have 14 young people working on our staff. So they are huge...And when we partner with the young people it's a force. A huge...force. That's our biggest strength as an organization. (I. Elman, personal communication, June 14, 2016)

Members of the CYAs' legislative committees and informed external experts were not interviewed in each province and territory but in general, all were complimentary of the Advocates themselves, although a few also had some reservations. Experts explicitly identified the leadership qualities of the AB CYA, BC RCY and SK ACY as important assets of these offices.

Three CYAs identified the longevity and experience of their organisations as very beneficial. For example, the AB CYA noted that the office is well-established and has a depth of knowledge about individual advocacy which gives them credibility and contributes to their ability to undertake systemic advocacy. The SK ACY also has a history as a credible and respected authority and there is an overall sense of value of this institution. The NS OYS has also established itself over time as a trustworthy institution that seeks to identify and work with governments and services providers to resolve systemic problems.

Two CYAs noted that their status as legislative officers gave them valuable access. The AB OCYA has direct access to child welfare files which greatly assists them in their work. The

ON OPACY has access to both information and resources which makes them an attractive partner for community advocates.

Two CYAs identified their legal expertise as an important asset. The AB OCYA has appointed legal representation for children and youth since 2005. This has enabled the OCYA to develop strong ties with the legal community and to become a leader in this area. The AB OCYA hosts a children's legal representation conference every two years that attracts participants from across the country (D. Graff, personal communication, July 21, 2016). The NB OCYA also possesses strong legal expertise, with approximately half of its staff being lawyers who are also knowledgeable about international human rights treaties and laws.

Obstacles

Interviewees were asked to identify the greatest barriers to the CYAs' systemic advocacy. Inadequate resources, waiting for change to occur, indifference of government and the public, politics and weaknesses in the CYAs' legislation were the most commonly identified obstacles.

Nine interviewees identified the CYAs' budgets / resources as a restraint on their ability to undertake systemic advocacy. While the BC RCY has a relatively large budget, one interviewee noted that the office could do more if they had more resources. The BC RCY has been very productive in undertaking investigations, producing reports and managing individual advocacy cases. Concern was expressed about the possibility of staff burnout (C. James, personal communication, June 2, 2016). The SK MLA remarked that committing funds for the SK ACY is a big challenge. (D. Forbes, personal communication, May 24, 2016).

The MB OCA acknowledged that resources are stretched by the large number of labor-intensive child death reviews they do each year. These reports are not released to the public and

are therefore not acknowledged in the OCA's work. The MB OCA must focus on individual advocacy and child death reviews which leaves few resources for systemic advocacy. The MB OCA would like to shift toward making systemic advocacy the primary focus of their work.

The NB OCYA also has limited resources and a small staff which constrain their ability to conduct systemic advocacy and monitor implementation of their recommendations. Only the Director of Systemic Advocacy is dedicated to working on systemic issues which places an excessive load on one staff member (N. Bossé, personal communication, June 26, 2016).

The NS OYS also has a small staff and limited resources. The OYS seeks to maximize their capacity by correcting systemic problems as they occur and expecting provincial and municipal government departments to address public inquiries and resolve issues directly. The OYS has been successful in gaining the governments' cooperation to comply with their advice and respond to public queries (C. Brennan, personal communication, August 18, 2016).

The NL ACY is also constrained by limited resources that for several years prevented them from doing more than react to systemic issues. Recently the NL ACY hired consultants to undertake two large research projects as a proactive approach to systemic advocacy. A NL MLA noted that the government would like to increase the ACY's budget however, the recently formed government is financially strapped (L. Dempster, personal communication, June 30, 2016). The YT CYA is also limited by a small staffing complement of only three people, leaving gaps in their ability to undertake systemic advocacy, develop a communications strategy and carry out investigations. The recently established NU RCY also identified limitations in the office's capacity to meet demands. Only one staff member is currently devoted to working on systemic issues and there are many major issues that could be investigated (S. McNeil-Mulak, personal communication, Jun 30, 2016).

Five interview participants acknowledged that change takes time and there is a need to be patient or to find a balance between exerting pressure on the government and waiting for them to respond. For example, the AB CYA identified the challenge of needing to slow down to ensure that external partners are on board so that long-term systemic change can occur, even though the OCYA may feel a sense of urgency for changes to happen (D. Graff, personal communication, July 21, 2016).

The NB OCYA also identified delays in government responsiveness to their recommendations as an external obstacle to systemic change (N. Bossé, personal communication, June 26, 2016). The NL ACY acknowledged that even if modifications do occur to policies, procedures and practices, it takes time for change to be implemented (C. Chafe, personal communication, June 14, 2016). The BC RCY must sometimes wait to gain access to information for investigations until other external bodies have completed their inquiries (C. James, personal communication, June 2, 2016).

Four informants acknowledged indifference to issues affecting vulnerable children, youth and families as a limitation on the CYAs' systemic advocacy work. The BC MLA commented that vulnerable children, youth and families do not receive the level of priority, attention and societal impetus needed to bring about meaningful change. Tragedies gain public and political attention, but may not result in the types of advocacy and public pressure needed to produce the types of broader changes that are needed (C. James, personal communication, June 2, 2016).

The AB CYA asserted that government leaders can be disinterested in issues that affect children and youth and this poses a significant barrier to the OCYA's systemic advocacy.

And when apathy is at the level of policy-makers and decision-makers, it becomes a pretty large obstacle. (D. Graff, personal communication, July 21, 2016)

The NB CYA also reports that awareness about children's rights among members of the legislative assembly is low:

...you know I could probably ask all of the MLA's if they know anything about the UN CRC and probably 90% of them would say no I don't know what you're talking about. It's not top of mind topic for them, it's not top of mind knowledge even... We don't see many ministers but I think it's a function of receiving our reports, going to meetings with government departments and educating them... about what we do and who we are is important as well. It all takes some degree of time. (N. Bossé and G. Kotze, personal communication, July 26, 2016)

The NS OYS representative noted that while governments appear to be taking issues that impact children and youth more seriously, it has been challenging to gain the public's and government's attention and respect for these issues. The public may be dismissive of youth who are in detention centres or seen as "just a runaway and into drugs."

I guess trying to legitimize what we're doing because oftentimes... [it] doesn't seem to be that seriousness that comes along with some of the [other] issues or complaints that we look into... Whereas there's us trying to elevate to show the seriousness and the impact it could have on the government. (C. Brennan, personal communication, August 18, 2016)

Interviewees regarding the NS OYS and NB OCYA noted that public awareness about children's rights and the roles of these offices is low. It is interesting to note that both of these offices reported limited relationships with the media. Instead, they maintain low profiles and perceived that confidentiality is appreciated by governments and promotes cooperation. On the other hand, the public is not well informed about the work of these offices.

As a new office, the NU RCY faces the challenge of raising awareness about the office and its mandate across 25 remote communities in the territory. The office acknowledges that being an Iqaluit-based organization adds to this challenge. This makes community outreach a key priority for the office (S. McNeil-Mulak, personal communication, June 30, 2016).

Four interviewees identified that politics is a limitation in various ways to the CYAs' systemic advocacy efforts. Elections were a factor in several jurisdictions. For example, the MB OCA waited a year for a draft Bill to pass that would broaden its mandate under separate legislation. However, this legislation did not pass before the provincial election in April 2016, that resulted in a changeover in government. The new government will need to revisit proposed legislation and gain an understanding of the child welfare system.

It's just a huge learning curve for a new government...the drawback is it will take a while to understand the system. It's a complicated system in Manitoba. (C. La Berge, personal communication, May 19, 2016)

The YT CYA noted that the upcoming election in November 2016, could pose a potential obstacle because it may delay action on any recommendations made by her office (A. King, personal communication, June 16, 2016). The election did result in a turnover of power to the Liberal party from the longstanding conservative Yukon Party.

The SK ACY felt that the under the current political climate, the government was not receptive to his input. In general, governments do not like to be criticized or challenged and the Advocate may have crossed a line at some point that created a barrier. The SK ACY was aware that he would not be reappointed (B. Pringle, personal communication, June 13, 2016).

The NL MLA commented that sometimes politics comes into play in relation to the types of information that the NL ACY is allowed to release (L. Dempster, personal communication, June 30, 2016).

A few interviewees regarded limitations in the CYAs' legislation as barriers to carrying out systemic advocacy. As mentioned, the MB OCA is dissatisfied with their current directive under the *Child and Family Services Act* (1985) and has been waiting for passage of new, separate legislation to expand their mandate. The NL MLA noted that under the current legislation, the NL ACY's recommendations are not legally binding or enforceable, which limits her ability to ensure systemic changes (L. Dempster, personal communication, June 30, 2016). The YT CYA views her legislation as having potential limitations because it is "response-based," rather than proactive. Systemic issues must be identified as trends in individual advocacy cases over time. In addition, the YT CYA does not have an investigative role and may not gather information outside of individual cases to bolster her systemic advocacy (A. King, personal communication, June 16, 2016).

Other barriers identified less often by interviewees included: dealing with silos in government; the need for fundamental systemic change, such as effective poverty reduction strategies; lack of relationships with MLAs / legislative assemblies; tenuous relationships with government; limited access to information; balancing putting pressure on government and maintaining positive relationships; and, in one case, lacking a clear understanding and internal cohesion regarding systemic advocacy.

Accomplishments

All of the CYAs present achievements and success stories in the annual reports. This section highlights some that were identified by interviewees regarding positive outcomes associated with the CYAs' systemic advocacy. For example, the NL ACY noted that they face very little resistance from government regarding their recommendations and it is not unusual for them to receive gratitude from government representatives. For example, when the NL ACY pointed out that laws governing the length of time youth may be kept in adult holding cells were not being consistently followed, the Department of Justice responded positively and was in full agreement (C. Chafe, personal communication, June 14, 2016).

A primary focus of the ON OPACY's work is to make children and youth more visible and ensure they are considered in decisions that are made about them. The PACY reported that youth engagement has taken hold in ON with some very positive spin-offs. For example, the Premier has established a Council on Youth Opportunities. In addition, the ON Public Service is now saying that no decisions will be made about children and youth without their input (I. Elman, personal communication, June 14, 2016). Mr. Elman is quick to point out that young people made this happen. Another illustrative example in ON is a Northern First Nations organization that was involved in Feathers of Hope and then took their Youth Council to Ottawa to meet with parliament and the Prime Minister. This gave youth visibility and the opportunity to speak for themselves. The OPACY is now starting to support youth-led initiatives, rather than always being the initiator. For example:

...the Youth Leaving Care Hearing's big request was that government should create a working group with young people to create a blueprint for change. Which they did. (I. Elman, personal communication, June 14, 2016).

The ON government is also seeking to establish a similar process to develop a blueprint for change for children and youth with special needs. This is based on the “We Have Something to Say” report, written by young people and facilitated by the OPACY.

The BC RCY called on postsecondary institutions to forego tuition fees for youth who are in continuing care. Both Vancouver Island University and the University of British Columbia have agreed to this request (BC RCY website: Partnerships).

The NB OCYA provided several examples of far-reaching changes that have occurred in relation to their advocacy efforts. For example, the province of NB was the first jurisdiction in Canada to use a CRIA tool for legislative and regulatory changes (written submission, NB OCYA). The NB OCYA (2016) has partnered with the Executive Council Office to initiate a provincial harm prevention strategy for young people. The NB CYA has also been successful at influencing changes to the youth criminal justice system.

Unintended consequences

Interviewees were asked to identify unintended consequences related to the CYAs’ systemic advocacy. The friction between the BC RCY and the government was also identified as an unintended consequence. However, this challenge may have been anticipated in relation to the RCY’s role to monitor government services (Hon. T. Hughes, personal communication, May 16, 2016).

The MB OCA noted that they have no control over what the media and government do. The government may respond to MB OCA’s recommendations, but these may not align with the results intended by the OCA (D. MacDonald, personal communication, May 19, 2016).

One interviewee expressed concerns about front-line ministry staff who may feel singled out or pressured as a result of media attention to some of the BC RCY's reports.

Criticisms about the system and systemic changes are about the needs for more supports, for more clarity, or more training, or more resources. They're not criticisms of the individuals. So that's a piece I worry about as an unintended consequence sometimes, when the stories are out there in the news every day, that the poor people on the front line who are working so hard and trying to do the right thing and don't have the supports that they need or the resources that they need, that they take this as a personal slight. It's not meant that way, but I can see how that can be an unintended consequence. (C. James, personal communication, June 2, 2016)

One interviewee, who was until recently the SK Social Services Critic, stated that MLAs are not very familiar with the SK ACY and tend to view this office as part of the Ministry of Social Services. As a result, elected members do not pay adequate attention to the work of, and crucial issues identified by the ACY. Nor does the legislature ensure accountability: "...[W]ho's watching the watchdogs, right?" (D. Forbes, personal communication, May 24, 2016).

The ON PACY noted his surprise that the government has been very receptive to the issues presented by young people (I. Elman, personal communication, June 14, 2016). The ON PACY has also created a Community of Practice (not the office's term) with young people who have faced many challenges in their lives and felt invisible. Giving youth the opportunity to be heard as members of the Community of Practice also means getting to know them and caring about the well-being of all community members.

Young people in all areas of our mandate almost to a person want things to be different for others who come after them. Many decide to try to make a difference. When they do and they join together, they become a self-support group. We have struggled in the best sense of the word to find ways to support that “community” which has emerged in each area of our mandate. It is an unintended consequence of the manner in which we work but a challenge which ethically we must work to meet. (I. Elman, personal communication, June 14, 2016)

The ON PACY hired a consultant to do a cost-benefit analysis of extending the age of youth leaving care to 25 years. To his surprise, the quantitative report received as much attention as the qualitative work done by the report “My Real Lifebook” written by young people in and from care through his office.

...each kind of knowledge is important and each kind of knowledge should be able to support the other. That without the more qualitative, lived experience kind of knowledge, the numbers were kind of meaningless. And without the numbers people didn't necessarily take the qualitative reporting very seriously. (I. Elman, personal communication, June 14, 2016)

The new investigative division in the ON OPACY will provide a more quantitative approach to support the qualitative work they have been doing. Investigations will support the voices of young people, rather than be a separate piece that stands on its own.

The NB OCYA has become a resource for government and regularly receives requests for their input. The OCYA's systemic reports are sometimes used as models by other jurisdictions. In a reciprocal fashion, the OCYA put forward a policy recommendation made by another provincial CYA which resulted in a policy change in NB. The NB OCYA's reports are being

used by academics, both as examples in law classes and occasionally as research topics. The NB OCYA is viewed as a successful model for other agencies “...such as the Women’s Equality Branch’s recent creation of a Gender Based Analysis as an impact assessment tool (modelled on the Child Rights Impact Assessment tool).” (written submission, NB OCYA). In addition, the OCYA model is also being considered for seniors, who currently receive support from the NB Ombudsman’s office (M. LeBlanc, personal communication, June 22, 2016). Some consideration has been given to expanding the OCYA’s mandate to include seniors (N. Bossé and G. Kotze, personal communication, July 26, 2016).

The NS OYS has also proven to be a successful model and similar services have been extended by the Ombudsman’s office to seniors and incarcerated adults. The value of the OYS’ regular site visits to youth facilities is recognised as an effective prevention strategy to address issues before they accelerate. While the NS Ombudsman has expanded services to meet growing demands, it has been challenging given their small staff. To preserve the quality of their investigations, the Ombudsman’s office has begun to do more comprehensive, systemic investigations rather than respond to multiple individual complaints. Another strategy used by the NS Ombudsman office has been to work closely with agencies to help them develop their capacity to fulfill their mandates and address questions and complaints about their own facilities. While this approach was more labour-intensive up-front, it has been effective in the long-run, reducing the number of complaints received by the Ombudsman’s office (C. Brennan, personal communication, August 18, 2016).

The NL ACY has experienced growing diversity in the types of contacts they receive over the past few years. In addition to children, youth and families, professionals, such as social, teachers and other school personnel, lawyers and doctors often contact the NL ACY about

concerns regarding decisions that are being made about young people or when there are barriers to gaining access to services, such as mental health. Community service providers who work with groups of youth also occasionally bring systemic issues to the NL ACY's attention (C. Chafe, personal communication, July 14, 2016) The NL ACY is also finding that non-government agencies are responsive to their advice, even though it is not required. There appears to be a growing awareness and respect for the fact that children and youth have rights.

So that in itself has just been satisfying and rejuvenating for us because you know, with this challenging work, sometimes you wonder what are we doing this for? But when you see that kind of response and we're getting that kind of contact, it just sort of builds us all up. So we really feel good about that. (C. Chafe, personal communication, July 14, 2016)

The NU RCY is becoming a catalyst for bringing people together from across government to talk, collaborate and reduce working in isolation for children and youth. The NU RCY has also found that service providers are starting to bring forward issues to her office in regard to children, youth and families (S. McNeil-Mulak, personal communication, June 30, 2016).

Politics

Politics can impact the CYs in different ways. Elections may result in turnovers of governing parties that can result in the creation of CYAs, or delay or eradicate of pending legislation. New cabinets and other governing structures require the CYAs to form fresh relationships with elected members, legislative committees and various government agencies.

The MB provincial election in April 2016, resulted in a turnover of power. Proposed legislation to create *The Children's Advocate Act* (Bill 25, 2015; Bill 16, 2015) was put forward

tice in 2015, in response to recommendations by Hon. T. Hughes (2013) in the Phoenix Sinclair inquiry, although neither made it to first reading. The MB Children's Advocate faces frustration related to limitations of her current mandate, especially given Mr. Hughes' acknowledgement of shortcomings under the *Child and Family Services Act* (1985), and their anticipation of a new Act. It is unknown if or when the recently elected Progressive Conservative government will pass separate legislation for the Children's Advocate.

In contrast, the ON Liberal Party proposed creating an independent CYA as part of its election platform. Following their election in 2003, the Liberal party established the ON OPACY as a legislative officer in 2007.

The province of BC has had a series of CYAs. Following their election in 2001, the BC Liberals disbanded the existing Child, Youth and Family Advocate and the Children's Commission, established by the NDP government, in response to the Gove Inquiry (1995). These offices were replaced in 2002, by a non-independent child and youth officer who reported to the Attorney General. In November 2005, in response to public pressure, the BC Liberal government appointed The Honourable Ted Hughes to review the BC child welfare system. In keeping with recommendations of the Hughes Report (2006), the current BC RCY was established. Initially, the BC RCY had a role to monitor the government's implementation of all recommendations made by Mr. Hughes however, the government failed to fully honour its commitment to take up this advice (November 2007; December, 2008; November, 2010).

The AB election in May 2015, resulted in a turnover of power to the AB NDP that significantly impacted the political playing field.

We have a brand-new government. It is a whole new ballgame... you have no idea how different things are... anyway it's just... in Alberta we have no experience of new governments. (G. Rogers, personal communication, June 21, 2016)

Political culture may shift, even within a given governing party, in ways that can affect the CYAs. For example, the SK Party was elected in 2007 and 2016, and was initially comprised of both liberal and conservative members. Over time, liberal members were replaced with more conservative MLAs, and the political culture changed (B. Pringle, personal communication, June 13, 2016). The SK ACY was impacted by this move to the right:

Now this last couple of years it was clear that all of the Liberal MLA's were stepping down, replaced by more right-wing MLA's and there's a significant swing to the right under the Wall government. And so the previous Minister, up until the last year and a half, was on board with what we were doing. And the current Minister is not. So they're just kind of tolerating me because they've been told not to reappoint me. (B. Pringle, personal communication, June 13, 2016)

At least for the past couple of years neither the Provincial Government nor the Official Opposition have placed Children and/or Youth issues on the 'front burner', and there are numerous indicators of this – especially for those children and youth who are most vulnerable. This has been discouraging to say the least, very disappointing and short-sighted. (Bob Pringle, personal communication, February 17, 2017)

While the CYAs are intended to be non-partisan, they may be constrained by political interests, as in the case of the NL ACY:

... well sometimes she does have some parameters into what can be released and what can't. And sometimes politics come into play there and purely political reasons. I have to confess people may want more information than is released, than what she's able to provide. (L. Dempster, personal communication, June 30, 2016)

Strategic plan for systemic advocacy

Some of the CYAs have formal or informal strategic plans however, none reported strategic plans specifically for systemic advocacy. UNICEF (2013) suggests that HRICS should have strategic plans for systemic advocacy to help them maintain focus on future goals, while also being responsive to more immediate systemic issues. There is a body of literature on how organisations may develop strategic plans for systemic advocacy, based on the organization's Theory of Change (TOC²³, ²⁴). The TOC identifies the specific, desired changes and elucidates the beliefs and assumptions underlying how and why an institution is expected to bring about these changes based on its actions (Guthrie, Louie, & Foster, 2005, cited in UNICEF, 2013).

Strategic plans typically include long-term intended outcomes, and the steps to be taken to achieve them. Intermediate goals may be used to track achievements toward attaining longer-term outcomes (UNICEF, 2013, p. 51). Intermediate steps in systemic advocacy may be viewed as laying the foundation for change (Annie E. Casey Foundation, 2007) and often entail raising awareness, working collaboratively and building consensus (UNICEF, 2008, p. 14). Intermediate goals for systemic advocacy may include: enhanced public awareness and favourable attitudes,

²³ A TOC may include multiple theories. There is a vast literature on theoretical modelling and ways to develop a Theory of Change: e.g., The Aspen Institute website; Anderson, n.d.; Davidson, 2000, 2006; Center for Theory of Change website; Weiss, 1995, 1997, 1998.

²⁴ “‘Theories of change’ have also been referred to as ‘pathways of change,’ ‘impact pathways’ and ‘intervention pathways’ (Hebert & Anderson, 1998).” (Mayne, 2011, p. 13)

closer alliances with external agencies, stronger organizational capacity and better receptivity by government officials for desired changes (UNICEF 2013; Montague, 2014).

Discussion

The CYAs' accountability relationships with their legislatures vary widely from almost no oversight in several jurisdictions to those that report to dedicated legislative committees. Only the BC RCY reports to a Select Standing Committee on Children and Youth. This relationship is valuable for keeping members of the legislature informed about the RCY's work and reports and the range of complex issues faced by young people and their families in regard to government services. However, this relationship with a dedicated standing committee on children's issues did not appear to bolster the RCY's relationship with government. The AB CYA, NB CYA and NU RCY report to standing committees on legislative officers. The AB CYA addressed some advantages of his affiliation with other legislative officers in terms of regular meetings and some shared services. In contrast, the NB CYA receives very little oversight. The NU RCY is quite a new institution and is in the process of developing a relationship with members of the legislature. Some CYAs see potential benefits of having greater involvement with their legislatures, while others do not think it would make much difference to their ability to influence systemic change. The CYAs' accountability relationships with their legislatures did not appear to be an important factor in their ability to influence systemic change.

There are large differences in the CYAs' legislation with regard to the content of their annual reports, which is also indicative of their accountability expectations. Only the BC RCY and NU RCY have detailed requirements, while the others have far less or no specifications. Most CYAs' annual reports provide descriptive and anecdotal summaries of key activities undertaken during the year, give a breakdown of individual and group advocacy cases, and

include financial reports with varying levels of detail. Five CYAs assess their performance against the goals, objectives and other service targets outlined in their annual service or business plans. The QC CDPDJ and the NS Ombudsman produce annual service plans for their broad organizations. Of the stand-alone CYAs, the BC RCY, AB OCYA and NL ACY create annual service plans and use performance measures and indicators to assess their work. This approach helps to clarify expectations and provide greater accountability of these CYAs.

Another way in which the CYAs are held accountable is through their public reports. The CYAs release a range of publicly-available documents, including annual reports, special reports, investigate reports on child deaths / critical injuries and systemic issues, and media releases. The accessibility of these documents contributes to the CYAs' transparency and answerability to the public. The number and types of reports produced by each CYA varies and is relative to their size, major areas of emphasis and accountability requirements. The BC RCY has been very prolific in issuing special and investigative reports and media releases.

Given the lack of clear performance measures for many of the CYAs, interviewees were asked to identify expectations with regard to the CYAs' systemic advocacy functions. The most commonly identified expectation was that the CYAs will raise public awareness about the rights of children and youth, services offered by the CYAs and issues that impact young people and their families in relation to government services. It was also noted that three CYAs are expected to build alliances and work collaboratively across government to increase understanding of children's rights and try to problem-solve issues of common concern. In addition, the CYAs are expected to engage with children and youth and elevate their voices to ensure that their needs and preferences are considered by government agencies in making decisions that affect them. The ON OPACY has the strongest mandate to facilitate the participation of young people.

Through increasing awareness, developing alliances and elevating the voices of children and youth, the CYAs contribute to the development of a common understanding and base of support for respecting the rights and needs of children and youth and for addressing systemic problems to better serve the needs and interests of young people and potentially improve their life trajectories.

All of the CYAs are expected to provide information and advice to governments and to focus attention on systemic problems. The NU RCY noted that she has begun this work by seeking to change the common mindset within government and society about the rights of children and youth, including their right to be heard. Based on their individual case reviews, investigations into tragic incidents, and other means of closely examining systemic issues, most CYAs offer recommendations to governments regarding how to resolve or best address problems faced by children and youth. Once again, BC has undertaken a large number of investigations into what are often very complex systemic problems and has provided dozens of recommendations to the government based on rational argument. The ON OPACY takes a very different approach by facilitating initiatives that involve hundreds of young people to raise their voices on particular issues, such as the needs of Indigenous youth, young people with special needs, and African-Canadian children and youth. This impassioned approach has been compelling for the Premier and the public service to include young people in advisory roles and in decisions that are made about children and youth.

Almost all of the CYAs are authorized to monitor the government's implementation of their advice and may appeal to higher authorities in cases of noncompliance. However, just three interviewees noted that the CYAs are expected to hold governments to account for improving

services for young people. Then again, all interviewees stated that they expect governments to respond to the CYAs' advice by making changes to improve services for children and youth.

The CYAs' approach to systemic advocacy was also addressed by six interviewees as an expectation and key factor in their ability to influence change. Building positive relationships and working collaboratively with governments, while maintaining their arms-length, authoritative positions were considered essential for gaining cooperation with the CYAs' advice. One CYA was deemed to be ineffectual because his relationship with the government was perceived to be too close. As a result, neither the legislature nor the government tend to take the CYA very seriously. Conversely, another CYA's aggressive and confrontational approach to government was seen to undermine her authority and influence, in spite of her exceptional productivity and high level of accountability to a dedicated legislative committee. Friction between the BC RCY and government was an inadvertent outcome of the RCY's oversight role.

The most commonly identified assets of the CYAs for undertaking systemic advocacy were their legislation, independence, staff and relationships with government. In general, the CYAs and their staff were highly regarded for their knowledge, dedication and hard work. The breadth of the CYAs' legislation enables them to work across government and to examine a range of intersecting factors that point to systemic problems in services for children and youth. The CYAs' independence enables them to provide broad oversight and make recommendations without political or ministerial interference. Once again, several interviewees highlighted the importance of the CYAs' relationships with government in discussing their strengths.

The most frequently identified constraints on the CYAs' ability to perform systemic advocacy were limited resources, needing to allow time for changes to occur, politics and general indifference on the part of government and the public regarding issues affecting young people.

The availability of resources impacts the CYAs ability to perform all of their functions. Even the more well-resourced CYAs thought that they could do more with larger budgets. The CYAs make the most of their finite resources, yet they must prioritize the volume and focus of their work. Individual advocacy cases are necessarily given priority, while systemic advocacy work may be more discretionary, even though correcting systemic problems could reduce the volume and seriousness of individual cases. Child death reviews and investigations are very labour-intensive. The quality of these inquiries cannot be compromised, so sometimes there is a backlog of cases to be examined. For a few years, the NL ACY was very upfront about not being able to perform proactive systemic advocacy because of stretched resources. The YT CYA only has three staff which makes it very difficult to develop all areas of needed expertise and to formulate strategies, even for communications. The NS OYS has taken an innovative approach to managing its limited resources by working with service providers to develop their capacity to be responsive to public inquiries and to correct internal problems before they grow. The overall effect has been a reduction in the volume of contacts to the OYS.

All of the CYAs work within the parameters of their legislation. Four interviewees expressed views on how different statutes could be amended to enhance the CYAs' authority. The MB OCA faces the most frustration with the limitations of their legislation, particularly given that a separate Act with an expanded mandate had been drafted under the previous government in response to Mr. Hughes (2013) recommendations. The MB OCA is currently resigned to waiting to see what actions, if any, the recently formed government will take.

Politics may also impact the CYAs in different ways and changeovers in governing parties can lead to setbacks or opportunities. Elections tend to create uncertainty and may delay decisions, as in the case of the MB OCA. When new governments are formed, different MLAs

assume offices and senior government staff are often replaced. As a result, the CYAs must begin anew to raise awareness and build relationships with elected members and bureaucrats.

Changeovers may also have beneficial results for the CYAs, such as when the ON Liberal Party was elected and established the independent OPACY. Political cultures may also shift under the same government, as in the case of the SK ACY whose effectiveness diminished over time.

Interviewees also identified unintended consequences in relation to the CYAs' systemic advocacy functions. Concerns were expressed for front-line ministry staff who may bear the brunt of the RCY's critiques, fueled by media attention. A couple of interviewees noted that they have no control over what the government does and sometimes untended changes are made in response to the CYAs' input which may get in the way of other, more important or broader proposed changes.

While the CYAs have no authority to enforce systemic changes, they may foster public and political will by raising awareness, forming alliances, elevating the voices of children and youth and developing mutually respectful relationships with government. These types of activities contribute to a common understanding and base of support for the needed changes.

Chapter 7. Conclusions and Implications

This exploratory study examined and compared eleven Canadian provincial / territorial Child and Youth Advocates (CYAs) and identified key factors that contribute to their success at influencing systemic change. These distinctive institutions provide individual advocacy and a range of systemic advocacy functions aimed at influencing changes to public policies, programs, practices and laws to reduce risks and improve services for children, youth and their families. Comparisons and explanations are provided regarding the CYAs' evolution, institutional designs, legislated mandates, implementation, expectations and accountability structures. This study is based on reviews of publicly available documents and interviews with CYA key contacts, members of their legislative oversight committees and informed experts. This chapter summarizes and offers synthesis of what has been learned about the CYAs' evolution, similarities and differences in their legislated roles and approaches to systemic advocacy and features that enhance or hinder their ability to influence change.

The CYAs emerged over time and in response to local needs and interests. The early CYAs operated within government ministries or ombudsman offices. Three factors appear to underlie the CYAs' development: responses to tragedies regarding young persons involved with child welfare and youth justice systems; the norms and principles expressed in the UN CRC (1989); and acculturation (Pegram, 2010), where lessons were drawn from international models of HRICs, and in recent years, from existing CYAs across Canada.

The CYAs are distinctive institutions designed to serve their respective jurisdictions. They are also members of a growing number of HRICs that have spread throughout the world, with encouragement of the UN and other international agencies. While the legislation of only three CYAs explicitly refer to the UN CRC, all of the CYAs share a commitment to uphold this treaty.

The literature indicates that HRIs, such as the CYAs, cannot assure the protection of human rights on their own (ICHRP, 2004). Their work intersects with other government and civil society agencies and they are only one source of influence on complex, open systems. Their ability to influence systemic change is dependent on an overall network of supports for children's rights, including those of legal, financial, political and social institutions (ICHRP, 2004; Reif, 2000; UNICEF IRC, 2005). Systemic advocacy contributes to the development of an infrastructure for change (Annie E. Casey Foundation, 2007). It often involves raising awareness, building alliances and collaborating with others to develop a common understanding and base of support. Systemic change is often incremental, may take years to occur and may result from many factors. It is often not possible to attribute change to the work of a single agency.

All of the CYAs are now independent legislative officers who assist their legislatures to protect citizens' rights and provide government oversight. Their arms-length relationships with governments and accountability to their legislatures are essential for performing these functions and ensure their legitimacy. Statutory officers are valued as a reliable source of information and reasoned advice for legislatures and government agencies. While they may not have authority to enforce their recommendations, statutory officers are often very influential and have the ability to exert pressure on decision-makers and hold governments to account by gaining popular support for their ideas.

There are several notable differences among the CYAs. Most serve all children and youth in their regions, while the BC RCY, AB OCYA, MB OCA and the ON OPACY provide services for children and youth who receive designated services, primarily relating to child welfare and youth justice systems. The BC RCY also serves young adults and their families who receive services under the BC *Community Living Authority Act* (2004).

The majority of CYAs operate as stand-alone agencies, with the exception of the QC CDPDJ and the NS Office of the Ombudsman. These broad institutions have mandates to serve all citizens and provide dedicated services to protect the rights and interests of young people. While most CYAs have been around for some time, two recently became separate institutions. The AB CYA existed within government since 1989, and gained independence in 2012. The NB CYA was established within the Ombudsman's office in 2006, and became a separate institution in 2011. In addition, two CYAs were newly created in Canada's Northern territories. The YT CYA was established in 2010, and the NU RCY began providing services in 2015.

Another important difference among the CYAs is their legislation. Most CYAs operate under discrete statutes that authorize them to undertake a wide range of advocacy functions. However, the NS *Ombudsman Act* (1989) does not refer to children and youth, nor does it specify services provided for young people. The NS OYS is often not well understood by the public and periodically, proposals are put forward citing the need to create a separate NS CYA. The MB OCA continues to operate with a more limited mandate than other CYAs under the *Child and Family Services Act* (1985). Separate legislation and an expanded mandate were recommended for the MB OCA in the Phoenix Sinclair inquiry (Hughes, 2013) and outlined in two separate bills by the previous government. Comprehensive, clearly defined advocacy roles that are entrenched in legislation help to ensure that the CYAs' work cannot be challenged or easily rescinded.

The CYAs perform a number of similar systemic advocacy functions, in addition to their essential individual advocacy roles. All CYAs identify systemic problems, although some are limited in their approach. Most CYAs identify specific and broad systemic problems by drawing on a variety of sources, including individual and group advocacy cases, child death and critical

injury reviews and investigations, and other channels. In contrast, the YT CYA and MB OCA are restricted to identifying issues and gathering supportive evidence through reviews of individual advocacy cases. This approach is more reactive to specific problems, rather than taking a holistic view of government services. The ON OPACY raises systemic concerns from the perspectives of young people who have first-hand knowledge and experiences with government services.

All of the CYAs provide information and advice to government and other publicly-funded agencies. Most provide formal recommendations regarding specific changes to policies, programs and laws to reduce risks and improve services for children and youth. Given that CYAs have no authority to enforce their recommendations, many interviewees emphasized the importance of building positive relationships with government agencies to increase compliance with the CYAs' advice. A number of CYAs maintain informal relationships with all levels of government, from social workers to deputy ministers. Many also have formal, collaborative arrangements with government and civil society. For example, several CYAs have co-hosted learning events, worked on joint initiatives for young people, participated in, or co-chaired inter-departmental working groups and committees.

Several CYAs have been successful at striking a balance between asserting their independent authority and cultivating mutually respectful, trusting and collaborative relationships with government. For example, some CYAs focus their critiques and recommendations on issues rather than individuals in an effort to preserve dignity and good faith. Several CYAs use transparent processes in developing their reports and recommendations, and give government representatives the opportunity to review and provide feedback on drafts. This approach ensures that there are no surprises when the CYAs release their reports to the public. Building positive relationships with government has been an effective strategy for several CYAs.

In contrast, the BC RCY in particular has taken a more forceful approach with government. This adversarial approach is viewed as a source of friction between the parties and has hindered the government's responsiveness to the RCY's advice.

The BC RCY has an unusual function to monitor government services and make recommendations for improvements. This oversight role may have contributed to tensions in the RCY's relationship with government. Some other jurisdictions have established external or multi-disciplinary committees to monitor government services for children and youth. For example, the AB Child and Family Services Council for Quality Assurance performs arms-length oversight of child intervention services. The NB Interdepartmental Working Group on Children and Youth is comprised of members of Executive Council and all child-serving ministries to oversee the implementation of the NB Strategy for the Prevention of Harm to Children and Youth. These approaches involve the CYAs, but do not overemphasize their watchdog roles.

Not all CYAs make specific recommendations to government regarding systemic changes. The NS OYS and ON OPACY focus on elevating concerns raised by young people, with the expectation that governments will furnish adequate and appropriate solutions to these issues. By facilitating young people to speak for themselves, both the NS OYS and ON OPACY have been successful at increasing governments' responsiveness to their needs and interests. The ON OPACY is particularly grounded in the principle of being an exemplar for the participation of young people in all aspects of their work. They have facilitated a number of focused projects involving hundreds of youth to identify their concerns and develop recommendations for changes to policy and service delivery and to improve how young people are viewed and treated (OPACY, 2015). The ON PACY makes process-oriented recommendations to the government about

involving youth in decisions that are made about them. This has led to the ON Premier adopting a Youth Advisory Council and the ON public service has made a commitment to consult with young people on all future decisions that affect them (I. Elman, personal communication, June 14, 2016).

All of the CYAs engage with children and youth through individual advocacy, outreach, social media, events, projects and other activities to raise awareness, gather their input and involve young people directly in their work. For example, the BC RCY and AB OCYA have established youth advisory councils to provide input on their work and participate in various ways. The ON OPACY employs several youth and has facilitated a number youth-led initiatives, involving hundreds of young people on various issues of interest to specific populations, including Aboriginal youth, and children and youth with special needs.

All of the CYAs raise public awareness about children's rights and the CYAs' roles through outreach, informative websites and public reports. Raising awareness increases understanding of key issues and helps to promote public will for systemic improvements. A key strategy for raising public awareness is through effective use of the media. The media is also a powerful tool for bringing pressure to bear on governments to take action. Some CYAs are hesitant to use the media because they feel unable to control the content of what gets reported. They also have concerns that going to the media could be perceived as threatening and may be potentially damaging to their relationships with government. In contrast, the BC RCY has made extensive use of the media to fuel a strong-arm approach to try and force government to comply with her recommendations. Several CYAs are strategic in their use of the media and have learned to manage what gets reported by educating journalists, issuing press releases, providing embargoed copies of their reports, and holding press conferences.

There is wide variation in the size and staffing resources of the CYAs. Some have limited capacity and are unable to undertake all aspects of their mandates. For example, the NL ACY was unable to take on proactive systemic advocacy for several years. The YT CYA has only three staff positions which limits the office's ability to fully develop a communications strategies and to undertake child death reviews. The CYAs must always give priority to individual advocacy and other emergent work while other activities may fall behind. Some work, such as child death investigations are very labour-intensive and require expertise and stretch some CYAs to the limit. On the contrary, the NS OYS has taken proactive steps to reduce its workload by addressing problems as they arise so they do not escalate. The OYS has also delivered training for service providers to become more responsive to the public.

The majority of CYAs have weak accountability structures, both with regard to their reporting relationships with legislatures and in terms of performance measures. The BC RCY is the only CYA that regularly reports to a dedicated, all-party Select Standing Committee on Children and Youth. This relationship provides opportunities for elected members to be kept informed about the BC RCY's work and discuss her reports. However, this arrangement has not been effective at reducing tensions in the RCY's relationship with government. Two CYAs report to Standing Committees on Legislative Officers however, only the AB CYA views this arrangement as beneficial in bolstering his role as a legislative officer. Only a handful of CYAs produce annual service plans and use performance measures to provide transparency and accountability for their work.

The majority of CYAs have legislated authority to monitor and publicly report on implementation of their recommendations, with the exception of the MB OCA. The MB Ombudsman is authorized to monitor uptake of the MB OCA's advice to government. Some

CYAs internally monitor but do not report on compliance with their recommendations. Given the difficulty of measuring advocacy agencies' influence on systemic change, a key indicator of the CYAs' effectiveness is the degree to which changes are made in relation to their advice (ICHRP, 2004). UNICEF (2013) recommends that HRICs use strategic plans for systemic advocacy to help clarify their goals and objectives and maintain a focus on longer-term intended outcomes, as well intermediate changes.

Since most CYAs do not have clear performance measures, interview participants were asked to identify expectations of the CYAs' systemic advocacy functions. Interviewees identified a range of processes and outcomes including: raising public and government awareness, building alliances, elevating the voices of young people and holding governments to account. In general, interview participants were satisfied that the CYAs were meeting their expectations. In the long-run, interviewees expect that governments will be responsive to the CYAs' recommendations for systemic change.

In lieu of a national HRIC, the Canadian Council of Child and Youth Advocates (CCCYA) plays a vital role in monitoring the Canada's implementation of the UN CRC. Through the CCCYA, the CYAs have jointly released a number of statements and position papers on issues of national concern. They also issued a Special Report to the UN Committee on the Rights of the Child on the need for a coordinated, comprehensive plan across all levels of government to better serve the needs and interests of Indigenous children and youth (November 2011). The CCCYA provides important resources and opportunities to support and strengthen the CYAs through mentorship, shared expertise, national standards and collaborative endeavours. There is potential for the CCCYA to expand its roles in line with other HRIC networks, such as the European Network of Ombudspersons for Children (ENOC) and the Asia Pacific Forum of National

Human Rights Institutions. The CYAs will undoubtedly continue to address cross-jurisdictional issues, such as advocating for improved services for Indigenous children and youth, and inter-jurisdictional matters, such as enhanced information sharing about children and youth who move between regions. At some point the federal government may create a national leadership position for children and youth. In time, the Province and Prince Edward Island and the Northwest Territories may establish CYAs and join the CCCYA.

The CYAs are uniquely positioned to identify gaps, failures and other shortcomings in a wide-range of public policies, laws and services and to provide information and advice to government agencies regarding needed changes to reduce vulnerabilities and improve services for children, youth and their families. Given their expansive perspectives, the CYAs are also able to identify the need for broad measures and comprehensive changes, such as poverty reduction strategies, improved cross-government coordination, and a harmonized national strategy to better serve the needs and interests of all children and youth.

The CYAs with strong legislation and adequate resources were able to undertake a wide range of systemic advocacy functions. By increasing awareness through education and outreach and effective use of the media, several CYAs were able to promote understanding and enhance receptivity to their recommendations for systemic changes. Maintaining positive relationships with government was an effective strategy used by most CYAs to increase governments' cooperation with their advice to improve systems affecting children and youth. While accountability did not appear to be a factor in the CYAs' ability to influence change, legislatures could learn to use their officers to greater advantage. The CYAs could benefit by using strategic plans for systemic advocacy and enhance their performance measurement systems.

Implications for best practice

Each CYA is a distinctive institution that operates within a unique set of circumstances. All of the CYAs are now independent legislative officers, in keeping with recommendations of the UN CRC Committee (2002). While UNICEF (2013) does not dictate one ideal model of public advocacy institutions for children and youth, there are international standards, as laid out by the UN CRC Committee (2002), in keeping with the *Paris Principles* (UN Centre for Human Rights, 1993) (Appendix C). Comparisons of the CYAs in this study reveal themes regarding beneficial structural features and best practices that support the CYAs' advocacy efforts and have been successful at influencing systemic change:

- Independent institutions with comprehensive mandates that are enshrined in legislation, have the authority to undertake a wide range of systemic advocacy functions.
- Adequate resources enable some CYAs to undertake a full range of advocacy roles.
- Raising awareness helps to build a common understanding of issues facing young people and helps to build a collective will for change.
- Effective use of the media is a powerful tool for raising public awareness about CYAs' systemic concerns and recommendations and for bringing pressure to bear on governments to take action. Educating and providing guidance to the media aids in controlling messages that are reported.
- Elevating the views and interests of young people who have direct experience with government systems is an effective strategy for influencing change and increasing the participation of young people in public decision-making.

- Building positive relationships with government agencies promotes greater cooperation with CYAs' advice.
- The use of strategic plans for systemic advocacy can aid the CYAs to clarify their goals, objectives and performance measures and track systemic changes over time.

Implications for future research

This study presents a detailed lay of the land regarding a number of the CYAs' unique and common structural and functional features, implementation and approaches to systemic advocacy, as well as expectations, accountability and performance in 2016. It can serve as a starting point for other types of research on these interesting and important institutions. Because there has been so little research on the CYAs, and HRICs in general, the door is wide-open.

While I greatly appreciated the CYAs' interest in this study, I also expect that they have research questions about their individual and collective institutions. More in-depth individual case studies would reveal vast amounts of potentially useful information for each CYA. Further cross-case analysis of the CYAs' relationships with their legislatures and governments would also be informative.

Researchers in Public Administration or Political Science may be interested in examining why the group of CYAs, like other types of legislative officers, have very little accountability to their legislatures, whom they are intended to serve. A detailed examination of all the CYAs' relationships with governments is another potentially useful line of inquiry, since many study participants consider the nature of these relationships to be essential for changes to occur.

The CYAs are not static institutions and their ongoing evolution presents opportunities for case studies and comparative research. For example, the changeover of three CYA leaders in

2016 provides an opportunity to compare how subsequent leaders interpret and implement the same mandate and what differences leadership change makes to how their roles and responsibilities play out over time. Another significant change has occurred for the NB CYA, who was recently given responsibility for seniors and a legislative amendment will reflect this change. The NS OYS model has already been extended to seniors. Other CYAs, particularly in the Maritime provinces, may follow suit. There are several possibilities for case studies and comparative research on the extension of the CYA model to seniors who are also generally a vulnerable segment of the population at the same time that scarce public resources can result in public policy trade-offs between seniors, children and youth.

Human rights scholars in the fields of Law or International Relations may be interested in how the Canadian CYAs compare with HRICs in other parts of the world, and how they measure up to international standards for HRICs. I did some preliminary work to examine the extent to which the CYAs meet the guidelines put forward by the UN Committee on the Rights of the Child (2002), but did not include this analysis in this dissertation because it was outside of the primary scope of this study. Since 2010, when all of the existing CYAs participated in UNICEF's global study of HRICs, several changes have occurred. There are now two additional CYAs in the Northern territories and the AB CYA has become an independent legislative officer. Comparisons of the evolving provincial / territorial CYAs with international standards and models could be an ongoing project.

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Appendices

Appendix A: 54 Articles and two Optional Protocols of the United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, including all 54 Articles, may be found at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

UNICEF outlines the rights of children specified in the Articles of the UN CRC, grouped under four headings: Guiding Principles, Survival and Development Rights, Protection Rights and Participation Rights (http://www.unicef.org/crc/index_30177.html).

The Two Optional Protocols to the UN CRC

The two Optional Protocols to the UN CRC are described by the United Nations Committee on the Rights of the Child (2006). Canada ratified the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* in July, 2000 (Government of Canada website). Canada ratified the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* in September 2005 (Government of Canada website).

Appendix B: United Nations Committee on the Rights of the Child guidelines (2002)

United Nations Convention on the Rights of the Child

Committee on the Rights of the Child

Thirty-second session 13-31, January 2003

General Comment No. 2 (2002) The role of independent national human rights institutions in the promotion and protection of the rights of the child

Mandate and powers

8. NHRIs should, if possible, be constitutionally entrenched and must at least be legislatively mandated.
9. NHRIs should be accorded such powers as are necessary to enable them to discharge their mandate effectively, including the power to hear any person and obtain any information and document necessary for assessing the situations falling within their competence. These powers should include the promotion and protection of the rights of all children under the jurisdiction of the State party in relation not only to the State but to all relevant public and private entities.

Establishment process

10. The NHRI establishment process should be consultative, inclusive and transparent, initiated and supported at the highest levels of Government and inclusive of all relevant elements of the State, the legislature and civil society. In order to ensure their independence and effective functioning, NHRIs must have adequate infrastructure, funding (including specifically for children's rights, within broad-based institutions), staff, premises, and freedom from forms of financial control that might affect their independence.

Resources

11. While the Committee acknowledges that this is a very sensitive issue and that State parties function with varying levels of economic resources, the Committee believes that it is the duty of States to make reasonable financial provision for the operation of national human rights institutions in light of article 4 of the Convention. The mandate and powers of national institutions may be meaningless, or the exercise of their powers limited, if the national institution does not have the means to operate effectively to discharge its powers.

Pluralistic representation

12. NHRIs should ensure that their composition includes pluralistic representation of the various elements of civil society involved in the promotion and protection of human rights. They should seek to involve, among others, the following: human rights, anti-discrimination and children's rights non-governmental organizations (NGOs), including child- and youth-led organizations; trade unions; social and professional organizations (of doctors, lawyers, journalists, scientists, etc.); universities and experts, including children's rights experts. Government departments should be involved in an advisory capacity only. NHRIs should have appropriate and transparent appointment procedures, including an open and competitive selection process.

Providing remedies for breaches of children's rights

13. NHRIs must have the power to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children. In order to be able to effectively carry out such investigations, they must have the powers to compel and question witnesses, access relevant documentary evidence and access places of detention. They also have a duty to seek to ensure that children have effective remedies - independent advice, advocacy and complaints procedures - for any breaches of their rights. Where appropriate, NHRIs should undertake mediation and conciliation of complaints.
14. NHRIs should have the power to support children taking cases to court, including the power (a) to take cases concerning children's issues in the name of the NHRI and (b) to intervene in court cases to inform the court about the human rights issues involved in the case.

Accessibility and participation

15. NHRIs should be geographically and physically accessible to all children. In the spirit of article 2 of the Convention, they should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged, such as (but not limited to) children in care or detention, children from minority and indigenous groups, children with disabilities, children living in poverty, refugee and migrant children, street children and children with special needs in areas such as culture, language, health and education. NHRI legislation should include the right of the institution to have access in conditions of privacy to children in all forms of alternative care and to all institutions that include children.
16. NHRIs have a key role to play in promoting respect for the views of children in all matters affecting them, as articulated in article 12 of the Convention, by Government and throughout society. This general principle should be applied to the establishment, organization and activities of national human rights institutions. Institutions must ensure that they have direct contact with children and that children are appropriately involved and consulted. Children's councils, for example, could be created as advisory bodies for NHRIs to facilitate the participation of children in matters of concern to them.
17. NHRIs should devise specially tailored consultation programmes and imaginative communication strategies to ensure full compliance with article 12 of the Convention. A range of suitable ways in which children can communicate with the institution should be established.
18. NHRIs must have the right to report directly, independently and separately on the state of children's rights to the public and to parliamentary bodies. In this respect, States parties must ensure that an annual debate is held in Parliament to provide parliamentarians with an opportunity to discuss the work of the NHRI in respect of children's rights and the State's compliance with the Convention.

Recommended activities

19. The following is an indicative, but not exhaustive, list of the types of activities which NHRIs should carry out in relation to the implementation of children's rights in light of the general principles of the Convention. They should:
 - (a) Undertake investigations into any situation of violation of children's rights, on complaint or on their own initiative, within the scope of their mandate;

- (b) Conduct inquiries on matters relating to children's rights;
- (c) Prepare and publicize opinions, recommendations and reports, either at the request of national authorities or on their own initiative, on any matter relating to the promotion and protection of children's rights;
- (d) Keep under review the adequacy and effectiveness of law and practice relating to the protection of children's rights;
- (e) Promote harmonization of national legislation, regulations and practices with the Convention on the Rights of the Child, its Optional Protocols and other international human rights instruments relevant to children's rights and promote their effective implementation, including through the provision of advice to public and private bodies in construing and applying the Convention;
- (f) Ensure that national economic policy makers take children's rights into account in setting and evaluating national economic and development plans;
- (g) Review and report on the Government's implementation and monitoring of the state of children's rights, seeking to ensure that statistics are appropriately disaggregated and other information collected on a regular basis in order to determine what must be done to realize children's rights;
- (h) Encourage ratification of or accession to any relevant international human rights instruments;
- (i) In accordance with article 3 of the Convention requiring that the best interests of children should be a primary consideration in all actions concerning them, ensure that the impact of laws and policies on children is carefully considered from development to implementation and beyond;
- (j) In light of article 12, ensure that the views of children are expressed and heard on matters concerning their human rights and in defining issues relating to their rights;
- (k) Advocate for and facilitate meaningful participation by children's rights NGOs, including organizations comprised of children themselves, in the development of domestic legislation and international instruments on issues affecting children;
- (l) Promote public understanding and awareness of the importance of children's rights and, for this purpose, work closely with the media and undertake or sponsor research and educational activities in the field;
- (m) In accordance with article 42 of the Convention which obligates State parties to "make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike", sensitize the Government, public agencies and the general public to the provisions of the Convention and monitor ways in which the State is meeting its obligations in this regard;
- (n) Assist in the formulation of programmes for the teaching of, research into and integration of children's rights in the curricula of schools and universities and in professional circles;
- (o) Undertake human rights education which specifically focuses on children (in addition to promoting general public understanding about the importance of children's rights);

- (p) Take legal proceedings to vindicate children's rights in the State or provide legal assistance to children;
- (q) Engage in mediation or conciliation processes before taking cases to court, where appropriate;
- (r) Provide expertise in children's rights to the courts, in suitable cases as amicus curiae or intervenor;
- (s) In accordance with article 3 of the Convention which obliges States parties to "ensure that the institutions, services and facilities responsible for the care or protection of children shall 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", undertake visits to juvenile homes (and all places where children are detained for reform or punishment) and care institutions to report on the situation and to make recommendations for improvement;
- (t) Undertake such other activities as are incidental to the above.

Reporting to the Committee on the Rights of the Child and cooperation between NHRIs and United Nations agencies and human rights mechanisms

20. NHRIs should contribute independently to the reporting process under the Convention and other relevant international instruments and monitor the integrity of government reports to international treaty bodies with respect to children's rights, including through dialogue with the Committee on the Rights of the Child at its pre-sessional working group and with other relevant treaty bodies.
21. The Committee requests that States parties include detailed information on the legislative basis and mandate and principal relevant activities of NHRIs in their reports to the Committee. It is appropriate for States parties to consult with independent human rights institutions during the preparation of reports to the Committee. However, States parties must respect the independence of these bodies and their independent role in providing information to the Committee. It is not appropriate to delegate to NHRIs the drafting of reports or to include them in the government delegation when reports are examined by the Committee.
22. NHRIs should also cooperate with the special procedures of the Commission on Human Rights, including country and thematic mechanisms, in particular the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General for Children and Armed Conflict.
23. The United Nations has a long-standing programme of assistance for the establishment and strengthening of national human rights institutions. This programme, which is based in the Office of the High Commissioner for Human Rights (OHCHR), provides technical assistance and facilitates regional and global cooperation and exchanges among national human rights institutions. States parties should avail themselves of this assistance where necessary. The United Nations Children's Fund (UNICEF) also offers expertise and technical cooperation in this area.
24. As articulated in article 45 of the Convention, the Committee may also transmit, as it considers appropriate, to any specialized United Nations agency, OHCHR and any other competent body any reports from States parties that contain a request or indicate a need for

technical advice or assistance in the establishment of NHRIs.

NHRIs and States parties

25. The State ratifies the Convention on the Rights of the Child and takes on obligations to implement it fully. The role of NHRIs is to monitor independently the State's compliance and progress towards implementation and to do all it can to ensure full respect for children's rights. While this may require the institution to develop projects to enhance the promotion and protection of children's rights, it should not lead to the Government delegating its monitoring obligations to the national institution. It is essential that institutions remain entirely free to set their own agenda and determine their own activities.

NHRIs and NGOs

26. Non-governmental organizations play a vital role in promoting human rights and children's rights. The role of NHRIs, with their legislative base and specific powers, is complementary. It is essential that institutions work closely with NGOs and that Governments respect the independence of both NHRIs and NGOs.

Regional and international cooperation

27. Regional and international processes and mechanisms can strengthen and consolidate NHRIs through shared experience and skills, as NHRIs share common problems in the promotion and protection of human rights in their respective countries.
28. In this respect, NHRIs should consult and cooperate with relevant national, regional and international bodies and institutions on children's rights issues.
29. Children's human rights issues are not constrained by national borders and it has become increasingly necessary to devise appropriate regional and international responses to a variety of child rights issues (including, but not limited to, the trafficking of women and children, child pornography, child soldiers, child labour, child abuse, refugee and migrant children, etc.). International and regional mechanisms and exchanges are encouraged, as they provide NHRIs with an opportunity to learn from each other's experience, collectively strengthen each other's positions and contribute to resolving human rights problems affecting both countries and regions.

Notes

1. General guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention (CRC/C/58), para. 18.
2. Principles relating to the status of national institutions for the promotion and protection of human rights (The "Paris Principles"), General Assembly resolution 48/134 of 20 December 1993, annex.
3. Commission on Human Rights resolution 1992/54 of 3 March 1992, annex.

Appendix C: United Nations General Assembly's Principles Relating to the Status of National Institutions (Paris Principles) (UN Centre for Human Rights, 1993)

Principles relating to the Status of National Institutions (*Paris Principles*)

Adopted by General Assembly resolution 48/134 of 20 December 1993

(Source: Office of the United Nations High Commissioner for Human Rights (OHCHR 1996-2007). Retrieved 1/29/11: <http://www2.ohchr.org/english/law/parisprinciples.htm>)

Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
 - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) Any situation of violation of human rights which it decides to take up;
 - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
 - (b) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party,

and their effective implementation;

- (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
- (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
- (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:
 - (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
 - (b) Trends in philosophical or religious thought;
 - (c) Universities and qualified experts;
 - (d) Parliament;
 - (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be

renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;
- (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);
- (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-judicial competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and Principles relating to the Status of National Institutions (The Paris Principles) promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;

- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

Appendix D: Recruitment letters for CYA key contacts, oversight committee members and informed experts

DATE

NAME AND ADDRESS

Dear NAME:

My name is Theresa Hunter and I am a PhD candidate in the School of Public Administration at the University of Victoria. The purpose of my dissertation is to compare and explain factors relating to the evolution, legislative mandates and systemic advocacy functions of eleven independent provincial / territorial Child and Youth Advocates (CYAs).

You are invited to participate in this research because you are WHO.

I have thoroughly examined the NAME OF AND ACRONYM enabling legislation, background documents, website and recent reports and extracted data to begin developing the ACRONYM case study. I would like to interview you to gain your insights into the ACRONYM's legislated systemic advocacy functions, implementation and systemic influence.

If you agree to participate in this research, your involvement will include a telephone interview of up to 60 minutes, in May or June of 2016. If needed, you may be asked to participate in a brief follow-up interview (15-30 minutes) to clarify or elaborate on information gathered in the initial interview. Interviews will be held at a time that is convenient for you.

I will provide an outline of the research questions prior to the interview. If you agree, the interview(s) will be audio-recorded to ensure that information collected is accurate and complete.

If you are interested in participating in this study or, if you would like additional information about this research, please contact me by email at thunter@uvic.ca or by phone at 250-381-6463.

You may also contact my supervisor, Dr. Jim McDavid at jmcdavid@uvic.ca or 250-472-4293. In addition, you verify ethical approval of this study or raise any concerns by contacting the University of Victoria Human Research Ethics Office at: ethics@uvic.ca or 250-472-4545.

Thank you for considering this request to participate in my dissertation research. I will follow-up by email in the next couple of weeks with a quick reminder of this request. I look forward to connecting with you.

Sincerely,

Theresa Hunter
School of Public Administration
University of Victoria

Appendix E: Generic Interview questions

Interview Protocol – NAME OF CYA

Thank you for taking the time to participate in this interview. I expect it will take up to one hour. With your permission, this interview will be audio recorded [gain consent].

The NAME OF CYA (ACRONYM²⁵) has both an individual and a systemic advocacy mandate. This interview will focus on the CYA ACRONYM's systemic advocacy functions.

I have reviewed the CYA's enabling legislation, website, background and recent reports.

Legislated Systemic Advocacy Functions

The NAME OF ENABLING LEGISLATION defines the CYA's systemic advocacy functions:

LIST OF SYSTEMIC ADVOCACY FUNCTIONS OUTLINED IN LEGISLATION

1. Are there additional components of the CYA's legislated systemic advocacy functions?
 - No
 - Yes, please specify:

Implementation of the CYA's systemic advocacy functions

The CYA's YEAR OF MOST RECENT Annual Report describes a number of approaches to systemic advocacy:

LIST OF SYSTEMIC ADVOCACY APPROACHES DESCRIBED IN RECENT ANNUAL REPORTS, WEBSITES, OTHER SOURCES

2. What additional approaches, if any, does the CYA use to advocate for systemic change?

Overall Goal of the CYA's systemic advocacy function

The CYA's YEAR OF Annual Report / OTHER SOURCE states the following:

“QUOTE STATED GOAL(S)”

3. Does the statement above adequately describe the CYA's overall goal(s) for systemic advocacy?
 - Yes
 - No

If not, please clarify / elaborate on the CYA's overall goal(s) for systemic advocacy.

²⁵ The CYAs' acronyms were used throughout the questionnaire. In this generic version, "CYA" is substituted.

CYA's assets and limitations for implementing systemic advocacy

4. What are the CYA's greatest assets for implementing systemic advocacy? (e.g., autonomy, stakeholder alliances, legislated functions, competence of staff, etc.)
5. What are the main internal limitations to the CYA's implementation of systemic advocacy?
6. What are the main external obstacles to the CYA's implementation of systemic advocacy?

Assessing the impacts of systemic advocacy

The literature identifies several challenges to assessing the systemic impacts of Human Rights Institutions for Children (HRICs), including:

- They may advocate for systemic change but have no authority to make changes.
- Their advocacy work often overlaps with that of other institutions (ICHRP, 2004).
- They are only one source of influence on complex, open systems (ICHRP, 2004).
- Their ability to influence systemic change depends on the support and cooperation of various individuals and public and civil agencies (ICHRP, 2005; UNICEF, 2005).
- Systemic change may be the result of many factors and often cannot be attributed to the HRIC's efforts (UNICEF, 2013).
- Policy and social changes are long-term goals of HRICs and may take years to occur, often with no clear linkages to the HRIC's contributions (UNICEF, 2013).

The Annie E. Casey Foundation (2007) proposes that:

The impact of advocacy efforts provides the essential infrastructure that leads to policy change and, subsequently, to social change. Key examples of the impact of advocacy efforts are strategic alliances, public awareness, public will and political will. (p. 14)

Expected outcomes of the CYA's systemic advocacy functions

7. Given the CYA's legislated mandate, powers, functions and resources, what types of intermediate systemic outcomes can reasonably be expected to result from the CYA's systemic advocacy? (e.g., alliances / collaborations; increased public and government awareness of children's rights and systemic problems; greater political will for change; etc.)
8. In the longer term, what types of systemic outcomes can reasonably be expected to result from the CYA's systemic advocacy? (e.g., as above and policy / social change)
9. To what extent is the CYA's influence on systemic change meeting your expectations?

Relationship with government

10. How would you characterize the CYA's relationship with government?
11. How does the CYA's relationship with government affect its systemic influence?

Relationship with the media

12. How would you characterize the CYA's relationship with the media?
13. How does the CYA's relationship with the media affect its influence on systemic change?

Relationship with the NAME OF LEGISLATIVE COMMITTEE

14. How would you characterize the CYA's relationship with this Legislative Committee?
15. How does the CYA's relationship with the Legislative Committee affect its influence on systemic change?

Strategic Plan [THIS QUESTION WAS ONLY ASKED OF THE CYAS]

16. Does the CYA have a strategic plan for systemic advocacy? Yes No
If so, could this strategic plan be shared with me? Yes No

Unintended consequences

17. What, if any, unintended consequences have resulted from the CYA's systemic advocacy?

Additional comments

18. Do you have any additional comments about the CYA's systemic advocacy functions?

Appendix F: Brief biographies of the Child and Youth Advocates (2015-16)

P/T	Current Advocate
BC	<p data-bbox="297 367 1206 401">http://www.trudeaufoundation.ca/en/community/mary-ellen-turpel-lafond:</p> <p data-bbox="297 417 1377 485"><i>Mary Ellen Turpel-Lafond was appointed as BC's first Representative for Children and Youth in November 2006,... and re-appointed for a second five-year term in 2011.</i></p> <p data-bbox="297 506 1357 573"><i>Ms. Turpel-Lafond is on leave from the Saskatchewan Provincial Court, where she was the Administrative Judge for Saskatoon.</i></p> <p data-bbox="297 594 1365 766"><i>Ms. Turpel-Lafond holds a doctorate of law from Harvard Law School, a master's degree in international law from Cambridge University, a law degree from Osgoode Hall, and a bachelor of arts degree from Carleton University. She also holds a certificate in the international and comparative law of human rights from the University of Strasbourg in France.</i></p> <p data-bbox="297 787 1380 854"><i>A member of the Muskeg Lake Cree Nation, she is active in her First Nations community... in Saskatchewan.</i></p>
AB	<p data-bbox="297 892 1182 926">http://www.ocya.alberta.ca/adult/about-ocya/child-and-youth-advocate/:</p> <p data-bbox="297 942 1208 976"><i>Del Graff was appointed as the Child and Youth Advocate for Alberta in 2011.</i></p> <p data-bbox="297 997 1321 1064"><i>Del's formal education includes a master's degree in social work from the University of Calgary and a bachelor's degree in social work from the University of Victoria.</i></p> <p data-bbox="297 1085 1365 1220"><i>Del has worked in the social services field for over 30 years, and has developed and implemented a wide range of social programs to improve the circumstances for vulnerable people in both urban and rural settings. He has significant experience with many diverse groups, including collaboration and partnerships with First Nations and Métis people.</i></p> <p data-bbox="297 1241 1386 1413"><i>Del has worked in a variety of social work, supervisory and management capacities in communities in B.C. and Alberta. He brings experience in residential care, family support, child welfare, youth and family services, community development, addictions treatment and prevention services. He has demonstrated leadership in moving forward organizational development initiatives to improve service results for children, youth and families.</i></p>
SK	<p data-bbox="297 1451 1062 1484">http://www.saskadvocate.ca/about-us/saskatchewan-advocate:</p> <p data-bbox="297 1501 1377 1568"><i>Bob Pringle was appointed as Saskatchewan's third Children's Advocate in November 2010, and assumed the position in January 2011.</i></p> <p data-bbox="297 1589 1365 1902"><i>Mr. Pringle has a Bachelor and a Master's degree in Social Work, from the University of Manitoba (Wiki). Over the past 38 years, Bob has been extensively involved with delivering services to the public. He has worked with First Nations and Métis peoples, as a Social Worker, Manager and Minister of Social Services, and has been involved with leadership roles with community agencies such as Habitat for Humanity, the Saskatoon Food Bank, Cosmopolitan Industries, the Saskatchewan Association of Community Living, and the Saskatoon Housing Coalition. Through his broad experience and as a Member of the Legislative Assembly of Saskatchewan for 10 years (1988-98), Bob has developed an understanding of how the complex cycles of poverty, mental illness, cognitive impairment,</i></p>

P/T	Current Advocate
	<i>physical challenges, homelessness, and substance abuse can affect families. As Minister of Social Services (1993-96),</i>
MB	<p>http://www.childrensadvocate.mb.ca/who-are-we/sub-page/:</p> <p><i>Darlene MacDonald was appointed as the Manitoba Children’s Advocate in April 2011, and reappointed for a second term in April 2014.</i></p> <p><i>Darlene has a master’s degree in social work from Dalhousie University. She recently held the role of president of the Canadian Association of Social Workers (CASW) and of the International Federation of Social Workers (North American Region).</i></p> <p><i>Darlene has worked in the field of child welfare in Winnipeg for more than 25 years. For 15 of those years, she was in senior management positions. Before joining the Office of the Children’s Advocate, she was the Chief Executive Officer of Winnipeg Child and Family Services. It was her leadership in this position that guided the creation of the agency’s Newcomers Unit to provide services relevant to new Canadians and their cultural needs.</i></p>
ON	<p>http://provincialadvocate.on.ca/main/en/about/meet_provincial_advocate.cfm:</p> <p><i>In October of 2007, the Office of the Provincial Advocate for Children and Youth was established. July 14, 2008 an all-party panel of the Legislature appointed Irwin Elman to provide leadership to the new Provincial Advocate Office as it strives to promote the voice of children and youth across Ontario.</i></p> <p><i>Irwin brings to this position an extensive background as an educator, counsellor, youth worker, program manager, policy developer and child and youth advocate. For over 20 years, Irwin was the Manager of the Pape Adolescent Resource Centre in Toronto: a program of the Children’s Aid Society of Toronto and the Catholic Children’s Aid Society of Toronto. More recently, he was the Director of Client Service at Central Toronto Youth Services: an innovative children’s mental health centre.</i></p>
QC	<p>http://www.cdpdj.qc.ca/en/commission/Pages/membres.aspx:</p> <p><i>Mr. Picard was designated President of the Commission des droits de la personne et des droits de la jeunesse on April 13, 2016. Mr. Picard is also Vice-president responsible for the youth mandate of the Commission since September 2013.</i></p> <p>https://www.premier-ministre.gouv.qc.ca/actualites/communiqués/2016/nominations/2016-04-13/picard-camil.asp:</p> <p><i>Mr. Picard earned a Diplôme en administration i 1985; a Maîtrise en psychologie in 1978; and a Baccalauréat en psychologie in 1977, all from Université Laval.</i></p>
NB	<p>https://www.gnb.ca/0073/Child-YouthAdvocate/NormBosseBio-e.asp:</p> <p><i>Norman J. Bossé, Q.C., was appointed as the Child and Youth Advocate for New Brunswick in June 2013.</i></p> <p><i>Mr. Bossé holds a Bachelor of Laws from the University of New Brunswick, and Bachelors of Arts and Education from St. Thomas University. He is also certified as a mediator by the Lex</i></p>

P/T	Current Advocate
	<p><i>Mundi College of Mediation and holds a Certificate of Achievement in Advanced Dispute Resolution from the Faculty of Law at the University of Windsor. Mr. Bossé has had an extensive legal career with nearly 30 years as a practicing lawyer with law firms Clark Drummie and McInnes Cooper. He became a partner with Clark Drummie in 1995 and with McInnes Cooper subsequent to the firms' 2010 merger. In 2008, he was appointed as Queen's Counsel. In 1993-94, Mr. Bossé served as counsel to the victims of abuse during the Miller Inquiry, which dealt with abuse at the Kingsclear Youth Training Center. He is a member of the Canadian Bar Association and Law Society of New Brunswick, where he served as Chairperson of the Complaints Committee from 2005 to 2013.</i></p>
NS	<p>http://novascotia.ca/ombu/about-the-ombudsman.htm:</p> <p><i>William A. Smith – Mr. Smith was appointed to the position of Ombudsman on June 1st, 2016. He was born and raised in Sydney, Nova Scotia and began his career with the Royal Canadian Mounted Police in 1979. Mr. Smith retired from the RCMP in May of 2012...</i></p> <p><i>Mr. Smith has received certificates in General and Advanced Police Studies from the Canadian Police College, a certificate in Criminology from Memorial University of Newfoundland, and a Bachelor of Arts (Major Sociology) from Saint Mary's University, Halifax. He has also completed the International Police Executive Officers' Course at Melbourne, Australia, and the Queen's University Executive Program.</i></p> <p>http://ombudsmanforum.ca/en/wp-content/uploads/2014/01/Christine_Delisle.pdf:</p> <p><i>Christine Brennan, Executive Director, holds a law degree from Dalhousie University and a Bachelor of Arts degree from Saint Mary's University, in Halifax. At law school, she was awarded the federal Legal Studies for Aboriginal People Scholarship.</i></p> <p><i>Ms. Brennan began her career at the Office of the Ombudsman as a student in 1998, when she worked as an assistant investigator. Christine has performed several roles within the Office of the Ombudsman, including as Manager of Youth and Seniors Services, and Executive Director. From December 31, 2013 to May 31, 2016, Ms. Brennan was appointed as Acting Ombudsman.</i></p>
NL	<p>http://www.childandyouthadvocate.nf.ca/advocate.htm:</p> <p><i>Carol A. Chafe was appointed Child and Youth Advocate for the province of Newfoundland and Labrador, effective September 27, 2010.</i></p> <p><i>Ms. Chafe has a Masters of Employment Relations from Memorial University, a Bachelor of Nursing from Memorial University and a Registered Nurse diploma from St. Clare's School of Nursing. Prior to assuming the role of the Child and Youth Advocate, Ms. Chafe practiced as a registered nurse for 12 years and then entered into 20 years of progressive management positions, with the last 13 years in senior management roles. Her most recent position was Regional Director, Children's and Women's Health Program, Eastern Health Authority.</i></p>
YT	<p>http://ycao.ca/index.php/about-the-ycao/our-team:</p> <p><i>Annette King was appointed as the Yukon's second Child and Youth Advocate in March 2015.</i></p> <p><i>Ms. King holds a master's degree and bachelor's degree in social work from the University of</i></p>

P/T	Current Advocate
	<p><i>Calgary as well as a diploma in social work from Red Deer College. Born and raised in Whitehorse YT, Ms. King has worked in the field of social work in clinical and leadership positions with Yukon Government for the last 20 years.</i></p>
NU	<p>http://www.rcynu.ca/families-public/about-us/our-staff:</p> <p><i>Sherry McNeil-Mulak was appointed as Nunavut's first Representative for Children and Youth in June 2014. Sherry holds a Bachelor of Science in psychology and a Master of Health Administration. Originally from Cape Breton NS, Ms. McNeil-Mulak moved to Iqaluit in 2004, where she worked for the Government of Nunavut for 10 years.</i></p>

Appendix G: CYAs' definitions and goals for systemic advocacy

P / T CYA	Definitions	Goals
BC RCY 2014-15 Annual Report	<i>In the course of her work, the Representative may become aware of recurring concerns that are possibly reflective of a larger issue within the overall child- and youth-serving system. (p. 25)</i>	<i>Goal: The identification of opportunities for strengthening the child- and youth-serving system improves outcomes for vulnerable children and youth and the quality of services provided to them. (p. 8)</i>
AB OCYA 2014-15 Annual Report	<p><i>Systemic advocacy is about working towards broad changes that will benefit young people now and into the future. (p. 13)</i></p> <p><i>Systemic issues are those issues that:</i></p> <ul style="list-style-type: none"> • <i>affect more than one person;</i> • <i>if not addressed, are likely to re-occur; and</i> • <i>typically require a change to policy, regulation or legislation to resolve.</i> 	<p><i>The OCYA's systemic advocacy efforts are focused on improving circumstances for young people who are receiving designated services. Realizing such improvements often requires changes to legislation or government policy. (p. 13)</i></p>
SK ACY 2014 Annual Report	<p><i>Most of the concerns that are referred to our office are systemic in nature, requiring ongoing research, analysis and monitoring. Our individual and group advocacy cases, and investigations of critical injuries and child deaths, gives us the opportunity to identify systemic issues, gaps in services, and barriers to accessing services. We track these systemic issues by themes. (p. 18)</i></p>	<p><i>In our ongoing consultative role on policy and programming and our advocacy for the embedding of child and youth rights analysis in decision-making and service delivery, we encourage the government in providing better services for children and youth... (p. 21)</i></p> <p><u><i>Goals stated in 2015 Annual Report (p. 8):</i></u></p> <p><i>Advocate for social and public policy change that benefits all children and youth.</i></p> <p><i>Promote high quality government and community-based programs and services for children and youth.</i></p> <p><i>Strengthen collaboration and partnerships to achieve better outcomes for children and youth.</i></p>
MB OCA 2014-15 Annual Report	<p><i>When we become aware of emerging trends in the concerns requiring advocacy, we analyze and address those concerns to see if there are systemic issues at play. This may result in broader advocacy work and special reports. (p. 17)</i></p>	<p><u>website:</u></p> <p><i>Guiding Principle: We work for equity for all children and youth and for a system that is responsive to meeting the needs of children, youth, and their families.</i></p>
ON OPACY 2014 Annual	<p><i>When we notice patterns or trends in the calls we receive from young people, we may decide to engage more deeply with the issue through</i></p>	<p><i>We envision a fundamental shift where all ministries consider the well-being of Crown Wards as they make policy decisions and</i></p>

P / T CYA	Definitions	Goals
Report and 2015 Annual Report	<p><i>systemic advocacy. When we speak of “systems” we are referring to government policy, legislation and guidelines for service providers that determine the way an organization carries out its duties and obligations to children and youth. By “systems” we mean the organizational policies and service practices of organizations. When the Advocate’s Office engages in systemic advocacy, we draw on the expertise of young people who have direct experience with the issue. We work with them to recommend changes at the level of policy, funding, program delivery, and in how service providers, decision makers and the public view and treat young people who need government services. (2015, p. 12)</i></p>	<p><i>allocate resources. Our vision, shaped and shared by the young people we serve, has led to the development of a youth-led movement that is gaining momentum with each passing year. (2014, p. 24)</i></p>
QC CDPDJ Annual Report 2014-15	<p><i>Children are holders of the rights and freedoms recognized by the Charter and the Youth Protection Act (YPA). Their security and development are also protected by the Convention on the Rights of the Child. Under its mandate, the Commission must ensure, by all appropriate measures, promotion and respect of rights of the child and adolescent by the Youth Protection Act and the Act on the criminal justice system for adolescents (YCJA). For this, the Commission conducts investigations on request or on its own initiative, conducts information and education programs to promote children's rights, conducts studies and research and makes recommendations to the government. (p. 58)</i></p>	<p><i>23. The Commission...shall ensure, by any appropriate measures, the promotion and protection of the rights of children which are recognized by this Act and the Youth Criminal Justice Act. (Youth Protection Act, p. 9)</i></p>
NB OCYA 2013-14 Annual Report	<p><i>The Child and Youth Advocate’s systemic advocacy team is responsible for promoting and protecting children’s rights when governmental (or non-governmental) policies or practices negatively affect a number of children. (p. 20)</i></p> <p><i>The Child and Youth Advocate promotes changes to legislation, regulations, policies, programs and practices to better implement the rights of children. (written submission, NB</i></p>	<p><i>Mission: The Child and Youth Advocate listens to individual children and youth, engages with families, community organizations and government partners, defends the rights of children and youth, and advocates on their behalf to ensure that their voices are heard and that their best interests are considered in all decisions affecting them. (p. 5)</i></p>

P / T CYA	Definitions	Goals
	OCYA)	
NS OYS Youth Services website: https://www.novascotia.ca/ombu/youth.htm	<i>Concerns raised in the Office are “tracked” and systemic matters are raised for consideration with the department or agency involved. The Office of the Ombudsman Youth Section usually does this through formal reports with findings and recommendations, to the deputy minister or minister or through informal or formal meetings with senior officials. (CCCYA website)</i>	<i>Youth Services offers an independent mechanism for reviewing and investigating the concerns of children, youth, parents, guardians and those working in provincial and municipal child and youth serving facilities and service systems. Ombudsman representatives provide children and youth with a chance to have their voices heard, while monitoring conditions in facilities and making recommendations to improve various child-serving systems. (Office of the Ombudsman, Youth Services website)</i>
NL ACY 2013-14 Annual Report	<i>Systemic issues occur when policies and practices of government departments and agencies interfere with the delivery of services and programs intended to support the quality of life for children and youth. (p. 4)</i>	<i>A systemic approach is used to influence programs and services, identify gaps, and determine the impact of the delivery of services and programs on children and youth in the Province. This is accomplished by providing recommendations to government regarding the challenges and changes needed to practices, policies and procedures. (p. 4)</i>
YT CAO 2010-2015 Annual Report	<i>Systemic Advocacy – comprehensive issues arising about the availability, effectiveness, responsiveness and relevance of designated government services. (p. 3)</i> <i>Identifying Trends for Systemic Advocacy – A review of the individual cases shows several trends that require systemic attention. (p. 1)</i>	<i>Help build a stronger system of support for all Yukon children and youth which allows them an opportunity to achieve their full potential; (YT CYA website)</i>
NU RCY 2014-15 Annual Report and 2015-18 Business Plan	<i>Helping individual children and youth with issues is very important, however, it is equally important to identify why these issues exist and to make recommendations that can lead to system-wide improvement. When we work on broad issues that affect many children we call this systemic advocacy. (p. 9)</i> <i>Systemic issues often happen when government policies and practices interfere with the services and programs meant to support children and youth. After identifying a systemic issue and researching its causes, the RCY’s office can then make recommendations</i>	NU RCY’s 2015-18 Business Plan: <i>By identifying systemic issues, the ORCY can inform and make recommendations to government on practices, legislation, policies and/or procedures that would support overall system improvement and result in improved service provision for children, youth and their families. (2015-18 Business Plan, p. 6)</i>

P / T CYA	Definitions	Goals
	<i>to government on its services, programs, policies and legislation. These recommendations can then help bring about improved services for children, youth and their families. (p. 9)</i>	

Appendix H: Legislated authority to raise awareness and educate the public

P/T CYA	Legislated mandate
<p>BC RCY <i>Representative for Children and Youth Act</i></p>	<p>6 (1) <i>The representative is responsible for performing the following functions in accordance with this Act:</i></p> <p><i>(a) support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation,</i></p> <p><i>(i) providing information and advice to children and their families about how to effectively access designated services and how to become effective self-advocates with respect to those services,</i></p> <p><i>(iii) supporting, promoting in communities and commenting publicly on advocacy services for children and their families with respect to designated services</i></p> <p><i>(a.1) support, assist, inform and advise young adults and their families respecting prescribed services and programs, which activities include, without limitation,</i></p> <p><i>(i) providing information and advice to young adults and their families about how to effectively access prescribed services and programs and how to become effective self-advocates with respect to those services and programs,</i></p> <p><i>(iii) supporting, promoting in communities and commenting publicly on advocacy services for young adults and their families with respect to prescribed services and programs</i></p>
<p>AB OCYA <i>Child and Youth Advocate Act</i></p>	<p><i>(9.2f) Promote the rights, interest and well-being of children through public education and the release of public reports;</i></p>
<p>SK ACY <i>Advocate for Children and Youth Act</i></p>	<p>14 (2) <i>The Advocate shall:</i></p> <p><i>(a) become involved in public education and advocacy respecting the interests and well-being of children and youths</i></p>
<p>MB OCA <i>Child and Family Services Act</i></p>	<p>Nothing mentioned in the Act</p>
<p>ON OPACY <i>Provincial Advocate for Children and Youth Act</i></p>	<p>16. (1) <i>In carrying out the functions of the Advocate, the Advocate may:</i></p> <p><i>(g) educate children in care, their families and staff of agencies and service providers about the rights of children in care under Part V of The Child and Family Services Act;</i></p> <p><i>(q) provide public education about this Act and the role of the Advocate;</i></p>
<p>NB OCYA <i>Child and Youth</i></p>	<p>8(1) <i>In carrying out the duties of his or her office the advocate may</i></p> <p><i>(f) inform the public about the needs and rights of children and youths, including</i></p>

P/T CYA	Legislated mandate
<i>Advocate Act</i>	<i>information about the office of the advocate;</i>
NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i>	<p><i>3. The Office of the Child and Youth Advocate is established</i></p> <p><i>(c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth;</i></p> <p><i>15(1) In carrying out the duties of his or her office, the advocate may</i></p> <p><i>(f) inform the public about the needs and rights of children and youth including about the office of the advocate;</i></p>
YT CAO <i>Yukon Child and Youth Advocate Act</i>	<p><i>12(3) The Advocate may also inform children, youth and other members of the public about this Act and the role of the Advocate.</i></p>
NU RCY <i>Representative for Children and Youth Act</i>	<p><i>3. The Representative has the following duties:</i></p> <p><i>3. (d) to inform the public respecting the rights and interests of children and youth and the role of the Representative to provide advice and recommendations to government departments and designated authorities about the effectiveness, responsiveness and relevance of legislation and policies related to children and youth;</i></p> <p><i>4. (d) engage in public outreach and education respecting matters affecting children and youth and the role of the Representative and raising awareness and understanding of the UN Convention on the Rights of the Child;</i></p>
QC CDPDJ <i>Youth Protection Act / la Loi sur la protection de la jeunesse</i>	<p><i>23. The Commission [Commission des droits de la personne et des droits de la jeunesse] shall, in conformity with the other provisions of this Act, discharge the following duties:</i></p> <p><i>(d) it shall prepare and implement information and educational programs on the rights of children for the benefit of the public in general and of children in particular;</i></p>
NS OYS <i>Ombudsman Act</i>	<p>no legislation regarding Youth Services</p>

Appendix I: Legislated authority to do child death / critical injury reviews / investigations

P/T CYA	Legislation
<p>BC RCY <i>Representative for Children and Youth Act</i></p>	<p>6 (1) <i>The representative is responsible for performing the following functions in accordance with this Act</i></p> <p>(c) <i>review, investigate and report on the critical injuries and deaths of children as set out in Part 4;</i></p> <p>Reviews of critical injuries and deaths</p> <p>11 (1) <i>After a public body responsible for the provision of a reviewable service becomes aware of a critical injury or death of a child who was receiving, or whose family was receiving, the reviewable service at the time of, or in the year previous to, the critical injury or death, the public body must provide information respecting the critical injury or death to the representative for a review under subsection (3).</i></p> <p>(2) <i>For the purposes of subsection (1), the public body may compile the information relating to one or more critical injuries or deaths and provide that information to the representative in time intervals agreed to between the public body and the representative.</i></p> <p>(3) <i>The representative may conduct a review for the following purposes:</i></p> <p>(a) <i>to determine whether to investigate a critical injury or death under section 12;</i></p> <p>(b) <i>to identify and analyze recurring circumstances or trends</i></p> <p>(i) <i>to improve the effectiveness and responsiveness of a reviewable service, or</i></p> <p>(ii) <i>to inform improvements to broader public policy initiatives.</i></p> <p>(4) <i>If, after completion of a review under subsection (3), the representative decides not to conduct an investigation under section 12, the representative may disclose the results of the review to the public body, or the director, responsible for the provision of the reviewable service that is the subject of the review.</i></p> <p>Investigations of critical injuries and deaths</p> <p>12 (1) <i>The representative may investigate the critical injury or death of a child if, after the completion of a review of the critical injury or death of the child under section 11, the representative determines that</i></p> <p>(a) <i>a reviewable service, or the policies or practices of a public body or director, may have contributed to the critical injury or death, and</i></p> <p>(b) <i>the critical injury or death</i></p> <p>(i) <i>was, or may have been, due to one or more of the circumstances set out in section 13 (1) of the Child, Family and Community Service Act,</i></p> <p>(ii) <i>occurred, in the opinion of the representative, in unusual or suspicious circumstances, or</i></p> <p>(iii) <i>was, or may have been, self-inflicted or inflicted by another person.</i></p>

P/T CYA	Legislation
	<p>(2) <i>The standing committee may refer to the representative for investigation the critical injury or death of a child.</i></p> <p>(3) <i>After receiving a referral under subsection (2), the representative (a) may investigate the critical injury or death of the child, and</i></p> <p style="padding-left: 40px;"><i>(b) if the representative decides not to investigate, must provide to the standing committee a report of the reasons the representative did not investigate.</i></p> <p>(4) <i>If the representative decides to investigate the critical injury or death of a child under this section, the representative must notify</i></p> <p style="padding-left: 40px;"><i>(a) the public body, or the director, responsible for the provision of the reviewable service, or for the policies or practices, that may have contributed to the critical injury or death, and</i></p> <p style="padding-left: 40px;"><i>(b) any other person the representative considers appropriate to notify in the circumstances.</i></p> <p><i>Jurisdiction of representative in investigations</i></p> <p>13 <i>Despite section 12, this Act does not authorize the representative to investigate the critical injury or death of a child</i></p> <p style="padding-left: 40px;"><i>(a) until the completion of a criminal investigation and criminal court proceedings respecting the critical injury or death of the child,</i></p> <p style="padding-left: 40px;"><i>(b) if a coroner investigates the death of the child, until the earlier of</i></p> <p style="padding-left: 80px;"><i>(i) the date on which a coroner has (A) reported to the chief coroner under section 15 or 16 of the Coroners Act, and (B) the chief coroner indicates to the coroner, under section 44 (1) (b) of the Coroners Act, that the chief coroner has no further directions in respect of the death,</i></p> <p style="padding-left: 80px;"><i>(ii) the date on which a coroner sends, under section 22 (2) of the Coroners Act, notice of an inquest to a sheriff, directing the sheriff to summon a jury for that purpose, and</i></p> <p style="padding-left: 80px;"><i>(iii) one year after the death, and</i></p> <p style="padding-left: 40px;"><i>(c) if a public body, or a director, responsible for the provision of a reviewable service has, at the time of the critical injury or death of the child, written procedures in place for investigating critical injuries or deaths and the public body or director investigates the critical injury or death of the child, until the earliest of</i></p> <p style="padding-left: 80px;"><i>(i) the completion of the investigation,</i></p> <p style="padding-left: 80px;"><i>(ii) one year after the critical injury or death of the child, and</i></p> <p style="padding-left: 80px;"><i>(iii) the date the public body or director provides the representative with a written consent to investigate the critical injury or death of the child.</i></p> <p><i>Reports after reviews and investigations</i></p> <p>16 (1) <i>The representative may aggregate and analyze the information received from</i></p>

P/T CYA	Legislation
	<p><i>the reviews and investigations conducted under sections 11 and 12 and produce a report of the aggregated and analyzed information that does not contain information in individually identifiable form.</i></p> <p><i>(2) The representative must provide a report made under subsection (1) to the following:</i></p> <ul style="list-style-type: none"> <i>(a) the standing committee;</i> <i>(b) the public body, or the director, responsible for the provision of a reviewable service that is a subject of the report;</i> <i>(c) any other public body, director or person that the representative considers appropriate.</i> <p><i>(3) After an investigation of the critical injury or death of a child under section 12, the representative must make a report on the individual critical injury or death of the child.</i></p>
<p>AB OCYA <i>Child and Youth Advocate Act</i></p>	<p>9 <i>(1) The role of the Advocate is to represent the rights, interests and viewpoints of children.</i></p> <p><i>(2) In carrying out the role of the Advocate under subsection (1), the Advocate may</i></p> <ul style="list-style-type: none"> <i>(d) if, in the opinion of the Advocate, the investigation is warranted or in the public interest, investigate systemic issues arising from</i> <ul style="list-style-type: none"> <i>(i) a serious injury to a child who at the time of the injury was receiving a designated service referred to in section 1(e)(i),</i> <i>(ii) a serious injury to or the death of a child who at the time of the injury or death was receiving a designated service referred to in section 1(e)(ii) or (iii),</i> <i>(iii) the death of a child who at the time of the death was receiving a designated service referred to in section 1(e)(i), or</i> <i>(iv) the death of a child who at any time during the 2-year period immediately preceding the death received a designated service referred to in section 1(e)(i);</i> <p><i>(5) Subsection (2)(d)(ii) does not apply in respect of a designated service referred to in section 1(e)(iii) [i.e., a service provided to children in the youth criminal justice system] unless, at the time of the serious injury to or death of the child, the child was in open or secure custody.</i></p> <p>Duty to report</p> <p><i>12(1) When a child is seriously injured or dies while receiving a designated service, the public body responsible for the provision of the designated service shall report the incident to the Advocate as soon as practicable.</i></p> <p><i>(2) Subsection (1) does not apply in respect of a designated service referred to in section 1(e)(iii), unless at the time of the serious injury to or death of the child, the child was in open or secure custody.</i></p> <p>Report after investigation</p>

P/T CYA	Legislation
	<p>15(1) Where the Advocate conducts an investigation under section 9(2)(d), the Advocate must, after completing the investigation, make a report</p> <p>(a) containing recommendations for any public body or other person as the Advocate considers appropriate, and</p> <p>(b) addressing any other matters the Advocate considers appropriate.</p> <p>(2) The findings of the Advocate shall not contain any findings of legal responsibility or any conclusions of law.</p> <p>(3) A report made under subsection (1) must not disclose the name of, or any identifying information about, the child to whom the investigation relates or a parent or guardian of the child.</p> <p>(4) The Advocate must provide a copy of a report made under subsection (1) to a public body that is directly or indirectly a subject of the investigation.</p> <p>(5) The Advocate must make a report made under subsection (1) available to the public at a time and in a form and manner that the Advocate considers appropriate.</p>
<p>SK ACY</p> <p><i>Advocate for Children and Youth Act</i></p>	<p>14(2) The Advocate shall:</p> <p>(b) receive and investigate any matter that comes to his or her attention from any source concerning:</p> <p>(i) a child or youth who receives services from any ministry, agency of the government or publicly-funded health entity;</p> <p>(ii) a group of children or youths who receive services from any ministry, agency of the government or publicly-funded health entity; and</p> <p>(iii) services to a child, group of children, youth or group of youths by any ministry, agency of the government or publicly-funded health entity;</p> <p>15(1) A committee of the Legislative Assembly may refer to the Advocate for investigation and report any petition or matter relating to the rights, interests and well-being of children or youths that is before the committee for consideration.</p> <p>(3) The Lieutenant Governor in Council may refer to the Advocate for investigation and report any matter relating to the rights, interests and well-being of children or youths and services to children or youths by any ministry, agency of the government or publicly-funded health entity or by any officer, employee or member of any ministry, agency of the government or publicly-funded health entity.</p> <p>(4) On a referral pursuant to subsection (3), the Advocate shall:</p> <p>(a) subject to any special directions of the Lieutenant Governor in Council, investigate the matter referred to the Advocate insofar as it is within the Advocate's jurisdiction;</p>
<p>MB OCA</p> <p><i>The Child and Family Services Act</i></p>	<p>The Child and Family Services Act:</p> <p>Review after death of child</p> <p>8.2.3(1) After the death of child who was in the care of, or received services from, an</p>

P/T CYA	Legislation
<p><i>Fatalities Inquiry Act</i></p> <p><i>Ombudsman Act</i></p>	<p><i>agency under this Act within one year before the death, or whose parent or guardian received services from an agency under this Act within one year before the death, the children's advocate</i></p> <p><i>(a) must review the standards and quality of care and services provided under this Act to the child or the child's parent or guardian and any circumstances surrounding the death that relate to the standards or quality of the care and services;</i></p> <p><i>(b) may review the standards and quality of any other publicly funded social services that were provided to the child or, in the opinion of the children's advocate, should have been provided;</i></p> <p><i>(c) may review the standards and quality of any publicly funded mental health or addiction treatment services that were provided to the child or, in the opinion of the children's advocate, should have been provided; and</i></p> <p><i>(d) may recommend changes to the standards, policies or practices relating to the services mentioned in clauses (a) to (c) if, in the children's advocate's opinion, those changes are designed to enhance the safety and well-being of children and reduce the likelihood of a death occurring in similar circumstances.</i></p> <p><i>Purpose of review</i></p> <p><i>8.2.3(2) The purpose of the review is to identify ways in which the programs and services under review may be improved to enhance the safety and well-being of children and prevent deaths in similar circumstances.</i></p> <p><i>Report</i></p> <p><i>8.2.3(3) Upon completing the review, the children's advocate must prepare a written report of his or her findings and recommendations and provide a copy of it</i></p> <p><i>(a) to the minister;</i></p> <p><i>(b) to the Ombudsman; and</i></p> <p><i>(c) to the chief medical examiner under The Fatality Inquiries Act.</i></p> <p><i>Children's advocate not to determine culpability</i></p> <p><i>8.2.3(4) The report must not express an opinion on, or make a determination with respect to, culpability in such a manner that a person is or could be identified as a culpable party in relation to the death of the child.</i></p> <p><i>Report is confidential</i></p> <p><i>8.2.3(5) The report is confidential and must not be disclosed except as required by subsection (3) or as permitted by subsection (6) or Part VI.</i></p> <p><i>Summary of recommendations in annual report</i></p> <p><i>8.2.3(6) The children's advocate's annual report under clause 8.2(1)(d) for a year may include a summary of the recommendations included in the reports made that year under this section.</i></p>

P/T CYA	Legislation
	<p>Fatalities Inquiry Act:</p> <p><i>Child's death to be reported to children's advocate</i></p> <p><i>10(1) Upon learning that a child has died in Manitoba, the chief medical examiner must notify the children's advocate under The Child and Family Services Act of that death.</i></p> <p><i>Reports to be given to children's advocate</i></p> <p><i>10(2) If the children's advocate has jurisdiction to conduct a review under section 8.2.3 of The Child and Family Services Act in relation to the death of a child in Manitoba, the chief medical examiner must provide to the children's advocate, upon request,</i></p> <p style="padding-left: 40px;"><i>(a) a copy of the medical examiner's report on the manner and cause of death; and</i></p> <p style="padding-left: 40px;"><i>(b) a copy of the final autopsy report, if one has been ordered by the medical examiner and the children's advocate requires it for the review.</i></p> <p>The Ombudsman Act:</p> <p><i>Monitoring children's advocate's recommendations</i></p> <p><i>16.1(1) The Ombudsman must monitor the implementation of recommendations contained in the reports provided to the Ombudsman by the children's advocate under section 8.2.3 of The Child and Family Services Act.</i></p> <p><i>Report to assembly</i></p> <p><i>16.1(2) In the annual report to the assembly under section 42, the Ombudsman must report on the implementation of the children's advocate's recommendations.</i></p>
<p>ON OPACY</p> <p><i>Provincial Advocate for Children and Youth Act</i></p>	<p><i>1. The purpose of this Act is to provide for the Provincial Advocate for Children and Youth as an independent officer of the Legislature to</i></p> <p style="padding-left: 40px;"><i>(d) conduct investigations and make recommendations to improve children's aid society services and services provided by residential licensees where a children's aid society is the placing agency.</i></p> <p><i>4 (2) The Advocate shall appoint a director of investigations to oversee and manage the investigative function of the office as described in subsection 15 (2). (2014)</i></p> <p><i>13.1 (1) The director of investigations shall, from among staff retained by the Advocate under section 13, establish an investigative team,</i></p> <p style="padding-left: 40px;"><i>(a) to conduct investigations under section 16.1; and</i></p> <p style="padding-left: 40px;"><i>(b) to provide advice and guidance to the Advocate with respect to investigations. (2014)</i></p> <p><i>15 (2) In addition to the functions set out in subsection (1), the Advocate has the function of investigating any matter that comes to his or her attention from any source or on the Advocate's own initiative concerning a child or group of children,</i></p>

P/T CYA	Legislation
	<p>including a systemic investigation, with respect to,</p> <p>(a) a children's aid society service; or</p> <p>(b) a service provided by a residential licensee where a children's aid society is the placing agency. (2014)</p> <p>16. (1) In carrying out the functions of the Advocate, the Advocate may</p> <p>(a) receive and respond to complaints;</p> <p>(b) conduct reviews, whether in response to a complaint or on the Advocate's own initiative;</p> <p>16.4 (1) The Advocate is prohibited from investigating any of the following matters:</p> <p>1. Subject to subsection (2), child deaths that fall within the jurisdiction of the Office of the Chief Coroner or of any committees that report to the Office of Chief Coroner.</p> <p>2. Subject to subsection (2), matters that are eligible for review by or have been decided by the Child and Family Services Review Board.</p> <p>5. Matters where another investigative authority is conducting an investigation, until after that investigation is completed.</p> <p>(2) If the Advocate determines that a systemic investigation is necessary to promote the best interests, protection and wellbeing of children and the principles expressed in the United Nations Convention on the Rights of the Child, the Advocate may conduct a systemic investigation into matters referred to in paragraphs 1 and 2 of subsection (1), but may only do so after the processes for dealing with the matters referred to in paragraphs 1 and 2 have been completed. (2014)</p> <p>Death or serious bodily harm</p> <p>18.1 (1) An agency or service provider, as the case may be, shall inform the Advocate in writing and without unreasonable delay after it becomes aware of the death of or serious bodily harm incurred by a child or youth, where the child or youth, or the child or youth's family, has sought or received a children's aid society service within 12 months of the death or incurrence of harm. (2015)</p> <p>(2) Information provided to the Advocate under subsection (1) shall include a summary of the circumstances surrounding the death or serious bodily harm. (2015)</p>
<p>QC CDPDJ</p> <p>Youth Protection Act / la Loi sur la protection de la jeunesse</p>	<p>[The legislation does not refer to child deaths / critical injuries but generally:]</p> <p>23. The Commission shall, in conformity with the other provisions of this Act, discharge the following duties:</p> <p>(a) it shall ensure, by any appropriate measures, the promotion and protection of the rights of children which are recognized by this Act and the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1);</p> <p>(b) upon an application or of its own motion, it shall investigate any situation where it has reason to believe that the rights of a child or of a group of children have been encroached upon by persons, institutions or bodies, unless the tribunal</p>

P/T CYA	Legislation
	<p><i>is already seized of it;</i> <i>(c) it shall take the legal means it considers necessary to remedy any situation where the rights of a child are being encroached upon;</i> <i>(e) it may, at all times, make recommendations, in particular, to the Minister of Health and Social Services, the Minister of Education, Recreation and Sports and to the Minister of Justice.</i></p>
<p>NB OCYA <i>Child and Youth Advocate Act</i></p>	<p>[The legislation does not refer to child deaths / critical injuries but generally:]</p> <p><u>NB OCYA Written submission:</u></p> <p><i>Representatives of the Child and Youth Advocate’s systemic advocacy branch meet regularly with government Departments and agencies. Systemic Advocacy personnel also meet with many organizations, groups and individuals to engage in collaborative systemic advocacy and inform our advocacy processes in general. Some examples of the diverse array of stakeholders with whom we met in the fiscal year include the following:</i></p> <p><i>...the Coroner’s Office has the mandate for child death reviews. They have a Child Death Review Committee. They can review any child death up to the age of 18 and it is a child death by accident or otherwise and it’s not just a child in care of the province of New Brunswick, it’s all children under his mandate. (N. Bossé and G. Kotze, personal communication, July 26, 2016)</i></p> <p><i>T You’re not on the committee are you?</i></p> <p><i>N No, well, Gavin and I attended a meeting recently, a few months ago. They asked us that very question Theresa. They said look would you come on our committee? And I looked at them and I said you know what? No we can’t do that. I’ll tell you why. Because when I receive a child death review report I can look at it and if I choose to go further I can. [Okay you can.] I can say well we’re going to suggest, make this recommendation on this child death review. Now we haven’t done, not to my knowledge or we’ve discussed it, we’ve had discussions with the Social Development, Public Safety on the recommendations but I could review those reports and go further – review it some more, maybe cause my own investigation to be started. And I don’t want to lose that. The minute I’m on that committee I’ve got a conflict of interest.</i></p>
<p>NS OYS <i>Ombudsman Act</i></p>	<p>[The Ombudsman Act does not refer to child deaths / critical injuries, however there is one publicly-available, published report:</p> <p>Office of the Ombudsman. (July 2014). <i>Child Death Review: Final Report</i>. File #50312.</p>
<p>NL ACY <i>Child and Youth Advocate Act</i></p>	<p>[The legislation does not refer to child deaths / critical injuries but generally:]</p> <p>Review and Investigate</p> <p><i>3. The Office of the Child and Youth Advocate is established: (c.1) to review and investigate matters affecting the rights and interests of children and youth;</i></p> <p><i>“There is a separate Child Death Review Committee was established two years ago. It only reviews deaths that our Chief Medical Examiner...refers to that committee. Their</i></p>

P/T CYA	Legislation
	<p><i>role is just to look at how a child died and what are the trends.” (C. Chafe, personal communication, July 14, 2016)</i></p> <p><i>“I don’t look at the death of the child, I don’t have anything to do with how the child died. I look at what services were provided to the child before the death. And I look in terms of critical incidents. I look at what services were being provided and did they meet the child’s needs or if not, what needs to change so that [type of] incident or death doesn’t happen to another child.” (C. Chafe, personal communication, July 14, 2016)</i></p>
<p>YT CAO</p> <p><i>Child and Youth Advocate Act</i></p>	<p>[To date, the CYA has not done any child death or critical injury reviews]</p> <p>15(1) <i>The Legislative Assembly or a Minister may refer to the Advocate for review and report any matter relating to the provision of designated services that involves the interests and well-being of children and youth, which may include a review of critical injuries, a death or other specific incident concerning a child or youth in the care or custody of the government or a First Nation service authority.</i></p> <p><i>(2) The Advocate must conduct a review and make a report under subsection (1) in accordance with the terms of reference established for the review by the Legislative Assembly or the Minister.</i></p>
<p>NU RCY</p> <p><i>Representative for Children and Youth Act</i></p>	<p><i>4 (b) review any matter related to the death or critical injury of any child or youth;</i></p> <p><i>Duty of Director of Child and Family Services to report death or critical injury</i></p> <p><i>19. (1) The Director of Child and Family Services appointed under the Child and Family Services Act shall report to the Representative the death or critical injury of a child or youth if, at the time of the death or injury or within one year before the death or injury,</i></p> <p style="padding-left: 40px;"><i>(a) the child or youth was in the temporary or permanent custody of, or was receiving services from, the Director;</i></p> <p style="padding-left: 40px;"><i>(b) a parent having care of the child or youth was receiving services from the Director; or</i></p> <p style="padding-left: 40px;"><i>(c) an individual having care of the child or youth was receiving services from the Director.</i></p> <p><i>Time of report</i></p> <p><i>(2) The Director shall make a report required by subsection (1) as soon as is reasonably possible after learning of the death or injury of the child or youth and of the existence of a circumstance set out in paragraph (1)(a), (b) or (c).</i></p> <p><i>Duty of coroner to report death</i></p> <p><i>20. A coroner shall report the death of a child or youth to the Representative as soon as is reasonably possible after learning of the death if it is reportable under section 8 of the Coroners Act.</i></p> <p><i>Duty of coroner to provide information</i></p> <p><i>21. A coroner who conducts an investigation of the death of a child or youth under</i></p>

P/T CYA	Legislation
	<p><i>the Coroners Act shall, as soon as is reasonably possible, inform a parent of the child or youth, or a person having care of the child or youth at the time of the death, of the existence and role of the Representative and how the Representative may be contacted.</i></p> <p><i>35. (c) [Annual Report shall include] summaries or descriptions of any reviews related to a child or youth or a group of children or youth, or to the death or critical injury of a child or youth, and any advice or recommendations resulting from the reviews.</i></p> <p><i>35. Annual report shall include:</i></p> <p><i>(c) summaries or descriptions of any reviews related to a child or youth or a group of children or youth, or to the death or critical injury of a child or youth, and any advice or recommendations resulting from the reviews;</i></p>

Appendix J: Legislated authority to provide information and advice to government

P/T CYA	Legislated mandate
<p>BC RCY <i>Representative for Children and Youth Act</i></p>	<p><i>(6) The representative is responsible for performing the following functions:</i></p> <p>(b) monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions</p>
<p>AB OCYA <i>Child and Youth Advocate Act</i></p>	<p><i>(2) In carrying out the role of the Advocate under subsection (1), the Advocate may</i></p> <p><i>(h) provide information and advice to the Government with respect to any matter relating to the rights, interests and well-being of children</i></p> <p>Report after investigation</p> <p><i>15(1) Where the Advocate conducts an investigation under section 9(2)(d), the Advocate must, after completing the investigation, make a report</i></p> <p><i>(a) containing recommendations for any public body or other person as the Advocate considers appropriate</i></p>
<p>SK ACY <i>Advocate for Children and Youth Act</i></p>	<p><i>14 (2) The Advocate shall:</i></p> <p><i>(b) receive and investigate any matter that comes to his or her attention from any source concerning:</i></p> <p><i>(i) a child or youth who receives services from any ministry, agency of the government or publicly-funded health entity;</i></p> <p><i>(ii) a group of children or youths who receive services from any ministry, agency of the government or publicly-funded health entity; and</i></p> <p><i>(iii) services to a child, group of children, youth or group of youths by any ministry, agency of the government or publicly-funded health entity;</i></p> <p><i>(d) if appropriate, make recommendations on any matter mentioned in clause (b).</i></p> <p><i>(3) The Children's Advocate may:</i></p> <p><i>(b) advise any minister responsible for services to children on any matter relating to the interests and well-being of children who receive services from any department or agency of the government;</i></p>
<p>MB OCA</p>	<p><i>Duties of children's advocate</i></p>

<p><i>Child and Family Services Act</i></p>	<p>8.2 (1) <i>The children's advocate shall</i></p> <p>(a) <i>advise the minister on matters</i></p> <p>(i) <i>relating to the welfare and interests of children who receive or may be entitled to receive services under this Act, or</i></p> <p>(ii) <i>relating to services provided or available to children under this Act;</i></p> <p>Review of services after death of child in care</p> <p>Review after death of child</p> <p>8.2.3(1) <i>After the death of child who was in the care of, or received services from, an agency under this Act within one year before the death, or whose parent or guardian received services from an agency under this Act within one year before the death, the children's advocate</i></p> <p>(d) <i>may recommend changes to the standards, policies or practices relating to the services mentioned in clauses (a) to (c) if, in the children's advocate's opinion, those changes are designed to enhance the safety and well-being of children and reduce the likelihood of a death occurring in similar circumstances.</i></p> <p>8.2.3(3) <i>Upon completing the review, the children's advocate must prepare a written report of his or her findings and recommendations and provide a copy of it</i></p> <p>(a) <i>to the minister;</i></p> <p>(b) <i>to the Ombudsman; and</i></p> <p>(c) <i>to the chief medical examiner under The Fatality Inquiries Act.</i></p> <p>Summary of recommendations in annual report</p> <p>8.2.3(6) <i>The children's advocate's annual report under clause 8.2(1)(d) for a year may include a summary of the recommendations included in the reports made that year under this section.</i></p>
<p>ON OPACY</p> <p><i>Provincial Advocate for Children and Youth Act</i></p>	<p>16 (1) <i>In carrying out the functions of the Advocate, the Advocate may,</i></p> <p>(f) <i>provide advice and make recommendations to entities including governments, ministers, agencies and service providers responsible for services,</i></p> <p>(i) <i>under the Child and Family Services Act, or</i></p> <p>(iii) <i>that are provided for in the regulations;</i></p>
<p>QC CDPDJ</p> <p><i>Youth Protection Act / la Loi sur la protection de la jeunesse</i></p>	<p><i>The Commission shall, in conformity with the other provisions of this Act, discharge the following duties:</i></p> <p>(e) <i>it may, at all times, make recommendations, in particular, to the Minister of Health and Social Services, the Minister of Education, Recreation and Sports and to the Minister of Justice; [The Youth Protection Act]</i></p>
<p>NB OCYA</p>	<p>2 <i>There is established the Office of the Child and Youth Advocate, which office is</i></p>

<p><i>Child and Youth Advocate Act</i></p>	<p><i>charged with the following duties and responsibilities</i></p> <p><i>(d) providing information and advice to the government, government agencies and communities about the availability, effectiveness, responsiveness, and relevance of services to children and youths; and</i></p>
<p>NS OYA <i>Ombudsman Act</i></p>	<p><i>20 (1) Where upon investigation the Ombudsman is of the opinion that a grievance exists or may exist because a department or municipal unit or officer thereof administered or is administering a law of the Province or a law of the municipal unit or a law of the Province that applies to the municipal unit [for various reasons) and the Ombudsman is of the opinion that the grievance should be rectified] ...the Ombudsman shall report his opinion, his reasons therefor and any recommendation to the minister and the chief officer of the department or the chief officer of the municipal unit concerned.</i></p>
<p>NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i></p>	<p><i>3. The Office of the Child and Youth Advocate is established</i></p> <p><i>(c) to provide information and advice to the government, agencies of the government and to communities about the availability, effectiveness, responsiveness and relevance of services to children and youth;</i></p>
<p>YT CAO <i>Yukon Child and Youth Advocate Act</i></p>	<p><i>12 (1) If, in the course of performing the individual advocacy functions on behalf of a child or youth under section 11 [primary role], the Advocate becomes aware of a policy or systemic issue in respect of the designated service that raises a substantial question of public interest, the Advocate may review and provide advice in respect of the issue to the department, First Nation service authority or school board that is providing the designated service</i></p>
<p>NU RCY <i>Representative for Children and Youth Act</i></p>	<p><i>3. The Representative has the following duties:</i></p> <p><i>(e) to provide advice and recommendations to government departments and designated authorities about the effectiveness, responsiveness and relevance of legislation and policies related to children and youth;</i></p> <p><i>(f) to provide advice and recommendations to government departments and designated authorities about the availability, effectiveness, responsiveness and relevance of programs and services related to children and youth;</i></p>

Appendix K: Legislated authority to monitor implementation of CYA's recommendations

P/T CYA	Legislated mandate
<p>BC RCY</p> <p><i>Representative for Children and Youth Act</i></p>	<p>Special reports</p> <p>20 (1) <i>The representative may make a special report to the Legislative Assembly if the representative considers it necessary to do so.</i></p> <p>(b) <i>a report on the level of compliance with previous recommendations made by the representative under this Act to</i></p> <p>(i) <i>the public body, or the director, responsible for the provision of a designated service, or</i></p> <p>(ii) <i>any other public body or director;</i></p> <p>The BC RCY may release reports to the public under Section 6(1).</p>
<p>AB OCYA</p> <p><i>Child and Youth Advocate Act</i></p>	<p>[Nothing mentioned in the legislation]</p>
<p>SK ACY</p> <p><i>Advocate for Children and Youth Act</i></p>	<p>Notice of steps taken</p> <p>29(1) <i>If the Advocate makes a recommendation pursuant to section 28, the Advocate may request the ministry, agency of the government or publicly-funded health entity to provide notice within a specified time of the steps that it has taken or proposes to take to give effect to the recommendation.</i></p> <p>(2) <i>If, within a reasonable time after a request respecting a recommendation is made pursuant to this section, no action is taken that seems to the Advocate to be adequate and appropriate, the Advocate may:</i></p> <p>(a) <i>after considering the comments, if any, made by or on behalf of the ministry, agency of the government or publicly-funded health entity affected, submit a report of the matter, including a copy of the report containing the recommendation, to the Lieutenant Governor in Council; and</i></p> <p>(b) <i>after submitting a report pursuant to clause (a), mention the report in the next annual report to the Legislative Assembly.</i></p> <p>Review of recommendations</p> <p>30 <i>If the Advocate makes a recommendation pursuant to section 28 and no action that seems to the Advocate to be adequate or appropriate is taken on the recommendation within a reasonable time, the Advocate shall:</i></p> <p>(a) <i>inform the person referring the matter of the recommendation; and</i></p> <p>(b) <i>make any comments on the matter that the Advocate considers appropriate.</i></p>

<p>MB OCA</p> <p><i>The Ombudsman Act</i></p>	<p>Monitoring children's advocate's recommendations</p> <p>16.1(1) <i>The Ombudsman must monitor the implementation of recommendations contained in the reports provided to the Ombudsman by the children's advocate under section 8.2.3 of The Child and Family Services Act.</i></p> <p>16.1(2) <i>In the annual report to the assembly under section 42, the Ombudsman must report on the implementation of the children's advocate's recommendations.</i></p>
<p>ON OPACY</p> <p><i>Provincial Advocate for Children and Youth Act</i></p>	<p>Notice of steps to Advocate</p> <p>(6) <i>The Advocate may request that any person or entity referred to in clause (1) (b) to whom a recommendation is directed notify the Advocate of the steps, if any, that the person or entity proposes to give effect to the Advocate's recommendation.</i></p> <p>(7) <i>If within a reasonable time after the report is made no action is taken which, in the Advocate's opinion, is adequate or appropriate, the Advocate, in his or her discretion and, after considering any comments made by or on behalf of the Minister, a children's aid society or residential licensee or any other person or entity affected,</i></p> <p style="padding-left: 40px;"><i>(a) may send a copy of the report and recommendations to the Premier; and</i></p> <p style="padding-left: 40px;"><i>(b) may, after sending a copy of the report to the Premier, make such report to the Legislative Assembly on the matter as he or she thinks fit.</i></p> <p>(8) <i>The Advocate shall attach to any report sent under subsection (7) any comments made by or on behalf of the Minister, a children's aid society or residential licensee or any other person or entity affected.</i></p>
<p>QC CDPDJ</p> <p><i>Youth Protection Act</i></p>	<p>[Nothing mentioned in the legislation]</p>
<p>NB OCYA</p> <p><i>Child and Youth Advocate Act</i></p>	<p>Monitor Implementation of Recommendations</p> <p>23(1) <i>If, after conducting an investigation or review of an authority's services, the Advocate makes a recommendation to the authority, the Advocate may request that the authority notify him or her within a specified period of the steps that the authority has taken or proposes to take to give effect to the recommendations</i></p> <p>23(2) <i>If, after the period specified under subsection (1), the authority does not act upon the recommendation of the Advocate, refuses to act on it or acts in a manner unsatisfactory to the Advocate, the Advocate may send a report respecting the recommendation to the Lieutenant- Governor in Council and, after doing so, may report on the matter to the Legislative Assembly.</i></p> <p>23(3) <i>The Advocate shall include in a report made under subsection (2) a copy of any response provided by the authority respecting the Advocate's recommendation.</i></p> <p>23(4) <i>If the Advocate makes a recommendation under subsection (1) and the authority does not act on the recommendation to the Advocate's satisfaction, the Advocate shall inform the petitioner of the recommendation and may include any additional comments.</i></p>

<p>NS OYS <i>Ombudsman Act</i></p>	<p><i>20 (2) Where the Ombudsman makes a recommendation under subsection (1) he may request the department or municipal unit to notify him within a specified time of the steps it proposes to take to give effect to his recommendations.</i></p> <p><i>20 (3) Where, after the time stated under subsection (2), the department or municipal unit does not act upon the recommendation of the Ombudsman, refuses to act thereon or acts in a manner unsatisfactory to the Ombudsman, the Ombudsman may send a copy of his report and recommendation to the Governor in Council, in the case of a department, or the council of the municipal unit, in the case of a municipal unit, and may thereafter make a report to the House.</i></p>
<p>NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i></p>	<p>Notice of proposed steps</p> <p><i>24. (1) Where, after conducting a review of a department's or an agency's services, or an investigation, the advocate makes a recommendation, he or she may request the department or agency of the government to whom the recommendation is made to notify him or her within a specified time of the steps that it has taken or proposes to take to give effect to his or her recommendations.</i></p> <p><i>(2) Where, within a reasonable time after a request respecting recommendations is made under this section, no action is taken which seems to the advocate to be adequate and appropriate, the advocate, in his or her discretion, after considering the comments made by or on behalf of the department or agency of the government affected, may report the matter, including a copy of the report containing the recommendations, to the Lieutenant-Governor in Council and may mention the report in the advocate's next annual report to the House of Assembly.</i></p>
<p>YT CAO <i>Yukon Child and Youth Advocate Act</i></p>	<p>Request to be advised of steps taken</p> <p><i>21 If...the Advocate provides advice to a department, First Nation service authority or school board with respect to a designated service, the Advocate may request to be advised by the department, authority or board within a specified time of the steps that have been or are proposed to be taken to give effect to the Advocate's advice, or if no steps have been or are proposed to be taken, the reasons for not following the advice.</i></p>
<p>NU RCY <i>Representative for Children and Youth Act</i></p>	<p>Monitor actions on recommendations</p> <p><i>34. (1) If, after completing a review, the Representative makes recommendations to a government department or designated authority, the Representative may request the department or designated authority to notify him or her within a specified time of the steps that it has taken or proposes to take to give effect to the recommendations.</i></p> <p><i>34. (2) If no action is taken within a reasonable time...the Representative, in his or her discretion, may report the matter...to the Commissioner in Executive Council.</i></p>

Appendix L: Details regarding CYAs' annual reports and budgets

P / T CYA	Reports to whom, frequency
<p>BC RCY <i>Representative for Children and Youth Act</i></p>	<p>19(1) <i>Beginning in 2009, the representative must report annually, before September 30 of each year, to the Speaker of the Legislative Assembly on</i></p> <p><i>(a) the representative's work with aboriginal children and their families,</i></p> <p><i>(a.1) the other work of the representative, and</i></p> <p><i>(b) the attainment of the goals and the specific objectives and performance measures of the representative as set out in the service plan referred to in section 17 (1), and this report must include financial statements for the representative prepared in accordance with generally accepted accounting principles.</i></p> <p><i>(2) In relation to subsection (1) (b), the report must compare actual results for the preceding fiscal year with the expected results identified in the service plan for the representative for that fiscal year.</i></p> <p>[Reports to: Standing Committee on Children and Youth; budget approved by Select Standing Committee on Finance and Government Services]</p>
<p>AB OCYA <i>Child and Youth Advocate Act</i></p>	<p>21(1) <i>The Advocate must report annually to the Speaker of the Legislative Assembly on the work of the Office of the Child and Youth Advocate.</i></p> <p>[Reports to Standing Committee on Legislative Offices for annual report, budget and business plan]</p>
<p>SK ACY <i>Advocate for Children and Youth Act</i></p>	<p>39(1) <i>In accordance with section 13 of <i>The Executive Government Administration Act</i>, the Advocate shall, in each year, submit to the Speaker an annual report describing the progress and activities of the Advocate in the previous year.</i></p> <p>[Budget approval by the Board of Internal Economy]</p>
<p>MB OCA <i>Child and Family Services Act</i></p>	<p>8.2(1) (d) <i>prepare and submit an annual report to the Speaker of the Assembly respecting the performance of the duties and the exercise of the powers of the children's advocate.</i></p> <p>Annual report to be tabled</p> <p><i>(2) The Speaker shall lay a copy of the report of the children's advocate before the Legislative Assembly within 15 days of receiving it if the Legislative Assembly is then in session, or if it is not then in session, within 15 days of the beginning of the next session.</i></p> <p>Referral to standing committee</p> <p><i>(3) The annual report of the children's advocate stands referred to the Standing Committee of the Assembly on Legislative Affairs. The committee must begin considering the report within 60 days after it is tabled in the Assembly.</i></p> <p>[Budget and new staffing approval by Maintenance Committee]</p>
<p>ON OPACY</p>	<p>21(1) <i>The Advocate shall, after April 30 in every year, make a report in writing and shall deliver the report to the Speaker of the Legislative Assembly no later than</i></p>

<p><i>Provincial Advocate for Children and Youth Act</i></p>	<p><i>December 31 in that year.</i></p> <p><i>Contents (2) The report mentioned in subsection (1) shall contain whatever information the Advocate considers appropriate, but shall contain, at a minimum, a report on the activities and finances of the Advocate's office, the outcomes expected in the fiscal year of the Government of Ontario in which the report is made, and the results achieved in the previous fiscal year.</i></p> <p>[Budget approval by the Board of Internal Economy]</p>
<p>QC CDPDJ <i>Youth Protection Act</i></p>	<p>156.1. <i>Not later than 9 July 2010 and subsequently every five years, the Commission must report to the Government on the carrying out of this Act and on the advisability of amending it.</i></p> <p><i>The Minister of Justice or the Minister of Health and Social Services lays the report before the National Assembly within 30 days of its receipt by the Government or, if the Assembly is not sitting, within 30 days of resumption.</i></p>
<p>NB OCYA <i>Child and Youth Advocate Act</i></p>	<p>25(1) <i>The Advocate shall report annually to the Legislative Assembly on the exercise of his or her functions and duties under this Act.</i></p> <p>[Reports to all-party Standing Committee on Privileges, Procedures and Legislative Officers Committee; budgets approval by Legislative Administration Committee]</p>
<p>NS OYS <i>Ombudsman Act</i></p>	<p>24(1) <i>The Ombudsman shall report annually to the House on the exercise of his functions under this Act.</i></p>
<p>NL ACY <i>Newfoundland and Labrador Child and Youth Advocate Act</i></p>	<p>28. <i>The advocate shall report annually to the House of Assembly through the Speaker on the exercise and performance of his or her functions and duties under this Act.</i></p> <p>[Reports to the House of Assembly through the Speaker; budget and new staffing positions approved by Management Commission]</p>
<p>YT CAO <i>Yukon Child and Youth Advocate Act</i></p>	<p>22(6) <i>The Advocate must provide a written quarterly update to the Members' Services Board on the expenditures to date in that fiscal year related to the office of the Advocate.</i></p> <p>24(1) <i>The Advocate must provide an annual report on the affairs of the Advocate's office, including financial statements, to the Speaker of the Legislative Assembly.</i></p>
<p>NU RCY <i>Representative for Children and Youth Act</i></p>	<p>35(1) <i>The Representative shall, within six months after the end of each fiscal year, prepare and submit to the Speaker of the Legislative Assembly an annual report on the conduct of the office and the discharge of the duties of the Representative during the preceding year,</i></p> <p>[Reports to Standing Committee on Public Accounts, Independent Officers and Other Entities. Financial and administrative matters are approved by The Management and Services Board]</p>