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# IT'S TIME FOR A NATIONAL CHILDREN'S COMMISSIONER FOR CANADA

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# WHO IS UNICEF?



UNICEF is the world's leading child-focused humanitarian and development agency. Through innovative programs and advocacy work, we secure children's rights in virtually every country. Our global reach, unparalleled influence on policymakers, and diverse partnerships make us an instrumental force in shaping a world fit for children. UNICEF is supported entirely by voluntary donations and helps all children, regardless of race, religion or politics.

Undaunted by war, disaster, disease and logistical complexity, UNICEF works to ensure that all children can grow up safe, healthy and educated; and protected against violence, abuse and discrimination. Our immunization programs alone have saved millions of lives. We support local, sustainable solutions and partnerships that help children survive and thrive, and respond swiftly with life-saving aid in times of disaster.

The only organization named in the United Nations Convention on the Rights of the Child as a source of expertise for governments, UNICEF has exceptional access to those whose decisions impact children's survival and quality of life. We are the world's advocate for children and their rights.



# IT'S TIME FOR A NATIONAL CHILDREN'S COMMISSIONER FOR CANADA

“The true measure of a nation’s standing is how well it attends to its children – their health and safety, their material security, their education and socialization, and their sense of being loved, valued, and included in the families and societies into which they are born.”<sup>i</sup>

## Making the Case for Children

The assertion is often made that Canada is the best place to raise a child. While this is true for many children, comparisons with other industrialized countries indicate that Canada is not the best place for all children. Overall, many national indicators for child survival, health, development and protection are at or below average, compared to other industrialized nations. National rates of child poverty, injury and infant mortality are higher than the average among industrialized countries, and more children are in state care and detention than in most other comparable countries. Within Canada, some places are better places to raise a family than others. Differences in the protection and provision of children’s rights between provincial/territorial jurisdictions and between Aboriginal and non-Aboriginal children mean that Canada’s children do not have equitable

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Canada’s nine million children comprise a quarter of the population, but there is no one in the federal government with a specific mandate to represent their interests. All provinces have a minister for children’s services, and most have an independent advocate/ombudsperson or commissioner for children. However, the provincial advocates/ombudspersons/ commissioners are mostly limited to addressing





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issues and complaints in relation to children receiving certain services. At the federal level, there is no one in Cabinet with the responsibility to consider children in federal laws, policies and services. Issues that affect children fall within the policy domains of small units in several federal departments. Young people cannot vote; they and their families and advocates have no way to hold the government accountable for how decisions affect children in Canada. As a result, federal laws, policies and budget decisions are generally made without careful consideration of their impacts on children. While provincial governments have considerable responsibility for child policy, federal domains affect children in many ways, from marriage and divorce laws, to criminal justice, to immigration, to Aboriginal children, to social transfers. In addition, issues affecting children often fall through the cracks between federal and provincial jurisdictions in Canada.

Developing the full potential of all Canada's children is not only a commitment Canada made in ratifying the United Nations Convention on the Rights of the Child (Convention) in 1991; it is an

essential component of a strategy to deal with the challenges of an aging population and a changing society. Investing in the full development and protection of all Canada's children is one of the best ways to ensure that there will be a strong, healthy population and a well-educated workforce in the decades ahead.

There is considerable and growing support for the need to establish a national Children's Commissioner to be the missing voice for children's concerns at the federal government level. An independent national Children's Commissioner would put children's best interests on the public agenda, encourage different departments and orders of government to coordinate their efforts and promote better laws, policies and services for children. The Senate of Canada agreed when it recommended in 2007 that the federal government "...enact legislation to establish an independent Children's Commissioner to monitor implementation of the Convention on the Rights of the Child and protection of children's rights in Canada... [and] report annually to Parliament."<sup>ii</sup> The United Nations Committee on the Rights of the Child also pressed Canada to do so in the last periodic review of Canada's implementation of the Convention on the Rights of the Child, in 2003.<sup>iii</sup>

All provinces and the Yukon Territory have provincial child advocates/ombudspersons or commissioners; largely independent institutions similar to the proposed national Children's Commissioner. The provincial child advocates work together as the Canadian Council of Provincial Child and Youth Advocates. Their track record demonstrates the important difference that such mechanisms can make. They agree that a national Children's Commissioner is a vital office for children with which they can collaborate on issues outside their jurisdiction and mandate while respecting Constitutional division of powers. Organizations serving children including UNICEF Canada, the Canadian Paediatric Society, the Canadian Coalition for the Rights of Children and the Canadian School Boards Association support the need to establish

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a national Children’s Commissioner. There is sizable and growing support for a national Children’s Commissioner among children’s health organizations, academic and research institutions, large and small businesses, youth groups, professional organizations, community based organizations and many other civil society groups and individuals.

Canada is one of the few countries in the industrialized world that lacks an independent mechanism to monitor the rights and well-being of its children and promote their best interests in law and policy. More than 60 countries have

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specialized offices for children – many are federal states like Canada. New Zealand, England, Scotland and Sweden have found such offices effective in promoting respect for the rights of children at the national level.

## **Six reasons for special measures to protect children’s rights**

- 1. The cost of failing to protect children is too high.** Research confirms that what happens to children in the early years and even before birth has a significant impact on their future growth and development. This, in turn, determines their life chances and their cost, or their contribution, to society over the rest of their lives.
- 2. Children are more affected by the action – or inaction – of government than any other group.** There is no such thing as a child-neutral policy. Almost every area of government policy affects children to some degree. But there is no mechanism to ensure that children’s best interests and the impacts on children are considered in the development of public policy. Yet children are among the heaviest users of public services, such as education, health, child care and youth services. And their dependence and developmental status make them disproportionately vulnerable to violence, poverty, poor housing and environmental pollution.
- 3. Children suffer from fragmentation of public policy and services.** For example, provincial legislation varies in setting minimum ages and standards for child employment and youth justice, and maximum ages for access to child welfare support. Federally, criminal justice legislation permits the use of force against children, but not adults.
- 4. Children have no vote and no access to the powerful lobbies that influence government agendas.** Children have little, if any, access to the media and their views rarely inform the actions of government. As a result, their rights can be more easily restricted and violated. For example, weak child employment legislation in some provinces results in higher rates of workplace injury for children than for adults.
- 5. Children have limited access to complaints mechanisms, the legal system and the courts to protect their rights.** The mechanisms that are employed by adults to exercise their rights, including the courts and human rights commissions, are largely unavailable to children and are generally unsuitable to proactively address issues concerning children’s rights and well-being.
- 6. Children are more vulnerable to exploitation and abuse** because of their evolving physical, emotional and psychological maturity, their dependency on adults, social norms that accept bullying and physical discipline, and the lack of full protection under the law. As a result, children experience far more violence and abuse than do adults.

Adapted from UNICEF Innocenti Digest No. 8, *Independent Institutions: Protecting Children’s Rights*, 2001



## A Commitment to Canada's Children

“At the ground level, children’s rights are being pushed to the side and even violated in a variety of situations – one only needs to take a brief survey of the issue of child poverty, or the situation of Aboriginal or special needs children to realize that this is true. The Convention has been effectively marginalized when it comes to its direct impact on children’s lives.”<sup>iv</sup>

While the Convention on the Rights of the Child is an international treaty, governments that ratify it agree to implement children’s Convention rights through their constitutions, legislation and policy, budgets and institutions, programs and services, law enforcement and the courts. In Canada, the federal government ratified the Convention in 1991; support was expressed by each province, and both orders of government are thus invested with the primary duty to respect and protect children’s Convention rights – under national leadership. Beyond the obligation to realize the whole range of individual rights of children, governments are also obliged under article 4 to put in place certain governance mechanisms to implement the Convention.

These governance mechanisms are used to build the foundation for all children’s rights, and to monitor progress to hold governments accountable.

**Article 4 of the Convention on the Rights of the Child states that governments must “undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.”**

The appropriate legislative, administrative and other measures for the implementation of the Convention under article 4 are elaborated in

**In Canada, there is no statutory national human rights institution for children, though all ten provinces have child advocates, commissioners or ombudspersons.**

General Comment Nos. 2 and 5 of the UN Committee on the Rights of the Child.<sup>v</sup> The Committee has in this guidance for governments identified the measures it expects governments to put in place under article 4. They include: law reform and jurisprudence; budgeting and tracking expenditures; national plans of action; monitoring and reporting processes and mechanisms; education, awareness and training; independent national human rights institutions for children (e.g. Children’s Commissioners); and coordination mechanisms.

In Canada, there is no statutory national human rights institution for children, though all ten provinces have child advocates, commissioners or ombudspersons. A national Human Rights Commission was established in 1977 under the *Canadian Human Rights Act*. Its

mandate is limited to complaints of discrimination in employment and in the provision of services within federal jurisdiction, and it does not have a special children’s rights unit. If the Commission finds evidence that a violation has occurred, it may refer the case to a Canadian Human Rights Tribunal, but the adversarial approach is not well suited to matters of children’s rights. Most of the provincial statutory offices are specialized institutions focusing on children, though in Quebec, Nova Scotia and New Brunswick there are child rights units within general human rights or ombudsperson institutions. The provincial child advocates collaborate as the Canadian Council of Provincial Child and Youth Advocates, but their capacity to act on federal and national matters is limited. Given the lack of a number of other governance measures for children, establishing a national Children’s Commissioner would be a highly effective and relatively simple step towards a strong governance architecture for children in Canada.



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## Why are Children's Commissioners a fundamental part of the architecture for children's rights?

While the Convention on the Rights of the Child is the most widely adopted human rights treaty, ratified by 193 governments, it has been slow to take root in laws, policies and practices. It has become increasingly clear that independent institutions such as Children's Commissioners can help overcome obstacles to realizing children's rights, including:

- **A lack of demonstrable commitment on the part of many governments.** Too many governments have ratified the Convention without any evidence of serious and sustained commitment to follow through with action.
- **A lack of awareness of the implications of the Convention and the changes it necessitates.** The need for ongoing legislative reform and policy development promoting the best interests of children is not widely recognized.
- **Economic pressures.** Many governments plead lack of resources as the justification for limited progress in advancing children's rights and well-being. However, few governments have undertaken systematic analyses of budgets to assess the proportion of expenditure directed at children or its impact on them.
- **Deep-seated cultural attitudes and prejudices that perpetuate violations of children's rights.** Some governments are unwilling, or unable, to address social norms that harm children – even protecting these norms as part of the law.
- **The influence of competing and more powerful lobbies. The protection of children's rights can threaten powerful interests.** Whether it is an energy company producing a dangerously polluted environment that threatens the health of children, or cigarette manufacturers seeking to recruit new and young smokers, governments may sacrifice the rights of children to protect the corporate sector.

Adapted from UNICEF Innocenti Digest No. 8, *Independent Institutions: Protecting Children's Rights*, 2001







## A Voice for Canada's Children

"[T]he Convention on the Rights of the Child is not solidly embedded in Canadian law, in policy, or in the national psyche....No body is in charge of ensuring that the Convention is effectively implemented in Canada, and the political will is lacking."<sup>vi</sup>

Specialized human rights institutions for children are necessary given that children's developmental state and lack of political voice make them particularly vulnerable to rights violations, and that general human rights complaint systems are generally not appropriate for children's issues. Without independent institutions focusing entirely on the rights and well-being of children, they rarely receive the attention they deserve. In 1993, the World Conference on Human Rights affirmed the importance of institutions to protect rights, advise governments, address violations and raise awareness. In the same year, the United Nations General Assembly endorsed the Paris Principles for Independent Human Rights Institutions, setting out the essential responsibilities of institutions dedicated to promoting and protecting human rights.

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The Committee on the Rights of the Child General Comments Nos. 2 and 5 together with the Paris Principles for Independent Human Rights Institutions outline the fundamental criteria for effective Children's Commissioners, including consultation with children and the facilitation of children's participation in decisions that affect them. These defining characteristics of what makes an effective Children's Commissioner must be set in legislation. The legislative base and powers give Children's Commissioners their authority and efficacy, and clarify their distinct and complementary role

## The Paris Principles say that every human rights institution should have:

- The competence to promote and protect human rights.
- As broad a mandate as possible, set down in a constitutional or legislative text that specifies the institution's composition and sphere of competence.
- Responsibilities to provide its opinions, recommendations, proposals and reports on any matter concerning the promotion and protection of human rights to parliament, government and other competent bodies – either on request or through its power to consider such matters without higher referral.
- The right to publish opinions and reports independently, including those on the current state of the law, on developments affecting human rights and on violations.
- General duties and necessary powers to promote and ensure harmonization of national legislation, regulations and practice with international human rights instruments to which the state is a party, and their effective implementation; to encourage ratification or accession to these instruments.
- The right to contribute to the reports that states must submit to UN bodies and committees and to regional institutions, and, where necessary, to express an opinion on the subject, "with due respect for their independence."
- To cooperate with UN and UN-related organizations and regional and national human rights institutions.
- To help formulate and take part in programmes for teaching and researching human rights in schools, universities and among professionals.
- To publicize human rights and efforts to combat discrimination by increasing public awareness – particularly through information and education and use of the media.

Source: United Nations General Assembly Resolution A/RES/48/134, National institutions for the promotion and protection of human rights, 20 December 1993

relative to parliament, the executive, the courts and civil society organizations. Children's Commissioners can play a highly effective role in the governance architecture for children, helping coordinate the work of the many departments and levels of government that impact children, raising children's issues higher on the public agenda and channeling the views of children into the public policy process. The functions of a Children's Commissioner are not designed to replace the responsibility of the government to fulfill its obligations, but to independently monitor children's rights and well-being and contribute to policy development as part of the governance and accountability architecture.

Globally, more than 60 countries have established Children's Commissioners; this includes more than 30 European countries. In

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some countries, there are Commissioners with a role that is exclusive to children's rights; in others, human rights commissions have specialized child units. Children's Commissioners have been established at federal, provincial and municipal levels, and within systems such as schooling and health care. Industrialized countries that have a national children's

Ombudsperson or Commissioner include New Zealand, Norway, Denmark, Finland, France, Poland, Luxembourg and Sweden, and federated countries such as Austria. In the United Kingdom, there are Children's Commissioners in England, Wales, Scotland and Northern Ireland, and the mandate of the Children's Commissioner for England includes matters concerning the government of the Kingdom. In Slovenia and Spain, the national Ombudspersons have special children's rights units. In Belgium, there is no Children's Commissioner at the national level, but the Delegate General for Children's Rights of the French Community and the Commissioner for the Rights of the Child of the Flemish Community protect the rights of children in the two largest communities. States that do not have a national Children's Commissioner include the Czech Republic, the United States of America, Germany and Switzerland; proposals for creating them reportedly are under consideration by the legislatures in Australia, Italy, the Netherlands and the Slovak Republic. Most of these countries, with the notable examples of England and Australia, also have strong national government departments for children that undertake coordination and monitoring functions.

The ultimate measure of the value of Children's Commissioners is in their capacity to influence children's lives for the better – their impact on children and on the culture of respect for children's rights within their societies.<sup>vii</sup> Research by UNICEF suggests that where Children's Commissioners are in place, they raise the profile of issues affecting children higher on political agendas and improve legislation and policy for children through dialogue, evidence and promoting accountability. In New Zealand, for example, the Children's Commissioner has promoted improvements to policy concerning custody and access debates, and prepared guidelines for organizations on recognizing and dealing with children who have been abused and neglected. It has directly informed public policy on sterilization of children with learning difficulties, female genital mutilation, male circumcision and national family policy and access cases. In Norway, the Children's Ombudsman advanced the protection of the rights of children in hospitals and influenced the age at which young people can be tried and



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sentenced as adults.

The breadth of issues handled by these institutions is indicative of the issues faced by children including sexual abuse; bullying; lack of play facilities; discrimination; exploitation in the media; and violence against children in institutions and the need to better provide for and protect children's rights. As a result, they have cultivated in their societies a broader understanding of the nature of children's lives, the difficulties they experience and the important contribution that children themselves can make to processes of change. Some, such as the Norwegian Ombudsman, employed extensive use of the media to achieve this objective. In New Zealand, the Commissioner played an active role in raising public awareness of the levels of violence against children and promoting changes in public opinion towards the physical punishment of children. In Austria, the federal



## A national Children's Commissioner for Canada would:

- Monitor and regularly report on the state of Canada's children.
- Help coordinate child-related policy and programs among federal and provincial governments.
- Investigate emerging issues and make recommendations for change.
- Call attention to emerging trends and address concerns before they mushroom to epidemic proportions.
- Reduce the gap in the life chances between Aboriginal and non-Aboriginal children.
- Identify where our investments for children are working and where they are insufficient—when responses are consistent with international standards, and when they fall short.
- Raise public awareness regarding children's well-being.
- Listen to and speak for our children at the national level.

Source: United Nations General Assembly Resolution A/RES/48/134, National institutions for the promotion and protection of human rights, 20 December 1993

Ombudsman for children publishes a quarterly magazine for children and also furthers knowledge about children's rights and concerns through school visits and information for children and adults.

The existence of a Children's Commissioner is an expression of the importance a society attaches to children. On June 11, 2009, a private member's bill (C-418: *An Act to establish a Children's Commissioner of Canada*)<sup>viii</sup> was tabled by Member of Parliament Marc Garneau. This is an important step forward as a basis to publicize an issue of public concern and an opportunity for public and parliamentary debate. If adequately supported by Canadians, the bill can materialize into action. A Children's Commissioner is a relatively small investment that will help improve the health and well-being of our children.





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# Why does Canada Need a National Children’s Commissioner?

## Questions and Answers

### **Aren’t Canadian children doing just fine without a Children’s Commissioner?**

While many Canadian children are thriving, not all Canadian children are faring well. Comparisons with other industrialized countries indicate that many national indicators for child survival, health, development and protection are at or below average. National rates of child poverty, injury and infant mortality are higher than the average among industrialized countries, and more children are in state care and detention than in most other comparable countries. Within Canada, some places are better places to raise a family than others. Differences in the protection and provision of children’s rights between provincial/territorial jurisdictions and between Aboriginal and non-Aboriginal children mean

that Canada’s children do not have equitable opportunities to develop to their fullest potential. There are national social and economic trends affecting the well-being of Canada’s children that require national laws, policies and programs to support families, communities and institutions that serve children.

### **We have provincial child advocates and most child policy is developed at the provincial level – so why a national children’s advocate?**

All provinces have commissioners/advocates/ombudspersons for children. In May 2009, Yukon Territory passed the *Child & Youth Advocate Act* that establishes an advocate – the first in the territories. However, largely the legislation that creates them provides varying degrees of

## Since there is no federal ministry or Member of Parliament charged with the responsibility to consider children’s best interests at the national level, the result is:

- Many of the legal protections and freedoms for children vary in relation to geography and age and don’t provide full and equitable provision and protection for all children across Canada – there are few national standards that apply equally to all Canadian children across Canada.
- We have no means of regularly assessing the impact of proposed policies, laws, programs and initiatives on children, ensuring their best interests are considered.
- We have difficulty in getting a clear picture of the state of our children to help guide our actions.
- We don’t have a clear understanding of what proportion of the nation’s budget as a whole is invested in children, its impact, and what changes need to be made for better outcomes.
- We have no comprehensive national strategy to guide our actions for children with targets and a means to measure progress.

capacity to address issues facing children outside the child welfare and justice systems (please see Annex for descriptors of the functions of the provincial child advocates). And none have the mandate to intervene on children’s issues that come under federal jurisdiction, such as many of the services and policies affecting Aboriginal children, criminal justice, social transfers and immigration. The provincial advocates have formed the Canadian Council of Provincial Child and Youth Advocates and called for a national Children’s Commissioner to address national issues outside their mandate and contribute to coordination across government departments and jurisdictions.

### **We have the Canadian Human Rights Commission – can’t that address children’s rights violations?**

The Canadian Human Rights Commission has limited capacity to address the protection and particularly promotion of children’s rights, as its mandate is restricted to the *Canadian Human Rights Act* that is concerned with discrimination in the provision of federal services and the *Employment Equity Act* which relates to federally

regulated employment equity.<sup>ix</sup> Whereas children are not precluded from the Commission’s remit, the only case material to children’s rights it has heard (concerning federal funding for child welfare services on First Nations reserves) raises concerns about its appropriateness to resolve children’s rights issues. Furthermore, children’s issues are ideally addressed through proactive mechanisms rather than through adversarial and reactive processes.

### **We have courts to settle rights violations and ensure accountability for human rights – so why another mechanism?**

It is often assumed that the courts are the mechanism to ensure accountability for human rights. As long as it is possible for anyone whose rights have been violated to take legal action as a remedy, the courts have a key role. But this is not a proactive way of providing for rights and thereby avoiding perilous situations for children – courts tend to be engaged after damage is done. And it assumes that children have the same capacity as adults to use the legal system. In Canada, the Convention is not yet justiciable or enforceable before the courts, in any case.





### **Wouldn't creating another government office just add an unnecessary level of bureaucracy?**

A national Children's Commissioner is not another tier of government that could delay and complicate decision-making. It would not be part of government – it would operate independently with clearly defined powers and duties. However, an important function would be to help federal departments and provincial/territorial governments to work together more effectively for children.

### **It is the government's responsibility to implement the Convention – why should it create a separate body to do its work?**

The role of the national Children's Commissioner is not to carry out the government's job but to complement it. The Commissioner would bring issues concerning children and their views to the attention of parliamentarians, government officials and the public; help identify changes to law, policy and practice that are needed to protect children's rights more effectively; and promote greater collaboration within government.

### **Wouldn't it be better to appoint a federal minister for children?**

The two functions are entirely different, although complementary. A minister for children with responsibility for implementing a children's strategy would be part of government, carrying out the government's agenda. The independent Children's Commissioner would be outside government, providing a systematic advocacy function in respect of children's rights withstanding changing government priorities.

### **If we establish a specialized human rights office for children, then we'll need to do so for other vulnerable groups including people with disabilities, Aboriginal people and so on – where does it end?**

Children are the most vulnerable of the vulnerable populations in Canada. Children with disabilities and Aboriginal children are among those who face the greatest obstacles in accessing their rights and who can be helped by a national Children's Commissioner. Children represent a full quarter of Canada's population, yet they have no vote, have little capacity to speak to government or the media, and have little recourse to remedies against rights violations in contrast to adults. Recently, the federal government established ombudsman offices to ensure that the rights of veterans and taxpayers are respected. Children also need someone to make sure their voice is heard when decisions are made that affect them.

### **Children are the responsibility of parents/families – won't a Children's Commissioner interfere?**

Families have the primary responsibility for their children, and this is recognized in the Convention on the Rights of the Child, but governments have responsibilities to provide a fair and protective legal framework for children and provide certain services to ensure their rights under international

law. The role of a Children's Commissioner is to help ensure governments fulfill their duties in respect of these obligations, increasing the accountability and transparency of their efforts and helping Canadians monitor the status of children as a group. It is not to monitor what individual families do or to replace the functions of government.

## Wouldn't the investment in a Children's Commissioner be better spent on services for children?

Services for children are in some cases inequitably delivered, and many are focused on picking up the pieces once a problem has arisen

rather than preventing the problem in the first place. The cost of a national Children's Commissioner would be small compared to the costs of failing to proactively protect the rights of children, such as mental illness, emergency child protection services and juvenile justice. The Commissioner would help the government anticipate and prevent the abuses of children's rights that invariably lead to long-term and costly social and economic problems.



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# Annex

## Provincial Child and Youth Advocates

PROVINCE/TERRITORY	DESCRIPTION
<b>British Columbia</b>	Representative for Children and Youth is independent, reports to the Legislative Assembly, and is mandated to comment publicly on issues affecting children and youth without government interference. Supports participation of children and youth in decision-making and the development of policy, programs and services. Advocates for children and families, monitors ministries or other public bodies, reviews and audits services, and reports on critical injuries and deaths in the child welfare system.
<b>Alberta</b>	Child and Youth Advocate provides individual and systemic advocacy, representing children in care. Submits reports to the Legislature through the Minister of Children’s Services. May respond to referrals and requests for involvement and assistance and may also initiate a review or an investigation. Youth involved in decision-making processes.
<b>Saskatchewan</b>	Children’s Advocate is independent, reports to the Legislative Assembly and provides impartial investigations and recommendations. May investigate any matter relating to children who receive services from government departments or agencies. Publishes annual report, which may include recommendations for systemic change. Youth involvement.
<b>Manitoba</b>	Children’s Advocate is independent, reports to the Legislative Assembly through the Speaker, conducts inquiries, investigates, reports on, and makes recommendations about issues relating to children and youth in care. Effective 2008, responsible for reviewing services after the death of any child in care, to improve safety and well-being of children and ensure no reoccurrences.
<b>Ontario</b>	Children’s Advocate is independent, reports to the Legislature, provides individual and systemic advocacy, represents children, youth and families in care, and provides education and advice on advocacy and rights of children. Youth are involved in the office’s activities.
<b>Quebec</b>	The Commission des droits de la personne et des droits de la jeunesse is an independent agency that reports to the National Assembly. Promotes and upholds principles in the Charter of Human Rights and Freedoms. Intervenes in or investigates any case when it considers that the rights of a child or a group of children are infringed. Reviews proposed legislation to ensure it respects child rights.



PROVINCE/TERRITORY	DESCRIPTION
<b>New Brunswick</b>	Child and Youth Advocate, also the provincial Ombudsman, is an independent officer who reports annually to the Legislative Assembly through the Speaker. Mandate is to ensure that the rights and interests of children and youth are protected, that the views of children and youths are heard and considered, that children and youth have access to services, and to hear complaints about those services. Also provides information and advice to the government.
<b>Nova Scotia</b>	Youth services division of the Ombudsman's office investigates and resolves complaints from children and youth accessing youth-serving systems. Reports to the House of Assembly. Provides independent oversight and outreach services to youth in correctional facilities, the secure care facility, and residential child-caring facilities. Can examine systemic issues in the province's child and youth care system. May recommend changes to policies, practices, processes, guidelines, regulations or laws to ensure fairness.
<b>Prince Edward Island</b>	The Child and Youth Commissioner improves services and supports for children, youth and families by coordinating child and youth services across government. The Commissioner facilitates an inter-departmental model that focuses on the child and the sharing of best practices and resources across the province. The Commissioner works from the Department of Finance and Municipal Affairs.
<b>Newfoundland and Labrador</b>	Office of the Child and Youth Advocate is an independent office of the House of Assembly and reports to the Speaker of the House. Mandated to protect and advance the rights of children and youth and to ensure their voices are heard, ensure children and youth have access to government services and programs, provide information and advice to government, and act as an advocate for children and youth. Can review and investigate any matter related to government services affecting children and youth whether or not a request or complaint is made. Children and youth are involved in the office.
<b>Yukon</b>	The Child Advocate reports to the Legislative Assembly, helps youth in care navigate through designated government services, ensures views of children and youth are heard and considered, promotes their rights and interests, and works with them to resolve issues through informal dispute resolution.
<b>Northwest Territories</b>	No child and youth advocate.
<b>Nunavut</b>	No child and youth advocate.

Adapted from *Are We Doing Enough?* A status report on Canadian public policy and child and youth health, 2009 Edition, Canadian Paediatric Society <http://www.cps.ca/English/Advocacy/StatusReport.htm>

# References

- i UNICEF Innocenti Report Card 7, *Child poverty in perspective: An overview of child well-being in rich countries*, 2007
- ii *Children: The Silenced Citizens*, Effective Implementation of Canada's International Obligations With Respect to the Rights of Children, Final Report of the Standing Senate Committee on Human Rights, 2007
- iii Committee on the Rights of the Child, 2003 (Canada CRC/C/15/Add.215). Office of the United Nations High Commissioner for Human Rights, Geneva
- iv *Children: The Silenced Citizens*, Effective Implementation of Canada's International Obligations With Respect to the Rights of Children, Final Report of the Standing Senate Committee on Human Rights, 2007
- v General Comment No 2. (CRC/GC/2002/2) and General Comment No. 5 (CRC/GC/2005/5) are available in General Comments of the United Nations Committee on the Rights of the Child at [www2.ohchr/English/bodies/crc/comments.htm](http://www2.ohchr/English/bodies/crc/comments.htm)
- vi *Children: The Silenced Citizens*, Effective Implementation of Canada's International Obligations With Respect to the Rights of Children, Final Report of the Standing Senate Committee on Human Rights, 2007
- vii UNICEF Innocenti Digest No. 1, *Ombudswork for Children*, 1997
- viii Learn more about Bill C - 418 at:  
<http://www2.parl.gc.ca/HousePublications/Publication.aspx?Docid=3979987&file=4>
- ix *Not There Yet: Canada's implementation of the general measures of the Convention on the Rights of the Child*, A joint publication of the UNICEF Innocenti Research Centre and UNICEF Canada, 2009



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