



Reply to: [legal@westcoastleaf.org](mailto:legal@westcoastleaf.org)

Via Online Submission

February 10, 2017

Select Standing Committee on Children and Youth  
c/o Parliamentary Committees Office  
Room 224, Parliament Buildings  
Victoria, BC, V8V 1X4

### **Submission to the Standing Committee on Children and Youth on the *Representative for Children and Youth Act***

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The West Coast Legal Education and Action Fund (West Coast LEAF) urges the Select Standing Committee on Children and Youth (the “Committee”) to recommend maintaining the statutory jurisdiction of the Representative for Children and Youth to monitor, review and audit child protection services in British Columbia.

West Coast LEAF is a non-profit organization that seeks to achieve equality by changing historic patterns of discrimination against women through BC-based equality rights litigation, law reform and public legal education. We have a particular expertise in equality and human rights and we have done in-depth law reform research on the impacts of BC’s laws and policies on women and girls.

#### **The need for systemic oversight continues**

The *BC Children and Youth Review* (the “Hughes Report”) made clear that most government ministries are not subject to formal oversight by an external body, but that the lack of public confidence in BC’s child protection system at that time the report was written necessitated an external systemic review process.<sup>1</sup> The Hughes Report goes on to note that it “may not always be necessary to have an external body overseeing the functioning of the child welfare system, although at this time, the need for public confidence in the system demands it.”<sup>2</sup>

The Hon. Mr. Hughes has since noted that his intention in recommending that such external oversight be reviewed after five years was to allow the Ministry of Children and Family Development time to develop its own internal “performance measurements, quality assurance programs and public reporting system that it believes will be sufficient to assure British Columbians that vulnerable children and youth are being protected and served as

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<sup>1</sup> Hon. Ted Hughes, *BC Children and Youth Review* at page 34.

<sup>2</sup> *Ibid* at page 35.

they should be.”<sup>3</sup>

With respect, the Ministry of Children and Family Development has not yet developed an adequate monitoring, performance measurement or public reporting processes as envisioned by the Hughes Report. In addition, public confidence in the accountability of BC’s child protection is still low. The Office of the Representative of Children and Youth’s recent *10 Years of Advocacy* report illustrates that the Ministry’s implementation of the Representative’s recommendations has been concerning; implementation or substantial progress on implementation has occurred in only 31% of recommendation made between 2011 and 2016.<sup>4</sup>

Central to West Coast LEAF’s mandate, the Ministry of Children and Family Development’s response to the Representative’s recent report on sexual violence experienced by children in care, and particularly by Indigenous girls,<sup>5</sup> has been troubling and calls the Ministry’s accountability and transparency into question. Despite the pervasive nature of the problem, the Ministry has failed to publicly report on any concrete action taken to prevent future victimization or to implement the Representative’s recommendations.

As a result, girls in provincial care, many of whom have already experienced trauma and marginalization, remain exposed to unacceptable levels of risk and vulnerability. The failure to take prompt and meaningful action to address this risk runs contrary to BC’s obligations under both international law and the *Charter of Rights and Freedoms*. It is unacceptable to take girls, and particularly Indigenous girls, into provincial care only to disproportionately undermine their safety and security by exposing them to a heightened risk of sexual violence.

Without adequate accountability standards and transparent public reporting on the Ministry’s performance despite a decade of opportunity to develop such measures, there can be no doubt that public confidence in the Ministry continues to be undermined and the external monitoring and oversight of the Representative’s office continues to be necessary. We call on the Committee to urge the government to ensure that this crucial accountability measure continues to protect the safety and security of children and youth in provincial care.

Thank you for considering our submission.

Yours truly,



Kendra Milne  
Director of Law Reform, West Coast LEAF

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<sup>3</sup> Hansard, Select Standing Committee on Children and Youth, Report of Proceedings for January 12, 2017 at 1320.

<sup>4</sup> Representative for Children and Youth, *10 Years of Advocacy: Representative’s Report Card* at page 68.

<sup>5</sup> Representative for Children and Youth, *Too Many Victims: Sexualized Violence in the Lives of Children and Youth in Care*.