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For Immediate Release

The PEI Office of the Child and Youth Advocate – Making a Real Difference

CHARLOTTETOWN - Child and Youth Advocate, Marv Bernstein, has presented the Office of the Child and Youth Advocate's third Annual Report for the period April 1, 2022 to March 31, 2023, as tabled today in the PEI Legislature. This date has particular significance since December 13th of this year is the thirty-second anniversary of Canada's ratification of the United Nations Convention on the Rights of the Child.

The Office of the Child and Youth Advocate has been established under the PEI *Child and Youth Advocate Act*, with one of the broadest legislative mandates in Canada that includes: individual and systemic advocacy; individual and systemic investigations, mandatory reporting of all child and youth serious injuries and deaths; child and youth engagement; public education; research; tabling of reports; recommendation monitoring; and providing advice and recommendations to government.

"On a positive note, over this past reporting period, we have seen a growing understanding of the role of our Office by senior management and front-line staff working in government-funded reviewable services, and their willingness to engage in difficult, but respectful conversations with our staff. While we attempt to work collaboratively with all such reviewable services, there is a natural tension between those reviewable services and our Office, given our statutory oversight role", says Bernstein.

"During this reporting period, individual advocacy has continued to be a central focus of our work. The case examples in this Annual Report illustrate the various ways in which our Office can provide safe space to children and youth, listen to what they have to say, provide them with information about their rights, help them figure out their options, and support them in expressing their views to service providers and decision-makers in matters affecting them. These case examples also illuminate the need to respect the agency and evolving capacity of children and youth without fixing their rights to an artificial age threshold", states Bernstein.

"In our individual advocacy cases, we have observed that the issues facing children and youth are becoming more layered and complex with the passage of time. The issues are more chronic and systemic, often crossing over multiple government-funded child-serving service sectors. The needs and interests of children and youth were high prior to the pandemic and have only become more acute since then. We still don't know the long-term effects of COVID-19 on children's mental health, potential for educational success and capacity to form enduring relationships", states Bernstein.

"Over this reporting period, we have also been active at the systemic level in advocating for progressive child rights-based law reform in proposing amendments to various pieces of legislation which include: the proposed new PEI *Child, Youth and Family Services Act*; the PEI *Education Act*; and the PEI *Early Learning and Child Care Act*. In each instance, we have encouraged government to set in motion a paradigm or culture shift from a needs-based and adult-driven system to a child-centred framework that respects children and youth as individuals with rights to be respected and voices to be heard", remarks Bernstein.

“In our Office’s advocacy regarding the proposed *Child, Youth and Family Services Act*, we have, after two and a half years of meetings and negotiations, successfully and dramatically influenced the final version of this new *Act*, which has now been enacted but not yet proclaimed, and which I have described elsewhere as ‘historic, groundbreaking and aspirational legislation in its promotion of the rights, participatory views and best interests of children and youth’”, says Bernstein.

“In our Office’s advocacy regarding improvements to the PEI *Education Act*, we have proposed amendments that include a comprehensive child rights section for students to complement the provision in the same *Act* which sets out a detailed list of student responsibilities, as well as a provision that enables students to access an independent child-friendly appeal process where they have been suspended or expelled from school activities. In addition, we have advanced a recommendation to incorporate children’s rights education and the principles of the United Nations Convention on the Rights of the Child into the mandatory school curriculum in PEI, with a view to embedding a child rights-respecting culture in our education system”, says Bernstein.

“Similarly, in our Office’s advocacy regarding the *Early Learning and Child Care Act*, we have recommended that the Department of Education and Lifelong Learning refrain from loosening the requirements for vulnerable sector checks in early learning and childcare centres - and that to do otherwise on the basis of a narrow interpretation of ‘a person in a position of trust or authority towards a child’, would compromise the safety, protection and well-being of young vulnerable children. As a result of our efforts, the Department has altered its position and not taken steps to narrow the scope of vulnerable sector checks in early learning and childcare centres”, states Bernstein.

In terms of investigation work, during this past reporting period, the Office of the Child and Youth Advocate has continued its work on a child death investigation and commenced an investigation (announced during this reporting period) into the decision-making by a former Director of Child Protection that resulted in a child being removed from the care of his grandmother in PEI and transferred to the care of his father in Alberta (a decision by the Supreme Court of Canada restored custody to the grandmother). “Investigations conducted by our Office are meticulous and time-consuming processes which are intended to advance recommendations capable of preventing future harm to children and youth, and not intended to find fault or ascribe individual, government or service provider responsibility”, remarks Bernstein.

Finally, during this reporting period the Child and Youth Advisory Committee of the Office of the Child and Youth Advocate went through a period of transition as many founding members reached the end of their two-year term. Recruitment became a focus, with a commitment to welcoming children and youth from a broad range of cultural and social backgrounds. Diverse youth perspectives enrich the work of the Office of the Child and Youth Advocate, providing opportunities for greater understanding of the breadth of issues facing children and youth across PEI.

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