

# **Office of the Child and Youth Advocate**

## **Submission to the Ministerial Committee on Anti-Racism, Government of Newfoundland and Labrador**

**January 2022**





The Office of the Child and Youth Advocate is pleased to see that the Ministerial Committee on Anti-Racism is engaging the community in consultations to address racism in Newfoundland and Labrador.

The population of Newfoundland and Labrador, like many other provinces under the leadership of the Federal Government, has increasingly become more diverse over the years. As the Government of Newfoundland and Labrador actively continues in its commitment to increasing immigration through its Immigration Action Plan, thoughtful planning must occur so that programs, services, and responses are inclusive, diverse, respectful, and culturally responsive.

The Office of the Child and Youth Advocate is legislatively mandated by the **Child and Youth Advocate Act** to protect and advance the rights of children and youth in Newfoundland and Labrador. The Child and Youth Advocate is an independent statutory officer of the Legislature and carries significant authorities in this role. This Office provides public oversight of government programs and services to children and youth and help young people by independently standing up for their rights and interests in dealing with child serving systems. Specific functions include investigations and reviews, individual advocacy and systemic advocacy, and public education on children and youth human rights.

Anti-racism work is of keen interest to my office as we continually champion the rights of all children and youth here in the province for inclusion, diversity, and equity. It is crucial to take time to identify and eliminate barriers that exist within communities and public services so children and youth can grow, develop, and thrive in this province.

As we recognize issues and anti-racist practices and policies that are relevant to newcomers, it is also important to recognize, support, and also respond to Indigenous communities in the province. Efforts are required with all diverse communities to ensure more culturally sensitive and responsive services.

In keeping with the development of good public policy and practices, those directly affected will need to be included in the anti-racist engagement process, including young people. This is very much a public policy issue and opportunities for meaningful public engagement are critical. A focused plan to appropriately and meaningfully engage young people who are directly knowledgeable about these issues is essential.

As the Ministerial Committee on Anti-Racism continues its work, it is also imperative that the framework of the **United Nations Convention on the Rights of the Child** (UNCRC) guide that work and recommendations. Utilizing the lens of a Child Rights Impact Assessment would be beneficial. This assessment process is a comprehensive means to assess the potential impacts of decisions on young people and their rights. Public policy is stronger when the best interests of young people are a priority and the impacts on them are specifically considered in the policy development processes. Article 2 of the UNCRC specifically states that a young person has the right to express their views and have their voice heard and taken seriously in matters that affect them.

The work of the Office of the Child and Youth Advocate is grounded in the rights-based approach of the United Nations Convention on the Rights of the Child. This Convention was ratified by Canada in 1991 and is the most widely endorsed human rights treaty in the world today. It provides a specific set of rights to which all children are entitled. The Convention is anchored in the following core principles:

- The best interests of the child
- Non-discrimination
- Life, survival and development
- Participation in decisions affecting them

The Convention exists because children and youth are a unique and vulnerable group and therefore require special protection of their rights. They cannot navigate systems like many adults can. Their voices, experiences, and perspectives are frequently missing from public policy consultation, debate, and development. Thus, it is imperative that they be included in this anti-racism work.

While all articles of the UNCRC are pertinent to children and youth, some articles are particularly relevant to the discussion of anti-racism and the core principle of non-discrimination. These include:

**Article 2** - You have the right to be protected from discrimination of any kind, regardless of your: race, colour, sex, gender, language, religion, political opinion, national, ethnic or social origin, disability, or whether you are rich or poor.

**Article 7** - You have the right to a name and a nationality as soon as you are born.

**Article 8** - You have the right to an identity including a name and a nationality. Your identity should be respected and officially recognized. It should not be taken away from you. You have a right to be who you are and to develop your own identity.

**Article 14** - You have the right to think for yourself and practice whatever religion you choose. It is your parents' or guardians' job to help you with this.

**Article 22** - You have the right to special protection and help if you are a refugee and had to leave your home country because it is not safe to live there. If you are a refugee, governments should help you to locate your family and reunite you with them, when possible.

**Article 30** - You have the right to enjoy your own culture, practice your own religion, and speak your own language. If you are from an Indigenous or minority group, you have special protection of this right.

These and all tenets of the UNCRC must factor into all anti-oppressive practice and discussions of the Ministerial Committee on Anti-Racism.

The following reports from our Office that focus on race, culture, and diversity would also be of keen interest to the Ministerial Committee.

**A Long Wait for Change: Independent Review of Child Protection Services to Inuit Children in Newfoundland and Labrador** (September 2019)

The Child and Youth Advocate launched this comprehensive review in April 2018 and released the report in September 2019. This Review examined several program areas where Inuit children receive services from the Department of Children, Seniors and Social Development including protective intervention, in care, foster care, youth services and other alternative placements. The report identifies 33 recommendations resulting from community sessions and other interviews, a review of 213 case files, an analysis of relevant literature on this issue, and from experiences advocating for vulnerable Indigenous children and youth over the years.

Our Office identified that bold and meaningful change is needed for the systemic issues identified and that Inuit knowledge, beliefs, and culture must be incorporated into new ways of keeping children safe and supported.

In our discussions, young people in care told us they miss home terribly, and fear losing their cultural connections and sense of Inuit identity. We repeatedly heard the significance of culture. This work reiterates the importance of cultural continuity for children, recognizes the value of traditional healing and treatment approaches, requires an understanding of Inuit ways of parenting, families and community, and speaks to cultural education being necessary for professionals.

The Report noted that fundamental systemic change is needed in order to have better outcomes for Inuit children and their families and those solutions will require a true commitment to reconciliation, a new vision, and a renewed relationship with the Inuit.

**The Case for Culturally Responsive Services** (April 2017)

The Case for Culturally Responsive Services addressed the issue of culturally responsive services and involved a family that relocated to this province from another country. During this time, they were involved with the Department of Children, Seniors and Social Development and the Royal Newfoundland Constabulary. The Advocate made recommendations for three primary systemic areas for improvement: diversity and cultural competence, collaborative practice for joint removals, and mental health services.

A strong theme in this Report was the need to eliminate barriers in the provision of culturally responsive services to refugee and immigrant families. These families may have experienced significant trauma prior to their arrival in Canada, and may have various practices and experiences with family dynamics and with child rearing practices. Stronger supports and assistance are required to help these families. Specific areas in this case include a need for focus on supports related to language, culture, and

religion as well as training and education to ensure professionals have knowledge of appropriate mental health services and/or responses for children that experience trauma.

Through the years, we have heard terminology such as cultural sensitivity and cultural competence as professionals endeavored to learn about cultural diversity. However, professional cultural humility is key. Cultural humility involves humbly and respectfully acknowledging oneself as a learner when it comes to understanding another's experience. We need to always be learning and self-reflecting to fully understand any inherent personal and systemic biases. Such anti-racist work also needs to develop and maintain respectful processes and relationships.

In light of the Province's commitment to immigration, a focused and renewed look at our practices in responding to a culturally diverse population is needed. Coordination of services and responses remains an ongoing issue. While advances have been made in this regard, further work remains in the areas of inclusion, diversity, equity, and anti-racism.

We look forward to seeing the results of the Ministerial Committee and especially what is yielded through youth engagement processes. Young people have a voice and always need to be heard. Given the significance of this anti-racism work, it is imperative that their views, experiences, and opinions be sought and considered, and that their voices be heard.



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