

**WHAT CHILDREN AND YOUTH NEED:  
CELEBRATING THE ANNIVERSARY OF THE  
UNITED NATIONS CONVENTION ON THE  
RIGHTS OF THE CHILD**

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The *United Nations Convention on the Rights of the Child (CRC or the Convention)* lays a solid foundation upon which we are to shape the lives and futures of our children. Some might say the *Convention* is purely rhetoric and something too grand to hope for. I see the *Convention* as full of promise. The *Convention* demonstrates clearly, as does each and every commitment articulated in it, what is possible. It is simple really. We as a country must choose to have the will to live up to the promise of the *Convention*.

I believe the *Convention* articulates the outcomes we all want for our children: a life free of discrimination; a province where the best interests of our children is a primary consideration; a province where children can live in the full light of their potential; a province where the views of children can be expressed freely in all matters affecting them. I believe we can agree on this despite our often polarized views. Children have an ability to get us to do that.

If we can agree on the outcomes we desire for our children, the opportunity before us is crystal clear: build the structures upon the foundations we have laid to ensure we move toward achieving these outcomes. This is not easy work, not easy work at all, particularly in tough economic times. Yet, it is in these times when we must hold our children just a little closer. We must move beyond the language that tough economic times bring, and we must invest in our children today.

Article 6 of the *CRC* states that countries should “recognize that every child has the inherent right to life, development, and survival”. I think about whether in Canada this article is real for the children and youth I serve. I must say, from their mouths to your ears, the answer is “no, it is not”.

I have the honor of writing as the Ontario Provincial Advocate for Children and Youth. The job of the Advocate’s Office is to serve children and youth who, in one way or another, have a level or degree of invisibility that stems from social exclusion.

These are children and youth who are in state care or the margins of state care.

They are children and youth connected to the child welfare system, the youth justice system, mental health systems, First Nations communities, and children and youth with special needs.

The Office of the Provincial Advocate was created by legislation. As an independent "Officer", I report to the Legislature of Ontario. The legislation mandates my office to provide individual advocacy to youth seeking or receiving service under the *Child and Family Service Agency (CFSA)*. At present, the individual advocacy service is provided primarily through the use of a 1-800 number. Children or youth can phone our line and request to speak with an advocate. Posters indicating the 1- 800 numbers must be posted in all residences and places of custody in the Province. Youth, by legislation, must be given privacy and access to a phone with which to call an advocate. When a call is made, we listen. Advocates make an advocacy plan with the youth. We act. In our legislation we are mandated to act only with the consent of the youth or the child. This poses interesting challenges for us, but that is for another article.

In addition to individual advocacy, my office is able to undertake systemic advocacy. My staff of child and youth advocates review residences where they have heard many concerns. They may undertake a report on a particular topic. For instance, in the past several months, they have worked on issues relating to the deaths of children connected to the child welfare system, kinship care, and secure isolation in custody settings.

The work undertaken by my office is approached from a rights based perspective. My office is one of a limited number of advocacy offices in the country to have the *UN Convention on the Rights of the Child* cited as a guide in our legislation.

The legislation asks us to be an exemplar in the participation of youth at all levels of service. It defines advocacy as a partnership between young people and the office. I think of an advocate's role as if I were instructed to walk side-by-side with the children and youth I serve. We elevate the voices of children and youth in our mandate; we do not operate from a best interest perspective; we amplify the voice of children and youth; we take sides; and we stand with the children and youth we serve.

As Ontario's Provincial Advocate for Children and Youth, I have the privilege of listening to children and youth more often than most. The important, fundamental things I have learned have not come from a book or lecture by a professor, but through dialogue with children and youth, as I listen to the wisdom of their experiences.

I have come to the conclusion that young people in our systems, like any other person, need three things to “develop”. What “develop” means is an important topic for another day. I know young people have a great deal to say about this as well. What young people need—in fact what we all need—can be summed up in three simple words: resources, connection, voice.

The first is the most obvious. Young people need access to resources. This, in fact, can be about survival. Young people need shelter and food, educational support including money for school, mental health services perhaps, access to employment opportunities, etc.

Children and young people in our systems face barriers to the practical resources they need. Often, institutions and systems respond to children and youth by increasing access to practical resources. This is a valuable undertaking, yet children and youth often do not find the resources they need.

I remember one young person in care telling me he felt like a “UFO”. “We are sometimes glimpsed but not really there”. I remember someone else saying that the young people in our systems were “lost in plain sight”. They enter a system at some point, whether child welfare, youth justice, or mental health, and we, as a society, expect the system to meet all their needs. I continue to hear from young people that it feels like the public—sometimes the government—washes its hands of them.

I remember a group of young people in care reflecting upon a story making headlines in a Toronto newspaper. An abandoned baby was found in a car. The press named her “Baby M”; child welfare became involved; the public was in an uproar. A major bank created a special fund for the baby and a way for the public to donate funds for the child. The young people thought, “yes, now that she is a cute little baby she will get all the attention. But what will happen to her when she is 12 or 18 years old. There will be no trust fund then. Teens are not so cute. She will be brought to the front door and placed in the attic and forgotten about by the public”.

A few months ago, I was told about the death of a child from a “remote” community. He was found dead in a river. He was one of five First Nations youth at the Thunder Bay school who died in this manner. Did we hear about him or his peers here in the Southern part of Ontario? Have we heard about the conditions in which our First nations children live?

Are young people, like the boy in Thunder Bay, invisible? Are young people in our systems invisible?

At the same time youth have said to me “support us and watch what we can do”. They have expressed an incredible will to improve their lives. Consistently, almost to a person, they have expressed a desire to make a difference for those coming through the systems after them. They often have framed this desire as “giving back”, a remarkable turn of phrase, considering that the systems have often, from their point of view at least, been unable to serve them well.

It is important to hear the request for support and understand it as a request for confidence in our children and young people. The provision of resources is in fact a statement, a message of sorts. It tells children and young people that they are worth the investment, that we believe they can achieve, that they are valued. Any child or young person deserves access to resources regardless of where they live, what racial background they come from, their gender, or any challenges they may face.

Young people have said to me in a variety of ways, “Practical resources are important, even vital, but they are not enough”. Ask a youth who has come through life in a system relatively intact, “What made the difference?” He or she speaks of the importance of connection.

Study after study about things like “resilience” or “independence” of young people in our systems relate that young people speak about the importance of a person who made a difference in their lives. I think this is a common truth for most of us. Think about those in your life who had a significant impact: a parent, a brother, a sister, a teacher, a coach, a pastor, an elder.

One youth called it the “One Person Principle”, and when they did, I remembered my Grade 7 teacher. Many of us have known individuals who have directly influenced positive choices we've made in our lives. We can name these people. Of these people we often say, “They had such a big impact on my life, my choices”. Young people have told me many times about the “one person” who made the difference for them.

We know for ourselves that this kind of personal connection helped us in our lives. It helped ensure the inherent right to our life as a child. We should challenge ourselves to be that “one person” when we interact with young people. By treating children with respect and providing them with empathy, good advice, and assistance, you will be strengthening their inherent right to life, investing in and supporting their development.

And you never know. For those reading this who are in the “helping profession”, I bet you have had the experience of someone coming

back to you years after you met them and saying something like “Remember when you told me I was a good writer? Well, now I am a journalist”, and you barely remember who they are let alone the fleeting moment when you made the comment to them. We all have this influence on the children we serve, and we never know when even a seemingly unimportant act or comment will have an impact. This is true whether you are working in a professional capacity with children and youth or whether you are an employer, a friend, a neighbour.

The systems that serve our children, that we ask to parent our children, often work against this type of connection. This is not to say that the people working in the systems are unfeeling. To the contrary, for most, the building of “reciprocal relationships” with those they serve is why they went to school in the first place.

In child welfare in Ontario, youth are required to leave their foster homes by the age of 18 years. They live on their own at the age of 18 years, ready or not, with limited support from the system until the age of 21 years, and then that is it.

Despite the system’s best efforts children and youth continue to move from worker to worker. They move from placement to placement. With each move, or as one youth put it “migration”, they may change schools, groups of friends, and certainly, families. This is hardly a system designed to encourage the establishment of long term, permanent connections.

Outside child welfare, in the realm of children’s mental health, fragmentation of services and services that are time limited due to funding requirements can mean relationships are extremely difficult to forge and maintain.

When it comes to the concept of connection, youth have said two other things to me that have stuck. They have said, “You can choose your friends and you can choose your family”. The concept of “family” includes, for many of them, friends, social workers, foster parents, teachers, employers, aunts and uncles, brothers and sisters, etc. In some ways, they have understood “family” to be a socially constructed concept, which allowed them to create and choose their own. With this understanding, supporting the creation of family becomes crucial to the services we offer children and youth.

Young people have also said to me “To be on your own is not to be alone”.

All of us who consider ourselves successful as adults have a point of connection: a family we were born into, although sometimes not, a club, a workplace, an association, a church community, friends. We

are not alone; we are rooted; we belong. These connections help us form our identity. We must build these connections into the services we provide children and youth.

Youth living in child welfare care have told me the same story in one form or another. They talk about telling one of their friends or acquaintances about being in care. They remember being asked "What did you do to come into care?" They remember thinking that they did nothing wrong to come into care, but something happened to them that was outside their control. They never told anyone outside of the system again.

We know this is also true for young people in youth justice systems and for young people with mental health issues. We know the racism that confronts many, including our First Nations children.

It is important to create spaces where young people can feel understood and less alone.

All of this is important and simple, but also difficult to fund and organize. Even so, connection on its own is not good enough, and with access to resources, it still may not be sufficient.

The children and youth I am mandated to serve talk about a sense of lost control over their lives. You can imagine what it must be like for a child abused at home. The child comes into contact with the child welfare system through a surprise visit at school or a knock on the front door and meets a worker who asks questions. The child is taken away from the home, rather than the perpetrator of the abuse. The child may have to go to court, even just Family Court, to become a ward of the crown at the discretion of a judge and live in a system that has rules and regulations outside seemingly anyone's control let, alone the young person. The child may be shuffled from home to home, worker to worker. You can imagine that even when the system works well a child will begin to feel a loss of agency and control.

In his seminal work "The Pedagogy of the Oppressed," Paolo Freire<sup>1</sup> and many others after him talked about the need to be a subject, rather than an object, in the world in order to be fully human. I remember a youth saying that "systems at best can acknowledge a child, but what systems and institutions have such great difficulty doing is affirming a child. It is affirmation that makes us human".

The ways in which service is offered can work to give control back to youth at every stage possible. It can help them become an actor in the world. It can support the third element, voice.

Sometimes we think that children have a hard time speaking for themselves. More often than not, it's not children who have a hard

time speaking, but adults who have a hard time listening. To listen, to really listen, is to accept that we have something to learn. Do you remember having that conversation where your friend or spouse claimed you weren't listening, and you spoke back word-for-word their last sentence as proof you were? That is not the listening I am talking about. The listening I am talking about comes from being truly engaged, open to learning, participating in a dialogue.

Children have opinions, and they must have the opportunity to express their views about the policies and institutions that affect them. This needs to become a practice in all our institutions—not just for a particular privileged group of young people but for all children. This will take work. Government can encourage it; government can model it; governments can fund organizations that operate and demonstrate a best practice approach that includes this kind of participation.

Voice is manifested in service delivery. It is not just about creating advisory committees and youth engagement projects. In working with children and young people in our systems, it is about walking alongside the children and young people we serve. As a youth told me, “sometimes pushing from behind, sometimes being pushed, sometimes leading, sometimes being led, and sometimes just walking along, but it is about being on the journey together”.

With voice, young people can find the internal resources to choose to use the connection and external resources they have. Without voice, connection and resources remain untapped.

I have spent so much time with young people who, as children, have struggled through horrendous difficulty and circumstance and then have lived lives being parented by one system or another. With them, I have found a truth. I have witnessed many of these young people summon the courage and strength to set a positive course for themselves in the face of tremendous doubt and discouragement. I have witnessed them work to overcome the barriers that their life histories have presented them with. I have witnessed them succeed when those around them opined that their hopes and dreams were simply too much to ask for. I have learned from young people that what some say is impossible to achieve is, in fact, possible.

I know that the *Convention* is not impossible to achieve; it is not empty rhetoric unless we make it so. The young people I have just spoken about should not be the fortunate ones who overcome through pure courage and good luck to find the resources, connections, and voice they need.

We, as a country, as a province, still have much to do. Too many children fight so hard for rights that come so easily for others.