



PRINCE EDWARD ISLAND

Child and Youth
ADVOCATE

ANNUAL REPORT 2023-2024



Our Logo

Symbols matter. The Founding Members of the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate created the vision for the logo of the Office, its shape, elements, and colours:

The Ribbon Human - a ribbon is a symbol known around the world as a sign of advocacy, of support for a cause. It also transforms into a human shape. The Ribbon Human could be anyone - an infant, a child, a youth, an adult ally, an advocate. It is a radiant gold, shining our shared light and passion as it reaches for every opportunity.

The Leaves - trees and leaves are synonymous with growth. Every small seed unlocks the ability to reach the skies, seeks nurturing and an environment that supports its needs. Children and youth can grow in any direction, reach momentous heights, and have great strength.

The Colours - a community is strong when we are all included in it. Diversity matters. Differences are celebrated. There is a place for all of us. Having vibrant and unique colours reflect our respect for all children and youth. Each colour has varying tones within it - a nod to the fact that we all have shades within us as we grow and learn.

The Words - 'Prince Edward Island' in blue represent both the sky and sea. We adore our Island and all that it gives us. It is solid. It stands to show that decisions made here are guided by recognizing where and who we are. 'Child and Youth' is an action-oriented forest green. Growth and development and action are reflected in the text. 'Advocate' is fuchsia, a colour of passion. The text is sound, solid, and rooted. Advocacy takes both a fueled commitment and an underpinned knowledge.



Letter of Transmittal

November 20, 2024

The Honourable Darlene Compton
Speaker of the Legislative Assembly
197 Richmond Street
P.O. Box 2000
Charlottetown, PE C1A 7K7

Dear Madam Speaker,

In accordance with Section 30(1) of the PEI *Child and Youth Advocate Act*, it is my duty and privilege to submit to you and the Members of the Legislative Assembly of Prince Edward Island the Annual Report for the fiscal year ending March 31, 2024.

Respectfully,

Marvin Bernstein, B.A., J.D., LL.M. (ADR)
Child and Youth Advocate
Province of Prince Edward Island

We acknowledge we are working on the traditional territory of the Mi'kmaq people who have occupied this land for thousands of years.

The Office of the Child and Youth Advocate is committed to working collaboratively with all Indigenous children, youth and their families.

We acknowledge the harms of our colonial past and we are committed to improving relationships in the spirit of truth and reconciliation.

We appreciate the opportunity to live and learn on these traditional lands in mutual respect and peace.





Message from the Advocate

It is my privilege to present to the Legislative Assembly the Annual Report of the Office of the Child and Youth Advocate covering the period from April 1, 2023 to March 31, 2024. Since the historic opening of our office in 2020, our staff have worked passionately with Island children and youth towards fulfilling our office's Vision Statement for "a province where every child and youth experiences the realization of all their human rights and have every opportunity to reach their full potential". This vision is the central thread that weaves throughout all the services that our office provides. Each member of our office is committed to elevating the voices of children and youth and to ensuring

that adults and service providers alike understand the rights, viewpoints and lived experiences of children and youth. I wish to express my appreciation to all our dedicated staff. Our office's many accomplishments would not have been achieved without their strong team effort and commitment to the fundamental values of this office.

A core activity of our office over the past four years has been our individual advocacy. Listening to individual children and youth, taking forward their views, respecting their role as rights-holders, and including them as active participants in decision making that affects them are key elements in individual advocacy. When children and youth are heard and their views included, there is a greater likelihood for plans to succeed and for outcomes to improve. Our goal is much the same when we are engaged in systemic advocacy where we are looking at recurring patterns of concerns affecting the rights and well-being of groups of children and youth and identifying underlying causes and potential solutions. Similarly, when we are investigating the history of reviewable service delivery to a child or youth and their family, we develop an understanding of the life and experiences of the child or youth and their family. We tell the child's or youth's story from the perspective of how those reviewable services responded to their needs and upheld their rights. Their story tells us whether there were gaps in the services and systems that must be addressed. It is not to critique the actions or inactions of individuals within those services or systems.

Over the past year, a significant contribution in terms of systemic advocacy was our office's work in developing a series of recommendations that would underpin a new *Child, Youth and Family Services Act*. While I have rightly commended the Department of Social Development and Seniors

and described this new legislation as “historic, groundbreaking and aspirational”, I have also injected a cautionary note going forward. I have said in an earlier Press Release that,

“While the proposed new legislation is child-rights based and very progressive, nevertheless at the end of the day, the legislation is only one part of the paradigm shift equation in the realization of children’s rights. Government will also have to follow through on developing child-centred and rights-based regulations and policy, optimally applying a Child Rights Impact Assessment analysis. The challenge lies in transforming the ‘paper rights’ of this new aspirational legislation into ‘lived rights’ for the children, youth and families served and impacted. It will take all of us working together to achieve the full scope of this paradigm shift.”

During the next year, we look forward to building on our individual advocacy successes, as evident in the advocacy case examples in this Annual Report; expanding our systemic advocacy into various reviewable service sectors; enlarging our public education and communication outreach; and establishing a more fully developed recommendation monitoring process. Over the next year, our work will continue to be informed by the many children and youth who choose to engage with our office, including the members of our Office’s Child and Youth Advisory Committee.

I am mindful of the many citizens who spoke out tirelessly for years in support of establishing an independent office that could effectively represent the rights, interests and viewpoints of children and youth in this province. To you, we owe an enormous debt of gratitude and feel the weight of your expectations for our office every single day. For the children and youth who may be reading this message, we appreciate the confidence and trust you have placed in our office. This point is clearly demonstrated by the significant increase in child/youth calls from six percent of our Office’s total calls during the 2022-2023 Annual Report reporting period to fifteen percent of our Office’s total calls during this 2023-2024 Annual report reporting period. We, of course, will do our very best to make sure that your confidence and trust are justified, your rights are upheld and your views properly considered in matters affecting you.

Respectfully submitted,

Marvin M. Bernstein

Marvin Bernstein, B.A., J.D., LL.M. (ADR)
Child and Youth Advocate
Province of Prince Edward Island









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Office of the Child and Youth Advocate

On July 15, 2020, following the appointment of an Advocate and the proclamation of the PEI *Child and Youth Advocate Act*, the Office of the Child and Youth Office was officially opened. The Child and Youth Advocate Office is an independent office of the Legislative Assembly of Prince Edward Island responsible to promote and protect the rights of children and youth, and to provide oversight of government funded programs and services to Island children and youth.

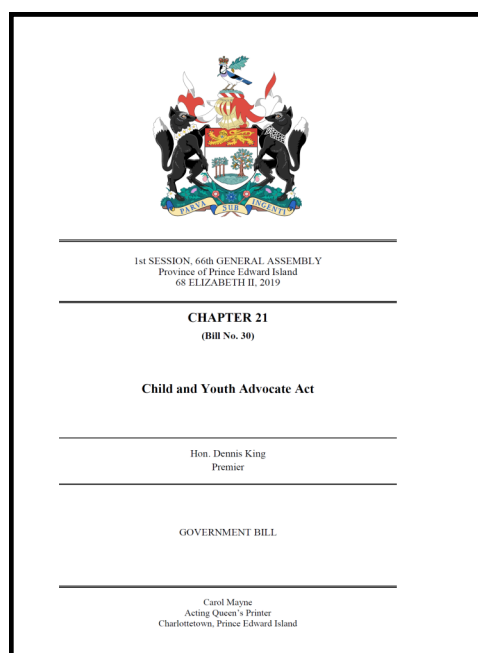
Each member of this Office plays an essential role in the delivery of quality service to the public. The province values strong leadership, teamwork and respect for clients and employees. We are working to become a leader in all aspects, not just for ourselves, but so that we can better serve the children and youth of our province.

The PEI *Child and Youth Advocate Act* and the United Nations Convention on the Rights of the Child (referred to in the *Act's* Preamble) combine to serve as the guiding legal framework for the work of the Office of the Child and Youth Advocate.

The United Nations Convention on the Rights of the Child applies to every child in the world from birth to age 18 years. It is the most ratified of all United Nations Human Rights Treaties globally. It has been ratified by 196 nations, with Canada ratifying it on December 13, 1991.

The Convention consists of 54 inter-related and inter-dependent articles on children's human rights. There are three categories of children's rights in the Convention, often referred to as "the 3 Ps":

- **Protection** from all forms of harm and exploitation.
- **Provision** of resources needed for healthy development and survival such as food, health, shelter and education.
- **Participation** by being active participants in their own lives and in society.



DEFINITION
OF A CHILD

Vision ~ Mission ~ Mandate



VISION

A province where every child and youth experiences the realization of all their human rights and have every opportunity to reach their full potential.

MISSION

To raise awareness and uphold the child rights principles expressed in the United Nations Convention on the Rights of the Child, while amplifying the voices of children and youth, modelling dignity and respect for children, youth and their families in all aspects of our work.



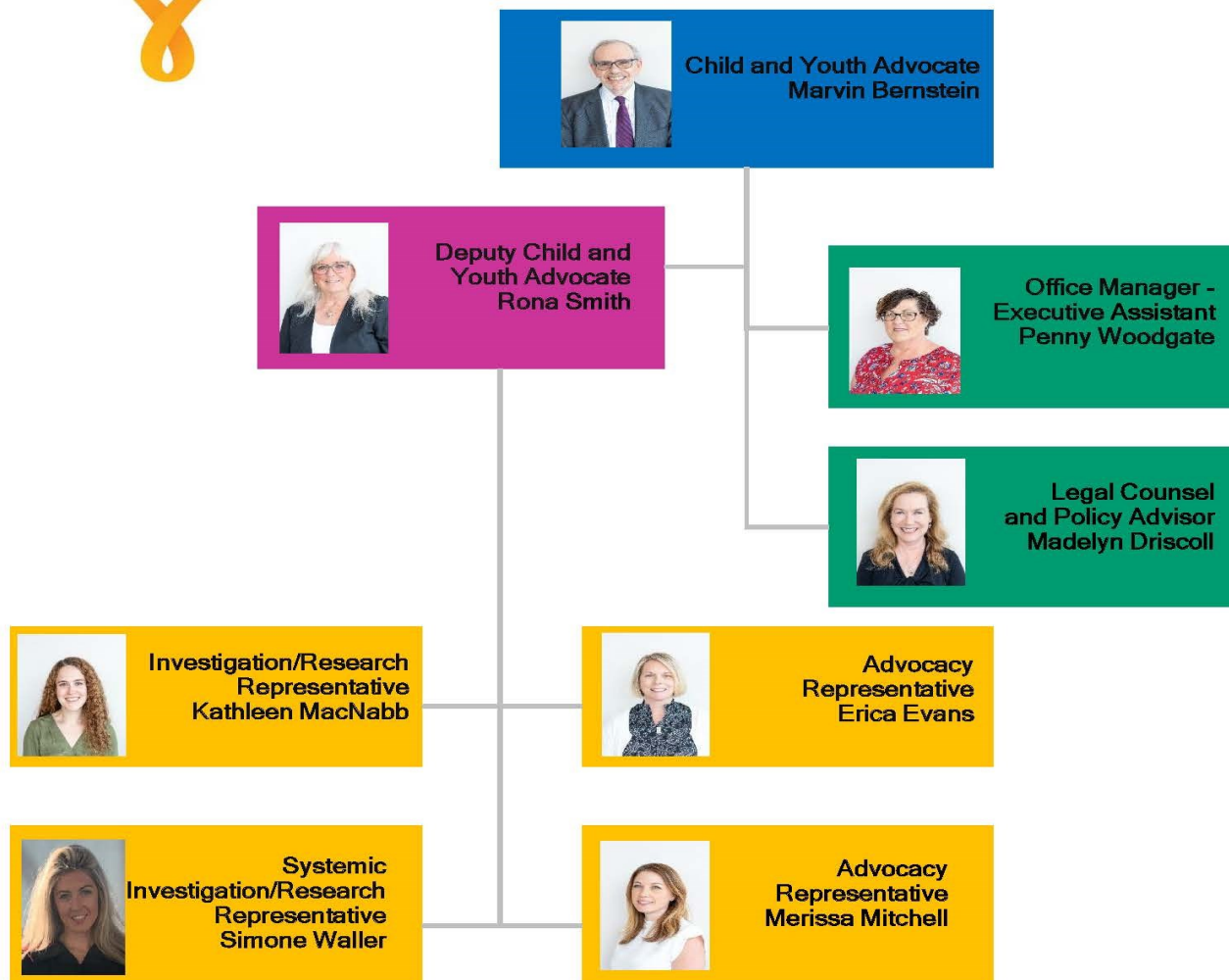
MANDATE

To empower and promote the human rights of all PEI children and youth through advocacy, reviews, investigations, public education, research and child/youth engagement in accordance with the authority and responsibilities set out in the PEI *Child and Youth Advocate Act*.





Office of the Child and Youth Advocate





CCCYA Vision

The Canadian Council of Child and Youth Advocates (CCCYA) is an association of Children's Advocates, Representatives and Ombudspersons from across Canada. Members of the CCCYA are independent officers of the legislatures in their respective jurisdictions with legislated mandates to promote and protect children's human rights through complaint resolution, advice to government, amplification of child and youth voices, and public education functions.

That the rights, interests and well-being of all children and youth are valued and respected in Canadian communities and in government legislation, policy, programs and practices.

Members of the CCCYA work to do this by:

- Encouraging the fullest possible implementation of the United Nations Convention on the Rights of the Child.
- Supporting collective advocacy for children's rights.
- Sharing information, approaches and strategies.
- Working with governments, including First Nations, Métis and Inuit governments, and others with child and youth-serving roles.
- Promoting the development of effective independent offices for children.
- Engaging/cooperating with other child and youth-serving organizations nationally and internationally to contribute to advancing the rights of children world-wide.

During this past reporting period, the CCCYA met on three occasions and issued the following two media statements, which can be found at <https://www.cccya.ca/reports-and-statements/>:

- November 17, 2023: *National Council for Children and Youth Seeks Progress on Health and Welfare in Recognition of National Child Day.*
- July 2023: Letter to the Right Honourable Justin Trudeau–UNCRC 2022 Concluding Observations.

What Does the Child and Youth Advocate Do?



YEAR IN REVIEW

Below is a summary of activities undertaken by the Office of the Child and Youth Advocate and results achieved during the reporting period April 1, 2023 to March 31, 2024. The activities are reported in alignment with the statutory role and responsibilities of the Child and Youth Advocate as mandated by the PEI *Child and Youth Advocate Act*, s. 12 (1) and (2).

PROMOTE AND EDUCATE

The Office of the Child and Youth Advocate has responsibility to:

- Promote the rights, interests and well-being of children and youth.
- Advocate for children, youth and their families respecting reviewable services.
- Promote and provide education on the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples as it affects children and youth.
- Promote the rights of children and youth in relation to government legislation, regulations, policies, protocols, procedures, practices and reviewable services to children and youth.
- Receive and review any matter in relation to a reviewable service with respect to a child or youth or a group of children and youth.



Over the past year, staff of the Office of the Child and Youth Advocate have:

- Received, reviewed, researched and provided child-rights informed analysis to government on proposed new and/or amendments to legislation, regulations, Ministerial Directives and policies and made submissions to government departments and the PEI Legislative Assembly, to include:
 - Submission to the PEI Legislative Assembly entitled *Major Advancements in the Rights, Participatory Views and Best Interests of Children and Youth - But Much Work Lies Ahead to Support Successful Implementation of the Proposed Child, Youth and Family Services Act Introduced by Government - Response to Bill 32: The Proposed Child, Youth and Family Services Act*.
 - Submission to the Department of Justice and Public Safety entitled *A Child Rights Lens: Submission to the Department of Justice and Public Safety in Response to Proposed Amendments to the PEI Change of Name Act and PEI Vital Statistics Act*.
 - Written response to the Department of Justice and Public Safety on a draft Family Law Centre Complaints Policy.
 - Written response to the Department of Justice and Public Safety on a draft Community and Correctional Services Policy and Procedures - Complaints - PEI Youth Justice Services Policy.
 - Written response to the Department of Education and Early Years on proposed amendments to a Ministerial Directive on graduation requirements.



- Written response to the Department of Education and Early Years on proposed amendments to the *Education Act Student Regulations*.
- Written response to the Department of Education and Early Years on proposed *Early Years Child Care Regulations*.
- Written response to the Public Schools Branch regarding the draft Progressive Discipline Model to Address Inequity Issues, noting application of a Child Rights Impact Assessment (CRIA) requested prior to a child rights informed response is provided by the Office of the Child and Youth Advocate.
- Engagement with the Public Schools Branch pilot student incident reporting campaign and review of the *Report It Campaign Summary Report*.
- Corresponded with the Minister and Deputy Minister of the Department of Social Development and Seniors regarding supplementary proposed amendments to the draft *Child, Youth and Family Services Act* submitted by the Office of the Child and Youth Advocate, thereby bringing the total number of recommendations to twenty-seven.
- Participated in continued discussions with the Department of Social Development and Seniors on proposed amendments to the draft PEI *Child, Youth and Family Services Act* to include a revised Table of Concordance to inform the Office of the Child and Youth Advocate's assessment of the Department's compliance with all twenty-seven recommendations.
- Provided a written submission to the Department of Social Development and Seniors upon tabling of Bill No. 32 - *Child, Youth and Family Services Act* entitled *PEI Office of the Child and Youth Advocate - Major Advancements in the Rights, Participatory Views and Best Interests of Children and Youth - But Much Work Lies Ahead to Support Successful Implementation of the Proposed Child, Youth and Family Services Act Introduced by Government - Response to Bill 32: The proposed Child, Youth and Family Services Act* and posted to the Office of the Child and Youth Advocate's website.



The submission includes a summary of recommendation compliance with the Office of the Child and Youth Advocate's 27 recommendations as follows:

- Full Compliance: 12 recommendations
 - Substantial Compliance: 2 recommendations
 - Partial Compliance - 6 recommendations
 - Non-Compliance - 7 recommendations
- Provided consultation, as requested, on proposed government initiatives to include:
 - Public Schools Branch - *Report It Now* Pilot Campaign
 - Requested, received, reviewed, researched and consulted with child serving reviewable services to promote and embed appropriate child-rights based complaint mechanisms for programs and services delivered to children, youth and their families, to include:
 - Continued to advocate and recommend that child rights-based complaint resolution processes be embedded in provincial statutes and regulations to include the PEI *Education Act*, the PEI *Early Learning and Child Care Act*, and the PEI *Child, Youth and Family Services Act*.
 - Continued to advocate and recommend that child rights-based complaint resolution processes be embedded in child friendly stand-alone policies and procedures.
 - Continued to request that the Department of Social Development and Seniors provide an updated and de-identified monthly data report to the Office of the Child and Youth Advocate to include the total number of children in care, by age, including the number of children in care placed in group care and the number of children in care placed in foster care. This request remains outstanding since the Office of the Child and Youth Advocate opened in July 2020.
 - Corresponded with the Deputy Minister of the Department of Social Development and Seniors, in follow up to an in-person meeting, to express mounting concerns for the lived experiences of children in care placed in group homes as reported to the Office of the Child and Youth Advocate. The Department agreed with the serious nature of the information provided by the Office of the Child and Youth Advocate, coupled with the Department's response, that further internal discussions and an action plan would be formulated to address the child rights concerns identified by the Office of the Child and Youth Advocate.
 - Corresponded with the Minister of Justice and Public Safety and Attorney General and provided a submission entitled *A Child Rights Lens: Submission to the Department of Justice and Public Safety in Response to Proposed Amendments to the PEI Change of Name Act and the PEI Vital Statistics Act*.
 - Distributed resources and materials to children and youth promoting their rights through group presentation sessions and individual advocacy interactions.
 - Contracted an external translation provider to translate the following Office of the Child and Youth Advocate resources into French, Korean, Mandarin and Mongolian:

- United Nations Convention of the Rights of the Child posters
 - *Know Your Rights* booklet - A Guide for Children and Youth about the United Nations Convention on the Rights of the Child
 - Pamphlet for parents, professionals and adults on the role of the Office of the Child and Youth Advocate
 - Resource card for children and youth about the Office of the Child and Youth Advocate and how to contact the office
- Conducted a successful public recruitment campaign for appointment of child and youth members to the Office of the Child and Youth Advocate's Child and Youth Advisory Committee to replace membership vacancies following term completions of child and youth members.
 - Facilitated monthly meetings of the Office of the Child and Youth Advocate's Child and Youth Advisory Committee.
 - Promoted awareness of the role and function of the Office of the Child and Youth Advocate and children's rights through presentations, individual advocacy meetings, community organization meetings and media interviews to include, but not limited to:
 - Posted submissions, special reports, correspondence, Op Eds and links to Child and Youth Advocate media interviews on the Office of the Child and Youth Advocate's website.
 - Submitted an Op Ed to print media entitled *How Does the Office of the Child and Youth Advocate Deliver Child Advocacy?*
 - Issued a media Press Release entitled *Moving Forward - More Work to be Done to Realize Children's Rights in PEI.*
 - Issued a media Press Release entitled *Creating a Culture Shift by Embedding Children's Rights in Legislation, Regulations, Policies and Practices - Child and Youth Advocate Annual Report.*
 - Issued a media Press Release entitled *Child and Youth Advocate to conduct independent investigation into case involving a PEI boy removed from his grandmother's care and sent to Alberta.*
 - Issued a media Press Release entitled *Major advancements in the rights, participatory views and best interests of children and youth, but much work lies ahead to support successful implementation of the proposed Child, Youth and Family Services Act introduced by Government.*
 - Issued a media Press Release entitled *National Child Day - A Time to Celebrate and Move Forward on Children's Rights.*
 - Issued a media Press Release entitled *The PEI Office of the Child and Youth Advocate Making a Real Difference.*



- Provided media interviews, as requested, in response to:
 - Public protest and counter-protest event in response to a nationwide protest about the role of gender and sexuality in schools.
 - Child and Youth Advocate media release about proposed *Child, Youth and Family Services Act*.
 - Child and Youth Advocate media release in recognition of National Child Day.
- Participated in monthly meetings of the IWK/Dalhousie Pediatric Advocacy Action Committee, representing the Office of the Child and Youth Advocate.
- Participated in National and Provincial Child and Youth Law Sections of the Canadian Bar Association.
- Participated in joint meeting with staff of BIPOC-USHER and Office of the Child and Youth Advocate to promote shared learning on roles and responsibilities.
- Participated in joint meeting with the Family Law Navigator and the Office of the Child and Youth Advocate to promote shared learning on roles and responsibilities.
- Participated in joint meeting with newly appointed Chief Coroner and the Office of the Child and Youth Advocate to promote shared learning on roles and responsibilities.
- Participated in a meeting with the Deputy Minister of Justice and Public Safety and the Deputy Minister of Social Development and Seniors and relevant divisional directors on legal representation for children engaged with Child Protection Services.
- Provided educational sessions on the role and function of the Office of the Child and Youth Advocate to include:
 - Public Service Commission government employees
 - Public Schools Branch - students and teachers
 - Dental health care providers
 - Holland College students
 - Prince Edward Island foster parents
- Forwarded, on behalf of children and youth in receipt of individual advocacy with the Office of the Child and Youth Advocate, child/youth-initiated correspondence to the:
 - Minister and Deputy Minister of Education and Early Years
 - Director of the Public Schools Branch
 - Deputy Minister of Housing
 - Deputy Minister of Social Development and Seniors
 - Director of Child Protection, Child and Family Services

- Corresponded with the Premier, copied to both the Interim Leader of the Official Opposition and the Leader of the Third Party, calling upon the Government of PEI to develop and make public a detailed Action Plan to effectively implement its many obligations under the UNCRC in response to the June 23rd, 2022 Concluding Observations on the Combined 5th and 6th Periodic Reports of Canada: UN Committee on the Rights of the Child one-year anniversary.
- Received correspondence from the Premier with acknowledgement that government is fully committed to upholding its responsibilities as a Canadian province when it comes to the seven International Human Rights treaties that Canada is party to, including the UNCRC, and noted that government looks forward to continuing collaboration with the Office of the Child and Youth Advocate to advance children's rights on Prince Edward Island.
- Advocated to, and participated in meetings with, Executive Council Office to promote a whole-of-government implementation of Child Rights Impact Assessment (CRIA) pursuant to Motion 70 entitled *Calling on government to use a Childs' Rights Impact Assessment on all policy and legislative development*, and as amended in November 2, 2021, to "urge government, in consultation with the Child and Youth Advocate, to develop and share a CRIA tool to be used in all policy and legislative development within government; and 'to publicly share any and all CRIA analysis that are completed'".
- Participated in meetings with Ministers, Deputy Ministers and senior officials of child serving government departments.
- Co-Chaired the Canadian Council of Child and Youth Advocate's Child Rights Impact Assessment (CRIA) Working Group.



ADVOCATE

The Child and Youth Advocate has responsibility to advocate and promote the rights of children, youth and their families receiving or eligible to receive reviewable services. This includes direct engagement, with and on behalf of, children, youth and their families to include providing information and advice; representing the rights, interests and viewpoints of children and youth; and assisting children and youth to initiate and participate in processes in which reviewable service decisions are made about them.

Advocacy comes from the Latin word 'advocare' and often involves a method or an approach to change laws, policies, practices, attitudes, and power imbalances in relationships and behaviours. Child and youth advocates work to promote and protect the human rights of children and youth. Everyone can be an advocate - children, youth, parents, families, professionals, politicians and members of the public.

Advocacy involves actively listening to the views of another person and providing information to help people make informed decisions. Advocates do not add their personal opinions, solve problems or make decisions or judgements. Advocates listen and, through exploration of the person's views and identified priorities, assist the person in identifying a range of options for consideration and action by the person.

The PEI *Child and Youth Advocate Act* provides a roadmap for the different types of advocacy designed to promote and protect the human rights of all PEI children and youth, to include individual advocacy and systemic advocacy.

The four elements of individual advocacy are:

- Individual Advocacy is voluntary.
- Individual Advocacy is confidential.
- Individual Advocacy is child/youth led.
- Individual Advocacy is rooted in children's rights, as set out in the United Nations Convention on the Rights of the Child.

The four elements of systemic advocacy are:

- Systemic Advocacy involves a group of children/youth receiving or eligible to receive a reviewable service.
- Systemic Advocacy involves reviewing and/or investigating laws, regulations, policies, protocols, procedures and/or practices inherent to reviewable programs and services delivered to children, youth and their families.
- Systemic Advocacy recommendations are informed by research, evidence and a child rights analysis.
- Systemic Advocacy recommendations are intended to make improvements to reviewable services to advance the human rights of children/youth consistent with the United Nations Convention on the Rights of the Child.

Individual and systemic advocacy activities of the Office of the Child and Youth Advocate are in compliance with the PEI *Child and Youth Advocate Act* and consistent with the United Nations Convention on the Rights of the Child. The provision of individual advocacy support directly with children and youth is further fostered by research, to include Laura Lundy's model (2007, *British Educational Research Journal*), as a way to conceptualize, in particular, Article 12 of the United Nations Convention on the Rights of the Child:

- **Space:** Children must be given the opportunity to express a view.
- **Voice:** Children must be facilitated to express their views.
- **Audience:** The view must be listened to.
- **Influence:** The view must be acted upon, as appropriate.

Over the past year, staff of the Office of the Child and Youth Advocate:

- Received and assessed 259 individual advocacy requests involving 306 children and youth.
- Received, reviewed and provided advocacy support in relation to a reviewable service involving groups of children and youth to include:
 - Education supports for children and youth not receiving in-school education due to e.g. mental health, anxiety, developmental delay, neurodiverse diagnosis.
 - Children and youth experiencing barriers to accessing health care services e.g. type 1 diabetes, dental health care, pharma-care.





- Child safety plans for children and youth.
- Financial support for children and youth living with alternative care providers to include eligibility criteria for the Alternate Care Provider and Grandparent Program, *Social Assistance Act* - Minor Living Apart.
- Provided navigational support for inquiries assessed to be outside the scope and mandate of the Office of the Child and Youth Advocate, by providing contact information for programs and services available across the province to include government departments and community-based organizations. Most calls assessed to be outside the mandate of the Office are related to legal issues, noting the Office of the Child and Youth Advocate does not provide legal advice to any person.
- Provided direct one-to-one individual advocacy support to children and youth, noting most calls received by the Office of the Child and Youth Advocate continue to involve concerns about the rights of children in care and children, youth and families receiving Child Protection Services.
- Provided individual navigational and informational advocacy to adult family members and professionals concerned about the rights, interests and viewpoints of children and youth engaged with reviewable services. Most navigation and information calls to the Office of the Child and Youth Advocate involve an Advocacy Representative providing contact information for government and/or community organizations so the adult family member or professional can continue their own advocacy efforts on behalf of a child or youth. Often, these calls involve providing information on how to make a complaint within a reviewable service in response to callers expressing frustration in being able to mediate or find an effective problem-solving remedy to a reviewable service delivery issue on behalf of a child or youth.
- Initiated and participated in case conferences with reviewable service providers on behalf of children and youth, noting most child and youth-led requests for an Advocacy Representative to initiate a case conference with a reviewable service involve Child Protection Services, Public Schools Branch, Social Programs, Health and Mental Health programs and services.
- Identified emerging systemic trends impacting the rights of children and youth to include, but not limited to, the following examples:
 - Children in care placed in group homes reporting a range of issues impacting their rights, to include but not limited to:
 - having their voices heard and considered in decisions being made about them
 - access to mental health and health care services
 - access to early childhood and public education services
 - behavioural management strategies
 - handling of personal belongings
 - Absence of children's rights provisions embedded in provincial statutes and regulations responsible for the delivery of reviewable programs and services to PEI children, youth and their families.

- Lack of transparent child-rights based policies and complaint mechanisms across all reviewable service sectors.
- Lack of child and youth participation in reviewable service decisions being made about children and youth.

REVIEW AND INVESTIGATE

The Child and Youth Advocate has mandatory and discretionary authority for individual, systemic and child and youth serious injury and death reviews and investigations.

The mandatory role and responsibility of the Child and Youth Advocate is defined in the PEI *Child and Youth Advocate Act*, s. 12 (1), to include, but not limited to:

- Advocating for children, youth and their families respecting reviewable services.
- Receiving and reviewing any matter in relation to a reviewable service.
- Promoting and providing public education and advocacy on child rights.
- Monitoring implementation of recommendations made by the Child and Youth Advocate.
- Promoting children's rights in relation to government legislation, policies, protocols, practices and reviewable services.
- Working with others to support child well-being.
- Initiating or collaborating in research to improve reviewable services.

The discretionary authority of the Child and Youth Advocate is additionally defined in the PEI *Child and Youth Advocate Act*, s. 12 (2), to include, but not limited to:

- Receiving and investigating any matter than comes to the Advocate's attention from any source concerning:
 - a child or youth who receives or is eligible to receive a reviewable service.
 - a group of children or youth who receive or are eligible to receive a reviewable service.
 - a reviewable service for children and youth.
- On the Child and Youth Advocate's own initiative, or at the request of a child or youth, assist in appealing or reviewing a decision relating to a reviewable service.
- Review, investigate and report on the serious injury or death of a child or youth.

Pursuant to the PEI *Child and Youth Advocate Act*, s. 15, the Child and Youth Advocate may require a reviewable service to provide any information considered necessary by the Child and Youth Advocate to carry out both mandatory and discretionary functions of the *Act*.

Individual advocacy, systemic advocacy, and child and youth serious injury and death reviews and investigations by the Office of the Child and Youth Advocate are confidential processes that involve:

- Review of reviewable service records, policies and procedures.
- Interviews with children, youth, groups of children and youth, family members, representatives of reviewable services and any other person or group of persons deemed appropriate, to gather additional context for information obtained from the record review noting names of persons interviewed are kept confidential.
- Research on evidence-based/best-promising practices.
- Application of a child rights focus consistent with the United Nations Convention on the Rights of the Child.
- Consultation with subject-matter experts to inform recommendations.
- Public report of investigation results.

Over the past year, staff of the Office of the Child and Youth Advocate:

- Received, reviewed and documented reports identifying individual advocacy trends and systemic issues impacting the rights of PEI children and youth for review and investigation consideration by the Child and Youth Advocate.
- Continued to research child welfare legislation to inform additional recommendations to strengthen amendments to the draft PEI *Child, Youth and Family Services Act*.
- Issued a Press Release to give public notification of the Child and Youth Advocate's decision to conduct an independent investigation into reviewable services provided to a PEI child at the centre of the Supreme Court of Canada decision, *B.J.T. v. J.T.*

CHILD AND YOUTH SERIOUS INJURY AND DEATH

The Office of the Child and Youth Advocate has responsibility to receive reports of all child and youth serious injuries and deaths. There is a public reporting duty and any person who has knowledge of a serious injury or death of a child or youth must report the information to the Office of the Child and Youth Advocate.

There is also a specific duty for all reviewable services and every government program or community organization that provides a reviewable service to a child or youth, or their families, to report the serious injury or death if the child, youth or their family, was receiving a reviewable service at the time, or within two years prior to the serious injury or death.

***All serious injuries and deaths of PEI children and youth,
regardless of the cause and manner of the serious injury or death,
are required by law to be reported to the Child and Youth Advocate.***

The Office of the Child and Youth Advocate has authority to review child and youth serious injuries and deaths, where one or more reviewable services were provided to the child, youth, or their family within a two year period immediately preceding either the serious injury or death. There are specific criteria the Office of the Child and Youth Advocate must consider when determining whether to move from a review to an investigation of a child or youth serious injury or death.

Child and youth serious injury and death reviews and investigations conducted under the PEI *Child and Youth Advocate Act* seek to:

- Identify systemic issues that may arise from a review of the child or youth's serious injury or death circumstances;
- Identify potential enhancements to legislation, regulations, policies, programs or services that could benefit children or youth who receive reviewable services in the future;
- Make recommendations for systemic improvements to reviewable programs or services provided to children, youth and their families; and
- Where possible, make recommendations about how similar child or youth serious injuries or deaths may be prevented in the future.

Over the past year, staff of the Office of the Child and Youth Advocate:

- Continued to receive reports of child and youth serious injuries and deaths.
- Co-hosted a one-day Investigator's Course, with an external expert, in partnership with PEI independent statutory offices of the Attorney General, Ombudsperson, Information and Privacy Commissioner and the PEI Human Rights Commission.
- Participated in the Canadian Council of Child and Youth Advocate's Community of Practice for Child and Youth Serious Injury and Death Investigators to include attendance at a two-day conference in Alberta.
- Continued consultation with child and youth advocate offices across Canada to determine policies, protocols and practices implemented by various offices for the conduct of child and youth serious injury and death reviews and investigations, development of recommendations for prevention, and reporting of findings.
- Requested status updates from Health PEI on the suspension of its working group on mandatory reporting compliance with the PEI *Child and Youth Advocate Act*.

MONITOR

The Office of the Child and Youth Advocate is responsible to monitor implementation of and compliance with recommendations included in reports made by the Child and Youth Advocate.

Over the past year, staff of the Office of the Child and Youth Advocate:

- Updated a plain language version of the 27 recommendations for amendments to the draft PEI *Child, Youth and Family Services Act* and posted to the Office of the Child and Youth Advocate's website.

- Issued correspondence to the Department of Education and Lifelong Learning, Public Schools Branch and French Language School Board to monitor implementation of recommendations by the Child and Youth Advocate as submitted to the PEI Legislative Assembly Standing Committee on Education and Economic Growth.
- Reviewed the PEI Legislature Standing Committee on Education and Economic Growth's report endorsing the Office of the Child and Youth Advocate's recommendations that Government consult with the Child and Youth Advocate on proposed amendments to the PEI *Education Act*, to include a comprehensive child rights section for students; the development and implementation of an operational student complaint/reporting policy; and the review of school dress codes.
- Continued to research methods used to monitor and track implementation of recommendations to inform the development of the Office of the Child and Youth Advocate's processes to monitor and track implementation of the Child and Youth Advocate's recommendations.
- Continued to document and monitor systemic trends identified through individual advocacy to inform prioritization of systemic reviews and investigations pending successful permanent staffing of a Systemic Investigation/Research Representative position.

RESEARCH

The Office of the Child and Youth Advocate is responsible to undertake or collaborate in research related to improving reviewable services. The Office of the Child and Youth Advocate may conduct or contract for research for the purpose of making recommendations to improve the effectiveness and responsiveness of a reviewable service.

Over the past year, staff of the Office of the Child and Youth Advocate:

- Conducted ongoing jurisprudence reviews and analysis along with literature reviews to inform individual advocacy and systemic advocacy issues impacting the rights of PEI children and youth.
- Conducted reviews of academic and grey literature to identify risk factors for child death as well as review of best/promising practices to identify potential opportunities for improvements in reviewable services to prevent child and youth serious injuries and deaths in the future.
- Monitored provincial and national jurisprudence on court decisions involving children and youth.
- Conducted ongoing literature reviews to inform individual advocacy issues impacting the rights of children and youth, to include but not limited to:
 - Digital environments to include UNCRC General Comment No. 25
 - Access to justice and legal representation
 - Neurodiversity
 - Mental health programs and services
 - Child and youth gender diversity

- Conducted jurisdictional scans to inform advice and recommendations to include:
 - School Resource Officer programs
 - Child friendly complaint policies and procedures
 - Children's rights embedded in child protection laws in Canada
 - Education legislation - student appeal mechanisms
 - Independent statutory Officers legislated investigative authority

REPORTS

The Child and Youth Advocate is required to report the results of an investigation to the reviewable service subject to the investigation and any other person the Advocate considers appropriate.

The Office of the Child and Youth Advocate may compile and analyze information received for reviews of child and youth serious injury or death and from investigations conducted to produce a report of the compiled and analyzed information that does not contain information in individually identifiable form.

In order to improve the effectiveness and responsiveness of reviewable services, the Child and Youth Advocate may make a special report that includes recommendations respecting reviewable services.

The Child and Youth Advocate shall prepare an annual report that may contain information the Child and Youth Advocate considers appropriate but shall contain, at a minimum, a report on the activities of the Office of the Child and Youth Advocate, the outcomes expected in the fiscal year in which the report is made, and the results achieved in the previous fiscal year.

Over the past year, the Child and Youth Advocate:

- Submitted an Annual Report for the 2022-2023 fiscal year to the Speaker of the Legislative Assembly dated November 15, 2023, in fulfillment of the legislative requirement of the PEI *Child and Youth Advocate Act*.

ADMINISTRATION

The role and function of the Office of the Child and Youth Advocate is to employ persons necessary to assist the Child and Youth Advocate in carrying out the statutory functions of the PEI *Child and Youth Advocate Act*.

Over the past year, the following administrative activities of the Office of the Child and Youth Advocate were actioned:

- Completed a successful staffing recruitment process for Investigation/Research Representative, Systemic Investigation/Research Representative and Legal Counsel and Policy Advisor positions.
- Participated in the Candle Lighting Ceremony at the Montreal Massacre Memorial Service hosted by the PEI Advisory Council on the Status of Women.
- Finalized the Office of the Child and Youth Advocate Strategic Plan 2023-2024 and posted to the office's website.

- Attended the International Human Rights Awareness Day event hosted by the PEI Human Rights Commission.
- Continued administration of the Office of the Child and Youth Advocate's website.
- Supported staff of the Office of the Child and Youth Advocate to participate in professional development, to include:
 - Free Narrative - Interviewing Children
 - UNICEF Canada - Giving young people a voice in decisions
 - Justice Canada - Child Rights Impact Assessment online training
 - Cultural Safety and Anti-Opressive Approach to Child Maltreatment
 - Autism Conference
 - Neurobiology of Trauma
 - Introduction to Seeking Safety
 - Social Inequities in Everyday Life
 - Transformative and Innovative Health Systems Planning
 - Death and Serious Bodily Harm Training - Office of the Ontario Ombudsmen
 - Investigation Training with Gareth Jones
 - Keira's Legacy of Hope: Judicial Training on Family Violence
 - PSC - Learning and You - How Government Works
 - PSC - Learning and You - Writing for Government - Policy Lenses
 - PSC - Learning and You - Writing for Government - Executive Council Memos, Treasury Board Memos, and Briefing Notes
 - 'Gender based violence: Engaging with those that cause harm' training with Dr. Katreena Scott, Tim Kelly
 - Off-Reserve Indigenous Children's Rights
 - Understanding the Realities of Gender Diverse Peoples
 - Trauma Awareness Course
 - Impact of Trauma on young children's brain development
 - The Systems at Play: What is the Millennium Scoop?
 - Children's Mental Health Advocacy Virtual Conference
 - Trauma Informed Practice: Understanding the Neurobiology and Psychological Effects of Sexual Violence





STATISTICS—OVERVIEW

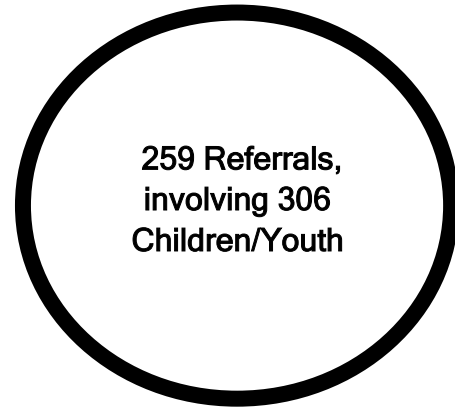
Over the past year, PEI children and youth have continued to bravely share their lived experiences with staff of the Office of the Child and Youth Advocate with the hope of having their voices heard and their views considered when reviewable service providers are making decisions that impact their lives.

Actively listening to the lived experiences of children and youth is often very challenging for most adults. Over the past year, Advocacy Representatives have been privileged to be physically and emotionally present with children and youth as they identify their priorities for reviewable service providers in helping them address significant complexities in their young lives. We remain grateful and privileged to serve PEI children and youth and to bear witness to their pursuit in having their human rights actualized.

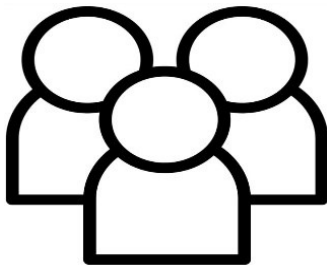
The following non-identifying data is presented with the understanding that data alone does not reflect the lived experiences of children, youth and their families. Each data point represents a child or youth seeking help to have their human rights realized while in receipt of a reviewable service, or a concerned adult contacting the Office on behalf of the rights of a child or youth or a group of children or youth.



Individual Advocacy Referrals



Callers



45% Parents
33% Professionals

15% Child/Youth
7% Family/Friends/Public

Primary Reason for Call



38% Child Safety / Protection
18% Custody / Access
17% Education
17% Health / Legal / Other
10% Mental Health

Ages of Children and Youth



46% Birth - 11 yrs
50% 12 yrs - 17 yrs
* 6% age unknown



Children's Rights Issues in Prince Edward Island

Top Rights Issues Requiring Protection and Promotion by the Office of the Child and Youth Advocate

Every child and youth in Prince Edward Island has inherent human rights. These rights are set out in the United Nations Convention on the Rights of the Child, the most ratified of all United Nations Human Rights Treaties in the world. The Convention guarantees and sets minimum standards for protecting the human rights of all children from birth to age 18 years.

The PEI *Child and Youth Advocate Act* sets out the statutory responsibilities of the Child and Youth Advocate as supported by staff of the Office of the Child and Youth Advocate. All activities of the Office of the Child and Youth Advocate are guided by the Convention.

During the reporting period April 1, 2023 to March 31, 2024, the following children's rights issues impacting PEI children and youth were consistently reported to the Office of the Child and Youth Advocate:



INDIVIDUAL ADVOCACY

Individual advocacy supports are provided directly to children and youth. All advocacy is child and youth led, meaning Advocacy Representatives take instruction directly from the child or youth. The Advocacy Representative provides safe space for the child or youth to express their views about reviewable service decisions impacting them. Advocacy Representatives are not decision makers, rather, their role is to be a conduit for a child or youth to participate and have their views considered by reviewable service providers who are the decision makers.

Individual advocacy, through a child rights lens, involves developing a trusting relationship with a child or youth, actively listening to the views of the child or youth and empowering the child or youth with information about how reviewable service decisions are made about the child or youth. When reviewable service decision makers are making a determination of the best interests of the child or youth, Advocacy Representatives encourage adults to provide children and youth with information about *how* the decision was made. This does not mean that children and youth always get the outcome they had hoped for, rather, the important factor is that the adults have listened to the child or youth's views and taken the child or youth's views seriously and adults have explained their decision making to the child or youth. Information sharing and transparent communication are helpful processes for all children, youth and adults.

Advocacy Representatives often use a jigsaw puzzle analogy when providing advocacy support to children and youth. It is the job of reviewable service providers to put all of the pieces of the jigsaw puzzle together when making a decision about the best interests of the child or youth. The Advocacy Representative explains that a very important piece of the jigsaw puzzle for the reviewable service providers is to consider the child's perspective by ensuring the child's participation in the decision making process.



ADVOCACY OVERVIEWS

Staff of the Office of the Child and Youth Advocate receive requests for individual child and youth advocacy support from across the province ranging from requests for information and navigational support to direct assistance to children and youth.

Most calls received are from adults. Staff will always ask the caller's relationship to a child or youth. When a child or youth calls the Office directly, staff provide a same business day response.

The following three overviews of individual advocacy are shared to illustrate what child and youth advocacy looks like.

***Please note that the names provided in the case examples that follow are pseudonyms.**



The Rights of Children with Disabilities - Daisy's Story

Context

Advocacy supports are provided directly to children and all advocacy is child-led. When children are unable to provide instruction, due to age and/or abilities, the role of advocacy is to ensure the child's rights are safeguarded in decision-making by reviewable service providers. This case highlights the rights of children with disabilities, specifically children who are non-verbal and consequently present unique challenges and opportunities for Advocacy Representatives.

Daisy is a non-verbal child with a diagnosis of Autism Spectrum Disorder, in the legal care of the Director of Child Protection. Daisy has significant developmental trauma, having endured multiple Adverse Childhood Experiences. Communication is challenging for Daisy as she is not able to verbally express her wishes, needs, worries and frustrations. Consequently, Daisy expresses herself through physical actions and body language, which can, at times, create safety concerns for those around her. The Office of the Child and Youth Advocate received a referral from a professional who raised concerns about Daisy's right to education. Daisy had been restricted to partial day attendance at school, and subsequently no school attendance, due to safety concerns.

The United Nations Convention on the Rights of the Child General Comment No.9, '*The rights of children with disabilities*', states that children with disabilities "have the same right to education as all other children and shall enjoy this right without any discrimination". The role of individual advocacy, in Daisy's case, was to ensure her rights to education were protected and promoted by service providers.

Process

When providing individual advocacy, Advocacy Representatives are driven by their commitment to listen to the voices of all children, regardless of age or ability. Understanding a child's perspective is a fundamental aspect of providing effective advocacy supports. When a child is not able to verbally provide direction, Advocacy Representatives gather information from a wide variety of sources to build an accurate picture of the strengths, needs and experiences of the child. In Daisy's case this involved the gathering and analyzing of records from Health, Child Protection Services and Education. In addition to document review, the Advocacy Representative met with key adults involved in the care of Daisy, recognizing the experience they have in communicating with Daisy and deciphering her non-verbal communication. This provided vital information about the most effective ways to work with Daisy. Two key pieces of

Daisy's Story (Continued)

information were gleaned through these discussions. Firstly, Daisy is a child with significant developmental trauma. When her behaviour is understood through this lens, service providers can anticipate when she might find situations challenging and can adapt to her needs accordingly. Secondly, Daisy thrives in relationships of trust. When service providers take time to build trusting relationships, through active listening to her non-verbal communication, there are better outcomes for Daisy and for the adults who work with her.

Observing Daisy herself provided additional information to support the Advocacy Representative to develop a greater understanding of Daisy's perspective. Observations provided core information about the ways in which Daisy communicates; how she uses movement and sound to help the adults around her understand her needs. It was observed by the Advocacy Representative that Daisy is proficient at knowing when she needs to seek out appropriate supports, such as her sensory aide, to help regulate her emotions. Additionally, when supported by a trusted adult, Daisy was able to use her tablet (augmentative alternative communication device) to aid communication.

One of the primary advantages of the Office of the Child and Youth Advocate is that it is an independent office, with the mandate to bring service providers together to help problem solve complex cases and find a route through to ensure children's rights are being upheld. Daisy has a complex profile of engagement with multiple services across Health, Social Development and Education. Through individual advocacy, representatives from a range of services were invited to meet and share knowledge of effective strategies to support Daisy and identify a pathway to uphold her rights to education.

Outcome

Daisy has returned to school and service providers are working hard to understand her needs through the development of trusting relationships. Through the provision of individual advocacy to Daisy, service providers responsible for her education, health and day-to-day care were supported to appreciate the value of collaboration and communication with the aim of understanding Daisy's perspective through a child rights lens. Advocacy is a process and end points are often difficult to determine when engaging with children with complex needs and across multiple services. Daisy's voice will continue to be amplified through individual advocacy facilitated by her Advocacy Representative.

"Thank you for hosting this meeting. It is evident that many organizations and individuals are working together to support Daisy. It was wonderful to hear about the level of collaboration and integration among the professionals."

- Senior Official of a Reviewable Service

CRC General Comment (No.9), The Rights of Children with Disabilities

"It is crucial that the education of a child with disability includes the strengthening of positive self-awareness, making sure that the child feels he or she is respected by others as a human being without any limitation of dignity. The child must be able to observe that others respect him or her and recognize his or her human rights and freedom" (p. 17).



The Right to Respect for Children's Views - Hayden's Story

Process

When children and youth make direct calls to the OCYA, Advocacy Representatives make every effort to respond on the same day. We recognize the bravery demonstrated by children and youth who initiate the first step of advocacy by calling our office.

Children and youth are given options about when and where to meet. Advocacy Representatives work around the schedules of children and youth to minimize disruption to their lives. Additionally, children and youth decide who will attend their meetings. The Advocacy Representative connected with Hayden and established his preferred method of communication. Together they arranged a time to meet at school the day after his call. Hayden wanted to bring a supportive adult, his Youth Intervention Outreach Worker, to the first meeting with his Advocacy Representative.

Advocacy Representatives have a role to play in providing education about children's rights, to empower children to understand rights established in the United Nation Convention on the Rights of the Child. Hayden's first meeting with his Advocacy Representative included an introduction about individual advocacy and the focus on children's rights. The Advocacy Representative ensured that Hayden understood the core aspects of individual advocacy; it is voluntary, confidential, youth-led and rights-based. The Advocacy Representative explained that she is not a decision-maker, but rather her role is to support Hayden to have his voice heard when service providers are making decisions that impact on his life.

Through discussions with the Advocacy Representative, Hayden explained his perspective and identified his priorities. He wanted to remain living in his place of safety but was concerned about the terms of his probation and wanted to ensure he was acting lawfully whilst keeping all services informed about his concerns and wishes. Hayden and his Advocacy Representative talked through options for action and discussed the potential of inviting service providers to come together to listen to Hayden's perspective and help problem solve his situation. Hayden wanted to discuss the possible ways forward with his Youth Intervention Outreach Worker before confirming any actions. The Advocacy Representative supported this process and gave Hayden time to consider his options. Individual advocacy moves at the pace of the child and no actions are taken by Advocacy Representatives without direction from the child.

After some reflection time, Hayden contacted his Advocacy Representative and confirmed that he wanted to invite professionals to a meeting at the Office of the Child and Youth Advocate. When supporting children and youth with their meeting preparation, Advocacy Representatives take direction from the children and youth they are working with. As it is the child's meeting, the child decides how their meeting will be conducted, who will be invited to their meeting, who will lead their meeting, who will share information about their priorities, and who will ask and respond to questions. Hayden and his Advocacy Representative met to confirm plans for his meeting. Hayden directed his Advocacy Representative to invite service providers from Youth Justice, CPS and the lawyer representing him through the criminal Youth Justice Court. Hayden wanted to be present at his meeting and wanted service providers to have a thorough understanding of his safety concerns within his family home. This meant sharing details of some of the trauma Hayden had experienced. Hayden wanted support from his Advocacy Representative to share his story. During the meeting they worked together to share Hayden's priorities, supporting service providers to have a full understanding of his lived experiences, fears and wishes.

Outcome

All adults invited to Hayden's meeting attended, demonstrating a commitment to respecting the rights of children and youth to actively participate in decision-making. When reviewable service decision-makers give serious consideration to the views of children, they are able to make better decisions in the best interests of the children they serve. This was evident through the meeting, where service providers actively listened to Hayden's priorities and worked together to

Hayden's Story (Continued)

find a solution that would assure Hayden's safety whilst also ensuring he was not in breach of his probation order. Giving space and time for Hayden to share his lived experience and explain his requests provided service providers with additional relevant information to support effective reviewable service decision-making.

"Thanks so much for meeting with Hayden. Thank you for organizing this meeting. I appreciate your help and information." - Professional

General Comment No. 10: Children's Rights in Juvenile Justice:

"The voices of children involved in the juvenile justice system are increasingly becoming a powerful force for improvements and reform, and for the fulfilment of their rights" (p.6).

General Comment No. 12: The Right of the Child to be Heard:

"The right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention...The views expressed by children may add relevant perspectives and experience and should be considered in decision-making...These processes are usually called participation. The exercise of the child's or children's right to be heard is a crucial element of such processes. The concept of participation emphasizes that including children should not only be a momentary act, but the starting point for an intense exchange between children and adults..." (p5-7).



Child Advocacy is Child Led - Hannah's Story

Context

The *PEI Child and Youth Advocate Act* and the United Nations Convention on the Rights of the Child combine to serve as the guiding legal framework for the work of the Office of the Child and Youth Advocate (OCYA). Article 24 of the Convention describes the child's right to the highest attainable standard of health. Although Article 24 specifically refers to health, many rights are interrelated and interdependent, such as Article 12 the right to be heard, Article 2 the right to non-discrimination, and Article 3 the best interests of the child, and collectively all impact the child's right to health.

It is the mandate of the Advocacy Representatives to ensure that the rights as set out in the Convention are upheld when children are engaged with reviewable services. To do so, Advocacy Representatives must work directly with the child, actively listen to what the child wants to share with them about how their rights are being infringed, provide the child options on course of action and take direction from the child on next steps. This case highlights the importance of the child-led process in individual advocacy cases.

Hannah is an 8-year-old child with a health history of intrauterine drug exposure, traumatic first days of birth, abandoned by her mother and father, subsequent developmental trauma, developmental delays, medical complexities, and severe anxiety and stress. Hannah is cared for by her grandparents, who are impacted by many social determinants of health such as income, housing, and food insecurity. The Office of the Child and Youth Advocate received phone calls regarding concerns about the lack of government support Hannah's grandparents are entitled to in order to meet Hannah's medical and behavioural needs. While the contextual information received through these phone calls are important when providing advocacy support, Hannah's case will highlight that individual advocacy entails working explicitly with the child, receiving direction from the child, is child-led and is at the child's pace.

Process

When the Advocacy Representative met with Hannah, the first step in the process of individual advocacy was to inform

Hannah' Story (Continued)

Hannah that individual advocacy is voluntary, confidential, rights-based and child-led. The Advocacy Representative reviewed the rights as set out in the Convention and provided examples of several of the rights. By using a child-friendly poster with the 42 rights showcased, the Advocacy Representative asked Hannah to circle any of the rights she wanted to learn more about, or any rights she felt she didn't quite have. By doing so, Hannah was leading the conversation to ensure that her priorities were the ones being discussed. The Advocacy Representative actively listened to Hannah, discussed the rights identified by Hannah, and provided Hannah options to problem solve. Hannah would then decide on the next steps, and the Advocacy Representative only acts based on Hannah's instructions.

When looking at the poster, Hannah started to ask questions about her right to education and asked why education had two rights, Article #28 the right to access education and Article #29 the aim of education. It is through this conversation that Hannah decided to share with the Advocacy Representative that she was experiencing bullying at school and in her classroom. Hannah's priority, therefore, was to address her right to a safe and quality education at school. The Advocacy Representative's job was then to describe some options for Hannah to choose with next steps. The child led the advocacy process through selecting the appropriate adults to request a meeting, facilitating the meeting with sharing her views, and by working with the adults to formulate a plan of action for when any school time bullying occurs. Hannah and the Advocacy Representative debriefed after the meeting and Hannah felt like the appropriate steps were in place to make her feel safe at school.

Throughout a four-month period the Advocacy Representative and Hannah worked together on other school priorities for Hannah, many having quick resolutions. This time allowed for a relationship of trust to develop, and Hannah then revealed to the Advocacy Representative that she and her family were struggling to support her own medical and behavioural needs in and out of the home. Hannah led the conversation to a discussion regarding funding supports for herself and her family and Hannah had questions regarding what government programs she and her grandparents are entitled to, and eligible for. The Advocacy Representative told Hannah that this was something that she could help her with and provided options for next steps.

Hannah directed the Advocacy Representative to inquire into the eligibility process for several government support programs, to determine why she and her family have been previously screened out for selected programs within the Department of Social Development and Seniors. Hannah directed the Advocacy Representative to contact various healthcare professionals regarding her medical complexities and to gain insight into what support programs were available through the Department of Health and Wellness. Hannah directed the Advocacy Representative to contact her school administrator to gather information regarding the impact of Hannah's medical and behavioural needs on her education and time at school.

Outcome

Information received from the Department of Social Development and Seniors, Department of Health and Wellness and from the school administrators was collected and reported back to Hannah. With no advancements made in finding funding programs that would benefit Hannah and her family, Hannah directed the Advocacy Representative to facilitate a collaborative case conference with representatives of each department present. The purpose of the meeting was for Hannah to share her history of medical and behavioural needs with the service providers and to ask questions about the eligibility criteria for the various programs that impact children on PEI. Hannah and the Advocacy Representative acknowledged at the meeting that the case conference may not change the status of Hannah's eligibility for present day funding programs, but it highlights the systemic issue of children like Hannah falling between the cracks.

"Hannah really trusts you and she does not trust many adults. After she saw you, she was so happy, she had a whole different demeanour."
- Hannah's grandparent





CHILD AND YOUTH ADVISORY COMMITTEE

OF THE PEI OFFICE OF THE CHILD AND YOUTH ADVOCATE

The Child and Youth Advisory Committee is an inclusive group of children and youth who work in collaboration with the PEI Office of the Child and Youth Advocate to amplify youth perspectives and promote the rights of children and youth. Including representation from across PEI, and from diverse backgrounds, members share insights about the lived experiences of children and youth to inform the work of the Office of the Child and Youth Advocate.

Objectives

- Advance the rights, interests and well-being of all PEI children and youth through the amplification of their voices.
- Amplify priorities identified by children and youth to inform the work of the Office of the Child and Youth Advocate.
- Identify and advise on areas of concern relating to reviewable services for PEI children and youth, through internal and external consultation processes.
- Sustain a balanced constituency approach to incorporate representation of wide-ranging perspectives.
- Advise on supportive processes for child and youth participation to ensure their voices are heard and considered in matters impacting them.
- Promote community-based peer-to-peer education and learning about the United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples as it affects children and youth.

Why is Youth Voice Important?

...because I want to represent my community and make change

...because I believe youth voices are important because it's their future.

...because I have genuine motivation to not only help children but to make the environment better.

...because I want the world to be a better place for youth.

...because having a say in our life is important

...because it's better to get input from youth and act accordingly upon it.



Members of the Child and Youth Advisory Committee

...because without youth voices, there would be no one representing youth.

...because I want to see the lives of kids like me get better and suggest ideas that can change one's life in a positive way.

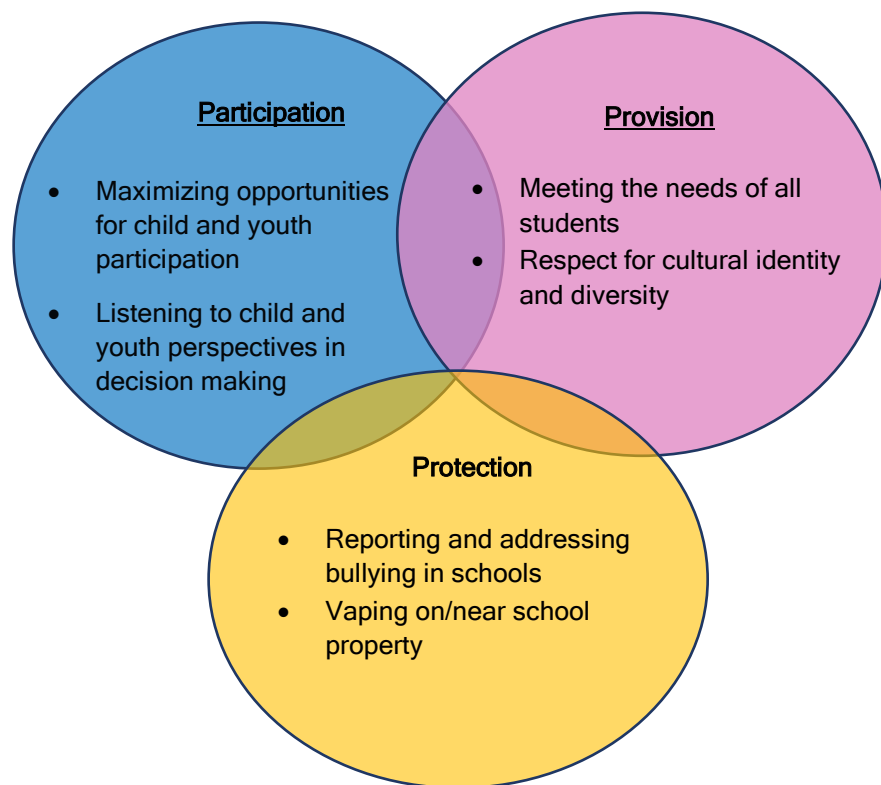
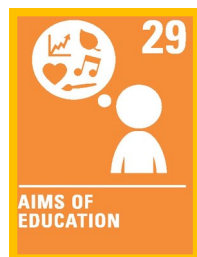
Overview of the Year

2023-24 was a busy year for the Child and Youth Advisory Committee.

- Successful recruitment of new members
- Inclusive Education Review Consultation
- Mental Health and Addictions Child and Youth Acute Care Unit Consultation
- Youth feedback on future direction of the Child and Youth Advisory Committee—increasing youth involvement in decision making and focus on impact of our work going forward
- Visit to the Legislative Assembly
- Visit from the Minister of Education and Early Years
- Established a new Code of Conduct
- Meeting with Representatives from Public Schools Branch - Director of Public Schools Branch, Director of Student Services and Manager of Policy and Planning - discussion about Report it; bullying and cell phone use in schools

Child and Youth Identified Priority Issues

Members of the Child and Youth Advisory Committee work on a constituency model, representing the perspectives of their peers. This year's priority issues of the members and children and youth from their communities are highlighted below, organized under the 3 P's of the United Nations Convention on the Rights of the Child: Participation Rights, Provision Rights and Protection Rights.





LOOKING FORWARD

EXPECTED OUTCOMES for FISCAL YEAR 2024-2025

Promote and Educate

- Respond to media inquiries and requests for interviews.
- Present to Standing Committees of the PEI Legislature as requested.
- Participate in meetings with the Clerk and Deputy Clerk of Executive Council.
- Participate in regularly scheduled meetings with Ministers and Deputy Ministers of the primary child-serving government departments.
- Participate in bi-monthly meetings with the Deputy Minister, Director and Associate Director of Child Protection, Child and Family Services.
- Correspond with leaders of the three political parties on matters impacting children's rights on PEI.
- Participate, as a member in good standing, on the Canadian Council of Child and Youth Advocates representing PEI.
- Promote that government embed children's rights in provincial legislation, in consultation with the Office of the Child and Youth Advocate.
- Promote that government action child-friendly complaint mechanisms in all reviewable programs and services, in consultation with the Office of the Child and Youth Advocate.
- Promote that government provide identified reviewable program and service data to the Office of the Child and Youth Advocate.
- Receive, review, research and provide written child rights analysis on government proposed new or revised legislation, regulations, Ministerial Directives and policies.
- Promote government, community organization and public knowledge of the two streams of consultation with the Office of the Child and Youth Advocate: staff of the Office of the Child and Youth Advocate and membership of the Child and Youth Advisory Committee to the Office of the Child and Youth Advocate.
- Continue to advance the 27 recommendations of the Office of the Child and Youth Advocate specific to the proposed draft bill entitled PEI *Child, Youth and Family Services Act*.
- Distribute resources on children's rights and the Office of the Child and Youth Advocate.
- Promote awareness of the role and function of the Office of the Child and Youth Advocate and children's rights.
- Provide educational sessions on the role and function of the Office of the Child and Youth Advocate.
- Promote the child's right to give consent to treatment, including immunizations, until such time as the child's presumed capacity is rebutted pursuant to the PEI *Consent to Treatment and Health Care Directives Act*.
- Promote information sharing and engagement opportunities with community organizations serving children, youth and families to include PEERS Alliance, BIPOC-USHR and Pride PEI.
- Participate in meetings of the National and Provincial Child and Youth Law Sections of the Canadian Bar Association, representing the Office of the Child and Youth Advocate.
- Provide information on the role and function of the Office of the Child and Youth Advocate with elected members of the PEI Legislature.

- Participate in monthly meetings of the IWK/Dalhousie University Pediatric Advocacy Committee, representing the Office of the Child and Youth Advocate.
- Facilitate monthly meetings of the Child and Youth Advisory Committee of the Office of the Child and Youth Advocate.

Advocate

- Receive and assess individual advocacy requests involving children and youth.
- Provide direct one-on-one individual advocacy support to children and youth.
- Provide individual navigational and informational advocacy to adult family members, professionals and members of the public concerned about the rights, interests and viewpoints of children and youth engaged with reviewable services.
- Initiate and/or participate in case conferences with reviewable service providers with and/or on behalf of children and youth.
- Assist children and youth to initiate and participate in service review decisions.
- Support professionals, family members and concerned citizens with information to assist navigation and promotion of the rights of children and youth in matters that affect them.
- Develop new child rights-based materials in youth-friendly language for children in the care of the Director of Child Protection.
- Identify emerging systemic trends impacting the rights of children and youth.
- Work with individuals, families, communities, public bodies and community organizations to support and create opportunities for the well-being of children and youth.
- Lead and coordinate the Canadian Council of Child and Youth Advocate's Community of Practice on Child Advocacy.

Review and Investigate

- Receive, review and document reports identifying individual advocacy trends and systemic issues impacting the rights of PEI children and youth for review and investigation consideration by the Child and Youth Advocate.
- Conduct a jurisdictional scan of systemic reviews and investigations by child and youth advocacy offices across the country.
- Draft policies and procedures for systemic reviews and investigations.
- Review individual advocacy and/or systemic advocacy priorities for review and/or investigation.
- Provide reviewable service notification for systemic reviews and investigations.
- Provide public notification for systemic reviews and investigations.
- Complete an investigation involving a Supreme Court of Canada decision of a child removed from the care of his grandmother by PEI Child Protection Services.

Serious Injury and Death

- Complete investigation of one reported child death.

- Continue to receive reports of child and youth serious injury and deaths for review to:
 - determine whether or not to review or investigate, and
 - identify and analyze recurring circumstances or trends to improve the effectiveness and responsiveness of a reviewable service.
- Complete a detailed analytical review of records received for one child death and draft a Comprehensive Review Report for the Child and Youth Advocate's consideration of whether or not to investigate.
- Continue to update a comprehensive cross-jurisdictional scan of legislation, policies, protocols and practices for child and youth serious injury and death reviews and investigations.
- Continue to participate on the Health PEI Working Group established to ensure health system compliance with the PEI *Child and Youth Advocate Act* mandatory reporting requirement for child and youth serious injuries and deaths.
- Participate in the Canadian Council of Child and Youth Advocate's Community of Practice on Child and Youth Serious Injury and Death reviews and investigations.

Monitor

- Conduct a jurisdictional scan of child and youth advocacy offices across Canada regarding methods used to monitor and assess implementation of recommendations to inform development of PEI Office of the Child and Youth Advocate processes to monitor and assess implementation of Child and Youth Advocate's recommendations.
- Monitor status of 27 recommendations of the Office of the Child and Youth Advocate specific to proposed amendments to the PEI *Child, Youth and Family Services Act*.
- Monitor status of recommendations of the Child and Youth Advocate specific to the Department of Education and Early Years on Vulnerable Sector Checks in early child care centres.
- Monitor status of recommendations of the Child and Youth Advocate specific to the Department of Education and educational authorities to include proposed amendments to the PEI *Education Act* and implementation of a child rights model for inclusion of children and youth as active participants in education-related matters.
- Monitor status of recommendations to the Department of Education and Early Years and educational authorities regarding the Advisory Statement on ensuring the right for Island children to an education that best meets individual needs and abilities.
- Document and monitor systemic advocacy trends identified through individual advocacy.
- Monitor provincial, national and international jurisprudence reviews.
- Monitor provincial, national and international media issues impacting rights of children and youth.
- Monitor status of proposed amendments to the PEI *Vital Statistics Act* and the PEI *Change of Name Act*.

Research

- Conduct reviews of academic and grey literature to identify risk factors for child death as well as review of best/promising practices to identify potential opportunities for improvements in reviewable services to prevent child and youth serious injuries and deaths in future.

- Conduct ongoing literature reviews and jurisprudence reviews to inform individual advocacy issues impacting the rights of children and youth.
- Conduct ongoing literature reviews and jurisprudence reviews to inform systemic advocacy issues impacting the rights of children and youth.
- Conduct jurisdictional scans to inform advice and recommendations.

Reports

- Prepare Annual Report for the 2024-2025 fiscal year.
- Prepare special reports as required.
- Complete the report of an investigation of a child death and bring the report to the attention of the public.
- Complete the report of an investigation involving a Supreme Court of Canada decision of a child removed from the care of his grandmother by PEI Child Protection Services and bring the report to the attention of the public.

Administration

- Initiate development of an Agreement for Service Contract with Government ITSS.
- Promote staff professional development.
- Participate in training opportunities on children's rights.
- Participate in training opportunities on child well-being.
- Participate in ongoing educational awareness of issues/trends impacting children, youth and their families.
- Continue to develop policies and procedures.
- Attend community events in support of children's rights.
- Provide support to the Child and Youth Advocate to assist the Advocate in carrying out various statutory functions.



RESOURCES

The following resources are available through the Office of the Child and Youth Advocate:

Child and Youth Friendly Rack Card

This colourful resource is designed to directly inform children and youth about advocacy services available to them through the Office of the Child and Youth Advocate.

Adult Brochure

This resource provides a brief overview of the roles and functions of the Office of the Child and Youth Advocate and it provides information on what happens when someone contacts the Office.

United Nations Convention on the Rights of the Child Poster

This resource is a child-friendly presentation of the United Nations Convention on the Rights of the Child in image and graphic form designed to increase awareness and understanding of all articles of the Convention.

Know Your Rights Booklet

This resource provides a child-friendly detailed understanding of each article of the United Nations Convention on the Rights of the Child. While designed for children and youth, this resource is useful for everyone.



* Our materials are available in English, French, Korean, Mandarin and Mongolian

Presentations

To learn more about the PEI *Child and Youth Advocate Act*, the role and functions of the Office, and an overview of the United Nations Convention on the Rights of the Child, please contact the Office.

Website

Please visit our website to learn more about the work of the office at: www.childand youthadvocatepei.ca



With Appreciation



We thank the children and youth of Prince Edward Island for sharing with us the privilege to serve them and trusting us to bear witness to their lived experiences.

We appreciate, with sincerity, everyone from across the province, who worked tirelessly over many years, to advocate for the creation of this Office. We thank the citizens of Prince Edward Island for their continued advocacy on behalf of PEI children and youth. Advocacy requires, at its very nature, everyone working together in the spirit of collaboration.

Over the course of this past year, we wish to express our sincere appreciation to the following who assisted in advancing our work on behalf of all PEI children and youth:

- The many brave and courageous children and youth who reached out to our office and took the risk to engage with us as strangers with the hope of having their voices heard - we thank each and every one of you - your bravery, courage and willingness to trust us by sharing your pain and your expertise has been a shining light as we move forward to advance your rights and the rights of other children and youth - **THANK YOU**
- Elected Members of the Legislative Assembly, Independent Officers of the Legislative Assembly and staff of the Legislative Assembly of Prince Edward Island for their ongoing support, engagement and commitment to advancing the rights of all PEI children and youth.
- Clerk and Deputy Clerk of Executive Council, Ministers and Deputy Ministers of child-serving government departments who continue to meet with the Child and Youth Advocate and Deputy Child and Youth Advocate with a willingness to work collaboratively with a shared vision to advance the rights of children and youth across government reviewable programs and services.
- Department of Health and Wellness, including Health PEI, for leadership, consultation and information sharing with the Office of the Child and Youth Advocate.
- Department of Justice and Public Safety for leadership, consultation and information sharing with the Office of the Child and Youth Advocate.
- Employees of provincial Government and community organizations providing programs and services to children, youth and their families each and every day across the province.
- Ongoing guidance, resources, mentorship, consultation and information sharing provided by Offices of Child and Youth Advocates/Representatives/Ombudspersons across the country.
- Ongoing support provided by the Canadian Council of Child and Youth Advocates.
- Ongoing support provided by UNICEF Canada in sharing expertise and promoting Child Rights Impact Assessments.



 <p>1</p> <p>DEFINITION OF A CHILD</p>	 <p>2</p> <p>NO DISCRIMINATION</p>	 <p>3</p> <p>BEST INTERESTS OF THE CHILD</p>	 <p>4</p> <p>MAKING RIGHTS REAL</p>	 <p>5</p> <p>FAMILY GUIDANCE AS CHILDREN DEVELOP</p>	 <p>6</p> <p>LIFE, SURVIVAL AND DEVELOPMENT</p>	 <p>7</p> <p>NAME AND NATIONALITY</p>
 <p>8</p> <p>IDENTITY</p>	 <p>9</p> <p>KEEPING FAMILIES TOGETHER</p>	 <p>10</p> <p>CONTACT WITH PARENTS ACROSS COUNTRIES</p>	 <p>11</p> <p>PROTECTION FROM KIDNAPPING</p>	 <p>12</p> <p>RESPECT FOR CHILDREN'S VIEWS</p>	 <p>13</p> <p>SHARING THOUGHTS FREELY</p>	 <p>14</p> <p>FREEDOM OF THOUGHT AND RELIGION</p>
 <p>15</p> <p>SETTING UP OR JOINING GROUPS</p>	 <p>16</p> <p>PROTECTION OF PRIVACY</p>	 <p>17</p> <p>ACCESS TO INFORMATION</p>	 <p>18</p> <p>RESPONSIBILITY OF PARENTS</p>	 <p>19</p> <p>PROTECTION FROM VIOLENCE</p>	 <p>20</p> <p>CHILDREN WITHOUT FAMILIES</p>	 <p>21</p> <p>CHILDREN WHO ARE ADOPTED</p>
 <p>22</p> <p>REFUGEE CHILDREN</p>	 <p>23</p> <p>CHILDREN WITH DISABILITIES</p>	 <p>24</p> <p>HEALTH, WATER, FOOD, ENVIRONMENT</p>	 <p>25</p> <p>REVIEW OF A CHILD'S PLACEMENT</p>	 <p>26</p> <p>SOCIAL AND ECONOMIC HELP</p>	 <p>27</p> <p>FOOD, CLOTHING, A SAFE HOME</p>	 <p>28</p> <p>ACCESS TO EDUCATION</p>
 <p>29</p> <p>AIMS OF EDUCATION</p>	 <p>30</p> <p>MINORITY CULTURE, LANGUAGE AND RELIGION</p>	 <p>31</p> <p>REST, PLAY, CULTURE, ARTS</p>	 <p>32</p> <p>PROTECTION FROM HARMFUL WORK</p>	 <p>33</p> <p>PROTECTION FROM HARMFUL DRUGS</p>	 <p>34</p> <p>PROTECTION FROM SEXUAL ABUSE</p>	 <p>35</p> <p>PREVENTION OF SALE AND TRAFFICKING</p>
 <p>36</p> <p>PROTECTION FROM EXPLOITATION</p>	 <p>37</p> <p>CHILDREN IN DETENTION</p>	 <p>38</p> <p>PROTECTION IN WAR</p>	 <p>39</p> <p>RECOVERY AND REINTEGRATION</p>	 <p>40</p> <p>CHILDREN WHO BREAK THE LAW</p>	 <p>41</p> <p>BEST LAW FOR CHILDREN APPLIES</p>	 <p>42</p> <p>EVERYONE MUST KNOW CHILDREN'S RIGHTS</p>

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HOW THE CONVENTION WORKS

CONVENTION ON THE RIGHTS OF THE CHILD



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