



PRINCE EDWARD ISLAND

*Child and Youth*

**ADVOCATE**

**ANNUAL REPORT**  
**2021-2022**



## 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

March 22, 2023

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

Dear Mr. 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, 2022.

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 Child and Youth Advocate



It is a distinct honour to present to the Legislative Assembly this second Annual Report for the period of April 1, 2021 to March 31, 2022. Since being appointed as Prince Edward Island's first independent Child and Youth Advocate on July 15, 2020, I have had the privilege of working on behalf of Island children and youth to uphold their rights, to ensure systems are protecting them, to amplify their voices, and to advocate for better outcomes for them at every opportunity.

This past year has been an important one in the evolution and acceptance of our Office. Individual advocacy has continued to be a central focus of our work. The case examples in this Annual Report illustrate the various ways in which our Office can provide safe space to children and youth, listen to what they have to say, provide them with information about their rights, help them figure out their options, and support them in expressing their views to service providers and decision-makers in matters affecting them. These case examples

also illuminate the need to respect the agency and evolving capacity of children and youth without fixing their rights to an artificial age threshold.

As a matter of systemic advocacy, our Office has over the past year advocated for significant changes to the proposed new *Child, Youth and Family Services Act*. The current PEI *Child Protection Act* reflects a well-intentioned, but paternalistic approach to ensuring child protection and well-being. The proposed legislative scheme, in our Office's estimation, is not child rights-based and falls far short of achieving the culture or paradigm shift required to place children and youth at the centre of services and decisions affecting them. We have advanced twenty Recommendations to both the Department of Social Development and Housing and the Legislative Standing Committee on Health and Social Development with a view to amending the proposed *Child, Youth and Family Services Act*. The plain language version of all twenty of these Recommendations is set out on two consecutive pages of this Annual Report.

During this reporting period, we have also continued our important child death and serious injury review and investigation work. This is vital and meticulous work. Reviews and investigations of child deaths and serious injuries conducted by our Office are intended to advance recommendations which can be instrumental in preventing future deaths and other harm to children and youth by identifying potential corrective improvements in legislation, policy, practices and resources. The intent is never to find fault or determine individual, government or service provider responsibility.

This past year also marked a landmark date in the recognition of children's rights in Canada. On December 13, 2021, we celebrated the thirtieth anniversary of Canada's ratification of the United Nations Convention on the Rights of the Child. By virtue of this ratification, Canada, and by extension the provinces and territories, became legally obligated to implement the provisions of this international treaty. As such, this is an opportunity for all Islanders to learn more about





the Convention, to think about how rights are important to children and youth in PEI, to understand in what ways these rights are recognized, or not recognized, in the lives of all children and youth in PEI, and how they, as concerned adult citizens, can advocate both individually and systemically for a greater realization of children's rights in our own province.

This thirtieth anniversary also provides an opportunity to consider the original vision of the Convention and to take stock of how far we have come as a province in implementing these universal and interdependent rights. As an important historical footnote, on March 28, 1990, the Honourable Roberta Hubley, the then Minister Responsible for Human Rights, stated in the PEI Legislative Assembly that "...we look forward to signing and the eventual ratification of this Convention by Canada and other countries and see it as an important vehicle to promote the rights of children of Canada and around the world." In recognition of this important anniversary, it is time for the Province to step up and build upon its previous commitment to the implementation of children's rights for the benefit of all Island children and youth.

I wish to acknowledge, with appreciation, the efforts of those service providers on the front lines, who have been working diligently to support and protect children and youth during this past year, while facing, in many instances, the extraordinary challenge of a continuing global pandemic. There is much goodwill here at home and a collective concern for the well-being of others. If we continue to work together, PEI can become a leader in raising the bar on children's rights.

I must also extend much appreciation to the many children and youth who have been involved with our Office over the past year, including the members of this Office's Child and Youth Advisory Committee. Your courage and willingness to engage with us is what gives meaning to our work. We are grateful for the many ways in which you have assisted us in our efforts to serve your interests and to be the very best, in all that we do, within our broad legislative mandate.

Finally, I wish to thank the dedicated staff of our Office. Our work is dependent on the incredible compassion and commitment of our staff, who care deeply about children and youth and come to work every day motivated to make a positive difference in the lives of these young persons, so that they have every opportunity to enjoy the fulfillment of their human rights and reach their full potential.

Respectfully submitted,

*Marvin M. Bernstein*

Marvin Bernstein, B.A., J.D., LL.M. (ADR)  
Child and Youth Advocate







There are 215 stars

Three people from the three groups of Indigenous peoples: First Nations, Inuit, and Metis.

Three stages of life: childhood, adult, and Elder.

Made with love for all Residential School survivors and all children who never made it home.

Especially to the Mi'kmaq"

*Artist: Sarah Knockwood  
A member of the Child and Youth Advisory Committee  
of the PEI Office of the Child and Youth Advocate  
2021*





---

## Table of Contents

Background	1
About our Office	2
Vision ~ Mission ~ Mandate	3
Office of the Child and Youth Advocate - Who We Are	4
Canadian Council of Child & Youth Advocates	6
A Year of Continued Lessons and Learnings	7
A Year in Review - Activities and Results Achieved	10
Statistics - Overview	21
Individual Advocacy - Overview	27
Child and Youth Engagement	34
Looking Forward – Expected Outcomes for 2022-2023	36
Resources	40
With Appreciation	41

---

# Background



Marv Bernstein being sworn in as Child and Youth Advocate on July 15, 2020

In April 2019, during a provincial election, three political parties referenced a Child and Youth Advocate in their party platforms, two of which called for the creation of the position of an independent Child and Youth Advocate.

In June 2019, the Speech from the Throne signaled Government's commitment to establish an independent Child and Youth Advocate Office.

In July 2019, a consultation draft of a proposed *Child and Youth Advocate Act* was prepared to include the appointment of an independent officer of the Legislative Assembly to serve as the Child and Youth Advocate along with the establishment of an Office of the Child and Youth Advocate.

Between August 2019 and October 2019, there was extensive public consultation on the draft *Child and Youth Advocate Act*.

On November 19, 2019, the *Child and Youth Advocate Act* received 1<sup>st</sup> reading, and on November 20, 2019, the *Act* received 2<sup>nd</sup> and 3<sup>rd</sup> readings in the Legislative Assembly.

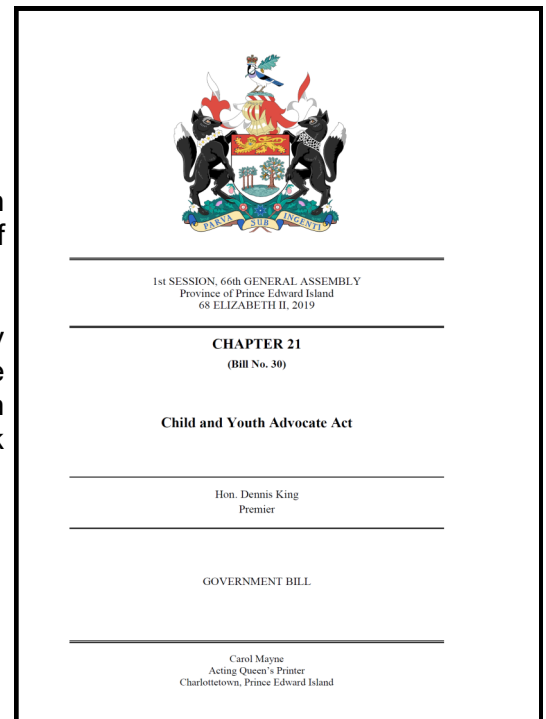
In May 2020, Premier King announced the appointment of the PEI Children and Youth Table, to serve as an interim bridge until the appointment of an independent Child and Youth Advocate, to ensure the voices and views of children and youth were heard and considered in matters affecting them on Prince Edward Island.

On May 26, 2020, Marvin Bernstein was appointed by the Legislative Assembly as the first independent Child and Youth Advocate effective July 15, 2020.

On July 15, 2020, Marvin Bernstein was sworn in as an independent officer of the Legislative Assembly and the *Child and Youth Advocate Act* was proclaimed.

On July 15, 2020, following the appointment of Marvin Bernstein and proclamation of the *Child and Youth Advocate Act*, the Office of the Child and Youth Advocate was officially opened.

On July 17, 2020, Senator Brian Francis and Mi'kmaq Elder Judy Clark were officially welcomed as the first guests to the new Office of the Child and Youth Advocate. Elder Judy Clark performed a smudging ceremony to cleanse the staff and the Office for the work that lay ahead.



# ABOUT OUR OFFICE

The PEI Office of the Child and Youth Advocate (OCYA) is an independent office of the Prince Edward Island Legislative Assembly. The PEI *Child and Youth Advocate Act* established the Child and Youth Advocate as an Independent Officer of the PEI Legislative Assembly. It mandates the Office of the Child and Youth Advocate to:

- Promote and protect the rights of children and youth; and
- Provide oversight of government funded programs and services to children, youth and their families.

As an independent officer, the Child and Youth Advocate does not report to Government. This allows the Child and Youth Advocate to make recommendations without approval or interference by the government of the day.

## WHAT GUIDES THE OFFICE OF THE CHILD AND YOUTH

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 in the world. It has been ratified by 196 nations globally 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" which are:

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

The Convention contains four categories of guiding or general principles for all children and youth:

- **Right to non-discrimination** in the provision and exercise of all Convention rights (Article 2);
- **Right to have the best interests of the child treated as a primary consideration** in all actions concerning children (Article 3);
- **Right to life, survival and maximum possible development** (Article 6); and
- **Right to express views freely and have those views respected** in all matters affecting children (Article 12).



# 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



Child and Youth  
Advocate  
Marvin Bernstein



Deputy Child and  
Youth Advocate  
Rona Smith



Office Manager -  
Executive Assistant  
Penny Woodgate



Investigation/Research  
Representative  
Wendy  
Verhoek-Oftedahl



Advocacy  
Representative  
Erica Evans



Investigation  
Representative  
Susan Maynard









# Canadian Council of Child & Youth Advocates

The Canadian Council of Child and Youth Advocates (CCCYA) is an association of Children's Advocates, Representatives and Ombudspersons from across Canada who 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.

## CCCYA Vision

*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.*

The Council is working to do this by:

- Encouraging the fullest possible implementation of the 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; and
- Engaging/cooperating with other child and youth-serving organizations nationally and internationally to contribute to advancing the rights of children world wide.

## CCCYA Activities

During this past reporting period, the CCCYA met on two occasions and issued the following three media statements, which can be found at <http://www.cccya.ca/content/Statements-Reports.asp?lagid=1>

- May 7, 2021: Children's advocates call for significant mental health planning and investment for young people now and after pandemic on National Child and Youth Mental Health Day; and
- November 17, 2021: Canadian Council of Child and Youth Advocates urges Canadians to call on government to safeguard the rights of children and youth; and
- December 13, 2021: Child and Youth Advocates Reflect on 30 Years of Children's Rights in Canada.



# A Year of Continued Lessons and Learnings



Over the past year, the COVID global pandemic continued to present opportunities for ongoing learning as staff of the Office of the Child and Youth Advocate adapted to delivering uninterrupted advocacy support to children, youth and their families while working remotely from home over an extended period from late December to the end of this fiscal reporting period. Advocacy Representatives remained available, without interruption, to children, youth and families during this period of remote working requirements.

Staff rose to the new challenge of engaging in virtual meeting formats with children, youth and their families, scheduled at times convenient to the child or youth, while in the safety of familiar surroundings. Sometimes this meant, for example, that valued family pets, favoured comfort belongings, while in close proximity, were able to bring comfort to children and youth engaging virtually in individual advocacy support with our office.

Specific to the impact of COVID, we received a number of calls from adults expressing views both in support of, and in opposition to, child and youth vaccinations for COVID. Interestingly against this adult voice background, through individual advocacy, we heard directly from children and youth caught up in the power dynamics of adult views versus child rights. Children and youth expressed fear for their personal health and safety amid opposing parental views on vaccines. This tension played itself out daily in the lives of children and youth experiencing denial of their right to make informed decisions about their health.

The effects of the pandemic will be realized over years to come specifically by children and youth. We are only now beginning to measure COVID impacts on the rights of children and youth. Building on the empowerment of child and youth participation, we encourage service providers to create safe and inclusive space that enables children and youth to be active participants as together, we reimagine and redefine the delivery of programs and services moving forward from lessons learned throughout the pandemic and into the endemic stage of this public health issue.



## Children's Rights in PEI are Everyone's Responsibility - Especially Now

November 20<sup>th</sup> is recognized as National Child Day. Proclaimed by the Government of Canada in 1993, it commemorates two historic events for children - the adoption of the United Nations Declaration on the Rights of the Child in 1959 and the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC was adopted by the United Nations General Assembly in 1989 and is the most widely and rapidly ratified human rights treaty in history. It guarantees and sets minimum standards for protecting the rights of children. One hundred and ninety-six state parties have ratified the UNCRC which aims to protect and promote children's rights and recognize children as equal rights holders rather than passive subjects.



In Prince Edward Island, there is additional cause for celebration in that November 20<sup>th</sup> represents the anniversary date of the governing legislation, the *Child and Youth Advocate Act*, passing third reading in the PEI Legislative Assembly before being ultimately proclaimed in force on July 15<sup>th</sup>, 2020.

# What Does the Child and Youth Advocate Do?



# A YEAR IN REVIEW

Below is a summary of activities undertaken by the Office of the Child and Youth Advocate and results achieved in the fiscal year 2021-2022.

## PROMOTE AND EDUCATE

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

- Rights, interests and well-being of children and youth;
- United Nations Convention on the Rights of the Child;
- United Nations Declaration on the Rights of Indigenous Peoples as it affects 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; and
- Review and provide consultative feedback on government legislation, policies, protocols, and practices to promote the rights of children and youth.

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

- Received, reviewed, researched and provided written submissions on government proposed legislative amendments and policies;
- Distributed resources and materials to children and youth promoting their rights through group presentation sessions and individual advocacy interactions;
- Distributed resources on children's rights and the Office of the Child and Youth Advocate to:
  - Children in care residing in group homes across the province;
  - PEI Schools;
  - Elected members of the PEI Legislative Assembly;
  - Reviewable service providers across the province;
  - Community organizations; and
  - Public bodies.
- Provided reviewable service providers with electronic and hard copy resources outlining children's rights, to help promote availability to children and youth;
- Promoted awareness of the role and function of the Office of the Child and Youth Advocate and children's rights through school presentations, individual advocacy meetings and community partner meetings;
- Developed Powerpoint slide presentations on Articles of the United Nations Declaration on the Rights of Indigenous Peoples, as it affects children and youth, for inclusion in all Office of the Child and Youth Advocate public educational sessions, as reviewed and approved by Indigenous community representatives;
- Provided educational sessions on the role and function of the Office of the Child and Youth Advocate to:
  - Children and youth;
  - Reviewable services;
  - Community organizations; and
  - Members of the public.



## ADVOCATE

The Child and Youth Advocate has responsibility to advocate for 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.

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

- Received and assessed 248 individual advocacy requests involving 313 children and youth;
- Received, reviewed and provided advocacy support in relation to a reviewable service involving groups of children and youth;
- Provided navigational support to community programs and resources for adult inquiries assessed to be outside the scope and mandate of the Office of the Child and Youth Advocate;
- Provided individual navigational and informational advocacy to adult family members concerned about the rights, interests and viewpoints of children and youth engaged with reviewable services;
- Provided direct one-to-one individual advocacy support to children and youth;
- Initiated and participated in case conferences with reviewable service providers on behalf of children and youth;
- Supported professionals, family members and concerned citizens with information to assist navigational support and promotion of the rights of children and youth in matters that affect them;
- Identified emerging systemic trends impacting the rights of children and youth; and
- Worked with individuals, families, communities, public bodies and community organizations to support and create opportunities for the well-being of children and youth.



## REVIEW AND INVESTIGATE

The Office of the Child and Youth Advocate may review and investigate, individually or systemically, any matter that comes to the attention of the Office of the Child and Youth Advocate, 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 and youth.

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; and
- Reviewed two child deaths.



## 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, has received services within the previous two years.

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 to move from a review to an investigation.

The reasons for reviews and investigations are:

- To identify systemic issues arising from a review of the child or youth's circumstances;
- To identify potential enhancements to legislation, policies, practices or resources that could benefit children and youth who receive services in the future;
- To make recommendations to improve systems that serve children and youth; and
- Where possible, to make recommendations about how to prevent serious injuries and deaths in the future.

The purpose of a review or investigation of a child or youth serious injury or death is never to find fault or determine individual service provider responsibility. The purpose is always to learn from a child or youth serious injury or death, with the goal of preventing future serious injuries or deaths of children and youth.

### Injury Classifications

**Physical harm** - a physical injury that may be **self-inflicted** or **accidental**. The injury must involve more than minor soft tissue damage. Examples include broken bones, head injuries, wounds requiring stitching, and burns.

**Physical assault** - a physical injury that was **inflicted by another person**. The injury must involve more than minor soft tissue damage. Examples include bruises, broken bones, and head injuries.

**Sexualized violence** - A sexualized act committed on a child or youth without their consent where the child or youth is not able to consent due to age, mental capacity, or other factors. Examples include physical acts such as sexual assault and sexual touching, and acts without physical contact such as collection and distribution of sexual images and luring.

**Substance-related harm** - The use of drugs, alcohol, or other substances in a way that may cause serious injury. Examples include overdose on medications or illicit drugs, severe alcohol intoxication, and abuse of other substances such as inhalants.

**Suicide attempt or suicidal ideation** - A suicide attempt is a non-fatal attempt to take one's life. Suicidal ideation refers to thinking about or planning suicide where the child or youth had the means available at the time to attempt suicide. The attempt or ideation must have led to a serious injury or have been intended to lead to a serious injury or death.

**Emotional harm** - An action or inaction that has the potential to cause serious or long-term emotional or psychological harm to a child or youth. Examples include threats to harm the child or youth, exposure to domestic violence, and misuse of behavior management methods such as withholding food, and neglect.

**“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”**

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

- Continued to receive reports of child and youth serious injury and deaths for review to:
  - Determine whether or not to investigate, and
  - Identify and analyze recurring circumstances or trends to improve the effectiveness and responsiveness of a reviewable service;
- Implemented routine bi-weekly reporting of child and youth deaths to the Office of the Child and Youth Advocate by Vital Statistics effective June 2021. Only deaths that occur in Prince Edward Island are available through Vital Statistics (Note: Due to a small time lag between the occurrence of a child or youth death and the availability of a record in the Vital Statistics system, child and youth deaths reported to the Office of the Child and Youth Advocate in a given fiscal year may include child and youth deaths that occurred in the previous fiscal year);
- Completed acquisition of records from reviewable services and public bodies for one child death;
- Completed a detailed analytical review of records received for one child death;
- Attended the Coroner's Inquest into a child's death to gather additional information to help inform a review by the Office of the Child and Youth Advocate into the child's death;
- Summarized findings by the Office of the Child and Youth Advocate into a review of a child's death with a draft Comprehensive Review Report nearing completion;
- Initiated analytical review of records received, to date, for one child death. Criminal investigation delayed acquisition of required production of records for the Office of the Child and Youth Advocate review from some reviewable services. Required production of records from one reviewable service was still outstanding as of March 31, 2022;
- Reviewed working draft of the Office of the Child and Youth Advocate classification system for child and youth serious injuries and deaths with the Provincial Epidemiologist, Chief Public Health Office and discussed coding system conventionally used to code injuries in databases;
- Shared draft of the Office of the Child and Youth Advocate classification system for child and youth serious injuries and deaths with 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;
- Conducted a comprehensive cross-jurisdictional scan of legislation, policies, protocols and practices for child and youth serious injury and death reviews and investigations. The scan continues to be updated as legislation, policies, protocols, and practices of child and youth advocacy offices are updated;
- Developed a draft policy for the PEI Office of the Child and Youth Advocate child and youth serious injury and death review and investigation, incorporating learnings from the scan of practices of child and youth advocacy offices across Canada and the experiences of the PEI Office of the Child and Youth Advocate to date; and
- Completed a cross-jurisdictional review of public reports on child and youth serious injuries and deaths produced by child and youth advocacy offices to inform PEI Office of the Child and Youth Advocate future reporting on child and youth serious injuries and deaths.



## 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:

- Consulted with child and youth advocacy offices across Canada regarding methods used to monitor and assess implementation of recommendations for improvement of systems and services for prevention of child and youth serious injuries and deaths. Findings are being used to inform development of PEI Office of the Child and Youth Advocate processes to monitor and assess implementation of recommendations; and
- The Child and Youth Advocate, along with representatives of the Office of the Child and Youth Advocate, participated in a series of meetings with representatives of the Department of Social Development and Housing specific to twenty recommendations (ten recommendations resulting from an independent Child Rights Impact Assessment contracted externally to a national expert by the Child and Youth Advocate and ten additional recommendations by the Child and Youth Advocate) for amendments to the proposed PEI *Child, Youth and Family Services Act*.

## 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 review of academic and gray 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;
- Deferred contracting of external subject matter experts to inform development of recommendations to improve the effectiveness and responsiveness of reviewable services pending completion of Office of the Child and Youth Advocate child death reviews or investigations, as appropriate; and
- Conducted ongoing literature reviews to inform individual advocacy issues impacting the rights of children and youth.



## 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.

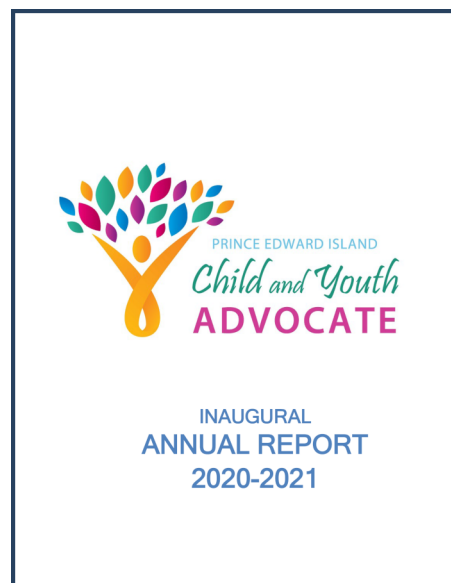
The Office of the Child and Youth Advocate may compile and analyze information received for reviews of child and youth serious injury or death and from investigations conducted to produce a report of the compiled and analyzed information that does not contain information in individually identifiable 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 Inaugural Annual Report for the 2020-2021 fiscal year to the Speaker of the Legislative Assembly on November 19, 2021, in fulfillment of the legislative requirement of the PEI *Child and Youth Advocate Act*;
- Contracted with a national expert to conduct an independent Child Rights Impact Assessment on proposed amendments to draft child protection legislation entitled the PEI *Child, Youth and Family Enhancement Act* and posted this report on the Office of the Child and Youth Advocate website [www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca); and
- Provided a Submission to the PEI Legislative Assembly Standing Committee on Health and Social Development regarding the proposed *PEI Child, Youth and Family Services Act* entitled *A Rare Moment in Time: An Opportunity to Establish a Culture Shift in Child Protection Legislation that Recognizes PEI Child and Youth as Individuals with Rights to be Respected and Voices to be Heard*. The Submission was posted on the Office of the Child and Youth Advocate website [www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca). The Plain Language Summary of the 20 OCYA Recommendations can be found on the following pages.





## CHILD PROTECTION LEGISLATIVE REFORM IN PEI

The opportunity to formally review PEI child protection legislation occurs only periodically, and generally, once every five years. It is imperative that we use this opportunity judiciously and make our very best efforts to get this right. PEI is too small and there is too much at stake to get it wrong.

The current PEI *Child Protection Act* reflects a well-intentioned, but paternalistic and needs-based system that has prescribed the range and quality of services provided to children and youth. The current legislative scheme in the *Child Protection Act*, in our estimation, requires a culture or paradigm shift, where we see and treat children as human rights-holders, who have fundamental entitlements that create corresponding obligations on the part of government. Such a culture shift also requires giving due weight to the voices of children and youth, while treating them with dignity and respect on all occasions.

Inherent in the Child and Youth Advocate's statutory authority is the responsibility to promote the rights of children and youth in relation to government legislation. In recognition of the fact that child protection legislation is far-reaching and can dramatically affect the lives of children, youth and their families in this province, the Office of the Child and Youth Advocate decided to retain the services of a subject matter expert to carry out an independent Child Rights Impact Assessment in relation to new proposed child protection legislation, which resulted in ten recommendations. A Child Rights Impact Assessment (CRIA) is a tool for assessing and reviewing the potential impacts of any proposed or existing law, policy, program or decision on children and their rights. It uses the UNCRC as the framework to assess these impacts, which can be positive or negative, intended or unintended, direct or indirect, minimal or severe, and short-term or long-term.

The Child and Youth Advocate then filed a further submission adding another ten recommendations, resulting in a total of twenty recommendations, all of which are summarized in a plain language version appearing over the next two pages of this Annual Report. The title of this written submission is "*A Rare Moment in Time: An Opportunity to Establish a Culture Shift in Child Protection Legislation that Recognizes PEI Children and Youth as Individuals with Rights to be Respected and Voices to be Heard.*" The central concern of this Office has been that that the proposed PEI *Child, Youth and Family Services Act* is not child rights-based legislation and falls far short of achieving the culture or paradigm shift required to put children and youth at the centre of services and decisions affecting them.

Having said this, it is important to recognize the complexity of child protection work, and the many dedicated professionals in this province, who give so much of themselves to protect children, support families and strengthen communities every single day. Our written submission was intended to propose a better way forward in child protection law reform and to promote a child rights respecting child protection culture. It was not intended to express criticism of the front-line staff and other child protection professionals who are doing this essential work.



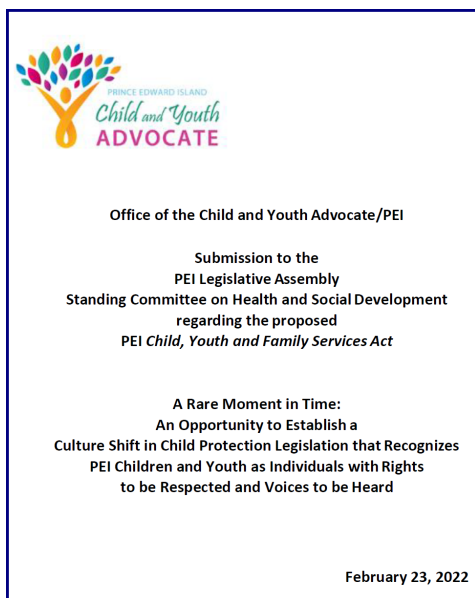
## **A Necessary Paradigm Shift for Child Protection Legislation in PEI: Plain Language Summary of the 20 OCYA Recommendations in response to the draft Child, Youth and Family Services Act**

For ease of reference, the present document is a Plain Language Summary of the 20 recommendations advanced by the Office of the Child and Youth Advocate in response to the proposed draft *Child, Youth and Family Services Act* and is available on the home page of our Office's website. The full text of the 20 Recommendations (with accompanying Rationale) is set out in the document called *OCYA Submission to the Standing Committee on Health and Social Development in response to the Proposed Child, Youth and Family Services Act: A Rare Moment in Time – An Opportunity to Establish a Culture Shift in Child Protection Legislation that Recognizes PEI Children and Youth as Individuals with Rights to be Respected and Voices to be Heard* (February 2022). This Submission is also available on the homepage of the Office's website at [www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca).

When considering the critical importance of legislation that will intimately impact the lives of children and youth, it is the strongly held opinion of the Office of the Child and Youth Advocate that these recommendations are the minimum required to create truly rights-adhering child welfare legislation. The recommended provisions cannot wait for a five-year review of the legislation, and nor should they be left to later regulatory or policy drafting. Regulations and policies provide the details of how services are to be administered, but the legislation provides the legal obligations, and this is where rights must be enshrined.

1. An independent Child Rights Impact Assessment was completed on the draft legislation, and all ten of its recommendations should be incorporated into the new Act.
2. The proposed legislation should be referred to the Legislative Assembly's Standing Committee on Health and Social Development for a detailed review.
3. A comprehensive child rights section should be added to the legislation, including rights to have their opinions considered, to privacy, to appropriate education, to health services, and to recreational activities.
4. The rights of children included in the legislation should be modelled on Ontario's legislation, in which there is a clear description of specific rights for children and youth receiving child welfare services, as well as for children and youth in government care. The legislation must also clearly state the obligations on service providers to respect the rights of children and youth.
5. The legislation should include an accessible and independent complaints mechanism for children and youth, including access to representatives and an appeal process.
6. An obligation should be included to require service providers to facilitate contact by children and youth with the Office of the Child and Youth Advocate, including the ability to have private communications.
7. Clear requirements should be included in the legislation to mirror the access to information powers under the *Child and Youth Advocate Act*.
8. Children and youth should have the right to standing as a party in proceedings under the proposed *Child, Youth and Family Services Act*, along with the right to have legal representation appointed.
9. The proposed *Child, Youth and Family Services Act* should include criteria to assist a court in determining whether legal representation of a child is necessary to ensure that the child's interests are adequately protected in a proceeding under the Act.
10. The proposed legislation should clearly provide that in all instances where decisions are being made that impact children and youth, their views and wishes must be ascertained and given due weight in accordance with their age and maturity.

11. The proposed legislation should include children and youth and a representative from the Office of the Child and Youth Advocate in the list of participants for purposes of the definitions of “family group conference” and “mediation”.
12. The definition of ‘the best interests of the child’ in the proposed legislation should be more comprehensive, reflecting Indigenous rights as well as equality rights of children and youth with disabilities and children and youth from minority groups.
13. The provision that allows a court to exclude a child from a child protection hearing or any part of it without specifying any criteria should be amended to stipulate that such judicial discretion can only be exercised when determining that it is the best interests of the child to make an exclusionary order.
14. There should be specific provisions that require Family Intervention Plans to include educational, recreational, and developmental considerations, along with a clear statement that each plan must reflect the best interests of the child or youth.
15. A requirement of mandatory periodic review of the legislation should be incorporated in the proposed *Child, Youth and Family Services Act*, and this review should include a Child Rights Impact Assessment that seeks out and includes the views of children and youth impacted by the legislation, as well as systematic data collection and qualitative assessment of the impacts and outcomes of the services provided.
16. The periodic reviews of the legislation should be conducted by a Standing Committee of the PEI Legislative Assembly, with meaningful consultation of children and youth and the active participation of the Office of the Child and Youth Advocate, with results to be made publicly available.
17. Provisions of the proposed legislation respecting the application of *An Act respecting First Nations, Inuit and Metis children, youth and families* should specify that all Indigenous children and youth in PEI will be treated in accordance with the principles and standards set out in the federal legislation, and should also reference the United Nations Declaration on the Rights of Indigenous Peoples.
18. The legislation should include a Preamble or Statement of Principles that clearly situates the child and the child’s rights at the center of decisions.
19. The proposed legislation should make explicit that the duty to report suspected child abuse or neglect is a personal duty that cannot be delegated, and that the continuing obligation to report applies to every person.
20. The definition of “youth” in the proposed legislation as meaning “a child who is 16 or 17 years of age” should be amended to conform with the definition of “youth” in the PEI *Child and Youth Advocate Act* meaning “a person over the age of 12 years and under the age of 18 years.”



To read the Submission in its entirety, please visit the PEI Child and Youth Advocate website:

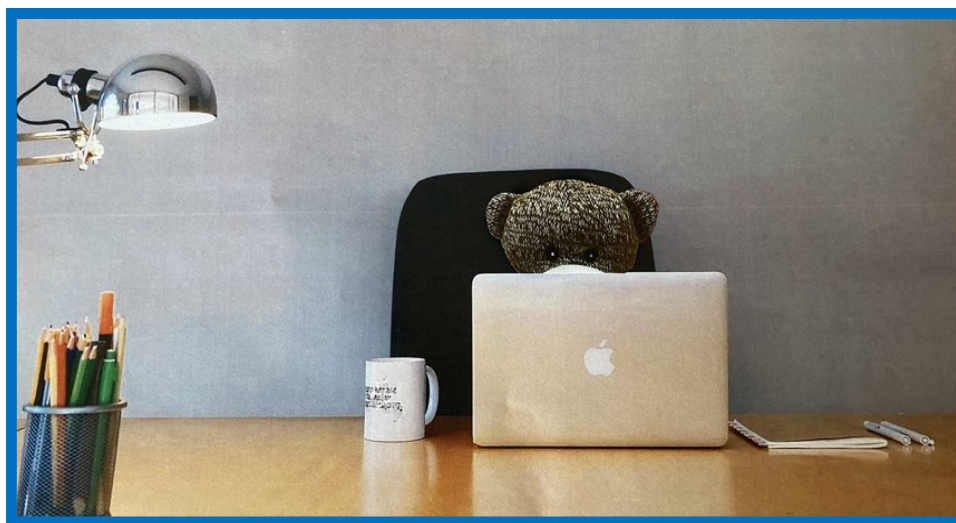
[www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca)

## ADMINISTRATION

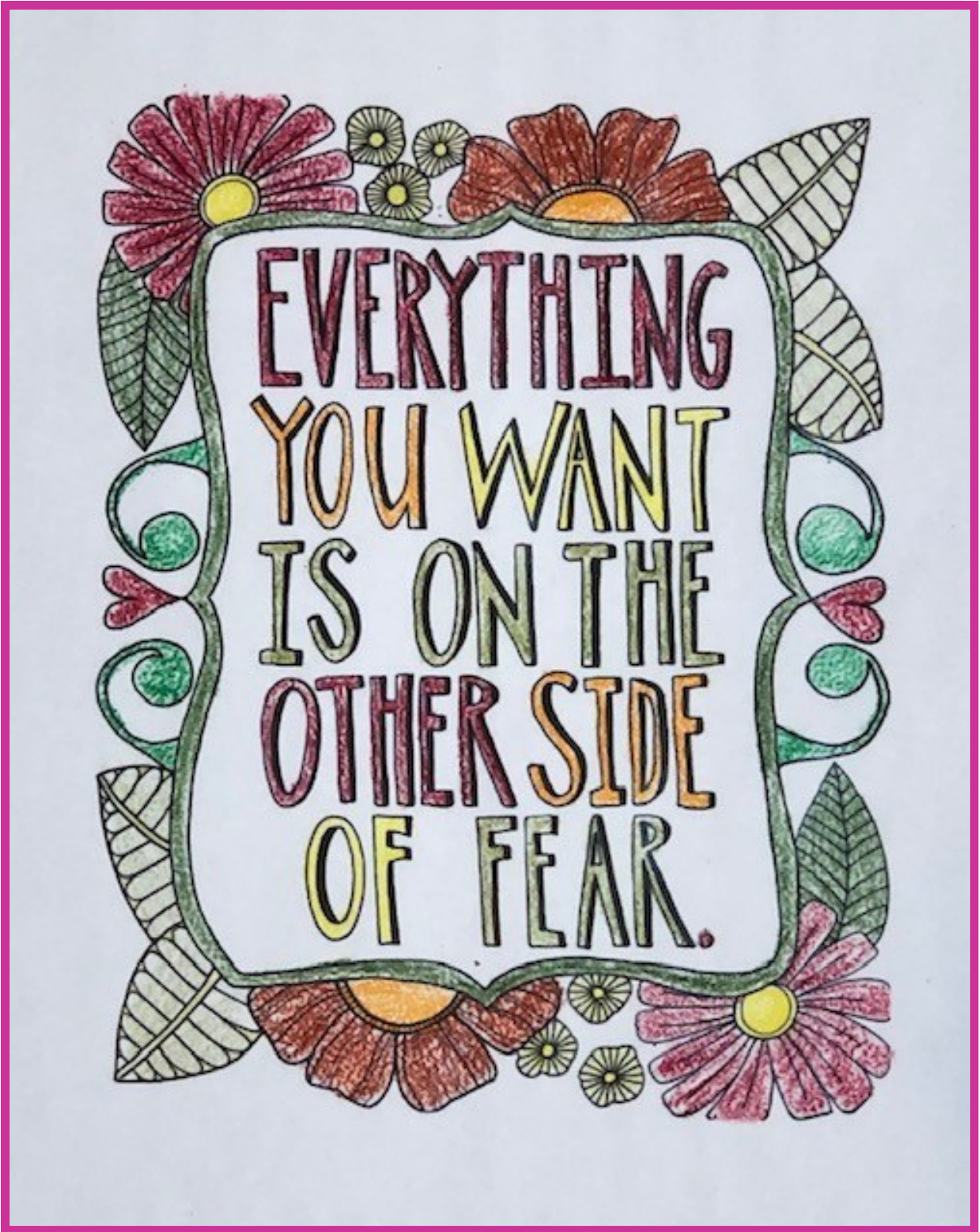
The role and function of the Office of the Child and Youth Advocate is to employ persons necessary to assist the Child and Youth Advocate in carrying out his functions under the PEI *Child and Youth Advocate Act*.

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

- Completed a successful staffing recruitment process for one additional Advocacy Representative position;
- Contracted, on a part-time basis, with an experienced professional to assist with a review of a child death;
- Continued consultation with child and youth advocacy 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;
- Collaborated with investigation representatives from child and youth advocacy offices across Canada in the establishment of a national Child Death Review Community of Practice to include representation with staff of the Office of the Child and Youth Advocate/PEI;
- Consulted regularly with child death investigators of the Alberta Office of the Child and Youth Advocate who shared their expertise and practical strategies in conducting investigative reviews and reporting of child and youth serious injuries and deaths;
- Continued development and configuration of an electronic case management system;
- Drafted policies and procedures for individual advocacy;
- Drafted policies and procedures for child and youth serious injury and death reviews and investigations;
- Completed a series of Human Resource and Administrative policies and procedures as approved by the Child and Youth Advocate;
- Administered the Office of the Child and Youth Advocate website [www.childandyoungadvocatepei.ca](http://www.childandyoungadvocatepei.ca);
- Attended the PEI Montreal Massacre Memorial Service held December 6, 2021, in Charlottetown at the Confederation Centre of the Arts; and
- Participated in national and international webinars on children's rights and issues impacting children and youth to include Indigenous perspectives, online child exploitation and trauma informed practice.





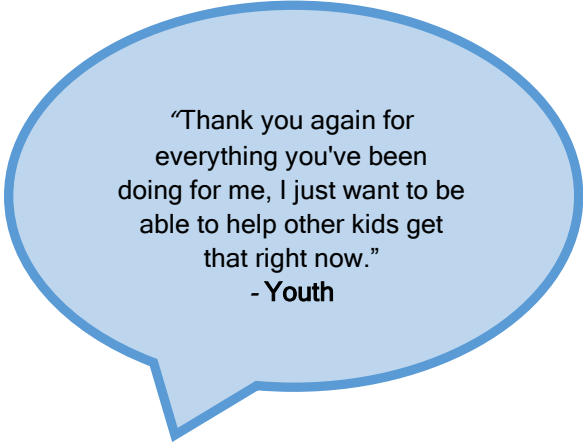


Provided by a member of the Child and Youth Advisory Committee  
of the PEI Office of the Child and Youth Advocate

# STATISTICS—OVERVIEW

Everyone can be an advocate for children and youth. Advocacy is a process - it is not an event. It involves different people working together so that every child and youth experiences the realization of all their human rights.

Over the past year, staff of the Office of the Child and Youth Advocate have fostered and promoted the realization of every child and youth's human rights through one relationship at a time. Children and youth have met staff as strangers, and have taken the risk to share their, often painful, life journey with the hope not only that their experiences may improve, but perhaps even more notable, that they may be able to help other children and youth.



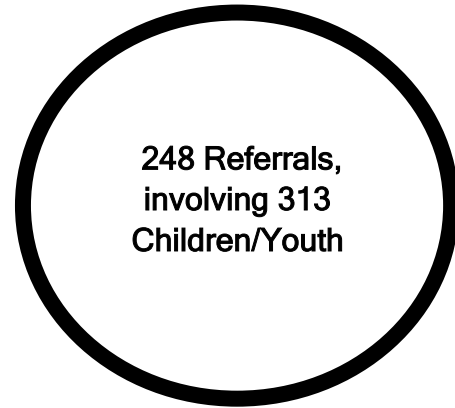
“Thank you again for everything you've been doing for me, I just want to be able to help other kids get that right now.”  
- Youth

When someone makes the decision to contact the Office, in most instances there have been many professionals involved trying to help often very complex life experiences. Frequently, people report that while many professionals are working to help their family, they often feel unheard or that their experience somehow does not matter. Feelings of powerlessness, frustration and being unheard often lead to people becoming overwhelmed, resulting in a sense of helplessness and hopelessness. Through a trauma informed response, staff of the Office of the Child and Youth Advocate take the time to listen, without judgement, to learn about the reason the person is calling the Office and what the person expects the Office may, or may not, be able to do to help.

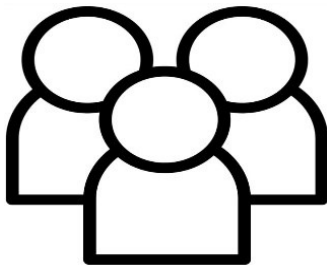
When someone contacts the Office of the Child and Youth Advocate about a matter that does not fall within the authority of the Office, staff will help navigate the person to other programs and services available in the community.

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 requiring help to have their voice heard in matters affecting them, 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



44% Parents  
12% Grandparents  
31% Professionals

7% Child/Youth  
8% Family/Friends/Public

## Most Common Reason for Calls



32% Child Safety / Protection  
30% Custody / Access  
20% Education  
13% Mental Health  
4% Health, Legal

## Ages of Children and Youth Involved



50% Birth - 11 years  
47% 11 - 17 years  
\* 3% age unknown

## Child and Youth Deaths Reported to OCYA



11

Deaths reported in 2021-2022 can include deaths that occurred in the previous fiscal year 2020-2021.

Natural 8  
Unintentional Injury 3

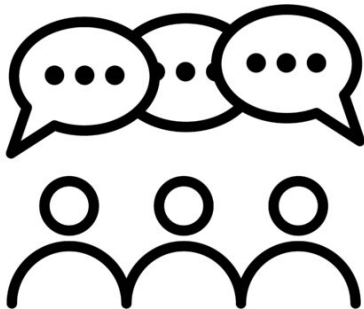
### Media



29

Interviews  
Press Releases

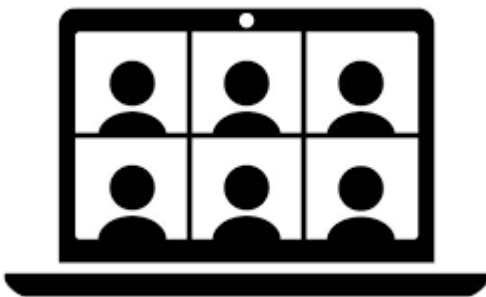
### Educational Presentations



27

Educational sessions provided:  
Reviewable Services – Government  
Departments and Community  
Organizations; and Professional  
Organizations

### Meetings and Consultations



141

Government Senior Leadership  
Members of the Legislative Assembly  
Community Partners  
Professional Associations  
Reviewable Services  
Other Child and Youth Advocate



Staff Professional Development



17

Examples:

Youth Engagement

Children First Canada – Raising Canada 2021

Dr. Peter Jaffe – Children Living with Domestic Violence

Families and Mental Illness

Neurobio of Trauma

Joining Forces to End Violence in and through Schools

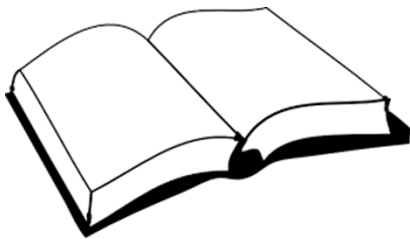
Co-parenting with Domestic Violence

Online Child Sexual Exploitation

Best Practices in Trauma-Informed Care

Indigenous Ways of Knowing

Government Legislation / Policy Consultation



8

Guidelines for Respecting, Accommodating and Supporting Gender Identity, Gender Expression and Sexual Orientation in our Schools

Amendments to the PEI *Education Act* – Elected School Boards

Amendments to *the PEI Education Act* – Student Data

Public Schools Branch (PSB), Operational Procedure – Non-Medical Masks

Awareness to Action – A Health Strategy for Women and Islanders Who Are Gender Diverse

PSB–Student Incident Reporting Policy/ Procedure

Amendments to the PEI *Vital Statistics Act*

Amendments to the PEI *Change of Name Act*

Proposed *Child, Youth and Family Enhancement Act*

Proposed *Child, Youth and Family Services Act*

# Children’s Rights Issues in Prince Edward Island

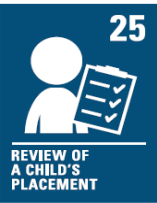
Every child and youth in Prince Edward Island has inherent rights. These rights are set out in the United Nations Convention on the Rights of the Child (UNCRC). The Convention guarantees and sets minimum standards for protecting the rights of children.

The Office of the Child and Youth Advocate is guided by the UNCRC and for the fiscal year 2021-22 has identified the following children’s rights issues impacting children and youth as reported to the Office:

## Top 5 Rights Issues Requiring Protection and Promotion by the Office of the Child and Youth Advocate



Article 12 – Right to be heard



Article 25 – Right to have government monitor the individual care of children and youth when being cared for away from their home



Article 9 – Right to contact with family



Article 28 – Right to a good quality education



Article 24 – Right to physical and mental health





# INDIVIDUAL ADVOCACY

Individual advocacy supports are provided directly to children, youth and their families by two Advocacy Representatives employed with the Office of the Child and Youth Advocate. The role of the Advocacy Representative is to listen to concerns reported on behalf of children, youth, parents, grandparents, extended family members, professionals, and members of the public.

When someone contacts the Office of the Child and Youth Advocate and speaks with an Advocacy Representative, the Advocacy Representative will listen and assess how best to help the person contacting the Office. This may include:

- Talking directly with a child or youth to:
  - listen to their concerns,
  - discuss options,
  - talk about child rights,
  - explore strategies for the child or youth to exercise self-advocacy,
  - initiate contact with a reviewable service, as informed by the child or youth,
  - arrange to meet with the child or youth at a time and place convenient to the child or youth;
- Advocating directly with a reviewable service provider on behalf of a child or youth;
- Talking with an adult contacting the Office on behalf of a child or youth or a group of children or youth for whom they have concern and supporting them with information about the mandate of the Office of the Child and Youth Advocate and what the Advocacy Representative can and cannot do regarding the reported concern;
- Providing navigational support and referral information to adults to help them continue their advocacy efforts on behalf of a child or youth or group of children or youth; and
- Providing contact information for community resources.

Many of the adult initiated calls for help to the Office of the Child and Youth Advocate involve an Advocacy Representative providing information, support and guidance that promotes and empowers self-advocacy.

When a child or youth directly initiates contact with the Office of the Child and Youth Advocate, an Advocacy Representative listens to the views of the child or youth through a child rights lens that empowers the child or youth to be an active participant in the individual advocacy process.

Anyone can contact the Office of the Child and Youth Advocate and a referral is not required.

Anyone attending a meeting with an Advocacy Representative is welcome to bring a support person to that meeting.

“Thank you for your guidance and support, for even just listening.”  
- Grandparent

“Thank you for everything you’ve been doing for me”  
-Youth



# INDIVIDUAL 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. These situations are drawn from the numerous requests received by the Office.

\*No identifying information is included, upholding the right of children and youth to communicate with the Office privately and in confidence in accordance with the protection of privacy provisions ensured by the PEI *Child and Youth Advocate Act*.



## The Right to Identity

### Context

This advocacy case began when Kit, a 16-year-old trans youth, made a brave phone call to the Office of the Child and Youth Advocate. As a minor, Kit had been unable to independently request a legal name change and was seeking support to navigate this process. Kit was estranged from their parents and without parental consent had no legal pathway forward. The inability to legally change name had resulted in much distress as Kit was continually subjected to deadnaming; the act of being referred to by the name used prior to transitioning. Deadnaming can cause undue stress and subject transgender people to harassment and discrimination. Kit's safety was threatened both from peer bullying about transphobia, as well as from themselves in the form of self-harm, as continued use of their former name impacted negatively on Kit's mental wellbeing.

### Process

Kit was connected with an Advocacy Representative who initially took the time to listen and develop an understanding of the issues of deadnaming and the impact that barriers to legal name changes for minors have on transgender youth. Through this discussion, the Advocacy Representative was able to identify the barriers faced by Kit in exercising their rights, including their right to an identity. The Office of the Child and Youth Advocate gives prominence in all its advocacy work to the United Nations Convention on the Rights of the Child. The Committee on the Rights of the Child recognizes the multiple vulnerabilities of transgender youth and emphasizes the rights of all youth to freedom of expression and respect for gender identity (General Comment No. 20, 2016).

Each interaction with Kit, over several months, was underpinned by a respectful approach that sought to demonstrate attuned listening and the acknowledgement of Kit as an active participant in the advocacy relationship. The Advocacy Representative provided Kit with information and ideas about possible ways forward. Together, they exhausted all possible avenues available in the community, often with the additional difficulties of trying to connect with service providers around Kit's school day obligations while trying to maintain privacy for phone call appointments.

## The Right to Identity (continued)

Through discussions and problem solving with the Advocacy Representative, Kit determined that the best pathway to a positive resolution would involve direct communication with elected officials. The Advocacy Representative met with Kit to formulate a letter in their own words that was then sent to the appropriate elected official, with a request for acknowledgement and a commitment to implement change. This approach provided Kit with the opportunity to share their story with decision makers, and request policy and legislative review that would then remove barriers and enable Kit to change their name and live a safe life.

### Outcome

The advocacy experience aimed to empower Kit to appreciate their own skills in self-advocacy and ability to have their voice heard. This culminated in a response from the Minister of Justice and Public Safety and Attorney General, who made a commitment to complete a jurisdictional scan of provincial change of name legislation and a review of existing policy and legislation. Kit had the opportunity to experience, firsthand, the impact of having their voice heard. Additionally, Kit became actively involved in a desire to create change for other youth facing the same systemic barriers, embracing their own role as an advocate for trans youth. Supported by the Office of the Child and Youth Advocate, Kit has played a significant role in initiating a legislative review, which has resulted in proposed changes to the PEI *Vital Statistics Act* and PEI *Change of Name Act*.

"I can't believe a person like me got a letter from yourself."

- Youth

"You've helped my dream of being myself in so many ways and I am forever grateful. Thank you so much with helping youth like me and others with our struggles."

- Youth

"It feels like my hard work is paying off."

- Youth



## Respect for Children's Views

### Context

Noah's stepmother, Susan, contacted the Office of the Child and Youth Advocate seeking guidance about COVID vaccinations for her ten-year-old stepson. Noah lives 50% of the time with his mother, and 50% of the time with his father and Susan. Noah expressed a wish to have the COVID vaccine, but his mother was not in agreement and would not provide consent. Susan was unclear about government guidance regarding vaccinations for children and wondered if there was any remedy to allow Noah to obtain his vaccine.

### Process

The Advocacy Representative assessed the advocacy request and determined that it fell within the legislative mandate of the Office of the Child and Youth Advocate. She spoke with Susan and explained that advocacy is directed by the needs and wishes of children and youth themselves. Weblinks from the Office of the Child and Youth Advocate website, including information about advocacy, were sent to Susan to share with Noah, who could then make a choice himself whether or not to engage with advocacy supports. After sharing these links with Noah, Susan confirmed that Noah requested a meeting with the Advocacy Representative.

During the pandemic, advocacy work with children and youth was moved from face-to-face meetings to virtual spaces. As schools closed, the familiar space often used to connect with children and youth was not available and this necessitated a move to online meetings. This created challenges, particularly in terms of staff's ability to create safe, private spaces for children and youth to speak freely about the issues impacting on their lives. However, we were committed to continuing to provide one-to-one advocacy supports throughout this challenging time. The Advocacy Representative explained to Susan that it would be ideal if Noah could have a quiet, private space to connect with the Office, via Zoom. Susan ensured that Noah was given the space he needed at home to be able to talk freely and privately with the Advocacy Representative.

At the start of the Zoom call, the Advocacy Representative explained her role to Noah, and showed Noah the United Nations Convention on the Rights of the Child poster, highlighting the many articles and rights that children have. The Advocacy Representative asked Noah if he felt that any of his rights were not being upheld. Noah explained that he understood about the COVID vaccine and had researched this himself and felt he had a right to have the vaccine. However, he was frustrated because his mother would not agree. Noah said that he wanted to be able to see his grandfather without worrying about making his grandfather sick. Noah understood that his parents had an agreement to jointly decide on health matters and his father did not want to go against his mother's wishes. Noah himself felt he should be able to have a say about the vaccine.

"I have all of these rights?!?  
There are so many!"

- Youth

## Respect for Children's Views (continued)

The Advocacy Representative talked to Noah about his rights and provided some coaching on how Noah might be able to talk to his mother about his views. Using resources including the PEI Office of the Child and Youth Advocate *Know Your Rights: A Guide for Children and Youth about the United Nations Convention on the Right of the Child* rights booklet and poster available at [www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca), the Advocacy Representative highlighted Article 3, Best Interests of the Child; Article 12, Respect for Children's Views; and Article 24, Access to Health Care. Noah was interested to learn that he has rights, a voice and the ability to express his own views about the important decisions made about his life.

Children and youth who engage with advocacy supports are given an Office of the Child and Youth Advocate teddy bear. The bear is a reminder to children that they have rights, and that if they need support in ensuring their rights are upheld, the Office of the Child and Youth Advocate is there to help them. During the pandemic, staff wanted to ensure that all children and youth contacting the Office were still provided with the same level of supports. Following each initial Zoom call with children, staff sent a teddy bear through the mail to ensure the consistency of the Office's approach. Noah was sent the teddy bear, along with a package of resources to help him understand his rights and empower him to have respectful conversations with adults about his views and wishes.

### Outcome

This advocacy case raised a wider issue about the capacity of children to make decisions about their own health care, and the importance of clear and consistent messaging from government about requirements for consent when administering vaccines to children and youth. The need for clear messaging was communicated to the Department of Health and Wellness to ensure all children and families are provided with accurate information. It also led to subsequent discussions by the Office of the Child and Youth Advocate with the Department of Health and Wellness and the Department of Justice and Public Safety as legislation in PEI related to health care (the *Consent to Treatment and Healthcare Directives Act*) presumes a child's capacity, regardless of age, to give or withhold consent to treatment until such time as the contrary is demonstrated. In follow-up, it is the Advocacy Representative's understanding that a family member decided to seek a legal remedy in this matter on Noah's behalf.







## Access to Mental Health Care

### Context

The Office of the Child and Youth Advocate received a call from Jessica, the mother of 16-year-old Ellen who had previously been in foster care. Jessica was concerned about the impacts of earlier childhood trauma on Ellen. The case was passed to an Advocacy Representative who contacted Jessica to gather more information about Ellen's current situation in order to determine any potential opportunities for individual advocacy.

### Process

Through discussions with Jessica, the Advocacy Representative learned that Ellen had spent a considerable amount of time in foster care, only recently returning to the care of her parents. The family was happy to be reunited and Ellen's parents were working hard to support Ellen through her transition back to her family home. However, Jessica recognized that Ellen was struggling with her mental health. Jessica confirmed that Ellen was on the waiting list for art therapy, community mental health support and additional counseling provided by a reviewable service, but wondered if anything else could be done to support her daughter in the meantime. The Advocacy Representative provided affirmation to Jessica that she was doing a great job in advocating for her own daughter.

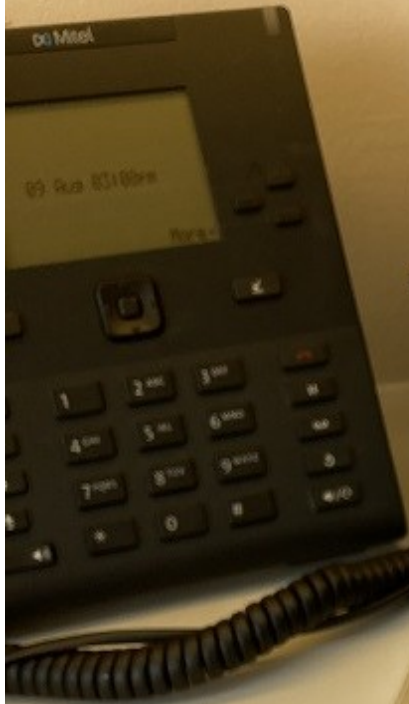
Following the initial interactions with Jessica, the Advocacy Representative met with Ellen via Zoom. This initial meeting provided the opportunity for the Advocacy Representative to gather information about Ellen's priorities and the supports she felt she needed. Ellen shared that she was happy to be home and was looking forward to art therapy. She explained that she wanted her family to stop fighting about the past trauma. She also expressed concerns about her schoolwork and the challenges of working online due to the pandemic school closures and limited access to reliable internet connections at home.

### Outcome

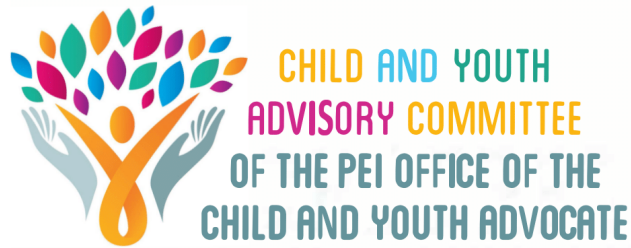
Making subsequent direct contact with Ellen was challenging, as schools were closed due to the pandemic and Ellen did not have access to her own telephone or email. However, contact was maintained through Jessica. The Advocacy Representative conducted research to explore possible supports for Ellen. Family counselling was identified, and information was shared with Jessica about the process to obtain an appointment. Additionally, the Advocacy Representative sought confirmation about the supports available to children and youth at school during pandemic closures. Information about respite support at school for children and youth struggling with learning was shared with Jessica. Jessica confirmed that Ellen had Educational Assistant support via Zoom, but Jessica would also look into face to face respite help at school. Jessica was very thankful for the information and for the opportunity given to Ellen to talk with someone about her own concerns.

This advocacy example illustrates that sometimes the most impactful support is given when families are recognized for all of the hard work and advocacy they are doing themselves. Listening respectfully to children, youth and their families underpins all of our advocacy work.







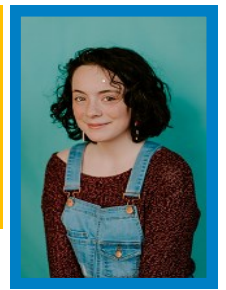


The Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate consists exclusively of children and youth and reflects a rich diversity of lived experiences.

Members of the Child and Youth Advisory Committee serve as an advisory body to the Child and Youth Advocate to help inform the exercise of the Advocate's statutory responsibilities under the PEI *Child and Youth Advocate Act*. Consistent with the non-partisan statutory authority of the Child and Youth Advocate, the functions and activities of the Child and Youth Advisory Committee are guided by the provisions of the United Nations Convention on the Rights of the Child.

The Child and Youth Advisory Committee, with the approval of the Child and Youth Advocate, may engage in consultations on matters affecting children and youth. Consultations may be initiated by members of the Child and Youth Advisory Committee or by a public body, community organization or professional organization seeking the views of children and youth on a matter affecting the rights of children and youth. The Child and Youth Advocate is the contact person for all requests for consultation with the Child and Youth Advisory Committee.

## The 2021-2022 Child and Youth Advisory Committee Members



"It was an absolute privilege and honor to be invited. I enjoyed the session very much and am very grateful for the feedback so we can revise our work to best support our children and youth and families. Such a great group of members I had the pleasure of meeting."

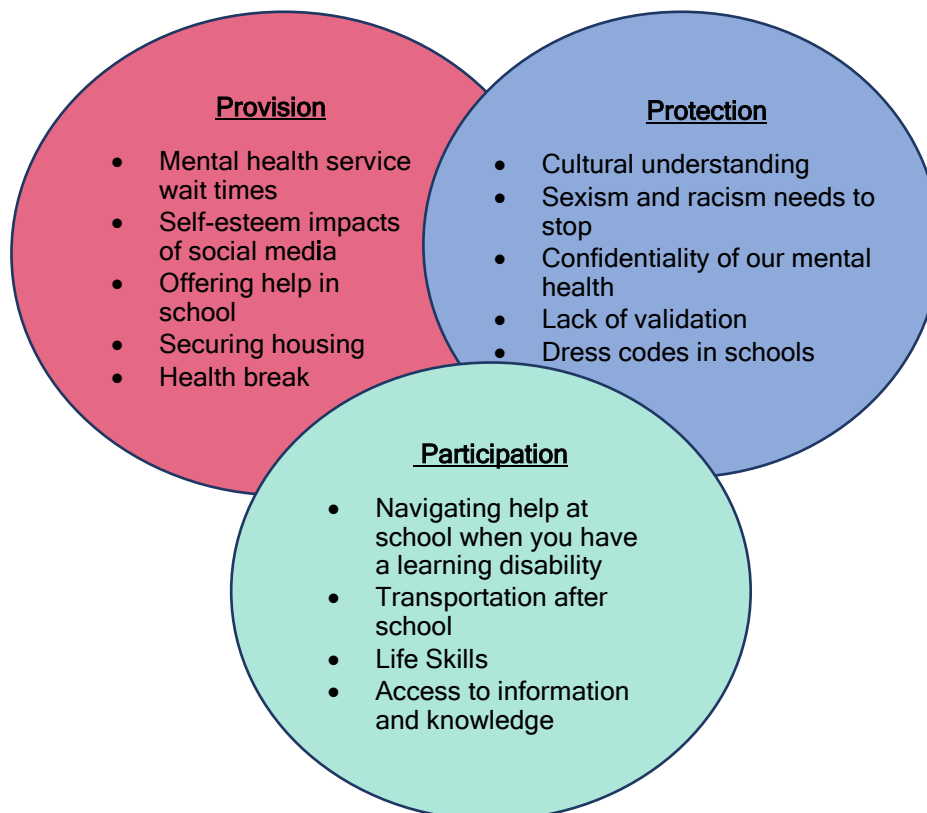
- Professional

## The objectives of the Child and Youth Advisory Committee are to:

- Amplify the voices of children and youth, with a view to advancing the rights, interests and well-being of all PEI children and youth;
- Establish needs and priorities for children and youth to contribute to informing the work of the Office of the Child and Youth Advocate;
- Identify and advise on gaps and areas of concern related to reviewable programs and services to PEI children and youth;
- Identify and advise on supportive structures and processes for child and youth engagement to ensure their voices are heard and considered in matters impacting them;
- Create a balanced constituency approach to ensure that as wide a range of perspectives as possible are brought forward; and
- Support public awareness and 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, specifically with a peer-to-peer approach.



## Child and Youth Identified Priority Issues





# LOOKING FORWARD

## EXPECTED OUTCOMES for FISCAL YEAR 2022-2023

Below is a summary of activities and expected outcomes for fiscal year 2022-2023.

### PROMOTE AND EDUCATE

- Respond to media inquiries and requests for interviews;
- Present to Standing Committees of the PEI Legislature as requested;
- Participate in regularly scheduled meetings with Ministers and Deputy Ministers of the primary child-serving government departments;
- Participate in regular meetings with the Clerk of Executive Council;
- Participate in regular meetings with the Deputy Minister of Social Development and Housing, responsible for programs and services to children, youth and their families;
- Correspond with leaders of the three political parties;
- Participate, as a member in good standing, on the Canadian Council of Child and Youth Advocates representing Prince Edward Island;
- Co-Chair a Canadian Council of Child and Youth Advocates working group on Child Rights Impact Assessments (CRIA);
- Host training sessions on CRIA, in partnership, with UNICEF Canada;
- Encourage Government to embed children's rights in legislation;
- Participate in meetings with Department of Education and Public Schools Branch senior officials on issues impacting rights of children and youth in PEI schools;
- Receive, review, research and provide written submissions on government proposed legislative amendments and policies;
- Request, receive and review government policies, protocols, practices for reviewable services to children and youth;
- Request, receive and review complaint mechanisms for reviewing services to children and youth;
- 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;
- Participate in monthly meetings representing the PEI Office of the Child and Youth Advocate on the IWK/Dalhousie University Pediatric Advocacy Committee;
- Participate in meetings of the Provincial and National Child and Youth Law Sections of the Canadian Bar Association, representing the PEI Office of the Child and Youth Advocate; and
- Facilitate monthly meetings of the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate.

"Thank you for all that you did in the wings. I was so thankful for the Office of the Child Advocate this week."

- Professional

## ADVOCATE

- Receive and assess individual advocacy requests involving children and youth;
- Provide individual navigational and informational advocacy to adult family members concerned about the rights, interests and viewpoints of children and youth engaged with reviewable services;
- Provide direct one-to-one individual advocacy support to children and youth;
- Initiate and/or participate in case conferences with reviewable service providers 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;
- Identify emerging systemic trends impacting the rights of children and youth; and
- Work with individuals, families, communities, public bodies and community organizations to support and create opportunities for the well-being of children and youth.

## 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;
- Review reports of child deaths;
- Conduct a jurisdictional scan of systemic reviews and investigations by child and youth advocacy offices across the country; and
- Draft policies and procedures for systemic reviews and investigations.

## SERIOUS INJURY AND DEATH

- Continue to conduct an investigation into the death of a child following completion of a review of the child's death and subsequent to a Coroner's Inquest;
- Complete review 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 investigate, and
  - Identify and analyze recurring circumstances or trends to improve the effectiveness and responsiveness of a reviewable service;
- Complete acquisition of records from reviewable services and public bodies for one reported child death;
- Complete a detailed analytical review of records received for one child death;
- Summarize findings by the Office of the Child and Youth Advocate into a review of one reported child's death and draft a Comprehensive Review Report for review and consideration of the Child and Youth Advocate;
- 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; and
- 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.

## MONITOR

- Monitor status of 20 Recommendations of the Child and Youth Advocate specific to draft amendments to the PEI *Child, Youth and Family Services Act*;
- 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; and
- Document and monitor systemic trends identified through individual advocacy.

## 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 to inform individual advocacy issues impacting the rights of children and youth; and
- Conduct jurisdictional scans to inform advice and recommendations.

## REPORTS

- Prepare Annual Report for the 2022-2023 fiscal year; and
- Prepare Special Reports as required.

## ADMINISTRATION

- Implement an electronic case management system;
- Complete staff recruitment;
- 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;
- Participate in Canadian Council of Child and Youth Advocate community groups of practice specific to child and youth serious injury and death reviews and investigations, advocacy and systemic reviews and investigations;
- Continue to develop policies and procedures;
- Attend community events in support of children's rights; and
- Provide support and assistance to the Child and Youth Advocate in carrying out the Advocate's 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.

## 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 at [www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca) to learn more about the work of the Office.





## 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 wish to thank the citizens of Prince Edward Island for their continued advocacy on behalf of PEI children and youth. We acknowledge that 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 persons who assisted in advancing the work of the Office of the Child and Youth Advocate on behalf of all PEI children and youth:

- 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.
- Ministers and Deputy Ministers of child-serving government departments who continue to meet quarterly with the Child and Youth Advocate and Executive Director of the Office of the Child and Youth Advocate to collaboratively advance the rights of children and youth across reviewable programs and services.
- The Clerk of Executive Council who meets monthly with the Child and Youth Advocate in the spirit of embedding the rights of children and youth in government legislation, regulations, policies and procedures on behalf of government.
- Recognition of the Deputy Minister of Social Development and Housing who meets monthly with the Child and Youth Advocate in the spirit of collaboration and guidance to advance the rights of children and youth in receipt of departmental programs and services.
- Employees of provincial Government and community organizations providing programs and services to children, youth and their families each and every day across the province.
- Staff of the Carriage House at Beaconsfield Historic Home for going above and beyond community support, allowing the Child and Youth Advisory Committee of the Office of the Child and Youth Advocate/PEI to consider the Carriage House a 'second home' over the course of this past year, with safe physical distancing and staff support of sanitization and meeting logistics, to ensure safe meeting space during the COVID pandemic.
- 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 promoting Child Rights Impact Assessments and training.



 <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>

43-54



HOW THE CONVENTION WORKS

# CONVENTION ON THE RIGHTS OF THE CHILD



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](mailto:voiceforchildren@ocyapei.ca)

For more information, visit  
[www.childandyouthadvocatepei.ca](http://www.childandyouthadvocatepei.ca)

