

OFFICE OF THE CHILD AND YOUTH ADVOCATE

ANNUAL REPORT

ALL DIFFERENT, ALL
EQUAL

2015 - 2016



*Défenseur des
enfants et de la jeunesse
du Nouveau-Brunswick




New Brunswick
Child & Youth
Advocate



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2015-2016 Annual Report

This Annual Report, touches on three areas of intervention of the Office of the Child and Youth Advocate (OCYA), i.e., individual requests; education, outreach and research; and systemic advocacy and advice to government.

Our Vision

All children and youth have a right to reach their full potential and become active citizens. The Child and Youth Advocate for New Brunswick believes that our province can be a place where children come first, and where their rights and interests are defended. In short, we believe that New Brunswick can be a leader in upholding the rights of our young people.


Our Mission

The Child and Youth Advocate listens to all children and youth; engages with families, community organizations, and government partners, defends the rights of children and youth to ensure that their voices are heard and that their best interests are considered in all decisions affecting them.

Our Mandate

The Child and Youth Advocate:

- ensures the rights and interests of children and youths are protected;
- ensures the views of children and youth are heard and considered where those views might not otherwise be advanced;
- ensures children and youth have access to approved services and that complaints about these services receive appropriate attention;
- provides information and advice to government, government agencies and communities about the availability, effectiveness, responsiveness and relevance of services to children and youth; and
- acts as an advocate for the rights and interests of children and youth in general.



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Office of the Child And Youth Advocate

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Wendy Cartwright*	Delegate
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Robert Lafrenière	Delegate
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Sarah Dennene	Director of Research, Education and Outreach
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Benoit Locas*	Harm Prevention Project Manager
*Part of the year	

Financial Statement

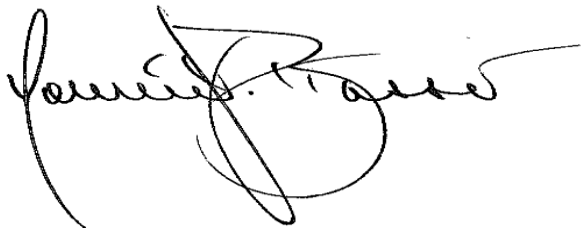
2015/16	Budget(\$)	Actual(\$)
Personal Services	738,250.00	794,641.55
Other Services	145,100.00	173,643.72
Material and Supplies	15,500.00	3,498.26
Property and Equipment	9,150.00	9,090.97
Contributions and Grants	55,724.00	(17,000.00)
Debt and Other Charges	0.0	758.62
TOTAL	963,724.00	964,633.12



Message from the Advocate

Pursuant to Section 25(1) of the Child and Youth Advocate Act, I am submitting this Annual Report to the Legislature of the Province of New Brunswick. This year's report titled "All Different, All Equal" speaks to the fact that all children and youth are, and should be seen as being, individually different but equal regardless of their origin, disability and place of residence; that is their right.

Again, I take this opportunity to thank and congratulate my staff for their tireless effort and work in ensuring that the rights of all children and youth of New Brunswick are fearlessly protected and that all services are provided to them. Also, I thank them for preparing these reports which inform both the Government and Civil Society concerning the issues that affect all children and youth in New Brunswick.



Norman J. Bossé, Q.C.





Individual case advocacy requests

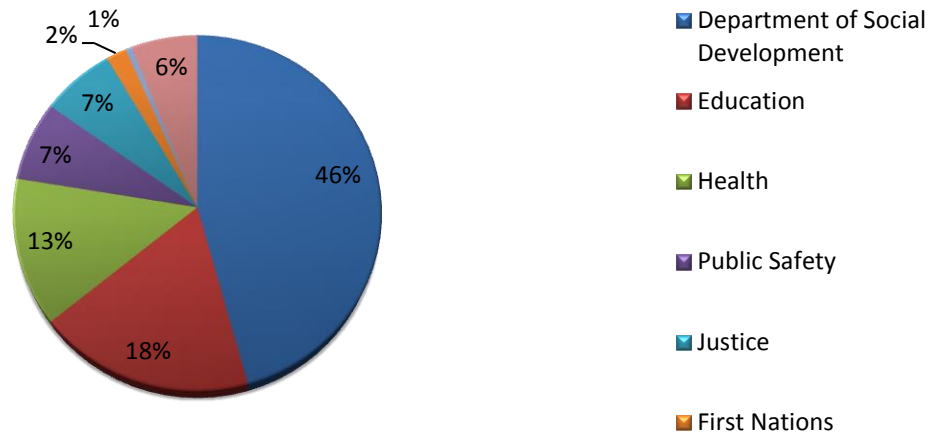
Calls, e-mails and visits with youth, their parents or legal guardians, extended family members and community members, professionals and community stakeholders generated 536 requests for individual advocacy throughout the year. This is a 7% increase in the number of requests when compared to last year. Ninety-one percent of these requests required a delegate to review the matter in some details and 10% were dealt with in the same day (request for information, directed to another agency, closed because it fell outside of the Advocate's mandate).

The following examples highlight the types of situations youth brought to the attention of the Child and Youth Advocate in the past year:

- a) An older youth receiving services under the Youth Enhancement Services from the Department of Social Development wants to be into the care of the Department because he wants additional supports and longer term support from the Department;
- b) A youth feels unsafe in a psychiatric unit because she is bullied by other youth who are also receiving care;
- c) Several youths want a delegate to be present at meetings where decisions are made about them to ensure their voice will be heard and their rights respected;
- d) A youth who is incarcerated wants to pursue his education but there is no educational program offered at the institution for youth who have graduated from high school;
- e) A youth in open custody wants our office to intervene because he has been denied access to school;
- f) An older youth wants to know about her rights; she wants to live with her father even though her mother disagrees;
- g) A youth with special needs wants more support at school to be successful;
- h) An incarcerated youth has difficulty reaching and talking to his probation officer and enlists our help;
- i) A youth has been wait listed for mental health services for more than a year and wants to know if our office can intervene to get her services;
- j) A youth has been denied access to a lawyer from legal aid during sentencing;
- k) A 17 year old transgendered youth inquired about lodging and mental health services that could be offered to her as her parents were not supportive of her gender identity and she needed a place to live and supports to finish high school;
- l) Incarcerated youth asked our office to look into food portions at the New Brunswick Youth Centre;
- m) A high school student called our office requesting advocacy as she was only allowed to attend school one day per week due to her symptoms of anxiety and depression;
- n) A youth called our office from a regional hospital bed because she has learned she is being released in the next few days and the Department is going to bring her back to a group home. She wants her voice to be heard that she wants to live with a family and not with staff.

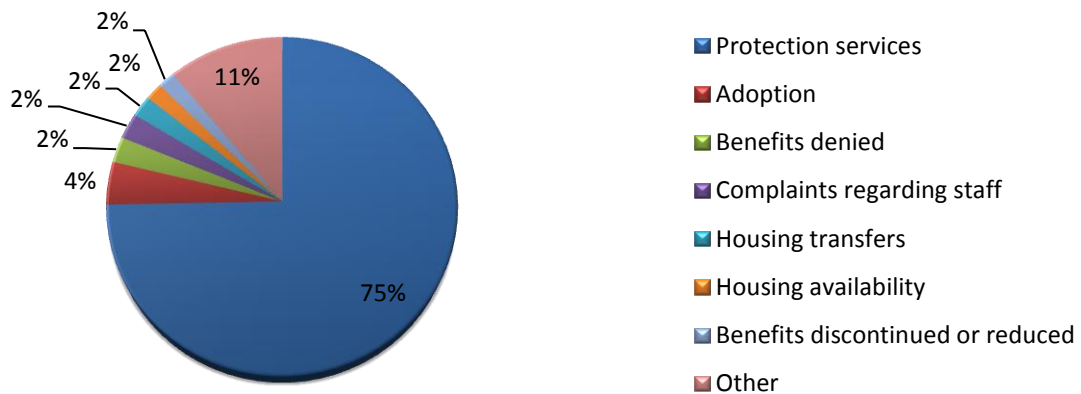
Most of the requests directed to the attention of the Child and Youth Advocate in New Brunswick involved the Department of Social Development, Education, Health, Public Safety and Justice. A small number of calls are about Child and Family Services in First Nations Community and Legal Aid. The table below shows the percentage of calls received for each department or agency.

Percentage of requests by Department



As in recent years, most of the requests for advocacy directed to our office involve the Department of Social Development (45.7%). The table below shows the types of requests we most often receive about this provincial department.

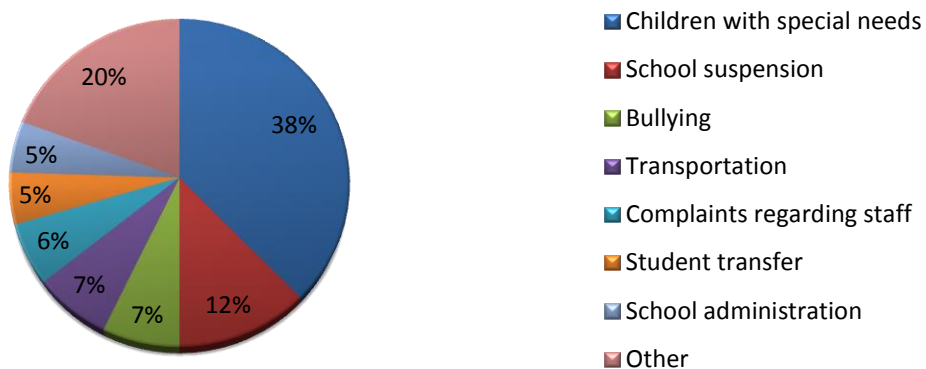
Percentage of requests received for the Department of Social Development



The following example highlights how changes to the environment and caregivers' methods can change behavior patterns in youth. A teenager in the permanent care of the Department of Social Development called our office because he was being physically restrained too often. A delegate met with the youth, the caregivers, police and the legal guardian. Protocols were changed to use restraint as a last resort and training was offered to staff on how to use debriefing techniques, calming strategies, relationship building activities. The youth's behaviors were greatly reduced; staff were happier and less stressed when working with the youth. The youth didn't incur any more charges under the Youth Criminal Justice Act.

Requests made to our office in regards to the Department of Education most often involve children with special needs, school suspensions, bullying, transportation, complaints regarding staff, student transfer and school administration as shown in the next table.

Percentage of requests received for the Department of Education



Several situations found below will allow the reader to understand the types of requests we receive from parents or caregivers on behalf of children with special needs who struggle in the school system.

As for the department of Health, the issues brought to the attention of our office center around admission and discharge in psychiatric care and difficulty accessing mental health services in the community as shown in the table below.

Percentage of requests received for the Department of Health



The length of time it takes for community agencies to plan for residential/treatment care so the youth can leave the hospital once treatment is completed or the Mental Health Review Board determines they are no longer a risk to themselves or to the public is a primary barrier for youth

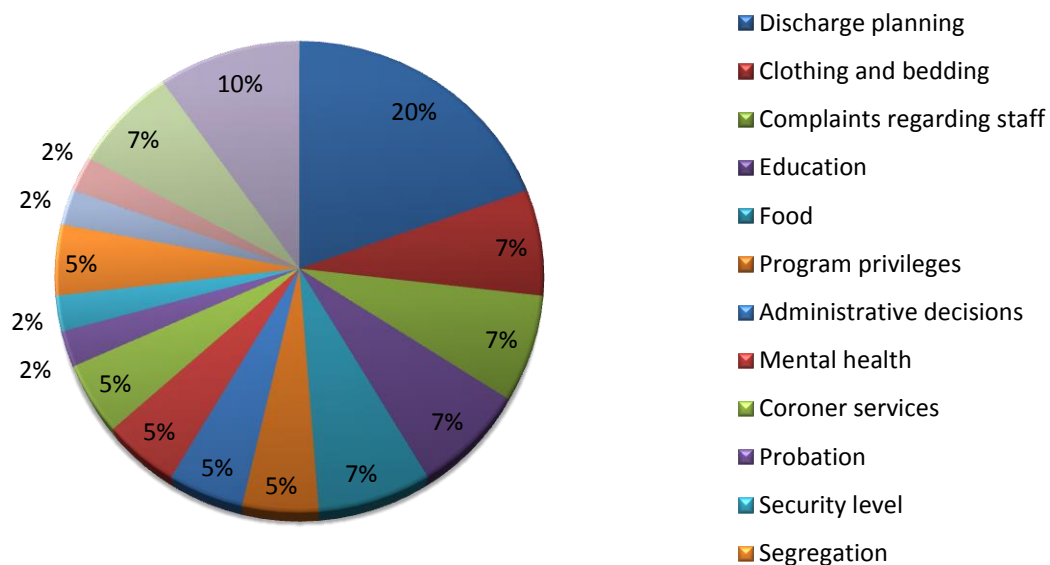
who are sent for an assessment and who do not have a family member that can take them in when discharged. They often end up waiting for more than a year for a resource to be found or set up for them.

Another issue brought up by youth is the difficulty in seeing their psychiatrist on a regular basis to discuss medication, side effects and discharge plans.

Wait lists at some Mental Health community centers is also an issue brought to the attention of the Child and Youth Advocate by youth, by parents and professionals involved in the care system.

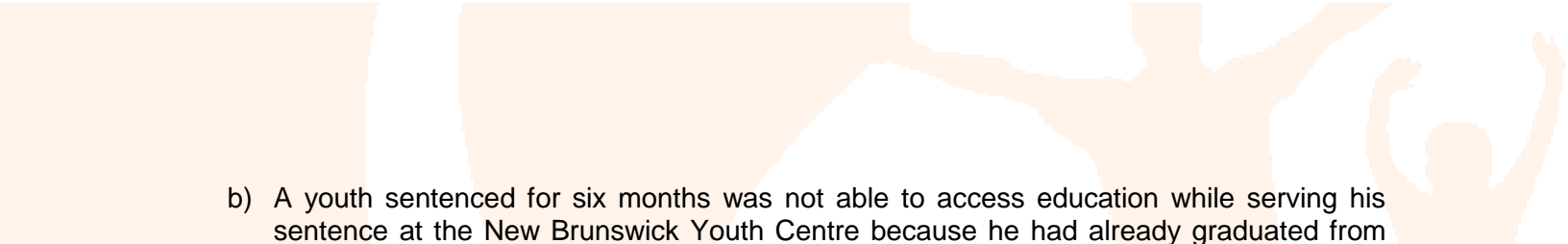
Requests directed at the Department of Public Safety mainly come from youth. Access to lodging, education and mental health services following discharge are often raised by youth. They also express dissatisfaction about food, clothing and bedding, access to education while incarcerated, contact with probation officers, program privileges and decisions made by staff and administration of the facility.

Percentage of requests received for the Department of Public Safety



Delegates of the Child and Youth Advocate were successful in bringing resolutions to the following matters directed at the Department of Public Safety.

- a) Several youth complained about the night snack at the New Brunswick Youth Centre and how it was not sustaining them until morning. Our review did in fact reveal that youth were not given enough food on some nights and the administration and kitchen staff worked together to resolve this issue.

- 
- b) A youth sentenced for six months was not able to access education while serving his sentence at the New Brunswick Youth Centre because he had already graduated from high school. Although not able to offer him a full educational program, the administration did make an educational plan with him that included reading, woodworking and taking care of the grounds on the facility with staff.
 - c) A few youth had difficulty reaching their probation officer and having a conversation with them. Delegates from our office ensured the youth were allowed to call their probation officer, left a message and were able to have a conversation with their probation officer to get answers to their questions.

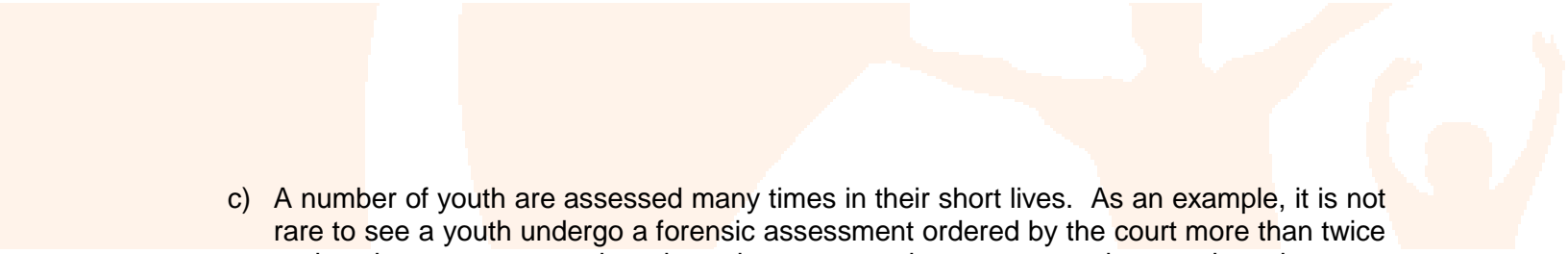
As for the Department of Justice, calls made to our office were mainly about support payments and court orders not being respected or disagreement with the courts' decisions.

Case study: My right to an environment adapted to my needs

The next situation shows how additional funding can make a world of difference in the life of a teenager and her family. Being in a wheelchair since age three means your mobility deeply rests on having renovations made to your home and access to a reliable adapted vehicle to be able to get to appointments and to get out of the house for activities and outings. Public transportation for persons with reduced mobility is not always available or accessible as often as a teenager or family would need it to be. The parents' request to the Department of Social Development for a subsidy to help with the cost of an adapted vehicle was refused. A delegate from our office became involved with the youth, the family and the Department of Social Development and was able to advocate on her behalf since the family had covered most of the renovations costs to the home and they were dealing with other extenuating circumstances. The Department of Social Development reviewed the request and offered more financial assistance. The transportation barrier disappeared and the youth and her family were able to attend appointments and participate in community activities and family gatherings.


Unresolved issues that remain high on the Child and Youth Advocate's to do list:

- a) The number of youth calling or writing to the office is slowly increasing each year; however, there is still a lot of work that needs to be done to get the message out to more youth that the Office of the Child and Youth Advocate exists and how we work for their rights.
- b) Another issue that comes up year after year to the attention of delegates in individual case advocacy requests is the number of feuding parents who call our office and claim to be the parent better able to raise the child or children and wanting our office to advocate on their behalf with the Department of Social Development or intervene to change an order made by the court. We direct these parents to program such as For the sake of the children, to seek legal advice and to cooperate with the Department of Social Development. However, we know the children are often caught in the crossfire between their parents and suffer emotionally while it may take years for the courts to resolve these issues.

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- c) A number of youth are assessed many times in their short lives. As an example, it is not rare to see a youth undergo a forensic assessment ordered by the court more than twice and we have seen examples where the same youth was assessed seven times between the ages of 13 to 18. To add to this picture, the same youth had been assessed numerous times previous to or in between these assessments in other facilities or in the community. It is not the assessments that are lacking but rather a plan to implement the recommendations, the knowledge to do this or the resources to make it happen.
 - d) Alcohol and drug testing through hair samples in child protection situations was also on the Child and Youth Advocate's radar this past year. The Child and Youth Advocate asked the provincial government to review its child protection cases where hair samples were used to screen for alcohol or drug use to make sure children weren't taken away from their parents unfairly.
 - e) The office is pleased to see the decline in the number of incarcerated youth in the past year but we remain concerned that many youth are remanded while waiting to enter a plea, then again while waiting for trial and remanded again prior to sentencing. Adults with similar charges would not be detained prior to sentencing. A number of youth tell delegates they rather plead guilty as quickly as possible to get sentenced more quickly, serve their time and be done with the matter.
 - f) Youth detained in police or court cells are also concerning. Youth can remain in these cold, humid cement cells for a day and overnight; they are given an energy bar and water for each meal; they sleep on the cold cement pad with no mattress, pillow or blanket.
 - g) Children with special needs and children with complex mental health issues or behavioral problems need delegates to advocate for them when their parents or caregivers aren't successful in getting an educational plan that meets their needs and allow them to remain in school.
 - h) The issue of transportation of youth with adults by sheriffs as well as shackling and handcuffing of every youth is an issue the Child and Youth Advocate wants to see changed.

Education, Awareness, and Outreach

Child advocacy also involves informing children, young people, professionals, and institutional stakeholders about children's rights and encouraging them to defend and promote them. In exercising its mandate, the OCYA encourages concerted and collaborative actions in order to create environments that are respectful of fundamental rights and therefore conducive to the healthy development of children and youth. We do so to prevent the violation of rights. This mission of the OCYA complements the other missions related to individual complaints and systemic advocacy. Over the years, the OCYA has acquired expertise in large-scale research projects and concerted actions with partners from academia or government or other civil society organizations in the service of the rights and interests of children in the province.



Training and Educating Professionals from around the Globe in New Brunswick: Fourth Edition of the International Summer Course on the Rights of the Child

The fourth International Summer Course on the Rights of the Child, organized by the Office of the Child and Youth Advocate and the Université de Moncton and supported by the Province of New Brunswick, the Canadian Council of Child and Youth Advocates, and the Organisation internationale de la Francophonie (OIF) [International Organization of the Francophonie] was held from July 5 to 10, 2015.

In the light of the principle of non-discrimination and Article 23 of the *Convention on the Rights of the Child*, which confers on children and young people with a disability the same rights enjoyed by other children and young people, the participants had the opportunity to broaden their knowledge of the right of children to enjoy the best health possible and to receive medical services and rehabilitation services. The themes were:

- a) the professional dealing with vulnerable children and their rights;
- b) mental health and inclusive education;
- c) mental health and the protection system;
- d) the diversion of young people with mental health problems.



Course Program

A number of guest speakers shared their expertise through roundtables or plenary lectures. The participants and experts, from various fields, had the opportunity to benefit mutually from their work with children. This year, we also developed workshops for exchange and reflection to promote intercultural exchanges for Anglophone and Francophone learners. The study sessions and lectures focused on legislative reforms, public policies, preventive measures, access to primary health care facilitating the early detection of psychological, emotional, and mental problems of children and youth as well as transformational approaches. The goal of this formula is to prepare the professionals effectively given the theory and practical content.

Among the some thirty speakers were:

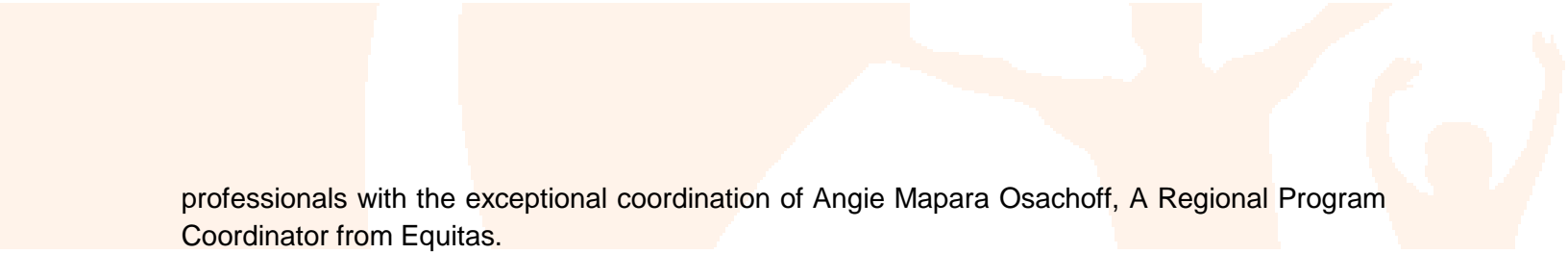
- Rina Arseneault, C.M., MSW, TSW – Associate Director, Muriel McQueen Fergusson Centre
- Claire Brisset, former child advocate for France;
- Mary BIRDSELL, B.A., LL.B. – Executive Director, Justice for Children and Youth
- Benoît Van Keirsbilck, Director of the Belgian section of Defence for Children – International;
- Marv Bernstein, Chief Policy Advisor - UNICEF Canada;
- Nathalie LEBLANC – Project Officer, Integrated Service Delivery, Province of New Brunswick
- Jean Bernard MARIE – Professor, Université de Strasbourg, Expert consultant in human rights to international organizations

Youth rapporteurs

In this edition of the Course, to ensure the meaningful participation of young people in matters that concern them, the organizing committee invited them to join the conversation on the issues relating to the mental health of children and youth. Young people from New Brunswick and across Canada took part in this dialogue-packed week for a participatory and collaborative experience that provided them with the tools to address the issue of mental health using a rights-based approach. The young people are members of councils or youth alliance networks. During the Summer Course, they had the chance to present their work and ideas and to share their experience with others, which was a first for the course.

The youth engaged in the following activities: discussion circles throughout the week, participation in workshops of exchange and reflection on issues that concern them without neglecting their role as rapporteurs, through interviews conducted with some of the guest speakers.

They also benefitted from specific training on the sidelines of the Course on rights or the preparation of presentations supervised by the Support Committee composed of OCYA



professionals with the exceptional coordination of Angie Mapara Osachoff, A Regional Program Coordinator from Equitas.

Sustainability of the Course

Based on participant feedback, we can see that this experience, which is unique in Canada, is a real success. It also highlights a significant need for training across the Francophonie and beyond in terms of children's rights. According to the participants, the Course was an opportunity to network and to talk with people who are dedicated to the same mission of defending and promoting children's rights. It is clear that this International Course helped to broaden the expertise of professionals from New Brunswick and other Canadian provinces.

Building on this success, the fifth edition of the Course was held at the Université de Moncton from July 3 to 8, 2016, and focused on the theme of the deprivation of liberty of children and adolescents' right to an adapted criminal justice system. The sixth edition, which will be held in 2017 at the same university, will focus on the rights of children in cultural/linguistic minority situations and the issue of identity. Article 30 of the Convention will be addressed, i.e., the right of ethnic, religious, or linguistic minorities or persons of indigenous origin to profess and practice their own religion and to use their own language in community with other members of their group.

National Forum for the establishment of a federal Child and Youth Commissioner

On Saturday, July 10, 2015, the day following the closure of the Summer Course, several Canadian NGOs, professional associations, youth representatives, and philanthropic organizations met in Moncton to discuss the need to establish a Canadian Commissioner for Children and Youth. This forum, organized by UNICEF Canada, the New Brunswick Child and Youth Advocate, the Canadian Coalition for the Rights of Children, the Canadian Paediatric Society, the Canadian Student Association for Children's Rights, and the Child Welfare League of Canada, was also an ideal opportunity to discuss how these Canadian organizations envisioned the role of the federal Commissioner. In follow-up to that forum and in light of the multiple recommendations proposed to Parliament by the UN Committee on the Rights of the Child, the Standing Senate Committee on Human Rights, and the many representatives of Canadian civil society, a joint call to action was issued for the federal government to quickly take the necessary steps to establish a new Officer of Parliament position for the children and youth of Canada. The final statement, *Joint Call to Action for the Establishment of a Canadian Commissioner for Children and Youth: Elements for Discussion regarding Key Principles, Functions and Powers*, is being distributed across the country to children's aid agencies and organizations, professional associations, Aboriginal communities, and to Canadian children and youth.

This senior official will have oversight and be responsible for the protection and promotion of fundamental rights of the child under the Convention on the Rights of the Child. All parties to this statement agree that it is high time for Canada to fulfill its international obligations towards its children and young people and the establishment of a position of National Commissioner should be achieved as soon as possible.

Excerpt from the final statement



Multilateral Francophonie

It is clear that the dialogue that took place during the 2013 Moncton International Summer Course on the Rights of the Child on the child's right to protection from all forms of violence has borne fruit. Indeed, for the first time, a practical guide has been developed, "Entendre et Accompagner L'Enfant victime de Violence" (hearing and supporting the child victim of violence). Drafted by the Organisation internationale de la Francophonie with the assistance of experts from a dozen French-speaking countries, including some members of the OCYA, according to the organization, this guide is designed to strengthen the capacity of professionals working with children by providing them with a work/training tool for stakeholders who work with child victims of violence. This guide was developed with the assistance of the Working Group on the Rights of the Child within the Francophonie, stemming from the desire to develop work tools that meet the recommendations taken from the current situation of child rights within in the Francophone space in 2009.

The practical guide was launched by the Secretary-General of La Francophonie, Michaëlle Jean, in Paris on Thursday, December 16, 2015. It was launched officially in Canada during the fifth edition of the International Summer Course on the Rights of the Child.

The OCYA was again involved with the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF). In September 2015, as a guest speaker at an AOMF training session on the rights of the child, the Deputy Advocate and the Director of Education and Outreach gave a presentation on the theme of making children aware of their rights in the school setting. We also participated in the Association's 9th Convention from October 13 to 15, 2015, which concluded with the adoption of the "Quebec Declaration," calling for the strengthening and consolidation of mediation institutions as promoters of democratic values, the state of law, and respect of human rights. That Convention provided a platform for a dialogue on a number of issues such as the concrete role of advocates in the context of a state governance crisis while being mindful of the priority given to children.

Child Rights Education Week



The OCYA believes that community awareness and education efforts are vital for the better protection of the rights of children and youth, which is why the Research, Education and Outreach department once again coordinated the Child Rights Education Week (CREW). This campaign ran from November 16 to 22, 2015, in the province and nationally. The week is designed to mark Universal Children's Day on November 20. The OCYA worked with partners and organizations to encourage the organization of a variety of activities and events across the country to promote the rights of the child under the *Convention*. A new national website to raise awareness of children's rights, which includes educational resources for children, parents, educators, and teachers, was developed and launched during the CREW. A database of activities on the right to non-discrimination was also created. It compiles a series of activities of partner organizations, classified by age, for parents, educators and teachers accompanied by a facilitation guide. A national post card competition inviting young people to share their message of inclusion was developed. A partnership with the International Institute for Child Rights and Development (IICRD) was developed to promote children's rights and was also initiated as part of the national CREW campaign in order to encourage the participation of youth in a research project. The Institute worked with UNICEF Canada to conduct a national study on the well-being of children. The goal is to be able to understand the underlying factors such as attitudes, practices, conditions, policies, beliefs, populations, and locations that encourage the protection, growth, and development of young people and that therefore are conducive to their well-being. The key is to pay attention to the views of children and young people with regard to the factors they consider most important for their well-being.

The role of the OCYA in this type of campaign is to foster leadership within communities with respect to the rights of children and youth. At the provincial level, the OCYA supported these activities through various means, i.e., publicity, advertising, a calendar of events on its website, modest financial contributions, in-kind contributions such as printing services and staff availability for conferences and the distribution of promotional or educational materials. A number of people were involved in this eventful week. For example, the First Nations Children's Futures Fund held a fundraising breakfast, and the N.B. Adoption Support Network of the New Brunswick Adoption Foundation also participated. Activities included a webinar on the role of the OCYA and the Battle of the Arts Finale. That landmark event took place on November 21 at the Centre communautaire Sainte-Anne in Fredericton. Battle of the Arts is an activity that allows young people from various cultures to express themselves artistically while raising awareness with respect to human rights, particularly children's rights. The Maison des jeunes L'acAdo, Saa

Andrew Gbongbor, director of the Battle of the Arts, and the OCYA all contributed to the success of this event. This was the first time that many of the young people had appeared on stage.

The OCYA also launched the first Strategy for the Prevention of Harm to Children and Youth on Tuesday, November 17, at the Crowne Plaza in Fredericton (see below).

Partnership with education stakeholders

On November 20, the day the *Convention* was adopted, members of the OCYA also met with children during the week in provincial schools to encourage them to make their voices heard. In particular, the OCYA visited the École Monseigneur François Bourgeois to launch the provincial Diversity and Respect Week. The team gave the participants posters of the *Convention* as well as booklets and bookmarks. The Advocate, Mr. Bossé, also delivered an address and met with students at Harbour View High School in Saint John on November 20.



November 20, at École La Villa des Amis in Tracadie-Beach: a school interested in becoming a Rights Respecting School

This year, the Deputy Advocate and the Director of Research, Education and Outreach went to École La Villa des Amis in Tracadie-Beach, a school that is interested in becoming a Rights Respecting School.

The school's educational staff organized a number of activities on that day in which the members of the OCYA participated. Our members then toured classrooms and organized a chat with the students on the rights of the child. A meeting was then held with the principal and teaching staff as well as a lunch with the student council, which was a good opportunity to learn more about the students' interests.

Along with our partners, we want to continue to support the implementation of Rights Respecting Schools in New Brunswick. The initiative is related to our mandate of raising the awareness of students and educating them about having a school environment that is respectful of their rights.

Reminder

A RIGHTS RESPECTING SCHOOL:

- places the UN *Convention of the Rights of the Child* at the heart of its culture;
- teaches and integrates the understanding of the responsibilities of each toward the other and that of society toward children;
- ensures consistency between daily tasks related to teaching, school administration,

- project management, and programs undertaken at the school, as well as internal management policies;
- gives the children the opportunity to express their opinion, participate in decisions concerning the school and their classroom, and help to resolve problems.

Still according to UNICEF Canada, this approach helps to:

- reduce bullying and absenteeism;
- foster learning;
- have students adopt positive attitudes toward social diversity and reduce prejudices;
- improve relationships and behaviours;
- encourage children and youth to support social justice.

Source: Unicef <https://erdcanada.files.wordpress.com/2010/10/brochure-erd-20132.pdf>

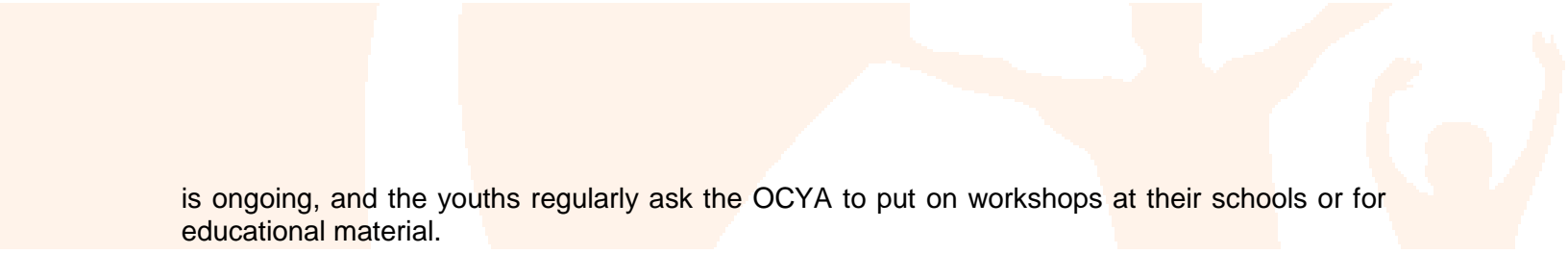
Other education and awareness projects

As part of the Education Week, an international exhibit on the theme of “*Tes droits, c’est tout un art*” was also mounted by the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF). Children from all over the world were first educated about their rights. They were then invited to express themselves on their rights through drawings, painting, sculpture, etc. The best works were then exhibited at the AOMF Convention held in Quebec and then became part of a travelling exhibition. One of the works graced the front page of the report on the Strategy for the Prevention of Harm to Children and Youth and was exhibited during the Battle of the Arts Finale.



One of the three Rights of the Child Murals produced during the ACADO summer camp. Some twenty children from Fredericton took part.

There was also a partnership with the Fédération des jeunes francophones du Nouveau-Brunswick. In October, the OCYA met with members of the Board of Directors (youths) at its offices in Fredericton and had a rewarding discussion on the needs with respect to awareness of children’s rights. The Director of Education and Outreach then participated in the FJFNB symposium, *La Recharge*. This is an annual provincial symposium that brings together some 100 youths and the presidents of all Francophone high school student councils in N.B. to discuss the challenges they face at their schools. The theme of the workshop was on the importance of intercultural education, and there was an opportunity to share possible solutions. The discussion



is ongoing, and the youths regularly ask the OCYA to put on workshops at their schools or for educational material.

Case study: My right to education

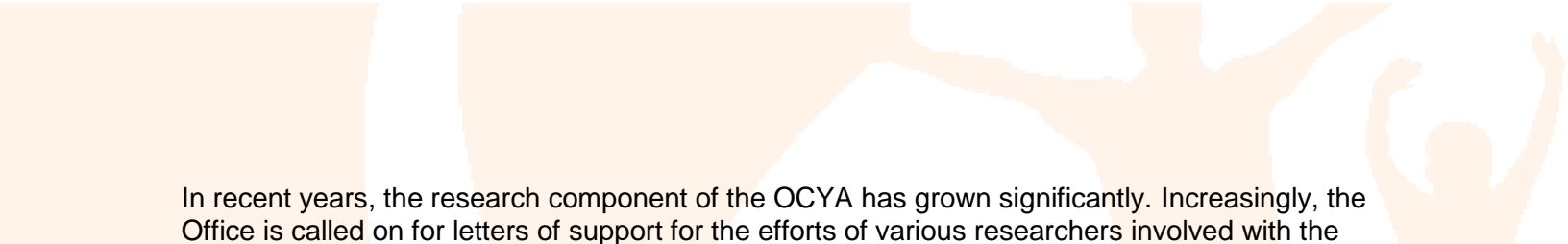
Parents of two teenagers going to the same high school called the Child and Youth Advocate's Office because neither of their children were having much success at school. One had just been given a long-term suspension that would last three months, and the other was struggling to attend school because of issues with bullying and mental health challenges. After several conversations, the Delegate from the Child and Youth Advocate's Office was able to re-open the lines of communication between the parents and the school district so that they could meet on a regular basis to build a plan for both children. They reintegrated school and have been doing well since that time.

The forum for New Brunswick's professional associations is an awareness activity organized by the OCYA, which was held on Thursday, May 21, 2015, at the N.B. Law Society in Fredericton. This important day of dialogue provided a good opportunity for the directors of provincial professional associations to meet with the Child and Youth Advocate and his team and to obtain an overview of the work of the OCYA and current strategic projects. As mentioned by Deputy Advocate Christian Whalen, this session focused on the development of new synergies in order to become better equipped to work for the rights of children. For example, in follow-up to this forum, the Advocate gave a training webinar for the Nurses Association of New Brunswick. Since then, on a number of occasions, the associations have been asked to participate in OCYA activities.

Likewise, the OCYA team is regularly asked to take part in the activities of our civil society partners, a sign that the promotion of children's rights is a collective undertaking. The Advocate and his team often travel for conferences and presentations on the rights of the child. The OCYA worked with students from Renaissance College to lay the foundations of a youth engagement strategy. The project counted as a practical experience in the students' academic curriculum. The Office also worked with the Regroupement féministe du Nouveau-Brunswick to raise awareness about the socialization of youth and the importance of the right to equality on the occasion of International Women's Day and we also developed a partnership with the Frye Festival. The OCYA was mainly associated with the youth component, noting that access to recreation such as writing and reading is a right of children protected by the *Convention*.

The OCYA also makes available its expertise on the rights of the child. For example, it worked to put in place a support centre for child victims of sexual assault. The mission of this support centre will be to coordinate investigations and legal actions and also to offer victims the necessary support by providing a setting that is more mindful of their rights and well-being.

Research



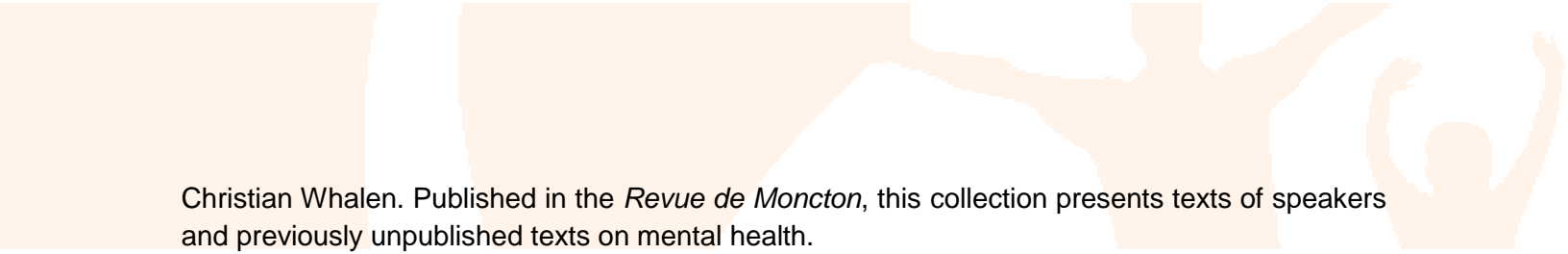
In recent years, the research component of the OCYA has grown significantly. Increasingly, the Office is called on for letters of support for the efforts of various researchers involved with the rights of the child across the country. It also initiates certain research activities with N.B. researchers, and staff members contribute to the advancement of research and analysis through various publication projects. Efforts underway include:

- preparation of a journal specializing in children's rights with researchers from the Faculty of Law at the Université de Moncton, offering a publication opportunity for the many guest speakers at the Moncton Summer Course;
- fundraising and recruitment of a new Research Chair in adolescent mental health at the Université de Moncton;
- seeking partners and funding for the establishment of a youth access to justice clinic in the greater Fredericton area in partnership with the Faculty of Law at UNB;
- participation as a collaborator in funding applications to the major research councils of GlobalChild, an initiative of Dr. Ziba Vaghri of the University of Victoria, to establish an evaluation tool for the status of implementation of children's in the signatory states to the *Convention*;
- participation with researchers from UNB, U de M, and UPEI in a schema project and CIHR Quick Strike to fund a longitudinal research program on a cohort of newborns in New Brunswick and on Prince Edward Island;
- support as a collaborator in the research program of Dr. Tara Collins of Ryerson University who is building a Canadian and international network of researchers involved in the civic participation of children in the implementation of their rights;
- participation in the preparation of a practical guide for Canadian jurists of the Canadian Bar Association on the UN *Convention on the Rights of the Child* and how best to use it when pleading and have it enforced by Canadian courts.

Interdisciplinary research and expertise group at the Université de Moncton

An inter-faculty research group was set up in Moncton on the initiative of the OCYA. It brings together representatives of several faculties, including Law, Education, Nursing, and the School of Social Work. The group is coordinated by the OCYA, and the Department of Continuing Education provides logistical support. The members meet on a quarterly basis. The current project is a mapping of the research at the University of Moncton in the field of children's rights. In fact, what emerges from the last meeting is the members' interest in the field of children's rights on campus, with a request for more cooperation. That is why the notion of a mapping (census) appears important in order to determine the status of research on the rights of the child. Calls went out to the entire university community (students, faculty, and staff).

Since the Moncton Summit, thanks to the many projects initiated by the OCYA, the Université de Moncton has positioned itself as an essential platform for research in favour of children's rights. This can also be seen through the recent establishment of a Research Chair in adolescent mental health through an endowment of \$2.5 million and the ACCESS Open Minds project (see below). Moreover, for the first time, the 2015 edition of the International Summer Course on the Rights of the Child saw the development of a collective work on the mental health of children co-led by professors Nicholas Léger-Riopel and Malaïka Bacon-Dussault, and Deputy Advocate



Christian Whalen. Published in the *Revue de Moncton*, this collection presents texts of speakers and previously unpublished texts on mental health.

The cyber violence project

The Office of the Child and Youth Advocate has partnered with the New Brunswick Association of Social Workers (NBASW) and the Muriel McQueen Ferguson Centre for Family Violence Research (MMFC) on a two year project funded by Status of Women Canada to prevent and eliminate cyberviolence against young women and girls in New Brunswick. The project aims to develop community and evidence-based responses to cyberviolence through coordinated strategies that address institutional barriers and leverage existing capacity.

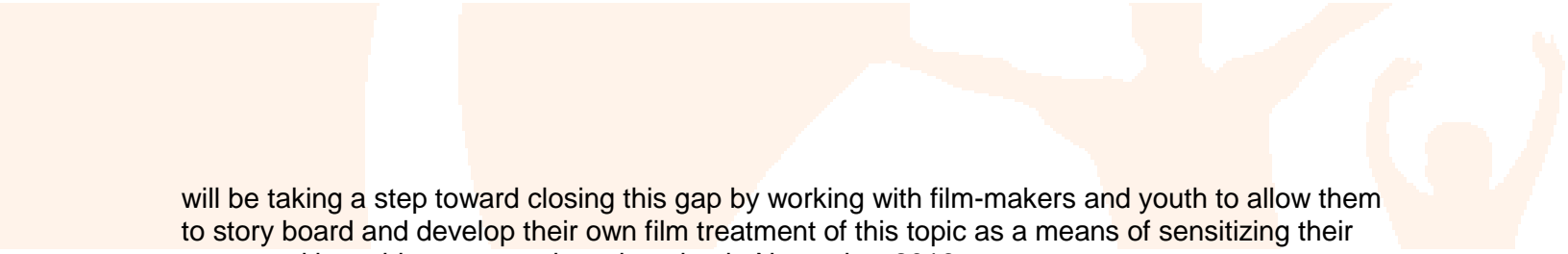
For this project, cyberviolence is defined as harm committed by one individual or group to another through use of any cyber-technology, including computers, mobile phones and through such mediums as the Internet, social media and various apps. This project will focus on the gendered issues of cyber-bullying, non-consensual sharing of intimate images and child internet exploitation through luring and pornography. Cyberviolence has become a pervasive issue on local, national and international levels. In Canada, stories such as those of Rehtaeh Parsons and Amanda Todd have driven home the importance of addressing this challenge, and reminded us of the broader societal implications on youth mental health and violence against women and girls.

So far, the Cyberviolence Project has completed the research component of its two-year mandate. The project coordinator has collected and analysed information on the nature and extent of cyberviolence within New Brunswick through an online survey and youth focus groups. The final focus group took place in November 2015, and was followed by a submission of a Needs Assessment Report to Status of Women Canada. The results of the needs assessment has improved our understanding of the unique qualities and social context of the issue as we move forward with strategy development.

In October, a second community partners workshop was organized to engage stakeholders on the issue of cyberviolence against young women and girls. This gave the project the opportunity to present information gathered from the focus groups and an online survey completed by New Brunswick youth, which was distributed the previous year. Based on the youth's needs, some community partners were able to identify ways they could contribute to the prevention and elimination of this growing and troubling issue.

The project is presently in the strategy development phase which will include the development of a toolkit. The strategies that will be implemented in the near future aim at interventions to address cyberviolence as well as knowledge transfer regarding the issue.

A major concern raised by youth and community partners regarding the issue of cyberviolence is the generational gap in understanding technology. As one of the focus group participant stated: "our parents need to be educated because they never grew up with the internet...they have phones and stuff, but they don't understand. We grew up with technology so we know how everything's working, but I don't think they understand how it is". This gap has been recognized by youth and community partners as a barrier to preventing cyberviolence. The Project Team



will be taking a step toward closing this gap by working with film-makers and youth to allow them to story board and develop their own film treatment of this topic as a means of sensitizing their peers and launching a strategic action plan in November 2016.

The Provincial Strategy for the Prevention of Harm to Children and Youth

In 2013, the Office of the Child and Youth Advocate of New Brunswick initiated a process to develop a province-wide, collaborative Strategy for the Prevention of Harm to Children and Youth. The Strategy's vision is informed by article 19 of the United Nations *Convention on the Rights of the Child* (CRC) and recommendations from the UN Committee on the Rights of the Child to address all forms of harm to children and youth in a coordinated and evidence-based manner. The ultimate aim will be to produce a provincial Strategy that reflects the views of all relevant stakeholders and establishes their individual commitments to future action.

The Guiding Principles:

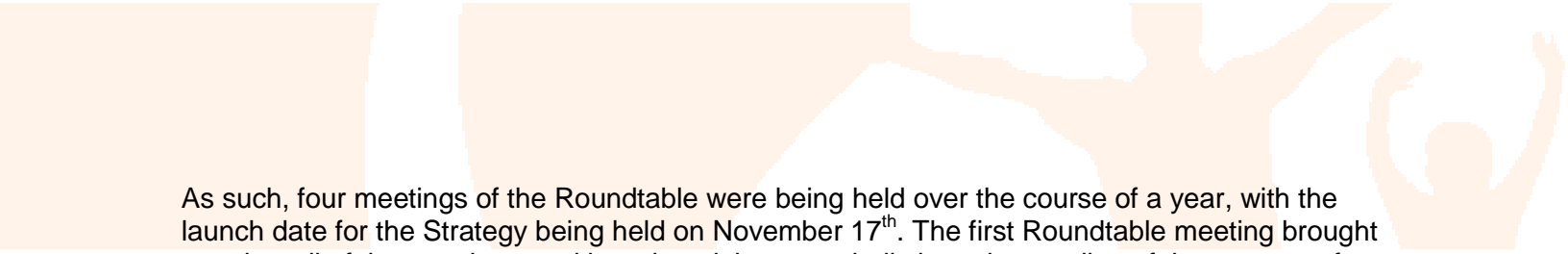
Throughout the process of developing the Strategy, two guiding principles have emerged as the foundations for all of the commitments that will be made under the Strategy. The first principle is that the Strategy must take a coordinated approach to preventing harm to children and youth, which refers to a willingness to collaborate and communicate in order to achieve the shared objective of harm prevention. Taking a collaborate approach among the members contributing to the Strategy reflects an understanding of the Committee on the Rights of the Child's emphasis that the prevention of harm to children and young people is not a responsibility of the government alone; all members of society can contribute to protecting the rights of New Brunswick children to be safe from harm.

In addition, taking a coordinated approach also recognizes the many existing organizations that have already developed programs and services geared toward harm prevention. The provincial Strategy will emphasize a desire to avoid reinventing the wheel, and focus instead on aligning initiatives and tweaking services to be able to reach the greatest population of young people in New Brunswick.

The second principle of the Strategy is youth engagement, which also emerged out of the children's rights-based lens and reflects the commitment in article 12 of the CRC to provide meaningful participation to young people in matters concerning them. Thus, young people from across the province of New Brunswick have been engaged in the creation of the Strategy, and have been given many opportunities to voice their opinions on its approach and deliverables.

The Process:

In order to ensure that the Strategy is fully implemented, the Child and Youth Advocate's Office established a working group, in collaboration with the Executive Council Office. The working group met every second week over the past year, and decided that the best way to ensure the involvement of all stakeholders was to invite members from government branches, civil society, non-governmental organizations, and youth to meet at a Roundtable four times and act as the decision-making body of the Strategy. Based off of a social contract theory model, the members of the Roundtable represent those best placed in New Brunswick to contribute to a Harm Prevention Strategy, and ensure its viability through limiting its contents to their voluntary commitments.



As such, four meetings of the Roundtable were being held over the course of a year, with the launch date for the Strategy being held on November 17th. The first Roundtable meeting brought together all of the members and introduced them to a holistic understanding of the concept of “harm” that encompasses physical, mental, emotional, sexual and environmental harms to children and youth. Once the definition was affirmed, the working group moved forward with the development of an environmental scan that reviewed the existing indicators on harm to children and youth and illuminated the bigger picture of where the gaps in programs and services are.

The second meeting of the Roundtable reviewed the environmental scan and underwent a process called “dotmocracy” to determine what areas of harm the Strategy should prioritize. After identifying some 150 harms to children and youth, Roundtable members were encouraged to place different sized dot stickers on the priorities that they deemed most important. Those with the greatest amounts of dots then became the eleven priorities of the Provincial Strategy for the Prevention of Harm to Children and Youth. The priorities were:

1. Mental Health
2. Bullying & Cyberbullying
3. Access to Education
4. Right to a Family
5. Support for Youth in the Criminal Justice System
6. Housing for Vulnerable Populations
7. Injuries
8. Needs of First Nations Children
9. Health and Nutrition
10. Sexualisation of Young Persons
11. Sexual Abuse & Violations

At the third meeting of the Roundtable, members were encouraged to review the gaps and propose solutions and action items to address them. The young people at the table took a leading role in the conversation, expressing a desire to have more control over the process and the outcomes in order to ensure that their voices are truly heard and their opinions expressed in the overall outcome.

The fourth Roundtable meeting provided all members with an opportunity to review the first draft of the Strategy and give their feedback on its content and structure. Before this point, the Secretariat of the Harm Prevention Strategy met with every member of the group, as well as outside stakeholders, through various processes in order to obtain their individual commitments and action items to contribute to the Strategy.

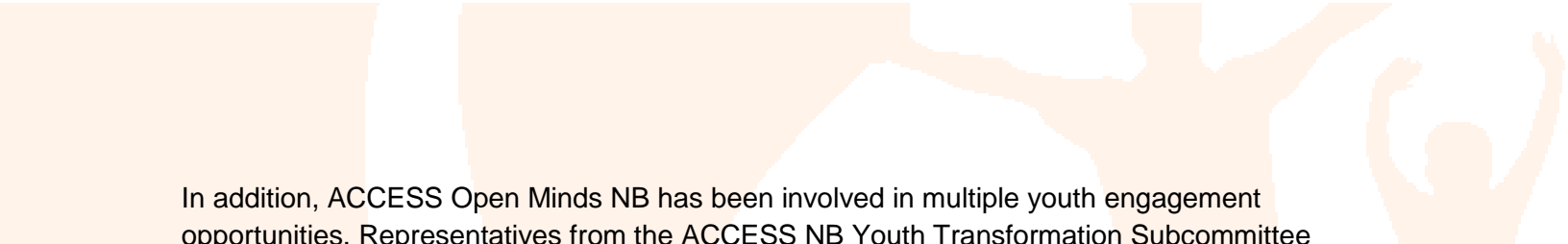
The Strategy was officially launched by Minister Cathy Rogers on November 17th 2015 as part of Children’s Rights Education week, as day one of a five year process of change. Implementation of the strategy will be the task of a new interdepartmental committee on children and youth that was created to oversee the strategy, to oversee the implementation of Child Rights Impact Assessment in government and improve services to New Brunswick children and youth. In short, the Provincial Strategy for the Prevention of Harm to Children and Youth is an extensive endeavour to address all aspects of a child’s life so as to build resiliency and belonging. All of the stakeholders in the province of New Brunswick have agreed that now is the time to build a truly rights-respecting society for our children and youth, and the Child and Youth Advocate’s Office is very excited to have all parties on board!

ACCESS Open Minds NB is a branch of a national project on transformational change in adolescent and young adult mental health. ACCESS stands for Adolescent/young adult Connections to Community-driven, Early, Strengths-based and Stigma-free services. It is a multidisciplinary network of stakeholder groups across six provinces and one territory in Canada. With youth at the centre, ACCESS stakeholders are families/carers, community organizations, service providers, researchers, policy and decision makers and First Nations communities. ACCESS Open Minds' goal is to implement, evaluate and elaborate a transformation in the way youth access and use mental health services in the various Canadian contexts.

ACCESS Open Minds is funded through a \$25 million grant over five years, co-funded by the Graham Boeckh Foundation and the Canadian Institute for Health Research. The network is active in 12 sites across the country, with New Brunswick as the single provincial demonstration site. ACCESS' main objectives are to improve youth engagement with and awareness of mental health issues, in accordance with their right to participation under article 12 of the *Convention on the Rights of the Child*, as well as to provide timely access to evidence-informed, youth-friendly mental healthcare for the entire range of severity of mental health problems. The core principles of this transformation are; (1) early case identification, (2) open referral and rapid access, (3) transitions based on needs, and (4) evidence-based and experience-informed care.

Since the grant process was completed, the New Brunswick team, especially the Office of the Child and Youth Advocate, have been actively engaged in next steps. A governance structure has been established over the past year, with representatives from the Advocate's Office on both the Executive and Oversight Committees. Further sub-committees have been established in order to ensure that the voice of the community, families, First Nations, and especially young people, are included in the transformation of mental health service delivery throughout the province.

ACCESS Open Minds NB has worked to develop its theory of change over the past year, which essentially is a breakdown of the steps that the team in New Brunswick will take in order to achieve the desired transformation in adolescent mental health. The vision is to improve the outcomes for young people suffering from mental health problems through resilience-building and service transformation so that all children and youth of New Brunswick can develop to their maximum potential. As such, ACCESS NB has been focused on alignment with existing mental health initiatives within the province in order to ensure that the transformation is organized, efficient and entirely successful.



In addition, ACCESS Open Minds NB has been involved in multiple youth engagement opportunities. Representatives from the ACCESS NB Youth Transformation Subcommittee made a powerful presentation on their lived experiences and their hopes for the future of the mental health system at the Child and Youth Advocate's annual International Summer Course on the Rights of the Child. They also presented at the Atlantic Summer Institute in Charlottetown, as a means of getting other maritime provinces involved in the adolescent/ young adult mental health conversation. The ACCESS NB youth, with the support of the Child and Youth Advocate, have been acting as the catalyst for a paradigm shift in youth engagement in the province, and will continue to do so over the next few years of the project.

Systemic Advocacy and Advice to Government

Systemic child rights advocacy means identifying and addressing problems by analyzing their root causes and recommending corrective action that will benefit a significant number of children or youth. Systemic advocacy can have an impact at any level of government and provides an opportunity to proactively address issues related to the promotion and protection of children's rights.

Systemic advocacy can lead to broad 'systems level' change through the development of (or amendments to) legislation, regulations, policies and procedures at the provincial level. In other cases it can lead to changes in Departmental policies or changes in practices at the local level. The Child and Youth Advocate's systemic advocacy is informed by individual cases that come to our office. It is also informed by youth voice through outreach.

In the 2015-2016 fiscal year, the systemic advocacy and advice to government branch of the Child and Youth Advocate's Office pursued various avenues to promote systemic improvements. Systemic advocacy was promoted through means including:

- Systemic investigations¹
- Public Reports²
- Submissions to government
- Presentations
- Stakeholder Meetings
- Collaborative initiatives
- Projects

¹ Pursuant to section 13(1)(e) of the *Child and Youth Advocate Act*: 13(1) In carrying out the functions and duties of the office of Advocate, the Advocate may do any of the following on petition to the Advocate or on his or her own initiative... (c) if advocacy, mediation or other dispute resolution process has not resulted in an outcome the Advocate considers satisfactory, conduct an investigation on behalf of the child, youth or group of children or youths...

² Pursuant to section 13(1)(e) of the *Child and Youth Advocate Act*: 13(1) In carrying out the functions and duties of the office of Advocate, the Advocate may do any of the following on petition to the Advocate or on his or her own initiative... (e) inform the public about the needs and rights of children and youths, including information about the Office of the Child and Youth Advocate...



Systemic investigations

The Office undertook systemic investigations on many matters, involving the education system, the child welfare system, the youth criminal justice system, the health system, and the interactions of all of these systems. Some examples of systemic issues on which we advocated include:

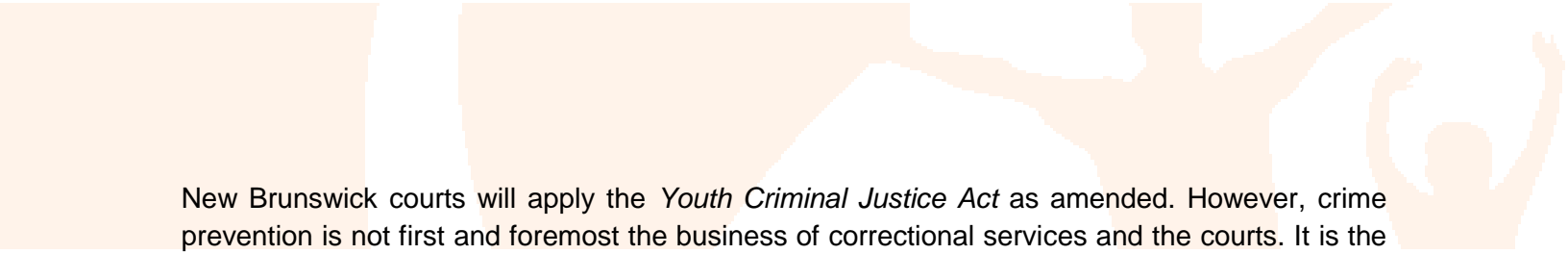
- School security features
- Violent Threat Risk Assessment processes
- School searches policy
- School absenteeism
- School dispute resolution
- Provision of medical treatment for children in child welfare custody
- Protection of youth in emergency hospital situations relating to mental health
- Transportation of youth with mental health disorders by Sheriff Services
- Detention of youth adjacent to adults in courthouse cells
- The open custody system within youth criminal justice
- Afterhours support for youth in child welfare custody within the justice and health systems
- Treatment for children with rare diseases

Launch of the Report: *More Care Less Court: Keeping Youth out of the Criminal Justice System*

The Office periodically publicly releases reports stemming from systemic reviews. This generally occurs when there is a pressing need for public awareness of issues. The major public report released in 2015 was the *More Care Less Court* report.

The report entitled *More Care Less Court: Keeping Youth out of the Criminal Justice System* establishes that the *Youth Criminal Justice Act* has yielded excellent results in some provinces and, to some extent, in New Brunswick as well. However, many challenges remain to be overcome. There is still a lack of resources in the province to offer solutions within the community. To make our province safer for everyone, especially for our children, we must redouble our efforts to fight against youth crime by introducing social measures and investing in prevention. It will be necessary to develop a comprehensive strategy including, among others, the following: investment in mental health services for children and adolescents; the prevention of abuse and neglect of children; and solutions to various problems (fetal alcohol spectrum disorders, substance abuse, homelessness, and school dropout).

In 2012, Parliament passed an omnibus crime bill that included amendments to the *Youth Criminal Justice Act*. The OCYA had reservations and expressed them before the Senate Committee studying the bill, but it is nevertheless certain that the very foundations of the *Youth Criminal Justice Act* will remain strong. We also believe that New Brunswick must implement the entire Act and that the amendments should not be an impediment. It remains to be seen how the



New Brunswick courts will apply the *Youth Criminal Justice Act* as amended. However, crime prevention is not first and foremost the business of correctional services and the courts. It is the business of the community. Of course, it depends on the informed efforts of the police, lawyers and judges, but it also requires the assistance of departments such as Public Safety, Health (Addiction and Mental Health), Social Development, Justice, and Education.

In producing this report, we sought to bring some solutions in order to address certain deficiencies. Hence, we are also offering recommendations to create a global system where the rights of youth are respected and through which they can become independent and resilient members of our society. In this regard, we recall the Preamble of the *Youth Criminal Justice Act*: “members of society share a responsibility to address the developmental challenges and the needs of young persons and to guide them into adulthood.” We all have a role to play to ensure the safety of our communities and to provide positive role models for our youth.

We applaud the excellent work done to date by the Roundtable on Crime and Public Safety and the important leadership that New Brunswick has demonstrated in the implementation of children's rights and the integration of service delivery to children and adolescents.

The report called on policy developers, police, corrections workers, lawyers, prosecutors, school officials, social workers and health professionals to work collaboratively with communities to fulfill New Brunswick's obligations under the *Youth Criminal Justice Act* and the United Nations *Convention on the Rights of the Child*. The report contains 10 formal recommendations meant to address systemic problems, including the lack of: early intervention; specialization in the unique needs and developmental circumstances of youth; comprehensive training for all stakeholders; consistency of practice across the province; full legal representation; and emulation of best practices in youth criminal justice.

Submissions to government

The systemic advocacy branch of the Child and Youth Advocate's Office makes formal submissions on certain topics when invited to do so or when there is a pressing need for a child rights perspective to be brought to a matter. This is an aspect of the 'advice to government' function under the legislated mandate of the office.³ The office undertook to provide advice on a multitude of matters, including the following:

- Child care and early childhood education task force review
- Guardianship Application issues Reviewing various practices of DSD relating to Guardianship Application processes that came to light in a court case wherein the judge recommended DSD consult with the CYA.
- Playground accessibility for students with diverse needs and abilities
- Prevention of physical punishment to children

³ Pursuant to section 2(d) of the *Child and Youth Advocate Act*: 2 There is established the Office of the Child and Youth Advocate, which office is charged with the following duties and responsibilities: [...] (d) providing information and advice to the government, government agencies and communities about the availability, effectiveness, responsiveness, and relevance of services to children and youths [...]



Presentations

Systemic advocacy necessitates broad support from a diverse array of stakeholders as well as from the public in general. As such, the systemic advocacy branch of the Office made presentations to many groups including the following:

- University of New Brunswick Law school classes
- Saint Thomas University Human Rights classes and Criminology classes
- New Brunswick Access to Justice Public Forum
- High schools
- Middle schools
- The Canadian Council of Child and Youth Advocates

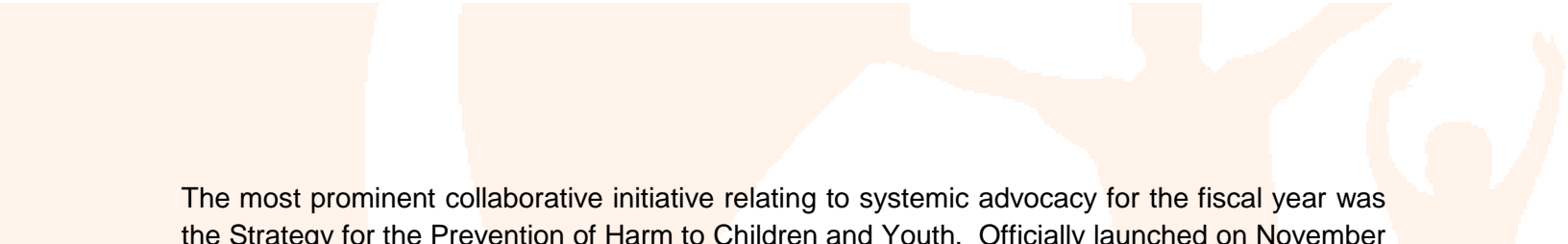
Stakeholder Meetings

Representatives of the Child and Youth Advocate's systemic advocacy branch meet regularly with government Departments and agencies. Systemic Advocacy personnel also meet with many organizations, groups and individuals to engage in collaborative systemic advocacy and inform our advocacy processes in general. Some examples of the diverse array of stakeholders with whom we met in the fiscal year include the following:

- Youth (in school settings, in detention and secure custody, in group homes, and elsewhere)
- The NB Legal Aid Services Commission
- The John Howard Society
- The New Brunswick Elizabeth Fry Society
- Youth Impact
- Community policing officials
- Family law legal aid counsel
- The New Brunswick Child Death Review Committee
- The New Brunswick Environmental Network

Collaborative initiatives

While the systemic advocacy function mostly entails investigations and reviews, the Child and Youth Advocate's Office has recently been increasing the number of initiatives it undertakes in collaboration with government and civil society. For example, collaborations with the New Brunswick branch of the Canadian Bar Association have led to several events promoting the legal rights of children and youth. In that vein, the Office of the Child and Youth Advocate has begun engagement with the University of New Brunswick Law School to plan the creation of legal clinic services for youth; this project has included reaching out to New Brunswick's only free legal advice clinic to engage in an access-to justice project for youth.



The most prominent collaborative initiative relating to systemic advocacy for the fiscal year was the Strategy for the Prevention of Harm to Children and Youth. Officially launched on November 17th, the strategy focuses on Article 19 of the United Nations *Convention on the Rights of the Child* – the right to protection from all forms of harm. The strategy was a government and civil society collaboration, facilitated by the Office of the Child and Youth Advocate as described above.

Case study: My right to a concerted intervention in the respect of my best interests

A youth in the care of the Minister of Social Development living in a therapeutic facility was only allowed to attend school a few hours a week due to challenging behaviors. The youth did not display the same behaviors at her residence. A delegate from our office got involved and encouraged a meeting between school staff and residential staff. Solutions were found on how to prevent and handle the challenging behaviors. This new team decided to meet regularly and work together. The youth was able to increase her time at school and participate in activities at school as well.



Conclusion

During fiscal 2015-2016, the OCYA worked hard to continue its efforts to promote children's rights and protect children and youth to continue the work of making the province a leader in the field of children's rights in terms of the tools developed. Whether through participation in various forums, the development of the International Summer Course on the Rights of the Child, the multiple case conferences held for children and young people whose rights have been violated, the OCYA and its team work tirelessly to carry out many projects and reduce violations of children's rights. These efforts are part of the recognition that children and youth are *All different, all equal*, without distinction, regardless of their origin, disability, or where they live.

We start from the principle that the OCYA cannot do the job on its own and that the establishment of environments that are respectful of rights is everyone's responsibility. Hence, together with the Executive Council, the OCYA launched the first Strategy for the Prevention of Harm to Children and Youth with guiding principles such as the respect of children's rights and open communication to name but a few. It was also for that reason that the OCYA participated in the first intergovernmental roundtable, which it called with the report, *More Care Less Court: Keeping Youth out of the Criminal Justice System*, which contains concrete measures to divert young offenders and is at the heart of the implementation of transformational research on mental health. In this context, we have to constantly accompany the complaint mechanism and systemic recommendations by raising awareness so that each appropriates the important issue that is the rights of the child. We partner with academics, front-line workers, young people, teachers, and parents in our projects in concerted and collective action.

Despite significant progress, it is clear that much remains to be done to achieve the full development of our children. This is demonstrated by our lack of financial resources. Indeed, the OCYA does not have a budget that allows it to meet all of the needs. It is critically short of resources for education and in terms of individual complaints. Despite this, we remain focused and call for the mobilization of all stakeholders. Fulfilled youth and children whose rights are respected in safe and empowering environments is not an ideal beyond our reach. We believe that this is possible and essential for the well-being of our province and beyond, so that children and youth are all *equal*.