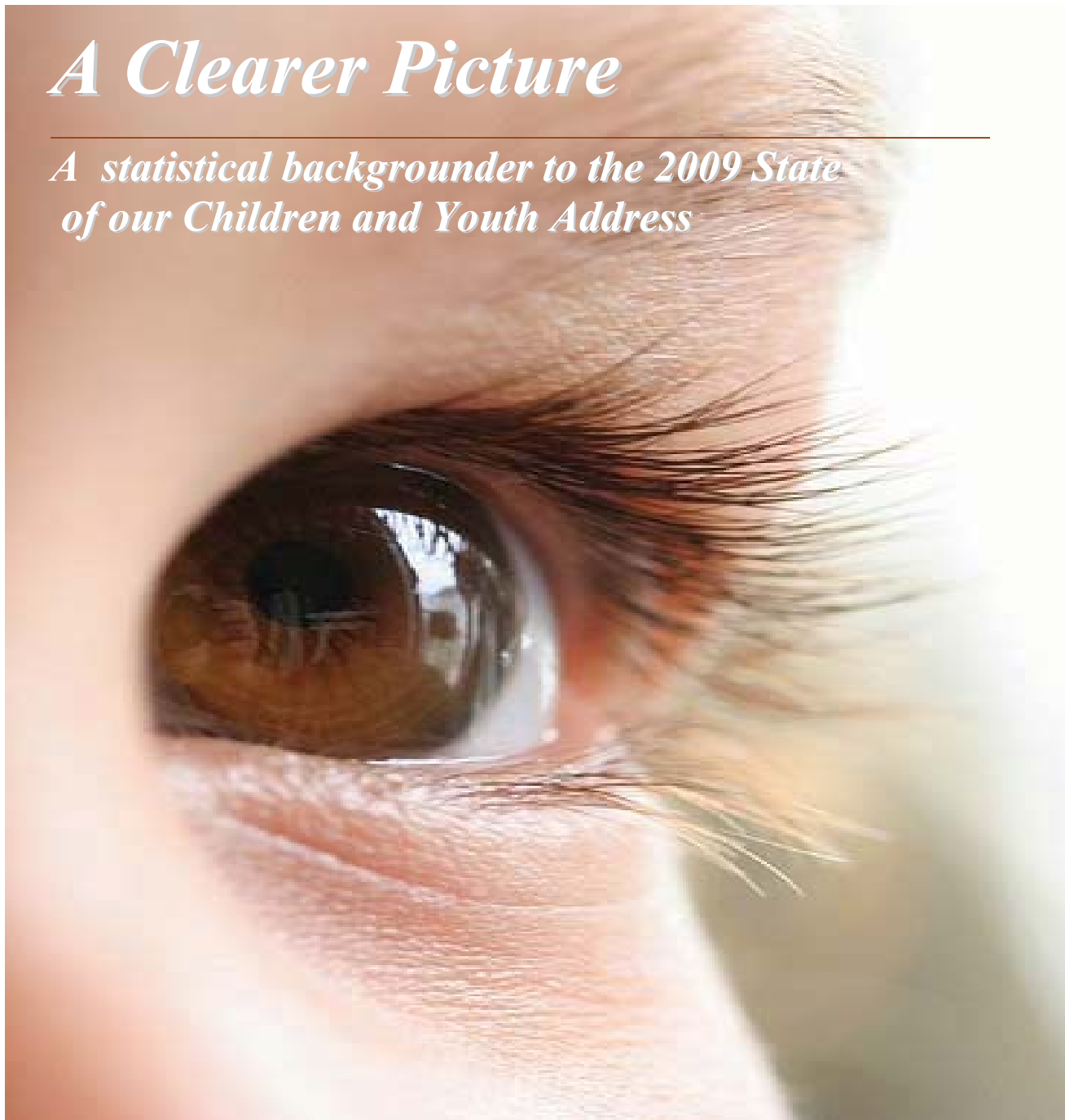


A Clearer Picture

*A statistical backgrounder to the 2009 State
of our Children and Youth Address*



*Office of the Child and Youth Advocate,
November 20, 2009, Fredericton, New Brunswick*



There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.

Kofi Annan

The State of the World's Children, 2000

Project Leads

Christian Whalen

Marcelle Woods

Contributors

Jennifer Daigle

Janel Guthrie

Diane Haché-Forestell

François Levert

Amanda McCordic

Colleen McKendy

Maria Montgomery

Ben Reentovich

Jessica West

Foreword

November 20, 2009 is the 20th anniversary of adoption of the International Convention on the Rights of the Child by the United Nations. To celebrate this milestone in the recognition of the rights of children and youth, and the ongoing effort to protect those rights, the Child and Youth Advocate's Office has produced this statistical backgrounder to present a snapshot of the state of children and youth in New Brunswick, using the Convention on the Rights of the Child as a foundation.

This UN Convention is the most widely ratified international human rights instrument in the world, having been ratified by every member state of the UN except Somalia and the United States of America. Canada was a major proponent of this Convention in the years and months leading up to November 20th, 1989. Since its adoption, many signatories including Canada have reaffirmed their commitment by subscribing to the Action plan laid out on the Convention's tenth anniversary aimed at building a world worthy of children and undertaken to measure their progress against the UN Millennium goals which highlight child welfare and healthy child development concerns.

Last year, this office presented the first State of Our Children and Youth address and its statistical backgrounder entitled "More than just words." This report was created with the belief that we owe our children an evaluation of whether we are delivering in our promises to them. By measuring and promoting the condition of children in our province, we can discover where we, as a province, are fulfilling our promises and where we are failing. With our first report, we were able to form a partial picture of the children and youth of New Brunswick. This second snapshot we have filled in some but by no means all gaps in our data reporting and we have been able to begin to make some year over year comparisons that we can build upon in future years. In this process, a clearer picture of the state of our children emerges.

This document builds upon last year's success with two significant improvements. First, the Child and Youth Advocate's Office made a concerted effort to have more input and feedback from governmental departments to ensure both that the information presented is as clear and comprehensive as we can make it, but also that it is as accurate and statistically relevant as possible. To that end, an intra-departmental working group was formed in January 2009 comprising representatives from Health, Education, Social Development, Post-Secondary Education and Labour, Culture, Wellness and Sport, and Public Safety. The working group focused on compiling readily available statistics for the purposes of producing an empirical study that would be accessible and useful to a broad audience of users. We have consequently decided to

leave out the Advocate's analysis of the text or trends noted, and our comments in that respect will be found instead in the State of our Children and Youth Address, itself.

The collaborative contribution of all departmental officials involved in providing the stats and commenting upon their presentation, relevance and relation to the children rights cited from the Convention is warmly acknowledged. More than anything this collaboration solidifies and reflects a strengthened commitment on the part of public administrators themselves to take ownership of the Province's obligations under the Convention and hold themselves accountable in new ways to our commitment to children.

Second, this backgrounder has been formatted so as to place less of an emphasis on individual departments and more of an emphasis on how the Province as a whole is measuring up in meeting its obligations in relation to the specific rights guaranteed under the Convention. The tables and graphs presented below have been grouped based on particular articles of the Convention. The Convention contains 54 articles and 2 Optional Protocols which state the basic human rights that all children have. Since not all of the rights guaranteed under each article are measurable in terms of statistical outcomes, the numbering of the articles is non-sequential as some of the rights and articles were not included. The full text of the Convention can be found at <http://www2.ohchr.org/english/law/crc.htm>.

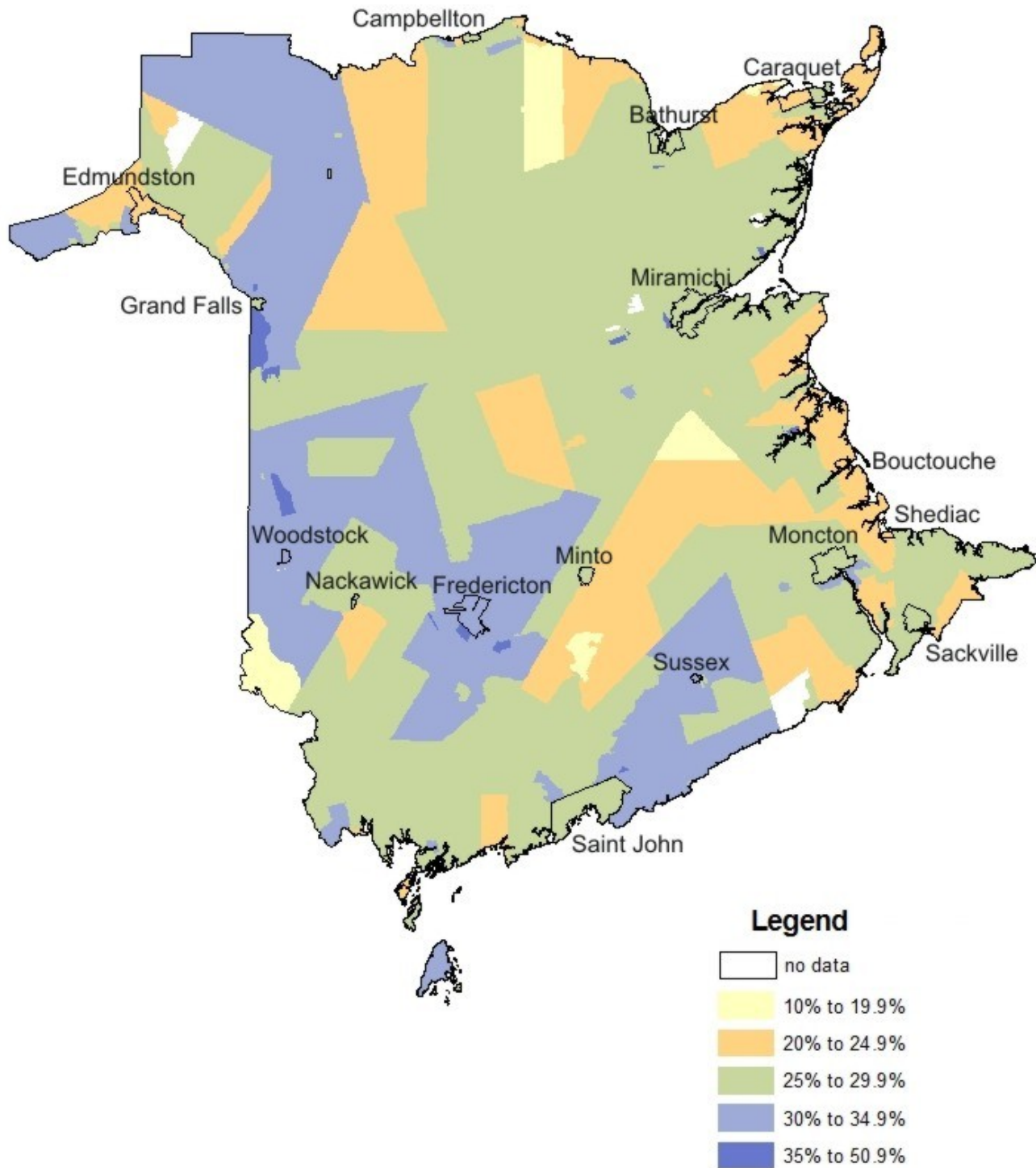
The hope is that during this special anniversary year of the Convention that this publication will give heightened relevance to the convention and help New Brunswickers and public officials in particular sensitize themselves to the relevance of the work carried out year in year out as part of New Brunswick's fulfilment of its international legal obligations to our children. UNICEF and the UN Committee on the Rights of the Child have invited public officials in all State parties to this Convention to use method and rigour in ensuring that the rights guaranteed to children are taken seriously and implemented fully. One of the central proposed mechanisms for this type of enforcement is the preparation of Children Rights Impact Assessments (CRIAs) whenever new legislative, regulatory or policy measures are adopted that may have an impact upon children and families. The CRIA methodology is emerging as a public policy best practice, but will only work successfully when reliable data concerning children and youth in the province is compiled, reviewed and made publicly available through a regular annual process such as this one.

It is hoped that using the Convention as a foundation for the report will highlight its significance and its vision of a better world for children and that this vision will inspire New Brunswick to achieve better results for children and youth and to take a heightened interest in the welfare of children around the world. As an internationally binding instrument ratified by Canada, the Convention imposes obligations on states to secure the rights of children. All New Brunswickers are called upon through this instrument to participate in keeping our promises to children.

Consequently, the Convention is an ideal foundation from which to measure our progress as a society in caring for our children and youth. It helps us understand where we might fall short in meeting our commitments to implement the most fundamental rights of our children and youth. The Convention also highlights particular obligation imposed upon parents, the media, educators and other professionals dealing with children and youth. These obligations translate the value we place upon our children, but more significantly it reminds us that these children, as they develop, share, from their very inception, in the equal human dignity and human rights values that make them individuals in their own right equally deserving of recognition and respect even when parents or others must speak for them.

It is our hope that this report will be used as a tool in identifying the actions required to improve the quality of life and opportunities for children and youth in New Brunswick, and help each of us old and young to know better and live up to the rights and guarantees set out in the Convention.

New Brunswickers Under 25 Years Old as a Proportion of the Entire Population Census Subdivisions - Census 2006

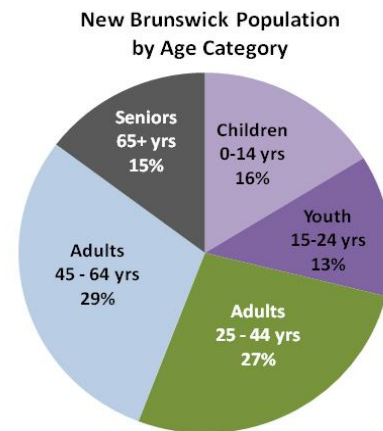


ARTICLE 1: DEFINITION OF CHILD

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

The purpose of Article 1 is to extend rights to all individuals under 18. The article establishes a minimum standard in terms of who should benefit from its guarantees and protection. In New Brunswick, as the Legislature has established 19 as the age of majority, children and youth continue to benefit from the provisions of the Convention up to that age. Article 1 also recognises that in some circumstances domestic laws may set an earlier age for achieving majority or some of the rights associated with adulthood, as occurs for instance in New Brunswick upon marriage of a minor.

For the purposes of this report, data has been collected, where possible, up to age 24 in recognition that although the age of legal majority in New Brunswick is 19, young adults continue to be a vulnerable group that require additional considerations as they transition into adulthood. The data below and the map set out above are made up mainly of demographic data of children and youth. Taking children’s rights seriously starts with a clear definition of who are the children amongst us, as rights holders. It requires method in knowing in what regions, urban or rural, Francophone or Anglophone, they are largely concentrated, their breakdown by gender or minority language or cultural status and what the trends reveal in terms of the demographic growth or contraction of this age cohort. More broadly our demographic data has to capture birth and death statistics for this age cohort so that we can be vigilant with respect to avoidable deaths or still-births.



New Brunswick Population by Gender and Age Category, 2006

Age Group	Male		Female		Both	
Children 0-14 yrs	60,655	8%	57,595	8%	118,250	16%
Youth 15 – 24 yrs	46,775	6%	45,560	6%	92,335	13%
Adults 25 – 44 yrs	95,740	13%	101,200	14%	196,940	27%
Adults 45 – 64 yrs	105,830	14%	108,995	15%	214,825	29%
Seniors (65+)	46,485	6%	61,150	8%	107,635	15%
Totals	355,485		374,500		729,985	100%

Source: Statistics Canada. Census 2006 (100% Data).

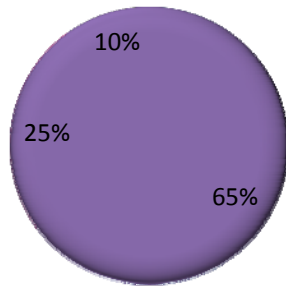
New Brunswick Births by Age of Mother and Outcome, 2007

Age of Mother	All Births		Live Births		Still Births	
<15 yrs	5	0.1%	5	0.1%	0	0.0%
15-19 yrs	480	6.6%	474	6.6%	6	13.0%
20-24 yrs	1,601	22.0%	1,590	22.0%	11	23.9%
Over 24 yrs	5,190	71.3%	5,161	71.4%	29	63.0%
Totals	7,276	100%	7,230	100.0%	46	100.0%

Source: GNB Vital Statistics 2007 Annual Report.

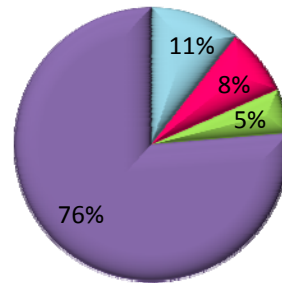
Neonatal Deaths

■ <1 day
■ 7 to 13 days
■ 14 to 27 days
■ 1 to 6 days
■ 0%



Post-Neonatal Deaths

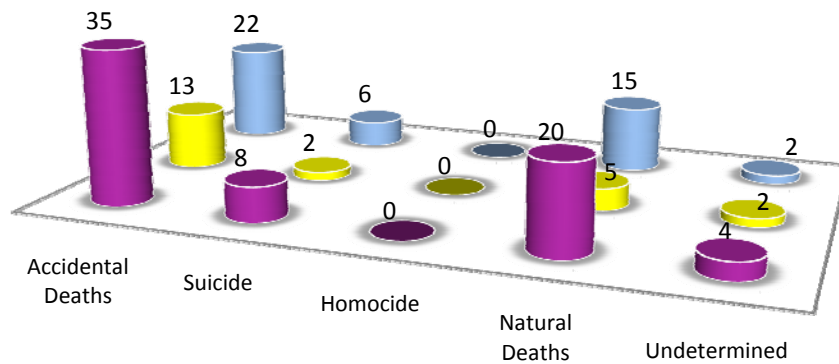
■ 28 days to 3 months
■ 3 to 6 months
■ 6 to 12 months
■ 1+ years



Source: GNB Vital Statistics 2007 Annual Report.

Statistics on Deaths of 0-19 Year Olds

■ Total
■ Females
■ Males



	2007	2006
Total Deaths in NB	1,593	1,608
% Deaths 0-19 yrs	4%	3%

Source: NB Office of the Chief Coroner, 2007 Annual Report.

ARTICLE 8: PRESERVATION OF IDENTITY

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference...

Governments must respect and protect a child's right to his name, identity and family ties. UNICEF asserts that if a child has been illegally denied part of their identity, governments must act quickly to protect and assist the child to re-establish their identity. Article 8 recognizes the importance of identity to a child and that this concept encompasses several aspects, in addition to name, nationality and family relations.

The application of this right has been a matter of significant concern in Canada and New Brunswick in past years as more and more New Brunswickers seek to re-connect with birth parents and vice versa. Adoption agencies are in agreement that the lack of an identity and the lack of belonging to a family often have lifelong sequels on the psychological well-being of children, hence the reference in Article 8 to family relations.

In New Brunswick today, a dominant determinant of a given child's identity is often expressed in terms of official language community, which is most easily tracked through school enrolment data by linguistic sector. That information is set out below. The Canadian Charter of Rights and Freedom assures certain educational rights, among others, to children of an official language minority group. Consequently, the right to an identity becomes important for children belonging to official language minority groups in Canada as it can have significant bearing on their educational rights. If the identity of a child is unknown, there is a potential loss of his rights under the Charter.

Similarly, identity is relevant to the enjoyment of other minority cultural and indigenous minority rights set out in Article 30 below. Finally, Article 8 also has some bearing on the number of children in care, and the right of these children to preserve family relations. However these statistics are set out below in relation to child welfare and adoption rights under Articles 18 and 21 respectively.

Selected Public Education Statistics, New Brunswick, 2007 & 2008

	Anglophone		Francophone		Province		
	2008	2007	2008	2007	2008	2007	% chg
Number of Schools	228	228	98	98	326	326	0%
Pupil Enrolment	77,288	78,563	31,119	31,725	108,407	110,288	-2%
Educators ¹	5,702	5,586	2,434	2,376	8,135	7,962	2%
Pupil/Educator Ratio	13.6	14.1	12.8	13.4	13.3	13.9	-4%
Home Schooled	493	529	31	33	524	562	-7%
Attends independent schools	819	814	-	-	819	814	1%

¹ Educators are employees who deliver educational and/or pupil personnel services in a professional capacity. Excludes positions vacant on September 30, 2008 and 2007, respectively.

Source: Department of Education 2009.

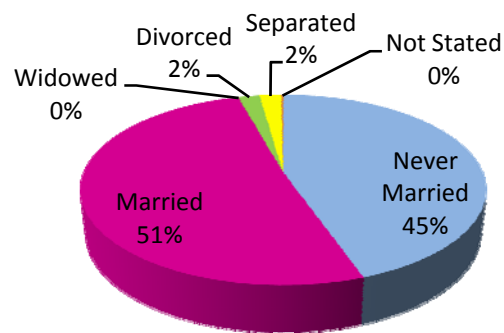
ARTICLE 18: COMMON RESPONSIBILITY FOR UPBRINGING AND DEVELOPMENT

...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...

Article 18 recognizes the responsibility of both parents in raising children and emphasizes development that is based on the best interests of the child. However, the article also includes a role for the state in supporting families by requiring that they “render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.” This role includes ensuring the development of child care institutions, facilities and services. The goal of this article is not to take away parental responsibility and give it to the state but rather to reinforce that it is the parents who are primarily responsible for the well being of their child and that the state’s foremost responsibility lies with supporting the parents.¹

In large part our success as a province in meeting the goals of Article 18 can be measured through the number of children who come in to care combined with the level of preventative services provided to parents to assist them in meeting their obligations to their children so removal is unnecessary. As Article 18

Live Births by Marital Status of Mother, 2007

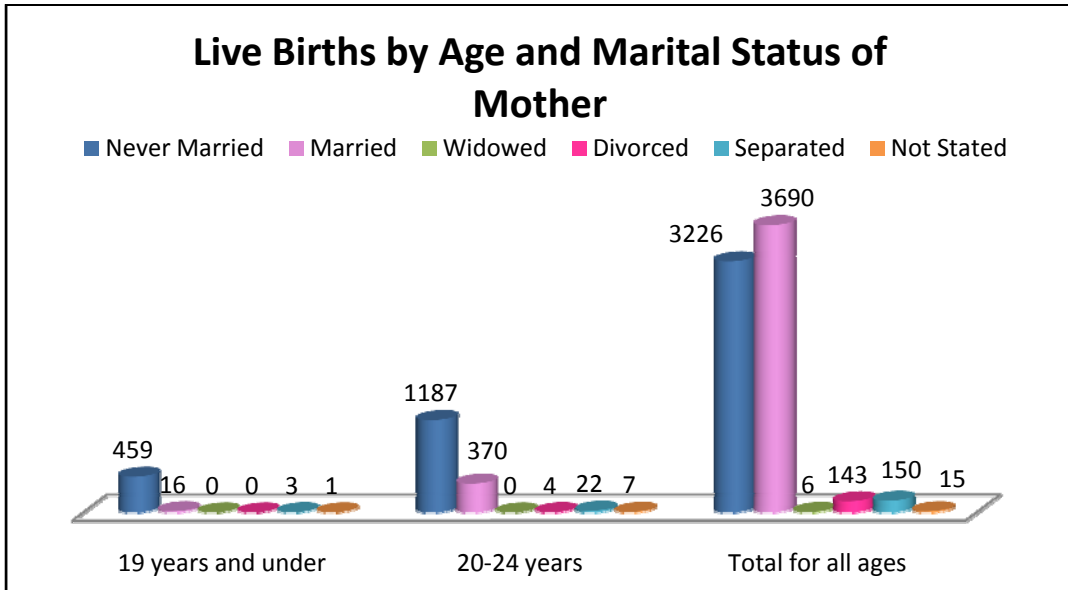


¹ http://www.unicef.org/crc/files/Rights_overview.pdf

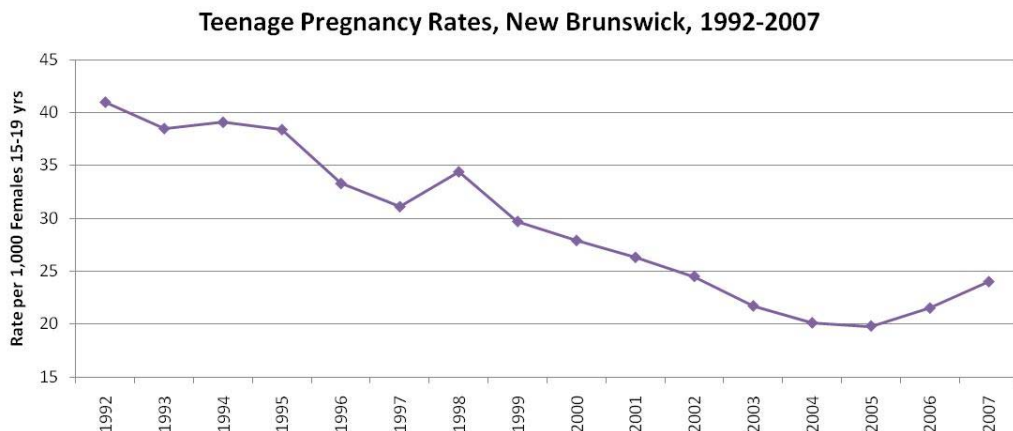
speaks clearly to the role of both parents, relevant data in relation to family type is also set out in this section.

Some indicators of how much support the province may need to contribute to help parents meet the needs of a child is by the mother’s age at the time of birth as well as her marital status. The need to decrease adolescent fertility is reflected in the Millennium Development Goals and is attributed to the elevated risks to the child that come with the educational and socio-economic challenges of being a teen mother.²

The state has the obligation to support all parents, not only those who are having difficulties in caring for their children; indicators of how well the province is doing this can be seen through the example of daycare availability and subsidy programs.



Source: GNB Vital Statistics 2007 Annual Report.



Source: NB Department of Health.

² http://mdgs.un.org/unsd/mdg/Resources/Static/Products/Progress2008/MDG_Report_2008_En.pdf#page=28

Subsidized Child Care & Child Support	2008 - 2009	2007-2008	% Change
Number of Approved Day Care facilities	519	470	10%
Total Child Care Spaces	17,014	15,506	10%
Children served by Daycare Assistance Program	5,308	5,624	-6%
Children served by Integrated Day Care Services	276	322	-14%
Family Support Orders Services (FSOS) annual \$ collected	\$4,413,480	\$4,499,685	-2%
SA households benefiting from Family Support Orders	2,761	2,869	-4%

Source: NB Social Development 2009.

ARTICLE 19: PROTECTION FROM VIOLENCE, INJURY, ABUSE, NEGLECT, 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...

Article 19 is quite clear that efforts to protect children must stretch beyond child protection services. Specifically mentioned are legislative, administrative, social and educational measures, as well as the “establishment of social programs to provide necessary support for the child and for those who have the care of the child.”

Children have the right to be protected from all forms of abuse, neglect, exploitation and violence. The objective of Article 19 was to have countries take action to eliminate all forms of violence against children. It also sought to encourage all countries to adopt and enforce laws, and improve the implementation of policies and programmes, to protect children from all forms of violence, neglect, abuse and maltreatment, whether at home, in school or other institutions, in the workplace, or in the community.

While the Article speaks specifically to the need to invest in preventive models of child welfare service delivery, the success of such models will inevitably be measured in terms of outcomes in relation to the numbers of children suffering from neglect or abuse in the province. Part of the problem in this respect may be in ensuring that cases of neglect, for instance, are accurately reported and recorded.

Canada lacks a uniform definition of what constitutes a child in need of protection; currently provincial legislation is not consistent. Not all children in need of protection require the same care - some may need counselling, others a home, or proper medical treatment. Proper identification of these different needs is essential in creating a viable child protection system that operates on behalf of children, rather than parents or the state.

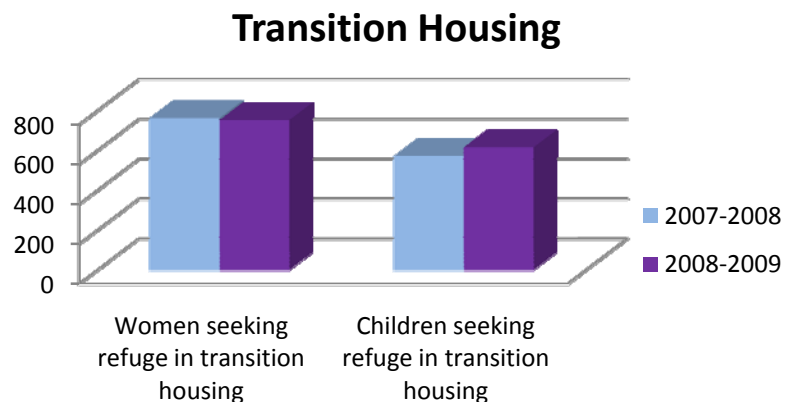
One way this Article has been implemented in New Brunswick is the *Family Services Act* which obligates members of police forces to report all suspected child abuse and neglect (including sexual exploitation). The Act designates that both the police and Child Protection Workers with the Department of Health and Community Services are responsible for investigating cases of suspected child abuse. The role of the police is to determine the existence of criminal activity while the role of the Child Protection Worker is to determine if the security and development of the child is in danger. However, the protection of the child is of primary concern to both the police and the Child Protection Worker.

As well, the New Brunswick Child Victims of Abuse Protocols provides direction to correctional officers, police, social workers, teachers, health professionals who deal with children who have been abused. These protocols have been helpful in sensitizing the professions to the issues surrounding the abuse of children.

There is a fine line between corporal punishment and physical abuse. No legislation has been enacted which explicitly prohibits all forms of corporal punishment and section 43 of the *Criminal Code*, which permits corporal punishment, remains in force and was upheld by the Supreme Court of Canada in 2004 despite a constitutional challenge.³ Education is a key factor in limiting corporal punishment through programs to teach the public about alternate methods of discipline, with a focus on the merits of positive discipline, as well as the harms of physical discipline.⁴

The tables below are drawn largely from the Department of Social Developments Annual Reports and therefore allow us to begin some year over year reporting. They provide a sample of some of the protection services that have been provided to children and their caregivers in New Brunswick.

The statistics illustrate, among other things, that there has been an increase in the number of children in the province who are the subjects of child protection referrals and also that the number of children seeking refuge in transition housing has also risen.



³ *Canadian Foundation for Children, Youth, and the Law v. Canada (A.G.)*, (2004) 1 S.R.C. 76.

⁴ Interim Report of the Standing Senate Committee on Human Rights, *Who's in Charge Here? Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*, November 2005.

Selected Child Welfare Statistics	2008 - 2009	2007-2008	% Change
Child protection referrals	7,331	6,632	11%
Active child protection cases	1,588	1,601	-1%
Children under 16 receiving child protection services	2,901	2,863	1%
Avg age of children under 16 receiving child protection services	7.9	8.1	-2.4 mths
Total Cost of Child Protection Services	n/a	\$14,711,462	n/a
Total Investment in Youth Care	n/a	\$34,562,871	n/a

Source: NB Social Development 2009.

Youth Social Services	2008 - 2009	2007-2008	% Change
Youths on Social Assistance (Youth Policy)	334	350	-5%
Total Investment in Youth Care	n/a	\$34,562,871	n/a

Source: NB Social Development 2009.

ARTICLE 21: ADOPTION

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration...

After emphasizing the paramountcy of the best interests of the child, this article establishes several standards for adoption procedures. The Preamble of the Convention states that children should grow up in a “family environment.” The right of children to a loving home no matter their circumstances finds its birth in earlier versions of the Convention, namely the UN Declaration of the Rights of the Child created in 1951. The inclusion of a right to a system of adoption that has their best interests as its paramount consideration is a reflection of the fact that there are many valuable forms of alternative care existing for children who cannot be cared for by their own parents. By not imposing a requirement that states have a system of adoption, the article recognizes that in some cultures, adoption may not be appropriate or may take different forms. As well as establishing some basic guidelines for good adoption practice, the requirement of the paramountcy of the best interests of the child ensures that other intentions will not drive the system. This reflects the unfortunate reality that there are those who might be attracted by financial gain.

In regards to intercountry adoptions, the convention requires that state parties ensure that the placement of the child does not result in “improper financial gain.” The added complications of intercountry adoption often means that greater effort is required to ensure that the process keeps the best interests of children foremost. The Committee on the Rights of the Child requires that states also demonstrate how they are meeting the Hague Convention on Intercountry Adoption.

In order to ensure that children are receiving the right to which they are entitled under this article, it must be ensured that policies and procedures regarding adoption follow best practices. These policies include ones regarding the status of the child, the preservation of the child’s identity, the participation of the child, the institutions which are authorized to conduct adoptions and the involvement of other persons.

The following information illustrates that, for many children in New Brunswick, the promise of a loving home and a family environment is found through adoption. This adoption may take the form of a private or international adoption and involve children of various ages.

Selected Adoption Program Statistics	2008-09	2007-08	% Chg
Families receiving subsidies for adopted children with special needs	284	239	19%
Infants placed for adoption	7	12	-42%
Older special needs children placed or adopted (since 1992)	730	679	8%
Private adoptions	14	19	-26%
International adoptions	38	48	-21%

Source: NB Social Development 2009.

ARTICLE 23: RIGHTS OF MENTALLY OR PHYSICALLY DISABLED CHILD

...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...

This article recognizes that children with disabilities have particular needs which need to be ensured by the state. The article specifically places responsibility on the state to ensure that children with disabilities and their families receive appropriate assistance which includes education, training, health care, rehabilitation, preparation for employment, and recreation opportunities. More recently, the world community has adopted a new international human rights instrument dealing with the rights of disabled persons. Children with disabilities should in New Brunswick benefit from the application of both international legal norms which are binding on the Province.

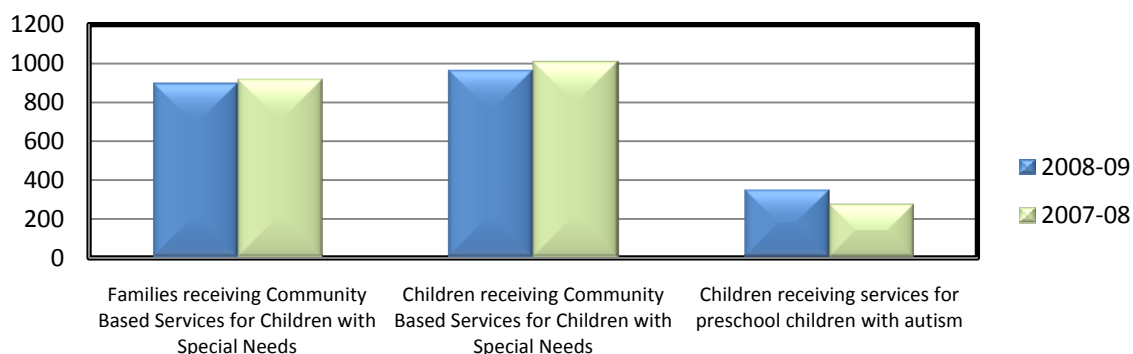
Taking these international human rights obligations to the most vulnerable amongst us means as a province that we should first inform ourselves as to the number and the needs of disabled children in our communities and determine from there the programs and benefits which we can offer in order to ensure these children an equal opportunity to those around them.

The information below indicates some of the data sets that are available annually to track disabled children in New Brunswick and some of the services available to them.

Persons with Disabilities by Age Category	Males	Females	Total
Total Persons with Disabilities - all ages	57,500	65,040	122,540
0 to 4 years old	380	170	550
5 to 14 years old	2,710	1,420	4,130
15 to 24 years old	2,450	2,510	4,970
Children and Youth as % of All Disabled Persons	10%	6%	8%

Source: Statistics Canada, Participation and Activity Limitation Survey, 2006.

Government Services to Special Needs Children



Source: NB Social Development 2009.

ARTICLE 24: RIGHT TO 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...

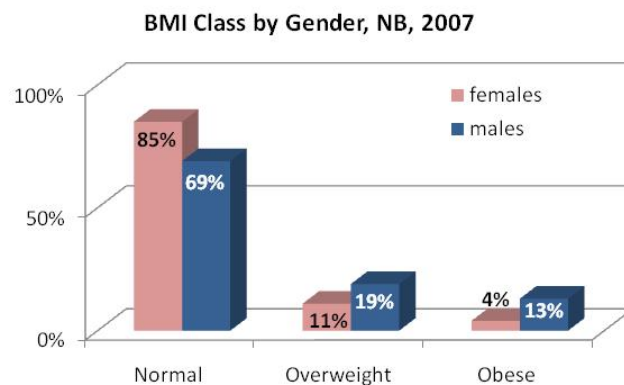
This article also states several measures which must be taken to ensure a high standard of health for children and demonstrates a comprehensive view of health care services as including preventative care and education. The article also requires that measures be taken to abolish traditional practices that are prejudicial to the health of the child (24(3)) and requires that international cooperation be promoted and encouraged in order to achieve the full realization of this right (24(4)), taking particular account of the needs of developing countries.

One of the guiding principles of the Convention is that all children have a right to life, survival and development. Attaining and maintaining optimal health is integral to ensuring that all children are guaranteed their right to life, survival and development. An emphasis has been placed on focusing on reducing the child mortality rate as one of the UN Millennium goals. Though this is particularly important for developing countries

with high child mortality rates, in New Brunswick, a focus on child mortality forces us to ensure that every child is being given the means necessary to be as healthy as possible.

The work in New Brunswick involved in delivering on our promise to children that they be able to achieve the highest standard of health includes that of countless facilities, programs and health care workers. Efforts span from preventative health measures such as education and vaccination to treatment of disease. The article requires that consideration be given to the sufficiency of addressing current issues in child health in Canada such as obesity and Autism and ensuring both the quality of services is sufficient as well as the quantity.

Similar to the article, the following information also takes a holistic view of child health and considers aspects such as body mass index, childhood diseases and mental health issues. These statistics are helpful in understanding what the health needs are of children and youth in New Brunswick. The Body Mass Index statistics should be helpful in assessing whether efforts to address child obesity are paying off. This issue is also related to diabetes and the average number of steps and putting together these statistics will help us in more fully understanding the issue in years to come. Also displayed is where New Brunswick compares with the rest of the country in average daily steps as well as the prevalence of diabetes divided between males and females for 2006 and 2005. Numbers for tuberculosis and AIDS are displayed as well as rates of sexually transmitted infections. Displayed are mental health classifications grouped according to gender and compared to the past few years. For many of these numbers we are fortunate to be able to make comparisons to previous years. It is hoped that, in years to come, this will continue and trends will become more apparent and, as a result, we will know where we are failing to provide children with the health care resources they require.



Comparison of NB BMI class of Males and Females Aged 12 to 17 Years as Percentage of Population

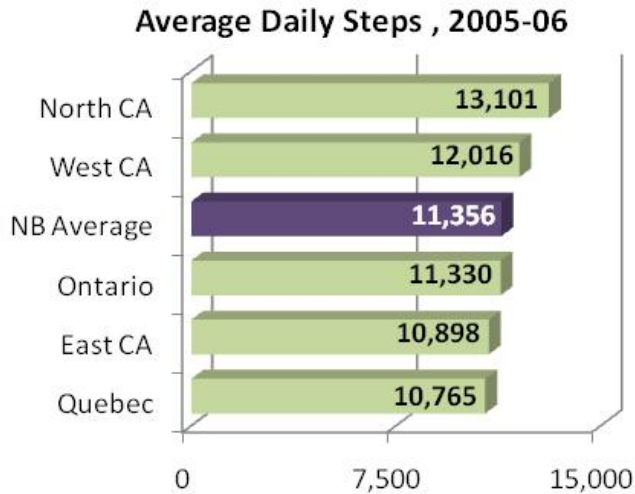
BMI class	Female			Male		
	2007	2005	Change	2007-08	2005	Change
Normal	85%	76%	+9 % pts	69%	71%	-2 % pts
Overweight	11%	18%	-7 % pts	19%	21%	-2 % pts
Obese	4%	6%	-2 % pts	13%	8%	+5 % pts

Source: Statistics Canada, CCHS Cycle 4.1, 2007 vs. CCHS Cycle 3.1, 2005 (DOH).

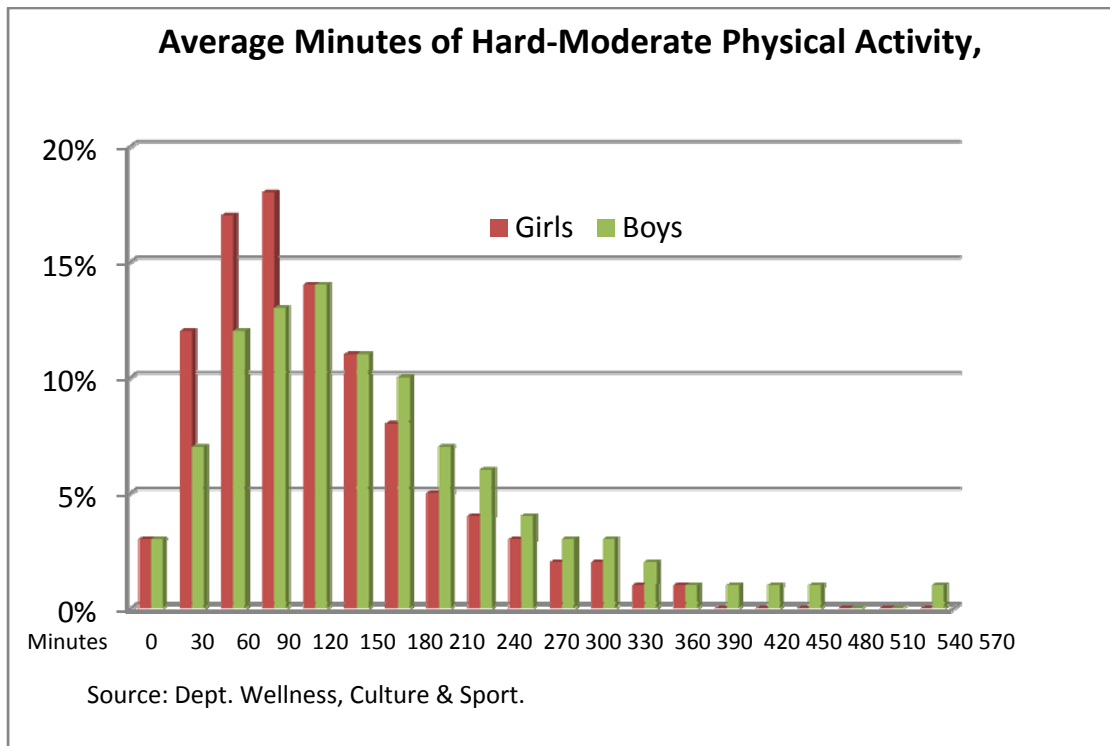
Average Number of Steps by Gender, 2005-06

Age of Youth	Girls	Boys	NB Avg.
All (5 – 19 yrs)	10,735	11,946	11,356
5-10 years old	11,744	12,936	12,353
11 - 14 years old	10,485	12,168	11,367
15 - 19 years old	9,463	10,132	9,797

Source: 2005-06 CANPLAY Study, CFLRI.



According to Canada's Physical Activity Guide, the recommended number of daily steps is 16,500. In New Brunswick, 91% of children aged 5 to 19 do not meet these guidelines (87.7% of boys and 94.5% of girls).



Prevalence of Diabetes for New Brunswick Youth Aged 1 to 19 Years

	Female		Male		Total	
	2006	2005	2006	2005	2006	2005
Prevalence count	278	279	320	321	598	600
Prevalence rate (per 1000)	3.5	3.4	3.8	3.8	n/a	n/a

Data Source: NB Department of Health.

Tuberculosis

In the past 2 years (2007-2008), there was only 1 case of TB diagnosed in the age group 0-19 years of age. This case was diagnosed in 2007. The rate for **the general population** is 0.6 per 100,000 (NB Department of Health).

HIV / AIDS

There were no new cases of HIV or AIDS in 2008 in the age group 0 - 21. There was one reported case of HIV and AIDS in 2007. The prevalence rate for **the general population** is 0.6 per 100,000 (NB Department of Health).

Age Specific Rates of Sexually Transmitted Infections per 100,000 Population Aged 0 to 19 years, New Brunswick

STI type	2008	2007	% Change
Genital Chlamydia	268	215	24%
Gonococcal Infection	5	3	81%
Genital Herpes	49	40	22%
Syphilis	-	-	-

Source: NB Department of Health.

New Brunswick Youth Mental Health Conditions by Type of Disorder & Gender

NB Mental Health Classifications	Males		Females		Unknown		Total		% Chg
	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	
Attention-Deficit and Disruptive Behaviour Disorders	1,626	1,532	526	434	10	2	2,162	1,968	10%
Depressive Disorders	282	188	351	296	-	4	633	488	30%
Eating Disorders	6	16	34	18	-	-	40	34	18%
Bipolar Disorders	48	26	42	22	-	2	90	50	80%
Alcohol-Related Disorders	10	10	8	4	-	-	18	14	29%
Schizophrenia and Other Psychotic Disorders	30	12	2	10	-	-	32	22	45%
Cocaine-Related Disorders	8	6	6	2	-	-	14	8	75%
Opioid-Related Disorders	-	-	2	-	-	-	2	-	-
Total	2,010	1,790	971	786	10	8	2,991	2,584	16%

Source: NB Department of Health.

ARTICLE 25: PERIODIC REVIEW OF CHILDREN IN CARE

States Parties recognize the right of a child who has been placed ...for the purposes of care, protection or treatment... to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

This article provides for special protection for children who are placed in the state's care by requiring that their treatment, and all related circumstance, be reviewed on a regular basis to ensure that they are most appropriate and safe. This article helps guarantee that the Guiding Principle of the 'Best Interests of the Child' set out in Article 3 of the Convention is followed for children who have been removed from their family home. In New Brunswick this is done in accordance with the *Family Services Act*, the Department of Social Development Practice Standards and the Risk Assessment Manual which delineate required timeframes of period review of children under the care of the Minister. The following information sets forth the current number of children who are currently in the care of province of New Brunswick.

Residential Services for Children and Youth	2008 – 2009	2007-2008	% Change
Number of foster / provisional families	668	668	0%
Number of group homes	38	35	9%
Number of children in temporary care	513	546	-6%
Number of children in permanent care	752	774	-3%
youths 19 – 24 yrs receiving post-guardianship services	106	110	-4%

Source: NB Social Development 2009.

ARTICLE 27: 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...

This article is directly linked with one of the four overriding guidelines of the convention: the right to life, survival and development. Economic rights for children were first enshrined in the Convention's earliest predecessor, the *Declaration of the Rights of the Child*⁵ adopted by the League of Nations in 1924. They were also recognized in the *1959 Declaration of the Rights of the Child*⁶ which stated that children have the right to live in conditions of dignity and to be free from neglect.

This modern recognition of the right of children to an adequate standard of living places primary responsibility for providing this minimum standard on the parents, but also articulates an important role for government to play in assisting parents and other

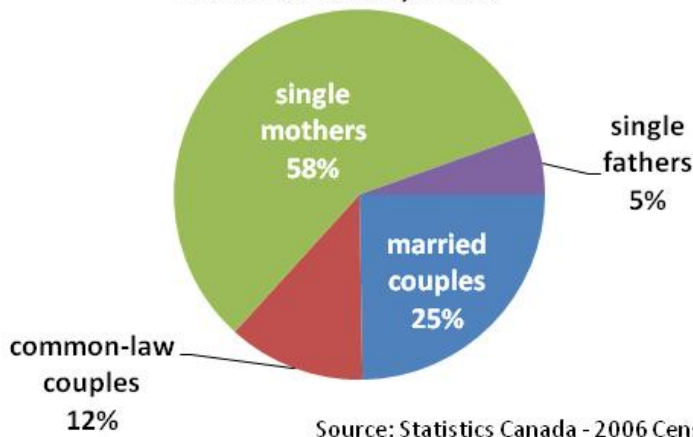
⁵ League of Nations O.J. Spec. Supp. 21, p. 43, Sept. 26, 1924.

⁶ UN General Assembly Resolution 1386 (XIV), November 20, 1959.

guardians with material needs such as nutrition, clothing and housing. This role includes ensuring that parents have opportunities that will allow them to provide for their children. While the UN Millennium goal which, while it focuses on eradicating extreme poverty and hunger, may not apply to most of New Brunswick's young citizens, it includes as the target of "full productive employment and decent work for all, including women and young people."

While measures currently in place which assist in ensuring children in New Brunswick have the right to an adequate standard of living are too plentiful to enumerate, this information illustrates the prevalence of children in New Brunswick who may need assistance to obtain an adequate standard of living and the number of those receiving social assistance. Numbers regarding the consumption of healthy and unhealthy foods help us further understand the current standards of living of the children and youth in New Brunswick.

**Distribution of Low Income Families with Children under 18 Years by Family Type
New Brunswick, 2005**



In the adjacent pie chart, low income is defined as those households falling below the Pre-Tax Low Income Cut Off (Pre-Tax LICO) for 2005.

Prevalence of Low Income Before-Tax for Families with Children under 18 Years, New Brunswick, 2005

Family Type	Total NB Families	Families in low income before tax	Prevalence of pre-tax low income
Total Families	213,960	22,240	10.4%
Couple families	93,305	5,830	6.2%
Married couple families	80,265	3,930	4.9%
Common-law couple families	13,045	1,905	14.6%
Female lone-parent families	25,840	9,185	35.5%
Male lone-parent families	5,420	870	16.1%

Note: other relatives may be present in these families.
Source: Statistics Canada – 2006 Census, 20% Data (2005 Income).

Prevalence of Low Income Before and After-Tax for Persons in Private Households, New Brunswick, 2005

Age of Youth in NB Private Households	Persons in Private Hholds	low income before tax	% low income before tax	low income after tax	% low income after tax
All persons in private households (All Ages)	709,060	95,730	13.5	66,110	9.3
Persons Under 6 Years Old	40,690	7,480	18.4	5,550	13.6
Persons 6 to 14 Years Old	75,000	12,035	16	8,355	11.1
Persons 15 to 24 Years Old	90,260	16,305	18.1	12,500	13.8

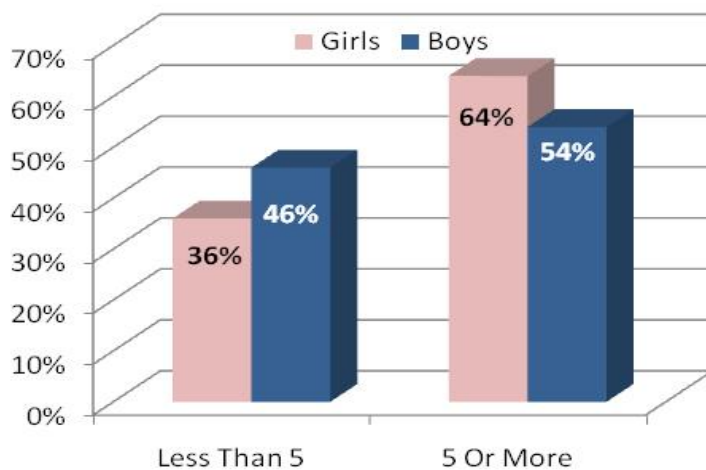
Source: Statistics Canada – 2006 Census, 20% Data (2005 Income).

Family Households and Children Receiving a Monthly Social Assistance Cheque in New Brunswick

	2008 - 2009	2007-2008	% Change
Total number of SA households	23,136	23,807	-3%
Two parent SA households as % of all SA households	6.6%	7.0%	-6%
One parent SA households as % of all SA households	25.5%	26.3%	-3%
SA Children 0 to 18 yrs in any household type	11,752	12,329	-5%
SA Children 0 to 18 yrs in single parent households	8,630	9,191	-6%
Percentage of children living in lone parent SA households	73.4%	74.5%	-1%
% single parent SA households led by men	8.0%	8.6%	-7%
% single parent SA households led by women	92.0%	91.4%	1%

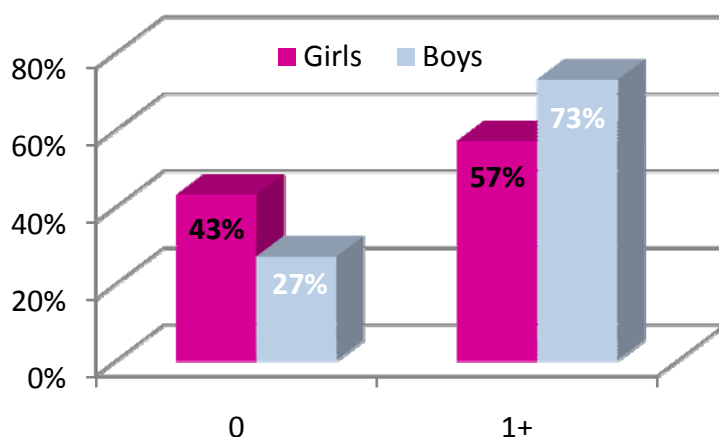
Source: NB Social Development 2009.

Fruit & Vegetables Eaten Previous Day Grades 4 & 5, NB, 2007-08



Source: Dept. Wellness, Culture & Sport.
Student Wellness Survey, 2007-08

**Sweet drinks Consumed the Previous Day
Grade 6 - 12, NB, 2006-7**



Source: Dept. Wellness, Culture & Sport.
Student Wellness Survey, 2006-07

Consumption of Candy, Chocolate & Sweets Previous Day Grades 6-12, NB, 2006-7		
	Girls	Boys
0	24%	23%
1+	76%	77%

Consumption of Fast Food in Previous Week Grades 6-12, NB, 2006-7		
	Girls	Boys
0	64%	60%
1 to 2	28%	28%
3+	8%	13%

ARTICLE 28: RIGHT TO EDUCATION

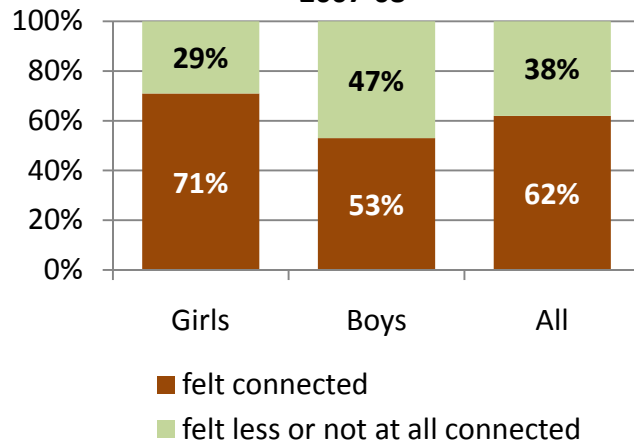
States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity...

The article goes on to emphasize particular efforts states are required to make to ensure the accessibility of all types of education with particular emphasis on free primary education. When read in conjunction with the International Covenant on Social Economic and Cultural Rights and the programmatic right to education promised there, one can better appreciate how large a challenge it is for the world community to promise every child a right to education. A large proportion of state spending in relation to children is spent on public education systems. In New Brunswick, kindergarten to grade 12 school programs routinely account for almost a third of all provincial spending.

Many countries can ill afford that level of investment. What was viewed in the 1960s as a universal promise of free primary education and a programmatic right to secondary and higher education, in ever greater conditions of gratuity, as the level of economic development of the member state allowed, was recast more sensibly in 1989 with a focus on achieving universal free primary education. Nevertheless, in New Brunswick, as a member of one of the world's most advanced federal states (according to the Human Development Index), we have to measure our promises to educate our children in keeping with their needs and expectations.

In the tables which follow we can begin to assess how seriously New Brunswickers take a child's right to education, by reviewing the statistics that show the steps we are taking to assist each child to attain the highest level of education possible, starting from early intervention and moving through to post-secondary support.

Self Reported Sense of Connectedness to School Grades 4 & 5, New Brunswick, 2007-08



Source: Dept of Culture, Wellness and Sport.
Student Wellness Survey 2007-08

Services to Children (at Year End)	2008 - 2009	2007-2008	% Change
Children served by Early Intervention Services	1,750	1,738	1%
Children served by Infant-Parent Attachment Program	81	86	-6%

Source: NB Social Development 2009.

Primary and Secondary Education	2008-2009	2007-2008	% Change
Total Enrolment	108,407	110,288	-2%
Males enrolled	51.4%	51.3%	0.1% pt
Females enrolled	48.6%	48.7%	-0.1% pt
Total Number of Schools	326	326	0%
Total Ordinary Expenditure for 2008 - 2009 (000's)	\$ 952,952	\$ 877,013	9%
Spending per pupil (08-09 - annual report)	\$ 8,691	\$ 7,952	9%
School Psychologists	53.9	54.9	-2%
Teacher's Assistants (based on 25 hours per week)	2,436.5	2,232.6	9%
School Intervention Workers	127.8	122.9	4%

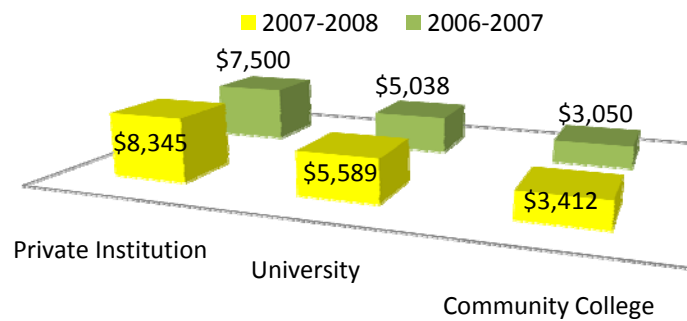
Source: Department of Education 2009.

Primary and Secondary Education	2008-2009	2007-2008	% Change
Total Ordinary Expenditure for 2008 - 2009 (000's)	952,922	882,066	8%
Spending per pupil	\$8,790	\$7,998	10%

Secondary School Dropout Rates	2007-2008	2006-2007	Change
Total dropouts (grades 7 -12)	1,365	1,389	-2%
Dropout rate (grades 7-12)	2.4%	2.4%	0 % pts

Source: Department of Education 2009.

Average Post-Secondary Tuition in New Brunswick



Source: Department of Post-Secondary, Education and Labour 2009.

Average Post-Secondary Debt Amount in New Brunswick

Debt Type	2008-2009	2007-2008	% Change
Average amount borrowed annually	\$ 9,456	\$ 9,254.00	2%
Average debt in final year for all NB post-secondary students	\$ 24,640	\$ 23,670.00	4%
Average debt in final year for all NB university students	\$ 35,338	\$ 34,277.00	3%

Note: Post-secondary students include university as well as non-university post-secondary students.

Source: Department of Post-Secondary, Education and Labour 2009.

New Brunswick Student Loans

Selected Loan Statistics	2008-2009	2007-2008	% Change
Number of student loan applications received	18,697	17,316	8%
Number of student loan applications approved	15,186	15,629	-3%
Percentage of applications approved	81%	90%	-10%
Total students under 25 receiving assistance	12,898	12,728	1%
University students	64%	67%	-4%
Community college students	21%	19%	11%
Private institution students	15%	13%	15%
Number of applicants approved for NB Bursaries	4,846	5,059	-4%
Total NB Bursaries	\$9,733,669	\$9,859,813.00	-1%
Number of applicants approved for NB Student loans	15,186	15,629	-3%
Total NB Student Loans	\$57,806,970	\$59,276,845	-2%

Source: Department of Post-Secondary, Education and Labour 2009.

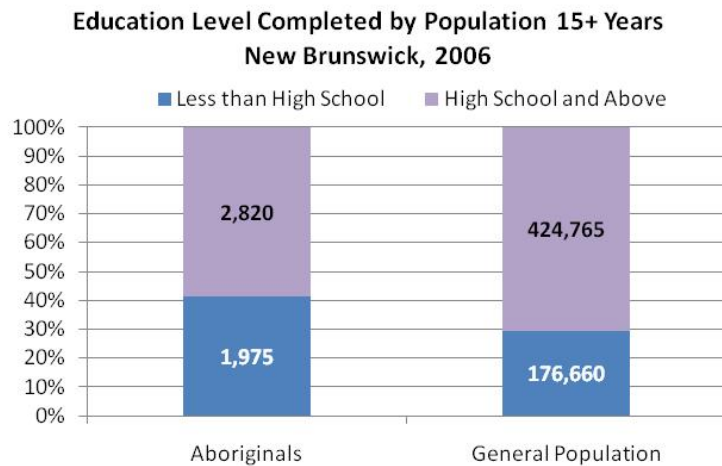
ARTICLE 30: RIGHTS OF MINORITY OR INDIGENOUS CHILDREN

...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 practise his or her own religion, or to use his or her own language.

This article recognizes the special challenges that a minority might experience in accessing their culture and places responsibility on society for ensuring that access for children. While there are several minority religions, languages and cultures within New Brunswick, there are only two indigenous minority cultures in New Brunswick. Consequently, the state of aboriginal children and youth in New Brunswick and their right to learn about and practice their own culture, language and religion, is the focus of the information provided below.

The Convention speaks generally about minority linguistic and religious rights but points specifically to the challenges that face indigenous children around the world. The Convention also refers more broadly in Article 2 to children's rights being non-discriminatory. Further a General Comment by the United Nations Committee on the Rights of the Child⁷ elaborates about the need for more substantial and systemic intervention to achieve equal opportunity for indigenous children due to the historical context which has given rise to their current challenges.

Taking the rights of children of minority and indigenous cultures seriously in New Brunswick means that we must begin by informing ourselves as to the makeup of our First Nations communities and how their children and youth are performing from an educational standpoint. The discrepancy of the outcomes in New Brunswick of the Mik'maq and Maliseet children and youth compared to non-First Nations is common across Canada; this issue has been pointed out frequently as a blemish on our otherwise positive track record of upholding human rights. The UN Committee⁸ speaks specifically to taking extra measures to tackle the issue we see below of high dropout rates.



Source: Statistics Canada. Census 2006.

⁷ <http://www2.ohchr.org/english/bodies/crc/docs/CRC.GC.C.11.pdf>

⁸ <http://www2.ohchr.org/english/bodies/crc/docs/discussion/indigenouschildren.pdf>

Age of NB Aboriginal Population, New Brunswick, 2006

Age Category	NB females		NB males		NB total	
	Count	%	Count	%	Count	%
Total Aboriginal identity population	9,010	100%	8,645	100%	17,655	100%
0 to 19 years	3,045	34%	3,105	36%	6,150	35%
20 to 24 years	625	7%	615	7%	1,240	7%
Population over 24	5,340	59%	4,930	57%	10,270	58%

Source: 2006 Census: Aboriginal Peoples in Canada.

First Nations in Public System	2007-2008	2006-2007	Change
First Nations living on reserve and attending public school	1,642	1,646	0%
First Nations dropout rate (grades 7 - 12)	8.6%	7.2%	+1.4 % pts

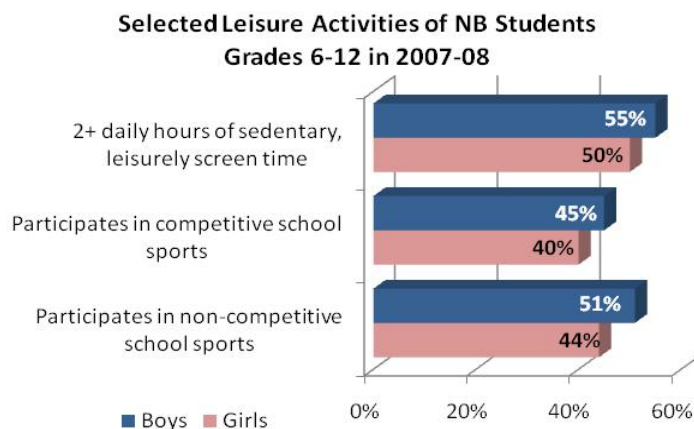
Source: NB Department of Education.

ARTICLE 31: RIGHT TO REST, LEISURE AND PLAY

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.

The original intention for the inclusion of Article 31 was “rooted in concern for working children,” according to the International Play Association (IPA). With influence from the IPA, the scope of Article 31 was expanded to include the right to play.

Article 31 encompasses a range of concepts carrying different meanings: rest, leisure, play, recreation, culture, and arts. The unifying notion is that children should not be exploited for their labour and additionally, children have a right to experience the joy and learning that come from exploring their culture and the arts.



Source: Dept. Culture, Wellness and Sport. Student Wellness Survey, 2007-08

The first right, the right to rest is of primordial importance for the physical and psychological well-being of the child. No one would argue that children, more than adults, require adequate rest and sleep to permit optimal growth and development. It is well understood that a lack of adequate sleep in adults results in decreased

performance on a wide range of skills and abilities affecting physical and intellectual functions. In children, the effects are more dire because of the resulting negative consequence on their growth, their physical development and brain development. Compounded with poor nutrition, the effects on the child can be long-lasting.

The following rights to leisure, play and recreation, are interrelated. It is well established that play contributes to a healthy intellectual development in the child. Play enhances creativity and is a remarkable coping mechanism for children. Leisure and recreation are nature’s way to relieve stress, which in turn contribute to the health of the child. Free play, uncontrolled by adults, is particularly important in enhancing the brain development of children. This improved intellectual development subsequently has repercussion which has great potential for ameliorating the life of the child. Such improvement will benefit the child for the rest of his life.

Culture and the arts enrich lives and help boost our understanding and appreciation of the world around us. It can also be, for the child, a method of exploring and expressing his feelings, and exchanging ideas with others.

Taking the rights of New Brunswick children to rest leisure and recreation seriously means that we have to be informed as to the daily habits of our children and youth, including the number of hours that they spend studying, working, enjoying physical activity and cultural activities, the hours of screen time enjoyed per day and the number of hours they spend outdoors.

In 2006, the province of New Brunswick created the Department of Wellness, Culture and Sports. This department was formed when the Culture and Sport Secretariat joined with the Wellness Branch from the department of Health and Wellness. The department is responsible for policy development and delivery of services related to wellness, community arts development, heritage, sport, recreation, and active living. Its mission is to work with New Brunswickers towards and enriched quality of life. A number of their policies target children in schools and communities. The following information provides a glimpse of some of the opportunities available and pursued by youth in New Brunswick.

Monetary Donations among Youth	2007	2004	% Change
Donation Rate 15 - 24 year olds - New Brunswick	79%	69%	14%
Donation Rate 15 - 24 year olds – Canada	71%	71%	0%

Source: Statistics Canada, Canada Survey of Giving, Volunteering and Participating, 2007.

Volunteerism among Youth	2007	2004	% Change
Avg. Volunteer Rate 15 - 24 year olds – NB	64%	56%	15%
Avg. Volunteer Rate 15 - 24 year olds - Canada	58%	55%	5%

Source: Statistics Canada, Canada Survey of Giving, Volunteering and Participating, 2007.

ARTICLE 32: PROTECTION FROM ECONOMIC EXPLOITATION

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

The Article was designed to encourage countries to take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour. The objective was to have countries elaborate and implement strategies to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development. While emphasis is placed on protection from work that is harmful to health, education or development, the Article also places an obligation on states to establish minimum standards of work and take the necessary "legislative, administrative, social and educational measures."

The *Canada Labour Code* and the *New Brunswick Employment Standards Act* both establish minimum standards of work for federal and provincial employees respectively, including minimum wage and restrictions on the hours and type of work children are allowed perform. The *New Brunswick Worker's Compensation Act* establishes the minimum standards relating to workplace safety. However, Canada has not ratified International Labour Organization Convention No. 138 concerning the Minimum Age for Admission to Employment.

The following information illustrates the numbers of employed youth and their WorkSafeNB claim statistics. As shown below, the percentage of youth employees in the workforce has remained constant for the past three years. The number of workplace injuries that resulted in lost time claims for youth was 1.5% of employed youth.

Youth Employment (Ages 15-24)	2008	2007	2006
Total Employment for NB	366,600	366,500	354,300
Total Youth Employment (15 - 24)	56,500	55,100	52,900
% Youth Employment	15%	15%	15%

Source: WorkSafe NB 2009.

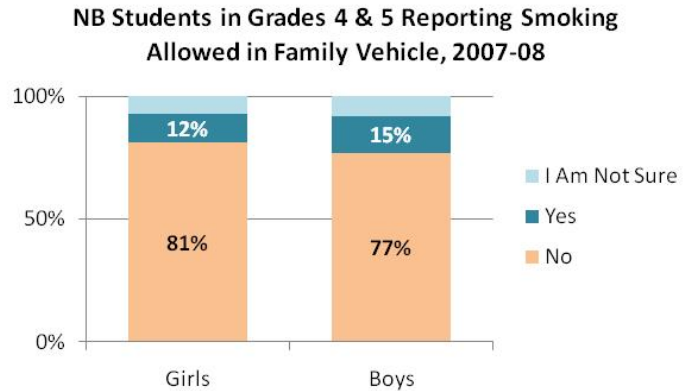
Workplace Injury Claims (Ages 15-24)	2008	2007	2006
Total Fatalities (ages 15 - 24)	1	1	0
Lost time claims amongst youth	834	833	777

Source: WorkSafe NB 2009.

ARTICLE 33: PROTECTION FROM DRUGS, INCLUDING TRAFFICKING

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances...

This article is unique in that it gives children the right to protection from their own actions. As a result, social and educational measures may be particularly relevant. In the drafting of this Article, the objective was to have countries, among other things, combat and prevent the use of children, including adolescents, in the illicit production of and trafficking in narcotic drugs and



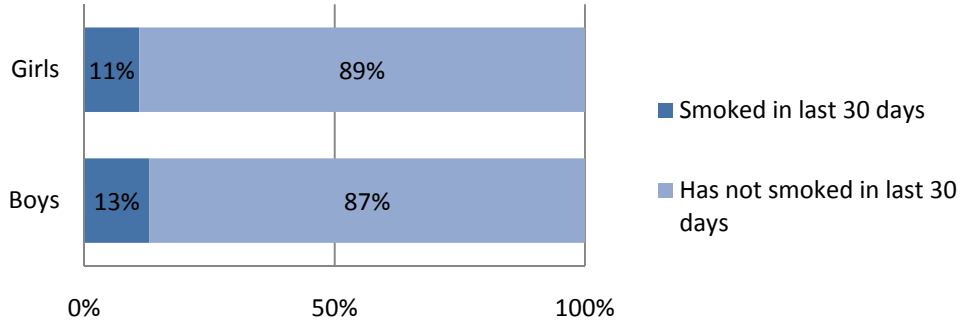
Source: Dept. of Wellness, Culture and Sport. Student Wellness Survey 2007-08.

and trafficking in narcotic drugs and psychotropic substances. As well, it also sought to promote the development of comprehensive programmes to counter the use of children, including adolescents, in the production of and trafficking in narcotic drugs and psychotropic substances.

In New Brunswick, municipal police forces and the RCMP participate in a province-wide educational program aimed at middle school aged children which involves periodic school visits, exhibition of video materials and distribution of literature by the local police and RCMP to explain drug laws, educate children in relation to drug abuse, prevent such abuse and develop alternate strategies. Municipal police forces and the RCMP are also actively involved in crime prevention programs (such as Crime Stoppers). Programs directed at youthful offenders administered by the province include drug and alcohol counseling and treatment.

Depicted below are rates of drug use among New Brunswick youth. They illustrate, among other things, that although there has been a decrease in the number of youth consuming alcohol and cocaine, there has been a substantial increase in the number of youth consuming methamphetamines.

Self-Reported Incidence of Smoking by NB Students Grade 6 to 12, 2006-2007



Source: Dept. Wellness, Culture and Sport. Student Wellness Survey 2006-07.

Addictions	Male		Female		Total		
	2008/09	2007/08	2008/09	2007/08	2008/09	2007/08	% Change
Alcohol	138	134	111	119	249	253	-2%
Cocaine	34	36	18	28	52	64	-19%
Methamphetamines	18	10	20	11	38	21	81%
Cannabis	623	639	287	259	910	898	1%
Other	192	172	163	188	355	360	-1%
	1,005	991	599	605	1,604	1,596	1%

Note: A client may be admitted more than once with differing drugs of choice (drug categories are not mutually exclusive).

Source: NB Department of Health.

ARTICLE 34: PROTECTION FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse...

This article requires that states take comprehensive measures to protect children from sexual exploitation and sexual abuse. The Article is influenced by the fact that these practices have become an increasingly widespread global phenomena. The terms ‘sexual exploitation’ and ‘sexual abuse’ are undefined by the CRC. However, the Stockholm Declaration provides a partial answer to this and has interpreted child sexual exploitation to be any act of sexual abuse of a child by an adult accompanied by some

remuneration to the child or a third party⁹. Sexual exploitation may take the form of inducement, prostitution and pornographic materials. Child sexual abuse, on the other hand, occurs when a child is used for sexual purposes by an adult or adolescent.

The thrust of Article 34 is to advocate a variety of interdisciplinary measures against child sexual exploitation and abuse, including laws, policies, effective implementation measures, personnel, mechanisms, resources and mindset-building through education, socialization and mobilization.¹⁰ Many attempts have been made by the federal government and provinces to deal with the commercial sexual exploitation of youth, including amendments to the *Criminal Code*, ensuring harsher penalties for those who exploit children.

Child sexual exploitation and child sexual abuse are both criminal offences in Canada. The *Criminal Code* clearly identifies those behaviours that are against the law. The enforcement of these laws has been used to provide better protection to children.

Child sexual exploitation and sexual abuse are largely hidden crimes, so it is difficult to estimate the number of people who have been sexually exploited or abused at some time during their childhood. Exploitation of children over the internet has become an issue of grave concern in this technological age. The internet has led to increasing concerns about the possession and distribution of child pornography.

The New Brunswick *Family Services Act* prescribes certain measures to protect children from exploitation. These include: mandatory reporting of suspicious child abuse; program standards which outline the responsibilities of the Minister in relevant situations; day-care regulations which include standards and licensing; and Guidelines for Protecting Child Victims of Abuse and Neglect - these involve joint investigations by police and social workers.

The ensuing information from the RCMP's command for New Brunswick shows the significant rise in reported cases of child pornography, year over year and the wide gulf between the incidence of child pornography offences in New Brunswick and their prosecution.

Instances of Child Pornography Reported by New Brunswickers to Cybertip.ca

2006-2007	176 reports
2007-2008	115 reports
2008-2009	291 reports

Source: RCMP J Division, Internet Child Exploitation Unit.

⁹ In 1996 the First World Congress against Commercial Sexual Exploitation of Children was held in Stockholm, and over 120 countries adopted the Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children.

¹⁰ Vitit Muntarbhorn, *A Commentary on the United Nations Convention of the Rights of the Child: Article 34 – Sexual Exploitation and Sexual Abuse of Children* (2007: Boston, Martinus Nijhoff Publishers).

Recorded Infractions and Investigation Data, 2009

There were 4991 recorded incidents of unique NB IP addresses viewing child abuse images from January to June 2009. During the same time period, there were 70 RCMP and municipal police child pornography investigations (Source: RCMP J Division, Internet Child Exploitation Unit).

ARTICLES 37 AND 40: PROTECTION OF FUNDAMENTAL RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM

Article 37 States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. 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;

...

Article 40

1. 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.

Article 37 of the Convention provides that no child shall be deprived of his or her liberty unlawfully or arbitrarily. A child shall be granted prompt access to legal assistance and shall have the right to challenge the legality of the deprivation of his or her liberty before an independent and impartial authority. Article 37 emphasizes the fact that detention or imprisonment shall only be used as a measure of last resort and for the shortest period of time. In all cases, the young person shall have his or her inherent dignity as a person safeguarded and this is to be done namely by meeting the young person's needs. This article states further that children and youth who are detained or imprisoned shall be separated from adults unless it is considered in their best interest. The provisions of the *Youth Criminal Justice Act* incorporate many of these themes. In reality, the effective use of these options require resources that are not necessarily available in New Brunswick and as result, some young persons are admitted to a secure-custody setting for lack of non-custodial community-based options. Further, although separately housed, children and youth who are incarcerated in the province's only youth

correctional facility (the New Brunswick Youth Centre) share the institution with adult offenders who, on average, outnumber them in a rough proportion of two to one.

Broadly interpreted, there are legislative provisions, policies and protocols to meet the needs of children and youth who are subjected to a custodial order. Although improvements have been noticed in some areas, a number of obstacles will have to be surmounted before at-risk children and youth as well as those with highly complex needs receive the services and intervention required to divert them from the youth criminal justice system. Children and youth who struggle with mental illness challenges are especially vulnerable to the lack of specialized treatment options, often finding themselves trapped in the vortex of the criminal justice system.

In general terms, the following table gives some indications on how New Brunswick is fairing in comparison to the national average as it pertains to the incarceration of young persons.

Average Daily Count of Youth in Custody 2007/2008

Jurisdiction	Sentenced custody		Remand		Total actual- in count	Youth Incarceration Rate (Age 12-17)	
	Number	Percentage change from 2006/2007	Number	Percentage change from 2006/2007		Rate per 10,000 Youth	Percentage change from 2006/2007
New Brunswick	37	-18%	15	33%	55	10	- 5
Canada	991	-5%	1,009	7%	2,018	8	1

Source: Statistic Canada, Canadian Centre for Justice Statistics, Corrections Key Indicator Report.

It is also relevant to mention that the cultural interests of young persons in custody should likely be included as part of their “needs” insofar as they have been proven to offer effective alternative judicial measures.

Youth Admission to Custody by Ethnic Origin

Youth	2003-2004		2004-2005		2005-2006		2006-2007		2007-2008	
Aboriginal	21	5%	31	8%	33	7%	24	6%	31	8%
African Descent	14	3%	5	1%	4	1%	6	2%	6	2%
Asian Descent	0	0%	0	0%	0	0%	0	0%	0	0%
Caucasian	386	91%	350	91%	402	92%	352	92%	359	91%
East-Indian Descent	3	1%	0	0%	1	0%	0	0%	0	0%
Hispanic	0	0%	0	0%	1	0%	1	0%	0	0%
Unknown	1	0%	0	0%	0	0%	0	0%	0	0%
Total	425		386		441		383		396	

Source: EIS – Youth Incarcerated Custody Workbook (Remands/Holdings/Sentenced- based on number of admissions). Information from 2007-2008 is based on data up until March 15, 2008 for Youth.

Article 40 also points to the diversion of children from the criminal justice process. Where this is not an option, this provision of the Convention is intended to ensure that young persons involved in the criminal justice system are treated in a manner consistent with the promotion of their sense of dignity and worth. In addition to taking into account his or her age and particular needs, a child's journey through the criminal justice process should be one that is guided by an effective reintegration strategy rather than a strict punitive and denunciatory approach. Article 40 also underlines the importance of resorting to extrajudicial measures when dealing with young people who are in conflict with the law. These include (but are not limited to) care, guidance and supervision initiatives, counseling as well as alternative solutions to the criminal justice procedures or to institutional care to ensure that young persons are dealt with in a manner appropriate to their well-being.

Although the *Youth Criminal Justice Act* outlines several alternatives to detention or imprisonment of young persons, use of these options will depend on the availability of such options in community. In New Brunswick, members of the legal community as well as public service providers and non-governmental stakeholders often cite the challenges posed in attempting to divert young people from the youth criminal justice system. This is especially true for those at-risk children and youth as well as those with complex needs and who require specialized treatment.

In February 2009, the New Brunswick Government released its response¹¹ to the 73 recommendations submitted in *Connecting the Dots* and the *Ashley Smith Report*. In itself, the government's response is a step in the right direction as it recognizes the needs of these children and youth and how the existing programs are insufficient to meet all of them. Some specific initiatives outlined in the report also point to an increased awareness of the importance of servicing at-risk and highly complex children and youth outside of a correctional setting. They include the development of a child and youth-centered integrated service delivery model for quicker access to services, sustaining the contribution of community-based organizations in meeting the needs of at-risk youth, developing and implementing protocols for information exchange between child and youth service departments and agencies, increasing the number of treatment beds outside of the secure custody setting, increasing support services to families of at-risk and highly complex children and youth as well as exploring extra-judicial measures rather than charging youth (decriminalization strategy).

Conclusion

While the foregoing statistical profile of New Brunswick Children and Youth is by no means complete, it does demonstrate that the rights of New Brunswick children and

¹¹ *Reducing the risk, addressing the need: Being responsive to at-risk and highly complex children and youth*, New Brunswick, February 2009.

youth under the Convention on the Rights of the Child are taken seriously, but also that much work remains to be done in order to give full effect to our promises to children.

The Office of the Child and Youth Advocate will revisit and update this statistical profile on a yearly basis and continue its emphasis on giving expression to the rights of children guaranteed under international human rights law.