



PRINCE EDWARD ISLAND
Child and Youth
ADVOCATE

STRATEGIC PLAN

2023- 2024



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MESSAGE FROM THE CHILD AND YOUTH ADVOCATE



It is a privilege to serve as Child and Youth Advocate for Prince Edward Island and to bring forward our Office's Strategic Plan for the period April 1, 2023 to March 31, 2024.

The mandate of the PEI *Child and Youth Advocate Act* is broad, as demonstrated by the strategic actions that are both mandatory and discretionary. The 2023-24 Strategic Plan of the Office of the Child and Youth Advocate is grounded in priorities identified by children and youth, individual advocacy and systemic advocacy issues impacting the rights of PEI children and youth, emerging trends and issues impacting children and youth, and reports of child and youth serious injuries and deaths identified by our Office through March 31, 2024.

As Child and Youth Advocate, my accountability is to the children and youth of PEI, upholding their rights to be safe, healthy, educated, supported with specialized care as needed, connected to culture and family and to be heard and have their views considered in reviewable service decisions affecting them.


Ensuring that children and youth are placed at the centre of service delivery and decision-making that affects them is at the heart of our Office's work. In honouring this responsibility, I am guided by the PEI *Child and Youth Advocate Act*, as well as United Nations Convention on the Rights of the Child (UNCRC) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), as it affects the rights of children and youth.

We are always interested in improving services to children and youth and achieving the best possible outcomes in the exercise of all our legislated functions, as outlined in this Strategic Plan. Feedback and constructive suggestions are welcome at any time.

Sincerely,

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



<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>
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<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

“The work you are doing is so important. This is so great for PEI. Your presentation and work is wonderful.”

- Professional

“Thank you so much for this! You’ve really helped. I feel more confident already.”

- Grandparent

“I’m finally back at school and every day I’m one step closer to my dream. I can’t thank you enough for your support and encouragement in my journey.”

- Youth

“I need you in meetings with me. When I am just with other adults, they don’t listen to me. They just twist my words.”

–Youth

“Thanks again for touching base with me today. It honestly took a little weight off my shoulders. Thank you for your guidance and support.”


- Parent




Office of the Child and Youth Advocate



Child and Youth Advocate
Marvin Bernstein




Deputy Child and Youth Advocate
Rona Smith




Office Manager - Executive Assistant
Penny Woodgate




Investigation/Research Representative
Kathleen MacNabb



Advocacy Representative
Erica Evans



Systemic Investigation/Research Representative
Simone Waller



Advocacy Representative
Merissa Mitchell

VISION

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

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*.

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.



WHAT THE CHILD AND YOUTH ADVOCATE DOES



The Child and Youth Advocate is an independent statutory officer of the PEI Legislative Assembly appointed under the PEI *Child and Youth Advocate Act*. The Child and Youth Advocate is responsible to provide oversight of government funded reviewable programs and services delivered to children, youth and their families. Staff of the Office of the Child and Youth Advocate (OCYA) support the Child and Youth Advocate's mandate to promote the human rights of all PEI children and youth.

The Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate reports directly to the Child and Youth Advocate, in an advisory role, to help inform the work of the OCYA on matters of importance to children and youth.

Advocacy: Individual Advocacy and Systemic Advocacy

Children and youth are human rights holders. The United Nations Convention on the Rights of the Child (UNCRC) applies to every child in the world from birth to age 18 years. Canada ratified the UNCRC in 1991. The federal government is responsible to report to the United Nations Committee on the Rights of the Child, which monitors implementation of the UNCRC, every five years. This report is submitted by Canada and includes information provided by the Government of Prince Edward Island to ensure compliance with the UNCRC on child rights that have provincial jurisdictional responsibility.

Individual Advocacy is always voluntary and child/youth led. When the OCYA becomes aware that a child or youth may be experiencing a barrier to the realization of their human rights, Individual Advocacy is offered directly to the child. Individual Advocacy may include providing information and advice; representing the rights, interests and viewpoints of the child or youth; and assisting children and youth to initiate and participate in case conferences, service reviews, mediations, or other processes in which decisions are made about the provision of a reviewable service. Advocating for individual and/or groups of children or youths receiving or eligible to receive a reviewable service, may include talking and meeting with reviewable service providers or reviewing reviewable service records involved with the child or youth and their families.

When the OCYA becomes aware of patterns or trends of more than one child or youth experiencing barriers to the realization of their human rights, staff of the OCYA may provide Systemic Advocacy to ensure the rights of all PEI children and youth are upheld. The purpose of Systemic Advocacy is to review and investigate reviewable service laws, programs, policies and practices affecting an identified population of children and youth with the goal to inform recommendations for broad systemic changes required to benefit many PEI children and youth, as a group of citizens, in the realization of their human rights. The OCYA can undertake Systemic Advocacy on any matter that comes to its attention about a reviewable service, either independently, or at the request of a child or youth.



Child and Youth Serious Injury and Death

It is a mandatory legal requirement that all child and youth serious injuries and deaths in Prince Edward Island are to be reported to the Office of the Child and Youth Advocate.

There is a public reporting duty, meaning any person who has knowledge of a child or youth serious injury or death must report the information to the Office of the Child and Youth Advocate.

There is also a specific reporting duty, meaning all reviewable services that become aware of a serious injury or death of a child or youth who was receiving, or whose family was receiving, a reviewable service at the time of, or within two years previous to, the serious injury or death of the child or youth, must report the information to the Office of the Child and Youth Advocate as soon as practicable.

The purpose of mandatory reporting of child and youth serious injuries and deaths is to review the circumstances surrounding the serious injury or death through a child rights lens. Where appropriate, the Child and Youth Advocate may make recommendations about how to prevent serious injuries and deaths in the future. The *Child and Youth Advocate Act* stipulates there can be no finding of legal responsibility. The goal of reviews and investigations conducted by the Office of the Child and Youth Advocate is always to apply a child rights lens to help inform opportunities to prevent future child and youth serious injuries and deaths. It is never to find fault or to blame any person.

Public Education, Research, Reports, Child and Youth Engagement

The Office of the Child and Youth Advocate has responsibility to promote and provide public education and advocacy respecting the:

- Rights, interests, and well-being of children and youth;
- United Nations Convention on the Rights of the Child; and
- United Nations Declaration on the Rights of Indigenous Peoples as it affects children and youth.

The voices of children and youth are of critical importance in advocacy. The staff of the Office of the Child and Youth Advocate strive to engage directly with children and youth in a flexible, approachable, and child-led manner. Staff are available to connect one-to-one with children and youth, in groups with children and youth, and through the membership of the Child and Youth Advisory Committee.

PEI *Child and Youth Advocate Act* Preamble

The aim of the legislation is to be consistent with and build upon the principles expressed in the United Nations Convention on the Rights of the Child as ratified by Canada;

Government acknowledgement that formative childhood experiences have long-term implications for the individual and for society;

Government acknowledgement that children and youth are able to reach their highest potential when provided with positive life experiences that encourage healthy development and early support when facing challenges;

Government recognition of the importance of continual improvement in the provision of programs and services to children and youth through a collaborative approach that is inclusive of the views of children and youth;

Government recognition of the importance of the preservation and promotion of cultural identity for Indigenous children and youth; and

Government commitment to ensuring that the rights, interests and viewpoints of children and youth are considered in matters affecting them.





PEI *Child and Youth Advocate Act* PROCESS and ACCOUNTABILITY

The 2023-2024 strategic plan priorities reflect the statutory requirements and nature of advocacy issues presenting to the Office of the Child and Youth Advocate.

Process

The strategic plan has been prepared with the input of staff and serves as a guide for individual and confidential internal staff work plans for the Office of the Child and Youth Advocate.

Accountability

The strategic plan is publicly available at www.childandyouthadvocatepei.ca. The Office of the Child and Youth Advocate's Annual Report serves as a mandatory reporting provision to report on the activities, outcomes, and results achieved by the Office of the Child and Youth Advocate in the previous fiscal year. The strategic plan serves to guide operational priorities for the upcoming fiscal year.





Priority 1: PROMOTE and EDUCATE

The Office of the Child and Youth Advocate is mandated to promote the rights of children and youth.

Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate will promote awareness of the role and function of the PEI *Child and Youth Advocate Act*, the Office of the Child and Youth Advocate, the United Nations Convention on the Rights of the Child, the United Nations Declaration on the Rights of Indigenous Peoples as it affects children and youth, and advocacy supports available to children, youth and their families by the Office of the Child and Youth Advocate.

Indicators:

- Respond to media inquiries and requests for interviews relevant to child rights and reviewable services
- Provide presentations/recommendations to PEI Legislative Assembly Standing Committees as requested
- Participate, as a member in good standing, on the Canadian Council of Child and Youth Advocates and participate in related meetings/working groups
- Participate in quarterly meetings with Ministers/Deputy Ministers of child serving government departments
- Participate in monthly meetings with the Deputy Minister responsible for Child Protection Services
- Participate in regular meetings with the Clerk of Executive Council
- Facilitate monthly meetings of the Child and Youth Advisory Committee
- Receive, review, research and provide written submissions, with recommendations, on government proposed legislative amendments and policies
- Participate in meetings of the National Child and Youth Law Section of the Canadian Bar Association and the UNCRC Committee of the National Child and Youth Law Section
- Participate in monthly meetings of the IWK/Dalhousie Department of Pediatrics Advocacy & Action Committee
- Provide educational sessions on the role and function of the Office of the Child and Youth Advocate, 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

Priority 2: ADVOCATE

The Office of the Child and Youth Advocate is mandated to advocate for children, youth and their families respecting reviewable services.



Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate will advocate for children, youth and their families respecting reviewable services.

Indicators:

- Receive and assess individual advocacy requests involving children and youth respecting reviewable services
- Provide information and navigational support to adult family members and persons concerned about the rights and best interests of children and youth engaged with reviewable services or eligible to receive reviewable services
- Provide advocacy support on behalf of/or with a child or youth to include newborns, very young children and children/youth with complex needs
- Empower and educate children and youth about their rights and responsibilities
- Assist children and youth to initiate and participate in processes in which decisions are made about them in the provision of reviewable services.
- Identify systemic issues impacting the rights of children and youth.
- Provide child rights advocacy expertise to inform recommendations of the Office of the Child and Youth Advocate.
- Enable children and youth through advocacy support to participate and achieve positive resolution and outcomes from reviewable service decisions being made about them
- Empower children and youth to engage in self-advocacy
- Maintain robust office documentation processes

Priority 3: RECEIVE and REVIEW

The Office of the Child and Youth Advocate is mandated to receive and review any matter in relation to a reviewable service.



Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate will receive and review matters in relation to reviewable services.

Indicators:

- Conduct reviews to promote the rights of children and youth in relation to Government legislation, policies, protocols, practices and reviewable services to children and youth
- Provide recommendations, informed by reviews, based on a child-rights analysis
- Review reviewable service complaint mechanisms through a child rights lens to inform recommendations
- Draft policies and procedures for systemic reviews and investigations
- Finalize an independent investigation of reviewable services provided to a child subject of a Supreme Court of Canada decision
- Conduct individual and systemic advocacy reviews and investigations

Priority 4: RESEARCH

The Office of the Child and Youth Advocate is mandated to undertake or collaborate in research related to improving reviewable services.



Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate will identify and consider external subject matter experts as needed.

Indicators:

- Conduct analysis of aggregate data of the Office of the Child and Youth Advocate to identify research priorities
- Conduct research to inform recommendations of the Child and Youth Advocate
- Identify issues requiring external expertise
- Identify external subject matter experts
- Contract with external subject matter experts, as appropriate
- Make recommendations informed by reports prepared by external subject matter experts

Priority 5: MONITOR

The Office of the Child and Youth Advocate is mandated to monitor implementation of and compliance with recommendations made by the Office of the Child and Youth Advocate.



Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate will monitor implementation and compliance with recommendations made by the Office of the Child and Youth Advocate to reviewable services.

Indicators:

- Conduct a jurisdictional scan of Canadian Council of Child and Youth Advocate Offices to inform development of a recommendation tracking process for the Office of the Child and Youth Advocate
- Monitor status of 27 recommendations of the Child and Youth Advocate specific to draft amendments to the proposed 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 Learning and Education Authorities
- Monitor status of recommendations to the PEI Government for a detailed Action Plan in response to the United Nations Committee on the Rights of the Child's Concluding Observations to Canada by November 20, 2023
- Monitor status of recommendations from investigations completed by the Office of the Child and Youth Advocate
- Document and monitor systemic issues and trends identified through individual advocacy

Priority 6: The Office of the Child and Youth Advocate may choose to engage in additional discretionary strategic priority provisions of the PEI *Child and Youth Advocate Act*



The Office of the Child and Youth Advocate may receive and investigate any matter that comes to the Child and Youth 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, and a reviewable service for children or youth.

Goal: Between April 1, 2023 and March 31, 2024, the Office of the Child and Youth Advocate may engage in discretionary advocacy matters related to reviewable services.

Indicators:

- Receive and investigate any matter that comes to the attention of the Office of the Child and Youth Advocate from any source concerning a child or youth and/or a group of children or youth who receive or are eligible to receive a reviewable service
- Assist in appealing or reviewing a decision relating to a reviewable service either on the Office of the Child and Youth Advocate's own initiative or at the request of a child or youth
- Explore efficiencies and mandates between the Office of the Child and Youth Advocate, Government and the Supreme Court of Prince Edward Island, in the appointment of legal counsel for children and youth engaged with matters or proceedings involving child protection services
- Apply negotiation, conciliation, mediation or other non-adversarial approaches in provision of advocacy to children, youth and their families
- Make recommendations, as appropriate, to reviewable services or families
- Receive, review, investigate and report on child and youth serious injuries or deaths
- Conduct reviews of academic and grey literature to identify risk factors for child and youth serious injury and death to include review of promising practices to identify potential opportunities for improvements in reviewable services to prevent future child and youth serious injuries and deaths
- Conduct research to inform individual advocacy and systemic advocacy issues impacting child rights
- Identify matters relating to the rights, interests and well-being of children and youth receiving or eligible to receive reviewable services
- Respond to requests for consultations and provide recommendations

CONCLUSION

Each and every person can be an advocate for children and youth. Every person can be an agent of change when we work together to realize the human rights of PEI children and youth. The citizens of PEI have advocated tirelessly for the establishment of an independent Office of the Child and Youth Advocate. Staff of the Office of the Child and Youth Advocate are ever mindful of the responsibility and privilege bestowed upon them by the public, to help empower and promote the human rights of children and youth by: promoting, advocating, educating, reviewing, researching, and monitoring in accordance with the authority and responsibilities set out in the PEI *Child and Youth Advocate Act*.

A paradigm shift is required by all Islanders to ensure compliance with the PEI *Child and Youth Advocate Act*. This paradigm shift requires all of us to have the courage to learn, listen, grow, and work together to actualize the human rights of all PEI children and youth. The 2023-2024 Strategic Plan of the Office of the Child and Youth Advocate positions current human and financial resources to support this provincial work.





PRINCE EDWARD ISLAND
Child and Youth
ADVOCATE

119 Kent Street, BDC Place - Suite 500

Charlottetown, PE C1A 1N3

Telephone: (902) 368-5630

Toll-free: 1-833-368-5630

Email: voiceforchildren@ocyapei.ca

www.childandyouthadvocatepei.ca