



PRINCE EDWARD ISLAND  
*Child and Youth*  
**ADVOCATE**

**STRATEGIC PLAN**

**2022- 2023**

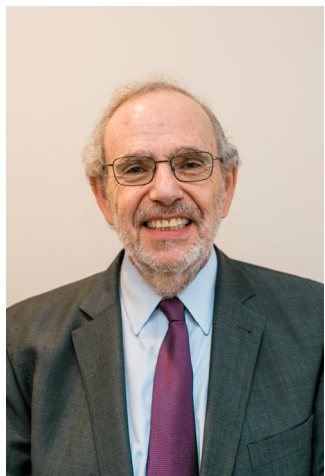


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## MESSAGE FROM THE CHILD AND YOUTH ADVOCATE



It is a privilege to serve as the first independent Child and Youth Advocate for Prince Edward Island and to bring forward our Office's second Strategic Report covering the period from April 1, 2022 to March 31, 2023.

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 2022-23 Strategic Plan of the Office of the Child and Youth Advocate is grounded in priorities identified by children and youth, individual advocacy requests, systemic advocacy issues impacting the rights of children and youth, requests for public education, and reports of child and youth serious injuries and deaths identified by our Office through March 31, 2023.

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 be heard in matters 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>
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HOW THE CONVENTION WORKS

# CONVENTION ON THE RIGHTS OF THE CHILD

“As always, thanks for your consistent support and willingness to connect when things become a little bit too much to manage.”

- Parent

“You’ve been a great help to us.”

-Grandparent

“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

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

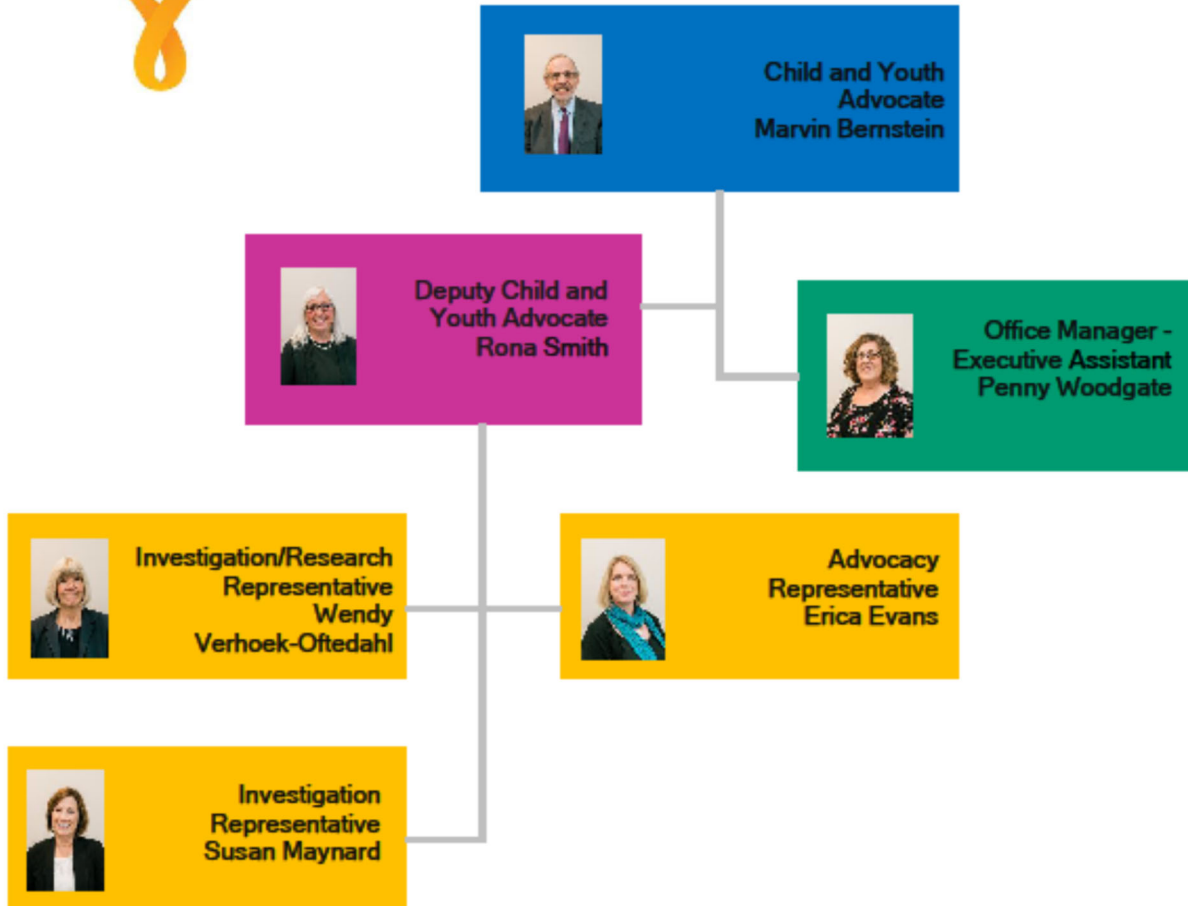
– Family Member

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

- Professional



## Office of the Child and Youth Advocate



## 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 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 Office of the Child and Youth Advocate on matters of importance to children and youth.

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### **Advocacy: Individual and Systemic**

Children and youth are human rights holders. The United Nations Convention on the Rights of the Child applies to every child in the world from birth to age 18 years. Canada ratified the United Nations Convention on the Rights of the Child in 1991, and technically every five years, but usually longer, the government of PEI must report on how the province is demonstrating compliance with the Convention on behalf of PEI children and youth.

When the Office of the Child and Youth Advocate becomes aware that a child or youth may be experiencing a barrier to the realization of their human rights, staff of the Office of the Child and Youth Advocate may advocate for the rights of the child or youth. This is called individual advocacy. 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 children, youth and their families 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 Office of the Child and Youth Advocate becomes aware that a group of children or youth may be experiencing barriers to the realization of their human rights, staff of the Office of the Child and Youth Advocate may advocate for the rights of a group of children or youth. This is called systemic advocacy. Systemic advocacy can involve staff of the Office of the Child and Youth Advocate reviewing legislation, programs, policies and services that affect a group of children and youth. The purpose of systemic advocacy is to make recommendations to help make broad systemic changes to benefit many PEI children and youth in the realization of their human rights as a group of citizens. The Office of the Child and Youth Advocate can undertake systemic advocacy on any matter that comes to its attention about a reviewable service, either on its own, 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 the province are to be reported to the Office of the Child and Youth Advocate.

There is a public reporting duty which means that 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 a specific reporting duty which means all reviewable services who 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.

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, and 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.

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## 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 work. 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 2022-2023 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](http://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, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have promoted 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/DAL Pediatric Advocacy Committee to represent the PEI Office of the Child and Youth Advocate.
- 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 chil-

## 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, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have advocated 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.
- Empower 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.

## 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.



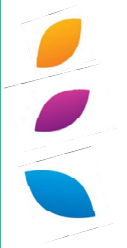
**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have received and reviewed matters in relation to reviewable services.

### 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.
- Initiate 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, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have identified and considered 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, 2022 and March 31, 2023, 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 20+ recommendations of the Child and Youth Advocate specific to draft amendments to the proposed PEI *Child, Youth and Family Services Act*.
- 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, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will receive and determine whether or not to investigate advocacy matters related to reviewable services.

**Indicators:**

- Receive information regarding a reviewable service directly from children and youth, as well as any other source.
- Review information to determine whether to proceed to investigation.

The Office of the Child and Youth Advocate, may on its own initiative, or at the request of a child or youth, assist in appealing or reviewing a decision related to a reviewable service.

- To be actioned as required.

The Office of the Child and Youth Advocate may appoint, or cause to be appointed, legal counsel to represent a child or youth with respect to a matter or proceeding under the *Child Protection Act*.

**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have collaborated with Government to explore efficiencies and alternative methods of implementation of this legislative provision.

**Indicators:**

- Hold discussions with Government to explore options

The Office of the Child and Youth Advocate may advocate on behalf of a child or youth in relation to a reviewable service.

**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will advocate on behalf of a child or youth receiving, or eligible to receive, a reviewable service.

**Indicators:**

- Advocacy may be provided on behalf of a child or youth, to include newborn, very young children and children and youth with disabilities.

The Office of the Child and Youth Advocate may try to resolve matters through the use of negotiation, conciliation, mediation, or other non-adversarial approaches and, if appropriate, make recommendations to reviewable services or families.

**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will apply non-adversarial approaches to matters involving reviewable services.

**Indicators:**

- Apply negotiation, conciliation or mediation in provision of advocacy to children, youth and their families

The Office of the Child and Youth Advocate may review, investigate, and report on the serious injury or death of a child or youth regarding a reviewable service.

**Goal:** Between April 1, 2022 and March 31, 2023, mandatory reports of child and youth serious injuries and deaths will have been received by the Office of the Child and Youth Advocate.

**Indicators:**

- Receive report of a child or youth serious injury or death from any source.
- Require disclosure of information from a public body or community organization considered necessary by the Child and Youth Advocate and in accordance with the PEI *Child and Youth Advocate Act*
- Determine from review of records if the serious injury or death meets criteria to proceed to investigation.
- Commence an investigation into one reported child death that, following completion of a record review of the child's death, met the criteria to proceed to investigation.
- Conduct a detailed analytical review of records received for one reported child death.
- Continue to partner with a reviewable service sector implementing mandatory child and youth serious injury and death reporting compliance mechanism.

The Office of the Child and Youth Advocate may conduct or contract for research respecting the rights, interests, and well-being of children and youth for the purpose of making recommendations to improve the effectiveness and responsiveness of reviewable services.

**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will undertake or collaborate in research to improve reviewable services to children, youth and their families.

**Indicators:**

- Conduct reviews of academic and gray literature to identify risk factors for child death and serious injury 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 issues impacting child rights.

The Office of the Child and Youth Advocate may advise or make recommendations to any public body or community organization responsible for providing reviewable services to children and youth on any matter relating to the rights, interest and well-being of children and youth.

**Goal:** Between April 1, 2022 and March 31, 2023, the Office of the Child and Youth Advocate will have advised and made recommendations to public bodies or community organizations providing reviewable services to children and youth on matters related to the rights, interests and well-being of children and youth.

**Indicators:**

- Identify matters relating to the rights, interests and well-being of children and youth regarding reviewable services.
- Respond to requests for consultations and provide recommendations.

## CONCLUSION

Each and every person is 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, 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 2022-2023 Strategic Plan of the Office of the Child and Youth Advocate positions current human and financial resources to support this province-wide 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](mailto:voiceforchildren@ocyapei.ca)

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