

Office of the Child and Youth Advocate
2011-2012 Annual Report

Raising the Bar on Children's Rights



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February 14, 2013

Mr. Donald J. Forestell
Clerk
Legislative Assembly
Province of New Brunswick
Fredericton, NB

Sir:

Pursuant to Subsection 25(1) of the ***Child and Youth Advocate Act***, I have the honour to present the third annual Report of the Child and Youth Advocate for the period of April 1, 2011 to March 31, 2012.

Respectfully submitted,



Christian Whalen
Acting Child and Youth Advocate

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Message from the Advocate



Talking favorably about children's rights is easy. In fact, the world over, speeches abound. The global community speaks with one voice on its desire for *a world fit for children*. And, elected officials continue to applaud this discourse. However, more than 20 years after the adoption of the *Convention on the Rights of the Child*, we have yet to develop all the necessary enforcement mechanisms, and educational initiatives to achieve full implementation. We still have a distance to go to ensure that the fundamental rights of children are taken seriously.

Working toward that goal has been the strategic focus of the Office of the Child and Youth Advocate during 2011-2012, a busy year in which our office established its autonomy vis-a-vis the Office of the Ombudsman, and participated in a review of Offices of the Legislative Assembly.

When I assumed the role, I was forced to ask myself a simple question. How should a Child and Youth Advocate appointed in an acting capacity fulfill his duty? Should he act with caution, given the temporary nature of his appointment? Focus quietly on the day-to-day operations of the office, or follow the path already laid forth? A simple reading of the *Child and Youth Advocate Act* and some common sense confirmed for me that a Child and Youth Advocate must be visible and accessible, they must be heard and they must listen to and amplify the voices of children and youth, and defend their rights and interests.

To do this, our office had to re-tailor its approach. In June 2011, we took the first step by formally separating our staff and their work from the Ombudsman's Office. Initially, we operated on 40% of the combined budget of the two offices. However, by the end of the fiscal year we had reached an agreement with the Ombudsman that gave us parity in terms of budgets, and that better reflects the internal workload of our office. With the resources available, we restructured our team and assigned dedicated staff to each aspect of the Advocate's broad mandate. We hired two new staff members to work on our education and outreach mandate, and hired two articling law students, rather than one, to better address our mandate to advise Government on legislation and policies that affect the rights and interests of children.

With an enhanced focus on raising awareness, we have been able to markedly increase our presence on the ground, and have provided more in-depth advice during public debate and consultation on issues that affect children, such as the review of primary health care services. Still, the office must do more to follow-up on our recommendations from previous reports. We cannot simply formulate and

issue recommendations. We must take responsibility for monitoring action and ensuring that our recommendations are adopted. In this annual report we commit to a comprehensive follow-up of past recommendations, to be undertaken in the coming months. As a starting point, we highlight four priority recommendations from past reports that remain front of mind.

I want to congratulate all the members of our small team for their hard work and dedication throughout this period of transition. In particular, our delegates on individual case advocacy have seen their workload increase significantly, sometimes having to double their number of cases. As the public become more aware of our services and possible remedies to their concerns, our case load has increased. This is why we make the case in the closing pages of this report for additional resources to allow us to better serve New Brunswick children. During this period, our team has worked diligently to change its approach to advocacy. We are moving from an approach based on the needs of the most vulnerable young people, to an approach based on the fundamental rights of all children in the province. As we move toward this model, we continue to work with government agencies and non-governmental actors to share this approach with them, in order to foster a culture of respect for children's rights in New Brunswick.

The first steps of this culture shift were the adoption of a *Youth Engagement Framework for New Brunswick*, created by Youth Matters, and the development of a *Children's Rights and Wellbeing Framework for New Brunswick*, created by our Office in collaboration with the New Brunswick Health Council in consultation with various youth-serving ministries. A guiding principle of children's rights discourse is to enable children and youth to be heard. And, we cannot make tangible progress on children's rights in our province until we properly measure and report on their living conditions and wellbeing. That is why we emphasize with pride the launch of these two initiatives.

My first observation upon taking on the role of Acting Child and Youth Advocate was that we cannot do our work alone. We have drawn, and continue to draw, heavily on the experience of our colleagues across the country. We were pleased to welcome Advocates and youth-serving professionals to the National Conference of the Canadian Council of Child and Youth Advocates in September 2011. We strengthened our collaborations and developed new partnerships with key players in our communities who are vital allies and advocates for children. In particular, we developed closer relationships with New Brunswick teachers, child-care workers, public health nurses, as well as lawyers and legal experts. We instigated the establishment of a Children's Law Section within the New Brunswick section of the Canadian Bar Association, a very welcome development.

This year, and in coming years, we will continue to mobilizing actors within our communities to make a commitment to better promotion and protection of the rights of the child. We will offer educational opportunities to enhance theoretical knowledge of children's rights, and work with others to translate this knowledge into practice for the benefit of all children. Our provincial Children's Rights Awareness Week, and the inaugural International Summer Course on the Rights of the Child at the Université de Moncton in August 2012 are the foundation of these education and outreach efforts.

Governments in countries around the world have found ways, and provide models, to practice children's rights. Examples abound, including: Scotland's Youth Parliament; Child Rights Impact

Assessment models in Australia and Wales; the first rounds of ratification of the Third Optional Protocol of the *Convention on the Rights of the Child* that would establish an individual complaints mechanism for children at the Committee on the Rights of the Child; budget processes that enshrine State accountability for investments in children and other educational approaches that encourage free play as a tool for early childhood development. With all these and other models and best practices, we can assuredly develop a plan here in New Brunswick that puts children and youth at the forefront of our policy decisions. This should be our strategic priority as a society. Everything we need is here. Children and youth in New Brunswick deserve no less. All we need now is the desire to take action.

Sincerely,

A handwritten signature in red ink, appearing to be 'CW' or similar initials, written in a cursive style.

Christian Whalen

2011-2012 Annual Report

Raising the Bar on Children's Rights



Our Vision

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

Our Mandate

The Child and Youth Advocate:

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

Our Mission

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

Recommendations

In the coming months, our office will dedicate time to our previous systemic reports and recommendations to Government, to evaluate the extent to which our recommendations have been adopted and implemented. This process will serve as an important component of our mandate, which is to ensure that decision-makers in our province follow through on our promises to children.

As we look ahead to this process, we would like to highlight five recommendations that remain front-of-mind in our ongoing advocacy efforts, and which have still not yet been fully implemented.

1: Establishment of a provincial Centre of Excellence for Youth with Complex Needs

In our 2008 report, *Connecting the Dots*, on the condition of youth-at-risk and youth with very complex needs in New Brunswick, our office recommended that Government establish a provincial Centre of Excellence for Youth with Complex Needs. The Centre, it was recommended, should be mandated to recruit and retain expert services in child and adolescent psychiatry, developmental psychology, audiology, speech pathology and other support services in matters of child welfare. In 2010 the Government of the day committed to establishing this centre and asked the Child and Youth Advocate to provide, as part of a two person Task Force, a blue-print for such a centre outlining its mandate, location, governance structure and service offerings. The Task Force's *Staying Connected* report was published in March 2011.

At the time of release of this Annual Report, we are still awaiting Government's formal response to *Staying Connected* and concrete action on the establishment of this Centre. We are encouraged that the Government has convened a ministerial-level table, led by the Minister of Education and Early Childhood Development, to help determine this issue. We are also encouraged by the ongoing conversations taking place amongst community-led organizations that have a vested interest in the establishment of this Centre. Yet, we await a firm commitment from Government, with attached funding and strategic objectives for the creation of this much-needed facility. We needed it five years ago and the need for it is just as great today.

2: Establishment of a child-centred Integrated Service Delivery model for children and youth in need

Another recommendation in *Connecting the Dots* was that the Province of New Brunswick introduce a coordinated and integrated service delivery model for children and youth in need. We are encouraged to see that the Department of Education and Early Childhood Development has led an inter-departmental initiative to introduce Integrated Service Delivery (ISD) teams, with demonstration sites in Charlotte County and on the Acadian Peninsula. Our office has been kept apprised of the roll-out and early feedback from this initiative, and has been in regular contact with the head of the ISD implementation team. We are very encouraged by the evaluation results in the demonstration sites which point to an elimination of wait times for access to mental health services and much better coordination of education, mental health and social services. At this point, we urge the Government to move swiftly to introduce the model province-wide, to ensure that every child in the province can access the ready and capable services they require within their community.

3: Formalization of the application of Jordan's Principle in New Brunswick

In our 2009 report *Hand-in-Hand: A Review of First Nation as Child Welfare in New Brunswick*, our office recommended that Government formally adopt and apply Jordan's Principle in all service delivery to children and youth in the province. Jordan's Principle is a child-first principle intended to resolve jurisdictional disputes between governments and governmental Departments over payment for services provided to First Nations children. Adoption of the principle would ensure that jurisdictional disputes do not delay or disrupt services to a child-in-need. The government agency of first contact must provide the necessary services to the child and the jurisdictional dispute can be resolved later.

We are encouraged with the Province's December 2011 announcement and joint statement with New Brunswick First Nations and the Government of Canada to honour Jordan's Principle in principle. However, we urge the Province to continue to work with New Brunswick chiefs to come to a formal arrangement whereby Jordan's Principle can be applied in any situation dealing with service provision to First Nations' children and youth in New Brunswick.

4: Roll-out of NB Families information-management system to all band operated Child and Family Services agencies.

Another recommendation central to our *Hand-in-Hand* report was that the Department of Social Development make its NB Families case-management system available, with adaptations as necessary, and that the system be used by all First Nations Child and Family Services agencies in the province.

Shortly after the recommendation was made the Provincial government piloted implementation of NB families at St-Mary's Child and Family Services agencies. The implementation ran smoothly and the agency now benefits from the same case management system that provincial child protection officials use. We recommend immediate roll-out of NB Families to all other First Nations Child and Family Services agencies who request it and that agency staff be provided with adequate training and technical upgrades and user support to be able to meet the federal Department of Aboriginal Affairs and Northern Development's child welfare reporting requirements.

5: Appointment of a Child and Youth Advocate on a permanent basis and law amendments to limit the term of acting or interim appointments under the *Child and Youth Advocate Act*.

A final recommendation that we feel is essential to the independent and credible operation of this Office is for Government to move quickly to fill the position of Child and Youth Advocate on a permanent basis. In April of 2010, Mr. Richard, New Brunswick's first Child and Youth Advocate provided a full year's notice to the Speaker of his intention to retire. Following his retirement on April 1, 2011 he was asked to carry out a review of all Legislative Officers in the Province. His report, *Fine-tuning Parliamentary Machinery: A Review of the Mandates and Operations of New Brunswick's Legislative Officers*, was tabled in the Legislature in December, 2011. A Legislative Committee was appointed to review this report and to make recommendations to the Legislature on its several recommendations.

Our Office supports the thrust of Mr. Richard's recommendations, particularly the calls which support continuing strong guarantees of independence of office of individuals appointed as Legislative Officers. Permanent appointment on the basis of a fixed term of office is an important aspect of independence.

A plain reading of the *Child and Youth Advocate Act* would suggest that Acting appointments should be very brief matters that should not last beyond the first month of business of the next sitting of the Legislature. An ambiguity in the text of the statute leaves open the possibility that Acting appointments under section 10(1)(c) could continue indefinitely. Our submission is that this is not a reasonable interpretation of the statute and that Government should move quickly to appoint an Advocate on a permanent basis and also bring forward an amendment to prevent circumstances repeating themselves where an acting appointment could continue indefinitely.



A Year in Review

Putting Children's Rights First

In 2011-2012, the Office of the Child and Youth Advocate (CYA) increased its public outreach and education efforts, and established strong collaborations with government departments and community organizations. Our Office worked to ensure that the full breadth and depth of our mandate was better utilized to the benefit of all New Brunswick children and youth.

We engaged the public in dialogue about our collective role in the defence of children's rights—as guaranteed in the UN *Convention on the Rights of the Child*—and strengthened our rights-based approach as an advocate for all children.

We deepened our partnerships with organizations such as UNICEF Canada to help implement a child rights-based lens through which public policy decision makers in New Brunswick can better consider the rights and interests of children.

We provided children and youth with opportunities to be heard in decisions affecting them. We convened more case conferences that involved the participation of individual children and youth, and served as an adult-ally on the establishment of a Youth Engagement Framework for New Brunswick.

We introduced the idea of “rights-based analyses” to our individual case advocacy. Our staff participated in educational and professional development workshops to better understand the rights of the child and how to consider young people's rights in our day-to-day work. We also broadened our outreach to young people in need. By enhancing public awareness of our services, we saw an increased number of requests for advocacy come into our office.

Individual Success Stories

The best interests of youth should be considered paramount in any decision that concerns their welfare

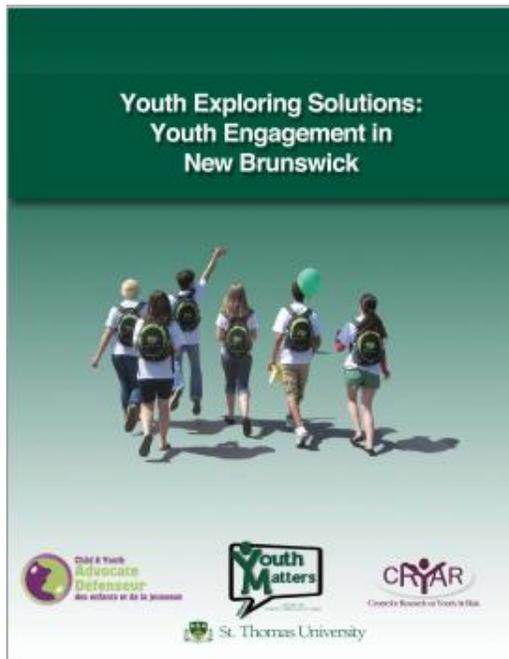
Our office received a call from the parent of a teenager who was experiencing substance abuse problems. The youth was not doing well in school and the situation at home had become very difficult. The Department of Social Development became involved and placed the youth in a group home and an attempt was made to put services in place. However, agencies did not want to take ownership of the youth's case and could not reach any common ground for a much needed collaborative approach. Our office intervened and a case conference was convened with officials and professionals involved from a number of agencies, as well as the youth and his parents. With the emphasis on working collaboratively, an agreement was brokered in the best interest of the youth. A referral was made for the youth to undergo a comprehensive assessment at a provincial facility. A service plan was developed following the assessment, which focused on community-based treatment for the youth and family. The youth and parents were supported while the youth remained in care, and also during his transition back to his parents' home.

We championed children's rights in New Brunswick, especially in areas where systemic change is needed. Our office continued to be a voice for the rights of vulnerable young people, including children and youth with complex needs, youth in care, and young people within the criminal justice system.

In 2011-2012, we sought to engage all New Brunswickers in our collective role to uphold the rights of all children and youth.

A Youth Engagement Framework for New Brunswick

As part of our mandate to defend and promote the rights of all children and youth, our office undertook a series of collaborative outreach and educational initiatives in 2011-2012. By engaging government, child welfare and youth development experts in Canada and abroad, community members and organizations, and children and youth in our activities, the Child and Youth Advocate helped enhance the network of children’s rights champions throughout the province.



In celebration of the United Nations *International Year of Youth*—August 12, 2010 to August 11, 2011—the Child and Youth Advocate collaborated with government, non-government agencies, researchers and youth to help define “youth engagement” in New Brunswick.

Early in 2010, a steering committee of actors held several dialogue sessions and youth-adult forums to develop a mutual understanding of what “youth engagement” means. Following the final forum in April 2010, the steering committee decided that in order to define youth engagement for the broader community, a document of principles should be created.

Throughout the spring and summer of 2011, the CYA supported Youth Matters at St. Thomas University and consulted with youth, policy makers and youth-serving agencies, on the development of *Youth Exploring Solutions: Youth Engagement in New Brunswick*.

The document and supporting promotional video was launched during the opening gala of the National Conference of Canadian Child and Youth Advocates, September 20th at the Delta Fredericton.

The document provides a framework with eight principles of youth engagement. It highlights the need for organizations to provide positive youth development opportunities that build on the strengths and assets of young people. It also denounces negative stereotypes, ageist attitudes, as well as the “tokenization” of youth in decision-making processes. Youth Matters will use the framework to provide organizations, institutions and individuals with meaningful ways to engage youth in their right to be heard.

The eight principles of youth engagement in New Brunswick:

- 1 Youth engagement is best achieved through a positive development approach building on youth assets
- 2 Create a safe and comfortable atmosphere
- 3 Always be flexible and innovative
- 4 One youth cannot represent all youth
- 5 Inclusiveness of people and experiences is essential
- 6 Break down intergenerational stereotypes
- 7 Prepare and be prepared
- 8 Increase participation through mutual motivation

“The emphasis is on strengthening partnerships between adults and youth through a symmetrical approach where both parties share in the decision-making process. The document is unique because it underlines that young people have as much to offer in discussion as do adults.” – Kyle MacNevin, Youth Matters/Students Commission of Canada

Supporting our First “Young Leaders”



In April 2011, the Child and Youth Advocate agreed to serve as patron of a new initiative at Park Street Elementary School conceived and delivered by Fredericton educator Jon Crossland called “Young Leaders”.

The program—modeled loosely after the Duke of Edinburgh Awards—challenges students from

kindergarten to grade five to take on personal development and leadership initiatives that enhance their quality of life and the wellbeing of their family, friends and members of their community. Through different levels of contribution, students are recognized for their efforts and the leadership role that they play in society.

With the support of parents and teachers, students are encouraged to pursue activities that interest them, and have the option to work at these activities inside or outside of school. One of the important components of “Young Leaders” is that it is inclusive for all students. School administration and staff go to great lengths to make sure any student can be involved.

As participants in the program, students experience the benefits of helping out their community through volunteering, staying healthy through physical activity, developing their skills in an interest or hobby, participating in school activities, and demonstrating their leadership qualities.

In June 2011, Acting Child and Youth Advocate Christian Whalen presented 25 young leaders with their very own “Young Leaders” medallion, in recognition of their contribution to their own leadership development as global citizens, and to the betterment of their community.

The Young Leaders Program five areas of focus are:

- Community Service
- Physical Activity & Recreation
- Skill Development
- School Participation
- Leadership Development

Students must understand that the end goal of learning is to make the world a better place. They need to learn what it means to be a good citizen in a global and local context. Therefore students must be encouraged, in an authentic way, to contribute to society. –Jon Crossland, “Young Leaders” creator

Developing a New Brunswick full of “Young Leaders”



After the successful introduction of the program, the Child and Youth Advocate was back at Park Street in October 2011, to launch the initiative for the new school year. Over 50 students from all grade levels registered in the program for the year.

The belief that leadership can be found in the youngest of children has led the Advocate to engage in discussion with education officials throughout the province about how the “Young Leaders” program can be spread and celebrated across New Brunswick.

In March 2012, the Advocate convened a working group of educators from four Fredericton area schools interested in “Young Leaders”, as well as the Office of the Lieutenant Governor of New Brunswick, to begin a conversation about the roll-out of a “Young Leaders” pilot for May and June 2012.

The Child and Youth Advocate is eager to see leadership development encouraged and celebrated, through the “Young Leaders” initiative, in all Anglophone, Francophone, and First Nations elementary schools in the province.

Individual Success Stories

All youth have the right to fair treatment within the justice system, taking into account any special conditions

A teenager with pervasive developmental difficulties, as well as other mental health issues had experienced difficulties at school for a long time. The youth had trouble regulating his emotions and often experienced anxiety in the school environment. He did not cope well with demands put on him and had limited support. The school laid charges when, one day, the youth had an incident with two staff members where his emotions and anxiety got the best of him. The school thought that the youth would receive more services if his behavior was criminalized. Our office intervened and a case conference was held that brought together education officials, the parents, the appropriate service providers, as well as the crown prosecutor and the youth’s lawyer. It was recognized that the youth needed more support rather than to be criminalized because of his condition. A plan was put in place to provide him with the necessary services. The charges were dismissed, and the youth is now doing well and attending school with coordinated supports in place. He has made new friends and sees school as a positive place.

National Conference of the Canadian Council of Child and Youth Advocates



Over 100 delegates and guests joined the CYA in Fredericton, September 19-22, 2011, at the National Conference of the Canadian Council of Child and Youth Advocates (CCCYA).

Advocates, staff, and experts who work at the forefront of child welfare in Canada and around the world discussed issues of concern for professionals who defend the rights and interests of Canadian children, particularly those most vulnerable in society. The four-day gathering included the biennial meeting of the CCCYA, as well as two full days of plenary and workshop discussion intended to give attendees a better understanding of the “nuts and bolts” practices that inform the role of child and youth advocates within government, institutional and community settings.

A highlight of the conference was the opening gala, which featured performances by the Wulastukw Elementary School Drummers and Africamanie. It also featured the launch of the Youth Matters framework document, *Youth Exploring Solutions: Youth Engagement in New Brunswick*, and a screening of the film *Sistema Revolution*.

Conference Sessions and Presenters included:

- **Knowing the Child’s Rights: Historical and International Perspectives on the Rights of the Child**
 - Marv Bernstein, Chief Advisor, Advocacy, UNICEF Canada
 - Jean Bernard Marie, Former Secretary General of the International Institute of Human Rights
- **Change the system - Change the results: The New Zealand experience in reforming Youth Justice**
 - Mike Doolan, Former Chief Social Worker for the New Zealand Government
- **Connecting Family Empowerment to Advocacy**
 - Maureen Bilerman, Executive Director of Dots NB
 - Bernard Richard, Former Ombudsman and Child and Youth Advocate for New Brunswick
- **Multidimensional Treatment Foster Care, Wrap-around Services and Strength-based Interventions for Children and Youth with Complex Needs**
 - Dr. Charles Emmrys, Psychologist



Establishment of a Working Group on the Rights of the Child within the Francophonie

During the October 2010 Petits d'Hommes International Symposium on the Rights of the Child, hosted by the Child and Youth Advocate in Moncton, participants, institutional actors within the Francophonie, and youth delegates adopted a resolution that called for the establishment of a Working Group on the Rights of the Child with the Francophonie.

The working group was eventually formed in June 2011 to encourage greater dialogue and cooperation between institutions and institutional actors responsible for children's rights within the Francophone world. The working group will also promote greater implementation of the *Convention on the Rights of the Child* in member states, and seek to increase research and training opportunities related to children's rights between Francophone countries.

Beginning in May 2011, working group members held several teleconferences and elected former Child and Youth Advocate for New Brunswick and outgoing chair of the Association des ombudsmans et médiateurs de la Francophonie, Bernard Richard, as chair of the working group. The New Brunswick Advocate's Office agreed to serve as secretariat to the group, with Christian Whalen assuming the role of secretary-general.

The working group executive includes three vice-chairs: Claire Brisset, the former Children's Advocate for France and current Ombudsperson for the city of Paris; Rama Diouf, director of the Senegalese Presidential Office's children's task force; and Kofi Kounté, chair of the Togolese Human Rights Commission. New Brunswick's, Ariane Juneau-Godin of the Fédération des jeunes francophones du Nouveau-Brunswick is the youth representative.

The working group executive met in Paris in November 2011 to develop an action plan and lay the ground work for an international summer course on the rights of the child to be held at the Université de Moncton in August 2012.

Play Matters! – The 2011 State of the Child Report



In celebration of Universal Children’s Day, and National Child Day in Canada—November 20—the Child and Youth Advocate, in collaboration with the New Brunswick Health Council (NBHC), released *Play Matters! The 2011 State of the Child Report: A Children’s Rights and Wellbeing Framework for New Brunswick*.

The State of the Child Report, the 4th of its kind, was unveiled Friday, November 18th, 2011, at a breakfast event at the Fredericton Convention Centre with Premier David Alward on hand to

deliver the keynote address.

The report was broadly themed after Article 31 of the *United Nations Convention on the Rights of the Child*, the right to rest, leisure, play, recreation, arts and culture. It offered an overview of children's rights in general, an analysis on the application of these rights in New Brunswick, and a road map to their progressive implementation. The report also contained the first ever *Children Rights and Wellbeing Framework for New Brunswick*.



By partnering with NBHC, and by working closely with departmental stakeholders, the CYA was able to produce a comprehensive document that provided a rights-based lens through which all New Brunswickers can collectively work to improve the wellbeing of children.

The report was intended to foster collaboration between government departments, community organizations and family, in order to stimulate public debate and inform public policy decision-making, while encouraging more research into children's rights and well-being. Several recommendations in the report's road map included more co-ordination and integration of services to children and youth in the province, as well as several initiatives that could be implemented without significant expenditure that could materially advance the implementation of children's rights in general.

The CYA continued to use the *Play Matters!* theme throughout 2011-2012 to engage all New Brunswickers in a dialogue about the importance of upholding children's rights in the province.

Children's Rights Awareness Week in New Brunswick



November 18 to 25, 2011 marked the inaugural celebration of *Children's Rights Awareness Week* in New Brunswick, an initiative of the Child and Youth Advocate.

The CYA collaborated with community partners, youth-serving and youth-led organizations, local governments, families and youth to roll out over 50 activities and events throughout the province as part of this first-ever awareness week.

The week focused on Article 31 of the *United Nations Convention on the Rights of the Child*, the right to rest, leisure, play, recreation, arts and culture, *Children's Rights Awareness Week* activities and events promoted those rights, and showcased the integral role that our youth play as community leaders in New Brunswick.

National Child Day Poetry and Poster Celebration

In the lead-up to *Children's Rights Awareness Week*, the Child and Youth Advocate invited District 1 & 18 students to participate in the first annual National Child Day Poetry and Poster Celebration. Students from kindergarten through grade three were invited to create a poster, while those from grade four through grade eight were asked to write a poem that illustrated the theme for the week: the right to rest, leisure, play, recreation, arts and culture.

Four selected poems were presented by students at the State of The Child breakfast with the Premier on November 18th. In addition, a selection of posters was displayed at the event. Also, one poster was chosen as the logo for *Children's Rights Awareness Week* and was displayed on the *Children's Rights Awareness Week* website and t-shirts.

Registered Events Contest



The CYA encouraged community actors to help make *Children's Rights Awareness Week* a success by registering their events and activities on the *Children's Rights Awareness Week* website. As part of the week-long celebration, organizations and individuals were asked to plan or facilitate their own unique activity that celebrated a child's right to rest, leisure, play, recreation, arts and culture.

Registered *Children's Rights Awareness Week* activities, events and campaigns were promoted on the website, and several organizations and individuals had their names entered in a random draw to win prizes, including *Children's Rights Awareness Week* performance t-shirts and retailer gift cards.

Children's Rights Awareness Week Events

Check out just a few of the activities that took place during the inaugural *Children's Rights Awareness Week* in New Brunswick!

Free Family Skates and Swims



Municipalities, YMCAs and sport and recreation directors around New Brunswick hosted a series of free one-hour family swim and skates. Community members, young and old, were encouraged to get out and enjoy an hour of physical activity surrounded by family and friends.

Prince and Princess Day at the Beaverbrook Art Gallery

Performances by Darrell Grant, Artemis Dance Studio and the Garden Creek School Boys Choir headlined *Children's Rights Awareness Week* celebrations at Prince and Princess Day at the Beaverbrook Art Gallery. Over 100 children and their families gathered at the gallery for art making, treats, and a celebration of all things Royal.

Toy Drive and Collection



Students of Ernest Lang Community School and the municipality of Saint François collaborated on a Community Toy Drive and Collection for disadvantaged children. Also, the Société Culturelle de Saint François and the troop "Banana-Fête" from Moncton put on a cultural presentation and activity for students.

Importance of Sleep and Rest in Healthy Childhood Development – Speaking Tour

Developmental pediatrician, Dr. Tara Kennedy, travelled to Saint John, Moncton and Fredericton to deliver a series of public lectures on the importance of good quality sleep and rest in a child's growth and development. The talks addressed the importance of sleep for children of all ages, from newborn to late teens, as well as common barriers that can prevent children and youth from getting a good night of sleep.

Importance of Play – Expert Panels



Acting Child and Youth Advocate Christian Whalen, joined psychologist, Chuck Emmrys, retired professor emeritus in education Catalina Ferrer, and social work professor H el ene Albert at the Universit e de Moncton for a discussion on all facets of play and its importance in the healthy development of children. The panel discussed play and cognitive and emotional development, play in the development of the parent-child relationship, and the importance of play for children with exceptionalities.

At the Beaverbrook Art Gallery in Fredericton, clinical child psychologists Dr. Hilary Cartwright and Dr. Paul McDonnell, were joined by child psychiatrist Dr. Malgorzata Relja to host a similar panel on the importance of play.

Children's Rights Concert



NEW BRUNSWICK • NOUVEAU-BRUNSWICK

Due to a snowstorm, the concert was postponed to April 4th, 2012, at which time, over 500 audience members, including many family members and friends of the young Sistema musicians, were delighted by the earthy blend of Swift's roots-blues lyrics, paired with the musical talents of the over 80 young participants of the afterschool community outreach program.

New Brunswick born, multi award-winning artist Thom Swift was set to join the Sistema New Brunswick Children's Orchestra at Moncton High School for a special performance to celebrate the child's right to participate freely in the arts and culture of the community. The concert was to serve as the showcase event for *Children's Rights Awareness Week*.



Being in Care in New Brunswick – Panel Presentation and Discussion

The Atlantic Human Rights Centre at St. Thomas University partnered with the New Brunswick Youth in Care Network to host “Being in Care in New Brunswick”. Participants at this presentation and discussion heard from the coordinator of the New Brunswick Youth in Care network, Mathieu Cormier, and from former youth-in-care about what it is like to be taken into government care in New Brunswick.

Random Acts of Play – A Right To Play Day



Student-athletes from St. Thomas University and the University of New Brunswick joined forces to host a morning of "Random Acts of Play", in support of the international organization Right To Play. Children in the Fredericton region played, and played hard, for two hours in a series of interactive and fun educational games lead by the university athletes.

Children’s Rights in Play – Educational Panel

Dr. Charlene Shannon, Dr. Gabriela Tymowski, Ken Seaman and Ben Noseworthy from the University of New Brunswick, along with Julie Goguen and Stephanie Ward from the Université de Moncton hosted a discussion on different aspects of children’s rights in play, including leisure issues, children and the outdoors, and children's rights in sport and physical activity.

Pathways to Child and Youth Resiliency - Workshop and Open House

Youth-serving, and youth-led organizations from around the Province were invited to the University of New Brunswick to speak about the programs they deliver, and how such programs and opportunities provide children and youth, in and out of school, with leadership experience and growth opportunities. After the workshop presentations, participants took a walk around the ‘Child and Youth Resiliency Marketplace’ where organizations and individuals were able to share contact information, promotional materials and further insight at their display tables.

Comment aimer un enfant

French Language Community Radio Program

In January 2012, the Child and Youth Advocate, in collaboration with CJPN 90.5 FM and the Centre communautaire Sainte-Anne in Fredericton, launched a French-language community radio mini-series entitled *Comment aimer un enfant*.



Comment aimer un enfant introduced listeners to the concept of universal

children's rights, as well as the tremendous work that young people are doing to build stronger and healthier communities in New Brunswick and abroad.

Individual Success Stories

All youth have the right to an education

A youth released from the New Brunswick Youth Treatment Centre was refused entry in his former school. Our office set up meetings with school and district officials to look at educational options for him. As an older youth, all other educational programming was explored through a neighboring school district and through community partners. After considering all options, the youth decided to complete a GED program offered through a non-profit community agency. He was able to complete his degree faster and go to community college the following semester.

The advocate invited young community leaders into studio to share with listeners their knowledge and expertise as it pertains to child advocacy and youth engagement issues, as part of the five-episode program.

Studio discussion topics included youth engagement and civic participation, education and social welfare, public safety and the youth criminal justice system, the family dynamic and youth development, implementation of the rights of the child, and community mentorship and leadership for, and by, youth.

The episodes aired three times each over the five-week period in January and February.

New Brunswick section of Canadian Bar Association creates Children's Law Section

At its mid-winter meeting in February 2012, the New Brunswick section of the Canadian Bar Association (CBA) adopted a resolution to create a provincial Children's Law section and advocate for a national Children's Law section. The resolution was put forward by Acting Child and Youth Advocate Christian Whalen in September 2011.

The Children's Law section will help practitioners focus on the child's standing as a distinct rights holder, subject of law, and on the overarching public interest in advancing the child's best interests in every case. The section will also help lawyers involved in child protection requests, in the delivery of judicial services to young offenders, in legal education, and in all other legal aspects that affect children and youth.

The Advocate also initiated and supported a working group on Children's Law to establish a similar network at the national level within the CBA.

Children's Rights: A Paradigm Shift UNICEF Canada Training Workshop



In March 2012, the Child and Youth Advocate, in partnership with the Atlantic Human Rights Centre and Youth Matters, hosted a two-day professional development workshop entitled “Children’s Rights: A Paradigm Shift”. The workshop was delivered by UNICEF Canada.

Over 30 government officials, community workers, educators, students, and CYA staff gathered at the Fredericton Convention Centre to learn and exchange on issues of pertinence to those who work in the diverse field of children’s rights.

The course, which drew on UNICEF’s best practices globally in developing and industrialized countries, provided participants with increased knowledge and capacity to promote children’s rights and ensure that they are protected and provided for in domestic law, policy and practice. Also, it introduced a child rights-based approach to individual and systemic advocacy for children, and promoted the idea of inter-sector collaboration in the defence of children’s rights.

Workshop components included:

- Child Rights Situation Analysis using the *Convention on the Rights of the Child*
- Conceptual Foundations of the *Convention on the Rights of the Child*
- The Child Rights-Based Approach
- Causal Analysis of Children’s Rights Issues
- Stakeholder Identification for Rights-Based Solutions
- Results-Based Management in Children’s Rights
- Child Rights Impact Assessments

During the second day, students enrolled in Dr. Susan Reid's Child and Youth Rights class at St. Thomas University presented their course projects to the workshop participants. The students were asked to take a specific Article from the UN *Convention on the Rights of the Child* and create a "youth-friendly" educational program that could be used by teachers in the classroom.

Individual Success Stories

All youth have the right to leisure, play and recreation

A youth at the New Brunswick youth detention centre, NBYC, called our office to express concerns that she and the other girls on her unit had lost their leisure and recreational opportunities. The youth explained that because there is, at times, only one staff member available in the unit, that when a staff member has to leave or when another youth did not want to partake in the activities, the other residents were required to remain in their secure cells longer than they were supposed to. Our Office encouraged the youth to raise her concerns herself with the unit manager. We also brought up the issue with the Superintendent of the Centre, and he was very willing to address the issues. . Processes were improved as a result.

International Summer Course on the Rights of the Child

In February 2012, the Child and Youth Advocate, in collaboration with the Working Group on the Rights of the Child within the Francophonie, the CCCYA and the Université de Moncton announced an inaugural International Summer Course on the Rights of the Child to be hosted from August 8 to 18, 2012, on the campus of the Université de Moncton.

Modeled after successful human rights programs offered by the René Cassin International Institute of Human Rights in Strasbourg, and the International Institute for Children's Rights in Sion, Switzerland, this bilingual course—the first of its kind in Canada—will provide a thematic training on children's rights, as guaranteed under the UN *Convention on the Rights of the Child*. The 2012 edition will focus specifically on Article 31 of the *Convention*: The right to rest, leisure, play, recreation, and to participate freely in the arts and culture of the community.



After initial conversations with the Université de Moncton and under the direction of the CYA, a research committee composed of university researchers and academics was established. A management committee was also formed, spearheaded by the Université de Moncton's Department of Continuing Education. And a Blue-ribbon panel chaired by Speaker of the Senate of Canada, the Honorable Noel Kinsella, was also established. These efforts were taken to ensure the academic and logistic success of the inaugural program, as well as provide a greater profile for the course and ensure its perennial success.

The provincial government allocated over \$200,000 to support the organization of the course. This financial contribution, made under the Memorandum of Understanding on Canada's Financial Contribution to New Brunswick's Participation in La Francophonie, will help to consolidate the efforts of the research and management committees at the Université de Moncton, and will be used to award bursaries to participants from developing countries within the Francophonie.

The International Summer Course on the Rights of the Child will serve as an ideal professional development opportunity for those working in a field related to children and youth. The course, a strategic educational initiative for the CYA, will bring students, researchers and professionals together in Moncton to enhance the collective understanding of our responsibility to protect and promote the

rights of the child here in New Brunswick and around the world. As of March 2012, the Université de Moncton had accredited the summer course as an offering within their social work program.



Upwards of 100 participants, faculty members, keynote presenters and special guests from across Canada, Europe, Africa, and Asia are expected to attend. Already, international leaders in the field of child welfare and children's rights protection have pledged their support for this project, and have committed to lend their expertise as session facilitators.

Confirmed facilitators include:

- **Claire Brisset** - Ombudperson for the City of Paris, and former Child and Youth Advocate for France;
- **Bernard Richard** - Former Child and Youth Advocate for New Brunswick, and President of the working group on children's rights within the Francophonie;
- **Najat Mjid** - UN Special Rapporteur on the sale of children, child prostitution and child pornography;
- **Jean-Bernard Marie** - Director of Research at the National Center of Scientific Research (CNRS) in France;
- **Mary-Ellen Turpel Lafond** - Children's Representative for BC, and President of the Canadian Council of Child and Youth Advocates;
- **Catalina Ferrer** - Professeur Emeritus of Education at the Université de Moncton;
- **Philip Jaffé** – Professor at the International Institute for Children's Rights in Sion, Switzerland

Underwritten with the support of the Provincial government and institutional leaders in children's rights from around the world, and backed by the administration of the Université de Moncton, there is great potential for this summer course to give participants the tools necessary to enable greater action with respect to children's rights.

“Since the eighth Francophonie summit, held in Moncton in 1999, New Brunswick has been recognized throughout La Francophonie as a leader in child and youth issues. In addition to offering expert, world-class training to anyone who feels strongly about children's rights, this course will promote the ongoing improvement of the living conditions and rights of children in every country around the world.”

– Paul Robichaud, Economic Development Minister, and minister responsible for the Francophonie

Outreach and Partnership

In 2011-2012, the Office of the Child and Youth Advocate met with, and presented to, many organizations and individuals, and attended various events and activities throughout New Brunswick, Canada and abroad.

Presentations

Avenir Jeunesse – Les états généraux de la Péninsule acadienne
 Douglas Lake Treatment Centre
 Drug and Alcohol Misuse, Addictions and Mental Health - RCMP training forum
 Eastern College
 École Ste. Anne – Asper Foundation Holocaust and Human Rights Program
 Economic and Social Inclusion Corporation
 Eel River Bar Community – *Youth Criminal Justice Act*
 Fredericton Kiwanis Club
 Garden Creek Elementary School
 John Howard Society – *Youth Criminal Justice Act*
 Moncton High School
 Nackawic High School – “Let’s Get Real About Bullying” Forum
 Park Street School – Young Leaders Program;
 Rights Respecting Schools
 Premier’s Council on the Status of Disabled Persons
 RCMP Beresford
 Restorative Justice Mini-Conference – Fredericton

Saint John Community Autism Centre
 Sidetracked by Schizophrenia – Book Launch
 St. Thomas University, Child Rights Criminology Class
 Sunrise Rotary Club – Fredericton
 University of New Brunswick Law School – Youth Criminal Justice System

Université de Moncton – Edmundston Campus
 – Health Sciences Class
 Zone 3 Public Health

Outreach

21Inc.
 All-Star Coaches – Moncton
 Atlantic Human Rights Centre
 Battle of the Arts
 Beaverbrook Art Gallery
 Behavioral Management Review Board
 Canadian Commission for UNESCO – Youth Advisory Group
 Canadian Mental Health Association

Capital City Road Runners
 CISV Fredericton
 CJPN Community Radio
 Comité stratégique en Francophonie internationale
 Communications New Brunswick
 Community Youth Action Team - Fredericton
 CNIB
 Department of Education and Early Childhood Development - Integrated Service Delivery
 Department of Education and Early Childhood Development – Francophone Sector
 Department of Health - Addiction and Mental Health Services
 Department of Health – Public Health
 Department of Health – Sexual Health Services
 Department of Justice and Attorney General – Moncton Family Crown Services
 Department of Post-Secondary Education, Training and Labour – Population Growth Secretariat
 Department of Public Safety – Community and Correctional Services
 Department of Social Development – Centre of Excellence for Children and Youth with Complex Needs
 Department of Social Development – Child Protection Services
 Dialogue New Brunswick
 DOTS NB
 Dr. Rachel Ouellette – Pediatrician
 Economic and Social Inclusion Corporation
 Eel River First Nations
 Elizabeth Fry Society
 Elsipogtog First Nation
 FASD Community of Practice
 Fédération des jeunes francophones du Nouveau-Brunswick
 Foyer Le Gouvernail
 Fredericton Multicultural Association
 Fredericton Region Young Professionals and Entrepreneurs
 Horizon Health Network
 Inclusive Education Review
 Interdepartmental Stakeholder Committee – Child Rights Impact Assessment Process
 Interdepartmental Stakeholder Table – State of the Child Report
 Inspector Rick Shaw – RCMP Crime Reduction Unit
 La Maison de TED
 Le Passage 2E
 Learning: Everybody’s Project
 Maison des jeunes l’acAdo – Fredericton
 Miramichi Youth House
 NBCC Dieppe
 NBCC Fredericton – Early Childhood Education Program
 New Brunswick Aboriginal Sport
 New Brunswick Adoption Foundation
 New Brunswick Health Council
 New Brunswick Social Policy Research Network
 New Brunswick Youth Centre
 New Brunswick Youth In Care Network
 Nova Scotia Legal Aid Youth Division
 Partners For Youth
 Peel Children’s Centre
 Provincial Child and Adolescent Psychiatric Unit – The Moncton Hospital
 Restigouche Hospital Center
 Right To Play
 Saint John Youth Mental Health Recovery Services Unit
 School District 2
 School District 18
 Science East - Fredericton
 Sistema New Brunswick
 St. Stephen High School
 St. Thomas University – Office of the President
 St. Thomas University Student-Athlete Council
 St. Thomas University – Social Work Program
 UNICEF Canada

United Way of Greater Moncton
 University of New Brunswick, Faculty of
 Education
 University of New Brunswick, Faculty of
 Kinesiology
 Working Group on the Rights of the Child within
 the Francophonie
 YMCA of Fredericton
 YMCA of Fredericton – International and Social
 Development
 Youth Diversion Program – Moncton
 Youth First – Moncton
 Youth Matters
 Youth Quest Central – Moncton

Events

4th Annual State of the Child Address and
 Breakfast with the Premier
 Art for Autism - Saint John Community Autism
 Centre
 Atlantic Youth Clinical Forum
 Children's Rights Film Series – St. Thomas
 University
 Changing Lives, Changing Communities – New
 Brunswick Association for Community Living
 Chipman Forest School Graduation Ceremony
 Canadian Council for Child and Youth Advocates
 – National Conference
 Chipman Youth Forum

DOTS for Kids Day
 Festival Jeunesse de l'Acadie
 GNB Citizen Engagement Network Session
 Importance of Play – Panel Presentations
 Importance of Sleep and Rest Speaking Tour –
 Dr. Tara Kennedy
 Jeunesse et TIC – Forum on information
 technology and communication within the
 Francophonie

Launch of Young Leaders Program – Park Street
 School
 Learning Together: Getting Smarter on Crime
 Multi-dimensional Treatment Foster Care
 Program Conference – Alexander Youth
 Network
 Pathways to Child and Youth Resiliency
 Workshop and Open House – UNB
 Primary Health Care Dialogue Session
 Primary Health Care Knowledge Exchange
 Session
 Primary Health Care Summit
 Prince and Princess Day – Beaverbrook Art
 Gallery
 Random Acts of Play – UNB and STU Right To
 Play Day
 UNICEF Children's Rights: A Paradigm Shift –
 Training Workshop
 Update on Disability Awareness Week 2012
 Youth Engagement Summit 2011
 Youth Matters Provincial Conference: Youth
 Decision Makers

Systemic Review

The Child and Youth Advocate continued to be a principled voice for systemic change where our most vulnerable children and youth are prevented from accessing their full rights. Building on our reputation for giving voice to marginalized young people, our office continued its work to systemically better the landscape for all children and youth in New Brunswick.



In December 2011, in a letter to the Office of the Attorney-General, the CYA notified the provincial government that it would carry out a systemic review of services to young persons in New Brunswick in relation to the application of the federal *Youth Criminal Justice Act (YCJA)*.

The systemic review will explore why New Brunswick has much higher youth incarceration and charge rates than most other provinces in Canada, as well as why other jurisdictions have seen youth incarceration rates decline since the inception of the *YCJA*, while New Brunswick has seen little progress.

Concerns to be reviewed include:

- the lack of designated hospital facilities for mental health assessments;
- the lack of progress on the development of designated community Youth Justice Committees;
- underuse of family case conferences;
- the absence of detailed guidelines for pre-charge screenings; and
- the absence of a specialized youth criminal justice defence bar within the Province.

Individual Success Stories

All youth have the right to special care and help if they cannot live with their parents

The mother of a teenage autistic son worried that she could no longer properly care for her son. The youth was very challenging to manage at home. He had been placed in a facility in the past but was forced to leave because staff could not effectively respond to his needs. With no other placement available, the family took him back in at home. He had proper supports at school and was waiting to be placed in another facility. Our office intervened and an initial conference with the Department of Social Development was arranged, which resulted in increased support at home to help the mother manage her son's needs. Within a few weeks, a residential placement for the youth, conducive to his needs, was made available. The placement was close to his school and home environment, and the family could easily spend regular time with him.

As part of the systemic review process, the following departments have been asked to provide relevant documents:

- Social Development;
- Education and Early Childhood Development;
- Health; and
- Public Safety.

The RCMP, municipal police forces and the New Brunswick Legal Aid Commission have also been asked to aid in conducting the review.

The CYA will publish the report in 2013, with the intention of ensuring that young people engaged in youth criminal justice processes receive the best services and equal protection and benefit of the law. The review is also intended to identify possible solutions at the family and community level that will keep young people out of the criminal justice system and away from a life of crime.

The Child and Youth Advocate

On the Record in Defense of Children's Rights

In 2011-2012, as part of the mandate to educate the public about children's rights, and to provide advice to government, government agencies and communities about services to children and youth, the Child and Youth Advocate made several submissions, wrote several articles, and publicly voiced the need for stronger children's rights implementation in New Brunswick.

New Brunswick family's case illustrates need for National Children's Commissioner

In June 2011, the Advocate joined the chorus of community voices throughout New Brunswick, in support of a family's fight to reverse an impending deportation order by Department of Citizenship and Immigration.

In publishing an op-ed piece, Christian Whalen applauded the Provincial government's steadfast support and promise to provide the New Brunswick family, and their autistic son, with the health, education and social services he needed. That decision, noted Whalen, gave federal officials the green light they needed to reverse a discriminatory and highly detrimental decision to deport the family.

This case to illustrates the need for an independent National Children's Commissioner in Canada. Such an Officer of Parliament would ensure that decisions that affect young people in Canada are made in their best interest and uphold their rights as guaranteed under the UN *Convention on the Rights of the Child*.

The Rights of Young Offenders Must Be Respected



In August 2011, the Advocate wrote to the Deputy Minister of Public Safety and published an op-ed calling upon the provincial government to uphold its legal obligation to respect the rights of young offenders incarcerated at the New Brunswick Youth Centre (NBYC) in Miramichi.

The letter and op-ed, prompted by the decision of the Department of Public Safety to move adult female offenders to NBYC, reminded government officials and, in fact, the public-at-large, of Canada's obligation under the *Youth Criminal Justice Act*, the *Canadian Charter of Rights and Freedoms*, and the *UN Convention on the Rights of the Child* to protect the fundamental rights of all children and youth, including their right, if deprived of their liberty, to be separated from adults unless it is considered in the child's best interest not to do so. It also highlighted the importance of addressing, in a rehabilitative fashion, developmental challenges and needs of young people in trouble with the law. The letter and op-ed urged the Provincial government to reconsider its decision to jointly house youth and adult offenders.

Submission to the Standing Committee on Justice and Human Rights Study: Bill C-10

Individual Success Stories

All youth have the right to a safe and secure environment

Children with challenging behaviors are often placed in a foster or group home, or in a kinship care arrangement because they overwhelm the capacity of their caregiver. Two siblings were in care and were going to be separated even though assessment reports suggested separation was not in their best interest. Advocacy efforts from our office brought together officials from the Department of Social Development to review their decision, give greater weight to the assessment results and consider the children's voices in this matter. The siblings remained together. They stabilized, and returned to school and joined in community activities.

In November 2011, the Advocate filed a submission to the House of Commons Committee on Justice and Human Rights that called on Parliament to suspend further consideration of the proposed amendments to the *Youth Criminal Justice Act*, contained in Bill C-10. The 10-page submission—which applauded several changes contained in the Bill, such as facilitation of stronger law enforcement in relation to child pornography crimes—raised concerns about what the proposed changes could mean for youth in New Brunswick. It highlighted six proposed amendments in the bill that appeared to detract from the purpose of the Act.

Concerns about the proposed amendments included: changes to the *YCJA* that may increase pre-trial detentions; the inclusion of the concepts of “deterrence” and “denunciation” to the sentencing principles of youth; as well as the lifting of publication bans on the names of youth.

Canada Must Do Better: Today and Tomorrow

A Special Report on Aboriginal Children in Canada



In February 2012, Christian Whalen joined his colleagues at the Canadian Council of Child and Youth Advocates (CCCYA) to publish *Canada Must Do Better: Today and Tomorrow*, a special report on Aboriginal children in Canada. The report was presented to the United Nations Committee on the Rights of the Child in Geneva, Switzerland.

The report documented how Aboriginal children in Canada are disproportionately represented in the youth justice and child welfare systems. It also identified Aboriginal children's comparatively poor health status, their significant lag in educational outcomes, high rates of sexual exploitation and violence among Aboriginal youth, as well as disproportionately high rates of death and injury. The report highlighted the health, education and safety of Aboriginal children and youth as not only Canada's most important systemic human rights issue, but also the country's most neglected issue.

In the report, the CCCYA expressed concerns that Canada does not have a national monitoring mechanism to report on the challenges that young Aboriginals face, and on the improvements that are needed to better protect their rights and improve their well-being. The report called for a Canada-wide plan that would measure and report on progress, and bring the voices of Aboriginal children and youth to the fore.

The report was significant to the Office of the Child and Youth Advocate, as it echoed many of the same recommendations made in the Office's *Hand-in-Hand* report on child-welfare in New Brunswick First Nations.

Whalen was also on record with his CCCYA colleagues calling upon the Government of Canada to sign on to the new *Optional Protocol to the United Nations Convention on the Rights of the Child*, adopted by the UN General Assembly in December 2011. The protocol established a complaints mechanism for violations of children's rights.

Participation in Review of Legislative Officers



In December 2011, Bernard Richard released his report “Fine-tuning Parliamentary Machinery: A Review of the Mandates and Operations of New Brunswick’s Legislative Officers”. The Child and Youth Advocate was an active participant in the review from the beginning of the process in May 2011.

The Child and Youth Advocate was given the opportunity to share concerns about our ability to fulfill our mandate, about our independence from government, and about the resources needed to work effectively and efficiently for the benefit of all children and youth in New Brunswick.

In addition to a November 2011 dialogue session with the seven other Legislative Officers, the Advocate met individually with Mr. Richard and his review team and also with the Clerk of the Legislative Assembly, as the report was being prepared.

After the report release, the CYA was invited to provide feedback to the recommendations in the report to the Legislative Administration Committee (LAC) and did so jointly with other Legislative Officers.

The Review concluded that the separation of the Child and Youth Advocate’s Office from the Ombudsman’s Office as called for in the Alward Government’s platform, and as previously recommended by Mr. Richard, was a good thing, and one largely operationalized by the appointment of two separate interim Officers to replace Mr. Richard. Moving forward, the review recommended that the Offices of the Legislative Assembly be reduced to no more than six, of which the Ombudsman and the Child and Youth Advocate should count as two separate Offices.

The recommendations also insisted on means to increase the CYA’s effectiveness and independence, through improved appointment procedures, uniform terms and conditions regarding the mandates of Legislative Officers, opportunities for regular reporting to Members of the Legislative Assembly, and regular interface with deputy heads of government departments and agencies. Other recommendations provided a much needed chance to establish an efficient and permanent dialogue between the Advocate and other Legislative Officers themselves. All recommendations facilitating such dialogue would ensure better understanding and appreciation of each branch of government’s respective mandate and would serve the citizens—including children and youth—of New Brunswick in more productive and cost-efficient ways.

While Mr. Richard's recommendations were, by-and-large, welcomed by the Office of the Child and Youth Advocate, concerns remain about recommendations touching on the co-location of Officers, oversight of complaints against officers by the Clerk or the Speaker and the proposed role for the Clerk as manager and administrator of the Officers as a group.

All of these measures raise important concerns regarding the guarantees of autonomy and independence that have been carefully guarded by statute and which are also reflected in universal norms and practices for democratic good governance, such as the *Paris Principles relating to the Status of National Institutions* adopted by the UN General Assembly, resolution 48/134 of December 20, 1993. One aspect of the Paris Principles not addressed in the review but which has become a current issue for the CYA concerns the guarantees of financial independence.

The Advocate's independence is guaranteed by the transparency of its appointment process, by the guarantees surrounding the finality of the Advocate's procedure, by full and ready access to all government records and provisions dealing with immunity from suit or prosecution. However, the ultimate guarantee of independence is financial independence. Without adequate resources, even the best law in the land for oversight of services to children and protection of their rights will prove ineffective. With a 33% increase in its individual case-load over the last fiscal year, the Office of the Child and Youth Advocate is now operating beyond its current resources, and additional resources will be needed in the next fiscal year to sustain current levels of service to New Brunswick children.

Submission on Inclusive Education



In December 2010, the Department of Education and Early Childhood Development initiated a review of inclusive education in New Brunswick, and of the actions taken to address the 2006 MacKay report on that issue. The Child and Youth Advocate, given its mandate to provide advice and direction to government on issues that concern children and youth, was invited to participate in the review process.

In May 2011, the Advocate met with Dr. Gordon Porter and members of the inclusive education review team and followed-up with a written submission in November 2011.

In the submission, the Advocate addressed concerns around conflict-resolution processes in regards to student placement and services to special needs pupils. The Advocate also proposed an appeal mechanism to troubleshoot issues which too frequently find their way to courts, the Human Rights Commission or to the Office of Child and Youth Advocate, following a review and decision by a superintendent. In addition, the submission briefly summarized aspects of the Advocate's informal comments to review panel members in their face-to-face meeting in May.

An overarching area of concern, addressed by the Child and Youth Advocate to the review team, was the apparent deficit of effective mechanisms to give voice to the concerns of students with diverse learning needs and their parents.

The CYA was pleased to see the government move on the recommendations of the final report in June 2012, with funding and an action plan to ensure that all children and youth in New Brunswick are integrated with appropriate supports into inclusive education learning environments.

Review of Primary Health Care in New Brunswick



In March 2011, a Primary Health Care Steering Committee, under the direction of the Minister of Health, released a discussion paper on the future of primary health care in the province, *Improving Access and Delivery of Primary Health Care Services in New Brunswick*.

In response to this discussion paper, the Child and Youth Advocate took part in two dialogue sessions with the steering committee in June and July 2011. In September 2011, the Advocate submitted written feedback to officials in the Department of Health on the discussion paper and on areas of concern related to children and youth.

The CYA shared concerns about the lack of primary health care services and specialized services for children and youth in New Brunswick. The submission noted that there was little in the discussion paper that addressed these issues, and that the report did not make reference to any concerns or challenges specific to health care for First Nations youth.

The Advocate's written submissions emphasized five recommendations:

- 1.** The primary health care plan should incorporate more detailed action items in support of the Mental Health Action Plan, with explicit reference to Integrated Service Delivery, the Centre of Excellence for Youth with Complex Needs, and the primary care physician's role in enabling step-down wrap-around services to complex needs youth.
- 2.** A clearer commitment to deliver on One Person One Record. The Electronic Health Record (EHR) should be initiated with new infants in the maternity ward. One child, one record, from birth onward, with a patient portal that parents could use, as they are the early adopters of such technologies.

3. More detail should be included in the report about how the Department of Health will work with primary care physicians and government Departments such as Social Development, Justice, and Education to move our society further along in keeping attuned to social determinants that greatly influence health and wellness.
4. More programs and services to promote healthy development of young children and their families.
5. Conduct a Child Rights Impact Assessment on the proposed reforms.

The government's primary health care framework for New Brunswick was released in August 2012.

Individual Success Stories

The opinions of youth should be heard in matters affecting them

A youth called our office from a psychiatric treatment facility, upset because she was unable to meet with her social worker as often as she needed while in treatment. Before being placed in treatment, she had been able to have contact with her social worker on a daily or semi-daily basis. She hoped to be able to see her social worker at least every second week. With help from our office, the youth began meeting with her social worker on a by-weekly basis, and resumed regular phone conversations. Another youth called from the youth detention centre, NBYC, as he has been unsuccessful in contacting his probation officer. Communication between the youth and the probation officer was arranged.

Requests for Advocacy



Due to a comprehensive focus on outreach to child-serving agencies, government officials, community organizations, families, and youth themselves, the Office of the Child and Youth Advocate saw a marked increase in requests for advocacy come forward in 2011-2012.

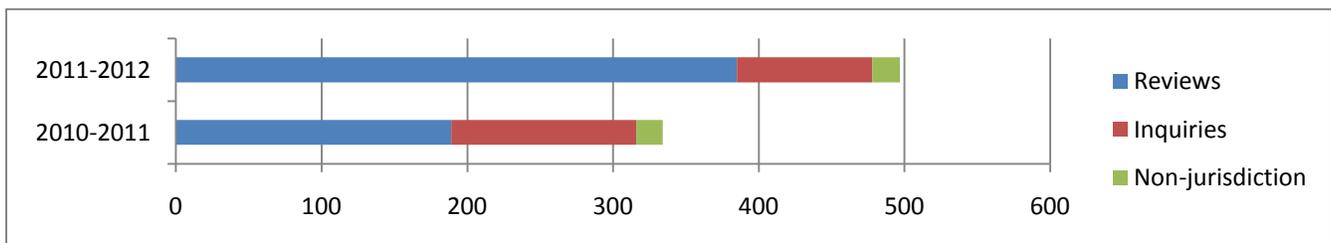
The Advocate and staff traveled extensively throughout New Brunswick to meet with, and present to, groups about the Advocate's mandate and role, and to provide public education about the

UN Convention on the Rights of the Child and children's rights in New Brunswick.

Staff met with all new youth who arrived in the Provincial youth detention centre (New Brunswick Youth Centre), the Restigouche Hospital Centre, the Pierre Caissie Centre, and several group homes around the Province, to inform them of the Office's services.

From April 1, 2011 to March 31, 2012, the Child and Youth Advocate received **497 requests for advocacy** from children and youth, and their adult allies. Of the files opened, delegates conducted 385 reviews, resolved or referred 93 inquiries, and directed 19 non-jurisdiction requests to other offices and government services.

This represented a 48% increase in individual cases from 2010-2011, in which the office received 334 requests for advocacy.



Of the 497 requests for advocacy, 418 came into the office by telephone, while 26 were initiated in person.

At year's end, 364 of the cases had been reviewed and closed, while 133 remained open with review still ongoing.

Individual Cases by Government Department and Agency

Of the inquiries received and requests reviewed by the Child and Youth Advocate's Office, 220 matters involved the Department of Social Development, an increase of 49 from the previous year. Over half of these requests dealt with issues related to child protection services, residential services, and services for children and youth with complex needs. Seven of the eight requests for advocacy that involved First Nations Child and Family Services fell under child protection.

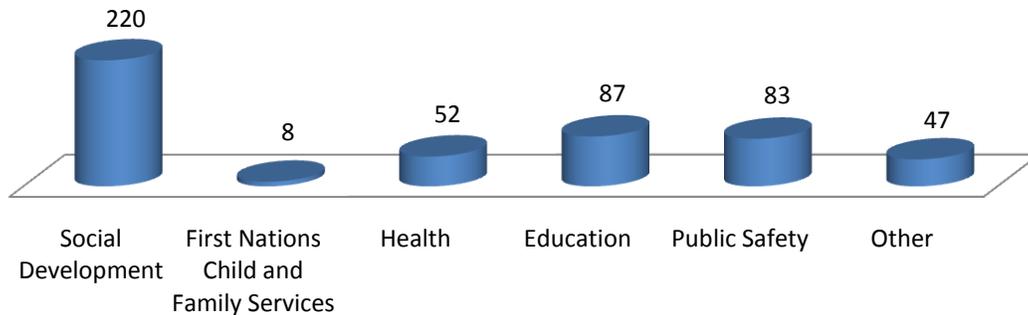
The Department of Health was involved in 52 requests directed to the CYA, an increase of 30 from the year before. Health issues largely concerned requests for mental health services, as well as Medicare, and admission and discharge from the Restigouche Hospital Centre.

The Department of Education and Early Childhood Development was involved in 87 matters looked into by the CYA, as compared to 49 in 2010-2011. Of these requests, a significant number dealt with services provided to children with special needs, transportation services to and from school, and an influx in requests that involved incidents of bullying.

Of the 83 requests that involved the Department of Public Safety, 25% were initiated upon site visits by staff to the youth detention centre, NBYC. Often, these requests concerned access to services within the community upon release from the institution. The 83 requests were a substantial increase from the 24 the year prior.

There were 47 other requests for advocacy that involved various departments or agencies involved in the provision of services to children and youth in New Brunswick.

Requests by government department or agency



As mentioned, the increase in requests for advocacy across a range of issues can be attributed to the increase in public knowledge of the services available in the Office on the Child and Youth Advocate, as well as a growing awareness of the rights to which individual children and youth in New Brunswick are entitled.

In 2011-2012, the CYA saw an increase, over past years, for requests for advocacy that involved:

- Incidents of bullying
- Youth facing charges under *YCJA*
- Parental disputes over children and youth
- Grandparents seeking access to grandchildren

As these requests became more prevalent, the Advocate's Office worked with government departments and agencies to identify underlying root causes to these issues and is working with partners to correct systemic problems that exacerbate the need for inquiry and review.

Individual Success Stories

All youth have the right to information about their rights and best interests

A teenager in the care of the First Nations Child and Family Services, was preparing to transition to a residential substance abuse treatment centre. Prior to her court date, the youth contacted our Office and asked to have more information about the facility. Our Office was able to provide the youth with the information she sought, and advocated to her probation officer and social worker to share more information with her on a regular basis. Our Office remained involved with the youth as she transitioned out of the treatment centre and returned to live in her community.

In an effort to better measure how well the Child and Youth Advocate serves the rights and interests of children and youth in different regions in New Brunswick, the office tracked requests for advocacy by county.

In 2011-2012, requests for advocacy were received from youth or their adult allies from all 15 counties in New Brunswick. However, the highest number of requests came from the following eight counties:

- Northumberland – 93
- Westmorland – 77
- York – 72
- Saint John – 52
- Gloucester – 36
- Restigouche – 35
- Kings – 14
- Madawaska – 9

*24 requests were designated as no county

Given the higher number of requests for advocacy in several regions of New Brunswick, the CYA will continue to identify issues of concern in those areas. The CYA will also reach out to agencies and child-serving organizations in counties where very few requests are received, to see if we need to enhance public awareness of our services.

Administration

Office Financial Information

The 2011-2012 financial information for the Office of the Child and Youth Advocate is as follows:

	Budget (\$)	Actual (\$)
Personal Services	644,938.00	621,928.21
Other Services	125,500.00	139,382.46
Materials and Supplies	15,250.00	6,775.29
Property and Equipment	13,050.00	1,192.99
Contributions and Grants	0	(17,000.00)
Debt and Other Charges	0	0
Total	798,783.00	752,278.95

Office of the Child and Youth Advocate

Our team

Juliette Babineau Moore	Administrative Assistant
Annette Bourque	Clinical Director
Wendy Cartwright†	Delegate
Mathieu Couturier	Delegate
Matt DeCoursey†	Communications, Education and Outreach Coordinator
Gavin Kotze†	Delegate
Robert Lafrenière	Delegate
Melanie Leblanc	Delegate
Joleen Richards†	Delegate
Denise Viel*	Receptionist
Christian Whalen	Acting Child and Youth Advocate
Marcelle Woodst†	Delegate

† Part of the year

* Part-time

We want to hear from you!

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