



BUILDING BLOCKS

TO CHILDREN'S RIGHTS | 2022/2023 ANNUAL REPORT



Territorial Acknowledgment: The Yukon Child & Youth Advocate Office (YCAO) respectfully acknowledges that we work and live on the traditional territories of the 14 Yukon First Nations. Government policies have caused violent and long-lasting impacts to Indigenous children and youth, and we commit ourselves to working in partnership with Yukon First Nations by integrating traditional knowledge and culture for the safety and wellbeing of children throughout the territory.

Mission (what is our purpose?): We commit to upholding the rights and amplifying the voices of children and youth throughout the Yukon.

Vision (how do we know when our job is done?): The vision of YCAO is for a safe and healthy society that hears, includes, values, and protects the rights and voices of children and youth.

Core Values (what guides our work?): YCAO operates from a foundation of Indigenous values and believes that traditional knowledge and culture can guide the work of our office in a way that supports all Yukon children and youth. Currently these values are Empowerment, Integrity, Excellence, Professionalism, Accountability, Self-Determination, and Respect.





OFFICE OF THE CHILD & YOUTH ADVOCATE
2070 - 2nd Avenue, Unit 19, Whitehorse, Yukon Y1A 1B1
PH: 456-5575, FAX: 456-5574, ycao.ca

October 30th, 2023

The Honourable Jeremy Harper
Speaker of the Legislative Assembly
Box 2703,
Whitehorse, Yukon
Y1A 2C6

Re: Child and Youth Advocate Office 2022-2023 Annual Report

Dear Speaker,

Under my authority as set out in Section 24 of the Yukon *Child and Youth Advocate Act*, I am pleased to present you with *Building Blocks to Children's Rights: 2022-2023 Annual Report*. The document reports on the activities of the Child and Youth Advocate Office during the period April 1st, 2022 – March 31st, 2023.

I am requesting a meeting with Member Services Board to discuss the experiences and priorities of the Child and Youth Advocate Office.

Respectfully,

A handwritten signature in black ink that reads "Annette King".

Annette King,
Yukon Child and Youth Advocate



MESSAGE FROM THE ADVOCATE



Each year as we prepare for our annual report, we revisit the stories of young people from the past year. Each year we continue to see many of the same themes and stories. Our message is beginning to feel repetitive: children must be prioritized and their best interests must be meaningfully considered in all decisions made by governments. If we are serious as a territory about building up our young people, then it starts with a fundamental commitment to their rights - consider it the first brick.

Given the thematic consistency in our individual advocacy issues, our systemic advocacy work has become more robust and increasingly critical. Despite what appear to be good intentions, we continue to see a lack of collaboration with services, and government departments shirking responsibility by passing issues onto the next person or department. The result is children's rights falling through the cracks. Everytime we hear "That's not my job," or "We don't do that," we are disheartened.

While there are some well meaning departmental initiatives, strategies and policy changes, the reality is that

these do not yet seem to be changing the experiences of children and youth accessing government services. We continue to see youth without a safe place to sleep, elementary school children who don't go to school because there isn't a program for them, Indigenous families caring for their extended family members without adequate supports, children in care without cultural plans, a lack of access to adequate mental health supports, children leaving the territory for treatment (and often being separated from their families), and children and youth getting hurt or feeling unsafe at school and in the community. Of

specific concern is our growing caseload related to Education and the continued stories we hear of young people not having their learning needs met.

It is time for the Yukon Government (YG) to start acting on their promise to prioritize young people. Yukon youth know what they need. That is why, rather than waiting for change, they have taken steps to create the change themselves. The Territorial Youth Strategy (pg.17) is an incredible landmark document put together by youth and youth-serving organizations this year. It should serve as a foundational guide



for YG to work towards improving outcomes for children and youth. Consider that brick number two.

Bricks number three, four, five and beyond? Trick question, maybe, but it's the recognition that single bricks don't actually build anything on their own. Rather, they work together to construct something awesome. In the same way that we can't only focus on one child right (the Right to Education, or the Right to Play, for example), solutions can't be focused on just one need either. We want to see interagency collaboration - breaking down silos to address the whole child, not just a part (or a brick).

Building a future that protects the rights and respects the voices of young people is not an easy or quick job, nor does it come from only following the instruction manual. Creative solutions require thinking outside the box, working outside defined siloes, and not being afraid to tear it apart and start over again when it's clear things aren't working. It might seem hard, but it's worth it. Children and youth are worth it.

Together, we can do this. It just starts with the first brick.



Yukon Child and Youth Advocate

YCAO 2023-24 Priorities:



Address the high volume of individual advocacy issues;

Work with YG departments to develop a protocol for working with YCAO;

Connect with First Nations governments on individual, systemic and policy issues;

Track YG's responses to YCAO's systemic recommendations;

Promote youth participation, the Territorial Youth Strategy, and Child Rights Impact Assessments;

Provide an updated submission to Member Services Board for the review of the *Child and Youth Advocate Act*;

Focus on Article 42 of the United Nations Convention on the Rights of the Child by offering child rights training.

“I have the right to know my rights. All people should know the rights of children and young people. There should be training around how to do this, especially for those who work with children and young people.”



WHAT DOES YCAO DO?



Back: McKenzie Amundson.

Middle: Shauna Kewin, Julia Milnes, Rachel Veinott-McKeough and Selena Kaytor.

Front: Anya Braeuner, Annette King, and Christopher Tse.

INDIVIDUAL ADVOCACY

YCAO helps young people effectively access government services and have their views heard and rights considered in the decision-making of government service providers.

SYSTEMIC ADVOCACY

YCAO may review and provide advice regarding systemic or policy issues that arise in the course of individual advocacy and raise a substantial question of public interest. The Legislative Assembly or a Minister may refer relevant matters to YCAO for review.

PUBLIC EDUCATION

YCAO provides information about the role of the Advocate and children's rights. YCAO hosts or participates in activities and events that engage youth and the community.

Our work is guided by:

- *Yukon Child and Youth Advocate Act*
- *United Nations Convention on the Rights of the Child*
- *Truth and Reconciliation Commission 94 Calls to Action*
- *United Nations Declaration on the Rights of Indigenous Peoples*
- *Missing and Murdered Indigenous Women, Girls and 2s+ Calls to Justice*
- *Territorial Youth Strategy*

The *Yukon Child and Youth Advocate Act*

The *Child and Youth Advocate Act* (2009) is YCAO's guiding piece of legislation and is long overdue for a review. YCAO has provided submissions to the Member Services Board with recommendations to evolve the role of the Advocate and make the office more effective in its work.

YCAO is collecting input to determine how we can improve our legislation. YCAO has hired youth to lead youth input into a legislative review of the *Child and Youth Advocate Act*. Over the next year, YCAO is engaging with First Nation governments, collecting youth voice about advocacy needs, collecting input from stakeholders (service providers and families) and providing the Legislative Assembly with an updated submission about the experiences of YCAO.

We welcome all community feedback! To share your thoughts and perspectives on how the Child and Youth Advocate Office could better serve young people in the Yukon, please fill out this quick survey at: <https://forms.gle/stwEb4hU9aoiGQhD6> or scan:



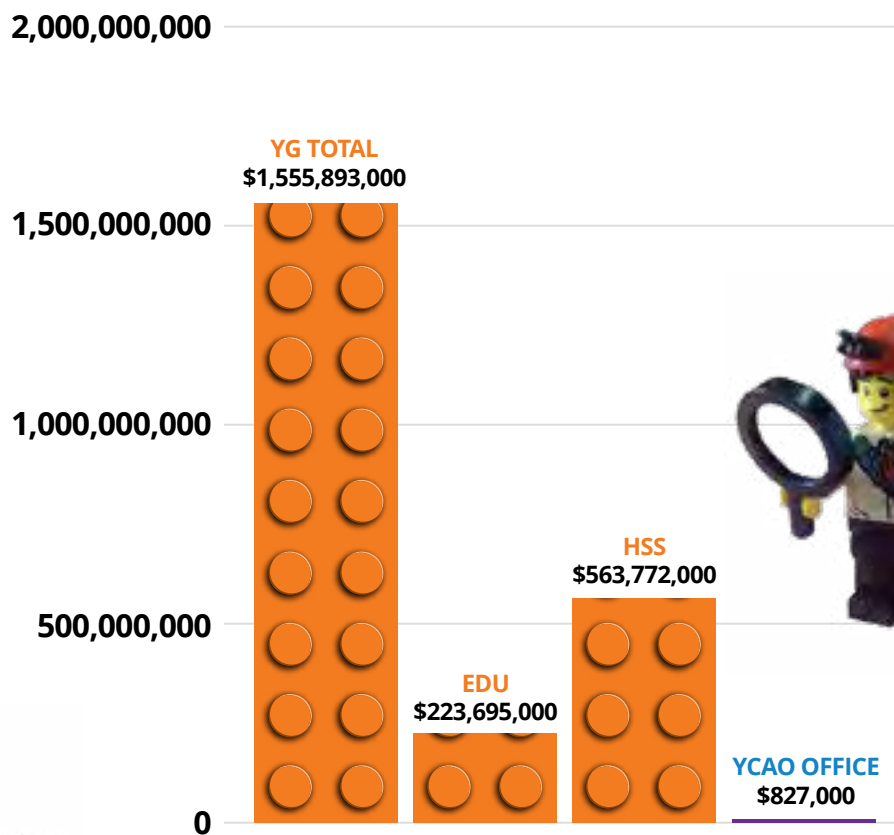
FINANCIAL STATS

YCAO is an independent office of the Legislative Assembly and submits an annual budget and quarterly updates to the Member Services Board, an all-party committee of the Legislative Assembly.



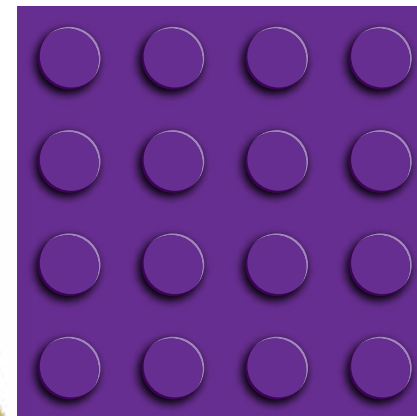
“Adults must consider my best interests in all decisions they make about me. (Article 3).”

BUDGET

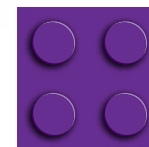


YCAO EXPENDITURES

PERSONNEL
\$638,900



OPERATIONAL
\$187,100

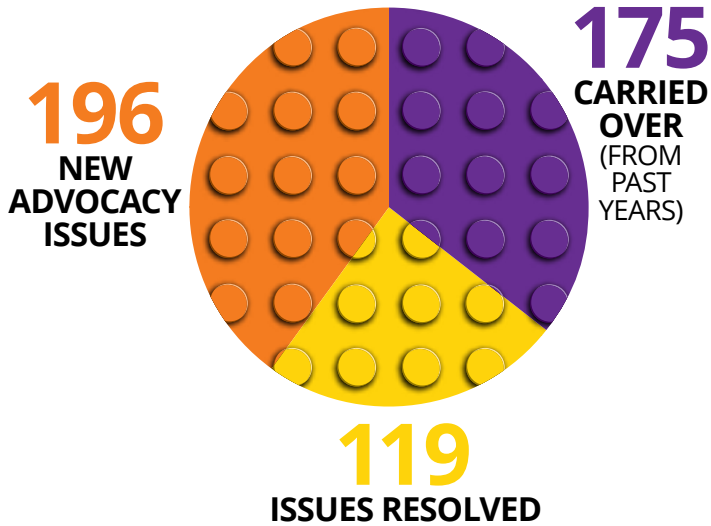


CAPITAL
\$1000

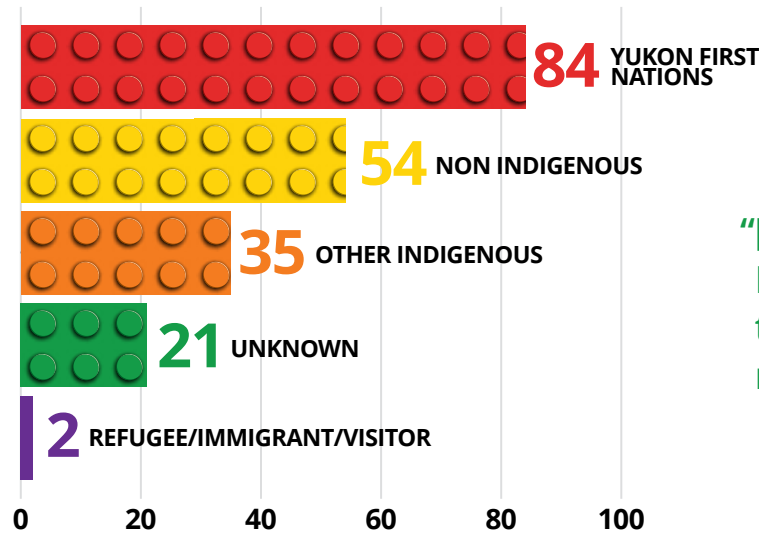


INDIVIDUAL ADVOCACY

HOW MANY ISSUES DID YCAO ADDRESS?



HOW MANY NEW ADVOCACY ISSUES ARE FOR INDIGENOUS CHILDREN AND YOUTH?



"I want a safe home so I can do well in school and thrive."



"[I was] sort of aware I had rights. But this makes much more sense now."



WHERE ARE THE ISSUES?

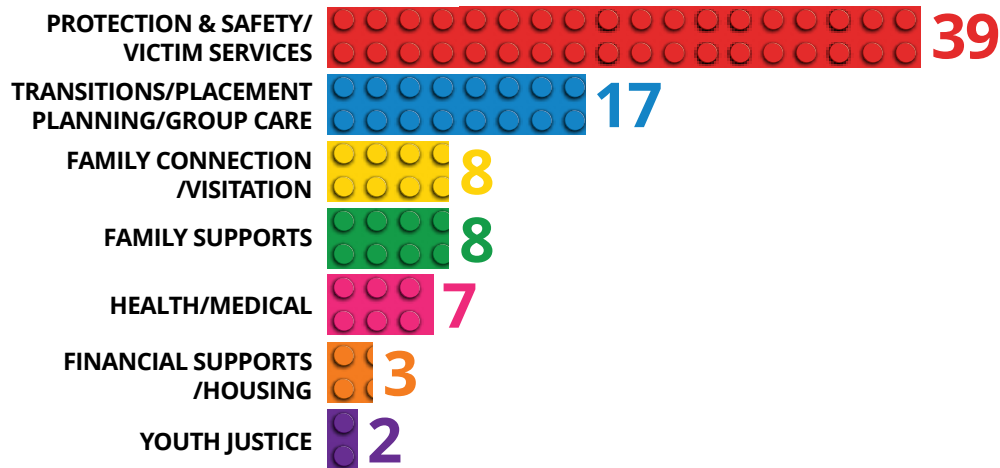


65 New Informal Advocacy Issues

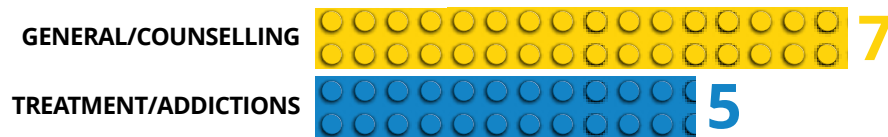
Informal advocacy issues are concerns brought to YCAO that do not directly fit the YCAO mandate for advocacy. YCAO provides information and makes referrals to community resources that may be able to offer support.

WHAT TYPES OF ISSUES DID YCAO ADDRESS?

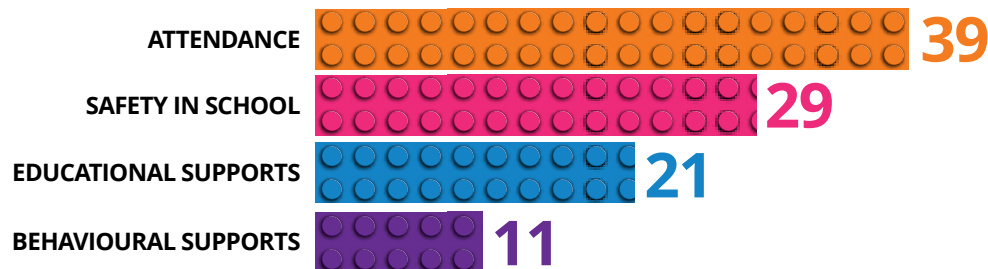
ACCESS TO SUPPORTS AND SERVICES



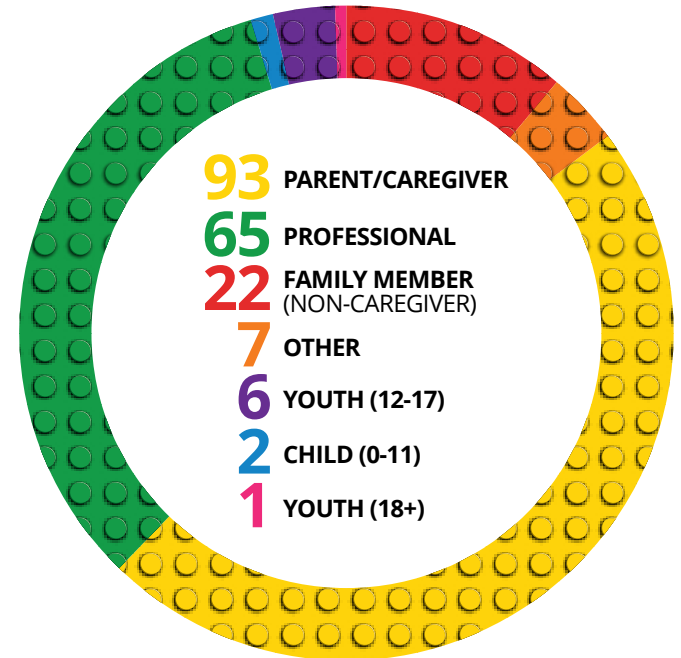
ACCESS TO MENTAL HEALTH



ACCESS TO EDUCATION



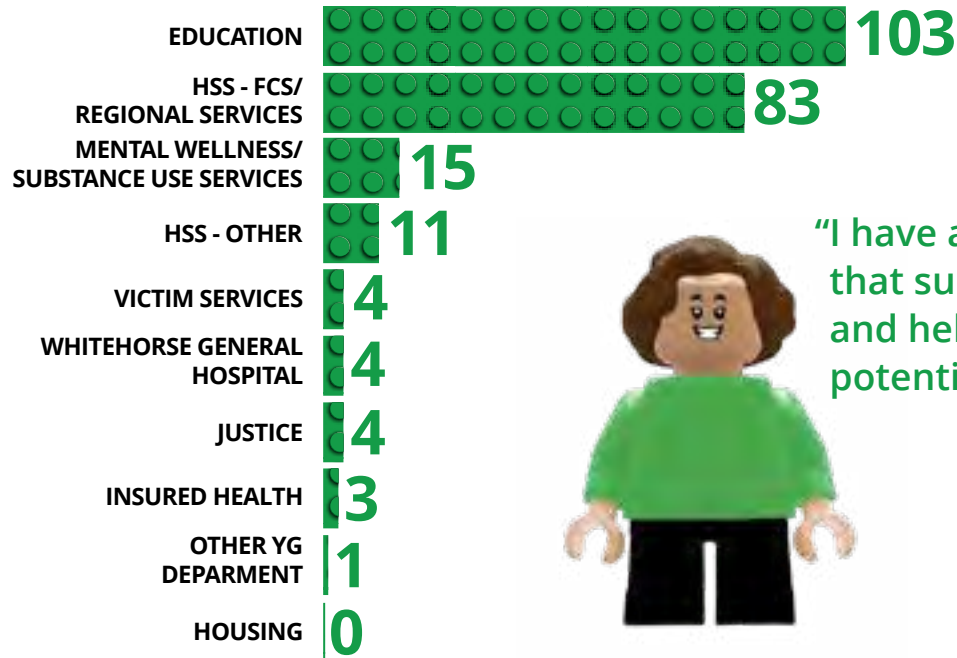
WHO REFERRED THE ISSUES?



“I don’t want my parents to worry about me because I am asking to see a counsellor.”

WHICH GOVERNMENT DEPARTMENTS HAD ADVOCACY ISSUES?

DEPARTMENTS (NEW ISSUES)



“I have a right to an education that supports my dignity and helps me reach my full potential (Article 23, 28, 29).”



“If I can’t live with my parents I have a right for special care and support that is reviewed regularly (Article 20, 25).”



YOUTH SUCCESS STORY

With children's rights as the first building block, the other pieces can more easily fall into place, even in what sometimes can be tough situations. Here's a success story from our work of what that looks like:

A youth, let's call her Joey*, was referred to us by a youth counsellor. Joey was living without financial support from her family, in an emotionally harmful environment. With YCAO's support, she reported harm to Family & Child Services (FCS) and requested a Youth Agreement. Here's how children's rights constructed a better situation for her:

Article 19: Right to protection from violence.

Article 27: Right to food, clothing, and a safe home.

Joey waited 3 months for a Youth Agreement to be approved by FCS while they tried to get in touch with her parent. During this time, Joey was between couchsurfing and a harmful, toxic home environment. With ardent months-long advocacy from YCAO, FCS approved a Youth Agreement that would continue until she was 19. In total the Youth Agreement lasted a year and 2 months.

Article 3: Right to have adults act in the best interest of the child

Article 26: Right to social and economic help.

The Youth Agreement was not extended past 19 as Joey had never been in care. After her Youth Agreement expired, there were no services to help her transition out. Joey was left to navigate access to adult support services on her own.

*Name and some case details have been changed to protect the youth's privacy.

Article 28: Right to education.

Article 29: Right to achieve the aims of education.

While trying to get a Youth Agreement, Joey's physical and mental health declined to the point where she had to drop out of school. The emotional and financial stressors were too much. Prior to dropping out, she was on the honour roll and competed in sports for her school. She had a goal to eventually graduate high school, and after nearly a year on the Youth Agreement felt emotionally and mentally able to pursue her studies again. Joey enrolled at the Individual Learning Centre, completed her remaining courses, and graduated while working almost full-time.

Article 12: Right to be heard.

Joey is passionate about making sure her story is heard so that the importance of children's rights is considered at all levels of decision-making. She participates in school presentations on children's rights and has been involved with YCAO on a number of different initiatives, including panel discussions and working on the office's Act Review.



YOUTH VOICE

Article 12, or a child's right to be heard, is a guiding right for YCAO. Here's what we've heard from some of our young people:



"Well I'm homeless [and] living with my friends trying to get social services to help me with an apartment. My dad continues to undermine me and my family. He hasn't sent money in over a year...when he's been collecting child tax benefits the whole time for me, and hasn't sent one bit of it"

"I barely sleep, I only eat dinner cause my stomach hurts from stress. My anxiety is fine, but it does act up into anxiety attacks, and my drug consumption is relatively high to cope with the stress, cause when I'm sober I lose my mind way to easily with this s**t."



"I have a right to have my view meaningfully considered (Article 12)."



"Every time I try to talk to someone I get passed off. I feel like [I] have been labeled a troublemaker because I am always getting into trouble"



"I don't want to see them [my parents] drinking anymore."



SYSTEMIC ADVOCACY

YCAO reviews and provides advice to the YG on systemic and policy issues that are related to the individual advocacy issues we address. When YCAO identifies a systemic theme, we notify the Deputy Minister of the relevant YG department.

YCAO is currently analyzing several systemic themes within the Departments of Health and Social Services and Education. In 2022-2023, YCAO opened one new systemic issue to review concerns with Community Safety.

YG is obligated to advise YCAO of steps taken to address these issues. We have not received sufficient responses and actions to our recommendations from systemic and policy reviews. Response and action is required. We are working on a government wide protocol and are implementing a tracking tool to hold YG accountable to their obligations under the *Child and Youth Advocate Act*.

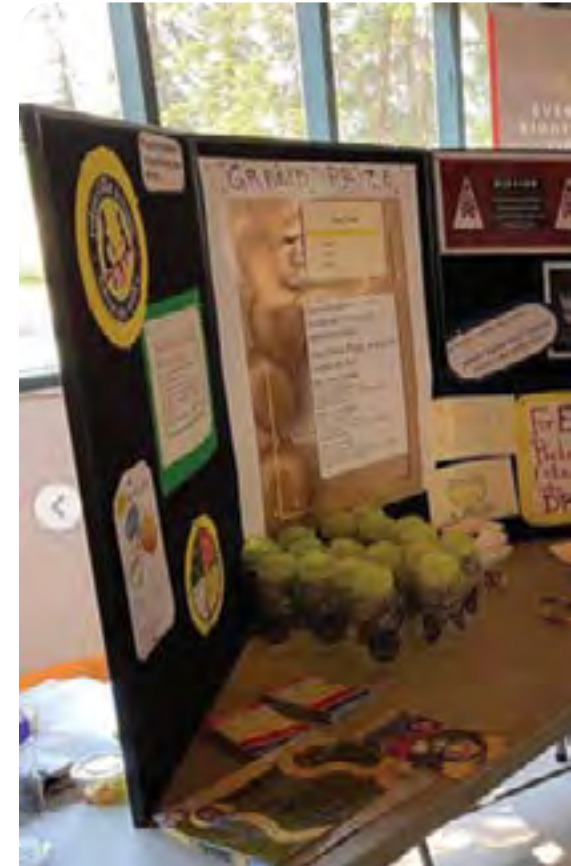
Systemic themes we are addressing

- Educational and behavioural supports in school
- Access to developmentally and culturally appropriate mental health treatment
- Child rights centered amendments to the *Child and Family Services Act*, and Family and Children Services' policies and practices
- Addressing barriers to school attendance
- Addressing impacts of high conflict custody and access disputes
- Safety in school and communities

Review of YG's Response to Restraints and Isolation at Jack Hulland Elementary School (JHES)

In 2022-23, YCAO has continued to focus on the individual advocacy issues for impacted students. We have vehemently communicated our ongoing concerns to four YG departments, identifying the specific needs for children and their families and providing advice on how YG can coordinate an appropriate response. Over the year, this issue has gained local and national media attention.

"I have a right to be safe from violence, injury, abuse, neglect and all forms of maltreatment and exploitation (Article 19, 34, 35, 36)."





Responding to sexualized abuse in Yukon schools

In October 2022, YCAO released its review entitled *Responding to Sexualized Abuse in Yukon Schools: Review of Policies and Governmental Response*. This review and its subsequent report originated from the concerns expressed by parents and families to the way Education (EDU) responded to a 2019 case of sexual interference and sexual assault by an Educational Assistant of a student in his care at Hidden Valley Elementary School (HVES). The review found that these incidents largely resulted from long-standing gaps in educational support for students with special needs. It highlights how the situation impacted the young people involved and identifies eight areas of failure and the correlating recommended steps for EDU to take in order to improve services. These eight areas are related to:

1. Coordinated response
2. Duty to report
3. Developmentally appropriate response
4. Sexual health information
5. Therapeutic supports
6. Educational supports
7. Accountability and oversight for educators
8. Overall government response



“I have a right to special care and healing if I have been harmed in any way (Article 39).”



YG provided YCAO with an initial response on November 22, 2022 and has committed to providing an update on progress made toward these recommendations after one year.

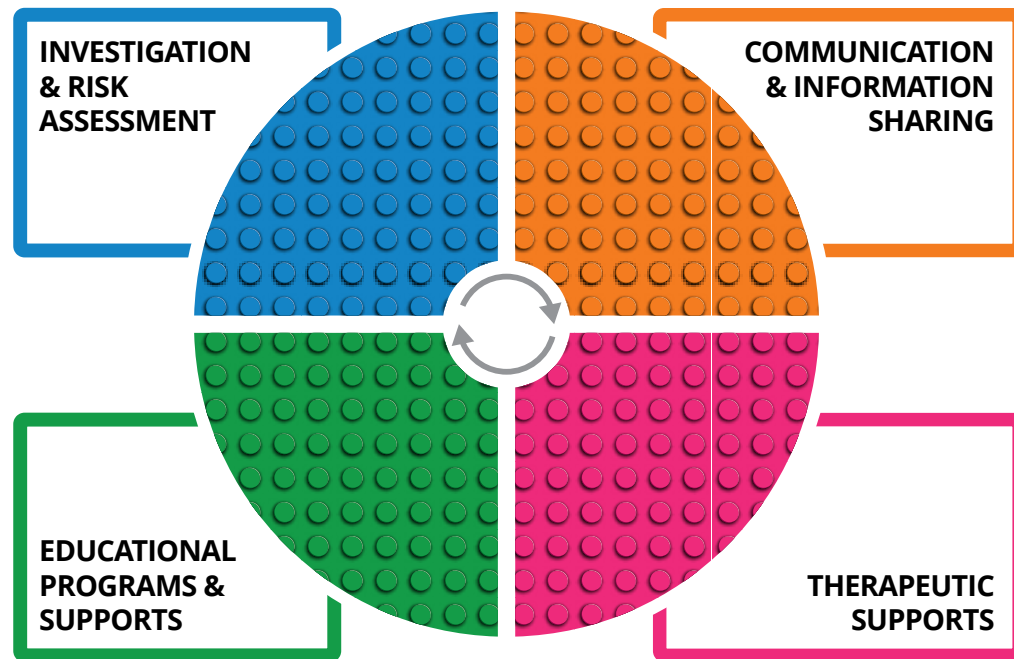


“I have a right to be safe from being punished or treated in a way that is cruel, harmful, or degrading (Article 37).”



School safety incident response

In the last two years, YCAO has opened 58 new school safety issues. We are concerned about the inconsistent response to safety and behavioural concerns, and we have observed an increase in community violence. Each time an issue is referred to YCAO, we are looking for an integrated response in the following areas:



CANADIAN COUNCIL OF CHILD AND YOUTH ADVOCATES (CCCYA)

The Canadian Council of Child and Youth Advocates (CCCYA) is an association of independent, appointed children's Advocates, Representatives, and Ombudsmans in the provinces and territories who hold explicit legislated mandates to protect the rights of children and youth in Canada. The work of CCCYA members is primarily grounded in the United Nations Convention on the Rights of the Child. Members work together to identify areas of mutual concern and address national issues.

Current CCCYA priorities:

- Advocating for improved youth suicide prevention and strengthening mental health services and programs for children.
- Advocating for the repeal of section 43 of the Criminal Code to prohibit corporal punishment and legally sanctioned violence against children.
- Advocating for the establishment of an independent child rights monitoring body at the federal level.
- Following up on urgent issues identified by the United Nations Committee on the Rights of the Child.



In May 2022 the Canadian Council of Child and Youth Advocates attended meetings in Whitehorse.



Yukon Child and Youth Advocate, Vice President, Annette King, with Saskatchewan Advocate for Children and Youth, President Lisa Broda, and the Kwanlin Dághálhaan K'e dancers.



TERRITORIAL YOUTH STRATEGY

The Territorial Youth Strategy grew out of a collective need for Yukon youth to be heard. They identified their most relevant issues and are communicating these to YG and other Yukon decisionmakers. Led by the Community Building Youth Futures (CBYF) team, community engagement and stakeholder input was gathered over the course of three years and led to the development of the formal strategy. The issues highlighted in the within the strategy align closely with the systemic and policy issues YCAO deals with daily. We are committed to putting additional emphasis on the priorities that the youth have identified for Year One, and look forward to signing onto the Territorial Youth Strategy formally. In order to gauge progress made on the strategy's recommendations, CBYF will be hosting annual Accountability Forums during the Yukon Youth Summit each spring.

- Basic Needs
- Community Safety & Harm Reduction
- Mental Wellness & Connections
- Access to Learning & Education
- Employment & Career Opportunities
- Land & Stewardship



TYS PROCESS

2017-2019

TYS VISION:

- Call from young people "We want youth voice!" at Millennial Town Hall (through Youth of Today Society and KDFN)
- Youth service providers need to work collectively

2021-2022

CBYF YUKON EXPANSION:

- Launching Action Teams and Committees
- Building partnerships with all Yukon communities

APRIL 2023

COMPLETE TYS DRAFT:

- Complete DRAFT of TYS document
- 2023 Yukon Youth Summit in Whitehorse and virtual to vet all sections of DRAFT TYS document

JUNE-SEPTEMBER 2023

FINALIZE TYS:

- Finalize TYS document
- Chiefs, Government Ministers, Community Organizations, and Youth Groups sign onto TYS

2020

CBYF YUKON ESTABLISHED:

- Seed funding for TYS process
- Funded by Tamarack Institute & Employment and Social Development Canada
- Launch of CBYF Community Partnership Table with over 60 community partners present

2022-2023

DEEPEN TYS PROCESS:

- Visit all Yukon communities where invited
- Presentations to Yukon First Nations Chiefs, Government Ministers, and Deputy Ministers
- Update and provide clarity on TYS process to all Yukon Communities

APRIL-JUNE 2023

CONTRIBUTIONS AND EDITS:

- All Government and Community Partners contribute and provide feedback to the DRAFT TYS document

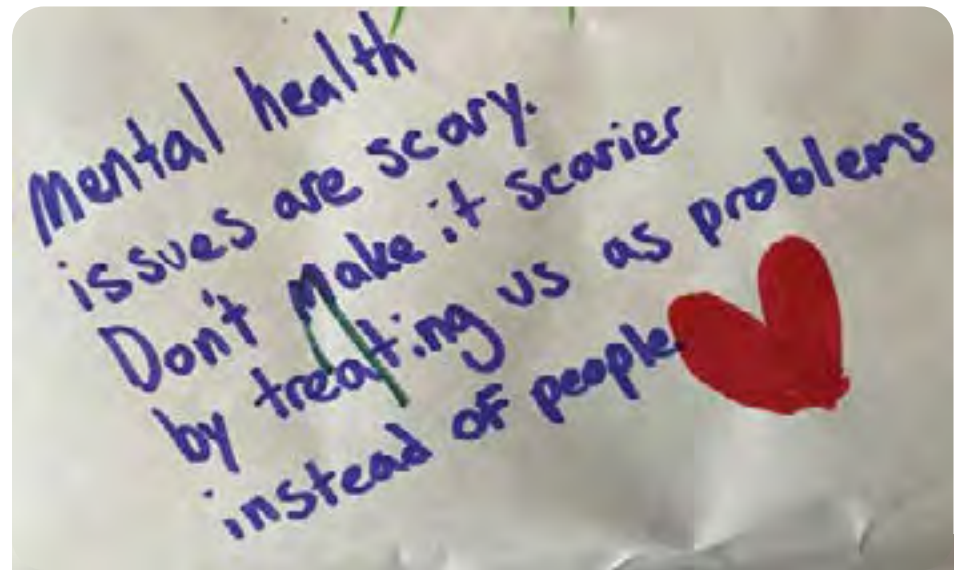
SEPTEMBER 2023 AND BEYOND TYS IMPLEMENTATION:

- Community collaboration on an implementation plan
- Begin implementation of TYS

"If I am having a bad day,
I just grab my drawing book
and draw. I like to draw."

"I want to be together, with
my mom and my dad."

"I am trying to go to school more
often now. Because I want to."



"Adults shouldn't assume
youth won't understand,
or it's too complicated."



"I have a right to enjoy my own culture, practice my religion and speak my language. (Article 30)."



"I have a right to rest and play and participate in cultural and recreational activities (Article 31)."

"I am not sure how to talk about it. It's hard for me."



"I am not sure if this is the right place, but I need help."



"I'm worried that if I live with one parent, I still want to see the other parent"



CHILD RIGHTS IMPACT ASSESSMENT

A Child Rights Impact Assessment (CRIA) is a process to assess the impacts of policy decisions on children and youth. It provides an efficient procedure for verifying that governments are meeting their obligations to uphold children's rights.

YCAO has been working with YG and First Nations policy analysts and managers to implement CRIA in the Yukon. The working group has evolved into a community of practice where we share relevant resources and practice applying a child rights lens using the Yukon CRIA tool.

On September 8th and 9th, 2022, in partnership with UNICEF, YCAO hosted our annual CRIA training for YG policy staff, First Nation government officials, educators and other changemakers who have a strong interest in upholding children's rights. We had youth engagement sessions built into the training. We followed up with specific CRIA training for Whitehorse General Hospital and Tr'ondëk Hwëch'in.

YCAO is recommending CRIA be implemented in YG to prioritize youth participation and ensure that children's rights are paramount in decision making.

CRIA maximizes positive impacts and avoids or mitigates negative impacts on child rights and well-being.



YCAO visited Dawson City and the Traditional Territory of the Tr'ondëk Hwëch'in to hold a one-day child rights workshop for Tr'ondëk Hwëch'in staff and youth.

"I have a right to be protected from discrimination no matter my ethnicity, sex, gender, language, religion, political views (Article 2)."



"Governments have to take all appropriate legislative, administrative and other measures to implement my rights. (Article 4)."



PUBLIC EDUCATION AND OUTREACH

As part of YCAO's public education mandate, we provide workshops for various organizations. We share the role of YCAO, information about children's rights and engage in case study scenarios about child advocacy.

"I have a right to the best possible healthcare services, clean drinking water and nutritious food (Article 24)."



YCAO attended the Yukon First Nation Education Directorate conference on March 22nd, 2023



We made two visit to social work classes at Yukon University's BSW program.



KDFN Elder Ann Smith with Bengie Clethero at YCAO's Global Child event in December 2022.



GlobalChild is a child rights monitoring platform designed to enhance governments' accountability to children. Dr. Ziba Vaghri visited the Yukon in December 2022 to present her research plan for a Pan-Canadian Partnership for the Rights-Based Promotion of Child Development. YCAO supported Dr. Ziba Vaghri to engage with YG, First Nation governments. YCAO agreed to partner with Dr. Vaghri and a large and diverse Canadian team to research the extent to which governments are fulfilling their obligations to children's rights, identifying gaps, and working with stakeholders across the territory to improve developmental outcomes for children.



FAQS

Q. Does YCAO need consent from parents or guardians to provide advocacy?

A. At YCAO the child or youth is our client. Referrals can come directly from the child or youth or any person with an interest in the child or youth. 47% of our referrals come from a parent or caregiver, but occasionally we need to advocate without parental involvement.

Q. Does YCAO have to meet the child?

A. YCAO strives to meet the child to get their view. Occasionally, we won't meet the child if it isn't in their best interest. When we don't have the view of the child we defer to the rights under the United Nations Convention on the Rights of the Child.

Q. Does YCAO represent the child in court?

A: YCAO cannot act as legal counsel or interfere with the work of another body, tribunal or court. A family court judge can appoint a children's lawyer to ensure the views of the child are considered.

Q. Is YCAO a government department?

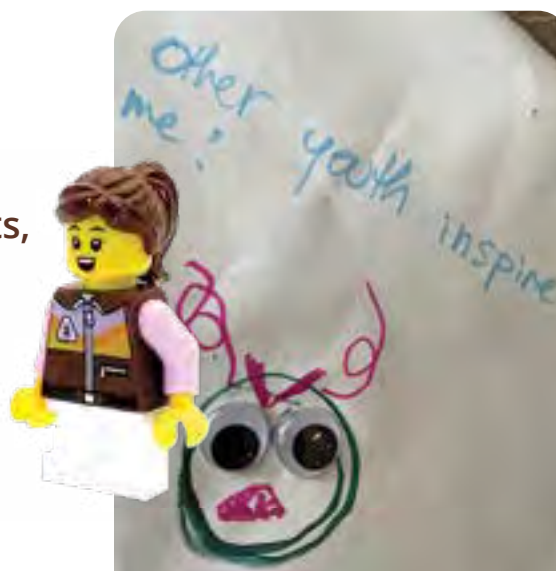
A. No. YCAO is an oversight body that exists to promote and uphold the rights and views of Yukon children and youth. YCAO is an independent office of the Legislative Assembly. We report annually to Member Services Board, an all party committee of the Legislative Assembly.



“I have a right to privacy and to be protected from attacks on my honor and reputation (Article 16).”



“I have a right to be raised by my parents, if it is safe. If I can't live with my parents, I have a right to safe access to them. Governments should help my parents if they need it (Article 5, 9, 18, 20).”






CONTACT US

**Yukon Child and Youth
Advocate Office (YCAO)**

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