An Analysis of Child and Youth Advocacy in 21st Century Contemporary Contexts

by

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Abstract

This thesis explores how meanings of the concept of advocacy are produced by organizational structural features; how the concept of advocacy is constructed and related to young people's experiences by provincial and territorial child and youth advocate offices; how concepts of advocacy come to have significance in the lives of advocates and how they negotiate these concepts in their daily routines; and how children's rights are operationalized in practice in advocate offices. A total of 26 participants are included in the study. Through semi-structured interviews, I engage primarily with provincial and territorial child and youth advocates from across Canada as well as international children's commissioners from Australia, New Zealand, Belgium, Denmark, Norway and Northern Ireland. Two internationally recognized children's rights advocates are also included in the study. Adopting a qualitative methodology, I draw on organizational theory to make meaning of the data. My research reveals that the concept of advocacy is complex. Effective advocacy centres on challenging and changing decision-making processes by partnering with young people to elevate their perspectives and adopting a rights-based approach to working with children and youth. At the provincial and territorial level, it is important for advocates to navigate the historical, cultural and political factors that inform discourses surrounding childhood as these factors impact the way advocacy is carried out. At the organizational level, collaborative relationships with community organizations, government and interdisciplinary advocate teams help to operationalize rights in advocate offices. Findings point to the importance of thinking critically about the concepts of voice, agency and participation in the context of child and youth advocacy institutions. Understandings about children, voice, agency, participation

and rights materialize certain groups of children in practice and frequently hinder the viewpoints of young people. Contained within these understandings are processes of exclusion, that may harm some children when considering *who gets to have a voice or participate?* While the advocates do good things for children, a shift is required in social institutions for children that has a lot to do with a conceptual shift in thinking about these concepts and how advocacy is carried out in 21st century contexts.

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Glossary of Terms and Abbreviations

CCCYA Canadian Council of Child and Youth Advocates

An association of provincial and territorial child and youth advocates from across Canada who have legal mandates to protect, promote, and implement children's voices and rights more broadly.

CRC Convention on the Rights of the Child

The most widely adopted human rights treaty in history that outlines children's civil, political, economic, social, health and cultural rights.

CRIA Child Rights Impact Assessment

A children's rights assessment tool that is used to identify, analyze and evaluate the outcomes of a policy, legislation or government process and its impact on the rights of children and youth.

CRM Children's Rights Movement

The CRM refers to the international movement that encouraged the identification of children's rights and has focused on children's struggle to attain their rights to provision, protection, and participation.

CRS Children's Rights Studies

CRS refers to the developing academic field of study that is rooted in an institutional approach that pertains to the area of children's rights. CRS focuses on topics relevant to children's rights research with particular emphasis on the CRC. In its aim to develop a

critical perspective, the field has recently started to focus on the framework of children's rights.

CS Childhood Studies

The multidisciplinary academic field of study that focuses on understanding childhood, children and youth.

ENOC European Network of Ombudspersons for Children

A European network of independent offices that support implementation of the CRC and disseminate information to promote children's rights.

IJCR International Journal of Children's Rights

An academic journal focusing on children's rights.

NGO Non-governmental Organizations

Organizations that are independent of government.

REB Research Ethics Board

A multidisciplinary committee that aims to ensure that research adheres to ethical principles.

UDHR Universal Declaration of Human Rights

A document that served as the first-time nation-states agreed to set out fundamental rights and freedoms for all human beings in international law.

UNICEF United Nations Children's Fund

A United Nations organization that provides humanitarian research and assistance to children and youth internationally.

CHAPTER 1 – THE ARRIVAL POINT

In 2014 I was in my final year of the undergraduate degree program in *Child and Youth Studies* at Brock University. Despite having worked with hundreds of children and youth by this time through various jobs as a before and after school teacher, a youth employment counsellor, a camp counsellor, recreation programs director, inclusion counsellor, and family visit worker at the Children's Aid Society, I had not once encountered the UN *Convention on the Rights of the Child* (CRC) (UN, 1989).¹ It was only in my final semester of undergraduate study, in a class called *Rights of the Child*, that I was formally introduced to child and youth rights. The reason I selected this elective class was partly because I was intrigued by the topic and also unfamiliar with the topic of child and youth rights despite my background as a *Child and Youth Studies* major. The first day I entered the class, the professor asked us to raise our hands if we were ever formally taught about or had ever heard of the CRC. Out of 65 students majoring in *Child and Youth Studies*, and presumably highly likely to work with or want to work with young people in some capacity, not one person raised their hand. I remember thinking about how ironic it was that I was 21 and just finding out now that I had a special set of rights as a young person up until the age of 18. I also remember thinking if I was not aware of this special set of rights, nor were my peers who were studying to work with children and youth, I was almost certain that the young people with

¹ A full text of the United Nations Convention on the Rights of the Child, including all 54 Articles, may be found at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

whom I engaged with in these different service delivery systems probably were not aware either.

In this class, I also learned about the role of provincial and territorial child and youth advocate offices across Canada and I remember feeling shocked when I heard that these institutions had particular mandates to promote and implement the CRC as part of their legal mandates. What shocked me was that some of these institutions have been around for more than 35 years and one of their roles is to educate the public about children's rights and yet, as a *Child and Youth Studies* major, I had never heard of these offices or the CRC. What intrigued me about these offices was their rights-based focus on advocating with and for children and youth and I wanted to know what rights-based advocacy meant and if it could make a difference in the lives of young people. The obvious problem or question that comes out of this narrative is *the question of the disconnect between what the CRC says about awareness and knowledge of children's rights and the fact that children and youth as well as professionals who are studying to work with young people in Canada, are oftentimes, not formally taught about children's rights* (The Student's Commission, 2018; Jerome, Emerson, Lundy & Or, 2015). Many educators today still see similar issues in classrooms when we ask students if they were formally taught about their rights or if they know about the CRC.² This issue is also apparent in Canada's reporting to the UN Committee on the Rights of the child. Under

² In 2018, I taught a third-year undergraduate class in the Department of Sociology and Anthropology, *Children and Childhood in a Globalized World* at Carleton University. The class focused largely on children's rights. Most of the class was comprised of students from the Child Studies Program. The first thing I asked my students was to raise their hands if they had ever heard of the CRC. To my surprise, five out of 85 students raised their hands. While five is better than none, I still see the pattern I observed when I sat in their seats to learn about children's rights five years ago: a lack of awareness of the CRC and children's rights more broadly amongst Canadian children and adults alike.

Articles 44 and 45 of the CRC, the UN Committee on the Rights of the Child receives periodical reports submitted by domestic governments every five years to provide feedback on how States Parties are fulfilling or failing to meet their obligations under the treaty (Senate of Canada, 2005, 2007; United Nations, 1989; Woll, 2000). Through recommendations, the Committee delivers their analysis and reflections on what steps Canada should take to fulfill and advance children's rights. Canada's current fifth and sixth report reveals that improvement is required to make the CRC widely known to adults and children alike and also highlights the role and importance of child and youth advocate offices in raising awareness about children's rights (Canadian Coalition for the Rights of the Children, 2020). I highlight this issue and my experience for three reasons. First, as a researcher I am conscious of how I situate myself in my research. Second, to note that these issues are still apparent, and children and youth are not being formally taught about their rights in 2020. Finally, to point out that in the context of my work on child and youth advocacy, I have discovered that knowledge about rights is directly linked with the concept of advocacy at the provincial and territorial level in Canada.

As a result of these early experiences during my undergraduate training, from 2014 to 2016 I completed a *Master of Arts in Child and Youth Studies* at Brock University. During this time, I designed a project that researched the role of provincial and territorial child and youth advocates in Canada, also known as the Canadian Council of Child and Youth Advocates (CCCYA) to begin to unpack the concept of child and youth advocacy. In particular, I was interested in how these offices deployed this idea of advocacy in their work and the opportunities and barriers advocates face in their day to day role. One of the main findings from this work revealed that the role of the provincial

and territorial child and youth advocates is not well understood in Canada by children, youth or the public, and may be hampered by a continued lack of cross-national, multi-systemic implementation of the CRC at all levels of government (Bendo, 2015, Bendo & Mitchell, 2017, 2018).³ These findings were revealed by the Canadian provincial and territorial child and youth advocates and are surprising because the advocates have legal mandates to educate the public about children's rights and about the advocate offices more broadly. Yet, as the advocates themselves revealed, this is not always happening. These findings highlight the importance of looking more in-depth at how rights translate into practice and at how the organizational structures and practices of these offices impact what knowledge is developed and what comes to be known about rights (as well as how they materialize).

In addition to revealing that the role of Canadian child and youth advocates has been under-researched by academics and civil society alike, findings led me to think about the organizational structure, culture and legal and political practices of child and youth advocate offices, and how these phenomena are important to understanding the ways these offices engage in and conceptualize advocacy using the CRC as a guiding framework. As a result, this research led me to ponder new questions and ideas that have legal, social, cultural and political resonance and which serve as the **main research questions** for this PhD thesis: *1) What are the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of*

³ There has been a lot of uptake of this study because very little has been written on this area. Particular interest has been paid to this work by UNICEF Canada, the Canadian Coalition for the Rights of Children, the Canadian Bar Association, the Canadian Council of Child and Youth Advocates as well as from academics across Canada who are involved in the Child Rights Academic Network.

children and young people? 2) How does the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked? 3) What forces impact and inform meanings of advocacy held by advocates? 4) How are rights operationalized in practice, specifically by child and youth advocates and their institutional structures? 5) How do these notions of advocacy compare domestically and internationally?

My observations and experiences have collectively led me to the current *arrival point* of my dissertation topic and focus. These early work and educational experiences are significant because they highlight how theory shapes practice and how practice also shapes theory. As British educators Moss and Petrie (2002) state, we have no “choice between ‘theory’ or ‘no theory’, or indeed between ‘theory’ and ‘practice’... Theories whether in the form of academic, political, or professional ideas ... shape our understandings and govern our actions, whether we recognize this or not” (p. 17). In recognizing the relationship between the theory that I learned and the practice I was immersed in, I was drawn to the issues I observed working with children and youth in the education system, the child welfare system, and in child and youth recreation, play and leisure. This arrival point urged me to step outside of frontline work with children and youth in these sectors to pursue research that is required to explore these issues within various child and youth service delivery systems. My arrival in the academic world with a particular focus on child and youth advocacy, children’s rights, child and youth participation, and social justice, is therefore an attempt to deeply explore and strive towards advocating for individual, systemic, and collective shifts in policy and practice that enhance the lives of children and youth. Additionally, I view graduate education as

an opportunity to be accountable while finding a way to intervene in the problems I observed regarding lack of awareness of the CRC and advocacy in the Canadian context. My interest in studying this topic stems from my own personal experiences learning about children's rights in higher education, working with children and young people in various sectors and from key political events that have recently unfolded in Canada which have lasting impacts on children's lives. One of the key events that shapes the specific aims and objectives of this project is the Progressive Conservative party of Ontario's recent decision to close the Office of the Provincial Advocate for Children and Youth through the repeal of the *Provincial Advocate for Children and Youth Act, 2007* which was outlined in the governments 2018 fall fiscal plan.⁴ One of the main objectives of the Office of the Provincial Advocate for Children and Youth was to ensure young people have a voice about decisions that affect their lives. Ms. Judy Finlay, Ontario's Former Child and Youth Advocate for Ontario explains that the government's decision to close the office is especially detrimental for vulnerable groups of young people: Black youth, Indigenous youth, young people involved with the child welfare system or youth justice system, and children and youth with disabilities (Finlay, 2018). In Canada many of these young people including Indigenous, Black and racialized children are disproportionately overrepresented in the child welfare system (OHRC, 2018).

In her social action strategy, Ms. Finlay (2018) sheds light on the impact this office has had on children and youth in Ontario and reveals the implications associated with closing this office:

⁴ The fiscal plan can be viewed at: <https://www.fin.gov.on.ca/fallstatement/2018/>

Since 1984, the Office of the Provincial Advocate for Children and Youth has worked to center the voices of youth, to facilitate their meaningful participation when decisions are being made about them and to influence government policy regarding the wellbeing of children and youth in Ontario. This Office has called out provincial governments on harsh treatment or abuses in custody facilities, a lack of transparency and accountability with respect to serious occurrences in residential care, inadequate and poor quality care for children and youth who do not live with their parents and the inadequate oversight on the part of child welfare as highlighted in several child death inquests. Other child and youth advocate offices across the country and internationally have looked to the Ontario Office of the Provincial Child and Youth Advocate as an exemplar office and have developed their mandates, legislation and role and functions based on the model's success, specifically with implementing child and youth participation rights.

The Ontario government has now transferred some of the functions of the office to the Ombudsman of Ontario, a much larger office that deals with consumer complaints by adults in a wide range of public services, but that has no experience dealing with child welfare, child and youth mental health and youth justice sectors. Young people involved in these sectors are unfamiliar with the Ombudsman, and there are no opportunities for a collective voice. In amalgamating the offices, the advocates office is now subsumed under an institution that deals solely with adults. Independent offices' that do not have

a specific focus on children and are not grounded in a rights-based approach are often less likely to channel resources into services that will impact young people and more often likely to dilute children's interests by redirecting funding toward adult services. These issues highlight the importance of an independent Office to ensure the appropriate support and care of Ontario children and youth; especially for young people engaged in child and youth service delivery systems and the child welfare system in particular. (p. 1)

The closing of the Office of the Provincial Advocate for Children and Youth has probed me to think about the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people. Given that Irwin Elman - Ontario's Provincial Advocate for Children and Youth - found out about the decision to close the office through the media (City News, 2018) and considering the *Provincial Advocate for Children and Youth Act, 2007* was repealed, I am interested in how the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked, as well as the forces that impact and inform meanings of advocacy held by advocates. This event also probes a broader question about whether and how children's rights are operationalized in practice within institutions that are designed for children and youth, and in this case, within child and youth advocate offices.

Context and Identifying Research Problems

The adoption and ratification of the CRC in 196 nations over the past 29 years (UN Treaty Collection, 2019) has greatly advanced understandings of children as citizens with fundamental rights. By ratifying the CRC in 1991, Canada made a commitment to

respect, protect and promote children's rights (UNGA, 2012). However, repeated studies show a lack of CRC awareness amongst Canadian young people and adults, as well as poor implementation in Canadian institutions, service delivery systems, and public policies relevant to children and youth (Vandenhoe, Desmet, Reynaert & Lembrechts, 2015; Bendo, 2015; Bendo & Mitchell, 2017, 2018; UNICEF, 2009). This is particularly evident in regard to children's participation rights (Covell, Howe & Blokhuis, 2019) as outlined under CRC Article 12 that provides "to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age of the child" (United Nations, 1989, p. 8). Article 12 was identified by the UN Committee on the Rights of the Child (a mandated implementation monitoring body for State Parties under Article 44) as one of the key guiding principles of the CRC (UN Committee on the Rights of the Child, 1995). This means participation guides interpretation and implementation of all other 54 CRC rights and is taken into consideration during the Committee's periodic reporting (Pearson & Collins, 2011).

Participation rights are important for several reasons. Research has found that children and youth have unique insight and expertise that can inform the challenges they face and remedies for resolving them (Lansdown, 2001; Lansdown & O'Kane, 2014). These insights can contribute to enhanced legislation, policies, and service provisions relating to young people (Lansdown & O'Kane, 2014; Tisdall, 2008, 2013). Child and youth participation can also lead to increased critical thinking, decision making, problem solving, confidence, self-esteem, skill development, teamwork, active citizenship, civic engagement, and can empower children to become advocates for their rights and the

rights of others (Lansdown & O’Kane, 2014; Tisdall, 2013; Wood, Larson & Brown, 2009). Children who have these skills are more likely to protect themselves from abuse as they are typically more inclined to voice their concerns, whereas youth who do not possess these skills are often passive and at higher risk (Collins, 2017; Lansdown, 2001; Lansdown & O’Kane, 2014; Wood, Larson & Brown, 2009). Finally, participation promotes a culture of respect that encourages negotiation rather than conflict-based decision making (Lansdown, 2001). Implementing participation rights, therefore enhances overall child development and well-being and can lead to the realization of best outcomes across a range of rights, including health, education and family life (Lansdown & O’Kane, 2014).

Ideas about child participation initially focused on the necessity and importance of children’s participation as a child right following the CRC’s development (Hart, 1992). By the 21st century, childhood scholars built on the importance of child participation and started to explore theories pertinent to the concept of ‘voice’ and elevating the voices of young people (Hart, 1992; Sinclair, 2004). Scholars critiqued the concept of voice to distinguish the difference between young people projecting their voices and being listened to by adults (Kellett, 2009; Lansdown, 2014; Lundy, 2007; Lundy, 2018; Tisdall, 2008). Researchers recognized that youth voice alone could not impact meaningful outcomes for young people (Lundy, 2007; Tisdall, 2008) and highlighted the need for theories to focus on how voices are responded to in policy and practice as well as the reality of young people’s experiences (Cockburn, 2010; Percy-Smith & Thomas, 2009). The term ‘meaningful’ participation was coined to outline the difference between tokenistic and authentic participation (Kara, 2007; Sinclair, 2004; Tisdall, 2008).

Research has analyzed young people's experiences with collective participation in governance, youth councils, advocacy initiatives, service delivery systems, and policy consultations (Gal & Duramy, 2015; Lansdown 2014; Lundy, 2018; Percy-Smith & Thomas, 2009; Tisdall, 2019, 2018, 2016, 2015). Although some researchers encourage child-led participation models, others advocate for adult-child participation approaches, where collaboration enables young people to thrive (e.g. Chawla & Driskell, 2006). Research shows that young people excel when they have collaborative opportunities to engage in leadership and agency through quality participation (Lansdown, 2014; Wood, Larson & Brown, 2009). Children's right to participate matters in a time where global forces impact children's lives (Caputo, 2018). Whether it be from displacement caused by conflict, war, homelessness, environmental catastrophe, or from exploitative environments like mass-school shootings, rapidly advanced digital environments, or fragmented child-service delivery systems, children are participatory citizens of society, not bystanders in their own lives. This is evidenced for example, by child and youth movements against climate change (Chan, 2019; The Guardian, 2019). Yet there are difficulties to quality participation including negative conceptualizations of childhood, misunderstandings about competency and youth interest, power imbalances, and implementation (Matthews, Limb, & Taylor 1999; Lansdown, 2001; Collins, 2017).

Since the adoption of the CRC, awareness of child and youth advocacy has increased internationally (Raynaert, Bouverne-De Bie & Vandeveldel's, 2009; Reynaert et al., 2012; Senate of Canada, 2005, 2007). In Canada, provincial and territorial members of the Canadian Council of Child and Youth Advocates work to protect, promote and implement children's rights (Bendo & Mitchell, 2017; Howe, 2009). The council is

comprised of twelve members who represent the majority of the provinces and territories across Canada. The CCCYA make use of the CRC as a guiding framework to guide the advocacy services that the individual offices carry out, which involves the protection of and participation of young people within their offices and in the broader services they offer to the public at large (Bendo & Mitchell, 2017; Howe, 2009; Hunter, 2017).

According to the official website of the CCCYA, the main objective of the council is to make use of the CRC to enhance young people's lives and elevate their voices: "The CCCYA is an association of children's advocates from across Canada who have mandates to advance the rights of children and youth and to promote their voice" (Canadian Council of Child and Youth Advocates, 2020).

The individual offices of the council members are located in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario⁵, Québec, New Brunswick, Newfoundland and Labrador, Prince Edward Island, Nova Scotia, Nunavut, and the Yukon (Canadian Council of Child and Youth Advocates, 2020). At the time of writing, the council includes seven female members: Jennifer Charlesworth, British Columbia's Office of the Representative for Children and Youth; Daphne Penrose, Manitoba's Children's Advocate; Brigitte Lagacé, Director, Protection and Promotion of Youth Rights, Commission des Droits de la Personne et des Droits de la Jeunesse (Commission on Human Rights and Youth Rights); Jackie Lake Kavanagh, Advocate for Children and Youth of Newfoundland and Labrador; Michele Dorsey, Children's Commissioner and Advocate for Prince Edward Island; Sherry McNeil-Mulak, Nunavut's Representative for Children and Youth; and Annette King, Yukon Children and Youth Advocate. The

⁵ The Ontario Provincial Child and Youth Advocate Office was still open and active at the time of data collection and as a result, is referred to as an active office in certain instances throughout this dissertation.

remaining male council members include: Del Graff, Child and Youth Advocate of Alberta and President of the Council; Corey O'Soup, Saskatchewan Advocate for Children and Youth; Irwin Elman, Former Provincial Advocate of Ontario; Norman Bossé, Child and Youth Advocate of New Brunswick; and William Smith, Ombudsman of Nova Scotia (Canadian Council of Child and Youth Advocates, 2020).

The primary objective of the advocate offices is to promote as well as implement children's rights and facilitate and highlight the voices and views of young people in their respective jurisdictions (Canadian Council of Child and Youth Advocates, 2020). The advocates also campaign publicly and engage in consultations with governments to provide recommendations for new policies and practices beneficial to children and youth at individual, systemic, and collective levels. This was highlighted in a recent case involving Alberta's Child and Youth Advocate and President of the Council, Del Graff, who highlights the desperate need for government action on the increasing number of deaths of children and youth involved in the child welfare system (Smith, 2019). The advocates collaborate with government officials, legislators, policymakers and professionals that work in various child-service delivery systems to remedy issues that impact the rights of children and youth (Canadian Council of Child and Youth Advocates, 2020). They work as individual offices to address issues in their respective jurisdictions and also come together as a council to address national issues. For example, the Council recently released a report on youth suicide which calls on provincial, territorial, and federal governments to work towards developing a strategic preventative plan to address the mental health crisis many young people are facing in Canada (Canadian Council of Child and Youth Advocates, 2020).

Internationally, Human Rights Commissioners, Children's Commissioners, Commissioners for Children's Rights, Children's Advocates, Child and Youth Advocates, and Child and Youth Ombudspersons have emerged in legal and childhood studies discourses, but these designations are often conflated without distinction of these individual roles and responsibilities (Bendo & Mitchell, 2017, 2018; Lansdown, 1997; Thomas et al., 2010; UNICEF, 2013). Compared to provincial and territorial roles, at the federal and national level, these individuals hold an increased sense of authority considering they are responsible for representing an entire country (Bendo & Mitchell, 2017; UNICEF, 2013). In 1981, Norway appointed the first office of the children's ombudsman and in the 1990s, many other offices emerged in northern and western Europe and later in southern and eastern Europe after the adoption of the CRC in 1989 (Bendo & Mitchell, 2017; Melton, 1991; UNICEF, 2013). By 2000, countries outside of Europe including India, Austria, Jamaica, North America, and the United Kingdom began to establish these positions and offices, as well as specialized roles for child and youth advocates and commissioners (UNICEF, 2013). In 1997, the European Network of Ombudspersons for Children (ENOC) was established as a not-for-profit association that brings together independent children's rights institutions. The primary role of ENOC is to protect and promote children's rights through use of the CRC and to promote the development of effective independent offices for children. ENOC is comprised of 41 institutions in 32 different European countries (Bendo & Mitchell, 2017, 2018; ENOC, 2020; UNICEF, 2013).

Despite these developments, limited empirical research has investigated the roles, responsibilities, or outcomes of these institutions from domestic or international

perspectives. Thomas et al (2010) adopted a youth-driven methodology to analyze the office of the children's commissioner for Wales and found that systemic factors impact the overall functioning of the office and what it achieves. In addition, in (2013) UNICEF's Innocenti Research Centre conducted a global study on independent human rights institutions for children which explored some of the responsibilities of these offices internationally. This study notes that, "more than 200 [independent human rights institutions] have been established to independently monitor, protect, and promote children's rights, and are now at work in over 70 countries located on all continents around the world" (p. 5). It also outlines that the CRC is the guiding framework that shapes the legal mandates of most of these offices (UNICEF, 2013). Although the names and titles of these institutions may differ internationally, the core motive of these offices is to challenge and change issues or policies that impact young people at individual and systemic levels. As Cutter, Fenn, and Seath (2014) explain, the practice of advocacy includes:

... the strategic and deliberate process to bring about change in policies and practice. It can happen at local, national, regional and international levels, and an advocacy strategy that seeks to achieve comprehensive change should involve coordinated activity at all levels. Advocacy can go beyond aiming simply to change policies, to challenge and change how people perceive their ability to influence decision-making processes. (p. 18)

While the concept of advocacy is complex, I carry this particular definition forward in this PhD thesis. Considering the objectives of the research are to understand the meanings, constructions and experiences of advocacy in the lives of those who are

formally tasked to advocate on behalf of children and young people, the forces that impact and inform meanings of advocacy held by advocates and how rights are translated into practice, this definition suits the objectives of the research.

A plethora of research has been carried out on conceptual and theoretical understandings of human rights (Hunt, 2007; Moyn, 2010; Rainer, 2010; among others). Therefore, the focus of this PhD thesis is not on conceptual and theoretical understandings of human rights as this literature is well established. Rather, this PhD thesis centers on understanding how theoretical and conceptual ideas about children's rights translate into practice within institutions that are designed for children and youth. Although research exists on the CRC, Article 12, and on conceptual understandings of children's rights (Quennerstedt, 2013; Reynaert, Bouverne-De Bie & Vandeveldel's, 2009; Reynaert et al., 2012), and child and youth participation models which have developed internationally (Hart, 1992; Hill et al., 2004; Hinton, 2008; Jans, 2004; Lundy, 2007, 2018; Percy-Smith & Thomas, 2009; Powell & Smith, 2009; Shier, 2001; Stoecklin, 2013; Tisdall, 2008, 2016), limited research has studied how these theoretical ideas about children's rights translate in advocacy practices (Hanson, 2014; Vandenhoe et al., 2015). In particular, little attention has also been paid to understanding how children's rights, particularly participation rights, are operationalized in institutions for young people, and specifically, in advocacy institutions. This is especially important in institutions that have organizational structures such as legal mandates, to promote and implement the rights of children and youth. Research shows that organizational structures, practices, behaviours and environments impact and guide what organizations achieve and how they fulfill their objectives (Fayol, 1949; Handel, 2003; Shafritz, Ott & Jang, 2011; Taylor, 1947; Weber,

1947). In the context of organizations that have particular mandates that make use of the CRC as a guiding framework, an organizational lens is central to understanding how children's rights are operationalized in institutions for children. As a result, a central aim of this research is to understand how children's rights are operationalized in practice within child and youth advocate offices. This research also seeks to understand the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people and how the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked. These objectives also speak to broader understandings about the organizational forces that impact and inform meanings of advocacy held by advocates.

The focus of this PhD thesis relies primarily on current and former members of the CCCYA in the Canadian context, but also includes the perspective of children's commissioners internationally (or a select member of their staff on behalf of the commissioner). Two internationally recognized child rights advocates are also included for their work on, and ability to speak to the ways in which child and youth advocate institutions materialize rights in practice, the organizational culture of advocate institutions, as well as best practices for advocacy. For instance, Gerison Lansdown was strategically selected to participate in the study given her unique insight and work on children's rights in advocate offices. Based on over 45 years of experience, involvement with children's commissioner and advocate offices, and her international experiences at different levels, Gerison is well-positioned to speak to the ways that child and youth rights materialize practically in child and youth advocate institutions and the

organizational culture of advocate offices. In addition, the Hon. Landon Pearson, O.C who is widely respected throughout the world as an advocate for the rights and well-being of children was strategically selected to participate based on her many years of experience and expertise as a Senator for Children. Mrs. Pearson offers her unique international experience exploring children's rights and child and youth advocate offices and provides insight on what forces impact and inform meanings of advocacy held by advocates and how these understandings may be enhanced. Both individuals have held unique positions at the international level over a number of years and could therefore speak directly to the study's objectives to understand how rights translate into practice within advocate institutions, the organizational culture of advocate offices, as well as how notions of advocacy compare internationally. These insights are unique and specific to the research aims, and as a result, these children's rights advocates were deliberately recruited compared to other children's rights experts who would not be able to provide this type of case-specific information. These perspectives are integrated in the empirical chapters; Chapter Five and Chapter Six highlight the Canadian perspectives, and Chapter Seven comparatively integrates the international perspectives. It is imperative to explore this under-researched area to understand how to enhance implementation of children's rights in practice and the impact on policies and services that can benefit young people. Research findings also shed light on addressing some of the difficulties with understanding and implementing participation rights with and for, young people. Finally, the findings reveal the organizational structures, behaviours, and practices of advocate institutions that ultimately impact the lives of children and youth who engage with these offices. Although the research questions were developed based on the practical and

educational experiences I outline above, they also emerged in response to these research gaps and debates.

An exploration of the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people reveals that child and youth advocacy in Canada is complex and fraught with difficulty. Across Canada, child and youth advocate institutions differ based on their geographic location and the legal mandates that guide these offices. Thus, there is not a comprehensive advocacy framework that exists across the country. Rather, it is the organizational structures, practices and behaviours of advocate offices that underlie the work of child and youth advocates, which ultimately contribute to a complex understanding of advocacy. The legal mandates and institutional structures of the offices ultimately dictate the type of advocacy that is carried out by advocates as well as the ways that children and childhood are understood in these institutions. More specifically, it is difficult to operationalize the concepts of voice, agency, participation and rights in practice because of the legal, social, cultural and political barriers that hinder how advocate organizations carry out their mandates and how advocates engage with children and youth. As a result, the organizational culture of advocacy institutions rests on the organizational structures that are in place to sustain ideas about children, advocacy, and rights. The study's concluding observations reveal that effective advocacy centres on changing and challenging decision-making processes by partnering with young people to elevate their informed perspectives and adopting a rights-based approach to working with children and youth. At the provincial and territorial level, it is important for advocates to navigate the historical, cultural and political factors that govern and inform discourses

surrounding children, childhood, and youth, as these factors impact the way advocacy is carried out. At the organizational level, collaborative relationships with community organizations, interdisciplinary advocate teams, as well as technology-based resources help to operationalize rights in child and youth advocate offices. Findings also highlight that as a best practice, advocacy is most effective when offices learn from the perspectives of young people who act as meaning-makers in their own lives and have lived experiences that can help to combat social justice issues.

This research is important because it responds to children's rights and childhood studies scholars call for researchers to explore how the rhetoric of children's rights *translates* empirically in *practice* (Hanson, 2014; Quennerstedt, 2013; Reynaert, Bouverne-De Bie & Vandeveldel's, 2009; Reynaert et al., 2012; Vandenhoe et al., 2015). In this case, through the use of organizational theory, I reveal the impact that the rhetoric of children's rights has in the daily practice of child and youth advocates and their organizational structures, and the implications for young people. In particular, how advocate institutions that have legal mandates to uphold children's rights are structured and designed in a way that oftentimes excludes specific groups of children and youth. In addition to responding to the need to explore how rights translate into practice from an organizational perspective, my research also highlights the value of Spyros Spyrou, Rachel Rosen and Daniel Cook's (2018) call for *a re-imagining of childhood studies*. These scholars contend that research should also focus on decentring childhood studies by moving beyond the narrow confines of the concept of the *individual child*. My research extends this call by focusing on the organizational components of advocate institutions that enable a *decentering* of children's rights to be relational and

interdependent, rather than focusing solely on the concept of the individual child in advocacy institutions. This approach has implications for advocacy because it moves away from childhood studies (CS) obsession with voice, participation and individual children. Collectively, this research is innovative as it reveals how child and youth advocates and their institutional structures produce ideas about advocacy, childhood and rights, and how these organizational structures and behaviours ultimately impact *if* and *how* children's rights are translated in practice or not.

Organization of Thesis

This PhD thesis is organized into eight chapters. The current chapter outlines the aims and objectives of the thesis. Chapter Two sets the context, reviews the literature, and identifies the research problems. Chapter Three outlines the theoretical framework of the thesis by unpacking organizational theory as a useful platform for meaning making of the empirical findings. Chapter Four outlines the methodology utilized in the study. I provide an overview of the study including demographic information of the participants, the procedures employed, and an outline of the data analysis procedures. I also review ethical considerations and limitations of the study design. Chapters Five and Six focus on empirical findings based on the interviews that were conducted with the current and former provincial and territorial child and youth advocates from across Canada. Chapter Seven reveals empirical findings based on the interviews with the provincial and territorial child and youth advocates from across Canada, federal children's commissioners internationally, and internationally recognized children's rights advocates. Based on these findings, this chapter also presents a series of concluding thoughts based on the advocates insights to enhance child and youth advocacy in the Canadian context.

Finally, Chapter Eight provides a discussion of the main findings, limitations of the study, and implications for current and future research.

CHAPTER 2 – DISCOURSES OF CHILDREN AND CHILDHOOD

The concepts of children and childhood are discursively produced in culturally and historically contingent ways. These concepts are constructed and reconstructed within various contexts and are brought into existence through practices that define normative views and through interlinked power relations that sustain these views (Corsaro, 1997; Mayall, 2000). They exist specifically within advocacy institutions where action is taken to promote and implement children's rights. In an advocacy context, many of the legal mandates of the CCCYA and international children's commissioner's state that the offices should make use of the CRC as a guiding framework and is a key resource to carrying out advocacy with young people. Given that the CCCYA and international children's commissioners' work focuses on advocating for children through the use of the CRC, this chapter will provide an overview of the literature on advocacy followed by an overview of the history of the children's rights movement (CRM) as well as the CRC. It provides an analysis of the models of childhood that are embedded and imaged in discourses used by the CRC in the CRM, and also traces the emergence of the field of children's rights studies (CRS) and the distinct childhood discourses that have developed from this approach. An analysis of the CRM and CRS reveals that childhood discourses stemming from these approaches are based primarily on legal notions about childhood which offers only limited ideas about children (Reynaert et al, 2012). For instance, the main discourses emphasized by the CRM include the protectionist discourse, the interventionist discourse, the discourse of the child as adult property, and the rights-bearing individual child. Comparatively, the main discourses emphasized by CRS include the discourse of the vulnerable child in need of protection, the CRC as a

standard-setting instrument, children as rights-holders and subject positions, and children as present beings as opposed to individuals in the process of developing. In addition to the field of CRS, the field of CS has also contributed significantly to traditional discourses surrounding children and childhood. In particular, this field has produced new ideas about children; specifically, ideas surrounding children as participatory agents who can make meaning of their own and other's lives. Thus, this chapter also provides an overview of CS, theories of CS, and more specifically, child participation theories and models of child participation in order to reveal the potential discourses that the CCCYA adopt in their work and how ideas about children's rights have emerged and translate in institutions for children.

The main objectives of the research are to examine how meanings of the concept of advocacy are refracted, produced and reproduced by organizational structural features and to understand how the concept of advocacy is constructed and related to children's and young people's experiences by provincial and territorial child and youth advocate offices. The research also seeks to explore how concepts of advocacy come to have significance in the lives of child and youth advocates and how they negotiate these concepts in their daily routines. Finally, the project aims to understand how children's rights are operationalized in practice and in this instance, in child and youth advocate offices. As such, the topics outlined in this chapter were chosen for different reasons, all which relate to the main research objectives. To start, the development of child and youth advocate offices emerged as the CRM unfolded (Hunter, 2017; Snow & Finlay, 1998; UNICEF, 2013). I therefore explore the literature on advocacy and the history of the CRM in order to understand the childhood discourses that were emphasized by the

movement and the research that followed from the field of CRS and CS. These discourses are significant because they continue to inform the way children and youth are conceptualized and treated in society (Moss & Petrie, 2002), and more specifically, in many child-service delivery systems, such as child and youth advocate offices. I also provide an overview of the CRC and analyze the childhood discourses that are embedded within it considering the main focus of the CCCYA offices is to protect, promote and implement child and youth rights (Bendo & Mitchell, 2017; Geigen-Miller, 2003; Hunter, 2017; Peña, 2012; Snow & Finlay, 1998). Therefore, some background knowledge of the principles and provision articles of the CRC is required to understand how advocate institutions are structured to carry out child and youth advocacy services. In order to explore how rights are operationalized in practice, I analyze the emergence of these theories and the various conceptualizations of children and childhood that permeate child and youth advocate offices.

Unpacking the Concept of Child and Youth Advocacy

In order to understand how understandings of advocacy contribute to implementing children's rights in practice by child and youth advocates, as well as how these understandings are embedded in the organizational culture of child and youth advocate offices, it is important to first unpack the concept of *advocacy*. Researchers that have explored the concept of advocacy have conceptualized the meaning of advocacy in various contexts (Cutter, Fenn & Seath, 2014; Dalrymple, 2004; Rahn-Tiemeyer, 2015; Prakash & Gugerty, 2010).

Scholars have linked the concept of advocacy to public policy and state that the purpose of advocacy efforts is often to directly influence decisions at an institutional

level on behalf of a collective interest in order to impact public policies (John, 2003; Mueller, 2004; Prakash & Gugerty, 2010; Sabatier, 1988). Researchers have also referred to the concept of advocacy as an intentional political act which attempts to identify social problems and combat issues by bettering policies and re-allocating resources to remedy injustices faced by certain populations (Almog-Bar & Schmid, 2014; Jordan & Tuijl, 2000; Nilsson & Schmidt, 2005). Similarly, advocacy is conceptualized as a fundamental tool that can be used to engage in democracy and combat social justice issues (Auger, 2013). As a best practice, advocacy efforts are often maximized when local, national, and international forces join together to address social injustices (Brown, Ebrahim, & Batliwala, 2012). Scholars have also pointed to the barriers that can either hinder or enhance advocacy efforts and highlight that government funding, particularly in not for profit organizations, is a key mechanism to propelling or stunting advocacy work within institutions that aim to provide advocacy services (Berry, 2003; Bloodgood & Tremblay-Boire, 2016; Neumayr, Schneider & Meyer, 2015).

While broad understandings of advocacy exist in the literature, scholars have also studied advocacy in specific social contexts and institutions (Cutter, Fenn & Seath, 2014). An initial search yielded a plethora of scholarship that focuses on understanding advocacy in health contexts including the role of health care professionals as advocates (Chapman, 2004; Earnest, Wong & Federico, 2010; Hanks, 2008; Hamric, 2000; Paquin, 2011; Schwarts, 2002, among others) and in education contexts, including the role of educators as advocates and advocating for students with disabilities in school settings (Schreiner, 2008; Scott, Lubienski & Debray-Pelot, 2009, among others). Regardless of the contexts in which advocacy is carried out, advocacy can take many different forms.

For instance, self-advocacy, citizen advocacy, institutional advocacy, not-for-profit or NGO advocacy, legislative advocacy, lobbying, indirect education and agenda setting, all constitute primary forms of advocacy (Gray, 2002; Kimberlin, 2010; Mellinger & Kolomer, 2013). These conceptualizations of advocacy are important because they help to deconstruct and define the broad objectives of advocacy: to influence decisions, to change policies, to combat social injustice, to engage in processes of democracy, and to come together at different levels to better conditions for injustices faced by various social groups; all which take place through different forms. As noted in Chapter One, the following definition serves to define the concept of advocacy for this PhD thesis:

[Advocacy entails] the strategic and deliberate process to bring about change in policies and practice. It can happen at local, national, regional and international levels, and an advocacy strategy that seeks to achieve comprehensive change should involve coordinated activity at all levels. Advocacy can go beyond aiming simply to change policies, to challenge and change how people perceive their ability to influence decision-making processes. (Cutter, Fenn & Seath, 2014, p. 18)

Cutter, Fenn and Seath's (2014) conceptualization of advocacy highlights two important components of advocacy that are particularly relevant to this project: the practice of strategically aiming to achieve change and the deliberate act of challenging perceptions that contribute to decision-making processes. In the context of child and youth advocate offices, the type of advocacy that the advocates engage in oftentimes aims to achieve change by bettering the lives of young people by implementing their rights. This is often achieved through decision making processes that have implications for how advocacy is

received and delivered. Thus, this definition is suitable given the research aims and how these offices engage in advocacy as a means to implement children's rights in practice.

A particular understanding of rights-based advocacy that focuses on children and youth also emerged when the CRC was adopted. The shift in discourses surrounding children, childhood and youth since the 20th century has developed, in part, as a result of policy and advocacy work pertaining to children and youth that has been carried out by NGOs, advocates, activists and lawyers, along with the development of legal instruments such as the CRC, aimed at promoting and implementing child and youth rights (Quennerstedt, 2013). Academic fields of study also began to focus on exploring and researching areas relevant to children and youth and provided new understandings of childhood (Reynaert et al., 2009; Moody & Darbellay, 2019; Quennerstedt, 2013; Verhellen, 1998). These understandings of childhood have converged and diverged since the 20th century and are unpacked below to highlight how various conceptions of childhood that are still evident in many organizations provide services to children and youth.

A Brief Overview of the Children's Rights Movement

The 20th century marked the beginning of the CRM as policies and legislation began to develop for the first time in an attempt to protect and enhance the lives of children. After World War I and II, young people were considered collateral damage which drew attention to the need for child protection measures and compulsory schooling (Cordero Arce, 2012; Marshall, 1999; Polonko and Lombardo, 2015). In 1919, the International Labor Organization abolished child labour to eliminate hazardous working conditions for children (Cordero Arce, 2012; Ennew, 2000; Fass, 2011) and by 1924, the

League of Nations agreed to protect children's rights under the Declaration of Geneva (Marshall, 1999). In early 1900, Ellen Key published '*The Century of the Child*' (Key, 1909; Thorne, 2009, p. 19) which outlined the need to re-conceptualize understandings about childhood in the West. Ellen Key played a major role in the cutting-edge shift in thinking about children and the saving of childhood (Thorne, 2009). The role of non-governmental organizations (NGO) also increasingly began to protect the well-being of children (Cordero Arce, 2012; Fass, 2011; Polonko & Lombardo, 2015). Eglantyne Jebb in 1924 founded the Save the Children International Union. It became the first NGO to support young people after the war and developed the first draft of the *Declaration of the Rights of the Child* (1959) (Ennew, 2000). Although it never became part of international law, it highlighted the importance of protecting young people and established a basis for children's rights (Doek, 2009; Fass, 2011; Marshall, 1999).

The development of human rights instruments supported the movement as they aimed to protect and promote children's rights which helped to set the foundation for the rights of children (Ennew, 2000; Fass, 2011). For instance, in 1948, the adoption of the *Universal Declaration of Human Rights* (UDHR) served as the first-time nation-states agreed to set out fundamental rights and freedoms for all human beings in international law (Cordero Arce, 2012; Ennew, 2000; Fass, 2011). The UDHR set the framework for human rights which led to the adoption of the *Declaration of the Rights of the Child* in 1959 (Ennew, 2000; Marshall, 1999). The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights stemmed from the UDHR and offered human beings the legal protection of human rights (Paré, 2017).

By the 1960s, activism for social issues, including women's rights and civil rights began to surface (Fass, 2011; Marshall, 1999). The CRM was underscored by the women's rights movement as it played a role in recognizing the rights of girls and children more broadly (Cordero Acre, 2012; Mayall, 2000). In particular, the CRM mirrored the women's rights movement as children began to be recognized as rights-bearing citizens with individual entitlements, in the same way that women became recognized as individual persons with rights (Marshall, 1999). In the 1970s, the human rights agenda started to expand through a series of events: the 1975 Helsinki Accord, the 1979 International Year of the Child, the Women's Movement from 1975-1995 (World Conferences held in Mexico City, Copenhagen, Nairobi and Beijing) and the 1979 Convention on the Elimination of All Forms of Discrimination against Women (Ennew, 2000). Various child and youth led social movements also played a role. In the Global South, the African Movement of Working Children and Youth and the Latino-American Movement of Working Children and Adolescents (2000) contributed significantly to the development of the CRM (Manfred, Overwien & Recknagel, 2001). The context out of which the CRM arose and the lead up to 1989 when state parties signed and ratified the CRC, contributed to the legal push for children's rights in which ideas about children's rights materialized (Doek, 2009; Ennew, 2000; Fass, 2011; Melton, 2005; Paré, 2017; Reynaert, Bouverne-De Bie., & Vandeveld, 2012). This history is important because it traces the emergence of the CRC and the events and developments that led to understandings about children as rights-bearing individuals.

The United Nations Convention on the Rights of the Child

The CRC has been ratified and accessioned by 196 countries internationally and remains the most widely subscribed international human rights treaty in history (UN Treaty Collection, 2019). It contains 54 articles adopted by the United Nations general assembly in 1989, along with four principles and 50 provisions (UN Treaty Collection, 2019). The four principles which include Article 2, non-discrimination; Article 3, the best interests of the child; Article 6, the right to life and adequate development; and Article 12, the views of the child, act as a framework that guides interpretation and implementation of the entire treaty (United Nations, 1989; UN Committee on the Rights of the Child, 1991). These articles constitute the organizing principles of the CRC as well as the framework for domestic reports that are submitted every five years to the United Nations in adherence with Article 44 (UN Treaty Collection, 2019; UNGA, 2012). The remaining provision articles represent services that States Parties are to provide to young people, including health care, education, protection from abuse, exploitation, war, and violence, among others (Child Rights International Network, 2013; UN Treaty Collection, 2019; UNGA, 2012).

Every five years, the government is required to report on its compliance with the CRC through a formal report to the UN Committee on the Rights of the Child (Child Rights Connect, 2018). The Committee is comprised of 18 independent experts from around the globe who have been recognized as highly competent child rights professionals that monitor implementation of the CRC by State Parties and provide recommendations on how to enhance policy and practice relevant to young people (Canadian Coalition for the Rights of Children, 2002). State Parties are expected to

review and implement these recommendations and submit a report that outlines how these changes are progressing. While the periodic Concluding Observations of the UN Committee on the Rights of the Child serve as road maps that have the potential to enhance the lives of Canadian children and professional practice with young people, tensions are evident in the State parties' reporting systems. For instance, no procedures exist to ensure that recommendations are accurately enforced (Senate of Canada, 2007). In fact, Canada's fifth and sixth report on implementation of children's rights was supposed to be filed in July 2018 but was not submitted until February 2019, more than six months late (Canadian Coalition for the Rights of Children, 2019). While the report that was submitted included information on actions taken in response to the 2012 recommendations put forth by the UN Committee on the Rights of the Child, there were many gaps in action and analysis. In addition, Canada's response to the recommendations from the previous review was viewed as underdeveloped and inadequate by children's rights stakeholders and children's rights advocates (Canadian Coalition for the Rights of Children, 2019). Monitoring and reporting Canada's progress towards fulfilling the CRC obligations under Article 45 are important for tracking how rights are operationalized. Yet these gaps in reporting are problematic and ultimately do not serve young people well.

In addition to weak enforcement procedures, the CRC has been critiqued for a number of weaknesses. First, the CRCs abstract and generalized approach produces a great deal of space for local interpretation (Davidson, 2000). Second, there is a lack of attention to gender and sexuality within the treaty which suggests that the treaty obscures differences (Sandberg, 2015). Third, while the CRC does highlight cultural sensitivity

through Article 20, implementation makes this difficult. Fourth, little attention is also paid to indigeneity (Alderson, 2017). As opposed to universalist understandings of human rights which suggest that rights are universal and should therefore be applied ubiquitously to every human being, relativist notions of human rights highlight that rights are culturally dependent (Donnelly, 1984; Goodale, 2009). In the context of the CRC, it is important to highlight that this convention produces a general, universal understanding of rights and as a result, does not account for the ways that culture and context impact upon culturally relative values and beliefs. This critique of universalist understandings of human rights is not new as scholars have critiqued the Universal Declaration of Human Rights for its Westernized approach to conceptualizing rights (Donnelly, 1984; Washburn, 1987). Likewise, scholars have pointed out that the CRC Westernizes and universalizes children's rights and does not account for how context and culture shape rights (Alderson, 2017; Davidson, 2000). Without acknowledging the role that culture and context play in the conceptualization of human rights, universal notions of rights may serve to homogenize young people's experiences without accounting for individual differences.

On the other hand, the CRC is helpful because it is a legally binding instrument for States Parties and recognizes children's rights as human rights – for all children. It serves to deconstruct power dynamics between children, adults and the State, and is a universal standard for children's rights. The CRC critiques ideas about children being viewed as property in need of protection and conceptualizes children as active subjects with individual entitlements which they are entitled to claim. As a result, it encourages institutions, policies and child-service delivery systems to uphold the rights of children. I

highlight the principles and provisions of the CRC, the UN reporting process, as well as strengths and weaknesses of the CRC to provide context for understanding the framework that guides child and youth advocate offices in Canada and internationally. Many of these offices cite the CRC in their legislation and also use it as a basis for understanding children's rights, and thus, these ideas contribute to the type of advocacy that is produced within these organizations and impacts how child and youth advocates operationalize paper rights into practice with young people.

Following the ratification of the CRC, advocates, NGOs, lawyers and government officials began to publish reports about child protection issues pertaining to children's rights (Reynaert et al., 2009: 520). Work on children's rights that has been published outside the academic context has often centred on how to better the lives of children through advocacy efforts to enhance monitoring and implementation of the CRC with policy and legislative developments in child service delivery. The shift in adding the word studies to children's rights provided new conceptualizations of childhood beyond those stemming from the CRM, "By adding the word 'studies', the focus of research but also teaching activities related to children's rights express the shift from advocacy and action towards understanding, analysing and explaining the positions in current children's rights practices" (Hanson, 2014, p. 444). Researchers started to highlight the lack of critical reflection in the academy pertaining to children's rights, suggesting that the field of CRS was not distinct from children's rights policy and practice based on limited critical, contextual, and theoretical analyses (Quennerstedt, 2013; Reynaert et al., 2012; Vandenhoe et al., 2015). Scholars have continued to emphasize the need to enhance epistemology and theory to develop the field of CRS (Reynaert et al., 2012; Vandenhoe

et al., 2015). I highlight this distinction to draw attention to the shift in focus from policy and practice to theoretical and academic childhood discourses that have developed out of CRS which are explored below.

The Emerging Field of Children's Rights Studies

As CRS has developed, it has offered distinct understandings about childhood that diverge and converge with understandings offered by the CRM. By highlighting these distinctions, I provide a basis for the analysis in the empirical chapters of the thesis regarding how advocacy organizations operate the way they do and the discourses that shape advocates' social practices.

The emerging field of CRS has continued to develop since the late 20th and beginning of the 21st century (Quennerstedt, 2013). Evolving theoretical frameworks, research aims, methods and approaches to exploring children's rights have contributed to a diverse body of knowledge that has been published within academic literature displayed in handbooks, journals, editorials (Moody & Darbellay, 2019; Quennerstedt, 2013) as well as conference proceedings. For instance, *The Routledge Handbook of Children's Rights Studies* (Vandenhoe et al., 2015) and in particular, the *Introduction: A Critical Approach to Children's Rights* (Reynaert et al., 2015) critically reflects on the development of the field. Notably, publications within *Childhood* (Alanen, 2010, 2012, Hanson, 2014; Reynaert et al., 2009; Moody & Darbelley, 2019; Poretti et al., 2013) and the *International Journal of Children's Rights (IJCR)* (Cordero Arce, 2012; Reynaert et al., 2012; Quennerstedt, 2013) have contributed to the development of CRS (see also, Hanson & Nieuwenhuys, 2012). In fact, in 2013, Quennerstedt (2013) noted the rise in children's rights research within the *IJCR* from 59 articles in 1990-1994 to 463 during

2005-2009. Numerous conferences have also been held internationally that focus on children's rights. These developments have pointed to the need to further explore the emergence of CRS as a new academic field of study.⁶

The main focus of children's rights research initially centered on analyzing, monitoring and implementation of the CRC (Reynaert et al., 2009; Reynaert et al., 2012; Quennerstedt, 2013). Reynaert et al., (2009) explain that children's rights research has since rapidly evolved: "[That] the Web of Science holds almost 400 references explicitly referring to children's rights, points to the fact that scholarly work on children's rights has gained independence as a scientific field of study" (p. 520). The development of the field has led to enriched understandings of childhood that reach beyond perspectives arising from the CRM. While both approaches share similar interests surrounding children's rights, including a desire to better the lives of children, both offer different and often conflicting ideas about childhood. A social movement may aim to empower social groups to challenge and change power imbalances to achieve equality (Diani, 1992) and in this case, for the realisation of children's rights through advocacy and monitoring of implementation of children's rights. Comparatively, the aim of an academic field of study is to critically explore different knowledges through research, theorizing, and critique (Casadevall & Fang, 2015). I highlight these distinctions as they are often conflated, and

⁶ The emergence of academic programs focusing specifically on children's rights have also contributed to the development of the field (Quennerstedt, 2013). Initially introduced in European universities, Master's Degrees, Specialized Children's Rights Programs, graduate and undergraduate courses in children's rights, and Children's Rights Specializations under Human Rights and CS have appeared. These developments highlight the legitimacy and emergence of the field of CRS. It is evident through children's rights degree programs and literature that has been published about CRS, that CRS stems largely from the legal studies discipline. The field of CRS has more recently become rooted in multidisciplinary and interdisciplinary approaches to understanding children's rights and childhood (Alanen, 2012; Moody & Darbellay, 2019; Reynaert et al., 2015).

it is important to distinguish which childhood discourses are emphasized by each in order to understand how ideas about childhood reach beyond conceptions offered by the CRM.

Childhood Discourses Emphasized by the Children's Rights Movement

The CRM has historically contributed significantly to traditional child rights theories surrounding children and childhood. I highlight four main childhood discourses that emerged from the CRM:

First, in an attempt to recognize the dangers associated with war, violence, hunger, homelessness, deprivation and displacement, advocates, NGOs, lawyers and other child rights stakeholders involved in the CRM challenged discrimination against children in various contexts and especially within the home, work, school and on the streets (Hanson, 2017; Freeman, 1998). This concept contributed to a new commitment to protecting children from adversity and injustice, abuse, neglect, trafficking, and harm while challenging the conceptualization of children as property (Cordero Arce, 2012; Collins, 2017; Reynaert et al., 2009). The discourse of the child in need of protection and children as vulnerable emerged (Denov, 2004; Hanson, 2017; James, 2010; Paré, 2003; Marshall, 1999; Raynaert et al., 2009; Verhellen, 2000). At the same time, new understandings about the social position of children, personhood, and children's full humanity also surfaced (Jans, 2004). In the context of child and youth advocate offices, these ideas exist in most of the offices' guiding mandates and the practices that the advocates engage to fulfill these mandates, including individual and systemic advocacy efforts, as well as through child death and critical injury investigations which are unpacked in Chapter five. These practices focus on protecting children from violence, harm, and discrimination, with a specific focus on vulnerable groups of young people,

including: children in care of the state, children with disabilities, children involved in the youth justice system, and Indigenous young people.

Second, the CRM contributed to the argument around the concept of equal, universal rights (Alderson, 2012; Campell, 1994; Cockburn, 2005; Cordero Arce, 2012; Johnson, 2010; Josefsson, 2017; Leonard, 2007; McGillivray, 1994). The CRM conceptualized children's rights as human rights that were to be applied to every individual child and has looked to individual children as sites of intervention. Viewing children as sites of intervention is problematic to the recognition and realization of young people's civil and political rights. One of the issues that stems from the interventionist discourse is that children's capabilities as agentic meaning makers who can make sense of their own and other's lives are not recognized with an interventionist perspective that seeks to constantly control and govern young people's actions (Foster & Spencer, 2013). The discourse of the child as an active subject with individual entitlements and participation rights is important because it ultimately impacts how children are treated in practice by adults including whether they are involved in decisions that will affect their lives in various contexts, such as in the family, the school, in child-service delivery systems, and in local communities (Bosisio, 2012; Freeman, 2007; Hanson & Vandaele, 2003; Lansdown, 2001; Percy-Smith & Taylor, 2008; Reynaert et al., 2009; Wyness, 2013). In the context of child and youth advocacy institutions, many offices have policies and initiatives in place that were developed to emphasize children's civil and political rights. Although it is noteworthy that child-serving organizations, including Provincial and Territorial Child and Youth Advocate Offices, have identified difficulties implementing civil and political rights in practice (Canadian Coalition for the Rights of

Children, 2020), due to interventionist perspectives and broader resistances by adults surrounding the recognition of children's rights as human rights.

Third, the movement has highlighted the need to refigure power relations between children, adults, and the state. Considering many children have been viewed as property of their parents or as property of the state, this refiguring of power has been important to recognizing children's individual entitlements as persons in their own right (Moss & Petrie, 2002). Although many children continue to be viewed as parental property, the refiguring of power relations drew attention to the obligations of institutions, policies and child-service delivery systems to uphold the individual rights of children. The movement specifically contributed to the problematization of the concept of age (Freeman, 2007; Reynaert et al., 2009; Vandenbroeck & Bouverne-De Bie, 2006; Wyness, 2013) to highlight that even very young children have an inherent set of individual rights. Through this understanding, children began to be recognized as beings rather than becomings (Hanson, 2017). These ideas are relevant in child and youth advocacy contexts. For instance, when analyzing the legal mandates of advocate offices, the framing of these mandates is based on understandings about children as rights-bearing individuals. The language employed in these mandates mirror the CRC and its focus on developmental competency and capacity based on age. In addition, unequal power relations between children and adults are reinforced within these institutions and are based on the fact that children are often still viewed as property of their parents.

Fourth, the CRM contributed to an understanding of the rights-bearing individual child to highlight the importance of respecting children's dignity, independence, capacity, participation, and autonomy (Cordero Arce, 2012; Jans, 2004; Reynaert et al., 2009; Such

& Walker, 2005). Children's social rights were initially outlined in the 1924 *Geneva Declaration of the Rights of the Child* which was adopted by the *League of Nations* and supported by the *United Nations General Assembly* in 1959 (Ennew, 2000). However, children's civil and political rights were first outlined specifically in the CRC. Conceptualizations of the rights-bearing individual child were then reflected in preventative rights-based services and policies that aspired to protect children and promote their rights to participation. For instance, the importance of including children's viewpoints and perspectives is present in policy development, law reform, health contexts, research, as well as judicial and administrative proceedings (Jans, 2004). In the advocacy realm this is apparent considering these organizations have been developed for the purpose of protecting and promoting children's rights with a focus on elevating children's voices.

Overall, the main discourses emphasized by the CRM include the protectionist discourse, the interventionist discourse, the discourse of the child as adult property, and the rights-bearing individual child. While these understandings did not evolve solely from the CRM, the CRM did play a significant role in emphasizing the discourses surrounding children and childhood (Reynaert et al., 2009) and has done so with a focus on policy, practice, implementation, and monitoring of the CRC. Childhood discourses were also informed by the 'new sociology of childhood' (Freeman, 1998; James et al., 2002; Mayall, 2000; Reynaert et al., 2009; Thorne, 2009; Vandenbroeck & Bouverne-De Bie, 2006) and CS as activities and research surrounding children and childhood unfolded at the same time the CRM developed (Alanen, 2010; Freeman, 1998; Moody & Darbellay, 2019; Reynaert et al., 2015; Qvortrup et al., 2009). Yet, the CRM and CS provide

different perspectives about the child. For instance, CS recognizes the importance of context in relation to the child and the CRM recognizes the individual child as a legal entity of rights (Freeman, 1998). Whereas the CRM has had a significant impact on legislative changes and on young people speaking out about their views, CS has highlighted the social construction and plurality of childhood (Freeman, 1998). While these approaches differ, scholars have also highlighted how these approaches often converge and diverge (Freeman 1998; Hägglund & Thelander, 2011; Hanson, 2014; Moody & Darbellay, 2019; Reynaert et al., 2015; Vandenbroeck & Bouverne-De Bie, 2006; Qvortrup et al., 1994; James et al., 1998; James & James, 2004).

Childhood Discourses Emphasized by Children's Rights Studies

Comparatively, I now highlight six key childhood discourses emphasized by CRS while keeping in mind Thorne's (2007, p. 147) observation about social movements and disciplinary fields: "Social movements sometimes generate compelling questions that reach across well-established disciplinary divides." This perspective recognizes that there may be similarities between childhood discourses stemming from the CRM and CRS, although the ways in which they are constructed, established and perceived, vary. I highlight these discourses to reveal understandings of childhood that stem from a rights-based approach. In order to understand the concept of child and youth advocacy across Canada, it is important to outline childhood discourses that are produced by and reinforced by children's rights. Many of these ideas permeate the structure and practices of child and youth advocate offices that use the CRC as a guiding framework, as evidenced in Chapter Seven. Therefore, an exploration of these discourses is required in order to understand how advocacy organizations conceptualize ideas about children and

childhood and ultimately, how these concepts impact the way that advocates operationalize children's rights in practice.

First, whereas the CRM has particularly focused largely on advocating for the rights of vulnerable or at-risk groups of children including children on the move from natural disaster, conflict, and discrimination, as evidenced by NGOs such as Save the Children and their work on eliminating child suffering (Save the Children, 2020)⁷, CRS has focused more broadly on all social groups of children and on theoretical understandings of childhood (Moody & Darbellay, 2019). CRS has also explored research pertaining to groups of children that are considered particularly vulnerable (Denov, 2004; Grover, 2004; Paré, 2003, among others). These understandings about children appear within institutions that provide services to young people. In the context of advocacy institutions, these organizations are mandated to provide special protection to particularly vulnerable groups of children and youth.

Second, through the development of children's rights research, CRS has focused largely on the CRC as a standard setting instrument. When academic researchers began to study children's rights, there was a strong focus on the transition of child rights principles to various legal fields such as youth justice or family law (Hanson, 2014). Internationally, there has been a specific focus on the promotion and implementation of the CRC and monitoring systems that contribute to implementation and promotion (Bosisio, 2012; Quennerstedt, 2013; Reynaert et al., 2009). Within child and youth advocacy offices, many of the advocates carry out practices that enable them to track how rights are upheld

⁷ Child suffering refers to suffering that is caused by food insecurity, malnutrition, disease, flooding, displacement or other harmful aspects that impact children significantly (Save the Children, 2020).

within the offices, as evidenced in Chapter Six. These practices aid in translating concepts about children's rights into practice.

Third, there has been a particular focus in CRS on children as rights holders and subject positions that can be unpacked analytically (Hanson, 2014). This understanding has led to an emphasis on the dichotomy between children's rights and parental rights (Jans, 2004; Quennerstedt, 2010, 2011, Reynaert et al., 2009). Highlighting this distinction is important because it may explain why many child and youth serving organizations and services that promote children's rights, such as provincial and territorial child and youth advocate offices have noted adult resistance towards teaching children about their rights. As a result, some organizations place an emphasis on recognizing children as individual rights holders as a way to encourage adults to implement children's rights and also educate children about their rights (Canadian Coalition for the Rights of Children, 2020).

Fourth, CRS has explored the concept of child competency and children's right to participation (Bosisio, 2012; Jans, 2004; Reynaert et al., 2009; Wyness, 2013). One of the discourses that continues to guide organizations that serve children and youth focuses on children's development towards becoming an adult and ensuring that children reach adulthood (James et al., 2002; Mayall, 2000, Reynaert et al., 2009; Thorne, 2009; Vandebroek and Bouverne-De Bie, 2006). This discourse has led to the understanding that children should be viewed as beings rather than becomings, which refers to the temporality of childhood, a phrase coined by Allison James in the 90s (James, Jenks, & Prout, 1998). Thus, CRS research considers the temporality of childhood and to focus on children's presence rather than their future lives as adults.

Fifth, CRS has started to contribute to theoretical understandings about how children's rights and the CRC are applied in various contexts, including child and youth service delivery systems (Hanson, 2014; Reynaert et al., 2010) as opposed to mainly focusing on monitoring and implementation of the CRC (Polonko & Lombardo, 2015; Marshall, 1999; Reynaert et al., 2012; Quennerstedt, 2010) although researchers have focused on this important area as well (Polonko & Lombardo, 2015; Reynaert et al., 2009; Woll, 2000; Quennerstedt, 2011).

Finally, while understandings about children's rights that stem from the CRM have been used mainly by lawyers, advocates, activists, NGOs and child rights stakeholders (Poretti et al., 2013), ideas stemming from CRS have largely been explored by scholars who have conducted children's rights research (Reynaert et al., 2009; Moody & Darbellay, 2019; Quennerstedt, 2013; Verhellen, 1998) considering the academic motivation of CRS as a field of study. This type of research is important because it can inform and enrich the practices that child and youth advocate institutions as well as other organizations draw on to operationalize rights in practice. Overall, the main discourse emphasized by CRS include the discourse of the vulnerable child in need of protection, the CRC as a standard-setting instrument, children as rights-holders and subject positions, and children as present beings as opposed to individuals in the process of developing. CRS has paid particular attention to how context impacts these understandings of childhood from the perspective of academics and scholars.

Childhood Discourses Emphasized by Childhood Studies

Whereas childhood discourses stemming from the CRM and CRS have been derived primarily from the legal discipline, discourses emphasized by CS are important to

unpack because they reveal new ideas about children as meaning makers in their own lives as well as the importance of taking a socio-cultural viewpoint to studying childhood. CS also provides insight into recognizing the strength of developmental psychology in institutions for children and the importance of critiquing these limited understandings about rights and participation. In relying solely on discourses emphasized by the CRM and CRS, there is an absence in understanding how context and culture impact children's lives. When exploring how rights are translated into practice by child and youth advocates, these ideas are important because they speak to the ways that organizations are impacted by context, politics and the cultures that define childhood. If child and youth advocate institutions rely solely on understandings about children from a legal perspective, ideas about participation, voice and agency will be limited and potentially exclusionary to children and youth with whom they engage. I therefore review the context and development of childhood discourses emphasized by CS as these concepts are important for understanding how to adequately translate rights into practice.

Ideas about children were initially based on the premise that young people were considered miniature adults or properties of their parents (Aries, 2005). Childhood was therefore viewed as a short phase of life for young people until they were able to contribute economically to society and provide income to help support their families (Ryan, 2008). It was not until the agricultural era evolved into the industrial revolution that children's place in society shifted. Young people were no longer needed on farms and started to work alongside adults in factories where it was quite common for young people to work in unsafe environments because *Factory Acts* authorized child labour up until the early 19th century (Aries, 2005). During this time, children were recognized as

vulnerable and in need of protection. As a result, children were taken off the streets and put into their homes or schools. Young people's role in society transformed by the mid-19th century with the establishment of the education system. Although many children started to attend school fulltime, they were still not viewed as a distinct social group (Aries, 2005; Thorne, 2009).

By the beginning of the 20th century, childhood was recognized as a distinct separate phase in life as children and youth came to be known as persons rather than objects (Ennew, 2000; Jans, 2004). Developments in the education system, the child welfare system, and the youth justice system began to emerge as legislation was created to ensure young people were removed from abusive or harmful situations, particularly in the family setting (Hanson, 2014). The interest in children's viewpoints and voices first emerged in women's studies and anthropology and ideas about children as muted voices were percolating prior to the CRC (Hardman, 1973). Later in the 20th century, at the same time the CRC drew attention to children's right to participation, scholars started to explore the concept of children as participants in society and the *Sociology of Childhood* (Corsaro, 1997; Freeman, 1998; James et al., 2002; Mayall, 2000, Thorne, 2009) developed to offer re-conceptualized viewpoints on childhood. In their (1997) book, "*Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*" childhood scholars Allison James and Alan Prout presented a model that critiqued developmental approaches to further emphasize that children are active agents in their lives.

As the CRC emphasized the evolving capacities of the developing child, sociologists and anthropologists began to offer critical insights towards dominant, deficit-

driven notions of children's experiences deeply embedded within traditional developmental psychology, social work, youth justice and psychiatric frameworks such as the DSM-system (Mitchell, 2003; Thorne, 2009) drawn upon by many policy makers, and professionals that work with young people. Scholars revealed that in universalizing childhood, dominant discourses portrayed children as passive recipients in the linear trajectory of processes related to development (Corsaro, 1997; James et al., 2002; Mayall, 2000, Thorne, 2009). Although young people do grow and develop in terms of their physical and intellectual capacities, the ways in which childhood is socially, culturally and politically constructed have profound implications: "The immaturity of children is a biological fact of life but the way in which this immaturity is understood and made meaningful is a fact of culture" (James & Prout, 1997, p. 7-8). A sociological and anthropological perspective served to emphasize the importance of focusing more so on the possibilities of children, as opposed to their needs. Despite this recognition, children's needs are still prioritized in institutions for children, as opposed to their possibilities and participation rights.

Scholars revealed that the conceptualization of young people as vulnerable beings was a direct result of adult thought and action (Mitchell, 2003; Mayall, 2002; Moss & Petrie, 2002). The *Sociology of Childhood* (Corsaro, 1997; James et al., 2002; Mayall, 2000, Thorne, 2009) therefore uncovered that conceptualizing children and youth as vulnerable individuals in the process of becoming contributed to the notion of children as passive recipients in the linear course of development. Moss and Petrie (2002) explain that foundational stages of early childhood each lead to the next level of development and as a result, the younger the child, the more the child is considered lacking or incomplete.

Children and youth therefore represent their potential as future adults while they develop towards a matured intellect and skill capacity (Thorne, 2009). Scholars have also suggested that children's experiences are socially constructed, and they become both imminent and passive recipients. These discourses are produced by adults and are reinforced in institutions and through policies, practices, and ideas that shape and construct notions about children's best interests (Corssaro, 1997; James & Prout, 1997; Moss & Petrie, 2002; Spencer & Sinclair, 2017). Young people are conceptualized as individuals that require shelter and protection while they develop into mature and capable beings (James & Prout, 1997; Moss & Petrie, 2002; Thorne, 2009). The issue with these conceptualizations is that they do not account for the socio-cultural elements of childhood, nor do they provide spaces for young people to participate in social and political spheres of their everyday lives.

Although traditional expert models often subsume the perspectives, viewpoints and experiences of children and youth within their disciplinary silos, the "new" sociology of childhood acts as a clearer lens to view young people as capable beings who can make meaning of their own and adults' lives. The *sociology of childhood* scholars highlight the need to challenge developmental frameworks underlying discourses surrounding children and childhood in an attempt to distinguish the lived experiences of young people in different contexts and cultures (Corsaro, 1997; Matthews, 2007; Mayall, 2002; Mitchell, 2003; Ryan, 2008; Spencer & Sinclair, 2017).

Indeed, the lived experiences of certain groups of children tend to be excluded when applying a developmental conception of childhood (such as, newcomer youth, children with exceptionalities, indigenous youth, children and youth in care of the state,

young people involved in the justice system, homeless youth, etc.) because factors such as culture and context are not considered. While certain aspects of the CRC uphold the image of the developing child and others promote the participation of young people (Reynaert et al., 2009; Vandebroek & Bouverne-De Bie, 2006), the social study of childhood critiques the developmental framework to suggest that children are social beings and meaning makers in their own lives who can foster meaningful relationships outside the exclusive parent-child relationship. The CRC does recognize the importance of relationships in childhood, especially those in the family but this is because the law reinforces the notion that young people remain dependent on their family through adult-child dualisms. Sociological understandings stretch beyond these dualisms to recognize the need to account for diverse relationships in the lives of young people.

In the same way CRS has highlighted the evolving capacities of the child, the social study of childhood developed the discourse of children's agency (Freeman, 1998; Jans, 2004). While both concepts relate to child participation, the social study of childhood has focused more so on the importance of context and culture pertaining to childhood agency (Spyrou 2011; Stephens, 1995). Understandings about agency and participation reveal that it is quite possible for certain groups to be excluded from participating when context and culture are not considered. Caputo (2017) recognizes that child participation is far beyond including the voices of children and explains the complexities of the concept of participation to also include valuing children's informed perspectives as human beings who should be able to engage in decision-making processes. In recognizing how power relationships enable or disable young people from

engaging in certain processes, important components of the concept of participation start to appear.

Scholars have explored the complexity of participation through a political lens to analyze how power relations govern children's engagement. Taft (2006) uncovered how school-aged girls refused to identify with politics as an attempt to highlight inequality and injustice experienced by women and youth. Although girls were offered opportunities to participate in political engagements, power imbalances ultimately governed the girls' decisions to refrain from identifying and participating in the political sphere. While many of the girls expressed an interest in politics through their affiliations with school clubs and initiatives, many of them did not participate in activities related to activism and community issues because they chose to reject politics (Taft, 2006). A social study of childhood standpoint therefore reveals the ways power can govern childhood notions such as participation and agency while this analysis of power may not necessarily appear through the laws approach to child autonomy and participation. Although various child participation theories and models have developed internationally (Hart, 1992; Hill, Davis, Prout & Tisdall, 2004; Hinton, 2008; Jans, 2004; Lundy, 2007, 2018; Percy-Smith & Thomas, 2009; Powell & Smith, 2009; Shier, 2001; Stoecklin, 2013; Tisdall, 2008, 2016), an analysis of these ideas and models are required in order to understand how child participation is conceptualized and implemented in practice within child-serving institutions. In particular, within child and youth advocate offices and how participation mobilizes in the practices of these offices.

Child Participation Theories and Models of Child Participation

The CRM, CRS and CS, while different, have all played a significant role in recognizing and promoting children's participation in political and social spheres. Since the end of the 20th century, scholars have continued to heavily focus on children's participation in political and social contexts (Hart 1992; Shier, 2001; Jans, 2004; Percy-Smith & Thomas, 2009; Stoecklin, 2013). Research has analyzed young people's experiences with collective participation in governance, youth councils, youth parliaments, advocacy initiatives, service delivery systems and policy consultations with young people (Jans, 2004; Lansdown 2014; Lundy, 2018; Percy-Smith & Thomas, 2009; Gal & Duramy, 2015). Yet the concept of child participation in both theoretical and practical spheres, has remained complex and controversial (Lansdown, 2014). Although under the CRC, specific articles state that young people may have differing views compared to adults and have a right to make decisions through: Article 12 (a child's views being given due weight in matters affecting the child), Article 13 (freedom of expression), Article 14 (freedom of thought, conscience and religion), Article 15 (freedom of association and peaceful assembly), Article 16 (the right to privacy) and Article 17 (access to information); challenges continue to remain. Specific challenges include issues surrounding tokenism, accountability, sustainability and decision-making outcomes (Lundy, 2007; Percy-Smith & Thomas, 2009; Tisdall, 2016).

Ideas about child participation initially focused on the necessity, impact, and importance of children's participation following the development of the CRC (Hart, 1992). By the beginning of the 21st century, however, childhood scholars built on the importance of child participation and started to explore theories pertinent to the concept

of *voice* and elevating the voices of young people, as an important component of children's participation (Hart, 1992; Sinclair, 2004). Scholars critiqued this concept to highlight the difference between a young person projecting their voices and voicing their opinions and young people being taken seriously, listened to, and heard by adults (Kellett, 2009; Lansdown, 2014; Lundy, 2007; Lundy, 2018; Tisdall, 2008). Researchers also highlight that youth voice alone can often not effectively impact meaningful outcomes for young people (Lundy, 2007; Tisdall, 2008) and reveal the need for theories to focus on how young people's voices are responded to in policy and practice as well as the reality of young people's experiences and lives more practically (Cockburn, 2005; Percy-Smith & Thomas, 2009). The term *meaningful* participation was coined to highlight the difference between tokenistic participation and child participation that was considered authentic and effective (Lansdown, 2001). Various models of child participation have evolved over the past 30 years that highlight how the concept has been refined and developed.

In 1992, Hart developed a ladder of children's participation based off of Sherry Arnstein's (1969) adult participation model, which includes eight levels of participation (see Figure 1).

Figure 1. Hart's (1992) Ladder of Participation Model

As one of the rungs on the participation model, Hart (1992) classified *tokenism*, along with *manipulation*, as a form of non-participation in children's decision making and referred to these concepts as instances when children's views and experiences are sought by adults but are not actually taken seriously by them. While scholars have identified strengths of the model for its effectiveness in evaluating and assessing children's participation, others have critiqued the model. For instance, scholars have pointed to the linear nature of the model, as well as the unequal and hierarchical imbalance of power between adults and children in regard to granting them participation outcomes (Kirby & Gibbs, 2006). Others have also argued that the model ignores adult's inability to enable participation for children (Kellett, 2009) and have attempted to improve it by rearranging the main components into a circle to deconstruct the hierarchy. Shier (2001) offered an

alternative approach to Hart's (1992) child participation model, known as pathways to participation. Shier's (2001) model outlines different levels of participation which focus on collaboration between adults and children and adult's role in granting children participation. The model encompasses three stages of commitment at each individual level: *openings*, *opportunities* and *obligations* that individuals and organizations can apply to promote child participation. Kirby and Gibbs (2006) have critiqued the model to highlight that initiatives and experiences cannot be attributed to one single level of participation and decision-making powers rapidly shift depending on context. They further suggest that the model fails to identify how children engage in decision making and the different types of supports adults can offer to account for diverse and changing experiences and differences amongst young people.

The Lundy Model of Participation (2007) developed from confusion about practitioners' obligations regarding the understanding and implementation of Article 12 of the CRC. The aim of the Lundy Model of Participation (2007) was to provide a clear conceptualization of Article 12 for practitioners working with young people in an attempt to highlight how to implement children's participation in *meaningful* ways. The four main components of the model include space, voice, audience and influence (Kennan, Brady, Forkan, 2018; Lundy, 2007). *Space* entails a safe and inclusive environment for young people to express themselves; *voice* includes the facilitation of young people's expressions of their perspectives; *audience* includes members or individuals who listen to young people's views; *influence* includes action based on young people's views (Lundy, 2007). While the model highlights the importance of reaching beyond the concept of voice to understand child participation, it also aims to deconstruct power imbalances

between adults and children (Lundy, 2017). Numerous scholars have identified strengths of the model and its contribution to the concept of meaningful participation that entails more than just the concept of voice (Kellett, 2009; Kennan, Brady, & Forkan, 2018; Tisdall, 2008). McCafferty (2017) analyzed Lundy's (2007) model to show examples of how professionals working with young people in different service delivery sectors (specifically, in child welfare) can apply these components in a way that effectively implements Article 12 of the CRC.

Lansdown and O'Kane (2014) developed a child participation toolkit comprised of six booklets that provide a conceptual framework of child participation along with tools for measuring and evaluating child participation that are useful for child-serving organizations, civic society stakeholders, and governments to implement when working with young people. In booklet one, they outline the basic requirements of ethical participation which stem from Article 12 of the CRC; the rights of the child to express views in matters that affect their lives (Lansdown & O'Kane, 2014; United Nations, 1989) According to Lansdown (2011) the nine basic requirements that comprise quality participation, include: transparent and informative, voluntary, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk and accountable to young people. In addition to the basic requirements, Lansdown & O'Kane (2011) also describe three types of participation. *Consultative* participation is a level of participation that is adult initiated, led and managed by adults, recognizes that children have valuable contributions, enables children to influence outcomes, and adults maintain control in this model (Lansdown & O'Kane, 2014). *Collaborative* participation is a level of participation that is adult initiated, includes partnerships with young people, enables them

to have influence on outcomes over a period of time and children have self-directed actions (Lansdown & O’Kane, 2014). Finally, *child-led* participation is a form of participation where children work together to organize their activities, they identify issues they would like to focus on, adults are facilitators rather than leaders and children are in control of the process (Lansdown & O’Kane, 2014). The toolkit was developed because of issues the authors identified pertaining to child participation. For instance, the lack of commitment from countries to develop legislation and policies for child participation, the lack of research on sustainable approaches to child participation, the need for improved tools to measure the work being carried out on child participation, the UN Committee on the Rights of the Child’s identification of poor quality of child participation and cultural barriers, and adult resistance and the overall lack of clarity regarding the concept of child participation (Lansdown & O’Kane, 2014).

One of the main tensions that continues to exist in the debates and practices surrounding children’s participation is the concept of tokenism. Lundy (2018) argues that since the 20th century, instances of tokenism have often dominated children’s meaningful participation in projects and initiatives (Lundy, 2018). The author explains that although this still may be the case in today’s 21st century, instances of tokenism are not always negative according to certain groups of young people involved in collective participation activities. Lundy (2018) revisited debates about tokenism to re-evaluate traditional perspectives on the impact of tokenism in child participation. She revisits Hart’s (1992) model of child participation to highlight that although it may be problematic to take a tokenistic approach to working with children, it is better than not attempting to engage young people in participation opportunities. Lundy (2018) reveals that scholars who have

critiqued Hart's (1992) model have failed to engage their own definition of tokenism or simply refer to this definition and model; although Tisdall (2015) has provided an alternative definition that refers to instances where young people are consulted on their views but have little impact on decisions and outcomes. To remedy issues of tokenism, Lundy (2018) suggests that there should be more of a focus on the type of feedback adults provide to young people's participation initiatives through her '4 F's' framework, which includes feedback that is *full, friendly, fast* and *followed up*. In applying these components, Lundy (2018) explains that instances of tokenism will evolve into forms of respectful dialogue with young people.

Conclusion

The CRM, CRS and CS are approaches that develop the concepts of children and childhood in ways that are both distinct and at times also overlap. Conceptually, the CRM, CRS and CS share some interests in emphasizing discourses about children and childhood. These approaches, however, differ in that the CRM stems from a social movement that focuses on advocacy, activism, practice and implementation, whereas CRS and CS have emerged from an institutional perspective that emphasizes critical thinking about childhood and children's rights in different contexts (Hanson, 2014; Tisdall & Punch, 2012) which result in theoretically different worldviews about children and childhood. Politically, the CRM works from an advocacy/policy approach looking for consensus to implement particular policies for social change, whereas CRS and CS are politically committed to exploring, analytically, how to understand children's situations in context in order to inform policy and advocacy more fully. The concept of child and youth participation is related to all three approaches, although each approach

conceptualizes participation in different ways. Overall, the CRM emphasizes the protectionist discourse, the interventionist discourse, the discourse of the child as adult property, and the rights-bearing individual child. CRS on the hand, emphasizes the discourse of the vulnerable child in need of protection, the CRC as a standard-setting instrument, children as rights-holders and subject positions, and children as present beings as opposed to individuals in the process of developing. CRS also highlights how context impacts these understandings of childhood from a scholarly viewpoint.

This chapter sets the foundation for the study's focus on children's rights, childhood theories, as well as theories and models of participation as they apply in advocacy contexts. I unpack the CRC, it's main components and how the document works to understand issues surrounding implementation of children's rights. I also provide an overview of the history of the CRM and CRS to distinguish the different children's rights theories that have emerged from these distinct approaches. An overview of the childhood discourses emphasized by CS reveals that CRM, CRS and CS have impacted one another and childhood discourses, yet they all produce diverse understandings about children and youth that continue to inform the way theory translates into practice; especially within child and youth advocacy institutions for young people. A review of the literature reveals that limited research has focused on how these understandings translate into practice with children and youth. Given the study's specific focus on the concepts of voice, agency, participation and rights, an overview of these theories and key child participation models are central to developing an understanding of child and youth advocacy and how these concepts are operationalized in child and youth advocate institutions. Chapters Five, Six and Seven reveal how these theoretical concepts

materialize in child and youth advocate offices to contribute to a broader understanding of child and youth advocacy.

CHAPTER 3 – ORGANIZATIONAL APPROACHES OF CHILD AND YOUTH ADVOCACY

One of the objectives of this dissertation is to examine how meanings of the concept of advocacy are refracted, produced and reproduced by organizational structural features and to understand how the concept of advocacy is constructed and related to children's and young people's experiences by provincial and territorial child and youth advocate offices. The research also seeks to explore how concepts of advocacy come to have significance in the lives of child and youth advocates and how they negotiate these concepts in their daily routines. The project aims to understand how children's rights are operationalized in practice and in this instance, in child and youth advocate offices.

Given the complexity of the research aims, I draw from several theoretical locations. I adopt organizational theory to explore the structure, culture and politics of child and youth advocate institutions as well as how these organizations function and the practices, interactions and behaviours that contribute to understanding the meaning of the concept of advocacy in the lives of child and youth advocates (Fayol, 1949; Mayo, 1949; Shafritz, Ott & Jang, 2011; Singh, 1983; Taylor, 1947; Weber, 1947). Adopting this framework also enables an exploration of how the concepts of children, childhood, rights, agency, voice and participation are understood by advocates and their institutional structures, and how they translate into practice through organizational practices and behaviours to impact the lives of children and youth. In taking this approach, I respond to childhood studies scholars who call on researchers to focus on how the rhetoric of children's rights translates empirically into practical contexts (Hanson, 2014; Quennerstedt, 2013; Reynaert, Bouverne-De Bie & Vandeveld, 2009; Reynaert et al., 2012; Vandenhoe et

al., 2015); in this case, child and youth advocacy institutions and the practices employed by advocates to produce advocacy that is framed by the CRC. In order to understand how organizational theory works in the context of child and youth advocacy offices, it is important to draw on the key childhood discourses outlined in Chapter Two that inform and shape these organizations and the practices that advocates engage in to operationalize rights in practice. For example, key childhood discourses stemming from the CRM, CRS and CS are embedded within the structures, policies, mandates, legislation and practices of advocate offices and are central to exploring how these organizations function and the practices they employ to deliver advocacy services to children and youth. Key theories and models of child participation are also central to understanding how advocate offices engage children's participation rights by applying these models in practice.

By employing an organizational lens to exploring child and youth advocate institutions, I shift the research focus of children's rights and childhood studies from the *narrow confines* of the *individual child* to a focus on the broader *relational* and *interdependent* aspects inherent within institutions for children. This focus is a response to childhood studies scholars Spyros Spyrou, Rachel Rosen and Daniel Cook (2018) who call for: *a re-imagining of childhood studies*. These scholars argue that approaches to CS and CRS should be explored broadly to move beyond the focus on children directly, in order to understand contextual and broader issues in the field. They refer to this approach as *decentering* childhood studies. I make use of organizational theory as a way to respond to their argument to focus on broader understandings of how knowledge is produced that includes children but is not centered on them. Organizational theory seeks to understand how structures, politics, relationships, practices and environments contribute to how

organizations work. In the context of this project, this includes how these broader organizational components impact child and youth advocacy. Therefore, this focus is not centered on children, it is about how these structures and organizational frameworks and the relationships contained within them are relational and interdependent and how they ultimately impact the type of advocacy services that are produced with or for children. Collectively, it is the organizational structures, policies, legislation, mandates and practices of child and youth advocates that contribute to an understanding of how children's rights are translated in practice within child and youth advocate institutions. Given that little attention has been paid to how children's rights translate in practice (Hanson, 2014; Quennerstedt, 2013; Raynaert, Bouverne-De Bie & Vandeveldel's, 2009; Reynaert et al., 2012; Vandenhoe et al., 2015), the use of organizational theory to understand how rights are operationalized in advocate institutions makes a significant contribution to the CRS and CS literature.

This chapter outlines organizational theory and unpacks the various concepts that comprise this theoretical approach. In unpacking organizational theory, I analyze three key approaches: classical organizational theory, neo-classical organizational theory, modern organizational theory and also reveal the critiques of each approach. I provide justification for the selection of organizational theory in the context of this research and explain why and how these particular theoretical approaches assist in making meaning of the empirical findings to align with the research objectives. I end with an overview of how specifically, organizational theory serves as a valuable framework for interpreting empirical Chapters Five, Six and Seven.

Organizational Theory

Organizational theory seeks to understand organizations' relationships with environments and the individuals and groups within the social organizations in which they operate (Scott, 1961; Shafritz, Ott & Jang, 2005). Organizational theory sheds light on how organizations work in different ways to achieve social change, reinforce institutional hierarchies, and how organizational culture contributes to specific services or initiatives that organizations offer (Clarke, 1991; Handel, 2003). Adopting an interdisciplinary approach, grounded in economics, social psychology, sociology, anthropology, law, philosophy and human relations (Morgan, 1986; Pfeffer, 1982) organizational theory highlights why and how organizations operate the way they do and reveals the complexities that shape these social practices. Organizational theory is complex and explores a range of different approaches to examining organizations, but ultimately, at the centre of its focus is understanding *why* and *how* organizations operate the way they do and the implications of these practices, behaviours and structures (Handel, 2003; Shafritz, Ott & Jang, 2005). Contained within organizational theory are a variety of organizational models, theories and lenses that collectively explore organizations. However, there are three main theoretical models of organizational theory: classical organizational theory (Fayol, 1949; Taylor, 1947; Weber, 1947), neo-classical organizational theory (Mayo, 1949; Singh, 1983), and modern organizational theory (Clegg, 1990).

Classical organizational theory, also known as traditional theory, was the first stream of organizational theory that developed (Shafritz, Ott & Jang, 2005) and focuses primarily on *formal structures* of organizations and how these systemic structures are

developed and operate to achieve the mandates or objectives of an organization. It adopts a static view to explore the anatomy of organizations and the technical components that comprise the organization. As a result, classical theory explores the importance of structural systems as opposed to the behaviours and relations of individuals and groups that inhabit them. Within classical organizational theory are three main streams of thought: scientific management (Taylor, 1947), the bureaucratic approach (Weber, 1947) and administrative management (Fayol 1949).

Scientific management was developed by Fredrick Taylor (1947) and is based on the premise that planning contributes to work efficiency and productivity which can be established through scientific selection and training of workers. Scientifically managing workers within organizations ultimately contributes to enhanced work productivity. The bureaucratic approach was established by Max Weber (1947) who argued that hierarchical positions within organizations are essential to achieve order and work productivity. Weber emphasized the importance of bureaucracy and structural systemic processes in establishing organized human activity within organizations. Finally, Henri Fayol (1940) developed the concept of *administrative management* which is based on 14 guiding principles to understanding management within organizations. Administrative management focuses on the impact of organizational management and improving management in order to enhance work production. Therefore, attention is paid to the role management plays within the organization, in comparison to Taylor's (1947) focus on scientific management and Weber's (1947) emphasis on bureaucracy. Collectively these strands have significantly contributed to the development of classical organizational theory. Overall, while classical organizational theory is useful for its focus on

understanding the formal systemic structures of organizations, it does not examine the impact of human nature and as a result, has been critiqued for this limited focus (Clarke, 1991; Zey, 1998).

Comparatively, *neo-classical organizational theory*, focuses primarily on *people*, their *behaviours* and *interactions* within organizations, in addition to the formal structures of organizations (Hatch, 2018; Singh, 1983). Developed as a response to classical theory's lack of focus on human relations and social interactions, neo-classical organizational theory concentrates on human beings within organizations and how to structure, motivate and support these individuals. With a focus on human relations, this approach analyzes what motivates individuals and groups to behave in certain ways and what provokes these behaviours within organizations. Contained within neo-classical organizational theory are two main schools of thought: *human relations* and *organizational behaviour* (Komives & Woodward, 2003). These approaches are related given that they focus on how individuals and groups behave and how collaboration and relationships impact organizations as opposed to solely analyzing the operation of formal and systemic structures (Likert, 1961). Elton Mayo (1949) developed the human relations approach as he studied how to change working conditions through the Hawthorne Experiment⁸ which contributed to a new conceptualization of workers within organizations. Mayo (1940) revealed that rather than focusing solely on cost reduction and efficiency, attention should be paid to the needs of individuals, which in turn, benefits the organization as a whole because conditions are improved for workers, which

⁸ The Hawthorne Experiment revealed the importance of work relations within organizations and found that the relationships that supervisors have with their workers impacts production and how work is carried out (Mayo, 1949).

ultimately motivates work ethic. The organizational behaviour approach serves to personify human traits within organizations to highlight that it is not the actual organization that performs, but instead, it is the people within the organization that are responsible for what is achieved (Komives & Woodward, 2003). As a result, organizational behaviour constitutes the relationships and interchange of organizational actors, and organizational events refer to the attitudes, perspectives and practices of these actors. At the centre of human relations and organizational behaviour is the idea that collaboration and relationships within the workplace fuels the coordination of activities and production. While neo-classical organizational theory extends classical organizational theory, one limitation of this approach is that human behaviours are complex and as such, it may be difficult to understand exactly what influences individuals and groups to act the way they do within organizations (Zey, 1998).

Finally, *modern organizational theory* takes a collective and fluid view to understand how a range of different components contribute to the overall organization through a relational approach (Hatch, 2018; Hunter, 1986). For example, this approach examines how interactions between individuals, groups, processes, the environment and the formal structure of an organization impact the organization as a whole on different levels and to different degrees (Clegg, 1990). Thus, this approach combines both classical organizational theory, neo-classical organizational theory and also explores the complexity and interconnectedness of organizations to various elements; it does not rely solely on one explanation or component to analyze the organization (Haire, 1959). Rather, it is multidisciplinary, inductive and adapts based on changes within different environments and does not offer a pre-determined or static response to exploring

organizations. Through two key approaches: *systems theory* and *contingency theory*, modern organizational theory explores the strategic parts of the systems, the nature of their dependency, the processes that link the parts together, the goals of organizations and how they achieve these goals (Donaldson, 2001; Hatch, 2018).

Systems theory conceptualizes organizations as complex systems that are made up of interrelated assemblages, relations and subsystems that form a unitary whole (Caldwell, 2012; Kast & Rosenzweig, 1972). The emphasis is placed not only on each individual part that constitutes the organization, but on the complete system as a collective. Emphasis is placed on the *internal* dynamics of the organization's structure, including the behaviours and interactions within it (Dooley, 1997). The system of the organization also interacts with its environments; without interaction, the system is incomplete and cannot be understood. Interaction is key to the organization's survival. Organizations that are considered effective are ones that adapt to their environments. These environments can be static or dynamic and vary depending on the contexts in which they are situated. Once an organization adapts to environmental and contextual changes, it relies on its actions, interactions, behaviours and messages that are carried out by the individuals and groups which inhabit the organization (Donaldson, 2001; Metcalfe, 1974). These processes influence the output of the organization and what it achieves or fails to achieve.

Contingency theory is an approach that does not rely on pre-determined best practices or regulations to understand organizations (Donaldson, 2001). Instead, this theory suggests that organizations are dependent on the changing contexts in which they are situated (Burns & Stalker, 1961; Lawrence & Lorsch 1967). The central premise of

contingency theory is that organizations are contingent on their environments which ultimately shape the structure, behaviour, interactions and outcomes of the organization (Pennings, 1992; Woodward, 1965). The organization is malleable to its contingencies to achieve maximum effectiveness. Contingency theory relies primarily on the organization's *external* factors that contribute to its structure and behaviour; this constitutes the main distinction between contingency theory and systems theory. Collectively, systems theory and contingency theory are two primary approaches that constitute modern organizational theory. Modern organizational theory has been critiqued for its abstract focus on organizations (Hunter, 1986).

Central to organizational theory is the concept of *practice* (Gherardi, 2011; Nicolini, 2013; Simpson, 2010; Warde, 2005). The notion of practice is important in an organizational context because as Schatzki (2001) contends, “phenomena such as knowledge, meaning, human activity, power, language, social institutions and human transformation occur within and are aspects or components of the field of practice” (p. 2). Practice contributes to an understanding of how experience and action inform human conduct and how engaging in certain practices leads to agency and social change in organizations (Giddens, 1984; Nicolini, 2013). These ideas are relevant to this PhD thesis given the mandates of child and youth advocates to change and challenge decision making processes and service delivery systems that negatively impact children and youth. I therefore highlight the value of organizational theory and in particular, its two main models, neo-classical organizational theory and modern organizational theory to make meaning of the empirical findings in relation to the project aims and objectives.

In Chapter Five, for instance, when exploring the meaning of child and youth advocacy in contemporary 21st century contexts, neo-classical organizational theory is useful for understanding what constitutes child and youth advocacy, the role and function of child and youth advocates, as well as the type of advocacy that advocate offices carry out, including: individual and systemic advocacy, investigations of child deaths/inquests and education and outreach. Neo-classical organizational theory provides a lens to understand the ways in which advocate offices are structured by their legal mandates and by the advocates that inhabit these offices. These legal structures and the individuals guiding the offices, ultimately contribute to an overall conceptualization of child and youth advocacy and the types of advocacy services that are carried out with and for young people within these institutions. In addition, the conceptualizations advocates hold about children and childhood which stem from the CRM, CRS and CS, shape their interactions with young people within the offices and their interpretations of the mandates that frame these institutions. While the office mandates and policies outline the advocacy objectives of the institutions, it is the human relationships, behaviours, practices, and interactions of the advocates, administrative staff, frontline workers, investigators, communication staff and young people that they engage with, that bring these mandates to life. These practices, interactions and behaviours are a result of the *design* of the systems governing advocate offices as well as the support that advocates' and their staff receive and the degree to which they engage in the different forms of advocacy; with or without children and youth. Moreover, the different organizational barriers, such as limited capacity and resources, contribute to the work the advocates engage in and the initiatives that they prioritize. Particular organizational resources and opportunities also

help to advance the quality and focus of the advocacy services which impacts what the offices can or cannot achieve for individual children, groups of children, and the public at large. These organizational and social practices are important because they have implications for young people's lives and ultimately determine what type of advocacy services are delivered, as well as which young people have opportunities to benefit from advocacy services and which children and youth are excluded or silenced.

Modern organizational theory is beneficial for understanding the complexity of child and youth advocacy, especially in the Canadian context. Given the diversity of each of the child and youth advocate offices across Canada, as well as their geographical location and the different social populations that they serve, this theory assists in revealing the distinct ways that child and youth advocate institutions are designed and developed to cater to specific groups of children and through distinct approaches. Considering the offices engage in various forms of advocacy, it is important to explore the different factors and subsystems that contribute to a broader understanding of advocacy in child and youth advocate institutions. In addition to understanding these structures and subsystems, a central aspect that contributes to understanding the concept of child and youth advocacy is the environmental circumstances that shift and respond in various ways to the types of advocacy carried out by the offices. As one example, modern organizational theory assists in revealing what happens when a child and youth advocate office that works to implement children's rights closes down and shifts organizational roles to an ombudsman office that does not have a direct focus on children and youth. Both neo-classical organizational theory and modern organizational theory are useful

frameworks for understanding the meaning of child and youth advocate offices as evidenced in empirical findings outlined in Chapter Five.

In Chapter Six, neo-classical organizational theory and modern organizational theory also assist in understanding the culture of child and youth advocate offices and how rights are operationalized in practice. I highlight the organizational practices and politics that impact advocacy organizations, and in particular, the importance of multidisciplinary advocate teams and skillsets as well as tools and resources that assist in implementing rights, including: information management tools, educational resources, policies, social media, children and youth, and budgets and funding. I also reveal the importance of relationships and partnerships with the CCCYA, government, child and youth serving organizations, civil society, and children and youth in carrying out advocacy and implementing rights in practice. These components are a result of the organizational structures, environments, interactions, behaviours and practices that contribute to an understanding of child and youth advocacy and the way it is facilitated at different levels and with various groups of individuals.

Finally, in Chapter Seven, I explore how key concepts such as voice, agency, participation and rights are operationalized in practice by child and youth advocates and their institutional structures. Neo-organizational theory and modern organizational theory serve as platforms to understand how these ideas materialize in child and youth advocate offices as well as best practices moving forward that may enhance the quality of advocacy services in Canada. These ideas are important because they reveal how organizational frameworks create spaces for the facilitation of young peoples' voices, agency and participation. On the other hand, they can also limit opportunities for young

people to express their voices and viewpoints, or their participation rights all together. Key discourses of children and childhood that are produced by the CRM, CRS and CS ultimately guide these frameworks and practices.

While the structures of the offices are important to understanding the concept of advocacy and how rights are operationalized in practice, so too are the people, behaviours, interactions and systems that occupy these structures. For example, a child and youth advocate office does not perform, but rather, the advocates, staff and people involved in these organizations as well as the social, political and cultural processes they engage in, are responsible for what is accomplished and what is not. Therefore, while classical organizational theory is useful for understanding part of the project objectives, neo-classical organizational theory and modern organizational theory provide a lens to explore the complexity of child and youth advocacy and the offices that deliver advocacy services. Organizational theory relates to the dissertation objectives because it focuses not only on how child and youth advocate offices function and are structured, but also, on how these organizational structures contribute to the ways advocacy is, or is not, carried out, and in which ways practices and behaviours ultimately impact the lives of young people. Through this lens, findings reveal how ideas about children, childhood and rights are operationalized in practice. This approach is important because it responds to children's rights and childhood studies scholars call for researchers to focus on how the rhetoric of children's rights translates empirically in practice (Bendo, 2019; Hanson, 2014; Quennerstedt, 2013; Reynaert, Bouverne-De Bie & Vandeveldel's, 2009; Reynaert et al., 2012; Vandenhoe et al., 2015). For example, as Reynaert, Bouverne-De Bie and Vandeveldel (2009) contend:

In analysing our findings, we can ask whether the children's rights discourse defines an alternative way of *dealing with children* and could be considered as a counter-movement vis-a-vis the process of educationalization. Or – rather than presenting a break with 'old' childrearing paradigms – is the children's rights discourse a continuation or even radicalization of this old paradigm and is the evolution in the conceptualization of childhood relatively modest (Simon and van Damme, 1989)? This question – although already stated in 1989! – presents a contemporary research agenda for children's rights for the coming decades. Further research in the field of children's rights along these lines could bring a better understanding in this rather undertheorized domain of social science. *Research that provides empirical evidence on the impact that the rhetoric of children's rights has in daily practice assumes a shift from analysing the text of the UNCRC towards examining the contexts in which the UNCRC is applied.* (p. 529)

The empirical chapters in this dissertation reveal the impact that the rhetoric of children's rights has in the daily practice of child and youth advocates and their organizational structures. In particular, how child and youth advocates *deal with children* in advocacy organizations which oftentimes extend *old* paradigms, rather than presenting new ones. I make use of these empirical chapters, and in particular, Chapter Seven, to highlight the value in shifting these paradigms to extend new ones and achieve what additional childhood studies scholars Spyros Spyrou, Rachel Rosen and Daniel Cook (2018) argue for: *a re-imagining of childhood studies*. These scholars argue that it is time to re-imagine childhood studies by *de-centering the field*, to move the focus beyond the individual child

and the concepts of voice and agency. In doing so, scholars will be able to explore real-life emerging concerns, which escape the narrow confines of a *child-centered* field of study (Spyrou, Rosen & Cook, 2018). My research project extends this call to decenter children's rights to be relational and interdependent rather than focusing on the individual child in advocacy institutions to follow this novel move in childhood studies. Through an organizational lens, this move becomes possible.

CHAPTER 4 – METHODOLOGY, METHODS AND PROCEDURES

This chapter presents the research design and strategies underpinning this study. The chapter begins by analyzing the significance of qualitative methodology and why it was selected as the most logical approach to address the aims of the research project. It then provides an overview of the paradigm of interpretivism along with my philosophical worldviews and outlines the research techniques that were used including the sampling procedures, participant selection and recruitment, a demographic profile of the participants, and the research procedures that were employed. A discussion of the research methods and the techniques that were adopted for data analysis is provided. This chapter concludes by outlining ethical considerations.

Adopting an interpretive approach (Berger & Luckman, 1967; Butin, 2010; Creswell, 2002; Gall et al., 1996; Given, 2008; Heshusius & Ballard, 1996; Maxwell, 2004; Smith, 1989, 1993), the aim of this study is to explore the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people. The study also seeks to understand how the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked. It also analyzes what forces impact and inform meanings of advocacy held by advocates and how children's rights are operationalized in practice within child and youth advocate offices. Finally, the research explores how these notions of advocacy compare domestically and internationally.

The study employed critical case selection (Flyvberg, 2006; Yin, 2009) in order to strategically select unique participants who could speak to the practice of translating theoretical concepts about children's rights into advocacy contexts. The advocates who

comprise the CCCYA were selected because of the unique knowledge they could offer as officers of the legislature who have legal mandates to promote and implement children's rights. My project included additional countries in order to understand how notions of advocacy compare domestically and internationally. I therefore included children's commissioners from various countries to provide an international perspective in addition to a national viewpoint. All methodological decisions were made with the research objectives in mind.

Qualitative Research Methodology

The research project employed a qualitative research methodology. Qualitative procedures adopt a humanist approach and enable researchers to share in the understandings and perceptions of participants and to analyze how individuals give meaning to their daily lives and the practices they engage in (Bradshaw, Atkinson & Doody, 2017; Denzin & Lincoln, 2008). One of the key objectives of qualitative research is to develop connections with participants and explore the world from their point of view (Creswell, 2013; Denzin & Lincoln, 2008). In doing so, researchers who engage a qualitative approach seek to explore social and contextual settings, as well as the individuals who are immersed in these settings in order to answer key questions (Blaikie & Priest, 2019; Creswell, 2013). The knowledge that is derived from these observations is considered interpretive as it is produced and constructed by contextual features, as well as by the researcher and the subjects' beliefs (Berg, 2009; Blaikie & Priest, 2019).

Qualitative research seeks to empower participants by providing space for their stories and insights to be told and heard (Corden, 2006). These acts aim to deconstruct and limit power imbalances that frequently exist between researchers and research

participants (Corden, 2006; Wolcott, 1994). Comparatively, one of the objectives of this project was to explore the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people and to understand how children's rights are operationalized in advocacy institutions. As a result, in adopting a qualitative methodology, the study was developed to create space for child and youth advocates and children's commissioners to share their insights and experiences of their daily work and the advocacy cultures they are immersed in. It was therefore important to gain insight into how the participants activities, behaviours and practices are shaped by social, political and cultural aspects by asking open-ended questions about their perspectives and experiences. It was imperative that I reflexively acknowledged my own bias to enable the participants to freely discuss their experiences and perspectives (Denzin & Lincoln, 2008). Adopting an interpretivist approach played an important role in analyzing the interaction between researcher and the research subjects and provided space for the participants viewpoints to speak to the research objectives.

Interpretivist Approach

This study adopted an interpretivist approach to the project design and to make meaning of the data (Berger & Luckman, 1967; Butin, 2010; Creswell, 2002; Gall et al., 1996; Given, 2008; Heshusius & Ballard, 1996; Maxwell, 2004; Smith, 1989, 1993). This approach focuses on understanding the world from the subjective viewpoints of the participants that are involved. As a result, the research methods and data analysis were informed by my interpretations of the participants. Given my position of privilege as someone who has not had to seek assistance from a child advocate, my selection of this

approach was an attempt to listen to and understand the viewpoints and experiences of the child and youth advocates. Not all research approaches aim to listen to the perspectives of the research participants that are involved and can often be exclusionary toward participants' interpretations of their own experiences (Creswell, 2013; Maxwell, 2004). This is particularly evident in positivist approaches to researching children and youth (Corsaro, 1992; Wertsch, 1991). Positivism originated from the field of natural sciences and was developed in the nineteenth century by Auguste Comte who argued that a scientific understanding of the social world could positively impact society (Harp, 2010; Plé, 2000). Positivism makes use of hypotheses in order to test explanations and is based on the premise that scientific facts contribute to the development and production of knowledge (Butin, 2010; Gartrell & Gartrell, 1996). Positivism also seeks to develop universal features of humanhood and society to offer explanations and predictability about phenomena (Harp, 2010; Butin, 2010). In line with the natural sciences, positivism draws on static categorizations of knowledge to produce standardized viewpoints of the social world (Crotty, 2003; Gartrell & Gartrell, 1996). Given that a positivist approach does not often include the expertise and perspectives of the individuals under study (Gaskins, Miller & Corsaro, 1992), this approach was not suitable to the objectives of the current research. Additionally, most research that focuses on childhood which takes a developmental psychological approach to studying children and youth adopts a positivist framework to quantify children's experiences (Gaskins, Miller & Corsaro, 1992; Koops & Kessel, 2017; Mitchell, 2003, 2005). As such, an interpretivist framework provides a unique space to understand the viewpoints of the participants and their work with young people rather than quantifying and homogenizing these distinct experiences.

In comparison to positivism, the objective of an interpretive philosophical and methodological approach is to make meaning of the participants' social realities (Given, 2008; Heshusius & Ballard, 1996; Maxwell, 2004). German sociologist, Max Weber was influential to the development of interpretivism and argued that the social sciences are primarily concerned with *Verstehen* – the concept of *understanding* (Chowdhury, 2014). Weber distinguished understanding from *Erklaren* – the concept of *explanation*, which is often the approach adopted in the natural sciences to determine correlations and causality (Chowdhury, 2014; Given, 2008). An interpretivist approach to research involves understanding the actions of participants by analyzing the ideas, practices and behaviours that they reveal or deem important in their daily interactions (Harp, 2010). Researchers who adopt an interpretivist paradigm in their scholarship seek to understand how contexts and practices impact the participants' viewpoints about what they value and how these ideas contribute to the knowledge that is produced (Maxwell, 2004). The knowledge that comes to be known is developed through meaningful interpretations of the participants' social worlds, as well as through the epistemological worldviews of the researcher (Crotty, 2003; Given, 2008). As a scholar interested in child and youth advocacy and children's rights, my goal was to understand the concept of child and youth advocacy and how children's rights are operationalized in advocacy contexts, from the perspective of the participants. The research objectives, methodological approach, and interpretation of the data have therefore been shaped directly by my epistemological and ontological standpoint as a researcher.

According to Law and Urry (2004), within the social sciences, the decisions that researchers make and the methods that they employ act as 'ontological politics' (p. 404).

Methods are oftentimes strategically and politically utilized to produce specific types of reality. The selection of methods within research projects can therefore create or sustain the same types of social realities that are under investigation. I draw attention to the concept of ontological politics to highlight that to a certain degree, my selection of methods involves political choices that ultimately contribute to the main themes and findings of this research (Law & Urry, 2004). These methodological decisions are significant because they contribute to the type of knowledge that is produced about child and youth advocacy and the knowledge that comes to be known. According to Creswell (2013), “A close tie does exist between the philosophy that one brings to the research act and how one proceeds to use a framework to shroud his or her inquiry” (p. 15). In the context of this research, this is apparent in the perspectives that I hold about children and childhood and how these conceptualizations translate into the methodological decisions that I make to construct this project as well as the interpretations that are derived. Given the research focus on *understanding* the concept of advocacy, an interpretivist philosophy of method was an appropriate selection for the current project.

Case Selection and Sampling Procedures

In selecting the participants for this study, I specifically drew on case selection techniques to justify the inclusion of the participants involved in the study and how they were strategically selected for the knowledge they could provide about the research objectives. Seawright and Gerring (2008) explain that case selection is an important task for researchers because through the selection of cases, the researcher establishes an agenda for exploring these cases in relation to the research objectives. Various forms of case selection techniques aid researchers in justifying their selection of participants. For

instance, Flyvbjerg (2006) explains the various typologies: *random selection* is employed when researchers seek to provide research generalizations about a population or phenomenon. *Extreme case selection* is utilized when researchers aim to explore unusual cases that are often considered problematic. *Paradigmatic cases* are useful for research that aims to develop a metaphor for the research problem. Finally, *critical case selection* is employed when the research seeks to take theoretical understandings and apply them to social practices to understand how they operate in reality (Flyvbjerg, 2006; Yin, 2009). Given the focus of my research on understanding how children's rights are translated into practice, I made use of critical case selection because the ideas that the advocates hold about children, childhood and rights, ultimately impact the work that advocates carry out in practice. According to Flyvbjerg (2006) and Yin (2009) cases may refer to people, places, events, policies or settings. Flyvbjerg (2006) further notes that critical case selection involves strategically selecting participants who can speak to the problem or phenomenon that is under study. In this instance, in order to understand how children's rights are translated into practice within child and youth advocate institutions, I included members of the CCCYA and children's commissioners as these advocates are the only group of child and youth advocates in Canada and internationally that have legal mandates to implement children's rights at the provincial, territorial and federal level. They therefore provide essential knowledge about how organizational structures and practices contribute to an understanding of how rights are operationalized in practice. For instance, these participants highlight how their legal mandates guide their offices, as well as how their organizational policies sustain and produce advocacy and either help or hinder the implementation of children's rights in practice. While other child and youth

advocates may carry out advocacy work across Canada to implement children's rights, these organizations are not shaped by legislation that reinforces their duty to promote and implement the CRC in practice. These structures are unique and powerful as they ultimately impact the way that advocates engage with children and the day to day work they carry out. Considering the knowledge these participants have about their legal mandates and the policies that reinforce these practices, they could offer their unique experiences and knowledge that aligned with the research objectives.

In addition to case selection techniques, sampling techniques also shape the design of the research and contribute to the type of knowledge that comes to be known about the research objectives (Yin, 2009). Purposeful sampling is a technique that can be utilized to identify and select cases that are information-rich and relevant to the area under study (Flyvbjerg, 2006). Reflecting the research objectives, purposeful sampling was adopted in order to recruit the participants. Purposeful sampling is a useful technique for recruitment because the researcher makes use of specialized knowledge about the individuals who are selected for the sample because they have unique characteristics or can offer the most effective insights about the research objectives based on limited resources (Flyvbjerg, 2006; Yin, 2009). In this case, the participants were specifically selected because of their experiences and knowledge of children's rights in child and youth advocate institutions that are mandated to protect and promote children's rights. I specifically selected the Canadian advocates and international children's commissioners as opposed to other child and youth advocates because these individuals are elected officers of the legislature who are independent of government and have legal mandates that outline their obligations to advocate for children's rights. Purposeful sampling was

adopted because this approach is useful when the research does not aim to make generalizations to entire populations (Blaikie & Priest, 2019; Berg, 2004; Creswell, 2013; Patton, 1990). Considering the distinct and specialized nature of the participants who have extensive knowledge or experience about these unique positions, it would be problematic to create generalizations about the findings and apply them to all child and youth advocate positions and work, nationally and internationally. Randomized sampling would not have been a suitable sampling approach because only a limited group of individuals occupy these specialized positions and therefore, other potential participants would not have been well suited to speak to the research objectives (Blaikie & Priest, 2019; Creswell, 2013; Yin, 2009). Advocate offices are comprised of a range of staff members including administrative staff, frontline advocates, educational and outreach specialists, investigators, communications staff, and others; purposeful sampling allowed me to extract the participants from this context. In instances where the advocates did not participate, some of the advocates selected designates to engage on their behalf because they felt that these individuals could best speak to the research aims based on their unique experiences or knowledge working in the offices.

Participant Selection and Recruitment

In total, 26 participants took part in the study, including 12 current child and youth advocates from the CCCYA, two former advocates from the CCCYA, three additional staff members of the CCCYA, one children's commissioner and six designates on behalf of various international children's commissioners, and two international children's rights experts. My sample size was similar to other qualitative studies that have conducted research on child and youth advocates/children's commissioner's offices (see

Howe, 2009; Hunter, 2017; Maclean & Howe, 2009; Whitehead et al., 2004). For example, Howe (2009) and Maclean and Howe (2009) interviewed advocates of the CCCYA as well as external child advocate experts to explore factors that impact child and youth advocate offices in Canada. Likewise, Hunter (2017) interviewed a total of 18 participants including 11 staff members working in the Canadian advocate offices which represented nine of the CCCYA offices, three members of legislative assemblies as well as four experts on child and youth advocates that represented five of the child and youth advocates. The purpose of the study was to comparatively analyze the Canadian child and youth advocate offices to highlight factors that influence public policy and laws that strive to enhance child service delivery systems (Hunter, 2017). This study adopted a comparative case study design. In comparison to these studies, my study differs in that it seeks to examine all twelve of the CCCYA offices and to understand how meanings of the concept of advocacy are produced by organizational structural features; understand how the concept of advocacy is constructed and related to children's and young people's experiences by provincial and territorial child and youth advocate offices; explore how concepts of advocacy come to have significance in the lives of child and youth advocates and how they negotiate these concepts in their daily routines; and understand how child and youth advocate organizations translate rights into practice. My project also differs in that it adopts an organizational lens to explore these objectives and includes the perspectives of child and youth advocates and children's commissioners from countries abroad. My sample size was manageable and enabled me to gather a depth of knowledge that included diverse viewpoints and a deep case-oriented analysis that would not be possible with a very large sample (Onwuegbuzie & Leech, 2005; Sandelowski, 1995). I

conducted 26 interviews that were 90-120-minutes to ensure that I could collect enough data to establish prolonged engagement and persistent observations (Lincoln & Guba, 1985; Onwuegbuzie & Leech, 2005) in order to provide a rich and meaningful analysis. When I began to see repetition in themes during thematic analysis, with no new themes emerging, I was confident that I had reached qualitative saturation (Berg, 2004; Creswell, 2013).

Data Analysis

All interviews were transcribed verbatim. Upon completion of transcription, I spent time immersed in the data, listening to each interview. Data analysis underwent thematic analysis procedures which included *description* and *analysis* of the selected data (Creswell, 2013; Wolcott, 1994; Gibbs, 2007). In traditional qualitative research, analysis includes arranging and organizing data to generate themes for analysis (Denzin & Giardina, 2014; Gibbs, 2007; Wolcott, 1994). Thematic analysis procedures involve gathering data for description to extract information into categories in order to detect, sort and produce patterns. Description involves describing, defining and explaining the facts and details of the data without probing deep into the analysis (Liamputtong, 2011; Wolcott, 1990). As opposed to *thin* description which only provides surface-level detail and does not analyze underlying meanings of the participants information (Denzin & Lincoln, 2005), I engaged in *thick* description which involved interpretations of the meanings, intentions, strategies and motivations of the participants and the information they provided (Holloway, 1997). Thick description is valued for its interpretive approach which seeks to make meaning of the detail that is presented (Holloway, 1997). This approach was therefore in line with the interpretive epistemological approach of the study

given its focus on interpreting the participants' viewpoints and knowledge of how rights translate into practice. In the description phase, facts are gathered based on the participants insights which often include a snapshot of their daily lives (Creswell, 2013). Through an interpretive lens, I described facts about the child and youth advocates and children's commissioners and the practices they employ to carry out advocacy. This information was assessed and extracted from the interview transcripts.

Following the description phase, I made use of NVivo, a qualitative data analysis program which assisted with analyzing the interview data to search for patterns and similarities. This software enabled me to use colour coding schemes to group segments of the data into various categories and segments. Analytical memos were also used to begin to sort the data, detect patterns and reflect on the patterns (Liamputtong, 2011). The data was analyzed line by line and codes were assigned to the data to summarize the participants key words, phrases, actions, emotions and experiences. The codes were then modified and analyzed further to explore the participants tones, attitudes, and reflections on strategies, practices, beliefs and conflicts that they revealed. The main themes and sub-themes were generated based on these selections and interpretations (Denzin & Giardina, 2014). Themes were derived when the data revealed numerous consistent examples that contributed to the patterns of meaning. Through these analytic procedures, I developed an understanding of the meanings, constructions and experiences of advocacy in the lives of child and youth advocates, how the culture of advocacy organizations structure the kinds of advocacy that are carried out, the forces that impact meanings of advocacy and how children's rights are operationalized in practice.

These analytical techniques revealed key themes pertaining to the organizational culture of child and youth advocate offices as well as advocates perspectives of child and youth advocacy and children's rights. Semi-structured, open-ended interviews served as an ideal research method because they enabled the viewpoints of the participants to be listened to, heard and understood. Through this method, the participants were provided with an opportunity to discuss the ways that they promote and implement children's rights in their offices and the social, political and cultural factors that facilitate or limit implementation. I was also able to identify practices, behaviours, and social interactions that the advocates and their institutional structures engage to translate rights into practice. While some of these practices were more explicit as the advocates described specific tools or resources that they used to operationalize rights in practice, others were abstract and were identified by analyzing how the advocates' behaviours, beliefs and attitudes about childhood and rights contributed to the kinds of political and social practices they employ to implement children's rights. Adopting thematic analysis procedures provided a deep and rich understanding of the data to highlight theoretical concepts of advocacy, rights, and the practical work of the advocates.

Sampling Process

Canadian Provincial and Territorial Child and Youth Advocates

For the purpose of this project, I drew on my connections with the Ontario Provincial Advocate - Irwin Elman, in order to gain access to additional members of the CCCYA. My professional relationship with the former President of the CCCYA enabled me to recruit and network with the selected group of participants who were well versed to speak to the study aims and objectives. Mr. Elman served as the President of the

Canadian Council of Child and Youth Advocates from 2012 – 2019. In 2019, Mr. Del Graff was appointed to the role of President of the Council. Mr. Elman and I have worked together on advocacy-oriented projects and initiatives in the past, and therefore, it was advantageous to draw on this relationship in order to gain access to additional members of the CCCYA.

I emailed Mr. Elman in early October 2018 upon receiving ethics clearance from Carleton University's Research Ethics Board (Appendix A) with details of the research study and to ask for his participation in the study. I provided a letter of invitation (Appendix B) outlining the details involved and also asked if he would be willing to help recruit other members of the CCCYA. Familiar with my work in the field and having connected with me multiple times at the Ontario Advocate Office from 2014-2016, Mr. Elman agreed to participate.

Mr. Elman acted as a gatekeeper to connect me with additional advocates from the CCCYA. In order to do so, Mr. Elman met with the CCCYA during their annual meeting which was held at the Office of the Child and Youth Advocate in New Brunswick at the end of October 2018 and introduced my study to the council. He explained the purpose and focus of the study based on the details outlined in the letter of invitation and described the work I have conducted in the field. Mr. Elman notified members that I would be following up with a formal letter of invitation to each individual advocate, officially inviting them to participate in the study.

Following the annual meeting in October 2018, I sent out letters of invitation (Appendix B) via email to all offices of the CCCYA, including: the Office of the Representative for Children and Youth (British Columbia), the Office of the Child and

Youth Advocate (Alberta), the Saskatchewan Advocate for Children and Youth (Saskatchewan), the Manitoba Advocate for Children and Youth (Manitoba), Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission, Quebec), the Office of the Child and Youth Advocate (Newfoundland and Labrador), the Office of the Child and Youth Advocate (New Brunswick), Office of the Ombudsman (Nova Scotia), the Representative for Children and Youth (Nunavut) and the Yukon Child Advocate Office (Yukon). All offices responded to my email between October 2018 and February 2019 and all of the 11 offices agreed to participate in the study. Interviews were scheduled on a date and time that was convenient for the participants between October 2018 and February 2019. Later in 2019, at the end of May, I received an email from Yukon's Child and Youth Advocate who connected me with the newly appointed Children's Commissioner and Advocate in P.E.I.⁹ at the Office for Children and Youth. I sent out a letter of invitation at the beginning of June 2019 requesting the advocate's participation in my study and later conducted an interview at the end of June 2019 as the final interview.

In total, the advocate, or a designate, from each of the 12 offices participated in one 90-120-minute interview via skype, telephone or in person. In instances where the advocate did not participate in an interview, the advocate selected a designate within the office who they thought could speak most accurately to the study aims and objectives.

While 12 current Canadian child and youth advocates participated in interviews,¹⁰ two

⁹ The first Children's Commissioner and Advocate for P.E.I. was newly appointed on January 1, 2019.

¹⁰ Advocates from the following offices participated in interviews for the study: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Newfoundland and Labrador, Yukon, Prince Edward Island and Nunavut. Staff members from the Québec, Saskatchewan and former New Brunswick office accompanied the advocates in the interviews, including an Advocate Officer, Deputy Advocate and former Director of Investigations.

former Canadian child advocates also took part along with three additional staff members working in the Nova Scotia, Québec and New Brunswick office¹¹ on behalf of the child and youth advocate(s) or with them in order to provide insight to augment the advocate's perspectives based on their unique positions, knowledge, and experiences within the office(s). In total, 15 current Canadian child and youth advocates and/or staff from these offices participated in the study.

In addition, I invited one former advocate of the CCCYA, Bernard Richard, via email to participate in my study who previously held the unique position(s) of New Brunswick's Ombudsman (from January 2004 – March 2011) and Child and Youth Advocate (from November 2006 – March 2011) and Access to Information and Privacy Commissioner (from 2004 – September 2010), occupying these positions all at once. He was also re-appointed as British Columbia's former Representative for Children and Youth (from February 2017 – August 2018). This advocate was included in the study because of his unique and diverse background experience working within these comparative roles. The former Director of Investigations at the New Brunswick Ombuds Office participated in this interview as well. Considering she held every position in the Ombuds Office except for Ombud and Director of Legal Affairs, as well as positions in the New Brunswick child and youth advocate office, she provided important information based on her diverse work experiences. In addition, I also sent a request to the Former Saskatchewan Advocate for Children and Youth, Marvin Berstein, to participate in the study given his involvement in developing national advocacy standards and extensive

¹¹ The Nova Scotia and New Brunswick advocates did not participate in interviews; rather, they selected a representative to participate in the study on their behalf. In Nova Scotia an Advocacy Officer participated and in New Brunswick, a Deputy Advocate took part.

work on the development of a federal children’s commissioner in Canada. This participant provided rich perspectives on child and youth advocacy at the national level.

A total of 17 participants located in Canada were included in the study. Once participants agreed to participate in the study, consent forms were provided and signed (Appendix C). Participants had the choice to select a telephone interview, skype interview or in-person interview. In total, 10 telephone interviews, two Skype interviews and two in-person interviews were conducted with the Canadian advocate offices. In instances where more than one person from an office participated (in Saskatchewan, Québec, and New Brunswick), the additional office staff took part in the same interview with the advocates. *Table 1* outlines the participant names and titles and highlights the regions and communication platforms employed for the interviews:

Table 1: Canadian Context: Location, Communication Platform and Participant Positions

Province/Territory & Communication Platform	Participant(s) & Position(s)
British Columbia – Telephone Interview	Dr. Jennifer Charlesworth – Representative for Children and Youth
Alberta – Telephone Interview	Del Graff – Provincial Advocate
Saskatchewan – In person Interview	Corey O’Soup – Advocate for Children & Youth Dr. Lisa Broda – Deputy Advocate

Saskatchewan – Telephone Interview	Marvin Bernstein – Former Saskatchewan Advocate for Children and Youth
Manitoba – Telephone Interview	Anonymous Participant – Children’s Advocate
Ontario – Skype Interview	Irwin Elman – Provincial Advocate
Québec – In person Interview	Brigitte Lagacé – Director, Protection and Promotion of Youth Rights Lauélia Rolland-Fortin – Educator and Cooperation Officer
Newfoundland and Labrador – Telephone Interview	Jackie Lake Kavanagh – Children & Youth Advocate
New Brunswick – Telephone Interview	Christian Whalen – Deputy Advocate/Senior Legal Counsel on behalf of Norman Bossé – Child and Youth Advocate
New Brunswick – Telephone Interview	Bernard Richard – <i>Former</i> Ombudsman, Child and Youth Advocate, Access to Information and Privacy Commissioner (NB); <i>Former</i> Representative for Children and Youth (BC) Jessica Guerette – <i>Former</i> Director of Investigations at the Ombudsman Office (NB)

Nova Scotia – Telephone Interview	Christine Brennan – Advocacy Officer on behalf of William (Bill) Smith – Ombudsman
Nunavut – Telephone Interview	Sherry McNeil-Mulak – Representative for Children & Youth
Yukon – Skype Interview	Annette King – Children & Youth Advocate
P.E.I – Telephone Interview	Michele Dorsey – Children’s Commissioner and Advocate

The participants specialized in a range of various interdisciplinary fields pertaining to children and youth, with most of the participants specializing in education, social work/services, law, healthcare, and/or psychology. Out of the total number of these participants, 11 participants were women, and six participants were men. Once participants agreed to participate in the study, consent forms were provided and signed (Appendix C).

Children’s Commissioners Internationally

A letter of invitation outlining the details of the study was sent to each of the following offices via email at the end of October 2018: the Northern Ireland Commissioner for Children and Young People (Northern Ireland), the Children and Young People’s Commissioner (Scotland), the Office of the Children’s Commissioner for England (England), the Children’s Commissioner for Wales (Wales), the Australian Human Rights Commission (Australia), the Office of the Children’s Commissioner (New Zealand), the National Commission on the Rights of the Child (Belgium), the National

Council for Children (Denmark), the Ombudsman for Children in Sweden (Sweden) and the Ombudsmen for Children (Finland). Email contacts were derived from the offices' main webpages which included administrators' general emails as well as personal emails of the children's commissioners.¹² Each office responded to my email between October 2018 and February 2019 indicating whether they would be willing to participate in the study or not. The Ombudsmen for Children (Finland) was the only office that did not respond to my email. I followed up with the office via email and by phone multiple times. I also left a voice mail and the office did not respond to these messages. For offices that agreed to participate, interviews were scheduled between this time frame based on a date and time that was convenient for the participants. The offices that did agree to participate in the study included: The Northern Ireland Commissioner for Young People (Northern Ireland), the Australian Human Rights Commission (Australia), the Office of the Children's Commissioner (New Zealand), the National Commission on the Rights of the Child (Belgium), the Ombudsman for Children in Norway (Norway) and the National Council for Children (Denmark).

In order to select children's commissioners from beyond Canada, I started by selecting English-speaking common law countries in an attempt to provide an accurate comparison of these offices to the Canadian context. I selected English-speaking offices in the United Kingdom, Australia and New Zealand since these countries all have established children's commissioner offices. More specifically, advocate offices from the UK were invited to participate in the study because of the interesting contrast and challenge created by the components of a larger national unit and how they work together

¹² Special thanks to Senator Landon Pearson for facilitating connections with the international children's commissioners' offices.

with split jurisdictional divides (see Williams, 2012). All offices in the UK were invited to participate in the study. The offices in England, Scotland and Wales declined to participate in the study due to time constraints and alternative commitments, while the Northern Ireland office agreed to participate. Australia was invited to participate because of the similarities with the Indigenous populations that are also evident in the Canadian context (see Wahlquist, 2016). New Zealand was invited to participate in the study because it is a unitary state as opposed to a federation and was able to embed aspects of the CRC into legislation, markedly, the best interests principle, in ways that Canada has not (see UNICEF, 2010; UNICEF, 2012) which provides an interesting perspective on children's rights to participation.

Additionally, I invited English-speaking children's commissioner offices in Belgium, Norway, Sweden, Denmark and Finland to incorporate civil law countries in an attempt to explore the differences in the office roles, functions and engagements with youth. Belgium was selected to participate because of its proven track record of *meaningful participation* in the advocacy realm (European Commission, 2015) as well as the fact that Article 12 of the CRC has been incorporated into domestic law which has contributed to understandings of young people as rights holders and a culture of respect for children's rights (UNICEF, 2012). Norway was selected specifically because it was the first advocate office established in 1981 (Melton, 1991) and because it has incorporated Article 12 into domestic law which has had a significant impact in practice (see UNICEF, 2012). The length of experience and richness of experience is therefore beneficial to understanding how rights are operationalized and conceptualized in these environments. Sweden was also one of the first established offices in 1993

(Barnombudsmen, 2019). Article 12 along with the other CRC provision articles including best interests, non-discrimination, and health and development (United Nations, 1989), have been integrated throughout its legislation (UNICEF, 2012). On January 1, 2020, Sweden became the first country to incorporate the CRC into law. Therefore, this office was invited to participate based on the length of the office's experience and unique perspective on child participation and how rights translate into practice. The office declined the invite due to time constraints. Denmark was invited to participate in the study because Article 12 has been integrated into Danish law (UNICEF, 2012) which provides an interesting perspective on child participation compared to other countries that have not integrated it in this way. While I recognize that other English-speaking offices could have been invited to participate in the study, these offices were selected based on the insights they could provide which were in line with the research aims and because they were accessible and willing to participate.

In total, one commissioner and six designates from the six international offices participated in 90-120-minute interviews via skype or telephone. Each office selected one person who could best speak to the study aims and objectives while two designates participated in one interview from the office in Denmark. One children's commissioner participated in an interview and six individuals working in the offices participated on behalf of the children's commissioners in order to provide insight based on their unique positions, knowledge, and experiences within the office(s). One telephone interview and five Skype interviews were conducted. *Table 2* outlines the participant names and titles and highlights the regions and communication platforms employed for the interviews:

Table 2: International Context: Location, Communication Platform and Participant Positions

Country & Communication Platform	Participant(s) & Position(s)
Northern Ireland – Skype Interview	Alex Tennant - Head of Research, Policy, and Service Review on <i>behalf</i> of Koulla Yiasouma – Commissioner for Children and Young People
Australia – Skype Interview	Megan Mitchell – National Children’s Commissioner
New Zealand – Skype Interview	Donna Provost – Director: Strategy, Rights & Advice on <i>behalf</i> of Judge Andrew Becroft – Children’s Commissioner
Belgium – Telephone Interview	Karen Van Laethem – President/Project Manager
Norway – Skype Interview	Anders Prydz Cameron – Senior Adviser on <i>behalf</i> of Inga Bejer Engh – Ombudsman for Children
Denmark – Skype Interview	Anna Marie Schurmann Carstens – Legal Consult Soren Gade Hansen – Chief Advisor

Children's Rights Advocates

Two participants who are considered leading children's rights advocates in the field of child and youth advocacy and child participation were also invited to participate in the study to provide their insights from outside the context of advocate offices based on their many years of experience working on projects related to child and youth advocacy, children's rights and child participation. Gerison Lansdown is respected internationally as a scholar, child rights consultant and advocate for young people, who focuses largely on Article 12 of the CRC and children's participation rights (including, but not limited to: Lansdown 2001; Lansdown, 2009; Lansdown & O'Kane, 2014 *Children's Participation Toolkit*). Over the past 50 years, she has contributed to policy, advocacy, research and scholarship to enhance the rights and well-being of children and youth. Through her international work, she has developed strategies for strengthening accountability to children as rights-holders, promoting the rights of children with disabilities through her involvement in drafting the UN Convention on the Rights of Persons with Disabilities, offering international expertise on rights-based approaches to education, and advancing child rights training programs for professionals working with young people in various contexts. Based on her many years of experience, involvement with children's commissioner and advocate offices, and her international experiences at different levels, Ms. Lansdown was selected to participate in the study given her unique insight and work on children's rights and the knowledge she could offer based on these experiences and insights. Ms. Lansdown is a unique participant because she is one of the rare scholars that specializes in knowledge about child and youth advocate offices and human rights institutions. In particular, Ms. Lansdown has developed toolkits to

implement children's rights in child and youth advocate offices and thus, could speak to the ways that advocates can translate children's rights into practice.

The Hon. Landon Pearson, O.C is a widely respected throughout the world as an advocate for the rights and well-being of children. From 1994 until 2005, she was the Children's Senator in the Senate of Canada. She was also the Advisor on Children's Rights to the Minister of Foreign Affairs and the Personal Representative of the Prime Minister to the 2002 United Nations Special Session on Children. Mrs. Pearson coordinated Canada's response to the Special Session 'A Canada Fit for Children' and has worked for many years on advocating for a federal children's commissioner for Canada's children (including but not limited to: Pearson & Kraft-Sloan, 2001). Based on her many years of experience and expertise as a Senator for Children, and her unique international experience working on children's rights, Mrs. Pearson was selected to participate in the study. Mrs. Pearson drew on her unique and rich knowledge about the systems and components that can enhance a child and youth advocate offices' translation of rights into practice to speak to the research objectives. Her knowledge of cultural, political and social practices that contribute to the ways that organizations are structured to implement rights served as critical information that resulted in the development of the concluding observations for best practices of child advocates. Both individuals have held unique positions at the international level over a number of years and could therefore offer insight that other children's rights experts could not provide. Given my personal connection with both participants, they were accessible and were invited to participate in the study in October 2018. In-person interviews (90-120 minutes) were conducted with each of the participants in February 2018 and July 2019.

Individual In-depth Semi-Structured Interviews

Semi-structured interviews were selected because they aided in understanding the research objectives. For instance, in order to understand how the concept of advocacy is constructed and related to children's and young people's experiences by provincial and territorial child and youth advocate offices, explore how concepts of advocacy come to have significance in the lives of child and youth advocates and how they negotiate these concepts in their daily routines and understand how children's rights are operationalized in child and youth advocate offices, it was essential that knowledge was derived directly from the individuals themselves that are immersed in the day to day work of advocate institutions. I chose to conduct interviews with the participants because interviews can be used in qualitative research to gain in-depth perspectives from the participants (Gillham, 2000) and this method invites participants to freely and openly express their viewpoints (Creswell, 2013; Hancock & Algozzine, 2006; Hall & Hall, 1996). Given the focus of child and youth advocate offices on promoting the voices of children and youth, I strategically selected interviews in an attempt to mirror the nature of the work of advocates who focus on promoting and listening to, the voices of young people. Interviews enable researchers to listen to the voices and perspectives of their participants in order to understand and immerse into their daily lives by capturing a sense of their culture including their interactions, behaviours, practices, and experiences (Gillham, 2000). In the same way organizational theory speaks to the behaviours, practices and structures of organizations to make sense of a phenomenon, interviews can provide information on the behaviours, viewpoints, practices, and social realities of the selected participants. Thus, interviews with the child and youth advocates provided a rich

opportunity to understand the viewpoints of the participants as well as the ways that their interactions, language, practices, skills, abilities and attitudes contribute to an understanding of the concept of child and youth advocacy and how it materializes in advocate institutions. This would not be possible with the use of other methods. For example, surveys would not be an appropriate method to employ because they can be limiting in that they do not offer space for participants to explain their perspectives and experiences, feelings or emotions (Creswell, 2013), and would not provide in-depth information on the culture of child and youth advocates and their institutional structures. Therefore, interviews were an appropriate method of choice compared to other methods, considering the theoretical framework, interpretive approach, and main objectives of the research.

The interviews were semi-structured, in-depth and ranged in length from 90 to 120 minutes. To ensure accuracy, the interviews were audio recorded and the words of the participants were transcribed verbatim in preparation for data analysis. Participants were sent an electronic copy of the transcript and were provided an opportunity to edit or revise the text. Data analysis commenced upon receipt of the revised transcripts or if the participants did not wish to review the interview text.

A semi-structured interview guide containing 14 questions (Appendix D) was developed to capture the participant's perspectives based on the research objectives. These questions were designed to elicit the participants' perspectives on child and youth advocacy, children's rights, as well as questions related to how these concepts are operationalized in advocacy contexts. Additional questions pertained to the role of child advocates and potential institutional, interpersonal and social, cultural, political and

structural factors that impact their work. Hand-written notes and memos were compiled directly following the interviews which included observations on the participants' mannerisms, tone of voice, and perspectives on advocacy structures and institutions.

Environmental Scan of Documents

I also conducted an environmental scan of the legislation, mandates, reports and websites of the Canadian child and youth advocates and international children's commissioners' offices. Documents included annual reports, special reports, policy manuals, briefs, investigative reviews, recommendations, accountability reports and external reports. I also viewed and analyzed the offices' websites and social media platforms. Collectively, I explored public documents that were available to me and also requested additional documents including annual reports, expense reports, strategic plans, and advocacy framework documents. Information from these pieces are integrated into the findings of my study.

Ethical Considerations

This research adhered to the ethical guidelines set by Carleton University's Research Ethics Board. Ethical clearance was received from the Research Ethics Board on October 15, 2019 (Clearance #: 109572, Appendix A). Following ethics clearance, participants were contacted about the potential to participate in the study. Letters of invitation (Appendix B) and consent forms (Appendix C) were administered to each participant. These documents provided the participants with an overview of the project, research objectives, and methods of data collection. The consent forms provided the participants with options to be audio recorded, to have their names/titles associated with their comments, and to have their identities remain anonymous. Despite the fact that

participants had the option to have their identities remain anonymous, it is possible that they may have felt compelled to have their names/titles associated with their comments considering many of the participants are public officials. As public officials, many of the participants often speak out to the public and act as whistle blowers in their provinces/territories. Thus, some of the participants may have viewed this research project as an opportunity to advocate for issues impacting young people, and as such, may have intentionally felt obligated to disclose their identities and positions as advocates. After administering the consent forms, the advocates were notified that they had the option to choose if they wanted to remain anonymous or to have their identities associated with their comments. These ethical considerations were outlined and reviewed with each participant.

Considering the nature of the work of child and youth advocates, many of the participants are often exposed to or involved in investigations about child deaths or critical injuries. Additionally, many of the advocates engage in individual and systemic advocacy that involves abuse, neglect, discrimination or violence. As a result, discussing these experiences or instances may have potentially triggered emotional distress. Prior to the start of the interviews, the participants were notified that their participation in the interview was completely voluntary and that they could end the interview at any time, without penalty. They were also notified that they could abstain from discussing particular topics if they felt uncomfortable discussing them, without withdrawing completely from the study. None of the participants chose to withdraw from the study.

Conclusion

A key objective of the research was to understand how children's rights are operationalized in advocacy institutions for children and youth as well as the concept of advocacy from the perspective of child and youth advocates and children's commissioners. These objectives were explored through an interpretive framework and achieved through the use of qualitative methods. Semi-structured interviews provided an opportunity for the participants to share their perspectives, observations, and experiences. After analyzing the transcribed interviews of the participants, multiple themes emerged from the data. The themes were developed from qualitative thematic analysis procedures which included description and analysis. These findings are essential to understanding, improving, promoting and implementing children's rights in institutions for children. Overall, the participants were actively engaged in the interviews and provided rich insight into the research objectives. In the following three chapters I highlight key findings based on interviews with the participants. Chapter Five and Chapter Six reveal data from the CCCYA, while Chapter Seven integrates the perspectives of the CCCYA, international children's commissioners and child rights advocates.

CHAPTER 5 – THE COMPLEXITY AND ROLE OF CHILD AND YOUTH ADVOCATES

The creation of child and youth advocate offices across Canada sought to promote and implement child and youth rights across various services and sectors relevant to young people (Bendo & Mitchell, 2017; Geigen-Miller, 2003; Hunter, 2017; Peña, 2012; Snow & Finlay, 1998). The historical emergence of child and youth advocate offices is important because they have served to re-define the role of child and youth advocacy in the lives of children and youth and shed light on the importance of operationalizing rights in practice. In 1978, Canada established its first informal child advocate office within the Ministry of Community, Family, and Children's Service under the guidance of Mr. Les Horne – Canada's first child advocate (Geigen-Miller, 2003; Hunter, 2017). The office was established as a response to help young people in provincial systems, including hospitals, jails, residential care, and treatment centres to promote and implement their rights outlined in the CRC (Geigen-Miller, 2003; Hunter, 2017; Snow & Finlay, 1998). The main role of the office was to provide individual advocacy services to children and youth and to help protect young people whose rights were being violated in provincial systems (Snow & Finlay, 1998). From 1978 to 2007, the office operated internal to government (Whitehead, Bala, Leschied, & Chiodo, 2004). During this time, the office structure and mandate changed under the *Child and Family Services Act* (1982-1990) until it became an independent office in 2007 under the *Provincial Advocate for Children and Youth Act (2007)* (Hunter, 2017; Whitehead et al., 2004). Although it took the office 29 years to become an independent institution under the *Provincial Advocate for Children and Youth Act (2007)* and its structure has changed throughout this time, as an

early adopter, Ontario laid the foundation for the emergence of child and youth advocate offices across the country and around the world (Bendo & Mitchell, 2017; Geigen-Miller, 2003; Hunter, 2017; Whitehead et al., 2004). While Ontario's office was the first one developed in 1978 in Canada, the office in British Columbia was the first to establish independence in 1996 (Howe, 2009; Hunter, 2017; Whitehead et al., 2004).¹³ Since this time, child and youth advocate offices have developed across the country and each office has established independence in different ways. The offices were either established with the passage of legislation or within their provincial and territorial public services and through political and social tensions (Irwin Elman, Personal Communication, 2020). Although each office has its own mandate, legislation and guiding principles of each office that differ largely based on geographical location, as well as cultural and political contexts, the organizational structures, legislation and mandates have evolved over time to protect and promote children's rights (Bendo & Mitchell, 2017; Howe, 2009; Hunter, 2017).

Given the provincial government's recent fall 2018 decision to eliminate the Ontario Child and Youth Advocate Office and combine its responsibilities into the Office of the Ombudsman, Ontario now joins the North West Territories as the only jurisdiction in Canada that does not have an independent child and youth advocate office. In the North West Territories, the Department of Justice developed the Children's Lawyer as a public legal office that provides services for children and youth (Government of Northwest Territories, 2019). Despite the role of the Children's Lawyer, there have been calls to establish an independent child and youth advocate office from child-rights

¹³ For an overview of the origins of provincial and territorial child and youth advocate offices, see Hunter (2017), p. 43.

oriented organizations and councils, including the Canadian Coalition for the Rights of Children and the remaining CCCYA offices (Hunter, 2017; MacLaurin, 2010). In 2019, the most recent Canadian advocate office was established in Prince Edward Island. The Office of Children and Youth appointed Michele Dorsey as its first Children's Commissioner and Advocate (Government of Prince Edward Island, 2019). On November 20, 2019 Prince Edward Island announced that the *Child and Youth Advocate Act (2019)* had passed its third reading in the Legislative Assembly and the Office would soon become independent (Government of Prince Edward Island, 2019). The advocate was appointed by the legislature and an external hiring agency was selected to recruit potential candidates for the position. Child and youth advocates who are independent officers of the legislature are traditionally hired through their legislature. The legislatures human resource department will facilitate the hire with the clerk and the speaker of the legislature, and typically, an all-party committee will conduct interviews to make a selection. The legislature will then vote on the selection (Irwin Elman, Personal Communication, 2020).

Scarce literature has empirically explored the features and importance of child and youth advocate offices in Canada (Bendo & Mitchell, 2017; Geigen-Miller, 2003; Howe, 2009; Hunter, 2017; Whitehead et al., 2004); as well as child and youth advocate offices and national human rights institutions internationally (Carver & Korotaev, 2007; Reif, 2000; UNICEF, 2013). I now turn to interview data to explore interpretations of the types of advocacy that the advocates engage in within advocate offices, as well as the practices, structures and behaviours that impact this work to highlight the complexity and

significance of the work of these professionals in translating child and youth rights into practice.

Responsibilities and Types of Child and Youth Advocacy

Descriptions of the responsibilities and types of advocacy that the advocates employ emerged in the interviews with the participants. Participants pointed to some of the key responsibilities of individual advocates and their offices. The ways that child and youth advocates conceptualize and think about children and childhood impact the way they conduct their work and how they treat young people. In addition, the way advocacy is understood by each individual child and youth advocate also reflects how the office perceives its role(s). For example, Senior Legal Counsel, Christian Whalen of the Child and Youth Advocate Office in New Brunswick explained that “advocacy can sometimes be close and personal and entails meeting with children, youth and their families, and at other times, is about systems and administration.” Some of the offices emphasize meeting in person with young people individually, whereas others prioritize working on their behalf at the systemic level, although all of the offices engage directly and on behalf of young people. Similar to existing literature (Chapman & Wameyo, 2001; Mellinger & Kolomer, 2013; Rahn-Tiemeyer, 2015), the way advocacy is explained and understood, impacts how it is received or if it is received, and how it is executed in different ways.

One of the key reasons the advocates felt that there is a need for advocates in Canada is because children are often viewed as vulnerable beings who need to be protected from harm. Corey O’Soup, Saskatchewan’s Advocate for Children and Youth, explains the importance of the role of child and youth advocates in protecting young people:

Because of the state of our children and being a first world country like Canada where we lead negative statistics like suicide, like children in care, like children in jails, those are some alarming statistics that we shouldn't be facing here in a place like Canada and a place like Saskatchewan, and these circumstances speak to the importance of having a child and youth advocate.

This excerpt displays a protectionist viewpoint on advocacy which demonstrates this advocates interpretation of his responsibility as an advocate to protect children from external circumstances. Mr. O'Soup's insights also show his concern to ensure that the public face of the advocacy work his office carries out is quantifiable. This observation is also evident in other advocacy organizations such as UNICEF where institutions are required to produce statistics to show how situations for children are improving (see for instance, UNICEF, 2018). These types of organizations often provide comparisons and rankings between countries on the state of children's rights and well-being to show that as a developed democratic country, Canada should rank at the top of the list (UNICEF, 2018). The problem with this rhetoric is that it implies that Canada should not have the types of issues that Mr. O'Soup outlines and conceptualizes young people as problems to be resolved.

All of the advocates agreed that the role of a child and youth advocate centers on promoting and implementing children's rights considering the distinct structure of their offices, which, for many, have legal mandates that involve the CRC and ensuring rights are upheld. Mr. O'Soup goes on to explain: "I believe that my responsibility is to ensure all of those children are safe and protected and that their rights are being up-held through the CRC." Advocacy is not just about identifying problems impacting young people or

about complaints, but oftentimes it is also about taking a proactive, preventative approach to become part of solutions to promote children's rights to reduce harm, protect children, and ensure other young people do not die in systems that should be supporting them. Mr. O'Soup highlights the importance of education in taking a preventative approach to advocacy:

I truly believe that education is the key for our children, youth and our families in breaking the cycles that they are in right now. We know those cycles of drugs, alcohol, trauma, abuse, violence, gangs, all of those are symptoms of deeper rooted problems and we can have more doctors and nurses and counsellors and all of those different types of professionals but unless we actually get to the core of the root of the problem and we do something about that, I believe that we're just going to be going in circles again. And education for me, is the key that will break that cycle and stop us from spinning in circles.

Mr. O'Soup's excerpt suggests that education serves as a cornerstone to remedying various issues impacting young people, including violence, abuse and deep systemic issues. While research shows that education can in fact serve as a prevention strategy to child abuse and neglect (Desai & Goel, 2018; Greely, 2019), this idea that education is the key to solving these problems has been largely critiqued. For instance, scholars have highlighted that in conceptualizing education as the sole solution to exploitation, violence, abuse and harm, children's diverse experiences, contexts, cultures, and social lines of difference are overlooked and often homogenized (Balagopalan, 2016; Mitchell, De Lang & Thuy, 2008).

Although education may be beneficial to help address issues of violence and harm in advocacy contexts, the use of education as a solution to all of these issues may in fact further problematize young people's experiences (Balagopalan, 2016). In addition to education, Mr. O'Soup reveals that part of taking a preventative approach entails conducting research and contributing to recommendations and reports that aim to better the lives of young people. One way this is achieved is by researching what provinces, territories and countries are doing to help young people and presenting solutions to governments by developing best practices to find solutions. One of the participants discussed the importance of connecting with other offices across Canada to share and exchange educational materials:

We have an advocacy presentation for high level professionals, we have a presentation for group home staff, we have a presentation for teachers, we have a presentation for young kids, we have a presentation for youth, and certainly you'll find that across all of the offices. Right now, we are sort of pulling together all of the different child presentations so that we can share them amongst offices because there is just so many different groups out there that need different venues or different presentations so that they can learn.

There is also workshops on self-advocacy that can be provided and shared.

According to this participant, prevention is also about providing recommendations to decision-makers based on young people's perspectives and messages. Broader research on child and youth advocacy has also pointed to the importance of taking a preventative approach to reduce harm by conducting research on the issues young people experience and implementing concrete solutions at governmental and policy levels (Cross et al.,

2008; Dalrymple, 2005; McDonald Culp, 2013; Shaffer et al., 2018). While these perspectives demonstrate that a main component of the concept of child and youth advocacy is focused on the *protection* of young people, the participants also drew attention to the importance of child and youth *participation* in their advocacy work.

Part of the concept of child and youth advocacy that emerges from the interviews with the child and youth advocates involves providing spaces for children and youth to express their perspectives and opinions, especially at tables when decisions are being made without them. This understanding stems from the CRC and the framework it provides for the advocates work. Many of the participants revealed that this can be done a number of ways. For example, some the offices invite young people to present their opinions on systemic issues or provide spaces to listen to children and youth individually. As one example, the offices consult individually with children to understand how their living arrangements might be improved if they are living in care of the state and have reported problematic issues in these contexts. The offices also share the perspectives of children and youth on their behalf when young people do not want to share their insights directly. The advocates see their role as helping children and youth have their voices heard and relay their viewpoints to other people in power who need to hear them and support them so that they feel heard and respected. For these child and youth advocates, child and youth advocacy entails elevating young people's voices, perspectives and opinions and amplifying them in contexts where services are impacting children and youth. These organizational practices enable advocates to work with young people to translate their participation rights into practice. Del Graff, President of the CCCYA and Provincial Advocate for Alberta, explains the importance of meeting directly with

children and youth to understand their perspectives:

We have a strong focus on being able to meet directly with the young person face to face, so my advocates can go all over the province to meet with young people. We believe strongly in the relationship that comes from that face to face way of relating to young people and that makes a difference for when those people are in those stressful meetings that can sometimes come after that advocacy issue is addressed and there's an avenue for young people to speak up.

Advocacy emerged in the interviews as a way to ensure the best interests and well-being of children and youth in service delivery systems which includes informing service providers about the insights children and youth have regarding systems that implicate their lives. Some of the advocates also highlight the importance of partnering with young people to achieve a plan or establish change by empowering children and youth to become self-advocates or develop skills and knowledge surrounding their rights.

Christine Brennan – Advocacy Officer from Nova Scotia's Ombudsman Office explains how her office strives to advocate for young people and also help them develop self-advocacy skills:

We help young people advocate for themselves, as well in terms of ensuring that when governments make decisions that impact children, youth and families, that at least a youth voice has been part of that consideration.

Yukon's Representative for Children and Youth, Sherry McNeil-Mulak, explains how her office also works with young people to develop self-advocacy skills:

Our staff are trained to look for opportunities when they work with young

people to provide coaching support in terms of self-advocacy skill development. When people are open, our staff will work with young people to teach them how they can self-advocate. So, what that might look like is, maybe a young person needs to connect with a service provider and they are feeling that they want an advocacy specialist to make the phone call because they think “I don't know how to do that” and if offered, we will ask them if they want to talk about that and say “I can give you some tips?” Sometimes just with a little bit of coaching, we can see a little bit of a turnaround and that individual might say, “I think I got this, so let me make the call but can you sit in the room with me?”

These excerpts highlight an interesting tension surrounding the notion of self-advocacy. Although the offices focus on teaching young people self-advocacy skills if youth are open to receiving this training, the emphasis is on providing these tips to young people as opposed to addressing the organizational and systemic issues that create circumstances where young people feel as though they are required self-advocate or cannot self-advocate. While many of the advocates partner with all social groups of children and youth, some of the offices place a specific emphasis on developing self-advocacy skills with groups that are considered particularly vulnerable, such as children with disabilities, LGBTQ2+ young people, minority children and youth and Indigenous young people. One of the critiques of the notion of self-advocacy is that not all social groups of young people are in positions where they have spaces or opportunities to self-advocate, especially those that are considered particularly vulnerable (Dowse, 2010; Grant-Smith & McDonald,

2015). While young people can be taught how to self-advocate, there is no guarantee that these self-advocacy efforts will be effective or that there will be opportunities to self-advocate. In addition, young people may engage in self-advocacy practices but the systemic and organizational structures that have created circumstances so that young people feel compelled to self-advocate, may continue to perpetuate the root causes of the inequalities they are experiencing. Therefore, although it may be useful for these young people to learn how to self-advocate, in reality, not all children and youth may feel empowered to do so and self-advocacy efforts may not be effective in addressing larger systemic issues (Dowse, 2010). Despite these critiques, research has highlighted the importance of partnering with young people to achieve quality advocacy that aims to achieve positive change (Arnold & Gifford, 2014; Toomey et al, 2018; Zeldin, Bestul & Powers, 2012).

In exploring the responsibilities of child and youth advocates, many of the advocates discussed the difference between the role of an advocate which differs from the role of an ombudsperson. According to the participants, an advocate does not take a neutral stance or position; rather, they are ‘on the side’ of children and youth, have a stated interest in young people, and are in favour of their participation. If young people have understandings about what they want to see happen, then the advocate’s role is to take instruction from them. These ideas speak to broader understandings about child competency, agency and rights. Advocates do not have oversight of child-serving systems; rather, they are focused on people and working together with children and families to assist, support and empower them, although they also investigate systems and strive to hold governments accountable. Dr. Jennifer Charlesworth – Representative for

Children and Youth in British Columbia reveals the child-focused and rights-focused approach of her office:

As child advocates, we are coming from a child centered, child rights-based perspective, and here, it's about the UN Convention on the Rights of the Child and also the United Nations Declaration on the Rights of Indigenous Peoples. We are very much guided from a rights-based and developmental approach, that's what is being called for and also, wherever possible, keeping the youth voice strong and centered. There might be situations for example, where as an Advocate we would be taking a look at a situation if the young person is saying, "this is not working for me. I'm not going to listen. This is the outcome I would want." We would be working with them to assist them in their voice being heard and navigating the system. We might not even agree that that's the best outcome, but at least they've had the opportunity to have their voice heard.

This excerpt highlights that the advocates prioritize taking young people's voices seriously and acknowledges children's competency to provide their own insights on what they would like to see change despite the fact that the advocates may disagree with the young persons perspective. While it would be easy for an advocate to make decisions based on what they believe are in the child's best interests, this advocate highlights the importance of hearing the voices of children regardless of their viewpoints. On the other hand, this excerpt suggests that voice is conceptualized as a homogenized concept that is universal across all groups of children. Yet in reality, there are many types of youth voices and this idea of one

voice for all children is problematic because it universalizes children's individual experiences (Liegghio et al, 2010). The excerpt also speaks to broader ideas about children's vulnerabilities as young people and ensuring that opportunities are provided for their perspectives to be heard. Irwin Elman, Ontario's former Provincial Advocate also emphasizes the focus on partnering with children and youth: "partnering with children and youth to bring issues forward, that is what advocacy means in Ontario." These insights indicate that at the provincial and territorial level, child and youth advocacy is specifically framed by legal instruments such as the CRC, and through this lens, is perceived as a form of partnership with young people. Yet there are tensions surrounding the concept of child and youth partnership. For instance, while the idea of partnering with young people speaks to the advocates recognition of the importance of collaborating with children and youth, there is a power imbalance that exists when adults partner with young people. While adults may believe that they are equally partnering with children and youth, there is an automatic unequal power dynamic that exists based on age differentials (Grover, 2004; Liegghio et al, 2010; Sinclair, 2004). Young people's perspectives and experiences are impacted by their social positions given that adults ultimately determine which children to partner with and the extent to which children's viewpoints and decisions have impact (Alderson, 2001; Dalrymple, 2005; Mitchell, 2003). In addition, not all vulnerable groups of children and youth may have the same opportunities to partner with adults compared to other privileged groups. These unequal power imbalances are embedded in many aspects of children's lives and are reinforced by policies, practices and broader

cultural notions pertaining to children and their relationships with adults (Liegghio et al, 2010; Wyness, 2013). Despite these critiques, the advocates focus on partnering with young people is important to the type of advocacy services that children receive. These findings are consistent with literature that explores the concept of advocacy and the importance of partnering and working directly with young people to achieve change (Dalrymple, 2004; Jordan & Jordan, 2000; Payne, 2000).

The participants' insights also indicate that child and youth advocacy at the provincial and territorial level draws on diverse childhood theories to develop an understanding of the role of child and youth advocates. For instance, in framing the role of advocacy through a developmental approach, the participants point to developmental psychological understandings about children based on their cognitive capacity, but also integrate understandings of children as competent meaning-makers, a conception derived from the social study of childhood (Freeman, 1998; James et al., 2002; McNamee, 2016; Mayall, 2000; Reynaert et al., 2009; Thorne, 2009; Vandebroek and Bouverne-De Bie, 2006). Consider for instance, Mr. O'Soup's viewpoint on protecting children and Ms. Charlesworth's perspective on hearing the voices of young people instead of solely making decisions on their behalf. Collectively these multidisciplinary ideas about children and childhood shape the organizational practices of advocate offices as they impact how the advocates engage with young people and the type of advocacy that they provide.

In discussing the role of ombudspersons, the participants said that an ombudsperson differs in that their role is primarily to monitor compliance, systems, and ensure administrative fairness through investigations. Ombudspersons are not mandated to engage in advocacy. The advocates explained that the ombudspersons priorities are not on children's voices and participation and do not include the CRC and children's rights more broadly in their work. As a result, ombudspersons have a different understanding and worldview about young people's lived experiences and youth voice. Dr. Jennifer Charlesworth explains her interpretation of the role of an ombudsman:

The Ombudsman's role has a different scope and definition. They are looking primarily at administrative fairness and how services are delivered. So, they might get involved in an individual situation and assist them to ensure they're getting access to resources, but they come at it from a different lens...has there been equitable access, has it been handled in the most appropriate way in terms of policy and procedures? This is what they would address.

Comparatively, part of the advocates role is to assist children in having their voices heard if they are unhappy with services that they are receiving, help support young people so that they are involved in decisions that impact the services they receive and educate children about their rights. One of the participants reiterates this distinction in explaining an ombudspersons role: "In my province, the Ombudsman's work is based on compliance with the legislation and regulations and my work is not compliance based but it is to ensure services are delivered consistent with the best interest of children." Mr. Graff also expresses his perspective:

I would say an Ombudsman would not have the same ability through the legislation that we have in Alberta to do the types of investigation that we have and to insert themselves in to places where we have. We are able to insert our-self, in social services, education, health, and the justice and corrections as well. The ombudsman operates under a totally different legislation, so I think that's where the biggest difference would be is the powers that are given to us by our legislation.

Mr. Elman highlights the distinction between a focus on systems versus a focus on people:

Ombudsman's have their own culture and language. I understand the difference between them, and I think there's a keyword - oversight and advocacy. From my perspective, advocates do not have oversight of systems. It's not our job to have oversight. For the Ombudsman, they have partial oversight of systems...Oversight is something different because it's focused on the system and advocates are focused on the people.

Understandings about these differences are important because they will be confusing for the public and young people in Ontario who no longer have a child and youth advocate and will have to report to an office that does not have a legal mandate that supports advocacy, a specific focus on children and youth, and do not take a rights-based approach to working with young people and the issues they present (Finlay, 2018).¹⁴ The participants emphasized the importance of partnering with young people, taking a rights-based approach to understanding issues, teaching self-advocacy skills and educating

¹⁴ Further discussion of the implications of the closing of Ontario's Provincial Child and Youth Advocate Office are outlined in Chapter One and Chapter Six.

young people about their rights. These important objectives are not integrated into the Ombudsman's legal mandate in Ontario, whereas they were included in the advocates legislation prior to its repeal. In addition, the office does not focus solely on children and youth. As a result, the practices that this office adopts will not be framed through a rights-based perspective given that the legislation does not require this approach, and thus, will ultimately impact the type of services that young people receive.

In order to understand the important role that child and youth advocate offices provide to the public and young people I explore further the different types of advocacy carried out within these contexts. The participants specifically identified four key types of advocacy that they engage in within their offices: *individual advocacy*, *systemic advocacy*, *investigative reviews of critical injuries and deaths*, and *public outreach/awareness and education*. I unpack these forms of advocacy below.

Individual Advocacy

Within child and youth advocate offices, individual advocacy is also known as case advocacy and applies when an office addresses an issue or concern that they receive from young people or an individual that represents a young person (Hunter, 2017; Snow & Finlay, 1998; Whitehead et al, 2004). When discussing individual advocacy, the participants spoke about the importance of addressing individual cases but also highlighted that this type of advocacy is often the most time consuming and absorbs the most resources. Yukon's Child and Youth Advocate, Annette King explains:

If my legislation focused more on systemic investigations then our office would save a lot more money because I wouldn't have to do as much individual advocacy and our legislators know they need to make these

changes and they would also have the strength of youth voice behind [the legislation]. We had 504 individual advocacy issues in 8 years of this office. And most of them were in the last 2 years and I have 1 person and myself doing it. We had 204 issues last year and just me and 1 other worker doing all of those issues that we are addressing. So, it's 117 new issues last year which is a lot. If we could cluster those and look at the systemic issues it would be a lot more efficient - that's what we are trying to work on now.

In order to ensure individual advocacy is carried out effectively, the participants referred to the importance of integrating Article 12 of the CRC into their individual advocacy work. They referred to Article 12 as a central component to individual advocacy and revealed that adopting Article 12 entails including the child and the family in addressing issues by asking young people their opinions and discussing their perspectives in depth before developing case-specific plans. In doing so, many of the advocates agreed that outcomes are better when children are involved in decisions that will remedy these issues. Newfoundland and Labrador's Child and Youth Advocate, Sherry McNeil-Mulak explains how her office approaches individual advocacy by integrating Article 12 of the CRC:

The empowerment piece is really important to our office and we define that by ensuring that when we are working on an individual advocacy file, for instance, where article 12 is at the forefront of our work we don't just swoop in as advocates and come up with a plan for the young person and their family, they are a partner and a lead partner in the development of the advocacy plan.

By consciously integrating Article 12 into the offices' individual advocacy work by partnering with young people and their families to collaboratively develop an advocacy plan, the office works to operationalize rights into practice. While the participants characterized this approach to individual advocacy as ideal, many of the advocates revealed that it is not always possible because it depends on the case specific situation or issue that is presented. For instance, young people may choose to not participate or provide insight and that decision should also be respected.

In discussing individual advocacy, the participants highlighted an additional barrier they have observed in their work - resistance to involving children in conversations within individual advocacy. Some of the advocates expressed that this resistance exists because certain individuals, whether it be staff members or individuals from organizations that play a role in the case advocacy, feel uncomfortable including young people in these processes. These hesitations may stem from larger cultural discourses about children and childhood which suggest that young people cannot be viewed as competent meaning-makers in their own lives (Freeman, 1998; James et al., 2002; Mayall, 2000; Reynaert et al., 2009; Thorne, 2009; Vandebroek & Bouverne-De Bie, 2006). Observing resistances to child and youth participation and engagement is important because it reiterates the idea that conceptualizations of children and childhood ultimately impact how individuals act and interact with young people (Moss & Petrie, 2002). Specific conceptualizations and ideas surrounding capacity, competency and maturity can shape the way individual advocacy is executed. For instance, if a service provider believes that a child is too young to provide informed insight due to their young age, then perhaps a young person will not be provided with an opportunity to contribute

their perspectives. Some of the advocates admitted that it is therefore often a struggle to include Article 12 and child participation more broadly into individual case advocacy for these reasons. Senior Legal Counsel, Christian Whalen of the Child and Youth Advocate Office in New Brunswick reflects on the complexity of implementing Article 12 within individual advocacy cases:

In terms of responsibilities as an advocate, it means putting children's voices first and foremost. We still struggle with that in our individual case advocacy. It's still more often than not that we will have people campaign on a case conference to talk about a child and a care plan for a particular youth without them present. It happens routinely and that's a practice that we are trying to change. We try to insist to bring the child into these conversations and people aren't always comfortable with that because it's not how we are used to operating. That's an area, where individual case advocates have a key responsibility of not just advocating for the child but helping the child self-advocate and bringing the young person into the conversations. Sometimes it's not appropriate and sometimes, it's exceptionally. But my experience has been that it's so much easier to get good results for children when they are part of the conversation. The conversation changes completely and I've seen it time and time again. Children have that right; they deserve that opportunity. It does bring out the best in everyone, so let's not resist it.

Scholars have analyzed participation theories as well as young people's experiences with participation in governance, councils, service delivery systems and policy consultations (Gal & Duramy, 2015; Lansdown 2014; Lundy, 2018; Percy-Smith & Thomas, 2009;

Tisdall, 2015, 2018, 2019) and have identified similar obstacles to quality participation including negative conceptualizations of childhood, misunderstandings about competency and youth interest, power imbalances, and implementation (Chawla & Driskell, 2006; Collins, 2017; Kellett, 2009; Lansdown, 2001; Matthews, Limb, & Taylor 1999). Overall, individual advocacy is an important component of child and youth advocate offices because there may be instances when young people require one on one support to help address an issue that they have experienced directly. For instance, the office has a responsibility to be responsive and attentive to individual cases and will assist young people in accessing services or improve their treatment in child service delivery systems to ensure their rights are upheld. Mr. Elman explains how his office would typically engage in individual advocacy with young people:

The first key responsibility is to listen. First of all, focus on the child. You start with where they are at. You listen to them. You understand and you listen and say, what's not going well? What do you want? What are the issues you are facing? Explain it to me and you listen. It's kind of generally 'what's wrong.' There's an interesting difference between a child and a teen. Teens are more likely to talk about what's wrong and kids, 6-year olds, are more likely to talk about what's good. Even while they're complaining, because they want 'more good.' So, you listen, what's good, what's wrong. The next step of the advocacy, for me, I always say what would good look like, what change do you want? What do you think would make a difference? And then, the third step which is our responsibility, how are we going to get there? And that's the key thing for an advocate. How are we going to get there, because

now you're a partner, and then it's about how you can help to make an advocacy plan, how to get to from what's wrong to what good would look like to achieve what the young person wants.

While each office has its own approach to engaging in individual advocacy, it is evident that Mr. Elman's approach is based on integrating Article 12 of the CRC in an attempt to understand what the young person would like to see change so that the office can work towards these changes. Christine Brennan – Advocacy Officer from Nova Scotia's Ombudsman Office reveals the complexity of individual advocacy work and the office's role in implementing children's participation rights:

In situations with child and family services, a lot of the time Child and Family Service workers will create a plan for the child around the treatment or rehabilitation from issues the child is struggling with but they won't talk to the child about their issues or where they might be comfortable or where they're at in their contemplation recovery or rehabilitation. We see a lot of workers who decide placements for kids but don't really talk to the kids about where they want to be or where they'll stay which is interesting. So, we do a lot of work with youth trying to create knowledge about rights and their right to participate when kids call us and say nobody's talking to me or my worker is not meeting with me but she is telling me where to go and where to live, we will often times connect with the worker and say, "hey, this child has a right to have their voice heard in this plan" and it doesn't mean they always get what they want because sometimes living with a 35 year old boyfriend is not in their best interest. But, it's important that they have their voice and are

clearly told why decisions are being made, unless there is a safety issue that's clearly communicated to them and then they are talked to about, “okay, this is a possibility, is there anywhere else?” and what are other options that you would consider and explore with us.

In addition to working directly with young people and their families to ensure their perspectives are considered, the offices also play a key role in ensuring service organizations take this approach as well to respect children’s rights to participation.

Ultimately, it is the organizational structures and practices that not only define what constitutes individual advocacy but also impacts the decisions and behaviours of the advocates in terms of the individual advocacy work they carry out. Although the advocates have legal mandates that make reference to the CRC, the participants reveal that it is often the environmental circumstances that also impact how these organizational structures are translated into practice. For example, although the offices legal mandates state that these organizations should promote and uphold children’s rights, and in this instance, in individual cases, it is the resistances that certain parents or staff have about implementing Article 12 of the CRC that oftentimes impacts the practices of the advocates. These environmental factors determine if children have opportunities to participate in decisions that will affect their lives or whether decisions will be made on children’s behalf. These structural and environmental circumstances are important because they impact the practices that advocates carry out in ways that can either help or hinder how offices translate rights into practice. An analysis of these structures, behaviours and practices reveals what is known as individual advocacy and how it materializes in advocate offices. Along with individual advocacy functions, a key role of

the offices is to engage in advocacy at the systemic level.

Systemic Advocacy

Systemic advocacy involves addressing systemic issues and attempts to improve a child and youth serving system or program that impacts various groups of young people more broadly (Geigen-Miller, 2003; Hunter, 2017; Peña, 2012). The participants defined systemic issues as general trends, themes, and continuous problems impacting young people. Many of the advocates identify systemic issues through individual case advocacy or internal child death or critical injury reviews within larger investigations. Some of the offices also conduct research in their offices to pinpoint systemic issues or through partnerships with organizations where issues are brought to their attention. The offices also work directly with young people to understand systemic issues impacting children and youth.

In my discussions with the advocates, many of them highlighted the need for a greater focus on systemic advocacy and revealed that this type of advocacy is beneficial for combatting issues that multiple groups of young people experience. In advocating for systemic change to services, policies, practices and laws, the advocates aim to protect young people from harm and improve their situations by implementing their rights and amplifying their right to be heard and participate in decisions affecting their lives. President of the CCCYA and Provincial Advocate for Alberta, Del Graff, describes the role of advocates in helping young people have their voices heard:

An advocate is there to help young people have their voice heard and to help them be able to get their view point across to other people who really do need

to hear them, and we are there to support them in trying to get from where they are now to that place where they feel like they have been heard.

Many of the advocates explained that they often integrate Article 12 into their systemic advocacy by consulting with groups of young people through advisory committees and focus groups to understand and implement their recommendations for changing systems that are designed for them. Mr. Graff further explains:

When we do systemic advocacy, we may invite a number of young people to give us guidance on how we should be looking at certain circumstances that they identify. We have a youth advisory panel that's been with our office for about 5 years now. Young people from different points in the province come together with us and each of them has a mentor from their home community. They join us for a weekend every quarter and we get information from them and we provide information to them. They are a part of us, and they provide all kinds of advice to us on a whole range of issues. When we have things like conferences, our youth panel members will come, they'll be a part of a discussion panel at the conference to help understand what young people need in terms of information and engagement and relationships when they're going through the court processes. We get lots of participation from that youth panel...

We involve young people on our hiring committee, and they are an equal member of those committees. They provide a tremendous resource for us in terms of those decisions that are made about who we hire. We have young people, who we refer to as “friends of the advocate,” they're people who we

may have had involvement through individual advocacy or through some other mechanism but they take an interest in our office and we keep them informed of what we are doing and sometimes they come and set up a booth with us on the weekend. They have different ways of engaging and it's not like they're volunteers, young people have interest in what we do and want to help and support us. So, those are just some of the ways that we invite participation for systemic advocacy.

Mr. Graff's examples of child and youth participation reveal that the office makes an effort to engage young people at different levels and in ways that enhance the systemic advocacy work that they carry out. His insights also reveal that advocate offices are designed in particular ways to invite participation and to cater to specific groups of children through distinct approaches. The organizational practices that advocates employ are important because they determine both the level of engagement that young people will have within these offices as well as the type of engagements that occur within these institutions. Thus, the organizational structures of these institutions are important because they impact the quality of systemic advocacy that will be carried out as well as the types of barriers that the advocates face in their work. One of the barriers to executing systemic advocacy is the amount of time it takes to see concrete changes at the systemic and policy level. As a result, the participants explained that they often continue to move forward with their work and use the power of their offices to strive towards achieving systemic change. These findings are consistent with research that has identified similar barriers that exist in executing child and youth advocacy services (Bendo & Mitchell, 2017; Hunter, 2017; Snow & Finlay, 1998).

Access to information is also imperative when conducting systemic advocacy because advocates need to be able to obtain important documentation such as timely access to youth correction or child welfare records; or be advised when there are systemic issues. In the past, Former Ombudsman, Child and Youth Advocate, Access to Information and Privacy Commissioner in New Brunswick and Former Representative for Children and Youth in British Columbia, Bernard Richard went to court in New Brunswick when the government was trying to restrict his access to information. He explains:

The child advocate's ability to gain access to information and files is important. There should be very few restrictions to the advocate's access to information. I went to court in New Brunswick at one point 4 years ago - I was forced to go to court because the government was tempting to restrict my access to information. There should always be broad access to information which is critical to be able to access the files required to fulfill advocacy functions.

The *Child and Youth Advocate Act* was eventually amended to include access to information in New Brunswick, but other advocates have faced similar issues. In 2014, Ontario's office was the only office in Canada without access to information and oftentimes Mr. Elman would have to read the newspaper to find out about child deaths or poor treatment of young people rather than being promptly informed due to the restrictive legislation guiding the office. It took the Ontario office 7 years to finally obtain the power to be informed when a child dies or is seriously injured within 12 months of receiving care from a Children's Aid Society. These practices are problematic because they do not

allow the offices to engage in preventative approaches to bettering young people's lives and limit the advocates ability to carry out their mandates. Although Mr. Elman describes the role of an advocate as different from that of an ombudsperson, when it comes to investigations of services, advocate offices often integrate investigations into part of their systemic advocacy work. These types of barriers are partly perpetuated by and embedded within the organizational structures of advocate institutions that are designed in particular ways to limit or advance the practices that advocates engage in to implement children's rights. These practices are significant because they reveal the importance of the structures guiding child and youth advocate institutions and the impact they have on the type of systemic advocacy that is carried out to influence children's lives.

Overall, the participants reveal that systemic advocacy is important as it contributes to systemic change regarding issues that impact young people in child and youth service delivery systems. While it is imperative that young people's voices and informed perspectives contribute to the systemic work that the advocate offices' carry out, barriers surrounding the time it takes to achieve change in systems, and issues pertaining to investigatory powers often impact this work. These barriers are often a result of the organizational structure of child and youth advocate offices and the practices that are prioritized or neglected when promoting and implementing children's rights in practice. Despite the barriers, some of the advocates agreed that it would be beneficial to channel funding and time into systemic advocacy as this work can benefit large groups of young people who face similar issues.

Investigative Reviews of Critical Injuries and Deaths

Investigative reviews are conducted when offices would like to review a matter impacting individual children and youth or groups of young people and oftentimes, the investigation will be based on a child death or critical injury that occurs within a government child-serving delivery system such as child welfare or youth justice (Geigen-Miller, 2003; Hunter, 2017; Peña, 2012).

Each office varies in its approach to investigation which depends on the details outlined in their legislation but many of the advocates can investigate documents, conduct interviews with individuals, analyze facts and produce reports that outline findings and recommendations to government and agencies that aim to better services for young people. These practices are based on the organizational structure of the office mandates, as well as the environmental politics that determine what type of advocacy each office focuses on. For example, some of the offices including British Columbia, Alberta, Saskatchewan, Manitoba, Yukon and Nunavut, conduct mandatory investigations when a child dies while receiving intervention services and produce public reports that outline findings and recommendations. The other offices in Ontario, Québec, New Brunswick, Newfoundland and Labrador and Nova Scotia do not have legal mandates that specifically outline child death and critical injury functions, but they do have authority to review issues that are of concern to their offices. Many of the offices are also notified by child and youth serving organizations when a child is critically injured or dies, and the offices can conduct a preliminary investigation to see if a full investigation is required. It is therefore important that the offices develop strong relationships with organizations and government as these relationships impact if the

office is notified of a death and how they can enhance services for young people. The office can also use their discretion to conduct own motion investigations into issues they believe require attention regardless if they have received a complaint. For example, in Nova Scotia and in Newfoundland and Labrador there have been instances where the offices have conducted investigations without receiving a death or critical injury notification. The power to obtain investigatory powers, however; depends on the organizational structures that guide the offices. For instance, prior to receiving independence, some of the offices used to have to file investigations within government departments where the child deaths occurred. Many of the offices are now independent and they can file their own investigations through an independent process. While some of the offices began their existence with the passage of legislation, including the office in British Columbia, others like Ontario and Alberta began as child advocacy offices within their provinces respective public services and evolved through political tensions into independent offices. As Drory and Romm (1988) explain, the politics embedded within organizations can have a direct impact on the practices they engage in. This is important because as Pettigrew (1973) notes, organizational politics are powerful and can hinder what an organization achieves. For instance, when Mr. Elman was working to obtain investigatory powers for the Ontario office, he had to carefully consider the political implications associated with fighting for these powers and the impact it would have on the offices' relationship with decision makers including government officials, legislators and parliamentarians. As another example, some of the child advocates reflected on the fact that they had to carefully and strategically consider how their decisions in the first term of their appointment would impact their ability to be re-appointed for a second term.

Considering the advocates can serve for two five-year terms and the second term is not a guaranteed appointment, some of them felt that their decisions in the first term had to be made with this political process in mind and how decision makers would assess their candidacy for their second appointment.

Many of the offices have mandates that permit them to conduct special reports that outline their reviews of investigations and systemic issues (CCCYA, 2020; Bendo & Mitchell, 2017; Hunter, 2017). For example, in British Columbia, the office has released reports relating to children and youth with special needs (2019), substance abuse (2018), the child welfare system (2017), sexualized violence (2016), mental health (2016), the provincial adoption system (2014), among others. In Alberta, the office has come out with special reports focusing on segregation centers (2019), community conversations on speaking out (2017), LGBTQ2S+ young people in the child welfare and youth justice system (2017), the overrepresentation of Indigenous youth in the child welfare system (2016), and youth aging out of care (2013). In Saskatchewan, the office has released special reports on individual child death investigations (2018, 2016, 2015), youth voice and suicide (2017), administrative fairness (2012), and foster home overcrowding (2011, 2009). In Manitoba, special reports have been conducted on individual child deaths (2019, 2018), solitary confinement in youth custody facilities (2019), marginalized Indigenous girls (2016), youth suicide (2016, 2015), loss and grief for youth in care (2016), child welfare (2016), among others. In New Brunswick, the office has released special reports on child neglect (2019), discrimination, mental health, poverty, declining educational engagement (2018), the rights of newcomer and refugee children (2018), among others. In Newfoundland and Labrador, the office has conducted special reports

based on their investigations which include trans youth (2019), chronic absenteeism (2019), health care responses (2017), among a range of additional reports focused on issues stemming from individual investigations. In Nunavut, special reports have been conducted on mental health (2019) and education (2018).

Collectively, at the national level, the CCCYA have come together to release special reports on youth suicide (2019) and Indigenous children (2011) as well as special statements on issues that impact young people nationally. Special reports are important because they shed light on detailed factors that contribute to critical injuries and deaths among children and youth and provide critical recommendations for remedying these issues (CCCYA, 2020; Hunter, 2017). One of the participants highlights that investigations serve as a form of advocacy where the office advocates on behalf of young people who have passed away or have been critically injured:

We advocate on behalf of children when children have passed away, through our investigations and serious injury investigations. We can look at the services provided and identify any gaps and services and recommend improvement in areas.

An additional participant also explains the importance of investigative authority, “We carry investigation powers, and we make recommendations to the government to address different issues.” Similarly, British Columbia’s Representative for Children and Youth, Dr. Jennifer Charlesworth, highlights the youth-led approach her office applies when conducting investigations:

A lot of times investigations happen when a young person has died. If there's an investigation we are doing in terms of a critical injury or something along

those lines we very much endeavor to get the youth's perspective and also, we're very mindful about, is this the appropriate thing to do, to do an investigation or is it just going to cause harm. Being able to take the lead from the young people wherever possible is important.

Overall, the offices play an important role in investigating critical injuries and deaths along with other public institutions such as child death committees, legal teams, chief coroners, researchers, and medical examiners. Most of the reports point to the importance of the role of education in promoting and implementing children's rights and the potential of rights-based education to act as a preventative approach to addressing many of the issues young people experience that often result in critical injury or death.

Public Outreach, Awareness and Education

Public outreach/awareness and education is an advocacy function that involves educating children and youth, professionals working with children and youth, families, caregivers, groups, agencies, organizations and public citizens about the role of the child and youth advocates, their offices, as well as child and youth rights more generally (Geigen-Miller, 2003; Hunter, 2017; Peña, 2012; Snow & Finlay, 1998; Whitehead et al, 2004). This can be carried out in a number of ways and is contingent on the organizational structure and practices that advocates use to engage in public outreach, awareness and education. For instance, many of the offices prioritize meeting children, youth, families, child-service organizations, frontline workers, and professionals working in provincial child and youth serving sectors in person throughout the provinces and territories. This is particularly important when it comes to educating children and youth

and partnering with them to provide advocacy services. Annette King, Yukon's child and youth advocate explains how her office engage in outreach:

For me, outreach is about meeting every child that is referred and reminding whoever makes the referral that it isn't about them and their issue, that we are here for from the child's perspective. Even if they're a newborn, I want to meet the child. There's just this thing about seeing them, knowing they exist, it's a different kind of approach.

Through the development of relationships, outreach is often also carried out with service providers and organizations who work directly with children and youth. Many of the offices explore opportunities to visit schools, organizations, present at conferences and engage in interviews to promote the work of their offices and the CRC more broadly. Dr. Jennifer Charlesworth, British Columbia's Representative for Children and Youth describes how her office engages in the community to spread child-rights awareness:

Our advocates are now using engagement coordinators and they are going into communities and into schools, into alternate school programs, into centers and agencies, into service provider groups, foster care, etc. to share information about children's rights and that has aided in helping adults who are service providers understand that the children in their care actually have rights and how they might uphold those. But also, to the young people themselves, right through 5-8 years old, developing a curriculum module so that they begin to think about themselves as rights holders. A lot of it is about awareness in the hopes that if young people understand their rights to have a voice, and to be included, have their culture protected, the right to play, all of

those things, that they can actually uphold their powers through that knowledge. They have a language then to be able to say, this doesn't feel good, or this is what I would like, or this is something that's missing, or this is what I feel I should have to help me be healthier or better. Over the next 18 months we'll go to dozens and dozens of communities in all different environments to try and spread the word and then leave behind new information, for example, posters to every school in the province from A-Z that say here are some of your rights, here's how you can speak up for yourself, that kind of thing.

One issue with educational outreach is that while public outreach and education may be outlined in some of the advocates' legal mandates, there are limited processes in place to ensure it is implemented and as a result, it is often neglected unless it has its own budget, management, and team. Christian Whalen, Deputy Advocate/Senior Legal Counsel for New Brunswick's Advocate Office explains the struggle his office faces with funding to support education outreach:

Education outreach actually requires a separate budget to work with, it's not like individual complaint matters where you have someone tasked with that complaint function and they can do the individual case advocacy around what's a normal case load for one of those officers. But, with education and outreach, it's materials, it's training, it's transportation, it's event management, it's videos, and communication campaigns, social media, and if you want to do quality work in that area, then you need good resources...

We would need easily another quarter of a million dollars in our budget, not for new hires, but just to support the work that we should be doing in terms of education and outreach. Right now what we do, we just cobble together by applying to grants and looking to external sources of funding and while we are eligible to do that, that takes up a lot of man power, chasing down those dollars, and it's not actually consistent with the independence of our office. We shouldn't be dependent on those external sources of funding to run the summer course every year. That's part of our work, we should be resourced to do that, but we are not.

Some of the advocates say that education is an important part of the advocacy in their offices because it informs the individual, systemic and investigation advocacy that relies on systemic, institutional and social change. Many of the participants agreed that these different components of advocacy are imperative, and it is crucial to balance each component so that one form of advocacy does not trump the other given their equal significance in advancing and supporting the rights of children and youth. The participants explained that individual and systemic advocacy tend to absorb most of the funding and resources and as a result, public outreach/awareness and education is often compromised. One suggestion that arose during discussions with the advocates was the development of a benchmark that looks at per capita basis of investment or minimal staff in advocates offices. Considering small staff with limited resources cannot fulfill each type of advocacy without sufficient support, this type of benchmark would enhance the offices' work. Mr. Whalen further explains:

I think that we need to set a benchmark in Canada for...I don't know if it's on a per capita basis of investment or something beyond that which says what the minimal staff complement of an advocate's office has to be. But you have to have the educational mandate, you have to have the advice to government function, you have to have the individual complaint function and that all can't be done by one or two or three people.

Even when offices are fully staffed, the education outreach often suffers because it is essential to have various components to implement quality education outreach. Given the structure of an advocate office to implement children's rights in practice by engaging in individual advocacy, systemic advocacy and investigations, the educational outreach component ends up lacking resources and engagement. Accordingly, the quality of education and education initiatives that are produced by these organizations is a direct result of the structures and practices that define them. Ultimately, the different organizational barriers, such as limited resources and funding, contribute to the work the advocates engage in and the initiatives that they prioritize. Particular organizational resources and opportunities also help to advance the quality and focus of the advocacy services which impacts what the offices can or cannot achieve for individual children, groups of children, and the public at large. Consistent with research findings (Bendo & Mitchell, 2017; Shaffer, Smith & Ornstein, 2018); many of the participants agreed that guaranteed funding should be in place to conduct this type of advocacy as it is extremely important in enhancing the other types of advocacy services. In addition to the main advocacy functions outlined above, the participants spoke about the importance of

independence and the legislation guiding their offices in carrying out different components of advocacy.

Importance of Independent Office and Legislation

Many of the child and youth advocates agreed that one of the key components required to efficiently carry out advocacy duties and operationalize child and youth rights within advocacy institutions is ensuring that the offices have independent legislation. Former Ombudsman, Child and Youth Advocate, Access to Information and Privacy Commissioner in New Brunswick and Former Representative for Children and Youth in British Columbia, Bernard Richard explains the importance of independence:

I always come back to independence. To me that's the critical piece. Having an advocate within a government department doesn't work because of the lack of independence. Any restriction on the independence of an advocate reduces that advocate's ability to be effective. So, independence, is absolutely critical, it is a critical issue or principle that needs to be respected in all jurisdictions and if it doesn't exist than I think the advocate will not be as effective as he or she can be.

Yukon's Child and Youth Advocate, Annette King also highlights the importance of an independent child and youth advocate office:

Independence gives us the guide of our responsibilities, it gives us the authority to do our work, and ensure the independence of our office. Because if we were under the department of 'something' we wouldn't have the same authority and we'd be influenced by so many contributing factors, where right now, the only other influence is the children.

According to Corey O'Soup, Saskatchewan's Advocate for Children and Youth, independent legislation impacts the advocate's ability to carry out their mandates compared to an office that is embedded within an ombudsman office:

We have been around for 22 years now. I believe we started off within the Ombudsman office in 2012. That office is separated, and we received an independent legislation back in 2012. So, I think that was really important, I know that you're going backwards in Ontario and I think they're going to have a challenge to meet the needs of children and youth in Ontario. We actually went the other way in Saskatchewan and found it much more effective to not be a part of the Ombudsman's office.

While the offices throughout Canada all have different degrees of independence, the independent legislation is important for many reasons.

First, the independence is crucial because it grants the office power, authority and independence from government systems that are often under scrutiny within the advocate's individual and systemic work. For instance, prior to the development of independent legislation, many of the offices were part of child and youth ministries and were required to report to the minister of the day. It is problematic to scrutinize a particular sector, such as the child welfare system and advocate for change within this system if the child welfare ministry is responsible for overseeing the office's work. For many of the offices, this was the previous structure in place before independent legislation was developed which resulted in the advocates criticizing and reviewing their own directors and supervisors. This structure is also troublesome because oftentimes, the minister would not hear about the detrimental issues impacting children and youth or

staff members were aware of these issues and did not feel comfortable reporting them to the minister who was responsible for overseeing this department. Irwin Elman, Former Provincial Advocate of Ontario explains the difficulties:

I think the independent of the office is really, really critical. I think it's really hard for a child advocate office, whatever the title of the advocate is, representative, commissioner, whatever. I think it's really difficult to do your work, if you have to potentially be critical of your boss. I think that the independence is a foundation and it's fundamental for effective advocacy. Government departments cannot monitor themselves. We see that all the time because we have to go to government departments and say, "what are you doing? You're not following your policy, you're not following your legislation, or are you satisfied with this policy? Are you satisfied with this legislation that addressed the children's needs?" This really troubles me about the development in Ontario where the office is being abolished, the legislation, and to hear the minister say, "nobody is going to be a bigger advocate than I am". That's really troublesome because much of the information will never ever make its way to the minister...

When we go and do our investigations and we provide the information and the rationale for the investigation, that may be the first time that a minister hears of the problems or the issues that we are dealing with. So, to think that everything, all the troubles, all the difficulties, all the conflict are going to be bumped up to the minister so that the minister can advocate and deal with all of these, I just don't see it as feasible at all and the minister is then is going to

be in a position of addressing issues that are within his or her own department. I don't see how that has the same effect at all, as an independent office that is essentially given the space and the legislative mandate to be able to advocate, press for change and to identify issues and problems where they are and each of our offices throughout the country has identified very very problematic and sometimes horrific cases where people in the department were aware of what was happening. I think that the independence is really crucial. I feel very passionately about that because imagine what would happen if you have to go to your boss and say, "I have to initiate an investigation, essentially into your department" and then I have to answer to them..

With changes in structure, the offices have been able to organize in a way that is best for advocating because rather than reporting to the minister of the day, many of them now have independence to report to the full legislative assembly and to the people of their provinces and territories which has created a shift in power and ultimately eliminates some of the political tension that may potentially constrain the advocates work.

Second, independence is important because it provides the public with a sense of confidence in the office as an independent body as opposed to an office that is integrated within the systems that individuals are finding problematic. Citizens may not have the same confidence in the office without its independence, which could potentially discourage them from contacting the office all together. Jackie Lake Kavanagh – Newfoundland and Labrador's children and youth advocate explains how independence instills confidence in the public's perception of the office, "I think the confidence in the

office is an important factor as well and if it's seen as another arm on the department or minister, I don't think the same public confidence would be there.”

Third, the legislation dictates what the office can or cannot do for children and youth which is why it is important to have legislative authority behind the offices. It is also imperative that the independent legislation takes a broad approach to advocacy as opposed to a narrow focus. Christine Brennan – Advocacy Officer for Nova Scotia’s Ombudsman Office highlights the implications of having a broad mandate:

I think you have to have that independence but more importantly, or equally importantly you have to have that broad mandate, right? Because you can't get these perfect cookie cutter complaints or issues that pop up that don't cross more than one jurisdiction or issue.

Prior to independent legislation, some of the advocate offices could not advocate for certain groups of children or particular issues because they were tied to specific acts such as the *Child and Family Services Act*. A broad mandate enables offices to help all children and youth that are facing barriers from all sectors under government services such as youth justice, child welfare, health, among others, which is helpful rather than having an exclusionary and limited legislation that focuses on one or two singular groups of children and youth. Having a broader mandate is also advantageous for advocates because a restrictive legislative scope can restrict what type of rights can be implemented which is discouraging and frustrating for individuals seeking support from the office. Corey O’Soup, Saskatchewan’s Advocate for Children and Youth highlights the strength of his Office’s broad mandate:

I'm pretty happy with the legislation that we have in Saskatchewan, it's pretty broad. We do have the ability to be the accountability body for a number of different ministries. Not every province has that same capability. We have kid's education, health, justice corrections and social services. Some just have the ability to look into child welfare, some might have education, but not a lot do, so I'm pretty pleased with ours. The one place where I feel like we're really lacking is the ability to advocate for our children in the court system. Once they're in our youth correction facilities, we have the ability to enter that facility. But we can't go into a judge's court room and Advocate on behalf of the children and youth, we're not recognized, the UNCRC is not recognized, particularly in Saskatchewan. So, I would love it if our advocates and our staff are able to go into that place and advocate for children and youth.

Many of the advocates echoed Mr. O'Soup's concern regarding limited authorities to act as legal council for children and youth in court. As a result, the participants discussed the importance of a broad-based mandate in developing relationships with other organizations to address issues that stem from different jurisdictions and systems. With a broad legal mandate, the offices are able to manage these relationships in an attempt to remedy issues that may fall outside of their jurisdictions. Although most of the advocates spoke about the importance of having a broad legislative approach, some of the participants pointed to the fact that it is sometimes difficult to be experts in all sectors, whereas if the mandate only focuses on one area such as child welfare, then the offices can act as experts in that specialized area. One of the participants explains the challenges:

One of the challenges as an advocate organization, we have to have some way of identifying what choices we're going to make and what those choices are based on. At one point for example, Manitoba, until recently, the only outlet was child welfare and that's all. They had no option to help advocate for young people in another area and that's a pretty significant limitation. At the same time, they also didn't have to know what's going on in mental health or addictions or in education or youth justice. They really had to know child welfare well. Certainly, my perspective is one that of broader jurisdiction of designated services is preferable.

Another limitation of some of the legislation guiding the offices is that they do not reference the CRC which should be enforced through legislative means because it impacts the way child and youth rights are operationalized and integrated into the offices' day to day practices. Senior Legal Counsel, Christian Whalen of the New Brunswick Child and Youth Advocate Office reveals the importance of integrating the CRC into domestic law:

I think we would love to see better enforcement of the convention in domestic law in New Brunswick. We would like to see specific convention rights spelled out in our legislation. We have a reference, we have a statute that talks about a rights-based mandate, but it doesn't actually reference the convention at all. It leaves a lot to the imagination. It's clear enough that when we talk about the rights of children and young people there is a reference document and those are the rights we are talking about. But it could definitely be better spelled out, I think it could be enforced through other legislative means.

While all of the offices make use of the CRC in their work and the legislation refers to child and youth rights, many of the participants expressed concern over the fact that their legislation does not specifically cite the CRC directly and this is problematic as the legislation officially guides the work of the offices. The offices in Manitoba, Nunavut and Yukon and are the only offices that make direct reference to the CRC in their legislation.

While the independent legislation does grant the office a sense of authority, another shortcoming is that some of the offices are accountable to a standing committee, oftentimes the same committee they report to and government members make up majority of these committees. Therefore, the government can move forward on decisions if they feel compelled to do so considering they monitor the office which ultimately restricts the offices power. As one example, the Ontario provincial governments recent decision to repeal the *Provincial Advocate for Children and Youth Act* which led to the closing of the office demonstrates how problematic this structure can be. As a result, many of the advocates highlighted the importance of a supportive legislative committee to strengthen the legislation. These pitfalls have also been identified in research focusing on the impact of political tensions on the role and function of advocacy offices (Bendo & Mitchell, 2017; Geigen-Miller, 2003; Hunter, 2017). Despite these downfalls, all of the participants agreed that as a best practice, provincial and territorial child and youth advocate offices should adopt an independent broad-based legislative mandate that is child-friendly, wraps issues around young people, and clearly makes reference to the CRC by supporting a rights-based approach to advocacy.

Fourth, it is important to have strong independent legislation that is reviewed and revised regularly. Often, the legislation guiding the offices is quite outdated which can be problematic because it does not reflect the changing contexts that impact advocacy services. As Christine Brennan– Advocacy Officer for Nova Scotia’s Ombudsman Office states, “*The Ombudsman's Act* speaks to the ability to look at issues, but the language is outdated. We are going to be 50 in a year and a half, so the Act needs to be updated.” In cases where the legislation may be strong, the issue is oftentimes that there is not enough resourcing to ensure the legislation evolves frequently. British Columbia’s Representative for Children and Youth - Dr. Jennifer Charlesworth explains, “Even if you have a strong mandate and no resources, it really impedes your ability to do the work without resources.” Collectively, these factors all impact the role and function of the advocate offices and their ability to operationalize child and youth rights effectively and practically. With this in mind, it is noteworthy that *Nunavut’s Representative for Children and Youth Act*¹⁵ was newly established in 2016 and took some of these factors into account while developing their legislation which has led to a particularly strong piece of legislation according to some of the participants.

Overall, the advocates reveal that the independent legislation guiding the offices are impacted directly by the political environments that they are situated in. Scholars have pointed out that political environments can largely influence the practices and behaviours that manifest in organizations (Drory & Romm, 1988). Organizational politics can develop based on internal and external factors that contribute to the culture of the

¹⁵ The full text of *Nunavut’s Representative for Children and Youth Act* (2016) can be found at: <https://www.rcynu.ca/sites/rcynu.ca/files/RCY%20Act%20English%20May%202016.pdf>

organization and what it can establish. In this context, both internal and external factors impact how the independent legislation has been structured as well as how the advocates make use of it to carry out their advocacy work. Although the participants spoke about the strengths of the legislation, they also highlighted the shortcomings or barriers of the legislation that are produced by internal and external politics. Ultimately, political environments are significant to organizations because they can determine how power is wielded to influence decision making (Pettigrew, 1973). As the advocates reveal, the decisions that are made about the structure and use of the legislation are impacted significantly by the internal and external environmental politics of advocacy offices.

Discussion

Findings reveal that the childhood discourses the advocates hold ultimately impact the way they conduct their work on, with, and for children and youth. These conceptualizations also shape the organizational culture and practices that are carried out in these offices and how the offices perceive their roles. For instance, as some of the participants mentioned above, they perceive their role as providing children with spaces to have their voices heard even if this means that they do not agree with the young person's perspective. As a result, the advocates meet with children directly to understand what they would like to see change as opposed to making decisions based on their best interests without regard of the young person's viewpoints. These ideas mirror childhood discourses surrounding children as meaning-makers in their own lives. Comparatively, some of the advocates revealed that they perceive their responsibility as protecting children and youth by making decisions that will better their lives. These practices are in line with protectionist childhood discourses that produce notions about children as

vulnerable beings. Participants explained that one of the main reasons that advocates are essential in Canada is due to the way children and childhood are conceptualized and how the country perceives young people as well as how it treats them. Some of the advocates feel that young people are capable agents who can make meaning of their own and other's lives. Overall, the types of advocacy that advocates engage in, as well as the ways that they carry out their mandates are largely influenced by the organizational structures, practices and politics that are embedded within advocacy institutions.

At the heart of advocacy lies the CRC and working towards promoting and implementing children's rights in different contexts of young people's lives. While one of the main roles of the advocates is to develop strategies and plans to take preventative measures to ensure young people are protected from harm, they also have a duty to ensure young people's voices, perspective and insights are considered and heard when decisions are being made about their lives. This includes ensuring that decision makers take young people's opinions and recommendations into consideration when they make decisions about systems, policies, legislation and services that will impact children's lives. As a result, advocates have a specific role to play in supporting children and youth by partnering with them and assisting them with self-advocacy. These features distinguish advocates from ombudspersons who primarily have mandates to monitor compliance and systems and ensure administrative fairness through investigations and who do not focus primarily on young people and their rights. Yet the concept of partnering with children is complex considering not all groups of children are in equal positions to partner with adults. In addition, it is challenging to develop equal partnerships between adults and children given that unequal power dynamics exist

between these two social groups. For instance, young people's age automatically positions them as inferior to adults despite efforts to ensure children's voices are listened to and heard. The advocates also focus on teaching young people self-advocacy skills. Although it may be useful for young people to learn how to self-advocate, not all children and youth may have opportunities to self-advocate and these practices do not often address the larger systemic issues that create instances where self-advocacy efforts are required.

The role of provincial and territorial child and youth advocates focuses primarily on individual advocacy, systemic advocacy, investigative reviews of critical injuries and deaths, and public outreach/awareness and education. While the offices engage in these types of advocacy to different degrees, each of them identified these responsibilities as imperative to the offices' mandates to promote and implement rights in practice. Through individual advocacy efforts, the advocates help to remedy case issues that children bring to their attention by working collaboratively with young people and their families, as well as child-service delivery workers to implement plans of action that help to improve their circumstances and implement their rights. Through systemic advocacy, the advocates work to change and challenge policies, legislation, services, programs and practices at a larger systemic level, so that systems promote and respect young people's rights in ways that aim to remedy issues they experience in public services. The advocates also engage in public outreach/awareness and education, which helps to educate the public, children and young people, parents, professionals working with children and youth and public/government officials about rights and the problems young people face. Yet, funding restrictions do not always enable the offices to support this type of advocacy. By

conducting investigative reviews of critical injuries and deaths, the advocates uncover systemic issues and make recommendations to improve service delivery systems in an attempt to provide preventative measures that reduce harm. Relationships with organizations, government, and child serving institutions are important for conducting these reviews and bettering systems for children and youth.

An important component that impacts the roles and responsibilities of advocate offices is the independent legislation guiding the offices. The way the legislation is structured and used within advocate offices to implement rights in practice is ultimately shaped by the internal and external politics that manifest within advocate institutions. One of the key components required to efficiently carry out advocacy duties and operationalize child and youth rights within advocacy institutions is ensuring that the offices have independent legislation. Independence is essential for a range of different reasons. It provides the offices with power, authority and independence from government systems that are often under scrutiny through individual and systemic advocacy; it gives the public a sense of confidence as an independent body that carries out advocacy efforts to help improve systems that governments are controlling; it also determines what the office can or cannot do for children and as a result, should be reviewed and revised regularly to stay up to date with shifting contexts. Collectively, these characteristics constitute the role and function of child and youth advocates and shed light on the complexity of the concept of child and youth advocacy in Canada.

CHAPTER 6 – CHILD AND YOUTH ADVOCACY PRACTICES, CULTURE AND POLITICS

In exploring how meanings of the concept of advocacy are refracted, produced and reproduced by organizational structural features, how the concept of advocacy is constructed and related to children's and young people's experiences by advocate offices, and how understandings of advocacy contribute to implementing children's rights in practice, an important component that emerged was the organizational practices, politics and culture of the offices and how they contribute to or detract from, change. In this chapter, I explore organizational practices and politics and how they contribute to a culture of advocacy and overall understanding of advocacy in a contemporary 21st century context. In analyzing interview data, three key sub-themes emerged: 1) *multi and interdisciplinary teams, qualifications, experiences and skills*; 2) *tools and resources for advocacy and implementing rights*, including: educational tools and resources, information management tools, budgets and funding; 3) *the importance of relationships and partnerships*, including: the Canadian Council of Child and Youth Advocates, community organizations and government, and children and youth as epistemological forces. According to Drory and Romm, (1988) the culture of an organization is partially developed based on the practices and politics that are embedded within an organization. In this instance, the types of skills and qualifications advocates possess, as well as the resources that they draw on to carry out advocacy services, contribute to an understanding of the culture of advocate offices. In turn, these practices, politics and the overall culture of these offices may provide an understanding of what constitutes advocacy and how these components impact the way that rights are translated in practice.

Overall, the advocates I spoke to expressed the importance of developing multi and interdisciplinary advocate teams to carry out advocacy practices effectively, the strength of tools and resources in providing education, information and finances to fulfill legal mandates, and the impact of strong relationships and partnerships that enable advocacy and the translation of rights into practice. Considering scholars have explored both theoretically and practically how organizational practices are important for the role they play in the delivery and overall culture of institutions (Blackler & Regan, 2009; Brown & Duguid, 2001; Gherardi, 2011; Pickering, 1993; Turner, 1994; Simpson, 2009; Warde, 2005), these themes are significant to advocate offices and contribute to an understanding of how rights are operationalized in practice.

Multi and Interdisciplinary Teams, Qualifications, Experiences and Skills

In the same way the concept of child and youth advocacy has been shown to be multifaceted (Bendo & Mitchell, 2017; Frankel, 2018), so too are the career qualifications, experiences and skill sets of child and youth advocates. Interviews with child and youth advocates revealed that many of the offices are comprised of multidisciplinary and interdisciplinary child and youth advocates and their supporting teams who draw on and are trained by two or more disciplinary fields of study. One of the participants explains the diversity of her office staff: “Our office is multidisciplinary. We have a lot of lawyers working here and we also have social workers and people with a background in criminology. Not only are our backgrounds different, but we also hold different positions. We work together and that makes our team very dynamic.” Some of the key skills that have been identified by the participants as essential to working efficiently within multidisciplinary and interdisciplinary child and youth advocate offices

include creativity skills to develop action plans with young people, listening skills to engage with teams, community partners and children and youth; the ability to foster a child-centered approach in order to interact and connect with children and youth; dedication to young people as an essential skill that guides practice; investigative skills for conducting investigations into child deaths and critical injuries, and communicative skills to deliver and understand complex information. Jennifer Charlesworth, British Columbia's Office of the Representative for Children and Youth reveals the importance of a strong background, education and skill set which significantly contribute to effective advocacy with young people:

We have people with criminology backgrounds, we have people with child and youth care, social work, nursing...some of the obvious ones. We have somebody who's got a background in health care, medicine, and we have people that have worked in government, some people that have worked in non-profit, some people who are in the academy and they're working on their PhD's and then they finish and they come here and they work in our research and monitoring team and they might not have even had a strong child focus but they have these really great insights on social determinacy, or something else. So I think it's less about a certain type of accreditation or education, qualification, and more about what is your orientation, what is it that you hold, do you share the principles, do you share and demonstrate the commitment to child rights over a rights based approach to understand what that means and how do you feel about listening and taking direction from young people? Also important is the way people carry themselves in the

world. Are they strong, social justice, rights based, do they care about young people so much that they are really committed to listening and learning from them?

In addition to multidisciplinary backgrounds, Ms. Charlesworth also highlights the importance of each person's orientation. Given that the offices serve diverse groups of children and youth, I also highlight the importance of gender, race, class, ability, sexuality, ethnicity and how these social lines of difference will also contribute to the advocates identities and how they deliver advocacy services. These orientations may potentially impact whether children's experiences and cases are homogenized or whether each child's experience is treated individually based on their social lines of difference. In addition, as Ms. Charlesworth points out, one of the differentiating features of provincial and territorial child and youth advocates is the rights-based approach they apply within their offices to deliver advocacy services. This approach entails respecting children's rights and listening to children, learning from them, and taking them seriously (Lundy, 2018). These practices stem from the legal mandates guiding the offices but are also imbedded in the personal attributes and worldviews that many of the advocates hold. Collectively, the rights-based practices that advocates engage in within their offices are important because they impact how advocates act and interact with children and youth (Moss & Petrie, 2002). These practices include respecting children's viewpoints and taking their perspectives seriously in decisions that will impact their lives. These features differentiate the advocates and contribute to the type of advocacy that is apparent in provincial and territorial child and youth advocate institutions.

In addition to specific skill sets, participants revealed the importance of understanding what it means to be an advocate, knowledge of how government systems work and feeling comfortable challenging them, knowledge of various social lines of difference to serve diverse populations, a certain level of proficiency and ability to navigate legislation and policies, knowledge about cultural sensitivity, trans-phobia and homophobia, disabilities, Indigenous ways of knowing, the CRC and what it means to take a rights-based approach, and knowledge of child and youth service delivery systems, including the youth justice system and the child welfare system. Collectively, these knowledges and skill sets were identified as some of the most important attributes and qualifications for individuals to carry out their legal mandates and operationalize child and youth rights in advocacy offices. As Ipe (2003) contends, the concept of knowledge in organizations is one of the most important characteristics to the success of an organization. Organizations make use of knowledge to sustain and achieve their objectives. As a key resource of organizations, knowledge is developed, exchanged and leveraged between individuals that inhabit organizations in order to achieve organizational goals (Blackler, 1995). Many organizations strategically design information management systems and practices to make use of the knowledge they obtain and select individuals with specific skill sets so that they can collaborate to achieve the organization's objectives (Becerra-Fernandez & Sabherwal, 2001; Drucker, 1993). Through a process of learning and knowing, individuals exchange information to enhance their skills, and ultimately, their productivity. The advocates' insights highlighted the key skills and backgrounds required to produce a good quality of advocacy services. The participants also revealed the importance of a range of disciplinary backgrounds in order

to work with diverse young people in different ways to achieve the offices' mandate of implementing children's rights in practice.

In regard to educational qualifications and expertise, the advocates emphasized the importance of hiring social workers, lawyers, public administrators, policy analysts, mental health experts, and educators in the offices to develop diverse multi and interdisciplinary teams that can work together. These teams are comprised of professionals that are trained from various disciplinary perspectives as opposed to one disciplinary viewpoint. In instances where professionals are hired who specialize in a discipline-specific field, staff who are trained in different disciplines are brought onto the team to ensure the offices have a range of individuals that can work with children from various fields or viewpoints. Indigenous elders are also crucial to the offices' work because they provide appropriate cultural insight and can often relate to the issues children and families are facing which is helpful for the development of action plans. Many of the offices across Canada have developed Indigenous advisory councils that are comprised of elders to ensure the offices conduct culturally appropriate work that is meaningful for Indigenous communities. Some of the offices have also hired Indigenous elders as full-time staff to inform their day to day work to ensure these insights and perspectives are provided for. For instance, one of the participants explained the purpose of having an elder on staff: "We have an elder on staff which is very beneficial to us in guiding our practice and helping us to understand Indigenous perspectives and making sure that we are really bringing culture into our work as opposed to just doing cultural things, but these insights actually guide our practice." This participant highlights the importance of the *type* of knowledge and practices that are imbedded within

organizations because these aspects impact the type of services that are delivered as well as the type of advocacy that is delivered. In this instance, this participant reveals that this office prioritizes children's cultures and ensuring that cultural practices are not just integrated in the offices work, but that the office takes a cultural approach to advocacy. Given that many children who come in contact with these offices are Indigenous, it would be problematic for the organizations to not have appropriate cultural knowledge and practices that are imbedded within their structures. The practice of hiring a staff member that is responsible for ensuring that advocacy services are guided by Indigenous culture creates a structure within the office that attempts to ensure that Indigenous culture is imbedded within advocacy services. Without partnering with Indigenous members, the offices may be at risk of overlooking the historical, political and social factors that shape the realities of many Indigenous young people who require advocacy services because of these factors. Ultimately, these components serve as a reflection of the rights-based framework guiding their offices and the importance of respecting the cultural rights of young people. These cultural practices and knowledges ultimately impact the quality of advocacy that is delivered to young people and whether or not there is a recognition of the history of colonization that continues to penetrate the lives of Indigenous young people that come in contact with the offices across Canada.

Certain participants revealed that discipline specific degrees are not mandatory for those working in these offices because there is not a standardized model that should be applied when assessing educational qualifications. Instead, the focus should be on the person's worldview, what they think of children and how they interact with them. The advocates specifically emphasized the importance of being open to listening to children's

viewpoints and caring for their well-being. Comparatively, some participants expressed that it would be extremely beneficial for Canadian schools to establish children's rights degrees at the graduate level much like graduate degrees in children's rights that exist in Europe; these specializations provide strong knowledge and training that would enhance the offices' work from a rights-based perspective. Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick explains the potential of specialized training programs in children's rights:

I think its early days in Canada for children's rights enforcement and it would be nice to have degree programs in children's rights and people graduating as child rights specialists. They would be the people that you would want to hire into these individual advocacy mandates, or they could be working in child advocacy centres. It would be really great to have people that look at the developmental needs of the whole child and are trained to recognize their role as duty-bearers to children under the Convention, recognizing all these children's rights imply important protection for different aspects of development. We're just not there. I think we have made foundational commitments to children and young people, but the Convention should be a basis of all of our interventions and right now it's just on paper and lip service. We can take it so much further if we were intentional in defending, promoting and implementing children's rights.

In addition to adequate rights-based knowledge, one of the most important qualifications includes a long history of experience working with children and youth in various capacities and within different child and youth service delivery

systems. These qualifications enable advocates to apply the experience they have working with young people to the practices and behaviours they engage in to carry out advocacy work. As a result, the combined knowledge and practices can result in a better quality of work and increased productivity at the organizational level, or, on the other hand, in exclusionary practices that are only effective for specific children (Blackler, 1995; Drucker, 1993). In this case, these experiences can either help the advocates work effectively with a range of different diverse groups of young people in a way that places their rights at the centre of their work or hinder the advocacy services that specific groups of young people receive.

Overall, the participants stressed the importance of ongoing training, especially training surrounding the CRC, Indigenous cultural competency, suicide training, advocacy training and skill intervention training, as well as attending conferences and sharing best practices within the offices and with child and youth serving organizations and community partners. In an attempt to exchange best practices, some of the offices develop speaker series and bring in practitioners on a monthly basis to provide education and new knowledge which helps to refresh skillsets, enhance knowledges and introduce new ways of approaching issues. According to Komives and Woodward (2003), the human traits of individuals within organizations are what personifies what is achieved by the organization. Although organizational structures impact how the organization works, the human characteristics, attitudes and perspectives fostered by those who inhabit these organizations are what bring the organization to life and shape the type of work that the organization produces (Zey, 1998). By fostering diverse training and skill sets, the offices derive input from various areas and staff members are able to cover a range of issues as

opposed to focusing on discipline-specific issues. While these skill sets, educational and experiential backgrounds and qualifications are important, participants revealed that the advocates' positions reflect the traits of the person occupying them and their characteristics and experiences. The way the advocate offices operate is based on the advocates' academic, educational, experiential, philosophical and epistemological worldviews. The approach also depends on the advocates' personalities, how they want to conduct the office business and what they want to focus on. Corey O'Soup, Saskatchewan's Advocate for Children and Youth explains:

When I came on, I actually changed the strategic plan of the organization. Each advocate brings their own sort of flavour of who they are - we've had a mental health councillor, we've had a lawyer, we've had a social worker as advocates and I'm a teacher, I'm Indigenous, I'm younger than our previous advocates. So, I've brought my own flavour to the position. The old strategic plan was our previous advocate's strategic plan, so you get different priorities. Being appointed as the head of the organization, I can bring my ideas and I lean on my leadership team that we have to implement those and to support them. Everybody finds who they are and finds their place and that strategic plan. I have the ability as the leader of the organization to drastically and dramatically change our strategic plan.

Mr. O'Soup shows the importance of the advocates' understandings about children and childhood and how these worldviews will impact the work that is carried out based on each individual's ideas, background, and motives as leaders of organizations who have the power to direct the offices work. He also highlights the power structure that is

inherent in advocate offices and specifically, in the advocates position. As Mr. O'Soup notes, the advocates have the power to determine how and what the office prioritizes as well as how the office is managed. This power dynamic is significant because it impacts the kind of advocacy that young people receive as well as the practices that the offices engage in to operationalize rights in practice. Multi and interdisciplinary advocate teams are therefore essential in ensuring that the offices are able to work with young people to approach issues from various viewpoints. These findings are in line with children's rights and childhood scholars call for an interdisciplinary approach to understanding and implementing rights in social contexts (Bendo 2019; Alanen, 2010, 2012; Freeman, 1998; Hanson, 2014; James & Prout, 1997; Mayall, 2000; Moody & Darbellay, 2019; Quennerstedt, 2013; Qvortrup et al., 2009; Reynaert et al., 2009; Thorne, 2007; Vandenhoe et al., 2015).

Tools and Resources for Advocacy and Implementing Rights

When asked about the best way to implement child and youth rights, the participants highlighted the importance of certain tools and resources for carrying out advocacy services which ultimately serve to operationalize young people's rights into practice. Some of these tools and resources include educational mechanisms, informational management tools, and funding, which have been identified by the advocates as important components for their day to day work.

Educational Tools and Resources

An organization that is skilled at developing, acquiring and transferring knowledge contributes to an organization that nurtures learning in a way that enables the organization to fulfill its objectives or achieve change (Ipe, 2003; Mulford, 2005). The

modification of practices and behaviours to mirror the knowledge that is acquired or learned will enhance the productivity of the organization (Drucker, 1993; Mulford, 2005). This occurs through collaboration with the organization's environment and through human relations (Morgan, 1986; Pfeffer, 1982). In an advocacy context, the advocates collaborate with children, the public, parents and the community more broadly to make use of the educational resources and tools that they develop in order to provide rights-based education. The advocates engage in a form of educational management and leadership by drawing on these educational tools to provide knowledge about rights that are applicable in practice. They highlighted rights-based training as an essential tool for operationalizing rights in practice. For instance, the participants spoke about the power of education in promoting children's rights in a range of different ways.

One particular helpful rights-based training tool that was mentioned by the advocates was Child Rights Impact Assessments (CRIA). CRIA's are used to identify, analyze and evaluate the outcomes of a policy, legislation or government process and its impact on the rights of children and youth (UNICEF, 2013). Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick explains the potential benefit of CRIA's in decision making and also outlines the challenges that continue to persist:

One of the things that we're happy to see develop provincially is the child rights impact assessment process. We have had some success with that but now it's 6 years in and it probably is time for a refresh as we've been through 3 changes of governments since it was introduced. I'm thinking that we would like to see that decision-making model move out of the cabinet table and be

used more frequently in departmental decision making. That would be another stage of development and we would like to see it move out of government and be used as a process tool for policy development in the community at the non-profit level as well as at the municipal level. Even though we do that provincial level for cabinet decision making, the departmental leads who do create assessments are kind of challenged in terms of how they bring children's voices into these policy development processes. There's a lot of work that could be done there.

Mr. Whalen's viewpoint highlights the potential benefit of using CRIAs to operationalize rights in practice but also reveals that there are barriers to implementing it, such as political shifts in power, which ultimately results in limited use of CRIAs within organizations. In addition, Mr. Whalen's perspective on CRIAs highlight that this tool has the potential to contribute to a particular kind of understanding about children, childhood, and advocacy. For instance, CRIAs make use of the CRC as a framework for assessing and reviewing proposed legislation, policies and programs that will impact children's rights (UNICEF, 2012). One of the main critiques of the CRC is that it takes a generalized approach to childhood and children's experiences (Davidson, 2000).

Therefore, this tool may be beneficial for identifying children as rights-holders and thus, for operationalizing rights in practice, but it may also potentially ignore how social lines of difference, including class, sex, age, culture, religion and ability create different childhoods for young people that cannot be standardized. Thus, Mr. Whalen's insights point to the impact that organizational structures and tools have on the practices that are

carried out in organizational contexts and how these practices may or may not standardize or exclude specific groups of children.

In addition to CRIA, the advocates spoke about a range of other beneficial educational resources including: the CRC, books focused on child and youth rights that can be integrated into school literacy programs, follow-up rights-based activities for teachers to implement in the classroom; school-based contests focusing on different rights where teachers are sent CRC material and teach children about their rights and submit a rights-based project to operationalize and promote rights based discussions; brochures, flyers, pamphlets and posters that focus on child and youth rights as well as the role and function of the advocate offices; physical items are also helpful for educational purposes, including rights-based office ‘swag’ such as pencils, sunglasses, stickers, toys, colouring and activity books, games, and shirts that young people can take with them. These tools and resources are impactful because they help educate individuals about rights and also explain the concept of advocacy while strengthening dialogue and discussion with children and youth as well as care givers. These educational tools are also crucial for educating young people and the public more generally about their rights and serve to inform young people and their families about the role and function of the advocate offices.

While all of the offices make use of these educational rights-based tools, certain advocates spoke about specialized *practices* or tools that they have developed within their organizations in an attempt to ensure young people receive rights-based education. For instance, in Nunavut, the office carries out advocacy tours. The office goes into every individual classroom within every school in each community to educate children about

their rights and self-advocacy, as well as advocacy services offered by the office. Rights are operationalized through advocacy tours which are developed as part of a continuous process where the offices enter into the same schools every two years to integrate new workshops and skill trainings. The office includes the previous themes into the new tours while introducing new themes that are all related to children's rights. Sherry McNeil-Mulak, Nunavut's Representative for Children and Youth explains the process:

The other ways that we raise awareness about child rights outside of our individual advocacy is through advocacy tours. There are 25 communities in Nunavut and our office does an advocacy tour. We do a continuous advocacy tour because we're based here in the capital city. We have the capital and 24 remote communities. We go to those communities once every two years and when we're done and we get through all 25, we start again. It's a regular process. So, there's 12 one year, 12 the next year and then we start again. And each time we go into our community, we go into every school in the community. Now our communities are very small, so we're able to do that. When we go in, right now we're in round two of community visits. So, our first two years we went in, we were in every classroom, every grade and the theme was just starting the conversation because we were new, we just opened, so here we are, this is what we do and there are little games about child rights and we started the conversation, with every class. Now, we're going around in round two and the focus of round two is self-advocacy skill development. So, what we did at the office, we developed a self-advocacy workshop for youth in grades seven to 12. So now, when we go to the

schools, were going into every seven to 12 classrooms and doing the workshop and the workshop is all about child rights. The goal of the workshop is to increase young people's confidence with their own skills to advocate for themselves. It's a tour workshop and there's lots of interactive themes and opportunities for learning and it's all based on understanding those rights that you have as a young person and then how to use those rights and your own strengths to navigate the systems of support that sometimes you need in your life.

The practice of combining knowledge about children's rights and channeling this knowledge into organizations that teach children through a continuous process is one way that some of the advocate offices attempt to achieve organizational change. Through the practice of teaching children about their rights within an educational setting, the advocates are providing knowledge that can benefit children at an individual level because children have opportunities to learn about their fundamental human rights. This knowledge is also beneficial at the organizational level because it can serve as a basis for creating rights-respecting environments within the classroom and the school more broadly. Rights-respecting schools can contribute to decreased levels of bullying, exclusion, conflict, disruption and increased levels of respect, cultural sensitivity, diversity and decision-making (UNICEF, 2011). In addition to rights-based tours, some of the offices have developed activity packages, other offices have similar packages that provide basic information on the role of the office and on their rights. Many of the offices have partnered with front line workers to provide instructional kits that children and

parents can receive from social workers, which inform individuals about the advocate office and their responsibilities. These kits provide basic contact information and an overview of how the advocate office can help young people. These relationships, structures and practices are important because they materialize the concepts of rights in practical ways so that young people are educated about their rights through the use of these tools. Christine Brennan, Advocacy Officer for the Nova Scotia Office of the Ombudsman reveals the importance of instructional packages as educational tools:

We have resource guides so that when youth are accessing a system especially those in care, part of when they come into a facility or care, their social workers or staff have to explain that they have the right to call us and what they can call us on and what our role is and so they receive that basic instructional kit and in our posters within these facilities and multi service centres so people have a sense of the fact that they can call us. We are a small office, to leverage our office it's important for us to send out information about our office. Posters, brochures and those things are helpful and in terms of tools the best one is meeting with them in person and materials and resource guides for them and for staff on who we are and what we do and how we can assist in policy. We are a small province, so it's been able to work so we don't face a lot of challenges that other provinces face in terms of access.

In an advocacy context, it is the practices and behaviours that the advocate offices engage in to educate young people about their rights that are important to

translating children's rights in practice. These practices are significant because research suggests that organizational structures and practices that are employed and sustained in various contexts, can contribute to change and organizational accomplishments (Caldwell, 2005; Giddens, 1984). Despite which educational resources or tools advocate offices adopt, participants revealed that marketing and outreach to become known by the public is just as imperative as the educational tools. While both large and small offices benefit from marketing and exposure, it is easier for smaller provinces and territories to cover jurisdictions compared to larger areas who often struggle to reach all populations in the province or territory. It is challenging to spread out advocacy services across a large province which is why educational resources and tools such as posters, rights-based materials, conferences and visits to schools and organizations are important.

Although the advocates focus on education and the importance of formally teaching children about their rights, I also recognize the importance of enacting rights in various contexts with children. For instance, rather than introducing one children's rights class, a pedagogy curriculum where rights are integrated into every aspect of learning regardless of the subject would translate children's rights in practice rather than focusing solely on children's right to education. This type of approach would be educational but would also serve to construct rights-respecting relationships between children and teachers. A few examples of this approach include allowing children to assess their teachers' performance, participate in the development of school policies and involving children in school playground design. These opportunities enable individual expression and would provide a shift in not only learning about rights formally but embodying them

in *practice*. Scholars have called for the integration of children's rights into school curriculum and have also highlighted the importance of developing rights-respecting schools which have gained traction in the UK through UNICEF who developed a rights-respecting school initiative in Canada in 2011 but was recently shut down in 2019 (Covell & Howe, 2001; UNICEF, 2011; Vandenhoe et al., 2015; Quennerstedt, 2011; Quennerstedt & Quennerstedt, 2014). Although a mandatory rights class would be advantageous in educating children and youth about their rights, the integration of a rights-respecting approach across all contexts would serve to translate rights into practice through a wholesome approach.

Another interesting point raised by the advocates pertains to who reaches out to contact the offices on behalf of children and youth. Across the country, the advocates revealed that it was often adults that contacted the offices on behalf of children and youth as opposed to young people contacting the offices directly. Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick explains, "80% of the time we are contacted not by the child, but by a parent or a social worker or a teacher or another responsible adult near them. So, we've been wanting to shift that." This comment reveals that it is the organizational structure of advocate offices that may potentially help or hinder young people from contacting the offices. Bernard Richard, Former Ombudsman, Child and Youth Advocate, Access to Information and Privacy Commissioner (NB); Former Representative for Children and Youth (BC) also highlights how his office used to focus on encouraging young people to contact their office directly: "We would always encourage adults working on behalf of youth to encourage youth to call our office directly where we would explain their rights under whatever legislation we

were dealing with and help them advocate for themselves and provide information and support so that they could advocate for themselves.” These findings are important because they reveal that without education and awareness of the offices, it is likely that certain groups of children and youth will not contact the offices because they are unaware that they exist. Given that part of the advocates mandates includes raising awareness about the advocate offices, it is problematic that the office structures may be hindering young people from accessing advocacy services. Additionally, it is possible that the reason young people are not contacting the offices is because not all children and youth have access to the resources that are required to contact the offices. Cultural differences may also determine whether or not a child reaches out to a child-serving institution. These barriers are problematic because advocacy services are not helpful to young people if they cannot access these services. These insights also point to the importance of child-friendly offices and welcoming spaces that are accessible and *designed to include young people* so that they feel welcome and encouraged to connect with the advocates. The participants viewpoints reveal that the organizational components and structures of advocate offices are important because they determine who receives advocacy services and who is excluded from receiving these services.

When collecting interview data, some of the interviews I conducted were at the physical advocate offices. I observed how difficult it was geographically to find some of the offices because many of them were integrated into large government buildings. It was also difficult to access the main offices which were often located on the highest floors of the buildings, protected by security guards and desks and operated by intercom systems. These designs could easily discourage young people from walking into the offices to ask

for help. While the safety of the advocates and their staff is important, these observations also speak to a larger issue; namely, that many institutions that are set up for children are often *not designed with them in a child-friendly way*. As Moss and Petrie (2002) argue in their book, *From Children's Services to Children's Spaces*, there is a need to shift from children's *services* that make use of policy texts as sites of power to govern children, to democratic, egalitarian *spaces*.

In addition to locating the physical offices, certain *practices* may also deter young people from contacting the offices. For instance, many of the offices used to only accept written complaints from the public which was not a child-friendly or accessible approach. The participants revealed that many of the offices now accept complaints online through their websites, text messages, emails, telephone, and in person, which has helped the offices connect with the public and children specifically. Christine Brennan, Advocacy Officer for the Nova Scotia Office of the Ombudsman explains:

A big component for offices like ours is to have proactive outreach, if no one knows you exist then no one will know how to access their rights or reach you or know when their rights have been violated. I think it's helpful to have that ability. In our youth side we are more proactive rather than reactive, to be there to engage with children so they are aware; its important and we need to ensure other offices play their part to raise awareness of services and mechanisms to have complaints addressed and that they are youth friendly and accessible. It's helpful to have a resolution process. When I first came, complaints were only taken in writing and that's ridiculous because not everyone has the ability to do that. Having a user-friendly process is helpful.

Ensuring processes within the office are accessible and inclusive is important especially considering the diverse range of young people that the offices serve. Given that many of the young people that are in contact with the offices are marginalized groups of children, I highlight the importance of ensuring that children with disabilities can access the offices and engage in their advocacy processes. When thinking about children who come from low-income areas, it is also imperative that these young people can contact the offices and that they have the resources required to visit the offices as well. These observations raise a broader question pertaining to advocacy services when considering who is excluded from these services and who has opportunities to receive them.

Overall, the advocates provided insight on the important ways in which educational tools work to educate the public, caregivers, organizations and young people about their rights, advocacy-skills, and services that the offices offer. The practices that the offices adopt ultimately shape the way these tools are used in practice. This in turn, impacts how the public perceives the offices and therefore, their engagement with rights-based education and services. Ensuring these offices are inclusive to diverse groups of young people remains an important component to consider when exploring how meanings of the concept of advocacy are refracted, produced and reproduced by organizational structural features, how the concept of advocacy is constructed and related to children's and young people's experiences by provincial and territorial child and youth advocate offices, and how rights translate into practice.

Information Management Tools

Information management tools were mentioned as one of the tools that the advocates highlighted as central to carrying out their work. The participants spoke about

the importance of information management tools as an effective approach to tracking implementation of rights and ensuring the role and function of advocate offices are upheld. For instance, in British Columbia, the office makes use of an information management system to document interactions over time, who has called in to the office, what the issues are, what efforts the issues require, and the outcomes and commitments that are made to address these issues. Staff members can also flag important information in the system such as critical injuries and deaths and can also track what rights or articles of the CRC have been implemented to resolve these issues. Dr. Jennifer Charlesworth, British Columbia's Office of the Representative for Children and Youth reveals how the system is utilized:

One thing that is important in our office is an information management system. Being able to enter in, document our interactions over time so that when an advocate picks up the file it's all electronically documented, who's called in, what the issues are, what effort would it need, what are the outcomes, what is the commitments, being able to have systems that flag things, and our interactions between our information management system, when we get a reportable circumstance or a critical injury report for example.

Keeping a good robust information management system is imperative.

Similarly, in the Yukon, the office uses an information management system for individual advocacy cases which includes a drop-down menu to select which rights are relevant to the case. Staff members select articles that pertain to the issue and use the CRC as a way to begin to take a rights-based approach to addressing the issues. One reason this is implemented and is possible is because the legislation makes direct reference to the CRC

which enables integration into the offices' day to day work. Annette King, Yukon's Children and Youth Advocate explains:

We have a data base and every issue that is opened, there's a drop-down menu and we tick which rights are relevant to the individual advocacy issue. We are one of the legislations that references the UNCRC in our legislation, and not all of them do, but ours does.

These organizational practices are significant because they can be used to operationalize and monitor rights in practice. According to Ball, Girouard and Chapman (1997), it is important for human rights workers to strategically make use of information technology and information management systems in order to collect information that they can evaluate and manage to understand how their organizations can improve their efforts to achieve their mandates, based on this information (Metzl, 1996). While these tools may be useful and can be enhanced through collaboration and training, it is the individuals that make use of these tools that ultimately determine the success of the tool and how it is applied in practice (Ball, Girouard & Chapman, 1997). Research shows that human rights organizations benefit from the use of information technology and information management systems in their attempt to implement human rights in organizations (Ball, Girouard & Chapman, 1997; Metzl, 1996). With this in mind, while information management systems are helpful in advocate offices, it is also important to identify issues with ambiguity and how the advocates interpret specific rights, which can often be abstract and open to interpretation. Some of the main critiques of the CRC that have been identified by scholars are its abstract and ambiguous focus which makes application to local situations difficult (Alderson, 2017). In addition, issues surrounding implementation

and enforcement are also complex (Quennerstedt, Robinson & L'Anson, 2018). As a result, if advocates simply aim to implement different articles of the CRC in their work by tracking rights implementation, there is no guarantee that the cultural contexts in which children live will be considered and these interpretations will be based on the staff's own interpretations of the CRC articles. These considerations are significant because they will ultimately impact young people in different ways based on how interpretations are formulated and carried out in practice.

An additional information management tool that the advocates identified are policies that help guide practices within the offices. For example, certain policies help to hold all staff accountable to the standards of the office mandates and to ensure that work is complete and consistent. Policies surrounding each of the types of advocacy work including individual case advocacy, systemic advocacy, critical injuries and death reviews, and educational outreach ensure that standards are met, and that the office is fulfilling its mandate. The policies outline what it is that the office does and why these procedures and processes are in place which are important to ensuring best practices. Although policies are important for the overall function of the office, I also observe how certain policy texts can sometimes act as tools that are used to govern young people. Sevenhuijsen (1999, p. 123) in Moss and Petrie (2002) highlights how certain policies are designed to control many young people within service delivery systems and how policy texts can act as 'sites of power' (p. 81):

Policy texts are sites of power. . . . By establishing narrative conventions, authoritative repertoires of interpretation and frameworks of argumentation and communication, they confer power upon preferred modes of speaking

and judging, and upon certain ways of expressing moral and political subjectivity. Through examining official documents in this way it becomes possible to trace both the overt and hidden gender load in their vocabulary.

Despite best intentions, when it comes to individual advocacy, for instance, many of the advocates follow policy procedures that do not necessarily ensure that young people's viewpoints and perspectives are included in the decisions that are made about them. For example, many of the advocates spoke about how oftentimes decisions are made about children in care of the state where a child will be re-located without bringing the young person in to discuss these decisions with them. These practices are guided by policies that may be well intended but are also fraught with difficulty.

Some of the offices have specific policies that aim to follow-up on the work that they have previously completed in an attempt to better services. For instance, in Alberta the offices hire independent contractors who do periodic assessments to evaluate how the office is measuring up to its principles. Assessments include phone calls and surveys with children and youth as well as adults who have interacted with the office to see how it can improve, what their experiences were like, what worked well and what did not. These assessments help to improve the quality of services. Del Graff, Child and Youth Advocate of Alberta and President of the Council reveals how these processes work in his office:

We have periodic assessments where for example we have structures in place where when a young person has been involved with an individual advocate within a period up to a year, we have independent contractors that phone the young person and do the survey with them. We try to identify kind of what

the experience was about, how they felt they were treated, what things worked well, what things were challenging for them. All of those kinds of considerations you would want to ask, when you are trying to improve the quality of service. Our principles are also part of that discussion.

While this practice is useful in obtaining feedback to improve services, it could also be problematic to phone children and ask them directly what their experiences were like with the office given that many of them may feel compelled to provide positive reviews. These complexities have been explored by researchers who study child participation and the obstacles to quality participation including negative conceptualizations of childhood, misunderstandings about competency and youth interest, power imbalances, tokenism, and implementation (Chawla & Driskell, 2006; Collins, 2017; Kellett, 2009; Lansdown, 2001; Matthews, Limb, & Taylor 1999). The practice of obtaining feedback is essential to better organizational practices and outcomes (Ipe, 2003); however, in order to maximize this practice, it would be helpful to develop a reciprocal process where young people can actively participate and contribute to a process of bettering advocacy services as opposed to a one-time questionnaire.

One way to begin to connect with children in order to develop these kinds of processes is through social media platforms. Social media was identified by the advocates as a helpful information management tool. Many of the advocates highlighted social media as a tool that helps to form relationships with children and youth and connect with them, as well as relay information to the public and young people, specifically about rights, events, and the role, function, and support offices can offer. Corey O'Soup, Saskatchewan's Advocate for Children and Youth describes the potential use of social

media in advocate offices:

We live in a digital world; we live in a social media world. I think we under-utilize those tools to engage with our children and our youth. I think those tools need to be used if we truly want to impact children and youth in a way that's never been done before. We have the ability to interact, to engage, to reach children and youth like we've never been able to do before. To not just speak at them, but to have them speak to us and for us to engage with them and that's the digital world, that's social media, that's the internet. I think that's the best way that we can do that.

Some of the offices across Canada have engaged with digital worlds in unique ways to promote child and youth engagement. For instance, some of the offices host contests with prizes through their social media accounts to actively engage young people and establish connections in the community. Considering many children and youth are actively engaged in the digital world, many of the offices have invested resources in managing their social media accounts, however; many of the offices highlight the need to continuously strengthen their engagement and explained that it is imperative to have plans in place to sustain these accounts, as well as staff that are paid to manage them because these platforms cannot run themselves. Participants also explained that managing social media platforms can be very time consuming which is why it is important to balance priorities to ensure that resources and time are not all-consuming and take away from advocacy that engages with individuals in person. While social media can provide opportunities for the offices, it can be difficult to sustain these platforms and they are not often self-perpetuating. These findings are in line with scholarship that highlights the

potential benefits and pitfalls of the use of social media within organizations to carry out their mandates and objectives (Leonardi, Huysman & Steinfield, 2013; Obar, Zube & Lampe, 2012).

Another important component to consider about social media as a helpful information management tool is ensuring inclusivity and diversity through these platforms. For instance, in Newfoundland and Labrador, information included on outreach resources are often included in English and in Mik'maq. This approach aims to send a bigger message than the information that is featured on social media platforms and additional resources. It highlights that the office is inclusive and committed to preserving cultural language which is important for the population receiving these materials because it helps to build trust and relationships between the public and the office. Research shows that the practice of establishing trust within organizations contributes to the development of *trust* between coworkers *internally*, as well as trusting relationships with *external* actors to the organization (Six, 2007). The development of trusting relationships ultimately impacts organizational outcomes because it tends to enhance worker's commitments to the organization, which increases organizational performance (Kramer & Tyler, 1996). In this context, the advocates strategically aim to build trust with their communities in a variety of different ways. As one example, social media is used to strengthen community relationships. Ms. Lake-Kavanagh continues to explain the complexities of social media usage:

Social media is a great tool, but you have to have your plans in place, you have to be able to manage that. You have to make sure your messages, your materials are getting out. You really need to have an office that's effectively

staffed to do the work. All the other pieces, you can make social media and have somebody do the outreach, but you have to have people there to do that. You have print materials and resources; we're doing things in different languages now for example. We've put out a poster last summer and it was focused on inclusion and had the pride flag, but the message was, this is safe place that welcomes and supports everyone. We had it translated into English and French because when we talked to the RCMP when we were in the middle of planning the project, they said, “ now we can only display it, if it's French and English, both official language has to be represented” and we said, “well of course” so we translated into English and French and then we also thought, well we have Inuktitut we have the two dialects of Mi'kmaq because we're really trying to reach out to our Indigenous communities as well and make the connections, to develop the rapport, ensure that they know that as well, so all of that is reflected on the poster. It's a message of inclusion. Those are the things that are important too... The importance of culture is critical and to reflect that we are inclusive, and we know they are there and we're including them and the children and in their communities. I think that's really important.

As an organizational practice, this quote reflects the importance of recognizing the role of language and thinking critically about how to communicate to communities in ways that promote diversity, inclusion and respect for different cultures. The advocates ultimately reveal that while utilizing social media can be helpful and provides opportunities for communication and knowledge-sharing, it is difficult, time-consuming and requires

resources to ensure social media is used effectively, meaningfully and sustainably.

Finally, one of the most important sources of information that the offices draw on are children and youth themselves. Many of the participants identified children and youth as informative, agentic, knowledgeable partners that offer exceptional insight on how to improve services and implement innovative, creative solutions for change. The advocates highlighted the importance of partnering with children and youth through youth advisory groups, youth councils and consultations to understand their perspectives and insights on important topics and how to improve practices in the offices, community, and within policy. While this participatory approach may be empowering and effective, many participants commented on the barriers that exist around limited funding which constrain the offices from developing youth advisory councils and working directly with young people consistently. Participants also highlighted the importance of ensuring *meaningful* participation as opposed to tokenistic, consultative initiatives that do not fully engage young people authentically or fully. Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick explains the importance of understanding different forms of participation to foster authentic and meaningful participation in practice with young people:¹⁶

We've received a tiny bit of funding to support a provincial youth voice committee. So, we're trying to maintain and sustain that youth voice committee, it's going into its 3rd year this spring and it operates as a sounding board for the inter-departmental committee on children and youth. They have taken on the task of supporting the strategy for the provincial harm to

¹⁶ Note that additional discussions and data focusing on child and youth participation models are expanded upon in Chapter Two and Chapter Seven.

children and youth presenting to their peers about children's rights and it's a good strategy. We've had some experiences, it's still kind of tentative, it hasn't been well resourced, it hasn't always felt authentic, so we are trying to not be tokenistic and to really insist on co-creating it. When we look at the feathers of hope process [one of Ontario's youth-led initiatives led by youth amplifiers] and (we've invited them down here to present) we see that they're more about supporting youth to really find their voice and to speak out and be heard. There's some kind of empowerment that comes from that, but it's not the same thing as actually sitting down at the table with a group of policy makers and deputy ministers and actually trying to make change.

Many of the participants specifically made reference to the effectiveness and best-practice model approach that Ontario's provincial office adopted to working with young people by hiring 'Youth Amplifiers' who have lived experiences within the service delivery systems that the office works to improve. Youth Amplifiers are paid part-time roles that aim to compliment youth-led initiatives that the office has developed. In Ontario these initiatives are Feathers of Hope, Our Voice Our Turn, I Have Something to Say, You Are Not Alone and Hair Story. Young people assist with various duties including administrative support, project support, advisement on youth engagement, event planning and community outreach.¹⁷ The CCCYA participants identified this approach as effective and ideal because these positions provide opportunities for the office to collaborate with young people who are informed by their previous experiences

¹⁷ See the following link for an example of a previous 'youth amplifier' job description: <https://soundtimes.com/job-amplifier-with-ontario-child-advocate-office/>

and who co-create knowledge to provide direction to the office. Jackie Lake Kavanagh, Advocate for Children and Youth of Newfoundland and Labrador highlights her thoughts on the potential of hiring youth amplifiers in advocate offices:

The Ontario's office, I really admire the work that they did with young people and they hired young people to be amplifiers. It was really, really, exciting and I thought, “wow, that would be the dream” to have the kind of resources and the base to have multiple offices and to have young people actually doing some of this work. We don't have that; I don't have the funding for it. We have one single office here in St. John's and that's it. Most of my budget is salary and it's for existing permanent full-time people here. I've often looked at the Ontario office and have said, “wow, that's it” to have young people who are actually engaged, who are actually doing this work and now of course, they are losing all of that. So, that's devastating in terms of children's rights.

Although the practice of hiring youth amplifiers to work in advocate offices has been commended by advocates across the country as this approach serves to engage youth in collaborative and participatory ways¹⁸, funding is often a barrier that can inhibit advocacy. In addition, these positions and approaches to working with young people are not always top priorities within the offices and as a result, resources are channeled into alternative priorities. These decisions and practices impact the type of advocacy that young people receive and whether or not they have opportunities to partner with the advocates. As one example, the Ontario advocate office was recently closed down and

¹⁸ A critical discussion of the complexities surrounding the concept of child participation in child and youth advocacy institutions is provided in Chapter Seven.

the youth amplifiers have lost their positions. As a result, there are no longer youth working in the ombudsman office to provide insight on issues affecting their lives.

Budgets and Funding

Budgeting and funding are essential factors that enable offices to continue to support the work that staff carry out and fuel the overall operation of the offices. Funding is therefore a basic but key resource that advocates require to operationalize rights and engage in advocacy work (Bendo & Mitchell, 2017). Research shows that resource mobilization is key to implementing organizational goals (Jenkins, 1983; McCarthy & Zald, 1977). Goals are achieved when organizations can transfer resources from the provider and use them to support their organizational practices (Jenkins, 1983). In child and youth advocate offices, participants highlighted the importance of funding in accessing resources and tools which enable relationships and partnerships to develop. Funding is required to implement plans, strategies, and build in tools and resources for everyday functioning. The participants revealed that independent advocate offices derive their budgets from the Legislative Assembly and the money is provided by taxpayer dollars. As Ontario's Child Advocate, Irwin Elman explains: "these budgets are significant because they act as a lever of control that is held over an office." Each Legislative Assembly has an all-party committee that manages the budget of the Assembly which includes salaries, budgets of the Assembly operations, human resources, translation, security and budgets of all offices of the Assembly. The budgets undergo a process where details of the budget are submitted, reviewed and approved. This is typically not a rigorous process due to the fact that oftentimes the MPPS that are on the committee who make the budget decisions are restricted by time constraints to investigate

the details and workings of each submission. In addition, the participants explained that there is a conception that officers of the legislature act as credible independent officials. As Mr. Elman further revealed, “governments tend to limit the office budgets whereas the opposition parties typically inflate them.” The budgets are audited by the auditor general who conducts an accounting audit to ensure there is no malfeasance. This audit is not to investigate the value of money spent but instead, is conducted for accountability purposes. These relationships are therefore important considering the Legislative Assembly controls this process and the allocation of the funding. While larger offices may have additional funds compared to the smaller offices, budget allocations are based directly on population size (Hunter, 2017). The participants highlighted the importance of allocating finances towards staff salary to ensure each form of advocacy is carried out effectively. In addition, participants revealed that individual case advocacy is often the most time-consuming and is the most-costly form of advocacy. As a result, this work absorbs a significant amount of the overall budget. One interesting observation that I highlight based on the advocates perspectives is that child participation and engagement in the offices is often an area that is pushed to the bottom of the priority list as funding is channeled into additional advocacy work. These observations point to the barrier’s advocates face in regard to structural barriers, but also points to broader notions about the prioritization of children and youth in contemporary 21st century contexts.

Across the council, each office is required to write an annual report about expenses and activities. While there is not one comprehensive report that outlines each of the offices’ budget allocations and financial statements, most of the individual offices provide a financial or annual report that highlights financial details on their respective

websites. *Table 3* provides an overview of each of the offices' annual budgets from 2018-2019.¹⁹ Given the distinct organizational structure of each office across Canada, the individual child and youth advocate office budgets cannot be directly compared to the general ombudsman offices in Québec, Nova Scotia, and Prince Edward Island. Budgets for these general offices are spread across different demographics and include the total office budgets; funds are not allocated for each specific mandate (i.e: for a mandate specifically focusing on children and youth) (Hunter, 2017). The annual reports of the offices are sent to the speaker and tabled in the Assembly. In British Columbia, the report is also provided via DVD to the British Columbia Assemblies Standing Committee that oversees the Office of the Representative for Children and Youth and the representative meets directly with the Committee to explain the report. Mr. Elman noted that in Ontario and in all other jurisdictions the reports are not well read unless the report generates controversy or media attention.

Table 3 – Annual Office Budgets (2018-2019)

Province/Territory	Total Annual Budget (2018-2019)
Office of the Representative for Children and Youth (British Columbia)	\$9,418,000
Office of the Child and Youth Advocate (Alberta)	\$15,425,000
Saskatchewan Advocate for Children and Youth (Saskatchewan)	\$2,684,000

¹⁹ This table is based on Hunter's (2017) budget review and has been updated to reflect the recent budgets of the offices.

Manitoba Advocate for Children and Youth (Manitoba)	\$5,369,000
Ontario Provincial Advocate for Children and Youth (Ontario)	\$12, 784, 500
Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission, Quebec)	*\$14,783,500
Office of the Child and Youth Advocate (Newfoundland and Labrador)	\$1,821,900
The Office of the Child and Youth Advocate (New Brunswick)	*\$ 9,637,240
Office of the Ombudsman (Nova Scotia)	*\$1,813,000
Representative for Children and Youth (Nunavut)	\$2,130,000
Yukon Child Advocate Office (Yukon)	\$533,000
Children's Commissioner and Advocate (P.E.I)	N/A

**Budgets are derived from Hunter's (2017) Table 4 chart.*

**Total office budget of Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission, Quebec) derived from 2014-2015.*

**Budget derived from the 2014-2015 annual report; this report is the most recent available report on the Office of the Child and Youth Advocate (New Brunswick) website.*

**Total office budget for the Office of the Ombudsman (Nova Scotia).*

Some of the advocates highlighted political tensions that impact the allocation of funding. For instance, the New Brunswick office sometimes has to depend on the legislator for services such as finance and human resources which is problematic because services are coming from departments that the office is supposed to be independent from. Bernard Richard, Former Ombudsman, Child and Youth Advocate, Access to Information and Privacy Commissioner (NB); *Former* Representative for Children and Youth (BC) explains the complexity of the office politics:

It takes resources to operate effectively and certainly resources that we didn't have when I was in New Brunswick. I compared both offices and we didn't have an HR staff in New Brunswick, we didn't have a finance officer in New Brunswick, we depended on the legislator and they still do depend on the legislator for those kinds of services. In fact, when I was the advocate there, we depended on the department of Finance. I found it horrific, I don't want to exaggerate, but getting your services from a lying department when you're supposed to be independent from government just wasn't acceptable and we lobbied forever to have that changed. I was asked to review the roles of the legislative officers after I left the office in 2011 and conducted a piece of work, where we recommended that all of those services be provided. The offices weren't big enough to justify having staff within the offices being provided by the legislative assembly.

As Mr. Richard reveals, these organizational structures ultimately play a political role in the practices that advocates engage in to fulfill their mandates and highlight the political

culture of advocate offices. As an additional example, Irwin Elman, Former Provincial Advocate of Ontario, emphasized the importance of having sufficient resources to support the work of his office. He also spoke about the variety of funding issues he has encountered while attempting to work with young people:

There are financial considerations. People with decision-making ability are very frightened about spending money these days.... And that's a worry. I've been with a minister who started that conversation with, "I want to remind you that we have no money." I think in Ontario, politicians and government (whatever level) start the conversation with that, which in my estimation limits what's possible. Young people have told government – start the conversation by what do we need to do, not how much is it going to cost because let's have the attitude that we are going to figure it out and make it happen once we know what we want to make happen. But you don't even get to the part of what do we need to do because you don't have any money and that's not useful.

Although certain offices may have legislative mandates to carry out specific advocacy functions, they might not have the funding and resources that are necessary to fulfill this work. The budget allocations are important, because they indicate the provincial/territorial level of commitment to children and youth. These findings are in line with literature that suggests that the concept of resource mobilization stems from the study of social movements which highlights that essential resources, including funding, are central to engaging in a social movement (Beuchler, 2016; McCarthy & Zald, 1977). In this case, funding is required for advocates to engage in the promotion and

implementation of children's rights in practice.

The Importance of Relationships and Partnerships

The participants constantly highlighted the importance of relationships and partnerships in carrying out advocacy work and operationalizing children's rights in practice. The child and youth advocates revealed that ultimately, the work that is carried out by the offices is strengthened significantly through the development of relationships and partnerships with council members, community partners, government departments, and children and youth. These findings are consistent with research that highlights that networking is considered goal-oriented behaviour that makes use of internal and external connections to develop interpersonal relationships in order to achieve a goal or set of goals (Dooley, 1997; Kramer & Tyler, 1996; Zey, 1998). Literature shows that networks are essential to organizational productivity because they can alter practices and behaviours within the organization through the use of knowledge that is generated by these networks (Six, 2007). Within advocate offices, each of these partnerships play an important role in enhancing advocacy services. The relationships that are established with government, organizations and young people are strategically utilized to carry out the office's rights-based mandates, which ultimately enhances the office's goals to implement rights in practice. Without these relationships and partnerships, it would be difficult to fulfill the office mandates and strive towards positive change through advocacy that seeks to improve conditions with and for children and youth. These partnerships each work in distinct ways at an organizational level.

The Canadian Council of Child and Youth Advocates: A National Partnership

The CCCYA is a national association of child and youth advocates across Canada that work to fulfill their individual provincial/territorial mandates to protect and promote children's rights (CCCYA, 2019). Members are officers of the legislature in their respective jurisdictions and work as a council to explore mutual areas of concern impacting children and youth across the country. One aspect that distinguishes the CCCYA from other advocates is their central rights-based approach to child and youth advocacy. A rights-based approach is commonly referred to as an approach that makes use of international human rights standards; notably, adopting human rights standards to treat every individual human being respectfully (Lundy & McEvoy, 2012). Lundy and McEvoy (2012) highlight the importance of treating children and youth with moral respect but also reveal a central focus of a rights-based approach in recognizing human beings as persons who have inherent, rightful entitlements; this characteristic distinguishes the rights-based approach from other approaches. The CCCYA mandate has a central focus on advocating for children's rights, educating the public about children's rights, and working collaboratively with governments, policy makers, civil society stakeholders, Indigenous peoples, child-servicing delivery systems, and governments to advance the rights of young people (CCCYA, 2019). Many of the participants agreed that one important relationship that enables the advocates to fulfill advocacy practices is the strength of the CCCYA as an association that spans across Canada to promote and advance children's rights. Annette King, Yukon Children and Youth Advocate reveals the importance of collaborating as a council to better individual advocacy services:

The other key resource for this office has been the council itself and other

advocates. We're spread out across the country the council is tightly connected and very supportive to its members. And so, that is an extremely important resource for us, especially in the early days of the new office, even moving forward. As we evolve, support in terms of sometimes this office in the past and the Yukon office, because they're built in northern offices, we would have calls where we would discuss anatomized pieces just to get colleague input from someone outside of our organization. And then, shared resources, get a job description for this job, or do you have an information sheet on children in grade three, with respect to child rights. Just the sharing and exchanging with that type of stuff and the general support is an amazing resource for this office and as it continues to be.

Given that offices are located across geographically diverse Canadian provinces and territories, it is important to recognize the context of each office and the distinct populations that each office serves. While the office mandates range quite drastically across the country, it is beneficial to have a strong partnership that enables the council to address issues at the national level. The participants revealed that the Council connects to address national issues based on the individual and systemic case advocacy that the offices carry out. If there are multiple cases relating to a particular issue that individual children are experiencing, then these issues often become the focus of the systemic advocacy that aims to address these issues at the systemic level. These issues are discussed by council members and will typically become the focus of the council's national efforts to address these issues. Therefore, these topics are typically selected by the Council members and are based on similar issues that each office is experiencing.

Many of the individual offices are each known by the council as experts in specific areas which is advantageous because the council often comes together to share their expertise, resources and knowledge in order to improve best practices at a national level and individually within each office. For example, in 2019, one of the council's major initiatives was related to child and youth suicide and mental health. The offices across Canada recognized the crisis regarding the rising rates of youth suicide and mental health issues. As a result, they came together as a council by taking an integrative approach to developing a report that has received national and international attention. The report highlights collective findings that provide a road map for advocacy in Canada and beyond to address child and youth suicide and mental health issues (CCCYA, 2019). The report includes perspectives from each of the advocate offices, coroners, medical examiners, health professionals, public health agencies, young people, and others who are working towards improving child and youth well-being. The report unpacks child and youth suicide and mental health, provides a set of recommendations and calls to action, and serves as a strategic advocacy plan for offices working to advocate for young people's health and well-being (CCCYA, 2019). The council has come together on numerous additional initiatives in the past to address issues at the national level including, the implementation of children's rights across Canada, the closing of Ontario's Provincial Child and Youth Advocate Office, Indigenous child welfare, youth justice and other issues impacting young people nationally (CCCYA, 2019). Collectively, this national relationship is important because it draws on knowledge and practices from across the country to achieve organizational change. Yet, some of the participants highlight below that this national relationship is not as effective or impactful as it could

be at the federal level due to organizational barriers. This is significant because literature shows that networks and relationships can promote collaboration at the organizational level which can assist in achieving change or enhancing organizational productivity (Morgan, 1986; Pfeffer, 1982).

The council's relationship across the country is also beneficial at an individual level. For instance, many of the offices often communicate with one another when they are developing new initiatives or programs and draw on the rich experiential knowledge, resources and established best practices to remedy issues or develop best possible outcomes. Twice a year, the council meets to exchange information and devise next steps for addressing issues at the national level. In 2015, Alberta's child and youth advocate, Del Graff, recognized that there were no standards to guide child and youth advocates internationally or in Canada. As a result, Mr. Graff sought support from the CCCYA and developed a National Advocacy Standard as a guideline regarding minimum levels of service to ensure a comprehensive level of consistent quality across Canadian advocacy services. The standards were formally adopted by all council members and strive to address the following components of advocacy services: clarity of purpose, putting children first, empowerment, equal opportunities, accountability accessibility, support for advocates, confidentiality, and complaints (CCCYA, 2019). These standards are used as a guideline for advocacy services, for training staff members and for holding staff members accountable to this standard of advocacy, and as a criterion to evaluate advocacy services across the country (CCCYA, 2019). Although these standards may be used for evaluation, the standards are guiding principles and there is no formal evaluation process that takes place within each individual office. Notably, however, Alberta has developed a

policy with evaluative tools to determine how their office adheres to the standards. Although individual offices may conduct their own evaluations, the CCCYA only requires that these standards are discussed once a year with council members. Members will highlight how their respective offices adhere to and implement the standards within their individual offices, but this practice serves as collegial information sharing and is not a formal reporting process. Therefore, each of the offices across Canada integrate this standard framework into their mandate to different degrees. For instance, some of the offices make use of it as a general guiding document to their work while others use it as a framing document that directly shapes the type of advocacy services that are provided. These components are important because they serve as a guiding structure for the advocates when they carry out individual and systemic advocacy. Yet, on the other hand, given that there is no formal evaluative process to ensure that each office is held accountable to these standards, it is possible that the offices may carry out advocacy services without following these guiding principles. In turn, this may impact the kind of advocacy that young people receive.

While participants explained the importance of the council coming together to highlight national issues, some participants revealed the lack of authority the CCCYA holds in addressing federal issues across the country. For instance, Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick explains his perspective on the limited national powers of the council:

There is no role for the Canadian council for child and youth advocates to address federal issues. Council does not operate that way. Each of these provincial advocates have a mandate for children in their jurisdiction, that's it.

They have in the past tried to collaborate on issues like around equal access for services for Indigenous First Nations children and youth and it's been all fine and dandy. The impact council and council members can have on that issue compared to the obligation of the federal government has to act on that issue.... it's like night and day. We as council members might be able to offer a 5% solution when the federal government actually owns that whole problem, right? And they should be stepping up to the plate and they should be there at the council table doing their part for these children and other Canadian children and you see it in immigration matters, children of armed forces or RCMP members, there's a host of issues that properly belong to the federal government and then there's the national interest of Canadian children that has to carry forward globally. You just think of all the child tax benefit and all the tax benefits for children and young people. The role of the federal government is huge. And it's not an answer for them to say, "oh this is a matter for provincial responsibility and council," that's a cop-out.

These observations highlight the strength of the legal mandates that guide the advocates work but also demonstrate the limited authority that the advocates hold in Canada. They also ultimately highlight the organizational barriers that impact advocacy within these offices. These barriers are important because they impact young people's lives and are determining factors in whether or not children and youth receive the assistance and advocacy that is required to address the issues they are experiencing. Additionally, these insights speak to the importance of developing a federal children's commissioner in Canada to overcome organizational barriers in order to address federal issues at a national

level.²⁰ The participants spoke about the importance of having a strong alliance across the country and identified the council as one of the most important partnerships to the individual offices and to advocacy across Canada more broadly.

Community Organizations and Government: Friend or Foe?

One of the key factors impacting the success and effectiveness of advocate offices and their ability to help improve the lives of children and youth is their relationships and partnerships with community organizations and government. For instance, many of the participants highlighted the importance of developing strong relationships with child and youth serving organizations in order to carry out public education and outreach surrounding child and youth rights. Across Canada, many of the offices have healthy relationships with various school boards and often visit schools to teach students about their rights. In many of the provinces and territories this is crucial because child and youth rights are not a mandatory subject covered by the formal education curriculum (Canadian Coalition for the Rights of Children, 2020; Senate of Canada, 2005, 2007; UN Committee on the Rights of the Child, 2012). As a result, visits to the schools are imperative because many of the young people that the advocates interact with are not formally taught about their rights. Through these relationships, offices are able to access different social groups of young people that would not typically contact their offices. While these connections are useful for providing rights-based educational opportunities, they also help to strengthen relationships with young people in the community and raise awareness about the offices' role and functions.

In other sectors including youth justice and child welfare, these relationships are

²⁰ Further discussion on the role of a federal children's commissioner is offered in Chapter Seven.

also imperative. For instance, some of the participants revealed that the offices have strong relationships with police departments who will advertise the offices advocacy posters which inform young people about their rights and how the office can help them in different ways. Many community organizations feel comforted by the role the offices play in supporting their agencies work because they can often bring issues forward to the office and collectively the issues can be addressed. Alternatively, these relationships are helpful when a child and youth serving organization cannot help a young person in a way that the office may be able to, or if the office does not have jurisdiction over an area and an organization does. For example, many of the offices across Canada cannot act as legal-council for young people and receive many cases where legal-council is required. As a result, they will draw on contacts in the community who can help children and youth in these sectors. In Alberta, Del Graff, Child and Youth Advocate and President of the Council explained that the office has a roster of lawyers that are contracted by the office in order to assist young people. The office provides training to the lawyers so they can meet the rights-based standards of the office. In an attempt to strengthen these relationships and exchange knowledge through these partnerships, the office also hosts a legal conference every two years.

More broadly, relationships and partnerships with community organizations are also important for gaining the perspectives of children and youth on issues impacting their lives and their viewpoints and suggestions on ways these issues can be remedied. Through strong community relationships, many of the offices are able to develop relationships with youth in the community at youth centres and camps and engage with them frequently to understand their perspectives on initiatives the offices should develop

or ways they can build on their current initiatives. Considering many of the offices are not decision makers in young peoples' lives, it is important that the offices can relay youth-informed messages to the decision makers who have the power to make sound decisions. Policy makers, legislators, parliamentarians, contractors, designers, educators and activists are all key decision makers that can contribute to positive change. The advocates work closely with these key actors to alter problematic policies and service delivery systems. Decision makers therefore play an important role in organizations because they have the power to support or suppress advocates of change (Oreg, 2006). Similar to existing literature (Burke & Goldman, 2018; Goodman, Wilson & Helms, 2018), I highlight that without strong community relationships, it is difficult to connect with young people and decision makers to establish concrete change.

Relationships and partnerships with government departments are also essential to fulfilling the office mandates. Many of the participants highlighted the importance of healthy relationships with governments in order to advance their work. Some of the offices have developed protocols that outline expectations in terms of work and managing relationships in an attempt to maintain and strengthen these relationships. Sherry McNeil-Mulak, Nunavut's Representative for Children and Youth contends:

One thing that is important to us, and it's more on the operational side, but a big part of the work we do, is we are working with government departments on a daily basis and that relationship is so important and it's easy for that to feel a bit strange maybe at times, because of the nature of the work we do, so we pro-create efforts into maintaining that relationship. It needs to stay very healthy in order for us to advance our work. So, from an operational

perspective and what we've done is we've developed proto calls with key child and youth serving departments that outline the expectations in terms of the work and how we manage our relationships.

One way of developing healthy relationships with government includes working together to come up with collaborative solutions through mutual and open discussions. While many of the advocate offices identify systems of government pertaining to children and youth that require improvement, the participants revealed the importance of also identifying areas where government departments are strong. By taking this approach, the offices can point out negative components that are not working for young people and also invest in what is working. Saskatchewan's Advocate for Children and Youth, Corey O'Soup explains the relationship his office has with the government:

I know for some colleagues, the government is in their business, continually. I don't feel like that is the case in Saskatchewan, they respect our independence quite well. We have a pretty good relationship with both the government and the opposition. I'm sure when we do a news release or when we put something out on social media, the opposition always grabs onto it and they use it to fire back at the government but we've strived to point on some of the positive things that government is doing as well. They're investing billions of dollars into kids, sometimes not always the way we want them to but there are some things that are really successful, so we want to point those out as well. So, it's not just pointing out how bad you're doing, it's actually also about what's working.

This approach contributes to a strong and healthy relationship with government that

enables offices to build relationships and achieve change. In areas where the offices do not have jurisdiction, this is essential. For instance, some of the participants explained that they could reach out to certain government departments if they received a case that did not fall within their mandate. With strong relationships, the offices can collaborate with government departments to collectively address issues. As organizational theorists reveal, collaboration between individuals and relationships with internal and external actors, fuel productivity and enable organizations to achieve their objectives (Mayo, 1940; Zey, 1998). In the context of advocate offices, there is an emphasis that is placed on the importance of each individual part that constitutes the office, but also on the complete office as a collective. The *internal* dynamics of the office structure, including the behaviours and interactions within it (Dooley, 1997) are central to the development of relationships. In this case, interaction is key to the offices' achievements and specifically, in operationalizing rights in practice.

On the other hand, the offices are also required to balance politics to ensure they recognize governmental strengths and provide critique to enhance service systems. The advocates spoke about the effectiveness of going to the media and informing the public about issues when there is no progress with government to help address issues impacting young people. At the same time, the offices also need to be strategic when they take to the media as these decisions can affect their relationships with government. In the case of Ontario's provincial and territorial child and youth advocate office, Mr. Elman revealed that at the end of the day, decisions are made based on what the government wants and how the government wants to interpret the legislation guiding the office. The recent decision for the provincial government to shift the function of the child advocate office

into the ombudsman office misses the specialized service and unit that is unique to children and youth. As a result, Mr. Elman revealed that politics can often impact the practices that are carried out by the office. As one example he explains that the justice and legislation assembly have the power to approve or decline submissions that are put forth by the office to investigate critical injuries and death reviews of children. These insights are important because they highlight how political relationships materialize and serve to define the concept of advocacy in a contemporary context and the impact they have on operationalizing rights in practice or achieving change.

Although the advocates may work hard to develop strategies to achieve positive outcomes for children, there is no guarantee that these initiatives will be executed, especially if there are political tensions within government relationships. Ultimately, said relationships can halt any type of progress or in the case of Ontario, shut down an entire advocate office. Scholars researching public health advocacy have highlighted that often, effective advocacy also involves ‘knowing the right people’ and navigating political spheres to establish inside connections in order to move things forward (Christoffel, 2000; Cullerton, Donnet, Lee & Gallegos, 2018). Overall, while healthy relationships with government are important, the participants revealed that sometimes these relationships are political and serve as barriers to their advocacy work.

Children and Youth as Epistemological Forces

As the participants revealed, one of the key factors impacting the success and effectiveness of advocate offices and their ability to help improve the lives of children and youth is their relationships and partnerships with young people. Given the focus of child and youth advocate offices on bettering the lives of young people, children and

youth are essential to the operation and function of advocate offices. Although the advocates highlighted that oftentimes children who are seeking advocacy services do not typically contact the offices on their own behalf, they are actively involved in the initiatives that the advocate offices carry out and guide the development of these initiatives and activities. The concept of children as epistemological forces stems from the sociology of childhood paradigm (Corsaro, 1997; James et al., 2002; Mayall, 2000, Thorne, 2009). This perspective highlights the inaccuracy of relying merely upon adult perspectives to dictate children's needs and capabilities and recognizes the insightful perspectives of young people in informing policies, practices and research agendas. In turn, it stresses the importance of understanding children's experiences to re-construct notions about childhood and alter the implementation of social policies and practices (Moss & Petrie, 2002; Mayall, 2000). Many of the advocates adopt this perspective to working with young people and recognize children and youth as invaluable resources that can provide insight into the issues that they are experiencing through their lived experiences. Some of the advocates also revealed that young people ultimately guide the work of the offices because the initiatives that are developed focus on what youth tell them based on what they identify as important. The advocates explained the importance of partnering with children and youth in order to bring issues forward and develop impactful solutions that are youth informed. From an organizational lens, these relationships and insights are significant because they can help to achieve an organization's objectives by drawing on key relationships that are central to the organization (Six, 2007; Zey, 1998). In this case, children's perspectives are central to the office's aims of implementing Article 12 of the CRC and children's right to participate in

decisions that impact their lives. In order to do this, part of developing strong relationships with young people entails listening to what they have to say. Irwin Elman reveals the importance of listening in developing strong relationships with children and youth:

I'm not going to tell you have rights, now you have them, go up and be happy, we did our one-week workshop. It doesn't work. And Advocacy doesn't work that way either, it's about, you call, we listen, and the listening is what develops a relationship. It's about problematic and helpful kids in our mandate, let's say across child welfare, youth justice, the act of listening, develops relationships really quickly because it's never, for most of them, they've never felt heard before. It's actually not that time consuming to develop that relationship and trust because if you sit and listen you've actually, it's an act of trust. If the person feels heard, you didn't say he was a bad kid, you didn't say I didn't have that right, you didn't say I was an idiot, you didn't make me feel small, you just listened, I feel like you understand. It's just human behaviour, but the kids are humans, that's actually how things work anyway, in most rights conflicts.

Another participant described the importance of involving children and their voices in the planning of the office:

Everyone's legislation is slightly different. So, in my province it is to ensure that we amplify and include the voices and best interest of children in the services that they are entitled to receive in a manner that is consistent with their best interest, but that they are also included in the planning.

Additionally, Mr. Graff explained his offices approach to working with children and youth:

A young person has some understanding of what their circumstance is, and they have a view of what they want to happen, and they can provide the instruction to our advocates, then our advocates take instructions from them. We act on their behalf and we try to elevate what they want to see happen. For young people who are either have challenges or their just not developmentally able to understand anything about their situations then what we take is an interest-based advocacy approach where we want to make sure the decision makers consider all of that young person interest. So, we are always in a position of needing to make decisions about whether or not a young person can instruct us or whether or not we need to move to an interest-based advocacy approach for them. So, we advocate for infants for example. We do that by making sure decision makers understand and have a good understanding of all of the interests of that infant. Whereas a 14-year-old who says, “I want to go be able to visit my mother more”, then we take our instruction from them.

The participants all explained that children themselves provided some of the best opportunities to help enhance the offices’ advocacy work. The advocates explained that young people were some of the most powerful forces towards positive change and further highlighted that a large portion of their offices’ work would be unsuccessful without the participation of children and youth. Despite good intentions, I observed tensions in how

these ideas translate into practice. While the advocates value the perspectives of young people, there is not always space or opportunities for young people to provide insight or partner with the offices.²¹ In addition, a child's best interest is open to a range of interpretations and typically the best interests are decided by adults. Obstacles that often hinder child and youth participation include negative conceptualizations of childhood, misunderstandings about competency and youth interest, power imbalances, and implementation (Chawla & Driskell, 2006; Collins, 2017; Kellett, 2009; Matthews, Limb, & Taylor 1999). Child and youth participation also remains fragmented with some exemplary models that use a rights-based approach (Lansdown, 2001). Some of the barriers that prevent child partnerships within advocate institutions are based on how the offices conceptualize children and childhood as vulnerable individuals whose best interests should be determined in order to protect their well-being. For instance, one of the advocates explained their conceptualization of children:

Children by definition are vulnerable in any society and so certainly I've come to believe, I know that's not an opinion shared by everyone, but, because they're vulnerable they require someone to speak on their behalf sometimes and advocate for their protection and well-being.

Although by virtue of their younger age children may indeed be considered vulnerable compared to other social groups and specific marginalized groups of young people may experience increased vulnerabilities, this conception can oftentimes silence young people's viewpoints or hinder opportunities for participation rights to be implemented in practice. Scholars have argued that conceptualizing children as proactive agents opens up

²¹ A discussion of the tensions surrounding the concept of participation in the context of advocacy offices are offered in Chapter Seven.

a democratic environment that fosters change through reciprocal relationships between adults and children and youth (Corsaro, 1997; Moss & Petrie, 2002). These scholars emphasize the importance of re-conceptualizing notions about children in a way that sets them up for opportunities and success, rather than reinforcing public provisions that focus on silencing and control (Corsaro, 1997; Moss & Petrie, 2002). In the context of child and youth advocate offices, it is apparent that the organizational structures also impact the degree to which children and youth have opportunities to act as epistemological forces. Although child and youth advocate offices are designed to serve children, as outlined in the legal mandates guiding the offices, many of the participants revealed that they often struggle to carry out work with young people, meet with young people, and sustain relationships with children and youth over long periods of time. As a result, while children may be viewed by some advocates as knowledgeable beings who can provide unique insight to advocate offices, there is sometimes difficulty in implementing these understandings in practice. Therefore, while many of the advocates highlighted that advocacy was most effective when children and youth were at the center of their work, analysis of the interviews reveals that there are barriers to partnering with children and youth within advocacy organizations. For example, as one of the participants revealed, when children are conceptualized solely as vulnerable beings who require protection, then advocacy is provided by an adult who speaks on behalf of the child but who might not necessarily partner with them to understand their perspectives or wishes. As a result, this study reveals that young people serve as essential components to the CCCYA's work in the field of advocacy as well as the tensions that exist within institutions that are set up for children which often act in their best interests as opposed to in partnership with young

people.

Discussion

In exploring the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people, as well as how the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked, participants revealed the importance of multi and interdisciplinary teams in advocacy institutions and the role these disciplinary perspectives play in understanding childhood and interacting with young people. As the advocates noted, the way advocacy is understood and carried out depends on the characteristics of the advocate running the offices and their philosophical worldviews about children. Indeed, a legal lens to understanding children may be rooted in notions about children as property, given the laws view of the child (Goodmark, 1999; Raitt, 2004). A psychological lens to understanding children may be rooted in ideas surrounding development and the concept of the child as universal, standardized and shaped by developmental stages (James & Prout, 2015; Mitchell, 2003; Thorne, 2007). While various other disciplines construct images of children in distinct ways, these disciplinary perspectives matter because they shape how the advocates interact with children and the work they engage in. Applying a multi and interdisciplinary perspective is therefore useful in organizations that serve children because a range of disciplinary understandings can enrich the organization and how it accounts for different perspectives to approaching and partnering with young people.

The culture of child and youth advocate offices are partially constructed by the attitudes and practices that advocates engage in to fulfill their day to day work. As the

advocates revealed, various tools and resources including educational tools and resources, information management tools, budgets and funding, are imperative mechanisms that help advocates fulfill their mandates and navigate organizational structures and politics. Although these tools may be helpful, there are organizational barriers that may also prohibit the offices from channelling funding into initiatives that focus on partnering with children and youth, as well as delivering advocacy services to young people from a rights-based approach. Collectively these tools are important because they are used by advocates in an attempt to operationalize paper rights into practice. At the political and structural level, relationships and partnerships were identified as key components for understanding the organizational culture of advocate offices and how advocacy is navigated in complex political spheres. The participants reflected on the strength of the CCCYA as a national partnership, as well as community organizations and children and youth as crucial allies. On the other hand, the participants also revealed that the council has limited powers at the national level and could be further leveraged to enhance advocacy surrounding national issues. These findings pose broader questions about the degree and quality of partnerships that institutions establish with children and which young people have opportunities to engage, and which are left out. My observations also reveal how complex relationships with government can either help or hinder the work of the advocates and how political tensions can ultimately compromise efforts to better the lives of young people. In this case, although the offices are independent from government, they still have to report back to the legislature which can impact the offices funding and overall advocacy services. Finally, although the advocates highlight the importance of children and youth as key resources that inform the offices initiatives and

activities, the childhood discourse of the vulnerable child or the child in need of protection permeates many of the offices. As a result, these conceptualizations may potentially silence young people's voices or opportunities to participate in advocacy decisions that will impact their lives because decisions are made solely by adults based on notions about the best interests of the child. Ultimately, these institutional structures and practices are fraught with political and structural complexities and reveal the culture of child and youth advocacy in 21st century contemporary contexts.

CHAPTER 7 – “STILL A LONG WAY TO GO:” VOICE, AGENCY, PARTICIPATION AND RIGHTS

Distinct and divergent views on the concepts of voice, participation, agency and rights emerged in discussions with the advocates. Understandings of childhood that stem from disciplinary perspectives contributed to an understanding of the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people, the forces that impact and inform meanings of advocacy held by advocates and how children’s rights are operationalized in practice within child and youth advocate offices. Of particular note, many of the participants pointed to understandings of children based on cognitive capacity stemming from developmental psychology. The concepts of voice, participation, agency and rights emerged strongly in these narratives. These perspectives are not surprising given the strength of developmental psychology in service-delivery systems that serve children (James, Jenks & Prout, 1998; Mitchell, 2003; Moss & Petrie, 2002; Tisdall & Punch, 2012; Qvortrup et al. 1994). This chapter unpacks the participants’ perspectives on these concepts and sheds light on how organizational structures and practices impact how they are understood and operationalized in practice. In terms of understanding the concept of voice in advocate offices, interviews revealed that the concept of voice is conceptually controversial given that children also need to be listened to and heard in order for their voices to have impact. In addition, not all children have opportunities to amplify their voices and as a result, certain groups of young people are *excluded* from participating in decisions that impact their lives. In regard to the concept of agency, presuppositions surrounding the notion of children as responsible citizens often dominate opportunities

for children to exercise agency based on adultist understandings about *the right kind of* agency. Agency is also often universalized in the context of children's lives which ignores the complexity of children's circumstances and quantifies children's unique and individual lived experiences. Finally, in understanding participation in advocate offices, the advocates reveal the complexity of child participation and the barriers that exist to engaging in meaningful child and youth participation. They also highlight barriers to implementing rights in practice, and in particular, adult *resistance* to the promotion and the implementation of children's participation rights. These findings are perpetuated and sustained by the structures that shape advocate offices as well as the practices that constitute the culture of these institutions.

While the focus of this study has been based primarily on the Canadian context, it also included children's commissioners internationally to compare and contrast how key concepts including voice, agency, participation and rights are understood, and best practices for child and youth advocacy. My discussions with international children's commissioners revealed an interesting comparison of these concepts in the context of advocate offices. These comparisons are integrated with the Canadian findings throughout this chapter as I explore each concept and provide concluding observations based on the advocates recommendations for best practices that may enhance child and youth advocacy in Canada. Through this analysis, I reveal how the organizational culture of advocate offices contributes to an understanding of the meaning of the concept of child and youth advocacy.

Transcending Voice: Expressing Views and Taking them Seriously

In the context of this thesis, I define ‘voice’ as the act of speaking and expressing one’s viewpoints. The concept of voice has been heavily explored in organizational contexts and research demonstrates that incorporating voice in organizations can lead to better outcomes at individual and organizational levels (LePine & Van Dyne, 1998; Lind & Tyler, 1988; Gittell, Von Nordenflycht, & Kochan, 2004; Lam & Mayer, 2014; Morrison & Milliken, 2000). For instance, at the individual level, organizational scholars have argued that the practice of expressing one’s opinions has been useful in providing helpful suggestions for improving situations or problems (LePine & Van Dyne, 1998). They note that an individual’s ability to have their perspectives heard and understood can also increase an individual’s sense of control over outcomes and increase feelings of value as it can often contribute to a sense of valued membership (Lind & Tyler, 1988). Organizational scholars have proposed that a focus on the concept of voice can improve an organization’s outcomes because it can enhance organizational decision-making, performance, adaptability, and learning (Gittell, Von Nordenflycht, & Kochan, 2004; Lam and Mayer, 2014; Morrison & Milliken, 2000). Alternatively, scholars have argued that expressing viewpoints and perspectives can lead to risky outcomes (Burris, 2012) and thus, can harm interpersonal relationships or organizational performance (MacKenzie, Podsakoff, & Podsakoff, 2011). Specifically, some scholars interested in organizational relations say that voice can negatively impact individuals when they feel unheard or ignored (Pinder & Harlos, 2001) which can lead to feelings of frustration or exclusion. These outcomes ultimately depend on whether or not opportunities for voice exist, the degree to which voice is engaged, and how or if voice is received (Bashshur &

Oc, 2015). These findings are relevant in the context of child and youth advocate institutions that have mandates to amplify children's voices and translate children's participation rights into practice.

Many of the advocates explained the importance of providing spaces for young people to voice their opinions and described children's voices as a central tenant of the concept of advocacy. This is evident in Senior Legal Counsel and Deputy Advocate for New Brunswick - Christian Whalen's words:

For me the underlining principles are really the rights. In terms of responsibilities that means putting children's voices first and foremost. We still struggle with that in our individual case advocacy. It's still more often than not that we will have people campaign on a case conference to talk about a child and a care plan for a particular youth without them present. It happens routinely and that's a practice that we are trying to change. We try to insist to bring the child into these conversations and people aren't always comfortable with that because it's not how we are used to operating. Sometimes it's not appropriate and sometimes it's exceptionally.

Mr. Whalen's perspective on bringing the child into adult conversations highlights whether adding a child into an institutional process enhances the type of advocacy that the offices carry out and the potentially exclusionary process of child and youth advocacy. While it may be beneficial to include children's voices in the type of individual case advocacy in which the advocates engage, Mr. Whalen's viewpoint draws attention to the importance of examining the impact of including young people in discussions and decision-making in equitable and substantive ways.

Procedural justice literature suggests that providing opportunities for individuals to voice their perspectives and opinions during decision-making processes can benefit employees, decision makers and organizations more broadly (Potter, 2006). More specifically, some scholars argue that expressing viewpoints can contribute to enhanced organizational outcomes and can increase positive attitudes amongst those that have opportunities to voice their opinions (Bies & Shapiro, 2017; Folger, 1977). In the context of advocate offices, voice is important to implementing Article 12 of the CRC in order for children to provide insight in decisions that impact their lives. However, there are pitfalls to relying solely on the concept of voice to implement children's participation rights. For instance, scholars have pointed to the importance of also ensuring these voices are heard and taken seriously (Lundy, 2007; Tisdall, 2008). Donna Provost, Director of Strategy, Rights & Advice on behalf of Judge Andrew Beecroft, the Children's Commissioner for New Zealand, explains her office's focus on children's voices and ensuring they are channeled to decision makers:

We have a main function around ensuring that children's voices are informed by the work of our office first and foremost, but we also extend that to say, inform the work of government and other decision makers. So, we have a roll that we collect and amplify and share voices of children and young people on relevant topics.

Provost's insights reveal the importance of children's voices in contributing to change. They also highlight the distinction between including children's voices in an institutional process and engaging in practices that aim to ensure that children's voices reach the

decision-making level. Scholars examining organizational change argue that organizations are more likely to achieve change if they incorporate the perspectives of individuals throughout organizational processes and practices (Andreson, 2005; Shin, 2013). Although the practice of including children's voices in organizational processes is important, the participants' insights also lead to broader questions surrounding the concept of voice in child-service delivery systems. For instance, is the objective of this type of advocacy to merely have a child present at a case? Is this satisfactory? Are there ways to achieve 'authentic voice' where children's voices are not gathered for tokenistic reasons or simply dismissed or ignored in practice? Is there such a thing as 'authentic voice' and what do scholars in CS argue? Furthermore, both Whalen's and Provost's comments point to the importance of relationality in children's lives and how questions about voice need to be viewed in the relationships that unfold between children and adults.

Despite their good will and best intentions, some of the advocates' views of the concept of voice incite questions concerning the difficulty of implementing children's voices into practice. While listening to the voices of children has enabled adults to understand the lived realities of children, *how do we guarantee that children's voices are heard and taken seriously? What is voice and who gets to have a voice? Who determines who "gets to have" a voice?* While the concept of voice is useful, it is also important to think critically about how this term materializes in practice. For instance, there is a difference between an individual seeking children's views as opposed to the actual involvement of children in actively and authentically participating in decisions that affect their lives (Lundy, 2007; Mazzei & Jackson, 2009; Spryou, 2011). According to

Anderson (2005) there is also a difference between seeking views and listening to the views of individuals that contributes to their viewpoints to making changes happen. As Lansdown and others have argued, you can have a voice but there is no guarantee that it will be heard or respected (Lansdown, 2001, 2009; Lundy, 2007; Tisdall, 2008, Tisdall & Punch, 2012). Mr. Whalen's insights reveal that within advocacy institutions, not only is there a strong focus on making decisions on behalf of young people based on what is determined to be in their best interest but there is also a strong resistance to including young people's voices. Yet, a child's best interest is open to a range of interpretations (Archard & Skevenes, 2009; Birchley, 2016). Best interests are oftentimes determined by adults. As a result, there is a clash between children's interests and children's wishes, and children's views and adults' views.

Analysis of the interview data suggests that although the advocates strive to elevate the voices of young people, there is a disconnect between a young person expressing their views and actually listening to what these young people have to say. 'Voice' is also exclusionary in that some children's opinions, concerns and perspectives are excluded. Conversations with the advocates highlight that it is oftentimes the most marginal children including children in care of the state; children with disabilities; children involved in the youth justice system and Indigenous children and youth, among others, that are often excluded from decision-making processes despite the rhetoric of the importance of 'youth voice.' These observations point to the ways in which notions about children expressing their views and ideas about children's right to participation can often clash in practice. According to Article 12 of the CRC:

1. States Parties shall assure to the child *who is capable* of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight *in accordance with the age and maturity of the child* (United Nations, 1989, p. 6).

The language used in the CRC signals developmental ideas and an adultist framing which suggests that the younger the child, the less capable the child may be to express their viewpoints (McNamee, 2016; Mitchell, 2003; Tisdall & Punch, 2012). While many of the offices are framed by the CRC which promotes children's rights to express views in decisions that affect their lives, it also establishes borders beyond which expressing views becomes difficult since these opportunities are based on age and maturity of children. Christine Brennan, Advocacy Officer for the Nova Scotia Office of the Ombudsman notes that:

I think from our standpoint, we look more at the maturity level or capacity issue of the young person when they come to us. We just assume right from the get-go that we'll engage with them on the level that they come to us on. How can you take a complaint from a 7-year-old? How can you look at an issue that a 7-year-old is bringing forward to you? Or sometimes we've had a young person come to us and you have a parent, or a guardian come to us and they both have opposing views in terms of what should be done. So, we kind of assume capacity, unless there is something that indicates to us that's not really present and maybe we need assistance around that.

These insights reveal a clash that occurs because the CRC constructs participation rights and young people's right to expression on maturity and capacity which excludes specific groups of young people. In this instance, its young children that are excluded because they are not perceived as capable beings and as a result, are not often given opportunities to express their views or voices freely. Alex Tennant, Head of Research, Policy, and Service Review on behalf of Koulla Yiasouma, Commissioner for Children and Young People in Northern Ireland, reveals the importance of recognizing young people as vulnerable beings but also, their right to expression:

Our office recognizes that rights are there to protect children and young people because they are vulnerable, because of their age, but also, recognizing Article 12 which is about children having a say and exercising agency as well. It is a balance of both. One of the challenges that we have at our office is between CRC Article 3, the best interests of the child, and Article 12. Making sure you are hearing children and young people but at times you are making decisions on their behalf...

Recognizing the tension between expressing one's views, age and maturity is important in an advocacy context because without these realizations, it is possible that adults' decisions based on children's best interests could dominate children's rights to expression. In turn, this may potentially silence children's voices completely if they are in fact, conceptualized as immature and therefore incapable of expressing their views. These tensions have been explored theoretically by childhood studies scholars who critically analyze the concept of youth voice and argue that power relations ultimately impact the degree to which young people have opportunities to participate and express

their views freely (Caputo, 2017; Collins, 2017). Given that the offices use the CRC as a guiding framework, these understandings about child competency, age and maturity are significant because they impact whether or not young people in these offices have opportunities to express their views. This example highlights how the CRC may help offices implement rights in practice but how it may also hinder children's right to expression in particular instances.

Beyond youth voice, it is important to also recognize how young people engage within institutions that are designed for them. As childhood scholars reveal, meaningful engagement is more than just voice; it is also the inclusion of this voice and agency in shaping decision-making, policy and practice (Chan, 2019; Lansdown, 2001; McMillan & Tisdall, 2015; Sinclair, 2004). This viewpoint was evidenced in Ontario's former Provincial Advocate for Children and Youth, Irwin Elman interview. Mr. Elman critically reflected on the concept of voice in understanding the role of a child and youth advocate to highlight that this role is about more than just elevating young people's voices. When I asked Mr. Elman how he would define child and youth advocacy and what it means to him, he replied with the following response:

In Ontario, advocacy was not just speaking on behalf of someone else and used to mean partnering with children and youth to bring issues forward. That's what I believe it is. That's what child advocacy is. That's an interesting choice, to define advocacy as not being the voice of but partnering with young people. We were considered an exemplar in child and youth participation, we were partners with children, we did not speak for them. To me, I think that's what it means. Advocacy means partnering, that's it. Not

fixing the problem - it's not about systems, it's focused on peoples' perspectives.

As Irwin notes, advocacy is not just speaking on behalf of someone else, is also about partnering with children. Yet, the extent to which children are empowered to partner with adults within an institution will be influenced by their level of engagement and on opportunities to exercise agency. In addition to thinking critically about the concept of voice, the advocates viewpoints highlight the complexity of the concept of childhood agency and how it materializes in the context of child and youth advocate offices.

Deconstructing Agency as a form of Resistance, Resourcefulness and Responsibility

While the advocates often refer to the concept of voice in their work and elevating young people's voices, agency differs from voice as it involves children in the home, school or within institutions, having the capacity, the space and opportunity to have some involvement in decision-making processes. Various understandings of the concept of agency have been explored by scholars from a range of different disciplinary viewpoints that define the meaning of agency quite distinctly (Biesta & Tedder, 2006). For instance, scholars have conceptualized agency as a voluntary, psychological and social human *action* that opposes social structures (Giddens, 1984; Marshall, 1998). Agency is also understood as an individual's *capacity* to exercise autonomous social action or to respond independently to problematic circumstances (Emirbayer & Mische, 1998). Moreover, agency has been defined as the freedom of a human being to make independent choices and actions that will impact their life (Martin, Sugarman & Thompson, 2003). Scholars have also associated the concept of agency with freedom (Alexander, 1992); self-change (Thoits, 2003); and capacity (Giddens, 1984). While agency can be impacted by different

social lines of difference, including class, race, gender, ability, sexuality, age, and others, it can also be influenced by individual choice or violation (Hitlin & Elder, 2006). Despite specific definitions of the concept by various researchers, the notion of agency is quite complex and abstract.

From an organizational perspective, agency has been explored in relation to change (Caldwell, 2005). Scholars have analyzed how organizational structures and practices that are managed and sustained, impact agency and can contribute to change and organizational accomplishments (Caldwell, 2005; Giddens, 1984). Structural environments also impact agency in an organizational context as environmental factors can influence if or how individuals engage in various forms of agency (Hawkins, Lake, Nielson & Tierney, 2006). These understandings reveal that in addition to the complexity surrounding the various definitions of agency, there are also complex factors that impact how agency is exercised (Reed, 2005).

Given the theoretical focus of my research on how rights translate into practice from an organizational perspective, I draw on Emirbayer and Mische's (1998) understanding of agency as the practice of actors critically shaping and executing their response to situations or problems. In this context, I am referring to agency as the practice of children and youth (the actors), formulating their responses about decisions that will impact their lives and executing them as individual beings, while also recognizing that power relations can enable or inhibit children's agency. I highlight that agency will be impacted by individual choice, but is also influenced by relationality (Kraftl, 2013), including how adult's view children and youth, as well as the organizational structures and practices that exist in advocate offices which can either

encourage or hinder children from exercising agency in regard to their rights. I recognize that different levels and forms of agency exist, including human agency, organizational agency, individual agency, structural agency, among many others (Hitlin & Elder, 2006). Here, I am referring to children's individual agency and how it is impacted by adults and organizations more broadly. The reason for selecting this particular understanding compared to other definitions is because it supports the aim of my research which is to understand how rights translate in practice within advocacy institutions. Therefore, in conceptualizing agency as the practice of actors formulating their responses about decisions that impact their lives and executing these responses (Emirbayer & Mische, 1998), this understanding adheres to Article 12 of the CRC and children's right to express their views in matters that impact their lives. This definition specifically highlights that formulating and exercising agency is part of children's participation rights and is therefore useful in understanding how rights translate into practice. Moving forward, when I refer to agency, I am referring to more than just children's voices, as agency is also about *responses* to a situation or context and the components that impact these responses.

The advocates' perspectives on voice led to conversations about agency and partnering with young people. My conversations with the participants highlight that agency is not only an outcome of individual intent, it is an outcome of a collective of that context (Kraftl, 2013). This is apparent through the following interview excerpt with Christian Whalen, Deputy Advocate/Senior Legal Counsel, Office of the Child and Youth Advocate of New Brunswick:

I seem to be a little bit of an outlier or rebel among advocate circles because I think a lot of people just want to amplify youth voice and I often think, is that good enough? For me, that's not authentic and it's not real. What young people want is they want to be challenged and they want to be heard.

[Amplifying youth voice] is a little bit sugar coated. It can be good in terms of actually just getting adults to step out of the limelight and actually letting children express their views, but it's not good enough as a policy goal or as a democratic principle...What does it mean to be an adult ally and how can we do co-creation well? It's by basically supporting and nurturing children's agency but also, standing with them and being authentic in terms of a common policy goal that we might be looking for together and having real conversations around real policy options and policy choices with children and young people.

Mr. Whalen's viewpoint highlights that advocacy should be about more than just elevating young people's voices and should also focus on children's agency and their responses to situations, ideas, policies, and the components that impact these responses. As Mr. Whalen notes, this may be an unpopular viewpoint amongst child and youth advocates. This may be because dominant ideas on children's development define autonomy as a status assumed by children once they leave childhood and biologically grow towards adulthood where agency is achieved at this end point (Mayall, 2000; Thorne, 2009). Agency is often hidden, muted or constrained by certain adults who work with young people. Mr. Whalen's insights also probe critical reflections on children's agency as a mere expression of *resistance* or *resourcefulness*. Over-emphasising the

agency and resilience of children in overcoming adversities romanticizes conditions such as poverty and individualizes that which requires collective action. In addition, these reflections reveal the importance of challenging assumptions about universal and autonomous agency, which presupposes a notion of the subject as *responsible* citizen and conceptualizes agency as if it is something that all children want to exercise according to how adults define it. For instance, agency cannot be applied universally to children's lives because it shifts and relates to young people in different ways. Agency is dependent on social and cultural context and intersects with experience, ability, gender, age, ethnicity, race, culture and geography (Durham, 2008). Oftentimes, these components impact how understandings about social agency are transformed into ideas about children who can exercise agency as responsible subjects.

The sociology of childhood paradigm (Freeman, 1998; James et al., 2002; Mayall, 2000; Reynaert et al., 2009; Thorne, 2009; Vandebroek & Bouverne-De Bie, 2006), offered a shift in thinking about the individual autonomous adult toward children as autonomous, freed from regulatory constraints of adults where children are viewed. As Oswell (2013) contents, "Children are not simply beings, they are significant doings. They are actors, authors, authorities and agents" (p. 3). As social actors by virtue of their social being, children are conceptualized as full members of society. Alex Tennant, Head of Research, Policy, and Service Review on behalf of Koulla Yiasouma, Commissioner for Children and Young People in Northern Ireland, reveals the offices' approach to conceptualizing children as agentic beings:

In our office, a rights-based approach sees children as agents. As well, there are times when our staff agree or disagree with what children and young

people think. We try to balance this approach and through a rights-based approach, understand children not as passive victims, but as rights-holders and agents in their own lives.

This perspective highlights that there is a focus on recognizing children as agents, but that staff may agree or disagree with children's ideas or decisions. This tension between what children think and if adults agree or disagree is important because it will impact the outcomes of these decisions and if in fact, there is space within the office for young people to exercise agency. Disciplinary control and child protection measures are often implemented to ensure that when children are provided with opportunities to exercise agency, it is the *right kind* of agency – i.e: responsible agency (Durham, 2008).

Responsible agency is a form of agency that strives towards positive or moral goals and which demonstrates specific behaviours and social requirements that are determined by adultist, paternalistic approaches (Asad, 2000). Thus, while children are often acknowledged for exercising agency or for being agents, the type of agency they exercise must be the right kind. Scholars have urged researchers to replace this understanding with a view of agency as interdependence (Aitken, 2001; Kraftl, 2013; Spyro, 2011; Spyro et al., 2018). Children as agents are immersed within the social world and thus embedded in relations within which they have a formative influence. Agency cannot simply be equated with individual choice or individual autonomy, it needs to be viewed as a relational concept, an effect of complex shifting social arrangements. Yet agency is often thought about as children's capacity or incapacity of making autonomous choices. Whether or not children are considered to have agency is evaluated from a normative standpoint about what is right or wrong for children to do or not to do rather

than from empirical investigations about degrees of capacity or autonomy in practice. It is important to recognize that agency can take many forms – such as moral agency, emotional agency or social agency, and changes depending on context. For instance, agency can be about making a choice, shifting understandings, relaying a message or making a change. In the context of advocacy institutions, a child may exercise personal agency but sometimes this will not be enough to change things institutionally. Agency, therefore, is not a quality a person possesses or not, but it materializes in practices in which children participate.

In addition to complexities surrounding the concept of agency, interviews with the advocates also revealed that participation plays a central role in children's level of engagement and the extent to which they exercise agency in advocacy contexts. Yet, scholars have revealed that the concept of the child agent as not only capable but fully social continues to remain on the periphery of some childhood institutions in Canada due to adult resistances towards adopting a rights-based approach to viewing and working with children and youth (Bendo & Mitchell, 2017; Brady et al., 2015; Liegghio et al., 2010).

Resisting Rights and Analyzing the 'Parts' of Participation

Scholarly literature examining organizational contexts has identified and explored the various forms of resistance that prohibit change through organizational structures, processes and practices (Oreg, 2006; Piderit, 2000; Stanley, Meyer & Topolnytsky, 2005). For instance, scholars have highlighted various typologies that constitute resistance that prohibit change in organizations, including denial, rejection, inaction and repression (Oreg, 2006). These typologies each contribute to resistance at different levels

and entail a range of various practices and behaviours that reinforce resistance. These types of behaviours include silencing, refusal to collaboratively problem solve or attain a common ground, refusal to implement ideas or actions, refusal to learn new concepts, repressive acts and disregarding a concept, idea, or action plan (Piderit, 2000). In the context of my research, *resistance* refers to these behaviours or practices in relation to rejection, inaction and repression that take place within an organizational context. These include advocate offices, government systems or child-serving organizations. Resistance can be institutionalized by organizational structures and practices and are specifically sustained by decision makers who have the power and authority to reject, repress, silence and ultimately resist advocates of change (Oreg, 2006).

Majority of the participants revealed adults' strong resistance to supporting a rights-based approach to working with young people as well as the barriers to implementing child and youth rights within their respective offices. For instance, they explained their experiences with some parents and caregivers who have expressed hesitations about educating their children about the CRC due to fears of disrupting power imbalances that exist between adults and children. This is often due to the fact that in certain instances, children's rights are not viewed equally compared to human rights. Consider the following excerpt from Annette King, Children and Youth Advocate for Yukon:

Some adults are offended by children's rights and will say: "What about my rights? How am I supposed to parent them if they have rights? Does that take away our parenting capacity?"

Majority of the participants explained that oftentimes parents, caregivers and

professionals working with children and youth do not view children's rights as human rights which implicate their work and impact whether or not they are likely to educate young people about their rights and implement them in their practice. These findings are in line with research that shows that children's rights are not always viewed as human rights because there is resistance to establishing equal power relations between children and adults (McGillivray, 1994; Paré, 2017; Purdy, 1994; Quennerstedt, 2010; Ruck & Horn, 2008). These insights point to problematic conceptualizations of children's rights that are based on fear. There is also a charity-based model based on the idea that children's rights are equivalent to children's needs which suggests that rights can be taken or given to children (Freeman, 2007). Interviews with the advocates probed a reconceptualization of rights with a view to understanding rights as relational and inherent entitlements that apply to everyone regardless of age, race, gender and class. I highlight these conceptualizations because they have implications for young people, especially in advocacy institutions where some adults remain hesitant about teaching children about their rights. These findings reveal the difficulty advocates face implementing rights in practice within institutions that are designed for children.

Participants often referred to the concepts of competency, capacity and age when asked about the best ways to implement children's participation rights in practice. Some of the advocates explained that they try their best to implement Article 12 of the CRC and to involve young people in individual and systemic advocacy but that the degree to which they participate depends largely on their age, their capacity and competency. Similar to Nova Scotia's Advocacy Officer Christine Brennan, who outlined above the need to

further explore responses to children's participation, Bernard Richard explains how advocate offices often gauge child participation based on a child's age and level of competency. He contends:

You can involve youth in conferences if they are older and have the ability to comprehend the issues. I think that it's not an easy concept and depends on the ability of the child, the age of the child, the level of maturity and your capacity to engage them. I think that most offices tend to do it on individual cases and on systemic cases they can create either youth advisory committees and that was certainly the case in BC, less so I think in New Brunswick - certainly wasn't the case when I was the advocate up until 2011 and I don't think there is a youth advisory committee now either so that's 8 years later. I think there are reasons for that and then I think you can become so engrossed with involving children and youth that you spend all of your time doing that. I think you have to find a balance. I think you have to make sure that the voice of children and youth are heard in accordance with their ability to participate, their level of maturity, their age and all of that. But you also have a legislative mandate that you have to be guided by, you can't lose sight of that either. I've heard colleagues struggle with the idea of article 12 and youth voice and how effectively they can incorporate it with their work and I know from my own experience that it's not easy, so I will never criticize other advocates because I know they all espouse the principle but they all struggle to incorporate it in their work.

Mr. Richard's insights echo many of the other advocates' concerns about the complexity

of integrating participation within the offices. In addition, these findings reveal that there are limitations placed on capacity and competency which may not enable young people to act as active meaning makers in their own lives (Throne, 2009; Mayall, 2000).

Understandings about the concept of capacity stem from developmental psychology which, again, is a highly influential perspective for service-delivery systems that serve children (James, Jenks & Prout, 1998; Mitchell, 2003; Moss & Petrie, 2002; Tisdall & Punch, 2012) and how conceptualizations about children ultimately impact how they are treated in practice. Collectively, the participants explained that there still remains a strong resistance to the concept of children's rights as equal rights from government, frontline workers, caregivers, parents and within child and youth service delivery systems. These findings are in line with research that has explored these tensions, and which point to the difficulties of implementing rights in practice (Freeman, 2017; Paré, 2017). As a result, there are implications for educating young people about their rights and also operationalizing these rights in practice.

In discussing child participation with the advocates, some of the participants referred to key participation models, notably, Roger Hart's (1992) ladder of participation (adopted from Sherry Arnstein's original 1996 adult model).²² Hart's model includes eight rungs: rung eight represents *full participation* where adults and young people share decision making (Hart, 1992). Some of the advocates explained that they aim to implement these models in their work with young people to engage in various degrees of participation but highlight the difficulties in reaching rung eight or full participation. For example, certain advocates explained that there are issues giving young people the choice

²² Refer to Chapter Two for an in-depth overview of 'key' participation models; specifically, Hart's (1992) Ladder of Participation (visual included).

to participate and following through with support to implement participation rights. There are also issues with sustainably implementing children's participation rights in meaningful ways. Christian Whalen of the Child and Youth Advocate Office contends:

In Hart's²³ ladder of participation, Hart at least talks of co-creation as the ultimate level of engagement and so we've been wanting to do co-creation as opposed to...maybe you can't get to co-creation without going through the stages of youth amplification. That's kind of what we are learning, we're wanting to do this well and we are not yet performing.

Some of the advocates echoed this perspective and highlighted that rights are complex and as a result, there is not one universal way to implement participation rights because different contexts, cases and situations vary quite drastically within each office. For example, Megan Mitchell – Australia's National Children's Commissioner explains the complexity of participation:

There are a number of researchers and advocate's around the country that are working in the area of child participation. So, there is an understanding of what the letter of participation looks like. And it can range from, very basic consultation and information to a very engaged co-design co-research kind of activity. It depends what the issue is, what resources you have available to you, and the various bits of that ladder, and what opportunities there are as well. So I'm not somebody who says that you must be right at the top of the

²³ Reference to Hart refers to Hart's (1992) Ladder of Participation model based off of Sherry Arnstein's (1969) adult participation model, which included eight levels of participation (see Chapter Two, Figure 1 for an overview).

ladder all the time, but I think that just needs to be thought through according to what it is, what you're doing and what the opportunity is and how much capacity that you have in the different circumstances. I think that the real key here is to be clear and honest with kids about what you're doing and to ensure that there's accountability all the time to children and young people.

Alex Tennant - Head of Research, Policy, and Service Review on behalf of Koulla Yiasouma – Commissioner for Children and Young People in Northern Ireland also referred to Hart's ladder of participation and emphasized the importance of not only ensuring children can voice their opinions but also, the importance of listening to young people and enforcing change based on their perspectives:

Participation is really about how to make sure young people and children are able to talk about issues relevant to them and about how you listen to children and bring about change in relation to that. I suppose it's about the participation ladder and we use this model in regard to participation in our office.

These perspectives on participation are important because they demonstrate the framework that advocates use to conceptualize participation and in turn, how they are implemented in practice. Given that Hart's ladder of participation adopts a linear approach to working with children and youth and is fraught with unequal and hierarchical power imbalances between young people and adults in terms of granting children participatory outcomes (Hart et al., 2004; John, 2003), these issues may also be apparent in how the advocates aim to translate children's participation rights in practice. This is apparent in the participants focus on determining a child's capacity and granting children

participation rights which demonstrates the hierarchical power imbalances that may exist between advocates who are adults and therefore by virtue of their age and status have the power to decide the degree to which children have opportunities to participate and to what extent.

The participants perspectives also reveal the ways in which voice, agency and participation work together collectively and correspond with literature that has outlined the pitfalls of voice in organizations (MacKenzie, Podsakoff, & Podsakoff, 2011; Pinder & Harlos, 2001) and the importance of the practices and structures that are in place to engage voice. These perspectives therefore point to the ways in which organizational structures, practices and the overall culture of advocate offices impact whether and how participation rights are translated in practice. In this case, it is the well-known ideas and models of participation that are important to advocate offices because the advocates make use of these models as tools to apply them in practice to promote children's rights and child participation more specifically. Although these models are important and may be useful for organizations to understand how to implement child participation, it may be limiting for an organization to rely solely on one model of participation or particular conceptualizations of participation as there may be pitfalls inherent in how participation is understood within these designs. For example, some of the models demonstrate tokenistic forms of participation, while others advocate for meaningful participation. Collectively, the advocates adopt various practices to implement these models which ultimately impact how the offices engage with children and youth.

Advisory councils were viewed by some advocates as a form of participation that enables young people to engage with the offices, but the advocates also highlighted the

barriers they face in attempting to develop and engage these councils. They explained that children often grow out of the systems, such as the child welfare and youth justice and as a result, some of them lose touch with the advocacy office which hinders their participation on the advisory councils. As Mr. Richard explained:

All advocates struggle to implement the voice of the child. People grow out of these systems and so you have to have mechanisms in place to renew how you involve children in your work and how their voice can be heard. In BC we have youth advisory groups comprised of kids from care, some of them, they were never young children, they were always teenagers and they were for limited periods of time and they grew out of our circle so that they hopefully went on to university or college or somewhere else. They really just disappeared from our systems once they left the care. Or we kept in touch with a number of them and they became advocates in their own right providing advice and input on their own experiences for care and how we could improve our work. But I've always had the same view that it's a great principle, not easy to apply. I don't know many examples that I've seen (and I've worked with many advocates locally and nationally and internationally) and I don't know if I've figured that one out completely.

The advocates highlighted that it is difficult to draw on one participation model that is successful because defining a successful participation model is abstract, complex and open to interpretation depending on different factors. The advocates reveal that each individual case and circumstance is unique, and this plays a role in how to approach implementing participation rights. For instance, some children may not want to

participate, sometimes children request that advocates speak on their behalf whereas others would like to write a letter to contribute their perspectives or have their voices heard directly. It is therefore difficult to homogenize participation because children and their circumstances are diverse. These findings echo research that exists on participation which shows that it is an uneven experience for children and a complex concept (Chawla & Driskell, 2006; Collins, 2017; Kellett, 2009; Lansdown, 2001; Matthews, Limb, & Taylor 1999; Tisdall, 2013).

Another factor that impacts the degree to which young people are involved and participate is the underlying conceptualizations of childhood that guide these practices. For example, some of the advocates noted that children are still viewed as property and these ideas implicate the way young people are treated as objects rather than persons. For instance, Ontario's former provincial advocate for children and youth, Irwin Elman reflects on this conceptualization:

I sometimes wonder what people think about children. I have a sense that we think they are property still. People talk about the right to have children. Is it written anywhere? It's not in the Constitution. I'm not saying people don't have the right to have children but when you have the right to have children, it's a starting point of property. I have the right to own a house. I have a right to have a child, okay, and I don't think we've really explored what we really think... Which is what we assume, these assumptions we have are based in the culture we have, the policies we make, but we don't really know. I don't really know. If you view children as property, then you have that property, it's your car, you damage your car... fix your damn car, don't make me pay for your

car. Why don't I have a car? Can't afford your car? Don't buy a car. I'm just saying, I think there is a big element there...It's your children, not my children and what does that mean and what do we really think? Sometimes people pretend, we think one thing, and we act in another way.

These insights reveal the importance of identifying how children and childhood are defined theoretically and epistemologically as these viewpoints impact how young people are treated and have real implications for children's lives. For instance, if children are indeed viewed as parental property, these understandings reveal why and how children are often not granted opportunities to share their viewpoints or participate in decisions that impact their lives. Due to the fact that this conceptualization suggests that parents hold ownership over their children, it is not surprising that there are difficulties with implementing children's participation rights when children and youth are portrayed in this way.

Sherry McNeil-Mulak, Nunavut's Representative for Children and Youth revealed that there is still "*a long way to go*" with respect to Article 12 and that part of the issue is that children under the age of 12 years old are oftentimes not viewed as capable enough or old enough to exercise Article 12 of the CRC. She explains:

There's a long way to go with respect to people's understanding of article 12 out in the world. For some reason, I find a lot of people think there's this magical cut off age of 12... And that's best care scenario. That's not the case at all, you and I both know that, so we can't be in that message and have that discussion constantly because there is no age assignment to this right. And it's going to take a while to adjust that thinking, but that's part of our job and

that's why we continue to have that discussion and sound like a broken record.

Ms. McNeil-Mulak highlights that there is no age assignment to Article 12 and part of the advocates job is to shift people's thinking to contribute to attitudinal change. Yet, observations reveal that many of the advocates do believe that children under the age of 12 do not have the capacity, maturity and competency to exercise Article 12 of the CRC. Thus, rights materialize in practice based on the conceptions advocate hold about participation, children and childhood. This viewpoint also raises a broader question about who is considered a child and these understandings will ultimately shift depending on the contexts in which they are viewed. Given that the CRC emphasizes a developmental framework to understanding participation and also serves as a guiding framework for these offices, these findings point to the importance of the structures that guide organizations and how they contribute to the practices that organizations engage. These structures and ideas permeate organizations at different levels and to varying extents (Dooley, 1997; Pennings, 1992; Woodward, 1965). Within advocate offices, the participants revealed that participation often differs at each level and component of advocacy. For example, when conducting systemic advocacy, participation can include developing focus groups, inviting young people for consultations on how to guide the offices, youth advisory panels, youth-led conferences, including children and youth in hiring committees, and through youth-led initiatives. In their attempt to involve young people in the offices' work, some of the offices have developed child and youth advisory committees which have been effective for involving young people in decision making to act as a sounding board. Face to face interaction has been identified as the most effective

approach to implementing participation rights which means that staff are often travelling across provinces and territories to meet with young people. Meeting with young people one-on-one is most effective because as the advocates point out, children and youth “*do not care*” if advocates can write a report – they are seeking immediate assistance that will impact their situations. While this approach is impactful, it is difficult to balance when a lot of time and resources are consumed with these efforts. Staff members work in the community to speak to different groups of young people about their rights and conduct workshops and presentations, but this approach is not as effective as meeting with children and youth in person. The advocates therefore identify the importance of drawing on relationships and tools for support. Ultimately these practices highlight how organizational behaviours are often informed by the structures and frameworks that guide an organization and what it can achieve with these structures in place (Giddens, 1984; Nicolini, 2013).

Advocates drew attention to the different meanings that the concept of participation implemented in their office activities and practices that are beyond Article 12’s call for young people to express their views in matters that affect their lives. Participation shifts depending on context, culture, diversity and experience (Lundy, 2007, 2018; Tisdall, 2004). For instance, participation can mean seeking information, forming views, expressing ideas; taking part in activities and processes; playing different roles including listening, reflecting, researching, speaking; being informed and consulted in decision making; initiating ideas, processes, proposals, projects; analyzing situations and making choices, or respecting others and being treated with dignity (Hart, 1992; Powell & Smith, 2009; Shier, 2001; Tisdall, 2008). The advocates’ perspectives on participation

probe questions surrounding the authenticity of participation, namely, the question of:

What is meaningful participation and is it possible in advocacy institutions?

As Gerison Lansdown, children's rights participation, advocate and scholar notes, the following nine components constitute characteristics of quality participation:

Authentic participation is transparent and informative, voluntary, respectful, relevant, child or youth-friendly, inclusive, supported by training for adults, safe and sensitive to risk and importantly, is accountable to young people.

These characteristics are important because they contribute to quality participation, as opposed to tokenistic forms of participation that often result in disengagement (Lundy, 2007). Quality participation opportunities can aid in critical thinking, decision making, problem solving, confidence, self-esteem, skill development, teamwork, active citizenship, and civic engagement (Lansdown & O'Kane, 2014; Tisdall, 2013; Wood, Larson & Brown, 2009). Quality participation also enables opportunities for young people to share their insights which can provide stimulus for the creation of knowledge to inform research agendas, policy priorities and advocacy efforts (Lansdown, 2001; Tisdall, 2013); this can lead to the realization of best outcomes across health, education and family life (Lansdown & O'Kane, 2014). In the context of child and youth advocate offices, Ms. Lansdown's reflections on quality participation are important for advocates to consider in institutions that are designed to partner with young people because integrating these characteristics of participation can lead to skill development as well as better outcomes in children's lives. They also contribute to the implementation of children's participation rights in practice, whereas tokenistic forms of participation may be exclusionary and may not provide opportunities for children and youth to engage in

initiatives, processes or decisions that will impact their lives (Lansdown, 2001). As a result, these insights probe broader questions about: When do children get involved? At what level do children get involved? And which children get involved?

Lansdown makes reference to three potential levels of engagement (Lansdown & O’Kane, 2014) including: consultative participation, collaborative participation and child and youth-led participation. *Consultative participation* involves an approach that is adult initiated and managed by adults but recognizing that children have a valuable perspective to contribute and allows children to influence outcomes. *Collaborative participation* involves an approach that is also adult-initiated and involves partnerships with children, empowers children to influence processes and outcomes and fosters self-directed action by children over time. Finally, *child and youth-led participation* is characterised by children coming together to organize their own activities, identifying issues that concern them, adults serve as facilitators instead of leaders, and children control the process (Lansdown, 2001; Lansdown & O’Kane, 2014). Data analysis reveals that most of the offices engage in consultative participation while some of them engage in collaborative participation. Despite advocates’ good will and best intentions, some of the offices were also quite frank about the fact that integrating Article 12 in their offices is oftentimes difficult and participation is not always a main priority. Exploring the levels of engagement is important because the extent to which children are empowered to exercise voice, agency, participation, and their rights, will be influenced by their level of engagement. From an organizational perspective, these findings highlight the importance of the concept of *practice* within institutions (Gherardi, 2011; Simpson, 2010; Warde, 2005) and how practices contribute to child and youth engagement. The concept of

practice is useful in understanding how experience and action inform human behaviours and how engaging in certain practices leads to agency and social change in organizations (Giddens, 1984; Nicolini, 2013). Within advocate offices, it is the knowledge, meaning, activity, power and language that impact the practices that are engaged to implement children's participation rights (Schatzki, 2001). Young people have knowledge about how to intervene, peer to peer networks, what works well, and they also care about their social and political environments (Jans, 2004; Lundy, 2007; Tisdall, 2008). These observations highlight that advocacy is not just about speaking on behalf of someone else as Irwin notes, and remind us to take children's participation seriously. In order to do so, particular *practices* are central to operationalizing child participation in institutions for children. The following concluding observations are based on the advocates insights regarding proposed best practices that may enhance child and youth advocacy in Canada.

Advocates Concluding Observations on Best Practices of Child and Youth Advocacy

Although observations for improving advocacy services have been integrated throughout this PhD thesis,²⁴ moving forward, the participants collectively outlined concrete recommendations to enhance child and youth advocacy in 21st century contemporary contexts and in particular, within the Canadian context. I specifically note Marvin Bernstein's – Former Saskatchewan Advocate for Children and Youth, contribution to providing recommendations and draw specifically on Mr. Bernstein's work on the role of independent human rights institutions developing a children's rights toolkit with the Canadian Bar Association (The Canadian Bar Association, 2020). In regard to observations surrounding child and youth participation, I also draw directly on

²⁴ Chapter Six also integrates informal recommendations and best practices for child and youth advocate offices.

children's rights advocate and scholar – Gerison Lansdown's insights and the internationally recognized work Ms. Lansdown has carried out²⁵ to strengthen participation within human rights institutions for children and youth. Finally, I rely on the insights of former Senator for Children and Youth – the Hon. Landon Pearson, O.C., who has dedicated over 60 years of her life to child and youth advocacy and children's rights. The following section outlines the collective observations of the participants which reveal best practices of advocacy and serve as a means to operationalize the concepts of voice, agency, participation and rights in practice within child and youth advocate institutions.

One of the key observations that emerged was ensuring that the offices comply with General Comment No. 2 (2002)²⁶ regarding the role of independent national human rights institutions in the promotion and protection of the rights of the child. General comments provide an analysis of specific articles of the CRC and pertain to thematic issues related to children's rights. General comments also refer to an interpretation of what is expected of States Parties regarding implementation of the CRC (United Nations, Committee on the Rights of the Child, 2003, 2012). Many of the participants stated that compliance with General Comment No. 2 would help to better operationalize children's rights into practice because of the monitoring systems that would help to hold offices accountable. Implementing General Comment No. 2 would ensure that States review their status and effectiveness for implementing, promoting and protecting the rights of children and youth within advocacy institutions. General Comment No. 2 also outlines

²⁵ Notably, I draw on Ms. Lansdown's (2018) UNICEF report on participation in human rights institutions as well as the (2014) Save the Children child participation toolkit series developed by Lansdown and O'Kane: <https://resourcecentre.savethechildren.net/authors/lansdown-gerison>

²⁶ See General Comment No. 2: <https://www.refworld.org/docid/4538834e4.html>

guidelines that offices should comply with regarding mandate powers, establishment processes, resources, pluralistic representation, breaches of children's rights, accessibility and participation, and also provides recommended activities for compliance (The Canadian Bar Association, 2020). Marvin Bernstein – Former Saskatchewan Advocate for Children and Youth reflects on General Comment No. 2:

There should be an office in every Canadian jurisdiction that should be consistent with international human rights norms that essentially are consistent with General Comment No. 2 and the Paris Principles and I think that we have only partially fulfilled that obligation in different jurisdictions....More concerning, is the inconsistency in the offices' mandates and the fact that on a sliding scale we have some offices that are closer to fulfilling the requirements that have been set out by the UN Committee on the Rights of the Child in General Comment No. 2 than others and the fact that there may be some threats or some risk to those offices.

Mr. Bernstein's observations point to the inconsistencies of the offices across Canada given their diverse mandates and reiterates the importance of General Comment No. 2 in guiding the work of the offices and the risk associated with noncompliance. Currently, there are no measures in place to ensure offices are in compliance with General Comment No. 2 and as a result, these offices are not thoroughly assessed to ensure they are promoting, protecting and implementing the CRC within their offices.

In addition, another observation that emerged when interviewing the participants was the importance of compliance with the Paris Principles²⁷ which are referred to in

²⁷ See Paris Principles: <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>

General Comment No. 2 and which human rights institutions are required to meet. The principles include: mandate and competence with a focus on broad mandates framed by human rights standards; autonomy from government; independence that is outlined by statute or Constitution; pluralism; adequate resources; and adequate powers of investigation (Global Alliance of National Human Rights Institutions, 2020). Many of the advocates alluded to issues surrounding implementation of these principles, some of which are outlined and explored further in Chapter Six. The reasoning behind broad-based mandates is to ensure that children's rights are implemented across various child-serving sectors within the respective province or territory (The Canadian Bar Association, 2020). In regard to independence, the independence should be granted at a functional level and physically, in terms of office location (The Canadian Bar Association, 2020; UNICEF, 2012, 2018). The office should also have the authority to act on its own motion, act independently and guide its own initiatives (The Canadian Bar Association, 2020). In addition to adequate resources, many of the advocates revealed that they do not have the funding and finances required to fulfill their mandates and as a result, advocacy around education and public outreach is typically impacted or neglected. Each of the advocate offices should have the funding and resources required to engage in public education and this role should be integrated in the advocates mandates. These observations resonate with additional research that has explored child and youth advocate offices in Canada and internationally (Bendo & Mitchell, 2017; Hunter, 2017; UNICEF, 2012, 2018).

Recommendations pertaining to adequate powers of investigation should include the power to receive complaints and also resolve complaints, the power to compel and

question witnesses and obtain evidence, and the investigatory power to detect broader systemic issues that impact young people (The Canadian Bar Association, 2020). Beyond investigatory powers, the advocates should also have the authority to seek intervenor status in court and administrative proceedings (The Canadian Bar Association, 2020). Currently, the advocates do not have the authority to fulfill these components nor do they have the power to act as legal counsel (Bendo & Mitchell, 2017). Many of the advocates also highlighted that they do not have the power to enter detention centres or residences of children who are in care of the state. It is important that the advocates have access to these facilities and residences so that they can meet with young people who require their advocacy services (The Canadian Bar Association, 2020; UNICEF, 2018). The advocates should also be able to provide recommendations to the government and the legislative assembly for improving child and youth policies and programming.

Collectively, the Paris Principles are important to the functioning of the offices and should be monitored and implemented accordingly. There is currently no monitoring system in place to ensure the Canadian advocate offices comply with these principles and many of them are not legally imbedded into the office mandates. Anders Prydz Cameron – Senior Adviser on behalf of Inga Bejer Engh – Ombudsman for Children in Norway, reveals the importance of the Paris Principles in sustaining the office structure:

The Paris Principles and General Comment No. 2 are very important, and I mean especially the independence and funding components. Upholding those principles and having a clear legal mandate is imperative. You talked about the Ontario Child and Youth Advocate Office shutting down... You couldn't do that to our office in Norway because we have a legal basis that is quite

strong, so I mean that is very important, those basic things need to be in place.

Legally, these Principles are important to sustaining the offices functioning. The participants also revealed that the advocates should also monitor implementation of the government's international obligations under the CRC and should have the power to undertake CRIAs.²⁸ The current organizational structures and the legislation that guides the offices do not grant the advocates these statutory monitoring powers. Internationally, General Comment No. 2 and the Paris Principles have shown to be central to national human rights institutions and the ways children's rights are operationalized in practice (Hunter, 2017; Senate of Canada, 2007; UNICEF, 2009; UNICEF, 2012). As a result, it is ultimately children and youth who pay the price when offices that they rely on for advocacy services, are shut down or cannot assist with their individual cases.

Regarding child and youth engagement, the advocates should be accessible to children physically and online and should engage young people and facilitate meaningful participation²⁹ (The Canadian Bar Association, 2020; UNICEF, 2018). Equal participation of all groups of children should be prioritized, especially marginalized groups of young people, including Indigenous children, children with disabilities, children in care of the state and youth justice, children of minorities and other systemically disadvantaged young people (Bendo & Mitchell, 2017; The Canadian Bar Association, 2020; UNICEF, 2012). The participants revealed that the offices require expertise and special focus on Indigenous children and other groups of children

²⁸ CRIA is a tool that analyzes and evaluates effects that policies and legislation have on children's rights (The Canadian Bar Association, 2020).

²⁹ Meaningful participation is defined in Chapter Two and centers on Gerison Lansdown's nine basic requirements for quality participation (Lansdown & O'Kane, 2014).

experiencing systemic disadvantage. The offices should also have the authority to organize private communications and meetings with young people (The Canadian Bar Association, 2020). Some of the offices allocate funding towards meeting with young people face to face which has shown to be the most impactful way to connect with children and youth within these institutions (see for instance, UNICEF, 2018).³⁰ Yet, not all of the offices can meet with young people in person due to travelling restrictions, geographic barriers, funding limitations and accessibility issues. As Gerison Lansdown highlights, children should be able to participate but this can only happen if there is appropriate support, space and time to foster participatory environments. Ms. Lansdown contends:

There's a number of key features of participation and one is that it applies to children of all ages. The second is that it applies to children as individuals and children collectively or as a group or constituency. Thirdly, is that it needs to, Laura Lundy has done this in her model. If you look at what in order to participate, there needs to be space and time for children to be able to speak out. They need to have a voice; they need to be able to speak in the way that they want to communicate, and they need to have the information necessary and to be informed enough to be able to participate effectively. They need to have an audience; somebody needs to be listening and they need to have influence. They need to have access to the policy makers, decision makers, power brokers, so that their voices can be heard. Unless you have space voice audience and influence, it's not meaningful.

³⁰ This report looks specifically at participation in National Human Rights Institutions and reveals that as a best practice, meeting in person with young people aims to foster 'meaningful participation.'

Ms. Lansdown contends that young people can play active roles within advocate offices in a range of different ways, including: as advisers, researchers, communicators, peer educators and on hiring committees (UNICEF, 2018). As one example, in Belgium, children are actively involved in the Offices' hiring processes. Karen Van Laethem – President/Project Manager of the National Commission for Children's Rights highlights the role young people play when new staff members are considered for positions in the office:

In my position, as part of me getting the job, I was interviewed by 11-year-olds. They developed the criteria and they interviewed the candidates and each of us needed to do an activity with the kids and engage them in conversations about children's rights. That's how that process was determined.

There are a number of elements to consider when developing these kinds of partnerships with young people within the offices. For instance: developing set terms of reference for participation as well as time frames of membership; hosting meetings in person and online; advertising the participation opportunity on social media and within social institutions for children; selecting members based on an established criteria that is diverse according to age, experience, background and geographic location; connecting with marginalized communities to ensure a range of children have opportunities to participate if they are interested; providing adequate training to young people and adult staff; and finally, ensuring young people are aware of their role and their rights (UNICEF, 2012; UNICEF, 2018).

The participants highlighted that education ultimately acts as a cornerstone to recognizing rights and it is important that adults and children are educated specifically

about rights to participation and how to implement participation rights. Developing relationships with governments to implement Article 12 through legislation as well as through opportunities would also create space for participation to be taken seriously and implemented in practice (Lansdown & O’Kane, 2014; UNICEF, 2018). Alex Tennant - Head of Research, Policy, and Service Review on behalf of Koulla Yiasouma – Commissioner for Children and Young People in Northern Ireland, explains the importance of embedding participation into the offices legislation:

If you take a look at our legislation there is quite a lot around participation and communicating with and hearing from children and young people and needing to use that in the exercises of the commissioner's powers. It has to be the heart of the commissioner’s work. I think it needs to be built in. If you look at our legislation, I would suggest building in the requirements to communicate with children and young people but not too much detail on the actual mechanisms for that because participation changes in every situation.

Building participation and engagement into the legal mandates of the offices would strengthen the implementation of participation rights in practice. In addition, fostering respectful attitudes that are committed to children’s participation are crucial in order for participation to be deemed meaningful and impactful. Gerison Lansdown also reveals that regular evaluations should be conducted to inform best practices within the offices, especially pertaining to participatory rights and youth-friendly avenues for redress and systemic outcomes. Ms. Lansdown highlights the importance of recognizing the different levels of participation that offices engage:

Some forms of participation are consulted, where adults are merely seeking children's views, it might be piece of research, it might be consulting on priorities, it might be consulting on their government draft policy, or a piece of legislation, or a local authority development or whatever. Consulting children on a decision which is going to be taken by a democratic arena is a perfectly legitimate form of participation because it's recognizing that children have a legitimate contribution to make to inform the policy. But it doesn't give children any power and it's all controlled by adults. It's legitimate but it's limited. Then you've got collaborative participation where an adult has an idea but wants to work collectively or collaboratively with children to develop and implement a proposed piece of research or whatever. And then there's a need also for child led, youth led, adolescent, participation where you create spaces where young people can involve their own priorities and their role of adults is to support that happening. So, I think you need to recognize that meaningful participation takes place when children have all of those things taking place. And it all needs to comply with the 9 basic requirements of quality participation in order for it to become meaningful.

Currently, only some of the offices across Canada engage child and youth participation and many of them have a focus on elevating the voices of young people, but do not necessarily focus on children's agency and participation. These concepts should be carefully analyzed and unpacked within the offices to highlight the critiques mentioned above surrounding voice, agency, participation and the tensions that arise when implementing rights into practice. The advocates insights reveal that efforts should be

made to integrate collaborative and youth-led levels of participation as opposed to solely consultative engagement (UNICEF, 2018). In addition, the offices can enhance the quality of participation within their offices by integrating Gerison Lansdown's nine basic requirements of quality participation (Lansdown & O'Kane, 2014). The advocates viewpoints highlight that the offices should also begin to move beyond the concept of voice to ensure that young people are provided with spaces for their voices to be elevated, heard, taken seriously, and for their engagements to be understood from an interdependent and relational approach, as Kraftl (2013) and Spyrou (2018) argue.

Finally, many of the participants recommended the establishment of an office of a federal children's commissioner in Canada to enhance advocacy services across the country. In the absence of a federal Children's Commissioner in Canada with a national perspective, provincial and territorial members of the CCCYA lack a national, comprehensive standard for their work across different areas of the country (Bendo, 2018; UNICEF, 2010). The participants highlighted the need to establish an increased sense of authority at the federal level to ensure specific groups of young people are not denied advocacy services at the provincial and territorial level. In their interviews, many of the advocates shared their concern about their inability to address federal domains. Del Graff, Child and Youth Advocate of Alberta and President of the Council explains the potential role of a children's commissioner at the federal level:

Their role in my mind would be to deal with some of those national issues that have both federal legislation and federal resources to help with, like Indigenous young people, like issues related to immigration, like issues with youth justice, like issues related to health. There are levels that the federal

government can take action on and can be held accountable to that we just can't get to by being a conglomerate of provincial advocates.

Similarly, Jackie Lake Kavanagh, Advocate for Children and Youth of Newfoundland and Labrador expresses her perspective:

I think the Federal piece is the missing piece right now quite frankly. Most jurisdictions have an advocate, but we have no jurisdiction over Federal matters. So, there's no one to work issues that are Federal in nature, that are federal authority and responsibility. There's no way to work issues back through that Federal system to work towards change, we've written letters to various Federal ministers on issues. But we have nobody internally within that system who had authority or had any kind of a mandate towards that. So, I think the Federal piece is a missing piece quite frankly and I'd like to see that sooner rather than later and I think that would be basically a colleague and a peer to all of the provincial and territorial advocates.

Saskatchewan's Advocate for Children and Youth, Corey O'Soup also highlights the potential role of a federal children's commissioner:

There are the advocates in the provinces and territories, so we would need to work with a national commissioner on some of those broader spectrum issues that are systemic and can make a huge difference for all children and youth but particularly our Indigenous children and youth who are at the mercy of the system.

Some of the participants disclosed that they could not help certain young people who have sought out assistance due to the fact that their legal mandates only cover provincial

or territorial jurisdictions. These findings are important because they reveal a gap within the advocates roles and institutional structures, and as a result, certain groups of young people are excluded from receiving advocacy support. Through first-hand experience, the advocates spoke about their frustration towards jurisdictional limitations and agreed that it was a substantial issue that could be addressed if a commissioner were to be appointed. The advocates agreed that a federal children's commissioner's office should foster a strong relationship with the current provincial and territorial advocates and divide their responsibilities accordingly. Mr O'Soup continues to explain his vision for a provincial/territorial and federal partnership:

I think there would need to be a real sit down between the federal government, the provincial government, and the Canadian Council of Child and Youth Advocates to really lay out what those responsibilities would be. First and foremost, honours of responsibilities would be a federal responsibility, such as education, that's health, that's justice, that's social services, those are things that are not the responsibility of provinces under the constitution, under the Indian Act, whatever those things say, that our federal responsibility, I believe that's where we need to draw the line and as provincial advocates, we would need to work closely because those kids are not just going to stay on the reserve. They're going to go back and forth between both systems and that relationship will have to be close and we would have to be able to work together.

Mr. Graff further explains his perspective on the jurisdictional responsibilities:

In Canada, population wise, we may not be large, but geography wise, we are huge. I just think that if the right kind of balance is struck between what provincial advocacy the representatives do and what a national children's commission does and that they can in fact build on each other's strength. That's what would make a difference for kids. That's not going to happen without government being committed and supportive and driving that forward. If there was a federal commission that had to have provincial participation of advocates to make something go forward, if we're in place and we've got that kind of relationship and understanding of our roles, it just makes their capacity so much more effective. If that worked out, there's mutual benefit that is not really about the provincial advocates or the federal commission but actually is about young people and the rights of interests and viewpoints being elevated.

These insights reveal that developing these relationships would help to strengthen advocacy for children and young people at provincial, territorial and federal levels. Some of the participants also suggested that individual case advocacy should not be taken on by the federal children's commissioner and should be left to the provincial and territorial advocates as this type of advocacy requires the most resources and time. Rather, the federal children's commissioner should focus primarily on addressing systemic issues at the national level. Many children's commissioners internationally have adopted this structure and focus primarily on systemic advocacy as opposed to individual cases. For instance, Megan Mitchell – Australia's National Children's Commissioner highlights the office's focus on individual advocacy:

I have a broad-based advocacy role, but I don't look at individual complaints, or circumstances of individuals. The position could have been crafted like that, but I focus on systemic issues while the states and territories focus on individual complaints and cases.

Similarly, Anders Prydz Cameron – Senior Adviser on behalf of Inga Bejer Engh – Ombudsman for Children in Norway, outlines the importance of focusing on systemic issues at a national level to achieve broader change in systems and through legislation:

It's always a discussion whether an office should handle individual complaints and how it should handle individual cases. Our experience is that handling individual cases, we assess some information, but we don't have any formal power to make decisions or to change the situation for children in individual cases. We need to re-direct them to the right place, the right complaints system to get the change and our experience at least in a country like ours where there are functioning institutions that actually can handle these complaints and that can help the children where they are, it is more important to have an office that is more directed towards policy making and not so much into handling individual complaints because if you have very strong legal obligations to handle all individual complaints, that could actually drown all the other parts of the work in the office, right? You would only sit there doing individual complaints and that's not necessarily a bad thing but in a society like ours where there are other institutions that can help the children where they are, I think the need is more for of the policy advocacy office and the stronger need for that over an individual complaint

office, especially because when it comes to children's rights it often can be just a matter of stating that there's been a violation without there being any real change for the child on the other end. So, what we should try to achieve in these offices, I think, is real change for real children and not just sort of academic statements about children's rights. We should try to really improve the situation for children, and I think we can do that better if we work more towards policy and legal processes at the systemic level.

Based on these observations, it would be beneficial for a Canadian children's commissioner to focus on systemic advocacy and for the provincial and territorial advocates to center their work on handling individual advocacy cases. At the provincial, territorial and national level, the advocates could work in collaboration with one another to strengthen advocacy services.

The commissioner should also have the power to monitor children's rights implementation in Canada and should be responsible for submitting Canada's report to the UN Committee on the Rights of the Child every five years.³¹ Jennifer Charlesworth, British Columbia's Office of the Representative for Children and Youth explains her perspective:

Where it's a number of months and we're overdue to give feedback on the CRC to the UN Committee on the Rights of the Child...we don't have anybody looking out for that. If there was a federal children's commissioner,

³¹ Canada's fifth and sixth periodic report is currently under review by the UN Committee on the Rights of the Child and was submitted by the Public Health Agency six months late (Canadian Coalition for the Rights of Children, 2020). Many children's rights organizations were displeased with the report which highlighted aspects that Canada is fulfilling rather than outlining areas for improvement in children's rights. The commissioner could help to improve these lines of communication and monitoring.

it's more likely that somebody would have been on it to make sure that we didn't miss opportunities to inform and influence the UN as they reviewed the Convention. So, if you had a children's commissioner that was taking a look at that, that's very important.

As the different levels of government share jurisdictional accountability for children in this country, the federal government holds the most power across the various departments involving young people. In Belgium, the children's commission assumes this role and also involves young people in the reporting process. Karen Van Laethem – President/Project Manager of the National Commission for Children's Rights explains the office's approach to preparing and submitting the report:

We are going to involve children in the entire process in responding to the UN committee on the rights of the child concluding observations report. It is true in our reporting to the committee; we initially did not involve children because we didn't have time to do it properly. We started our report and procedure in 2015 and the end we had to submit our report in 2017. We didn't have time nor enough resources to have meaningful involvement of children and when they asked the NGOs whether children would assist to the reviewers or would come to the pre session that was also a very deliberate choice to say no, because we are not going to send 10 children there to say “yes we've included them” if we have not been able to inform them properly, if they are not represented of the children in Belgium because I mean again, you're going to take 3 children from the most well-known high school, or the most outspoken, often from the richest, that kind of participation, it makes no

sense.

Many of the issues that are brought to the advocates attention are relevant to the policies and programs that fall within federal jurisdiction which directly affect children and youth. Ironically, however, their voices and perspectives are absent within this democratic system of governance which is supposed to promote participation and meaningful decision-making opportunities.

Organizations that have lobbied for the development of children's commissioner in Canada have argued that a commissioner would have the authority to monitor, evaluate and report on federal child and youth service delivery systems, educate the public about the CRC, and advocate for children's rights (Bendo, 2017; Senate of Canada, 2007; The Canadian Bar Association, 2020). Although the potential role of a commissioner could enhance child and youth services, laws, policies and programs, criticisms have surfaced regarding the establishment of a children's commissioner in Canada. Critiques include concerns about the mandate and focus of the commissioner, the allocation of funding and resources, whether or not the office should serve all groups of children and youth or focus directly on marginalized groups, and the overall structure of the office (Bendo & Mitchell, 2017; Canadian UNICEF Committee, 2010). Over 20 years ago, the Hon. Landon Pearson, O.C., former Senator for Children and Youth, called for the development and appointment of a children's commissioner in Canada (Pearson, 1997, p.12). In 2001, Landon Pearson and Karen Kraft-Sloan developed a report titled *A Commissioner for Canadian Children*, which was revised in 2016 and outlines the role of a federal children's commissioner in Canada (Pearson & Kraft Sloan, 2001). The report highlights a series of key recommendations including: working to select issues and

conduct research on policies that impact children, identify federal issues that impact children, partner with children and youth and their families, connect with the CCCYA as well as other rights-serving organizations to conduct consultations and engagements with children and youth, deconstruct public attitudes about children, enhance children's rights awareness in the community and through programming, and focus on prioritizing children and youth within government (Bendo, 2017; Pearson & Kraft Sloan, 2011, pp. 5-6). In an interview with Mrs. Pearson, she built on these recommendations and revealed her rich and informative perspective on key components that should be highlighted when considering the role and function of this office. I offer these insights in the following vignette from our interview together:

A Commissioner would have to be a good diplomat; a person able to build connections and relations. The structure of the office of the federal Commissioner would, of course, have to give an important role to issues related to Indigenous kids. Whether that would mean a Co-Commissioner or not should only be agreed upon after a great deal of consultation with Indigenous groups as well as with groups concerned with children with disabilities, with refugees and immigrants and, very importantly, with children and youth. What I would worry about is that the government would put together a structure first without consultation and then reach out. In my view, it is imperative to build the communications first or there will be resistance to the design. This would be an excellent challenge for a qualified person who could be charged with developing a working group as was done to transform the UN Declaration on the Rights of the Child into the UNCRC.

Even though that working group took ten years, what emerged was a much better and more acceptable product than would have been the case if some officials had simply drafted it. I think that is what the government should do, create a working group with a good chair, somebody who knows how to get people to say things honestly, to develop three or four models over a couple of years with considerable consultation and then come forward with a proposal to the federal government saying ‘this is what it should look like.’ There should be discussions with the people who run offices for the Commissioners for Official Languages, Privacy, and Freedom of Information. A Commissioner for Children and Youth is a very specific role, but I can see a viable model emerging this way, avoiding serious mistakes. A good working group chair would be necessary to create the role, but that person should not become the Commissioner. I would suggest as chair someone with a legal background because so much of what affects children and youth at the federal level is embodied in legislation. This person should also know something about kids possibly with social work, teaching or health professional experience. It should be someone who knows the UNCRC and understands children’s rights. I also think it should be somebody from outside of government...

Furthermore, the obligation for the Commissioner to look at everything from a child-rights point of view would be an important way of increasing Canada’s implementation of the UNCRC. An additional role of the office

should be communication with kids in order to advocate for their general concerns if not for their individual complaints. There should also be a focus on identifying issues and on exploring solutions. The Office of the Commissioner must be transparent. Open communications are important because they help to make the Convention widely known to adults and children alike as required by UNCRC article 42. Other roles of the Office of the Commissioner would be to focus on clusters of children's rights issues; address human rights education generally and provide more funding for the development and dissemination of child rights materials for the use of parents and teachers.

Mrs. Pearson provides a strong outline of what the role of a Canadian children's commissioner could look like and emphasized the importance of taking time to first develop and explore the potential role of the children's commissioner, which would then help to determine a comprehensive set of standards for the Council members. Landon Pearson also spoke about the need to shift from focusing on an individual children's commissioner and focus instead on developing a national commission for children or a responsibility centre for children. Similarly, Del Graff, Child and Youth Advocate of Alberta and President of the Council proposed the development of a commission over an individual commissioner:

I'm much more interested in seeing a children's commission. Primarily, whatever that entity looks like, it becomes broader than one of individual with a responsibility across the country. I think a commission would be a wonderful thing. I'm very concerned that in fact there doesn't seem to be

activity taking place to create one, given that this government before they were the government said that they would, so that's concerning.

Christian Whalen, Deputy Advocate/Senior Legal Counsel, Child and Youth Advocate of New Brunswick also speaks to the importance of developing relationships through a commission model:

The Belgium model I find really interesting. They have like 90 stakeholders around their commission table. It's a very small office. The commissioner has 2 or 3 people with her, but she works through this very robust stakeholder engagement table where government agencies and departments and the non-profit sector and communities are all represented. We can have something like that working in Canada. It would be very impactful.

Karen Van Laethem – President/Project Manager of the National Commission for Children's Rights in Belgium's, explains this model:

We have 90 actors that are part of the commission. It goes through government representatives, social ministers, representatives of the Parliament, academics, NGOs, children's rights experts, Ombudsman persons, civil society. We have one governmental part and one advisory body. The advisory body is not dependant, the inter government part, of course is and this has an impact on our activities. We collaborate and we also meet in person monthly and divide our responsibilities.

The Belgium model is quite distinct from other countries as it serves as a commission rather than an individual children's commissioner. Collectively, the commission divides its responsibilities and relies heavily on these relationships with one another to advocate

with and for children to operationalize rights in practice. As Landon Pearson notes, this type of commission model could serve as a best practice model in Canada at the federal level.

In Canada, multiple organizations have advocated for the development of a federal children's commissioner including the Canadian Bar Association, the Canadian Coalition for the Rights of Children, the Canadian Student Association for Children's Rights, the Canadian Pediatric Society, Children First Canada, the Child Welfare League of Canada, the Prime Minister's Youth Council, the United Nations Committee on the Rights of the Child, UNICEF, and members of the CCCYA (Bendo, 2017; The Canadian Bar Association, 2020). In an attempt to establish a children's commissioner in Canada, these organizations have engaged in multiple initiatives to encourage the federal government to develop an office of the children's commissioner (Bendo, 2017; Canadian UNICEF Committee, 2010; Senate of Canada, 2007; the Canadian Bar Association, 2020; United Nations Committee on the Rights of the Child 1991, 2003, 2012). In addition, between 2009-2019 private members in government have attempted to introduce bills to develop a children's commissioner, including: (Bill C-418: An Act to establish a Children's Commissioner of Canada the Children's Commissioner Act; Bill C-420: An Act to establish the Office of the Commissioner for Children and Young Persons in Canada; Bill C-701: An Act to establish the Office of the Commissioner for Children and Young Persons in Canada, 2nd session; Bill C-451: An Act to establish a Children's Health Commissioner of Canada; Bill C-441: An Act respecting the Office of the Commissioner for Young Persons in Canada). Despite these efforts, none of the

private members' bills have been passed although interest in establishing this office and position remains (Bendo, 2017; The Canadian Bar Association, 2020).

Discussion

What I observe from these comparative findings is that through different forms of advocacy, and with organizational structures in place, understandings about children, voice, agency, participation and rights materializes certain groups of children in practice and frequently hinders the viewpoints of young people. Contained within these concepts and understandings are processes of exclusion and resistance, that in context, can harm some children when considering *who gets to have a voice or participate and to what extent?* While the advocates do good things for children, it appears that a shift is needed in social institutions for children that has a lot to do with a conceptual shift in thinking about these concepts and how advocacy is carried out in today's contemporary 21st century.

Findings also reveal that the concept of voice can be limited in operationalizing children's participation rights because certain groups of children are excluded from voicing their opinions and there is no guarantee that voices are heard or taken seriously by adults and decision makers. In addition, in regard to the concept of agency, ideas about agency are often universalized and centered on the right kind of agency – one where children act as responsible citizens if they are to exercise agency. In universalizing agency, children's unique experiences and contexts, as well various social lines of differences are not considered and thus, fail to account for children's unique circumstances. When it comes to the concept of participation, the advocates reveal the complexity of participation as well as the various degrees of engagement that ultimately

impact the extent to which children's rights to participate are operationalized in practice. Notably, the participants highlight adult resistance to teaching children about their rights and implementing them in practice based on fearful notions about 'giving' children rights and undermining adult authority. The interviews reveal that the advocates draw on the CRC as a guiding framework to define their role, recognize children as persons with rights, and define young people's best interests. I heard how useful the CRC is to the Canadian advocates work but also looked at how the CRC might be leveraged from the international perspectives. Along with other interdisciplinary childhood scholars (Johnson, 2017; McNamee, 2016; Mitchell, 2003; Tisdall & Punch, 2012), I highlight how the CRC prevents as much as promotes children's voices, agency and participation and have explored how some of these concepts are quite complex. These ideas are important because they reveal how organizational frameworks create spaces for the facilitation of young peoples' voices, agency and participation. On the other hand, they can also limit opportunities for young people to express their voices and viewpoints, or their participation rights all together.

A series of concluding observations are outlined that are based on the advocates insights regarding best practices of child and youth advocacy that may potentially enhance advocacy in Canada. Notably, the need for offices to comply with a range of detailed recommendations that are outlined in General Comment No. 2 and the Paris Principles, and to monitor compliance regularly. One of the biggest gaps that was identified within current Canadian child and youth advocate offices pertains to children's participation rights and child and youth participation more generally within these contexts. Efforts should be made to integrate Gerison Lansdown's suggestion for a

degree of meaningful participation within child and youth advocate institutions. Finally, recommendations from numerous participations revealed the need to develop a national commission for children to address gaps and inequities between jurisdictions and to monitor accountability within federal jurisdiction. A comparison of advocacy in the Canadian context and internationally is beneficial to understanding ways to enhance child and youth participation within provincial and territorial advocate offices as well as the types of structures and best practices that could be developed at the federal level in Canada. These findings are important because ultimately, the social sciences assist in creating how childhood is understood and how children live their lives.

CHAPTER 8: EVERY ENDING IS JUST ANOTHER BEGINNING

Through an interpretive lens drawing on organizational theory and case selection techniques, the purpose of this dissertation has been to understand the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people; how the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked; the forces that impact and inform meanings of advocacy held by advocates; and how children's rights are operationalized in practice within child and youth advocate offices. The PhD thesis ends with the advocates concluding observations on best practices of child and youth advocacy in Canada and how these ideas unfold through the organizational culture of advocacy institutions. In total, the study included 26 participants; 17 current and former members of the provincial and territorial Canadian Council of Child and Youth Advocates were interviewed as well as seven federal children's commissioners or a designate from their offices internationally. The study includes interviews with children's rights advocate and former Senator the Hon. Landon Pearson and international children's rights advocate, Gerison Lansdown. An analysis of interview data demonstrates the intertwining of organizational structures, practices and behaviours in creating a complex culture of child and youth advocacy in the context of professional advocacy offices set up for children and youth. As Irwin Elman notes in response to a question concerning the definition and meaning of child and youth advocacy, he replied:

These days, I don't know anymore. I have to reflect on that, especially now.

In Ontario, the government closed our office and repealed our Act and gave

investigation powers to the Ombudsman and that actual bill, Bill 57 says the Ombudsman does not do any advocacy. To me it's a question of, what is advocacy? What does the government mean by that? Because the Ombudsman will say, I can't do advocacy, Irwin. I don't do advocacy; I do investigations into administrative fairness. But, isn't when you make a recommendation, isn't that advocacy? So then, what is it when you say you don't do advocacy? What don't you do?

In Ontario, advocacy was not just speaking on behalf of someone else and used to mean partnering with children and youth to bring issues forward. That's what I believe it is. That's what child advocacy is. That's an interesting choice, to define advocacy as not being the voice of but partnering with young people. We were considered an exemplar in child and youth participation; we were partners with children; we did not speak for them. To me, I think that's what it means. Advocacy means partnering, that's it. Not fixing the problem - it's not about systems, it's focused on peoples' perspectives.

Elman's words signal a tension regarding advocacy in these professional circumstances. Perhaps this tension is the possibility that advocacy, as it has been practiced by child and youth advocates in Canada, does not resonate in contemporary contexts of children's everyday lives. Not because children and youth do not want to partner with advocates or that they do not have the capacity to do so, but because organizational and political barriers often hinder them from doing so. Elman's words are emblematic of other comments that I heard interviewing these provincial and territorial advocates who

expressed the complexity of organizational structures, practices and behaviours within Canadian advocate institutions. In view of the guiding question for this research regarding the meaning of child and youth advocacy, the question of *whether advocacy is even possible in these contexts became more and more relevant as this research continued*. While it is a difficult question to answer, I raise it here because not only may it have profound implications for the ways advocates carry out their work and the design of these advocacy offices that in turn, might affect some children's experiences, but the question also points to a broader shift that may be occurring at a larger level.

This question of whether advocacy is possible in contemporary 21st century contexts arises because mid-way through the development of this study, the Ontario government announced its plan to close the Ontario provincial advocate office. I reflect on the closing of the Ontario advocate office and how ironic it is that this institution was closed down given that it was initially set up to help children and to partner with them. My observations reveal that advocacy is quite complex and difficult due to the organizational structures, practices, culture, and politics that guide the offices and how these components either contribute or detract from implementing children's rights in advocate offices.

I highlight once again, that over 20 years ago, the Hon. Landon Pearson, O.C., put forth a recommendation to establish a federal commissioner for Canada's children (Pearson, 1997, p.12) and since this time, has worked tirelessly to advocate for the development of an office at the federal level and for children's rights more broadly in Canada. Yet, in 2020, Canada has still not appointed a federal children's commissioner. On February 18, 2020 Senator Rosemary Moodie requested a meeting with the Hon.

Landon Pearson at the Landon Pearson Resource Centre for the Study of Childhood and Children's Rights to discuss the development of a bill to create the office of a children's commissioner in Canada. Given the focus of my PhD thesis on child and youth advocate offices in Canada and abroad, Mrs. Pearson requested that I also attend this meeting with Senator Moodie. When we met with Senator Moodie we learned about her intention to develop a bill to create the office of a federal children's commissioner in Canada. I highlight this instance to point out Senator Moodie's efforts to take up Landon Pearson's legacy in the child and youth advocacy realm and the complexity of these efforts. In our meeting with Senator Moodie, we provided expertise on what a federal model might look like in Canada. While outlining the prospective model was relatively straightforward, we also highlighted the political barriers and organizational challenges that have prohibited the implementation and development of a federal office in Canada since Mrs. Pearson called for the development of an office back in 1997. This instance reveals that although there is someone in the Senate who is willing to champion children's rights and navigate the different levels of institutional power, advocacy in today's century remains complex, complicated, and contingent on the organizational structures, practices and behaviours that guide the work of advocates. Although there are advocacy institutions that have been designed to protect and promote the rights of children, these organizations are often structured based on dominant childhood discourses that seek to provide protection and intervention for children and youth. While child protection is important, these viewpoints on childhood and the structures, practices and behaviours that stem from these perceptions may ultimately result in *services* for children as opposed to children's *spaces*, as Moss and Petrie (2002) explain.

These observations align with the main findings of this study which have revealed the complexity of advocacy in Canada, especially when considering how the concepts of voice, agency, participation and rights are understood by advocates and their efforts to implement them in practice. Although I have provided a series of concluding observations rooted in the advocates perspectives regarding best practices for child and youth advocacy in Canada, these observations serve as a reminder of the strength of political and institutional barriers. They also highlight the problematic situation for children's rights in Canada where an exemplar child and youth advocate office that adopts the CRC as a guiding framework for working with children is closed down despite its internationally recognized model and despite the fact that our Prime Minister has agreed to prioritize children and youth in his role as the Minister of Youth.

The reinterpretation of traditional adultist power relations could be facilitated within an education that includes the human rights of young people for policymakers, educators, and all levels of students, in conjunction with meaningful responses to the views and participation of young people. Through child and youth advocacy, this may be possible. Ultimately, child and youth advocacy in Canada remains relevant to young people's lives, and there are advocates that are willing to champion children's rights; yet, the layers that constitute advocacy in Canada remain multifaceted. It is therefore important to be critical about the concept of advocacy to understand *who is advocating for whom in these contexts and where is power wielded?* Adult power is a significant unit of analysis in young people's lives as Phil Scraton (1997) astutely explains the implications:

Adult power dominates their personal and social lives and is institutionalized in ‘caring’ and ‘disciplining’ agencies alike. As has been evident in the plethora of contemporary scandals, it is power readily and systematically abused. It is a dangerous and debilitating power, capable of stunting the personal development and potential of even the most resilient children. It is physically and mentally painful, damaging good health and often wreaking havoc in those interpersonal relationships which require love, care and trust. What is so difficult for adults, as the powerbrokers, to accept is that the “crisis” is not one of “childhood” but one of adultism. (p. 186)

These power relations exist at the organizational, interpersonal and institutional level and impact the way that advocacy is understood, how relationality shapes the practices and behaviours that advocates engage in with young people and ultimately, how advocacy it is carried out in practice with children and youth.

Study Limitations and Directions for Future Research

Considering the objectives of the study were to examine how meanings of the concept of advocacy are refracted, produced and reproduced by organizational structural features; understand how the concept of advocacy is constructed and related to children’s and young people’s experiences by provincial and territorial child and youth advocate offices; explore how concepts of advocacy come to have significance in the lives of child and youth advocates and how they negotiate these concepts in their daily routines; and understand how children’s rights are operationalized in practice and in this instance, in child and youth advocate offices, it would have been beneficial to include young people in the study in order to understand their viewpoints, how they perceive advocacy, and the

impact these offices have had in their lives. In fact, the original design of the study initially included interviews with young people who were directly involved in the work of the advocates to aid in understanding how the advocate's work has influenced their experiences. However, I was dissuaded from this approach by the advocates due to issues surrounding confidentiality and heightened concerns around the potential risk of discussing the experiences of vulnerable groups of young people. Although I proposed that young people could participate anonymously, this response demonstrates the protectionist childhood discourse that continues to shape how many child-service delivery systems perceive and work with young people and ultimately, how these protective viewpoints may potentially silence the voices and insights of children and youth. This protectionist viewpoint of young people as vulnerable and at-risk was also reflected in the university's Research Ethics Board (REB) response to conducting interviews with children and youth involved with the advocates offices. For instance, the REB cautioned that these young people may be identified as inherently at-risk and may therefore, pose a higher level of risk as research subjects which may result in a lengthy and rigorous review process. This experience is in line with scholars who have identified how in the context of research ethics, although it is important to navigate risk, protectionist constructions of children have often served to silence vulnerable groups of young people's viewpoints or exclude them all together from participating in important projects that have the potential to serve as insightful experiences (Bray et al, 2014; Danby & Farrell, 2004). Given the advocates response to including young people in the study, I did not move forward with the REB to include children and youth in the project. However, this experience points out a difficulty that child researchers have in the

research ethics process and it serves as a prospective research project that I will focus on in the future because these institutional barriers shape the kinds of questions that can be asked and the information that can be known. My own research process is a case and point.

This project is unique because unlike other studies that have researched the CCCYA who have only interviewed advocates from select offices and not the entire council, this research included members from all of the CCCYA offices (Bendo & Mitchell, 2017; Howe, 2009; Hunter, 2017). Despite the fact that all offices were included in the research, it would be beneficial for future research to also include additional staff members within these offices in order to obtain a further sense of the culture of advocacy at the provincial and territorial level. While I did recruit the advocates from each office to participate in the study given that they hold the highest level of authority to shape the focus and practices of the offices, and thus, could speak to the overall organizational culture of the offices, it would be advantageous to also include additional staff members to obtain alternative perspectives and experiences.

I acknowledge that all of the data collected has been analyzed solely based on my own personal interpretation and synthesis of the information. It is essential to acknowledge that although one of the main purposes of qualitative research is to understand the experiences and perspectives of a group of participants (Blaikie & Priest, 2019; Berg, 2004; Creswell, 2013), the researcher plays a key role interpreting these insights. Accordingly, I have taken careful steps to analyze the data critically and purposefully to produce an accurate understanding of the lived experiences of the participants.

Given the research limitations, there are areas that researchers may wish to build on and analyze in the future. For instance, it would be advantageous to engage with children and youth directly to understand their experiences with, and perspectives about the advocate offices. Despite the hesitations of the advocates to include these young people in the study and the potentially stringent ethics process, researchers may be able to find ways around these barriers in order to include the perspectives of young people.

Future research could also analyze how child and youth advocate offices directly comply with General Comment No. 2 and the Paris Principles to understand the importance of these principles in how the offices carry out advocacy services. Considering many of the participants suggested that the offices should be in compliance with General Comment No. 2 and the Paris Principles, it would be beneficial to understand how exactly these frameworks translate in practice to enhance advocacy services.

Another further area that would be worth exploring is the question of whether a national commissioner for children and youth in Canada can adequately promote and accommodate the rights, interests and voices of Indigenous children and youth, and if so, how this can best be achieved. If not, it would be important to also explore what other structures would be better equipped to do so. Considering many of the participants raised this concern in their interviews, it is an area that should be analyzed further to help distinguish an adequate model for a children's commissioner or commission in Canada.

One of the key resources the advocates identified that helps to enhance the quality of their work is relationships with child and youth serving organizations, government, and civil society. Future research could usefully explore from the perspective of

organizations, government officials and civil society, how they engage with advocate offices and work together to operationalize children's rights in practice. Conducting interviews and focus groups with these groups would shed light on the ways that offices can fulfill their mandates and provide enhanced advocacy services to children and youth.

Conclusion

This research contributes to understandings of child and youth advocacy as it is practiced and understood by provincial and territorial child and youth advocates in Canada. It highlights the impact of organizational structures, practices and behaviours on how child and youth advocate offices conceptualize advocacy and how advocacy services are delivered to young people. In addition, this research reveals that advocacy at the provincial and territorial level is primarily constructed and informed by traditional childhood discourses, notably, protectionist viewpoints that seek to shelter and protect young people from harm. While young people may indeed require shelter and protection, these viewpoints and the practices that mirror these understandings may be exclusionary to the voices and viewpoints of particular groups of children and youth. The advocates' insights highlight that implementing children's participation rights in practice within advocacy institutions is difficult given that there are resistances to the concept of children as equal rights-bearing citizens. Thus, although the advocates do good things for children, these findings reveal that a conceptual shift in thinking about how these concepts materialize within institutions that serve children, may be required.

Findings are relevant to child and youth serving organizations, policy makers, legislators, government officials, child and youth advocates, parents, children and youth, as well as professionals that work within the various child-service delivery systems that

the advocates collaborate with. The findings also contribute to child and youth studies, legal studies, sociology, and public administration literature and expand the limited empirical scholarship in the area of child and youth advocacy. Additionally, this research provides space to recognize the complexity of the role of child and youth advocates, the incredible efforts and dedication of these advocates, and best practices based on their insights to enhance advocacy services in an attempt to better serve diverse groups of young people. Overall, findings respond to the guiding questions with which I began this PhD thesis: *What are the meanings, constructions and experiences of advocacy in the lives of those who are formally tasked to advocate on behalf of children and young people? How does the culture of advocacy organizations structure the kinds of advocacy that are carried out and the kinds of questions that are asked? What forces impact and inform meanings of advocacy held by advocates? How are children's rights operationalized in practice within child and youth advocate offices?*

APPENDIX A – ETHICS CLEARANCE

Office of Research Ethics

5110 Human Computer Interaction Bldg | 1125 Colonel By Drive

Ottawa, Ontario K1S 5B6

613-520-2600 Ext: 2517

ethics@Carleton.ca

CERTIFICATION OF INSTITUTIONAL ETHICS CLEARANCE

The Carleton University Research Ethics Board-A (CUREB-A) has granted ethics clearance for the research project described below and research may now proceed. CUREB-A is constituted and operates in compliance with the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS2).

Ethics Protocol Clearance ID: Project # 109572

Project Team Members: **Daniella Bendo (Primary Investigator)**
Dr. Dale Spencer (Research Supervisor)

Project Title: Meaningful Participation: A Cross-International Comparison of Child and Youth Advocates and Children's Commissioners on Article 12 of the CRC

Funding Source (If applicable):

Effective: **October 15, 2018**

Expires: **October 31, 2019.**

Please ensure the study clearance number is prominently placed in all recruitment and consent materials:
CUREB-A Clearance # 109572.

Restrictions:

This certification is subject to the following conditions:

1. Clearance is granted only for the research and purposes described in the application.
2. Any modification to the approved research must be submitted to CUREB-A via a Change to Protocol Form. All changes must be cleared prior to the continuance of the research.
3. An Annual Status Report for the renewal of ethics clearance must be submitted and cleared by the renewal date listed above. Failure to submit the Annual Status Report will result in the closure of the file. If funding is associated, funds will be frozen.

4. A closure request must be sent to CUREB-A when the research is complete or terminated.
5. Should any participant suffer adversely from their participation in the project you are required to report the matter to CUREB-A.

Failure to conduct the research in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans 2nd edition* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research* may result in the suspension or termination of the research project.

Upon reasonable request, it is the policy of CUREB, for cleared protocols, to release the name of the PI, the title of the project, and the date of clearance and any renewal(s).

Please contact the Research Compliance Coordinators, at ethics@carleton.ca, if you have any questions.

CLEARED BY:

Date: October 15, 2018

Bernadette Campbell, PhD, Chair, CUREB-A

Natasha Artemeva, PhD, Vice-Chair, CUREB-A

APPENDIX B – LETTER OF INVITATION

Letter of Invitation

Title: Meaningful Participation: A Cross-International Comparison of Child and Youth Advocates and Children's Commissioners on Article 12 of the CRC

Funding Source: This research is funded by the Social Sciences and Humanities Research Council of Canada

Date of ethics clearance: October 15, 2018

Ethics Clearance for the Collection of Data Expires: October 31, 2019

September 16, 2018

Dear Sir or Madam,

My name is Daniella Bendo and I am a Doctoral student in the Law and Legal studies department at Carleton University. I am working on a research project under the supervision of Dr. Dale Spencer.

I am writing to you today to invite you to participate in a study on the role of child and youth advocates and children's commissioners. This study aims to investigate best practices of child and youth advocates, children's commissioners and their offices in Canada and abroad. The study also aims to explore the best architecture for the promotion of children's rights with a focus on Article 12 of the Convention on the Rights of the Child (CRC).

This study involves one 60-90-minute interview that will take place in a mutually convenient, safe location. Where possible, I would like to conduct in-person interviews, however, if I cannot travel to your respective location because of issues with distance, time and/or funding, then I will conduct interviews via Skype (Skype is subject to US security laws). With your consent, interviews will be audio-recorded. Once the recording has been transcribed, the audio-recording will be destroyed.

As a participant, you will have the choice of optional anonymity. You may choose to disclose your identity or will have the option to remain anonymous. If you choose to remain anonymous, care will be taken to protect your identity. This will be done by keeping all responses anonymous and allowing you to request that certain responses not be included in the final project. Please keep in mind, this does not guarantee that you will not be identified considering you will be speaking on behalf of your office/organization.

You will have the right to end your participation in the study at any time, for any reason, up until May 1, 2019. If you choose to withdraw, all the information you have provided will be destroyed.

As a token of appreciation, I will be providing you with refreshments during the in-person interview. No other compensation will be provided.

All research data, including audio-recordings and any notes will be encrypted. Any hard copies of data (including any handwritten notes or USB keys) will be kept in a locked cabinet at Carleton University. Research data will only be accessible by the researcher and the research supervisor.

This ethics protocol for this project was reviewed by the Carleton University Research Ethics Board, which provided clearance to carry out the research. Should you have questions or concerns related to your involvement in this research, please contact: (CUREB-A).

CUREB-A:

If you have any ethical concerns with the study, please contact Dr. Bernadette Campbell, Chair, Carleton University Research Ethics Board-A (by phone at 613-520-2600 ext. 2517 or via email at ethics@carleton.ca).

If you would like to participate in this research project, or have any questions, please contact me at daniellabendo@gmail.com

Sincerely,

Daniella Bendo

APPENDIX C – CONSENT FORM

Department of Law and Legal Studies

Carleton University

C473 LOEB Building

1125 Colonel By Drive

Ottawa, ON

K1S 5B6

T 613 520 3690

F 613 520 4467

Participant Consent Form

Principal Investigator: Daniella Bendo

PhD Candidate, Department of Law and Legal Studies

daniellabendo@cmail.carleton.ca

Research Title: Meaningful Participation: A Cross-International Comparison of Child and Youth Advocates and Children's Commissioners on Article 12 of the CRC

Funding Source: This research is funded by the Social Sciences Humanities Research Council of Canada.

Clearance #: **109572**

Date of Ethics Clearance: October 15, 2018

Date: September 13, 2018

INVITATION

You are invited to participate in an ethnographic research study (ethnographic research seeks to provide a detailed, in-depth description of everyday life and practice) and its purpose is to investigate the best practices of child and youth advocates and their offices in Canada and abroad. The study also aims to understand how advocates mandates work in particular reference to Article 12 of the Convention on the Rights of the child and will explore the best architecture for the promotion of children's rights.

WHAT'S INVOLVED

As a participant, you will be asked to take part in a one-on-one audio taped interview with the Principal Investigator. You may select an in-person interview or a Skype interview. If you select an in-person interview you will be able to select the location of the interview. You will also be able to select a date and time that is convenient for you to participate (60-90 minutes). Your interview will include questions related to your present-day experiences and ideas regarding your role as a Child and Youth Advocate. Participation is anticipated at 60 to 90 minutes of your time. All participants will receive a copy of the information letter for their records.

POTENTIAL BENEFITS AND RISKS

There are no known or anticipated risks involved with this study. The benefits of participating in the interview will be an increase in academic knowledge in Canada regarding child advocacy. In addition, your comments will aid in the completion of this doctoral thesis to be shared through public presentations at conferences, and within internationally peer-reviewed publications.

CONFIDENTIALITY

If you choose, you may have your name associated with your comments both in the transcribed results and in any future scholarly publications resulting from the study. If you choose for your comments to remain confidential, a pseudonym will be used in place of your name and your institutional affiliation will not be disclosed. However, you should be aware that due to the specialized focus of this study and your role as a public official, people may be able to discern your identity through published comments. If you request, you will have an opportunity to check the accuracy of transcribed results, and if you choose confidentiality your name will only be associated with this consent form. Also, the consent form will be stored separately from taped interviews to ensure confidentiality. Data collected during this study will be stored in a filing cabinet, under lock and key for a period of two years; at this time all data will be destroyed. Access to this data will be restricted to the Principal Investigator.

VOLUNTARY PARTICIPATION

Participation in this study is voluntary. If you wish, you may decline to answer any questions or participate in any component of the study. Furthermore, you may decide

to withdraw from this study at any time and may do so without any penalty. If you choose to withdraw, all data will be destroyed.

PUBLICATION OF RESULTS

Results of this study will be part of the Principal Investigator's Doctoral thesis and will be incorporated into a research paper for publication in an international peer-reviewed journal and/or academic conferences surrounding child and youth studies. If you request, you may obtain a copy of the final results/study (executive summary of results) by emailing the Principal Investigator. Feedback about this study will be available in August 2020 after the study is complete by e-mailing

daniellabendo@cmail.carleton.ca

CONTACT INFORMATION AND ETHICS CLEARANCE

If you have any questions about this study or require further information, please communicate these to the Principal Investigator Daniella Bendo (using the contact information provided above). This study has been reviewed and received ethics clearance through the Research Ethics Board at Carleton University (File #109572 Bendo) If you have any comments or concerns about your rights as a research participant, please contact the Research Ethics Office at 613-520-2600 EXT 2517, ethics@carleton.ca. Thank you for your assistance in this project. Please keep a copy of this form for your own records.

CONSENT FORM

I agree to voluntarily participate in this study described above and *to have my name/position title associated with my comments* in any written accounts. I have made this decision based on the information I have read in the Information-Consent Letter. I have had the opportunity to receive any additional details I wanted about the study and

understand that I may ask questions in the future. I understand that I may withdraw this consent at any time.

Name: _____

Signature of Participant: _____ Date: _____

Signature of Researcher: _____ Date: _____

I agree to voluntarily participate in this study described above and *to have my comments/position title remain confidential*. I have made this decision based on the information I have read in the Information-Consent Letter. I have had the opportunity to receive any additional details I wanted about the study and understand that I may ask questions in the future. I understand that I may withdraw this consent at any time.

Name: _____

Signature of Participant: _____ Date: _____

Signature of Researcher: _____ Date: _____

I have explained the study to the participant and answered any and all of their questions.

The participant appeared to understand and agree. I provided a copy of the consent form to the participant for their reference.

Signature of Researcher: _____ Date: _____

APPENDIX D – INTERVIEW GUIDE

Department of Law and Legal Studies

Carleton University

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Ottawa, ON

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T 613 520 3690

F 613 520 4467

Interview Guide: Meaningful Participation: A Cross-International Comparison of Child and Youth
Advocates and Children's Commissioners on Article 12 of the CRC

Principal Investigator: Daniella Bendo

PhD Candidate, Department of Law and Legal Studies

daniellabendo@cmail.carleton.ca

1. Please describe how you would define 'child and youth advocacy' in the context of your work, office and role.
2. In your opinion, is there a difference between an ombudsman an advocate and a children's commissioner?

3. What are the key responsibilities of the individual child advocate/children's commissioner?
4. What are the key underlying principles that inform the work of an individual child advocate/children's commissioner?
5. What kind of policy, legislative and statutory systems need to be in place to support the advocacy that you and your office execute? What is the impact of the legislation guiding your office?
6. How do these statutory job duties contribute or detract from implementation of the United Nations Convention on the Rights of the Child?
7. Was your office established by legislation and where can it be found?
8. Does your mandate work in particular reference to Article 12 of the CRC? If so, how do you conceptualize the concept of participation? How is participation executed in your office?
9. In your opinion, what is the best architecture for the promotion and implementation of children's rights in advocate offices?
10. What knowledge, skills, personal attributes are required for child advocates? What qualifications, training, professional learning, accreditation is required for child advocates within different sectors/jurisdictions?
11. How is advocacy explained to children and young people, and what tools are available to assist with this?

12. What resources are most beneficial to your work in the field of advocacy?

13. In your opinion, should a federal children's commissioner be appointed in Canada? If yes, what should the role and/or function of a Commissioner for Canada's children and youth look like? If no, what reservations do you have?

Please feel free to provide any additional comments that you would like to contribute to this study.

APPENDIX E – DOCUMENTS CONSULTED FOR ENVIRONMENTAL SCAN

All documents listed under ‘publications and reports’ on the following child and youth advocate office websites were reviewed for the environmental scan of documents:

- The Office of the Representative for Children and Youth (British Columbia).
Website: <https://rcybc.ca/home2/>
- The Office of the Child and Youth Advocate (Alberta).
Website: <https://www.ocya.alberta.ca/adult/>
- The Saskatchewan Advocate for Children and Youth (Saskatchewan).
Website: <https://www.saskadvocate.ca/media-resources-publications/>
- The Manitoba Advocate for Children and Youth (Manitoba).
Website: <https://manitobaadvocate.ca/adult/reports-publications/>
- Commission des droits de la personne et des droits de la jeunesse (Human Rights and Youth Rights Commission, Quebec).
Website: <https://www.cdpdj.qc.ca/en/publications/Pages/default.aspx>
- The Office of the Child and Youth Advocate (Newfoundland and Labrador).
Website: <https://www.childand youthadvocate.nf.ca/publications.htm>
- The Office of the Child and Youth Advocate (New Brunswick).
Website: <https://www.cyanb.ca/en/#>
- Office of the Ombudsman (Nova Scotia).
Website: <https://ombudsman.novascotia.ca/resources/youth>
- The Representative for Children and Youth (Nunavut).
Website: <https://rcynu.ca/families-public>
- The Yukon Child Advocate Office (Yukon).
Website: <https://www.ycao.ca/ycao-publications>

Legislation guiding each of the child and youth advocate offices in Canada listed on the respective websites above were also reviewed as part of the environmental scan.

References

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