



SASKATCHEWAN
advocate
FOR CHILDREN & YOUTH

2020 ANNUAL REPORT



LETTER OF TRANSMITTAL

April 27, 2021

The Honourable Randy Weekes
Speaker of the Legislative Assembly
Legislative Building
2405 Legislative Drive
Regina SK S4S 0B3

Dear Mr. Speaker:

In accordance with section 39 of *The Advocate for Children and Youth Act*, it is my duty and privilege to submit to you and members of the Legislative Assembly of Saskatchewan this Annual Report from the Advocate for Children and Youth for the year 2020.

Respectfully,

A handwritten signature in black ink, appearing to read "Lisa Broda".

Lisa Broda, PhD
Advocate for Children and Youth

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Message from the Advocate



I have now been serving as the Advocate for Children and Youth for just over one year. In this role, I have had the privilege of working on behalf of our youngest citizens to uphold their rights, to ensure systems are protecting them, and to

advocate for better outcomes at the highest level in supporting change that will help young people live to their full potential.

This past year has been unprecedented given the onset of the pandemic in March of 2020 and the uncertainty that has become part of our existence since this time. There is no question many have suffered loss due to the pandemic or experienced the devastating effects of COVID-19. And, while I am pleased to present our 2020 Annual Report, I do so with the deepest level of concern for children and youth, who have been so greatly impacted by the pandemic and who will experience the effects for some time to come.

It is evident the consequences of the pandemic is having a distressing effect on children in terms of their mental, emotional, social, and educational security. Many continue to suffer from social isolation, neglect and are experiencing abuse and maltreatment due to it not being detected. For extremely vulnerable children, these effects are compounded, and I speak more on this in the body of our report. I acknowledge, with gratitude, those on the front lines who have been working to support and protect children and youth during this extraordinarily trying year. Therefore, now more than ever, it is crucial that significant investments are made into the well-being of children so we

can address the fall-out. My office will be continuing to monitor this impact and urging governments to focus their efforts on addressing the gaps that have been exacerbated by the current state.

In 2020, we worked to finalize our strategic priorities reflected in this report. Key to these priorities and goals are ensuring child and youth voice is present in the work we do by representing and advancing the perspective of young people through our newly developed Youth Advisory Council. This group is instrumental in helping guide us in understanding the impact of services on children, and to advocate for what young people need to address issues they face.

Reconciliation is also a stated priority for my office as part of our commitment and support to Indigenous children, families, and communities. We developed an Elders Advisory Council to advance reconciliation through their knowledge, wisdom, and guidance and to influence systems to embrace the principles of reconciliation for better outcomes for Indigenous children and youth – and to work in accordance with the Truth and Reconciliation Commission of Canada Calls to Action, the Missing and Murdered Indigenous Women and Girls Calls to Justice and in support of *An Act respecting First Nations, Inuit, and Métis children, youth and families*.

My office is also focusing on working systemically and preventively – turning to research on prevention models to support entities that serve children. In 2020, we worked to advance the rights of children through policy review, keeping our focus on the mental health rights of children, and amplifying our advocacy efforts.

Continuing our endeavors to engage with children, youth, and communities in every corner of the province to do public education and awareness is integral to our work and core to our legislated mandate. Now more than ever, young people need to know about their rights, and my office will continue to work hard to ensure there is commensurate investment of time, attention, and resources to reach children, youth, and families by those who serve children.

Ensuring the well-being of children and youth and respecting their fundamental human rights is essential as we move forward. I stated in last year's report that the rights of children must not be cast aside, and this carries more weight than ever given the current circumstances. It is up to governments and all those who serve children to make this a priority now and to set the very highest standard in doing so – we can expect no less.

Respectfully submitted,

Lisa Broda, PhD

Saskatchewan Advocate for Children and Youth

Legislated Mandate of the Advocate's Work

The Advocate for Children and Youth is an independent Officer of the Legislative Assembly of Saskatchewan. Our mandate is defined by *The Advocate for Children and Youth Act*. We do:

- **ADVOCACY** on behalf of children and youth receiving services from a provincial ministry, direct or delegated agency, or publicly-funded health entity.
- **INVESTIGATIONS** into any matter concerning, or services provided to, children and youth by a provincial ministry, direct or delegated agency, or publicly-funded health entity.
- **PUBLIC EDUCATION** to raise awareness of the rights, interests, and well-being of children and youth.
- **RESEARCH AND ADVISE** on any matter relating to the rights, interests, and well-being of children and youth.

These functions are all interconnected and support the overarching goal to influence systems to improve the lives of the young people in Saskatchewan.

A Foundation of Rights

Our work is guided by the following principles:

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)

All people have human rights. Children and youth require special protections because many decisions are made on their behalf by adults. In 1991, Canada ratified the UNCRC, a legally-binding international instrument that guarantees these special protections.

The UNCRC has 54 articles protecting children's rights by setting standards in health care, education, and legal, civil, and social services. The four core principles of the UNCRC are:

- Non-discrimination
- Best interests of the child
- Right to life, survival, and development
- Respect for the views of the child

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)

The United Nations Declaration on the Rights of Indigenous Peoples is guided by the purpose and principles of the Charter of the United Nations, which recognizes and affirms Indigenous people's inherent rights. The UNDRIP references 46 articles that speak about rights to:

- Land
- Culture and language
- Self-determination
- Non-discriminatory or oppressive practices
- Protection of elders, women, and children
- Right to survive and develop
- Liberty and freedom
- Participate in any decision that affects Indigenous people

Articles 21 and 22 specifically reference that attention shall be paid to the continuing improvement of the social and economic conditions as pertains to the special needs of elders, women, youth, and children. It also references that the 'State', in conjunction with Indigenous peoples, take measures to ensure Indigenous women and children are afforded special protections.



SASKATCHEWAN CHILDREN AND YOUTH FIRST PRINCIPLES

Our office distilled the 54 articles of the UNCRC into those most applicable to Saskatchewan. These principles were adopted by the provincial government in 2009 and include the following:

- Those rights defined by the United Nations *Convention on the Rights of the Child*
- Participate and be heard before any decision affecting them is made
- Have their best interests be given paramount consideration in any action or decision involving them
- An equal standard of care, protection, and services
- The highest standard of health and education possible to reach their fullest potential
- Safety and protection from all forms of physical, emotional and sexual harm while in the care of parents, governments, legal guardians, or any person
- Be treated as the primary client, and at the center of all child-serving systems
- Have consideration given to the importance of their unique life history and spiritual traditions and practices, in accordance with their stated views and preferences



TOUCHSTONES OF HOPE FOR INDIGENOUS CHILDREN, YOUTH AND FAMILIES

The *Touchstones of Hope*, as created by the First Nations Child and Family Caring Society, are a guide to reconciliation in a variety of sectors in which children are served. The *Touchstones of Hope* promote relating, restoring, truth telling, and acknowledging.

The process is based on five principles:

- Self-determination
- Respect for culture and language
- Importance of structural intervention
- Non-discrimination
- Holistic approach



A YEAR OF PLANNING & PREPARATION

2020 was a year of planning and renewal which included determining and finalizing the Advocate's strategic priorities (see pg. 8). In 2020, the Advocate worked with staff to set the priorities and goals for the next 4 years, in addition to navigating our day-to-day tasks while faced with unique challenges due to the pandemic.

Paramount in the Advocate's priorities is ensuring the voice of children and youth is present

in all aspects of the work we do. As part of this, our office created a Youth Advisory Council (see pg. 11) which serves to guide us in understanding the impact of services on children and what young people need to address the issues they are facing—from their point of view.

The Advocate is also committed to embedding and advancing reconciliation in our work and views this as critical in addressing the overrepresentation of

Indigenous children and youth in the child welfare and justice systems. This includes continuing to build and strengthen our relationships with First Nations and Métis communities, and working with Indigenous youth, leaders, communities, and governments to influence systems to work in accordance with the Truth and Reconciliation Commission (TRC) Calls to Action to achieve better outcomes for Indigenous children and youth.



Photo courtesy of
Pinehouse Photography Club

Our commitment to reconciliation also includes the importance of seeking Elder guidance and knowledge to support our work. The value of our newly developed Elders Advisory Council (see pg. 10) cannot be overstated given the current inequities faced by Indigenous youth every day. We must embrace the wisdom of the Elders to guide us as we move forward.

We continue to advocate for working from a prevention framework when serving children and youth. Too often, families are at the mercy of the child welfare system which, simply by entering, further compounds any hardships they are experiencing. Working preventively is not only resource efficient, it helps keep children with their families, when safe to do so, resulting in less trauma.

Prevention is one of the standards outlined in *An Act respecting First Nations, Inuit, and Métis children, youth, and families*. The Advocate supports the implementation of this Act as it is a key action toward the much-needed transformation of the child welfare system. In 2020, we met with officials from some First Nations communities who are—or will be—asserting their jurisdiction over child welfare. Our staff also participated in educational opportunities to learn about the Act and its implementation.

We also increased our cultural competency by providing staff with training on UNDRIP and webinars on the historical and current happenings impacting Indigenous peoples and their communities. This increased understanding will be of benefit as we continue to advocate for Indigenous children and youth.

Last, engagement with young people and educating stakeholders on children's rights and current issues is core to our mandate. The impact of the pandemic has certainly hindered our ability to visit communities across the province, and we felt the consequences of not being able to meet in person. While we have adapted to having some meetings and connections virtually, this interim measure does not replace the vital importance of meeting with youth, families, and communities face-to-face. At this time, many communities do not have the capability or technology to meet virtually, and this has significantly interrupted our ability to advance our mandate.

“Working preventively is not only resource efficient, it helps keep children with their families, when safe to do so, resulting in less trauma.”

Our Strategic Plan 2020-2024

Our Vision

The rights, well-being and voices of children and youth are respected, valued, and supported to assist young people to reach their full potential.

Our Purpose

To amplify the voices and perspectives of children and youth and influence systems to improve their lives.

Our Guiding Principles

- Children and Youth First
- Inclusive and Respectful to All
- Accessible, Fair, Appropriate, and Timely Service
- Professional, Supportive, and Accountable Conduct

Our Strategic Priorities

Organizational Culture and Wellness

- Cultivate a positive and effective work environment

Children and Youth Voice

- Support self advocacy
- Include, represent, and advance child and youth perspective
- Create and support opportunities that enhance growth and development

Reconciliation

- Strengthen relationships with First Nations and Métis communities
- Seek and include Elder guidance and cultural knowledge
- Influence systems to embrace reconciliation for better outcomes for Indigenous children

Prevention

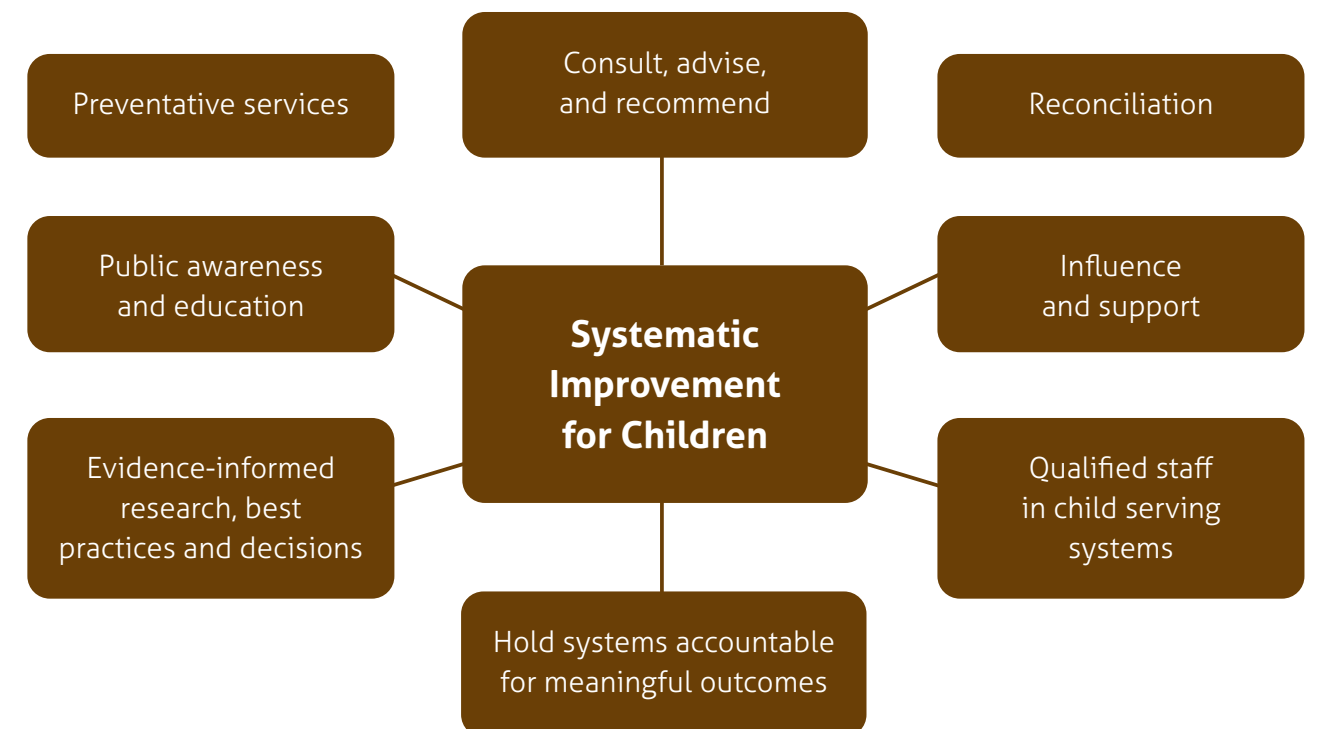
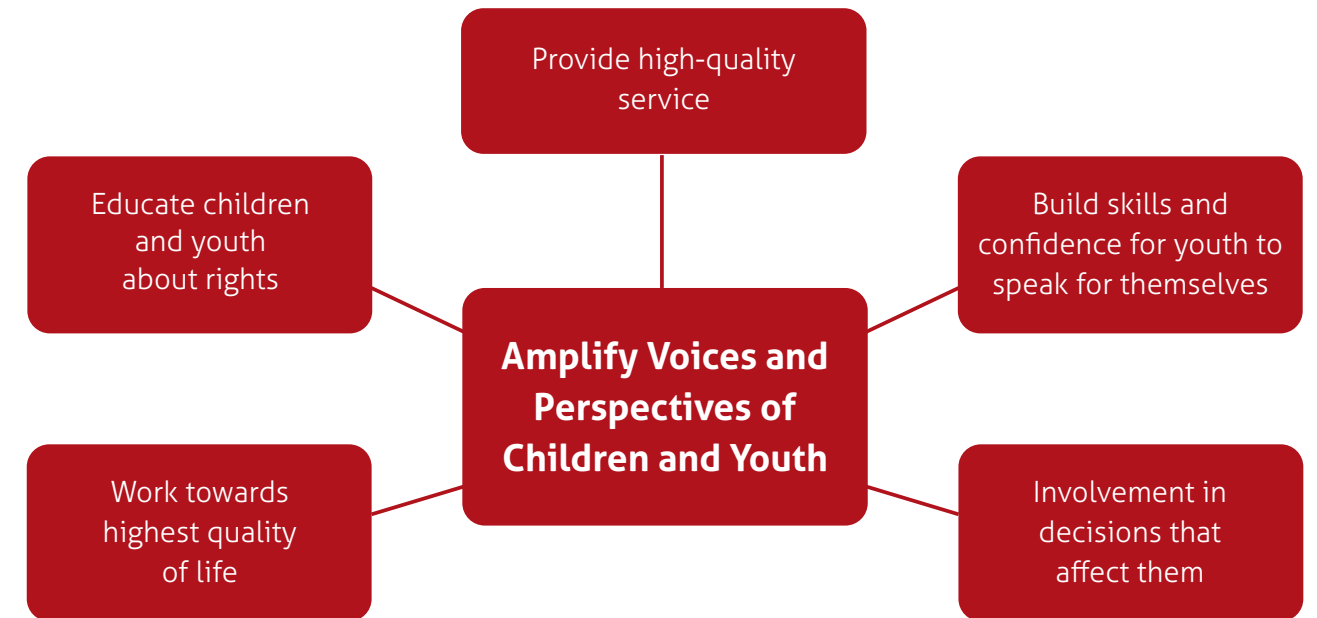
- Research and report on evidence-informed prevention models
- Promote and support service delivery from preventative frameworks

Public Awareness

- Engage with youth, families, communities, agencies, and governments to build networks and raise awareness of our services
- Promote best practices in service delivery
- Educate others about children's rights and current issues

2020-2024

Components of Our Purpose



Elders Advisory Council

To realize the priority of reconciliation to its fullest potential, the Advocate established an Elders Advisory Council. Stemming from the previous experience of working alongside a group of Elders on our report entitled, *Shhh... Listen!! We Have Something to Say!*, the Advocate understands the value of engaging with Elders.

In 2020, the Advocate reached out to Elders representing the cultural and linguistic groups in Saskatchewan — Dene, Saulteaux, Dakota/Lakota, Cree and Métis — who were

receptive to forming an Elders Advisory Council. The foundation was set, and through discussions together, the Terms of Reference for the Elders Advisory Council was created to lay the foundation for working together.

The establishment of an Elders Advisory Council is unprecedented at the Saskatchewan Advocate for Children and Youth office. Our office is humbled and looks forward to, in the words of the Elders, “[...] *beginning a new path.*”



Photo courtesy of
Pinehouse Photography Club

Youth Advisory Council

In 2020, the Advocate began to develop our Youth Advisory Council (YAC) as part of fulfilling the office's stated priority of amplifying the voices and perspectives of children and youth, and influence systems to improve their lives.

In 2019, our office hosted a youth-led, staff supported, conference on the topic of youth mental health, entitled, **Back Now in My Day: Our Issues, Our Voice, Our Time**. This conference was the catalyst for the creation of an ongoing youth advisory council. In early 2020, we gathered information from other Advocate offices across the country about their experiences and advice regarding youth engagement and advisory councils.



Eager to continue to contribute to our mandate, some of the youth leaders from our 2019 conference agreed to work with us to consider the possibilities for how such an advisory committee could help inform our work. This enabled us to start a committee with a diverse group of youth already familiar with our office. Near the end of the year, the development of the Terms of Reference, and overall planning, was largely completed, and we had a commitment from a core group of the youth to continue as YAC members.

Our office is excited to begin having members of the YAC gather on a regular basis to contribute to our work from a youth perspective—youth providing their voice and lived experiences to inform and elevate advocacy toward respecting the rights, interests and well-being of children and youth in Saskatchewan. As the council evolves, we will determine best practice for onboarding new members, so that our YAC is always evolving and growing.



CHILDREN'S RIGHTS ARE HUMAN RIGHTS

It is critical for the public to understand and recognize that every individual has human rights. Human rights are the globally recognized, foundational elements necessary for living with equality, respect, and dignity. These rights have been enshrined in international law through several human rights treaties developed through the United Nations.

Children and youth have the same human rights as all

people, but also have special protections because of their age, limited ability to participate in political processes, and dependence upon adults to make decisions for and about them. The United Nations Convention on the Rights of the Child (UNCRC)¹ is the treaty that guarantees these special protections to all people under 18 years of age and is the basis for all activities carried out by the Saskatchewan Advocate for Children and Youth.

Canada ratified the UNCRC in 1991, thereby becoming legally obligated to implement it. The UNCRC recognizes that children require nurturing and guidance as they grow up and that, ideally, this support would come from families and caregivers. However, government – at all levels – has the overarching responsibility for ensuring that the rights of children and youth are respected, protected, and fulfilled.

Photo courtesy of
Pinehouse Photography Club

The rights outlined in the UNCRC fall into three general categories:

- **Protection rights** – including from all forms of violence, exploitation, and harmful substances.
- **Provision rights** – including to food, education, the highest attainable standard of health, and an adequate standard of living.
- **Participation rights** – including to play, have the freedom to access information, participate in matters that affect them, express opinions, and to have their perspectives taken seriously.

Within these categories, the UNCRC provides specific protections and provisions for vulnerable populations, such as Indigenous children or children with disabilities.

There are also three Optional Protocols to the UNCRC that UN Member States can choose to ratify separately. Optional Protocols complement or add to existing treaties by elaborating on an issue in the original treaty,

addressing a new or emerging issue, or creating a procedure for the operation and enforcement of the treaty. Canada has ratified two of the three Optional Protocols to the UNCRC – one on the involvement of children in armed conflict, and the other on the sale of children, child prostitution and child pornography. Canada has taken no action on the third Optional Protocol which allows children or their representatives to make a complaint at the international level.

Children's rights, as human rights, are universal and inalienable. This means that they apply to all children everywhere and should never be taken away, except in very specific circumstances according to due process.

Further, rights are interrelated and interdependent, meaning that, for any right to be fully realized, the others must also be respected.² For instance, even if a child has access to the highest quality schools, they cannot fully realize their right to education if their nutritional needs are not met and they are too hungry to learn.

¹ United Nations General Assembly. (1989). Convention on the Rights of the Child. UNGA: Author. [Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>]

² Office of the High Commissioner of Human Rights. (1996-2021). What are Human Rights? United Nations: Author. [Available at: <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>]

Guiding Principles for the Implementation of Children's Rights

There are four guiding principles found in UNCRC articles, which are meant to be a basis for interpreting and assessing the realization of each right and the effective implementation of the UNCRC as a whole:

- **Non-discrimination** – meaning that the rights of all children must be respected, no matter the child's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or other status. It also means identifying and taking special measures to ensure disadvantaged children can enjoy their rights to the same level as others.
- **The best interests of the child** – requires that governments systematically consider how children will be affected by decisions, policies, and legislation, and that the best interests of the child is a primary consideration.
- **The right to life, survival, and development to the maximum extent possible** – refers to the right of children to have measures put in place to not only protect but to *facilitate* their growth. In this regard, "development" is to be interpreted in a broad and holistic sense, encompassing children's physical, emotional, spiritual, and psychological development.³
- **The right to participation and respect for the views of the child** – meaning that children and youth must be given the opportunity, depending on their maturity and ability to form their own views, to be actively involved in *all* matters that affect them. It obligates us to do more than just let young people speak – it requires decision-makers to take their views seriously.

³ Committee on the Rights of the Child. (2003). General Comment No. 5 General Measures of Implementation. [Available from: <https://www.refworld.org/docid/4538834f11.html>]



Photo courtesy of Pinehouse Photography Club

What Does It Mean to Have Ratified the UNCRC?

The UNCRC has the force of international law and imposes legally binding obligations on Canada to protect, respect, and fulfill the rights of all children within its jurisdiction. However, there are, admittedly, challenges with enforcement. There is no international court in which to try violations of children's rights. Although there is a complaint mechanism under the third Optional Protocol for violations of the UNCRC, as mentioned above, Canada has not moved to ratify it. Therefore, that mechanism is unavailable to Canadian children.⁴

Additionally, because of the way Canada's Constitution and legal system work, international human rights treaties cannot be automatically applied in Canadian courts. Rather, they must either be incorporated into domestic law, or governments must ensure that existing laws are compliant with international standards and, if not, amend them and/or develop new legislation to fill any gaps.

International conventions such as the UNCRC are ratified by the executive branch of the federal government. However, only legislative branches of government can enact laws, whether that be federal, provincial, or territorial. Therefore, to have legislative force and effect would require will and collaboration between all levels of government to ensure domestic laws, services, policies, and programs realize the rights of children and youth on an equal basis.

The federal government is of the position that the various laws in place throughout Canada, from the *Charter of Rights and Freedoms* to national and provincial/territorial human rights legislation, are sufficient to comply with our obligations under the UNCRC. However, while many laws and policies are in existence to protect children and realize their rights, there is still a long way to go, and many improvements yet to be made.

This is evidenced by the recent UNICEF report *Worlds of Influence: Understanding What Shapes Child Well-being in Rich Countries - Innocenti Report Card 16*,⁵ in which Canada was ranked 30th out of 38 rich countries in terms of outcomes for children and childhood well-being. Accordingly, UNICEF Canada has stated, "*Canada has some of the best economic, environmental and social conditions for growing up, but the poorest outcomes for children and youth.*"

“...Canada was ranked 30th out of 38 rich countries in terms of outcomes for children and childhood well-being.”

⁴ Children and their representatives can make complaints under the enforcement mechanisms of Optional Protocols to other international human rights treaties that Canada has ratified. However, those do not address the full scope of rights under the UNCRC and lack a child rights lens to investigation. The Advocate, through its membership in the Canadian Council for Child and Youth Advocates, has strongly urged Canada to ratify the third Optional Protocol to the UNCRC.

⁵ UNICEF Innocenti. (2020). *Worlds of Influence: Understanding what shapes child well-being in rich countries, Innocenti Report Card 16*, UNICEF Office of Research – Innocenti, Florence. [Available at: <https://www.unicef-irc.org/child-well-being-report-card-16>]

Despite jurisdictional barriers to incorporation, the Supreme Court of Canada has ruled that international human rights treaties, including the UNCRC, can and should be used to assist in the interpretation and application of legislation that impacts children's rights in Canada.⁶ Additionally, it is the most widely ratified international human rights treaty in history. The "near universal" status and global acceptance of the principles and obligations put forward in the UNCRC make it difficult for any level of government to deny its application.

Nonetheless, because the UNCRC is not embedded within Canadian legislation, there is a common misconception that the standards it sets are "aspirational", or something to strive for, rather than understood to be required by law. Challenges with enforcement of international laws must be separated from understandings of their actual legal status. The UNCRC is, in fact, legally binding (if not enforceable) within the sphere of international law. Therefore, it must be understood that respecting, protecting, and fulfilling the rights of children

and youth is something that governments and all sectors of society are obliged to do – not something they should aspire to do.

Thus, provincial and national human rights institutions, such as the Saskatchewan Advocate for Children and Youth and the Canadian Council of Child and Youth Advocates (of which our office is a member), as well as parliamentary committees such as the Standing Senate Committee on Human Rights and civil society, all have a role to play in continuing to advocate for improvements to the implementation of children's rights and better outcomes for children.

Respecting, protecting, and fulfilling the rights of children and youth is something that governments and all sectors of society are obliged to do – not something they should aspire to do.



Saskatchewan's Commitment to the UNCRC

For its part, the Government of Saskatchewan has shown provincial commitment to the UNCRC through its adoption of the Advocate's Children and Youth First Principles in 2009, which simplify the provisions in the UNCRC to highlight those most relevant to the Saskatchewan context. It is important to note that the first of these Principles broadly recognizes that "all children and youth in Saskatchewan are entitled to [...] those rights defined by the United Nations Convention on the Rights of the Child." The province's adoption of these Principles is significant considering the jurisdictional barriers to incorporating the UNCRC into Canadian legislation. In the words of the then Premier upon adopting these Principles:

Our government is committed to providing children within our province, and specifically those within the care of the Ministry of Social Services with the security and opportunities they rightfully deserve. The well-being of Saskatchewan children and youth is paramount to this government, and as a result, we were pleased to adopt the Children and Youth First Principles.⁷

All children and youth in Saskatchewan are entitled to [...] those rights defined by the United Nations Convention on the Rights of the Child.

The provincial government also stated that, "these principles will act as a guide in examining policy and legislation and in developing and implementing both policy and legislative changes."⁸ This action affirms that the provincial government accepts the obligations to respect the rights of children and, therefore, these principles remain a valuable tool for holding the province accountable to its commitment to the children of Saskatchewan.



⁶ Baker v. Canada (Minister of Citizenship and Immigration), [1999] 2 S.C.R. 817. & A.C. v. Manitoba (Director of Child and Family Services), [2009] 2 S.C.R. 181

⁷ Correspondence between Honourable Brad Wall, Premier of Saskatchewan and Marvin Bernstein, Saskatchewan Children's Advocate (17 March 2009).

⁸ Saskatchewan, Ministry of Social Services, Putting Children First (February 2009) [Available at: <https://www.saskatchewan.ca/-/media/news-archive/2009/february/25/putting-children-first-province-takes-action-on-child-welfare/putting-children-first-background.pdf>]

Holding Governments Accountable — Reporting to the UN Committee on the Rights of the Child

States that have ratified the UNCRC are required to report to the UN Committee on the Rights of the Child (the Committee) every five years on their progress and any challenges encountered.

As part of the review process, non-governmental organizations, individual experts, and National Human Rights Institutions submit Alternative Reports for consideration by the Committee, providing their perspectives on the status of child rights in Canada. This process allows the Committee to develop an independent and objective assessment of a State's efforts to comply with the UNCRC. The Committee then invites young people and select organizations that submit Alternative Reports to appear at a pre-session meeting, where Committee members ask questions and invite discussion.

After considering all information submitted by both Canada and civil society participants, the Committee may develop a List of Issues for Canada, putting forward areas in which it requires more information. In its response to the Committee's List of Issues, Canada may collaborate with provincial and territorial governments. Canada would then appear before the Committee in a public meeting in which some civil society participants may be invited to attend.

At the conclusion of the process, the Committee will issue Concluding Observations highlighting the progress achieved by Canada, main areas of concern, and recommendations for improvement.

Although non-binding, Concluding Observations are a powerful advocacy tool to press for change which carries significant weight across the globe. The Advocate's office has frequently referred to previous Concluding Observations from the Committee in its advocacy on children's rights in Saskatchewan and beyond.

Therefore, advocacy by our office, the Canadian Council of Child and Youth Advocates, and other stakeholders is critical to holding all levels of government accountable for continuing to work towards better outcomes for children and youth. It is crucial to put young people at the centre of all child-serving systems, and making their best interests a priority in all matters that affect them.

Canada's combined *Fifth and Sixth Reports on the Convention on the Rights of the Child*⁹ are currently under review by the Committee. As is detailed in the following section of this report, our office was able to take on a significant role in this review process in 2020 through its membership in the Canadian Council for Child and Youth Advocates.

⁹ Government of Canada. (2019). Canada's Fifth and Sixth Reports on the Convention on the Rights of the Child [Available at: <https://open.canada.ca/data/en/dataset/50a1f207-ef60-4f9a-9d97-9b2bfa45a17a>]

UNCRC REPORTING CYCLE¹⁰



¹⁰ Adapted from Child Rights Connect. (2014). The Reporting Cycle of the Committee on the Rights of the Child: A guide for NGOs and NHRIs. Child Rights Connect: Author. pp. 30. [Available at: https://www.childrightsconnect.org/wp-content/uploads/2018/01/en_guidetocrreportingcycle_childrightsconnect_2014.pdf]

Saskatchewan Role in the Canadian Council of Child and Youth Advocates

The Canadian Council of Child and Youth Advocates (Council) is an alliance of Advocates, Representatives, and Ombudsman across Canada who are independent officers of the legislatures in their respective jurisdictions with mandates to advance the rights of children and youth and to promote their voice.

Individually, in general, Council members have legislative mandates that include advocating on behalf of children and youth receiving provincial or territorial government services, conducting individual and systemic reviews, and delivering public education on children's rights. As with the Saskatchewan Advocate for Children and Youth, these independent bodies are also guided by the framework of the UNCRC.



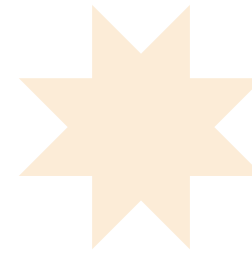
Collectively, Council members work to identify areas of mutual concern, and advocate at provincial, federal, and international levels to address issues impacting the well-being of children and youth. The Saskatchewan Advocate has long held an active role within the Council, and in September 2020, the Advocate, Lisa Broda, became its President.

SUBMISSION TO UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD

In March 2020, as an independent part of a coalition of National Human Rights Institutions for children, the Council submitted an Alternative Report to the UN Committee on the Rights of the Child under then Council President, Del Graff of Alberta (as part of Canada's cyclical reporting obligations discussed earlier).

Our office made significant contributions in the drafting of this Alternative Report. The report focused on the need to:

- Improve accountability for children's rights at the national level by emphasizing the need for Canada to ratify the third Optional Protocol to the UNCRC on a complaints procedure.
- Create a National Commissioner for Children and Youth.
- Incorporate the UNCRC into domestic law and improve coordination of child rights enforcement through federal participation in the Council.
- Support its initiatives and recommendations.



As the newly appointed President, the Saskatchewan Advocate led the Council's participation through the remainder of the United Nations review process, including appearing before the Committee at the pre-session meeting in October 2020, where she presented the Council's priority outcomes, as well as responded to questions from the Committee.

In follow up, the Council will provide another submission to ensure the Committee has the information it needs to develop effective recommendations. Canada will then appear before the Committee in a public meeting, which our Saskatchewan Advocate may attend on behalf of the Council. At the conclusion of the process, the Committee will issue its Concluding Observations highlighting the progress achieved by Canada, main areas of concern, and recommendations for improvement.

The Advocate is honoured to represent a significant role in this international advocacy on behalf of children and youth in Saskatchewan and in Canada. The Council will continue to advance this cause so that the rights established in the UNCRC are fully available to children and youth.

The Council's Alternative Report can be located here: http://www.cccya.ca/Images/english/pdf/CCCYA_Alternative_Report_CRC_March2020%28English%29.pdf



NATIONAL COMMISSIONER FOR CHILDREN AND YOUTH

The Council has been long advocating for a National Commissioner for Children and Youth and many of the independent provincial offices, including our office, have also individually supported the creation of a National Commissioner.

In 2020 Senator Rosemary Moody contacted the Council to advise that her office was putting forward a Bill for a National Commissioner. The Council collectively and each provincial and territorial Advocate or Representative met with Senator Moodie to provide consultation on the Bill. On June 16, 2020, the Senate of Canada first introduced Bill 217, a *An Act to establish the Office of the Commissioner for Children and Youth in Canada*. In support of the tabling of this Bill in the Senate, on this same day the Council issued a public release, noting the importance of:

“[h]aving a national voice to promote the rights and interests of children and youth, with particular attention to First Nations, Inuit and Métis youth and those who are members of other vulnerable communities such as immigrant and refugee youth [...].”

The release further noted that a National Commissioner would be in a position to, *“collaborate with Indigenous governing bodies*

to include Indigenous views and values in the Commissioner’s advocacy for Indigenous children and youth.”

As Council President, Lisa Broda has been able to continue this work by presenting the perspectives of Council members on this matter through discussions with Senator Rosemary Moodie, who has sponsored what is now a Public Bill (Senate) S-210 *An Act to Establish the Office of the Commissioner for Children and Youth in Canada*. At the time of this report’s release, Bill S-210 was in second reading before the Senate.

Many children and youth living in Saskatchewan fall outside the scope of the Advocate’s mandate because they receive services through non-provincial bodies. These often include services funded through the federal government for Indigenous youth, or for services provided to young immigrants and refugees.

Our office, through the Council, will continue to press for the establishment of a National Commissioner for Children and Youth who would advocate for Saskatchewan residents who deserve their voices and issues to be heard and have an ally to influence and improve federal policy for their benefit.

The Council’s Statement can be located here: http://www.cccya.ca/Images/english/pdf/0616_CCCYA_EN_Children’s_Commission_NR_FINAL.pdf

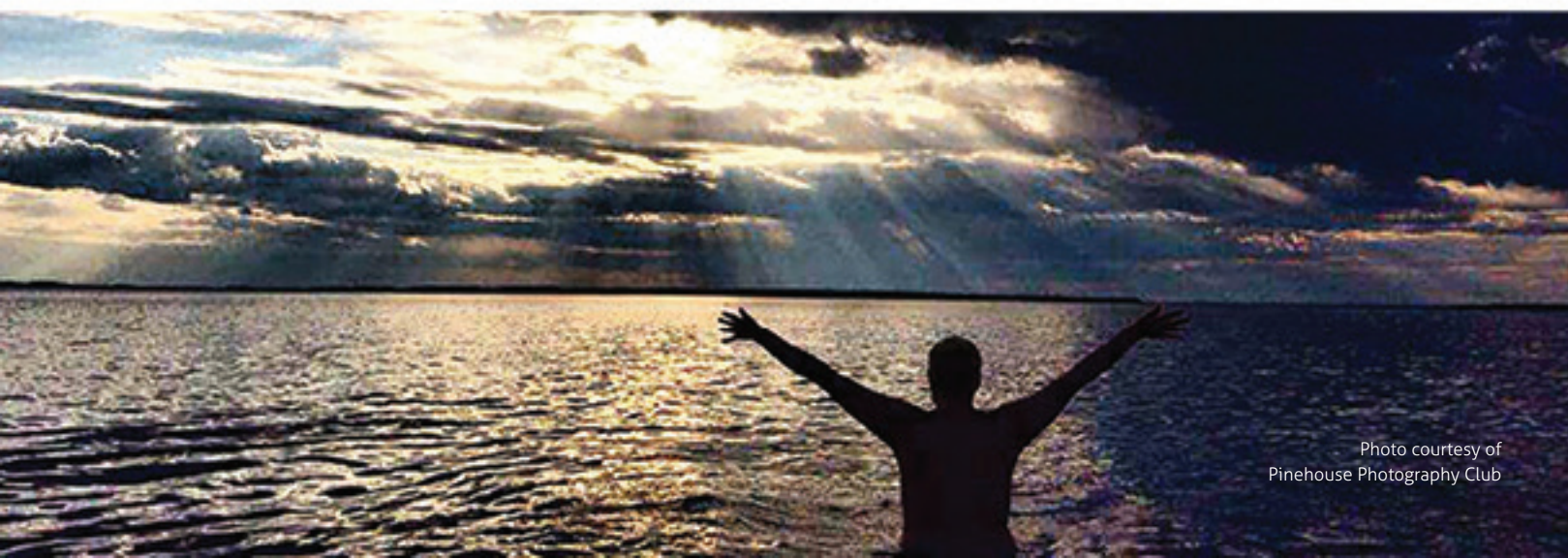
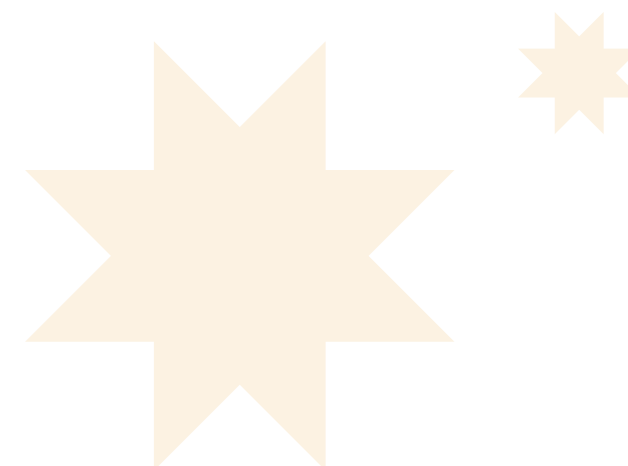


Photo courtesy of
Pinehouse Photography Club

NATIONAL STATEMENT ON NATIONAL CHILD DAY – NOVEMBER 2020

Each year the Council recognizes National Child Day to highlight the critical importance of respecting and upholding the rights and interests of Canada’s youngest citizens. In 2020, our office led the national media release for National Child Day to highlight the importance of advancing rights under the UNCRC for all children and youth in Canada. As a member and now president of the Council, the Advocate has and will continue to take opportunities through this influential national body to speak out on the importance of Canada adhering to the rights and interests of children across the country.

The Council’s Statement can be located here: <http://www.cccya.ca/Images/english/pdf/EN-CCCYA-NCD-Media-Statement-November-2020.pdf>



BENEFITS FOR SASKATCHEWAN

The Saskatchewan Advocate’s involvement in the Council better our position to advance the interests and rights of children and youth on the national stage, to shine a light on issues that affect young people in Saskatchewan, and to advocate for those young people in Saskatchewan who receive services that fall outside of our jurisdiction. Working in tandem with the Council brings Saskatchewan to the national and international audience and advances our strategic purpose of influencing systems to improve the lives of children and youth.

The Saskatchewan Advocate’s role as the current president will amplify our advocacy at the federal and provincial governments to improve its compliance with the UNCRC and speak out on behalf of young Canadians on issues of national and provincial concern, such as disparity in services for children on reserve, barriers and access to mental health services, and youth transitioning from care. This ongoing work will benefit all Saskatchewan children and youth and has been made that much more critical during 2020 as children across every province are facing significant and unique issues resulting from the impact of COVID-19.



Our office, through the Council, will continue to press for the establishment of a National Commissioner for Children and Youth who would advocate for Saskatchewan residents who deserve their voices and issues to be heard and have an ally to influence and improve federal policy for their benefit.



ADVOCATE'S COMMENTS ON IMPACT OF COVID-19

There is no question that children have been negatively impacted by the COVID-19 pandemic, and our office has been paying close attention to this impact regionally, provincially, and nationally. We follow the research studies and talk with professionals who have expressed deep levels of concern about how the vulnerabilities of Saskatchewan children are exacerbated by the impact of COVID-19.

As with everyone and every situation, our office has not been able to travel the province, as we usually would, to connect with children, youth, families, communities, and other stakeholders as part of our

advocacy and public education work. Normally this includes regular visits with children and youth who reside in group homes, foster care, and in youth custody facilities. These are opportunities to develop a rapport, teach about rights, and advocate for and support young people to ensure their rights are upheld. These are also critical opportunities to lay eyes on our most vulnerable children receiving provincial government services.

Fulfilling our mandate of reviewing and influencing child-serving systems in Saskatchewan has no doubt been hindered due to the pandemic. We also know the extent to which child

protection, youth corrections, education, health, and other child-serving systems have also been constrained in fulfilling their mandates. These are the systems most directly responsible for the care and support of children and youth, so it is troublesome to know that young people within our mandate face increased vulnerabilities due to the consequences of the pandemic.

This past year brought extra concerns about the heightened risks of abuse due to children staying home from school, while caregivers faced pressures such as navigating parenting and work concurrently, or stress related to loss of income.



Photo courtesy of
Pinehouse Photography Club

We are aware of the negative impacts on the mental health of children and youth – for whom social interactions are a major component of their emotional and social development, and who may have experienced disruptions in or barriers to accessing mental health services. And while child protection offices reported a decrease in child abuse claims early in 2020, the Advocate is concerned this is likely due to not having as many eyes on children. Less children being seen directly by educational staff, social workers, doctors, community support workers, community members, and family, have all conspired to reduce the observations and meaningful interactions that would otherwise assist children and youth in receiving help when they need it most.

Working within our current limitations, below are some of the concerns fielded virtually through our advocacy work in 2020, many of which mirror the headlines and research about the impact this pandemic has had on children and youth:

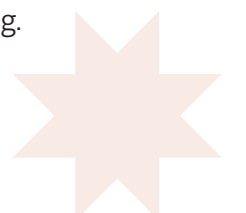
CHILD PROTECTION

- Challenges with child protection work, such as how to meet with children in care or interview them safely and confidentially.
- Delays in family services case planning, home studies, transition visits.

- Court matters delaying placement with family or children returning home.
- Community boarders being shut down impacting face to face contact with vulnerable children and youth and family visits.
- Added stressors on group homes and foster parents with children not attending school, without access to extra resources or additional staffing.

EDUCATION

- Working parents unable to home-school their children, uncomfortable sending them to school, and having to send them to child-care centres that were not able to assist them with schoolwork.
- Some students losing an entire year—either not having attended or not getting the full year of instruction or course material due to online learning.
- Parents and school staff concerned about the province's return to school planning, including concerns about:
 - Students having to or not having to wear masks.
 - Students, school staff, and family members who were susceptible to illness.
 - Class sizes not enabling social distancing.



CORRECTIONS

- For several months into 2020, youth in custody facilities not getting visits with family.
- Youth being denied the opportunity to attend a family member's funeral.
- Delays for criminal court matters, impacting youth waiting to be sentenced.
- Open custody youth not being able to exercise their right to reintegrate into their community by attending school, work, or having family visits.
- Mental health being compromised due to restricting access to the gym or family visits.

HEALTH

- Overburdened health systems with resources moving to assist COVID-19 patients leading to concerns about their ability to properly address healthcare in other areas, such as in mental health.

OTHER ISSUES

- Youth with disabilities not having access to supports and therapies in their home.
- Delays in custody and access matters (although out of our jurisdiction).

Our advocacy team often resolves issues by phone effectively. However, without being out in the community, corner to corner in the province connecting with young people directly, the Advocate is

deeply concerned about what might be learned once conditions allow our office to resume regular advocacy activities. It is anticipated across sectors that serve children that there will be increased reporting of child abuse and neglect, ultimately revealing cases that could have otherwise been exposed.

By September 2020, Raising Canada 2020, a research report jointly published by Children First Canada and the University of Calgary's O'Brien Institute for Public Health (OIPH) and the Alberta Children's Hospital Research Institute (ACHRI), confirmed all our fears of the link between the pandemic and "an increase in **poverty and food insecurity, depression and anxiety, racism, physical inactivity and potentially child abuse.**"¹¹

What this health crisis has exposed, among other things, is that when children and youth are without their usual range of safety nets, the social consequences that come to bear are much harder to mitigate. This underscores the need for all safety nets to be restored, including the advocacy team whose sole purpose is to have full, meaningful, and direct access to children and youth who are the most susceptible to these social consequences, and to fulfill the Advocate's vision of respecting and valuing the rights, well-being and voices of children and youth, and support them to reach their full potential.

¹¹ <https://childrenfirstcanada.org/raising-canada>

COVID-19 forces temporary closure of Saskatoon shelter for women, children

"This wouldn't have ended up in our facility if caseloads across the city and province were lower."

"The pandemic has coincided with an alarming rise in reports of domestic abuse, and demand for the shelter's services has been higher this year compared to 2019", she added.

Report finds COVID-19 accelerated declining mental health of Canadian youth

According to a newly-released Statistics Canada report, less than half, or 40 per cent, of youth aged 15 to 30 reported excellent or very good mental health in summer 2020. The effects of physical distancing appear especially negative on youth according to the report, as they were the most likely group to report a negative impact on their mental health since the start of such measures.

'Make kids aware': New Sask. Internet Child Exploitation Unit coordinator says number of investigations on the rise

It's too early to tell if the pandemic has impacted crimes against youth and children such as child luring and exploitation says the new provincial coordinator of the Saskatchewan Internet Child Exploitation (ICE) Unit.

In 2020, the ICE Unit conducted 737 investigations across the province. That's 209 more than in 2019 at 528. In 2018 they had 321 investigations.

Hundreds of students in COVID-19 isolation across Saskatchewan

She says one of her biggest concerns is the long-term mental-health effects of the isolation, as a result of the stress the kids are under. She'd like to see more mental-health supports in place for students who are facing so much uncertainty.

Saskatchewan chief concerned about mental health impacts of COVID 19 in First Nations

Now, Mitsuing says he fears the stress and worry about a possible outbreak of COVID-19 could trigger further mental health suffering among some of his residents.

Impact of Covid-19 on multidimensional child poverty

Child poverty is more than the lack of monetary means. Although measures such as household income are important, they provide only a partial view of the plight of children living in poverty. Therefore to understand the full extent of child poverty as well as the impact of Covid-19 on it, we must look at children's ability to access health, education, nutrition, water and sanitation and housing services.

Saskatchewan to stop transitioning kids out of care during coronavirus pandemic

Saskatchewan's Ministry of Social Services said it will not transition youth out of government care during the coronavirus pandemic. The decision comes at the request of the Saskatchewan Youth in Care and Custody Network, which sent a letter to the ministry on March 23 requesting the move.

COVID-19 stress is hitting youth much harder than people over 60, new research shows

ADVOCATING FOR RESOLUTION ON

CRITICAL & COMPLEX ISSUES CHILDREN FACE

THE ADVOCACY PROCESS

As highlighted in the preceding section, our office receives a variety of issues and concerns, of which the majority are managed by the regional advocates on the advocacy team. The role of a regional advocate is multi-faceted, and daily duties can vary substantially. The chart on page 30 illustrates the typical flow of the advocacy work of our office, and demonstrates how other areas of our work lead to systemic advocacy overall (such as the release of a public report or meeting with stakeholders). The work completed by the advocacy team also informs public reports, investigations, and the public statements the Advocate may make on a particular matter. Thus, the

issues the regional advocates encounter through their work feeds into the broader areas of concern our office is working on, including recommendations to the provincial government to improve their systems for better outcomes for children and youth.

All advocacy issues are received during the intake stage by phone, email, social media, or in person. It is at this stage that regional advocates interview our callers to gather as much information as possible, inquire about what steps have been taken to address the issue, provide suggestions on how the caller can further their own advocacy efforts, and refer callers to other supports and services if needed.

From there, the regional advocate will assess what role the Advocate may have by critically reviewing the reported issues and what other pieces of information are required and from whom. If it is assessed that there is an ongoing role, regional advocates will embark on the advocacy case work journey with the goal of resolution – which can vary case to case. Resolution could include (among other possibilities) ensuring a child is at the centre of the planning, assisting a young person in having their voice heard, collaborating so planning is appropriate or negotiating a compromise. When advocating for children and youth, it is essential that regional advocates have extensive knowledge on the rights of children and youth, on how the child-serving Ministries, agencies, or publicly-funded health entities operate and understand their policies and legislation, what other services and supports exist, and how to mediate and bring several groups together to collaborate.

In addition to being responsible for their case work, regional advocates are assigned to geographical regions throughout the province, where they take the lead on public awareness, establish new relationships, and foster existing connections with children, youth, and stakeholders. As previously stated, in 2020, regional advocates were unable

to safely travel throughout the province due to the COVID-19 pandemic. However, a typical year would involve regular travel within Saskatchewan.

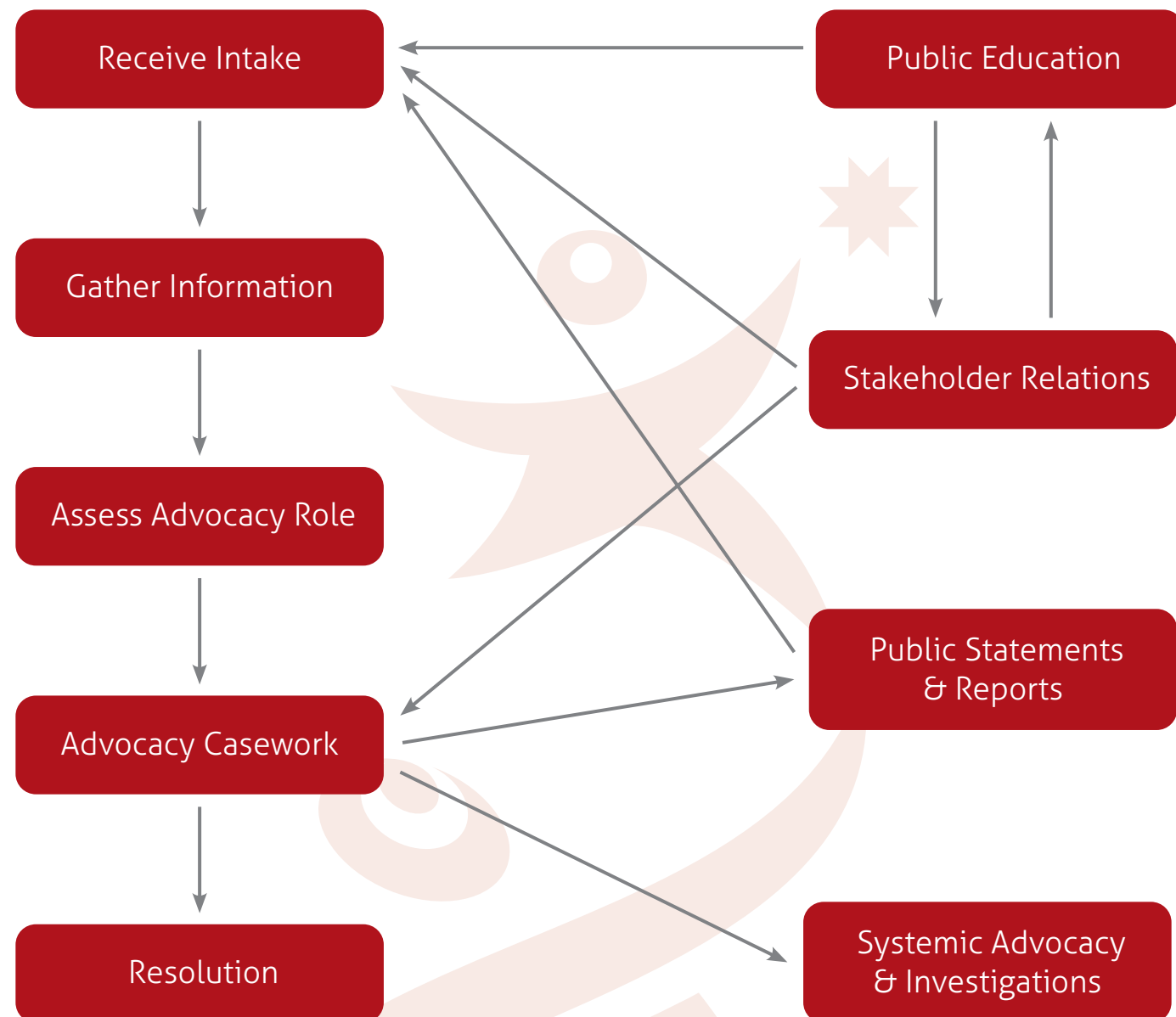
Advocacy work is a core area of responsibility of our office, and critical to meeting the values and principles of the Advocate's strategic priorities. As the chart (on page 30) demonstrates, public education and stakeholder relation activities often lead to new advocacy intakes as well as can support ongoing advocacy case work, because having strong connections within the child-serving systems can be a benefit when seeking resolution on an advocacy issue. Together, the breadth and depth of work accomplished by regional advocates, including ongoing travel, is essential in the Advocate's pursuit of realizing its strategic priority to support youth in their self advocacy, to include, represent, and advance child and youth perspective, and to create and support opportunities that enhance growth and development.

“

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”

ADVOCACY PROCESS



The breadth and depth of work accomplished by regional advocates, including ongoing travel, is essential in the Advocate's pursuit of realizing its strategic priority to support youth in their self advocacy, to include, represent, and advance child and youth perspective, and to create and support opportunities that enhance growth and development.

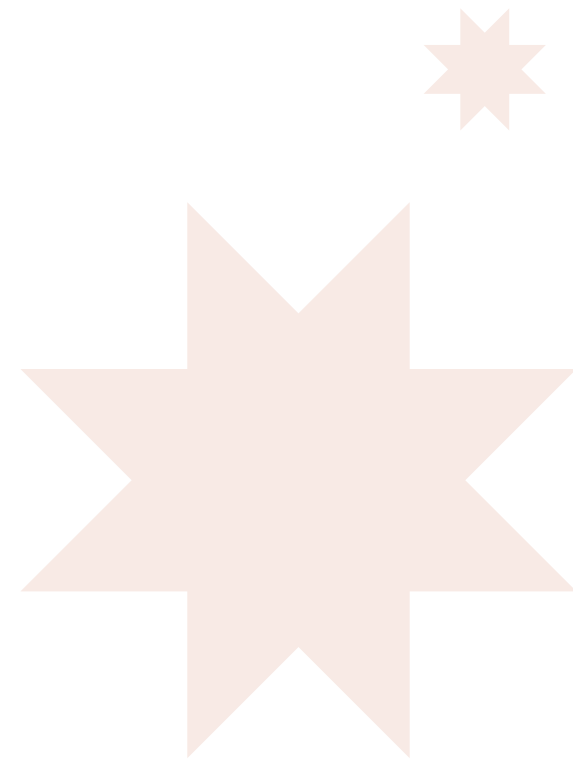


Intake and Common Issues Data and Analysis

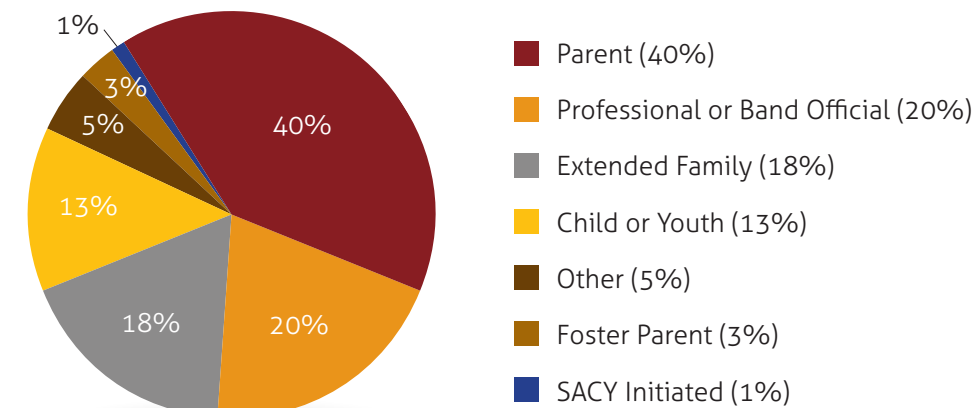
- In 2020, parents continued to contact our office most frequently, typically needing assistance and guidance navigating the various government systems, or because they disagreed with the case plan for their child.
- Top concerns from callers include disagreements where children are placed or the level of care they are receiving, maintaining family visits, lack of contact with workers, mistreatment by people in authority, and failing to investigate child protection concerns. In this sense, it is understandable that most calls relate to the Ministry of Social Services and First Nations Child and Family Services Agencies.
- In 2020, we received many calls from young people in youth custody facilities seeking clarity on policies as restrictions were imposed to assist in managing the pandemic. Youth in custody also commonly called with concerns about the food available in facilities.
- We received a significant number of calls from parents, children, and youth who were coping with family break-up and resulting custody and access issues. While we do not have a mandate over custody and access, we do assist families in finding resources that can support and guide them. We are optimistic that recent changes to family laws, such as the federal *Divorce Act* and Saskatchewan's *Children's Law Act*, in addition to the Government of Saskatchewan's pilot projects that require families to participate in a family dispute resolution process before going through the court process, will have positive impacts.

As these changes to laws and practices take hold, we will continue to track and monitor whether there continues to be a need for our systemic advocacy efforts in the future.

- Our advocacy team receives concerns from callers about issues that are outside of our mandate, typically due to their unfamiliarity with where to go to locate appropriate and adequate supports to help them with the issues and challenges they are managing. In these cases, we research and offer referrals to various organizations and agencies that may be able to assist.



WHO CONTACTED THE ADVOCATE FOR CHILDREN AND YOUTH IN 2020*



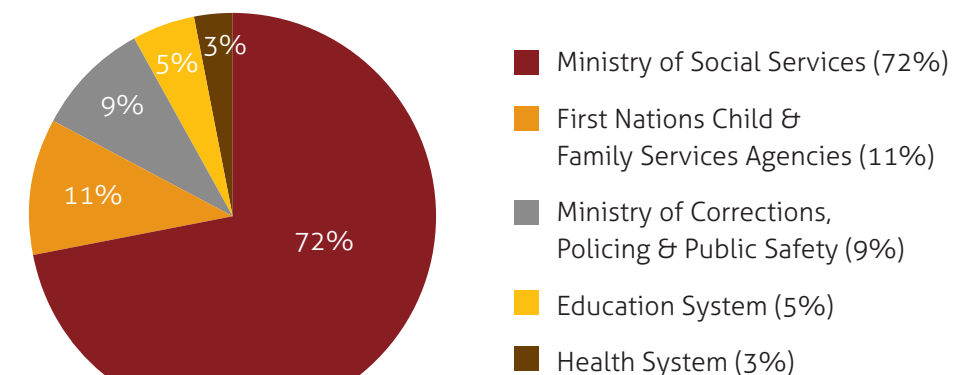
* Advocacy files only.

Parent includes: parents, stepparents, non-custodial parents, legal guardians, caregivers, alternate caregivers, and persons of sufficient interest.

Other includes interested third parties such as babysitters, neighbours, or anonymous callers.

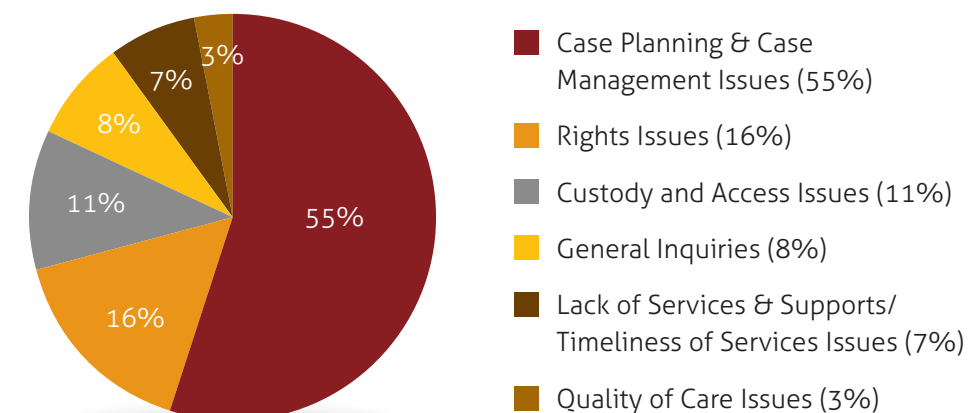
SACY initiated is when our office initiates advocacy after becoming aware of a situation through means such as the media.

MINISTRIES OR AGENCIES THE ADVOCATE FOR CHILDREN AND YOUTH RECEIVED CALLS ABOUT IN 2020*



* Advocacy files for ministries and agencies within our jurisdiction.

MOST COMMON ISSUES FOR THE ADVOCATE FOR CHILDREN AND YOUTH IN 2020



General Inquiries represents issues that require a referral to another resource or agency.

Custody and Access Issues are beyond the mandate of our office. They also require referral to other resources or agencies.

SYSTEMIC ADVOCACY HIGHLIGHTS

SUICIDE PREVENTION AND INTERVENTION

The mental health and well-being of children and youth has been a priority for the Advocate's office since its inception and, in recent years, a considerable amount of our systemic work has focused in this area. In 2020, we are pleased to have seen significant progress on mental health initiatives and investments and, in particular,

measures related to suicide prevention and intervention. These included the Government of Saskatchewan's introduction of its *Pillars of Life: Saskatchewan Suicide Prevention Plan* in May 2020, a record \$435 million budget allocation towards mental health and addictions services in June, and the appointment of the first Minister of Mental Health and Addictions Services in November 2020.

The Advocate is encouraged that the government's recent Suicide Prevention Plan was informed by many of the youth who lent their voices to our 2017 report titled *Shhh...LISTEN!! We Have Something to Say: Youth Voices from the North*. It is vitally important that the government respects the participation rights of children and youth by listening to their perspectives and taking them seriously. It is important to emphasize that it must continue to do so by ensuring young people are included in the implementation of community initiatives under this Plan.

As has been long advocated for by our office, we also acknowledge the government's recognition within the Suicide Prevention Plan that suicide prevention is the responsibility of *all* sectors, and its commitment to ensuring accountability across and within Ministries in making suicide prevention a priority.

Since launching our systemic file on suicide prevention and intervention with the Ministry of Social Services in 2018, we assessed and identified key opportunities to strengthen child protection policies and practices, including the need for related training. To that end, the Ministry of Social Services has advised that Applied Suicide Intervention

Skills Training (ASIST) is now available on a voluntary basis to all staff working directly with children. Although progress has been slowed by the COVID-19 pandemic, the Ministry reports that a significant number of eligible staff have received this training. The Ministry also reported it is considering options for providing virtual suicide prevention/intervention training to foster parents and exploring various ways in which it can sufficiently inform other out-of-home caregivers (ie: extended family) of the risk factors and symptoms of suicide risk, as well where to go for help.

Also resulting from our advocacy and collaborative efforts, the Ministry developed a new policy within its Children's Services Manual addressing the identification of and support for children and youth in out-of-home care who may be at risk of suicide. It also includes standards setting out roles and responsibilities for all out-of-home caregivers, such as participation in safety planning and the provision of information on mental health supports to all youth in their care. This policy is an important step and shows the Ministry is taking its responsibility to protect the children in its care from all forms of harm—including suicide—seriously.

Photo courtesy of
Pinehouse Photography Club

The Ministry has further advised our office that it is exploring what elements of suicide prevention/intervention can be included within policies related to family support services and supporting youth to live independently. This is encouraging as it will provide guidance to additional programs versus only those covered in the Children's Services Manual.

We also learned that the Ministry intends to engage in a further examination of incidents of self-harm, suicidal ideation, and suicide attempts among the youth it serves. The Advocate is optimistic about this action, as a deeper understanding of these circumstances will inform and enhance the effectiveness of prevention initiatives.

We acknowledge the Ministry of Social Services' willingness to work collaboratively with our office on this important issue. While we maintain our independent lens throughout our analysis and advocacy, these efforts serve to meet our common goal of improving outcomes for young people in Saskatchewan. Our systemic file remains open to monitor further developments and we look forward to continued progress in the best interests of children and youth at risk.

POLICY CONSULTATION DEVELOPMENTS

Part of our mandate under section 14(3(b) of *The Advocate for Children and Youth Act* includes the provision of advice to any minister responsible for services to children and youth. Accordingly, we welcome invitations to consult on draft policies, legislation, or resources through applying our independent, child-rights based lens.

In 2020, we had several opportunities to do this work in consultation with the Ministry of Education. We were invited to review and provide feedback on draft Law 30 and Psychology 20 & 30 curricula. Our comments on the draft curricula for these three courses primarily revolved

around identifying opportunities to embed acknowledgement and discussion of the United Nations Convention on the Rights of the Child (UNCRC). The curricula already contained broad reference to human rights, however, children and youth have a right to be specifically informed of their rights under the UNCRC, so that they may claim them. While the Law 30 curriculum is still in draft form, the finalized Psychology 20 & 30 curricula now include the UNCRC in their list of references.

We also provided comment on the Ministry's draft policy statement on Free Menstrual Products in Schools. Our office is encouraged by the Ministry's efforts to remove barriers in accessing education that may arise for some youth as a result of menstruation. Our feedback included the need to strengthen acknowledgement of the legal status of the UNCRC, ensure that access to menstrual products is not arbitrarily limited to youth in a certain age group (i.e. provide them in elementary and high schools), and provide information on the safe and appropriate use of menstruation products.

Lastly, we appreciated the opportunity to review and consult on the Ministry's initiative titled Caring and Respectful schools, an online resource for education staff to support the development and enhancement of safe, caring, respectful, and inclusive learning environments.

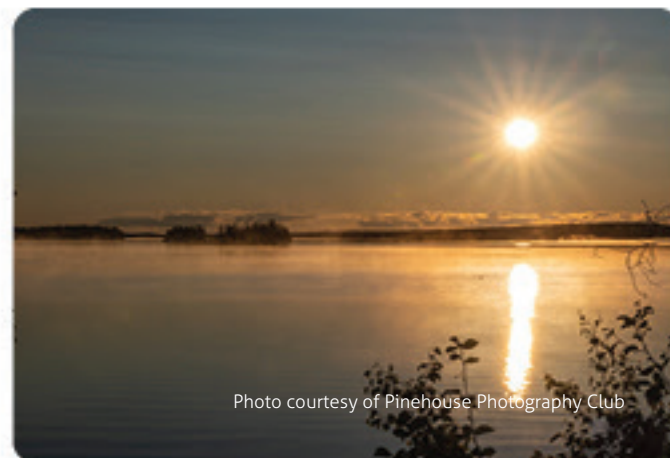


Photo courtesy of Pinehouse Photography Club

We were able to identify opportunities for strengthening implementation of children's rights to participation, as well as share what we learned from youth about their needs for a caring and respectful school environment through *Shhh...LISTEN!! We Have Something to Say: Youth Voices from the North*.

To our knowledge, these two initiatives are still in draft form, however, our office looks forward

to assessing whether the Ministry was able to incorporate our feedback and suggestions.

The Advocate welcomes opportunities to collaborate with child-serving public entities on policies, practices, and resources that will help to further support young people, and encourages government to approach all decisions that will impact children and youth with the best interests of the child as a primary consideration.

Shout Out: Ministry of Education Develops Provincial Youth Council

The Advocate was pleased to learn of the efforts of the Ministry of Education in respecting and providing young people an opportunity for meaningful engagement. In 2019, the Minister of Education announced plans to form a Youth Council to identify issues important to students and their peers, and to share those student perspectives on education with the Minister and other senior government leaders. In 2020, the Youth Council made the following recommendations:

- To improve access to mental health services and sexual assault services.
- To provide early exposure to coping mechanisms to reduce stigma associated with mental health issues and sexual assault.
- To teach respect for diverse cultures.
- To strengthen relationships between school counsellors and students.

The mandate of the 2020-21 Youth Council is to present advice and insights on topics of interest to today's students in connection

with the four pillars that are currently guiding the development of the multi-year Provincial Education Plan. The Youth Council members began interviewing and collecting feedback from their peers to assist in determining what advice they will provide to the Minister of Education in 2021, when they expect to present information on:

- Reducing stigma and raising awareness related to mental health through early integration into the curriculum, starting at a younger age.
- Broadening understanding of diversity and inclusivity by integrating these ideas into curriculum, starting at a younger age.

The Advocate congratulates the Ministry of Education for its efforts to create a student body whose voices will be heard, taken seriously, and shape the future of Saskatchewan's education system.

More information about the Youth Council and its members can be found here: www.saskatchewan.ca/residents/education-and-learning/provincial-youth-council.



Recommendations Monitoring Update

Advancing the rights, interests, and well-being of children and youth is an overarching goal whether we are conducting case assessments or full investigations, providing feedback on public policy, or monitoring recommendations and calls to action. A comprehensive overview of the investigations conducted by our office between January 2011 and September 2016 was presented in our 2016 Annual Report. In the ensuing four years, our office has conducted several investigations that rendered recommendations to the appropriate entities involved, some of which were publicized, such as *Shhh... Listen!! We Have Something to Say!* in 2017, which encompassed six youth calls-to-action and five Advocate calls-to-action, and *When Every Second Matters* in 2018 with 11 recommendations directed to the Ministry of Education, school division and school.

This update provides an overview of significant recommendations that demonstrate our influence and impact accomplished through our investigative work. Recommendations resulting from our investigations are provided to the ministry, agency, or publicly-funded health entity involved for an opportunity to respond to the findings and recommendations before they are finalized. This is part of our procedural fairness toward entities involved and provides an opportunity for meaningful response. While our recommendations are not binding, we work collaboratively and influentially to this end.

The Advocate continues to prioritize the monitoring of its recommendations.

Recommendations – formulated from the findings and evidence gathered in the investigation – must accurately determine the action required for service improvement. Amending legislation or policy, and/or altering current practice to improve access or service provision, are some examples of the type of issue or action required that must be satisfied before recommendations are approved by the Advocate for closure.

The monitoring process takes time and involves reaching out for updates or requesting a meeting with representatives of the ministry, First Nations child and family agency, and/or publicly-funded health entity. At times, more tenacious advocacy efforts are required to move the entity forward in implementing the Advocate's recommendations. The process often involves collaboration and influence toward the best outcomes for children and we have achieved some success in this regard. There are also instances where the public body will decline the Advocate's recommendation and not waver from their position for various reasons. In these situations, difficult decisions are made to either maintain our advocacy efforts or conclude the recommendation file and report out on it publicly. When closing a recommendation, our office assess the results of the monitoring activities and determine whether adequate action was taken, partial action was taken or no action was taken.

A brief update on five investigations and the associated recommendations is provided on the following pages.



Shhh... Listen!! We Have Something to Say!

The special report entitled "*Shhh... Listen!! We Have Something to Say!*" was released in 2017 under section 14 (3)(a) of *The Advocate for Children and Youth Act*, which authorizes the Advocate to conduct or contract for research to improve the rights, interests, and well-being of children or youth. After the tragic death of six young girls to suicide in northern Saskatchewan, this project focused on gathering the views of young people living in the North on why their counterparts are thinking about suicide, and to complement this, what is needed for prevention. We know that simply listening to young peoples' perspectives

is not enough, and that action must happen directly from what is generously shared. As previously mentioned, six youth-inspired calls-to-action were outlined in the report directed to individuals who are closely connected to young people – parents, friends, teachers, school administration, First Nations Chief and Councils, and others – to heed what the youth reported, and to enhance support and protective factors where needed. Of the five Advocate calls-to-action, three are aimed at the provincial government and two at the federal government.

While our jurisdiction does not extend to the federal government, from time to time we do speak out and advocate at the federal level for better services for children and youth in Saskatchewan. One of our calls-to-action compels the government of Canada to end the inequities that Indigenous children and youth in Saskatchewan face by full implementation of Jordan's Principle. The other call implores the government of Canada to support the Federation of Sovereign Indigenous Nations (FSIN) and the Métis Nation Saskatchewan in their suicide prevention strategies and provide financial support as required.

In 2020, we were pleased to close these recommendations based on the federal government's commitment to streamline and make Jordan's Principle more accessible through enhanced funding for health, social, and education services for children and youth, as well as their commitment to provide \$2.5 million to the FSIN suicide prevention strategy. Through the creation of a grant program, northern communities can access financial support for cultural programs and services to increase the participation of their children and youth. The Advocate continues to monitor the calls-to-action directed to the Government of Saskatchewan.

This report can be located here:

https://www.saskadvocate.ca/sites/default/files/u11/listen_we_have_something_to_say_nov_2017.pdf



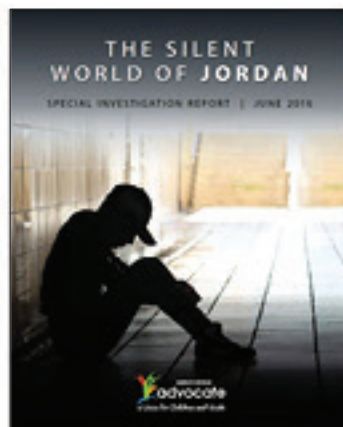
When Every Second Matters

In 2018, our office issued a public report entitled, *When Every Second Matters* which examined the circumstances surrounding the death of a student in a pond located next to a Saskatoon school. “Angel”, a 5-year-old boy with special needs, was known to be at high-risk to run to water or roadways without regard for his personal safety. Although the Saskatoon school staff worked diligently to create a safety plan for recess, it was not fully implemented, and communication with key staff compromised his supervision and the search efforts when Angel ran away from staff at recess. Our office made eleven recommendations to the School Division, the School, and to the Ministry of Education,

informed by the right of children and youth to care, protection and educational services of the highest standard. All recommendations were accepted and during 2020 our office acquired sufficient information to satisfy the Advocate to close them.

As a result of our recommendations, the Ministry of Education and the School Division improved policies regarding cumulative records, information sharing between sending and receiving schools, and transition planning for students with special needs. Additionally, the Ministry of Education conducted a study of all schools under its authority to identify external safety hazards and create plans to sufficiently mitigate known risks.

This report can be located here: <https://www.saskadvocate.ca/sites/default/files/u11/When%20Every%20Second%20Matters.pdf>



The Silent World of Jordan

The Silent World of Jordan was a public report released in 2016. Jordan, a 16-year-old with significant hearing loss, was remanded to the Prince Albert Youth Residence (PAYR) in 2013. His health deteriorated to the point where PAYR staff called 911. Jordan passed away in the hospital due to acute bronchopneumonia with associate sepsis. The services reviewed in the investigation consisted of those provided by the Ministry of Corrections, Policing and Public Safety, Ministry of Justice and Attorney General, Courts and Tribunal Division, and Agency Chiefs Child & Family Services Inc. (ACCFSI).

Some of the key recommendations that emerged from the investigation focused on amending policy to include youth with complex needs and/or disabilities, implementing a stand-alone healthcare policy to safeguard the right to healthcare services, and implementing a stand-alone duty to accommodate policy that incorporates the standards for accommodating youth with disabilities in custody facilities. We also issued recommendations that required court services to develop procedures for non-emergency situations for ill or injured youth that require medical attention, and for PAYR and court services in Prince Albert to develop a protocol that dictates the roles and responsibilities to ensure youth have timely access to healthcare services as required. Adequate action was taken by ACCFSI on two recommendations: adopting a pro-active approach to identify the assessment, treatment, and caregiver training requirements needed for their children and youth with disabilities who are in care; and hiring an urban court worker who supports ACCFSI youth who are attending court.

Over the past four years, our office worked with the Ministry to influence the required changes for better outcomes for young people who are involved in youth justice system services. The Advocate is pleased with the Ministry’s willingness to do what was required to enhance its service provision to youth in its care. Our office has closed all recommendations and has done so with confidence that young people with disabilities will have timely access to an accommodation or healthcare services when they become involved with the youth justice system.

This report can be located here: https://www.saskadvocate.ca/sites/default/files/u12/The%20Silent%20World%20of%20Jordan%20Public%20Report%20June%2015%202016_0.pdf



Two Tragedies

The report entitled *Two Tragedies: Holding Systems Accountable* (2014) was an in-depth examination of the services two boys received before their paths crossed tragically in 2013. The majority of the 18 recommendations were directed to the Ministry of Social Services, the Yorkton Tribal Council First Nations Child and Family Services Inc. (YTCCFSI), the Government of Saskatchewan, (the then) Regional Health Authorities, as well as a number of recommendations that reflected joint responsibility between the Ministry of Social Services, Ministry of Health and YTCCFSI.

Based on some of these recommendations, the Ministry of Social Services has enhanced its working relationship with YTCCFSI through the mentorship and support provided by its First Nations and Métis Consultants. This technical support has benefitted YTCCFSI by increasing its capacity to meet higher case management standards and providing quality services to Indigenous children, youth, and families residing in their communities. Other recommendations have resulted in positive policy changes regarding case conferences, family visits, and amending the safety and risk assessment tools to ensure assessments are done with each parent’s household when parents live apart but there is joint legal custody.

In 2020, the remaining recommendation – that the Ministry of Social Services contract with the Children’s Research Centre (CRC) to complete an SDM workload estimation study to determine standards for caseload size in Saskatchewan – was closed. In response to the study’s finding that child and family services is understaffed, several child and family positions were added over a three-year period, and the CRC continued to work with the Ministry to create several efficiencies in relation to its information management system, administrative work, contact standards, screening units, and enhanced funding for community-based organizations.

We have also been monitoring one recommendation that was re-opened in 2019 after receiving confirmation that the action required – a process for conducting joint critical incident reviews by the Ministry of Social Services and Ministry of Health – was not adequately operationalized. Although the pandemic has curtailed our ability to meet with health in our monitoring of this recommendation, we will renew our advocacy efforts later in 2021.

This report can be located here: https://www.saskadvocate.ca/sites/default/files//u3/Two_Tragedies_Holding_Systems_Accountable_Advocate_%20Childre_%20Youth_May_2014_0.pdf



Person of Sufficient Interest Case

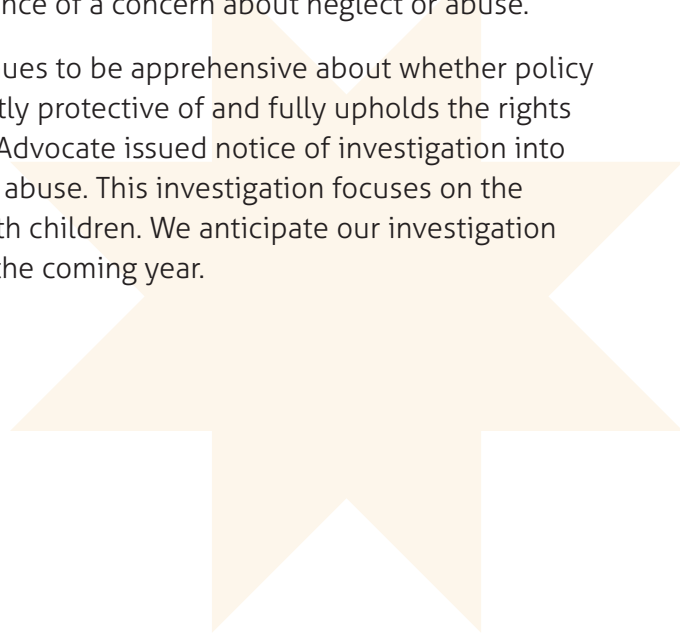
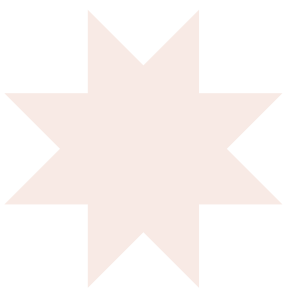
In 2017, we began an investigation into a case of abuse involving two children. Although our investigation was not released to the public, in 2018, the Advocate issued our investigation findings and began discussing recommendations to improve several Ministry of Social Services' policies and practices that affect children who are subject to a legislative arrangement known as Persons of Sufficient Interest (PSI).

This designation typically involves children residing on an indefinite basis with family or extended family when reunification with their parents or caregivers is unlikely. PSI caregivers are entitled to financial and other ongoing supports from the Ministry of Social Services, however, aside from this are considered the legal guardians. The Ministry of Social Services interprets its ongoing relationship with PSI caregivers as one of financial and other supports, but with no legal authority to see the child.

This, and PSI cases in general, have been longstanding concerns of the Advocate's office. PSI caregivers are not subject to an approval process as rigorous as that of adoptive parents, and are not held to the same standard of ongoing oversight as with other types of caregivers such as foster parents or alternate caregivers. Additionally, children residing in PSI care do not receive ongoing case management and support directly from social work staff.

In our investigation, our primary concern was the lack of ongoing oversight of children in PSI care. After issuing recommendations, our office negotiated with the Ministry over the next few years to improve its policies for the benefit of children receiving this type of care. The most important of these recommendations asked that the Ministry ensure its staff have direct access to children in PSI care at least once per year during the Ministry's Annual Review process. The Ministry ultimately declined this recommendation, concluding that its existing policy, which encourages staff to make every effort to see the child during Annual Reviews, is sufficient in the absence of a concern about neglect or abuse.

With over 2000 children in PSI care, the Advocate continues to be apprehensive about whether policy and legislation regarding the PSI designation is sufficiently protective of and fully upholds the rights of children who are subject to it. In the fall of 2020, the Advocate issued notice of investigation into another case involving children in PSI care who suffered abuse. This investigation focuses on the Ministry's approval process and having direct contact with children. We anticipate our investigation and any related recommendations will be concluded in the coming year.



Child Death and Injury Analysis

Our office is notified of deaths and critical injuries of children and youth who are receiving, or have recently received, services from the Ministry of Social Services or a delegated First Nations Child and Family Services Agency. These services include, but are not limited to: supports to families so that children can remain safely at home, out-of-home care, and supports to young people to live independently. We are also notified of deaths and critical injuries of youth receiving services from the Ministry of Corrections, Policing and Public Safety. These youth may be remanded to custody awaiting trial, serving a sentence in either open or closed custody, or serving a sentence in the community.

In 2020, we saw an increase in deaths among the 0 – 5 year age group. In six of these cases, the children were medically fragile and passed away due to complications of existing medical conditions. There were four deaths of children 3 months old or younger for whom the Coroners Service could not determine a cause of death. In two of those cases, unsafe sleep environments were noted as having been present at the time of death. An unsafe sleep environment is also noted in preliminary information on a third infant death for which a final Coroner Report is not yet available. While even one preventable death under these circumstances is too many, the Advocate is encouraged that the number of infant deaths reported to our office potentially related to unsafe sleeping has decreased from previous years. Our office continues to monitor and engage with prevention efforts in this regard.

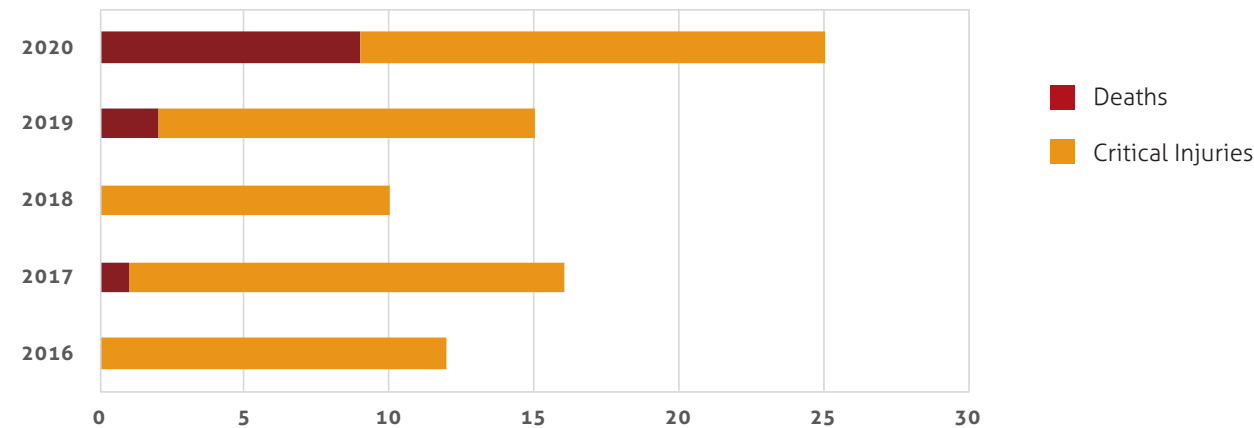
In the case of four children in the 0 – 5 age group, charges of murder or manslaughter were laid in

connection with their deaths. In one instance, the child was in care of the Ministry of Social Services and a caregiver has been charged. In the other 3 cases, the children were not in care and either family members or individuals known to the child are accused. Criminal trials in these cases had not concluded at the time of publication, but this is reflective of a disturbing trend of significant violence against children and youth identified in 2020.

The Advocate was notified of a total of nine deaths in which either charges of murder or manslaughter were laid, or the police had deemed the death a homicide. This is more than in the previous seven years combined. In addition, a tenth case involving the death of a toddler is reflected in the statistical chart as "cause not available yet". However, preliminary information available at the time of publication indicated the death was caused by non-accidental trauma and a police investigation was ongoing.

The violence experienced by Saskatchewan youth in 2020 is further reflected in the critical injury notifications received. Sixteen critical injuries involved stabbings, shootings, and physical assaults of youth in the community, or suspected incidents of child abuse by out-of-home caregivers or family members. In total, violent acts against children and youth accounted for 36% of all death and critical injury notifications received by our office in 2020. Over the years, various forms of violence have consistently been the cause of a large proportion of notifications to our office, 2020 having surpassed them all.

VIOLENCE-RELATED NOTIFICATIONS BY YEAR¹²



¹² The death reflected in 2017 was confirmed as a homicide after the publication of the Advocate's 2017 Annual Report. In that report, it is reflected as "Cause Not Available Yet".

At this time, it is not possible to pinpoint any concrete factors that have led to this overall increase. Police-reported family violence against children and youth was already on the rise prior to the pandemic, with Saskatchewan having the highest rates among the provinces.¹³ However, it is hard to ignore a potential correlation with the onset of the COVID-19 pandemic and the significant impact it has had on all facets of life, including causing additional stressors on families and communities.

Our office is currently engaged in an aggregate assessment of critical injuries involving seven youth who experienced a gunshot wound, stabbing or physical assault. In each of these cases, the youth had some level of gang involvement or affiliation that contributed to their injury. It appears this may also have been the case in at least two deaths where charges of murder or manslaughter had been laid. Our office is working to learn more about opportunities to better support young people in disengaging from gangs and reduce their risk of gang-related violence.

On a somewhat more positive note, 2020 saw a decrease in notifications to our office of deaths by suicide. However, injuries resulting from suicide attempts and self-harm stayed relatively consistent with recent years. Yet, deaths by suicide and critical injuries related to suicide attempts or self-harm still accounted for 19% of all notifications to our office in 2020. We must stay vigilant and continue to actively support the mental well-being of young people in our province, especially as the COVID-19 pandemic has shown to have had a negative impact in this regard. Since physical distancing began, Statistics Canada has reported that 64% of people between the ages of 15-24 years experienced a decline in mental health and well-being.¹⁴ Kids Help Phone real-time data¹⁵ shows that 28% of the texts and 13% of the phone calls they receive from children and youth in Saskatchewan are directly on the topic of suicide. Additionally, of all text communications received by Kids Help Phone from youth in our province, 35% were related to depression and 10% to self-harm. A further 18% of phone calls to Kids Help Phone were related to mental/emotional health.

¹³ Conroy, Shana. (2020). *Family Violence in Canada: A statistical profile, 2019*. Catalogue no. 85-002-X ISSN 1209-6393. Ottawa: Statistics Canada [Available at: <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2021001/article/00001-eng.pdf?st=vScXHnYF>]

¹⁴ Statistics Canada (2020). "Canadians' mental health during the COVID-19 pandemic." *The Daily*. Statistics Canada catalogue no. 11-001-X. [Available at: <https://www150.statcan.gc.ca/n1/en/daily-quotidien/200527/dq200527b-eng.pdf?st=EQmA3ra5>]

¹⁵ Kids Help Phone. *Insights - Saskatchewan*. [Available at: <https://kidshelpphone.ca/get-insights/home/>]

Our office continues its work on our ongoing research project related to youth mental health and addictions services in Saskatchewan. This project, to be released later in 2021, will result in recommendations for improvement based on the lived experiences of young people, caregivers and service providers.

Year after year, First Nations and Métis children and youth are consistently over-represented

within the death and critical injury notifications we receive, and 2020 was no different. In fact, that ratio has increased with Indigenous children and youth accounting for 94%¹⁶ of those who were injured and 92% of those who died. In this regard the Advocate will continue to support initiatives to reduce this reality, including support of First Nations in their efforts to take greater control of child and family services.

2020 CHILD DEATH DATA

Ethnicity	Deaths	Total: 38
First Nations and Métis ¹⁷	35	
Non-First Nations or Métis	3	
Unknown	0	
Age	Deaths	Total: 38
0 to 5	21	
6 to 10	2	
11 to 15	8	
16 to 18	7	
19+	0	
Type of Service at Time of Death ¹⁸	Deaths	Total: 40 ¹⁹
CFS – In Care	9 ²⁰	
CFS – Receiving Other Services	14	
CFS – Received Services Prior to Death (In Care or Other)	14 ²¹	
Corrections – Custody (open and secure)	0	
Corrections – Community	3	
Corrections – Received Services Prior to Death (Custody or Community)	0	

¹⁶ This percentage is based upon the actual number of children and youth who sustained a critical injury. 33 youth experienced a total of 35 injuries as two youth experienced 2 injuries each. 31 out of these 33 children/youth were Indigenous.

¹⁷ This category includes children and youth who are Métis, status, and non-status First Nations.

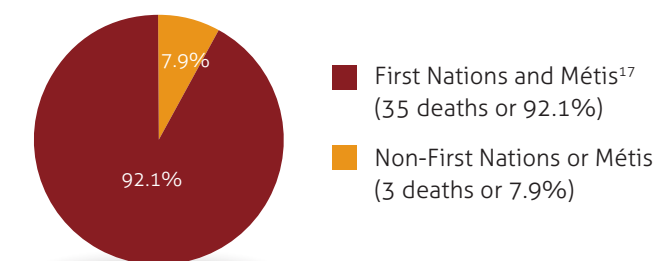
¹⁸ The Advocate is notified of the death of a child or youth who is currently receiving, or has recently received, child and family services (CFS) from the Ministry of Social Services or by a First Nations Child and Family Services agency. CFS – "Other Services" may include active investigations into neglect and abuse, in-home support services, support services to older youth transitioning to independence, and children and youth living in the care of a "person having sufficient interest" pursuant to section 23 of *The Child and Family Services Act*. The Advocate is also notified of deaths of young people currently receiving, or who have recently received, services from the Ministry of Corrections, Policing & Public Safety (Corrections). These notifications include youth who are in custody (either sentenced or remanded) and those serving a community sentence.

¹⁹ This total is higher than the total number of deaths, as 2 youth were receiving services through both CFS and Corrections at the time of death.

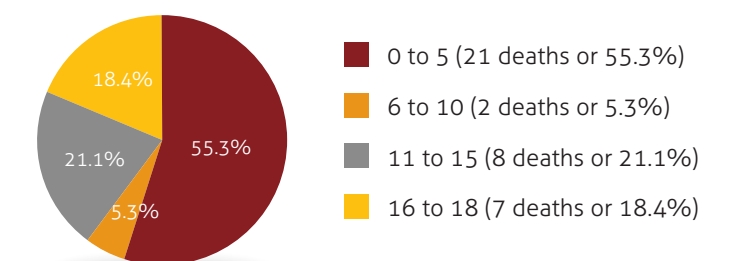
²⁰ Two of these children were either medically fragile or experiencing significant illness where their death was expected, and CFS took them into care to provide support to them and their families in managing their needs.

²¹ One of the deaths in this category occurred in 2019, however our office was notified in 2020.

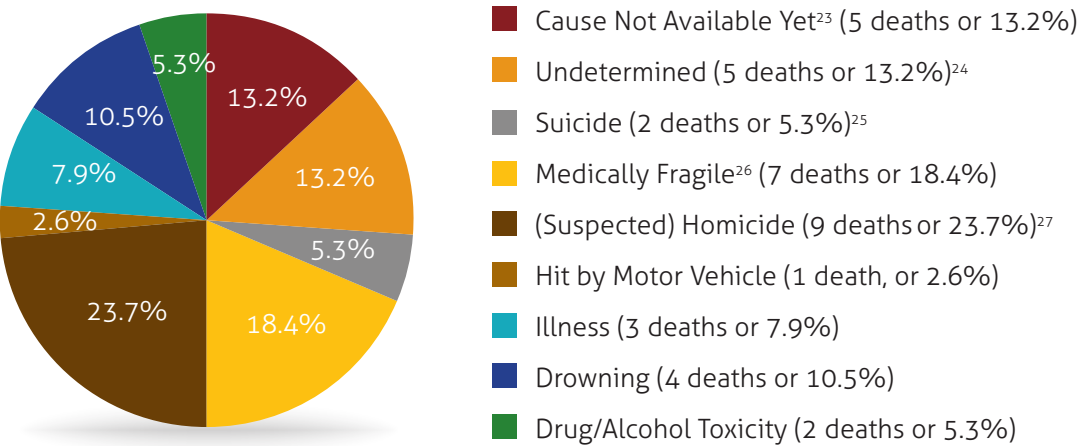
2020 CHILD DEATHS – ETHNICITY



2020 CHILD DEATHS – AGE



2020 CHILD DEATHS (38²²): IDENTIFIED CAUSES



²² One of these deaths occurred in 2019, but the Advocate was notified in 2020.

²³ When available, information reported regarding the cause of death is determined from the Coroner’s Reports, which are pending for a number of 2020 deaths. In the absence of a Coroner’s Report, cause of death may be obtained from information reported by the Ministry involved or other reliable sources. The category of “Cause Not Available Yet” is used when the Advocate has not received reliable information on the cause of death. This is to be distinguished from the category of “Undetermined”, which is used by the Coroner where the cause of death has been reviewed by the Coroner but cannot be determined.

²⁴ Although cause of death could not be determined, unsafe sleep environments were noted by the Coroner’s Service as being present in the case of 2 infant deaths.

²⁵ A final Coroner’s Report has not yet been received for one of these deaths. However, preliminary information from the Coroner and information from the Ministry involved indicates that it was self-inflicted. In a 3rd death included in the category of “Undetermined”, a youth overdosed in a suicide attempt. However, the Coroners Service was unable to determine whether it was the youth’s actions or other circumstances that led to the death.

²⁶ The term “medically fragile” is used by the Advocate to describe the death of a child or youth that was caused by a condition or circumstances present at birth that was likely to lead to their death. This is different than the category of “illness”, which refers to a new or unexpected natural disease.

²⁷ Although the Coroner’s Reports have not yet been received for these deaths, either charges of murder or manslaughter have been laid, or the police have deemed the death a homicide.

Update – Cause of Deaths 2019

When we released our 2019 Annual Report, we had not yet received data on the cause of 10 of the 34 deaths of which we were notified that year and have since received Coroner Reports for 7 of these 10 deaths.

Four (4) of these cases involved children under 2 years of age for whom the cause of death was classified as “undetermined”. In three (3) of these instances, although a cause could not be identified, an unsafe sleep environment was noted as being present at time of death. These circumstances were identified in our 2019 Annual Report as having been suspected.

In the other three (3) cases for which we now have information, the circumstances included a medically fragile young adult, a toddler who passed away from meningitis, and a teen who died from acute alcohol intoxication.

2020 CRITICAL INJURY DATA

Ethnicity	Injuries	Total: 33 ²⁸
First Nations and Métis ²⁹	31	
Non-First Nations or Métis	2	
Unknown	0	
Age	Injuries	Total: 35
0 to 5	9	
6 to 10	1	
11 to 15	7	
16 to 18	13	
19+	5	
Type of Service at Time of Injury ³⁰	Injuries	Total: 37 ³¹
CFS – In Care	13 ³²	
CFS – Receiving Other Services	2	
CFS – Received Services Prior to Death (In Care or Other)	1	
Corrections – Custody (open and secure)	3	
Corrections – Community	18 ³³	
Corrections – Received Services Prior to Death (Custody or Community)	0	

²⁸ In 2020, there were 35 critical injuries involving 33 children and youth. 1 child experienced 2 injuries while in care through CFS and 1 youth experienced 2 injuries while receiving community services with Corrections.

²⁹ This category includes children and youth who are Métis, status and non-status First Nations.

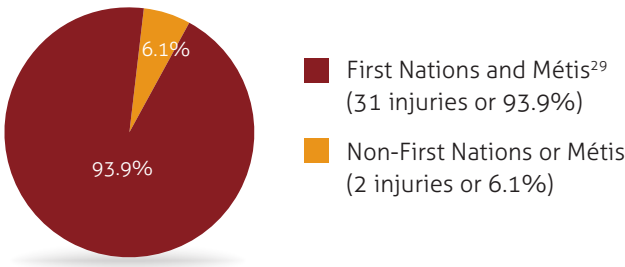
³⁰ The ACY is notified of the critical injury of a child or youth who is currently receiving, or has recently received, child and family services (CFS) from the Ministry of Social Services or by a First Nations Child and Family Services agency. CFS – Other Services may include active investigations into neglect and abuse, in-home support services, support services to older youth transitioning to independence, and children and youth living in the care of a “person having sufficient interest” pursuant to section 23 of *The Child and Family Services Act*. The ACY is also notified of critical injuries of young people currently receiving, or who have recently received, services from the Ministry of Corrections, Policing & Public Safety. These notifications include youth who are in custody (either sentenced or remanded) and those serving a community sentence.

³¹ This total is higher than the total number of injuries, as our office learned 2 youth were in care of CFS while also receiving community services through Corrections at the time of injury.

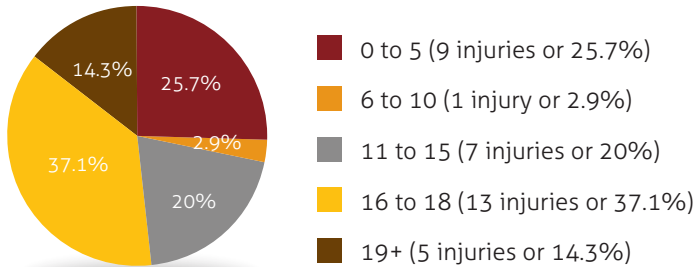
³² One of the injuries in this category occurred in 2019, however our office was notified in 2020.

³³ One of the injuries in this category occurred in 2019, however, our office was notified in 2020.

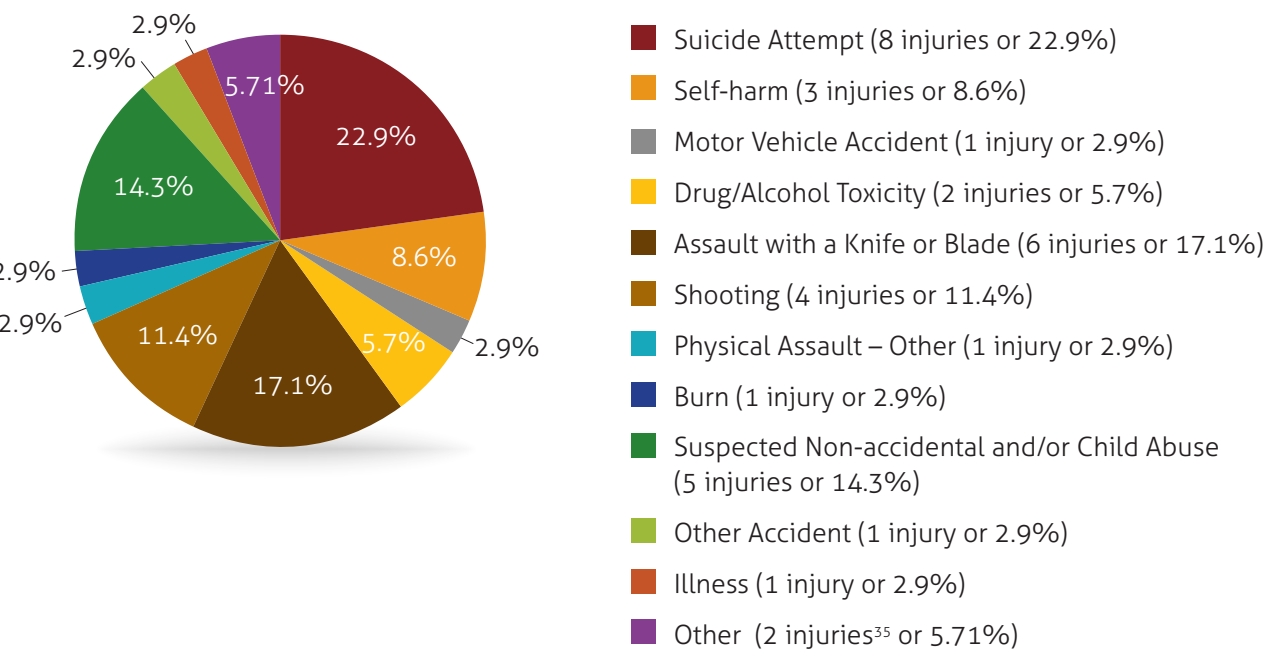
2020 CRITICAL INJURIES – ETHNICITY



2020 CRITICAL INJURIES – AGE



2020 CRITICAL INJURIES (35³⁴): IDENTIFIED CAUSES



³⁴ Two of these injuries occurred in 2019, but the Advocate was notified in 2020.
³⁵ These 2 children were born with medical conditions requiring significant medical intervention.

Advocate for Children and Youth Budget

Non-Statutory Expenditures	2019–20 Budget	2020–21 Budget
Personal Services	\$1,977,000	\$2,019,000
Contractual Services	\$421,000	\$421,000
Advertising, Printing & Publishing	\$38,000	\$38,000
Travel & Business	\$102,000	\$102,000
Supplies & Services	\$8,000	\$8,000
Capital Assets	\$22,000	\$22,000
Budgetary Total	\$2,568,000	\$2,610,000

Statutory Expenditures		
Personal Services	\$228,000	\$234,000
Statutory Total	\$228,000	\$234,000
Total	\$2,796,000	\$2,844,000

ADVOCATE AND STAFF

(at December 31, 2020)



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