

# State of the Child Report 2014

## 25 Years of Children's Rights



## **Child and Youth Advocate (Office)**

The Child and Youth Advocate has a mandate to:

- Ensure that the rights and interests of children and youths are protected;
- Ensure that the views of children and youths are heard and considered in appropriate forums where those views might not otherwise be advanced;
- Ensure that children and youths have access to services and that complaints that children and youths might have about those services receive appropriate attention;
- Provide information and advice to the government, government agencies and communities about the availability, effectiveness, responsiveness, and relevance of services to children and youths; and
- Act as an advocate for the rights and interests of children and youths generally.

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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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# FOREWORD



## REFLECTIONS ON A YEAR IN THE JOB

People do not generally call our office to tell us how great things are for their children or themselves. Many children and youth in our Province face difficult challenges, and the circumstances in which they find themselves can be very complex. A combination of factors can add up to an inordinately high level of vulnerability for some children. It is an obligation of government to provide support and protection for all children and youth. These supports and protections are part of a system that involves many areas of government including social services, education, justice, corrections and health. However, the system is far from perfect. When one part of the system fails a child, it can have an add-on negative effect. What we then often see is that a 'perfect storm' is created that puts children in dangerous situations. As just one scenario to present as an example, a youth who has suffered physical abuse at home may transfer that trauma into violent behavior that leads him to be suspended from school, and then find himself not only set back in terms of education, but also facing stigma and alienation that aggravates mental health conditions, while spending more time 'on the streets', which statistically puts him at greater risk of vulnerability to sexual abuse and falling into crime.

And of course, when one government Department or agency loses or breaks its contact with a child or youth, it can create

an excessive burden on another Department or agency. For instance, lack of adequate mental health supports to a youth can mean that the justice system has to use resources to provide support, even though these resources are far more expensive with less positive outcomes. This is obviously an ineffective system.



People working in child-serving departments continue to talk about the need to work collaboratively, to end the isolated 'silo-like' operational methods that have characterized civil service. Everyone understands the need to change, to become more communicative and collaborative for the needs of children. Yet civil service continues to work in silos.

Government Departments continue to operate independently of each other, to the detriment of children.

Children and youth deserve better – they deserve our best. Alienation, low self-esteem, stress, depression, fear, poverty, mental illness, abuse, neglect, trauma – these are the ingredients of a tragic recipe in childhood. Anyone who feels that it is justifiable to disregard the rights and needs of children should consider the extent of the potential harm done. And they should bear in mind the fact that what happens to children today will affect them into their adult years, and inevitably will affect our society as a whole.

My office works to bring government departments closer together to operate more effectively, and to promote concerted action between government and non-government stakeholders. We work to promote and protect the rights of children. The challenges are great. The opportunities are boundless. We will continue to keep our sleeves rolled up, as will many, many others across the province.



Norm Bosse, Q.C.

Child and Youth Advocate

# PART I

# INTRODUCTION



## WHAT THE CHILD AND YOUTH ADVOCATE DOES

The Child and Youth Advocate is mandated to protect and promote the rights of all those under the age of 19 in New Brunswick.

In furtherance of this mandate, our office attempts to ensure that the views of children and youth are heard and given due consideration in all matters that affect them. We insist that children and youth have access to services to which they are entitled. We provide advice and recommendations to government and communities regarding the effectiveness of existing policies, programs and practices that affect children and youth. And where insufficient policies, programs and practices exist, we advocate for their creation.

Our office is, in the parlance of the international human rights community, an Independent Human Rights Institution (IHRI). As such, the office of the Child and Youth Advocate has been created with legislated powers to ensure an independent and impartial focus on children's fundamental rights throughout the province. The Office of the Child and Youth Advocate is not part of, nor does it report to, any government department or agency.

It is important to note that the Child and Youth Advocate has no decision-making authority in regard to government action – we have only the power of recommendation. We advocate on behalf of children in individual cases, we address systemic issues that affect broad groups of children, and we raise awareness and knowledge of fundamental human rights for children. We cannot force change in government services; we can only strenuously suggest it.

In fulfilling our mandate, our office has an individual case advocacy function, a systemic advocacy function, and an education and outreach function. Individual case experts receive calls, emails and in-person advocacy requests from children, youth or an adult-ally. They ensure that children and youths have access to services to which they are legally entitled and that complaints that children and youths might have about those services receive appropriate attention.

Our office also undertakes many initiatives to address systemic problems facing children and youth. We provide advice to government aimed at improving systemic protection and promotion of children's rights. We also provide child rights education and outreach. Throughout our work we strive to empower children and youth, to amplify their voices, and to ensure that all children have equal opportunities.



## WHY WE WRITE THIS REPORT

There are innumerable ways in which New Brunswickers in civil society and in government are working to make our province better for our children. There are many great initiatives presently helping our children and youth, such as the Integrated Service Delivery program, the New Brunswick Wellness Strategy, Family Group Conferencing, the Continuous Learning Agenda, and the Competence-Autonomy-Relatedness (CAR) Model being rolled out in provincial schools, to name only a few. Inevitably though, the primary purpose of this report is to identify some of the areas where New Brunswick needs to improve in how it addresses issues that affect those under age 19. Some of the data presented in the Child and Youth Rights and Wellbeing Snapshot (included at the end of this report) point to significant problem areas. Our intention is not to paint a hopeless picture or to discourage anyone. My office knows very well (and history has shown) that New Brunswick is in general always improving in how it treats its children.

By comparing New Brunswick children's progress with that of their peers across Canada (and comparing New Brunswick data over time), we can identify measurable areas of success and concern. Our annual State of the Child report has been acknowledged by UNICEF Canada and others as a national best practice. It represents a Canadian first in its effort to blend two important discourses: the United Nations-led child

rights discourse and the World Health Organization discourse on social determinants of health.

Although it is important to acknowledge the great work being done on behalf of children in not-for-profit and community settings, as well as within parts of the civil service, it is my job to act as an advocate for the rights and interests of children. That mandate requires me to be forthright in bringing to light the problems that we as a Province continue to face.

My office therefore writes this State of the Child Report in order to help in our province's collective goal of making New Brunswick a better place for our children. We write it as a resource for policy makers in civil service and legislators in government, to inform their work. And we write it to inform the advocacy of all interested stakeholders, ranging from not-for-profit organizations to the academic and research community, to lawyers, to parents, to extended family, to youth themselves.

We write it to add to the voices across the province calling for a better life for all children.

## HOW THIS REPORT IS STRUCTURED

This report is the seventh State of the Child report published by the Office of the Child and Youth Advocate (and the fourth to include the Child and Youth Rights and Wellbeing Snapshot). We wish to express again our gratitude and admiration for the work of our colleagues in the New Brunswick Health Council in partnering to create the Child and Youth Rights and Wellbeing Snapshot. This Snapshot is an essential data monitoring piece. This year we have completed the goal set out in our 2011 report of improving the Snapshot with disaggregated data in relation to distinct or vulnerable sectors of the child and youth population. For the fourth consecutive year the Snapshot contains data disaggregated by gender, and for the first time this year it also has data disaggregated by disability, immigrant, and First Nations status. By tracking and comparing the rights enforcement and wellbeing of children in these vulnerable populations to their peers across the Province we will be able to better assess the Province's success in achieving true equality of opportunity.

This State of the Child report is divided into four parts:

- Part 1 provides an introduction to the report and outlines why the UN *Convention on the Rights of the Child* is an important guidepost in policy-making for the Province of New Brunswick;
- Part 2 provides essential information on how to understand the *Convention on the Rights of the Child* and what it means in the context of New Brunswick;
- Parts 3, 4 and 5 groups the rights of the child into three broad categories of protection, provision and participation. By grouping the rights more broadly into the three 'Ps' of protection, provision and participation and looking at pressing issues affecting children in our Province, we hope to provide government (and civil society) with information upon which to act;
- Part 6 offers a brief conclusion;
- and Part 7 consists of the Child and Youth Rights and Wellbeing Snapshot.

For ease of reading, footnoted sources have not been included in this version of the report. To see a downloadable version with footnotes and sources, please visit the Child and Youth Advocate's website.

# PART II

## THE FUNDAMENTALS OF CHILDREN'S RIGHTS IN NEW BRUNSWICK



## THE CONVENTION ON THE RIGHTS OF THE CHILD – WHAT IT IS, WHY IT WAS CREATED, AND GOVERNMENT’S OBLIGATIONS UNDER IT

### What the Convention on the Rights of the Child is

The United Nations *Convention on the Rights of the Child* provides a foundation for the work of all child rights-promoting organizations, including our office. It is a human rights treaty that Canada has ratified and every jurisdiction in the country has the legal obligation of implementing it. The rights in the *Convention* reflect the basic standards that have to be met for children and youth to develop with dignity and a sense of self-worth.

These rights apply in every sphere of a child’s life – in school, in institutions, at home, at work, in communities and in nature. The rights in the treaty are listed in numbered ‘Articles’ (such as Article 19, the right to be protected from all forms of physical and mental violence, abuse, neglect and exploitation). Together these Articles form a holistic approach to ensuring children’s development to their highest abilities. The *Convention* touches upon all aspects of children’s lives, and provides the legal basis upon which children’s capabilities can thrive to their utmost.

The *Convention on the Rights of the Child* is also directed at supporting the role of parents in their position as being primarily responsible for the development of their children. Good parenting naturally and intuitively is in line with upholding children’s rights, and government has responsibilities for providing support to parents in this regard.

One doesn’t have to be an expert in law to understand the *Convention on the Rights of the Child* and use it to bolster one’s work with children. Becoming familiar with the rights in the *Convention* takes very little time. These rights are largely intuitive; they are what most people would expect children should have rights to.

### Why the Convention on the Rights of the Child was created

There is an emerging understanding in society that children’s special psychological, physical and emotional vulnerability necessitates special care. And yet history has no shortage of examples of how children have been treated like objects, like chattel, with no rights as people. Not long ago children had no legal rights at all. The first child welfare case in North America was brought to court by the Society for the Prevention of Cruelty to Animals (SPCA) – when in 1884 existing legal protections for dogs were creatively applied to protect a child. This case marked the journey from no legal protection for children to the beginning of their legal protection.

Another long journey had to take place before society moved from legal *protection* to legal *rights*. There is a very fundamental difference between *protection* under the law and *rights* under the law. Adoption of the *Convention on the Rights of the Child* is the cornerstone of this very decisive shift in the application of law to children. Today, children are no longer seen in law as being objects in need of charity or the property of their parents. They are seen in law as rights holders. Of course, in practice children may be viewed by government and others as being *subjects* with *needs* rather than *people* with *rights*, but that sadly prevalent and erroneous view does not change the fact that there is a legal basis for children as being individuals with rights and responsibilities in accordance with their capabilities.

A focus on fundamental needs addresses human rights, but a focus on needs alone is insufficient to uphold human rights. Rights require empowerment. Addressing the *needs* of children is closer to charity than to rights; it is a temporary fix to a problem. For rights fulfillment, it is not sufficient for government to only address rights violations to children on a case-by-case basis, attempting to mend problems as they pop up. Instead, government must examine root causes of problems and look at all rights being affected by problems, in order to ensure a comprehensive fulfillment of all rights.

### Government's obligations under the Convention on the Rights of the Child

All provincial and federal laws in Canada are to be interpreted by means of our international human rights obligations, including of course the *Convention on the Rights of the Child*. And our Canadian *Charter of Rights and Freedoms*, the highest law in our country, is presumed by the Supreme Court of Canada to provide at least as great a level of rights protection as is found in international human rights law including the *Convention on the Rights of the Child*.

New Brunswick has an obligation under the *Convention on the Rights of the Child* to implement these rights by undertaking all appropriate measures for its fulfillment. This fulfillment must be to the maximum extent of available resources, as per Article 4 of the *Convention*. This means that in respecting and promoting the rights of children, government must consider all potential means of improvement, including changing laws, policies and practices. These obligations on government also extend to how we regulate society as a whole. Government has a responsibility to ensure that civil society (including both the not-for-profit sector and the business sector) are regulated in order to protect children and youth, and ensure that their fundamental rights are respected.

No one is demanding perfect governance or perfect parenting. But children continue to suffer from abuse, neglect, lack of access to education, poverty, homelessness, inadequate physical and mental health services, lack of voice, and many other violations of their rights. What the *Convention on the*

*Rights of the Child* requires continual improvement in how we treat our children. It is not sufficient to assume that what we are doing now is 'good enough'. There is no 'good enough' point for fulfilling children's rights. There is always room for improvement in the way we provide for and protect our children. And there is always more room for child and youth participation in matters that affect them. Everyone must strive for better care of children. Constant diligence is required. The *Convention on the Rights of the Child* is the driver to ensure this diligence.

## THE 25<sup>TH</sup> ANNIVERSARY OF THE UNITED NATIONS' ADOPTION OF THE CONVENTION ON THE RIGHTS OF THE CHILD.

The world made a commitment to children 25 years ago. On November 20<sup>th</sup>, 1989 the United Nations General Assembly adopted the *Convention on the Rights of the Child*. Canada was originally at the forefront of fulfilling this commitment. But we have failed to make good on our promises to children and we have a long way to go in order to offer our children lives of maximum possible safety, health, learning, opportunity, and connectedness to society.

We have not tackled persistent issues that plague the fulfillment of children's rights. Meanwhile, of course our society continues inexorably to change, and the goal of upholding the rights of children faces new challenges. Cyberbullying, Internet Child Exploitation, childhood obesity rates, and a multitude of other emerging dangers require new approaches to protect children's rights. In this 25<sup>th</sup> anniversary year we should take stock of our progress in New Brunswick and how much remains to be done.

This anniversary year will be a special one for the Child and Youth Advocate's *Child Rights Education Week*. The launch of the report you are reading marks the start of this week, and our office has teamed up with many other interested organizations and individuals in New Brunswick and across Canada to promote children's rights.

## GUIDING PRINCIPLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD

All rights in the *Convention on the Rights of the Child* are of equal importance. Fulfillment of one right inevitably requires fulfillment of others, and violation of one inevitably causes violations of others. These rights are interdependent. There is no hierarchy of status from some rights over others.

However, four particular Articles in the *Convention* act as Guiding Principles. These four Articles are, in effect, the essential values upon which all of the rights in the *Convention* are based. None of the rights found in the 41 substantive Articles of the *Convention* can be implemented without regard to these four fundamental Guiding Principles.

*Guiding Principle: Rights without discrimination  
(Article 2)*

Article 2 of the *Convention* requires that government shall respect and ensure all of the rights in the *Convention* to each child without discrimination of any kind. The *Convention on the Rights of the Child* applies to all children, regardless of ethnicity, religion, opinion, language, gender, sexual identity, culture, national origin, disability, economic means, what their parents do, or where they live. Sadly, children and youth in New Brunswick still face discrimination in many circumstances.

**All children and youth have  
equal rights**

Certain groups of children and youth require heightened diligence on the part of government to ensure that their rights are upheld equally. Children and youth with disabilities require accommodation to achieve substantive equality of rights adherence. Youth in the criminal justice system are disadvantaged in many aspects of rights fulfillment. Homosexual and transgender youth face disproportionately high levels of discrimination. Homeless youth are not afforded the provision of services that other youth are. First Nations youth face increased challenges to have their rights respected, and the jurisdictional division between the federal and provincial government creates gaps in service provision to First Nations children. These and other equality issues must be borne in mind when considering all *Convention* rights.

*Guiding Principle: The Best interests of the child  
(Article 3)*

Article 3 of the *Convention* requires that the best interests of the child shall be a primary consideration in all actions concerning children. This principle applies whether actions are undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies. Government must also undertake all appropriate legislative and administrative measures to ensure each child the protection and care necessary for his or her wellbeing.

Taking into account the best interests of the child is compulsory in all actions concerning children. There is often a mistaken belief that the best interests of children must be *the* primary concern when decisions are made that may affect them. It is in fact only to be one of the factors in consideration, although a primary one.

**All decisions and actions affecting children and youth must consider their best interests**

This means that an essential criterion of decision-making affecting children is consideration of what would be most beneficial to the child, and this includes decisions made by the legislature, the civil service, and the courts. It also has to be stated that an essential aspect of determining the best interests of the child is *hearing the child's views*. The best interests of children cannot be ascertained without actually consulting children, because they are the best source to identify the ways in which they may be affected. There can be no legitimate application of Article 3 if Article 12 is not respected. Moreover, to ascertain the best interests of children in any given situation, government must look at the

potential impacts of its decisions (minimizing the negative impacts and maximizing the positive).

*Guiding Principle: Right to life, survival and maximum development (Article 6)*

Article 6 requires that government shall ensure the survival and development of the child to the maximum extent possible. Governments have an obligation to ensure that children survive and develop healthily. The maximum enjoyment of all rights is dependent on the maximum development of the child mentally and physically. In turn, the right to maximum development is dependent on the realization of all other *Convention* rights, especially those related to health, education, standard of living and protection from harm.

**Government must ensure the maximum possible development of all children and youth**



Children and youth need connection and positive interaction with family, friends, and community. They need confidence and a sense of self-worth, where personal strengths and achievements are recognised. And they need empowerment and autonomy, to build the resiliency that will carry them healthily into adulthood.

*Guiding Principle: Respect for the views of the child (Article 12)*

Article 12 requires that government shall assure to each child and youth (who is capable of forming his or her own views) the right to express their views freely in all matters that affect them. Government shall give those views due weight in accordance with the age and maturity of the child. Children and youth shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child.

Article 12 is about participation by children in matters that affect them. Children and youth have the right to have their opinions taken into account in these matters. Article 12 is *not* about a child's views being paramount to all other considerations in these decisions. It does not threaten parental authority. Indeed, it is a fundamental principle

(found in Article 5) of the *Convention on the Rights of the Child* that parents have the primary responsibility for directing and guiding their children in the exercise of all of the rights in the *Convention*. Good parenting takes the opinions of children into consideration. Similarly, good decision-making by government takes children's opinions into consideration concerning matters that affect them. This is not simply good practice, though, it is a right enshrined in international human rights law. Article 12 is not meant to be wishful – the wording is that States parties “shall assure” the right to express their views. Government has a strict obligation to undertake measures necessary to implement this right of expression.

**Government must solicit the views of children and youth in all matters that affect them, and give these views due weight**

The abilities of children and youth to form and express their opinions develop with age and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal or administrative

decisions. Application of this right therefore varies as appropriate to age and maturity. What is important to stress is that when a decision is being made that has some effect on the child, the opinion of the child must be actively sought in the most comprehensive and complete manner possible. Soliciting the child's views should be the starting point. Then the decision-maker can assess the weight to be given to the child's views.

Fulfillment of Article 12 also requires that we must avoid tokenistic approaches, which limit children's expression of views, or which allow children to be heard, but fail to give their views due weight. Child and youth tokenism is as deleterious and unproductive as ignoring the views of children and youth altogether. The views of the child are also to be expressed *freely*, meaning not being subject to coercion or any undue influence or manipulation by adults or others. Children and youth should be empowered to be engaged in processes that impact them. Participation by youth can only be made meaningful and effective in the system if youth are provided the needed information to understand the processes.

Article 12 is therefore a right to an informed opinion, with the onus on government to ensure that children and youth are informed. Children and youth cannot adequately enjoy their rights unless they know what their rights are – there is an obligation on government under Article 42 of the *Convention* to make the rights of children and youth known to them.

## A NEW ADDITION TO THE CONVENTION ON THE RIGHTS OF THE CHILD: THE THIRD OPTIONAL PROTOCOL

A newly developed means of fulfilling the child's right to having his or her opinion heard in matters that affect him or her is through an additional treaty that furthers the aims of the *Convention on the Rights of the Child*. The 3<sup>rd</sup> Optional protocol to the *Convention* creates a communications procedure by which children and youth can bring their rights violation complaints to the UN Committee on the Rights of the Child.



The New Brunswick government has a role to play in working with other provinces to insist that the federal government ratify the Third Optional Protocol. All of the other major human rights treaties have these methods for bringing individual complaints of rights violation to the United Nations. Children in Spain, Germany, Belgium and many other developed nations now have such rights of individual complaint under the *Convention on the Rights of the Child* but Canadian children will not until such time as the federal Government ratifies the Protocol.

## MAKING THE CONVENTION ON THE RIGHTS OF THE CHILD REAL IN THE LIVES OF NEW BRUNSWICK CHILDREN AND YOUTH: GENERAL MEASURES OF IMPLEMENTATION

The United Nations Committee on the Rights of the Child has identified ways in which the *Convention* can best be given effect. ‘General Measures of Implementation’ are ways in which these rights can be accorded their fullest respect by government. These measures help to ensure that legislation, policy, programs, services and budgets consider and prioritize the best interests of children.

The Child and Youth Advocate undertakes work to further the General Measures of Implementation of the *Convention on the Rights of the Child* in New Brunswick.

### General Measures of Implementation

- Law reform – The Office of the Child and Youth Advocate strives to ensure that New Brunswick’s laws, policies and practices reflect children’s rights.
- Budgeting and children – We advocate for a children’s budget that can provide a thorough accounting of what investments are really being made by government to children in New Brunswick.
- Plans of Action and Coordinating Snapshots – Canada’s plan of action has floundered. New Brunswick is however taking a leadership initiative by developing a provincial Coordinating Snapshot and Harm Prevention Strategy on the implementation of Article 19, the gateway for all protection rights under the *Convention*.
- Monitoring mechanisms – The Child and Youth Rights and Wellbeing Snapshot included in this State of the Child Report is one tool in the child rights monitoring that government can utilize, but government has monitoring responsibilities beyond using this tool in its decision-making. Monitoring and reporting on government’s fulfillment of its duties to advance children’s rights is an important way to ensure progressive change for children, and to be transparent

and accountable. Establishing an interdepartmental committee on children's rights such as presently exists at the Federal level would constitute an early and measurable step forward for New Brunswick and would improve our reporting processes under the *Convention*.

- Child rights education, awareness-raising and training activities – Here again there are civil society organizations taking the lead, and the office of the Child and Youth Advocate also undertakes education and awareness-raising initiatives. However, it is government that has legal obligations under the *Convention on the Rights of the Child*, and government Departments can and should take a lead role in these activities.
- Independent human rights institutions for children – New Brunswick has committed to ensuring that there is an independent and impartial advocate for children's rights in the office of the Child and Youth Advocate. Similar offices exist across the country and around the world. It is deeply important that these offices are provided the legislated ability to do their work independently of government. Canadian Children also deserve a National Children's Commissioner at the federal level. New Brunswick's government can help to promote this initiative.

- Coordination efforts and mechanisms for child rights – Fulfillment of children's rights requires coordination between government Departments within the province and between the federal government and other provinces, as well as with civil society. The creation of a child rights agency within the heart of New Brunswick government would be a major step toward ensuring effective coordination of all child-serving areas of government and with civil society.

## THE IMPORTANCE OF DATA TO INFORM CHILD AND YOUTH POLICIES, PROGRAMS AND PRACTICES

Good data provides a picture of what is happening in the lives of New Brunswick's children. It is only by having and using good data that we can see the issues requiring attention and the scope of the problems over time. Effective data collection and analysis therefore plays an integral part in efforts to uphold children's rights and develop policy that is evidence-based and implemented with measureable objectives. Good policy requires collecting and assessing information to target root causes of problems.

Data should be disaggregated to enable us to see potential disparities in the realization of rights and should be used to assess progress in implementation, to identify problems and to inform all policy development for children. Developing indicators related to child rights is an important means of evaluation.

It is also important to improve efforts to get feedback from children and youth themselves. Unfortunately, one constant problem is that reported data is far too predominately really data about parents and families rather than specifically child-centred data.

There is much progress to be made in regard to data collection and analysis for specific categories of children, especially those most vulnerable groups of children. Research and analysis capacity relating to children's issues needs to be afforded due attention within government. There is always the danger of operating obliviously when government makes decisions without the means to collect and understand relevant information.

## THE CHILD RIGHTS AND WELLBEING SNAPSHOT

The Child and Youth Rights and Wellbeing Snapshot is part of an attempt to help monitor children's rights in our province. It is a structured collection of data that reflects myriad aspects of the lives of children in New Brunswick. The goal of this Snapshot is to maintain a provincial information system on the condition of children's rights. The *Convention on the Rights of the Child* should be a guide to policy development in the province. We believe that the data in the Child and Youth Rights and Wellbeing Snapshot is crucial to affecting change in policy and practice to inform government's work in a holistic manner and better implement children's rights. The Snapshot can help government decision-makers determine where New Brunswick is succeeding and where it needs to improve. We expect that government will use the information to inform decisions that affect children.

When government Departments are planning, implementing and evaluating their work, they should be referencing the Child and Youth Rights and Wellbeing Snapshot as a guide. It is an essential part of fulfilling government's obligations to the children of this province under the *Convention on the Rights of the Child*. These rights are not static – their implementation requires progressive improvement. The Snapshot attempts to provide year-over-year data to help show trends in either

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improvement or worsening of children's rights. Measuring that progress is a key goal of the Snapshot. The Snapshot strives to provide comparative information on different demographics, and when possible provides data that is disaggregated by sex, age, First Nations status, immigrant status, and by disability.

Moreover, the Child and Youth Rights and Wellbeing Snapshot is an essential companion tool for the Child Rights Impact Assessment process that government in New Brunswick has committed to using when developing new or amended laws and policies. When government makes decisions that affect one aspect of children's lives, it is inevitable that many rights will be impacted, and government must look at all of the rights in the *Convention on the Rights of the Child*. Children are in positions of limited prominence with regard to their social, political and economic clout – this lack of voice in public policy-making coupled with children's unique vulnerabilities requires us as a society to devote special attention to their needs.

Child Rights Impact Assessment processes should form not only policy and law development processes, but also part of decisions made relating to government programs and practices. The data in the Snapshot should provide an evidentiary basis for informed and accurate decision making. It should be used in conjunction with government's Child Rights Impact Assessment tool, and for all policy and program

development related to children in New Brunswick. The Snapshot can be used in considering other policy lenses such as disability or gender based analysis. Furthermore, it can aid in the implementation of overall strategy processes such as the Wellness Strategy or the Crime Reduction Strategy.



The data in the Child and Youth Rights and Wellbeing Snapshot can be used not only by government, but also by the not-for-profit sector, the business community, the academic and research communities and all interested groups to

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evaluate the needs of children and youth and to measure the effectiveness of services to them.

One obstacle is that government is not organizing all of the data it collects. And in fact government is not collecting all of the data it should. Lacking data on important issues means that we cannot identify the gaps in government protection and promotion of children's rights, nor in child and youth participation. Nonetheless, the New Brunswick Health Council has worked with government stakeholders to amass the available data in order to populate the Child and Youth Rights and Wellbeing Snapshot with the best indicators of child rights possible at the present time. New initiatives through the Canadian Institute for Health Research, Public Health Agency of Canada, and Statistics Canada have materially improved the data repositories available in New Brunswick. Much of our future success will depend on how we step up to the responsibilities and the potential of this data stewardship.



The *Convention on the Rights of the Child* is the guide for children's rights in all areas of their lives. This includes domains such as education, health, social services, justice and other areas that are reflected by statistics in the Child Rights and Wellbeing Snapshot. The Child and Youth Rights and Wellbeing Snapshot tables provide data that correspond to groups of Protection, Provision, and Participation rights.

Statistics will never tell the whole story of our children. They are a starting point, though, to understanding the situations of children in our Province. In this annual State of the Child Report, our office offers our analysis of the statistical indicators in the Child Rights and Wellbeing Snapshot. Some statistics are difficult to speak to without more context. These statistics should be flags for policy makers and program developers to delve into more deeply. Our analysis is based on what we see in the Child and Youth Rights and Wellbeing Snapshot compared to what we see in the work we do advocating for children's rights. We interpret children's rights based on the substantive rights in the *Convention on the Rights of the Child*, on the jurisprudence of the UN Committee on the Rights of the Child, as well as on Canadian and New Brunswick law and jurisprudence. The Child and Youth Rights and Wellbeing Snapshot provides a whole new picture to help guide our work.

## THE PROVINCIAL STRATEGY FOR THE PREVENTION OF HARM TO CHILDREN AND YOUTH

In last year's State of the Child report, the Office of the Child and Youth Advocate initiated a project for the prevention of harm to children. The project is to develop a provincial strategy in collaboration with government and civil society in order to better fulfill our obligations to children under Article 19 of the *UN Convention on the Rights of the Child*. Article 19 is the right to protection from all forms of harm. This project seeks to build upon recommendations from the UN Committee on the Rights of the Child to develop a strategy that is rights respecting and evidence-based. The strategy will coordinate existing efforts and facilitate collaboration between all sectors of society. It will seek to reduce harm to children in New Brunswick in a continual and measurable way. We have attempted to mobilize concerted action by both government and civil society, and we are greatly heartened by the response.

The goal of the Strategy is to coordinate a comprehensive and cohesive picture of initiatives led by government and civil society. This will show what we are doing in New Brunswick to protect children from harm, what we are not doing, and what we need to be doing better. Harm to children and youth is a collective problem. Preventing it requires collaboration.

A collaborative approach is particularly important in protecting the child's right from harm because of the nature of harm to children. Harm can occur in a variety of settings. Fulfilling this right of protection requires prevention of harm through education and providing appropriate support to families and care-givers. It also requires best practices in regard to identification, reporting, referral, investigation, treatment, follow-up, judicial involvement, and effective procedures.





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The Office of the Child and Youth Advocate initiated the process by writing to various child-serving government departments requesting that each assign a delegate to work on the development of a coordinated plan for better implementation of Article 19 in New Brunswick. A working group with representatives from government and civil society is tasked with developing the process for designing and implementing a provincial strategy.

The process of developing and implementing the Strategy for the Prevention of Harm to Children and Youth will take place over several years, engaging government leads, civil society, and the private sector. The working group will generate and analyze the information on which to base decisions on the content and implementation of the strategy.



In addition, forty provincial leaders have been selected to form a Roundtable that will meet four times during the next year to develop the strategy. The first meeting corresponds with the launch of this 2014 State of the Child Report on November 18<sup>th</sup>.

The working group will develop an environmental scan that identifies existing strategies, programs and services as well as

gaps. Based on this information, the Roundtable will develop a holistic, comprehensive strategy that builds upon existing efforts to prevent harm, and leverages new tactics where there are weaknesses.

Collecting and analyzing information is an imperative aspect of this strategy. We know, for example, that Moncton and Saint John have the highest rates of violence against girls under age 12 in the entire country. We know also that physical abuse and sexual abuse to children are less likely to be reported to the police than incidents involving adults. Years after the Karl Toft incidents, new incidents of repeat child molestation, such as those perpetrated by Donnie Snook, are still coming to light. But harm to children is a tragedy that is hiding all around us. Many cases of abuse and neglect remain unknown other than to the perpetrator and victim. Child victims of abuse often feel they have nowhere to turn for help, and neglect is not always visible.

The Provincial Strategy for the Prevention of Harm to Children and Youth is an extensive endeavor. It requires great breadth of action. We cannot protect children from harm without also ensuring that all of their rights are protected and promoted. If we respect the rights of children then we will help to ensure that we have resilient, strong children who will be better able to avoid being harmed in the damaging and sometimes horrific ways we tragically continue to see.

## WELLNESS AND RIGHTS

Protecting and promoting the rights of children and youth contributes to their wellness, their optimal state of health and well-being. And, by promoting wellness, we contribute to the protection and promotion of the rights of children and youth. Wellness is the ability of people and communities to reach their fullest potential, both in terms of health and fulfillment of purpose. The removal of personal and societal barriers is as important as the active pursuit of good health in achieving wellness. New Brunswick's Wellness Strategy 2014-2021 provides an opportunity to broaden the conversation about the relationship between quality of life, wellness and rights. New Brunswick's Wellness Strategy 2014-2021 aims to enhance quality of life for all New Brunswickers. The Strategy focuses activities on dimensions of wellness and determinants of health. Action on these areas will lead to two inter-related and mutually supportive outcomes: Healthy and resilient people (who have optimized their capacity to support healthy development and wellness for themselves and others), and healthy and resilient environments (conditions to support wellness are optimized in the majority of homes, schools, communities, workplaces and other settings).

As we move forward with the Strategy for the Prevention of Harm to Children and Youth, we need to be mindful that the approaches to protect children and youth from harm and to support wellness are complementary. By working

collaboratively towards a shared vision of a well and just society, we can fully explore and implement effective actions that address the rights within the Convention, the dimensions of wellness, and the determinants of health. These combined efforts are very likely to have a long term impact on enhanced quality of life for New Brunswick children and youth.



## THE 'THREE PS' OF THE CONVENTION – PROTECTION, PROVISION AND PARTICIPATION

The *Convention on the Rights of the Child* contains a wide range of rights. Human rights include civil rights, political rights, economic rights, social rights, and cultural rights. The *Convention* contains rights in each of these categories. A user-friendly means of categorizing the rights in the *Convention* is by dividing them into three groups: protection rights, provision rights, and participation rights.

### Protection Rights

Children are uniquely vulnerable and require special protection. Protection rights are the rights of children to be provided with safety. These rights include protection not only from abuse, neglect and violence, but also from discrimination, exploitation, illegitimate separation from parents, and multiple other ways in which children can be harmed.

Our office encounters children and youth facing psychological and physical harms. The list is long and daunting. The following is only a partial list: physical abuse in the family; physical abuse in institutional settings; corporal punishment; physically violent bullying; self-harm; psychological abuse; emotional abuse; witnessing domestic violence; cyberbullying;

sexual abuse; child prostitution; child pornography; child trafficking; sexual assault; internet child exploitation; neglect; unsafe working conditions.

Children face life challenges not only at home but in institutions. The health system, education system, criminal justice system, child protection system, and the workplace can all have profound impacts on children and youth. Protection rights are meant to ensure that children can develop with resiliency and in safety.

A child who suffers abuse, neglect or ill treatment may suffer a stunted mental and physical development to a far greater degree than would an adult who is facing these harms. This point is not meant to diminish the need to protect people of all ages from harm, but rather to emphasize that childhood requires special protection. Children are dependent on adults to a large degree for this protection. And yet children are too often silent victims, invisible victims.



### Provision Rights

Provision rights are rights to services or resources that are essential for the full healthy development of children. As stated in Article 4, government must take measures for the full implementation of these rights “to the maximum extent of available resources”. These include rights to education, social services, adequate health care, cultural activities, recreation, legal services, and an adequate standard of living.

### Participation Rights

While children and youth are affected by laws and government actions to a powerful degree, they generally have very little opportunity to express themselves on issues that affect them. Having an effective voice in matters that affect us is a challenge for most of us, but particularly for those under the age of majority.

It may seem obvious to many of us that if a decision is being made about a child or youth, then that child or youth will likely have an opinion worth hearing about. It is very difficult to make *informed* decisions without getting input from the people who will be affected. Most often, to make decisions without input from the person who is the subject of the decision is to make decisions in the dark. However, it is far from standard procedure to actually ask someone under the age of majority for their opinion, even on matters that very intimately affect them.

There is no question that people working in service-providing fields such as education, health, social services and even the youth criminal justice system are paying more attention to youth opinion than they did in the past. But hearing from youths even in these situations is far from everyday practice. In fact, our office continues to encounter a mindset among child-serving government Departments that does not even consider why it might be useful to hear from the children and youths affected by their decisions.

But child and youth participation is about more than their right to have their opinions heard and accorded due weight in government and judicial decision-making. Participation rights include the right to information, the right to freedom of expression, and the right to associate with others. These rights are exercised according to the varying age and maturity of children and youth. Affording children and youths the ability to engage in these rights as they mature prepares them for their expected roles in society as they grow to be adults. Participation rights are the means by which children and youth can engage in society and take some ownership of and responsibility for their own lives.



# PART III

## PROTECTION RIGHTS



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The rights found in the ‘Guiding Principles’ (Articles 2, 3, 6 and 12) of the *Convention on the Rights of the Child* should be considered when looking at all of the protection rights in the *Convention*. Inevitably, provision and participation rights in the *Convention* will apply when considering protection rights. All child and youth rights issues require a holistic approach, and protection, provision and participation are symbiotic aspects of upholding rights.

Protection Rights in the *Convention on the Rights of the Child*

(Article 2) The right to provision and protection of rights without discrimination (the right to substantive equality)

(Article 3) The right to have the best interests of the child be a primary concern in decisions that affect children

(Article 6) The right to maximum survival and development

(Article 12) The right to have the child’s opinion voiced in all matters that affect him or her

(Article 4) The right to insist on government’s obligation to implement *Convention* rights, and, for economic, social and cultural rights, to do so to the maximum extent of available resources.

(Article 11) The right to protection from parental abduction

(Article 19) The right to protection from all forms of physical or mental violence, abuse, neglect and exploitation

(Article 20) The right to protection and care for children deprived of a family environment

(Article 21) The right to paramount consideration of the principle of the best interests of the child in matters of adoption

(Article 22) The right of refugee children to assistance and protection of all rights under the *Convention*

(Article 32) The right to be protected from economic exploitation and from work that may be harmful to health and physical, mental, spiritual, moral or social development

(Article 33) The right to protection from the illicit use, production and trafficking of narcotic drugs

(Article 34) The right to protection from sexual exploitation and sexual abuse

(Article 35) The right to protection against abduction and human trafficking

(Article 36) The right to protection against all forms of exploitation

(Article 37) The right to be free from degrading treatment and punishment, and to be free from arrest, detention and imprisonment unless as a last resort. Upon deprivation of liberty, the right to be held separately from adults, and to maintain contact with family

(Article 38) The right to protection and care for children affected by armed conflict (war)

(Article 39) The right to promotion by government of all appropriate measures for physical and psychological recovery and social reintegration for all child victims of neglect, exploitation, or abuse

(Article 40) The right to due process in the criminal justice system, and the right to have government promote the youth’s reintegration into society

- (ARTICLE 19) THE RIGHT TO PROTECTION FROM ALL FORMS OF PHYSICAL OR MENTAL VIOLENCE, ABUSE, NEGLECT AND EXPLOITATION
- (ARTICLE 39) THE RIGHT TO PROMOTION BY GOVERNMENT OF ALL APPROPRIATE MEASURES FOR PHYSICAL AND PSYCHOLOGICAL RECOVERY AND SOCIAL REINTEGRATION FOR ALL CHILD VICTIMS OF NEGLECT, EXPLOITATION, OR ABUSE

### Protection from Bullying

We know all too well from the calls that come into our office that bullying is a common form of mental violence suffered by children in and out of school. Adding to the burden on children, the modern development of cyberbullying is part of the dark side of the wired world in which kids live. The voices of bullies are in the pockets of many victims... in messages waiting to be accessed by cell phones through social media, texts and emails. The psychological and physical harm of bullying occurs in a context of a power imbalance between the perpetrator and victim, and victims of all forms of bullying unquestionably need our utmost care. Victims of bullying are often members of vulnerable groups, due to disability, sexual orientation, ethnicity, gender, religion, and economic status. These are groups that are accorded protection under our province's *Human Rights Act*. Incidents of bullying can be referred to the New Brunswick Human Rights Commission, and certainly other jurisdictions (notably Australia) have found positive benefits in this route. It has also been suggested by some legal experts including Wayne MacKay that the systemic nature of bullying will only be sufficiently addressed when schools, school districts and government departments responsible for education are faced with enough law suits to force action. However, human rights commissions and courts are neither the only nor even the primary means of effectively addressing bullying. It is only through addressing root causes of bullying that we can increase prevention.

Only 40% of youths in New Brunswick state that when a student complains to an adult at school about bullying, something is done to address the issue.<sup>1</sup> If the majority of youths feel that telling an authority figure leads to no action, what is the incentive to report? Worryingly, only 35% of immigrant youths and 36% of First Nations youths believe something will be done if they report bullying. Nearly a fifth of children in grades 4 and 5 don't feel comfortable talking to an adult at school about bullying.<sup>2</sup>

Bullying is apparently a fact of life for most New Brunswick youth. 58% of youth in New Brunswick's schools report having been bullied, and 62% of First Nations youth report having been bullied.<sup>3</sup> There are specific aspects of bullying that require special attention. For example, 29% of First Nations youth report having been the victim of comments about their race, religion or personal features. This is compared to 20% for the general youth population. 81% of the general youth student population feel safe in their schools in New Brunswick.<sup>4</sup> But only 74% of First Nations youth do.<sup>5</sup> The statistics also show a contrast between girls and boys, as 66%

of girls state that they have been victims of bullying compared to 50% of boys.<sup>6</sup>

There is also the issue of how to correct the behaviour of the perpetrator. Children who live in punitive homes are more likely to exhibit aggressive behaviour, with violence passed from victim to victim in a terrible chain. Violence against children in the home and in school is a major factor leading to children growing up perpetrating violence.

**Two out of three female youth in New Brunswick state that they have been victims of bullying**

<sup>1</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 5.

<sup>2</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 6.

<sup>3</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 3.

<sup>4</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 2.

<sup>5</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 2.

<sup>6</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 3.



There is no question that government has a lead role to play in addressing bullying. The best results, however, come when students themselves provide a leading role. Pink Shirt Day is a prime example of an incredibly effective initiative created and led completely by students. Youth engagement is the most important key to addressing bullying effectively. School administrations should promote all possible ways to work collaboratively with students in finding solutions. Furthermore, the entire culture of schools needs to be pointed at rights respecting in a holistic manner, to create environments of empathy that work best to instill anti-bullying messages at both the individual and school level. In a rights-respecting and rights promoting environment, strategies such as restorative justice and peer mediation flourish.



As a final point on this subject, we note that together with Article 19 we must look to Article 39 of the *Convention on the Rights of the Child*, and the obligation of government to promote all appropriate measures for the physical and psychological recovery and social reintegration of all child victims of abuse. Neglect, exploitation and abuse cause immediate harm, and without adequate measures for recovery they can become lifelong problems psychologically, socially, educationally, and behaviourally.

### Protection from harm and the responsibilities of civil society

Private organizations that employ youth, have youth volunteers, or serve children and youth should pay very special attention to areas where children and youth can potentially be harmed. Whether the problem is lack of appropriate adult supervision in a workplace situation, inadequate screening of adult volunteers working with youth in not-for-profit organizations, lack of child and youth-oriented work policies, or any number of other circumstances, extreme due diligence is required. Government has a role to play to ensure that organizations have guidelines in place that follow policy with the highest possible protection.

Within households, government has a role to play in educating all New Brunswick society on the best parenting practices. For example, corporal punishment has been overwhelmingly shown by evidence to have no beneficial effects, and only holds the potential for harmful effects. The Province can do more to educate the public about the potential harms. The same goes for sexual health – more public education is needed, although the most recent numbers show that the Chlamydia rate among youth has decreased from 1123 to 1034 (per 100,000 population).<sup>7</sup> Similarly, government must ensure that messaging on other health behaviours is adequately communicated. For example, First Nations youth are much more likely to be in contact with second hand smoke in a vehicle than non-Aboriginal youth.<sup>8</sup> Immigrant youth are much less likely to be.<sup>9</sup> The messaging has not been completely effective in countering these harms.

### Abuse and Neglect

The rate of children and youths who are victims of family violence is much higher in New Brunswick than the Canadian average. Per 100,000 population, New Brunswick has a rate of 365 compared to the national rate of 267.<sup>10</sup> Child witnesses of

<sup>7</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 18.

<sup>8</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 41.

<sup>9</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 41.

<sup>10</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 14.

domestic violence are of course victims themselves of mental violence. The fear and self-blame that accompanies children witnessing domestic violence are extremely harmful to the development and wellbeing of these children. Child witnesses of domestic violence are also much more likely to be victims of child abuse. This is another area of harm wherein New Brunswick needs to look at practices to better address the issue and turn the statistics around.

**New Brunswick's rate of child and youth victims of family violence is much higher than the national rate**

In the worst situations, physical abuse or neglect can lead to death. Abuse and neglect can certainly lead to trauma, depression and suicidal tendencies. While not all suicide is caused by abuse and neglect, there is much we need to know still about the causes of suicide in New Brunswick. Suicide is

the second highest cause of youth death in Canada. The suicide rate in New Brunswick for male youth is twice that of females.<sup>11</sup> We need to find out why, and then take targeted action for suicide prevention.

## Injury

Activity-limiting injuries among New Brunswick youth are high compared to Canadian percentages, and have increased compared to previous New Brunswick percentages.<sup>12</sup> More than a third of New Brunswick youth sustained activity-limiting injuries in a one year period.<sup>13</sup> It is also very troubling to see that children and youth in New Brunswick are hospitalized for injuries at a far greater rate than the Canadian average rate. The rate per 10,000 population in Canada is 25.8; in New Brunswick it is 41.4.<sup>14</sup>

There are various indicators in the Child and Youth Rights and Wellbeing Snapshot that relate to injury. For example, the majority of youth do not always wear a helmet when riding a bike (only 42% do, which is down from the previous percentage of 46%).<sup>15</sup> We can also see in the Snapshot that

<sup>11</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 39.

<sup>12</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 12.

<sup>13</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 12.

<sup>14</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 14.

<sup>15</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 33.

New Brunswick's age-adjusted rate of All Terrain Vehicle injuries is far higher than Canada – 17.8 per 100,000 population compared to the national rate of 10.5.<sup>16</sup> We do not have these ATV injury statistics disaggregated by age in order to see rate of injuries for youth, but given New Brunswick's youth injury statistics in general, we will need to obtain that data and measure it each year to ensure the safety of our youth.

**New Brunswick children and youth are hospitalized at a far higher rate than the national rate.**

When we look at the statistics that measure years of life lost for children and youth as a result of injuries, there is a very stark difference between males and females.<sup>17</sup> For females the rate per 10,000 population is 47.6. The rate for males is 78.3. Our province needs to continue to do everything it can to bring these numbers down. And special attention needs to

<sup>16</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 7.

<sup>17</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 38.

be paid to the reasons for the disproportionately high rates for male children and youth. When developing laws and policies, government needs to delve more deeply into these statistics to determine the causes of these injuries and respond appropriately.

### Teen pregnancy

Sixteen percent of New Brunswick youth report having had unprotected sex. The Province's teen pregnancy rate is 25/1000 female youths.<sup>18</sup> The rate (per 1000) of teens giving birth in New Brunswick is strikingly higher than that of Canada as a whole – 21.3 versus 12.6.<sup>19</sup> Teenage pregnancy can create very difficult barriers in education and employment for youth to overcome. We also know that teenage mothers are at disproportionate risk of dropping out of school and facing lower economic prospects, and studies show that the children of these teenage mothers also face these higher risks.

**16% of New Brunswick youth  
report having had unprotected  
sex**

<sup>18</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 39.

<sup>19</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 40.

### Young carers

The last available data we have show that 35.7% of youth in New Brunswick 15 years old and up look after children without pay. Children are also at times required to take on care-giving roles to disabled adult members of their families. The term used to describe youth in this situation is 'young carers'. For some of these youths (and children even younger) the burden is extensive. Families face problems, and sometimes it is the children and adolescents in a family that fill parental roles. In the worst scenarios, parents with disabling addictions or mental health issues are incapable of fulfilling their roles, and children step in. These children are isolated in their imposed roles, without the wherewithal to navigate government support systems and advocate on their own and their families' behalf. The stress that accompanies the position of being a young carer is a deep burden on these children. Educators, guidance counsellors, friends and family must be vigilant to look for signs, so that social workers and health care workers can be brought in to provide support.

## ➤ (ARTICLE 20) THE RIGHT TO PROTECTION AND CARE FOR CHILDREN DEPRIVED OF A FAMILY ENVIRONMENT

### Children and youth in government care

Children are taken into government care for many reasons. It may be due to loss of parents. It may be due to the children having to be taken from their homes for their own safety, because of abuse or neglect. It may be due to parents not being able to manage their children's behavioural or mental health issues. It may be due to other reasons, but whatever the reasons, it is not the situation we would want for any child. And the Minister of Social Development is not the parent these children would choose.

In child protection situations, although children have more input in the decision-making process than ever before, the reality is that even when children express wanting to live with a family, the lack of available resources to take in these children often result in a group home placement. There are also extreme difficulties in placing children and youth with behavioural issues with foster families. Many children spend years being moved from one group home or foster care

placement to another. Their lives lack consistency. For youths and children in this situation their lives are in a holding pattern; some are simply waiting until they turn sixteen and become homeless. We know that people are working to their best abilities to care for children in these situations. However, there is no question that these children remain disadvantaged compared to children who have true homes. For every youth who pulls himself or herself out of such disadvantaged situations, there are many more who cannot.

The Department of Social Development has had great success using a Family Enhancement Services model to engage and support families in order to keep children from being taken into the protective custody of government. We can see in the Child and Youth Rights and Wellbeing Snapshot that the rates of children under age sixteen receiving child protection services has decreased (from 9.9/1000 to 9.3/1000)<sup>20</sup> whereas the rate of children under age 16 receiving family enhancement services has increased (from 7/1000 to 7.4/1000)<sup>21</sup>. These are very good trends. Nevertheless, a significant number of children will always be in government care because some parents are unable to provide for and protect their children.

<sup>20</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 11.a.

<sup>21</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 11.b.

## Youth Homelessness

Youth living on the streets are particularly vulnerable to human rights violations. Street youth are far more vulnerable to sexual exploitation, in the form of sexual assault, sexual abuse, and prostitution. They are at risk of malnourishment. They are often without access to a family doctor. Street youth are also more likely to be criminalized, even when their behaviour is no more criminal than that of youths in good homes who are not criminalized.



Most of us in New Brunswick don't notice the situation of kids living on the streets. They are this Province's hidden children. The true state of youth homelessness is largely unknown in New Brunswick. We do not know how many youth are homeless here. We are not collecting the data to create an accurate picture. We do, however, know that there is a serious lack of youth shelters across the province. Youth transition homes require and deserve the financial support necessary to allow them to recruit and retain highly qualified staff to provide youth with a caring and empowering environment. Government policy could provide for a stable source of funding and for the establishment of more such houses. These homes provide one of the few options left for many youths. They enable youths to adapt to independent living, to acquire basic life skills, to complete their educations and to develop employment goals. Those youth shelters that do exist operate on small budgets and are seemingly always on the verge of not being able to continue to fund their operations.

We can see that the rate of children and youth seeking refuge in transition housing has been declining. The rate (per 1000) has gone down from 2.8 to 2.5 to 2.1.<sup>22</sup> On its face this would appear to be a good sign. However, it may easily reflect the lack of availability of transition housing, with youth choosing other options such as 'couch surfing', finding makeshift shelter

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<sup>22</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 12.

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or staying in potentially harmful situations with unrelated adults. Unfortunately in New Brunswick the capacity has not been devoted to determine what the reality for these youths is.

While the true extent of the problem may be unknown, there is no question that homeless youths throughout our province today are facing risks. They 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 sexual predators, and victimizing others by engaging in crime. Adequate support systems are needed for at-risk youth who feel alienated, disempowered and unwanted. More attention to bolstering protective factors for homeless youth would result in reduced demand on our courts, on our youth correctional services and on our acute mental health treatment services.

The first step in any solution is to fully see the problem. If we do not know the numbers of homeless youth (and their demographic details such as home communities, sex, gender, sexual orientation, ethnicity, age, etc.) and if we are not aware of their personal stories, then we cannot fully address their issues. We have some statistics that may provide some of the picture, such as the fact that the percentage of female youth aged sixteen to eighteen in New Brunswick who receive social assistance money is more than twice that of male youth.<sup>23</sup>

<sup>23</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 17.

But to develop a long-term strategy, a comprehensive study of youth living outside a family or official care situation should be undertaken. We need to hear from these youths and the people who work with and care about them. To understand the scope of the issue, government and civil society together must devise a plan that targets factors leading to youth homelessness. This will enable New Brunswick as a whole to take preventative measures, not only reactive ones.



➤ (ARTICLE 32) THE RIGHT TO BE PROTECTED FROM ECONOMIC EXPLOITATION AND FROM WORK THAT MAY BE HARMFUL TO HEALTH AND PHYSICAL, MENTAL, SPIRITUAL, MORAL OR SOCIAL DEVELOPMENT

## Rights in Employment

### Workplace injury

The labour participation rate in New Brunswick is very equal between male and female youth (43.7% of female and 44.4% of male youth have jobs).<sup>24</sup> While male and female New Brunswick youth are equally represented in employment, we can see that male youth suffer twice as many workplace accidents as female youth.<sup>25</sup> One might suspect that this is due to the types of jobs that attract male youths in our Province, but in any case, the question this statistic raises is whether there exist adequate protections for male youths in the workplace.

<sup>24</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 41.

<sup>25</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 9.

Workers in Canada between the ages of 15 to 24 are the cohort most likely to be injured on the job. Youths are new to the working world and have a lack of experience and work safety skills. Rates of workplace injury in Canada are routinely much higher among young workers than among adult workers.

### Employment and Education

Employment can be highly beneficial for youths in building their confidence and connectedness to community, but it can adversely impact on their education. For minors with jobs, work conditions must meet high standards to protect them from harm.

In New Brunswick, youth cannot legally work more than 3 hours on a school day. However, this law lacks enforcement. We know that many youth are working excessive hours, in violation of New Brunswick law. Our labour laws have to ensure that there is enough rest time for youth between commitments for school and work. The government Department responsible for labour has for quite some time been considering how to address the problems in New Brunswick's youth labour regime. A solution is needed, and all relevant stakeholders within and outside government need to play roles in achieving it.

There is no question that education is absolutely essential to employment prospects. This can vividly be seen in the Child



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Rights and Wellbeing indicators showing the employment rate for New Brunswickers aged fifteen and older at various levels of education. The rates are tracked for four categories: less than grade nine; some high school; high school diploma; and postsecondary education. The rates climb from 19.8 to 39.5 to 60.6 to 70.6.<sup>26</sup> We know that 18.1% of New Brunswickers aged twenty to twenty-four are without a high school diploma, compared to 14.6% nationally.<sup>27</sup> And 17% of New Brunswickers aged twenty-five to sixty-four are without a high school diploma, compared to 13% nationally.<sup>28</sup> As these statistics demonstrate, finishing high school is far more important for lifelong employment prospects than having a part-time job during school years is.



<sup>26</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicators 3-6.

<sup>27</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 42.

<sup>28</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 1.

## ➤ (ARTICLE 33) THE RIGHT TO PROTECTION FROM THE ILLICIT USE, PRODUCTION AND TRAFFICKING OF NARCOTIC DRUGS

### Drug use

The New Brunswick Department of Health undertakes an excellent survey of youth drug use. The most recent survey was in 2012. From this survey we see that one in twenty students in grades nine to twelve reported using methamphetamine ('meth' / 'crank' / 'crystal meth'), amphetamines ('speed'), MDMA ('ecstasy'), psilocybin ('magic mushrooms' / 'shrooms') or mescaline ('mesc' / 'buttons'), and stimulants ('uppers'). Drug use among adolescents in New Brunswick shifts over time. In 1996 15% of New Brunswick youths reported having tried the hallucinogen LSD, whereas only 3.6% reported having done so in 2012. However, the reported use of methamphetamines doubled from 2007 (2.5%) to 2012 (5.4%). There has also been a profound increase in youths' illegal use of prescription medication. Prescription pills like Codeine and OxyContin were used illegally by 11% of youth in 2012. Inhalants like paint thinner, plastic cement, glue and gasoline were reported by 3% of youth to have been used in the twelve months for the 2012 survey. In the developing brains of adolescents, drug use brings many risks, including increased rates of mental health disorders.

We meet some of the youth using these drugs. We are convinced that the criminal justice system is not the most effective route for addressing addictions issues. Early intervention is key to avoid the potential long-term harms of drug abuse. New Brunswick's Integrated Service Delivery model, which is under development, has the potential to provide this early intervention by bringing together child-serving Departments in the domains of health, social services, corrections and education. These teams can only deal with a small proportion of youth, however, and given the percentages of youths reporting using drugs, initiatives to reduce drug use require a broader scope. Youth-led initiatives to increase awareness, resiliency and protective factors can be effective. Very importantly, New Brunswick needs to remain vigilant with regard to collecting data such as that in the Student Drug Use Survey, as prevention programs are most effectively developed when we are armed with the statistical knowledge of what our youth are doing.



**More than one in twenty New Brunswick youth have tried meth**

The Child and Youth Rights and Wellbeing Snapshot shows that nearly a third of New Brunswick youth drink alcohol at least once per month.<sup>29</sup> Alcohol use is lower among immigrant youth, but higher among First Nations youth. Similarly, 31% of New Brunswick youth have tried cannabis.<sup>30</sup> We need to be aware and take action to address that fact and the fact that 48% of New Brunswick's First Nations youth have tried it. Often accompanying the adverse health effects of this drug use are dangerous or risky activities – 18% of youth have been a passenger with someone driving under the influence of alcohol<sup>31</sup> and 24% with someone driving under the influence of cannabis.<sup>32</sup> Unintentional injuries (with motor vehicle accidents accounting for the majority of these injuries) are the leading cause of death for those aged 16-25 in Canada. Although this age group accounts for less than 14% of the national

<sup>29</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 32.

<sup>30</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 35.

<sup>31</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 36.a.

<sup>32</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 36.b.

population, it accounts for more than 33% of alcohol-related vehicle deaths. Drug and alcohol use is also associated with unplanned sex: 21% of New Brunswick grade twelve students reported having unplanned sex after using alcohol and/or drugs. And of course, drugs and alcohol abuse by youths can be related to poor academic performance, criminality, problems with peer and family relations, and other difficulties.

**Nearly one in five New Brunswick youth have been a passenger with someone driving under the influence of alcohol**

**A quarter of New Brunswick youth have been a passenger with someone driving under the influence of marijuana**

- (ARTICLE 34) THE RIGHT TO PROTECTION FROM SEXUAL EXPLOITATION AND SEXUAL ABUSE
- (ARTICLE 35) THE RIGHT TO PROTECTION AGAINST ABDUCTION AND HUMAN TRAFFICKING

### Sexual abuse and Internet child exploitation

The best method of stopping child sexual exploitation and abuse is to bolster the resiliency and empowerment of children and youth. When kids feel strong and secure enough to know what is wrong and to talk about it to someone who can help, they have a strong level of protection. What we truly need is a culture wherein children are valued as right holders and a culture where all adults are responsible to protect children from harm.

Police and prosecution response is imperative, but inevitably it comes after the harm has been done, and often after repeated harm. The rate of persons charged with sexual violations against children in New Brunswick is significantly higher than the Canadian rate.<sup>33</sup> New Brunswick's rate is

<sup>33</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 21.

7/100000 of the population compared to the national rate of 4.3/100000 of the population.<sup>34</sup> This is cause for alarm.

The New Brunswick Internet Child Exploitation Strategy is working to address the problem, as is the Integrated Internet Child Exploitation Unit. However, the plight of Internet child exploitation in New Brunswick requires far more public awareness. It is at present a problem left to under-resourced police and prosecutions – the public has much more of a role it needs to play. Prevention requires far more than criminal laws.

**The rate of New Brunswickers charged with sexual violations against children is significantly higher than the national rate**

We have been told by Fredericton police that between 30 to 50 people on average access child pornography each day online *in Fredericton alone*. We can see in the Child and Youth Rights and Wellbeing Snapshot that the rate of persons charged with child pornography in New Brunswick is the lowest in Canada. Here the rankings put New Brunswick first out of ten provinces, but we would strongly suggest that this is

<sup>34</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 21.

nothing to celebrate. It may very well reflect the lack of resources in our province to charge and prosecute cases.

The RCMP in New Brunswick conducts over 100 investigations of Child Internet Exploitation per year, and that number has been growing due to more resources. But it is our understanding that it takes roughly four months to investigate a case. Another difficulty is the evidentiary burden of proving a particular individual was at the computer when the child pornography was accessed. What can we do as a community to reduce victimization? Certainly Internet service providers have responsibilities in reporting their clients' access to known illegal sites. But greater parental and general public awareness is the most essential piece in protection.

### Human trafficking

Of particular concern to our office is the danger of young people being forced into the sex trade. Most victims of human trafficking in Canada are females between the ages of fourteen and twenty-two. Vulnerable girls in New Brunswick who are in danger of being forced into prostitution need the fullest possible protection. We do not know the story of girls in our province who reach these depths of desperation and vulnerability.

When developing laws and policies to address human trafficking, government should consult the Second Optional Protocol to the *Convention on the Rights of the Child*, on the sale of children, child prostitution and child pornography. This protocol, which Canada has ratified, includes detailed provisions relating to laws and practices to protect children in these areas.

- (ARTICLE 37) THE RIGHT TO BE FREE FROM DEGRADING TREATMENT AND PUNISHMENT, AND TO BE FREE FROM ARREST, DETENTION AND IMPRISONMENT UNLESS AS A LAST RESORT. UPON DEPRIVATION OF LIBERTY, THE RIGHT TO BE HELD SEPARATELY FROM ADULTS, AND TO MAINTAIN CONTACT WITH FAMILY.
- (ARTICLE 40) THE RIGHT TO DUE PROCESS IN THE CRIMINAL JUSTICE SYSTEM, AND THE RIGHT TO HAVE GOVERNMENT PROMOTE THE YOUTH'S REINTEGRATION INTO SOCIETY

## YOUTH AND THE CRIMINAL JUSTICE SYSTEM

### Incarceration

With regard to youth crime, New Brunswick is fortunate in that the issues we face are in some ways less severe than in more densely populated areas of the country. For example, the New Brunswick youth violent crime severity index is 55 compared to 70 nationally. The youth crime rate and the youth crime severity index are different measures. The youth crime rate reflects the volume of youth crime reported to the police per 100,000 people in the population. The youth crime severity index measures both the volume and severity of crimes by assigning more serious offences higher weight. New Brunswick's youth crime rate decreased by 21% between the years 2012 and 2013.<sup>35</sup> These are encouraging statistics.

Unfortunately, many of the ways that our province addresses youth crime create conditions that aggravate minor issues into more serious ones. New Brunswick has not led in best practices in youth crime prevention. In many ways we have not even followed the national leaders.

Many youth in the criminal justice system are affected by mental health issues, family breakdown, various disabilities, and histories of being victims of abuse. Youths involved in the criminal justice system also often come from situations of homelessness, poverty, and addiction. Some have fetal

<sup>35</sup> Child and Youth Rights and Wellbeing Snapshot Table 1 Indicators 43a&b

alcohol spectrum disorder. Many have learning disabilities. They are neglected and abandoned to the courts and to incarceration. Bringing them back into our communities with necessary supports is a long, arduous and costly road. Government has to find better ways to support communities in efforts to boost protective factors for youth and provide the supports needed to keep them out of the justice system. We need these supports upstream, before youths get too caught up in the criminal justice system, where one charge leads to another and jail becomes inevitable.



As stated in the *Convention on the Rights of the Child*, youths have a right to be treated with dignity in the criminal justice system. It is unlikely that anyone working in youth corrections would disagree. The question to be asked is what is required

for youths to be treated with dignity. An appropriate definition of what dignity entails in the criminal justice system must take into account the fact that youths are to have a separate system than adults, with special protections. These protections are enshrined in law by Canada's *Youth Criminal Justice Act*. This Act is also to be interpreted according to international human rights law commitments including the *Convention on the Rights of the Child*. The question as to what is required for youths to be treated with dignity must be asked in every facet of the youth criminal justice system, and a youth-focused approach is necessary in every aspect of this system, not only in detention. But when youth are detained, the problems can multiply.

When youth are incarcerated, family connections are disrupted, community supports are severed, and education is interrupted. Additionally, the stigma of incarceration is difficult to overcome. The *Youth Criminal Justice Act* promotes the reduction of the use of custody so that the most serious interventions are reserved for the most serious crimes. It puts emphasis on rehabilitation. It provides means for effective reintegration of youth into the community and encourages supports that address the causes of their offending behaviour.

Case conferencing can rebuild these supports and connections. The number of multidisciplinary conferences for youth in New Brunswick correctional services has decreased

from 235 to 203.<sup>36</sup> New Brunswick has, encouragingly, had declining numbers of youth admissions to corrections in the past three years. The proportion of case conferences compared to admissions has remained the same. We commend the Department of Public Safety on their attention to case conferencing. However, even with less youth involved in the criminal justice system we would expect to see increased use of these conferences, as they constitute a best practice and they have been underutilized in New Brunswick.

The number of reintegration leaves for youth in secure custody has decreased, from 91 to 78.<sup>37</sup> Again, when we take into account the lower number of admissions to corrections, the proportion of reintegration leaves for youth compared to admissions has remained steady. Nevertheless, even though the number of youths in secure custody may have decreased, the use of reintegration leave should, we feel, be given even more prominence, to accord with the principles of the *Youth Criminal Justice Act*. Reintegration into community is a challenge when youth are incarcerated in New Brunswick's secure youth detention facility outside Miramichi, far from the Saint John-Fredericton-Moncton triangle where most of these youths come from. Incarcerated youth face challenges reintegrating back into their communities. The issues these youths bring to our office most often concern having a place to live, being able to return to school, finding community

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<sup>36</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 18.

<sup>37</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 19.

supports, and addressing conflict with parents. These youth need reintegration leave in order to rebuild these supports.

We also see in the Child and Youth Rights and Wellbeing Snapshot that the number of escorted leaves for youth in secure custody has reduced from 691 to 528.<sup>38</sup> These are not promising statistics, and they should provide impetus for corrections staff at the youth secure detention facility to place more focus on these matters.

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<sup>38</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 20.





The remoteness of services and the disruption to the young person's relationships, family life and education are also problems in the youth open custody system in New Brunswick. Due to recent changes in the open custody system, youth now go to an addictions rehabilitation facility, a group home in a First Nations community, or to recently converted quarters located at the secure detention facility. We see better practices in other Canadian jurisdictions and in the US. New

Brunswick should be modelled on the best, not the worst. Open custody is a sentence option meant to reflect the Principles set out in section 3(1)(a)(ii) of the *Youth Criminal Justice Act* and the importance of community and family connection for rehabilitation and reintegration. We see in the Child and Youth Rights and Wellbeing Snapshot that 79% of youth in New Brunswick have a strong sense of belonging to their communities.<sup>39</sup> Taking away this one connection can mean taking away the last positive support that a youth has. When the Department of Public Safety makes decisions about how to structure its youth corrections system, it should place very high importance on this factor.

Keeping kids out of jail is not simply a police issue, nor is it simply a corrections system issue. It is a school issue. It is a public health issue. It is a social welfare issue. It is a community issue. There are many ways by which we can improve life outcomes for these youth. We can do this by building resiliency and confidence in children and youth. By diverting as many children away from criminal justice processes as possible while directing them to community supports. By improving our clinical treatment capacity for youth facing mental health challenges and youth with complex needs. And by taking into account the opinions and advice of youth.

<sup>39</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 60.

## The Risks of Pre-Trial Detention

Pre-trial detention (also known as ‘remand’) in a secure custody facility increases the risk of youth falling into a life of crime. The real need for most of these youths may be for social supports, mental health intervention, or a place of safety.

Accountability for crime is unquestionably important. The youth criminal justice system demands accountability of offenders. That is a fundamental principle of Canada’s governing legislation for youth crime, the *Youth Criminal Justice Act*. That *Act* also, though, recognizes the imperative need to protect youths from harm in this dangerous system. There is good reason why Article 40 is by far the longest Article in the *Convention on the Rights of the Child*. Upholding the rights of youths in the criminal justice system is absolutely imperative if we want to protect these youth from serious developmental harm. We all have a stake in ensuring that youth do not fall into a cycle of repeat crime (recidivism). Therefore, as enshrined in the *Convention on the Rights of the Child*, deprivation of liberty must be considered only as a last resort, and then for the shortest appropriate time.

The youth criminal justice system is far too often used as a substitute for adequate mental health supports, educational supports, addictions treatment, rehabilitation from abuse and neglect, or a caring home environment when we remove

youth from their parents. We often hear from service providers that New Brunswick’s lack of safe spaces for youth under the *Family Services Act* leads to youth being remanded to the detention facility in Miramichi rather than being placed in their home communities.



## Criminalizing Youth in Group Homes and Foster Care

Some youth are more vulnerable than others to being caught in the criminal justice system. Youth without parental care, taken into the legal care of the Minister of Social Development, living in group homes and foster homes, are, in our experience, much more likely to be charged with offences that would be dealt with by 'grounding' or other discipline in a normal family setting. All adolescents are in a stage of life characterized by rapid social, intellectual, neurological and psychological changes. Exploration and experimentation are part of the developmental stage of adolescence – youths are shaping their character. And almost all adolescents will commit some crime. They mostly commit minor offences such as underage drinking, experimenting with drugs, shoplifting, spraypainting, or trespassing. Canada's governing youth criminal law recognizes the fact that most youth crime is not serious violent offences, and the law provides a structure to effectively address real issues and root causes without resorting to incarceration. Government needs to be a parent to these youth.



# PART IV

## PROVISION RIGHTS



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Interpretation of provision rights in the *Convention on the Rights of the Child* must be informed by the *Convention's* 'Guiding Principles' (Articles 2, 3, 6 and 12). Of course, due to the interdependence of all children's rights, protection and participation rights will overlap with the provision rights described in this section of the State of the Child Report.

Provision Rights in the *Convention on the Rights of the Child*

(Article 2) The right to provision and protection of rights without discrimination (the right to substantive equality)

(Article 3) The right to have the best interests of the child be a primary concern in decisions that affect children

(Article 12) The right to have the child's opinion voiced in all matters that affect him or her

(Article 4) The right to insist on government's obligation to implement Convention rights, and, for economic, social and cultural rights, to do so to the maximum extent of available resources.

(Article 5) The right of government assistance to parents in supporting children's rights

(Article 6) The right to maximum survival and development

(Article 7) The right to identity and to know and be cared for by parents

(Article 8) The right to preservation of identity

(Article 9) The right not to be separated from parents

(Article 10) The right to enter or leave the country and family reunification

(Article 14) The right to freedom of thought, belief, conscience and religion

(Article 18) The right of assistance from government to parents, and the right to institutions, facilities and services for the care of children

(Article 20) The right to protection and care for children deprived of a family environment

(Article 22) The right of refugee children to assistance and protection of all rights under the *Convention*

(Article 23) The right of mentally or physically disabled children to special care and assistance to promote his or her dignity, self-reliance, individual development and fullest possible social integration

(Article 24) The right to the highest attainable standard of health

(Article 25) The right of children in state care to periodic review of circumstances

(Article 26) The right of the child to benefit from social assistance

(Article 27) The right of the child to a standard of living adequate for physical, mental, and social development

(Articles 28 and 29) The equal right to education directed toward the fullest possible development of mental and physical abilities, and respect for human rights

(Article 30) The right of Indigenous children and children of ethnic, religious or linguistic minority groups to access and enjoy their culture, religion and language

(Article 31) The rights of children to be provided opportunity for unstructured play, structured recreation, participation in cultural life and the arts, as well as adequate sleep and leisure time

(Article 42) The right to have the provisions and principles of the convention made widely known to adults and children.

- (ARTICLE 4) THE RIGHT TO INSIST ON GOVERNMENT'S OBLIGATION TO IMPLEMENT CONVENTION RIGHTS, AND, FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS, TO DO SO TO THE MAXIMUM EXTENT OF AVAILABLE RESOURCES.
- (ARTICLE 5) THE RIGHT OF GOVERNMENT ASSISTANCE TO PARENTS IN SUPPORTING CHILDREN'S RIGHTS

### The Family Justice System

Our office receives many requests for advocacy from parents who are in the midst of a custody battle with their partner. Often there are very serious children's rights issues that need to be addressed. Sometimes though, these advocacy request are attempts to have our office intervene with child protection services, with one parent accusing another of neglect toward the children. Of course all matters must be thoroughly

investigated, and this is the duty of the Department of Social Development's child protection services branch. However, when accusations of neglect between separating spouses prove unfounded the children still suffer. It is a completely egregious situation to have children caught between battling parents. Government has an obligation in this regard. If government is to assist parents in supporting the rights of their children, government must address the serious problems with the family justice system.

Family court needs major changes to make it less adversarial and expensive. It needs to be less time-consuming, financially draining, and psychologically and emotionally damaging. The situation in New Brunswick family courts continues to worsen. Family court is burdened with crippling caseloads. At the Office of the Child and Youth Advocate we deal daily with the dire problems that result from this inefficient, dysfunctional, overly adversarial system. Parents in custody disputes are forced by the court system to place blame on each other, and to squander funds that could be better spent on their children's development. Children suffer when families suffer.

Judges, lawyers and other professionals understand the problems inherent in this system that breeds conflict. Increased use of non-adversarial, alternative dispute resolution methods such as mediation could allow for greater access to justice for those who cannot afford a lawyer. But equally important in our view, the court system must be

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adapted to focus more on the best interests of children. Children in these situations usually do not get their needs met and are left hurting. They do not know what to do because they do not receive proper guidance and support. Moreover, the time that it takes to resolve custody and access issues through the courts also has severe negative repercussions on children. And through it all, children are not heard. Legal representation should be provided to children in custody matters when appropriate, ensuring that their interests in custody, access and child protection cases are given due consideration.

There are many aspects of the family justice system that require attention in New Brunswick. As another example, our province lacks supervised access centres for parents who are under court orders to visit their children only under supervision. What often happens in these situations is that a friend or relative of the parent may act as a 'supervisor' of the visit, rather than an independent, trained and neutral third party. Other provinces have centres that act as safe environments for supervised visits. These centres also play a vital role in reducing conflict between parents, as drop-offs and pick-ups for visitation can be done at these neutral spaces rather than at homes.



➤ (ARTICLE 18) THE RIGHT OF ASSISTANCE FROM GOVERNMENT TO PARENTS, AND THE RIGHT TO INSTITUTIONS, FACILITIES AND SERVICES FOR THE CARE OF CHILDREN

### Child care

Day care costs in New Brunswick per day on average are \$30 for infants up to 2 years old, \$26 for pre-school children, and \$14.70 for children in afterschool programs. These costs represent significant increases from the previous year (\$29, \$24.60, \$14.30). The Child and Youth Rights and Wellbeing Snapshot for 2014 shows that the total approved number of child care spaces has risen from 22,649 to 24,556.<sup>40</sup> The most recent statistics published by government show that there are 622 regulated child day care facilities (although this number for the year 2011 related to 20,319 child care spaces, and is therefore slightly outdated). Those spaces were divided into 1492 spaces for infants, 9065 for pre-school children, and 9792 for school-aged children in after-school programs.

<sup>40</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 20.

In New Brunswick, government has shifted the child care portfolio from Social Development to the Department of Education and Early Childhood Development. This is a very welcome move. There is much room for improvement, however. There is no question that evidence from studies shows that the quality of daycare provision is higher in publicly funded systems with well-trained staff. In New Brunswick, only 40% of those working in approved child day care centres have recognized training (1272 workers trained, 1853 untrained). There are great benefits to be had for all society from an affordable child care system, such as those we see to our immediate west and east, in Quebec and P.E.I.

The Department of Education and Early Childhood Development approves, renews, monitors and investigates day care facilities. Of the 622 regulated spaces, 104 are community day care homes. Community day care homes must not exceed 6 children of a combination of ages or where solely school age children are cared for no more than 9 children. Our office is often made aware of private daycare facilities breaching the rules, especially with regard to the number of children in the facility. Beyond quality of service issues, there are always unsettling questions of safety. Moreover, those living in poverty and the 'working poor' are affected most harshly by the lack of daycare options, and the expense of those that do exist. Licensed, publicly funded daycare spaces provide for better standards across the board, and can be made affordable.



### Support for single parent families

Sixteen percent of New Brunswick's population lives in a single parent family, which is of course not a reflection of whether these homes are stable and whether these family units are strong and healthy. It is only a reflection of a heightened challenge for these parents in our province. Unquestionably there are single parents bringing up their children with superior parenting, and one should be careful not to stigmatize single parents or stereotype them. Still, we must be attentive to the fact that some single parents need extra help. As just one indicator of the potential difficulties single parents may face, we note that single parent families use food banks in New Brunswick more than two-parent families do. When one takes into consideration that the great majority of single-parent families are single moms, statistics such as New Brunswick's gender wage gap have added resonance. More women than men earn incomes in New Brunswick, and yet women only earn an average of 66% of men's income. The percentage of women with incomes less than \$20,000 is significantly higher than men (47% compared to 30%). Incomes below \$10,000 also show a substantial gender gap (20% of women compared to 13% of men). Close to half of women in single-parent families in our Province live in poverty. Statistics also point to far higher percentages of child poverty in single-parent families.

➤ (ARTICLE 23) THE RIGHT OF MENTALLY OR PHYSICALLY DISABLED CHILDREN TO SPECIAL CARE AND ASSISTANCE TO PROMOTE HIS OR HER DIGNITY, SELF-RELIANCE, INDIVIDUAL DEVELOPMENT AND FULLEST POSSIBLE SOCIAL INTEGRATION

### Mental Fitness

The percentage of New Brunswick youth who view their mental health as being very good or excellent has declined from 79% to 72%.<sup>41</sup> New Brunswick has now fallen below the Canadian average percentage on this indicator. Three measures in the Child and Youth Rights and Wellbeing Snapshot relate to mental fitness (mental fitness being a state of psychosocial wellbeing, a positive sense of how we feel, think and act). Improved mental fitness (and overall wellness) is related to the satisfaction of three basic and universal psychological needs: Competence, Autonomy and Relatedness (CAR).

<sup>41</sup> Child and Youth Rights and Wellbeing Snapshot Table 4, Indicator 36.

The psychological need of mental fitness is competence, which relates to a sense of personal achievement and accomplishment. In grades four and five we see that 85% of New Brunswick children score high on this measure.<sup>42</sup> In grades six to twelve, however, only 76% of youth score moderate to high.<sup>43</sup>

**A quarter of New Brunswick youth do not have even a moderate sense of personal achievement and accomplishment**

<sup>42</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 47.

<sup>43</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 48.

The second psychological need of mental fitness is autonomy, which relates to one's freedom to make choices for oneself in matters that affect one's life. This measure of mental fitness is of course very closely related to Articles 12, 13, 14, 15, 16 and 17 of the UN *Convention on the Rights of the Child* (which include: rights to have one's opinion heard and taken into account; freedom of expression, association, assembly, privacy; and the right to access information of one's choosing). The percentage of children in grades four and five with high levels of autonomy is 53%.<sup>44</sup> For youths in grades six to twelve 70% have moderate to high levels of autonomy.<sup>45</sup> We would expect to see this number increase if New Brunswick is working towards protecting and promoting the rights of youth. The previous percentage for New Brunswick youth was 71%. In order to reverse a potential downward trend, special attention should be given to the autonomy levels of immigrant youth (presently at 66%) and First Nations youth (presently at 60%).

The third psychological need of mental fitness is termed 'relatedness', and refers to the level of connection with community, family and friends. A very telling and troubling statistic is that only 37% of New Brunswick youths feel that they are treated fairly in their community (and only 27% of First Nations youth).<sup>46</sup> This undoubtedly affects the level of

connectedness youths have to their communities. Nevertheless, we can see at least that 79% of New Brunswick youth have a somewhat strong or strong sense of belonging to their community.<sup>47</sup> This is somewhat encouraging, although much needs to be done for the one in five youths in this Province who do not feel even a somewhat strong sense of belonging to their community. Promoting a rights-respecting culture for children and youth throughout the Province is a key piece in improving this measure. New Brunswick youths' satisfaction with their mental fitness related to their family is at 78%,<sup>48</sup> and with their friends at 84%.<sup>49</sup> We can see how important peer relations are to youths, especially for those youths who do not feel a strong connection with their family.

Overall, we can see that 84% of children in New Brunswick in grades four and five have moderate to high levels of mental fitness.<sup>50</sup> For youth in grades six to twelve, 78% do.<sup>51</sup> Some areas of concern that require action are evident in the statistics. For example, youth who report having high levels of mental fitness is lower (69%) for First Nations youth than for New Brunswick youth generally (78%). When reporting on mental fitness needs relating to friends, we see that immigrant youth are at 76% compared to 82% for youth

<sup>44</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 49.

<sup>45</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 50.

<sup>46</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 61.

<sup>47</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 60.

<sup>48</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 48.

<sup>49</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 49.

<sup>50</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 47.

<sup>51</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 46.

generally. And only 59% of youth in New Brunswick are satisfied with their mental fitness needs related to school.<sup>52</sup>

## Mental Health

The rate of cases of childhood and adolescent mental diseases and disorders admitted to hospital in New Brunswick is far higher than the Canadian rate. In New Brunswick, the rate is 64 cases (per 10,000) compared to the national rate of 35.5.<sup>53</sup> The New Brunswick rate has climbed from 55.9. While the hospitalization rate for mental disease and disorders in New Brunswick is increasing, New Brunswick struggles with long wait times for mental health assessments. Our office's view based on what we see and what professionals tell us is that the mental health system for children and youth mostly acts in reaction to emergencies.

When we look at the disaggregated data of hospitalization for mental disease and disorders, we see a shocking difference between female and male rates. The rate for girls is 83.6 compared to 45.3 for boys.<sup>54</sup> Some of the specific indicators on mental disorders speak to a major divide in this regard. The rate of cases of depressive episodes admitted to hospital is 23.7 for female children and youth compared to 4.9 for

males.<sup>55</sup> For cases of stress reaction the rates are 17.8 for females and 7.7 for males.<sup>56</sup> The rate for mood (affective) disorder is twice as high for females (5.1) as males (2.1).<sup>57</sup> For anxiety disorder the female rate is five times higher than the male rate (4.1 compared to 0.8).<sup>58</sup> For eating disorder it is over twenty times higher (4.3 compared to 0.2).<sup>59</sup> We can also see elsewhere in the Child and Youth Rights and Wellbeing Snapshot that female youth have higher reporting percentages of not being satisfied with life – 7% of female youth are not satisfied with life compared to 3% of male youth.<sup>60</sup>

**The New Brunswick rate of cases of childhood and adolescent mental diseases and disorders admitted to hospital is substantially higher than the national rate**

<sup>52</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 21.

<sup>53</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 20.

<sup>54</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 20.

<sup>55</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 22.

<sup>56</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 23.

<sup>57</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 25.

<sup>58</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 26.

<sup>59</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 27.

<sup>60</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 55.

**The rate of children and youth hospitalized for mental diseases and disorders is far higher for females than males in New Brunswick**

New Brunswick faces many challenges in relation to addressing child and youth mental health issues. It is worth noting, though, the positive development that the percentage of service delivery done within 30 days (from referral to first visit) for child and youth mental illness has increased for the first time in the last 4 years. The increase is significant: from 41.7% in 2012-2013 to 52.6% in 2013-2014.<sup>61</sup> Speed of access to medical professionals is vitally important for children and youth. Mental health is a serious concern for many New Brunswick youth, as can be seen from the most recent statistic showing that 13% of New Brunswick youth talked to a professional about emotional or mental health in 2011-2012.<sup>62</sup>

<sup>61</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 19.

<sup>62</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 10.

### Special Needs

Children continue to face provision rights challenges. Some students with special needs are not provided enough supports to be sufficiently accommodated in their education. Some families with high-needs children struggle with what they feel is inadequate provision of supports such as parent aides and therapy options.

Parents call our office frustrated, worried, tired, and overwhelmed, fearing that they may have to give up their children to the care of the government because they are barely coping. Parents get burned out in their advocacy. It is an obligation of government to develop a system of supports and services to children with mental health issues. The same can be said about parents of children with cognitive disabilities.

With regard to disability we see parents confronted with a confusing system when looking for services for children on the Autism spectrum. New Brunswick could benefit from a service map to direct families to services. New Brunswick needs to address the persistent lack of access to diagnosis and treatment. Many children and adolescents with Autism are not in schools and cannot access services and supports. Family guidance and crisis support could help parents cope. New Brunswick can improve upon the successes it has

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achieved with Community Autism Centres by putting resources in place for those over age nineteen. Transitioning out of adolescence is a big missing piece in Autism supports – Autism doesn't end at youth attaining adulthood.

Furthermore, when government institutes changes such as recent proposed (and subsequently rescinded) changes to the Pre-School Autism Program, a process for determining potential negative and positive impacts on children's rights can help to guide government decisions. Continuity of service is extremely important for children on the Autism spectrum. A disruption can have severe setback consequences. If the Department of Education and Early Childhood Development decides to revisit changes to this program, the decision-making process would benefit from a child rights impact assessment.



## ➤ (ARTICLE 24) THE RIGHT TO THE HIGHEST ATTAINABLE STANDARD OF HEALTH

The right to health is dependent upon many other rights being upheld. Contrary to what many of us would intuitively think, our personal health is not simply determined by lifestyle choices and medical treatment. It is also determined by what are known as the ‘social determinants of health’. These are our living conditions, such as: levels of education; employment status; working conditions; quality of food; quality of housing; provision of social and health services; and income levels. The New Brunswick Health Council fully understands this reality, and New Brunswick’s Wellness Strategy reflects this understanding. The Child and Youth Rights and Wellbeing Snapshot therefore attempts to reflect the social determinants of health. Municipal and Provincial government action can have a profound effect on the social determinants of health through programs, policies, regulations and legislation. Tracking and analyzing data is an integral piece in government’s influence over the social determinants of health.

### Food Insecurity

When we look at the percentages of youth who eat breakfast every day, we see a very worryingly low percentage of First Nations youth starting the day with food – only 32%.<sup>63</sup> The percentage for the general youth population is also disconcerting, at 42%.<sup>64</sup> Thirty percent of children in grades four and five are also starting the day with no food.<sup>65</sup> Teachers and guidance counselors in schools would not be surprised by these numbers. They see kids going hungry every day.

Of course, poverty is not the only reason as to why kids are not eating breakfast – in fact having no food to eat at home is one of the least reported reasons. The most commonly reported reason is that youths simply don’t have time to eat before school. The next common reason is that youth simply aren’t hungry in the morning. Nevertheless, we know that for some students there is simply not enough food at home. 12% of those under age eighteen in New Brunswick face food insecurity in homes.<sup>66</sup>

It is very encouraging to see some individual schools paying attention to healthy food options. 61.9% of grade twelve students state that their schools promote healthy eating by

<sup>63</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 14.

<sup>64</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 14.

<sup>65</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 13.

<sup>66</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 9.

providing easy access to healthy foods and snacks.<sup>67</sup> Interestingly, 71.6% of First Nations grade twelve students stated that schools do so. Could this be a reflection of food insecurity in the homes of First Nations youth, or a better community response to wealth distribution? Some high schools provide free healthy snacks for students, to provide nutrition for students who don't get breakfast at home. Some high schools also provide free 'brown bag' lunches to youths who need them. Schools across the province partner with community groups and businesses to provide food to hungry children and youth. More such community involvement in healthy food provision would be very welcome.

### Obesity and healthy eating

We are not effectively tackling the adolescent obesity problem in New Brunswick. The percentage of youth in our province who are overweight or obese has gone up from 23% to 28%.<sup>68</sup> We have yet to see a coordinated plan between government departments to reduce the percentage of overweight youths.

<sup>67</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 44.

<sup>68</sup> Child and Youth Rights and Wellbeing Snapshot, Table 4, Indicator 29.

**The percentage of New Brunswick youth who are overweight or obese has climbed from 23% to 28%**

We wonder whether the messaging about healthy eating is being effectively communicated in New Brunswick. Immigrant youth eat fruit and vegetables significantly more often than the general youth population (54% eat five or more fruits or vegetables per day, compared to 43% of the rest of our youth population).<sup>69</sup> One might presume that immigrant youths' families bring their healthy eating habits with them to New Brunswick rather than learning them here. We do not have statistics for immigrant children in grades 4 and 5 on this indicator, but we can see that only half of all New Brunswick children in these grades eat five or more fruits or vegetables per day.<sup>70</sup> Boys are drinking more non-nutritious sweetened drinks than girls. 42% of male youth drink 2 or more non-nutritious sweetened drinks per day, compared to 24% of

<sup>69</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 16.

<sup>70</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 15.



females.<sup>71</sup> Neither statistic is very encouraging, but the number for boys is very worrying. It is also discouraging to see that among children in grades four and five, half report having had a sweetened non-nutritious beverage the day before being asked.<sup>72</sup> The divide on this statistic between boys and girls (56% vs. 48%)<sup>73</sup> in grades four and five is less than it is between boys and girls in grades six to twelve (76% vs. 58%),<sup>74</sup> but we can see unhealthy nutrition habits starting early.

### Physical activity and health behaviours

We can see from the Child and Youth Rights and Wellbeing Snapshot that only 60% of New Brunswick youth are physically active for at least an hour a day.<sup>75</sup> First Nations youth do better on this statistic (63%). A much lower percentage of immigrant youth are physically active for at least an hour a day than non-immigrant youth are (52% compared to 60%). But what is most troubling is the divide between female and male youth. Only 53% of female youth are physically active for at least an hour a day compared to 68% of male youth.

<sup>71</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 18.

<sup>72</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 17.

<sup>73</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 17.

<sup>74</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 18.

<sup>75</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 26.

Perhaps even more disturbing is that only 35% of children in grades 4 and 5 spend at least 60 minutes doing moderate to hard physical activity every day.<sup>76</sup>

**Two out of five New Brunswick youth are not physically active for at least an hour per day**

**Only a third of New Brunswick children in grades four and five get the recommended amount of daily physical activity**

<sup>76</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 25.

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In the Child and Youth Rights and Wellbeing Snapshot, we see an abrupt drop in the percentage of youths walking and biking to school (down to 34% from 42%). This puts New Brunswick youths 8<sup>th</sup> out of 10 Provinces in this regard. Our Province's rural communities surely account for much of the reason why adolescents are not walking or biking to school, but undoubtedly non-vehicle options can be better promoted in schools and communities.

Much of the data on health behaviours continues to be troubling. For example, male youth are nearly twice as often smokers as female youth.<sup>77</sup> More immigrant youth are smokers than the general youth population are. Smoking among First Nations youth is especially high. But it is a danger for all youth, as nearly half try smoking at some point before graduating.



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<sup>77</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 30.

➤ (ARTICLE 27) THE RIGHT OF THE CHILD TO A STANDARD OF LIVING ADEQUATE FOR PHYSICAL, MENTAL, AND SOCIAL DEVELOPMENT

Provision of social services to youth aged 16-18.

There is a limbo stage for many youths who are transitioning from adolescence to adulthood. A sixteen year-old is not an adult, but in New Brunswick youth aged sixteen to eighteen can refuse to accept social services. One problem our office has persistently seen is that there has been inconsistency among social workers in how options are presented to youth. Of course, it is not always easy to convince a teenager that they should allow someone from government to be inserted into their lives. But social workers must make a proactive offer of services and an attempt to convince youth of the benefits of these services. A great many social workers go above and beyond in attempting to link youth with supports and services. Unfortunately we continue to see some instances of social workers hearing an initial “no” from a youth and then closing the file, without the youth really being given fulsome information about what the youth is entitled to. Every youth deserves the same level of service, no matter who

the social worker assigned is or what geographic region they are in. There needs to be consistent quality of service across the Province.

There remains a significant deficit in government outreach to homeless youth in this age group and situation. The availability of services to youth is only useful if there is a way to show youth how beneficial the services can be. Thankfully, new Youth Engagement Services practice standards have been developed by government. The intention of the program is good, as are the objectives. The program has the potential to greatly improve the lives of homeless youth in this age range. The program went into effect in October, so we will not know how effective it is for some time. We hope that sufficient information will be tracked to measure the effectiveness of the program (especially in relation to youth who have been deemed ineligible). We will also be concerned to ensure that potential problems we have identified do not materialize.

Our concerns include the following. Youth must have been living outside of their parental home for a minimum of three months to qualify for supports under the Youth Engagement Services program. Youths must also have been resident in New Brunswick for the past three months, meaning they may have left their home many months previous, but when they come to New Brunswick they must wait three more months before accessing these services. They must also be a Canadian citizen. It is easy to see how these criteria disadvantage

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youths in particular situations. A youth may not want to be involved in a Child Protection / Family Enhancement process, but they are then left without support options if they are deemed ineligible for Youth Engagement Services. Imposing a *de facto* probationary homeless period on youths to qualify for supports and services is, in our view, problematic. Youth can be exposed to many extreme forms of harm in three months living on the streets or ‘couch surfing’. However, if the Youth Engagement Services program is administered in a rights-adhering manner as it is set up to be, these problems can be avoided.

### Child Poverty

Statistics Canada poverty data is problematic in relation to child poverty, in that data collection techniques are not to the standard of reliability we would like to see. To the highest reliability we can assess, however, New Brunswick has a relatively high proportion of children and youth living in low-income families (21% compared to 17% nationally).<sup>78</sup> That is one in five New Brunswick children and youth who face the pressures and problems that come with poverty. When we look specifically at children under the age of six, the picture is even more concerning – 23% living in low income families

compared to 18% for Canada as a whole.<sup>79</sup> A study in 2014 using Statistics Canada data found Saint John to be tied with Toronto for the highest rates of child poverty in the country. New Brunswick children and youth are also 7<sup>th</sup> out of 10 reporting jurisdictions in Canada for food insecurity in homes.<sup>80</sup>



<sup>78</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 8.

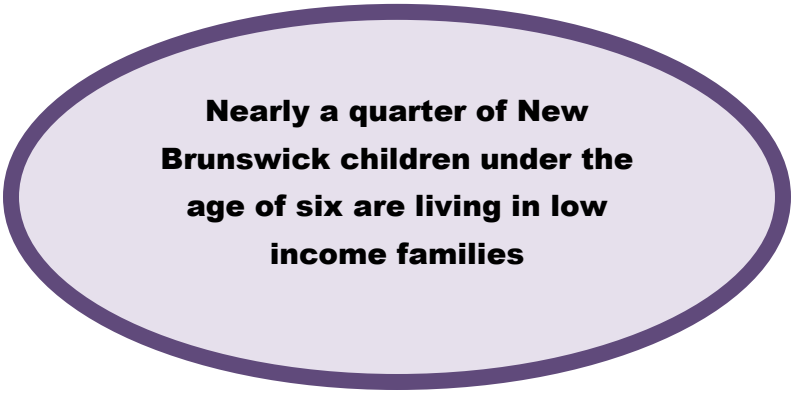
<sup>79</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 8.a.

<sup>80</sup> Child and Youth Rights and Wellbeing Snapshot, Table 3, Indicator 9.

Food bank statistics for New Brunswick consistently show that a third of New Brunswick's roughly 20,000 users are under the age of eighteen. The data we have on food insecurity in New Brunswick homes with children shows a high percentage (12.0%) compared to the Canadian percentage (10.3%). These percentages are from 2011-2012, but we have no reason to believe that this issue is less of a problem today. We fear it may be more of one, given other indicators relating to child poverty and child and youth reporting on eating habits. We also note that food bank usage in New Brunswick increases each year. In Saint John the usage has undergone a staggering increase – with 68% more food bank usage in 2013 than in 2008. Food security is one of the four major social determinants of health, according to the Canadian Medical Association. Looking at the available data, New Brunswick has cause to be seriously concerned for the health of its children.

Children who live in poverty are statistically more likely to have health problems and education difficulties. Inadequate housing and child poverty are closely connected. Sub-standard housing can increase adverse environmental effects for children, such as asthma caused by mold. Increased rates of malnourishment, severe ill-health and stunted development go hand in hand with child poverty. Housing costs continue to rise more quickly than incomes. Families fall into arrears on rent payment, and their debt grows, they use payday loans with extreme interest rates, thereby sending

them further into the cycle of debt, and they have to cut back on essentials such as food, clothing and heating.



**Nearly a quarter of New  
Brunswick children under the  
age of six are living in low  
income families**

Availability of affordable, healthy and secure housing for children in New Brunswick can significantly help to alleviate child poverty and the developmental risks that go with it. There are many potential aspects to a solution. These include: making childcare more available and affordable in order to make employment for parents more manageable; increasing household income through job opportunities; and ensuring the availability of adequate income security programs. Better access to post-secondary education would also help to break the cycle of poverty. Of course, the solutions do not lie solely with government. There must be concerted efforts between government and civil society. The business community also

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needs to speak up and take action, as do communities in general. In all actions to alleviate poverty, we believe that children must be foremost in everyone's thinking. The Office of the Child and Youth Advocate has therefore recommended that government's Poverty Reduction Plan should have a 'children first' focus.

Children and youth in poverty face stigma and alienation. In New Brunswick, youths' sense of belonging to their community is 5<sup>th</sup> out of 10 comparable jurisdictions in Canada. This is an improvement on New Brunswick's previous standing as 8<sup>th</sup> out of 10, but nothing to be complacent about. We do not know what the percentage would be among youth living in poverty, but we feel that it is a fair assumption that the percentage would be significantly higher for youth in poverty than for the general youth population. Protection from the adverse effects of poverty is a right of children. And for a sustainable society, it is economically imperative. Having a sense of belonging to community is an important part of engaging youth to provide a structure for the social supports necessary to ensure their wellbeing and resilience.



➤ (ARTICLES 28 AND 29) THE EQUAL RIGHT TO EDUCATION DIRECTED TOWARD THE FULLEST POSSIBLE DEVELOPMENT OF MENTAL AND PHYSICAL ABILITIES, AND RESPECT FOR HUMAN RIGHTS

### Engaging children and youth in education

Getting good grades is important to all youths, including those with special needs, immigrant youth, and First Nations youth. All groups reported over 90% positively to this indicator.<sup>81</sup> This reflects commitment on the part of New Brunswick's young people to meet the challenges of education and to excel. The system is, however, a hindrance to this goal for many youths.

New Brunswick has great schools with wonderful teachers. But still the system does not function adequately for all children and youth. We strongly believe that the Province needs to further shift to a rights-respecting school culture, where every student feels valued. Only 78% of youth feel

<sup>81</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 10.

respected at school. There is, we believe, a correlation between not feeling respected and engaging in oppositional behaviour. 22% of youth do not feel respected at school<sup>82</sup> and 22% of youth have high levels of oppositional behaviours at school.<sup>83</sup> A rights-respecting school is one based on empathy and mutual respect. It is one that allows for the fullest development of each child. Schools have the obligation to create environments that foster mutual respect, not only among peers but between the administration and students. We are far from a perfect system, and talk of student rights is often met with fear. Rights are no threat to authority. Children and youth should be educated about their rights and responsibilities in a progressive way according to their age, throughout their school years.

**One in five New Brunswick youth do not feel respected at school**

<sup>82</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 51.

<sup>83</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 59.

A somewhat high percentage (89%) of youth in our Province feel connected to their school.<sup>84</sup> This leaves, however, 11% who do not. This statistic of more than one in ten students not feeling connected to their school surely influences the dropout rate. New Brunswick is the 9<sup>th</sup> worst Province in Canada when it comes to 20-24 year olds without a high school diploma; 18.1% of 20-24 year-olds in our Province are not in school and don't have a high school diploma.<sup>85</sup> It would be interesting to see a study of the effects of this statistic on our economy. Eighty-eight percent of immigrant youth feel connected to their school. Immigrant youth in grade 12 are more likely to participate in activities organized by their schools (48% do, compared to 40% of the general grade 12 population).<sup>86</sup> This connection with schools for immigrant youth is very encouraging and should be fostered as much as possible. In New Brunswick 42% of First Nations students find it important to participate in school activities outside of regular classes.<sup>87</sup> This lower percentage than the general student population (50%) may speak to a level of disengagement and lack of connection to school for First Nations students. Eighty-four percent of First Nations youth feel connected to their school.<sup>88</sup>

<sup>84</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 52.

<sup>85</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 42.

<sup>86</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 22.

<sup>87</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 12.

<sup>88</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 53.

A number of statistics raise questions. Why do immigrant and First Nations students in grade 12 feel that they do not have the opportunity to participate in elective courses that interest them? Only 63% of immigrant youth reported positively on this indicator, compared to 78% of students generally. 68% of First Nations youth reported positively.<sup>89</sup> Immigrant grade 12 students also feel they have less opportunity to take part in career-related learning experiences than the average grade 12 student (52% versus 64%).

Eighty percent of grade 12 youth report that they plan to undertake college or university studies after high school graduation.<sup>90</sup> However, the percentage of youth who actually do so is not tracked. We hear anecdotally from people in the school system that the actual percentage of youth who go on to post-secondary studies is likely far lower. Only 69.5% of First Nations grade 12 youth report that they plan to undertake college or university studies after high school graduation, compared to 80% for all grade 12 students. The percentage for immigrant students (75.8%) is also lower than the general youth percentage. For all youth the female percentage is significantly higher than the male percentage (83.9% vs. 75.7%).

<sup>89</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 1.

<sup>90</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 62.



Truancy and dropouts continue to be a major problem, even though we do see a slight reduction in the dropout rate.<sup>91</sup> Although by law children and youth have to attend school or be on a recognized education plan, there is in effect no way to force kids to go to school, or at least no way that government is inclined to use.



### School Suspension

School discipline, according to Article 28 of the *Convention on the Rights of the Child*, must be “administered in a manner consistent with the child’s human dignity”. This is not a frivolous wish – this obligation requires thoughtful consideration of the potential adverse effects of every kind of school discipline.

Suspension from school is a huge risk to the development of children and youth. Suspension disrupts education, and youth often have a difficult time getting their academic achievement back on track. Moreover, because confidence is shaken and catching up can prove to be difficult, students may be disruptive or start skipping classes as a coping mechanism for their perceived inability and failure. When suspension rates increase, grade failure rates increase, dropout rates increase, and it can become a slippery slope to a lifetime of poor job prospects, or worse, to the sticky web of the youth criminal justice system. New Brunswick needs to ensure that students who are suspended continue to make academic progress during periods of removal.

But more importantly, alternatives to suspension are essential. Our office sees situations wherein schools turn to the police and the criminal justice system instead of being supported by Mental Health and Social Development to deal with discipline problems.

<sup>91</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 22.

We see many instances wherein youths who are in trouble with the law are kept out of school. The use of threat assessment tools is essential in some circumstances, but when applied in inappropriate circumstances these processes can stigmatize, alienate and penalize youth, and lead to unnecessary negative outcomes. Moreover, if not implemented effectively, these processes can be overly rigorous and can take extended amounts of time, during which period a youth's education and social development is stalled. Inclusive education is not simply a matter of bringing students with disabilities into classrooms; it involves a deeper commitment to ensuring that *all* students are included.

Approaches that focus on addressing student conflict problems at an early stage before they escalate are effective. Providing necessary supports to students *when they are first needed* makes schools safer and more productive. The Department of Education and Early Childhood Development recognizes this, as does each school District, but greater attention to upstream measures is imperative.

### Access to education for students with disabilities

Education is to be directed toward the fullest possible development of mental and physical abilities, and provided on the basis of substantive equality. We commend the Department of Education and Early Childhood Development

on its efforts to improve respect for equality in schools. And we know that most teachers and administrators in the Districts believe in education without discrimination. However, we do see obvious examples of how the understanding of the legalities of substantive equality falls short in some schools. We feel that there is an unaddressed need to provide training on equality obligations to administrators, teachers and support staff.

**29% of New Brunswick grade twelve students with disabilities participate in sports organized by their school, but 39% participate in sports *not* organized by their school**

Children and youth with physical, mental and intellectual disabilities are entitled to special services to aid them in attaining their full potential. Social integration fosters this development. The philosophy of inclusive education is an important beacon for equality in our society. The Department of Education's policy on Inclusive Education is a profound

document. It is something we fully support. However, there remains a gap between this policy and its implementation in schools. We very often encounter issues in schools where inclusion obligations relating to disabilities are poorly understood. Change does not occur overnight, but without adequate funding and support it will fail.

All aspects of education must meet substantive equality obligations. Recreation and play are just two such areas. 42% of grade twelve students participate in sports organized by their schools.<sup>92</sup> But only 29% of grade twelve students with disabilities do.<sup>93</sup> This is in some ways not surprising, but it raises questions as to what the purpose of school sports should really be and whether schools are meeting the essential goals of recreation for all youth.

A perhaps telling statistic is that 39% of grade twelve students with disabilities participate in sports *not* organized by their schools.<sup>94</sup> Therefore the will and ability of students with disabilities to participate in sports is apparently there. In schools, however, the opportunity is apparently not. A very low percentage of grade twelve students with special needs feel that their schools provide opportunities for physical

exercise beyond gym class (66% compared to the general grade 12 population at 80%).<sup>95</sup>

Grade twelve youths with disabilities turn to activities not organized by their schools. A greater percentage of these youth than the general grade twelve population participate in out-of-school activities.

Along with recreation, play is an essential aspect of the education system. Yet we see many school playgrounds across the province with little or no accessibility for children with disabilities. No guidance is given by the Department of Education and Early Childhood Development. No policy addresses this concern (not even the Department's policy on inclusive education). Communities are left with the responsibility for fundraising to fill the needs, without information-sharing of best practices between schools and Districts. The Districts and the Department do not even know the extent of the barriers to accessibility on school playgrounds. New Brunswick can do better than this.

### Performance in Education

Data helps to guide the schooling system. Figures such as those found in Table 5 of the Child and Youth Rights and Wellbeing Snapshot provide measures by which the system

<sup>92</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 20.

<sup>93</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 20.

<sup>94</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 21.

<sup>95</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 5.

can gauge how it is performing. Literacy and numeracy remain challenges in our Province's schools. For example, we see falling numbers in grade two reading comprehension in both the Francophone and Anglophone sectors, with only 76% of Francophone sector and 78% of Anglophone sector students achieving appropriate or above performance.<sup>96</sup> Slight improvements in Francophone and Anglophone sector grade four reading are welcome, but not very encouraging when we see that only 68% of students in both sectors are presently achieving appropriate or above performance.<sup>97</sup>

**More than a quarter of grade two students in New Brunswick do not achieve appropriate performance in reading comprehension**

One of the most striking aspects of these statistics continues to be the divide between female and male students in many categories. Grade four writing in the Anglophone sector shows an extremely wide divide, with 71% of female students and only 55% of male students achieving appropriate or

<sup>96</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 3.

<sup>97</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 7.

strong performance in writing.<sup>98</sup> Other categories in the Anglophone sector show significant, though not quite as dramatic, divides. In grade two reading 82% of female students meet the standard, compared to only 73% of male students.<sup>99</sup> In grade seven reading the divide is 83% for females and 72% for males.<sup>100</sup> For grade nine reading 84% compared to 77%.<sup>101</sup> For grade nine writing it is 94% compared to 83%.<sup>102</sup> For French as a second language in the Anglophone sector it is 44% compared to 30%.<sup>103</sup>

We see similar female to male divides in the Francophone sector. In grade two reading, the difference is 79% for females and 73% for males.<sup>104</sup> In grade four reading the difference is 75% for female students and 61% for male students.<sup>105</sup> In grade eleven French in the Francophone sector 64% of female students met the standard compared to 58% of male students.<sup>106</sup> There is also a very substantial divide in Kindergarten school readiness, with 87.5% of girls entering school meeting 'readiness' levels and 78.2% of boys.<sup>107</sup>

<sup>98</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 8.

<sup>99</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 3.

<sup>100</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 11.

<sup>101</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 15.

<sup>102</sup> Portrait des droits et mieux-être de l'enfance, Tableau 5, Indicateur 16

<sup>103</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 18.

<sup>104</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 3.

<sup>105</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 7.

<sup>106</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 19.

<sup>107</sup> Child and Youth Rights and Wellbeing Snapshot, Table 5, Indicator 1.

➤ (ARTICLE 30) THE RIGHT OF INDIGENOUS CHILDREN AND CHILDREN OF ETHNIC, RELIGIOUS OR LINGUISTIC MINORITY GROUPS TO ACCESS AND ENJOY THEIR CULTURE, RELIGION AND LANGUAGE

New Brunswick has a growing yet comparatively small Aboriginal population. The percentage of the New Brunswick population with Aboriginal identity is 3.1% compared to a national percentage of 4.3%.<sup>108</sup> There are extremely important Aboriginal rights in New Brunswick (as in Canada in general), but beyond these there is the issue of First Nations children in New Brunswick being a distinct minority of the population. This fact necessitates added vigilance to ensure that First Nations children are not discriminated against in any area. The immigrant population is also small in New Brunswick, being 3.9% of the Province's population (compared to 20.6% of the national population).<sup>109</sup> Article 30 of the *UN Convention on the Rights of the Child* ensures the right of children and youth in all minority groups to enjoy their

<sup>108</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 8.

<sup>109</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 7.

language, religion and culture. This is especially important in the school context. Particularly in light of discrimination suggested by statistics such as 29% of First Nations youth and 33% of immigrant youth reporting having been the victim of negative comments about their race, religion or personal features.<sup>110</sup>



<sup>110</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 4e.

## Language

New Brunswick is the only province in the country in which the legal rights and privileges of both official languages have equality of status under Constitutional law, the highest law in Canada to which all other laws must conform. We do well in upholding official language rights in our education system. But many children in New Brunswick speak languages other than French and English. No child should be disadvantaged due to their language. This is undoubtedly a challenge for our school system, and one which schools are working hard to address. From an administrative perspective, schools must be vigilant in assuring that newcomer and immigrant children and youth understand any administrative actions taken against them, and understand their rights to be heard and to have options communicated to them effectively. But more than that, all children and youth should have opportunities to enjoy their culture. Given New Brunswick and Canada's history, this is especially important in the First Nations context.

## Culture

Seventy percent of First Nations youth are interested in learning about their culture and heritage, far exceeding the 48% of the general youth population in New Brunswick who

show an interest in their cultures and heritages.<sup>111</sup> Are we providing the opportunities for First Nations youth to act on this interest? This is a very essential question, especially in light of the fact that nearly one in six First Nations youth do not feel connected to their school. Culturally and linguistically appropriate education is a cornerstone of educational success from the perspective of First Nations across the country.

We note that First Nations youth participate more in community or youth groups outside of school than non-First Nations youth do.<sup>112</sup> This is a very positive statistic of course. But again when we see that First Nations youth are more inclined than other New Brunswick youth to engage in activities outside of school rather than in school, we question whether it is reflective of the school system's ineffectiveness to adequately engage First Nations youth.

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<sup>111</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 17.

<sup>112</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 31.

➤ (ARTICLE 31) THE RIGHTS OF CHILDREN TO BE PROVIDED OPPORTUNITY FOR UNSTRUCTURED PLAY, STRUCTURED RECREATION, PARTICIPATION IN CULTURAL LIFE AND THE ARTS, AS WELL AS ADEQUATE SLEEP AND LEISURE TIME

### The importance of play

The design of our built environment (such as buildings, streets, parks, transit networks) has a profound impact on encouraging or discouraging physical activity. Play is no trivial matter; it is absolutely integral to full mental and physical development. Neuroscience has shown empirically that the ways in which children engage in creative spontaneous play shapes the development of the brain. Therefore, the way governments, especially municipal governments, approach the 'built environment' needs to take into account the necessity of allowing for play.

Other countries, and other provinces in this country, do better at providing the spaces for children to engage in play. There is a balance to be struck between safety and play. Public spaces are used less and less by children and youths. Bylaws that restrict use of public spaces by youth inevitably force these youth inside to their video games or outside to less public and less safe spaces. Municipal governments should be consulting with the Department of Health, the Department of Healthy and Inclusive Communities, not-for-profit organizations, the Child and Youth Advocate, and children and youth themselves to provide better, more inclusive spaces for play.



## Recreation opportunities

We must be sure to provide opportunities for recreation that engage all children and youth, not only those who play particularly well-funded sports. We still see a lack of skateboard parks in cities and towns across our province. Recreation is a cost-effective means of addressing public health concerns such as obesity. There is also the matter of inequality of access to recreation. The cost of many recreational activities is an obstacle to many families living in poverty. An added challenge is for children in rural areas to access recreational activities in towns – some municipalities continue to charge extra fees for children living outside the tax base area. The lack of access to recreational facilities for First Nations children is also something that continues to require both government and civil society attention.

## Rest

Rest is also imperative, and the adverse effects of lack of adequate sleep can be very damaging to childhood development. Insufficient sleep can lead to serious psychological and physical health problems. Adequate sleep is also essential for mental health and cognitive development. Children and youth are facing what has been described as a sleep epidemic with smart phone and computer use in the late night hours. Immigrant youth and First Nations youth are

particularly not getting enough sleep. In fact, 62% of all youth are not.<sup>113</sup> But 69% of immigrant and First Nations youth are not.

**Three out of five New Brunswick youth are not getting the recommended amount of sleep**

Parents need to be informed about the dangers of their children having cell phones, computers and televisions in the bedroom. This requires more outreach and education by government. Screen time usage among youth is worryingly high. Among First Nations youth it is especially high. As just one example of the potential adverse effects of too much computer use, cyberbullying follows its victims everywhere, including into their bedrooms, causing anxiety and sleep deprivation. It is worth noting that 14% of New Brunswick youths have been bullied by means of email and social media,<sup>114</sup> and 12% of New Brunswick youths have been bullied by means of a cell phone.<sup>115</sup>

<sup>113</sup> Child and Youth Rights and Wellbeing Snapshot, Table 1, Indicator 29.

<sup>114</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 4.g.

<sup>115</sup> Child and Youth Rights and Wellbeing Snapshot, Table 6, Indicator 4.h.



**More than half of grade four and five children in New Brunswick spend more than two hours per day of screen time**

Screen time in general should be cut off prior to bedtime. Blue light emitted from screens acts as artificial sunlight, decreasing production of melatonin, the hormone that regulates our sleep-wake cycle. This interferes with healthy sleep patterns; parents should therefore enforce a 'technology curfew' to ensure their children are getting adequate sleep. 55% of New Brunswick children in grades 4 and 5 have more than two hours per day of screen time.<sup>116</sup> The Canadian Sedentary Behaviour Guidelines (produced by the Canadian Society for Exercise Physiology) recommend less than two hours per day of screen time for children and youth aged five to seventeen.

<sup>116</sup> Child and Youth Rights and Wellbeing Snapshot Table 1, Indicator 27.

## Arts and culture

We see major divides in participation in the arts. 74% of grade twelve students report having the opportunity to take courses in fine arts, but only 60% of students with special needs do.<sup>117</sup> We do not know the actual participation rates of youth with special needs in arts activities in schools. We do, however, see other divides. Female youth are much more likely than males to participate in artistic activities both outside of and at school. Within school on the whole the arts do not attract high participation rates. 13% of youth participate in fine arts activities, 9% in drama and 8% in dance.<sup>118</sup> More New Brunswick youth should follow the example of immigrant youth in participating in music activities in school, as 20% of immigrant youth participate, compared to only 13% of youth generally.<sup>119</sup>

<sup>117</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 3.

<sup>118</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 18.

<sup>119</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 20.

# PART V

# PARTICIPATION RIGHTS



### State of the Child Report 2014

Article 12 of the *Convention on the Rights of the Child* is a participation right, but also a 'Guiding Principle' of the entire *Convention*. The other Guiding Principles must be considered when considering the fulfillment requirements of Article 12 and any of the other *Convention* Articles. And of course fulfillment of the rights highlighted below are dependent upon other rights, protection and provision rights, found in the *Convention*.

#### Participation Rights found in the *Convention on the Rights of the Child*

(Article 4) The right to insist on government's obligation to implement Convention rights, and, for economic, social and cultural rights, to do so to the maximum extent of available resources.

(Article 12) The Right to Have the Child's Opinion Voiced in all Matters that Affect Him or Her

(Article 13) The Right to Freedom of Expression

(Article 14) The Right to Freedom of Thought, Belief, Conscience and Religion

(Article 15) The Right to Freedom of Association and Peaceful Assembly

(Article 16) The Right to Privacy and Protection of Reputation

(Article 17) The Right of Access to Information

## ➤ (ARTICLE 12) THE RIGHT TO HAVE THE CHILD'S OPINION VOICED IN ALL MATTERS THAT AFFECT HIM OR HER

In the introduction to this report we have written about the importance of Article 12 of the *Convention on the Rights of the Child* generally. The extent of Article 12's reach is very broad, as the voices of children and youth should be taken into account whenever government decisions are made about them. Given our limited space in this report, however, we can only highlight some areas of specific concern relating to this right.

We continue to see obstacles to youth voice in judicial processes in the family justice system and the criminal justice system. And we continue to see obstacles in administrative proceedings such as those related to placement or disciplinary decisions in schools. Upholding the rights of children and youth requires a holistic approach that includes: child welfare; educational supports; mental health supports; knowledgeable police, lawyers and judiciary; and also family and community involvement. Fulfilling Article 12 obligations is essential to each of these aspects of a holistic system. Unfortunately, the right of children and youth to have their voices heard is in practice one of the most silenced rights.

## Providing for Student Voice in School Administrative Decisions

Requests to our office for advocacy in relation to the school system are often in relation to student placement, support or suspension decisions by school administrations. The School District appeals process is often a matter of complaint to our office. Article 12 of the *Convention on the Rights of the Child* asserts that children and youth *shall* be afforded the opportunity to have their opinions known and taken into consideration in all administrative decisions affecting them.

The Department of Education and Early Childhood Development began the development of a policy concerning the early resolution of disputes. That policy has not been completed but we hope to see it in place soon. For our office, a primary concern is that each child or youth's voice is heard in the dispute resolution process. Article 12 of the UN *Convention on the Rights of the Child* stipulates that a child who is capable of forming his or her own views has the right to participate in any matter affecting him or her, express his or her opinions freely and have those opinions be given due weight. Moreover, any decisions related to dispute resolution should be made in the best interests of the child (as per Article 3 of the *Convention on the Rights of the Child*), and it is difficult to imagine schools and districts being able to do so without hearing from the child or youth in question.

Furthermore, there are many cases in which a parent will not or cannot initiate a dispute resolution process, but the student may want to do so. It is not only 'independent pupils' under the definition in the *Education Act* who act independently of parental guidance. Sadly, there are many students whose parents are simply not adequately involved in raising their children. Those students should be able to initiate a dispute resolution process without parental permission. To disallow this would be a violation of their rights. We would also have concerns related to youth in the care of the Minister of Social Development. The Department of Social Development, exercising the legal rights of parents for these youths, may be in a conflict of interest position in a decision as to whether to initiate a dispute resolution process. While there may be situations wherein it is inappropriate to include a student in such a process, the default position should always be student participation, and all students should be able to initiate this process themselves when maturity and capacity allow for it.

## Youth Voice in the Criminal Justice System

If we want to address root causes of youth crime, we need to hear from the people in the system. We need to embed rights found in Article 12 of the *Convention on the Rights of the Child* into every aspect of the youth criminal justice system and into the lives of youths generally. There are problems with

implementation of Article 12 at every stage in the youth criminal justice process. Youth participate in case conferencing, and the increased attention paid to these conferences by the Department of Public Safety is commendable. However, New Brunswick has not acted on provisions of the *Youth Criminal Justice Act* to set up Youth Justice Committees that can better facilitate youth participation in case conferencing. Furthermore, the present youth criminal court system in New Brunswick is confusing and not conducive to youth expressing their opinions and giving input.

To be effective in crime prevention, a holistic rights-based approach to youth criminal justice is required. This approach must include: child welfare supports; educational supports; mental health supports; knowledgeable police, lawyers and judiciary; and also family and community involvement.

Youth criminal justice courts should be youth-centred, with specifically trained lawyers and judges. The language used during the trial should be suitable to the youth's age and understanding. And information about the process must be given to the youth in an understandable manner.

If we want to change the behaviour of youths and have them steer away from crime, we can't rely on a system that alienates them. Youths are legitimately distrustful of the justice system when it shuts out their voice. The process is intimidating for youths. And the people in the system often

are not effective guides to empower youth voice. There is no room for youth voice if the people in the system don't know how to listen and if the system does not give adults the opportunity to listen. Training is therefore essential, in order to move kids away from crime and toward supportive relationships that help them reach their fullest positive development. Adults working with children need an understanding of the socio-economic, environmental and cultural context of children's lives to engage children's participation effectively in accordance with their evolving capacities. This is particularly important in the court system.

## ➤ (ARTICLE 13) THE RIGHT TO FREEDOM OF EXPRESSION

Article 13 of *the Convention on the Rights of the Child* asserts the right of the child not to be restricted in the opinions she or he holds or expresses. Youths' right to freedom of expression under Article 13 is of course inextricably bound with Article 12, which provides the right of expression of views specifically about matters which affect the child, and the right to be involved in actions and decisions that impact on her or his life. And all *Convention* rights are interrelated and interdependent.

Only 57% of middle school and high school students find that it is important to them to express their opinions in class.<sup>120</sup> Freedom of expression is a highly valued and protected right in Canada. Expression must not only be protected but also *fostered*. Youths should feel that their opinions are valued and worthwhile expressing. Our schools have an extremely important responsibility to encourage expression, especially in the classroom. Interestingly, immigrant youth score higher on the importance of expressing their opinions in class – 64%.<sup>121</sup> Unfortunately, only 50% of First Nations youth cite this as important.<sup>122</sup> We wonder whether this is a reflection of disengagement and alienation among this student population;

<sup>120</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 15.

<sup>121</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 15.

<sup>122</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 15.

it is certainly an issue that needs to be specifically addressed in our school system.

**Only 57% of New Brunswick middle school and high school students feel it is important to express themselves in class**

## ➤ (ARTICLE 15) THE RIGHT TO FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

The percentage of youth who are interested in being involved in student council and similar groups is low – at just 26%.<sup>123</sup> The percentages for male versus female youth are 30% to 26%.<sup>124</sup> Certainly more female youth need to be encouraged to be involved in school governance, in light of the fact that in the current government of New Brunswick only 8 of the 49 Members of the Legislative Assembly are female. Women are not proportionately represented in government throughout the country, and rectifying this inequality needs to begin by addressing the issue in schools.

Surprisingly, 36% of immigrant youth are interested in participating in student council.<sup>125</sup> This is surprising because there such a low percentage of grade twelve immigrant youths who plan to vote in municipal, provincial and federal elections when they become legally eligible to do so. Only 47% of immigrant youth in grade twelve report that they plan

to vote in elections when they are legally able to, compared to 70% of grade twelve youths in general.<sup>126</sup>



<sup>123</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 16.

<sup>124</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 16.

<sup>125</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 16.

<sup>126</sup> Child and Youth Rights and Wellbeing Snapshot, Table 2, Indicator 64.

## ➤ (ARTICLE 16) THE RIGHT TO PRIVACY AND PROTECTION OF REPUTATION

In light of the extreme privacy violation dangers in today's world of social media, texting and Internet use, Article 16 of the Convention on the Rights of the Child is vital. Participation rights must ensure protection of privacy and reputation. There is no question that confidentiality is of extreme importance. However, information sharing among Departments leads to better integrated and coordinated service delivery for children and youth. We continue to see government Departments working without communicating with each other. One obstacle is an over-reliance on privacy concerns. Recent amendments to legislation have allowed for more information sharing among government Departments concerning integrated services related to children. However, there is considerable progress still to be made in having government agencies work together and share information for the betterment of children. Parents, advocates and children themselves do not want to have to tell their stories over and over again to different government Departments and sections within those Departments. They legitimately wonder why government Departments seem to be incapable of talking to each other.

## ➤ (ARTICLE 17) THE RIGHT OF ACCESS TO INFORMATION

Article 17 of the *Convention on the Rights of the Child* includes essential rights, as young people's decision-making abilities are affected by what information about the process is given and how it is given. These rights are of particular importance to youths in institutional settings such as group homes, hospitals, open custody centres and detention centres who suffer often from a lack of access to information – a lack of reading materials, a lack of Internet access. There is also a lack of information given to children and youth about processes affecting them in these institutions, and about their rights.



# PART VI

# CONCLUSION



The children and youth of New Brunswick have rights to be *protected* from harm, to *participate* in society and to be *provided* with the means to reach their fullest potential.

We believe that everyone working in policy development and working one-on-one with children should have training in children's rights. New Brunswick has great people working in these areas, and they need to be supported by equipping them with the skills needed to ensure that children's rights are not violated. Government has an obligation to educate everyone in children's rights. This is especially important for those working within government in child-surviving areas. Understanding of the *Convention on the Rights of the Child* should support the work of these people.

Our office has often advocated for a permanent, central child rights agency to be created within government to promote and ensure coordination of work affecting and involving children, and to improve its record of including child and youth voice. The need has not diminished. The acceptance of the need has grown. People working in child-serving government Departments feel the frustration of a fragmented system. A central child rights agency could monitor and evaluate the work of government across child-serving Departments. It could inform what priority issues to address. It could set performance targets and measure them

according to data indicators. It could ensure that adequate data is collected and analyzed to inform child policy.

This agency could also be tasked with developing a comprehensive strategy for implementation of children's rights. A central child rights agency could be given a mandate to work closely with government departments and civil society, to ensure that everyone is working as closely as possible in their efforts to improve the lives of children. The Harm Prevention Strategy for Children and Youth instigated and facilitated by our office is an example of the potential benefits of collaboration between government and civil society. Government and civil society should find more ways to work together, in order to ensure that children's rights are not being violated, but rather are being upheld to the maximum of our capabilities.

Human rights are not easily fulfilled. It takes time and great effort. But even with all of the obstacles we see, we believe that New Brunswick is heading on the right road.



# Children and Youth Rights and Well-being Snapshot 2014

Using the  
Child and Youth Rights and Well-being Framework

## **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.

The New Brunswick Health Council will foster this transparency, engagement, and accountability by engaging citizens in a meaningful dialogue, measuring, monitoring, and evaluating population health and health service quality, informing citizens on the health system's performance and recommending improvements to health system partners.

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**New Brunswick Health Council** | **Conseil de la santé du Nouveau-Brunswick**

Engage. Evaluate. Inform. Recommend.  
Engager. Évaluer. Informer. Recommander.

# -Child and Youth- Rights and Well-being

## 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 Youth 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.

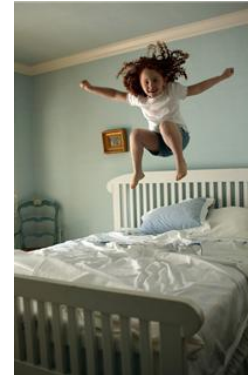
We have chosen to represent child and youth well-being through 6 question framework, linked to various available indicators or measures in New Brunswick. These questions take into account outcomes, the determinants of health, and the performance of program and policies in place in New Brunswick that 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*. 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 person with a disability, immigrant, aboriginal, male and female data in relation to the overall provincial data. Wherever possible we have included a Canadian data 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. To enable trending, data from the previous report has been included.



# Child and Youth - Rights and Well-being Framework

1

Context

Who are our children and youth?  
What are they doing?



Context

2

Choice and Expression

What are the children and youth choosing?  
How are they voicing themselves?



Participation

3

Development within Families and Communities

How well are we promoting healthy children and youth development?



4

Health

How well are we supporting and providing health prevention and treatment to our children and youth?



5

Education

How well are our children and youth learning?



Provision and Protection

6

Safety

How well are we protecting our children and youth?



New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

# What are the Rights of the Child and Youth? Created by UNICEF Canada

## UN Convention on the Rights of the Child In Child Friendly Language<sup>C</sup>

**"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://www.gov.mu/portal/sites/HRC/downloads/rights/convention%20on%20the%20rights%20of%20the%20child.htm>



# Children and Youth Rights and Well-being Snapshot

**Provincial Results**

# Child and Youth - Rights and Well-being Framework

1

Context

Who are our children and youth?  
What are they doing?



Context

2

Choice and Expression

What are the children and youth choosing?  
How are they voicing themselves?



Participation

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How well are we promoting healthy children and youth development?



4

Health

How well are we supporting and providing health prevention and treatment to our children and youth?



Provision and Protection

5

Education

How well are our children and youth learning?



6

Safety

How well are we protecting our children and youth?



New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

# 1 - CONTEXT

- Who are our children and youth?
- What are they doing?

CONTEXT	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
1 Total population, <i>count</i> <sup>1</sup>	2011	All population	729,997				366,440	384,730	751,171	33,476,688	
1.a 0 to 4 years old, % of population <sup>1</sup>	2011	0 to 4 years old	4.7				5.1	4.7	4.9	5.6	
1.b 5 to 9 years old, % of population <sup>1</sup>	2011	5 to 9 years old	5.3				5.1	4.7	4.9	5.4	
1.c 10 to 14 years old, % of population <sup>1</sup>	2011	10 to 14 years old	6.3				5.7	5.1	5.4	5.7	
1.d 15 to 19 years old, % of population <sup>1</sup>	2011	15 to 19 years old	6.5				6.4	5.8	6.1	6.5	
1.e 0 to 19 years old, % of population <sup>1</sup>	2011	0 to 19 years old	22.7				22.3	20.3	21.2	23.3	
1.f 20 to 64 years old, % of population <sup>1</sup>	2011	20 to 64 years old	62.5				62.7	62	62.3	62	
1.g 65 and up years old, % of population <sup>1</sup>	2011	65 + years old	14.8				15.1	17.8	16.5	14.8	
2 Total number of census families, <i>count</i> <sup>2</sup>	2011	All population	217,790						224,590	9,389,695	
3 Average number of persons in a census family, <i>count</i> <sup>2</sup>	2011	All population	2.8						2.7	2.9	
4 Population with English as language most spoken at home, % of population <sup>1</sup>	2011	All population	68.7				68.3	68.0	68.2	64.1	
5 Population with French as language most spoken at home, % of population <sup>1</sup>	2011	All population	29.4				27.9	28.0	27.9	20.4	
6 Aboriginal identity population who speak an Aboriginal language most often at home, % <sup>3</sup>	2006	All population					8.8	8.5	8.7	11.8	
7 Immigrant population, % <sup>4</sup>	2011	All population	3.7				3.8	3.9	3.9	20.6	
8 Aboriginal identity population, % <sup>4</sup>	2011	All population	2.5				3.1	3.1	3.1	4.3	
9 Total enrolment in school, <i>count</i> <sup>5</sup>	2013-14	K to grade 12	101,079				51,245	48,676	99,921		
9.a Kindergarten to grade 5, % of total enrolment in school <sup>5</sup>	2013-14	K to grade 5	42.8				43.1	43.5	43.3		
9.b Grade 6 to 8, % of total enrolment in school <sup>5</sup>	2013-14	Grade 6 to 8	22.6				22.3	22.6	22.4		
9.c Grade 9 to 12, % of total enrolment in school <sup>5</sup>	2013-14	Grade 9 to 12	34.4				34.4	33.7	34.1		
9.d Returning graduates, % of total enrolment in school <sup>5</sup>	2013-14	Returning graduates	0.2				0.2	0.1	0.2		
10 Enrolment in school by English language of instruction, % <sup>5</sup>	2013-14	K to Grade 12	53.3				56.0	48.8	52.5		
11 Enrolment in school by French language of instruction, % <sup>5</sup>	2013-14	K to Grade 12	28.8				28.7	29.4	29.0		
12 Enrolment in school by French Immersion language of instruction, % <sup>5</sup>	2013-14	K to Grade 12	17.9				15.4	21.8	18.5		
13 Child who eats breakfast daily, % <sup>7</sup>	2013-14	Grade 4 to 5	70						70		
14 Youth who eat breakfast every day, % <sup>6</sup>	2012-13	Grade 6 to 12	41		45	32	47	37	42		
15 Child who eats 5 or more fruits or vegetable a day [not including juices], % <sup>7</sup>	2013-14	Grade 4 to 5	50						51		
16 Youth who eat 5 or more fruits or vegetables a day, % <sup>6</sup>	2012-13	Grade 6 to 12	40		54	40	42	45	43		
17 Child who consume any sweetened non-nutritious beverages yesterday, % <sup>7</sup>	2013-14	Grade 4 to 5	57				56	48	52		
18 Youth who consume fewer than 2 non-nutritious beverages a day, % <sup>6</sup>	2012-13	Grade 6 to 12	64		68	57	58	76	67		
19 Child who usually take part in physical activities not organized by school, % <sup>7</sup>	2013-14	Grade 4 to 5	68						71		
20 Youth who participate in sports organized by the school, % <sup>8</sup>	2013-14	Grade 12	42	29	44	38	46	39	42		
21 Youth who participate in sports not organized by the school, % <sup>8</sup>	2013-14	Grade 12	43	39	46	43	51	38	45		
22 Youth who participate in activities organized by the school, % <sup>8</sup>	2013-14	Grade 12	38	30	48	33	34	46	40		
23 Youth who participate in activities not organized through the school, % <sup>8</sup>	2013-14	Grade 12	28	32	37	31	30	29	29		



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# 1 - CONTEXT

- Who are our children and youth?
- What are they doing?

	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)	
							Male	Female				
24	Youth walking and bicycling that is done only as a way of getting to and from work or school in the past 3 months, % <sup>9</sup>	2013	12 to 19 years old	42				31	37	34	50	8/10
25	Child who spends at least 60 minutes doing hard to moderate physical activity every day, % <sup>7</sup>	2013-14	Grade 4 to 5							35		
26	Youth physically active at least 60 minutes daily (moderate and hard physical activity), % <sup>5</sup>	2012-13	Grade 6 to 12	57	52	63	68	53	60			
27	Child who spends 2 hours or less on screen time per day [watching TV video games, computer time], % <sup>7</sup>	2013-14	Grade 4 to 5	38						45		
28	Youth who spend 2 hours or less per day of screen time, % <sup>5</sup>	2012-13	Grade 6 to 12	25	22	16	21	23	23			
29	Youth who sleep 8 hours or more each night, % <sup>6</sup>	2012-13	Grade 6 to 12	52	31	31	39	37	38			
30	Youth current smoker, daily or occasional, % <sup>5†</sup>	2012-13	Grade 6 to 12		9	13	9	5	7			10/10
31	Youth who have never tried smoking by grade 12, % <sup>6</sup>	2012-13	Grade 6 to 12	60	54	39	50	58	53			
32	Youth frequency of drinking alcohol in the last 12 months (once a month or more), % <sup>6</sup>	2012-13	Grade 6 to 12		23	37	31	28	30			
33	Youth who always wear a helmet when using a bicycle, % <sup>9</sup>	2013	12 to 19 years old	46				37	48	42	35	
34	Youth who reported always using protective mouth equipment (for hockey) or protective head gear [for skating, rollerblading, downhill skiing, or snowboarding], % <sup>9</sup>	2013	12 to 19 years old	11				37	48	42	35	6/10
35	Youth who has ever used or tried marijuana or cannabis (a joint, pot, weed, hash...), % <sup>6</sup>	2012-13	Grade 6 to 12		23	48	33	28	31			6/10
36.a	Youth who rode with a driver under the influence of alcohol, % <sup>10</sup>	2012	Grade 7, 9, 10, 12	20						18		
36.b	Youth who rode with a driver under the influence of cannabis, % <sup>10</sup>	2012	Grade 7, 9, 10, 12	22						24		
37	Youth who use sun screen on their body in summer (reported using sun screen always and often) % <sup>9</sup>	2012	12 to 19 years old	41				39	53	45		
38	Youth unsafe sex - those that engaged in sexual activity and did not use a condom or other latex barrier at their last sexual encounter, % <sup>10</sup>	2012	Grade 7, 9, 10, 12	16						16		
39	Teen pregnancy rate, rate per 1,000 females <sup>33</sup>	2011	15 to 19 years old	24.9					24.9	24.9		
40	Teens who gave birth, crude birth rate 1,000 females <sup>11</sup>	2011	15 to 19 years old	20.9					21.3		12.6	
41	Youth labour participation rate, % <sup>15</sup>	2012	15 to 19 years old	45.0				43.7	44.4	44.1	40.4	
42	20 to 24 year-olds without a high school diploma and not in school, % <sup>14</sup>	2007-09	20 to 24 years old	19.9						18.1	14.6	4/10
43.a	Total youth crime rate – Charged rate of all Criminal Code violations - excluding traffic - per 100,000 <sup>12</sup>	2013	12 to 17 years old	2,520						2,322	1,976	9/10
44.b	Total youth crime rate – Not Charged rate of all Criminal Code violations - excluding traffic - per 100,000 <sup>12</sup>	2013	12 to 17 years old	3,604						2,540	2,369	5/10
45	Youth charged with impaired driving, rate per 100,000 <sup>12</sup>	2013	12 to 17 years old	New 18						12	19	5/10
46	Youth charged with drug violations, rate per 100,000 <sup>12</sup>	2013	12 to 17 years old	New 139						110	234	3/10
47	Violent crime done by youth, (charged and not charged) rate per 100,000 <sup>22</sup>	2013	12 to 17 years old	1,971						1,653	1,405	6/10



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# 1 - CONTEXT

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	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
48 Property crime done by youth, (charged and not charged) rate per 100,000 <sup>22</sup>	2013	12 to 17 years old	3,070						2,271	2,044	4/10
49 Youth crime severity index, index <sup>13</sup>	2013	12 to 17 years old	80						66	65	4/10
50 Youth violent crime severity index, index <sup>13</sup>	2013	12 to 17 years old	61						55	70	6/10
51 Youth non-violent crime severity index, index <sup>13</sup>	2013	12 to 17 years old	93						74	61	4/10



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# Child and Youth - Rights and Well-being Framework

1

Context

Who are our children and youth?  
What are they doing?



Context

2

Choice and Expression

What are the children and youth choosing?  
How are they voicing themselves?



Participation

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Development within Families and Communities

How well are we promoting healthy children and youth development?



4

Health

How well are we supporting and providing health prevention and treatment to our children and youth?



Provision and Protection

5

Education

How well are our children and youth learning?



6

Safety

How well are we protecting our children and youth?



New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

## 2 - Choice and Expression

- What are the children and youth choosing?
- How are they voicing themselves?

PARTICIPATION		Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
UN Convention on the Rights of the Child: Articles 1, 2, 3, 6, 12, 13, 14, 15, 17, 31								Male	Female			
1	Youth who had the opportunities in high school to participate in elective courses that they were interested in and passionate about, % <sup>8</sup>	2013-14	Grade 12	77	70	63	68	75	80	78		
2	Youth who had the opportunities in high school to take courses in the skilled trades, % <sup>8</sup>	2013-14	Grade 12	56	57	43	50	66	47	56		
3	Youth who had the opportunities in high school to take courses in the fine arts, % <sup>8</sup>	2013-14	Grade 12	74	60	62	72	67	80	74		
4	Youth who had the opportunities in high school to participate in career related learning experiences, % <sup>8</sup>	2013-14	Grade 12	64	57	52	64	60	69	64		
5	Youth who feel their school has provided them with opportunities to participate in exercise or physical activity other than phys. ed. Class, % <sup>8</sup>	2013-14	Grade 12	80	66	68	76	78	82	80		
6	Youth who feel they had opportunities in high school to participate in cultural activities organized through school, % <sup>8</sup>	2013-14	Grade 12	58	57	57	49	51	50	51		
7	Youth who feel they had opportunities in high school to participate in cultural activities separate from school, % <sup>8</sup>	2013-14	Grade 12	44	53	55	50	55	48	52		
8	Youth who feel their school has helped them develop positive attitudes towards physical activity, % <sup>8</sup>	2013-14	Grade 12	69	57	64	68	69	69	69		
9	Youth who feel their school has helped them to develop positive attitudes towards healthy living and active living, % <sup>8</sup>	2013-14	Grade 12	72	60	69	73	70	74	72		
10	Youth preferences - Getting good grades, % <sup>6</sup>	2012-13	Grade 6 to 12	New		93	90	96	94	94		
11	Youth preferences - Making friends, % <sup>6</sup>	2012-13	Grade 6 to 12	New		86	77	87	85	85		
12	Youth preferences - Participating in school activities outside of class, % <sup>6</sup>	2012-13	Grade 6 to 12	New		57	42	52	50	50		
13	Youth preferences - Getting to class on time, % <sup>6</sup>	2012-13	Grade 6 to 12	New		82	74	84	80	80		
14	Youth preferences - Learning new things, % <sup>6</sup>	2012-13	Grade 6 to 12	New		87	82	85	84	84		
15	Youth preferences - Expressing my opinion in class, % <sup>6</sup>	2012-13	Grade 6 to 12	New		63	50	56	57	57		
16	Youth preferences - Getting involved in the student council or other similar groups, % <sup>6</sup>	2012-13	Grade 6 to 12	New		36	19	30	26	26		
17	Youth preferences - Learning about my culture/heritage (e.g. Francophone, First Nations, Irish) (very important or important), % <sup>6</sup>	2012-13	Grade 6 to 12	New		60	70	49	48	48		
18	Youth participation in activities at school - Dance, % <sup>6</sup>	2012-13	Grade 6 to 12	New		9	9	5	10	8		
19	Youth participation in activities at school - Drama, % <sup>6</sup>	2012-13	Grade 6 to 12	New		11	7	6	12	9		
20	Youth participation in activities at school - Music, % <sup>6</sup>	2012-13	Grade 6 to 12	New		20	12	10	15	13		
21	Youth participation in activities at school - Art, % <sup>6</sup>	2012-13	Grade 6 to 12	New		15	15	9	17	13		
22	Youth participation in activities at school - Science or technology, % <sup>6</sup>	2012-13	Grade 6 to 12	New		13	10	10	9	10		
23	Youth participation in activities at school - Student Clubs/groups, % <sup>6</sup>	2012-13	Grade 6 to 12	New		16	12	9	21	15		



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## 2 - Choice and Expression

- What are the children and youth choosing?
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	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
24 Youth participation in activities at school - Sports or intramurals, % <sup>6</sup>	2012-13	Grade 6 to 12	New		39	35	44	37	40		
25 Youth participation in activities at school - Other activities, % <sup>6</sup>	2012-13	Grade 6 to 12	New		24	24	21	22	22		
26 Youth participation in activities outside of school - Dance, % <sup>6</sup>	2012-13	Grade 6 to 12	New				3	15	9		
27 Youth participation in activities outside of school - Drama, % <sup>6</sup>	2012-13	Grade 6 to 12	New				3	5	4		
28 Youth participation in activities outside of school - Music, % <sup>6</sup>	2012-13	Grade 6 to 12	New				11	16	13		
29 Youth participation in activities outside of school - Art, % <sup>6</sup>	2012-13	Grade 6 to 12	New				5	12	9		
30 Youth participation in activities outside of school - Science or technology, % <sup>6</sup>	2012-13	Grade 6 to 12	New		6	3	4	2	3		
31 Youth participation in activities outside of school - Community or Youth groups, % <sup>6</sup>	2012-13	Grade 6 to 12	New		19	16	12	18	15		
32 Youth participation in activities outside of school - Sports or physical activities, % <sup>6</sup>	2012-13	Grade 6 to 12	New		46	44	54	43	48		
33 Youth participation in activities outside of school - Other activities, % <sup>6</sup>	2012-13	Grade 6 to 12	New		25	25	21	22	22		
34 Physical activity youth participated in the last 3 months: WALKING, % <sup>9</sup>	2013	12 to 19 years old	78				70	77	73	70	5/10
35 Physical activity youth participated in the last 3 months: JOGGING OR RUNNING, % <sup>9</sup>	2013	12 to 19 years old	66				68	68	68	65	3/10
36 Physical activity youth participated in the last 3 months: BICYCLING, % <sup>9</sup>	2013	12 to 19 years old	45				66	41	54	45	1/10
37 Physical activity youth participated in the last 3 months: HOME EXERCICES, % <sup>9</sup>	2013	12 to 19 years old	50				43	51	47	49	8/10
38 Physical activity youth participated in the last 3 months: SWIMMING, % <sup>9</sup>	2013	12 to 19 years old	54				47	38	42	44	9/10
39 Physical activity youth participated in the last 3 months: GARDENING / YARD WORK, % <sup>9</sup>	2013	12 to 19 years old	46				44	31	38	35	5/10
40 Physical activity youth participated in the last 3 months: SOCCER, % <sup>9</sup>	2013	12 to 19 years old	32				31	31	31	36	9/10
41 Physical activity youth participated in the last 3 months: POPULAR / SOCIAL DANCE, % <sup>9</sup>	2013	12 to 19 years old	35				20	35	27	27	7/10
42 Physical activity youth participated in the last 3 months: BASKETBALL, % <sup>9</sup>	2013	12 to 19 years old	28				41	28	35	40	9/10
43 Physical activity youth participated in the last 3 months: VOLLEYBALL, % <sup>9</sup>	2013	12 to 19 years old	21				34	36	35	32	5/10
44 Physical activity youth participated in the last 3 months: BOWLING, % <sup>9</sup>	2013	12 to 19 years old	20				23	16	20	18	6/10
45 Physical activity youth participated in the last 3 months: ICE HOCKEY, % <sup>9</sup>	2013	12 to 19 years old	17				31	12	22	15	3/10
46 Physical activity youth participated in the last 3 months: BASEBALL / SOFTBALL	2013	12 to 19 years old	15				28	9	19	15	6/10
47 Child who has high level of competence, % <sup>7</sup>	2013-14	Grade 4 to 5							85		
48 Youth who have moderate to high level of competence, % <sup>6</sup>	2012-13	Grade 6 to 12	76		73	66	75	77	76		
49 Child who has high level of autonomy [choices], % <sup>7</sup>	2013-14	Grade 4 to 5							53		
50 Youth who have moderate to high level of autonomy [choices], % <sup>6</sup>	2012-13	Grade 6 to 12	71		66	60	68	72	70		
51 Youth who feel respected at school, % <sup>8</sup>	2013-14	Grade 12	78.0				77.9	78.1	78.0		
52 Child who feels connected to his/her school, % <sup>7</sup>	2013-14	Grade 4 to 5							88		
53 Youth who feel connected to their school, % <sup>6</sup>	2012-13	Grade 6 to 12	91		88	84	89	90	89		



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## 2 - Choice and Expression

- What are the children and youth choosing?
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	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
54 Youth psychological well-being score, % <sup>9</sup>	2009-10	12 to 19 years old					78	79	79		
55 Youth satisfied or very satisfied with life, % <sup>9</sup>	2013	12 to 19 years old	97				97	93	95	96	8/10
56 Child who has pro-social behaviours [being helpful, respectful, thoughtful, etc] , % <sup>7</sup>	2013-14	Grade 4 to 5							79		
57 Youth who have pro-social behaviours [being helpful, respectful, thoughtful, etc] , % <sup>8</sup>	2012-13	Grade 6 to 12	81		77	76	75	87	81		
58 Child who has high levels of oppositional behaviours [being defiant, disrespectful, rude, etc.] , % <sup>7</sup>	2013-14	Grade 4 to 5							24		
59 Youth who have high levels of oppositional behaviours [being defiant, disrespectful, rude, etc.] , % <sup>8</sup>	2012-13	Grade 6 to 12	27		24	29	26	19	22		
60 Youth sense of belonging to their community, (somewhat strong or very strong), % <sup>9</sup>	2013	12 to 19 years old	77				78	80	79	77	5/10
61 Youth who feel treated fairly in the community, % <sup>6</sup>	2012-13	Grade 6 to 12			36	27	35	39	37		
62 Youth planning to begin studies at a college or university after high school graduation, % <sup>8</sup>	2013-14	Grade 12	80	73	76	70	76	84	80		
63 Youth who volunteered outside school without being paid, in the last year, % <sup>6</sup>	2012-13	Grade 6 to 12	69				67	80	76		
64 Youth who plan to vote, once they are legally entitled to, in municipal, provincial or federal elections, % <sup>8</sup>	2013-14	Grade 12	70	57	47	62	70	70	70		



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Conseil de la santé du Nouveau-Brunswick

### 3 - DEVELOPMENT WITHIN FAMILIES AND COMMUNITIES

• How well are we promoting healthy children and youth development?



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PROVISION AND PROTECTION		Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
UN Convention on the Rights of the Child: Articles 1, 2, 3, 6, 12, 19, 21, 23, 24, 26, 27								Male	Female			
1	No high school diploma, % <sup>18</sup>	2011	25 to 64 years old	21				19	15	17	13	
2.a	Has a postsecondary certificate, diploma or degree, % <sup>18</sup>	2011	25 to 64 years old	53				55	58	57	64	
2.b	Percentage of the Aboriginal identity population 25 to 64 years with postsecondary certificate, diploma or degree, % <sup>18</sup>	2011	All population					50	51	51	48	
3	Employment rate by those 15 and up with less than grade 9, % <sup>25</sup>	2013	15 and over	17				22	10	16	20	10/10
4	Employment rate by those 15 and up with some high school, % <sup>25</sup>	2013	15 and over	37				42	31	37	40	6/10
5	Employment rate by those 15 and up with high school diploma, % <sup>25</sup>	2013	15 and over	60				66	55	60	61	5/10
6	Employment rate by those 15 and up with either a post-secondary certificate, diploma or degree, % <sup>25</sup>	2013	15 and over	67				69	63	66	71	8/10
7	Unemployment rate, % <sup>17</sup>	2013	15 and over	10.2						10.4	7.1	8/10
8	Living in low-income family (under 18 years old) [change in methodology since 2006] [LIM-AT], % <sup>16</sup>	2011	Under 18 years old							21	17	
8.a	Living in low-income family (under 6 years old) [change in methodology since 2006] [LIM-AT], % <sup>16</sup>	2011	Under 6 years old							23	18	
9	Food insecurity in homes with children less than 18 years old, moderate and severe, % of households <sup>23</sup>	2011-12	Under 18 years old	12.8						12.0	10.3	7/10
9.a	Food insecurity in homes with children 0 to 5 years old present, moderate and severe, % of households <sup>23</sup>	2011-12	0 to 5 years old	11.8						12.1	11.0	5/9
9.b	Food insecurity in homes with children 6 to 17 years old present, moderate and severe, % of households <sup>23</sup>	2011-12	6 to 17 years old	13.4						11.9	9.7	8/10
10	Food insecurity at home, moderate and severe (with or without children present), % of households <sup>23</sup>	2011-12	12 and over	9.6						10.2	8.3	8/10
11.a	Household spending on shelter based on average household spending, % <sup>24</sup>	2012	All population	17.6						17.2	21	1/10
11.b	Household spending on food based on average household spending, % <sup>24</sup>	2012	All population	11.6						11.3	10.3	9/10
12	Expectant mother receiving prenatal benefits, % of live births <sup>50</sup>	2012-13	All expectant mother	19.7						16.6		
13	Family receiving Social Assistance or Welfare benefits, % out of all families with children at home at one point in time <sup>20</sup>	March 2014	All families	5.8						5.7		
14	Family support payments received, % <sup>21</sup>	2011-12	All population	91						91		
15	Aboriginal on Social Assistance or Welfare benefits as source of income, % <sup>22</sup>	2006	15 and over							10		
16	Families receiving subsidies for adopted children with special needs, count <sup>20</sup>	March 2014	Under 18 years old	315						341		
17	Youth receiving social assistance money, % of total youth 16 to 18 years old, as a point in time <sup>20</sup>	2014	16 to 18 years old	0.6				0.4	1	0.7		



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

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### 3 - DEVELOPMENT WITHIN FAMILIES AND COMMUNITIES

• How well are we promoting healthy children and youth development?

	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
18 Child receiving special needs services [including Integrated Day Care Services and Enhanced Support Worker], <i>count</i> <sup>20</sup>	2013-14	Early childhood	638						488		
19 Living in a single parent family, % <sup>19</sup>	2011	Under 18 years old	16						16	16	
20 Total approved available child care spaces, <i>count</i> <sup>28</sup>	2013-14	Child in childcare	22,649						24,556		
21 Early intervention services, <i>unique clients</i> <sup>29</sup>	2013-14	Early childhood							537		
22 Infants placed for adoption[public adoption], <i>annual count</i> <sup>20</sup>	2014	Infants	<10						<10		
23 Private adoptions, <i>annual count</i> <sup>20</sup>	2014	Under 18 years old	17						16		
24 International adoptions, <i>annual count</i> <sup>20</sup>	2014	Under 18 years old	17						17		
25 Breastfeeding initiation, % <sup>49</sup>	2013	12 years old and up	79					80	80		6/6
26 Proportion of infants exclusively breastfed at 6 months, % <sup>49</sup>	2013	12 years old and up	27					22	22		6/6
27 Proportion of Kindergarten children meeting immunization requirements (methodology change since 2009), % <sup>26</sup>	2012-13	Kindergarten	72						77		
28 Parents who eat 5 or more fruits or vegetables a day, % <sup>27</sup>	2013-14	Parents - K to 5	47	52	51	52			54		
29 Parents who consumed 2 or more sweetened non-nutritious beverages day before, % <sup>27</sup>	2013-14	Parents - K to 5		22	13	21			17		
30 Parents who spend 2 hours or less per day in sedentary activity [in front of a screen], % <sup>27</sup>	2013-14	Parents - K to 5	90	85	88	86			88		
31 Adults who watched TV more than 15 hours in the last week, % <sup>32</sup>	2011	20 and over	32						34	31	
32 Parents who participate in leisure activities[crafting, singing, listening to music, playing the piano, etc], % <sup>27</sup>	2013-14	Parents - K to 5	86	79	81	78			79		
33 Parent is physically active, as reported by child, % <sup>27</sup>	2013-14	Parents - K to 5	65						77		
34 Physical activity of parents, as reported by a youth [at least 3 times in the last week], % <sup>5</sup>	2012-13	Grade 6 to 12	42		45	39	41	44	43		
35 Parents who say they ate breakfast yesterday with children, % <sup>27</sup>	2013-14	Parents - K to 5							57		
36 Child who ate dinner with a parent day before survey, % <sup>7</sup>	2013-14	Grade 4 to 5	77				72	76	74		10/10
37 Parents who ate at a fast food place or restaurant with child at least once in the last week, % <sup>27</sup>	2013-14	Parents - K to 5		58	52	56			58		
38 Child who lives with people who smoke or use tobacco, % <sup>7</sup>	2013-14	Grade 4 to 5	38						35		
39 Youth who have a family member [parent, step-parent, guardian, brother or sister] who smokes, % <sup>6</sup>	2012-13	Grade 6 to 12	44		34	64	44	45	44		
40 People are allowed to smoke inside home as reported by parent, % <sup>27</sup>	2013-14	Parents - K to 5	5						3		



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### 3 - DEVELOPMENT WITHIN FAMILIES AND COMMUNITIES

• How well are we promoting healthy children and youth development?

	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
41 Youth in contact with second-hand smoke at home, % <sup>6</sup>	2012-13	Grade 6 to 12	23		18	31	20	19	19		
42 Youth in contact with second-hand smoke in the past week in a vehicle, % <sup>6</sup>	2012-13	Grade 6 to 12	32		18	40	27	27	27		
43 Teachers show a positive attitude towards healthy living, % <sup>8</sup>	2013-14	Grade 12	73	60	70	78	71	75	73		
44 School promoted healthy eating by providing easy access to healthy food and snacks, % <sup>8</sup>	2013-14	Grade 12	62	59	65	72	63	61	62		
45 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], % <sup>6</sup>	2012-13	Grade 6 to 12	61		56	63	55	64	59		
46 Youth who have moderate to high level of mental fitness [competency, autonomy, relatedness needs met], % <sup>6</sup>	2012-13	Grade 6 to 12	77		75	69	76	80	78		
47 Child who has moderate to high level of mental fitness [competency, autonomy, relatedness needs met], % <sup>7</sup>	2013-14	Grade 4 to 5	80						84		
48 Satisfaction of youth mental fitness needs related to family, % <sup>6</sup>	2012-13	Grade 6 to 12	76		75	69	77	78	77		
49 Satisfaction of youth mental fitness needs related to friends, % <sup>6</sup>	2012-13	Grade 6 to 12	83		76	78	80	84	82		



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# Child and Youth - Rights and Well-being Framework

1

Context

Who are our children and youth?  
What are they doing?



Context

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What are the children and youth choosing?  
How are they voicing themselves?



Participation

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How well are we promoting healthy children and youth development?



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Health

How well are we supporting and providing health prevention and treatment to our children and youth?



Provision and Protection

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Education

How well are our children and youth learning?



6

Safety

How well are we protecting our children and youth?



New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

# 4 - HEALTH

• How well are we supporting and providing health prevention and treatments to our children and youth?

PROVISION AND PROTECTION		Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
UN Convention on the Rights of the Child: Articles 1, 2, 3, 6, 12, 19, 23, 24, 39								Male	Female			
1	Infant mortality rate, <i>rate per 1,000</i> <sup>27</sup>	2011	0 to 1 year old	5.8				2.6	4.4	3.5	4.8	
2	Low birth weight, % <sup>30</sup>	2012-13	At birth	5.9						6.2	6.2	8/10
3	Congenital malformations, deformations and chromosomal abnormalities, <i>rate per 10,000 total births</i> <sup>31</sup>	2000-09	At birth	New						444.7	407.9	7/9
4	Universal newborn and infant hearing screening, % <sup>36</sup>	2013-14	Newborn and infant	91						92.2		
5	Youth who have a regular medical doctor, % <sup>9</sup>	2013	12 to 19 years old	94				96	98	97	86	1/10
6	Youth who consulted a family doctor or general practitioner within the last year, % <sup>9</sup>	2013	12 to 19 years old	62				66	71	68	62	3/10
7	Youth who visited a dental professional within the last year, % <sup>9</sup>	2013	12 to 19 years old	77				100	99	99		
8	Aboriginal youth who visited a dental professional within the last year, % <sup>3</sup>	2009-10	6 to 14 years old							78	71	
9	Youth who visited or talked to an eye professional within the last year, % <sup>9</sup>	2013	12 to 19 years old	38				39	49	44	48	6/10
10	Youth who saw or talked to a health professional about emotional or mental health within the last year, % <sup>9</sup>	2012	12 to 19 years old	15				13	13	13	11	1/10
11	Functional health, good to full, % <sup>9</sup>	2009-10	12 to 19 years old					84	81	83	85	6/10
12	Injuries in the past 12 months causing limitation of normal activities, % <sup>9</sup>	2013	12 to 19 years old	31				36	33	34	27	9/10
13	Aboriginal youth with one or more activity limitation often, % <sup>22</sup>	2006	6 to 14 years old							9	11 <sup>E</sup>	
14	Child and youth rate of hospitalized cases for injuries, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 19 years old	41				44	25	35	22	
15	Prevalence of diabetes among youth, % <sup>2</sup>	2013	12 to 19 years old	0.7 <sup>E</sup>				0	0	0	0.3	1/10
16	Prevalence of asthma among youth, % <sup>9</sup>	2013	12 to 19 years old	14 <sup>E</sup>				13	9	11	10	7/10
17	Prevalence of asthma in Aboriginal youth, % <sup>22</sup>	2006	6 to 14 years old							22	14	
18	Youth who have sexually transmitted infections - Chlamydia rate, <i>rate per 100,000</i> <sup>33</sup>	2013	15 to 19 years old	1,123				446	1,675	1,034		
19	Percentage of service delivery done within 30 days (from referral to first visit) for child and youth mental illness, % <sup>35</sup>	2013-14	Under 18 years old	41.7						52.6		
20	Rate of hospitalized cases for mental diseases and disorders, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	55.9				45.3	83.6	64.0	35.5	
21	Childhood/adolescence behavioural and learning disorders, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	11.6				10.9	8.7	9.8	3.8	
22	Depressive episode, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	13.6				4.9	23.7	14.0	10.9	
23	Stress reaction / adjustment disorder, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	7.7				7.7	17.8	12.6	6.4	
24	Schizotypal/delusional disorder, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	2.4				1.9	1.6	1.7	1.5	
25	Mood (affective) disorder, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	1.8				2.1	5.1	3.6	1.1	
26	Anxiety disorder, <i>cases admitted to hospital per 10,000</i> <sup>34</sup>	2013-14	0 to 18 years old	3.4				0.8	4.1	2.9	2.5	



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## 4 - HEALTH

• How well are we supporting and providing health prevention and treatments to our children and youth?



New Brunswick Health Council | Conseil de la santé du Nouveau-Brunswick

	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
27	2013-14	0 to 18 years old	2.3				0.2	4.3	2.2	2.0	
28	2013-14	Grade K to 5	36						36		
29	2012-13	Grade 6 to 12	23		43	37	32	23	28		
30	2013	12 to 19 years old	18				17	24	20	12	9/10
31	2013-14	Grade K to 5	11						7		
32	2012-13	Grade 6 to 12	7		11	8	5	10	8		
33	2013	12 to 19 years old	9				13	6	9	8	8/10
34	2013	12 to 19 years old	61				59	71	65	69	7/10
35	2006	6 to 14 years old							82		
36	2013	12 to 19 years old	79				70	74	72	75	7/10
37	2008-12	0 to 19 years old	19.4				19.6	23	21.3		
38	2008-12	0 to 19 years old	71.3				78.3	47.6	63.3		
39	2008-12	0 to 19 years old	19.9				23.7	10.3	17.2		
40	2007-09	At birth	80.2				77.5	82.8	80.2	81.1	



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# Child and Youth - Rights and Well-being Framework

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Who are our children and youth?  
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How well are our children and youth learning?



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Safety

How well are we protecting our children and youth?



Context

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New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

# 5 - Education

How well are our children and youth learning?

PROVISION AND PROTECTION		Year	Age or Grade	Previous NB Data			Male			Female			NB			Canada	Rank (NB to Canada)
UN Convention on the Rights of the Child: Articles 1, 2, 3, 6, 12, 19, 23, 28, 29				English	French	NB	English	French	NB	English	French	NB	English	French	NB		
1	<b>Kindergarten school-readiness, by sectors, %<sup>28</sup></b>	2013-14	Pre K to K	73	84		not released	78		not released	88		not released	82.5			
2	Aboriginal youth who attended an early childhood development or preschool program, % <sup>3</sup>	2007	6 to 14 years old												68	62	1*/7
3	<b>Grade 2 - Reading comprehension - assessment by sector, % students having achieved an appropriate or strong performance<sup>28</sup></b>	2013-14	Grade 2	80	77		73	73		82	79		78	76			
4	<b>Grade 2 - Oral reading - assessment for Francophone sector only, % students having achieved an appropriate or strong performance<sup>28</sup></b>	2013-14	Grade 2		77			72			79			75			
5	Grade 2 - Writing - assessment for Anglophone sector only, % students having achieved an appropriate or strong performance <sup>28</sup>	2012-13	Grade 2	82			Did not write			Did not write			Did not write				
6	<b>Grade 3 - Math - assessment for Francophone sector only, % students having achieved an appropriate or strong performance<sup>28</sup></b>	2013-14	Grade 3		76			79			78			76			
7	<b>Grade 4 - Reading comprehension - assessment by sector, % students having achieved an appropriate or strong performance<sup>28</sup></b>	2013-14	Grade 4	66	67		65	61		71	75		68	68			
8	<b>Grade 4 - Writing - assessment for Anglophone sector only, % students having achieved an appropriate or strong performance<sup>28</sup></b>	2013-14	Grade 4				55			71			63				
9	<b>Grade 5 - Sciences and Technologies - assessment for Francophone sector only, %<sup>28</sup></b>	2013-14	Grade 5					64			65			64			
10	Grade 5 - Math - assessment by sector, % <sup>28</sup>	2012-13	Grade 5	63	80		Did not write	Did not write		Did not write	Did not write		Did not write	Did not write			
11	<b>Grade 7 - English reading comprehension - assessment for Anglophone sector only, %<sup>28</sup></b>	2013-14	Grade 7	76			72			83			77				
12	<b>Grade 8 - Sciences and Technologies - assessment for Francophone sector only, %<sup>28</sup></b>	2013-14	Grade 8		69			62			63			63			
13	<b>Grade 8 - Math - assessment by sector, %<sup>28</sup></b>	2013-14	Grade 8	59	58		57	66		58	71		58	68			
14	<b>Grade 8 - French - assessment for Francophone sector only, %<sup>28</sup></b>	2013-14	Grade 8		67			61			69			65			
15	<b>Grade 9 - English reading comprehension - assessment for Anglophone sector only, %<sup>28</sup></b>	2013-14	Grade 9	78			77			84			80				
16	<b>Grade 9 - English writing - assessment for Anglophone sector only, %<sup>28</sup></b>	2013-14	Grade 9	82			83			94			88				
17	Grade 10 - Oral Proficiency in Second Language – English as a Second Language, assessment by sector, % <sup>28</sup>	2012-13	Grade 10		72			Did not write			Did not write			Did not write			
18	<b>Grade 10 - Oral Proficiency in Second Language - French as a Second Language, assessment by sector, %<sup>28</sup></b>	2013-14	Grade 10	33			30			44			37				
19	<b>Grade 11 - French - assessment by Francophone sector only, %<sup>28</sup></b>	2013-14	Grade 11		62			58			64			61			
20	Grade 11 - Math - assessment Francophone sector only, % <sup>28</sup>	2012-13	Grade 11		64			Did not write			Did not write			Did not write			
21	Youth satisfied with mental fitness needs related to school, % <sup>6</sup>	2012-13	Grade 6 to 12			59			56			61			59		
22	<b>School dropout, %<sup>28</sup></b>	2013-14	Grade 7 to 12	1.9	1.1	1.7	1.6	1.9	1.7	1.4	0.7	1.2	1.5	1.3	1.5		

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# Child and Youth - Rights and Well-being Framework

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New Brunswick Health Council

Conseil de la santé du Nouveau-Brunswick

# 6 - SAFETY

• How well are we protecting our children and youth?

PROVISION AND PROTECTION		Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
UN Convention on the Rights of the Child: Articles 1, 2, 3, 6, 12, 19, 20, 23, 29, 32, 34, 35, 37, 40								Male	Female			
1	Child who feels safe at school, % <sup>7</sup>	2013-14	Grade 4 to 5	87						93		
2	Youth who feels safe at school, % <sup>6</sup>	2012-13	Grade 6 to 12			82	74	82	82	81		
3	Youth who have been bullied, % <sup>6</sup>	2012-13	Grade 6 to 12	65		58	62	50	66	58		
4.a	Methods of being bullied - Being called names, being made fun of, or teased in a hurtful way, % <sup>6</sup>	2012-13	Grade 6 to 12	New		38	44	46	37	41		
4.b	Methods of being bullied - Being left out of things, excluded from groups, ignored, % <sup>6</sup>	2012-13	Grade 6 to 12	New		32	32	37	24	30		
4.c	Methods of being bullied - Being hit, kicked, pushed, shoved around, or locked in or out, % <sup>6</sup>	2012-13	Grade 6 to 12	New		17	18	11	18	15		
4.d	Methods of being bullied - Other students telling lies or spreading false rumours about them and trying to make others dislike them, % <sup>6</sup>	2012-13	Grade 6 to 12	New		30	40	42	26	34		
4.e	Methods of being bullied - Mean names and comments about their race/religion/personal features, % <sup>6</sup>	2012-13	Grade 6 to 12	New		33	29	22	18	20		
4.f	Methods of being bullied - Other students made sexual jokes, comments, or gestures to them, % <sup>6</sup>	2012-13	Grade 6 to 12	New		22	26	24	18	21		
4.g	Methods of being bullied - Using a computer or email messages or pictures, % <sup>6</sup>	2012-13	Grade 6 to 12	New		12	20	19	9	14		
4.h	Methods of being bullied - Using a cell phone, % <sup>6</sup>	2012-13	Grade 6 to 12	New		11	15	16	7	12		
5	If a youth complains to an adult at school about bullying, how often is something done about it? (reported often and always), % <sup>5</sup>	2012-13	Grade 6 to 12			35	36	42	39	40		
6	Child who feels comfortable talking to an adult at school about bullying, % <sup>7</sup>	2013-14	Grade 4 to 5	83						83		
7	Age-adjusted rate of ATV Injuries, rate per 100,000 population <sup>42</sup>	2009-10	All population							18	11	8/11
8	Age-adjusted rate of cycling Injuries, rate per 100,000 population <sup>42</sup>	2009-10	All population							13	14	8/13
9	Number of New Brunswick teen workers who suffered a workplace accident, count <sup>43</sup>	2013	15 to 19 years old	334				205	99	304		
10	Rate of New Brunswick teen workers who suffered a workplace accident, rate per 1,000 youth employed <sup>43</sup>	2013	15 to 19 years old	2.0				2.6	1.2	1.9		
11.a	Child under 16 receiving Child Protection Services, rate per 1,000 <sup>44</sup>	2014	Under 16 years old	9.9						9.3		
11.b	Child under 16 receiving Family Enhancement Services, rate per 1,000 <sup>44</sup>	2014	Under 16 years old	7.0						7.4		
12	Child seeking refuge in transition housing, rate per 1,000 <sup>44</sup>	2013-14	0 to 19 years old	2.5						2.1		
13	Child involved in Child Witnesses of Family Violence Program, rate per 1,000 <sup>44</sup>	2013-14	0 to 19 years old	3.1						2.4		
14	Child and youth victims of family violence (violence committed by parents, siblings, extended family and spouses), rate per 100,000 population <sup>45</sup>	2011	0 to 17 years old							365	267	
15	Youth - Total correctional services, count <sup>46</sup>	2011-12	12 to 17 years old	1,480			88	966	270	1,236	33,924	
15.a	Youth - pre-trial detention, % of youth - total correctional services <sup>46</sup>	2011-12	12 to 17 years old	20.7			2.1	23.7	25.2	24.0	11.6	4/10

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## 6 - SAFETY

• How well are we protecting our children and youth?

	Year	Age or Grade	Previous NB Data	Person with a disability	Immigrant	Aboriginal	Gender		NB	Canada	Rank (NB to Canada)
							Male	Female			
15.b Youth - provincial director remand, % of youth - total correctional services <sup>46</sup>	2011-12	12 to 17 years old	4.7			8.0	4.6	8.1	5.3	1.1	9/10
15.c Youth - total secure custody, % of youth - total correctional services <sup>46</sup>	2011-12	12 to 17 years old	4.9			0.7	6.1	5.6	6.0	3.5	9/10
15.d Youth - total open custody, % of youth - total correctional services <sup>46</sup>	2011-12	12 to 17 years old	3.7			4.5	3.5	4.8	3.8	3.6	7/10
15.e Youth - total community sentences, % of youth - total correctional services <sup>46</sup>	2011-12	12 to 17 years old	66.2			46.6	62.1	56.3	61	58	6/10
16 Youth incarceration rate, rate per 10,000 young persons <sup>48</sup>	2012-13	12 to 17 years old	8.5						7.8	7.3	5/9
17 Youth probation rate, rate per 10,000 young persons <sup>48</sup>	2012-13	12 to 17 years old	77.1						68.6	57.7	4/8
18 Multi-Disciplinary Conferences for youth in correctional services, count <sup>47</sup>	2013	12 to 17 years old	235						203		
19 Reintegration leaves for youth in secure custody, count <sup>47</sup>	2013-14	12 to 17 years old	91						78		
20 Escorted leaves for youth in secure custody, count <sup>47</sup>	2013-14	12 to 17 years old	691						528		
21 Total sexual violation against children, rate of total persons charged, rate per 100,000 population <sup>12</sup>	2013	12 years and over	New 7.6						7.0	4.3	8/10
22 Child pornography, rate of total persons charged, rate per 100,000 population <sup>12</sup>	2013	12 years and over	New 1.2						0.9	2.03	1/10
23 Greenhouse Gas emissions per person, tonnes CO <sub>2</sub> e <sup>40</sup>	2012	All population	20.1						16.4	20.1	3/10
24 Radon emissions, Becquerels per cubic meter (Bq/m <sup>3</sup> ) <sup>41</sup>	2009-10	Not applicable	New						202		10/10



**Legend:**

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

**Bold** = Updated indicator  
 = Data unavailable  
 K = Kindergarten  
<sup>1</sup> = source is in superscript after each indicator  
 Rank includes all provinces when data is available = 10 maximum

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