



Resolution 10: Ontario Child Advocate

Submitted by: Sarah Gallie, Chantal Singh and Kristin Gallant behalf of the Pediatric Nurses Interest Group.

Conflict of Interest: None

WHEREAS children and youth comprise the most vulnerable population in Ontario. The Ontario Child Advocate voices the concerns of those that are further disadvantaged; children in foster care, in the youth criminal justice system, Indigenous youth in Northern Ontario communities, children and youth in poverty and for children who face both physical and mental health challenges.

WHEREAS one of the guiding principles of the United Nations Convention on the Rights of the Child states that the best interests of children and youth must be the primary consideration in all policies and decisions that affect them.

THEREFORE BE IT RESOLVED that the Registered Nurses' Association of Ontario actively lobby the Ontario Government to reinstate the Provincial Advocate for Children and Youth Act, 2007 in continued efforts to support children and youth in Ontario who are at the highest risk.

Background

The United Nations Convention on the Rights of the Child is an international treaty that was adopted in 1989 outlining the rights of children and youth recognizing that their rights must be upheld and respected.¹ "The convention has been ratified by 194 countries, including Canada in 1991, and obligates signatories to promote, implement, protect and monitor the rights of children and youth".² Using the convention to the fullest sense means taking advantage of its fundamental strengths and "demands a revolution that places children at the heart of human development – not only because this offers a strong return on our investment nor because the vulnerability of childhood calls upon our compassion, but rather for a more fundamental reason: because it is their right".³ In 2007, the Ontario Government established the Provincial Advocate for Children and Youth Act.⁴ "The purpose of [the] act is to provide for the Provincial Advocate for Children and Youth as an independent officer of the Legislature".⁵ The advocate

¹ UNICEF. (2009). *About the convention*. Retrieved from: https://www.unicef.org/rightsite/237_202.htm

² Ontario Child Advocate. (2014). *Our office and the United Nations Convention on the rights of the child (UNCRC)*. Retrieved from: <https://www.provincialadvocate.on.ca/about/our-office-and-the-uncrc>

³ UNICEF. (2009). *20 years of the CRC*. Retrieved from: <https://www.unicef.org/rightsite/237.htm>

⁴ Government of Ontario. (2007). *Provincial advocate for children and youth act*. Retrieved from: <https://www.ontario.ca/laws/statute/07p09>

⁵ *ibid*

provides an independent voice to children and youth, encouraging communication and understanding through education about the rights of children and youth and conducting investigations and forming recommendations to improve services.⁶ Within the act, it states that when interpreting and applying the act, the principles of the United Nations Convention on the Rights of the Child will be enacted.⁷

On November 15, 2018, the Ontario Government introduced Bill 57, repealing the Provincial Advocate for Children and Youth Act, 2007.⁸ The role of the Provincial Advocate for Children and Youth is to be referred to the Ombudsman's Office with an expansion of the Ombudsman's role to include "investigations respecting certain children and young person's as well as to include functions to be prescribed respecting services provided to certain children".⁹ The concern is that, despite the transfer of employees, there will be a change in the structure limiting the work to investigations rather than having the opportunity to listen and provide a voice to disadvantaged children and youth.¹⁰ "The Ontario Child Advocate's office played a vital role as an independent body that had the unique knowledge and expertise to listen and respond to the unique needs of children and youth".¹¹ Moving forward with the amendments of Bill 57 and the Ombudsman Act may change the perspective. "When the interests of child and adults are intermingled in ... office, the interests of children are usually diluted, and monies earmarked for children's services often end up being redirected to address weaknesses in adult services".¹² As paediatric nurses, we know that comprehensive and compassionate care is essential for a better future for the health of this province and we must start with advocacy, education, and adequate resources to support this population and its unique needs. "We must continue to listen to the needs of vulnerable children and families in Ontario and place their well-being at the centre of all decision-making".¹³

⁶ *ibid*

⁷ *ibid*

⁸ Legislative Assembly of Ontario. (2018). *Bill 57, Restoring trust, transparency and accountability act*. Retrieved from: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-57#BK36>

⁹ *ibid*

¹⁰ Ontario Association of Children's Aid Societies. (2018). *OACAS and children's aid societies express serious concerns about changes to the Ontario Child Advocate's Office*. Retrieved from: <http://www.oacas.org/wp-content/uploads/2018/11/OACAS-and-Childrens-Aid-Societies-Express-Serious-Concerns-about-Changes-to-the-Ontario-Child-Advocates-Office.pdf>

¹¹ *ibid*

¹² Bernstein, M. & Granofsky, B. (2018, Nov 19). *Eliminating the Ontario Child's Advocate office a mistake*. *The Toronto Star*, Retrieved from: <https://www.thestar.com/opinion/contributors/2018/11/19/eliminating-the-ontario-child-advocates-office-a-mistake.html>

¹³ Ontario Association of Children's Aid Societies. (2018). *OACAS and children's aid societies express serious concerns about changes to the Ontario Child Advocate's Office*. Retrieved from: <http://www.oacas.org/wp-content/uploads/2018/11/OACAS-and-Childrens-Aid-Societies-Express-Serious-Concerns-about-Changes-to-the-Ontario-Child-Advocates-Office.pdf>