



2020

**PROTECTING
CHILD
RIGHTS IN
TIMES OF
PANDEMIC**



STATE OF THE CHILD



Child and Youth Advocate (Office)

The Child and Youth Advocate has a mandate to:

- ensure that the rights and interests of children and youth are protected;
- ensure that the views of children and youth are heard and considered in appropriate forums where those views might not otherwise be advanced;
- ensure that children and youth have access to services and that complaints that children and youth 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 youth; and
- act as an advocate for the rights and interests of children and youth generally.

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FOREWORD

From the Advocate

This my 7th State of the Child Report as New Brunswick Child, Youth and Seniors' Advocate and as we look over the past year, everyone had to readjust, rethink and react to overcome the challenges set forth by the coronavirus pandemic. Even if everyone is affected, children, youth and those who work to educate and to protect Child Rights have seen a strikingly significant shift in services and in their overall well-being as they juggle with the new reality of public health measures to prevent the spread of COVID-19.



The pandemic has forced over 1.5 billion children out of school over the last year. This represents over 90% of all school pupils on the planet and constitutes the largest disruption of educational services in world history.¹ New Brunswick school students were among the earliest and most seriously impacted over time in our country. While this measure likely contributed significantly to our early efforts at successfully containing the spread of

¹ Human Rights Watch, [COVID-19 and Children's Rights](https://www.hrw.org/news/2020/04/09/covid-19-and-childrens-rights), April 2020, <https://www.hrw.org/news/2020/04/09/covid-19-and-childrens-rights>

the virus, the cost to children and families cannot be lightly dismissed. With the return to school this fall, the new normal in classrooms comes with a host of additional challenges for learners and staff. I am hoping that the 2020 State of the Child Report, *Protecting Child Rights in Times of Pandemic*, will make a significant contribution to our efforts to maintain educational opportunities and outcomes for children, while protecting all of their rights and advancing their wellbeing and best interests.

As part of Child Rights Education Week, I am also pleased to have released earlier this week our submission in response to Government's Green Paper on Education. This submission was finalized just as the first cases of COVID-19 were diagnosed in Canada. I am releasing it now because the news of emerging vaccines gives us hope that the work of educational reform, and indeed the task of "building back better," can begin in earnest. On Thursday of this week I also participated with my staff in the Government stakeholder consultations on law reform in relation to child welfare. Later this fall I will also be releasing the second of three reports

stemming from our own child welfare system review. Both this report and the office's submissions in relation to education reform call upon Government, as does the 2020 State of the Child Report, to premise all of this important law reform work affecting children on a renewed commitment to child rights enforcement by our Province.

As we recall, as we do each November, the efforts of so many Canadian men and women who laid down their lives in the cause of freedom, we can continue those efforts by renewing our commitment to the human rights of children and future generations. New Brunswick has made great advances in better protecting child rights over the past ten years, but the New Brunswick pilot of the international child rights data monitoring tool called GlobalChild in the coming months will provide us with a clear path for progress on this front. We will be able to identify gaps in child rights enforcement and better measure the progress we have been making with each successive State of the Child Report. The most important work ahead will lie in making the structural commitments to child rights enforcement,


notably through the incorporation of the UN Convention on the Rights of the Child into our domestic law, just as Scotland has recently done.

I want to thank the many government partners who have collaborated in collecting the data analyzed in the pages that follow, as well as my own staff for their many long hours in producing this timely report. The pandemic has required many sacrifices from our small team, just as it has from every other part of government and civil society. The extension of my mandate for one final year through this turbulent period has given me new reason for hope as I witness the dedication of my own staff and so many others in putting children's rights and best interests at the forefront in this time.

It would be easy to understand if people withdrew from the world at this time, to merely look after themselves or their own. We must celebrate instead the health care workers who step into the breach, the educators, bus drivers, custodians, day-care workers, probation officers, corrections staff, police, social workers and the multitude of others who

have joined the front line efforts in containing this virus, and who are maintaining a continuity of services, including every child's right to education.

To all of those engaged in the task of raising up children, of giving them hope and opportunity in these uncertain times, I want to express heartfelt admiration, encouragement and appreciation.



Norman Bossé, Q.C.



**Statistics referenced in this report
are found in the Child Rights
Indicators Framework in the back
of this report, unless footnoted
within the text.**



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RECOMMENDATIONS

- 1. It is recommended that to relaunch our economy and social cohesion in the post COVID-19 era the Province of New Brunswick must commit to fundamental structural changes aimed at protecting and enforcing child rights, particularly with an emphasis on combatting child poverty and supporting child well-being in early years and adolescence.**
- 2. It is recommended that the Province give the Advocate a mandate to finalize the review and updating of the Child Victims of Abuse and Neglect Protocols and a mandate to work with the Chief Coroner's Office, ISD child and youth serving ministries, First Nations leaders and Health Directors and all relevant stakeholders to develop a Provincial Youth Suicide Prevention Strategy.**
- 3. It is recommended that in consultation with Imagine NB, the Fédération des Jeunes Francophones du N.-B., the Youth in Care network, First Nations Youth and other stakeholders that the New Brunswick Legislative Assembly establish a New Brunswick Youth Parliament, to be convened at least three times per year to advise MLAs on ongoing law reform initiatives and to hear and consider the views of New Brunswick youth; when convened the youth parliament should designate representatives to a Special COVID-19 Reconstruction Council with a mandate to develop a Comprehensive Child and Youth Reimagine and Recovery Plan in consultation with the Advocate's Office and UNICEF Canada.**

4. It is recommended that the Province's child welfare reform must be predicated upon incorporation of the Convention on the rights of the child into domestic law and a broad commitment to support children from birth into adulthood with adequate prevention services before abuse or neglect occurs.

5. It is recommended that the Province carry forward its plan for Education reform and educational attainment while insisting during the pandemic and post-pandemic period that the emphasis is placed upon staff and student wellness. Specifically, the Department of Education and early Childhood Development should: i) undertake comprehensive surveys of all students in grades 3-5, 6-9 and 10-12 specifically related to their experiences of the pandemic school

shutdown, to assess the impacts on their education and their lives in general; and ii) ensure that every student who did not re-enroll in school following the pandemic shutdown is contacted and that their educational and welfare needs are assessed.

6. The Public Prosecutions branch of the Office of the Attorney General should consider the UN's General Comment 24 on child rights in systems of child justice and develop a New Brunswick response. Specifically, it should i) amend its practice manual to allow prosecutors to administer Crown cautions to young persons as an alternative to prosecution; ii) allow matters to be referred to extrajudicial measures or sanctions prior to prosecution; and iii) give Youth Justice Committees an explicit mandate to work

with all government and community stakeholders to ensure that youth who commit crimes are connected with child welfare services, education supports, mental health and addictions services, and vocational training opportunities.



INTRODUCTION





The global Coronavirus pandemic of 2020 will undoubtedly be the defining moment of our times. Its impacts will be felt and imprinted in the collective memories of many generations. Children in school and kindergarden today will live with its impacts the longest. While children are not as susceptible to the ravaging impacts of the COVID-19 virus as other members of the community, they are impacted in myriad ways by the spread of this disease around the world and the disruption in services and lives that containment efforts have required.

New Brunswick has fared comparatively well in limiting the spread of disease, like other Atlantic Canadian provinces. We saw the first cases in Canada arise on the west coast and in central Canada and were able to stay a step ahead of the disease's contagion from the very beginning. New Brunswick's curve has been so flat as to leave epidemiologists wondering how we did it².

² <https://www.ctvnews.ca/health/coronavirus/geography-leadership-and-sheer-luck-why-b-c-and-n-b-flattened-the-curve-so-quickly-1.4982657>; McDonald T. et al, Rapid Response Report on COVID-19 in New

Brunswick, March 31, 2020. <https://www.nbirdt.ca/static/site-content/files/blog-posts/nb-irdt-rapid-response-march-31-english.pdf>

Like other jurisdictions we first saw the risk of contagion declaring itself among older New Brunswickers and measures were put in place to protect older persons first and foremost. In the absence of any vaccine, we learned that social distancing, masking and frequent handwashing were our best tools in preventing the spread of the disease. We were among the first in the country to close our schools and to leave them closed for the remaining school year. Even before there was any possibility of community spread, we reduced government functions to essential services, all businesses were closed save for essential services, malls, pools, gyms, theatres, churches and other places where children and adults congregate were also closed and contacts outside the immediate family circle were curtailed to a strict minimum.

The fact that New Brunswick emergency preparedness officials had a good stockpile of supplies for any eventual pandemic, the province's rural demographic and limited ports of entry for international travelers and the all-party collaboration directing the Province's COVID-

response all worked to support the natural prudence and spirit of cooperation that Atlantic Canadians are known for in times of crisis. This all contributed to the ability of New Brunswickers to avert the worst impacts of the pandemic experienced in other parts of the country and in other parts of the world.



Over time, however, we, like others, became aware of the increased costs and risks to child and youth health posed by the pandemic and by the public health measures taken to contain it. The School closures, the lack of access and delays in accessing routine health services, the reduced ability to engage in recreational activities and organized sport, the increased isolation of children deprived of liberty in justice detention and in locked hospital wards, the reduction in visits to children in receipt of child protection services, and the financial strain on families with young children trying to work from home while coping with child care are only some of the myriad ways in which the pandemic has placed children in harm's way. In response to these concerns, UNICEF, the World Health Organization, Save the Children, the Child Welfare League of Canada and many others have produced rapid and relevant advice and recommendations to officials at every level of government to help support children through these difficult times.



The difficulty is that it has been a challenge to get traction on these recommendations or to give children the priority needed as the pandemic continues to challenge service provision in new ways and towards many other vulnerable segments of the population on a regular basis. Children continue to be significantly spared by the disease itself and this makes it difficult to provide a concentrated focus on the challenges they face. Yet since, as UNICEF Canada has pointed out, they will be living with the consequences of the pandemic the longest we need to be alert now to act in this instance, as in all others, with their best interests in mind.

For this reason, we have chosen this year to publish this special issue of our annual State of the Child Report for New Brunswick: *Protecting Child Rights in Times of Pandemic*. It is our hope that by reviewing this year's snapshot and data from the Child Rights Indicator Framework (CRIF) through the lens of the COVID-19 pandemic that we will be able to keep government's clear focus on our obligations to children. The report will also serve to inform discussions at the 10th edition of the International Summer Course on the Rights of the Child that will be held next August in Moncton on that same theme. Convened under the auspices of the Canadian Council of Child and Youth Advocates and the Association des ombudsmans et médiateurs de la Francophonie (AOMF), this event will occur August 15-20th at the Université de Moncton.

Looking at the Child Rights Indicators Framework data we can see that even before the pandemic, but perhaps also as a result of it, the indicators of child wellbeing and child rights enforcement are generally declining in New Brunswick. As the impacts of the pandemic become manifest over time we can

expect an increasingly negative trend in indicators related to risk factors, such as child and youth engaging in risky behaviours as coping mechanisms, and a similar uptick in the number of children experiencing anxiety, depression and other mental health challenges. At this time the Child and Youth Advocate is calling for increased investment in child and youth well-being, increased vigilance in relation to possible harms to children and new approaches to public safety and educational attainment that reduce possible stressors for children and young people and nurture their empathy, their sense of connectedness to school, family and community and provide them with new opportunities for civic engagement and participation in resolving the challenges we face as collectivities.



This year's State of the Child report, as others in recent years will measure our success as a Province in meeting and upholding child rights. This is an important mission this year especially since in 2020-21 Canada is reporting to the UN Committee on the Rights of the Child in relation to our efforts nationally to enforce child rights at home and meet our obligations under the United Nations Convention on the Rights of the Child (the Convention).

In the pages that follow we will analyze the trends in this year's data, identify gaps and areas for improvement but we will do so specifically with an eye to the impacts of the COVID-19 pandemic for each of the rights guaranteed to New Brunswick Children and Youth. Where applicable we will also reference the relevant recommendations from national and international expert agencies to better protect children in this period of pandemic. Much of this work draws upon a background research paper produced by Jennifer Bueno, a law student who interned with our office this spring and summer. This background paper is being made publicly available through our website along with the release of this year's report.

Additionally, a second lens that we will be applying to our analysis of the CRIF data this year is to consider how children are doing not only in relation to the outcome measures upon which CRIF largely reports, but also with respect to the laws and regulations and the programs and policies that help us achieve or help explain those outcomes. This model of child rights indicator development is called

the Structure-Process-Outcome (SPO) methodology. The Office of the High Commissioner for Human Rights (OHCHR) recommends that when governments seek to measure themselves in relation to human rights accountability and develop indicators of human rights, they should pay attention to structural indicators (are the right laws and regulations and institutions in place to allow the State to meet its obligations?); as well as process indicators (are the laws and regulation adequately implemented via policy and program tools aimed at achieving the desired human rights outcome?); and of course outcome indicators (are the laws, policies and programs achieving the desired result; are the rights being enjoyed and reflected in the lived experience of children as rights-holders?)

Since 2015 our office has been collaborating with Dr. Ziba Vaghri a Canadian researcher funded through the Canadian Institutes for Health Research (CIHR) and her team of international child rights experts to propose a new model for Child Rights monitoring for governments around the world.

GlobalChild is an online platform developed over five years in consultation with over 140 Child Rights experts under the auspices of the UN Child Rights Committee and the direction of Jean Zermatten, former chairperson of the UNCRC and retired Senator Landon Pearson. Experts began by defining the substantive content of each of the Convention's 40 rights and then validating the proposed attributes of rights through a Global Child Rights dialogue asking nearly 2000 children in 55 jurisdictions, on five continents, in 18 national languages what Child rights mean to them and why they matter. From the revised attributes, indicators were proposed for each of the key attributes of each right. These were then validated by global child rights experts and statisticians and used to populate an online tool that governments can use to know whether children enjoy the rights that government have promised them. The tools can be used by governments to guide their own data collection efforts to support child rights monitoring and facilitate their reporting to the UN on their progressive implementation of the Convention.

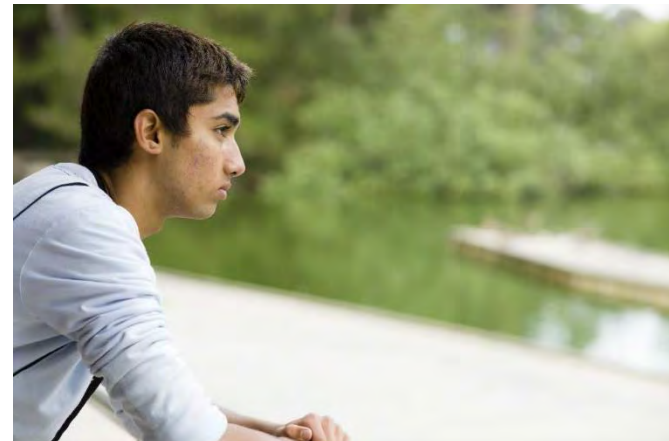
We are extremely pleased that in 2020 Dr. Vaghri has accepted an appointment at the University of New Brunswick's Saint- John campus (UNBSJ) as a Senior Research Associate and has relocated her GlobalChild research lab to UNBSJ. We look forward to piloting the GlobalChild research platform in New Brunswick next year. We believe that this emerging global standard for child rights data monitoring will allow us to significantly improve our Child Rights Indicator Framework and child rights enforcement in New Brunswick. We will be working with UNB's Advancement Office and Vice President Academic and Vice President Research to secure a funded Chair in Child rights at UNBSJ to support this important work on a permanent basis.

While much of that work still lies ahead we felt it was appropriate this year to begin asking ourselves with greater method, not only how are the children faring, but do we have the right laws, the right institutions and the right policies and programs in place to allow children to flourish, using the SPO methodology that the OHCHR recommends and upon which GlobalChild was built.



Although the pandemic is impacting our children in important ways, impacts that we must address, and while the data reports remind us that we must constantly redouble our efforts to keep children safe and give them the best possible start in life, we can be thankful in New Brunswick for many things. We can be thankful to have been spared the worst impacts of the pandemic. We can be thankful for the collective resolve and principled approach that our neighbours, our education and health care workers, transportation and food industry workers, our public health officials and political leaders have shown in managing this crisis. We can be grateful to live in a country and a province that cherishes individual rights and liberties but understands that in a just and democratic society fundamental freedoms and rights must at times be limited as is reasonably necessary in the interest of the common good. And we can be grateful for the many caring professionals that choose to make their home here in New Brunswick as a place that offers children and vulnerable persons the best that we have to offer. These are times that demand the best of ourselves

as New Brunswickers and we can be grateful that so many have stepped forward, made sacrifices each day, when and as required. We ask now that New Brunswickers step forward again, intentionally and resolutely, for children.



HUMAN RIGHTS



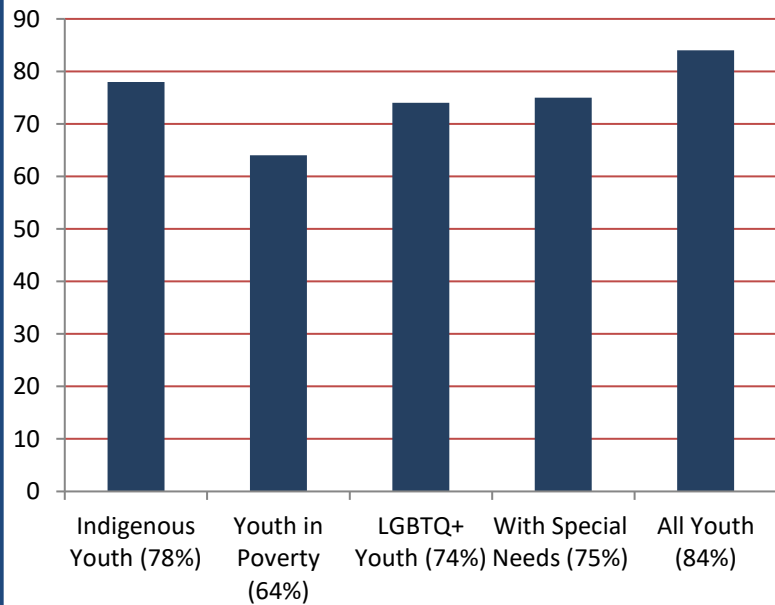
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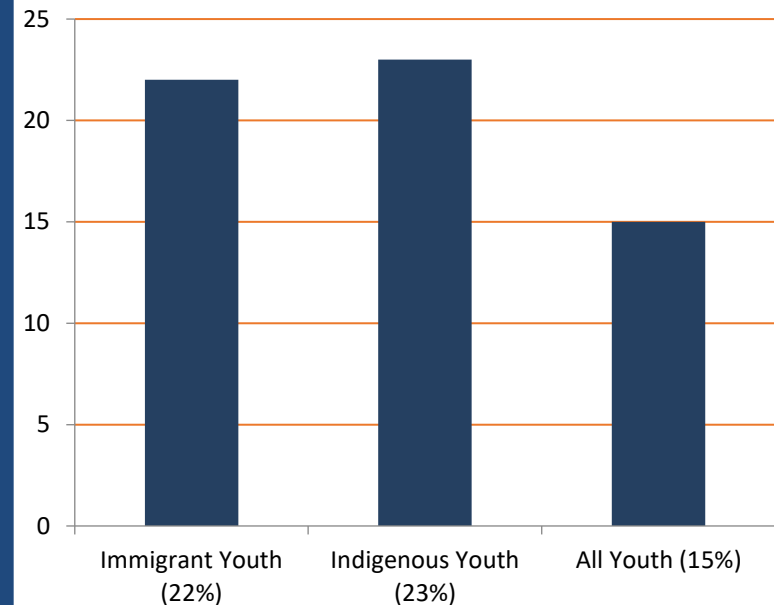
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GUIDING
PRINCIPLES
OF CHILD
RIGHTS

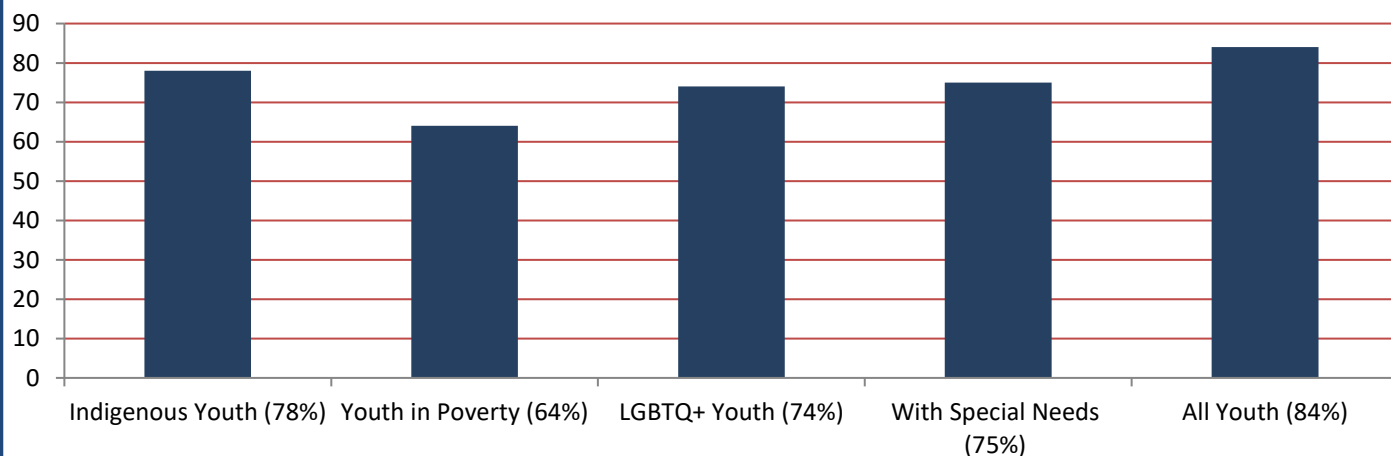
2018-2019 % OF YOUTH IN GRADES 6-12 WHO STRONGLY AGREE THAT THEY FEEL SAFE AT SCHOOL



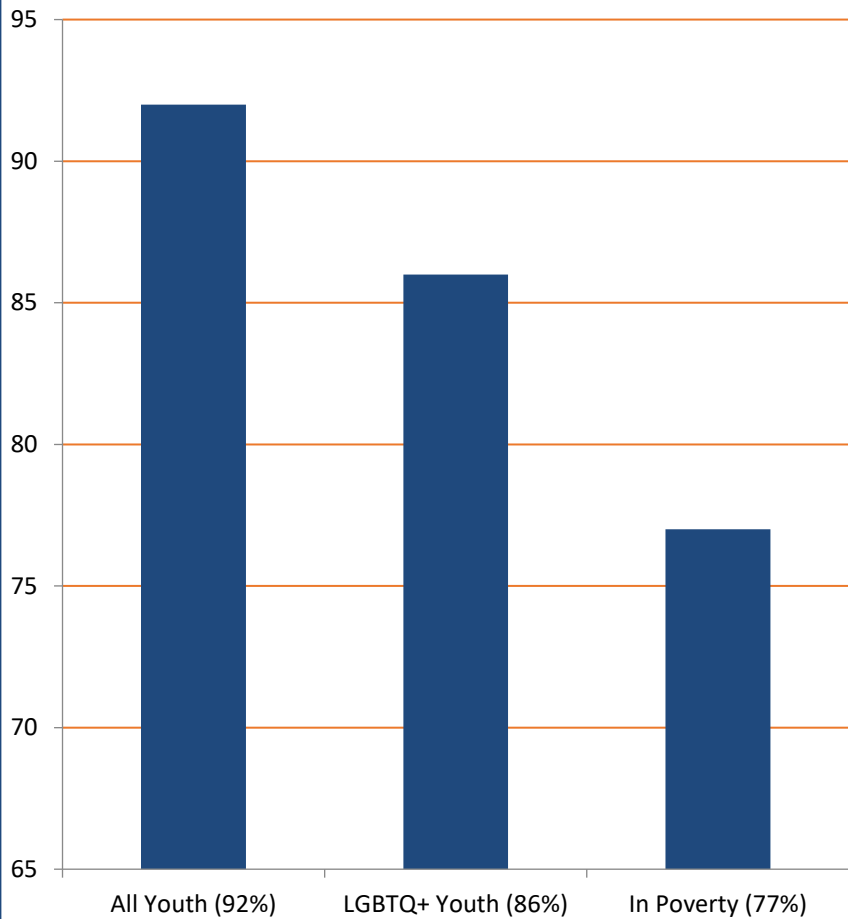
2019 % OF YOUTH IN GRADES 6-12 WHO HAVE SUFFERED RECENT DEROGATORY COMMENTS ABOUT RACE, RELIGION OR PERSONAL FEATURES



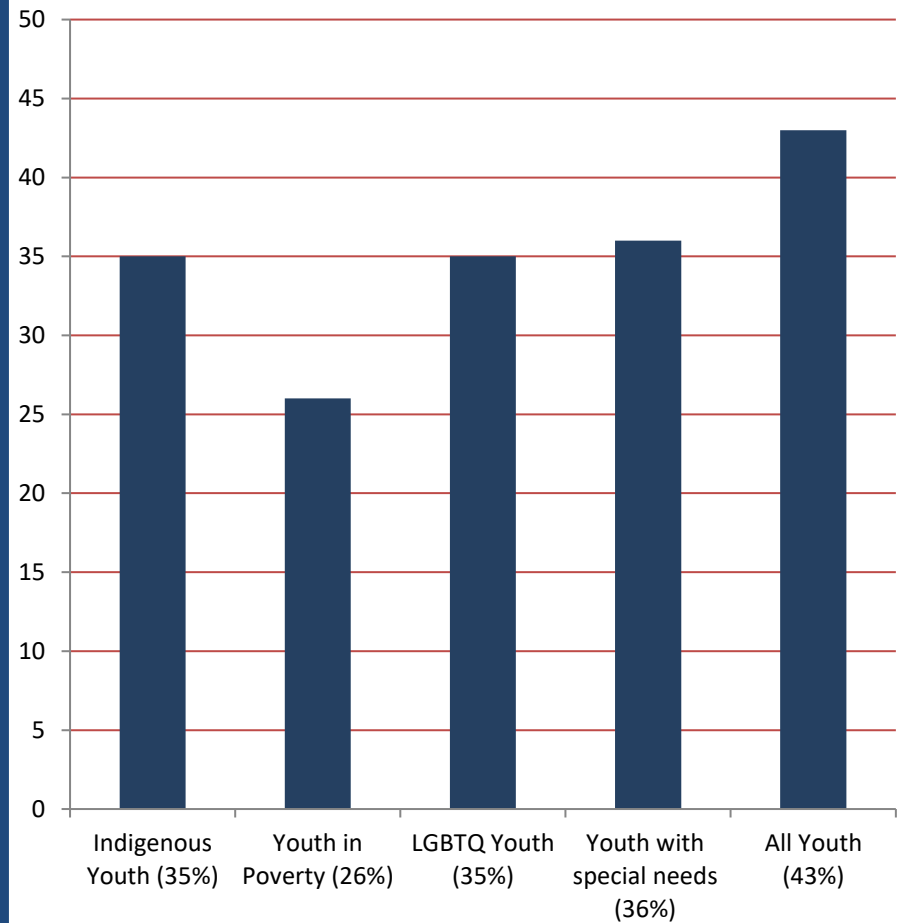
2018-2019 % OF YOUTH IN GRADES 6-12 SURVEYED WHO SAID THEY WERE BULLIED IN RECENT MONTHS



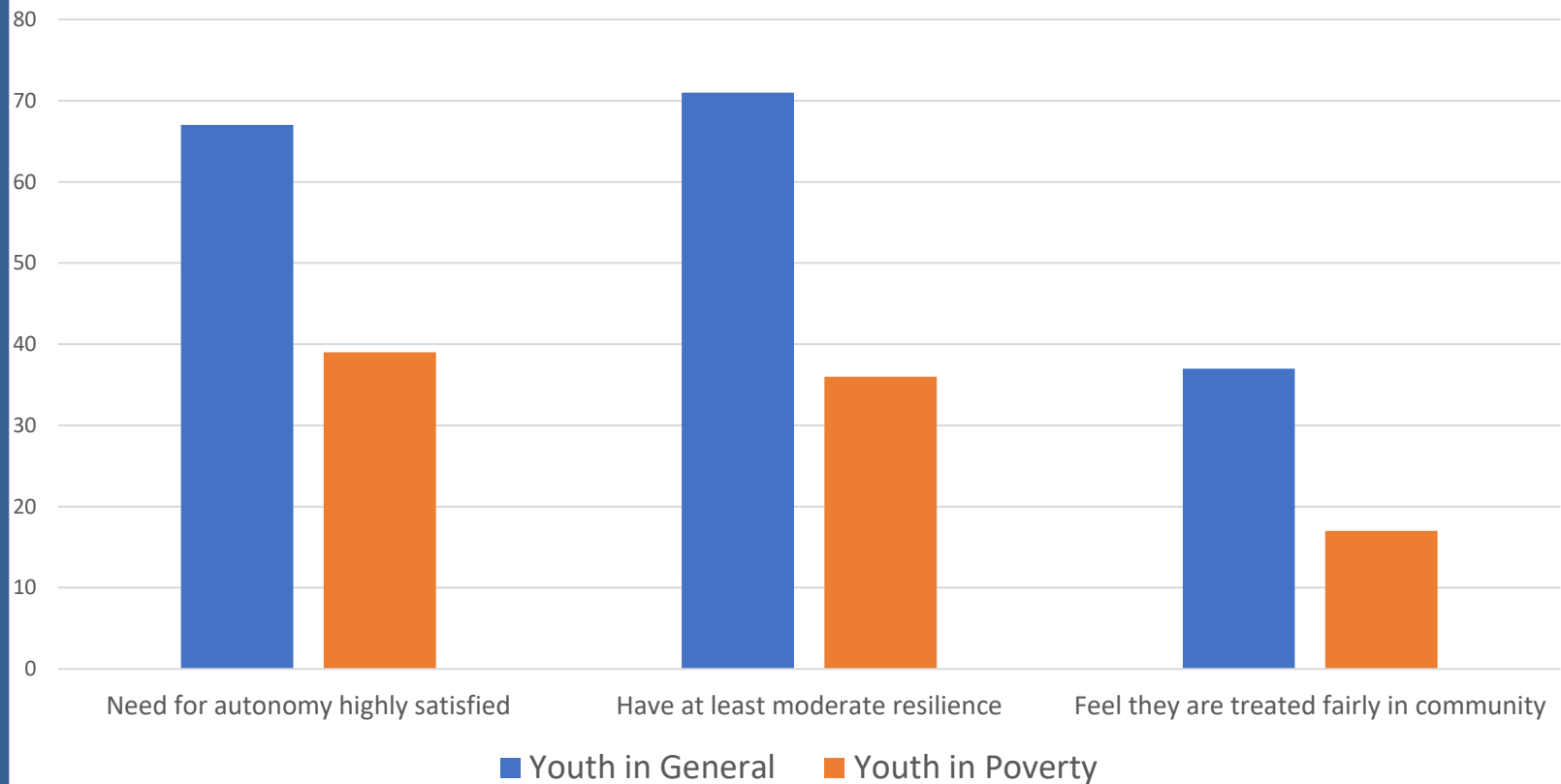
2018-2019 % OF YOUTH IN GRADES 6-12 WHO FEEL A HIGH LEVEL OF CONNECTEDNESS TO THEIR SCHOOL



2018-2019 % OF YOUTH IN GRADES 6-12 WHO FEEL SOMETHING WILL BE DONE IF THEY REPORT BULLYING TO AN ADULT



COMPARING GRADES 6-12 YOUTH IN POVERTY TO THEIR PEERS



There are four guiding principles under the UN Convention on the Rights of the Child (UNCRC) and these are set out in Articles 2, 3, 6 and 12 of the Convention. Together these principles of equality, best interests, maximum development and child participation constitute an essential core of child rights and are key principles that must inform all of our decisions affecting children and the interpretation and implementation of all other rights under the Convention.

Equality:

First, identify areas of discrimination, then act to end them.

Equality is a defining value for all Canadians. New Brunswickers also, since the 1960s and the Robichaud era's Equal Opportunity Program, have been early adopters of this human rights norm. Canada's Supreme Law, the *Charter of Rights and Freedoms*, protects equality through the section 15 equality guarantee, but also through sections 16 to 23, 25, 27 and 28, since equality for linguistic minorities, for cultural minorities, for indigenous persons and for men and women alike are all important aspects of equality. Canadians have provincial, federal and territorial human rights codes, commissions and tribunals that are dedicated to the enforcement of equality rights in Canada. Our legal protections, institutions and lived experience in this regard are in many ways the envy of the world.

And yet every day we hear of police brutality against black, indigenous persons and persons of colour, the inhuman treatment of an indigenous woman who lay dying in hospital³, the rampant abuse of frail older persons in long term care⁴, the burning of a lobster pound near the first point of contact between European settlers and Indigenous peoples in Canada⁵ and media stories that are full with the challenges in Canada of equality denied, of human dignity affronted. To eradicate all forms of discrimination we have to work assiduously with young people to nurture the values set out in Article 29 of the UNCRC and reflected throughout the Convention not only in the provisions of Article 2 and its promise of equality and non-discrimination but also in its guarantee of religious freedom (article 14), and of the rights of refugee children (article 22), of disabled children (Article 23), of children of ethnic, cultural and linguistic minorities and of indigenous children (article 31). Most importantly

the data in this year's Child Rights Indicator Framework reinforces again the strong link between equality rights and the child's right to social security (Article 26) and to an adequate standard of living (Article 27).



³ <https://montrealgazette.com/news/local-news/indigenous-woman-who-died-at-joliette-hospital-had-recorded-staffs-racist-comments>

⁴ <https://www.cbc.ca/news/marketplace/nursing-homes-abuse-ontario-seniors-laws-1.5770889>; <https://theforgottengeneration.ca/>

⁵ <https://www.ctvnews.ca/canada/n-s-first-nations-chief-calls-for-military-support-after-lobster-pound-fire-1.5149718>

The critical evidence laid bare by this year's data, as in the past four years since we have been able to produce disaggregated data by level of household income, is that children from poorer families in New Brunswick where there is food insecurity are denied more than their right to social security and to an adequate standard of living. These children are denied equality and are performing well below their peers across almost all indicators of resilience, across all risk factors and most outcome measures in our CRIF. As we see in the tables above, only 39 % of youth in grades 6-12 in poor households report that their needs for autonomy are highly satisfied compared to 67% of their age peers. 36% of these same youth report a high to moderate level of resilience compared to 71% of other youth in grades 6 to 12. While only 37% of youth in general feel that they are treated fairly in community – youth in poverty give a resounding no to this question with only 17% feeling that they are treated fairly. The rate of reported high levels of oppositional behaviours is more than twice as high for poorer youth (35%) as for their age peers (15%). Exposure

to second hand smoke is also more than twice as high and daily tobacco consumption is nearly three times as high for poorer youth (12.4%) than for their age peers (4.8%). 81% of youth leave high school feeling respected at school, but only 50% of poorer youth feel this way.

The denial of a child's right to social security and to an adequate standard of living is a denial of equal opportunity and has to stop. We will not be able to make progress in eradicating racism, misogyny, ageism, homophobia or ableism so long as we tolerate the economic injustice which allows so many children to grow up in poverty. This social climate only breeds contempt, intolerance and prejudice. The economic challenges brought on by the pandemic will only exacerbate these tensions. A new social welfare net is needed to propel today's generation of kindergarten and school students forward in "the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin" promised in Article 29 of the UNCRC.

As we finalize this year's State of the Child report the British medical journal, *The Lancet*, has just release in its November 2020 issue a new article by global experts in maternal, infant and child health⁶. The authors argue that the COVID-19 pandemic offers a unique opportunity to start fresh with new strategies tailored to the post pandemic era informed by the best science and predicated upon the massive return on investment that programs for maternal and child health can offer.

The COVID-19 pandemic has many discriminatory impacts. While children in families with stable dual income households may have benefitted from increased time at home with parents and increased opportunities for unstructured play by rivers and hiking trails, children in families with job precarity or with lived experience of domestic violence, or open child protection cases may have endured the pandemic's social distancing rules in very different ways. Families with young children may have been

denied routine health visits that are more critically important in early infancy. Children and youth with disabilities may have been denied the regular health care upon which they depend. Children in refugee and newcomer families may have additional hurdles in adapting to their new cultural environment and may be at increased risk of isolation or bullying without the traditional supports that the regular classroom can offer. Each of these challenges can be explored below in relation to the several other child rights impacted in each of these situations. At this time however New Brunswickers and their political leaders and decision-makers should be asking themselves important questions about how to maintain our commitment to equal opportunity for all children in this province in these exceptional times.

The structural guarantees of a child's right to equality are present when laws and institutions exist to guarantee these rights. As was pointed out

⁶ Jacob, c., Briana, D., et al *Building Resilient Societies after COVID-19: the case for investing in maternal, neo-natal and child health*, *The Lancet* Vol 5 November 2020,

<https://www.thelancet.com/action/showPdf?pii=S2468-2667%2820%2930200-0>

above, Canadians stand among the world's best early adopters of equal opportunity and anti-discrimination laws. Our courts are fiercely independent and vigilant in upholding these foundational Canadian values. And yet previous recommendations from the UN Committee on the Rights of the Child go unanswered, Canadians and New Brunswickers have been resting on their laurels and have not kept pace with the times or the evolution in legal thinking in regard to a child's right to equality.

Inexplicably, we as a country have not lifted our reservation with respect to Article 37(c) of the Convention regarding the separation of adults and children in prison, we have failed to establish a national Commissioner for Children and Youth, we have failed to ratify the third Optional Protocol to the Convention that would allow Canadian children to file a complaint for a violation of their rights directly with the Committee in Geneva, and we have failed to ratify the UNESCO Convention Against Discrimination in Education. In New Brunswick the Advocate's role and mandate could be strengthened

to be more compliant with the Paris Principles and the Committee's general comment no. 2 on the Role of National Human Rights Institutions for children.



We have, nationally, an adapted youth criminal justice system, but it is no longer in step with global standards for Youth Criminal Justice Administration, as set out in the UN Committee's General Comment 24⁷. We criminalize children's behavior at too young an age, we reserve the right to treat them as adult offenders even when they are still children, we seek to hold them to account criminally when neurodevelopmental disorders have caused them delayed brain development and they have no responsible insight into their own behaviours. In all these ways we discriminate against children and classes of children and we fail to give children equal access to justice. This is not merely a matter of federal responsibility because under our Constitution it is the provincial Attorney General who is responsible for the administration of justice in our Province.

The Advocate in its submission to the Green Paper on Education and our Report into Child welfare Reform is calling for important structural changes

aimed at better enforcement of child rights in New Brunswick. Beyond these structural changes that are needed to guarantee the child's right to equality in New Brunswick we see a need for many process improvements as well, through changes to provincial policies and programs. We ask the Government to consider new programs in New Brunswick to accompany federal initiatives aimed at lifting children out of poverty. Reimagining our Housing support programs, our income assistance programs, and our investments in early childhood education and parental leave programs should be top drawer discussions in relation to relaunching our economy for the post COVID era.

⁷ UNCRC General Comment 24 on Children's Rights in the Child Justice System (2019), CRC/C/GC/24,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11



The best interests principle:

Decisions that seriously impact children's lives should always be guided by what is in the best interests of children.

The best interests principle is a well-established, well-known principle in Canadian law, but not always well-understood and it is not universally upheld as required as an international legal obligation under the Convention. The New Brunswick *Family Services Act* centres all decision-making in relation to children under this statute in reference to that principle and it offers a detailed enumeration of best interests criteria that is currently the subject of law reform⁸. The *Divorce Act* in Canada was also just amended this spring to expressly include and define best interests considerations⁹. The *Youth Criminal Justice Act* refers generally to the best interests principle but the principle is not always given considerable or

express weight in judicial decision-making under that legislative regime. In other administrative or quasi-judicial contexts affecting children whether in health care or educational or recreational settings, access to housing, income or disability supports, formal best interests of the child analysis rarely enters into play.



⁸ *Family Services Act, SNB 1980, c. F-2.2*, <http://laws.gnb.ca/en/ShowTdm/cs/F-2.2/>

⁹ Bill C-78 *An Act to Amend the Divorce Act* <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/c78/01.html>

A recent decision of the NB Court of Appeal shows also that judges won't always be able to apply their own best interests analysis of a given case to the child before them if, for instance, the legislator has given a clear indication already of what the best interests of children require¹⁰. As Advocates we are very concerned with this decision on two fronts: 1) we are concerned that the precedent may encourage policy-makers to impose or substitute their hypothetical views or policy choices with respect to what is in a child's best interests on triers of fact by regulatory fiat, rather than always leaving these matters to the trier of fact which in our view is the best and surest way of meeting our international legal obligation to enforce the child's right to a Best Interests Determination (BID) of his or her particular case; and 2) we are concerned that in the instant case, an infant child in New Brunswick may have been unfairly deprived of the love and care of an otherwise competent parent, and the only parent the child ever knew, without a rigorous

assessment of the child's best interests. We recommend that the law be changed to avoid similar results in future cases.

New Brunswick law should be revised to ensure that a BID is always carried out at the point of decision-making involving children, that this analysis cannot be predetermined by regulation in any way, and that this analysis should inform all of our decision-making involving children. We believe that domestic incorporation of the UN Convention on the Rights of the Child (UNCRC) into New Brunswick law is the surest means of achieving this result.

Beyond this structural measure it is difficult to assess the quality of our efforts in enforcing the rights under Article 3 of the UNCRC in terms of process or outcome indicators. One thing that we know however is that BIDs have to be informed by a thorough consideration of all the criteria impacting a child's circumstance or well-being and that service integration and coordination of effort are critical

¹⁰ *N.C. and L.C. v Minister of Social Development*, 2020NBCA27, 23-20-CA, <https://www.courtsnb-coursnb.ca/content/dam/courts/pdf/appeal->

[appel/decisions/2020/09/20200910NCandLCvTheMinisterofSocialDevelopment-2020NBCA27-23-20-CA.pdf](https://www.courtsnb-coursnb.ca/content/dam/courts/pdf/appeal-decisions/2020/09/20200910NCandLCvTheMinisterofSocialDevelopment-2020NBCA27-23-20-CA.pdf)

process elements to support that outcome. In this regard New Brunswick has made great strides by developing Integrated Service Delivery (ISD) and rolling it out to all schools in the province. More work is required however to give ISD a child rights-based approach and to support best interests of the Child decision-making through ISD's work.

Additionally, more work is required to train teachers, child protection workers, police officers, nurses, physicians and other front-line service providers on ISD, its child-rights based approach, and its benefits. This is the best way to address program entry and communication gaps increasing service delivery across intersecting systems of support to children and their families.

Other coordination measures, as structural or process measures would further support the implementation of the child's right to have their best interests considered in all decisions affecting them. In 2015 the Province established an Interdepartmental Committee of Children and

Youth, this Committee is the cross-government table that should be coordinating implementation of a broad-based principle like Article 3 in New Brunswick. Unfortunately, the committee has not been meeting regularly since 2018 and needs a new, clear mandate to undertake this work.

Another essential policy tool to support BIDs in government decision-making are the Child Victims of Abuse and Neglect Protocols¹¹. These protocols have not been revised since 2005. Under the Strategy for the Prevention of Harm to Children and Youth an action item was developed to update them, but that was five years ago. The protocols make no mention of the Advocate's Office, of Integrated Service Delivery or of recent developments in relation to social pediatrics centres or integrated centres launched in the province for child victims of sexual abuse. The best interests of the child principle is also poorly reflected or implemented through the current protocols. The Advocate's Office has been centrally involved in all

¹¹ <https://www2.gnb.ca/content/dam/gnb/Departments/sds/pdfs/Protection/Child/ChildAbuseProtocols05-e.pdf>

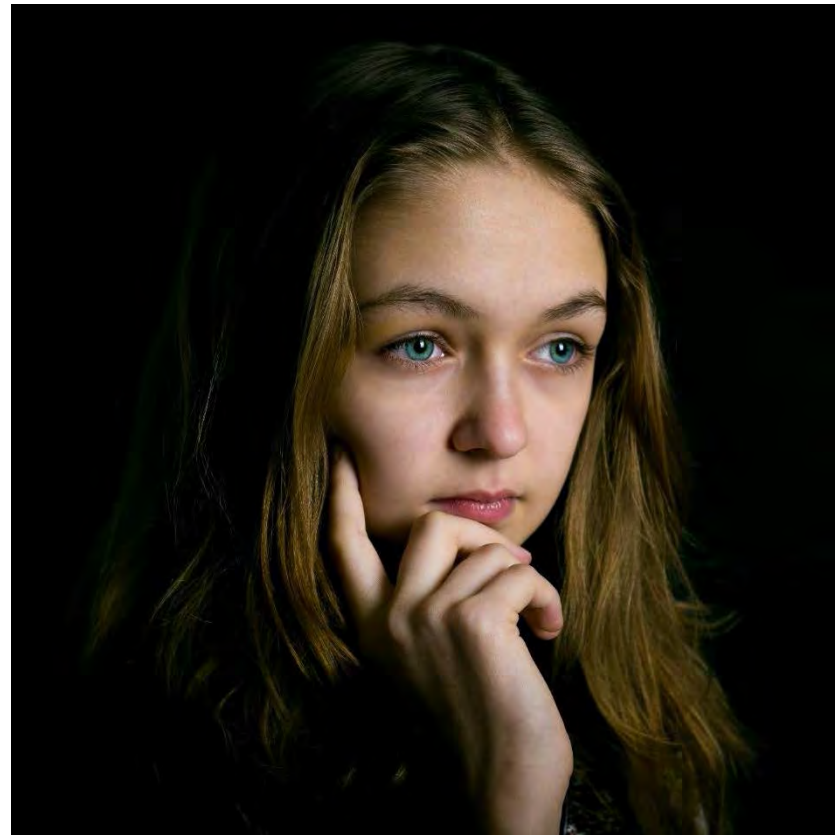
of the above-noted initiatives, has a mandate to educate New Brunswickers in relation to child rights and interests and to ensure that children receive the services to which they are entitled. The Protocols set out a horizontal commitment across many government departments and agencies to work collectively in preventing and responding to harm to children. We are prepared to invest the effort needed to revise and update these protocols with government over the next twelve months using trauma informed, best interests and rights-based approaches and would welcome the mandate to do so.



Ultimately if all of the structural and process changes needed were put in place we would expect to see improvements in resiliency outcome indicators in the Child Rights Indicators Framework such as Wellness Survey indicators on feeling that they are treated fairly in community, that they feel safe, respected or that they belong at school, being able to reach out to a neighbor for help, trusting people around them, feeling that something will be done if they report a bullying incident at school and the average community support score reported by students. All of these indicators help measure to some degree if children feel their needs are being met and whether their best interests are being considered. It would be helpful however to add a question, or a series of questions, to the wellness survey to ask children and youth if they feel their best interests are guiding decisions made concerning them at school, in health services, in child justice settings, or child protection settings.

According to the CRIF data 81% of grade 12 youth say they feel respected at school and 84% of grade 6 to 12 youth agree or strongly agree that they feel safe at school, but these indicators drop to 50% and 74% respectively for LGBTQ+ youth. Food insecure youth are the least likely to feel safe at school as only 64% say that they do. In contrast only 43% of youth feel that something will be done if they report bullying to adults at school and the rates of youth who report feeling they belong at their school have dropped to only 27%, including only 18% of LGBTQ+ youth and 14% of food insecure youth. Clearly, in a province where every child right to have decisions affecting them guided by their best interests, we would hope to see a greater sense of belonging and a greater confidence in the public schools' response to bullying. These indicators are also protective factors that point to children's resilience which is critically needed to help them respond positively to a crisis such as the global health pandemic. As the pandemic wears on we can expect these same indicators to continue to decline unless the pandemic response is very intentionally providing

additional supports. We can choose to nurture belonging, to ensure that children are heard, that their concerns are addressed, that they feel respected and safe throughout the course of this pandemic. That should be the focus of public school efforts over the coming months.



Maximum development:

All children must be afforded the opportunities and supports needed to develop to their maximum capabilities.

The child's right to life, survival and maximum development is the third general principle of Children's rights law. This principle informs all other rights by reminding us that children are born into abject vulnerability. They are almost totally dependent upon their mothers and other loved ones in their early years. For children, the right to life is necessarily connected to a right to survival and maximum development. As children grow they should be taught their rights and accompanied in the development of their autonomy, under their parent's care, direction and guidance, as stated in Article 5. Prudent parents will nurture from a young age their child's ability to make informed decisions for themselves. Articles 6 and 5 of the Convention are therefore closely linked and connected as well

to articles 9 (right to not be separated from one's parents), 12 (child's right to participation) and 18 (parents to be primary caregivers and act in their child's best interests, with appropriate State supports).



Parents are not alone in shouldering their responsibilities to care for their children. Government must provide adequate supports, through educational services, health services, income supports, early childhood supports and educational services and recreational services. Only through the proper articulation of all these supports can children achieve their maximum potential.

The COVID-19 pandemic creates a serious challenge to the goal of developing strong community and social supports to children and parents, and parents with young families in particular. Heads of young families and particularly of single parent households are already more likely to find themselves in positions of job precarity compared to the rest of the labour force. School closures and limited access to daycare resulting from the pandemic and the restrictions on contacts outside of one's family bubble seriously limit the options parents have to provide adequate supports to their children and often place parents in compromising choices

between employment and their family responsibilities. This is why State income supports for young families are so critically important. We ask what more can government be doing to support young families through this period to ensure every child's maximum development?

Some of the key indicators of the child's right to life survival and development are the infant mortality rate and the youth suicide rate. Infant mortality in Canada is very low, but we know that it ranges from 4.5 deaths per 1000 for Canadians with the lowest education levels to a rate of 2.8 for those with the highest education levels, and ranges from 4.7 to 3.2 between highest and lowest income earners¹². On average First Nations communities have an infant mortality rate is 2.3 times higher than the Canadian average. New Brunswick as a province needs to remain alert to these outcome inequalities and invest heavily in infant and maternal health in strategic and targeted ways to overcome them.

¹² <https://www.canada.ca/en/public-health/services/publications/science-research-data/inequalities-infant-mortality-infographic.html>



In relation to youth suicide New Brunswick is also lacking an effective provincial strategy for youth suicide prevention. In September 2019 our office released jointly with other Child and Youth Advocates a national position paper calling for a national youth suicide prevention strategy. Suicide

¹³ <https://www.cyanb.ca/en/139-canadian-council-of-child-and-youth-advocates-releases-national-paper-on-youth-suicide#:~:text=WINNIPEG%2C%20September%2017%2C%202019%20->

remains the second leading cause of death for Canadians aged 15 to 24¹³. Canada also has the 5th highest suicide rate among the 16 most developed countries in the world, according to the Conference Board of Canada¹⁴. New Brunswick has the highest suicide rate per capita in Canada. We are deeply concerned about youth suicides that have come to our attention as Child and Youth Advocate and the lack of appropriate hospital discharge planning and other system failures that may contribute to loss of life. Suicide is eminently preventable, but we need expert interventions and a much greater prevention focus if we are going to collectively succeed in bringing down these rates. In particular, we need to continue to remove wait-times for access to services and ensure that youth can easily access services before a crisis occurs, and urgently while they are in crisis. Most importantly, we must focus on the root causes of depression, poor mental health and suicidal ideation.

¹⁴ <https://www.conferenceboard.ca/hcp/provincial/society/suicides.aspx>

Just before the COVID-19 pandemic was declared our office was in discussions with the Coroner's office to develop a path forward to tackle this problem and give New Brunswick the Strategy we need to help prevent youth suicide. The COVID-19 pandemic has only exacerbated mental health precarity. Kids Help Phone reported an almost fourfold increase in their call volumes with the onset of the pandemic¹⁵. While advocacy requests to our office were significantly down in the first wave of the pandemic, and while child protection offices have noted a similar decline, child protection staff say that since the opening of schools, child protection intakes are up once again with challenging case reports. Urgent action is needed to help get ahead of problems tied to the pandemic response. Just as much as the spread of the virus this should be at the forefront of our public health and emergency preparedness planning.



¹⁵ <https://atlantic.ctvnews.ca/kids-help-phone-sees-dramatic-spike-in-demand-during-covid-19-pandemic-1.4874112>

Child and youth participation:

In any matter affecting a child or youth, their views must be considered.

The fourth general principle of child rights is set out in Article 12 of the Convention and insists upon our obligation to involve children in decisions that affect them. It requires that we listen to children to elicit their views about decisions that have to be made and that we take those views into consideration. Times of emergency, such as a pandemic response are times when this obligation is easily overlooked and yet when its importance takes on its full significance. Children are not mere witnesses to the crisis we are in. They are living it just like everyone else.

If we make a show about consulting children on special days throughout the year, like universal children's day, but don't bother asking children about important life changes that are required in times of crisis, children may experience that with a strong sense of disenfranchisement. COVID-19 and

our response to it significantly disrupts children's lives. They can no longer go to school, or they can't see their friends when they are at school because they are in another bubble. They can't see their friends outside of school. They can't see their grandparents, except maybe by zoom. They can't play hockey or attend ballet classes. The parks and pools have all been closed. They can't have a graduation ceremony or a prom. Even very young children are asked to wear masks. If you feel like COVID 19 has been dragging on forever, ask a four-year-old what forever feels like. Some children have been born into this and have never really known anything else. What would they have to say to us about our strange masked world if they could speak?

The best run schools in times of pandemic are the ones where children have been consulted and asked for their suggestions on how to stop the spread of disease. This time of crisis is an important opportunity to give children agency in aspects of their life they can control, like personal hygiene, cleanliness and how best to be kind and supportive

of one another. Times of crisis are times where we can learn empathy, solidarity and resiliency if we are asked to contribute, if we are asked to step forward and help.

The 2020 Child Rights Indicators Framework data has a number of indicators which help measure outcomes related to the Child's enjoyment of their participation rights, but as with the Best Interests principle additional indicators could be developed through questions added to the wellness survey that directly survey children and youth on whether they feel their right to be heard has been respected and if when they are asked for their opinions whether their views are taken into consideration. It is important above all that children feel listened to and understood at home. Yet the trend is slightly down in the current data from the previous reporting cycle for the percentage of grade 6 to 12 youth who report that their parents know a lot about them. Barely 54% of youth say that they do,

compared to 56% three years prior. Neither statistic is encouraging and we would hope that the rate would be trending upward not downward. Again only 54% of New Brunswick youth say that their families stand by them during difficult times. Young people in these survey responses are clamouring for their parents' attention in sizeable numbers. This is a challenge to which we must remain particularly alert in times of crisis, such as the current global health pandemic.

To improve our outcomes in relation to the child's right to be heard we should seriously rethink many of our child service delivery mechanisms and processes. European countries are much further ahead than we are in Canada or New Brunswick in relation child friendly justice systems¹⁶. Youth Criminal justice processes and Family Court processes can be made much more child friendly if we choose to take our obligations under Article 12 more seriously. Child participation is learned in

¹⁶ See the Council of Europe portal <https://www.coe.int/en/web/children/child-friendly-justice> and the speakers statements from the March 2020 high level roundtable:

<https://www.coe.int/en/web/children/child-friendly-justice-europe-may-2020>

school but too often in New Brunswick schools children are still taught to be seen but not heard. Models such as UNICEF's Rights Respecting Schools, UNESCO Associated Schools and the Youth Fusion and Place aux Compétences applied learning programs are excellent ways of developing engaged learners and global citizens. The Province needs to support more of this kind of programming innovation in our classrooms. Leadership programs such as Imagine NB are critically important in giving immigrant and refugee youth an opportunity to be heard and equal opportunities in their communities. Similar programs should be developed for disabled children, for children in care, for indigenous children and other marginalized groups of children.

Better, more intentional and authentic enforcement of the four Guiding principles of child rights is perhaps the very best way to renew our commitment to child rights implementation in New Brunswick.



A person with short brown hair, wearing a grey hoodie and dark blue jeans, is sitting on a log in a field. The person is seen from behind, looking out over a vast, open landscape. The sun is low on the horizon, creating a warm, golden glow over the scene. The ground is a mix of brown soil and sparse green grass. In the upper right corner, there is a bright yellow square containing the number '2'.

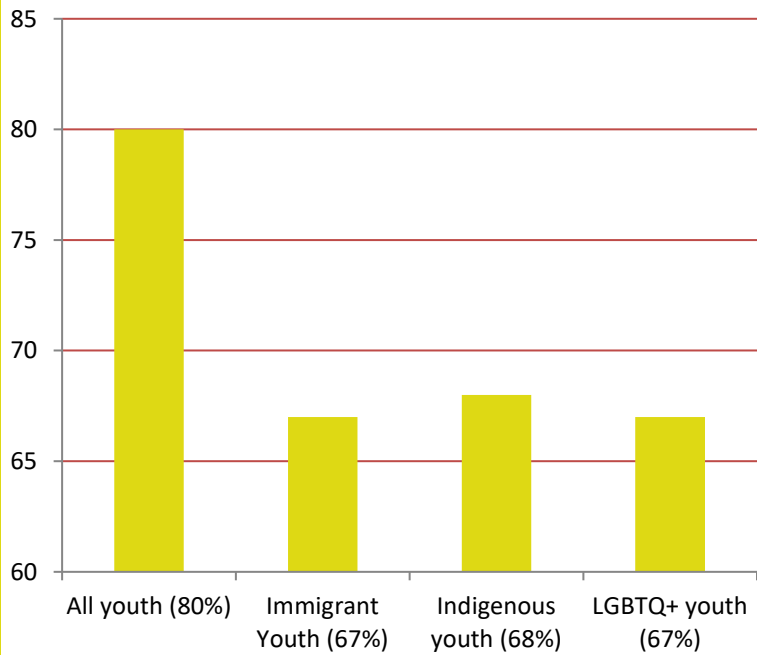
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CIVIL RIGHTS AND FREEDOMS

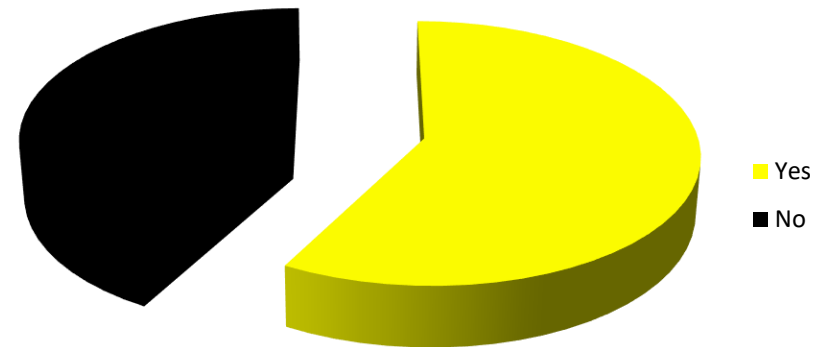
2018-2019 % of youth who think expressing their opinion in class is important

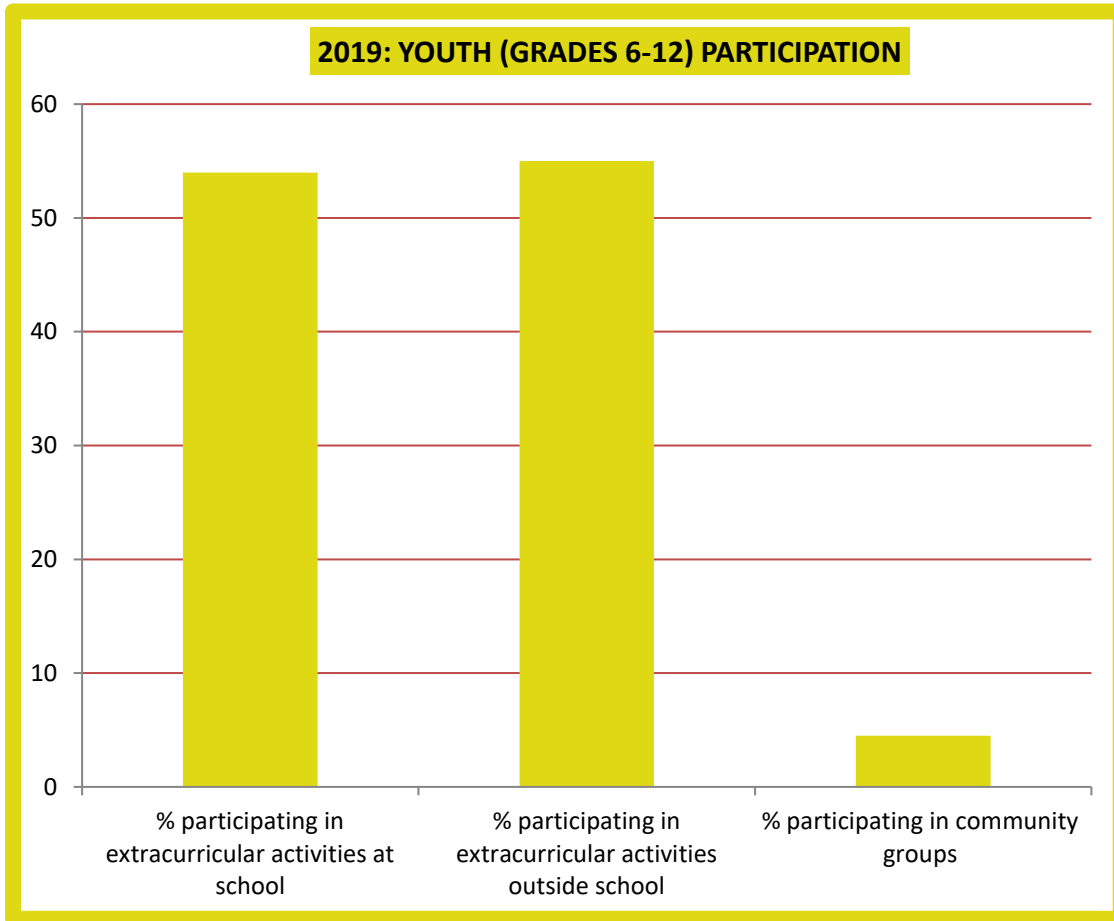
LGBTQ+ youth	Indigenous youth	Youth in poverty
57%	62%	58%

2019: % OF GRADE 12 STUDENTS WHO PLANNED TO VOTE IN ELECTIONS WHEN OF ELIGIBLE AGE



% of youth in poverty who think expressing their opinion in class is important





Civil Rights and Freedoms of children and young people have particularly come to the fore over the last twelve months. The Global campaign for climate action led by school children and Greta Thunberg and the strong youth participation in the Black Lives Matter campaigns across the globe have strengthened the resolve of children everywhere to exercise their civil rights and freedoms and stand up and be counted. For each of these rights we ask what is the new data telling us, how has the pandemic impacted this right and what laws, policies and programs can be changed to better enforce this right of children?

CHILDREN HAVE A RIGHT TO A NAME AND NATIONALITY, TO BE CARED FOR BY THEIR PARENTS, AND A RIGHT TO PRESERVE THEIR IDENTITY

The Civil Rights and Freedoms of children are largely the same as those of adults, found in general human rights instruments. However, two rights within this cluster were newly recognized as human rights of children with the adoption of Articles 7 and 8 of the UNCRC. These are important civil rights of children because they are inextricably tied the right to birth registration and civil status. A huge challenge of child rights enforcement in the developing world is the battle to ensure every child's right to birth registration. These are rights that Canadians take for granted but when newcomer youth arrive as refugees without all the necessary proof of birth registration we need to address these situations with humanity and compassion.

In New Brunswick Articles 7 and 8 take on important meaning when applied to immigrant youth and indigenous youth if they are separated from their

parents. Their right to maintain family ties to preserve their identity and to be connected to their culture, language and nationality are all part of their birthright.

CHILDREN HAVE A RIGHT TO FREEDOM OF EXPRESSION

Measuring Freedom of Expression is a difficult thing. Like privacy, and many other civil rights and freedoms, we often don't know we've lost these rights until they are gone. While we can try to get them back, the violation of freedom once experienced will often sit with us much longer than its continued daily enjoyment once restored. Children know all about this. They often receive all kinds of freedoms in small doses, as if from a dropper, only in good time and as they grow, and sometimes as a reward for good behavior. Much as parents will want to say that children today have way too much freedom, the CRIF data suggests the children and young people's experience is different and gives them a different perception. Only 67% percent of New Brunswick grade 6 to 12 youth feel

their need for autonomy is highly satisfied. Indigenous youth and youth with special education needs only report feeling this much autonomy in 59% and 56% of cases respectively. In contrast only 51% of LGBTQ+ youth report feeling this level of autonomy and 39% of food insecure youth. This 30% spread in youth experience is one of the widest variabilities in the child rights data. A slight uptick of 2% in the percentage of grade 12 youth who plan to vote in an election when eligible (80%) is another indicator of freedom of expression and a bit more encouraging even though it still leaves considerable room for improvement.

The isolation and social distancing required by the pandemic directly infringes upon this right, but it has also encouraged and opened up many new channels for youth to access in relation to social media and online expression. It is particularly important to have accessible channels for children everywhere to denounce abuse or neglect when the pandemic response places vulnerable children in situations of heightened risk of such harms. Promoting the Kids Help Phone and other online

tools and encouraging families and neighbours to be alert and watchful for signs of abuse or neglect towards children near them are necessary steps in our response to the pandemic.

In the longer-term New Brunswick should be looking at its laws and programs to decide how to better support freedom of expression among children and young people and civic engagement more generally. Lowering the voting age to 16, as many jurisdictions around the globe are now doing would be one area for further consideration.

CHILDREN HAVE A RIGHT TO THOUGHT, CONSCIENCE AND RELIGION

Freedom of Expression in the Convention (Article 13) is followed by Freedom of Thought, Conscience and Religion (Article 14). This distinction between being free to say what we want and being free to think what we want is an important one recognized in all human rights instruments. In Canada, these rights of children are similarly protected by our *Charter of Rights and Freedoms* as well, but as

children are not born with their own particular creed we are often more comfortable with the view that parents have the right to pass on their beliefs and philosophical and religious convictions to their children and that this is a good thing. Using this same logic some will take the view that children should be raised by conscientious parents as good Catholics, Muslims, Buddhists, atheists or agnostics, but in the end, parents know best. The risk with this thinking is that gives in to indoctrination too easily instead of nurturing autonomy which is what the law seeks to protect.

Balancing the child's autonomy, as protected in Article 14 with their best interests is a difficult task and seemingly contradictory. The issue often comes to the fore in difficult cases about the medical consent of minors and their right to privacy in health services. Experts have suggested that the best way of viewing it is that we want to afford children and young people the exact measure of autonomy needed to maximize their capacity for independent rational judgment without sacrificing it

completely¹⁷. In other words, we love them, watch them grow and let them make mistakes but we remain alert and ready to step in as proxy decision-makers so that they don't harm themselves irreparably.

For years we have been publishing the CRIF data without any marker or indicator of spiritual or religious expression among New Brunswick children. This year we learned that the Wellness Survey does ask a relevant question in this regard and we have begun reporting it as a disaggregated indicator of how many youth participate in church based groups or clubs. We would like to see the Survey tool revised to ask more a more detailed set of questions regarding children's experience in relation to Article 14.

Having explicit data of this kind and reporting on it allows us to open up informed discussions about children's moral and spiritual development and understanding its importance in relation to other

aspects of children's rights implementation. The impacts of COVID in terms of children's participation in religious services or church based religious education classes is an aspect of their development which in a secular world passes unnoticed because of the underreporting on this topic. Over time however prolonged interruption of religious practices or educational opportunities may significantly alter children's faith experiences.



¹⁷ Freeman, Michael, *Taking Children's Human Rights Seriously*, in Todres, J. and King S., eds., *The Oxford Handbook of Children's Rights Law*, Oxford University Press, 2020 pp. 49-69 at pp. 58 and ff.

CHILDREN HAVE A RIGHT TO FREEDOM OF ASSOCIATION AND PEACEFUL ASSEMBLY

Had it not been for the pandemic this year's State of the Child Report might very well have had a special focus on Freedom of Association and Freedom of Peaceful Assembly. Even before COVID-19 was discovered, the Children's Global Campaign for Climate Action was making regular headlines. Even after schools were closed the student protest continued. The Advocate's Office is working with the International Centre for Children's Rights at Royal Roads University in British Columbia to help plan an international conference for young climate activists in the spring of 2021. The conference is for youth from across North America and will allow for a sharing of many grassroots campaigns from across the continent.



During the pandemic and despite social distancing requirements the Black Lives Matter was the first and one of the rare news cycle items to actually change the dial from pandemic reporting. Not only was the endless COVID-19 news buffet interrupted, but in many cases Freedom of Assembly for the first time trumped public health social distancing measures. Even Canada's Prime Minister joined the throngs on Parliament Hill in solidarity with victims of racial oppression. For the children and young people in New Brunswick who were able to take part in vigils and marches in their towns and cities with masks on and social distancing these were indelible real-life experiences in democratic participation.

The indicators in the Child Rights Indicators Framework data for 2020 in terms of children's participation in activities at school or out of school are consistent with the data from the previous reporting cycle and don't show great differences as between different categories of children, but the participation rates are not very high. In fact, the participation rate in activities or groups outside of

school is only 55% of grade 6 to 12 youth and participation in community groups such as scouts, girl guides, church groups or other is only between 4% and 5% of youth reporting. In the Advocates view this speaks to a chronic underfunding and underdevelopment of community youth programming in New Brunswick. We know from our youth Voice Committee Members that youth who participate in youth councils, in Multicultural associations, in Duke of Edinburgh programs, or youth faith groups or community Gay Straight Alliances are provided excellent opportunities to nurture resilience and community connectedness. There is a huge lack of community capacity to support Child and youth participation and freedom of association and peaceful assembly.

The Advocate recommends that the Province lead this reengagement through the establishment of a children's youth parliament. In August of 2020 the Advocate was invited to present to the Legislative Affairs Committee on the Youth Parliament models in Scotland and Wales and how they could be adapted to our Parliamentary process in New

Brunswick. As a Legislative Office we were asked to propose a model for a provincial youth Parliament that would not be a “model parliament” but which could replace the Legislative Assembly’s long running Legislative Youth Seminar with a permanent functioning youth parliament for New Brunswick. We are engaging with youth Constituencies on this project and hope to have a proposal to put before the Legislature in the spring of 2021.

CHILDREN HAVE A RIGHT TO PRIVACY

The Child’s right to privacy is perhaps the right most often observed in the breach rather than practice. Children are afforded no personal privacy at birth and only develop a sense of personal privacy themselves much later in life. However, even infants should be protected from the glare of publicity. Children in group homes and foster homes often complain of limits placed upon their privacy and children’s privacy in school is routinely violated when lockers are opened, phones are searched or confiscated, or hallways and recess areas are subject to video-surveillance. Many of these

limitations on children’s privacy may be defended and may pass scrutiny before our courts, as strong enforceable rights need reasonable limits. But every time we defend placing limitations on children’s rights we should be asking ourselves whether this is in their best interest, whether it is respectful of their views, whether the infringement is reasonably and demonstrably justified given our obligations to uphold the human rights of children.



One of the most nefarious invasions of privacy in modern society is the universal problem of cyberbullying. Children are increasingly wired and connected through social media at younger ages and for extended periods of time. The CRIF data on cyberbullying in New Brunswick suggests that the problem remains stable year over year with 17% of youth reporting being a victim of cyber-bullying in the last couple of months. These numbers are twice as high for children in poverty (37%) and still comparatively higher for students with special education needs (25%) and LGBTQ+ youth (24%). However, the experience of cyberbullying is reported with only about half the frequency as reports of verbal attacks at school (37%) or bullying by exclusion at school (32%).

The right to privacy includes a right to solitude, a right to be alone with one's thoughts from time to time, which is said to be important time for reflection and developing empathy skills. Recent

¹⁸ Child Rights International Network, "Surveillance and digital privacy during Covid-19" (30 June 2020), online: *Child Rights International Network* <home.crin.org/readlistenwatch/stories/surveillance-digital-privacy-covid>.

reports suggest that children who spend too much time on screens do not give their brains the time needed to perform this developmental work while we watch the clouds in the sky. The COVID pandemic has certainly provided ample time for social isolation, but social isolation from peers and performance venues while staying at home in cramped quarters is not the same as solitude. Policy-makers should remain alert to these risks to children's privacy in these times. COVID-19 poses new threats to children's privacy because of the increased use of online education platforms and apps developed to track the disease.¹⁸ As we develop new approaches to cope with the pandemic we must remain alert to the impact of those approaches on children's rights.¹⁹

New Brunswick laws in relation to child privacy could certainly be strengthened. Policy instruments and training to incorporate children's privacy by design into school and recreational policy and in

¹⁹ Steven Vosloo, Melanie Penagos and Linda Raftree, "COVID-19 and children's digital privacy" (07 April 2020) online: *UNICEF* <unicef.org/globalinsight/stories/covid-19-and-childrens-digital-privacy>.

hospital, youth justice and child protection settings could also be improved.

CHILDREN HAVE A RIGHT TO INFORMATION

The UN Convention on the Rights of the Child also innovated in 1989 by introducing within the human rights framework for children a Right to Information. This is in part because the convention was drafted in the 1980s after the spate of “sunshine laws” around the world in the 1970s and 1980s which introduced right to information guarantees. Raising this statute law to a human rights norm makes absolute sense for children and the Convention captures the experience of children’s television programming guidelines from that era as well which approached broadcasting as an important new channel of communication but one that had to be used for the betterment of children’s lives while protecting them from harm. Article 17 of the Convention is therefore a prescient provision that foresaw the risks to child

development that are posed by child pornography, online luring and sexual exploitation, or the economic exploitation of children’s online play spaces.

In New Brunswick the Advocate published in 2009 a study entitled “There Ought To Be Law” which decried the lack of adequate laws in Canada to protect children’s informational and privacy rights.²⁰ The Province initially created a study group to respond to the recommendations, but ten years on we are still waiting for law reform. Regrettably, the forms of harm to children from targeted marketing, targeted advertising, violent films and video-games, insufficient regulation to sustain creative and developmentally supportive children’s programming for either traditional or web-based media, the dark web and online predation and bullying have only continued to grow and proliferate. A child-rights based approach to the problem would require strong legislative and policy prompts.

²⁰ <https://www.cyanb.ca/images/ChildrensOnlinePrivacy-e.pdf>

The pandemic leaves children isolated at home, sometimes without adequate parental supervision and at increased risk of harm from predatory, exploitative or violent media. Internet usage has increased significantly with Canadians spending almost double the amount of time online as prior to the pandemic²¹. Predators are increasingly online as well knowing that children are more available online²². Unfortunately, social media platforms, also straining under the pressures of the pandemic have reduced staff and may be less alert to flag privacy threats from users of the Dark Web further increasing the risks to children from online predation²³.

The hours of daily consumption of screen time are numbing and harmful enough. According to the 2020 CRIF data 29% of youth report spending more than the recommended maximum of two hours a

day on screen time. This is down considerably from the 37% figure reported in the previous reporting cycle, but the latest wellness survey data available would not reflect children’s experience during the pandemic. Paradoxically, the number of students who report getting 8 hours of sleep or more by night is also down from 39% to 36%. More detailed data collection in respect of these kinds of indicators could help inform the program and policy responses that governments could develop, and inform children, youth and families about the risks and tips for managing screens and sleep in a child’s best interests.

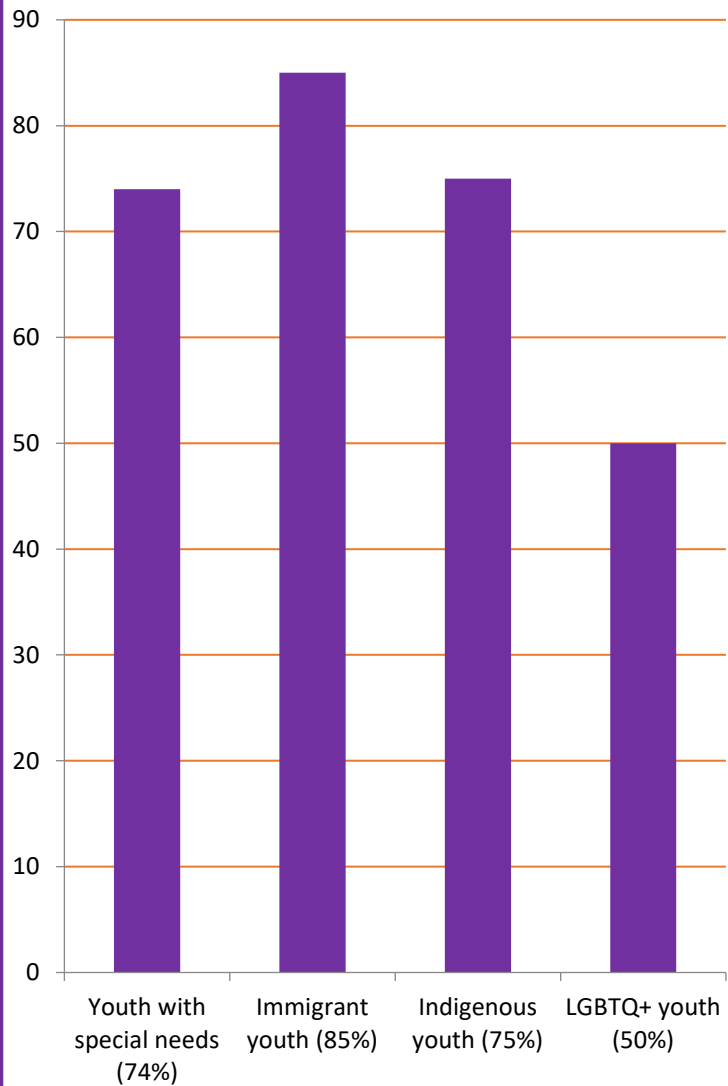
²¹ Canadian Wireless Telecommunications Association, “CWTA Survey Reveals Significant Increases and Shifts in Canadian Telecommunication Network Traffic as a Result of COVID-19” (25 May 2020), online: *NewsWire* <newswire.ca/news-releases/cwta-survey-reveals-significant-increases-and-shifts-in-canadian-telecommunication-network-traffic-as-a-result-of-covid-19-837314757.html>.

²² Meghan Collie and Laura Hensley, “Kids are online more than ever during the pandemic, creating ‘opportunity’ for predators” (9 May 2020), online: *Global News* <globalnews.ca/news/6905885/coronavirus-cyber-safety-children/>; and Marsha McLeod, “Child protection organizations seeing ‘significant uptick’ in predators using COVID-19 as opportunity to exploit online” (23 April 2020), online: *The Globe and Mail*.

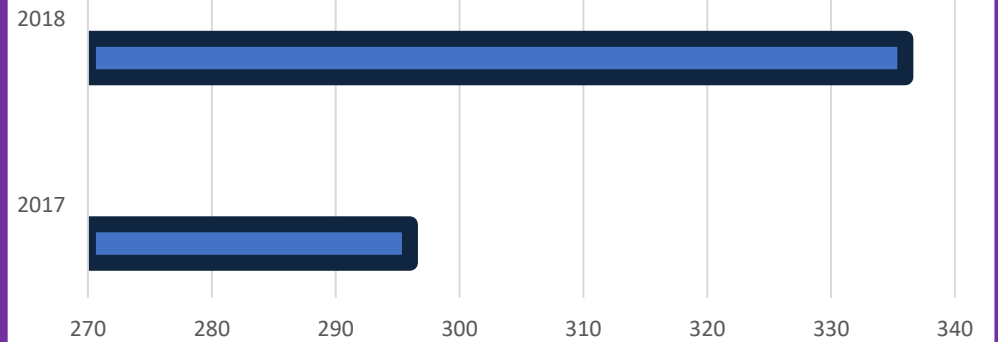
²³ Human Rights Watch,

FAMILY
ENVIRONMENT
AND ALTERNATIVE
CARE

2019: % OF YOUTH WHO FEEL THAT THEIR FAMILY STANDS BY THEM IN DIFFICULT TIMES



CHILD AND YOUTH VICTIMS OF FAMILY VIOLENCE



Month	# of Child Protection Intakes
January 2020	1406
February 2020	1250
March 2020	906
April 2020	810
May 2020	897
June 2020	944
July 2020	954
August 2020	964
September 2020	1214
Source:	Department of Social Development

The Convention on the Rights of the Child is the only human rights instrument in the world that specifically adapts human rights norms to children’s lived experience. While the civil and political rights of children remain virtually the same as those of adults. The adaptation of human rights discourse is seen mainly in the General Principles of child rights described above and in the cluster of rights referred to as Family Environment and Alternative Care. The CRC mentions 11 rights in this cluster of rights, however others such as articles 7 and 8 and of course the guiding principles are intricately woven into the human rights protections surrounding the child’s family environment and the alternative care they must be provided with if they are separated from their families.

All of these rights help keep children in a safe, secure, nurturing family environment where their best interests, their developing autonomy and participation, and maximum development can be fostered. In important ways this is what children’s

rights is all about. The natural and foundational environment for children is within their family. Children should never be separated from their families unless a competent authority decides that it is necessary to do so in their best interest and the courts agree. Parents have the primary responsibility for their children's care, but they have to guide and direct their children prudently to make decisions for themselves in the knowledge of their rights and role in society. Parents have to have their children's best interests always in mind as their main guide and they are entitled to all the support needed from government to do this job well. If for any reason children are removed from their families, as they must be if they are abused neglected or harmed in any way, they should be placed in another care setting that is as much like a family as possible. They should have the right to have any such placement periodically reviewed and they should have a right to be adopted and find a new forever home. If their parents break up they both still have obligations to their children and any

child victim of abuse has a right to rehabilitation to help him or her recover.

Although laws in most countries provided for all these kinds of protections before the Convention was adopted. None of those laws were considered human rights. The Convention changed all that and made sure that Governments recognized these rights to a family environment as part of the fundamental rights of children everywhere. The child's right to a caring family environment therefore emerged as a global human rights norm to help guide how democratic societies govern themselves.



In New Brunswick the *Family Services Act* recognizes this in its preamble. In the Advocate’s view however a new stronger Child Welfare Law or Children’s Law is needed that would incorporate all of the UNCRC into domestic law, provide children with real remedies to have their rights upheld, and shift to a broader child welfare approach focused upon the needs and rights of every child. Other structural indicators of rights enforcement in this cluster of rights would include renewal of the Strategy for the Prevention of Harm for Children and Youth. Entrenching Integrated Service Delivery (ISD) into legislation with a governance structure to oversee child rights monitoring, child rights-based analysis through Child Rights Impact Assessment and tailored frontline training programs while coordinating enforcement measures with other levels of government and the private and non-profit sectors.

The COVID-19 pandemic has challenged families and therefore children in significant ways. Children in families where there is a history of job precarity or family violence may be at greater risk of abuse or neglect. Children in systems of State care may be isolated more strictly than required out of an abundance of caution or because of a lack of available support staff. Children in these systems whether in a detention facility or in groups homes or youth transition homes are often dealing with complex challenges arising from mental health, addictions or other underlying health conditions, including neuro developmental delays and the impact of the pandemic, the isolation and change of routine may be particularly disruptive and triggering for these children²⁴. Children with open child protection cases with supervised visits may be at greater risk of neglect because visits are suspended or only available as a virtual visit. Children in kinship care with elderly grandparents, or in foster care or in group home care are at increased risk of losing

²⁴ Philip S Goldman et al, “The implications of COVID-19 for the care of children living in residential institutions” (21 April 2020) at 1, online (pdf): *The Lancet*

<alliancecpha.org/en/system/tdf/library/attachments/covid_and_care.pdf?file=1&type=node&id=37882>

these placements because of care-giver fatigue and of the risk of infection presented by COVID-19.²⁵

Children living through a separation or custody battle may experience longer court delays, less contact time with non-custodial parents. All children may be experiencing isolation and loss of contact with their friends and extended family members including grand-parents and great-grand-parents. The pandemic has increased the risk of children being separated from their parents because of their parents being hospitalized or required to quarantine, or because of border closures.²⁶ Children may suffer not only from the economic impact of the pandemic on their parents and families but from stress that economic and health pressures may place on their loved ones. Children and grandchildren of the victims of COVID-19, those who died and those who had serious life-threatening infections are grieving and may suffer some trauma as well from their family's loss and the

²⁵ Better Care Network, The Alliance for Child Protection in Humanitarian Action and UNICEF, "Protection of Children During the COVID-19 Pandemic, Children and Alternative Care, Immediate Response Measures" (2020) at 3, online (pdf): *Alliance CPHA*

unavailability of traditional coping mechanisms surrounding the mourning process.



alliancecpha.org/en/system/tdf/library/attachments/covid-19_alternative_care_technical_note_final.pdf?file=1

²⁶ UNICEF Canada and One Youth, at 1. <oneyouth.unicef.ca/en/u-report-results>.

In all of our interventions focused on public health and limiting the spread of the disease we therefore have to be particularly alert to the human cost of the disease both in terms of its immediate health impacts and those related to the containment measures put in place. COVID-19's challenge to children's rights to a loving, nurturing, rights-respecting family environment should not be lightly overlooked. This is a time for compassion, patience and neighborliness. The recommendations from national and global experts identified in our Background paper are particularly helpful in relation to the pandemic and children's rights in relation to their family environment.

The CRIF has 30 indicators of child rights related to Family environment and alternative care. The most recent data suggests that the indicators have been relatively stable year over year and between reporting cycles. Although the variations from year to year may not be statistically significant, in the main they do not point to any improvement but possibly a slight worsening of the situation across several indicators. Areas of significant change

related to the rate of children receiving family enhancement services (FES), but this is explained by the redirection of FES files to child protection following the recommendation in the Savoury report. Consequently, we also saw a significant annual increase in the number of new child protection cases. However, this increase was marginally higher than the decrease in FES cases over the same period. Similarly troubling is a significant year over year increase in the rate of child and youth victims of family violence which increased from 296 cases per 100,000 population in 2017 to 336 in 2018. We also saw a 20 % decline in the number of children involved in the child witness of family violence program, which begs the question as to what may be the cause of such a decline year over year.

Overall, therefore, the family situation of children in New Brunswick is troubling and the COVID 19 pandemic suggests to us that things may still worsen over the coming months. In 2020 we again saw a marginal decline in the number of children in foster homes and in group homes. In past State of the

Child Reports, when we saw these declining numbers we actually cheered and congratulated the Department of Social Development in reducing its reliance on these forms of temporary care.

Unfortunately, over the course of the last two years we have completed a comprehensive review of child welfare services and we find nothing to cheer about in these declining numbers. There is nothing in the data, nor our caseload information to support the view that Child protection services are moving more swiftly with adoption services and finding more forever homes for child victims of abuse. Rather cases we have investigated suggest a pattern that in New Brunswick children are increasingly left in harm's way and often reunited with families with a history of abuse, where all too often that history repeats itself.

Social workers tell us that the Family Courts have set the standards so high for a child protection removal that even disturbing cases of maltreatment are not always taken to court, or raised with the Family Crown. An interprovincial comparison of child protection indicators suggests also that in New

Brunswick we are not doing enough to protect children. Our rate of placement into protective care is among the lowest in the country and about one tenth of Manitoba's, although their population is not even twice ours. It is hard to believe that with the child poverty rates that we have, with the comparatively low employment rates that we have, with the highest rate of suicide in the country and with the high rates of poor child and youth mental health, that New Brunswick families are yet so resilient and that so many children are, according to our Courts and our child protection services, better off at home with parents who are known to have abused and neglected them than in protective care. Frontline social workers have told us that the prime consideration of Child protection services is family reunification. We beg to differ. The law clearly states that the guiding principle informing all child protection decisions must be the best interests of the child. But in our experience departmental decisions are often difficult to reconcile with that principle.

In the course of our review and in our caseload at the Advocate's office we have had children tell us that they fear being reunited with a parent because of the neglect they have always known. Some children have told us that they would consider being reunited, but only so that they could look after their younger siblings and out of fear for what may happen to them if they themselves are not there for them. Other times a very young child has said they want to return home to a setting where their step-father molested them, because "I don't want Dad to go to jail" and "He said he wouldn't do it again". Children have begged us not to let their social worker send them back to the home where they were stifled and beaten. They don't believe their parent will have changed despite promises made in court to not beat them anymore. They don't know what they will say in court when they are called to testify in relation to their parent's sentencing, nor how that would go down in the car ride home. In all of these cases, despite our best efforts, against our recommendations and over the protestations of relatives who stood by with offers to take them in,

children were reunited with their abusers in what the Department ostensibly deemed was their best interests, and often without judicial oversight. We think children deserve a better system that looks after their rights and best interests, and not their parents' wishes.



For those who are given the grace of becoming parents it is without doubt the most important and most sacred task they will ever be given. It is a heavy responsibility and those who are not capable or willing to make the sacrifices needed to accept the responsibility fully should be encouraged and at times required to let someone more capable, more responsible step-in. Everyone can make a mistake. No one is perfect. If parents can correct their course rapidly, while someone temporarily steps into their shoes and then they return, that is always a good outcome. It might happen twice, or even three times and still a best interest analysis would favour family reunification. But some types of harm are so damaging that permanent removal should be the normal course from the start. In other cases there have been so many failures repeated over time, involving several children that early removal of even a new-born infant is the best interest solution. These are never easy decisions, but if we are serious about putting children's best interests first and foremost in our decision-making than these are the choices we must defend. Judges should give some

measure of deference to the decisions of child protection officials. They should resist the temptation to remonstrate child protection workers. Child protection workers must press the child's right to be protected from all forms of endangerment assiduously and always with regard to the child's best interests keeping in mind the child's needs for a caring, nurturing stable home that provides for all their needs – social, emotional, physical, spiritual, moral, cultural and developmental.

New Brunswick children who we have met are not asking for perfection, they want help for their parents, but they especially want stability and they want to feel loved and protected. Asking someone who has repeatedly failed the child and their siblings time after time, despite months and years of intervention to try again is grossly unfair to the children.

What the Province has to do, to get ahead of this curve is to invest significantly more in early childhood supports and supports to young families

and single parent families with young children in particular. Parents who are struggling with job precarity and addictions issues and those with poor parental capacity should be given much more intensive and sustained supports especially if young children are in their care. Too often we see cases of neglect drag on with sporadic efforts at addressing with child protection files opened and shut inconclusively only to see a case for permanent removal come forward five or six years later when a great deal of irreparable harm has already been done to the child. We need a system that provides early, timely and effective supports, ideally during the birth preparation process that supports at risk births with all the maternal and infant health, financial supports and developmental expertise that the community can muster.

A system of child welfare that is rights based and rights informed cannot be a system of child protection alone, because that is too narrow a field of intervention. It does not fully protect children's rights to an adequate family environment. Making unnecessary distinctions between family

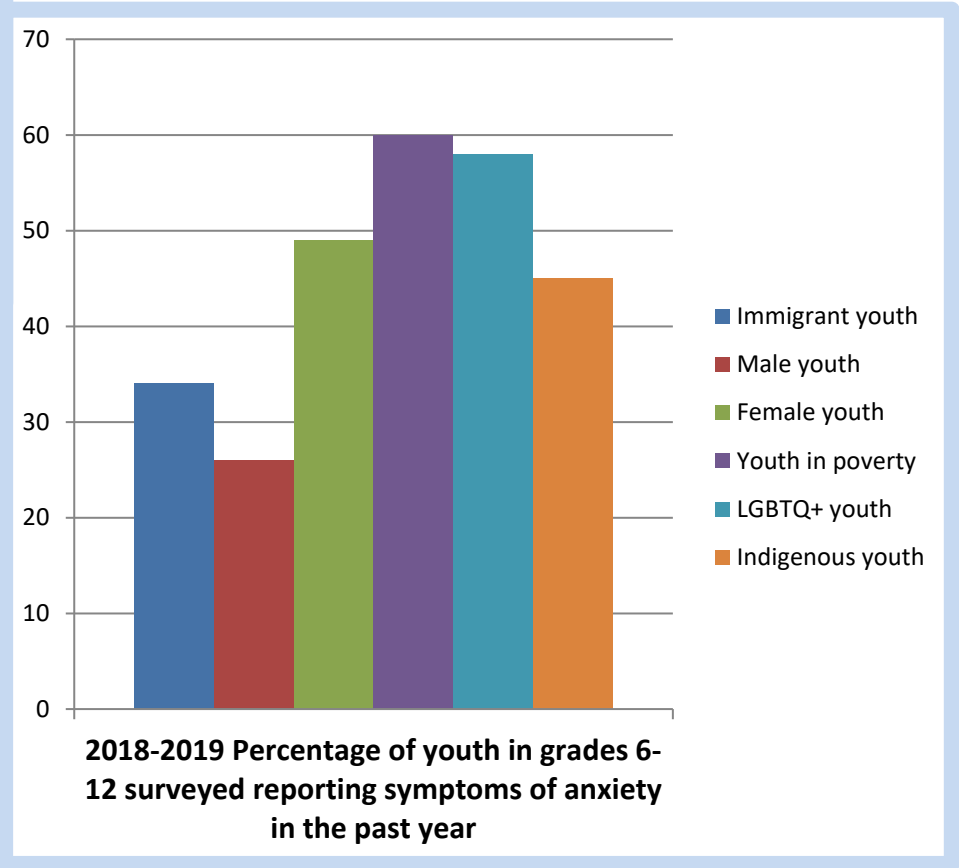
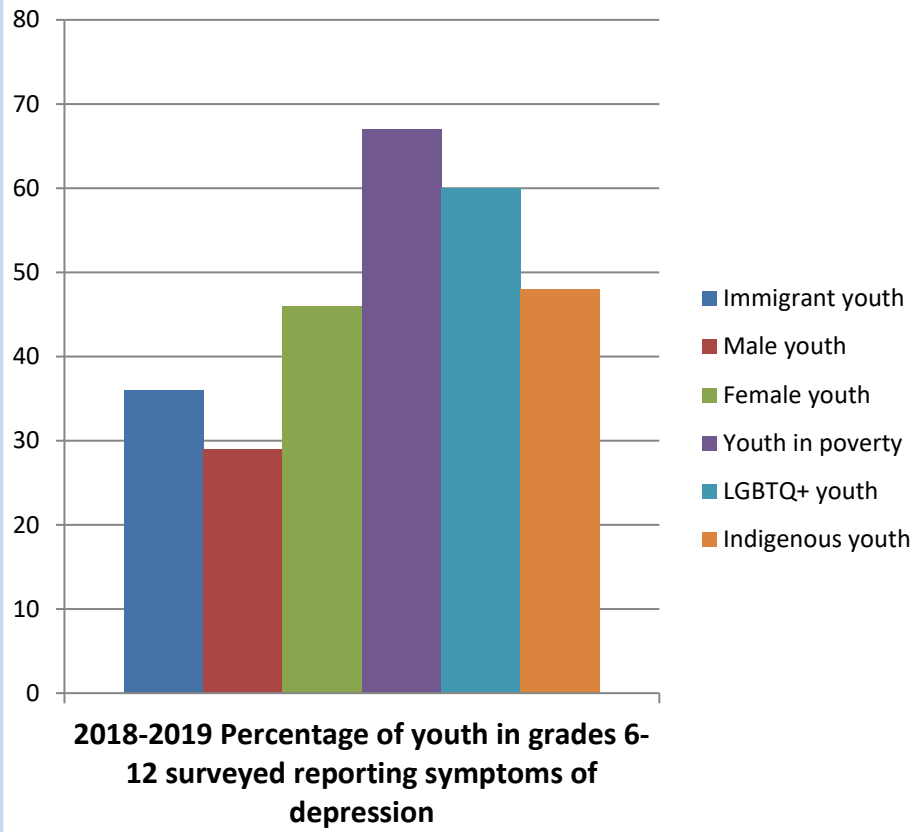
enhancement and child protection services may have caused confusion, duplication of effort and opportunities for case managers to drop the ball or let children fall through more cracks. But no matter what we call it, maintaining the early prevention focus of Family Enhancement Services is keeping children at the heart of our efforts and is the surest way of enhancing the Province's long-term economic recovery.

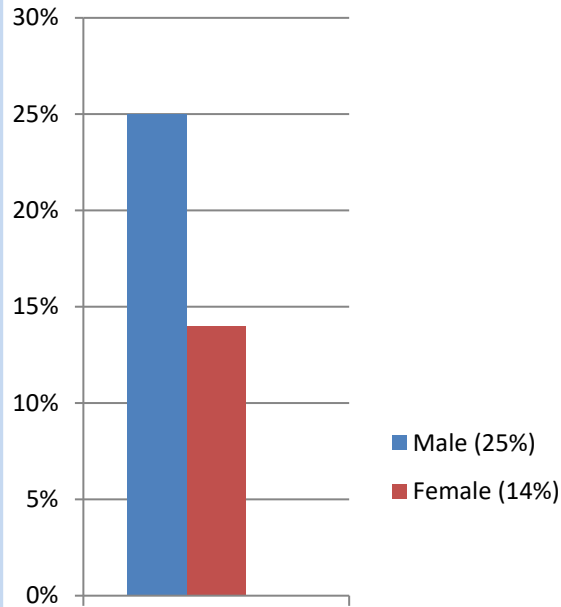




4

HEALTH
AND
WELFARE





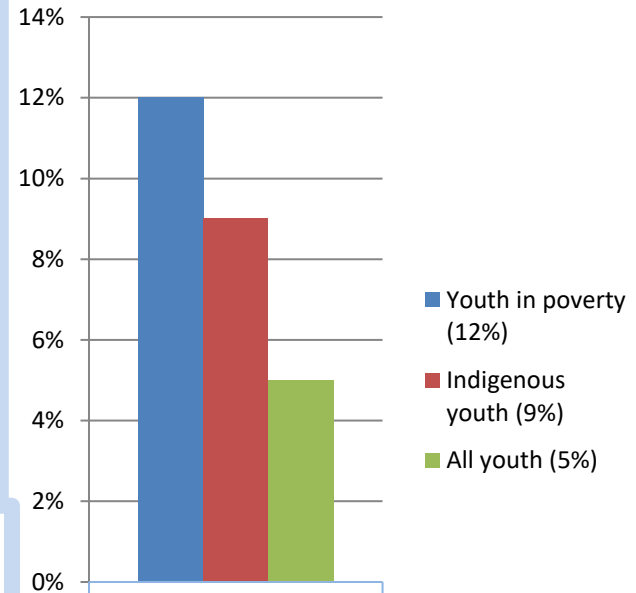
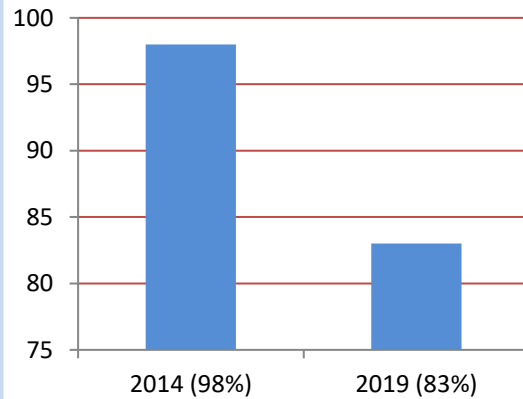
% of youth in grades 6-12 who reported having been physically active at least 60 minutes per day over the past 7 days

2019
TEENAGERS WHO GAVE BIRTH
(per 1000 females aged 15-19)

New Brunswick Canada

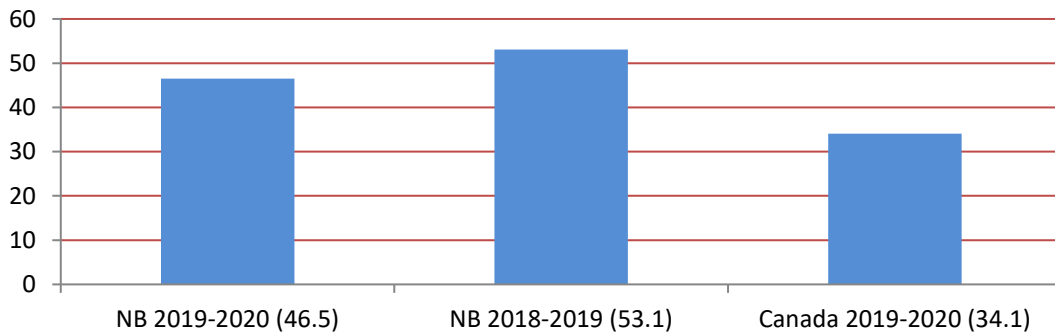
10.1 6.3

PERCENTAGE OF YOUTH AGED 12-17 WITH A REGULAR MEDICAL DOCTOR



2018-2019 Percentage of youth who smoke daily

Rate of hospitalized cases for mental diseases and disorders - cases admitted to hospital per 10,000



The child's right under the UN Convention on the Rights of the Child to support for working parents (Article 18) their right to the highest attainable standard of health (Article 24), the rights of disabled children (Article 23), the child's right to social security (Article 26) and to an adequate standard of living (Article 27) form, along with the 3rd general principle – the child's right to life, survival and maximum development (Article 6), the cluster of Basic Health and Welfare.

Since the CRIF tables draw in large part upon the Student Wellness Survey and the Canadian Community Health Survey they are full with indicators of health and wellness. Over 60 indicators in Table 5 of the CRIF and many more are interspersed throughout Table 1 and other tables as well. In the pilot of GlobalChild next year we hope to significantly improve our child rights data monitoring by closely mapping specific indicators to specific rights, by adding in many more structural and process indicators of rights monitoring and eventually producing a heatmap of compliance that will show, at a glance, areas most in need of

improvement and areas where children are doing well in comparison with their Canadian peers. With this kind of tool government departments and community partners will be able to easily identify benchmarks and areas of focus towards which they can tailor their interventions with the expectation of making measured progress for our children.

As we mentioned at the outset of this report many of the indicators in the CRIF are showing in 2020 a negative trend in comparison with the previously available data. This is especially true in relation to Basic Health and Welfare. The percentage of youth who have a regular medical doctor is down from 98% to 83%. The percentage of youth who consulted a family physician in the last year was also down from the previous reporting cycle. Those who consulted a mental health professional was up by nearly 5%. The percentage of grade 6 to 12 youth who report having been physically active at least an hour a day over the last 7 days was down from 22% to 19%. Children who eat breakfast every day and those who eat 5 or more servings of fruit or vegetables dropped both from 46% to about 41%.

The percentage of youth who report smoking every day increased from 4% to 5%. Students who report their health as very good or excellent dropped from 66% to 60%. Youth who report symptoms of anxiety increased from 33% to 38%. Youth reporting symptoms of depression increased from 31% to 38%. In schools the percentage of youth who reported having a diagnosis of ADHD/ADD, of autism or Asperger Syndrome, of blindness or low vision, of deafness or speech impairment, of an intellectual disability, mental health disorder or oppositional behaviours had all increased marginally over the previous reporting period. The infant mortality increased from 2.8 deaths per 1000 live births to 3.5. The variations here may not all be statistically significant but the trend is downward and we are not seeing any improvement on these indicators.



In contrast the rate of injuries is down, infant breastfeeding is up significantly from 81% to 91% and the reported consumption of non-nutritious beverages by children is down by almost 5%. The number of cases admitted to hospital for mental diseases and disorders has dropped to 47 cases per 10,000 while it was 53 last year, but the Canadian rate is 34 per 10,000 population. This is so despite the significant efforts through Integrated Service Delivery (ISD), through the network of excellence and through ACCESS Open Minds sites, the Moncton U-Turns initiative and KVOasis to divert youth from hospital admissions to community mental health interventions. We know that these programs have been successful in their diversion efforts and so the continued high rate of hospital admissions speaks to the limited capacity of these community-based pilot programs and perhaps to the increased prevalence of mental illness onset or diagnosis. In any event we

can only expect that with the pandemic these numbers may not improve in 2021 and may in fact worsen.

The COVID-19 virus will obviously expose some children to viral infection. Children often recover with only some tummy upset and a rash.²⁷ In Canada and other developed countries children and youth have been infected in only a small minority of cases²⁸ and only 1% of all COVID-19 related hospitalizations in Canada are children or youth under the age of nineteen.²⁹

Beyond the risk of direct infection there is the disruption in health services to children. Importantly access to regular immunization clinics was compromised at the outset of the pandemic, placing children at risk of a serious illness or health complications.³⁰ Access to reproductive and sexual health services for adolescents is also

²⁷ Government of Canada, “Coronavirus disease (COVID-19): Symptoms and treatment” (2020), online: *Government of Canada* <www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/symptoms.html>.

²⁸ Nicole Le Saux, “Update on COVID-19 epidemiology and impact on medical care in children: April 2020.” (29 April 2020) online: *Canadian*

Paediatric Society <www.cps.ca/en/documents/position/update-on-covid-19-epidemiology-and-impact-on-medical-care-in-children-april-2020>.

²⁹ *Ibid.*

³⁰ *Ibid* at 5.

compromised,³¹ leading to an increased risk of unplanned pregnancies or sexually transmitted infections. Parents may have reduced ability to consult their family physician or the emergency room preventing children’s access to health services.³² Infant and maternal health may also be compromised as expecting mothers have reduced access to pre-natal and perinatal care or breast-feeding clinics.³³ Postpartum depression cases may also increase.³⁴ Alcohol sales during the first wave of lockdowns increased in Canada by 20%, intimate partner violence during this period also increased significantly, leading to concerns of a possible spike in FASD births.³⁵

Statistics Canada found that only 42% of youth aged 15 to 24 years old reported having very good or

excellent mental health since the COVID-19 pandemic started.³⁶ This rate is significantly lower than the 72% rate reported by New Brunswick youth in 2018-19 in our CRIF data. 30% of Canadian youth polled reported an increase in stress and/or anxiety because of COVID-19.³⁷ In yet a third survey, 24% of Canadian parents say the pandemic has only worsened their child’s mental health.³⁸ The problem is exacerbated by both an increase in reported anxiety and stress and by a lack of access to mental health supports because of the lockdown measures. Mental health information on how to access services may be promoted through the pandemic, but it is not often adapted or targeted to reach

³¹ Human Rights Watch, “COVID-19 and Children’s Rights” (9 April 2020) online: *Human Rights Watch* <www.hrw.org/news/2020/04/09/covid-19-and-childrens-rights#_Toc37256532>.

³² UNICEF Canada and One Youth, <oneyouth.unicef.ca/en/u-report-results>.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ <https://preventionconversation.org/2020/04/30/canfasd-alcohol-memes-and-covid-19/>; <https://preventionconversation.org/2020/10/22/preventing-fasd-and-intimate-partner-violence-during-the-covid-19-pandemic/>

³⁶ Leanne Findlay and Rubab Arim, “Canadians report lower self-perceived mental health during the COVID-19 pandemic” (24 April 2020) online: *Statistics Canada* <www150.statcan.gc.ca/n1/pub/45-28-0001/2020001/article/00003-eng.htm>.

³⁷ One Youth, “What U-Reporters Are Saying, U-Report Results” (2020) online: One Youth <oneyouth.unicef.ca/en/u-report-results>.

³⁸ Canadian Mental Health Association, “COVID-19 effects on the mental health of vulnerable populations” (2020) online (pdf): *Canadian Mental Health Association* <cmha.ca/wp-content/uploads/2020/06/EN_UBC-CMHA-COVID-19-Report-FINAL.pdf>.

vulnerable child and youth populations who may need it.³⁹

Indigenous children and youth are also particularly at risk because of underlying social determinants of health or pre-existing medical conditions.⁴⁰

Lockdown measures may exacerbate community challenges including housing, clean water or food security. Traditional wellness practices may also be disrupted by lockdown measures.⁴¹ Because many indigenous youth already struggle with isolation and decreased access to resources and high rates of mental health challenges the impacts of the pandemic may be particularly burdensome. Calls to indigenous mental health hotlines have increased fourfold since the beginning of the pandemic.⁴²

The Mental Health Commission of Canada, UNICEF Canada, the Child Welfare League of Canada and

Canadian Pediatric Society have all issued helpful guidelines and recommendations in order to better protect children’s rights to basic health and welfare. These and other recommendations included in our companion background paper on *The Impact of COVID-19 on Children and Youth’s Human Rights* should inform the Province’s emergency response planning and recovery planning moving forward. The Advocate supports in particular UNICEF Canada’s recommendation to include children and youth in the COVID-19 response planning effort through 1) the Appointment of a Special Council for Children and Youth and 2) the Launching of a Comprehensive Child and Youth Reimagine and Recover Plan. The Advocate’s Office and its Youth Voice Committee are available to assist with this effort and are asking to be at the table.

³⁹ Mental Health Commission of Canada, “COVID-19 and Mental Health: Policy Responses and Emerging Issues, Preliminary Scan” (2020) at 2, online: *Mental Health Commission* (pdf): <mentalhealthcommission.ca/sites/default/files/2020-06/COVID_19_policy_responses_emerging_issues_eng.pdf>.

⁴⁰ Canadian Paediatric Society, “COVID-19 and Indigenous children in Canada: What can paediatricians do?” (27 May 2020) online: *Canadian*

Paediatric Society <cps.ca/en/blog-blogue/covid-19-indigenous-children-in-canada-what-can-paediatricians-do>.

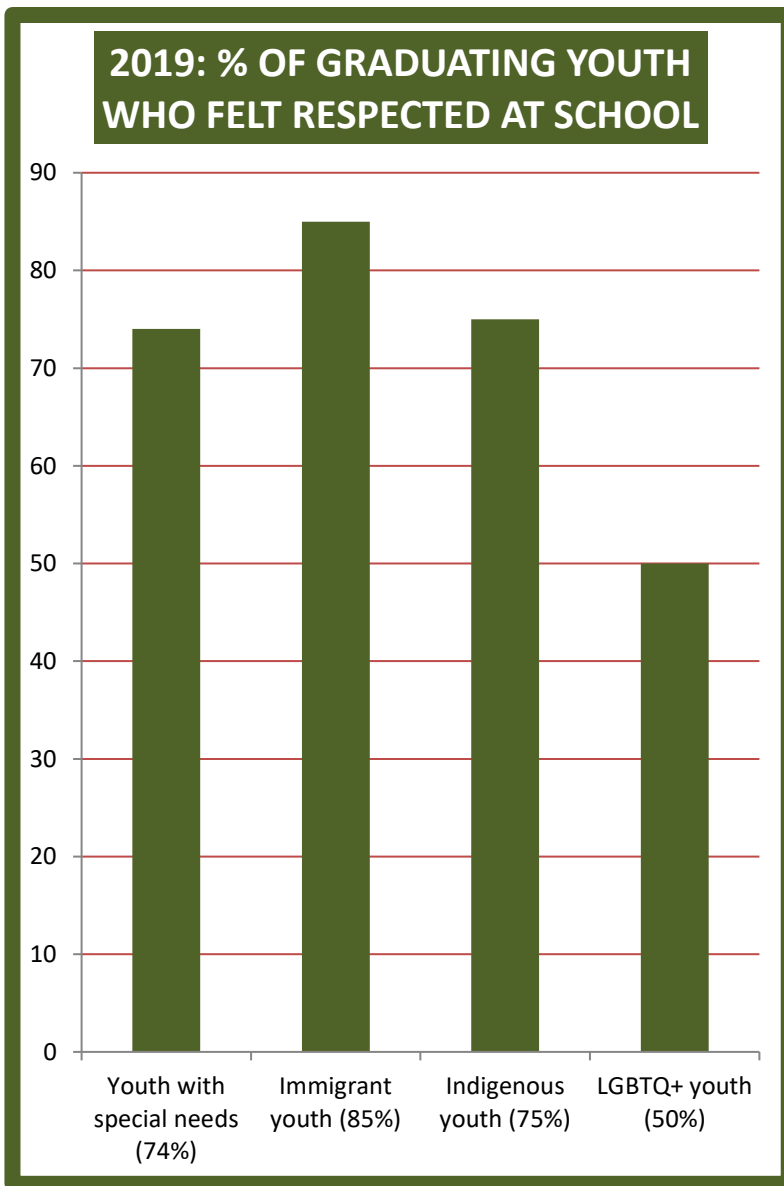
⁴¹ *Ibid.*

⁴² Paula Newton, “Coronavirus accelerates a mental-health crisis for Canada’s indigenous youth” (16 August 2020) online: *CNN* <www.cnn.com/2020/08/16/americas/canada-indigenous-youth-mental-health-intl/index.html>.

A young man with curly hair is looking out of a car window. The window is covered in raindrops, and the background is a blurred, rainy landscape. The overall mood is contemplative and serene.

5

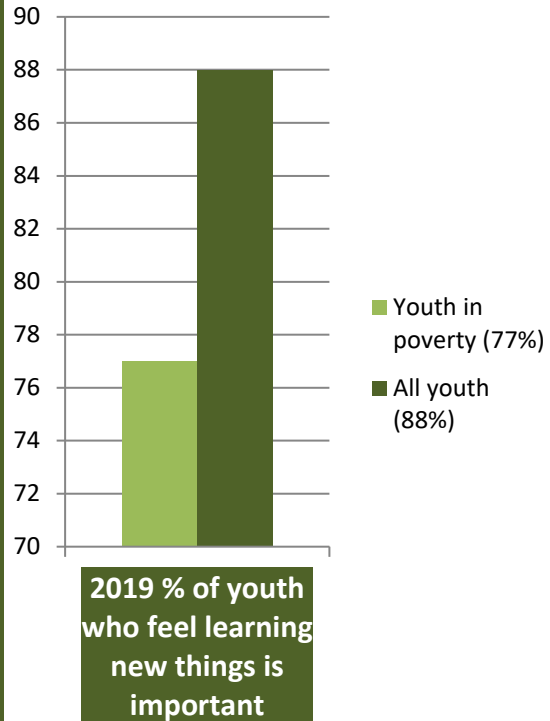
EDUCATION, LEISURE AND
CULTURAL ACTIVITIES



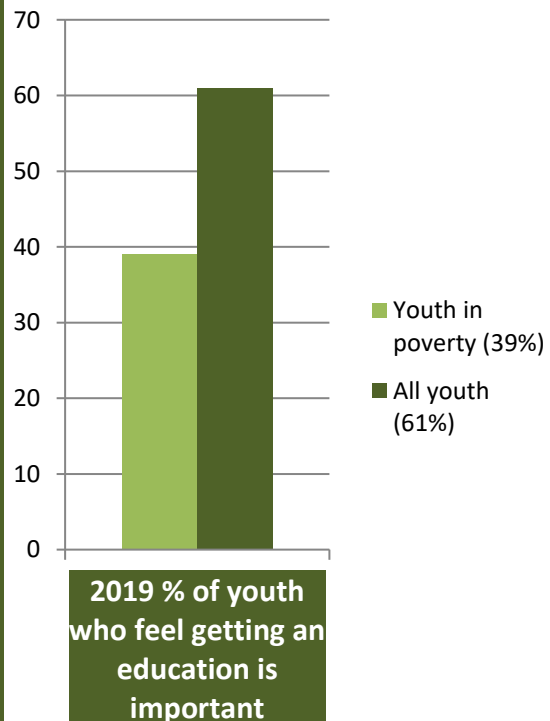
The Department of Education and Early Childhood Development created an impressively extensive guide and resource book for education professionals working with LGBTQ+ youth, but much work obviously remains to be done fully implementing it.

See: Government of New Brunswick. Department of Education and Early Childhood Development. *New Brunswick LGBTQ Inclusive Education Resource*.

<https://www2.gnb.ca/content/gnb/en/departments/education/k12/content/lgbtq.html>



In the most recent school survey, 88% of youth in grades 6-12 responded that learning new things is important or very important to them. In the survey three years previous the percentage was 89%, showing no significant change. There is, however, a significant difference between youth in general and youth in poverty. Only 77% of youth in poverty responded that learning new things is important or very important to them.



In the most recent school survey, 61% of youth in grades 6-12 responded that getting an education is important or very important to them. In the survey three years previous the percentage was 65%, showing some worrisome change to an already worrisome number. There is also a very striking difference between youth in general and youth in poverty. Only 39% of youth in poverty responded that getting an education is important or very important to them. Comparing with the chart above, we see that 77% of youth in poverty feel that learning new things is important but only 39% feel “getting an education” is important.

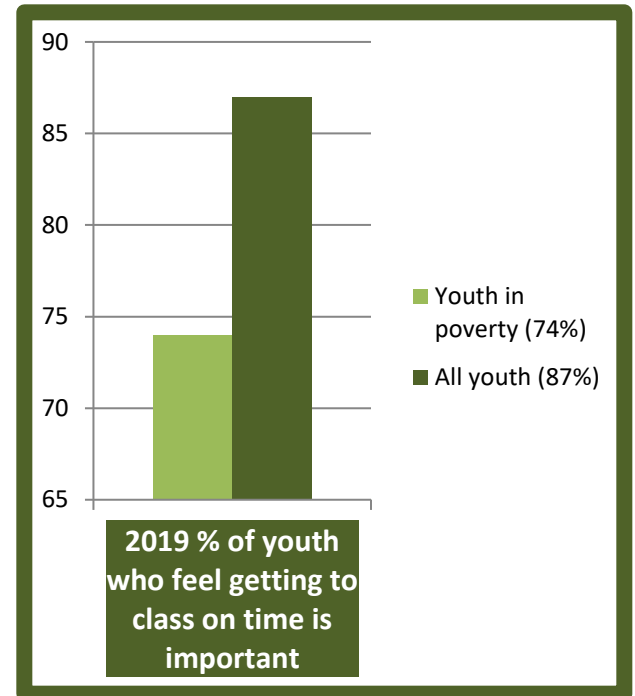
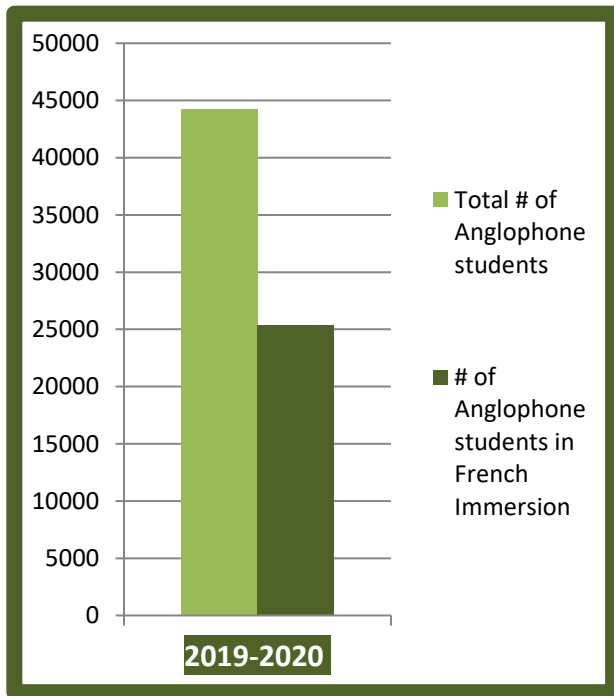
Half

of all grades 6-12 youth surveyed say they have recently been bullied

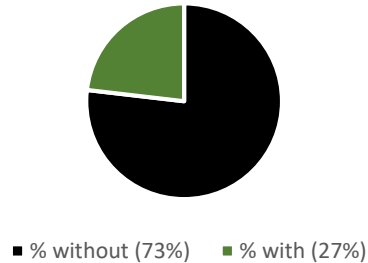
The Department of Education and Early Childhood Development began to publicly post an annual 'Report on Bullying' in 2013 but this lasted only two years and was discontinued.

See: Government of New Brunswick. Department of Education and Early Childhood Development. Report on Bullying 2013-2014, and Report on Bullying 2014-2016.

<https://www2.gnb.ca/content/gnb/en/departments/education/publications.html>



**% OF STUDENTS IN GRADES 6-12 WITH A
LEARNING EXCEPTIONALITY OR SPECIAL
EDUCATION NEED 2018-2019**



12%

of children entering Kindergarten in
Anglophone schools were assessed as not
ready

18%

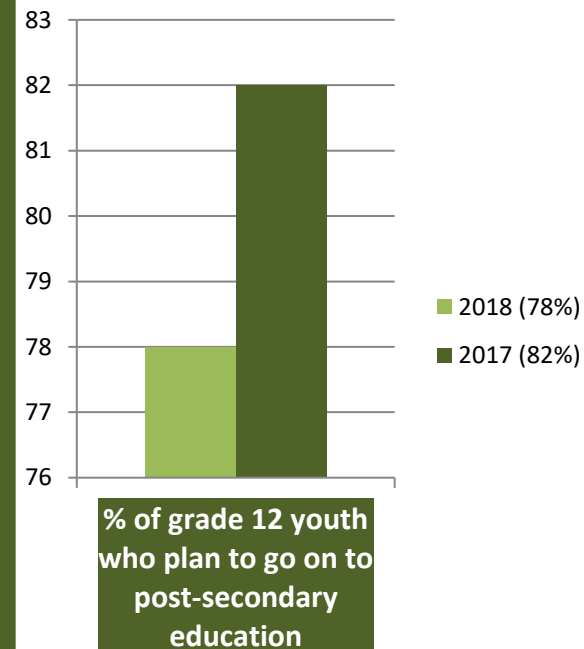
of children entering Kindergarten in
Francophone schools were assessed as not
ready

42%

of children in grade six of
Anglophone schools did not
achieve an appropriate
performance in math in 2018-2019

1/3

of grade eleven students in the
Francophone sector could not achieve an
appropriate performance in reading comprehension
(33% total, 27% female, 40% male)



CHILDREN AND YOUTH HAVE THE RIGHT TO FULSOME ACCESS TO EDUCATION

There is no question that we will see, as we emerge from the pandemic, how disrupting it has been in all areas of children's lives, not least of all being in education. It will be vitally important to not only learn from the weaknesses in the education system exposed by the pandemic but also to ensure that the system continues its progress in areas it had already begun to address. In New Brunswick, the Department of Education and Early Childhood Development has increasingly embraced important education system aspects such as duality in education via the Francophone and Anglophone sectors, inclusive education, Indigenous culture, and

LBGTQ+ rights and wellbeing. The common denominator for all these and other aspects of the system is the human rights of children and youth. Our province's legislative and regulatory framework for education, and for early childhood education, requires human rights reform. We see young people press for greater understanding and action for Indigenous rights, women's equality, racial equality, LBGTQ+ equality, and equity for disability. These issues require systemic change, and this includes within the education system. Part of that change must come from legislative reform guided by international human rights law instruments pertinent to children and youth,⁴³ racial minorities,⁴⁴ females,⁴⁵ persons with disabilities,⁴⁶ LBGTQ+

⁴³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. <https://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

⁴⁴ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195. <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

⁴⁵ UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, 18 December 1979, A/RES/34/180. <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>

⁴⁶ UN General Assembly, *Convention on the Rights of Persons with Disabilities : resolution / adopted by the General Assembly*, 24 January 2007, A/RES/61/106. <https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx>

persons⁴⁷ and Indigenous persons.⁴⁸ As a starting point for this reform, government can amend the *Education Act* to incorporate education principles from Articles 28 and 29 of the United Nations *Convention on the Rights of the Child*.⁴⁹

Truly impactful and necessary transformation for the education system must be founded on legal and moral human rights obligations to students. In the twenty-three years since the Education Act came into being it has been amended 26 times, mostly with small changes, but never has it been amended to incorporate the obligations of the United Nations *Convention on the Rights of the Child*.

Presently, schools are operating in the fall of 2020 with only minimal shut-downs due to new COVID-19

cases. The burden on teachers and support staff, school administrators, District administration staff and Department staff has unquestionably increased significantly. The additional health protocols are onerous. The stress of being in a high-interaction work environment during a pandemic is taking its toll on many teachers we have spoken with. As the Minister of Education and Early Childhood Development recently stated, “we are very cognizant of the weight and the load this is imposing on teachers.”⁵⁰ It is hard to escape the notion that the system is just trying to stay operative in these trying times. Yet children and youth are attending school, and teachers, administrators and support staff somehow are managing. When we have come through this pandemic it will be vitally important to

⁴⁷ UN General Assembly, *International Covenant on Civil and Political Rights*, UNGA Res. 2200A(XX) 16 Dec. 1966. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> ; Human Rights Council Resolution, *Human Rights, Sexual Orientation and Identity*, A/HRC/RES/17/19. <https://www.ohchr.org/en/issues/discrimination/pages/lgbtunresolutions.aspx>; International Commission of Jurists (ICJ), *Yogyakarta Principles - Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007. <https://www.icj.org/wp-content/uploads/2012/08/Yogyakarta-Principles-publication-2007-eng.pdf>

⁴⁸ UN General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly*, 2 October 2007, A/RES/61/295. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

⁴⁹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁵⁰ Wong, Jessica. “Teachers say return to school this fall has left them with overwhelming stress and a never-ending workload,” CBC News. October 28, 2020. <https://www.cbc.ca/news/canada/teacher-questionnaire-pandemic-1.5775805>

take a deep and comprehensive look at pre-existing and newly emerging issues in the education system and begin the process of overcoming the deficits.

Existing challenges in the education system

Multiple challenges existed prior to the pandemic, and they persist today. Many of these challenges may have become exacerbated as a result of COVID-19, and some new challenges have obviously arisen. As new data and anecdotal evidence becomes available, we will have a better sense of the effects of the pandemic response on academic achievement, mental health, social lives, physical health, and poverty.

Teachers have for years felt the stress of high-enrollment classrooms, little preparation time, administrative burdens, lack of training and supports for mental health, child protection concerns, and the need for more in-class supports for students with exceptionalities, and even the inevitable overly energetic or misbehaving children who test the limits and the rules. We have for years now heard that teacher aid resources are

underfunded, that in-class technology is limited, and that space is at a premium in classrooms with resort to portables increasingly common. Increasingly, issues outside the scope of academics *per se* are encroaching on the ability of teachers to provide instruction and facilitate learning. Students come with more complex issues and needs, and this places more responsibilities on teachers.

Integrated Service Delivery (ISD) is a school-based process that connects public service providers in education, mental health, child protection and more, as part of teams that develop early intervention plans for children and youth who have complex needs. These ISD Child and Youth teams are showing substantial successes. However, while the ISD Child and Youth Teams handle the most complex cases, schools will continue to face such day-to-day student challenges as trauma-related behavioral issues, drug use, student anxiety, depression, chronic absenteeism, sexual harassment and bullying. Students need to be provided with supports to help them through these issues. School administrators need to be aware of their legal

obligations to maintain a positive and discrimination-free environment,⁵¹ but even more importantly when addressing such challenges, they need to know what best practices exist and how to access and implement them. We hear from teachers that professional training does not address all of the core needs of teachers – including mental health awareness and intervention.

The unmet challenges facing the education system are given voice by the student wellness surveys and exit surveys conducted with students. Data from the 2020 Child Rights Indicators Framework suggests that 21% of New Brunswick grade twelve students do not feel respected at school. 27% feel they did not have opportunities in high school to take elective courses they were interested in. 31% did not have opportunities to take courses in skilled trades. 29% did not have opportunities to take courses in fine arts. 37% do not feel they had opportunities to participate in career related learning experiences. 45% say they had no

opportunities to participate in cultural activities organized through school. This data is reflected in the alarming fact that when asked if they feel they belong at their school, only 27% of New Brunswick students in grades six to twelve say they do. It is imperative that the education system ask students what is leading such a small percentage to say they belong at their school. Equally important is to determine why only 61% of these same students say that education is important to them. These are the statistics that the education system should be directing all efforts to changing.



⁵¹ See, for example: *School District No. 44 (North Vancouver) v. Jubran*, 2005 BCCA 201 (CanLII), <<http://canlii.ca/t/1k376>> and *Ross v. New*

Brunswick School District No. 15, 1996 CanLII 237 (SCC), [1996] 1 SCR 825, <<http://canlii.ca/t/1frbr>>



SURVIVING THE PANDEMIC AND THRIVING AFTER IT

Collecting information on what did not work during the school closure

As the Advocate stated in last year's State of the Child report, it is vitally important that students themselves are afforded a prominent voice in reimagining the education system to allow every student to feel a sense of belonging at school. The impacts of COVID-19 have made the need even more urgent. The Department of Education and early Childhood Development should undertake comprehensive surveys of all students in grades 3-5, 6-9 and 10-12 specifically related to the events and impacts of the pandemic. Without hearing from these students about problems they faced during the school closure, the system cannot be prepared.

Coordinating better evidence-based decision-making for system response

It is clear that the choice to close schools was the correct one. What is not clear is whether that choice was actually founded on a well-informed process. New Brunswick was the first province to decide to close all schools. For this our province has been justifiably lauded. However, we would hope that if such a decision must be made again, the Department of Education and Early Childhood Development would make greater efforts to collaborate with Public Health to ensure that decisions are made with the best medical and epidemiological evidence available. We also would hope that Child Rights Impact Assessment would be done, with fulsome consultation.

Learning from problems during the closure

It would not be a just criticism to blame the Department of Education and Early Childhood Development for the lack of supports for students and parents during the school closure; quite

obviously the COVID-19 pandemic has been an unprecedented event and one that the Department was not prepared for. What is important, though, is that the Department learn from the problems it faced.

Education must continue to be accessible and available to all children “on the basis of equal opportunity”⁵² even if teaching and learning must be done remotely. In this regard New Brunswick faced difficulty at the start of the pandemic and throughout the remainder of the school year. Parents were left to fend largely for themselves in terms of their children’s education and what we have heard anecdotally is that parents universally struggled and largely failed to keep up their children’s educational development. We have heard this from a great many parents, including parents who are professional teachers themselves.

In hindsight it seems clear that the directive from the Department to all teachers not to contact

⁵² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 28.

students or parents for several weeks after the initial closure created more confusion and distress amongst families, students and teachers than it avoided.

Furthermore, while New Brunswick was the national leader in respect to reacting quickly to close schools, the province was far behind other provinces in providing educational services during the shutdown. Our province needs to be better prepared for a similar situation. An imperative aspect of this preparation will be to ensure high quality supports to families most in need, particularly with vulnerable children.

As suggested by Human Rights Watch:
“Governments should prioritize efforts to continue education for all children during and after temporary school closures, and make it accessible to all, using all available technology, including radio and television broadcasts, telephones, computers, secure text messaging apps, or other means,

including printed materials. These efforts should include adapted, accessible material and communication strategies for children with different disabilities.⁵³

Parents we speak with today feel no better prepared for another school shutdown than they were the first time. We hope that the Department is.



⁵³ Human Rights Watch, “COVID-19 and Children’s Rights” (9 April 2020) online: *Human Rights Watch* https://www.hrw.org/news/2020/04/09/covid-19-and-childrens-rights#_Toc37256532

Academic limbo during the pandemic

Students were out of school from March to September. Even without the government attempting to hear from students, parents or legal guardians, we are left to conclude that during that six-month period very little formal learning occurred in the vast majority of households.

As a result, some people have called for an investment in online teaching capability, but this prospect seems far off at best. Most online courses in the primary and secondary years utilize a format in which the teacher conducts virtual discussion, assigns homework, and follows up with individual students, emulating the in-class experience to the extent possible. While this would not be a viable solution for all students (a review of research shows that academic performance will worsen for some students in a virtual teaching situation⁵⁴) and,

moreover, it does not appear to be a solution that New Brunswick is looking at investing in.

Students can typically be expected to experience learning losses during a prolonged absence from school such as that of a summer break period. In some cases, these losses may be significant⁵⁵ Losses due to absence from school are generally higher than losses from summer vacation.⁵⁶

Estimating these learning losses during the COVID-19 shutdown is a difficult task because of the unprecedented nature of this pandemic. However, one study has projected that students returning to school in the fall of 2020 might have substantial loss of skills acquired the previous year; this study shows that students might have only retained 63-68% of their reading skills gains and 37-50% of their math

⁵⁴ Loeb, Susanna. "How Effective Is Online Learning? What the Research Does and Doesn't Tell Us" (20 March 2020) online: *Education Week* <https://www.edweek.org/ew/articles/2020/03/23/how-effective-is-online-learning-what-the.html>

⁵⁵ Matthias Doepke & Fabrizio Zilibotti, "COVID-19 and Children's Education" (01 April 2020), online: *Psychology Today*

<https://www.psychologytoday.com/ca/blog/love-money-and-parenting/202004/covid-19-and-children-s-education>

⁵⁶ Kuhfeld, Megan *et al.*, "Protecting the potential impacts of COVID-19 school closures on academic achievement" (May 2020) Brown University, Working Paper No 20-226, at p. 8. <https://www.edworkingpapers.com/sites/default/files/ai20-226-v2.pdf>

skill gains.⁵⁷ These numbers could be even worse for minorities and children from low-income families.⁵⁸

Teachers and school administrators are concerned with the percentage of students who disconnect from learning while they are at school and whose lack of engagement foretells dropout. The dropout rate in New Brunswick for the past five years has been roughly one out of every hundred students. But the pandemic added a whole new level of risk. The longer schools are closed, the greater the likelihood that students will not only fall behind in their learning but drop out of school altogether.⁵⁹

The consequences for society of school dropout have long been known, in terms of welfare, unemployment and social services costs.⁶⁰

It is an important measure to track provincially, but it is more important to reach out to those students with services and supports. School engagement is the other important measure in terms of accessing

education in a meaningful way. Chronic ‘non-attenders- are not ‘dropouts’, and nor are those who come to the building but not to class, or come to class but do not engage.

We would hope to see mechanisms in place to ensure that any student who did not re-enroll in school received individual contact. We know this did not occur on any comprehensive scale, if at all. It is also imperative to collect and analyze data to compare school enrollment in September 2020 to that in 2019.

⁵⁷ *Ibid* at p. 28.

⁵⁸ *Ibid* at p. 25.

⁵⁹ UNICEF Canada “Canada’s Kids in Lockdown: Impact of the COVID-19 Pandemic on the Well-being of Children in Canada” (May 2020) at p. 12, online (pdf): One Youth [https://oneyouth.unicef.ca/sites/default/files/2020-](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

[05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

⁶⁰ Hankivsky, Olena. Cost Estimates of Dropping Out of High School in Canada. Canadian Council on Learning, 2008.



Pandemic effects on psychosocial development

Education is, of course, not simply about academic scores. It must be directed to the “development of the child's personality, talents and mental and physical abilities to their fullest potential.”⁶¹

Prolonged school closures may negatively impact many aspects of children’s well-being. School closures may limit the development of skills such as patience, perseverance and learning the consequences of one’s actions. This in turn can increase children’s stress, anxiety, and social exclusion.⁶² While only 27% of New Brunswick students in grades six to twelve say they belong at their school, there is a risk that feelings of connectedness may have decreased even further during the shutdown.

Throughout childhood and adolescence, positive relationships with teachers are associated with better school outcomes and more positive disposition toward school⁶³ and when children have

⁶¹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. Article 29 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁶² Doepke, *supra* note 55.

⁶³ Vitaro, Frank. “Linkages between Early Childhood, School Success and High School Completion.” *Encyclopedia on Early Childhood Development*:

strong connections with their schools they are more likely to have success academically.⁶⁴ While admittedly school is not always the safe haven it should be, and feeling unsafe at school is strongly associated with mental health problems for youth,⁶⁵ for the most vulnerable children, school can provide a structured environment with supportive adult role models and positive peers. Positive social engagement is a seed for future success. Children who have difficulty socially with their peers and have difficulty controlling their negative emotions have poorer school performance, and early interpersonal behaviour predicts academic performance as well or better than intellectual factors.⁶⁶

School Success.” <http://www.child-encyclopedia.com/sites/default/files/dossiers-complets/en/school-success.pdf>

⁶⁴ Centers for Disease Control and Prevention. School Connectedness: Strategies for Increasing Protective Factors Among Youth. Atlanta, GA: U.S. Department of Health and Human Services; 2009.

<http://www.cdc.gov/healthyyouth/protective/pdf/connectedness.pdf>

⁶⁵ Nijs, M. M., Bun, C. J., Tempelaar, W. M., de Wit, N. J., Burger, H., Plevier, C. M., & Boks, M. P. (2014). “Perceived school safety is strongly associated with adolescent mental health problems.” *Community Mental Health Journal*, 50(2), pp. 127-134.

Statistics Canada reports that self-perceived mental health has decreased during the pandemic, when compared to the 2018 Canadian Community Health Survey. In 2018, 68% of Canadians aged 15 years and older reported excellent or very good self-perceived mental health, but this figure dropped to 54% in late March/early April of 2020 and to 48% in early May, 2020.⁶⁷

As stated in UNICEF Canada’s report “Canada’s Kids in Lockdown: Impact of the COVID-19 Pandemic on the Well-being of Children in Canada,” the education system needs to: “Provide psychosocial support to young people as a regular part of learning and with additional support for students

⁶⁶ Hymel S., Ford L. School completion and academic success: The impact of early social-emotional competence. 2nd ed. In: Tremblay et al. Encyclopedia on Early Childhood Development. May, 2014.

<http://www.child-encyclopedia.com/sites/default/files/dossiers-complets/en/school-success.pdf>

⁶⁷ Government of Canada. “From risk to resilience: An equity approach to COVID-19: Chief Public Health Officer of Canada's Report on the State of Public Health in Canada 2020.” October, 2020.

<https://www.canada.ca/en/public-health/corporate/publications/chief-public-health-officer-reports-state-public-health-canada/from-risk-resilience-equity-approach-covid-19.html#a2>

who need it, both during and after school closures.”⁶⁸

Additional burdens placed on children already facing barriers to education

Prior to the pandemic response and the closing of schools in March of this year it was already apparent from the data in the Child Rights Indicators Framework that the education system must particularly pay more attention to the issues facing vulnerable groups of children.

The changes brought on by COVID-19 have resulted in challenging adjustments for every child. However, these challenges may be even greater for those children who are already face additional barriers.

School closures may also limit children’s access to other benefits offered within the school system

such as meals, mental health services, and a protective environment. These factors could “widen the attainment gap, increase the risk of detachment from school and lead to entrenched inequalities that follow children throughout their lives.”⁶⁹ School closures and online learning may widen these gaps if appropriate measures are not taken to mitigate these disadvantages and protect children’s right to education.

The Department has made great strides in its commitment to inclusive education for students with learning exceptionalities. The idea of inclusive education must also encompass Indigenous students, LGBTQ+ students, impoverished students, and students in government care. Indeed, the Education Act should be amended to incorporate a commitment to this broad right to inclusive education.

In the meantime, the education system should focus effort on addressing the disproportionate effects of

⁶⁸ UNICEF Canada “Canada’s Kids in Lockdown: Impact of the COVID-19 Pandemic on the Well-being of Children in Canada” (May 2020) at p. 8, online (pdf): One Youth [https://oneyouth.unicef.ca/sites/default/files/2020-](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

[05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

⁶⁹ *Ibid.*

the pandemic on children and youth who already experience barriers accessing education, such as students with disabilities, recent immigrants, students in remote locations, and students from poor or otherwise vulnerable communities.



Children and youth facing poverty

When looking at the data in the Child Rights Indicators Framework it is reasonable to conclude that children and youth struggling with poverty are the most vulnerable children in the education system and the most at risk of disengaging with it.

Only 14% of students in grades 6-12 who are facing poverty report feeling they belong at their schools. Only 39% say that getting an education is important to them. In terms of simply learning new things in life, only 77% of students struggling with poverty say this is important to them. When asked if school satisfies their mental fitness needs, only 32% say it does; this is 25% worse than the general student population's perception. The feeling about school's efficacy is reflected in the statistic that only 24% of students facing poverty feel they have had opportunities to develop skills that will be useful to them in later life. Very tellingly, only two in every three of these students feel safe in their school, and 71% report having been bullied.

These disheartening statistics may even worsen as a result of the pandemic. The education system, like all government provision systems, was caught unaware and unprepared for the complexities of responding in different ways to issues schools grapple with. Even though there is no coordinated process to provide food to those in need in schools across the province, there has at least emerged a very impressive *ad hoc* process wherein many individual schools find different ways to coordinate with community to get food in the hands of students in need. The access to food was of course abruptly terminated when schools suddenly closed.

Children from low-income families might not have access to the resources they need to learn such as reliable internet access and an adequate space to study as they try to learn from home.⁷⁰ The transition to online learning for these students presents unique challenges that may negatively

impact their learning and/or create additional barriers to their education.

What also became apparent was how unprepared many households were to ensure that education continued for their children. Part of this issue relates to income inequality and the technology gap in households facing poverty. Children and youth with limited agency in their lives or opportunities to have their views heard and taken into account are at risk of being further marginalised due to technological inequalities. Perhaps this is the time to make a commitment to addressing digital exclusion, investing significant funds to provide laptops for disadvantaged children and youth.

⁷⁰ UNICEF Canada “Canada’s Kids in Lockdown: Impact of the COVID-19 Pandemic on the Well-being of Children in Canada” (May 2020) at p. 8, online (pdf): One Youth [https://oneyouth.unicef.ca/sites/default/files/2020-](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

[05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf](https://oneyouth.unicef.ca/sites/default/files/2020-05/COVID19_RapidImpactAssessment_UNICEF%20Canada_May2020.pdf)

Children and youth in the care system or in danger of abuse and neglect

Children in care have been found to be more likely than the average child to spend less time doing homework,⁷¹ be absent due to moves,⁷² skip school,⁷³ live independently while trying to

complete an education,⁷⁴ be suspended or expelled,⁷⁵ have to change schools,⁷⁶ repeat a grade,⁷⁷ be suspended or expelled,⁷⁸ or drop out of school.⁷⁹ The trauma experienced by children in the government care system impacts cognitive functioning, behavioural self-control and the ability to focus in a classroom setting.⁸⁰ They are

⁷¹ Blome, W.W. What Happens to Foster Kids: Educational Experiences of a Random Sample of Foster Care Youth and a Matched Group of Non-Foster Care Youth. *Child and Adolescent Social Work Journal*. 1997;14(1):41-53.

https://www.researchgate.net/publication/225966392_What_Happens_to_Foster_Kids_Educational_Experiences_of_a_Random_Sample_of_Foster_Care_Youth_and_a_Matched_Group_of_Non-Foster_Care_Youth

⁷² Gustavsson N.S., MacEachron AE. No foster child left behind: Child welfare policy perspectives on education. *Families in Society: The Journal of Contemporary Social Services*. 2011;92(3):276-281.

⁷³ National Working Group on Foster Care and Education. *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care*. January, 2014. <https://foster-ed.org/fostering-success-in-education-national-factsheet-on-the-educational-outcomes-of-children-in-foster-care/>

⁷⁴ Rutman D., Hubberstey C., Barlow A., Brown E. *When youth Age out of care - A report on baseline findings*. University of Victoria. University of Victoria. August, 2005. <https://www.uvic.ca/hsd/socialwork/assets/docs/research/whenyouthage.pdf>

⁷⁵ National Working Group on Foster Care and Education. *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care*. January, 2014. <https://foster-ed.org/fostering-success-in-education-national-factsheet-on-the-educational-outcomes-of-children-in-foster-care/>

⁷⁶ Smithgall, C., Jarpe-Ratner E, Walker L. Looking back, moving forward: Using integrated assessments to examine the educational experiences of children entering foster care ; Pecora PJ, Williams J, Kessler RC, et al.

Assessing the educational achievements of adults who were formerly placed in family foster care. *Child & Family Social Work*. 2006;11(3):220-231 ; Castrechini S. Educational outcomes for court-dependent youth in San Mateo county. John W. Gardner Center for Youth and Their Communities. November, 2009.

⁷⁷ Scherr TG. Educational Experiences of Children in Foster Care: Meta-Analyses of Special Education, Retention and Discipline Rates. *School Psychology International*. 2007;28(4):419-436. <https://psycnet.apa.org/record/2007-17613-003>

⁷⁸ National Working Group on Foster Care and Education. *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care*. January, 2014. <https://foster-ed.org/fostering-success-in-education-national-factsheet-on-the-educational-outcomes-of-children-in-foster-care/>

⁷⁹ Zorca, Catherine S., Amanda L.R. O'Reilly, Meredith Matone, Jin Long, Caroline L. Watts, David Rubin. The relationship of placement experience to school absenteeism and changing schools in young, school-aged children in foster care. *Children and Youth Services Review*, Volume 35, Issue 5, May 2013, Pages 826-833, May 2013. <https://www.sciencedirect.com/science/article/pii/S0190740913000704>

⁸⁰ Stone S. Child maltreatment, out-of-home placement and academic vulnerability: a fifteen-year review of evidence and future directions. *Child and Youth Services Review*. 2007;29:139-161. https://www.researchgate.net/publication/4824526_Child_maltreatment_out-of-home_placement_and_academic_vulnerability_A_fifteen-year_review_of_evidence_and_future_directions

disproportionately likely to suffer academically because the biological effects of chronic stress impair their capacities for concentrated attention and memory.

These children and youth require support outside school even during times when school is operational. This includes support with subjects that are challenging; this support may be through professional tutoring, by volunteers in the community, or by making sure that foster and group home care providers have the ability to help. These children and youth, like all children and youth, need supportive adults who believe in the child and work with the child to make plans, set goals and celebrate success.

When schools are shut down, the needs increase. These children and youth are then suddenly deprived of the role school plays as an environment in which identities and relationships are developed. The Department of Social Development places

children and youth in foster care and group homes when necessary. The ‘home schooling’ of these children and youth during the pandemic has not benefited from a coordinated and consistent approach. Technology supports from the Department is weak in group homes and foster homes. Even during regular functioning of the education system, the Department of Social Development has no way of knowing the number of children and youth it has taken into its care who are not in school full time. The Department does not know, and has no way of knowing, the high school completion rates for youth who have had any type of care status at any point in their lives. Nor does the Department know how many youth in its custody or guardianship drop out of school. Yet when the Advocate’s office looks at other Canadian provinces we see reports such as *The Educational Outcomes of Children in Care in Manitoba*,⁸¹ and we wonder why our province can’t track this kind of data.

⁸¹ Brownell, M., Chartier M, Au W, MacWilliam L, Schultz J, Guenette W, Valdivia J. *The Educational Outcomes of Children in Care in Manitoba*.

Winnipeg, MB. Manitoba Centre for Health Policy, June 2015.
https://cwrp.ca/sites/default/files/publications/en/cic_report_web.pdf

If all child-serving government Departments conclude agreements with the New Brunswick Institute for Research and Data Training (NBIRD), as some have, we will be able to track educational outcomes for children in care. NBIRD's process allows for anonymous linkages of various datasets. What this means is that we could compare children in care to their educational outcomes. We currently do not have disaggregated data for child victims of trauma, but the Advocate's caseload tells us that these children face learning challenges similar to or perhaps greater than LGBTQ+ children and children in poverty.

These children and youth taken into government care do at least benefit from having a safe space as a temporary home. This is not the case for children and youth facing abuse and neglect in their own homes. During the shutdown children and youth experiencing physical violence, psychological abuse or chronic neglect at home were suddenly deprived of a much-needed safe space. In February of this

year there were 1250 child protection intakes from concerns referred to child protection services. This number dropped to 906 in March when the school shutdown occurred, and dropped again to 810 for April. Through the spring and summer months, the number did not go higher than August's 964. When school began again in September, the number climbed to 1214.⁸² The lower numbers through the school shutdown months raise a serious concern that children were left for a prolonged period in situations of abuse and neglect without the safety net of teachers and school staff raising the alarm.

⁸² Statistics provided to the Child and Youth Advocate from the Department of Social Development.

Recent immigrants

During the pandemic, children whose parents do not speak one of the two official languages were presumably at a disadvantage as they tried to navigate their schoolwork at home.⁸³ We see in our Child Rights Indicators Framework that recent immigrants are the cohort who are most likely to state that learning new things and getting good grades is important to them. Recent immigrants are also more likely to feel a connection to their school than any other group (94% do, compared with 77% of youth facing poverty). School is an important space for recent immigrants. Nevertheless, one aspect of their education that they did not have to face was racism. Survey data show that one in five recent immigrants are victims of negative comments about their race, religion or personal features – 21% of students in grades 6 to 12 who responded said

that they had faced such comments within recent months.

Indigenous children

Indigenous children and youth must have access to an education system that recognizes the right to learn their Indigenous language in school, and class content that respects Indigenous rights and culture.⁸⁴ Nationally, Indigenous children already face barriers to academic achievement and have lower graduation rates than non-Indigenous youth.⁸⁵

We must meet the challenge of providing broadly inclusive education settings for Indigenous learners that respect the rights of First Nations and Métis communities. This includes the necessity of

⁸³ Doecke, Matthias & Fabrizio Zilibotti, “COVID-19 and Children’s Education” (01 April 2020) online: *Psychology Today* <https://www.psychologytoday.com/ca/blog/love-money-and-parenting/202004/covid-19-and-children-s-education>

⁸⁴ Truth and Reconciliation Commission of Canada. *Calls to Action*. Winnipeg: Truth and Reconciliation Commission of Canada, 2015. http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf

⁸⁵ Campbell, Valerie, “How can we create conditions for Aboriginal student success in our public schools?” (June 2014) at 1, online (pdf): *Canadian School Boards Association* <http://cdnsba.org/wp-content/uploads/2014/06/FOE-5.pdf>

curriculum that considers colonization, forced assimilation, and Canada's history from Indigenous perspectives. Wabanaki culture and language retention programming must be vastly expanded to meet the challenge of language reclamation and preservation for all Mi'kmaq and Wolastoqiyik children. While the Advocate has continually recommended that government collaborate with First Nations to make an *immediate* plan to preserve and promote Indigenous languages native to our Province, we have seen no effort to do so. The UNESCO *Atlas of the World's Languages in Danger* still lists the Mi'kmaq language as vulnerable and the Wolastoqiyik language as severely endangered.⁸⁶

There is a significantly higher percentage of Indigenous youth than non-Indigenous youth who view learning about their culture to be important; 73% of Indigenous youth feel this way, while only 58% of the general youth population does. When

only three quarters of Indigenous youth in grades 6 to 12 view learning about their culture to be important, this is certainly an issue to address, but at the very least we can see the desire is greater among Indigenous youth than youth in general. The province has a role to play in preserving, promoting and providing increased access to Indigenous cultures. The education system is not yet meeting their needs.

Three out of every four of Indigenous youth feel they don't belong at their school (76%). Only 35% think an adult will do anything at school if a youth reports bullying, yet when surveyed, 57% said they have been recently bullied. Nearly a quarter (23%) of Indigenous youth said they were recently the victims of hurtful comments about their race, religion or personal features.

⁸⁶ United Nations Educational, Scientific and Cultural Organization (UNESCO). *Atlas of the World's Languages in Danger*. <http://www.unesco.org/languages-atlas/>

Children and youth with disabilities

Children and youth who had been excluded from school during the academic year find that after the summer break no one has worked on a plan to reintegrate them into the new academic year, and therefore they wait months for a Personalized Learning Plan to be developed and when they begin the school year, later than their peers, they are already behind. Some students are only able to attend school a couple of hours per day while other students wait for months for a Personalized Learning Plan that allows them to attend school.

During the school shutdown many children with disabilities no longer had access to additional support services that are available in school. While the education system did open services to some students with disabilities during the school shutdown, diagnoses for learning disabilities have

been paused in the new school year, leaving many students without needed supports.

In July of 2020 the New Brunswick Premier’s Council on Disabilities released an Action Plan that included a call for government to track the following outcome measures, among others: a comparison of education levels achieved for persons with and without disabilities; the percentage of youth with a disability who are employed or attending post-secondary education within 12 months of graduation from high school; and the percentage of students requiring disability-related supports.⁸⁷ We would expect the Department to collect, monitor and analyze these statistics.

We would also like to see a more fulsome understanding of legal obligations within the education system. The Advocate’s office continues to see cases that reveal a lack of accommodations of disabilities in our schools to meet the legal standards set by the New Brunswick *Human Rights*

⁸⁷ New Brunswick Premier’s Council on Disabilities. “New Brunswick’s Disability Action Plan for Persons with a Disability: Accountable Path Forward to an Equal Opportunity!” July 2020.

<https://www2.gnb.ca/content/dam/gnb/Departments/pcsdpcpmcph/pdf/publications/DAP-APFEO-2020.pdf>

Act,⁸⁸ the *Canadian Charter of Rights and Freedoms*,⁸⁹ and Supreme Court of Canada jurisprudence.⁹⁰ Children with disabilities clearly have a right to inclusive education. This right does not exist to the exclusion of special measures of accommodation, nor does it release the government from its legal duty to accommodate every child’s right to education.

Inclusive education

The United Nations *Convention on the Rights of Persons with Disabilities* obligates governments to “ensure an inclusive education system”.⁹¹ In April of 2019 the United Nations Special Rapporteur on the Rights of Persons with Disabilities visited Nashwaaksis Middle School in Fredericton. It was a moment that our province can be proud of, as the UN representative pointedly acclaimed New

Brunswick for its achievement in entrenching inclusive education in the system.



⁸⁸ Human Rights Act, RSNB 2011, c 171, <<http://canlii.ca/t/53mkm>>

⁸⁹ The Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c 11, <<http://canlii.ca/t/1dsx>>

⁹⁰ See: *Moore v. British Columbia (Education)*, 2012 SCC 61 (CanLII), [2012] 3 SCR 360, <<http://canlii.ca/t/ftp16>>

⁹¹ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, A/RES/61/106, Annex I. Article 24. <https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx>

Inclusive education practice is not merely a matter of policy choice, but a fundamental right of persons with disabilities. Learning environments and our society as a whole benefit immensely from inclusive education approaches when they are properly funded and resourced. Every child has a right to be protected against the social exclusion that can arise from segregated education practices, and every child benefits from education aimed at “preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples.”⁹²

Inclusion does not mean fitting a round peg in a square hole. Inclusive education demands equity. We have heard, and continue to hear, from parents frustrated by classroom structures that do not meet the needs of their children. Inclusive education is not intended to force teachers to provide instruction in a classroom setting with constant

distractions. The result has been that too many students are sent home with minimal support when they cannot advance in the regular class. Inclusive education needs to be properly resourced so that all children and youth can achieve their full potential. This requires more support staff, such as educational assistants, guidance counsellors, behaviour mentors, school psychologists, intervention workers and autism specialists.



⁹² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 29(1)(d). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



THE PATH FORWARD

The Department of Education and Early Childhood Development released a ‘Green Paper’ in 2019, outlining a potential reshaping of the education system.⁹³ Our office made a submission to the Department in response, and consultation by the Department had begun, but the pandemic halted progress. There may be opportunity within this catastrophe, to rethink how the education system can deal with poor academic outcomes, disparities

⁹³ Government of New Brunswick. “Succeeding at Home: A green paper on education in New Brunswick.” Department of Education and Early Childhood Development, October 2019.

<https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/promo/summit/GreenPaper.pdf>

in engagement between groups of students, the longstanding neglect of Indigenous culture and language in the system, the challenges of providing an inclusive education system that supports students and staff, the additional burdens faced by students living in poverty, and multiple other major issues.

The Child and Youth Advocate’s fundamental starting point is that education reforms must have the human rights of children as their basis.

Furthermore, holistic education reform cannot be adequately realized without a shared commitment from the Ministers of Health, Social Development, Aboriginal Affairs, Immigration, Women’s Equality, Justice & Public Safety, and Post-Secondary Education, Training & Labour.

Positive change also cannot occur without the views of students being at the forefront of all decisions.

The right to express their views in all matters affecting them is enshrined in the UN *Convention on*

the Rights of the Child as each individual child’s right. While the full scope of the pandemic’s impacts on students will not be known for some time, what we hope is that this disaster is a catalyst for change and a turning point in which New Brunswick recognizes that schools belong to students. A necessary aspect of change is therefore the direct involvement of children and youth in the development of measures regarding access to and quality of education.

There are many ways to achieve this direct involvement of children and youth. One is via UNICEF’s Rights Respecting Schools initiative – an exceptional example of an education model that fosters student and parent engagement with positive results by engaging the entire school community in a culture of learning premised upon child rights.⁹⁴ Through this program school communities come together as students, parents, teachers, support staff and community members to identify strengths, learn about human rights and

⁹⁴ UNICEF Canada. “Rights Respecting Schools.” https://www.unicef.ca/sites/default/files/imce_uploads/UTILITY%20NAV/

[TEACHERS/RRS/DOCS/ADVGC001%20RRS%20Bro%20EN_ALB_FA_Pg.pdf](#)

work toward a plan where school becomes a local embodiment of child rights principles. The more invested students are in the structure of the education system and administration of the schools they attend, the more positive and engaging the learning environment becomes.

It is widely recognized that the academic performance challenges in New Brunswick require a re-think of the system. This was the primary driver of Department of Education and Early Childhood Development's 'Green Paper' on education reform. Another of the priority reforms identified is an emphasis on student wellness and engaged learners.⁹⁵ Yet solutions never seem to be solicited from students themselves. We perennially wonder why any system would assume that improvements can be made when the views of the clients are ignored. The Advocate supports the need for education system reform, but there was a flaw in a

process that entailed a stakeholder engagement document that did not engage students in its development, a 'provincial summit' that did not engage students, and a plan to collect ideas and comments from adults and not students in order to inform policy proposals and legislative changes.

If student engagement has been identified as crucial to education system reform, the system should engage students on what they need to be engaged in school. This is what is truly crucial. Nevertheless, what is essential as the starting point is for government to amend the *Education Act* and also the *Early Childhood Education Act* to incorporate principles from Articles 28 and 29 of the United Nations *Convention on the Rights of the Child*.⁹⁶

⁹⁵ Government of New Brunswick. "Succeeding at Home: A green paper on education in New Brunswick." Department of Education and Early Childhood Development, October 2019. <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/promo/summit/GreenPaper.pdf>

⁹⁶ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

GOVERNMENT HAS AN OBLIGATION TO ENSURE MAXIMUM DEVELOPMENT OF EACH CHILD IN THE PRESCHOOL YEARS

In the formative early years of life, the environments children inhabit and in which they learn have an essential role in their healthy brain development.⁹⁷ Stimulating childcare environments have been shown to lead to better psychosocial and cognitive function.⁹⁸ Children who are not ready for school when they enter kindergarten face an upward climb to catch up to their age cohort. The province must ensure that the right to education is not compromised in early years, as early childhood education is the foundation of each child's lifelong learning and their maximum development.

⁹⁷ Shonkoff, Jack P., and Deborah A. Phillips (eds). From Neurons to Neighborhoods: The Science of Early Childhood Development. National Research Council and Institute of Medicine. Washington, DC: National Academy Press, 2000.

⁹⁸ See for example: Sylva, Kathy et al. "The Effective Provision of Pre-School Education (EPPE) Project, Technical Paper 12, The Final Report: Effective Pre-School Education." London: The Institute of Education,

In the most recent statistics (2018), in the Anglophone sector, 88% of children were evaluated as being developmentally ready for kindergarten (85% of male and 91% of female). For the Francophone sector in the same year, 80% of children were evaluated as being developmentally ready for kindergarten (77% of male and 84% of female).

The Child and Youth Advocate has recommended the creation of a universally accessible, educational, affordable and rights-respecting childcare system to address poverty inequalities and encourage positive intellectual, physical, social and emotional childhood development. A provincial childcare review was undertaken by a task force in 2016, leading to a recommendation for a publicly funded system.⁹⁹ As stated in the Conference Board of Canada's *Ready for Life* report, there is a substantial

University of London, 2004; Kagitcibasi, Cigdem. "The Early Enrichment Project in Turkey." Paris: Unit for Co-operation with UNICEF and WFP, 1991.

⁹⁹ Province of New Brunswick. Valuing Children, Families and Childcare: New Brunswick Child Care Task Force Final Report. 2016. <http://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/ELCC/ValuingChildrenFamiliesAndChildcare.pdf>

return on investment to be had for every dollar the province invests in early childhood education. This type of investment also “helps reduce inequality in society and raises many families out of poverty.”¹⁰⁰

Prince Edward Island leads the way in early childhood education and in the areas of integrated governance, according to a report from the Atkinson Centre for Society and Child Development.¹⁰¹ New Brunswick received a rating of 9.5 out of a potential 15 points. Improvements can be made in several areas, including the portion of the provincial budget devoted to early childhood education, a mandated salary and fee scale in licensed child care, aligning funding with services to special needs children, increasing overall staff qualifications, requiring early childhood educator certifications for kindergarten teachers, increasing salaries of early childhood educators to at least two thirds those of teachers and providing standards for early childhood education programs including kindergarten.¹⁰²



¹⁰⁰ The Conference Board of Canada, *Ready for Life. A Socio-Economic Analysis of Early Childhood Education and Care*, 2017.

¹⁰¹ Atkinson Centre for Society and Child Development, *Early Childhood Education Report*, 2017.

¹⁰² *Ibid.*

Addressing school readiness also requires an investment in early years Integrated Services Delivery equivalent to the investment the province has made in for the school-aged years. This requires collaboration between daycares, public and pediatric health professionals, child protection professionals and early childhood development professionals. In the Advocate's *Behind Closed Doors* report the extension of Integrated Services Delivery for early childhood educational contexts was recommended.¹⁰³ The stakeholders for Integrated Service Delivery interventions for children in early years are in completely different professional specializations than those serving the general student population. New Brunswick needs an Integrated Services Delivery approach in early childhood that engages maternity wards, pediatricians, early childhood educators, daycare staff and public health nursing teams.



¹⁰³ New Brunswick Child and Youth Advocate. *Behind Closed Doors: A Story of Neglect*, January 2019.
<https://www.cyanb.ca/images/PDFs/Behind-Closed-Doors.pdf>



CHILDREN HAVE THE RIGHT TO BE PROVIDED OPPORTUNITY FOR UNSTRUCTURED PLAY, ORGANIZED RECREATION, AND PARTICIPATION IN CULTURAL LIFE & THE ARTS, AS WELL AS ADEQUATE SLEEP AND LEISURE TIME

Article 31 of the UN *Convention on the Rights of the Child* obligates governments to “recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts” and also to promote these rights and contribute to the provision of them.¹⁰⁴ These rights are truly essential to childhood well-being, as they are “at the core” of “major theories of children’s physical, social, intellectual and emotional development.”¹⁰⁵

¹⁰⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 31 (1) and (2). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁰⁵ Canadian Coalition for the Rights of Children. “Working Document: Right to Play, Background Research Children’s Right To Rest, Play, Recreation, Culture, And The Arts,” Draft text for civil society report to UN

Play

Two of the potentially most harmful aspects of the pandemic response were the shutdown of public spaces for children to play and the prohibition against interactive play. Outdoor spaces were suddenly off limits, and social distancing measures restricted opportunities for children to have play dates.¹⁰⁶ The effects of these and other measures are as yet unknown, but there are serious neurological dangers associated with a persistent absence of play.¹⁰⁷

The United Nations Committee on the Rights of the Child defines “play” as “any behaviour, activity or process initiated, controlled and structured by children themselves; it takes place whenever or

Committee on the Rights of the Child, Third/Fourth Report of Canada, convened by the Canadian Coalition for the Rights of Children, October 2010.

¹⁰⁶ International Play Association Canada, “Statement: Play in the time of COVID-19” (25 March 2020). <http://www.ipacanada.org/covid-19/statement-play-in-the-time-of-covid-19/>

¹⁰⁷ Pellis, Sergio & Vivien Pellis. “Play and the Development of Social Engagement: A Comparative Perspective,” in Marshall, Peter & Nathan Fox, eds. *The Development of Social Engagement: Neurological Perspectives*. New York: Oxford University Press, 2006.

¹⁰⁸ UN Committee on the Rights of the Child, 62nd Session, General comment No. 17 (2013) on the right of the child to rest, leisure, play,

wherever opportunities arise.”¹⁰⁸ Play is a critical component of children’s health and well-being.¹⁰⁹ It shapes brain development in the early years and continues in later years to have an essential role in stimulating children’s ability to learn.

‘Play’ plays a crucial role in the development of children; play performs an essential role in a child’s health and discovery of their sense of self.¹¹⁰ As stated by the Canadian Centre for Behavioural Neuroscience at the University of Lethbridge, Alberta: “the brain not only shapes play... play also shapes the brain.”¹¹¹

During the pandemic there seemed to be no way to provide safe and accessible spaces and opportunities for play. Such spaces are essential at

recreational activities, cultural life and the arts (art. 31), UN Doc CRC/C/GC/17 (17 April 2013) at p. 5.

¹⁰⁹ Janes Hewes, “Seeking Balance in Motion: The Role of Spontaneous Free Play in Promoting Social and Emotional Health in Early Childhood Care and Education” (1 October 2014) *Children* 2014 1(3) 280-301.

¹¹⁰ Lester, Stuart & Wendy Russell. “Play for a Change - Play, Policy and Practice: A Review of Contemporary Perspectives,” London: Play England and the National Children’s Bureau, 2008.

¹¹¹ Pellis, Sergio & Vivien Pellis. *The Playful Brain: Venturing to the Limits of Neuroscience*. Oxford: Oneworld Publications, 2009, at p. 94.

all times and should allow for creativity, exploration and physical exertion.¹¹²

Even prior to the pandemic this was a problem. Studies have found that use by children and youth of public spaces has been decreasing for several years.¹¹³ Safety fears play a major factor in this decline in Canada,¹¹⁴ as does hostility shown by adults towards children and youth playing in public areas other than parks and designated recreational areas.¹¹⁵ Municipal governments have a major role to play in correcting the problem. An added problem is that municipal bylaws restricting the presence of youth in public spaces mean that youth often have to find less public and potentially less safe areas in which to congregate.¹¹⁶

¹¹² Hodgkin, Rachel and Peter Newell. Implementation Handbook for the Convention on the Rights of the Child: Fully Revised Third Edition. UNICEF, United Nations Publications, 2007, p. 472. Available online at: http://www.unicef.org/publications/index_43110.html

¹¹³ Gleave, Josie. “Community Play: A Literature Review.” London: Play England, 2010, p.17.

¹¹⁴ Irwin, Lori et al. “Examining how Context Shapes Young Children’s Perceptions of Health” in Child: Care, Health and Development, vol. 33(4), pp. 353-359.

¹¹⁵ Gleave, Josie. “Community Play: A Literature Review.” London: Play England, 2010, pp. 27-30.

The Canadian Coalition for the Rights of Children and International Play Association–Canada recognize that “[p]lay is fundamental to quality childhood and optimal development”¹¹⁷ – it is “essential to the health and well-being of children and promote the development of creativity, imagination, self-confidence, self-efficacy, as well as physical, social, cognitive and emotional strength and skills.”¹¹⁸

Play is especially important during times of crisis as children may use this to cope with their anxieties or

¹¹⁶ Crawford, Adam. “Criminalizing Sociability through Anti-Social Behaviour Legislation: Dispersal Powers, Young People and the Police,” Youth Justice: An International Journal, vol. 9(1), 2009, pp. 5-26

¹¹⁷ Canadian Coalition for the Rights of Children & International Play Association – Canada, “Right to Play: A fundamental necessity for healthy development!” (December 2019) at 1 online (pdf): *IPA-Canada* <http://ipacanada.org/docs/RightToPlay.pdf>

¹¹⁸ UN Committee on the Rights of the Child, 62nd Sess, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), UN Doc CRC/C/GC/17 (17 April 2013) at p. 4. <https://www.refworld.org/docid/51ef9bcc4.html>

manage their emotions.¹¹⁹ In times of crisis, without sufficient outlets for play and recreation, children’s health is jeopardized.¹²⁰ The safety measures put in place to prevent the spread of COVID-19 have been restrictive on children to fully enjoy their right to play. Parks and playgrounds across New Brunswick were closed, which placed additional limitations on children’s outlets to play.¹²¹ The importance of connection to nature cannot be overlooked when providing places for children and youth to play.¹²² the *UN Convention on the Rights of the Child* requires that States consider the best interest of the child¹²³ and children’s right to the highest standard

of health¹²⁴. In situations like these when risk and safety must be balanced in recognizing the right to play, the “best interests of the child and listening to children’s experiences and concerns should be mediating principles for determining the level of risk to which children can be exposed.”¹²⁵ Going forward, government should give serious consideration to the importance of play as well as to the “significant therapeutic and rehabilitative role in helping children recover a sense of normality and joy after their experience of loss, dislocation and trauma.”¹²⁶ Public health messaging should provide

¹¹⁹ International Play Association Canada, “Statement: Play in the time of COVID-19” (25 March 2020). <http://www.ipacanada.org/covid-19/statement-play-in-the-time-of-covid-19/>

¹²⁰ International Play Association, “Access to Play for Children in Situations of Crisis, Play: rights and practice, A toolkit for staff, managers and policy makers,” (2017) at 4, online (pdf): *International Play Association*. <http://ipaworld.org/wp-content/uploads/2017/07/IPA-A4-ACCESS-TO-PLAY-IN-SITUATIONS-OF-CRISIS-TOOLKIT-LR.pdf>

¹²¹ Jordan Gill, “Chief medical officer says park use during outbreak OK, with precautions” (24 March 2020). <https://www.cbc.ca/news/canada/new-brunswick/province-park-covid-19-1.5508673>

¹²² See: Louv, Richard. *Last Child in the Woods; Saving our Children from Nature-Deficit Disorder*. Chapel Hill, North Carolina: Algonquin Books, 2008.

¹²³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 3. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹²⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 24. <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹²⁵ UN Committee on the Rights of the Child, 62nd Session, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31), UN Doc CRC/C/GC/17 (17 April 2013) at p. 12.

<https://www.refworld.org/docid/51ef9bcc4.html>

¹²⁶ International Play Association, “Access to Play for Children in Situations of Crisis, Play: rights and practice, A toolkit for staff, managers and policy makers,” (2017) at p. 4, online (pdf): *International Play Association* <http://ipaworld.org/wp-content/uploads/2017/07/IPA-A4-ACCESS-TO-PLAY-IN-SITUATIONS-OF-CRISIS-TOOLKIT-LR.pdf>

guidance to schools and families on the social, emotional and physical importance of play.¹²⁷



¹²⁷ Cartwright-Hatton, Sam *et al.*, “Play First: Supporting Children’s Social and Emotional Wellbeing During and After Lockdown” (13 May 2020) online: *Outdoor Play Canada*

<https://www.outdoorplaycanada.ca/2020/05/13/play-first-supporting-childrens-social-and-emotional-wellbeing-during-and-after-lockdown/>

¹²⁸ UN Committee on the Rights of the Child, 62nd Sess, General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational

Recreation

The United Nations Committee on the Rights of the Child defines “recreational activities” as “an umbrella term used to describe a very broad range of activities, including, *inter alia*, participation in music, art, crafts, community engagement, clubs, sports, games, hiking and camping, pursuing for hobbies.”¹²⁸ Involvement in recreational activities positively affects social inclusion, self-confidence, mental health, logical thinking ability, and academic achievement. Organized sports and various games and activities with rule structures help in developing physical skills, logical thinking and self-confidence, while teamwork promotes cooperation.¹²⁹

Recreation programs can also be excellent ways to reduce stress and depression and provide safe spaces for children and youth.¹³⁰ The social aspects of these all such activities were cut during the

activities, cultural life and the arts (art. 31), UN Doc CRC/C/GC/17 (17 April 2013) at p. 5.

¹²⁹ UNICEF, “Sport, Recreation and Play.” New York: United Nations Children’s Fund, 2004.

¹³⁰ UNICEF, “Sport, Recreation and Play.” New York: United Nations Children’s Fund, 2004.

pandemic. Not all recreational activities require physical activity, but many do, and we know that higher rates of physical activity are correlated to a wide variety of health benefits including increased physical fitness, motor competence, healthy weight levels, metabolic health, bone health, academic achievement, mental health and brain functioning, among others.¹³¹ As stated by UNICEF: “Sport is an effective way to reach children and adolescents who are often excluded and discriminated against, including...children with mental and physical difficulties, children living or working on the street...and children from indigenous communities. Sport offers them companionship, support, a sense of belonging and connectedness.”¹³² The pandemic school closures and cancellation of recreational activities have led to the risk that physical activity

associated with these has likely declined or stopped altogether.¹³³

Of grade 12 students surveyed last year, only 77% felt their school provided them with opportunities to participate in exercise or physical activity other than in physical education class. Only 53% of students who identify as LGBTQ+ felt their school did. The percentages of grade twelve youth who participate in physical activities not organized by their schools were 39% for Anglophone students and 43% for Francophone students. It is worrisome that New Brunswick does not have reliable statistics for younger students in this regard (the most recent statistics are from 2013-2014, in which year 45% of students in grades four and five reported taking part in physical activities not organized by their school).

¹³¹ ParticipACTION, “The Brain + Body Equation: Canadian kids need active bodies to build their best brains. The 2018 ParticipACTION Report Card on Physical Activity for Children and Youth” (2018) at 6 online (pdf): *ParticipACTION* http://participaction.cdn.prismic.io/participaction%2F38570bed-b325-4fc8-8855-f15c9aebac12_2018_participaction_report_card_-_full_report_0.pdf

¹³² UNICEF, “Sport, Recreation and Play.” New York: United Nations Children’s Fund, 2004.

¹³³ Guan, Hongyan et al, “Promoting health movement behaviours among children during the COVID-19 pandemic” (29 April 2020) online (pdf): *The Lancet* volume 4 [https://www.thelancet.com/pdfs/journals/lanchi/PIIS2352-4642\(20\)30131-0.pdf](https://www.thelancet.com/pdfs/journals/lanchi/PIIS2352-4642(20)30131-0.pdf)

Arts and culture

Engagement in arts programs fosters creativity, expression, self-confidence, social inclusion, and empathy. We see that 71% of graduating students in the province last year said they had opportunities in high school to take courses in the fine arts. An interesting disparity between the Anglophone and Francophone sector exists in that 83% of Anglophone students reported having these opportunities but only 51% of Francophone students did.

A diversity of offerings by schools is important in order to allow certain youth to build self-esteem and find pursuits that engage their creativity outside of the standard offerings; there is significant room for improvement when 45% of students in their final year of high school report that they feel their school has not provided them with any opportunity to participate in cultural activities organized through school.



Rest and leisure

UNICEF has declared rest to be “almost as important to children’s development as the basics of nutrition, housing, health care and education.”¹³⁴ The United Nations Committee on the Rights of the Child has stated that failure to ensure the right to rest “can generate serious negative physical, psychological, cognitive and social consequences.”¹³⁵ Children and youth deprived of rest are more susceptible to ill-health and face debilitating obstacles in their education. Sleep deprivation can seriously harm children’s psychological and cognitive development. Only 37% of New Brunswick youth in grades 6 to 12 report getting the minimum recommended hours of sleep per night (8 hours). Interestingly, a significantly wide difference exists between Francophone youth and Anglophone youth: while only 44% of Francophone youth get the minimum recommended hours of sleep per night, the statistic is worse for Anglophone youth – only

34%. Meanwhile, only 29% of LGBTQ+ youth, 30% of youth with a learning disability or special education need, 34% of Indigenous youth, and 27% of youth facing poverty manage to get the minimum hours. Evidence of over-use of screen time is emerging as a significant problem in terms of sleep deprivation; 29% of New Brunswick youth spend more than the recommended maximum two hours looking at screens per day. It is important to note that this data is pre-pandemic.

Leisure time is also important for healthy development. Children and youth need to be afforded time to themselves between the demands of education, play, rest and work. In accordance with guidance from the World Leisure and Recreation Association, New Brunswick’s education system should “teach the nature and importance of leisure and how to integrate this knowledge into personal lifestyle.”¹³⁶

¹³⁴ Hodgkin, Rachel and Peter Newell. Implementation Handbook for the Convention on the Rights of the Child: Fully Revised Third Edition. UNICEF, United Nations Publications, 2007, p. 470. Available online at: www.unicef.org/publications/index_43110.html

¹³⁵ Committee on the Rights of the Child, Report of the thirty-fifth session (UN Doc. CRC/C/137, 2004), Annex II, at para. 10.

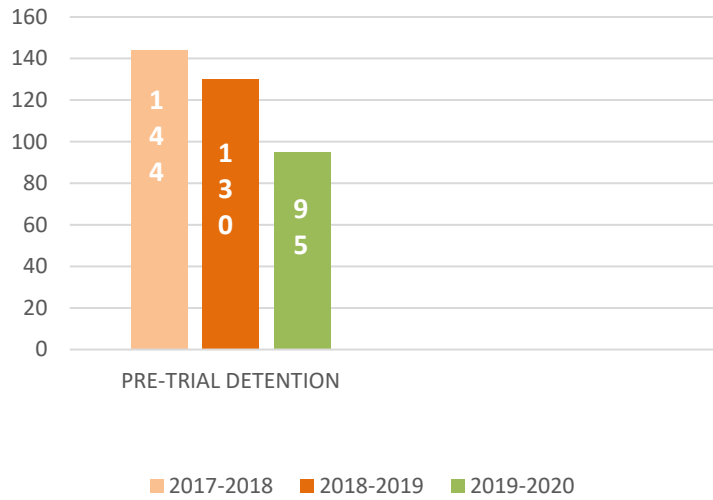
¹³⁶ World Leisure and Recreation Association, ‘Charter for Leisure,’ adopted in 2000.



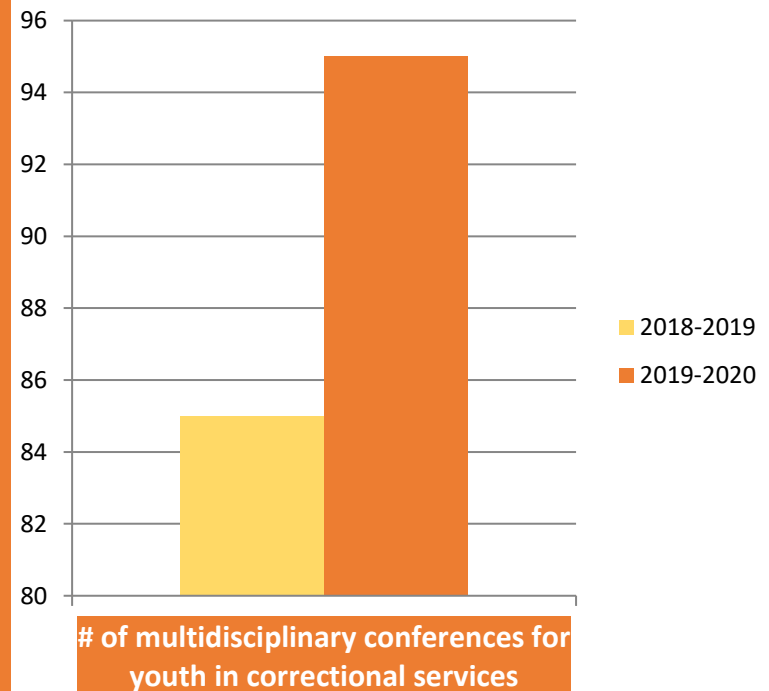
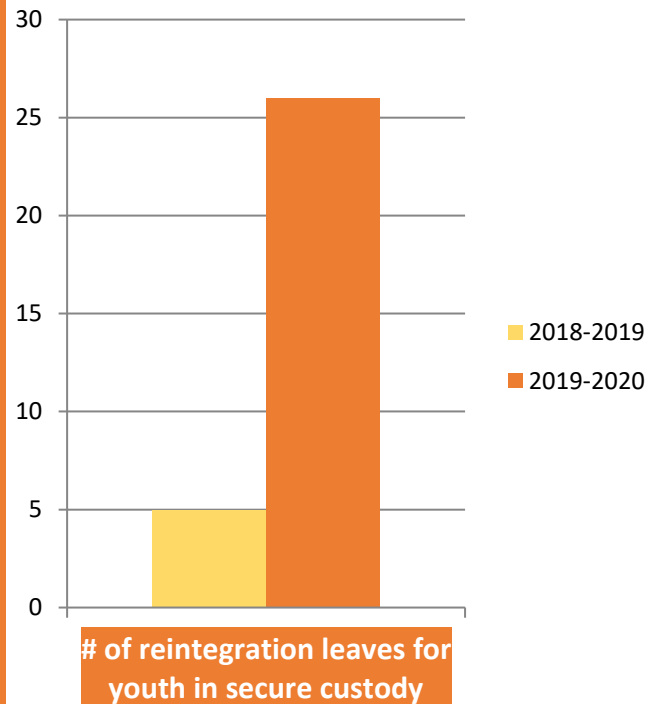
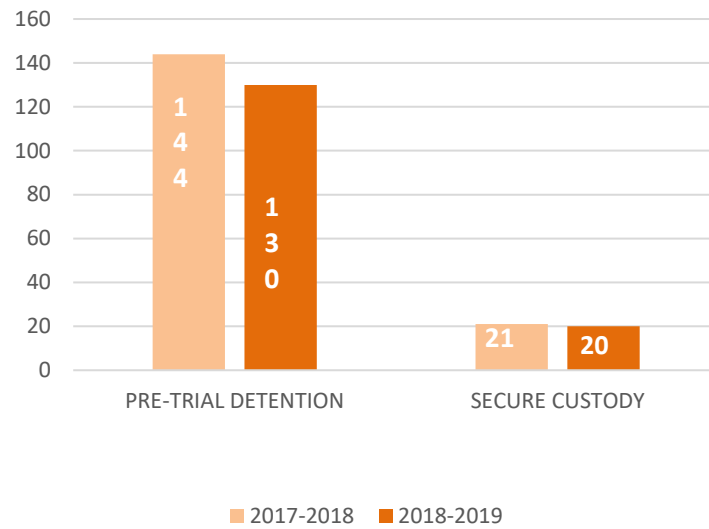
6

SPECIAL
PROTECTION
MEASURES

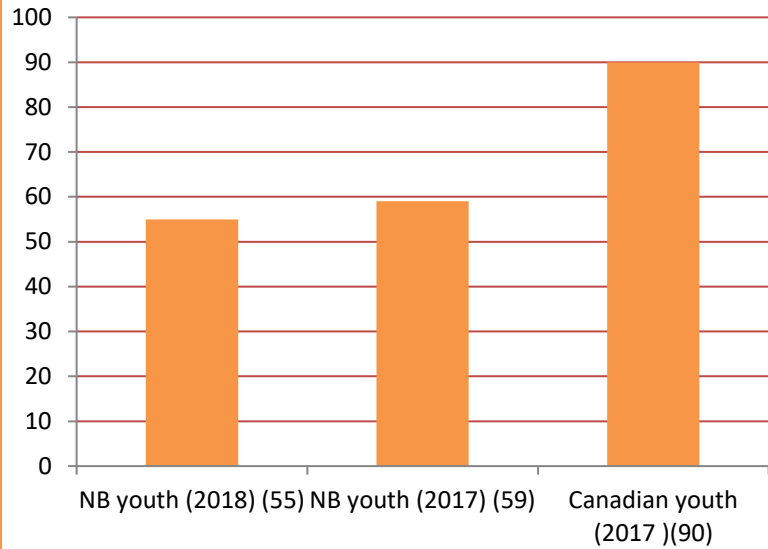
Number of young persons in pre-trial detention - 2019-2020



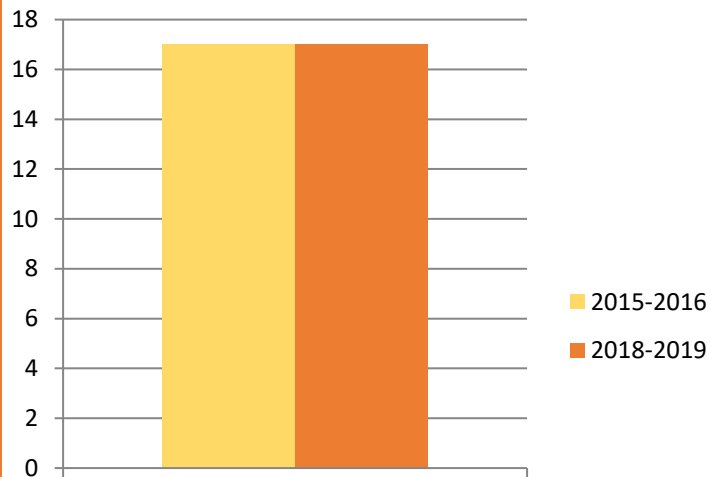
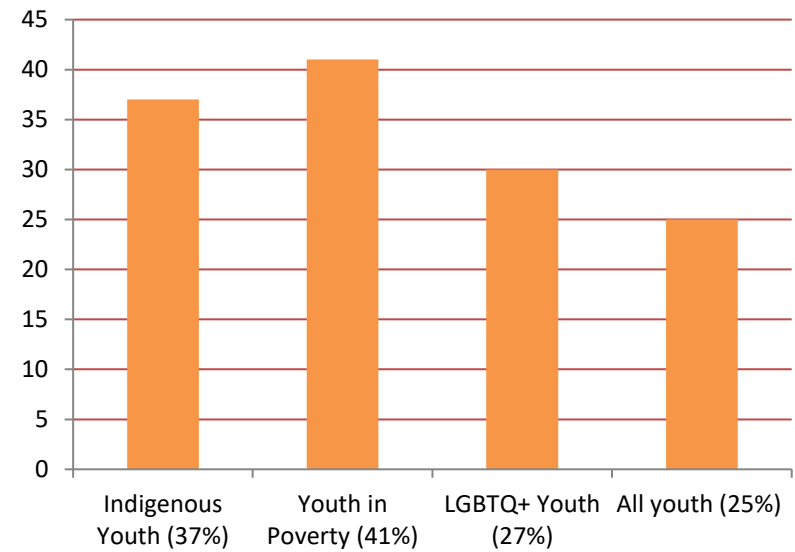
Number of young persons in pre-trial detention and secure custody



RATE OF YOUTH CHARGED WITH DRUG OFFENCES
(per 100,000 youth)

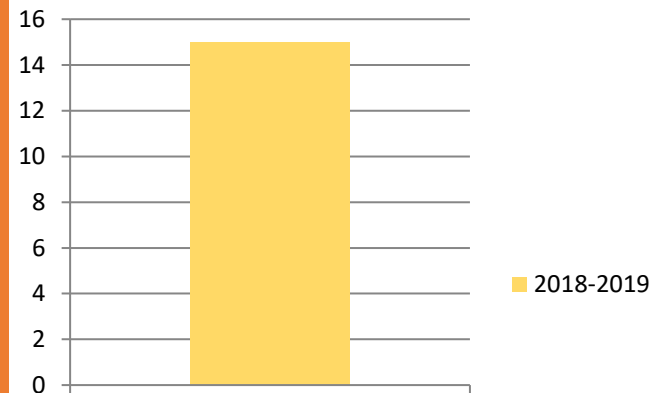


2018-2019 % OF YOUTH IN GRADES 7-12 WHO HAVE TRIED CANNABIS



% of students who rode in an on-road vehicle driven by someone under the influence of alcohol or drugs during the year

2018-2019



% of students who report having had 5 or more drinks at one time, at least once a month during the year

THE YOUTH JUSTICE SYSTEM

New Brunswick is a national leader in the effective administration of youth criminal justice. As of the time of writing of this report, there were only five youth in the detention and secure custody facility. This is an astounding statistic. It is even more impressive when one considers that the number of youth detained or incarcerated in this province has been on a downward trajectory for five full years.

We are not suggesting that the administration of youth criminal justice is perfect in New Brunswick, nor that we don't see situations that are serious violations of human rights standards as well as misapplication of the *Youth Criminal Justice Act*. What we are saying is that in terms of diverting young people away from the “conveyer belt” of arrest, prosecution and incarceration, New Brunswick has become a national leader.

Children have the right to be free from deprivation of liberty, detention and imprisonment unless as a last resort

The success of the youth criminal justice system in diverting young people from detention and custody has continued – only 18 young persons were sentenced to secure custody in 2019-2020, down from the previous year's already impressively low number of 20. This is in keeping with evidence-based approaches to youth crime. Most youth crime involves non-violent offences and therefore does not warrant arrest, prosecution and incarceration because severe methods “correction” do not address the underlying root causes of the behavior. There is a legal presumption of “diminished moral culpability” of young people, due to the fact that, as expressed by the Supreme Court of Canada, “because of their age, young people have heightened vulnerability, less maturity and a reduced capacity for moral judgment.”¹³⁷ In general,

¹³⁷ *R. v. D.B.*, [2008] 2 S.C.R. 3, at para. 68.

youths engage in risky behaviour to a greater extent than adults; they are actually neurobiologically wired to be more inclined to do so.¹³⁸ For this reason, the United Nations *Convention on the Rights of the Child* obligates government to ensure that “a variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”¹³⁹

Addictions, mental health issues, learning disabilities, poor attachment to school, and lack of family attachment are all risk factors for criminal behaviour; risk factors for youth reoffending “paint

a picture of complex and disadvantaged youth who lack structure, support, and stability, and who require specialized, targeted interventions.”¹⁴⁰

There also exist a wide range of ‘protective factors’ that help keep youth from committing crime,¹⁴¹ such as positive adult role models in family, school and community, pro-social peers groups, availability of support services, and others.¹⁴² Early intervention with protective factors can therefore have great effect in keeping youth out of the justice system.

The legislative framework for addressing youth crime, the *Youth Criminal Justice Act*, is structured to integrate various areas of young peoples’ lives such as their mental health, education, and child welfare needs. The law is an attempt to incorporate the rights enshrined in the UN *Convention on the Rights of the Child*.¹⁴³ The *Youth Criminal Justice Act*

¹³⁸ See generally: Jetha, Michelle and Sidney Segalowitz. *Adolescent Brain Development: Implications for Behavior*. Oxford: Academic Press, 2012, esp. pp. 20-21.

¹³⁹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 37(a). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁴⁰ MacRae, Leslie, Lorne Bertrand, Joanne Paetsch & Joseph Hornick. “Relating Risk and Protective Factors to Youth Reoffending: A Two-Year Follow-Up,” *International Journal of Child, Youth and Family Studies*, 2011.

¹⁴¹ McMurtry, the Honourable Roy and A. Curling. “The Review of the Roots of Youth Violence: Executive Summary,” Government of Ontario, Queen’s Printer, 2008.

¹⁴² Andrews, D.A. and James Bonta: *The Psychology of Criminal Conduct, Fifth edition*, Mathew Bender and Company, New Providence, New Jersey, 2010.

¹⁴³ Bala, Nicholas and Julian Roberts. “Canada’s Juvenile Justice System: Promoting Community-Based responses to Youth Crime,” in International

creates 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.

While the New Brunswick government, and particularly the Department of Justice and Public Safety, has accomplished incredible success in diverting youth away from detention and incarceration, much more can be done in terms of ensuring that youth who commit crimes are connected with child welfare services, education supports, mental health and addictions services, and vocational training opportunities.

Ending recidivism and promoting diversion away from court is to a large extent about wrapping community supports around youth at risk. Youth Justice Committees are a very welcome addition to

New Brunswick's response to youth offending, and their official roles should be expanded to accord with the suggested mandate in the *Youth Criminal Justice Act*. These Committees should be given the resources and assistance to facilitate restorative justice approaches, enlisting members of the community to provide short-term mentoring and supervision, working with school-based Integrated Service Delivery Child and Youth teams helping to coordinate the interaction of social services, education, health services and community groups, monitoring youth justice services with data collection, and advising governments on youth criminal justice policy.

Timely justice

Every child alleged as or accused of having infringed the penal law has at least the following guarantees: To have the matter determined without delay by a competent, independent and impartial authority or

judicial body in a fair hearing according to law.¹⁴⁴ While the justice system has made great strides in lowering detention and secure custody rates, we continue to witness young people waiting months to appear in court, sometimes with the prosecutor not being prepared and ‘bumping’ the youth to a later date, when inevitably the situation gets referred to extrajudicial sanctions (alternative measures). It is an inefficient and ineffective use of time and resources. While we appreciate the difficulties the justice system faces in terms of scheduling court dates, such situations could be avoided with better coordination between prosecutors, defence counsel, police and probation officers – and by allowing extrajudicial sanctions to be used before the young person has to appear in court.

We still see young children with cognitive disabilities being prosecuted, such as one clutching a teddy bear and not being able to participate in the

process in a meaningful way. If a young person is unable to understand the nature of the proceedings, to understand any consequences of the proceedings, or to communicate with and instruct counsel, our opinion is that a reasonable interpretation of the Criminal Code is that they are unfit to stand trial. Yet instead youth as young as twelve are put through a court process that is obviously not a timely intervention to reinforce the link between the offending behaviour and its consequences, is not adequately focused on correcting offending behaviour, is ineffective at encouraging him to acknowledge and repair the harm caused to the victims, includes no referral to programs or agencies in the community to address the circumstances underlying offending behaviour, is ineffective at holding him accountable, is ineffective at rehabilitating his behaviour, and is not meaningful given the youth’s needs and level of development.

¹⁴⁴ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 40(2)(b)(iii). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

We would like to see Public Prosecutions amend its practice manual to allow prosecutors to administer Crown cautions under section 8 of the *Youth Criminal Justice Act*. The intent of this program, used in other provinces, is to *encourage* prosecutors to formally warn youths and then divert them from the justice system without charges, and can save needless time-wasting prosecution.

Detention and imprisonment must be for the shortest appropriate period of time

The number of youth in pre-trial detention dropped yet again in 2019-2020 (down to 95 from the previous year's 130). The progress in lowering detention and incarceration rates has been undeniably impressive. One persistent problem is that even with pre-trial detention numbers going down, the length of time youth aged 12-17 are detained in a custodial facility has remained

unacceptable. During these recent years of improvements to the youth justice system, we continued to see young persons sent to the New Brunswick Youth Centre on pre-trial detention being kept for weeks, and even months, awaiting a court date. It is not uncommon for these young persons to then return to court only to have charges dropped, be given an absolute discharge or conditional discharge, or be referred to extrajudicial sanctions. The lengthy time the administration of justice can take due to court backlogs is in opposition not only to the UN Convention on the Rights of the Child's requirement that "the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time"¹⁴⁵ but also the *Youth Criminal Justice Act's* principle of "timely intervention"¹⁴⁶ and stipulation that "custody and supervision decisions be made in a forthright, fair

¹⁴⁵ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 40(4). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

¹⁴⁶ Youth Criminal Justice Act, SC 2002, c 1, s. 3(1)(b)(iv). <https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>

and timely manner.”¹⁴⁷ Having stated this criticism, we note that we believe it is likely that data following the pandemic will show impressive reductions in the average length of time of pre-trial detention. It appears as though the youth we follow in detention have been remaining for shorter periods of time before court appearances and releases. Furthermore, given the low numbers of youth in custody during the pandemic, we believe that the incarceration rate data for 2021 will be even lower than 2020. The Department of Justice and Public Safety and police forces in the province deserve much credit for becoming a national leader in this regard, as do Legal Aid Services and Public Prosecution Services. Nevertheless, we remain steadfastly opposed to the practice of housing accused and convicted youth together, in violation of international human rights law under the *International Covenant on Civil and Political*

Rights.¹⁴⁸ We hope to see progress on this issue in the coming year.

No child deprived of liberty shall be subjected to cruel, inhuman or degrading treatment or punishment

The prohibition in the UN *Convention on the Rights of the Child* on “cruel, inhuman or degrading treatment or punishment”¹⁴⁹ remains a concern in New Brunswick due to the continued availability of solitary confinement as a behaviour-control measure at the youth detention and secure custody facility. Our Office has gone on record publicly with recommendations to end this practice, and while we have noted a significant decrease in recent years of the use of this practice, it remains an option in youth corrections.

¹⁴⁷ Youth Criminal Justice Act, SC 2002, c 1, s. 83(2)(d). <https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/index.html>

¹⁴⁸ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, Article 10. <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁴⁹ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 37(a). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

We have seen the Department of Justice and Public Safety make changes to policy within the past year to end the indiscriminate handcuffing and shackling in transportation of all youth accused or sentenced; Sheriff Services no longer uses restraint equipment on youth other than if justifiably permitted in “exceptional circumstances.” This rights-respecting policy shift shows the intention of the Department to create a justice system more responsive to the diminished moral culpability of youth, and we remain hopeful that solitary confinement will be banned in law.

Rehabilitation and reintegration

When young persons are sentenced under the *Youth Criminal Justice Act*, such sentencing must promote their rehabilitation and reintegration into society.¹⁵⁰

What we need to see is the Department of

¹⁵⁰ Youth Criminal Justice Act, SC 2002, c 1, s. 38(1). <https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/page-8.html#h-470644>

¹⁵¹ National Center for Juvenile Justice. “Juvenile Offenders and Victims: 2014 National Report,” 2014.

<https://www.ojjdp.gov/ojstatbb/nr2014/downloads/NR2014.pdf>

Education & Early Childhood Development and the Department of Post-Secondary Education, Training and Labour taking fulsome responsibility to ensure education and job training for youth in the justice system, working with the Department of Health, the Department of Justice and Public Safety, and the Department of Social Development. Most of these children and youth require educational supports beyond the norm.¹⁵¹ A study using the National Survey of Child and Adolescent Well-Being data showed that connections to employment and education were associated with a lower risk for arrest.¹⁵²

All youth accused or convicted of crimes have the right to be treated in a manner which takes into account “the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.”¹⁵³ To be effective, youth justice requires a holistic system that

¹⁵² Cusick, G. R., Havlicek, J. R., and Courtney, M. E. (2012). Risk for arrest: The role of social bonds in protecting foster youth making the transition to adulthood. *American Journal of Orthopsychiatry*, 82(1), 19–31.

¹⁵³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Article 37(a). <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

includes: child welfare; educational supports; mental health supports; and family and community involvement. There has been a growing realization in this province of the need for multiple stakeholders to work together to provide the needed developmental supports for youth. We see it in the impactful shift toward Integrated Service Delivery for children and youth with complex needs, through multidisciplinary teams working in school settings. We see it in the establishment of Youth Justice Committees across the province. New Brunswick is on the right path for rights-respecting interventions, but there is much more to be achieved in terms of holistic supports to promote optimal youth child and development. The Advocate remains hopeful that youth who enter the criminal justice system will find that their route out rehabilitates them and reintegrates them into community involvement, education and employment.





**Thank you to
the NB Health
Council and
government
Departments
for your
contributions
to the Child
Rights
Indicators
Framework**



THE CHILD RIGHTS INDICATORS FRAMEWORK – 2020



The Child Rights Indicators Framework Explained

Terminology

Superscript numeral on indicator (e.g.¹) = numeral corresponding to source on data source page

Age, Grade or Group = Age range or grade range of child/youth, or group of people

S.N. = Child or youth with special needs

IMM = Immigrant child or youth

AB = Aboriginal child or youth

F.I. = Food Insecure (lacking access to food)

LGBTQ = Lesbian, Gay, Bisexual, Transgender and Queer youth

MALE = Male

FEM = Female

ANG = Anglophone

FRAN = Francophone

N.B. = Most current data available

N.B. Past = Most recent previous data

Canada = Most current data available

(Year) = Year data reported

E = use statistic with caution

Child Rights



1. GUIDING PRINCIPLES OF CHILD RIGHTS / UNCRC Articles 2, 3, 6, 12

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
1	% of students who have their need for competence highly satisfied ¹	Grade 6–12	75.2 (2018-2019)	77 (2015-2016)	62.9	76.8	66.8	45.2	59.7	75.9	74.6	72.6	81.7
2	% of students with a high level of competence ²	Grade 4–5	85.9 (2016-2017)	85 (2013-2014)						83.9	88.1	85.5	86.9
3	% of students who have their need for autonomy highly satisfied ¹	Grade 6–12	66.9 (2018-2019)	69 (2015-2016)	55.5	69.6	58.9	39.2	50.7	66.2	67.8	63.4	75.8
4	% of students with a high level of autonomy ²	Grade 4–5	53.9 (2016-2017)	53 (2013-2014)						52	56	54.1	53.4
5	% of students with a high level of pro-social behaviours ¹	Grade 6–12	85.0 (2018-2019)	86 (2015-2016)	81.3	84.2	78.7	76.1	81.8	80.3	89.7	83.5	88.7
6	% of students with a high level of pro-social behaviours ²	Grade 4–5	80 (2016-2017)	79 (2013-2014)						74	86	79	82
7	% of students with a moderate to high level of resilience ¹	Grade 6–12	71.0 (2018-2019)	73 (2015-2016)	57.9	73.3	63.7	36.5	54.0	69.1	72.9	69.3	75.1
8	% of students with a moderate to high level of mental fitness ¹	Grade 6–12	77.6 (2018-2019)	79 (2015-2016)	66.2	80.0	69.3	46.5	62.8	77.1	78.1	74.6	84.9
9	% of students with a moderate to high level of mental fitness ²	Grade 4–5	86.8 (2016-2017)	84 (2013-2014)						83.9	89.9	85.3	90.2
10	% of students who report having people they look up to ¹	Grade 6–12	45.7 (2018-2019)	48 (2015-2016)	39.8	47.2	43.0	26.8	36.5	43.6	47.7	47.0	42.2
11	% of students who report they are treated fairly in their community ¹	Grade 6–12	37.4 (2018-2019)	39 (2015-2016)	28.1	37.5	33.1	17.4	25.0	36.1	38.8	36.9	38.8

1. GUIDING PRINCIPLES OF CHILD RIGHTS / UNCRC Articles 2, 3, 6, 12

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
12	% of students who agree or strongly agree they could ask neighbours for help or a favour ¹	Grade 6–12	70.4 (2018-2019)	71 (2015-2016)	64.8	65.9	65.8	57.8	59.3	71.1	69.7	69.8	71.9
13	% of students who report they know where to go in their community to get help ¹	Grade 6–12	27.4 (2018-2019)	28 (2015-2016)	24.0	26.7	28.3	17.6	20.3	28.4	26.3	27.5	27.0
14	% of students who agree or strongly agree you can trust people around where they live ¹	Grade 6–12	67.4 (2018-2019)	68 (2015-2016)	60.6	65.6	58.0	53.0	55.5	69.9	65.1	66.8	68.9
15	% of students who report making friends is important or very important to them ¹	Grade 6–12	86.6 (2018-2019)	87 (2015-2016)	81.5	88.4	81.7	78.6	77.1	86.1	87.2	85.7	88.9
16	% of students who report their friends stand by them during difficult times ¹	Grade 6–12	44.0 (2018-2019)	46 (2015-2016)	37.8	42.2	39.2	29.5	36.9	39.4	48.4	44.1	43.7
17	% of students who have their mental fitness needs highly satisfied by their friends ¹	Grade 6–12	81.3 (2018-2019)	82 (2015-2016)	73.6	81.0	75.9	59.5	71.5	80.8	81.9	80.0	84.7
18	% of students who feel safe at school ²	Grade 4–5	92 (2016-2017)	93 (2013-2014)						90	94	92	93
19	% of students who agree or strongly agree they feel safe in their school ¹	Grade 6–12	83.8 (2018-2019)	86 (2015-2016)	75.1	89.1	77.9	63.6	74.4	83.4	84.4	81.9	88.7
20	% of students who feel comfortable talking to an adult at school about bullying ²	Grade 4–5	84.2 (2016-2017)	83.0 (2013-2014)						83.5	84.9	83.6	85.6
21	% of students who report something will often or always be done if they complain to an adult at school about bullying ¹	Grade 6–12	42.7 (2018-2019)	45 (2015-2016)	35.6	42.7	35.3	25.9	35.4	44.7	40.8	38.7	52.9
22	% of students who feel connected to their school ²	Grade 4–5	88 (2016-2017)	88 (2013-2014)						85	91	87	90

1. GUIDING PRINCIPLES OF CHILD RIGHTS / UNCRC Articles 2, 3, 6, 12

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
23	% of students with a high level of connectedness to their school ¹	Grade 6–12	92.1 (2018-2019)	92 (2015-2016)	86.4	94.4	89.1	77.1	85.9	92.2	92.1	90.9	95.2
24	% of students who report having been bullied at school in the past couple months ¹	Grade 6–12	50.9 (2018-2019)	52 (2015-2016)	61.8	44.3	57.1	70.7	64.1	44.4	57.1	50.0	53.0
25	% of youth who report having been bullied at school with physical attacks in the past couple months ¹	Grade 6–12	12.3 (2018-2019)	12 (2015-2016)	18.3	9.6	18.2	30.9	17.4	15.3	9.3	12.0	13.2
26	% of youth who report having been bullied at school with verbal attacks in the past couple months ¹	Grade 6–12	37.2 (2018-2019)	38 (2015-2016)	48.2	27.8	43.3	58.2	48.6	33.8	40.5	36.6	38.8
27	% of youth who report having been bullied at school with cyber attacks in the past couple months ¹	Grade 6–12	17.1 (2018-2019)	17 (2015-2016)	25.0	12.6	22.7	36.6	24.1	12.4	21.6	17.5	16.3
28	% of youth who report having been bullied at school by exclusion in the past couple months ¹	Grade 6–12	32.3 (2018-2019)	32 (2015-2016)	41.8	26.3	37.5	51.5	43.9	24.4	40.0	31.9	33.3
29	% of youth who report having been bullied at school with mean comments about their race/religion/personal features in the past couple months ¹	Grade 6–12	14.5 (2018-2019)	15 (2015-2016)	22.1	21.5	22.6	33.4	23.9	13.9	15.0	15.0	13.0
30	% of youth who report having been bullied at school with sexual jokes, comment, or gestures in the past couple months ¹	Grade 6–12	17.1 (2018-2019)	18 (2015-2016)	26.4	14.1	23.7	37.5	28.8	14.8	19.3	17.8	15.5
31	% of students who report having received a diagnosis for an Attention Deficit Hyperactivity Disorder (ADHD) or an Attention Deficit Disorder (ADD) ¹	Grade 6–12	9.6 (2018-2019)	7 (2015-2016)	35.7	4.0	13.1	16.4	13.6	12.3	6.9	9.3	10.4
32	% of students who report having received a diagnosis for Autism or Asperger Syndrome ¹	Grade 6–12	2.3 (2018-2019)	2 (2015-2016)	8.4	1.9	3.6	5.1	5.0	3.5	1.1	2.7	1.4
33	% of students who report having received a diagnosis for blindness or low vision ¹	Grade 6–12	3.1 (2018-2019)	1 (2015-2016)	11.1	4.3	4.9	6.5	5.6	2.5	3.6	3.7	1.5

1. GUIDING PRINCIPLES OF CHILD RIGHTS / UNCRC Articles 2, 3, 6, 12

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
34	% of students who report having received a diagnosis for deafness or hard of hearing ¹	Grade 6–12	1.3 (2018-2019)	1 (2015-2016)	4.8	1.4	2.4	3.8	2.3	1.4	1.3	1.4	1.1
35	% of students who report having received a diagnosis for a language/speech impairment ¹	Grade 6–12	1.6 (2018-2019)	1 (2015-2016)	5.7	2.3	2.6	4.2	2.5	1.8	1.4	1.8	1.1
36	% of students who report having received a diagnosis for an intellectual disability ¹	Grade 6–12	0.4 (2018-2019)	0 (2015-2016)	1.5	0.6	0.8	1.8	0.8	0.5	0.3	0.4	0.4
37	% of students who report having received a diagnosis for learning disability ¹	Grade 6–12	4.7 (2018-2019)	5 (2015-2016)	17.2	2.5	5.9	8.5	5.8	5.0	4.4	3.9	6.6
38	% of students who report having received a diagnosis for a mental health disability ¹	Grade 6–12	6.1 (2018-2019)	2 (2015-2016)	22.7	3.0	8.3	11.6	15.8	2.4	9.8	6.9	4.1
39	% of students who report having received a diagnosis for a physical disability ¹	Grade 6–12	1.0 (2018-2019)	1 (2015-2016)	3.7	1.0	1.2	2.5	2.2	1.0	1.1	1.2	0.5
40	% of students who report having received a diagnosis for gifted ¹	Grade 6–12	1.8 (2018-2019)	2 (2015-2016)	6.2	2.6	2.8	4.2	3.0	2.3	1.2	1.7	1.8
41	% of students with a high level of oppositional behaviours ²	Grade 4–5	23.8 (2016-2017)	24.0 (2013-2014)						28.1	19.4	20.8	30.6
42	% of students with a high level of oppositional behaviours ¹	Grade 6–12	15.2 (2018-2019)	15 (2015-2016)	22.8	14.3	20.8	35.2	17.5	18.2	12.2	15.8	13.7

2. Civil Rights and Freedoms/ UNCRC Articles 7, 8, 13, 14, 15, 16, 17

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
1	% of students who report expressing their opinion in class is important or very important to them ¹	Grade 6–12	64.7 (2018-2019)	67 (2015-2016)	60.5	69.2	62.1	57.6	56.7	66.2	63.2	64.4	65.4
2	% of grade 12 youth who plan to vote in public elections when eligible ⁵	Grade 12	80 (2019)	78 (2018)	75	67	68		67	78	83	78	84
3	% of students who report getting involved in student council or similar groups is important or very important to them ¹	Grade 6–12	35.9 (2018-2019)	37 (2015-2016)	32.6	44.5	38.3	38.4	32.7	32.4	39.1	38.0	30.5
4	% of students who report participating in activities or groups while at school ¹	Grade 6–12	54.3 (2018-2019)	49 (2015-2016)	51.3	63.9	51.2	55.0	56.5	50.3	58.3	53.4	56.7
5	% of students who report participating in any activities or groups outside of school ¹	Grade 6–12	55.1 (2018-2019)	51 (2015-2016)	52.2	61.1	51.1	54.4	51.8	52.9	57.3	53.2	59.8
6	% of students who report participating in community groups outside of school ¹	Grade 6–12	4.5 (2018-2019)	5 (2015-2016)	5.3	5.3	4.0	5.3	6.6	4.1	4.9	4.5	4.4
7	% of students who report participating in church or other religious / spiritual groups outside of school ¹	Grade 6–12	9.5 (2018-2019)		9.2	12.6	7.8	8.0	9.2	7.9	11.1	10.9	6.2
8	Average student community support score, on a scale from 5 to 25 of greater community support ¹	Grade 6–12	19.2 (2018-2019)	19 (2015-2016)	18.5	19.1	18.7	17.5	18.0	19.3	19.1	19.2	19.3
9	% of students who agree or strongly agree there are good places to spend one's free time ¹	Grade 6–12	65.7 (2018-2019)	64 (2015-2016)	62.2	67.1	66.3	56.6	58.8	67.8	63.6	66.3	64.1

3. Family Environment and Alternative Care / UNCRC Articles 5, 18, 9, 10, 11, 27, 20, 21, 25, 19, 39

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
17	% of students who report their parent(s)/caregiver(s) know a lot about them ¹	Grade 6–12	54.3 (2018-2019)	56 (2015-2016)	45.0	51.0	49.0	31.0	37.4	54.2	54.6	52.2	59.8	
18	% of students who report their family stands by them during difficult times ¹	Grade 6–12	53.6 (2018-2019)	55 (2015-2016)	44.6	54.6	47.6	25.9	39.1	52.3	55.0	53.2	54.6	
19	% of students who have their mental fitness needs highly satisfied by their families ¹	Grade 6–12	78.8 (2018-2019)	80 (2015-2016)	68.5	78.8	73.1	47.7	62.7	79.6	78.1	76.3	85.1	
20	% of students who report they enjoy their cultural and family traditions ¹	Grade 6–12	48.8 (2018-2019)	50 (2015-2016)	40.1	55.7	50.0	29.1	38.3	44.3	53.1	49.0	48.3	
21	% of parents who reported they ate breakfast with their children the previous day ²	Parents of grade K–5	57 (2013-2014)											
22	% of students who reported they ate dinner with family or a guardian or friend the previous day ²	Grade 4–5	73.8 (2016-2017)	74 (2013-2014)						71.9	75.8	75.2	70.8	
23	% of parents who reported they ate dinner with their children the previous day ²	Parents of grade K–5	55.7 (2016-2017)	57 (2013-2014)								55.7	55.9	
24	# of children/youth in foster homes ¹⁰	Age under 19	852 (2019-2020)	856 (2018-2019)						466	386			
25	# of children/youth in group homes ¹⁰	Age under 19	241 (2019-2020)	249 (2018-2019)						176	65			

4. Basic Health and Welfare / UNCRC Articles 6, 18, 23, 24, 26, 27

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
1	Infant mortality under 1 year old, rate per 1000 live births ¹⁸	Infants	3.5 (2018)	2.8 (2017)										4.7 (2018)
2	% of children born with low birth weight (under 2500 g) ⁸	Newborns	6.2% (2019-2020)	6.3% (2018-2019)						6.2%	6.3%			6.9% (2019–2020)
3	% of newborns and infants screened for hearing ⁶	Newborns and infants	91.3 (2019-2020)	90.0 (2018-2019)										
4	% of mothers who tried to breastfeed most recent child (breastfeeding initiation) ¹²	Mothers	90.7 (2019)	81.4 (2018)										91.9 (2018)
5	% of kindergarten students meeting immunization requirements ⁷	Grade K	76.8 (2018-2019)	76.4 (2017-2018)										
6	% of youth who have a regular medical doctor ¹²	Age 12–17	83.2 (2019)	97.6 (2014)						87.9	78.2			86.6 (2019)
7	% of youth who consulted a family doctor or general practitioner in the past year ¹²	Age 12–19	65.4 (2015-2016)	68 (2013)						70.8	59.7			59.3 (2015–2016)
8	% of youth who consulted with a health professional about emotional or mental health in the past year ¹⁶	Age 12–17	17.4 (2019 - Use with caution; number may not be reliable)	13 (2012)										16.5 (2019)
9	Median referral to treatment wait-time for mental health services ⁶	Age under 19	58 (2019-2020)	58 (2018-2019)										
10	% of youth who see their physical health as very good or excellent ¹²	Age 12–17	71.1 (2019)	71.4 (2018)						67.8	74.6			75.5 (2019)
11	Rate of child and youth hospitalization for injuries – per 10,000 children and youth ⁸	Age under 20	27.0 (2019-2020)	29.0 (2018-2019)						35.5	18.2			22.4 (2019–2020)
12	Rate of youth with Chlamydia – per 100,000 youth ⁷	Age 15–19	1272 (2018)	1127 (2017)						547	2024			
13	% of students overweight/obese ²	Grade K–5	36 (2013-2014)	36 (2010-2011)	39.4	36.5	45			37	34	37	32	

4. Basic Health and Welfare / UNCRC Articles 6, 18, 23, 24, 26, 27

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
14	% of students considered overweight or obese based on reported height/weight ¹	Grade 6–12	27.3 (2018-2019)	28 (2015-2016)	31.1	22.6	33.4	29.6	34.6	30.5	24.1	27.4	26.9	
15	% of students underweight ²	Grade K–5	7 (2013-2014)	11 (2010-2011)	8.2	8.4	9.7			8	7	8	7	
16	% of students considered underweight based on reported height/weight ¹	Grade 6–12	7.2 (2018-2019)	7 (2015-2016)	8.7	9.9	7.9	9.2	8.3	5.8	8.7	7.6	6.4	
17	% of students who spend at least 60 minutes doing moderate to hard physical activity every day ²	Grade 4–5	23.2 (2016-2017)	35.0 (2013-2014)						27.2	19.1	25.2	18.7	
18	% of students who report having been physically active at least 60 minutes per day over the past 7 days ¹	Grade 6–12	19.4 (2018-2019)	22 (2015-2016)	17.9	16.9	20.8	20.4	12.6	24.6	14.3	19.7	18.5	
19	% of students who participate in physical activity right after school ²	Grade 4–5	49.4 (2016-2017)	57 (2013-2014)						50.0	48.8	51.7	44.0	
20	% of students who report at least some of their commute to school is physically active (walk/bike/etc.) ¹	Grade 6–12		22.1 (2015-2016)	24.2	28.7	21.2	27.3	26.0	24.1	20.1	24.0	17.4	
21	% of students who eat breakfast every day ²	Grade 4–5	69.8 (2016-2017)	70.0 (2013-2014)						69.0	70.8	67.2	75.8	
22	% of students who report eating breakfast daily ¹	Grade 6–12	41.2 (2018-2019)	46 (2015-2016)	34.6	45.4	31.3	22.7	33.4	46.7	35.8	37.7	50.1	
23	% of students who eat 5 or more fruits / vegetables daily ²	Grade 4–5	52.7 (2016-2017)	51.0 (2013-2014)						51.1	54.3	51.3	55.7	
24	% of students who reported eating 5 or more servings of fruit or vegetables the day before the survey ¹	Grade 6–12	41.8 (2018-2019)	46 (2015-2016)	38.9	53.0	38.9	41.0	36.3	41.3	42.3	38.8	49.2	
25	% of students who report drinking a sweetened beverage the day before the survey ²	Grade 4–5	46.0 (2016-2017)	52 (2013-2014)						50.9	40.9	47.8	42.1	
26	% of students who reported drinking one serving or more of a non-nutritious beverage the day before the survey ¹	Grade 6–12	53.5 (2018-2019)	58 (2015-2016)	57.9	47.4	64.9	63.3	50.5	62.1	45.0	55.8	47.7	

4. Basic Health and Welfare / UNCRC Articles 6, 18, 23, 24, 26, 27

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
27	Teenagers who gave birth, rate per 1000 females aged 15 to 19 ¹⁹	Age 15–19	10.1 (2019)	10.7 (2018)										6.3 (2019)
28	% of grade 12 youth who feel their school helped them develop positive attitudes toward physical activity ⁵	Grade 12	67	68 (2018)	64	67	62		23	71	64	65	69	
29	% of grade 12 youth who feel their school helped them develop positive attitudes toward healthy living ⁵ (Anglophone and Francophone)	Grade 12	70 (Ang.) 72 (Fr.)	72 (Ang.) 82 (Fr.) (2018)	62 (Ang.) 66 (Fr.)	68 (Ang.) 64 (Fr.)	62 (An) 70 (Fr.)		36 (Ang.) 60 (Fr.)	73 (Ang.) 70 (Fr.)	69 (Ang.) 73 (Fr.)	70	72	
30	% of students who report smoking daily at present ¹	Grade 6–12	4.8 (2018-2019)	4.0 (2015-2016)	8.5	3.3	9.3	12.4	5.4	6.2	3.5	5.4	3.2	
31	% of students who report smoking occasionally or daily at present ¹	Grade 6–12	13.6 (2018-2019)	11 (2015-2016)	20.5	9.9	22.7	26.9	15.6	14.9	12.3	14.8	10.6	
32	% of students who have tried cigarette smoking, even just a few puffs ¹	Grade 6–12	21.6 (2018-2019)	23 (2015-2016)	30.5	19.6	32.1	36.4	25.1	22.4	20.8	23.3	17.2	
33	% of students report riding in a car with someone who was smoking cigarettes in the past 7 days ¹	Grade 6–12	18.3 (2018-2019)	21 (2015-2016)	25.1	12.5	29.4	38.7	21.2	18.7	17.9	19.4	15.5	
34	% of students with at least one person who smokes inside their home almost every day or every day ¹	Grade 6–12	15.1 (2018-2019)	16 (2015-2016)	20.8	11.7	27.0	35.2	21.3	15.8	14.4	17.2	9.9	
35	% of students who live in a home where people are allowed to smoke inside ²	Grade K–5	1.8 (2016-2017)	3.0 (2013-2014)	3.2	2.0	3.1			1.7	1.9	1.8	1.8	
36	% of students who live with people who smoke or use tobacco ²	Grade 4–5	31.4 (2016-2017)	35 (2013-2014)						31.9	30.9	34.5	24.6	
37	% of students who report their health is very good or excellent ¹	Grade 6–12	60.4 (2018-2019)	66 (2015-2016)	47.2	65.9	51.5	44.8	41.3	62.3	58.6	56.5	70.3	
38	Rate of hospitalized cases for mental diseases and disorders – cases admitted to hospital per 10,000 ⁸	Age under 19	46.5 (2019-2020)	53.1 (2018-2019)						36.2	57.3			34.1 (2019–2020)

4. Basic Health and Welfare / UNCRC Articles 6, 18, 23, 24, 26, 27

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
39	Rate of childhood/adolescent behavioural and learning disorders – cases admitted to hospital per 10,000 ⁸	Age under 19	11.3 (2019-2020)	11.7 (2018-2019)						13.9	8.7			5.0 (2019–2020)
40	Rate of child and youth depressive episodes – cases admitted to hospital per 10,000 ⁸	Age under 19	11.0 (2019-2020)	12.5 (2018-2019)						5.6	16.6			8.87 (2019–2020)
41	Rate of child & youth stress reaction / adjustment disorder – cases admitted to hospital per 10,000 ⁸	Age under 19	8.4 (2019-2020)	9.7 (2018-2019)						4.9	12.1			6.8 (2019–2020)
42	Rate of child & youth schizotypal/delusional disorder – cases admitted to hospital per 10,000 ⁸	Age under 19	1.3 (2019-2020)	1.0 (2018-2019)						1.2	1.3			1.1 (2019–2020)
43	Rate of child & youth mood (affective) disorder – cases admitted to hospital per 10,000 ⁸	Age under 19	1.5 (2019-2020)	2.4 (2018-2019)						1.2	1.7			0.8 (2019–2020)
44	Rate of child & youth anxiety disorder – cases admitted to hospital per 10,000 ⁸	Age under 19	3.0 (2019-2020)	3.7 (2018-2019)						1.6	4.4			3.1 (2019–2020)
45	Rate of child & youth eating disorder – cases admitted to hospital per 10,000 ⁸	Age under 19	0.7 (2019-2020)	1.3 (2018-2019)						0.0	1.4			1.7 (2019–2020)
46	% of youth who see their mental health as very good or excellent ¹²	Age 12–17	72 (2019)	71.7 (2018)						84	58.5			73 (2019)
47	% of students who report always wearing a helmet when bicycling in the past 12 months ¹	Grade 6–12	31.0 (2018-2019)	30 (2015-2016)	29.2	29.9	23.7	20.2	36.1	28.9	33.5	32.2	28.5	
48	% of students who report having an injury in the past 12 months requiring nurse or doctor treatment ¹	Grade 6–12	30.1 (2018-2019)	30 (2015-2016)	35.0	25.8	36.0	41.1	27.2	31.6	28.6	31.7	26.1	
49	% of students who report usually sleeping 8 hours or more per night ¹	Grade 6–12	36.5 (2018-2019)	39 (2015-2016)	30.4	33.2	33.5	26.5	29.1	38.4	34.7	33.5	44.3	
50	% of students who spend over 2 hours a day on screen time on average ¹	Grade 6–12	29.1 (2018-2019)	37 (2015-2016)	24.9	31.6	26.4	27.5	22.9	29.2	28.9	27.5	33.0	
51	% of students who report having had symptoms of anxiety in the past 12 months ¹	Grade 6–12	37.7 (2018-2019)	33 (2015-2016)	53.7	33.5	44.5	59.9	58.4	26.4	48.6	39.1	34.4	

4. Basic Health and Welfare / UNCRC Articles 6, 18, 23, 24, 26, 27

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
52	% of students who report having had symptoms of depression in the past 12 months ¹	Grade 6–12	37.6 (2018-2019)	31 (2015-2016)	53.1	35.6	48.4	66.7	60.3	28.9	45.9	42.3	25.7	
53	Rate of substance abuse disorders admitted to hospital per 10,000 youth ⁸	Age under 19	1.6 (2019-2020)	3.0 (2018-2019)						2.0	1.1			2.1 (2019–2020)
54	Rate of premature deaths from cancer – years of life lost per 10,000 per year ³	Age under 20	10.8 (2012-2016)	12.09 (2010-2014)						9.5	12.1			
55	Rate of premature deaths from injuries – years of life lost per 10,000 per year ³	Age under 20	46.9 (2012-2016)	51.29 (2010-2014)						61.2	31.6			
56	Rate of premature deaths from suicide – years of life lost per 10,000 per year ³	Age under 20	14.4 (2012-2016)	15.47 (2010 - 2014)						24.9	3.3			
57	% of youth satisfied or very satisfied with life ¹²	Age 12–17	100 (2019)	97.7 (2018)						100	100			97.8 (2019)

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
1	# of children and youth enrolled in school ⁴	Grade K–12	98,965 (2019-2020)	97,895 (2018-2019)									
2	# of kindergarten to grade five students ⁴	Grade K–5	44,276 (2019-2020)	44,085 (2018-2019)									
3	# of grade six to eight students ⁴	Grade 6–8	23,082 (2019-2020)	22,278 (2018-2019)									
4	# of grade nine to twelve students ⁴	Grade 9–12	31,607 (2019-2020)	31,454 (2018-2019)									
5	# of students in English language of instruction ⁴	Grade K–12	44,240 (2019-2020)	43,441 (2018-2019)									
6	# of students in French language of instruction ⁴	Grade K–12	29,358 (2019-2020)	29,139 (2018-2019)									
7	# of students in French Immersion language of instruction ⁴	Grade K–12	25,367 (2019-2020)	25,315 (2018-2019)									
8	% of grade 12 students who feel respected at school ⁵	Grade 12	81 (2019)	80 (2018)	74	85	75		50	82	80	79	85
9	% of students who report learning new things is important or very important to them ¹	Grade 6–12	88.4 (2018-2019)	89 (2015-2016)	84.2	92.2	85.8	76.5	84.7	88.1	88.8	88.2	89.1
10	% of students with a learning exceptionality or special education need ¹	Grade 6–12	26.7 (2018-2019)	19 (2015-2016)	100	18.6	36.3	45.1	42.2	27.3	26.1	27.1	25.6
11	% of students who report getting good grades is important or very important to them ¹	Grade 6–12	93.4 (2018-2019)	94 (2015-2016)	89.3	94.7	90.3	84.6	90.2	91.0	95.7	92.7	94.9
12	% of students who report getting to class on time is important or very important to them ¹	Grade 6–12	86.6 (2018-2019)	86 (2015-2016)	81.0	88.8	81.5	73.7	83.8	84.5	88.6	85.2	90.1
13	% of students who had opportunities in high school to participate in elective courses they were interested in ⁵	Grade 12 Ang.	73 (2019)	72 (2018)	66	68	70		56	73	74	73	

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
14	% of students who had opportunities in high school to take courses in the skilled trades ⁵	Grade 12	69 (2019)	71 (2018)	70	65	69		73	74	66	72	65
15	% of students who had opportunities in high school to take courses in the fine arts ⁵	Grade 12	71 (2019)	75 (2018)	62	70	70		77	66	76	83	51
16	% of students who had opportunities in high school to participate in career related learning experiences ⁵	Grade 12	63 (2019)	63 (2018)	58	58	55		57	61	65	65	59
17	% of students who feel their school provided them with opportunities to participate in exercise or physical activity other than in phys. ed. class ⁵	Grade 12	77 (2019)	78 (2018)	70	76	68		53	77	78	79	74
18	% of students who feel they had opportunities in high school to participate in cultural activities organized through school ⁵	Grade 12	55 (2019)	55 (2018)	50	53	54		40	54	55	52	58
19	% of students with opportunities to participate in cultural activities separate from school ⁵	Grade 12	40 (2019)	42 (2018)	35	43	45		37	41	40	43	36
20	% of students who report learning about their culture/heritage is important or very important to them ¹	Grade 6–12	57.5 (2018-2019)	58 (2015-2016)	55.0	72.5	73.3	54.9	56.5	55.3	59.5	56.8	59.2
21	% of students who usually take part in physical activities not organized by their school ²	Grade 4–5	45 (2013-2014)	39 (2010-2011)						35	55		
22	% of grade 12 students who participate in physical activities organized by their school ⁵	Grade 12	42 Ang. 39 Fran. (2019)	42 Ang. 34 Fran. (2018)	39 Ang. 40 Fran.	43 Ang. 48 Fran.	37 Ang. 39 Fran.		24 Ang. 20 Fran.	46 Ang. 46 Fran.	38 Ang. 34 Fran.	42	39
23	% of grade 12 students who participate in physical activities not organized by their school ⁵	Grade 12	39 Ang. 43 Fran. (2019)	37 Ang. 28 Fran. (2018)	35 Ang. 43 Fran.	39 Ang. 53 Fran.	37 Ang. 43 Fran.		36 Ang. 20 Fran.	47 Ang. 47 Fran.	32 Ang. 40 Fran.	39	43
24	% of students who report being involved in science or technology within school ¹	Grade 6–12	6.3 (2018-2019)	6 (2015-2016)	5.7	7.0	5.3	5.8	5.7	6.2	6.4	5.1	9.3
25	% of students who report they feel they belong at their school ¹	Grade 6–12	27.4 (2018-2019)	31 (2015-2016)	20.3	28.9	23.8	13.7	17.6	28.3	26.5	28.3	25.1
26	% of students who report that getting an education is important to them ¹	Grade 6–12	61.3 (2018-2019)	65 (2015-2016)	52.6	69.3	54.1	38.9	53.8	53.4	69.0	60.5	63.3
27	% of grade 12 students planning to go on to post-secondary education ⁵	Grade 12	80	78 (2018)	69	78	68		80	74	86	77	86

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
28	% of students who report being able to solve problems without harming themselves or others ¹	Grade 6–12	54.8 (2018-2019)	55 (2015-2016)	43.5	57.1	45.9	31.2	43.7	50.8	58.7	57.3	48.4
29	% of students who have their mental fitness needs highly satisfied by school ¹	Grade 6–12	56.5 (2018-2019)	59 (2015-2016)	45.2	64.0	46.6	32.1	44.2	54.5	58.6	52.6	66.3
30	% of students who report having opportunities to develop skills that will be useful later in life ¹	Grade 6–12	41.3 (2018-2019)	45 (2015-2016)	34.3	42.1	38.5	24.3	31.0	40.7	41.9	40.6	43.0
31	% of students who report participating in arts groups within school ¹	Grade 6–12	11.3 (2018-2019)	11 (2015-2016)	11.9	15.2	8.9	10.4	19.6	6.7	15.9	11.1	11.8
32	% of students who report participating in arts groups outside school ¹	Grade 6–12	9.1 (2018-2019)	9 (2015-2016)	9.4	11.0	7.2	7.8	13.1	4.3	13.8	8.2	11.4
33	% of students who report participating in other activities within school ¹	Grade 6–12	11.1 (2018-2019)	10 (2015-2016)	11.3	15.7	10.4	12.4	14.0	12.1	10.1	10.7	12.0
34	% of students who report participating in student clubs or groups within school ¹	Grade 6–12	10.7 (2018-2019)	11 (2015-2016)	11.0	11.8	8.0	8.0	17.1	4.9	16.4	11.1	9.6
35	% of students who report participating in a sports team within school ¹	Grade 6–12	27.7 (2018-2019)	25 (2015-2016)	21.7	29.8	26.0	25.4	15.8	28.1	27.3	28.3	26.2
36	% of students who report participating in an individual sport outside school ¹	Grade 6–12	7.1 (2018-2019)	7 (2015-2016)	5.6	8.1	6.1	6.1	4.5	7.4	6.8	7.0	7.3
37	% of students who report participating in a sports team outside school ¹	Grade 6–12	28.2 (2018-2019)	26 (2015-2016)	22.7	22.9	25.3	25.7	16.5	31.8	24.7	27.0	31.5
38	% of students who report participating in an individual sport outside school ¹	Grade 6–12	13.5 (2018-2019)	15 (2015-2016)	12.3	16.0	10.8	10.3	10.6	13.0	14.1	12.6	15.8
39	% of students who developed a positive attitude toward healthy living in school ⁵	Grade 12	70 Ang. 72 Fran. (2019)	72 Ang. 82 Fran. (2018)	62 Ang. 68 Fran.	68 Ang. 64 Fran.	62 Ang. 70 Fran.		36 Ang. 60 Fran.	73 Ang. 70 Fran.	69 Ang. 73 Fran.	70	72

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN
40	% of Anglophone students who say school promotes healthy eating by providing easy access to healthy food/snacks ⁵	Grade 12 Ang.	64	57 (2018)	67	65	61		48	66	62	64	
41	% of Francophone students who say school promoted easy access to healthy food/snacks ⁵	Grade 12 Fr.	66	69 (2018)	66	64	70		60	65	67		66

#	Indicator	Group	NB Most Recent		NB Previous		MALE		FEMALE	
			ANG	FRAN	ANG	FRAN	ANG	FRAN	ANG	FRAN
42	% of children assessed as ready for kindergarten ⁴	Pre-K-K	88 (2018-2019)	80 (2018-2019)	88 (2017-2018)	82 (2016-2017)	84 (2018-2019)	77 (2018-2019)	91 (2018-2019)	84 (2018-2019)
43	% of grade 2 students achieving appropriate/strong performance reading comprehension (Anglophone) (test discontinued) ⁴	Grade 2 Ang.	76 (2016-2017)		74 (2015-2016)					
44	% of grade 2 students achieving an appropriate or strong performance in oral reading (Francophone) ⁴	Grade 2 Fran.		75 (2018-2019)		75 (2017-2018)		71 (2018-2019)		79 (2018-2019)
45	% of grade 3 students achieving an appropriate or strong performance in math (Francophone) ⁴	Grade 3 Fran.		81 (2018-2019)		82 (2017-2018)		81 (2018-2019)		81 (2018-2019)
46	% achieving an appropriate or strong performance in reading comprehension (Francophone) ⁴	Grade 3 Fran.		62 (2018-2019)		63 (2017-2018)		56 (2018-2019)		69 (2018-2019)
47	% of grade 4 students achieving an appropriate or strong performance in reading comprehension (Francophone) (test discontinued) ⁴	Grade 4 Fran.		63 (2017-2018)		63 (2016-2017)				
48	% achieving an appropriate or strong performance in writing (Francophone) ⁴	Grade 4 Fran.		76 (2018-2019)				69 (2018-2019)		83 (2018-2019)
49	% grade 6 students with appropriate or strong performance: math (Anglophone) ⁴	Grade 6 Ang.	58 (2018-2019)		38 (2016-2017)		58 (2018-2019)		58 (2018-2019)	

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent		NB Previous		MALE		FEMALE	
			ANG	FRAN	ANG	FRAN	ANG	FRAN	ANG	FRAN
50	% grade 6 with appropriate or strong performance: reading (Anglophone) ⁴	Grade 6 Ang.	72 (2018-2019)		62 (2016-2017)		67 (2018-2019)		77 (2018-2019)	
51	% grade 6 with appropriate or strong performance: science (Anglophone) ⁴	Grade 6 Ang.	56 (2018-2019)		32 (2016-2017)		52 (2018-2019)		60 (2018-2019)	
52	% grade 6 with appropriate or strong performance: math (Francophone) ⁴	Grade 6 Fran.		72 (2018-2019)		61 (2017-2018)		71 (2018-2019)		73 (2018-2019)
53	% achieving an appropriate or strong performance in reading comprehension (Francophone) ⁴	Grade 7 Fran.		67 (2018-2019)				60 (2018-2019)		73 (2018-2019)
54	% achieving an appropriate or strong performance in writing (Francophone) ⁴	Grade 7 Fran.		69 (2018-2019)				58 (2018-2019)		81 (2018-2019)
55	% achieving an appropriate or strong performance in science and technologies (Francophone) ⁴	Grade 8		79 (2018-2019)		75 (2017-2018)		75 (2018-2019)		82 (2018-2019)
56	% achieving an appropriate or strong performance in math (Francophone) ⁴	Grade 8		74 (2018-2019)		74 (2017-2018)		69 (2018-2019)		79 (2018-2019)
57	% achieving an appropriate or strong performance in French (Francophone) (test discontinued) ⁴	Grade 8		71 (2016-2017)		71 (2015-2016)				
58	% achieving an appropriate or strong performance in reading comprehension (Anglophone) ⁴	Grade 9	74 (2018-2019)		81 (2016-2017)		70 (2018-2019)		77 (2018-2019)	
59	% achieving an appropriate or strong performance in English writing (Anglophone) (test discontinued) ⁴	Grade 9	91 (2014-2015)							
60	% of grade 10 French as a 2 nd language students with oral proficiency intermediate or higher ⁴	Grade 10	45 (2015-2016)		37 (2014-2015)					
61	% achieving an appropriate or strong performance in math (Francophone) ⁴	Grade 10 Fran. Parcours A		55 (2018-2019)		52 (2017-2018)		58 (2018-2019)		51 (2018-2019)

5. Education, Leisure and Cultural Activities / UNCRC Articles 28, 29, 31

#	Indicator	Group	NB Most Recent		NB Previous		MALE		FEMALE	
			ANG	FRAN	ANG	FRAN	ANG	FRAN	ANG	FRAN
62	% achieving an appropriate or strong performance in math (Francophone) ⁴	Grade 10 Fran. Parcours BC		77 (2018-2019)		76 (2017-2018)		76 (2018-2019)		78 (2018-2019)
63	% achieving an appropriate or strong performance in reading (Francophone) ⁴	Grade 11		55 (2018-2019)		55 (2017-2018)		50 (2018-2019)		60 (2018-2019)
64	% of students who drop out of school ⁴	Grade 7–12	1.1 (2018-2019)	0.7 (2018-2019)	1.3 (2017-2018)	0.8 (2017-2018)	1.5 (2017-2018)	1.1 (2017-2018)	1.0 (2017-2018)	0.5 (2017-2018)

6. Special Protection Measures / UNCRC Articles 22, 38, 39, 40, 37, 32, 33, 34, 35, 36, 30

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
1	Youth crime rate, charges laid – per 100,000 youth ¹³	Age 12–17	1740.9 (2019)	2069.7 (2018)										1604.7 (2019)
2	Youth crime rate, incidents with no charges laid – per 100,000 youth ¹³	Age 12–17	1740.9 (2019)	1950.3 (2018)										1881.6 (2019)
3	Youth charged with impaired driving – per 100,000 youth ¹³	Age 12–17	25.4 (2019)	4.3 (2018)										13.8 (2019)
4	Youth charged with drug offences – per 100,000 youth ¹³	Age 12–17	10.6 (2019)	51.2 (2018)										47.9 (2019)
5	Property crimes committed by youth – per 100,000 youth ¹³	Age 12–17	424.7 (2019)	518.0 (2018)										353.5 (2019)
6	Rate of youth being charged with violent crime – per 100,000 youth ¹³	Age 12–17	756.3 (2019)	754.6 (2018)										711.9 (2019)
7	# of multidisciplinary conferences for youth in correctional services ⁹	Age 12–17	95 (2019-2020)	85 (2018-2019)										
8	# of reintegration leaves for youth in secure custody ⁹	Age 12–17	26 (2019-20)	5 (2018-19)										
9	# of escorted leaves for youth in secure custody ⁹	Age 12–17	119 (2019-2020)	102 (2018-2019)										
10	# of youth admissions to correctional services for community supervision sentences ¹⁴	Age 12–17	261 (2017-2018)	285 (2016-2017)										9303 (2017–2018)
11	# of youth in Extra-Judicial Sanctions (Alternative Measures) program ⁹	Age 12–17	264 (2019-2020)	297 (2018-2019)										
12	# of youth in pre-trial detention ⁹	Age 12–17	95 (2019-2020)	130 (2018-2019)										
13	# of youth sentenced to open custody ⁹	Age 12–17	11 (2019-2020)	15 (2018-2019)										
14	# of youth sentenced to secure custody ⁹	Age 12–17	18 (2019-2020)	20 (2018-2019)										
15	% of family support cases in compliance (i.e. paid up to date) at fiscal year end ¹⁷	Cases	73 (2018-2019)	72 (2017-2018)										56 (2018–2019)

6. Special Protection Measures / UNCRC Articles 22, 38, 39, 40, 37, 32, 33, 34, 35, 36, 30

#	Indicator	Group	NB Most Recent	NB Previous	S.N.	IMM	IND	F.I.	LGBTQ	MALE	FEM	ANG	FRAN	Canada
16	# of unique families receiving subsidies for adopted children with special needs ¹⁰	Families	356 (2020)	354 (2019)										
17	# of unique families receiving government supports for children with disabilities ¹⁰	Families	1272 (2019-2020)	1439 (2016-2017)										
18	Rate of <i>adults</i> charged with sexual violations against children – per 100,000 adults ¹³	Adults (age 18 and over)	12.6 (2019)	11.3 (2018)										12.3 (2019)
19	Rate of <i>youth</i> charged with sexual violations against children – per 100,000 youth ¹³	Age 12–17	29.6 (2019)	25.6 (2018)										39.4 (2019)
20	Rate of persons charged with making or distributing child pornography – per 100,000 persons ¹³	Age 12 and over	2.6 (2019)	0.9 (2018)										1.5 (2019)
21	# of claims to WorkSafe after workplace accidents ¹¹	Age 15–19	258 (2019)	264 (2018)						160	96			
22	Rate of workplace accident claims to WorkSafe – per 100 employed youth ¹¹	Age 15–19	1.46 (2019)	1.46 (2018)						1.80	1.09			
23	% of students who rode in an on-road vehicle driven by someone under the influence of alcohol or drugs in the past 12 months ¹	Grade 7–12	17.2 (2018-2019)	17 (2015-2016)	21.4	10.6	23.4	29.4	17.6	17.7	16.8	16.2	19.7	
24	% of students who have ever used cannabis ¹	Grade 7–12	24.5 (2018-2019)	24 (2015-2016)	33.7	15.9	36.7	41.2	27.2	25.2	23.8	27.4	17.1	
25	% of students who report having had a drink of alcohol once a month or more in the past 12 months ¹	Grade 7–12	24.0 (2018-2019)	25 (2015-2016)	28.2	19.7	28.2	35.1	20.2	24.3	23.7	23.9	24.2	
26	% of students who report having had 5 or more drinks at one time, at least once a month, in the past 12 months ¹	Grade 7–12	14.6 (2018-2019)	17 (2015-2016)	17.4	11.1	19.0	23.3	10.8	16.2	13.1	14.6	14.4	

Data Sources



1. NB Health Council and Department of Social Development (Wellness Branch), Middle and High School Student Wellness Survey
2. NB Health Council and Department of Social Development (Wellness Branch), Elementary Student Wellness Survey
3. NB Health Council, calculated using data from Government of New Brunswick, Vital Statistics
4. Government of New Brunswick, Department of Education and Early Childhood Development
5. Government of New Brunswick, Department of Education and Early Childhood Development, Grade Twelve Exit Survey
6. Government of New Brunswick, Department of Health, CSDS Database
7. Government of New Brunswick, Department of Health, Office of the Chief Medical Officer of Health
8. Canadian Institute for Health Information, Discharge Abstract Database / Hospital Morbidity Database, provided by the Government of New Brunswick, Department of Health
9. Government of New Brunswick, Department of Public Safety
10. Government of New Brunswick, Department of Social Development
11. WorkSafeNB
12. Statistics Canada, Table 13-10-0096-01 Health characteristics, annual estimates (Canadian Community Health Survey)
13. Statistics Canada, Table 35-10-0177-01 Incident-based crime statistics, by detailed violations, Canada, provinces, territories and Census Metropolitan Areas
14. Statistics Canada, Adult and youth correctional statistics in Canada, 2017/2018, Table 9 Admissions of youth to correctional services, by type of supervision and jurisdiction, 2017/2018
15. Statistics Canada, Canadian Centre for Justice Statistics, Family Violence in Canada: A statistical profile, 2018
16. Statistics Canada, Table 13-10-0098-01 Mental health characteristics and suicidal thoughts
17. Statistics Canada, Table 35-10-0105-01 Maintenance enforcement programs, cases enrolled, by compliance with regular and total payments, arrears status and assignment status at March 31, Canada and selected provinces and territories
18. Statistics Canada, Table 13-10-0713-01 Infant deaths and mortality rates, by age group
19. Statistics Canada, Table 13-10-0418-01 Crude birth rate, age-specific fertility rates and total fertility rate (live births)
20. Statistics Canada, National Household Survey (NHS) Profile
21. Statistics Canada, Table 14-10-0018-01 Labour force characteristics by sex and detailed age group, annual, inactive (x 1,000)
22. Statistics Canada, Table 11-10-0222-01 Household spending, Canada, regions and provinces