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PLAY MATTERS!

2011 State of the Child Report: A Children's Rights and Well-being Framework for New Brunswick

November 2011

Child and Youth Advocate (Office)

The mandate of the Child and Youth Advocate is to Investigate complaints against administrative decisions and acts of officials of the NB government, agencies or organizations, and any of the municipalities of the province to determine if the decisions or actions were unreasonable, unjust, oppressive or discriminatory, or made under a mistake of law or fact, or contrary to law or by an abuse of discretion. As well as:



- Ensuring the rights and interests of children and youths are protected;
- Ensuring the views of children and youths are heard and considered where those views might not otherwise be advanced;
- Ensuring children and youths have access to approved services and that complaints about these services receive appropriate attention;
- Acting as an advocate for the rights and interests of children and youths in general;
- Empowering children, youths and their families to self-advocate about unacceptable treatment;
- Voicing the concerns of youths in a broader systemic context to inform and influence legislation, policy and practice;
- Looking into broader problems affecting groups of children and youths that can be better or only resolved through systemic changes.

P.O. Box 6000
Fredericton, NB
E3B 5H1

Phone: 1.888.465.1100
Reception: 1.506.453.2789
Fax: 1.506.453.5599

1.506.453.2789

<http://www.gnb.ca/0073/Child-YouthAdvocate/index-e.asp>

New Brunswick Health Council

New Brunswickers have a right to be aware of the decisions being made, to be part of the decision-making process, and to be aware of the outcomes delivered by the health system and its cost.



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Pavillon J.-Raymond-Frenette
100 des Aboiteaux Street, Suite 2200
Moncton, NB
E1A 7R1

Phone: 1.877.225.2521
Fax: 506.869.6282

1.506.869.6870

www.nbhc.ca

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I am a person concerned above all else with the problem of uplifting the lives of children...

Janusz Korczak, *Thorns*, 1901, no 1.



I believe in humanity's future...The child will have the leading role in man's spiritual renewal – it was my intention to play some part in it, but I didn't know how.

Janusz Korczak, *Letter to Ester Budko*, December 1936

Forward

We are very pleased at the Office of the Child and Youth Advocate and the New Brunswick Health Council to present this first joint report on children's rights under the broad theme of Article 31 of the United Nations *Convention on the Rights of the Child*¹ and the child's right to play, rest, recreation, leisure, arts and culture. The report is based upon the Children Rights and Wellbeing Framework which we are also unveiling for a first time today. We hope this Framework will serve to stimulate public debate, inform public policy-making and encourage research into children's rights and well-being. We are committed to jointly publish this report on an annual basis and hope to see year over year improvements in our reporting and measurement processes and in the near term in the lives of New Brunswick children.

This report builds upon the earlier State of the Child Reports published by the Child and Youth Advocate and the Youth Population Snapshot published for the first time in 2010 by the New Brunswick Health Council. The report this year offers an overview of the rights guaranteed to New Brunswick children under the *Convention on the Rights of the Child* and offers analysis and commentary by the Office of the Child and Youth Advocate on the application of these rights in New Brunswick, based upon this year's data, and in particular the interplay between each of the rights and the rights to play, rest, recreation, leisure, arts and culture.

The data is compiled in tables at the back of report grouped in a series of questions which attempt to explain in very general layman's terms the objects of the *Convention on the Rights of the Child*. The New Brunswick Health Council has been careful to

select indicators which can be disaggregated based upon gender and which as much as possible are comparable to national indicators to measure outcomes for New Brunswick children against their Canadian peers. We hope in future years to have comparative data based upon official language community and First Nations ancestry incorporated into our reporting framework. The New Brunswick Health Council has also produced a compendium report, available on its website which breaks down all of the data across each of the province's seven health regions so that comparisons can also be made in relation to children's rights and well-being across different parts of the province.

We are encouraged by the great amount of interest with which the publication of this report has been greeted, in particular in relation to the Child's right to play. We understand that the guarantees set out in Article 31 are the fundamental building blocks of human development. We urge all New Brunswickers to take time to read through the following pages and resolve to take steps individually in their families and communities to improve the opportunities for play, rest, recreation, leisure, arts and culture for the children they know.



Christian Whalen
Acting Child and Youth Advocate



Stéphane Robichaud
Chief Executive Officer, New Brunswick Health Council

A child is someone who needs to move...²



Children's games aren't frivolous...uncovering a secret, finding a hidden object, finding a hidden object, proving that there is nothing that cannot be found – that is the whole point.

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Introduction

Taking children's right seriously requires one to start from the surprising yet essential premise that child's play is a vitally important activity; a fundamental right that helps anchor all the other rights of the child, because it calls forth the child's specificity. Taking children's rights seriously also requires that we as a society constantly and rigorously watch over the state of our children and youth. This obligation requires that we use all of the science and data available to us to create a framework for analysis that is grounded upon the child's fundamental rights. For this reason, the Office of the Child and Youth Advocate of New Brunswick and the New Brunswick Health Council are pleased to offer this report focused on the Child's Right to Play. The report also puts forth a new Children's Rights and Wellbeing Framework that will provide a baseline to be improved upon in years ahead as an indicator and measure of our progress in keeping our promises to children.

One goal of this report is to bring together data and make it easily accessible across government departments, the not-for-profit sector, the research community, and all other interested groups. A further goal is to create measurable indicators of child and youth well-being and rights fulfillment that can then be used as performance indicators when evaluating services to children and youth. Prior to the first of these reports there had been no unified attempt to measure children's rights in New Brunswick. This report represents a continuation and furtherance of the work required to rectify this deficiency in data collection and analysis.

This report builds upon the Population Health Youth Snapshot published by the New Brunswick Health Council in 2010. It constitutes the Child and Youth Advocate's fourth annual statistical report, and the second to have a dedicated focus on New Brunswick's implementation of a select right guaranteed to children under the United Nations Convention *on the Rights of the Child*. This increased focus on one Article is not meant to detract from the importance of all other rights set out in the *Convention*. No one Article is of greater importance than any other. The *Convention* is indivisible and the rights found in its Articles are interdependent. No Article of the *Convention* can be considered in isolation. Governments must therefore seek to adhere to and promote all rights in the *Convention* in a holistic manner, to achieve the fullest development possible of our children.

The adoption of the *Convention on the Rights of the Child* marked a very decisive shift in the concept of legal rights for children. The shift was away from a narrow conception of children simply as people with needs to a broader conception of children as people with rights. Acceptance of this conceptual change is burgeoning, but still incomplete. Canada is one of 193 state parties that have ratified the *Convention*. We as a nation have assumed the obligation to monitor adherence to and promotion of the rights found in this seminal treaty. Not only do children possess rights, protection and promotion of their rights deserve particular attention because children are a particularly vulnerable group, with very limited economic, political or social power. Children have no voting rights. They generally do not participate in the governmental policy decisions that affect their lives.³ Their means of promoting and protecting their rights are minimal. Therefore, an obligation exists to ensure that children's rights are not ignored or thwarted. It is through complete realization of the rights

enshrined in the *Convention* that our children and youth can fully develop and thrive.

The title of our report, *Play Matters*, seeks to reinforce the fact that child's play is no trivial matter, that through their world of play children are engaged in critically important developmental activity, individually in their own lives, but collectively also in the lives of their families and communities. In the Micmac and Maliseet tradition children are respected as the members of the community with the gift of vision; they gaze inwardly and offer us introspection; they look forward and offer us a glimpse into our future. We start from this shared premise but also from the realization that the work we have of building a better tomorrow is a common enterprise in which we are all engaged. However, we are not only investing in children for their future. We must meet children's needs today and work with children to improve our collective tomorrow - moving forward together. It is this ancestral sense of collectivity and the child's place within it which must guide us. As Janusz Korczak put it: children are not only citizens of tomorrow, they are citizens of today.

Before we outline our methodology and introduce the broad theme of the Right to Play, we pause to offer a brief word of explanation regarding Korczak himself. In each of the sections of our report below we introduce some of the main rights guaranteed under the *Convention on the Rights of the Child* and then relate these rights to the data in our Children's Rights and Well-being Framework. At the head of each section we offer various quotes from the works of Janusz Korczak, a man often regarded as the father of Children's rights.

Janusz Korczak was the pen name of Henryk Goldszmit, a children's author and pediatrician born in Warsaw, in 1879. Henryk Goldszmit started writing at a young age but trained as a physician and eventually served as a military doctor. His witnessing of the ravaging effects of war on children convinced him to specialize in pediatrics. He served as the first clinical director of Warsaw's Children's Hospital. After several years in this field he grew weary of always healing and mending children only to return them to the conditions of poverty or disadvantage that would direct them back to hospital or to an early grave. He opened up a home in Warsaw for orphaned and disadvantaged children, one for children. In these institutions he founded a children's press which published a weekly newspaper with contributions from children across Poland. Mindful of the importance of youth engagement, he also organized a children's Parliament and a children's court to determine sanctions for children, or staff, who had broken house rules. Dr. Goldszmit wrote extensively on child pediatrics and pedagogy. Many of his works, including How to Love a Child and The Child's Right to Respect were widely read and translated into several languages at the time of their publication. The institutions he ran were celebrated throughout Europe as models for other care providers. In the 1930s his weekly broadcasts on national Polish Radio, "The Good Old Doctor" doled out advice to parents and families to wide acclaim. Goldszmit also frequently appeared in youth court as an expert witness and as an advocate for unrepresented youth. His children's novels were translated into many languages and in 1937 he received Poland's highest literary award. Following the Nazi occupation, Korczak was forced to cut his ties with the Catholic orphanage he had established, cease his youth court activities and move into the Jewish ghetto with roughly 200 of his young charges. He died a martyr's death with the orphanage

children in the gas chambers at Treblinka in 1942.

More than the tragic circumstances of his death, Korczak's life is remembered for his pioneering advocacy for children as rights bearers, and for the testimonials from wards in his care who spoke of him with love and admiration. In 1979, UNESCO proclaimed the Year of the Child, dedicating it to the memory of Janusz Korczak on the 100th anniversary of his birth. In that same year Poland recommended that an international treaty be drafted based upon a text inspired by the writings of Korczak. Ten years later, the *Convention on the Rights of the Child* was opened up for ratification. The passages from Korczak's writings set out below are meant to serve as a reminder of his method. While Korczak was without question a man and a product of his time, he had a deep sense of the child's love for play and was guided in all his dealings with children by his own experience of what it once felt like to be a child.

A goal of the partnership between the New Brunswick Health Council and the Office of the Child and Youth Advocate is to identify indicators of rights fulfillment that can be measured annually. Only through detailed data collection and analysis can we properly monitor New Brunswick's efforts to fulfill the rights of children and youth. We have identified indicators and new data for this report. The Child and Youth Advocate's Office will continue to work with the New Brunswick Health Council and other government departments to collect and analyze this data. Part of the work done on this year's report has been to identify gaps in our province's data collection, gaps which we hope can be closed.

Many of the indicators that were used in last year's report have

been replaced by more accurate ones. Assessing change in the fulfillment of child and youth rights in New Brunswick between years is therefore not yet perfectly measureable. We are committed to correcting this deficiency and creating a framework that can accurately provide consistent measures over time, and ones which can benchmark New Brunswick's progress in the implementation of the *Convention* against other jurisdictions in Canada and abroad.

The goal is to establish performance indicators relating to services guaranteed to and desired outcomes for New Brunswick children and youth under the *Convention*. These indicators will reflect a broad range of factors that affect the health and well-being of our children and youth, from birth to age 18. These indicators, once established, will allow for comparisons to be made year upon year. Our objective is to create a stable framework within which to measure children's rights, with the understanding that such a framework will always require adjustments. Just as many of the rights in the *Convention* are to be realized progressively, this report will continue to improve year after year in its goal of providing a comprehensive assessment of the state of New Brunswick's children and youth.

This report has been produced with the collaboration of representatives from several government departments. The research and writing team within the Office of the Child and Youth Advocate and the New Brunswick Health Council has been aided by participation from the Departments of Justice, Education and Early Childhood Development, Post-Secondary Education, Training and Labour, Social Development, Health, Public Safety, Wellness, Culture and Sport, Finance and the Aboriginal Affairs Secretariat.

It is government that has legal obligations under the *Convention*, but all sectors of society have moral obligations and share in Canada's legal obligations to help in the protection and promotion of children's rights. As stated in the *Convention*, parents have the primary responsibility for ensuring that the rights of their children are fulfilled.

Ensuring that children in New Brunswick develop successfully into adulthood requires us to devote resources effectively and to continually create opportunities for our youth to actualize their rights. Collecting data and analyzing it regularly is one way to help to provide a picture of what so many people are doing to help children and youth actualize their rights.

There are far more individuals than we can name in this report who are working in government departments, not-for-profit organizations, academia and the business community doing commendable work in advancing the rights of children. If you are reading this, you are likely one of those people.

The theme of this year's report centres on Article 31 of the *Convention*. There are five distinct rights included in this Article: the right to rest; the right to leisure; the right to play; the right to recreational activities; and the right to participation in cultural life and the arts. This Report also places a particular focus on the right to play. Article 31 is sometimes referred to simply as the right to play and rest. To some adults, play may appear to be pointless – it does not directly contribute to our economic activity, and it is often viewed as the opposite of learning. Often it is labeled the forgotten right or the neglected right. It is, however, a truly essential right for the development of physically and mentally healthy children. Play means far more than simply a picturesque

vision of a happy childhood and adolescence. It is an essential aspect of cognitive, social, psychological and physical development. Play is not frivolous, nor are any of the other four rights found in Article 31.

The report below first sets out a detailed analysis of the rights guaranteed under Article 31. We consider in turn each of the five facets of Article 31 and relate each of them to the 2011 data from our Children's Rights and Well-being Framework. We seek to identify gaps in our reporting, to celebrate strengths in our current programming and policy, and to map out areas for further development. We then turn to other rights enumerated in the *Convention* and offer commentary on our progress in the implementation of these rights, in light of this year's data. Emphasis is placed on the relation between the rights set out in Article 31 and other rights found in the *Convention*. Finally, by way of conclusion we include a tentative road map with recommendations for better enforcement in the months ahead of the rights guaranteed to New Brunswick children under Article 31.

As for the supporting data itself it, is not presented this year throughout the report as in previous State of the Child reports. Instead it is set out in our new Framework document developed with the New Brunswick Health Council, which appears at the back of this report. This Framework, inspired by the Youth Population Health Snapshot created in 2010, seeks to analyse the rights of the child under nine general questions of well-being. Eight of these relate mainly to particular areas or groupings of rights and the last focuses on systems measures to monitor efforts across society towards the implementation of the *Convention* as a whole.

We have attempted to follow precedents and models developed

universally in the area of indicators and performance measurement in relation to children's rights. We also must work in the context of New Brunswick's programs and policies dealing with services to children and within the confines of the data available. We look forward to the feedback New Brunswickers and others can give on this document and framework and trust that it will provide us with a sound basis for our collective task in implementing children's rights.

* * *

Endnotes:

- 1 *UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3*
- 2 *Quotes from Janusz Korczak in Betty Jean Lifton's The King of Children: the Life and Death of Janusz Korczak published by the American Academy of Pediatrics, 2005, 415pp, p.14.*
- 3 *See: Parliament of Canada. "Children: The Silenced Citizens – Effective Implementation of Canada's International Obligations with Respect to the Rights of Children – Final Report of the Standing Senate Committee on Human Rights," April, 2007, p. xiii. Available online at: <http://www.parl.gc.ca/Content/SEN/Committee/391/huma/rep/rep10apr07-e.pdf>*

Romana Lilienstein, singer and survivor of the Warsaw Ghetto, remembering her performance in a concert in the Ghetto's orphanage :

Even though the home was clean and orderly, to this day I am haunted by the air of poverty that pervaded the corridors and auditorium.

The children, dressed, like everyone else, in their best clothes, were obviously ecstatic as they sat waiting under the watchful eyes of Stefa Wilczynska.

They listened attentively as Dr. Korczak made a few comforting and humorous remarks in his opening speech.

We knew they were hungry as we were, as everyone in the audience was, yet I'll never forget the intensity of those hundreds of eyes fixed on us.

It is difficult to explain what such a concert meant at that time.

In focus:

Article 31: The Right to Rest, Leisure, Play, Recreation and Arts and Culture



Article 31 – The Right to Rest, Leisure, Play, Recreation and Arts and Culture

1. *States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*
2. *States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.*

The Child and Youth Advocate's 2010 report noted that the rights in Article 31 still do not hold much weight in our social policy discourse, even though an ever-growing body of research points to the importance of these rights. This is one of the reasons that the Child and Youth Advocate decided to make Article 31 a thematic focus of this year's report. However, the rights in Article 31 cannot be considered in isolation. The fulfillment of these rights is dependent upon other rights in the *Convention*. Similarly, fulfillment of the rights found in other Articles are dependent upon the fulfillment of the rights in Article 31.

Article 31 is closely related to the four general principles of the *Convention*, namely the principle that all rights be recognized without any discrimination (Article 2), the principle that the best

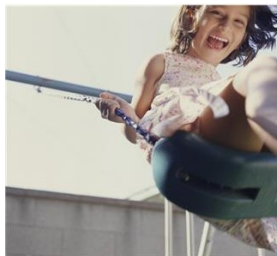
interests of the child be a primary consideration in all actions concerning children (Article 3), the right to life and maximum possible survival and development (Article 6), and the right of the child to express his or her views freely in all matters affecting him or her (Article 12). Many other provisions are also fundamentally related to Article 31, such as the right to freedom of expression (Article 13), the right to freedom of association (Article 15), the right to privacy (Article 16), the right to access to information (Article 17), respect for minority or indigenous culture (Article 30), and the right to protection in the workplace (Article 32).

Article 31 contains five distinct rights: the right to rest; the right to leisure; the right to play; the right to engage in recreational activities; and the right to participation in cultural life and the arts. These are essential human rights that can enable every child to fully develop his or her potential skills, abilities and personality. Indeed, it is not an undue claim to state that the rights found in Article 31 are “at the core” of “major theories of children’s physical, social, intellectual and emotional development.”⁴

It is crucial that these rights are protected and promoted, from an early age for the sound development of each child. The promotion of the rights in Article 31 requires that children and youth be afforded the opportunities to exercise these rights. Government has a prominent role to play in providing for these opportunities and in promoting the rights to parents, teachers, daycare workers, social workers, health workers, professionals in the criminal justice system, policy makers and any other adults who work with youth. This requires coordination of various government departments and agencies, locally and province-wide. Children staying in institutions such as hospitals, group homes and in the New Brunswick Youth Centre require special measures to

allow for full realization of these rights. locally and province-wide. Children staying in institutions such as hospitals, group homes and in the New Brunswick Youth Centre require special measures to allow for full realization of these rights.

There are, however, important distinctions to be made between these rights. 'Play' is not synonymous with 'recreation.' Recreational activities include a broad array of pursuits such as organized sports, pastimes and various entertaining endeavours. The right of children to play, on the other hand, means the right to pursue activities that are not controlled by adults. Play may or may not conform to structured rules. These two rights allow for different (though sometimes overlapping) cognitive, psychological, emotional and social development. A distinction also exists between the right to 'rest' and the right to 'leisure.' 'Rest' entails physical and mental relaxation and sleep, while 'leisure' is a term closer to 'play', involving the freedom of personal time. Let us consider each of these important building blocks in turn.



The Right to Play

Of the five rights in Article 31, the right to play is the least funded and the most neglected by adults. It is often viewed by adults as a luxury rather than a necessity, as disruptive rather than creative. However, play, traditionally viewed by most adults as purposeless and without merit, is now known to have a crucial role in the

development of children; play performs an essential role in a child's health and discovery of their sense of self.⁵ Put simply by Professors Sergio and Vivien Pellis at the Canadian Centre for Behavioural Neuroscience at the University of Lethbridge, Alberta: "the brain not only shapes play... play also shapes the brain."⁶ There are also serious neurological dangers associated with a persistent absence of play.⁷ It is important to recognize that play is distinct from recreation. In fact, an over-emphasis on recreation can hinder the right to play. Free play is threatened when the demands of time force working parents to choose structured recreational activities for their children. This problem is a growing phenomenon in Canada, as it is in many countries.⁸

Many of the other Articles in the *Convention on the Rights of the Child* are essential components of the ability to exercise the right to play. Therefore, the ability of children and youth to exercise their right to play can be negatively influenced as a result of deprivation of other rights. The ability to exercise the right to play is "significantly diminished in situations of severe stress."⁹ Examples of such situations include "violence, fear, discrimination, child abuse, excessive academic pressure, exploitative labour, loss of security and family support, [and] displacement."¹⁰

Play is spontaneous, liberated from defined structure; at its essence, play is about freedom. Children are extraordinarily versatile in their abilities to create situations for play, but adults have an obligation to allow for free time and to provide safe and accessible spaces and opportunities for play. Such spaces should preferably allow for creativity, exploration and physical exertion.¹¹ Availability of spaces for play year-round is essential. Local schools are an existing resource that can be utilized after school hours not only for recreation but also for unstructured play spaces.

Municipal ordinances regulating the use of parks, trails and city streets all impact the spaces where children play; a proper understanding of Article 31 and its inter-relation with other rights of the child must inform municipal policy in these areas. Studies have found that use by children and youth of public spaces has been decreasing for several years.¹² Safety fears play a major factor in this decline in Canada,¹³ as does hostility shown by adults towards children and youth playing in public areas other than parks and designated recreational areas.¹⁴ The irony is that bylaws that restrict the presence of youth in public spaces mean that youth often have to find less-public and potentially less safe areas in which to congregate.¹⁵ We must be careful that our bylaws do not criminalize youth sociability or the exercise of the right to play.

The importance of connection to nature cannot be overlooked when providing places for children and youth to play.¹⁶ Of course, such opportunities must also focus on the attainment of full inclusion of children with disabilities.¹⁷ Adults have an obligation to provide safe and beneficial avenues for play, and it is important to include the opinions and ideas of children and youth in any planning for play environments. In the Child and Youth Advocate's 2009 report *There Ought to be a Law*, we also canvassed the risk of commercial exploitation inherent in children's on-line play spaces. We will return to this topic below but wish to emphasize the need for continued vigilance to ensure that on-line play spaces be accessed and regulated in a manner consistent with the child's needs and best interests.

Everyone has a role in the promotion of the right to play, but special attention must be given to ensure that all adults working with children and youth thoroughly understand the importance of play. Our society values the ability to "think outside the box," to

bring creative solutions to novel situations. This skill is developed at an early age through the creative and adaptive nature of play. It is not only a skill essential to physical and mental health (the ability to adapt to the differing situations we encounter in our lives), it is also essential to our collective economic prosperity.

In the year ahead the Office of the Child and Youth Advocate and the New Brunswick Health Council will consider what additional indicators should be added to the Children's Rights and Well-being Framework to accurately monitor implementation of Article 31 of the *Convention* here in New Brunswick. We want to develop an accurate picture of our infrastructure for playgrounds and playgroups, monitor the use and role of play in daycares, schools, after-school and other educational settings, and obtain a sense of what time and space is made for play in New Brunswick households and families.

The Right to Engage in Recreational Activities



Recreational activities are largely defined by adults and encompass a wide range of activities. Organized sports and various games and activities with rule structures aid in developing physical skills, logical thinking and self-confidence, while teamwork promotes cooperation.¹⁸ Recreation programs can also be excellent ways to provide safe spaces for children and youth, and provide continued learning beyond the classroom. They can reduce stress and depression.¹⁹ Furthermore, recreational activities can provide a cost-effective way of improving public health.

“Sport is an effective way to reach children and adolescents who are often excluded and discriminated against, including...children with mental and physical difficulties, children living or working on the street...and children from indigenous communities. Sport offers them companionship, support, a sense of belonging and connectedness.”²⁰

We have to be aware of various issues that arise with regard to this right. Recreational activities must be adapted to the physical and mental capacities of different age groups. Recreational activities should also not infringe on time for rest, leisure, play or on time for other rights such as that of education. Violence in sport is another growing concern which should be addressed in government policy.²¹

The cost of many modern recreational activities is an obvious obstacle to the full realization of this right. Government measures in this area should therefore be targeted to children in economically disadvantaged situations. Particular attention should also be given to inclusive forms of recreation, allowing for easy participation of children with disabilities and special needs. The cost of recreational activities should also not be prohibitive for economically disadvantaged youth. The First Nations Children’s Futures Fund has begun the work of enlisting the support of New Brunswick’s not-for-profit and business communities in providing better and sustainable recreational services and facilities for children in Aboriginal communities.

Recreational activities are relatively well-funded in New Brunswick in relation to other aspects of Article 31. While such funding is extremely important, it should not interfere with the need to allocate resources for the promotion of play, rest, leisure and the right of children to participate in the arts and culture of their communities.

One measure of the importance recreation has in relation to other aspects of the rights set out in Article 31 is that we already do a better job measuring its implementation. The 2011 Children’s Rights and Well-being Framework provides a number of indicators of physical activity by sports category. We measure the enjoyment of these rights in our framework as a measure of children’s expressive rights under Question 2 in the Framework. We can see from this data for instance that New Brunswick youth aged 12 to 19 report slightly higher participation rates than their Canadian peers in individual physical activities such as walking, home exercise, yard work and social dancing, but significantly lower rates of participation in many organized sports such as soccer, basketball and volleyball. The data is also interesting in terms of what it reveals about choices of physical activities and pursuits by young girls and boys.

* * *

He fell asleep. It was strange, but for a brief moment I definitely saw an aura of light around his tired eight year old head. I had seen such a phenomenon only once before. Even as I write this I know that no one will understand. It is impossible unless one has been in a large orphanage dormitory in the still of night.

Janusz Korczak, *How to Love a Child*, Warsaw, 1920

The Right to Rest



Rest is an imperative aspect of children’s development. Children and youth deprived of rest are more susceptible to ill-health and face debilitating obstacles in their education. Children suffering from insufficient sleep may face developmental and educational deficiencies, and develop physical and psychological health problems. The Committee on the Rights of the Child has stated that failure to respect the right to rest “can generate serious negative physical, psychological, cognitive and social consequences.”²² UNICEF has declared rest to be “almost as important to children’s development as the basics of nutrition, housing, health care and education.”²³ It has also been suggested that not respecting the right to rest “can be considered a form of abuse.”²⁴

One specific concern in the context of New Brunswick is the amount of time that youth spend in school and at work. Our laws and policies relating to youth who have jobs must ensure adequate time for sleep and for ‘down-time’. Various Conventions of the International Labor Organization address the needs of children and youth in the workforce.²⁵ There has been research suggesting that children and youth between the ages of 10 and 18 need as much sleep as younger children.²⁶ Not only can the education of our youth suffer if we permit too many working hours for youth, their physical and mental health may be compromised.

This year the Office of the Child and Youth Advocate wrote to the Departments of Education and Early Childhood Development, Social Development and Post-Secondary Education Training and Labour, expressing concern with respect to the discrepancies between our laws on school-leaving age and the employment standards applicable to children. We questioned also our ability to monitor school attendance and to enforce it. We will continue to advocate for the review of employment standards applicable to children and we will work with all government work with all government departments to ensure that children’s freedoms are maintained while affording all children opportunities to learn and enter the workforce in a manner which is respectful of all their rights under Article 31 of the *Convention of the Rights of the Child*.

Our 2011 Framework suggests that only 52% of youth in grades 6 to 12 in New Brunswick report getting more than 8 hours of sleep per night. Moreover, drilling down further into the data we can see that these figures vary to a fair degree within health zones across the province. Beyond the impacts of balancing school work, part-time jobs and recreational activities with rest we want to understand the impact of screen time usage on sleep patterns among adolescents and for younger children as well. During the next year the Child and Youth Advocate’s Office will redouble its efforts, jointly with other community and public agencies, to provide better public information in relation to the importance of sleep and rest in the child’s development

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The Right to Leisure



The right to leisure is not synonymous with the right to rest. The right to leisure found in Article 31 is a right for a child or youth to have sufficient time to cultivate his or her interests and to engage in activities of his or her own choosing. These activities may be as varied as reading, fishing, collecting stamps, collecting berries, planting a garden, watching a movie, or day-dreaming in a hammock or on a swing. One growing social concern is the extent to which children and youths' leisure time is increasingly given over to various types of screen-time activities and what impacts this is having.

Adults do have responsibilities to prevent children and youth from engaging in leisure pursuits which are overly harmful,²⁷ but children and youth need to be afforded time to themselves between the demands of education, play, rest and work. Article 16 of the *Convention* (the right to privacy) is therefore especially important for the full enjoyment of this aspect of Article 31. Our education system should "teach the nature and importance of leisure and how to integrate this knowledge into personal lifestyle."²⁸

The data in our 2011 Framework below contains one indicator which shows that 38% of children in grades K to 5 spend two hours or less on screen time most days and 40% of youth in grades 6 to 12 spend two hours or less per day in sedentary activities

(watching TV/movies, video games, computer time, messaging or talking on the phone). Moving forward we would be interested in seeing more detailed data published to break down the total average hours of screen time accessed per day and per device, across different age groups. We will also be working with psychologists and researchers interested in the impacts of these activities on children, both in terms of the health risks from exposure to wireless technologies, to the cultural messages and contents being consumed, to the impacts on self-image and socialization processes and the cognitive impacts on brain development. At the same time we will be interested to hear from children and youth themselves and to share their views on the advantages and disadvantages of growing up in an increasingly wired world.

* * *

*The child - a skilled actor with a thousand masks:
a different one for his mother, father,
grandmother or grandfather, for a stern or
lenient teacher, for the cook or maid, for his
own friends, for the rich or poor.*

*Naïve and cunning, humble and haughty, gentle
and vengeful, well-behaved and willful,
he disguises himself so well that
he can lead us by the nose.*

Janusz Korczak, [How to Love a Child](#), Warsaw, 1920

The Right to Participation in Cultural Life and the Arts



This right is connected to the development of identity and personality and includes the right of children to participate in the cultural and artistic pursuits of adults and their broader community as well as the right to child-centred culture. The right to participation in cultural life and the arts is directly related to the rights under Article 13 (freedom of expression), Article 15 (freedom of association), Article 17 (access to the media and to children's books) and Article 30 (enjoyment of minority cultures).

The first United Nations draft of the *Convention* included only the rights to play and recreation. It did not include the rights to rest and leisure or to freely participate in cultural life. It was Canada that proposed their inclusion, recognizing the importance of these rights for the full healthy development of children. We as a nation should continue to respect these rights by protecting them and promoting their fulfillment.

There is a broad movement in Canada for education through the arts. New Brunswickers in particular are well acquainted with the challenges involved in the promotion and protection of official language minorities. We also cherish the advantages that come from learning another person's language, as a window into their culture. The data in our 2011 Framework suggests that while New

Brunswick is not as ethnically diverse as other parts of our country, that demographic is changing and New Brunswick school populations are more ethnically diverse than ever before.

The Child and Youth Advocate's Office is particularly concerned to improve our efforts in the Province in the preservation and promotion of Mi'kmaq and Maliseet languages and culture. More intensive efforts are needed now to teach Mi'kmaq and Maliseet in band operated schools and other public schools attended by First Nations students. As one young Mi'kmaq student put it: "If I have to learn French and English in order to graduate, I should also have to learn my own language."

Many programs exist in New Brunswick to provide children with opportunities to participate in the arts and culture of their community and yet we believe that much more needs to be done. We have excellent statistics on sports enrollment. We also have data on student participation in school based arts and cultural activities taken from the New Brunswick Student wellness survey for youth in Grades 6-12 we see participation rates in Dance (11%), Drama (10%) , Music bands or choir (12%) or visual arts (13%). The wellness survey also measures sports participation at 37%, science clubs (14%), student clubs (16%) and other school based activities (22%). It is interesting to note the comparative interest in sports versus all other activities. By drilling down further into this data we might isolate also the number of youth who choose to not participate in any school based activities and measure also the extent to which students all participate in some measure or the extent to which some students may try to take part in everything. The grade 12 exit surveys also measure opportunity to take part in cultural and artistic activities in school and outside of school and the incidence here is much higher. We

need to know if there is a gap in terms of children's opportunities to take part in cultural activities and their actual participation rates and if the gap is significant why that is so. By combing through all the available data and revising the indicators in our Framework we will seek to produce reports in future years which better monitor the participation rate of New Brunswick children in piano lessons, voice lessons, drama classes, bands, choirs and orchestras, dance classes and heritage language and cultural classes - those in school and those outside of school as well. We are interested in particular in the development of the Sistema NB program which provides musical instruction to young children as a means for social development and educational achievement. We will be following with interest the evaluation of the program's success in Moncton and Saint-John and hope to see the program expand to other communities, particularly in francophone and First Nations settings.

* * *

Article 31



It should be readily apparent that all of the rights found in Article 31 are imperative to the mental and physical development of children and youth. One very essential issue is therefore the necessity of finding a healthy balance between time devoted to each of these rights, as well as balancing time for other aspects of life with time for these rights. Work-life balance is a subject at the forefront of concern for adults in their lives; however, insufficient attention is paid to this subject when it relates to children and youth. For student in Elementary to High School, their classes in essence constitute their jobs. When youth add the demands of school, part-time employment, homework and volunteer participation to time spent engaged in play, recreational activities, rest, leisure, and arts and culture, a picture of an extremely busy life can emerge. While all of these activities are potentially positive, is there a general understanding of how best to balance them? We need to ensure that the lives of our children and youth are well-balanced, to allow for positive mental and physical health now, and to prepare them for balanced lives when they move on to post-secondary education and work.

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The report:
Let's talk about rights



*White and brown and
black and yellow,
Mix the colours with
one another.*

*People are still
brothers and sisters
Of one father and one
mother!*

*Anthem sung by Jewish children in the Chlodna Street Orphanage in the
Warsaw Ghetto, October 1941*



Article 2 – The Right to Equality and Non-discrimination

The first of the four general principles that serve as a guide to the interpretation of all children’s rights is the basic principle of equality and non-discrimination set out in Article 2 of the *Convention on the Rights of the Child*. In this respect the *Convention* follows the model of all basic human rights instruments and recalls the commitment to equality enshrined in the UN Charter as a cornerstone of the new world order established in San Francisco in 1945.

Children espouse concepts of equality and non-discrimination easily and early because these are more intuitive attitudes than prejudice and other learned stereotypes. Childhood playgrounds, daycares and recreational spaces and programs should nurture and reinforce the principles of Article 2. Programs like CISV, and the Asper Foundation’s Human Rights and Holocaust Study Program, Right to Play International and school-based Habitat for Humanity programs offer opportunities for children to learn from playing or working with each other and from studying together our collective pasts and the history of discrimination. We are very encouraged by the leadership which young New Brunswickers have shown in the past several months in combating bullying in their schools and communities. The Office of the Child and Youth Advocate will make special efforts this year to expand the opportunities for children across the province to benefit from community programs aimed at advancing the principles of Article 2 and every child’s Right to Equality.

The Children's Rights and Wellbeing Framework has attempted to capture equality concerns at a very basic level by disaggregating data as much as possible by gender for every indicator chosen, as recommended by the New Brunswick Advisory Council on the Status of Women in relation to previous State of the Child reports. We are also very much concerned with the ability to break down our statistical portrait of New Brunswick children by official language community and by ancestry, particularly in relation to First Nations children in New Brunswick on and off reserves. Last year the State of the Child report was dedicated specifically to Aboriginal culture and identity. Since most of the indicators in our Framework cannot currently be broken down by First Nations or non-Aboriginal ancestry, we have chosen to incorporate the First Nations data where it is available as a separate line in the report. The New Brunswick Health Council and the Office of the Child and Youth Advocate will continue to work this year with First Nations communities and leaders in the province to improve the Framework and our reporting model to provide better comparative data in this respect in future years.

With respect to this year's data we are very concerned to note the significant divergence in outcomes and indicators of well-being as compared between boys and girls. Girls by a considerable margin are much less likely to adopt risky behaviours and appear to be making healthier choices than their male peers. Some of the wider discrepancies reported include the following: Youth 12-19 who have pro-social behaviours (being helpful, respectful, thoughtful, etc.) – 79% of girls vs. 66% of boys; Youth 12-19 who spend 2 hours or less per day in sedentary activities 44% of girls vs. 35% of boys; Youth 12-19 who volunteer outside of school: 82% of girls vs. 70% of boys; Youth satisfaction with respect to mental fitness needs related to family – 82% of girls vs. 70% of boys; injuries in the past

12 months causing limitations of normal activities among 12 to 19 year olds – 34.3% of boys vs. 27.7% of girls; youth 12-19 who have seen or talked to a health professional about their mental health within the last year 17.2% of girls vs. 5.1 % of boys; Youth who have never tried smoking – 64% of girls vs 54% of boys. On the other hand there are very few indicators where the boys actually outperform their female peers, moderate to hard physical activity levels and daily consumption of breakfast are the exceptions where boys measure up much better than the girls.

While our Framework is not as complete as we would like it to be with respect to comparisons among First Nations and non First Nations children and youth, the indicators which are available point to an endemic failure to provide First Nations children with a level playing field and equal opportunities in New Brunswick. First Nations people make up just under 3% of the provincial population, but it is the reality in our province that our search for equality will always be defined to a significant degree by efforts to find equality between our First Nations and non-First Nations children and youth.

Furthermore, the special nature of New Brunswick, as the only Province where equality of the two official linguistic communities is Constitutionally recognized in the *Canadian Charter of Rights and Freedoms*, demands that we do better. Whereas just over 29% of the population reports using French most often at home, the enrolment in school by French language instruction continues to lag behind that number. Is this a mere reflection of the francophone minority's demographic and declining birth rate or does it also reflect the impacts of cultural or linguistic assimilation? We also note that based on the 2009/2010 Oral Proficiency assessments, 33% of Grade 10 Anglophone Sector

students performed at intermediate or higher on FSL (French as Second Language) compared to 70% of Grade 10 Francophone Sector students performed at intermediate or higher on ESL (English as Second Language).

This gap is indicative of severe deficiencies in our ability to graduate bilingual students, and a major inequality between Anglophone and Francophone students. Beyond our legal obligations to promote linguistic equality, there are significant future employment ramifications for our youth when they move into what is largely a bilingual working environment in New Brunswick.

At the same time, New Brunswickers have to be alert to the equality needs and demands of newcomers and immigrants who are now beginning to change the demographic profile of our province.

We can do better at collecting and analyzing data on our children and youth in the education system, for instance to obtain yearly measures of how safe our children and youth feel in school – for all different ages, cultures, levels of ability/disability, gender and sexual orientation.

* * *

The child's mind – a forest in which the tops of trees gently sway, the branches mingle, and the shivering leaves touch. Sometimes a tree grazes its neighbor and receives the vibrations of a hundred or a thousand trees – of the whole forest.

Whenever any of us says “right – wrong – pay attention – do it again” it is like a gust of wind that plays havoc with the child.

Janusz Korczak, journal entry from the First World War, 1917

Article 3 – The Best Interests of the Child

...In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

While this Article may at a glance appear to state a simple principle for rights fulfillment, the fact that the text of Article 3 was debated over an 11-year period²⁹ points to its complexities. The concept of the best interests of the child has received the most academic analysis of any concept included in the rights found in the *Convention*.³⁰

Article 3 is one of the four foundational Articles in the *Convention*. The principle of the best interests of the child being a primary consideration provides a foundation for all other provisions in the *Convention*. Indeed, this principle is “pivotal to the whole *Convention*”.³¹

This Article necessitates that all public institutions must assess any potential and actual impact of their actions upon children and youth. Government has a further obligation to ensure that private institutions do the same. Priority must be given to the best interests of children in any such actions, and it must be demonstrable that these interests have been taken into account. To be legitimate, the best interests of the child must also take into account the views of the child (Article 12) when possible.

In one of its reports to Canada, the UN Committee on the Rights of the Child expressed its concern that the principle of the best interests of children is “not adequately defined and reflected in some legislation, court decisions and policies affecting certain children, especially those facing situations of divorce, custody and deportation, as well as Aboriginal children.”³² The Committee on the Rights of the Child has also urged governments to provide independent legal representation for children in all judicial proceedings affecting children.³³

Further, the Committee has stated that Article 3 necessitates that child impact assessments be undertaken with respect to all legislation and policies that relate to children.³⁴ Such assessments are designed to predict the impact upon children and youth of any law, policy or governmental decision. Conducting these assessments is not a burdensome task; the process can provide a very useful picture of how a law, policy or decision may affect children and youth and constitutes a mere modicum of due diligence in keeping our promises to children.³⁵

The Committee has also stressed the importance of continual and up-to-date training in children’s rights and development for people working in institutions and facilities for the care and protection of children. Care workers should “adopt appropriate child-centered care practices” and ensure that supervisory monitoring systems are in place to better protect children’s rights.³⁶

The New Brunswick Child and Youth Advocate’s Office is concerned with the level of training in children’s rights for people working in our education and justice systems, as well as in care facilities. One prominent example of a lack of such training is

exhibited in the number of criminal charges brought against youth in situations occurring in schools and in group homes. The best interests of the child must be considered in such decisions, as must the rights in Article 40 (The Administration of Juvenile Justice) and provisions in Canada’s *Youth Criminal Justice Act*.

To address these several concerns raised by the UN Committee on the Right of the Child we will be collaborating with UNICEF Canada over the course of the next year to roll-out more training workshops on the *Convention on the Rights of the Child* and its means of implementation for our own staff, as well as for public sector employees, the research community and non-governmental organizations. We have approached several departments already in relation to the need to conduct Child Impact Assessments on proposed law reform that may affect New Brunswick children and are hoping to develop our capacity provincially to put these methods into action for the benefit of our children. We are very interested in the process that is underway to reform our Family Court services and we hope that through this process the Provincial Government will find ways of providing New Brunswick children with a voice and better legal representation whenever their interests are in play in judicial proceedings in our province.

All New Brunswickers are invited to reflect this year on how the principle of the best interests of the child impacts the child’s right to play, rest, recreation, leisure, arts and culture. In our view it begins with an attitude shift among us all which moves away from outdated views that child’s play is trivial, and that recognizes instead that play, rest, recreation, leisure and arts and culture are the fundamental building blocks of a child’s development and wellbeing. Having the child’s best interests in mind means that when we plan and design programs, spaces and centres for the

supervised access by non-custodial parents to their children we need adequate resources and capacity for play and recreation. Having the child's best interests in mind means that when we implement our provincial poverty reduction strategy through our Community Inclusion Networks we need these networks to be exemplars of youth engagement and participation. It means also that we need to recognize and nurture programs of child welfare such as the Sistema children's orchestra programs, a strengths-based equal opportunity program that has been shown to have intergenerational impacts in combating poverty.

Having the child's best interests in mind means that when we plan our business council dinners and celebrate our entrepreneurs we will recognize those leaders who place children's interests and the child's right to play at the heart of their philanthropic endeavours, because these investments will strengthen our workforce and our work ethic and will yield longer returns. Finally, having the best interests of the child clearly in mind means that as parents when we take our kids to work one day in November of each year we will remember the other 364 days of the year when we can take them to a rink, to a pool, to a dance, to the theatre, to a park, or just maybe to the back yard or the family room for a game and some fun.

* * *

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- 34 Committee on the Rights of the Child, General Comment No. 5, 2003, General Measures of Implementation for the Convention on the Rights of The Child CRI/GC/2003/5, paras 45-47.
- 35 *Ibid* at para. 45.
- 36 Committee on the Rights of the Child, General Comment No. 7, 2005, CRI/C/GC/7/Rev.1, para 23.

I think it's better to show pictures of what kings, travelers and writers looked like before they grew up, or grew old, because otherwise it might seem that they knew everything from the start and were never young themselves.

And then children will think that they can't be statesmen, travelers and writers, which wouldn't be true...

Janusz Korczak, opening lines from King Matt the First, 1922



Seek in that stranger who is your child the undiscovered part of yourself. When is the proper time for a child to start walking and talking? When he does. When should his teeth start cutting? When they do. How many hours should a baby sleep? As long as it needs to.

Janusz Korczak, How to Love a Child, Warsaw, 1919

Article 6 – The Right to Life, Survival and Development

... States Parties shall ensure to the maximum extent possible the survival and development of the child.

It is essential to recognize that the obligation of State parties to the Convention on the Rights of the Child under Article 6 is not only to protect the survival of the child, but also to ensure the development of the child. Article 1 of the UN *Declaration on the Right to Development* defines the right to development as a right “in which all human rights and fundamental freedoms can be fully realized.”³⁷ The right to development is a process leading to the full realization of every human right. Article 6 constitutes the third of the four general principles guiding the interpretation of the *Convention* and is also a holistic concept, requiring the realization of many of the rights in the *Convention*, such as the rights to health, education, adequate standard of living, and not least those found in Article 31: the rights to play, recreation, rest, leisure, art and culture.

When Article 6 speaks of the obligation to “ensure to the maximum extent possible” the realization of these rights, it means that government must “create an environment which enables all children under their respective jurisdiction to grow up in a healthy and protected manner, free from fear and want, and to develop their personality, talents and mental and physical abilities to their fullest potential consistent with their evolving capacities.”³⁸

The development of children depends to a major extent on the enjoyment of other rights, particularly Article 24 (the rights to health), Articles 28 and 29 (education), Article 27 (an adequate standard of living, including nutrition, water, clothing and housing), Article 26 (social security) and Article 31 (rest, leisure, play and recreation).

In 2005, the UN Committee on the Rights of the Child noted that children and youth are “often voiceless and invisible within society.”³⁹ The tragedy of this truth is vividly apparent in the situation of youth homelessness. In 1995, the Committee expressed concern about the number of homeless children in Canada.⁴⁰ Sixteen years later, accurate measurements about the number of homeless youth are still not collected nationally or in New Brunswick. Youth homelessness is an issue that remains largely unaddressed. The numbers of homeless youths in New Brunswick can only be estimated. This fact alone underscores the level of neglect these youth face. While we therefore cannot know with empiric certainty whether the problem is worsening, all signs point in that direction. Moreover, while the true extent of the problem may be unknown, there is no question that homeless youths throughout our province today face risks such as developing or deepening mental health problems, turning to the desolate cul-de-sac of drug addiction, causing harm to themselves, becoming victims of predators, and victimizing others by engaging in crime.

A continuing problem is that provisions of New Brunswick’s *Family Services Act* which sought to expand services to vulnerable youth between the ages of 16 and 18 have been unevenly and unsuccessfully applied. While the age limit on services to youth over 16 has been removed the program supports are only

accessed by youth who voluntarily request them. We need to redouble our outreach efforts to engage youth in accepting services that will benefit their development. Transition homes can play an important role here as well if they are sufficiently resourced. Progress has been made this year in increasing supports to youth transition homes where they exist, but too few communities in New Brunswick have access to such supports for youth. Moncton and Miramichi have dedicated youth shelters, Fredericton has a shelter for young girls, but the province and other communities have to do their part as well. Community Inclusion Networks formed as part of New Brunswick’s action plan to combat poverty can assist in addressing the gaps and they have the potential to make a significant change in the lives of our youth.

All of the rights under the *Convention* must be interpreted in light of the general principles set out in Article 6 related to the right to life, survival and development. Throughout the following year the Office of the Child and Youth Advocate will focus upon the importance of the child’s Right to Play in their survival and development. We know that the various aspects of Article 31, rest, play, recreation, leisure and arts and culture are all essential pathways to resiliency and healthy child development. Before a child can read or write, she must learn to play, laugh, move and speak her mother tongue. Havighurst’s notion of developmental tasks suggests that some developmental stages precede others, but at the same time the psychological literature around developmental tasks invites one to the view that learning is a life-long process and that play, recreation and arts and culture provide opportunities to hone essential developmental skills and learning environments at every stage of life.

We encourage NB 2026 and the developers of the Continuous Learning public engagement initiative to fully explore next year the linkages between Article 31 of the *Convention on the Rights of the Child* and its related human rights guarantees in the Universal Bill of Rights in the development and implementation of programs of social transformation through our collective and renewed investment in life-long learning. We are also encouraged by the promise of new investments in early childhood education. However, we would like to see improved community supports for school and municipal playgrounds and sports fields, particularly in New Brunswick First Nations communities.⁴¹

There are many measures of success about which New Brunswick can be optimistic. For example, the Children's Rights and Wellbeing Framework included in this Report shows that we have less children and youth living in low-income families than most other provinces. We also have a very low infant mortality rate when compared to Canadian provinces and territories. Unfortunately, this year's data in the Framework points out several worrisome statistics in relation to New Brunswick children's right to life, survival and development. We rank 10th out of 13 jurisdictions in Canada in relation to food insecurity in homes with children under 18. We rank 12th out of 13 jurisdictions in Canada in terms of the number of youth 12 to 19 years of age who were significantly injured last year. Also, our overweight and obesity rates still point to a significant need for improvement. Taking stock of these indicators and others should allow us as a society to focus our efforts to help children develop safer, healthier habits and lives.

* * *

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- 39 Committee on the Rights of the Child, *General Comment No. 7, "Implementing Child Rights in early Childhood," 2005, CRC/C/GC/7/Rev. 1, para 14.*
- 40 Committee on the Rights of the Child *CRC/C/15/Add. 34, para. 15 in 1995.*
- 41 Schleyer-Lindemann A. & M. Piolat. « Les Taches de Développement un concept à redécouvrir » in *Psychologie Française, June 2011, Vol. 56, No. 2, pp. 81-101.*

The child must be seen as a foreigner who does not understand the language of the street plan, who is ignorant of the laws and customs. Occasionally he likes to go sightseeing on his own; and when up against some difficulty, asks for information and advice. Wanted – a guide to answer questions politely.”

Janusz Korczak, The Child's Right to Respect, Warsaw, 1929



Article 12 – The Right to Respect for the Views of the Child

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 12 is the last of the four foundational Articles of the *Convention on the Rights of the Child*. In particular, it is meant to operate in synergy with Article 3, which states that the best interests of the child shall be a primary consideration in all decisions and actions affecting children. Article 12 and Article 3 do not present oppositional concepts, as is sometimes believed. Determination of the best interests of the child must take into consideration the views of the child where he or she is capable of expressing his or her views.

Paragraph 2 of this Article emphasizes the right of the child to be heard and for his or her views to be afforded weight in specific proceedings that affect the child. This right applies to a broad range of court proceedings, including divorce proceedings, custody and child protection matters, civil proceedings dealing with education or other matters, and even adult criminal matters that may lead to a child being deprived of a parent. It certainly also applies to youth criminal justice matters. Paragraph 2 also states that the right applies to any administrative proceeding affecting the child. This includes a wide range of formal decision-making in areas as diverse as education, municipal planning, social welfare and health.

The rights set out in Article 12 do not propose an infeasible situation wherein a child's views are paramount to all other considerations. Article 12 simply applies a basic principle of fundamental justice, the right to be heard enshrined in Section 7 of the *Canadian Charter of Rights and Freedoms*, to matters where decisions are made by adults that affect children and youth. It allows for a right of participation as rights holders and a move away from strictly paternalistic approaches to issues that affect children and youth. The Committee on the Rights of the Child has often pointed out that traditional attitudes have presented obstacles to the acceptance of the concept that children have rights. The Committee also calls for the promotion of a political and social environment that is conducive to participation by children and youth in decision-making.⁴² The Committee has further asked parties to the *Convention* to provide data on the number of child and youth organizations and their memberships.⁴³ The Child and Youth Advocate's Office and the New Brunswick Health Council will continue to work on monitoring efforts in New Brunswick to give full force to Article 12. By paying attention to

the views of youth, we can help to foster the development of participating, engaged citizens who will take ownership of challenges in our communities and strengthen our democracy.

The promotion of the rights in Article 12 is particularly important with regard to children and youth who are marginalized and whose views are therefore less likely to find an outlet. This includes children and youth living in poverty, living in institutions, homeless, having disabilities or belonging to Indigenous or other minority groups.

In 2002, the United Nations General Assembly produced and adopted a document entitled *A World Fit for Children*. This document states: "Children and adolescents are resourceful citizens capable of helping to build a better future for all. We must respect their right to express themselves and to participate in all matters affecting them, in accordance with their age and maturity."⁴⁴ Article 12 of the *Convention on the Rights of the Child* "reinforces the status of the young child as an active participant in the promotion, protection and monitoring of their rights."⁴⁵ The Committee on the Rights of the Child has further advised parties to the *Convention* to "provide all relevant professional categories involved in judicial and administrative proceedings with mandatory training on the implications of Article 12."⁴⁶

The Office of the Child and Youth Advocate will maintain its efforts in the coming year to encourage the many partners actively committed to youth engagement processes to continue their efforts and work together to bring about a culture change in the province so that Respect for the Views of the Child becomes the norm, that youth tokenism is no more and that children learn from a young age the leadership skills to be active contributors to

their communities. We will also contribute to the Family Court review processes underway as an effort to ensure that any reforms improve the guarantees made to children under Article 12 of the *Convention on the Rights of the Child*.

One key measure of our success in implementing Article 12 in relation to Article 31 and the Right to Play would be to work with youth cultural organizations and sports organizations across the province to ensure that children and youth are actively involved in the administration and governance of the organizations that enable their Right to play, rest, recreation leisure, arts and culture. The youth engagement framework launched by Youth Matters and the Child and Youth Advocate's Office as well as the youth engagement guide produced in 2010 by the Fédération des jeunes francophones du Nouveau-Brunswick are helpful framework documents to initiate conversations at board meetings and in municipal councils across the province. These documents speak eloquently to the role of an adult ally. This role assumes deference not leadership and begins, as Korczak pointed out almost a century ago, with a willingness to answer questions politely. The Office of the Child and Youth Advocate will work with all willing partners and young persons in every community to bring about the change required.

* * *

Endnotes:

- 42 *Committee on the Rights of the Child, Report of the Forty-Third Session, September 2006, Day of General Discussion, Recommendations, para 9.*
- 43 *Committee on the Rights of the Child, General Guidelines regarding the form and content of periodic reports to be submitted by States Parties under article 44, paragraph 1(b), of the Convention. Adopted by the Committee at its thirty-ninth session on 3 June 2005, Annex, para 6.* 44 *United Nations General Assembly, Twenty-seventh special session, A/RES/S-27/2, 11 October 2002, Resolution adopted by the General Assembly on the report of the Ad Hoc Committee of the Whole (A/S-27/19/Rev.1 and Corr.1 and 2), S-27/2, A World Fit for Children, Declaration, para. 7.9.*
- 45 *Committee on the Rights of the Child, General Comment No. 7, "Implementing Child Rights in early Childhood," 2005, CRC/C/GC/7/Rev.1, para 14.*
- 46 *Committee on the Rights of the Child, Report of the Forty-Third Session, September 2006, Day of General Discussion, Recommendations, para 38.*

From Lifton's The King of Children, on the birth of the *Little Review*, Poland's children's newspaper edited by children editors with the support of Janusz Korczak:

The purpose of the paper, he explained, was "to defend children". Those who didn't know how to write could come in and dictate to an editor. No one was to feel shy or fear being laughed at. Articles would be published on all kinds of topics: soccer, movies, trips, politics.

The morning edition for younger children would have lots of pictures and contests with prizes of Swiss chocolates and toys. There would be feature stories on pets, childhood illnesses, or hobbies; interviews with children who were doing unusual things; and a weekly serial, the first of which would be a diary of an orphan. The afternoon edition would take up more serious subjects, with prizes of books, watches, and movie tickets.

... [Korczak] regarded a children's press as the "ABC of life".

Art. 13: Freedom of Expression

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice...

In the very first session of the United Nations General Assembly in 1946, a resolution was adopted stating that freedom of information is “the touchstone to all the freedoms to which the United Nations is consecrated”.⁴⁷ The *International Covenant on Civil and Political Rights*, which entered into force thirty years later, proclaims that the right to freedom of expression is a universal right. The history of rights theory and practice generally deprived children of rights, though. It was therefore a major step to consecrate this right for children in the *Convention on the Rights of the Child*. Through expression and participation, children become empowered to take increasing responsibility for the exercise of their rights. This central right of the child forcefully challenges the paternalistic adage that “children must be seen and not heard”.

Freedom of expression is important to all individuals in their intellectual development and personal growth, and this is especially true for children. This right is also intimately connected to the right to play found in Article 31 of the *Convention*. As UNICEF has stated: “of particular importance to children’s freedom of expression is the right to engage in play and

recreational activity and to participate freely in cultural life and the arts.”⁴⁸

Freedom of expression allows for the development of a sense of self as well as a sense of participation in society. Our future depends to a great degree on providing youth with opportunities to become capable of producing and expressing independent and informed thought. This right is also essential to the fulfillment of the right of respect for the views of the child found in Article 12, one of the four foundational rights in the *Convention*. For the voice of children and youth to be accorded due weight in all decisions and actions affecting them, their opinions must be both free and informed.

The *Convention on the Rights of Persons with Disabilities*⁴⁹ stresses the importance of government providing special attention to fostering the right to freedom of expression for people with disabilities. This necessitates that government both provide information in accessible formats and accept information through various modes of communication (such as Braille, sign language, and other modes). The Committee on the Rights of the Child has also noted that governments should pay particular attention to areas such as the right to freedom of expression where the rights of children with disabilities are most likely to be violated.⁵⁰

In New Brunswick the Children’s Rights and Well-being Framework has tried to capture data in relation to freedom of expression rights by asking squarely how well children in New Brunswick are expressing themselves. Over a dozen indicators of positive sense of expression are included. These range from data measuring pro-social behaviour among children and youth, to

screen time usage, to employment rates and volunteering rates and the types of physical activities in which youth are engaged. These are helpful indicators and yet the Framework barely scratches the surface in terms of questions which could be asked. We are hoping in future years to have better measures and disaggregated data tracking the political participation rate of children and youth, data in relation to the numbers of children and youth involved in student government, in youth organizations, in organized lobbies, in newspaper and new media publishing, and in debating clubs and drama clubs, in music lessons, bands, choirs and other performance troupes, in creative writing and visual arts programs and activities. The New Brunswick Student Wellness Survey conducted by the Department of Wellness, Culture and Sport provides a valuable starting point for measuring youth involvement in many such activities outside of school, and we can build upon this information for our Children's Rights and Well-being Framework. We know that there is a healthy amount of activity in these fields supported by community organizations and schools throughout the province. However it is important to track and monitor this activity in order to know whether the opportunities for New Brunswick youth are equally spread throughout the province and in all linguistic and cultural communities. We need to know how well our provincial participation rates in these fields compare with other Canadian jurisdictions, and with those abroad.

In conclusion, it is very encouraging to see the rate of youth in grades 6 to 12 who contributed time to volunteer opportunities outside of school in the last year come in at 76%. We will be seeking over the next year to obtain more complete data in this regard to make comparisons to other age cohorts and to track the data over several reporting cycles. It is also heartening to see that

approximately 70% of grade 12 respondents in the Exit Survey stated that they planned to vote in the next federal and provincial elections. If intention translates to action, then these new High School graduates will be voting at a rate nearly 10% greater than the general population.⁵¹

* * *

Endnotes:

47 United Nations General Assembly, Resolutions adopted by the General Assembly at its 1st session, A/RES/59(I), C.3A/PV.65, 14 Dec. 1946, A/229, A/261, *Calling of an International Conference on Freedom of Information*. Available online at: <http://www.un.org/depts/dhl/resguide/r1.htm>

48 Hodgkin, Rachel and Peter Newell. *Implementation Handbook for the Convention on the Rights of the Child: Fully Revised Third Edition*. UNICEF, United Nations Publications, 2007, p. 180. Available online at: http://www.unicef.org/publications/index_43110.html

49 UN General Assembly, *Convention on the Rights of Persons with Disabilities: resolution / adopted by the General Assembly, 24 January 2007, A/RES/61/106*

50 Committee on the Rights of the Child, *General Comment No. 9, 2006, CRC/C/GC/*, para 34.

51 Based on voter turnout at the most recent federal election (61.1%), as calculated by Elections Canada: <http://www.elections.ca/content.aspx?section=ele&dir=turn&document=index&lang=e>

It is nice to have your own drawer or closet, for then it is absolutely your own, and a place where no one else has the right to poke without your permission. It is nice to have your own garden plot, your own room and a place, and a house where you live with your family, and where no one bothers you.

Janusz Korczak, on the Paris Conference and Polish independence, *In the Sunshine*, Warsaw, 1918



Article 16 – The Child’s Right to Privacy

1. *No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.*
2. *The child has the right to the protection of the law against such interference or attacks*

The right to privacy is one that every adult would surely consider fundamental. That children are rights holders, though, is only a relatively new idea. That children and youth are to be afforded the right to privacy was not until recently a widely held belief, yet the potential harm caused by violations of this right can be more injurious to the young than to adults.

The wording of Article 16 of the *Convention on the Rights of the Child* is nearly identical to that Article 17 of the *International Covenant on Civil and Political Rights (ICCPR)*. The UN Human Rights Committee, which is tasked with interpreting the *ICCPR*, has commented on the contours of the right to privacy. The Human Rights Committee notes that all persons live in society, the protection of privacy is necessarily relative. However, the competent public authorities should only be able to call for such information relating to an individual’s private life the knowledge of which is essential in the interests of society.”⁵² This caveat is all the more important in its application to children and youths, considering their vulnerability

and general lack of power to assert their rights. An important aspect of the right to privacy is that not only must children and youth be afforded protection from interference from authorities, but also from all individuals and corporations. Moreover, the privacy of children and youth is to be afforded protection wherever they may spend their time, be it in schools, in facilities, in the home or in institutions.

However, the constant advice from the Child and Youth Advocate's Office since 2006 has been that children's privacy should not be a shield to prevent government accountability, nor an impediment to collaborative efforts among government agencies to serve the best interests of the child. In our submission three years ago to the Finn-Malone Task Force on Personal Health Information Privacy Legislation in New Brunswick we stated the following:

To date however, the application of privacy principles has caused confusion, inhibition and a withdrawal into operating silos in a manner that has unduly compromised medical, social and educational service delivery. The new law must redress this situation. In the area of child welfare in particular our office has recommended that the Act include a special provision to ensure that notwithstanding all other provisions of the legislation nothing in the act should prevent or discourage the secure and reasonable disclosure of personal health information between custodians and other service providers where the best interests of the child will be served by such disclosure.

We repeat these concerns. New Brunswick parents and youth have never come to the Advocate with a complaint that government has trampled all over their privacy, but they have repeatedly asked us why government agencies cannot work together for the benefit of the child. We have not failed to meet a reasonable expectation of privacy but we are failing daily to meet New Brunswickers' reasonable expectations of service when it comes to coordinated and integrated service delivery to children, particularly those with complex needs.

In 2009 the Office of the Child and Youth Advocate published jointly with other Child and Youth Advocates and Privacy Commissioners Offices in Canada a report entitled *There Ought To Be a Law*. This report focused on the sexual and commercial exploitation of children online. We did so to raise concern over the extent to which children's online play spaces are dominated by commercial interests which exploit children's online play for commercial gain in a variety of ways. We were also alarmed at the rate of growth and spread of child pornography materials online and law enforcement's inability to keep up to pace with the spread of this criminal activity. We have not seen any significant progress in terms of the commercial exploitation of children, and while new legislation has been developed to facilitate law enforcement in relation to child pornography, the gap between law enforcement and the extent of criminal activity in this area has only widened and deepened.

In our view the consumption and proliferation of child pornography is a social malaise that needs to be confronted through concerted public education efforts in schools, communities and households until it is completely eradicated. Over the next year the Office of the Child and Youth Advocate will

redouble its efforts to support public safety programs in law enforcement and public education to confront this criminal activity.

In the data available in the Framework we note that 40% of New Brunswick youth in grades 6 to 12 report spending less than two hours per day in sedentary activity and these are identified as (watching TV/movies, video games, computer time, messaging or talking on the phone). We can report from that basis that 60% of our youth are spending more than two hours per day on screens of various sorts. Three years prior, earlier survey results suggested that only 53% of youth engaged in more than two hours of screen time on a daily basis. The 7 % increase in screen time usage points not only to a deepening problem but also to a significant rate of change. This trend is concerning given the sedentary nature of this activity, its passive nature in many cases and the other health concerns to which some screen usages may give rise. In our view this issue should be probed and reported upon more comprehensively so that we measure not only sedentary activities, but that we specify screen time usage to get a complete read of how much time youth are before a screen in total and for each type of media. New research on brain development and other research linking cancer and wireless technologies require that we make careful efforts to monitor and record this data particularly for younger children.

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Endnotes:

52 United Nations Human Rights Committee, General Comment No. 16, 1988, HRI/GEN/1/Rev.8, para. 7, p. 182.

...respect for their laborious quest for knowledge. Respect for their studies and their tears. Respect for the mysteries and stumbling blocks encountered in this hard work of growing.

Janusz Korczak, The Child's Right to Respect, Warsaw, 1929



Article 17 – The Right to Access Information

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;*
- (b) Encourage international cooperation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;*
- (c) Encourage the production and dissemination of children's books;*
- (d) Encourage the mass media to have particular*

regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

The right to access information is in many ways a prerequisite to the rights found in Article 12 (the right to express views and have them accorded due weight) and Article 13 (freedom of expression) of the *Convention*. The ability to access information is essential to the ability to fashion informed views and to expression. The rights in Article 17 are also very closely related to those in Article 31, particularly the right to participation in culture and the arts.

The Committee on the Rights of the Child has spoken of the necessity for youth to be able to engage with media, to participate actively rather than simply consume passively.⁵³ It has also suggested that: “Knowledge about the media, their impact and their functioning should be imparted in schools at all levels. Students should be enabled to relate to and use the media in a participatory manner, as well as to learn how to decode media messages, including in advertising.”⁵⁴

Access to media is of particular importance to certain disadvantaged groups of children and youth. Indigenous children

and youth and other minorities require access to media that promotes their identity and inclusion.⁵⁵ Access to media for youth in institutional settings such as group homes and the New Brunswick Youth Centre requires special attention.

It should be noted that the right to access media is a hollow right if it is not embraced by children and youth. A discouraging sign is that the New Brunswick Grade 12 Exit Survey reported that roughly 70% of high school graduates rarely or never used a public or school library. Moreover, only 21% reported that they accessed news media on a regular basis. These numbers point to the need for better promotion of the right to access information. This right goes hand-in-hand with the aims of education found in Article 29. It is also a right that demands parental promotion.

...

Endnotes:

- 53 *Committee on the Rights of the Child, Report on the forty-third session, September 2006, Day of General Discussion, "The Right of the Child to be Heard," Recommendations, at para. 36; Committee on the Rights of the Child, Report on the eleventh session, "The Child and the Media," January 1996, CRC/C/50, Annex IX, p. 81.*
- 54 *Committee on the Rights of the Child, Report on the Thirteenth Session, September/October 1996, CRC/C/57, para 242.*
- 55 *Committee on the Rights of the Child, General Comment No. 7, 2005, CRC/C/GC/7/Rev.1, at para. 35.*

You yourself are the child you must learn to know, rear, and above all enlighten. To demand that others should provide you with textbook answers is like asking a strange woman to give birth to your baby. There are insights that can be born only of your own pain, and they are the most precious. Seek in your child the undiscovered part of yourself.

Janusz Korczak, How to Love a Child, Warsaw, 1920



Article 18 – Parents' Responsibility for the Upbringing and Development of Children

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-

care services and facilities for which they are eligible.

Article 18 emphasizes that parents have the primary responsibility for the upbringing of children. Article 5 of the *Convention*⁵⁶ stresses the fact that government must respect the role of parents or other legal guardians. Extended family may also play an important role. Article 18 goes hand-in-hand with Article 5 to establish the relationship between government and parents with regard to upholding the rights of children and youth. As a safety net, we as a society recognize that if parents or extended family cannot fulfill their responsibilities, government will assume those duties, but only as a last resort. It is important to recognize in this regard that 648 children and youth were in the permanent care of the Minister of Social Development last year. For these children and youth, the government is their parent, and as such has a weighty obligation. These children and youth deserve special attention and diligent guidance and support in their upbringing and development.

Nevertheless, in relation to Article 18, the government's normal primary role is to support, advise and educate parents (or legal guardians) in their duties, while ensuring that conditions exist which are necessary to allow parents to fulfill these obligations. To that end, the Committee on the Rights of the Child has noted that teenage parents are particularly in need of government support.⁵⁷ The Committee has also encouraged the cooperation between government, the for-profit sector and the not-for-profit sector in establishing supports, with a particular focus on community-based programs.

The General Comments of the Committee on the Rights of the Child on Article 18 stresses the important relationship between Article 18 and Article 31:

Insufficient attention has been given to the implementation of article 31, guaranteeing the right of children to rest, leisure and play.

Through play, children enjoy and extend their capacities, yet there is often a shortage of opportunities, particularly in urban environments, for young children to meet and interact in child-centred, secure, supportive, stimulating and stress-free environments.

Design of housing, industry and transport, noise, pollution and safety hazards are often obstacles; children's right to play can also be frustrated by their excessive domestic chores or by competitive schooling.

States are encouraged to pay greater attention and allocate adequate resources to this right.⁵⁸

In order to best aid New Brunswick families, government must have a fact-based picture of family situations, primarily with respect to economic means. In the data for 2011 we see that roughly 16.3 % of New Brunswick children are living in a single

parent family. This rate is consistent with the Canadian average. We would also hope to track in future reports the number of children living in reconstituted families and what the average pattern of visitation or joint custody is for children whose parents have divorced or separated and who share custody. We are also working this fall with community organizations and interested public agencies in determining what the best plan is in New Brunswick to improve the conditions of supervised access centres. As mentioned above it is an important consideration in the planning and design of such services and facilities that careful consideration be given to the child's right to play and to what quality time with a non-custodial parent can optimally be achieved in a supervised access centre.

Particularly relevant in our view as an indicator of the effectiveness of our roles as parents under Article 18 of the *Convention* is the data available in our Framework in relation to Parental Health Behaviours. In this respect we are encouraged to note that 90% of parents of children in grades K to 5 report that they spend less than 2 hours per day in front of a screen. It is, though, discouraging to note that barely half of those parents say that they did not consume sweetened or non-nutritious beverages the day before or are very physically active at least three times a week. The Framework furthermore shows that 53% of parents ate at a fast food restaurant during the survey week. Also disturbing is that New Brunswick adults ranked as the worst in Canada for the amount of television watched per week. More influential than anything we can say is the example we set for our children. Parents' obligations under Article 18 have so much more to do with what we do than with what we say.

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Endnotes:

- 56 *Article 5: States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.*
- 57 *Committee on the Rights of the Child, General Comment No. 7, "Implementing Child Rights in Early Childhood," 2005, CRC/C/GC/7/Rev.1.*
- 58 *Ibid.*

Unkempt boys in run-down shoes, shiny frayed pants, caps thrown carelessly on shorn hair, agile, slight, undisciplined, practically unnoticeable. Not yet burned out by the heat of life, not yet sucked dry by exploitation, no one knows where they manage to find strength, these active, silent, numerous, poor little workers of tomorrow.

Janusz Korczak, Child of the Drawing Room, Warsaw, 1906

Don't ever forget this sight. Before you raise a hand to a child, before you administer any kind of punishment, remember what his frightened heart looks like.

Janusz Korczak, first lecture in his seminar to pedagogical students on the *Heart of the Child*, X-ray room of the Warsaw Children's Hospital.



There are many terrible things in this world, but the worst is when a child is afraid of his father, mother, or teacher. He fears them, instead of loving and trusting them.

Janusz Korczak, Educational Moments, Warsaw, 1919

Article 19 – The Right to Protection from Violence, Injury, Abuse, Neglect and Maltreatment

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

The history of Children's Rights began with laws to prohibit unfair child labour practices, with juvenile delinquents laws and with laws establishing children's aid societies to help needy children,

orphans and victims of abuse. The drafters of the *Convention on the Rights of the Child* placed particular emphasis upon a child's right to be protected from violence injury and neglect. The commitment among *Convention* parties to eradicating abuse and neglect is reflected in the absence of reservations to this article.⁵⁹

A contentious issue in Canada as a whole is that of corporal punishment of children. The Committee on the Rights of the Child interprets the *Convention* as obligating all parties to it to prohibit all corporal punishment.⁶⁰ The Committee's definition of corporal punishment is: "Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light."⁶¹ This includes 'spanking' used as a corrective force. The Committee's position is that all parties to the *Convention* are obligated to work towards the elimination of tolerance for corporal punishment in schools, in homes, and in any other setting. The Committee believes that this is " a key strategy for reducing and preventing all forms of violence in societies."⁶²

Thirty-one states presently have banned all forms of corporal punishment against children.⁶⁵ Canada is not yet on that list. Under Canadian law, Section 43 of the *Criminal Code* justifies the reasonable use of force by way of correction by parents and teachers against children in their care. In 2004, the Supreme Court of Canada upheld the *Criminal Code* defense in the face of a challenge under Section 7 of the *Charter of Rights and Freedoms*, but the Court did provide some limitations. For example, corporal punishment must be for "corrective purposes" and the law does not uphold such force for children under the age of two or over the age of twelve.⁶⁶

In its 1995 comments on Canada, the Committee recommended that "the physical punishment of children in families be prohibited."⁶⁷ In 2003, while commending Canada on its promotion of healthy parenting, the Committee stated that it was "deeply concerned" that Canada had not enacted legislation explicitly prohibiting all forms of corporal punishment.⁶⁸ Criminal law in Canada is under federal jurisdiction, but all provinces and territories, including New Brunswick, can do more to educate its populations on the dangers of corporal punishment of children.

There is far more we can do for our children and youth to protect them from harm. For example, the Committee on the Rights of the Child has called for parties to the *Convention* to provide data on youth suicide. It has stated that this data should be disaggregated, including indicators such as age, gender, urban/rural location, minority or Indigenous status, ethnicity, religion and disability.⁶⁹ Canada can do this. In our Province, although one youth suicide is too many, the numbers have been low compared to Canadian averages. It is not possible to come to broad conclusions in New Brunswick, but it is imperative that we try to understand the factors that have led our young people to take their own lives. The 2009 New Brunswick Coroner's public annual report shows that there were five youth suicides in that year. Four were boys and one was a girl; all were suicides by hanging. We need to do better at learning who these youths were and we need to know their stories. Only then can we hope to know how to prevent others from taking the same tragic path.

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Endotes:

- 59 Freeman, Michael. *Commentary on the United Nations Convention on the Rights of the Child, Article 3 : The Best Interests of the Child*. Martinus Nijhoff Publishers, Leiden, the Netherlands, 2007, p 70.
- 60 Committee on the Rights of the Child, General Comment No. 8, 2006, CRC/C/GC.UN Committee on the Rights of the Child (CRC), CRC General Comment No. 8 (2006): *The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, inter alia)*, 2 March 2007, CRC/C/GC/8. Available online at: <http://www.unhcr.org/refworld/docid/460bc7772.html>
- 61 Concluding Observations of the Committee on the Rights of the Child, United Kingdom CRC/C/15/Add.188, 09/10/2002, paras. 36 to 38
- 62 Committee on the Rights of the Child (CRC), CRC General Comment No. 8 (2006): *The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (Arts. 19; 28, Para. 2; and 37, inter alia)*, 2 March 2007, CRC/C/GC/8. Available online at: <http://www.unhcr.org/refworld/docid/460bc7772.html>
- 65 The Global Initiative to End All Corporal Punishment of Children, which provides reports on the legal status of corporal punishment. Available online at: www.endcorporalpunishment.org.
- 66 Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General), [2004] S.C.J. No. 6.
- 67 Committee on the Rights of the Child, CRC/C/15/Add.37, 20 June 1995, paras. 14 and 25.
- 68 Committee on the Rights of the Child CRC/C/15/Add.215, 27 October 2003, paras 4, 5, 32, 33 and 45(d)
- 69 Committee on the Rights of the Child, General Guidelines regarding the form and content of periodic reports to be submitted by States Parties under article 44, paragraph 1(b), of the Convention. Adopted by the Committee at its thirty-ninth session on 3 June 2005.

Medicine will give me insight into human personality, even into the nature of children's play. See those children over there? Each one plays differently. I want to know why.

Janusz Korczak, on his choice of medicine over a literary career.



Article 23 – Rights of Children with Disabilities

... a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

Recognizing the special needs of a disabled child, assistance ... shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

The UN Committee on the Rights of the Child has estimated that there are approximately 150 million children with disabilities in the world.

The concept of 'disability' is an evolving one, and a strict definition of the term should therefore be avoided. However, it can safely be stated that persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments that impede their full participation in society.

Article 2 of the *Convention on the Rights of the Child* provides that all of the rights in the *Convention* must be respected and ensured without discrimination. Article 23 delves more deeply into the rights of children with disabilities. Implementation of the rights in Article 23 (and in fact all Articles) of the *Convention* must aim to allow for the maximum possible inclusion of children and youth with disabilities. Social integration fosters personal development.

Children with disabilities face an added dimension of vulnerability and it is therefore all the more important that their voices be heard and their participation sought in all decisions affecting them. The work of the Child and Youth Advocate's Office seeks to ensure that this occurs, but it is necessary for all government departments to give special attention to the views of youth with disabilities.

The theme of this year's State of the Child Report is especially relevant to children and youth with disabilities, who face added challenges for effective access without discrimination to opportunities for recreation and play as well as for cultural activities.

New Brunswick continues to make great strides towards inclusive approaches in the health, housing and social service needs of disabled children and youth. Our province is also committed to inclusive education. For children and youth with disabilities, the

educational system provides the greatest opportunity for integration. Inclusive education is a necessary goal to provide the circumstances required for the greatest possible development of physical and mental ability, as well as the flourishing of personality. The UN *Convention on the Rights of Persons with Disabilities* (to which Canada is a party), obligates governments to provide inclusive education. We should be proud of the fact that New Brunswick has committed to providing for the fullest possible inclusion of children and youth with disabilities in our educational system.

However, an area of concern for the Office of the Child and Youth Advocate is the apparent deficit of effective mechanisms to give voice to the concerns of students with disabilities and diverse learning needs and their parents. We feel that greater effort should be taken to ensure that parents are aware of their rights in the decision-making process involving the placement of their children in the education system.

Furthermore, complaints to our Office inform our view that while the Department's Inclusive Education Policy is a balanced and well articulated policy instrument, it is poorly understood and is perhaps more often observed in breach than in practice. We believe that sustained efforts are required to change the culture of our educational system from one which defaults to catering to the needs of the base average, to one which is rigorously oriented to the pursuit of excellence and achieving the best educational outcomes for every learner, with specific regard to each child's needs and exceptionalities. Mainstreaming every disabled child into the regular classroom without adequate supports is not inclusive education and may often result in disadvantage to all learners. These approaches may give the appearance of achieving

laudable social outcomes while containing costs. But the numbers of students integrated in this manner is not an appropriate performance measure and the cost containment achieved is often illusory. It is all too often a case of short term gain resulting in long term problems.

Our experience leads us to suggest that some alternative learning sites are highly beneficial in meeting improved educational outcomes, keeping young people engaged in formal educational processes and reducing the risks associated with school leaving, such as addictions, unemployment or conflict with the law. An inclusive education policy in our view is one which allows and promotes these programs where necessary as a progressive step towards reintegration, but one which also guards against their abuse. Too often in the past these programs may have been used inappropriately by school officials to place a pupil in a segregated learning environment, when in fact the child's best interests may have been better served by further efforts being expended to accommodate the child in the classroom. Moreover, we have also dealt with situations where a pupil's experience in an alternative learning site may have hampered or placed roadblocks in the way of their successful reintegration into mainstream educational programs. Those outcomes must also be strenuously avoided.

Our Office is encouraged that the Integrated Service Delivery Framework is now being demonstrated in Charlotte County and the Acadian peninsula. But the roll-out of this program to other parts of the province is already overdue. All children with disabilities deserve an opportunity to be followed by a continuous integrated care team throughout their schooling. We also need to move forward more quickly with the integration of child information management and we hope that One Patient One

Record (OPOR) will be implemented in a priority fashion to newborns in New Brunswick. Finally we are also awaiting government's response to the Staying Connected report which brought forward recommendations as to how and where the Province's new Centre of Excellence for complex needs youth should be established.

It is concerning to note from the data in the 2011 Framework that 82.6% of New Brunswick youth 12 to 19 years of age report a functional health of good to full, compared to a Canadian average of almost 85%. Moreover, of this same group in New Brunswick only 71% see their mental health as being very good or excellent, which is more than 5% below the Canadian average and leaves New Brunswick 10th out of 13 jurisdictions in Canada on this measure. Our rate of hospital admissions for Childhood and Learning Disorders is 7.11 per 10,000 which is more than three times the national average. In fact almost every measure of mental health well-being suggests hospitalization rates in New Brunswick that are two to three times higher than the national average for children 0 to 18 years of age.

When we combine this data with other recent New Brunswick Health Council reports our concern is only magnified. For instance while we have a higher than average investment in health care in New Brunswick in almost all health fields, in mental health our clinician to patient ratios are well below Canadian averages, specifically in relation to psychiatrists and psychologists. When we look further within these scarce specializations Child and adolescent mental health services fare even more poorly. Last year when the Office of the Child and Youth Advocate was supporting the work of the Task Force on the Centre of Excellence for children with complex needs, we raised concern over the 3

year waiting list for access to autism intervention services at our provincial treatment facility within the Stan Cassidy Rehabilitation Centre. This fall the waiting list has grown to between four and four and a half years in average cases.

It is not alarmist to say that we are in the midst of a mental health care crisis where young New Brunswickers continue to receive the short end of the stick. Knowing what we now know about the relative incidence of mental health disorders in New Brunswick and the paucity of our health care investments in this area, it is imperative that we take swift and effective steps to improve the situation. We have a moral and legal responsibility under Article 23 of the *Convention on the Rights of the Child* to redress the situation for these needy children in our communities. The Mental Health Action Plan, the Integrated Service Delivery Model, the Centre of Excellence for Complex Needs Youth have already outlined in detail the way forward. Delaying clinical supports and treatment for children and families grappling with childhood mental health challenges, whether on the autism spectrum or otherwise can have tragic and costly life-long implications, for individuals and society. We have to act now and expedite implementation of the plans developed.

* * *

*When the devil will we stop prescribing
aspirin for poverty, exploitation,
lawlessness and crime?*

Dr. Henryk Goldszmit to his colleagues at the Warsaw Children's Hospital,



Article 24 – The Right to the Highest Attainable Standard of Health

States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services

...

States Parties... shall take appropriate measures ... to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

...

The UN Committee on the Rights of the Child frequently reiterates that none of the rights found in the *Convention* are to be given greater weight than others. Nevertheless, from a practical perspective it is common to view the right to health as the essential right. If this right is denied, no other rights matter.

Article 24 of the *Convention* on the Rights of the Child was written with regard to principles developed by the World Health Organization. The Constitution of the WHO states: "The enjoyment of the highest attainable standard of health is one of

the fundamental rights of every human being.”⁷⁰ Indeed, health is *the* essential human concern, and it is included in several major international law instruments. The right to health in the *Convention on the Rights of the Child* follows from the general right of health for adults and children alike found in Article 12 of the *Covenant on Economic, Social and Cultural Rights* (and in other international law instruments such as the *Universal Declaration of Human Rights*). The particular vulnerability of children provides added weight to the imperative nature of this right, and the *Convention* provides a more comprehensive description of the right than in either the *ICESCR* or the *UDHR*.

Health is not measured simply by the absence of disease or other physical ailments, it is measured in a more holistic manner, taking into account not only physical but also mental well-being. The right to the highest attainable standard of health found in Article 24 is a programmatic right. Government action is required in order to achieve fulfillment of programmatic rights, as opposed to other rights which require only non-interference by government. Article 24 requires that governments provide support that allows for a certain minimum level of programs and services. However, while Article 24 obligates government to adopt measures aimed at ensuring children and youth the highest standard of health attainable, it is also an inspirational right, requiring constant striving for improvement. Its fulfillment is therefore dependent upon (and limited by) the resources of government.

Article 24 is one of only two rights in the *Convention* that refer to progressive realization (the other being the right to education found in Article 28). The government of New Brunswick measures indicators of this right more than any of the other rights in the *Convention*. Government measures its progress in the continual

provision of this right, by setting benchmarks and measuring indicators and outcomes. However, the right to health is a complex right, dependent upon many socio-economic factors. For children and youth, many of the rights in the *Convention* are underlying determinants of the right to health. For example, Article 6 (the right to maximum development), Article 19 (protection from violence), Article 27 (right to an adequate standard of living), Article 32 (protection in child labour) and Article 33 (protection from illicit drugs) detail some of the rights that affect health. Unquestionably, Article 31, the right to play, recreation, rest, leisure and arts and culture, also has a profound impact upon the health of children and youth. Article 31 impacts directly on the levels of health of children. Fulfillment of the rights found in Article 31 leads to a very proactive (and cost-effective) means of promoting the health of New Brunswick’s children and youth.

Information on the provision of health services and on health status is plentiful. Still, the methods of health data collection and analysis in New Brunswick must continually undergo refinement in order to provide decision-makers and policy developers with the best information possible. Reliable and objective indicators of health must be developed in order to monitor New Brunswick’s degree of compliance with the progressive obligations under Article 24. The work of the New Brunswick Health Council has been a major driver of improvement in the area of health data collection and analysis. The Department of Wellness, Culture and Sport is also making major contributions to meet this challenge.

Infant and child mortality rates, specifically mentioned in Article 24, are perhaps the most widely-used indicator of the social and economic development of countries worldwide. These rates are a

reflection not only of our public health practices but also of our socioeconomic conditions. Canada's rates in general and New Brunswick's in particular are relatively low. This is another reason for us as a Province to celebrate our successes. However, they can be improved. These rates are directly linked to poverty. The health of our children depends to a large degree on the socioeconomic situations of parents – living conditions and nutrition are affected by income levels. This is especially true during a child's first years. Poverty reduction is an essential component of our Province's health.

In 1995, the UN Committee on the Rights of the Child expressed concern about the number of teenage pregnancies in Canada.⁷¹ However, during the following decade the rate dropped by an astounding 36.9%.⁷² The rate in New Brunswick also declined significantly during this period. More recently, however, a troubling trend appears evident in New Brunswick, where the Department of Health reported increases in the rate of teenage pregnancies between 2005 and 2009 (the most recent year reported).⁷³ Teenage pregnancy can stunt a mother's educational and employment pursuits. Teenage mothers are more likely to drop out of school, to live in poverty and to be dependent upon social assistance. While these disadvantages can reflect socioeconomic conditions of teenage mothers prior to pregnancy, teen pregnancy has been shown to contribute to the perpetuation of these conditions.⁷⁴ Not only are teen parents at high risk of dropping out of school and facing bleak economic prospects, but the children of these teenagers are also.⁷⁵ Further, children born to teenage mothers have been found to be at a higher risk of low birth weight and being born pre-term.⁷⁶ While it is impossible to accurately measure the total effects on children of teenage mothers, they tend to face economic and developmental

challenges disproportionate to other children.⁷⁷

New Brunswick is presently undergoing a primary health care initiative that seeks to bring health care as close as possible to communities where our population lives. Access to family physicians and practice teams is a cornerstone of this initiative, which seeks to improve not only screening by medical professionals but also health promotion and self-management supports for better health. This initiative was promoted in Canada by the Lalonde Report⁷⁸ in the early 1970s, even before the international community produced the Declaration of Alma-Ata on Primary Health Care.⁷⁹ It is our hope that Primary Health Care reform in New Brunswick will improve health care access not only for patients with chronic needs but for children and parents of young families across the province. From the Primary Health Care Advisory Committee's Discussion Paper we note with concern that:

- The highest percentage of patients without a family doctor seems to be children and youth, with young families appearing to have the most difficulty accessing primary health care.
- Children and youth are the patients most likely to be seen in after-hours clinics.
- Infants under one account for 8%, and children under five account for 22% of all Tele-Care calls.
- Children and youth obtain the lowest number of services per physician visit.

The data in the 2011 Children's Rights and Well-being Framework points to a number of outcomes which New Brunswickers can celebrate as the result of dedicated policy initiatives over the past

few years. For instance we note that 92.5 % of New Brunswick youth aged 12 to 19 years of age have a regular medical doctor, an indicator in which New Brunswick now ranks second in Canada in comparison to the national average of roughly 85%. Our infant mortality rate is also the third lowest in Canada. The Student Wellness Survey comparison results for youth in grades 6 to 12 shows that between 2007 and 2010, the number of youths who had never smoked by grade 12 had increased from 46% to 60% of the student population. In the same period youth exposed to tobacco smoke in vehicles had decreased by 6% and the physical activity rates within this age group had increased from 31% to 40% (at least 90 minutes per day of moderate or hard physical activities).

At the same time we can also see areas of concern within the health indicators: such as the fact that New Brunswick infants are the third less likely in Canada to be exclusively breastfed at 6 months; and the prevalence of asthma among youth was among the highest in the country, particularly among Aboriginal youth. In relation to unhealthy weight data we are also concerned to note that while the 2009-2010 survey data among youth in grades 6 to 12 suggested that 23% of these students were overweight or obese, the more recent 2010-2011 data from students in Kindergarten to grade 5 indicates that 36% of these younger pupils are overweight or obese.

Exploring the relationship between the implementation of Article 31 of the *Convention* and these health indicators is a helpful starting point in improving well-being among New Brunswick children. For instance the 2009-2010 Student Wellness Survey among youth in Grades 6 to 12 reports that 75% of youth surveyed indicated that they did not have the opportunity to be

physically active in classes other than physical education. Requiring 10 or fifteen minutes of physical activity at the start of every school day in all classrooms could lead to significant benefits. The survey also reports that 87% of students felt that importance is placed on competitive sports whereas only 75% indicated that importance was also placed on non-competitive sports. In fact 69% of students indicated that their school had awards programs for competitive sports whereas only 41% indicated that there were awards recognizing student participation in non-competitive sports. How would our physical activity outcomes improve if we could reverse this recognition process and the perception it creates? How would that same practice impact pupil achievement and indicators of school connectedness and satisfaction with mental fitness needs related to school? These are questions well worth exploring.

* * *

Endnotes:

- 70 Preamble to the Constitution of the World Health Organization as adopted by the International Health Conference, New York, 19 June - 22 July 1946; signed on 22 July 1946 by the representatives of 61 States (Official Records of the World Health Organization, no. 2, p. 100) and entered into force on 7 April 1948.
- 71 Committee on the Rights of the Child CRC/C/15/Add. 34, para. 15 in 1995.
- 72 Bielski, Zosia. "Canada's Teen Birth and Abortion Rate drops by 36.9 per cent." *The Globe and Mail*, May 26, 2010. Available online at: <http://www.theglobeandmail.com/life/canadas-teen-birth-and-abortion-rate-drops-by-369-per-cent/article1581673/>
- 73 New Brunswick Department of Health, "Health Indicators," September 2011 (revised). Available online at: http://www.gnb.ca/0051/pub/pdf/2011/Health%20Indicators_1_Teenage%20pregnancy%20in%20NB_Sept2011-R.pdf
- 74 Terry-Humen, Elizabeth, Jennifer Manlove and Kristin Moore. Playing Catch-Up: How Children Born to Teen Mothers Fare. Washington, DC: National Campaign to Prevent Teen Pregnancy, 2005. Available online at: <http://www.thenationalcampaign.org/resources/pdf/pubs/PlayingCatchUp.pdf>
- 75 See, for example: Terry-Humen, Elizabeth, Jennifer Manlove and Kristin Moore. Playing Catch-Up: How Children Born to Teen Mothers Fare. Washington, DC: National Campaign to Prevent Teen Pregnancy, 2005. Available online at: <http://www.thenationalcampaign.org/resources/pdf/pubs/PlayingCatchUp.pdf>
- 76 Ibid.
- 77 Ibid.
- 78 Government of Canada, "A New Perspective on the Health of Canadians (Lalonde Report)" (1973-1974). Available online at: <http://www.hc-sc.gc.ca/hcs-sss/com/fed/lalonde-eng.php>
- 79 Declaration of Alma-Ata, International Conference on Primary Health Care, Alma-Ata, USSR, 6-12 September 1978. Available online at: http://www.who.int/hpr/NPH/docs/declaration_almaata.pdf

In life there are two kingdoms. There is the kingdom of pleasure, balls, salons and beautiful clothes, where for centuries the richest, happiest and laziest have been called princes. But there is also that other kingdom of hunger, troubles and hard work.

Its princes know from early childhood how much a pound of bread costs, how to take care of younger brothers and sisters, how to work. Kruk and his friends are princes in the kingdom of sad thoughts and black bread – hereditary princes...

Janusz Korczak, *Moshki, Joski and Grule*, Warsaw, 1920



Article 27 – The Right to an Adequate Standard of Living

States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

...

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

Children who grow up in low-income families face greater obstacles in successfully navigating life's challenges and achieving future success. They have been found to be more likely to have difficulty in education, experience health problems, and have to deal with the difficulties of drug addiction and teen pregnancy.⁸⁰

While parents have the primary responsibility for fulfillment of this right (as with all of the rights in the *Convention*), government is obligated to ensure the safe and healthy development of children and youth.⁸¹ This obligation is not limited to essential material support such as housing, clothing and food. The Committee on Economic, Social and Cultural Rights (which is mandated to interpret the *International Covenant on Economic*

*Social and Cultural Rights*⁸², to which Canada is a party) has commented on minimum core obligations of government to fulfill their duties in this area. The Committee has declared: “A State Party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or even of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant.”⁸³ This comment is applicable to Article 27 of the *Convention on the Rights of the Child*; indeed the Committee on the Rights of the Child often expresses its support for interpretations and comments of the Committee on Economic, Social and Cultural Rights. The question of what constitutes a “significant number of individuals” is a subjective one, but the Office of the Child and Youth Advocate would suggest that *any* number of children and youths being deprived of elements contributing to an adequate standard of living is too many.

Following the theme of this year’s Report, we would note that the right to a standard of living “adequate for the child’s physical, mental, spiritual, moral and social development”, as provided in Article 27 is not attainable without the existence of the rights incorporated in Article 31 – the rights to play, recreation, rest, leisure and arts and culture.

One social economic indicator which New Brunswickers can celebrate is the rate of 89% compliance with family support payments. While this rate points still to considerable room for improvement it is the third highest compliance rate among eight reporting jurisdictions in Canada and is a testimony to concerted efforts over several years to address a chronic problem of non-payment of family support. We should also be encouraged that only 16% of youth 17 and under live in low-income families.

However we should also take effective measures now to address the problems of food insecurity in New Brunswick households with children under 19.

* * *

Endnotes:

- 80 Terry-Humen, Elizabeth, Jennifer Manlove and Kristin Moore. *Playing Catch-Up: How Children Born to Teen Mothers Fare*. Washington, DC: National Campaign to Prevent Teen Pregnancy, 2005. Available online at: <http://www.thenationalcampaign.org/resources/pdf/pubs/PlayingCatchUp.pdf>
- 81 Nowak, Manfred. *Right to Life, Survival and Development*. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2005. p 45.
- 82 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3. Available online at: <http://www.unhcr.org/refworld/docid/3ae6b36c0.html>.
- 83 Committee on Economic, Social and Cultural Rights, *General Comment No. 3*, 1990, HRI/ GEN/1/Rev.8, para. 10, p. 17.

The reason why I became an educator was that I always felt best when I was among children.

Janusz Korczak, quoted by Igor Newerly in his memoir *Living Links*



Children love laughter, movement, playing tricks. Teacher, if life is a graveyard to you, leave the children free to see it as a pasture.

Janusz Korczak, How to Love a Child, Warsaw, 1919

A mischievous child is naughty because he is unhappy. Nervous. Your duty as a teacher is to find out what is bothering him. Perhaps he has a toothache and is afraid to admit it... Perhaps he has a temperature and doesn't want to tell for fear he won't be allowed to go to tomorrow's movie. Perhaps he had a bad night because he was thinking of his mother who is dead... Perhaps he was certain that nobody loves him.

And you, the teacher, are the one he uses to get even for all those injustices, for his lost mother... You are strong, healthy, smiling – but a stranger.

The mischievous child doesn't know that you really care about him, that you are trying to protect him...

He doesn't understand that you have to protect the other children, who trust and need you, from his pranks. He doesn't realize that he is harming himself as well as you. But you know.

Janusz Korczak, Educational Moments, Warsaw 1919

Article 28 – The Right to Education

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - ... Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
 - ...

Article 29 – The Aims of Education

1. States Parties agree that the education of the child shall be directed to:
 - ... The development of the child's personality, talents and mental and physical abilities to their fullest potential;

... *The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;*

...

Education has the potential to be a great equalizer in any society, to allow every child and youth to develop to their fullest potential without discrimination. Education is not only an essential human right, it is a right that is essential to the realization of many other human rights, including many of those in the *Convention on the Rights of the Child*. It is also a critical component of financial stability, literacy, democratic participation and socialization in adulthood. International law provides plentiful sources that affirm this right. The *Universal Declaration of Human Rights*, The *International Covenant on Economic, Social and Cultural Rights*, and the *Convention against Discrimination in Education* are some of the major international law instruments apart from the *Convention on the Rights of the Child* that proclaim the right to education.

Given their foundational importance, rights related to education should be addressed with assiduous attention to Article 2 (non-discrimination), Article 3 (the best interests of the child), Article 6 (life, survival and development) and Article 12 (giving due weight to the views of the child). Like the Right to Play, the right to education takes on special meaning with children, since it is in essence their great life's work as a child. The Supreme Court of Canada has often underscored the fundamental importance of work in the lives of Canadians, as a defining attribute of our beings, a source of identity and self-esteem. Education, like play, is the work of childhood. Children's goal-setting, development,

successes and failures are intimately connected with their educational and recreational activities. That is why Korczak wrote that all of us owe children this indispensable "respect for their laborious quest for knowledge."

We in New Brunswick have an education system which is the envy of much of the world. Still, there remain significant gaps and, moreover, education is a concept that is not static – it will always change as society changes. It is important to measure our successes and shortcomings in providing education for our children and youth. We are encouraged by the Government's recent decision to combine the Department of Education and Early Childhood Development into one single department. New Brunswick day care policy has developed meaningful play-based curriculum. The Francophone curriculum Branch has undertaken promising work in the past few years to integrate more play-based learning into the Kindergarten to grade 3 curriculum. Close monitoring and evaluation on the implementation of this approach will continue to be needed, but we hope that all school children in New Brunswick will soon reap the benefits of play-based curriculums which are leading to exceptional educational attainment in countries such as Finland.

Article 28 requires government to "take measures to encourage regular attendance at schools." In order to quantify the success of any such measures the Department of Education and Early Childhood Development will have to begin to collect and analyze comprehensive disaggregated data on school attendance. We must ensure that we are able to point to data on drop-out rates that show what groups, if any, are dropping out of school to a disproportionate degree. Our previous reports have insisted on the need for targeted programs to keep children in school in

certain communities, particularly given the disparities in the data reported. However it is not enough to measure only the drop-out rate. We should be concerned with what happens earlier upstream through system wide data monitoring and reporting on school attendance. In that way we will be able to make better linkages to other risk factors, before kids drop out. For example, teenage pregnancy has been linked to drop-out rates in many jurisdictions. This is just one factor of many that our province needs to track in order to constantly improve efforts at reducing drop-out rates. The Committee on the Rights of the Child has noted the obligation of parties to the *Convention* to take measures to ensure that pregnant teenagers are given the opportunity to complete their education.⁸⁵ It is essential that we are aware of all groups of youth who are showing poor attendance and are at risk of dropping out of school to better determine their reasons for doing so, be they due to learning disabilities, the need for employment income, the effects of bullying, or any other factor.

Article 28 also obligates states to ensure that school discipline is being administered in accordance with the rights of children and youth. The Child and Youth Advocate's Office has raised concerns over situations wherein schools have turned to the criminal justice system to discipline youth with disabilities or mental health issues. This practice is not in accordance with either the *Convention on the Rights of the Child* or Canada's *Youth Criminal Justice Act*.

Article 28, along with Articles 2 (which sets out prohibited grounds of discrimination⁸⁶) and 23 (which focuses on the rights of children with disabilities), requires that educational programs be accessible to all children without discrimination. For example,

parties to the *Convention* are required to aim toward effective education of children and youth with disabilities in mainstream classrooms alongside non-disabled students. Inclusive education does not mean integrating children with disabilities into the regular system regardless of their challenges and needs; it is a flexible concept, adaptable to the needs of all students. As the Committee on the Rights of the Child has stated:

At its core, inclusive education is a set of values, principles, and practices that seeks meaningful, effective, and quality education for all students, that does justice to the diversity of learning conditions and requirements not only of children with disabilities, but for all students.⁸⁷

New Brunswick's Inclusive Education Initiative has made great strides in this regard but has farther to go.

Many of the other Articles in the *Convention* touch on various aspects of the right to education. Several examples are pertinent in the New Brunswick context.

The term 'other status' included in Article 2 would include analogous grounds of discrimination such as homeless youth and youth involved in the criminal justice system. There is a concern that homeless youth are being left without education.

Article 40 of the *Convention* requires that education must be provided to youths in the criminal justice system. There is a concern that children in the youth criminal justice system in New Brunswick are being prevented from being effectively

reintegrated into schools.

Pursuant to Article 30, Indigenous children and youth must be ensured access to quality education⁸⁸, and education must also positively reinforce their indigenous identity, including language and culture.⁸⁹ The 2010 edition of the Child and Youth Advocate's State of the Child and Youth Report stated: "New Brunswickers have to question... how it is that we allow ourselves to live in a province where so many First Nations children are deprived of the opportunity to access primary, secondary and post-secondary educational services in conditions of true equality." We can celebrate the fact that Head Start programs in New Brunswick First Nations communities have contributed to New Brunswick's ranking of first among seven reporting jurisdictions in Canada regarding First Nations participation rates in pre-school programming. However, New Brunswick First Nations children report low satisfaction rates regarding the availability of extra-curricular activities at their school and the lowest results in Canada for happiness at school.

Article 32 also requires that the employment of working youth must not interfere with their education. The 2010 Grade 12 Exit Survey of students in New Brunswick showed that 44% of respondents spent more than ten hours per week in employment, by far the largest demand on youth's time beyond school. New Brunswick became a leader in Canada with regard to its commitment to our youth's education when our *Education Act* was amended to increase the minimum mandatory age of school attendance to eighteen. Our province has the ability to similarly strengthen its commitment to youth through changes to its labour regime. New Brunswick's Employment Standards Act does not include any restrictions on work for youth between the ages of

sixteen and eighteen. Government is presently looking at creating a labour regime for all youth who are required to be in school.

The Committee on the Rights of the Child has described the aims of education as follows:

Education must balance the child's physical, mental, spiritual and emotional development and balance intellectual, social and practical skills; it must focus both on the child now and on the child's future life. The overall objective is to maximize the child's ability to participate fully and responsibly in a free society. Education should be humane, inspiring and motivating. It should not give disproportionate weight to the accumulation of knowledge, which may create burdens of work and forms of competition harmful to the child's overall development.⁹⁰

Achieving these goals is no small task. However, New Brunswick has highly qualified teachers and very devoted staff in the Department of Education and Early Childhood Development who are capable of accomplishing these aims. The rights expressed in the *Convention on the Rights of the Child* should form part of the school curricula for all students in New Brunswick. Teachers and all administrative staff involved in the education of our youth should receive training in these rights.

Turning to the 2011 data it is encouraging to see that provincial exam averages suggest that boys and girls are performing

comparatively well across all subject matters and grade levels, with the girls performing generally better in French assessments. However only 26% of youth indicated that there was enough variety of foods offered in school cafeterias. Only 68% of students reported that they had enough time to eat their lunch at school. We need to know if our children are throwing away their lunches in order to avoid the rush of noon-hour and have enough time to play outside.⁹¹ While the school connectedness survey results are generally encouraging increasing from 80% to 83% of youth who feel connected to their school over the past three years we note that still 25% of youth either disagree or strongly disagree with the statement “I am happy to be at my school” and a further 17 to 21% of students would disagree that “I feel close to people at my school” (19%) “I feel I am part of my school” (20% disagree), “I feel the teachers at my school treat me fairly” (21% disagree) “I feel safe in my school (17% disagree) or “I feel my learning needs are met at my school (20% disagree).

To return to the theme of this year’s Report, we note that it is important to bear in mind the influence that play, recreation, leisure, rest, arts and culture have on education.⁹² As the Canadian Coalition for the Rights of Children has stressed, the rights found in Article 31 have major implications for education of children and youth. Similarly, decisions regarding educational services, such as the closure of rural schools for instance, can have significant impacts on a child’s right to play, not only by removing accessible school-based play infrastructure and programming, but also by requiring rural children to spend far more of their daily routine engaged in bussing to and from school, which impacts their play time. Throughout the next year the Child and Youth Advocate’s Office will focus on the interplay between articles 28, 29 and 31 with a view to reinforcing the child’s right to play

through curricular and co-curricular planning throughout the educational system.

* * *

Endnotes:

85 *Committee on the Rights of the Child, General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child (UN Doc. CRC/GC/2003/4, 2003), para. 31.*

86 *Article 2(1): “States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”*

87 *Committee on the Rights of the Child, General Comment No. 9, 2006, CRC/C/GC/9, para. 67.*

88 *United Nations General Assembly, “A World Fit for Children”, Report of the Ad Hoc Committee of the Whole of the twenty-seventh special session of the General Assembly, 2002, A/S-27/19/Rev.1, paras. 39 and 40. United Nations General Assembly, “A World Fit for Children”, Report of the Ad Hoc Committee of the Whole of the twenty-seventh special session of the General Assembly, 2002, A/S-27/19/Rev.1, paras. 39 and 40.*

89 *Verheyde, Mieke. A Commentary on the United Nations Convention on the Rights of the Child: Article 28 The Right to Education. Leiden, The Netherlands: Martinus Nijhoff Publishers, 2005, p. 42.*

90 *Committee on the Rights of the Child, General Comment No. 1, “The aims of education”, 2001, CRC/GC/2001/1.*

91 *See: Kapasi, Haki & Josie Gleave. “Because it’s Freedom: Children’s Views on their Time to Play.” London: National Children’s Bureau, 2009, p. 4.*

92 *Canadian Coalition for the Rights of Children Children’s Rights in Canada, “Working Document: Right to Play, Background Research Children’s Right To Rest, Play, Recreation, Culture, And The Arts,” Draft text for civil society report to UN Committee on the Rights of the Child, Third/Fourth Report of Canada, convened by the Canadian Coalition for the Rights of Children, October 2010.*

Article 30 – Minority and Indigenous Cultural, Religious and Language Rights

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.



It is a sad fact that the rights found in Article 30 of the *Convention on the Rights of the Child* have often been denied to Indigenous Canadians through official government policy. The *Convention* reinforces the right of Aboriginal children and youth in our communities to enjoy their own culture, to profess and practice their own religion and to speak their own language. The historical, and often continuing, discrimination against minorities and Indigenous peoples worldwide necessitated the inclusion of Article 30, notwithstanding the fact that the principle of non-discrimination is present in Article 2 and flows through every right in the *Convention*.

Article 30 of the *Convention* is also important in that it is the only

binding provision in international law that directly provides rights to Indigenous peoples (the UN Declaration on the Rights of Indigenous Peoples, while morally persuasive, does not constitute binding international law).

Our State of the Child and Youth Report last year focused on Article 30 of the *Convention*, with special attention to how these rights affect First Nations youth in New Brunswick. Given the disproportionate number of First Nations children and youth in state care (in foster care or group homes and in the criminal justice system), a danger exists that culture and language will be neglected. Indigenous culture has had an embattled history in this country, as in others. Canada's history of assimilation policies - culminating in the tragedy of Residential Schools - demands that we pay special attention to the preservation of Indigenous cultures. Thousands of Aboriginal Canadians had their childhoods stolen from them as a result of the Residential Schools policy. The trauma of this experience has impacted successive generations, as critical ties to community and culture and parenting approaches were disrupted and lost. Yet still, Indigenous culture has shown incredible resilience and has endured. Government and all members of civil society have a duty to aid in the preservation of Indigenous culture and to help it to thrive.

We are encouraged by the renewal of the New Brunswick Indian Summer Games in 2010 and 2011. Also, the First Nations Children's Futures Fund has been established and will soon be announcing its first round of project proposals to improve play and recreational infrastructure and language and cultural programming in First Nations communities. We are encouraged also by the increased presence and outreach of New Brunswick NGOs in First Nations communities. The United Way, Boys and

Girls Clubs, YMCAs, the John Howard Society, the Red Cross and others have all participated in Caring Across the Boundaries Sessions and stepped up their services and membership among First Nations communities.

However more progress has to be made quickly to reverse the assimilative trend which has seen the number of native speakers of Malisseet dwindle to less than 500 persons, largely among the elderly. Only sustained efforts with credible curricular and extra-curricular approaches will help a new generation of learners succeed in acquiring language skills which their parents no longer possess and cannot pass on through the household.

* * *



Articles 37 and 40 – Protection of Fundamental Rights within the Criminal Justice System

Article 37

... The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

The delinquent child is still a child. He is a child who has not given up yet, but does not know who he is. A punitive sentence could adversely influence his future sense of himself and his behavior. Because it is society that has failed him and made him behave this way, the court should condemn not the criminal but the social structure.

Janusz Korczak, "Theory and Practice", *The Special School*, January 1924

... Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

Article 40

... States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

... Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

To be presumed innocent until proven guilty according to law;

To be informed promptly and directly of the charges against him or her, and... to have legal or other appropriate assistance ...

Not to be compelled to give testimony or to confess guilt;

To examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

... States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

... A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Canada's record in the realm of youth criminal justice has been erratic. On the one hand, Canada was instrumental in creating much more elaborate rights than had originally been envisioned

for Article 37.⁹³ On the other hand, under the *Young Offender's Act*⁹⁵ (the precursor to today's *Youth Criminal Justice Act*), Canada's rate of youth incarceration was "among the highest in the industrialized world"⁹⁶; we were incarcerating youth at twice the rate even of American courts.⁹⁷ The *Youth Criminal Justice Act* (YCJA) was written and enacted to address Canada's deficiencies in this area of the justice system. The YCJA also specifically refers to Canada's ratification of the UN *Convention on the Rights of the Child* as a purpose for its enactment.

The YCJA is meant to address the ineffective and expensive over-use of court-based processes and custodial facilities for youth who are not committing serious violent offences.⁹⁸ This Act emphasizes rehabilitation of youths who run afoul of our criminal laws, and it likewise emphasizes their reintegration into the community. Early intervention and diversion away from the criminal justice system are imperative aspects of this law, and are directly incorporated from the rights in the *Convention on the Rights of the Child*.⁹⁹ Youth are held to a lower standard of accountability than adults due to their stage of moral and intellectual development. As stated by Canada's Supreme Court, "the principle of a presumption of diminished moral culpability in young persons is fundamental to our notions of how a fair legal system ought to operate."¹⁰⁰ However, the Act also emphasizes the importance of meaningful consequences for criminal acts and it places a focus on reparation by youths to victims of their crimes. The Act thereby seeks to protect both our youth and our public in general.

The provisions of Canada's *Youth Criminal Justice Act* allow for the creation of what the UN Guidelines for Action on Children in the Criminal Justice System refer to as "a comprehensive child-centred juvenile justice process."¹⁰¹

However, many issues arise with regard to our province's implementation of the rights in the *Convention on the Rights of the Child* as well as the provisions of the Youth Criminal Justice Act. The Office of the Child and Youth Advocate has several concerns in this area, many of which we are unable to address in this Report due to space constraints. We will however be returning to them in the context of a systemic review of Youth Criminal justice proceedings in New Brunswick which we will report on early in 2012.

We will also want to focus throughout the coming year on what measures can be taken to improve the enjoyment of Article 31 rights by young persons involved in the criminal justice system, both as a pathway to rehabilitation and successful reintegration into community and as a crime prevention strategy, building strength based opportunities for youth who might otherwise enter into conflict with the law.

The statistics and data from the 2011 Children's Rights and Wellbeing Framework point to a disturbing result in terms of youth corrections. Both the year over year comparative data within New Brunswick and the comparative data to other provinces underscore the fact that the youth criminal justice system in New Brunswick has failed to give effect to Parliament's intent in enacting the YCJA. As a result we have seen no significant reduction in youth court prosecutions. These have in fact been on the rise, contrary to the trends in neighbouring provinces.

For instance, in 2010-2011 the Youth Justice Court disposed of 4,320 charges, which represents a 7% increase in court charges over the previous year. The 2009 data for average annual numbers of youth sentenced to closed custody by institutional

count is 20.5 which is down a third from the 2005 numbers but still well ahead of Newfoundland and Nova Scotia where the average number of youth in closed custody is 7.5 and 5.9 respectively. If we compare the rate of incarceration per 10,000 young persons, New Brunswick incarcerates just over one young person per thousand, which is more than double the rate in Quebec or British Columbia and the third highest rate of youth incarceration among Canadian provinces, after Manitoba and Saskatchewan. On the other hand if we look at remand detentions, community sentences and probation counts per 10,000 youths, our rates are still high in comparison to other Canadian jurisdictions. In the Child and Youth Advocate's view our approach to policing and prosecution needs to change. We need to invest more in crime prevention efforts and redouble our efforts to divert youth (and youth with complex needs in particular) from the criminal justice process. Other provinces have stepped up to this challenge and reduced youth crime while minimizing the impact on the public purse and on children's lives. New Brunswick needs to do the same.

Article 31, the central theme of this year's Report, takes on special significance in the setting of a closed custody institution. Youth sentenced to custody at the New Brunswick Youth Centre face unique challenges in having their rights respected when it comes to play, rest, recreation, leisure, and arts and culture. Faced with the magnitude of this challenge in youth policing, charging and custodial practice it is difficult to make the case for defending the child's right to play, rest recreation, leisure, arts and culture in a custodial setting or for youth reintegrating into community or youth diverted from traditional youth criminal justice processes. And yet these are the very youth who should be at the heart of our efforts in implementing the rights under Article 31, as they

stand to gain the most from such efforts. By connecting these children with good practices in relation to all the rights set out in Article 31 we can make strength-based investments in their development and enable their full reintegration and success in avoiding any future conflicts with the law. One very promising statistic is that the number of escorted leaves from NBYC for recreational purposes has jumped considerably each year since enactment of the YCJA. The Office of the Child and Youth Advocate will work to ensure the protection of all rights for youth at NBYC, including the five rights included in Article 31.

* * *

Endnotes:

- 93 Kapasi, Haki & Josie Gleave. *“Because it’s Freedom: Children’s Views on their Time to Play.”* London: National Children’s Bureau, 2009.
- 94 *Young Offenders Act R.S.C., 1985, c. Y-1.*
- 95 *Youth Criminal Justice Act, SC 2002, C1.*
- 96 *Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, 27 October, 2003, Canada CRC/C/15/Add.215.*
- 97 Bala, Nick and Sanjeev Anand. *Youth Criminal Justice Law, Second Ed.* Toronto: Irwin Law Inc., 2009, at p. 20.
- 98 See: Tustin, Lee & Robert Lutes. *A Guide to the Youth Criminal Justice Act, 2012 Edition.* Markham: LexisNexis Canada Inc., 2011.
- 99 Van Bueren, Geraldine. *Commentary on the United Nations Convention on the Rights of the Child, Article 40: Child Criminal Justice.* Boston: Martinus Nijhoff Publishers, 2005, p 7.
- 100 *R. v. D.B., [2008] 2 S.C.R. 3, at para. 68.*
- 101 *Office of the High Commissioner for Human Rights, United Nations. “Guidelines for Action on Children in the Criminal Justice System.” Recommended by Economic and Social Council Resolution 1997/30 of 21 July 1997, at para. 14.*



Conclusion:

**A New Brunswick Road Map to the
Progressive Implementation of Article 31
of the Convention on the Rights of the Child**



Conclusion

The foregoing pages have attempted to underscore the central importance of the right to play, rest, recreation, leisure, and arts and culture in the healthy development of children and youth. This Report has also attempted to provide some insight into the present state of New Brunswick's adherence to and fulfillment of the rights enshrined in the *Convention on the Rights of the Child*. In this effort, our Report has referenced data from the Children's Rights and Well-being Framework, developed through a partnership of the Child and Youth Advocate with the New Brunswick Health Council. We present this Framework in the next section of this Report. We feel that the development of this Framework constitutes a significant milestone in New Brunswick's efforts to show due diligence in its resolve to have the rights of the child fully implemented and respected within the limits of the resources and means at our disposal. This data measurement and analysis process is the product of a collective effort and will only bear fruit if all stakeholders involved in the delivery of services to children take notice of the Framework and make it their own by striving to set and reach strategic goals and outcomes in relation to the rights and indicators outlined.

Much work remains to be done to validate the indicators set out in this report. We must continue to improve upon the reporting in relation to specific categories of youth, marginalized and vulnerable youth populations in particular. And we must make continued efforts to seek feedback from children, youth, service providers and policy-makers in the field..

Article 31 has proven itself to be an ideal vantage point from

which to begin this analysis. All stakeholders who we have consulted were immediately engaged at the prospect of measuring and improving outcomes for children in relation to these essential building blocks in a child's development. The rights set out in Article 31 are intimately connected to the guiding principles of the *Convention* set out in Articles 2, 3, 6 and 12 and to all the many other rights guaranteed by this human rights instrument.

We must ensure that all children have equal ability to exercise the rights in Article 31, which means taking specific measures to ensure these rights for vulnerable children as well as children who live in remote and rural areas. We can improve our promotion of these rights. It is important to ensure that school hours and homework regimes allow time for play, recreation, rest and leisure periods. Environmental planning should take into account the play and recreation needs as well as the views of children and youth. Children with disabilities must have access to integrated recreational, cultural and artistic activities. Children in hospitals, in care and in custody must also have opportunities for play and recreational activities. All children should have access to cultural and artistic events and all of the opportunities to fulfill the rights of Article 31 must be made available without discrimination, on an equal basis by gender, geographic location, socioeconomic status, level of ability and all other analogous grounds.

The work ahead in relation to the progressive implementation of Article 31 in New Brunswick is significant and will prove challenging in the difficult fiscal situation the Province must cope with. We believe, however, that a number of helpful changes could be made in the near term to improve the expected outcomes New Brunswickers have for their children in relation to

this right and to improve also the Province's fiscal bottom line.

By way of summation, the Office of the Child and Youth Advocate has provided a Road Map in the next few pages that will serve as a guide to its own advocacy efforts. We hope this Road Map will also provide some prompting to government departments and to the public at large as to ways in which we can all work together to improve a child's right to play, rest, recreation, leisure, and arts and culture.

* * *

A New Brunswick Road Map to the Progressive Implementation of Article 31 of the *Convention on the Rights of the Child*



1 - The Province of New Brunswick should establish a central agency responsible for the coordination and integration of services to children and youth within the Province, as recommended in the 2008 Connecting the Dots report. This agency should report to a Minister responsible for children or to the Executive Council Office and should be given the lead responsibility for the implementation of the *Convention on the Rights of the Child* in New Brunswick.

2 - The Province of New Brunswick should establish a Provincial Children's Plan to guide the implementation of the *Convention on the Rights of the Child* in furtherance of and as a spur to Canada's National Plan of Action in relation to the *Convention*. This provincial plan should be led by the agency recommended above and address key areas of responsibility across all government departments involved in services to children but including in particular the Department of Education and Early Childhood Development, the Department of Social Development, the Department of Health, the Office of the Attorney General, the Department of Public Safety and the Department of Wellness, Culture and Sport.

3 - Among the Priority areas of concern to be addressed in the Provincial Children's Plan, due consideration should be given to :

- The coordination of youth engagement initiatives and programs across government to ensure that New Brunswick Youth are afforded a representational voice in an advisory role to Government and that all public engagement processes encourage and are informed by youth participation;
- The establishment of a Provincial Family Policy reinforcing the primary responsibility of parents and extended families for the progressive implementation of children's rights and particularly in relation to child protection, youth justice, primary health care, peri-natal, neo-natal, early childhood and educational services to children;
- The urgent need to improve mental health services and outcomes for New Brunswick youth;
- The urgent need to reduce our rates of youth criminal charges, youth incarceration and breaches of probation while increasing strength-based interventions with youth involved with or at-risk of becoming involved with crime;
- the urgent need to address the problems of youth homelessness in New Brunswick; and
- the opportunity to support all of the priorities outlined above through strategic investments in the child's right to play, to rest, to recreation, to leisure and arts and culture, in partnership with local and federal authorities, the business community and civil society.

4 - In all legislative, regulatory and policy changes which might impact upon services to children, the Province of New Brunswick should commit itself in consultation with the Office of the Child and Youth Advocate to a transparent and responsible process of Child Impact Assessment as recommended by the UN Committee on the Rights of the Child;

5 - In the current fiscal situation facing the Province, the Department of Finance should take extra measures to offer detailed analysis of the Province's budget process and the impact of the Core Services Review in relation to services to children in order to ensure that any increase or reduction in Provincial expenditures affecting children can be easily and appropriately reported. In addition, the Province should observe the principle of 'first call for children' as a stated principle in any government spending reviews. This necessitates that children, as the most vulnerable population, face cuts last and least, and that there is a transparent commitment to investing the maximum available resources in children as required in Article 4 of the *Convention on the Rights of the Child*;

6 - In addition consideration should be given by all to such measures and initiatives as can be implemented without significant new expenditures and which could materially advance the implementation of children's right in general and particularly the rights guaranteed under Article 31, which measures may include:

- Requiring a minimum amount of structured physical activity for school children of all ages at the outset of each school day;
- Celebrating youth leadership activities within schools, families and communities;
- Continuing to reform our early years and Kindergarten to grade 2 curricula to place more emphasis on opportunities for learning through play, and education by the arts, as other successful public education programs in developed economies have done;
- Increasing public education and awareness activities in relation to the impact of sleep and play in a child's development, as we have been doing successfully in recent years in relation to physical activity programs;
- Increasing the opportunities for intra-mural sports and play-based physical activity programs in schools and recognizing pupil participation appropriately on the same basis as competitive sports; and
- Improving networks and processes for sharing information between communities regarding pathways to resiliency and programs which exist in different regions to achieve a better implementation of Article 31 rights.
- Children learn by example and parent behaviours have a significant impact on children's well-being. Parents can model good behaviours in terms of sleep, healthy eating, work-life balance and physical activity. Most importantly, parents can nurture a child's sense of play by allowing time for such unstructured activity within and around the home and taking an active interest in their child's imaginative play.

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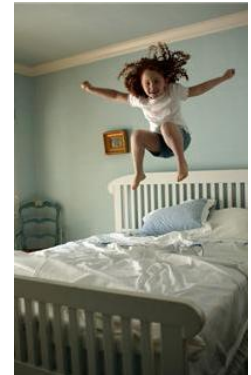
-Child and Youth- Rights and Well-being Framework

The Framework

-The Framework-

Why this Framework?

The goal of this framework is to give New Brunwickers a better perspective of the well-being of New Brunswick Children and Youths through a variety of available local indicators. It will also highlight areas where we can as New Brunwickers have an influence on the future development of our children and youth by ensuring the best possible programs and policies are being used and/or developed. These children and youth are our future. Let's work together to ensure they have the best health, well-being and opportunities available to them.



What is the Framework?

The Child and Youth Rights and Well-being Framework uses indicators and measures that help reflect determinants of health and well-being. However, as simple as the concept sounds, there is no unique, universally accepted way of actually measuring child and youth well-being that emerges from the academic literature.

We have chosen to represent child and youth well-being through a 9 question framework, linked to various available indicators or measures in New Brunswick. These questions take into account outcomes, the determinants of health^A, and the performance of program and policies in place in New Brunswick that have an influence on children and youth. Health determinants are the social economic and physical environment, the personal health practices and behaviours, the individual capacity and coping skills, the human biology, Early childhood development and health services.

The Rights and well-being Framework has also been linked to the UN *Convention on the Rights of the Child*^B. Most of the Articles listed as "rights" in the *Convention* are associated with this Rights and Well-being Framework. Almost every country has agreed to these rights. "Rights" are things every child and youth should have or be able to do. All the rights are connected to each other, and all are equally important. Sometimes, we have to think about rights in terms of what is best for a child in a given situation, and what is critical to life and protection of harm.

Policymakers, program managers and service providers in different sectors may be tempted to focus on the parts of the framework that address their sector most directly. However, the allocation of indicators to each part of the framework is a subjective exercise, given the interdependence of children's rights and the conditions measured by the indicators/data that affect all aspects of their well-being. Therefore, we encourage readers to consider the data across the framework in seeking to understand its implications for their work.

A Provincial View

In this framework we look at the child and youth New Brunswick population (0 to 19 years old), showing male and female averages in relation to the overall provincial average of both sexes combined. Wherever possible we have included a Canadian average so we can show where New Brunwickers stand in relation to the other Canadian provinces and territories. There will be very few indicators where comparison is possible since much of the data is being supplied by New Brunswick databases supplied by various provincial government departments.

Who should use the framework :

- Community and neighborhood residents
- Young people
- Educators
- Youth workers
- Community leaders
- Employers and business people
- Healthcare providers
- Parents / Grandparents
- Media representatives
- Religious leaders
- After-school caregivers and coaches
- Community agencies
- Youth groups
- Policy and decision-makers
- Local Government representatives
- Local coalitions and networks

What are the Rights of the Child and Youth?

UN Convention on the Rights of the Child In Child Friendly Language^c

"Rights" are things every child should have or be able to do. All children have the same rights. These rights are listed in the UN Convention on the Rights of the Child. Almost every country has agreed to these rights. All the rights are connected to each other, and all are equally important. Sometimes, we have to think about rights in terms of what is the best for children in a situation, and what is critical to life and protection from harm. As you grow, you have more responsibility to make choices and exercise your rights.



Article 1

Everyone under 18 has these rights.

Article 2

All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3

All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Article 4

The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

Article 5

Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

Article 6

You have the right to be alive.

Article 7

You have the right to a name, and this should be officially recognized by the government. You have the right to a nationality (to belong to a country).

Article 8

You have the right to an identity – an official record of who you are. No one should take this away from you.

Article 9

You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

Article 10

If you live in a different country than your parents do, you have the right to be together in the same place.

Article 11

You have the right to be protected from kidnapping.

Article 12

You have the right to give your opinion, and for adults to listen and take it seriously.

Article 13

You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

Article 14

You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

Article 15

You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

Article 16

You have the right to privacy.

Article 17

You have the right to get information that is important to your well-being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

Article 18

You have the right to be raised by your parent(s) if possible.

Article 19

You have the right to be protected from being hurt and mistreated, in body or mind.

Article 20

You have the right to special care and help if you cannot live with your parents.

Article 21

You have the right to care and protection if you are adopted or in foster care.

Article 22

You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

Article 23

You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

Article 24

You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

Article 25

If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

Article 26

You have the right to help from the government if you are poor or in need.

Article 27

You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

Article 28

You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Article 29

Your education should help you use and develop your talents and

abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

Article 30

You have the right to practice your own culture, language and religion - or any you choose. Minority and indigenous groups need special protection of this right.

Article 31

You have the right to play and rest.

Article 32

You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

Article 33

You have the right to protection from harmful drugs and from the drug trade.

Article 34

You have the right to be free from sexual abuse.

Article 35

No one is allowed to kidnap or sell you.

Article 36

You have the right to protection from any kind of exploitation (being taken advantage of).

Article 37

No one is allowed to punish you in a cruel or harmful way.

Article 38

You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

Article 39

You have the right to help if you've been hurt, neglected or badly treated.

Article 40

You have the right to legal help and fair treatment in the justice system that respects your rights.

Article 41

If the laws of your country provide better protection of your rights than the articles in this Convention, those laws should apply.

Article 42

You have the right to know your rights! Adults should know about these rights and help you learn about them, too.

Articles 43 to 54

These articles explain how governments and international organizations like UNICEF will work to ensure children are protected with their rights.

This is not an official version of the *Convention on the Rights of the Child*. The official *Convention* can be found online at: <http://www2.ohchr.org/english/law/crc.htm>

-Child and Youth- Rights and Well-being Framework - The questions-

1 – How diverse are children and youth in New Brunswick?	Diversity
2 – How well are children and youth expressing themselves in New Brunswick?	Expression
3 - What kinds of families and communities do New Brunswick's children and youth live in?	Family and Community
4 - How healthy are New Brunswick's children and youth?	Health
5 - How well are we promoting healthy child and youth development?	Healthy Development
6 - How well are New Brunswick's children and youth learning?	Learning
7 - What factors can affect children and youth adversely?	Adverse Factors
8 - How safe and secure are New Brunswick's children and youth?	Safety and Security
9 - How is New Brunswick performing in regards to the Rights and Well-being of children and youth?	System Performance

-Child and Youth- Rights and Well-being Framework

1 – Diversity

Demographic Information

2 – Expression

Positive sense of expression

3 – Family and Community

Family Economic Situation

Parental Health Behaviours

Family and Community Connectedness

Children in Non-Parental Care

4 - Health

Morbidity

Disability

Child and Youth Health

Mental Health

Unhealthy Weight

5 – Healthy Development

Pre and Post Natal

Early Learning

Physical or Mental Health

Dental Health

Vision Health

Children and Youth Perceptions of Healthy Living

Children and Youth Health Behaviours

6 – Learning

Transition to Primary School

Literacy and Numeracy

Social and Emotional Development

School Connectedness

7 – Adverse Factors

Teen pregnancy

Drug Use

Tobacco Use

Alcohol Use

Other Negative Behaviours of Children or Youth

8 – Safety and Security

Injuries

Child Abuse and Neglect

Children as victims of violence

Child and Youth who feel safe

Social Assistance

Youth Admissions to Correctional Services

9 – System Performance

-Child and Youth- Rights and Well-being Framework

A Provincial Point of View

1 – How diverse are children and youth in New Brunswick?

UN Convention on the Right of the Child : Article 1, 2, 3, 6, 12, 30

Ranking for Diversity:

1 = most amount
10 = least amount
(out of the 10 provinces)

*=Another province has the same ranking

X=Data unavailable
K = Kindergarten

	Age or Grade	Male	Female	NB	Canadian	Rank (NB to Canada)
1 - Total population (2006, count)	All population	355,500	374,500	729,997	31,612,897	X
a) 0 to 4 years old (2006, % of total population)	0 to 4 years old	4.94	4.51	4.72	5.35	8/10
b) 5 to 9 years old (2006, % of total population)	5 to 9 years old	5.65	5.02	5.33	5.72	7/10
c) 10 to 14 years old (2006, % of total population)	10 to 14 years old	6.48	5.85	6.16	6.58	8*/10
d) 15 to 19 years old (2006, % of total population)	15 to 19 years old	6.88	6.20	6.53	6.77	9/10
e) 0 to 19 years old (2006, % of total population)	0 to 19 years old	23.94	21.58	22.73	24.42	9/10
f) 20 to 64 years old (2006, % of total population)	20 to 64 years old	62.98	62.09	62.52	61.86	4/10
g) 65 and up years old (2006, % of total population)	65 + years old	13.08	16.33	14.75	13.71	4/10
2 - Total number of census families	All population	X	X	217,790	8,896,840	X
3 - Average number of persons in a census family	All population	X	X	2.8	2.9	8*/10
4 - Percentage of population with English as language most spoken at home (2006, %)	All population	68.71	68.64	68.67	65.89	9/10
5 - Percentage of population with French as language most spoken at home (2006, %)	All population	29.40	29.42	29.41	21.15	2/10
6 - Percentage of the Aboriginal identity population who speak an Aboriginal language most often at home (2006, %)	All population	8.8	8.5	8.7	11.8	7/13
7 - Percentage of population who are immigrants (2006, %)	All population	3.47	3.85	3.67	19.80	8/10
8 - Percentage of population with Aboriginal identity(2006, %)	All population	2.46	2.44	2.45	3.75	7/10
9 - Percentage of population 15 years and over with postsecondary certificate, diploma or degree (2006, %)	All population	44.50	44.75	44.63	50.70	7/10
10 - Percentage of the Aboriginal identity population 15 years and over with postsecondary certificate, diploma or degree (2006, %)	All population	40.75	38.82	39.72	34.53	3/13
11 - Population 15 years and over reporting hours looking after children without pay (2006, %)	All population	32.04	39.20	35.74	37.51	7/10
12 - Total enrolment in school (2010-2011, count)	K to grade 12	53,588	50,833	104,421	X	X
a) Kindergarten to grade 5 (2010-2011, % of total enrolment in school)	K to grade 5	41.35	42.18	41.41	X	X
b) Grade 6 to 8 (2010-2011, % of total enrolment in school)	Grade 6 to 8	23.13	22.85	22.91	X	X
c) Grade 9 to 12 (2010-2011, % of total enrolment in school)	Grade 9 to 12	35.35	34.75	35.52	X	X
d) Returning graduates (2010-2011, % of total enrolment in school)	Returning graduates	0.17	0.22	0.16	X	X
13 - Enrolment in school by English language of instruction (2010-2011, %)	K to Grade 12	57.81	51.43	54.71	X	X
14 - Enrolment in school by French language of instruction (2010-2011, %)	K to Grade 12	28.21	28.96	28.58	X	X
15 - Enrolment in school by French Immersion language of instruction (2010-2011, %)	K to Grade 12	13.98	19.61	16.72	X	X

Demographic Information



UN Convention on the Right of the Child: Article 2, 3, 5, 6, 12, 13, 29, 30, 31, 32



		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
Positive sense of expression	1 - Youth who have pro-social behaviours [being helpful, respectful, thoughtful, etc] (2009-2010, %)	Grade 6 to 12	66	79	73	X	X
	2 - Child who has pro-social behaviours [being helpful, respectful, thoughtful, etc](2010-2011, %)	Grade 4 to 5	62	79	71	X	X
	3 - Youth who participate in sports organized by the school (2010-2011, %)	Grade 12	X	X	40.2	X	X
	4 - Youth who participate in sports not organized by the school (2010-2011, %)	Grade 12	X	X	45.6	X	X
	5 - Youth who participate in activities organized by the school (2010-2011, %)	Grade 12	X	X	41	X	X
	6 - Youth who participate in activities not organized through the school (2010-2011, %)	Grade 12	X	X	27.9	X	X
	7 - Child who usually take part in physical activities not organized by school [such as biking, dancing, sports or games] after school (2010-2011, %)	Grade 4 to 5	69	67	68	X	X
	8 - Aboriginal child or youth who plays sports one or more times per week (2006, %)	6 to 14 years old	X	X	67	68	4*/7
	9 - Youth who have moderate to high level of autonomy [choices] (2009-2010, %)	Grade 6 to 12	67	74	71	X	X
	10 - Child who has moderate to high level of autonomy [choices] (2010-2011, %)	Grade 4 to 5	81	84	82	X	X
	11 - Youth who have moderate to high level of competency (2009-2010, %)	Grade 6 to 12	73	79	76	X	X
	12 - Child who has moderate to high level of competency (2010-2011, %)	Grade 4 to 5	75	83	79	X	X
	13 - Youth who spend 2 hours or less per day in sedentary activities [watching TV/movies, video games, computer time, messaging or talking on the phone] (2009-2010, %)	Grade 6 to 12	35	44	40	X	X
	14 - Child who spends 2 hours or less on screen time on most days [watching TV video games, computer time] (2010-2011, %)	Grade 4 to 5	32	46	38	X	X
	15 - Aboriginal average number of hours used to watch TV, videos or DVDs per day (2006, %)	6 to 14 years old	X	X	2	2.2	1*/7
	16 - Aboriginal average number of hours used to play video games per day(2006, %)	6 to 14 years old	X	X	0.8	0.8	2*/7
	17 - Physical activity youth participated in the last 3 months: WALKING (2010, %)	12 to 19 years old	66.3	82.6	74.4	65.7	X
	18 - Physical activity youth participated in the last 3 months: JOGGING OR RUNNING (2010, %)	12 to 19 years old	51	54.7	52.8	60.1	X
	19 - Physical activity youth participated in the last 3 months: BICYCLING (2010, %)	12 to 19 years old	58.9	35.8	47.5	46.3	X
	20 - Physical activity youth participated in the last 3 months: HOME EXERCICES (2010, %)	12 to 19 years old	48.7	43.4	46.1	43.4	X
	21 - Physical activity youth participated in the last 3 months: SWIMMING (2010, %)	12 to 19 years old	43.3	48.8	46	45.3	X
	22 - Physical activity youth participated in the last 3 months: GARDENING / YARD WORK (2010, %)	12 to 19 years old	45.7	25.4	35.7	31.3	X
	23 - Physical activity youth participated in the last 3 months: SOCCER (2010, %)	12 to 19 years old	38.5	30.1	34.3	38.9	X
	24 - Physical activity youth participated in the last 3 months: POPULAR / SOCIAL DANCE (2010, %)	12 to 19 years old	24.8	43.4	34	28.1	X
	25 - Physical activity youth participated in the last 3 months: BASKETBALL (2010, %)	12 to 19 years old	39.3	27.3	33.4	39.9	X
	26 - Physical activity youth participated in the last 3 months: VOLLEYBALL (2010, %)	12 to 19 years old	19.9	28.8	24.3	29.5	X
	27 - Physical activity youth participated in the last 3 months: BOWLING (2010, %)	12 to 19 years old	26.4	15.5	21.1	19.1	X
	28 - Physical activity youth participated in the last 3 months: ICE HOCKEY (2010, %)	12 to 19 years old	27.2	8.2	17.8	16.4	X
	29 -Physical activity youth participated in the last 3 months: BASEBALL / SOFTBALL (2010, %)	12 to 19 years old	24.2	11	17.7	16.6	X
	30 - Youth employment rate (2010, %)	15 to 19 years old	x	x	41.1	41.1	7/10
	31 - Youth who volunteered outside school without being paid, in the last year, (2009-2010, %)	Grade 6 to 12	70	82	76	x	x
	32 - Aboriginal satisfied with how their school is preparing him / her to make choices about his/her future (2006, %)	6 to 14 years old	x	x	81	83	6/7
	33 - Youth who plan to vote, once they are legally entitled to, in municipal, provincial or federal elections (2011, %)	Grade 12	x	x	78.4	x	x

Legend:

Doing Well (ranked 1, 2, 3)

Caution

Lagging (last 3 places)

(Includes all provinces and territories when data is available -13 maximum)

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X =Data unavailable
K = Kindergarten



3 - What kinds of families and communities do New Brunswick's children and youth live in?

UN Convention on the Right of the Child: Article 2, 3, 4, 5, 6, 9, 12, 18, 27, 31

		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
Family Economic Situation	1 - Living in low-income family (under 17 years old) (2006, %)	Under 17 years old	X	X	16	17.5	3/10
	2 - Unemployment rate (2010, %)	15 and over	X	X	9.3	8	7*/10
	3 - No high school diploma (25 years and older) (2006, %)	25 and over	23.1	19	21	15.4	8/13
	4 - Living in a single parent family (2006, %)	Under 18 years old	X	X	16.3	15.9	5/13
	5 - Family receiving Social Assistance or Welfare benefits (2010, % out of all families with children at home)	All families	X	X	5.88	X	X
	6 - Family support payments received (2009-2010, %)	All population	X	X	89	83	3/7
	7 - Aboriginal on Social Assistance or Welfare benefits as source of income (2006, %)	15 and over	X	X	10	16	
	8 - Food insecurity in homes with children 0 to 5 present, moderate and severe (2007-2008, %)	0 to 5 years old	X	X	5.2 ^E	4.9	5/13
	9 - Food insecurity in homes with children 6 to 17 present, moderate and severe (2007-2008, %)	6 to 17 years old	X	X	8.7	5.2	11/13
	10 - Food insecurity in homes with children less than 18 years old, moderate and severe (2007-2008, %)	Less than 18	X	X	7.3	5.1	10/13
	11 - Household spending 30% or more of their income on housing cost (2006, %)	All population	X	X	12.6	17.8	4*/13
Parental Health Behaviours	12 - Parents who eat 5 or more fruits or vegetables a day (2010-2011, %)	Parents - K to 5	X	X	47	X	X
	13 - Parents who did not consume sweetened non-nutritious beverages day before (2010-2011, %)	Parents - K to 5	X	X	54	X	X
	14 - Parents being very physically active at least 30 minutes 3 or more times per week (2010-2011, %)	Parents - K to 5	X	X	58	X	X
	15 - Parents who spend 2 hours or less per day in sedentary activity [in front of a screen] (2010-2011, %)	Parents - K to 5	X	X	90	X	X
	16 - Parents who participate in leisure activities [crafting, singing, listening to music, playing the piano, etc] (2010-2011, %)	Parents - K to 5	X	X	86	X	X
	17 - Parents who say they ate breakfast yesterday with children (2010-2011, %)	Parents - K to 5	X	X	55	X	X
	19 - Parents who did not eat at a fast food restaurant in the last week (2010-2011, %)	Parents- K to 5	X	X	47	X	X
	20 - Adults who watched TV more than 15 hours in the last week (2007, %)	20 and over	X	X	32.4	29.2	10/10
	Family and Community Connectedness	21 - Youth sense of belonging to their community, somewhat strong or very strong (2009-2010, %)	12 to 19 years old	81.8	82.1	81.9	74.4
22 - Youth satisfaction with mental fitness needs related to friends (2009-2010, %)		Grade 6 to 12	77	85	81	X	X
23 - Youth satisfaction with mental fitness needs related to family (2009-2010, %)		Grade 6 to 12	70	82	83	X	X
Children in Non-Parental Care	24 - Families receiving subsidies for adopted children with special needs (2010-2011, count)	Under 18 years old	X	X	309	X	X
	25 - Infants placed for adoption[public adoption] (2010-2011, count)	Infants	X	X	<10	X	X
	26 - Private adoptions (2010 – 2011, count)	Under 18 years old	X	X	31	X	X
	27 - International adoptions (2010-2011, count)	Under 18 years old	X	X	73	X	X

Legend:
 Doing Well (ranked 1, 2, 3)
Caution
 Lagging (last 3 places)

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4 - How healthy are New Brunswick's children and youth?

UN Convention on the Right of the Child: Article 2, 3, 4, 6, 12, 18, 24

		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)	
Morbidity	1 - Low birth weight (2005-2007, %)	At birth	5.9	5.8	5.5	6	4/13	
	2 - Congenital malformations, deformations and chromosomal abnormalities (2009, rate per 100,000)	At birth	Under development – will be available next year					
	3 - Prevalence of diabetes (2009-2010, %)	12 to 19 years old	x	x	x	0.4	x	
	4 - Prevalence of asthma (2009-2010, %)	12 to 19 years old	15.1	15.6	15.3	11.5	9/12	
	5 - Prevalence of asthma in Aboriginal (2006, %)	6 to 14 years old	x	x	22	14	7/7	
	6 - Have a sexually transmitted infections - chlamydia rate (2006-2010, rate per 100,000)	15 to 19 years old	487.3	2,097.1	1,272.9	X	X	
Disability	7 - Functional health, good to full (2009-2010, %)	12 to 19 years old	84.3	80.7	82.6	84.7	6/13	
	8 - Injuries in the past 12 months causing limitation of normal activities (2009-2010, %)	12 to 19 years old	34.3	27.7	31.1	26.5	12/13	
	9 - Aboriginal with one or more activity limitation often (2006, %)	6 to 14 years old	x	x	9	11 ^E	6*/7	
Child and Youth Health	10 - See their health as being very good or excellent (2009-2010, %)	12 to 19 years old	64.3	66.5	64.9	67.7	9/13	
	11 - Aboriginal who see their health as being very good or excellent (2006, %)	6 to 14 years old	x	x	82	x	2*/7	
	12 - See their mental health as being very good or excellent (2009-2010, %)	12 to 19 years old	69.4	72.8	71.1	76.3	10/13	
Mental Health	13 - Childhood/adolescence disorder [behavioural and learning disorders] (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	8.46	5.69	7.11	2.10	X	
	14 - Depressive episode (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	4.35	9.40	6.81	3.79	X	
	15 - Stress reaction / adjustment disorder (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	2.70	7.05	4.85	2.91	X	
	16 - Schizotypal/delusional disorder (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	1.53	1.61	1.57	0.82	X	
	17 - Mood (affective) disorder (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	0.82	1.86	1.33	0.42	X	
	18 - Anxiety disorder (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	1.06	1.36	1.21	0.87	x	
	19 - Eating disorder (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	0.35	1.61	0.96	0.77	x	
20 - Rate of hospitalized cases for mental diseases and disorders (2010-2011, cases admitted to hospital per 10,000)	0 to 18 years old	26.43	35.75	30.97	15.37	x		
Unhealthy weight	21 - Youth with unhealthy weight (overweight and obese) (2009-2010, %)	Grade 6 to 12	25	20	23	x	x	
	22 - Youth who consider themselves overweight (2009-2010, %)	12 to 19 years old	5.5	20.3	12.8	11.6	X	
	23 - Child with unhealthy weight (overweight and obese) (2010-2011, %)	Grade K to 5	35	38	36	x	x	
	24 - Youth with unhealthy weight (underweight) (2009-2010, %)	Grade 6 to 12	8	7	7	x	x	
	25 - Youth who consider themselves underweight (2009-2010, %)	12 to 19 years old	12.4	1.5	7.1	6.7	X	
	26 - Child with unhealthy weight (underweight) (2010-2011, %)	Grade K to 5	9	13	11	x	X	

Legend:

Doing Well (ranked 1, 2, 3)

Caution

Lagging (last 3 places)

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UN Convention on the Right of the Child: Article 2, 3, 4, 6, 12, 24, 31



		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
Pre and Post natal	1 - Expectant mother receiving prenatal benefits (2010,% of live births)	All expectant mother	0	20.01	20.01	X	X
	2 - Universal newborn and infant hearing screening (2009-2010, %)	Newborn and infant	X	X	87.8	X	X
	3 - Breastfeeding initiation (2009-2010, %)	12 and up	X	82	82	87.4	9/13
	4 - Proportion of infants exclusively breastfed at 6 months (2009-2010, %)	12 and up	X	18.7 ^E	18.7^E	26.2	10/12
	5 - Proportion of Kindergarten children meeting immunization requirements (2009-2010, %)	K	X	X	91.4	X	X
Early Learning	6 - Total approved available child care spaces (2010-2011, count)	Child in childcare	X	X	20,319	X	X
	7 - Early intervention services (2010-2011, monthly average)	Early childhood	X	X	1,774	X	X
Physical or Mental Health	8 - Youth who had a medical doctor visit within the last year (2009-2010, %)	12 to 19 years old	66.3	74.6	70.3	70.9	7/13
	9 - Youth who seen or talked to a health professional about emotional or mental health within the last year (2009-2010, %)	12 to 19 years old	5.1	17.2	11.1	5.6	X
	10 - Youth who have moderate to high level of mental fitness [having a positive sense of how they feel, think and act] (2009-2010, %)	Grade 6 to 12	84	89	87	X	X
	11 - Child who has moderate to high level of mental fitness [having a positive sense of how they feel, think and act] (2010-2011, %)	Grade 4 to 5	77	84	80	X	X
Dental Health	12 - Youth who visit a dental professional within the last year (2009-2010, %)	12 to 19 years old	83.2	81.9	83.9	82.0	X
	13 - Aboriginal who had a visit with a dental professional within the last year (2009-2010, %)	6 to 14 years old	x	X	78	71	5*/7
Vision Health	14 - Youth seen or talked to an eye professional within the last year (2009-2010,%)	12 to 19 years old	38.3	46.8	42.5	45.3	X
Children and Youth Perceptions of Healthy Living	15 - Teachers show a positive attitude towards healthy living (2010, %)	Grade 12	71.3	73.7	72.5	X	X
	16 - School promoted healthy eating by providing easy access to healthy food and snacks (2010-2011, %)	Grade 12	X	X	67.3	X	X
	17 - Healthy food choices noticed by youths in schools [at sporting or other events, for fundraising, in the canteen / cafeteria, lower prices for healthier foods, etc] (2009-2010, %)	Grade 6 to 12	56	65	61	X	X
	18 - Physical activity of parents, as reported by a youth [at least 3 times in the last week] (2009-2010,%)	Grade 6 to 12	40	44	42	X	X
	19 - Parent is physically active, as reported by child (2010-2011,%)	Parents - K to 5	X	X	65	X	X
	20 - Child who ate dinner with parent day before survey (2010-2011, %)	Grade 4 to 5	75	79	77	X	X
Children and Youth Health Behaviours	21 - Youth walking and bicycling that is done only as a way of getting to and from work or school (2009-2010, %)	12 to 19 years old	30	30.3	30.1	52.7	X
	22 - Youth who spend at least 90 minutes a day in a combination of moderate and hard physical activity (2009-2010, %)	Grade 6 to 12	48	33	40	X	X
	23 - Child who is very physically active for at least 30 minutes 3 or more times per week (2010-2011, %)	Grade 4 to 5	80	79	80	X	X
	24 - Youth who eat breakfast daily(2009-2010, %)	Grade 6 to 12	45	32	41	X	X
	25 - Child who eat breakfast daily(2010-2011, %)	Grade 4 to 5	68	72	70	X	X
	26 - Youth who eat 5 or more fruits or vegetables a day [not including juices] (2009-2010, %)	Grade 6 to 12	24	25	24	X	X
	27 - Child who eats 5 or more fruits or vegetable a day [not including juices] (2010-2011, %)	Grade 4 to 5	47	55	50	X	X
	28 - Youth who sleep more than 8 hours a night (2009-2010, %)	Grade 6 to 12	50	52	52	X	X
	29 - Youth who has never tried smoking (2009-2010, %)	Grade 6 to 12	54	64	60	X	X

Legend:

Doing Well (ranked 1, 2, 3)

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UN Convention on the Right of the Child: Article 2, 3, 4, 6, 12, 23, 28, 29, 31



		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)	
Transition to primary school	1 - Aboriginal who attended an early childhood development or preschool program (2007,%)	6 to 14 years old	X	X	68	62	1*/7	
	2 - Percentage of students having achieved an appropriate or strong performance on silent reading assessment in Grade 2 – Francophone sector only (2010, %)	Grade 2	F:71	F:78	F:74	X	X	
Literacy and Numeracy	3 - Percentage of students having achieved an appropriate or strong performance on oral reading assessment in Grade 2 – Francophone sector only (2010, %)	Grade 2	F:72	F:82	F:77	X	X	
	4 - Percentage of students having achieved an appropriate or strong performance on a reading comprehension assessment in Grade 2 – Anglophone sector only (2010, %)	Grade 2	A:76	A:85	A:80	X	X	
	5 - Percentage of students having achieved an appropriate or strong performance on a writing assessment in Grade 2 – Anglophone sector only (2010, %)	Grade 2	A:61	A:76	A:69	X	X	
	6 - Percentage of students having achieved an appropriate or strong performance on silent reading assessment in Grade 4 – Francophone sector only (2010, %)	Grade 4	F:53	F:67	F:60	X	X	
	7 - Percentage of students having achieved an appropriate or strong performance on a reading comprehension assessment in Grade 4 – Anglophone sector only (2010, %)	Grade 4	A:77	A:84	A:81	X	X	
	8 - Provincial exam average – Francophone sector only, Sciences and Technologies assessment Grade 5 (2010, %)	Grade 5	F:62	F:63	F:62	X	X	
	9 - Provincial exam average – by sector, Math assessment Grade 5 (2010, %)	Grade 5	A:59 F:70	A:62 F:72	A:61 F:71	X	X	
	10 - Provincial exam average – Anglophone sector only, English reading comprehension assessment Grade 7 (2010, %)	Grade 7	A:66	A:74	A:70	X	X	
	11 - Provincial exam average – Francophone sector only, Sciences and Technologies assessment Grade 8 (2010, %)	Grade 8	F:66	F:66	F:66	X	X	
	12 - Provincial exam average – by sector, Math assessment Grade 8 (2010, %)	Grade 8	A:58 F:69	A:57 F:71	A:58 F:70	X	X	
	13 - Provincial exam average – Francophone sector only, French assessment Grade 8 (2010, %)	Grade 8	F:61	F:67	F:64	X	X	
	14 - Provincial exam average – Anglophone sector only, English reading comprehension assessment Grade 9 (2010, %)	Grade 9	A:67	A:78	A:73	X	X	
	15 - Provincial exam average – Anglophone sector only, English writing assessment Grade 9(2010, %)	Grade 9	A:72	A:87	A:79	X	X	
	16 - Percentage students performing at intermediate level or higher on English as a Second Language or French as a Second Language - Oral Proficiency Assessment (2009-2010, %)	Grade 10	X	X	A:33 F:70	X	X	
	17 - Provincial exam average – Francophone sector only, French assessment Grade 11 (2010, %)	Grade 11	F:59	F:63	F:61	X	X	
	18 - Provincial exam average – Francophone sector only, Math assessment Grade 11 (2010, %)	Grade 11	F:67	F:66	F:66	X	X	
	Social and Emotional Development	19 - Youth satisfied or very satisfied with life (2009-2010, %)	12 to 19 years old	95.6	96.7	93.1	96.6	5*/13
		20 - Youth satisfied with mental fitness needs related to school (2009-2010, %)	Grade 6 to 12	75	84	80	X	x
21 - Aboriginal satisfied with the availability of extracurricular activities at his/her school (2007, %)		6 to 14 years old	X	X	72	74	6/7	
22 - Child receiving special needs services [including Integrated Day Care Services and Enhanced Support Worker] (2010-2011, count)		Early childhood	X	X	474	X	X	
23 - Youth who feel respected at school (2011, %)		Grade 12	X	X	83	X	X	
School Connectedness	24 - Youth feel connected to their school (2009-2010, %)	Grade 6 to 12	80	86	83	X	X	
	25 - Child feels connected to their school (2010- 2011, %)	Grade 4 to 5	80	87	83	X	X	
	26 - Aboriginal child is happy at his/her school (2007, %)	6 to 14 years old	X	X	86	91	7/7	

Legend:

Doing Well (ranked 1, 2, 3)

Caution

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A : Anglophone School Sector
F : Francophone School Sector



7 - What factors can affect children and youth adversely?

UN Convention on the Right of the Child: Article 2, 3, 6, 12, 17, 18, 29, 33

		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
Teen pregnancy	1 - Teen pregnancy rate (2009, rate per 1,000 females)	15 to 19 years old	--	25.9	25.9	X	X
	2 - Teens who gave birth (2008, crude birth rate 1,000 females)	15 to 19 years old	--	20.8	20.8	14.3	7/13
Drug Use	3 - Youth who have used marijuana within the last year (2007, %)	Grade 7, 9, 10, 12	27	23.4	25.1	X	X
Tobacco use	4 - Youth who have smoked in the last 30 days (2009-2010, %)	Grade 6 to 12	14	10	12	X	X
	5 - Youth who have a family member [parent, step-parent, guardian, brother or sister] who smokes (2009-2010, %)	Grade 6 to 12	75	76	76	X	X
	6 - Youth come in contact with second-hand smoke at home (2009-2010, %)	Grade 6 to 12	24	22	23	X	X
	7 - Child who lives with people who smoke or use tobacco (2010-2011, %)	Grade 4 to 5	31	30	31	X	X
	8 - People are allowed to smoke inside home as reported by parent (2010-2011, %)	Parents - K to 5	X	X	5	X	X
	9 - Youth come in contact with second-hand smoke in the past week in a vehicle (2009-2010, %)	Grade 6 to 12	33	31	32	X	X
Alcohol use	10 - Youth heavy drinking (getting drunk) in the last 30 days (2007, %)	Grade 7, 9, 10, 12	24.5	23.3	23.9	25.8	1/4
Other Negative Behaviours of children or youth	11 - Youth who consume sweetened non-nutritious beverages (2009-2010, %)	Grade 6 to 12	68	56	61	X	X
	12 - Child who consumes any sweetened non-nutritious beverages yesterday (2010-2011, %)	Grade 4 to 5	60	52	57	X	X
	13 - Youth have high levels of oppositional behaviours [being defiant, disrespectful, rude, etc.] (2009-2010, %)	Grade 6 to 12	18	13	16	X	X
	14 - Child has high levels of oppositional behaviours [being defiant, disrespectful, rude, etc.] (2010-2011, %)	Grade K4to 5	27	16	22	X	X
	15 - Youth who always wear a helmet when using a bicycle (2009-2010, %)	12 to 19 years old	45.5	46.6	46	31.2	5/12
	16 - Youth who use protective mouth equipment (for hockey) or protective head gear [for skating, rollerblading, downhill skiing, or snowboarding] (2009-2010, %)	12 to 19 years old	14.69	7.29	11.04	11.81	X
	17 - Youth who have been a passenger with an impaired driver within the last year (2007, %)	Grade 7, 9, 10, 12	18.7	21.2	19.8	18.9	4/4
	18 - Youth safe sex - those that engaged in sexual activity and used a condom (2007, %)	Grade 7, 9, 10, 12	66.3	59.6	62.6	61.3	1/4
	19 - Violent crime done by youth (2010, rate of 100,000 youth population)	12 to 17 years old	X	X	2,606	1,838	7/13
	20 - Property crime done by youth (2010, rate of 100,000 youth population)	12 to 17 years old	X	X	4,372	3,155	7/13

Legend:

Doing Well (ranked 1, 2, 3)

Caution

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UN Convention on the Right of the Child: Article 2, 3, 6, 12, 19, 20, 23, 26, 32, 37, 39, 40



		Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
Injuries	1 - Child and youth rate of hospitalized cases for injuries (2008-2009, cases admitted to hospital per 10,000)	0 to 19 years old	X	X	41.4	25.8	X
	2 - Age-adjusted rate of ATV Injuries (2009-2010, rate per 100,000 population)	All population	X	X	17.8	10.5	8/11
	3 - Age-adjusted rate of cycling Injuries (2009-2010, rate per 100,000 population)	All population	X	X	12.6	13.6	8/13
	4 - Number of New Brunswick teen workers aged 15-19 who suffered a workplace accident (2010, count)	15 to 19 years old	307	97	404	X	X
	5 - Rate of New Brunswick teen workers aged 15-19 who suffered a workplace accident (2010, rate per 1,000 youth employed)	15 to 19 years old	X	X	2.13	X	X
Child abuse and neglect	6 - Child under 16 receiving child protection services (On March 31, 2011, rate per 1,000)	Under 16 years old	X	X	21.7	X	X
Children as victims of violence	7 - Child seeking refuge in transition housing (2010-2011, rate per 1,000)	0 to 19 years old	X	X	3.23	X	X
	8 - Child involved in Child Witnesses of Family Violence Program (2010-2011, rate per 1,000)	0 to 19 years old	X	X	3.78	X	X
Children and Youth who feel safe	9 - Youth who have never been bullied (2009-2010, %)	Grade 6 to 12	41	30	35	X	X
	10 - Child who feels safe at school (2010-2011, %)	Grade 4 to 5	84	90	87	X	X
	11 - Child who feels comfortable talking to an adult at school about bullying (2010-2011, %)	Grade 4 to 5	82	85	83	X	X
	12 - Students with special needs who feel safe – Anglophone sector Only (2008-2009, %)	Grade 6 to 12	X	X	72.5	X	X
Social Assistance	13 - Youth (16 to 18 years old) receiving social assistance money (March 2011, % of total youth 16 to 18 years old)	16 to 18 years old	0.37	0.96	0.65	X	X
Youth Admissions to Correctional Services	14 - Youth - Total correctional services (2008-2009, actual count)	12 to 17 years old	1,347	369	1,716	X	X
	a) Youth - pre-trial detention (2008-2009, % of youth - total correctional services)	12 to 17 years old	15.6	15.2	18.8	X	X
	b) Youth - provincial director remand (2008-2009, % of youth-total correctional services)	12 to 17 years old	4.0	5.2	5.3	X	X
	c) Youth - total secure custody (2008-2009, % of youth - total correctional services)	12 to 17 years old	7.6	7.6	5.9	X	X
	d) Youth - total open custody (2008-2009, % of youth - total correctional services)	12 to 17 years old	7.7	4.5	4.4	X	X
	e) Youth - total community sentences (2008-2009, % of youth-total correctional services)	12 to 17 years old	65.0	67.5	65.6	X	X
	15 - Aboriginal youth - total correctional services (2008-2009, actual count)	12 to 17 years old	76	29	105	X	X
	a) Aboriginal youth - pre-trial detention (2008-2009, % of Aboriginal - total correctional services)	12 to 17 years old	29.5	23.9	25.7	X	X
	b) Aboriginal youth - provincial director remand (2008-2009, % of Aboriginal - total correctional services)	12 to 17 years old	1.3	2.6	3.8	X	X
	c) Aboriginal youth -total secure custody (2008-2009, % of Aboriginal - total correctional services)	12 to 17 years old	9.0	9.4	7.6	X	X
	d) Aboriginal youth - total open custody (2008-2009, % of Aboriginal - total correctional services)	12 to 17 years old	5.1	7.7	8.6	X	X
	e) Aboriginal youth - total community sentences (2008-2009, % of Aboriginal - total correctional services)	12 to 17 years old	55.1	56.4	54.3	X	X
	16 - Youth incarceration rate (2009, rate per 10,000 young persons)	12 to 17 years old	X	X	10.5	X	8/12
	17 - Youth probation rate (2009, rate per 10,000 young persons)	12 to 17 years old	X	X	95.6	X	5/11

Legend:

Doing Well (ranked 1, 2, 3)

Caution

Lagging (last 3 places)

(Includes all provinces and territories when data is available -13 maximum)

X=Data unavailable

K = Kindergarten

9 - How is New Brunswick performing in regards to the Rights and Well-being of children and youth?

UN Convention on the Right of the Child: Article 2, 3, 6, 12, 24, 28, 29, 32, 40, 41

System Performance



	Age or Grade	Male	Female	NB Average	Canadian Average	Rank (NB to Canada)
1 - Life expectancy (2006-2008, years)	At birth	77.6	82.7	80.2	80.9	5*/11
2 - Sudden Infant Death Syndrome (SDS) (2009, rate per 100,000)	0 to 1 year old	0.6	0.3	0.45	X	X
3 - Infant mortality rate (2005-2007, rate per 1,000)	0 to 1 year old	X	X	4.1	5.0	3/13
4 - Child and youth premature deaths from cancer (2005-2009, years of life lost, rate per 10,000)	0 to 19 years old	17.62	22.74	19.98	X	X
5 - Child and youth premature deaths from injuries (2005-2009, years of life lost, rate per 10,000)	0 to 19 years old	95.00	51.26	73.70	X	X
6 - Child and youth premature deaths due to suicides / self-inflicted injuries (2005-2009, years of life lost, rate per 10,000)	0 to 19 years old	29.94	10.14	20.30	X	X
7 - Kindergarten school-readiness, by sectors (2008-2009, %)	Pre K to K	X	X	A: 79.7 F: 82.2	X	X
8 - Youth has a regular medical doctor (2009-2010, %)	12 to 19 years old	94.8	95.6	95.2	84.9	2/13
9 - Youth psychological well-being score (2009-2010, %)	12 to 19 years old	77.7	79.4	78.9	X	X
10 - Youth who feel their school has provided them with opportunities to participate in exercise or physical activity other than phys. ed. class (2010-2011, %)	Grade 12	X	X	77.5	X	X
11 - Youth who feel they had opportunities in high school to participate in cultural activities organized through school (2010-2011, %)	Grade 12	X	X	62.7	X	X
12 - Youth who feel they had opportunities in high school to participate in cultural activities separate from school (2010-2011, %)	Grade 12	X	X	48.4	X	X
13 - Youth who feel their school has helped them develop positive attitudes towards physical activity (2010-2011, %)	Grade 12	X	X	68.5	X	X
14 - Youth who feel their school has helped them to develop positive attitudes towards healthy living and active living (2010-2011, %)	Grade 12	X	X	72.6	X	X
15 - Youth who had the opportunities in high school to participate in elective courses that they were interested in and passionate (2010-2011, %)	Grade 12	X	X	77.0	X	X
16 - Youth who had the opportunities in high school to take courses in the skilled trades (2010-2011, %)	Grade 12	X	X	57.4	X	X
17 - Youth who had the opportunities in high school to take courses in the fine arts (2010-2011, %)	Grade 12	X	X	76.7	X	X
18 - Youth who had the opportunities in high school to participate in career related learning experiences (2010-2011, %)	Grade 12	X	X	64.2	X	X
19 - Youth planning to begin studies at a college or university after high school graduation, (2011, %)	Grade 12	X	X	78.9	X	X
20 - School drop out (2009-2010, %)	Grade 7 to 12	2.2	1.8	2.0	X	X
21 - School drop out – by sector(2009-2010, %)	Grade 7 to 12	A :2.2 F: 2.2	A:2.0 F:1.3	A:2.1 F:1.7	X	X
22 - 20 to 24 year-olds without a high school diploma and not in school (2007-2010, %)	20 to 24 years old	X	X	8.1	8.9	4/10
23 - Youth crime severity index (2010, index)	12 to 17 years old	X	X	97.6	90.5	6/13
24 - Youth violent crime severity index (2010, index)	12 to 17 years old	X	X	68.7	93.7	3/13
25 - Youth non-violent crime severity index (2010, index)	12 to 17 years old	X	X	119.5	88.0	7/13
26 - Total youth crime rate (2010, rate per 100,000)	12 to 17 years old	X	X	8,208	6,147	7/13
27 - Food insecurity at home, moderate and severe (with or without children present) (2007-2008, %)	12 and over	7.2	10.1	8.7	7.1	8*/10
28 - Employment rate by those 15 and up with less then grade 9 (2009, %)	15 and over	X	X	20	20	X
29 - Employment rate by those 15 and up with some high school (2009, %)	15 and over	X	X	41.2	39.3	X
30 - Employment rate by those 15 and up with high school diploma (2009, %)	15 and over	X	X	61.8	62.8	X
31 - Employment rate by those 15 and up with either a post-secondary certificate, diploma or degree (2009, %)	15 and over	X	X	73.5	73.5	X
32 Percentage of service delivery done within 30 days (from referral to first visit)for child and youth mental illness (2010-2011, %)	All population	X	X	44.8	X	X

Legend:

Doing Well (ranked 1, 2, 3)

Caution

Lagging (last 3 places)

(Includes all provinces and territories when data is available -13 maximum)

*=Another province has the same ranking

X =Data unavailable

K = Kindergarten

A:Anglophone School Sector

F:Francophone School Sector

-Child and Youth- Rights and Well-being Framework

Data Sources and Providers

Data sources for the framework:

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