

Office of the Child and Youth Advocate

2013-2014 Annual Report

Kids in Caring Communities *Protect children's rights in New Brunswick*



From Josie, Hillsborough elementary school

**Office of the Child and Youth Advocate
2013-2014 Annual Report
Raising the Bar on Children's Rights**

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Mr. Donald J. Forrestell
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 fifth Annual Report of the Child and Youth Advocate for the period of April 1, 2013 to March 31, 2014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Norman J. Bossé". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Norman J. Bossé, Q.C.
New Brunswick Child and Youth Advocate

/jbm

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Message from the Advocate



Norman J. Bossé, Q.C.
Child and Youth Advocate

I have now held office as the Advocate in excess of eighteen months. In my last Annual Report I spoke of my staff in very flattering terms. Unfortunately I had underestimated my compliments and now believe that their work and dedication to the cause of the wellbeing and care of New Brunswick's children and youth is unmatched anywhere.

I have been sitting at the table with my colleagues at the Canadian Council of Child and Youth Advocates and from those meetings and experiences have learned that the New Brunswick Child and Youth Advocate's (CYA) office is in many instances a leader in championing the cases and challenges and problems affecting our children's everyday lives.

However, there remain very serious challenges including the fiscal realities evident in New Brunswick. The recent underfunding of the CYA office has meant that we have been unable to fill all positions necessary to achieve the demands and requirements of the CYA office as required in our legislative mandate.

In spite of the negative impact of the financial constraints, my staff has dedicated themselves to meeting the challenges it faces in the day-to-day work of the CYA office. We continue to advance the cause of children's rights in New Brunswick without hesitation or reservation. In many instances, we are the "voice" for the children of this Province and we will continue undaunted to be so.

A handwritten signature in black ink, appearing to read 'Norman J. Bossé'.

Norman J. Bossé, Q.C.
Child and Youth Advocate

"When the whole world is silent, even one voice becomes powerful."

Malala Yousafzai

2013-2014 Annual Report

In this Annual Report, we propose to present the three areas of intervention of the Office of the Child and Youth Advocate, i.e. individual requests; education, outreach and research; and systemic advocacy and advice to government. These areas of intervention are complementary.

Our Vision

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

Our Mission

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

Our Mandate

Child and Youth Advocate:

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

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Office of the Child and Youth Advocate



Our Team

Juliette Babineau Moore	Administrative Assistant
Erin Barton*	Receptionist
Annette Bourque	Clinical Director
Norman J. Bossé, Q.C.	Child and Youth Advocate
Wendy Cartwright†	Delegate
Mathieu Couturier	Delegate
Matt DeCoursey	Director of Communications, Education, and Outreach
Gavin Kotze	Director of Systemic Advocacy
Robert Lafrenière	Delegate
Melanie Leblanc	Delegate
Jessica Melanson*	Law Student
Denise Viel†*	Receptionist
Christian Whalen	Deputy Advocate and Senior Legal Counsel
Marcelle Woods†	Delegate

† Part of the year

* Part-time

Financial Statement

The 2013-2014 financial summary for the Office of the Child and Youth Advocate is as follows:

	Budget (\$)	Actual (\$)
Personal services	689,694.00	753,038.04
Other services	139,300.00	100,968.46
Materials and supplies	7,200.00	3,648.48
Property and equipment	9,500.00	6,513.14
Contributions and grants	-	17,000.00
Debt and other charges	-	-
Total	845,694.00	864,168.12

Individual Children's Rights Advocacy Requests: The Year in Review

One of the duties and responsibility of the Child and Youth Advocate's Office is to ensure that "children and youths have access to services and that complaint that children and youths might have about those services received appropriate attention". The office pays great attention to this part of its mandate. Delegates are available every day to speak with youth, their parents or guardians on the phone or meet with them in person when possible to discuss their issues in accessing provincial or municipal services.

Similar to last year, the office again saw a slightly higher than 10 % increase in the number of requests for individual advocacy. The total number of requests for the 2013-2014 fiscal year was 595 compared to 554 the previous year. The delegates reviewed 520 matters and responded to 75 inquiries (a question about our office or mandate that can be resolved without in-depth review or research, directing someone to government or community services, etc.). As of March 31, 2013, 29 matters remained active and work on these situations will continue into the next fiscal year.

As we have done in previous annual reports, we will break down the data to show how many requests were received for each department and list the type of issues we have seen more frequently in the past year for each of these departments (Department of Social Development, Education, Health, Public Safety, Department of Justice and Service New Brunswick).

Advocacy Requests Relating to a Government Department or Agency

The largest number of child and youth advocacy requests received by the Office concerned the Department of Social Development (236 matters). Once again, the majority of requests for advocacy were associated with matters of child protection. This year, fourteen (14) requests for advocacy had to do with adoption processes. Denied benefits, complaints regarding staff and administrative decisions were also noted. An increased number of calls to our office were related to custody and access issues; the caller wanting our office to intervene and request that DSD return the child to them even though a court decision granted custody to the other parent or to DSD.

In Education, the ninety-nine (99) advocacy requests made to our office centered mostly on accommodation for children with special needs, bullying, and disagreement with administrative decisions, school district suspensions and the school districts' appeal process.

Admission and discharge by youth to forensic and psychiatric care, the lack of mental health services available to youth, complaints regarding staff, medical treatment and Medicare were the key issues reviewed in the seventy-seven matters (77) relating to the Department of Health.

As for requests for advocacy related to Public Safety (75 requests), most of our involvement with youth came as a result of site visits to The New Brunswick Youth Treatment Centre, meetings with youth and addressing the issues they identified. Having a place to live, access to school and education, community supports, addressing conflict with parents, access to their probation officer and to legal aid were most often the requests presented by youth. The few complaints we addressed about the institution had to do with food portions or quality of food, loss of privileges, the dress code for girls in the summer and administrative decisions.

Twenty-two requests (22) for advocacy concerned the Department of Justice. Complaints were mostly regarding disagreement with court orders or judge's decisions, administrative decisions made by court and support payments and orders.

As for Service New Brunswick, of the eight requests for advocacy received, five (5) had to do with vital statistics pertaining to children and three (3) dealt with administrative decisions.

Meeting with Children and Youth

The clinical director is mostly responsible for site visits to youth in the province's institutions and residential centers. When meeting with youth, the clinical director will explain what the Office of the Child and Youth Advocate does and will ask the youth if they are agreeable to spending a bit of time and talking about their situation.

In the past year, nine visits were made to the New Brunswick Youth Centre, five to the Restigouche Hospital Centre, one visit to Portage Atlantic and one to Centracare. The Clinical director also attended two Mental Health review board meetings at the Restigouche Hospital Centre and three in Moncton (one in the community and two at the Pierre Caissie Centre). Four group home visits were completed in the past year.

Meetings were also held with youth (and youth and their parents or legal guardians) at school, in their home, at the office and during case conferences. Individual case advocacy delegates and the clinical director participated in seventy-two (72) of these meetings. A number of youth in our province are not able to communicate their request on their own. Their parents, guardians, grandparents or other significant person in their life will call our office on their behalf. In the past year, one in seven calls was a request for information rather than a matter requiring in-depth review. Delegates will provide the information to the question asked if they can and if not, we will direct the caller to the association, provincial or federal department or community organization that can help them.

In order to demonstrate the importance of such meetings and ensuring young people's voices are heard, case summaries enclosed in boxes are highlighted throughout this annual report, thus illustrating the close ties between the different areas of intervention of the Office of the Child and Youth Advocate.

My right to be heard on issues that involve me

A young person called our office because he felt he needed to leave his family. For various reasons, he believed he was no longer welcome at his home. The examples he shared with us to support this fact were very sad. Furthermore, he felt guilty about the conflicts in the family, even though he was not responsible for them. His relationship with his stepmother was not the best and his feelings of rejection by her were well founded in his view.

He wanted to re-establish his relationship with the biological parent that he had to leave. Moreover, he wanted to maintain contact with his siblings. While enabling the young person to participate in the decision making, our office was able to arrange a meeting with him and the departments

involved to brainstorm, work with the family, and establish a support network for him. The young person was given the opportunity to participate and even lead the small group meeting. He was also the one to choose the approach for re-establishing contacts and rebuilding his relationship with his father. The young person commented that this was a very positive experience for him. He felt supported, respected, and treated like an equal by the professionals involved.

The review of individual requests leads, at times, to the necessity to inform or make recommendations to government and government agencies about the availability, effectiveness, responsiveness, and relevance of services to children and youth or lack thereof. This is often done by meetings with departmental or government officials. In the past year, the clinical director and/or delegates have participated in 25 of these meetings (via video-conference or in person).

It is also important for the Office to highlight gaps in service and/or children's rights that are not yet realized in this province. As such, we note:

- a) Changes needed in family law courts as we hear more and more of custody and access disputes, lengthy court process, issues around voice of the child in this forum
- b) Insufficient and inadequate services offered to youth aged 8 to 19 with a diagnosis of autism spectrum disorder outside the school setting;
- c) The increasing demand for the Centre of Excellence to be operational to fill the gap in assessment and treatment of youth with mental health problems
- d) The need for the Integrated Service Delivery Model to be rolled out provincially
- e) The need for therapeutic foster families to serve youth with complex needs and youth in conflict with the law
- f) Greater access to education for youth with behavior problems or who have in trouble with the law

Outreach, Education, and Research

Child advocacy also involves informing children, young people, professionals, and institutional stakeholders about children's rights. The networks provide a platform for sharing good practices. Direct collaboration with civil society organizations enriches the work of the Office of the Child and Youth Advocate by enabling it to access a range of perceptions, opinions, and information. The outreach and education efforts are thus in addition to those being made in terms of systemic investigations and individual complaints.

Through its outreach efforts, the Office has also taken part each year in the implementation of major research projects on the rights and best interests of New Brunswick's children.



a student at Park Street School

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

The second international summer course on the rights of the child, organized by the Office of the Child and Youth Advocate, in collaboration with the Working Group on the Rights of the Child within the Francophonie, the Canadian Council of Child and Youth Advocates, and the Université de Moncton, and supported by the Province of New Brunswick and the Organisation internationale de la Francophonie (OIF) [International Organization of the Francophonie] was held from July 12 to 19, 2013.

The focus of this course was on violence committed against children and the guarantees of article 19 of the *Convention on the Rights of the Child*.



Speakers and participants at the 2013 edition

This course brought together roughly 100 professionals

who work with children, such as teachers, social workers, lawyers, students enrolled in graduate programs, researchers, and experts from New Brunswick and some 20 countries around the world. This bilingual course also provided workshops for Francophone and Anglophone learners.

Course formula

A number of guest speakers shared their expertise through roundtables, lectures, and workshops. Participants were given an opportunity to broaden their knowledge and benefit mutually from their work with children.

Topics included the Children's Rights and Well-being Framework for New Brunswick, article 19 of the United Nations Convention on the Rights of the Child, the role of the UN Committee on the Rights of the Child, corporal punishment, the victimization and abuse of children and effective treatments, and cybercrime and online safety of children.

Among the forty speakers present were:

- Bernard Richard, former Child and Youth Advocate;
- Claire Brisset, former child advocate for France;
- Marie Derain, Child Advocate and Vice President of the College responsible for the protection and promotion of the rights of the child;
- Joan Durrant, Child-Clinical Psychologist and Professor of Family Social Sciences at the University of Manitoba;
- Catalina Ferrer, Professor Emeritus in Education at the Université de Moncton;
- Philip Jaffé, Director and Professor at the International Institute on the Rights of the Child in Switzerland;
- Susan Reid, Professor in the Department of Criminology and Criminal Justice at St. Thomas University;
- Ziba Vaghri, Director of the International Research and Initiatives Program at the Human Early Learning Partnership (HELP) and Assistant Professor in the School of Population and Public Health at the University of British Columbia;
- Jean Zermatten, former Chairman of the UN Committee for the Rights of the Child.

Spotlight on the Convention

Article 19

“Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse...”

Young people's words
Roundtable of the youth in care network

The voices of New Brunswick's youth in care were also heard during this summer course at a roundtable discussion. They spoke of their experiences in the child protection system. These young people explained their journeys to the professionals in attendance, focusing on the practices they would like to see improved. The young people stressed how important it is to listen to them during the decision-making process, which is something the Office's delegates hear on a daily basis in the course of their work.

The participants were able to listen to what the young people had to say and to learn from them. These young people showed resilience, courage, and determination.

The formula enabled the participants to attend a pre-conference on the general principles of the Convention before moving on to more in-depth training on the content of article 19.

It should be noted that the training consists of workshops, roundtables, and cultural outings that are far from being simply lectures leave a lot of room for discussions between the participants in various professional fields and the experts, which makes this a unique model in Canada.

The goal of this formula is to prepare the professionals effectively given the theory and practical content.

Academic accreditation and grant holders

The Université de Moncton also offers the possibility of academic accreditation by offering the course TSOC-2163 (Professional Seminar on the Rights of the Child) within the framework of the summer course. External funding from the OIF and the Province of New Brunswick made it possible to grant several participation bursaries, which covered a portion of the registration and travel expenses.



A participant and officials from the OIF office in Dieppe

Networking in the Francophonie and in the country

The course also provided an opportunity for

members of the Working Group on the Rights of the Child within the Francophonie to meet for a half day of discussions with researchers and institutional stakeholders from Canada who are also involved in children's rights. The meeting in Moncton also enabled the Working Group to consolidate and expand its network.

According to the participants, it was an unforgettable opportunity to network and to talk with people who are dedicated to the same mission of defending and promoting children's rights. They also say that course clearly motivated them to invest more in the cause of children and that the experience was very rewarding.

It is clear that this international course helped to broaden the expertise of professionals from New Brunswick and other Canadian provinces.



Sustainability of the course

Based on formal and informal participant feedback, we can see that this initiative, which is unique in Canada, is a real success. It also highlights the desperate need for training across the Francophonie and beyond in terms of children's rights.

Owing to this success, the training resumed in 2014, and dealt with article 12 of the Convention on the Rights of the Child, protecting the right of children to be heard and to have their views taken into account when decisions are being made about them. Speakers like Gerison Lansdown, Najat M'jid, former UN Special Rapporteur on the sale of children, child prostitution and child pornography, and Landon Pearson, have drawn attention to the importance of hearing the voice of children with respect to the protection and promotion of children's rights.

A fourth edition is being planned at the Université de Moncton in July 2015, which will focus on youth mental health. We will explore the possibilities to ensure the continuity of the course, having demonstrated its added value on an annual basis.

Music camp with Dominique Dimey: Children sing about their rights

In addition to this summer course, there was the music camp with Dominique Dimey, a Francophone artist who travels around the world to offer music camps for singing and dancing about children's rights. This is an artistic approach to make children and adults aware of children's rights here and elsewhere.

So, throughout the summer course, some 20 children from the Moncton area participated in Dominique Dimey's Master Class, which is five intense days of music and song to prepare and perform a concert for the public. The participants, parents and experts were treated to a colourful performance by Dominique Dimey and the children at the end of the summer course. The glowing reviews helped the children



express themselves as part of a training course for professionals.

This type of activity demonstrates once again how play is an excellent learning method, something that the Office of the Child and Youth Advocate acknowledges in its education and awareness mission as part of its mandate.

Annual Campaign for the Child Rights Education Week: Kids in Caring Communities

The Office of the Child and Youth Advocate believes that community awareness and education efforts are critical, which is why it has once again organized the Child Rights Education Week, dedicated to protecting children under article 19 of the Convention. This campaign ran from November 17-23 with the theme “Kids in Caring Communities.”

The highlight of the campaign is on November 20, which is Universal Children’s Day. On November 20 each year, Canadians from coast to coast celebrate National Child Day to commemorate the adoption of the *UN Convention on the Rights of the Child* on November 20, 1989.

CREW
child rights
education week
november 17 - 23, 2013

SEDE
semaine d’éducation
aux droits de l’enfant
du 17 au 23 novembre, 2013

Each year during this week, the Child and Youth Advocate takes this opportunity to release its State of the Child Report, which provides a complete statistical portrait of the situation of young people in the province (see section 2013 State of the Child Report).

The Office of the Child and Youth Advocate has collaborated with partners and organizations to encourage the organization of a variety of activities and events throughout the province to promote the rights of children under the Convention. The role of the Office was to foster leadership within the communities with respect to the rights of children and youth. The Office of the Child and Youth Advocate supported these activities through various means, i.e. publicity, advertising, a calendar of events on its website, modest financial contributions, in-kind contributions such as printing services and staff availability for conferences and the distribution of promotional or educational materials.

The activities included free swims and skates, the Battle of the Arts Finale and film screenings. A number of people were involved in this highly colourful week. For example, the First Nations Children’s Futures Fund held a fundraising breakfast, and the N.B. Adoption Support Network of the New Brunswick Adoption Foundation and Partners for Youth also participated.

Capitalizing on the success of the 2011 and 2012 campaigns, the Advocate also worked with other child and youth advocates across Canada, as well as youth services organizations like Equitas, Right to Play, and UNICEF Canada to implement and coordinate the Child Rights Education Week on a national scale. For example, these organizations called on children from across Canada to submit their ideas for a logo for this week that was dedicated to them!

Launch of the Report on Public Hearings by the New Brunswick Youth in Care Network

During Child Rights Education Week, the Youth in Care Network released its report entitled *A Long Road Home: An Account of the First Ever New Brunswick Youth In Care Hearings*. This report was meant to serve as a complement to the hearings held in the fall of 2012, attended by youth who had grown up in the care system, government officials, and community stakeholders.



Source: *A Long Road Home: An Account of the First Ever New Brunswick Youth In Care Hearings*, p. 5

The report presents a number of recommendations for improving the in-care system, echoing the testimonials of youth in care.

Some recommendations from the report entitled *A Long Road Home: An account of the first ever New Brunswick Youth in Care Hearings*:

1. Proclaim [...] as Children and Youth in Care Day in New Brunswick. Use this day each year to raise awareness on the realities of youth in care throughout the province.
2. Design a public education strategy that seeks to breakdown the stereotypes associated with youth in care, attract new foster parents, and promote local adoption of older youth in care.
3. Reduce the administrative and report-writing workload of social workers, and ensure that one-on-one time between youth in care and their workers is not limited to times of stress. [...]
13. Encourage and promote more mentorship opportunities within the system to allow older or even former youth in care to act as mentors for youth who are still in the system.

Champion for Children: Civil Society Mobilizes for New Brunswick's Children and Youth

On November 19, the Advocate took part in the organizational meeting of Champions for Children, officially recognizing the association of 30 youth services organizations. The formation of a collaborative association between these organizations endeavours to advance the issue of children's rights in the province. Hence, the Champions for Children association will facilitate a dialogue, the sharing of information and networking between government departments, non-governmental organizations, youth, families, communities, and the private sector with respect to children's rights and childhood services, as well as raise public awareness.

The theme of this year's campaign, "Kids in Caring Communities," will emphasize ways that New Brunswickers can work together with, and on behalf of, children and youth to build communities that are both physically and emotionally safe in which to develop and grow. Norman Bossé, Child and Youth Advocate

UNICEF Rights Respecting Schools

We must remember that the rights respecting schools are geared to transform the whole school environment through the adoption of a rights respecting approach. The UNICEF initiative Rights Respecting Schools is based on the Convention on the Rights of the Child. The objective is to develop an inclusive and respectful school culture that facilitates greater participation by students in a learning environment in which the students and adults feel respected and act responsibly.

In 2013, the Office of the Child and Youth Advocate continued its efforts to implement the program in New Brunswick schools. In particular, the Office continued with its train the trainer and outreach programs in the Anglophone South District. This training is designed to train key individuals who can, in turn, act as trainers through their school.

On September 20, 2013, a ceremony was held to recognize Park Street School in Fredericton as the first rights respecting school in Atlantic Canada. The school's teaching staff, members of the Office of the Child and Youth Advocate team, and Education and Early Childhood Development Minister Jody Carr were in attendance.

"This approach to learning is essential for the development of kind and compassionate young leaders. The rights respecting schools initiative has led to improved learning in the classroom through the respectful behaviour of the children and the positive relationships between the students and staff."

Norm Bossé, Child and Youth Advocate

"Our staff, the students, and the parents are committed to respecting the rights and the best interests of our students and to creating an environment where our children can accomplish their dreams and become model citizens in a global culture."

Chris Treadwell, Principal, Park Street School

Other Examples of Outreach and Education

Once we have the opportunity to do so, we will meet with individuals who are concerned with the well-being and the rights of children and youth, either through conferences or work sessions. The ties with our communities are critical for carrying out our mandate.

Our office has collaborated with many organizations for the better implementation of children's rights. Some examples include work with: Pro Bono Students Canada; the N.B. branch of the Canadian Bar Association through the Children's Law Section; the Canadian Students Association for Children's Rights; and the national Canadian Bar Association through its Children's Law Committee.

In pursuit of the goal to work together for the betterment of children, our office had meetings with many stakeholders during the year, including: the Chief Medical Officer of Health; the Sexual Orientation and Gender Identity Conference of the Canadian Bar Association; the NB Child Access Centre Committee; the Stan Cassidy Centre; the Women's Equality Branch; First Nations across the Province; the NB Aboriginal Peoples Council; the Urban Aboriginal Knowledge Network; alternative school sites in the province; various child advocate offices across the country; UNICEF Canada; Legal Aid; members of the defence and prosecution bar in the province; P.E.I. government officials regarding the establishment of a Child and Youth Advocate office in that province; Ability New Brunswick; and most importantly with youth themselves.

In support of the initiatives of others we attended many events during the year, including awareness sessions or fundraisers for: mental health at various high schools; disability awareness; the First Nations Children's Futures Fund; women's equality; Internet Child Exploitation; the Built Environment; Environmental Health; Safer Communities; domestic violence; access to justice; child poverty; and child abuse.

Questions High School student had for the Clinical Director during a presentation about Children's rights to their Early Childhood Services Class: *what rights do children have? What children's' rights are you fighting the hardest for? What is the biggest problem you want to change about the way some kids are treated? Do you put yourself on the field and see firsthand the different rights children are not getting?*

Joint Statement on Physical Punishment of Children and Youth

The overwhelming balance of evidence shows that corporal punishment of children and youth has no developmental benefits yet presents risks of harm to children's development. The Joint Statement on Physical Punishment of Children and Youth asks organizations to sign on to a statement reflecting this evidence.

The Child and Youth Advocate supports the Joint Statement, and advocated for its adoption by District Education Councils across the Province. The Francophone District Education Councils endorsed the Joint Statement. The Anglophone Sector has yet to decide.

Research

Transformational Research in Adolescent Mental Health (TRAM)

In the spring of 2013, the Office of the Child and Youth Advocate collaborated with Dr. Ann Beaton and Dr. Jimmy Bourque of the Université de Moncton and many other community partners from across the province on developing a funding proposal in response to the call for transformational research in adolescent mental health. The Canadian Institutes of Health Research (CIHR) and the Graham Boeckh Foundation combined their efforts to subsidize a project to the tune of \$25 million to improve access to quality mental health services for young people aged 11-25. The purpose was to fund a national network for the transfer of knowledge and research to help youth, families, communities, researchers, decision makers, and service providers identify and evaluate the best practices so that adolescent and young adults can access the best mental health services available.

The New Brunswick team was formed in June 2013, and was one of the 17 preselected teams invited to attend a capacity-building workshop in Montreal. The objective of this workshop was to encourage the formation of national networks of teams with common values and visions. In carrying out this exercise, New Brunswick joined teams from Quebec, Ontario, Nova Scotia, Alberta, Saskatchewan, and the Northwest Territories. The participants consisted of young people, families, community organizations, First Nations, doctors, social workers, psychologists, psychiatrists, RCMP and provincial government representatives, and university researchers. Throughout the entire proposal process, New Brunswick played an active leadership role within the network. More specifically, the Office of the Child and Youth Advocate provided fundamental support from the start to enable the partners concerned to consult, to plan their participation in the national discussion, and to develop the proposal and promote community leadership with the ultimate goal of ensuring a sustainable concerted effort following the proposal process.

In the final proposal, the network focused on inclusive approaches with dedicated support for the care of the most vulnerable youth, such as First Nations youth, young newcomers, young people in trouble with the law, homeless youth, and young people with special needs. Our network has proposed a transformation led by young people based on their rights and centered around family and community. The transformation process will be introduced in some parts of Canada, including New Brunswick. New Brunswick will be a provincial demonstration site for the transformation of services under consideration. Special emphasis will be placed on optimizing and developing spaces for youth throughout the province that are connected by a provincial network of excellence to ensure a provincial vision of excellence and innovation with respect to the mental health of children and youth. The initiative thus goes beyond the scope of TRAM through links with other initiatives.

This role of bringing together the partners concerned by this challenge means we have a responsibility in terms of individual requests as shown in the case summary below:

My right to be heard

A youth with mental health issues wanted support in making her requests known to a treatment team in her community. CYA delegate was instrumental in assisting the youth in preparing for this meeting and supporting her in her requests. The youth was thankful for the support and voiced her appreciation to the CYA delegate.

In June 2014, the CIHR and the Graham Boeckh Foundation made their final decision. Of the three final proposals submitted, the ACCESS team at McGill University, which had solid support from the ACCESS NB team, was the grant recipient. Since the announcement, the New Brunswick team has developed a governance structure to direct the project and has worked on developing partnerships. The Office of the Child and Youth Advocate has encouraged community organizations to take on a leadership role in this project and has continued its commitment in terms of consulting and support. A significant contribution from the New Brunswick Health Research Foundation in the amount of \$2.5 million will help control the impact of this transformational research in New Brunswick.

This mobilization in favour of the most vulnerable children and youth in our society is most important. For several years now, our office has witnessed the pressing needs of families with children who have mental health problems. The following case illustrates this well:

My right to care

An adolescent is suffering from major mental health problems and needs to be hospitalized. Several departments intervene on behalf of the child and his parents, requiring coordination and collaboration efforts that do not always go smoothly. The challenges in this situation are exacerbated by the fact that the parents do not live in the area. First, the CYD team targets its efforts to ensure better coordination between the departments where the child lives so that he receives the services he needs. Then, the workers involved in both regions communicate with each other to come up with a common vision for the adolescent's needs and get him the help and services he requires. The partner departments are now working together in the best interest of the child.

Systemic Advocacy and Advice to Government

The Child and Youth Advocate's systemic advocacy team is responsible for promoting and protecting children's rights when governmental (or non-governmental) policies or practices negatively affect a number of children. To further this objective, the systemic advocacy team works with a great many public interest organizations, in areas as diverse as health, education, disability advocacy, criminal justice, social services, child and youth welfare/protection, labour, recreation, protection, privacy, children and youth in government care, equality/discrimination, and immigration/refugee issues. We

work to ensure that children are receiving the services to which they are entitled, and that their rights are being upheld by government. Some of this work is collaborative, some is investigative.

Some Examples of Systemic Advocacy

This year the systemic team has proceeded with a number of systemic reviews. Some of the reviews we have been working on this year include the following.

- The need for better review mechanisms for situations where payment for new drug therapies are refused, particularly to children with rare diseases;
- A review involving how Canadian-born children of foreign students are denied Medicare coverage by the New Brunswick government;
- A report into the better application of the Youth Criminal Justice Act in New Brunswick;
- A review of security standards for adolescent psychiatry services in hospital settings.

2013 State of the Child Report

Children in Caring Communities: From Knowledge to Responsibility

On November 20, 2013, as part of the second Child Rights Education Week in New Brunswick and the first national children's rights awareness campaign, the Office release its fifth annual State of the Child Report in collaboration with the New Brunswick Health Council.

The report, entitled *Children in Caring Communities: From Knowledge to Responsibility*, highlights article 19 of the Convention on the Rights of the Child and makes the connection between the other rights of the child and the trends emerging from the statistical portrait.

Through the Children's Rights and Wellbeing Framework, these rights have been categorized and their enforcement measured using nine tables, providing an overview of the situation in New Brunswick with respect to the Strategy for the Prevention of Harm to Children and Youth.

The report also makes the connection between the scope of article 19 of the *Convention on the Rights of the Child* and the contexts in which harm may be caused. It provides an overview of the Strategy for the Prevention of Harm to Children and Youth being developed. In the spring of 2013, the Office of the Child and Youth Advocate began the process of helping the Government of New Brunswick move from simply having knowledge about to taking responsibility for the enforcement of children's rights. Inspired by the UN's final observations on implementing the Convention in Canada and its recommendation to develop a coordination framework or an action plan for enforcing children's rights, the Office decided to focus specifically on the harm children suffer owing to brutality, neglect, and abuse. An intergovernmental working group was asked to develop a strategy for the prevention of harm against children (see Strategy for the Prevention of Harm to Children and Youth below).

More than 160 indicators from the 2012 framework present new or current information, providing New Brunswick with an effective working model and allowing for direct comparisons to be made year after year in terms of standardized and complete indicators for the enforcement of children's rights. The object is therefore to equip the decision makers with a tool so they can rely on the evidence-based data and information when they make decisions affecting children.

This report was released in Tracadie-Sheila on November 20, 2013, Universal Children's Day.

Strategy for the Prevention of Harm to Children and Youth

In keeping with last year's State of the Child Report, the Office of the Child and Youth Advocate, in collaboration with the Executive Council Office, launched a project aimed at preventing harm to children.

As part of the project, the Office, together with the government and civil society, wants to develop a provincial strategy to ensure that we can better meet our obligations with respect to children under article 19 of the *UN Convention on the Rights of the Child*. This project seeks to draw on the recommendations made by the UN Committee on the Rights of the Child to develop a strategy that respects the rights of the child and relies on evidence-based data. The strategy will coordinate current efforts and facilitate cooperation between all sectors of society. The purpose of the strategy will be to tangibly reduce the harm done to children in New Brunswick in the longer term. We have tried to mobilize the government and civil society in taking concerted action, and we have been pleasantly surprised by the response we have received.

The purpose of the strategy is to coordinate a comprehensive and cohesive plan to present the initiatives undertaken by the government and civil society. This plan will present the actions taken by New Brunswick to protect our children, as well as our weaknesses and areas where we must improve. The harm done to children and youth is a problem that concerns all of us, and we must work together to prevent it.

The Office of the Child and Youth Advocate began by writing to the various departments that work with children, asking them to appoint a delegate to participate in the development of a coordination plan. The interdepartmental working group consists of delegates chosen by the departments that work with children and representatives of civil society. The working group is co-chaired by the Office of the Child and Youth Advocate and the Executive Council Office, who are responsible for drafting a process that will develop and implement the provincial strategy.

The process of developing and implementing the New Brunswick Strategy for the Prevention of Harm to Children and Youth will mobilize government leaders, civil society, and the private sector for many years to come. The working group will generate and analyze information on which decisions involving children will be made. It should be noted that four roundtable discussions are planned for 2014-2015, involving youth and stakeholders in the development of the strategy.

We know all too well how urgent it is that we take action on behalf of these children, as shown by the following case:

Example of the Office intervening on behalf of a young person

When both the victim and the abuser are children who attend the same school, it is important that the intervention plan concentrate on the needs of all of the children. The delegate had to intervene to ensure that the rights of all of the children were defended. The delegates held discussions with the persons involved from all of the departments who could provide some assistance in these matters. Meetings were held, and an action plan was drafted. The young people involved received the services they needed; all of the children were able to return to the school, and the agencies involved made improvements to the communication plan that would allow them to work better together in the future.

Child Rights Impact Assessment Process in New Brunswick

Policies and laws often affect children differently than adults because of their age, status, and vulnerability. Child Rights Impact Assessment (CRIA) is a tool for a more systematic focus on children in public policy formation and more effective implementation of the Convention on the Rights of the Child. A Child Rights Impact Assessment is a tool for assessing the impact of a policy, law, program, or particular decision on children and their rights.

The New Brunswick government has made a commitment that all proposed new or amended legislation, regulations and policy must undergo a CRIA before being brought to Executive Council.

The Child Rights Impact Assessment tool presently being used by the provincial government was developed by a CRIA Working Group led by the Child and Youth Advocate's Office and Executive Council for the government of New Brunswick. The Working Group included representatives from child-serving government departments including Health, Social Development, Public Safety, Labour, and Education.

The New Brunswick Working Group on CRIA reconvened to discuss the evaluation of the NB CRIA process, ongoing training, and creation of a network of departmental CRIA champions. The CYA Office has also supported UNICEF Canada and other global stakeholders in the establishment of a global CRIA Community of Practice.

The cross-governmental CRIA Working Group is considering its possible rebranding as a Child Rights Working Group for government. It continues to be co-chaired by Executive Council Office and the Child and Youth Advocate's office.

Other Examples of Systemic Advocacy and Advice to Government

The Office is also concerned to improve its Advice to Government function, by reaching out to child serving Departments and ensuring that we are consulted in a timely fashion in relation to new legislation, programs and services impacting New Brunswick children and youth. While the Child and Youth Advocate's Office will continue to perform its investigation/review function, we are developing new collaborative strategies for systemic advocacy.

We engaged in many consultations in furtherance of children's rights, such as with the Department of Social Development regarding its Community Based Services for Children with Special Needs (CBSCSN) program, with the Department of Public Safety and its Crime Prevention Roundtable, and with the Department of Health regarding its proposed Health Quality Assurance Act.

The Systemic Advocacy Team continues to provide advice to various government departments, either in response to invitations for comments or on our own initiative. Some further examples from this year include:

- the government's decision to close group homes for youth sentenced to open custody and move

My right to services

An advocacy request came into our office regarding a child with autism, who, since kindergarten, has been given intervention in the form of Applied Behavioural Analysis (ABA) therapy. ABA therapy is an approach that teaches social, motor, and verbal behaviours, as well as reasoning skills. Due to a change in staff scheduling, the Autism Support Worker was unable to work with the youth, and as a result, his ABA therapy was discontinued despite clinical recommendations from his psychologist that they stay in place. After intervention from our office, changes were made so that the youth was able to continue working on meaningful ABA programs with his Autism Support Worker, ensuring that he will receive the best possible education and support at school.

these youth to Portage, far from home community support that can aid in reintegration.

- the Department of Health's proposed plan of creating a secure facility for the assessment and treatment of Not Criminally Responsible youth at the New Brunswick Youth Centre.
- the lack of independent representation of children in Family Court Matters.

Autism Services

The Child and Youth Advocate convened a roundtable consultation to spark further discussion on Autism services provision. We brought together experts from different government and non-government stakeholders. This discussion confirmed that everyone is on the same page and understands the multiple issues involved. There is great optimism but also sober realism about the size of this challenge.

We as a Province need to continue to improve the work we are doing in this area, mindful of the grave costs that delay can have for our families and for our society. Now is the time to move to the next stage and to truly make New Brunswick a leader in how we treat our children and youth.

We continued our advocacy in this area through meetings with various governmental and non-governmental stakeholders, and through the media. Although autism resource teachers still face challenging jobs, evidence-based training in best practices is increasingly provided. There are gaps to be filled in services, but knowledge and training is being shared with more professionals, creating more awareness and building our capacity to work better with autistic youth.

Much surely remains to be done but we have come a long way in the ten years since addressing autism began to gain prominence in our Province. However, it has to be said that New Brunswick's success to date and prospects for the future are cold comfort for struggling parents and suffering children. Support in the home for families who are barely coping remains a big missing piece.

These families face great challenges – they are confused about how to navigate the system and find out what services exist outside of the education system. We need a service map to direct families to services. And we unquestionably also need more services. We need to address the persistent lack of access to diagnosis and treatment. We need to provide support for the many children and adolescents with autism who are not in schools and cannot access services and supports. We need to provide for family training and support. We need to bolster the successes we see at Community Autism Centres. We need crisis support. And we need to acknowledge that autism doesn't end with adulthood – we need lifelong supports.

Example of Consultation: The New Brunswick Family Justice System

In discussions with families and experts in New Brunswick, as well as with government officials, our office continued to stress the need for reforms to the family justice system. The court system is overburdened with high caseloads, a slow system, and uneven outcomes. It is a system that an increasing number of New Brunswickers can no longer afford and no longer trust. At the Office of the Child and Youth Advocate we see the harmful impacts that an inefficient, dysfunctional adversarial system can have on children and youth.

Every effort must be made to ensure that legal representation be afforded to children in custody matters when appropriate, ensuring that their interests and voices in custody, access and protection cases were given due consideration and respected. We continue to advocate for that today. The child's voice in Family Court matters is too often quashed, forgotten or ignored, and yet they understand much more about what is going on at home and in court than their parents or the court system will allow.

While many judges, lawyers and other professionals understand the problems, it has been the experience of our Office that the conflict takes on a life of its own and becomes paramount to all other considerations within the adversarial system. Alternative dispute resolution may not always be the most effective route to take in each case, but the court system must be adapted to focus more on the best interests of children. The children usually do not get their needs met and are left hurting. They do not know what to do because they do not receive proper guidance and support. Moreover, the time that it takes to resolve custody and access issues through the courts also has severe negative repercussions on children. The system must change.

New Brunswick can look to what our fellow Canadians are doing in other jurisdictions. Better processes exist elsewhere. For example, Alberta's Family Law Act was re-written to provide for a stronger child focus. The legislation provides for increased use of non-adversarial dispute resolution methods, in the best interests of children. It has allowed for greater access to justice for those who cannot afford a lawyer. And it has led to improvements in the efficiency of the process. In Quebec and Ontario, parents who decide to separate must first participate in an information session about the benefits of mediation before they can be heard in front of the Courts.

Government has obligations to take all appropriate legislative, administrative, social and educational measures to protect children from mental harm and to ensure that the child's best interests are a primary consideration in all actions. It is time to modernize New Brunswick's family justice system. Forcing families to battle, draining them psychologically, emotionally and financially is no way to run a society. Inevitably, it is the children, vulnerable and silenced, who suffer most.

Example of Consultation: Inclusive Education Policy and Early Dispute Resolution

The Child and Youth Advocate and his representatives consulted with the Department of Education and Early Childhood Development on the Department's Inclusive Education Policy. Our Office was given little time for this consultation, although in principle we support the initiative. Inclusive education is an important philosophy and one that can lead to greater equality. However, if not resourced sufficiently, it can be a terrible burden on teachers and students.

During the Porter/Aucoin Report process the Child and Youth Advocate had provided a written submission addressing in particular our concerns around the conflict resolution processes regarding student placements and services to special needs pupils in the province of New Brunswick.

An area of concern for the Office of the Child and Youth Advocate is the apparent deficit of effective mechanisms to give voice to the concerns of students with diverse learning needs and their parents. We recommended:

- Fairer timing of the stages in the appeal structure
- More effective communication with parents on placement matters
- Objective and informed appeal decisions
- Use of alternative dispute resolution mechanisms such as mediation

Following this, we were pleased to see that the Department decided to draft a Policy proposal that addressed the need for an alternative dispute resolution process prior to the formal dispute resolution process for issues such as educational programming, class placement, and the provision and delivery of educational support services and accommodations.

Again, we had certain concerns. We were pleased with the response from EECD to those concerns, although as yet no Policy has been put in place.

A primary concern was that each child or youth's voice be heard in the dispute resolution process.

My right to go to school

An assessment revealed that a youth with a non-verbal learning disability needed to have a laptop available to her at school due to difficulty with writing. The parents and the school district were unable to resolve this issue. In time, communication between them became poor. When informed of this situation, a delegate made several calls to district and school officials to advocate on behalf of this youth. As a result, a laptop was made available for the student's use at school, and the school staffs have been working on improving communication with the parents.

Article 12 of the UN *Convention on the Rights of the Child* stipulates that a child who is capable of forming his/her own views has the right to participate in any matter affecting him/her, express his or her opinions freely and have those opinions be given due weight. Moreover, any decisions related to dispute resolution should be made in the best interests of the child (Article 3 UNCRC), and it is difficult to imagine the Department being able to do so without hearing from the child/youth in question.

A second concern related to the low level of student involvement in the dispute resolution process. While there may be situations wherein it is inappropriate to include a student in the process, the default position should always be student participation, and all students should be able to initiate this process themselves when maturity and capacity allow for it.

A third concern related to confidentiality of the mediation process. And a fourth concern related to administrative fairness in Superintendents' decision-making authority. The superintendent is to make a decision regarding the dispute if mediation is not successful. The problem that is evident is that it is not stipulated on what basis a superintendent should make a decision. It is important that the superintendent be able to hear evidence from all parties, whether in person, in writing or by other means. A process for this needs to be developed in order to avoid discretionary or arbitrary decisions.

Conclusion

In light of these findings, the Office of the Child and Youth Advocate has shown that it has continued its efforts in 2013-2014 to fulfil its mandate. More specifically, the Office continues to be a leader in protecting the rights of children by developing and coordinating joint initiatives such as the Strategy for the Prevention of Harm to Children and Youth and the Transformational Research in Adolescent Mental Health (TRAM).

However, even though the topic of this report focuses on the protection of children, we will continue our efforts to educate and raise awareness with respect to an approach based on the rights of children and youth, considering them to be human beings deserving of the same dignity and rights given to adults. And in this context, we must remember in protecting children and youth, that they have Charter rights under the *Convention on the Rights of the Child*. It is in the name of this principle that we must meet with children and young people, initiate and support coordinated efforts by drawing on the strengths of our communities, and promote an approach that is consistent with the international discourse on human rights.

These collaboration efforts and the rights-based approach are more than just ideas raised by the members of our Office – they are implemented with the support of the Executive through the development of the Strategy for the Prevention of Harm to Children and Youth through follow-up feedback on case studies, through our schools, and through our communities, which are increasingly motivated to support our work. We are more determined than ever to continue on this path, humbly acknowledging the important task that remains to be accomplished so that our province can care for its children.