

# The Right to Identity, Culture and Language: A Child's Path to Development

A Statistical Background Report to the Child and Youth Advocate's  
3<sup>rd</sup> Annual State of our Children and Youth Address



*"The value of identity is that along with it comes purpose."*

-Richard R. Grant



Office of the Ombudsman and Child and Youth Advocate  
New Brunswick

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## INTRODUCTION

The Office of the Child and Youth Advocate of New Brunswick is pleased to make available this third annual statistical backgrounder on the state of children and youth in the province of New Brunswick. The initiative began in 2008 with the publication of *More than just Words*, our first attempt at providing a broad statistical overview that collated in one publication all of the indicators and data available from provincial government sources in relation to children and youth in our province. That first report was a proof of concept which sought to make provincial data more publicly available and accessible across government departments, the non-profit sector and the research community. It also focused on identifying gaps in the available data; pinpointing areas where more attention to data collection was needed; and establishing outcomes and performance indicators relating to services to children and youth. Last year in our second report, *A Clearer Picture*, we celebrated the 20<sup>th</sup> anniversary of the United Nations Convention on the Rights of the Child and adopted a reporting format which seeks to give meaning to our promises to children under international law.

With the help of numerous public sector and community partners, we have opted to innovate again by framing this year's report as the first in a series of annual thematic reports exploring the various rights guaranteed to children under the Convention. Our first report in this series deals with the right to identity, culture and language guaranteed under Articles 8 and 30 of the Convention and with the right of children to have a voice and a say in decisions affecting them, as set out in Article 12. On the one hand, we want to take stock of the right of New Brunswick children (and First Nations children in particular) to preserve their identities, to enjoy their cultures and to speak their languages. On the other hand, we also find it particularly relevant in 2010 (which was proclaimed the International Year of Youth by the UN General Assembly ) to focus on the child's right to be heard and to explore the linkages between identity, culture, self-esteem and youth engagement.

This report provides a summary of provincially-sourced data about New Brunswick children and youth organized by various Articles contained in the Convention. Because the data sets are not the same and are not immediately comparable with respect to New Brunswick First Nations children, we have added separate sections in each segment to provide information concerning First Nations youth. Despite numerous studies regarding First Nations children and youth, we have found that there is still a dearth of comparable data for these children compared to children in the general population. Indian and Northern Affairs Canada (INAC) does not provide the same level of reporting for First Nations children as is available from provincial government departments; the provincial data does not normally capture data pertaining specifically to First Nations children, or when it does their distinct status or ancestry is not separately recorded. Statistics Canada does provide considerable data on urbanized First Nations children through

the *Aboriginal Children's Survey* and on children living off reserve through the *Aboriginal Peoples Survey*. Many of the statistics provided below are taken from this source, but often times the population counts in New Brunswick are too small to report on at the local or even provincial level. Much of the data is available only at a regional level for Atlantic Canada as a whole.

In response to community concerns about the excesses of constant surveys and studies, First Nations communities have developed their own protocols for community ownership of their collective data and have developed detailed survey instruments which are available only to First Nations' Band Councils for the purpose of their own program development. We have sought access to these records to complete our analysis, but for the time being the raw data has not been analyzed or made available to First Nations communities themselves, and was therefore not available to us at the time of publication. However, we remain encouraged by the partnerships we have established with the Aboriginal Affairs Secretariat and the Research Data Centre at the University of New Brunswick, and by separate discussions with the Union of New Brunswick Indians, and we are hopeful that over the next year collaborations will emerge which will greatly improve the quality and level of data available to inform public policy makers with respect to First Nations children and youth in New Brunswick.



Photo by Matthew Sherwood, Telegraph-Journal.

In addition to a dedicated team within the Office of the Child and Youth Advocate, this report is made possible by the collaboration of departmental representatives from the Departments of Justice, Education, Post-Secondary Education, Training and Labour, Social Development, Health, Public Safety, Wellness, Culture and Sport, the New Brunswick Legal Aid Commission and the Aboriginal Affairs Secretariat. This year we have also deepened our partnership with the New Brunswick Health Council and this report is much improved thanks to their feedback. We look forward to working again with them and with all the partners in this process with a view towards the publication of an even better report next year.

## ARTICLE 1: DEFINITION OF THE CHILD



Photo: Girl at Mactaquac Provincial Park.

*For the purpose of the present convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.*

In New Brunswick the age of majority is 19; the rights guaranteed under the convention apply to 18-year-olds, even though in other parts of the world they might already be considered adults. Last year, the Child and Youth Advocate published a report entitled *Protection of Vulnerable Newborn Children: A Holistic Approach*. The report drew attention to

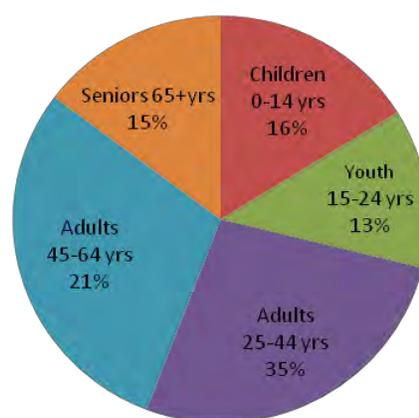
the fact that under the provincial *Family Services Act*, the definition of a child in New Brunswick law includes the unborn child; therefore, certain obligations owed to them begin prior to birth. In fact, the law recognizes that children become more and more autonomous throughout their childhood and adolescence and confers varying rights and obligations upon children and youth based on their age. For instance, children must attend school from age 5 or 6 until age 18. Children cannot be charged under the Criminal Code if they are under 12; youth aged 12 to 19 are subject to a separate criminal justice system which emphasizes rehabilitation and the young person's reintegration into their family and community. The consent of minors to medical treatment must be sought if they are 16 but will often be sought at earlier ages depending on the child's maturity. The law provides that children aged 14 to 16 can be hired for work but only under strict conditions. A young person can be licensed to drive a car at 16 and can vote at 18, but cannot buy liquor, purchase land or initiate legal proceedings until they reach the age of majority.

By conferring rights upon children from birth to the age of majority, the Convention invites all elements of society to consider children as rights holders equally deserving of the protection and benefit of the law and the respect of their human dignity. Taking the rights of children seriously means that we must start by taking careful note of the demographics which identify children and youth in our community. Where are children born in New Brunswick and into which linguistic and cultural communities? How many children and youth immigrate to New Brunswick at a young age and how is their integration proceeding? What does the available data tell us concerning the ratio of children and youth to the general population?

One of the most salient factors which stands out in the data provided below is the fact that whereas the general birth rate has been either flat or declining by roughly 0.4% for the last three years and therefore not strong enough to create any real population growth, our province is clearly experiencing an important birth rate and population growth in First Nations communities. For instance, whereas 29% of the general population in New Brunswick is under the age of 25, in First Nations communities children and young people make up 42% of the population. The Child and Youth Advocate makes this data available so that social policy affecting children can be informed and influenced by these trends.

**Population of New Brunswick by Age Group and Sex with Percent Distribution**

Age Group	Male	Percent	Female	Percent	Total
<1	3,410	0.5%	3,260	0.4%	6,675
01-04	14,145	1.9%	13,615	1.9%	27,755
05-09	20,070	2.7%	18,810	2.6%	38,875
10-14	23,030	3.2%	21,910	3%	44,945
15-19	24,465	3.4%	23,240	3.2%	47,705
20-24	22,310	3.1%	22,320	3.1%	44,630
24+yrs	248,055	34%	271,345	37.1%	519,410
<b>Total Population of New Brunswick</b>			<b>730,000</b>		

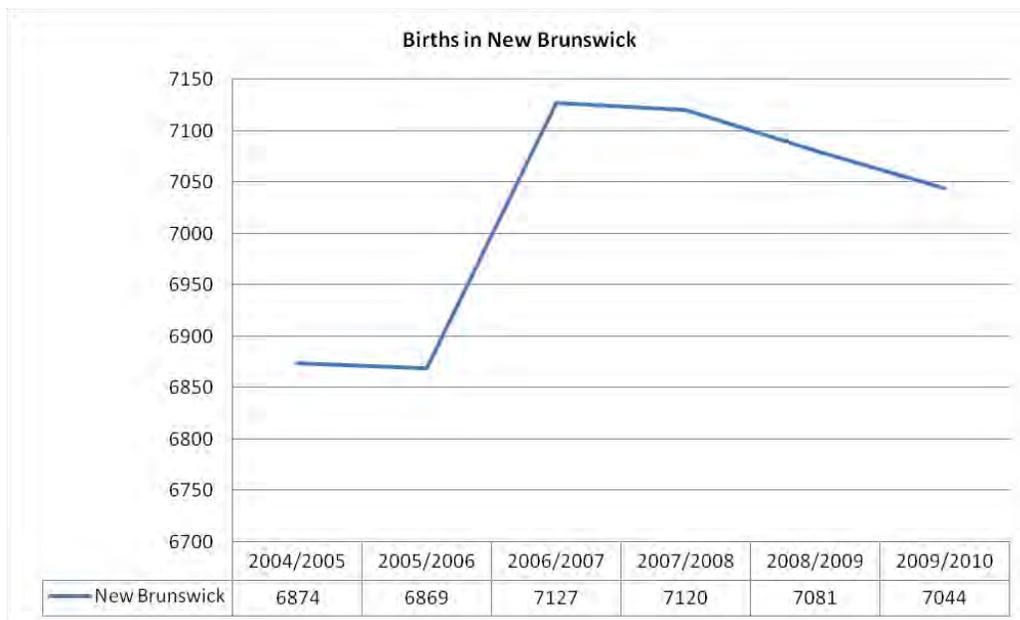


Source: Government of New Brunswick. Vital Statistics, 2008 (Annual Report).

**New Brunswick Births by Age of Mother and Outcome 2008**

Age of Mother	Live Births		Stillbirths		All Births	
<15 yrs	3	0.04%	0	0.0%	3	0.04%
15-19 yrs	494	6.62%	5	11.90%	499	6.65%
20-24 yrs	1,639	21.97%	5	11.90%	1,644	21.91%
Over 24 yrs	5,325	71.4%	32	76.1%	5,357	71.3%
<b>Total</b>	<b>7,461</b>	<b>100%</b>	<b>42</b>	<b>100%</b>	<b>7,503</b>	<b>100%</b>

Source: Government of New Brunswick. Vital Statistics, 2008 (Annual Report).

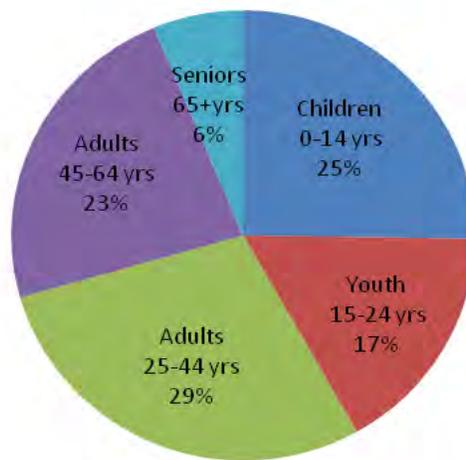


Source: Statistics Canada. CANSIM Database, Table 051-0004 and Catalogue No. 91-215-X.

### First Nations

**Population of New Brunswick Aboriginals by Age Group and Sex with Percent Distribution**

Age Group	Male	Percent	Female	Percent	Total
0 to 4 yrs	690	3.9%	660	3.7%	1,350
5 to 9 yrs	815	4.6%	795	4.5%	1,610
10 to 14 yrs	715	4.1%	780	4.4%	1,495
15 to 19 yrs	885	5.0%	810	4.6%	1,695
20 to 24 yrs	615	3.9%	625	3.5%	1,240
25 +yrs	4,960	28.1%	5,340	30.3%	10,270
Total Aboriginal Population in New Brunswick					17,655



Source: Statistics Canada. Aboriginal Population Profile, 2006 Census (New Brunswick). Catalogue No.: 92-594-XWE.

## ARTICLE 8: PRESERVATION OF IDENTITY

*States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.*

*Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.*

## ARTICLE 30: MINORITY AND INDIGENOUS CULTURAL, RELIGIOUS AND LANGUAGE RIGHTS

*In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.*

In last year's *State of our Children and Youth* report, which celebrated the 20<sup>th</sup> anniversary of the Convention on the Rights of the Child, we did not underscore the rights guaranteed under Articles 8 or 30. This was in part a reflection of the fact that we were challenged initially to determine how to quantify these rights so as to relate them to the data sets and measures available to us; it was also in part because we had decided even then that these rights would form the central theme of the 2010 report. In fact, the rights to identity and affiliation with minority collectivities, like all human rights, are inalienable, interdependent and indivisible. Every child possesses all the rights guaranteed to him or her under the Convention and cannot give them away or contract out of them. None of the rights enumerated is more important than another and each of them has to be understood and applied in the context of all other rights guaranteed to the child.

The relationship between the right to identity and the right to minority and indigenous culture, religion and language is readily apparent; however, in the context of Canadian Aboriginal law, it takes on an important and particular relevance. The right to identity is first and foremost the



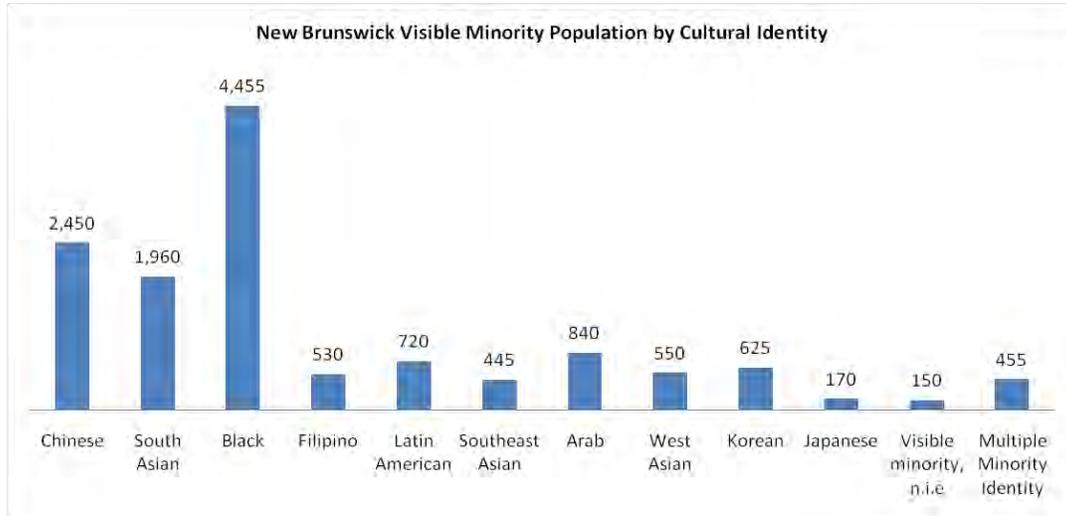
Photo: A young Mi'kmaq dancer in traditional clothes at the New Brunswick Legislature.

right to be registered at birth and recognized as a citizen of a given country. Millions of children around the world are denied this right, but it is so universally acquired in Canada that it can be taken for granted. Article 8 also includes the right to a name and the right to know one’s family. Being deprived of one’s nationality, name or family relations offends the Convention and its signatories are bound to take swift measures to preserve and restore these elements of a child’s identity when they are stolen or lost. The work of the national reconciliation process regarding a generation of Aboriginal people whose childhoods and identities were compromised because of residential schooling is a stark reminder to all Canadians of the importance of Article 8. The disproportionate rate at which First Nations children today continue to be taken from their families and placed in foster care or kinship care raises similar concerns which First Nations, provincial and federal elected leaders must urgently address together. The impact of *Indian Act* provisions on the granting of status to children or grandchildren of exogamous marriages and the rise in custom adoption practices and its impact on families and parenting roles are issues which lawmakers cannot ignore and which should be addressed with a clear understanding of Articles 8 and 30.

Reinforcing this right to identity in relation to children from minority or indigenous communities is the separate right of children in these communities to enjoy their own culture, profess and practice their own religion and to speak their own language. New Brunswickers may pride themselves on being experts in the area of official language minority rights and preserving and protecting official language minorities. However, our record in preserving and promoting indigenous languages and cultures, which are unique to our part of the world, can only be described – given the data available below – as an abject failure. The data on the dwindling numbers of Mi’kmaq and Maliseet speakers who can pass on their knowledge of their language and culture to future generations supports the view that now is our last and best chance to save these languages from extinction. First Nations and non-First Nations New Brunswickers should reflect together on this data and determine what steps must now be taken or whether we will continue to pay lip service to the issue with half-measures while another generation of First Nations New Brunswickers is schooled in the Queen’s English.

<b>New Brunswick Cultural Identity</b>		
	<b>New Brunswick</b>	<b>Percent</b>
<b>Total Population</b>	719,650	100%
<b>Total Aboriginal Identity</b>	17,655	2.5%
<b>Total Non-Aboriginal Identity</b>	701,995	97.5%
<b>Total Visible Minority Population</b>	13,345	1.8%

Source: Statistics Canada. Community Profiles (New Brunswick), 2006. Catalogue No.: 92-591-XWE.



Source: Statistics Canada. Community Profiles (New Brunswick), 2006. Catalogue No.: 92-591-XWE.

#### Knowledge of Languages

	Male	Female	New Brunswick
<b>Total Population</b>	351,145	368,500	719,650
<b>English Only</b>	201,550	203,495	405,045
<b>French Only</b>	34,590	39,165	73,750
<b>English and French</b>	114,615	125,470	240,085
<b>Neither English nor French</b>	390	375	765

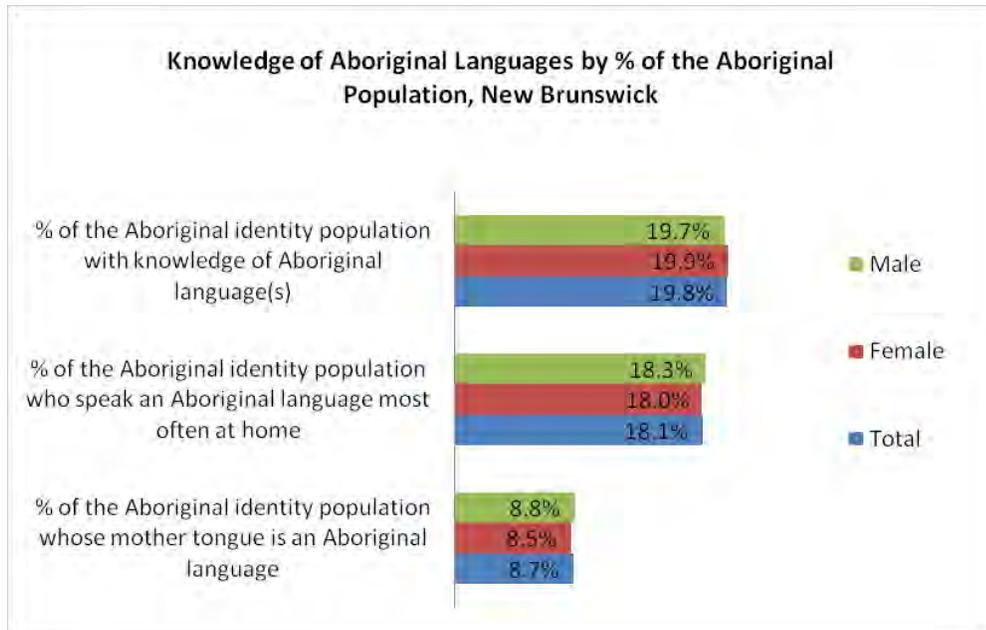
Source: Statistics Canada. Community Profiles (New Brunswick), 2006. Catalogue No.: 92-591-XWE.

#### First Nations

##### Language Characteristics of the Aboriginal Identity Population

	Male	Female	Total
<b>Total Aboriginal Identity Population</b>	8,645	9,010	17,665
<b>Knowledge of Aboriginal Language(s)</b>	1,700	1,795	3,490
<b>Knowledge of English only</b>	4,170	4,565	8,735
<b>Knowledge of French only</b>	535	550	1,085
<b>Knowledge of English and French only</b>	2,190	2,040	4,230
<b>Knowledge of other languages</b>	55	60	115

Source: Statistics Canada. Aboriginal Population Profile, 2006 Census (New Brunswick). Catalogue No.: 92-594-XWE.



Source: Statistics Canada. Aboriginal Population Profile, 2006 Census (New Brunswick). Catalogue No.: 92-594-XWE.

Ability to Speak and Understand an Aboriginal Language, Aboriginal Children 6-14 Living Off Reserve		
	New Brunswick	All Provinces
<b>Able to Speak and Understand</b>	7% E	13%
<b>Able to Understand Only</b>	19%	26%
<b>Neither Speak or Understand</b>	72%	59%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years. E=Use with Caution.

Importance to Keep, Learn or Re-learn an Aboriginal Language (Parent or Guardian's Views)		
	New Brunswick	All Provinces
<b>Very Important or Somewhat Important</b>	55%	62%
<b>Not Very Important or Not Important</b>	41%	36%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

## ARTICLE 12: FREEDOM OF PERSONAL VIEWS AND OPINIONS

*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.*

International Youth Year runs from August 12, 2010 to August 11, 2011 and coincides with the 25<sup>th</sup> anniversary of the first International Youth Year.

The slogan for this year is: "Our Year. Our Voice." In proclaiming the International Youth Year, UN General Secretary Ban Ki-moon stated, "Youth should be given a chance to take an active part in the decision-making of local, national and global levels."

In the current fiscal year, the Office of the Child and Youth Advocate has partnered with many organizations to improve the province's efforts at breathing life into Article 12 of the Convention and taking up the challenge of youth engagement as a main focus of the International Year of Youth. In April, we hosted a provincial forum on Youth Engagement and since June we have been collaborating as part of the Youth Engagement Working Group of the NB Youth Strategy to elaborate a Youth Engagement Strategy which will be announced in February 2011. We have been developing with provincial youth organizations a youth engagement framework to guide provincial agencies and departments and community stakeholders on how to draw youth at the provincial and local levels as active partners in decision-making.

In October 2010, we hosted *Petits d'Hommes*, an international symposium on children's rights for child and youth advocates, human rights commissions, privacy commissions and ombudsmen from across the Francophone world. Funding was provided by the Government of New Brunswick, the Organisation internationale de la Francophonie and the Canadian Commission for UNESCO to ensure that Francophone youth were present and engaged in the symposium and the working group that was established.



Photo: Child at the Tintamarre, Festival acadien de Caraquet.

We welcome the work of the Fédération des jeunes francophones du Nouveau-Brunswick (FJFNB) who published at their Annual General Meeting in May a very important guidebook on youth engagement that celebrates the successes which Francophone municipalities have had in involving youth in municipal decision-making.

All of our efforts in the area of youth engagement have been supported and informed by the advice of Leah Levac, a researcher at Renaissance College, and Sue Reid, a professor at St. Thomas University and the Chair of the Centre of Excellence on Youth Engagement at St. Thomas University. Much of the work achieved in New Brunswick in these areas has been nurtured and made possible through a grant program available through the Population Growth Secretariat, which supports developments of this kind at the community level. Other federal partners have supported larger, longer-term investments in this area, including the Department of Health's Youth Engagement Initiative to reduce drug addictions through local initiatives developed by youth for youth in communities across the province.

We believe it is important to monitor and track local and provincial efforts aimed at sustaining the right of the child to be heard, because it is in nurturing this right to expression that we create resilient citizens who will engage and take ownership of community challenges and strengthen our democracy. *Hand-in-Hand*, our review of First Nations child welfare that was published earlier this year, has convinced us that the right to identity, equal rights and the right of a child to have their views heard are highly interdependent and in fact symbiotic rights that nurture and support one another. The FJFNB guide adopts the same view. A child cannot find their voice nor have it heard unless the child is confident in their own identity and cultural and linguistic ties. Similarly this identity and cultural and linguistic affinity needs to be affirmed and nurtured through sustained and varied forms of expression, particularly in a minority setting.

When a child's rights under the Convention are threatened or called into question, it is ever more important that their right to be heard receives equal benefit and protection before and under the law. Magistrates have met with the Child and Youth Advocate this year to suggest that our office become more involved in facilitating the preparation of "Voice of the Child" reports for the courts in our province. Whether through this means or another, the data supports the view that renewed and better efforts are required in New Brunswick to ensure that children's rights under Article 12 are fully protected before our courts. Given the higher rates of child protection and youth criminal justice proceedings involving First Nations children and youth in New Brunswick, particular emphasis and priority should be given to promoting and protecting the rights of First Nations children under Article 12.

**Youth Engagement Funding Program, 2009-2010**

Total Funds Requested (All 35 Applications)	\$871,716.50
Amount requested (15 Funded Projects)	\$419,538.50
Amount funded	\$186,375.00

Source: Population Growth Secretariat, 2010.

**Scope of Projects, Youth Engagement Funding Program 2009-2010**

Provincial	12
Regional	11
Local	12
<b>Total</b>	<b>35</b>

Source: Population Growth Secretariat, 2010.

**Breakdown of Youth Engagement Applications, Received and Funded, by County**

	Total Applications Received	Total Applications Funded
<b>Francophone</b>	<b>9</b>	N/A
<b>Anglophone</b>	<b>25</b>	N/A
<b>Counties Represented</b>		
Albert	1	0
Carleton	2	2
Charlotte	2	1
Gloucester	5	3
Kent	3	0
Kings	3	1
Madawaska	0	0
Northumberland	0	0
Queens	1	0
Restigouche	1	1
Saint John	3	1
Sunbury	1	0
Victoria	0	0
Westmorland	6	4
York	7	2
<b>Total</b>	<b>35</b>	<b>15</b>

Source: Population Growth Secretariat, 2010.

## ARTICLE 18: COMMON RESPONSIBILITY FOR UPBRINGING AND DEVELOPMENT

*...both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern...*

Taking seriously the rights to identity, minority culture and to be heard obviously requires a good understanding of the interplay of those rights with the rights proclaimed in Article 18. Article 18 is unique among human rights instruments because it focuses on the child's specificity as the product of the union of man and woman. The closest corollary of this right in international human rights law is perhaps Article 16 of the Universal Declaration of Human Rights which declares the right of men and women of full age to marry and found a family and which recognizes the family as "the natural and fundamental group unit of society." But Article 18 of the Convention on the Rights of the Child innovates because while it speaks throughout of the child's rights and recognizes them expressly as subjects and rights-holders, it also gives expression to these rights in section 18 by speaking of the parents' common and primary responsibility for their children. It is parents, not society, who are tasked with the child's upbringing and development and the Convention further stipulates that their child's best interests will be the parents' basic concern.

A child's right to their identity, to speak their language, to know and preserve their culture and to have their voice heard will all be utterly forgotten and meaningless if parents do not cherish these rights as their basic concern. The Acadian a capella music group Les Muses captures this notion and the interplay of these rights very poignantly in its adaptation of "Mommy," which recounts the tale of an Acadian child assimilated into Anglophone culture who asks their mother to tell again the tales of places, people and faces of a linguistic and cultural heritage now forgotten. New Brunswickers know full well the costs of assimilation and acculturation. We know from bitter experience how daunting the task of parenting can be in a minority setting, even when all other socio-economic factors are equal. First Nations parents are asked to step up to responsibilities under Article 18 when the weight of North American culture and



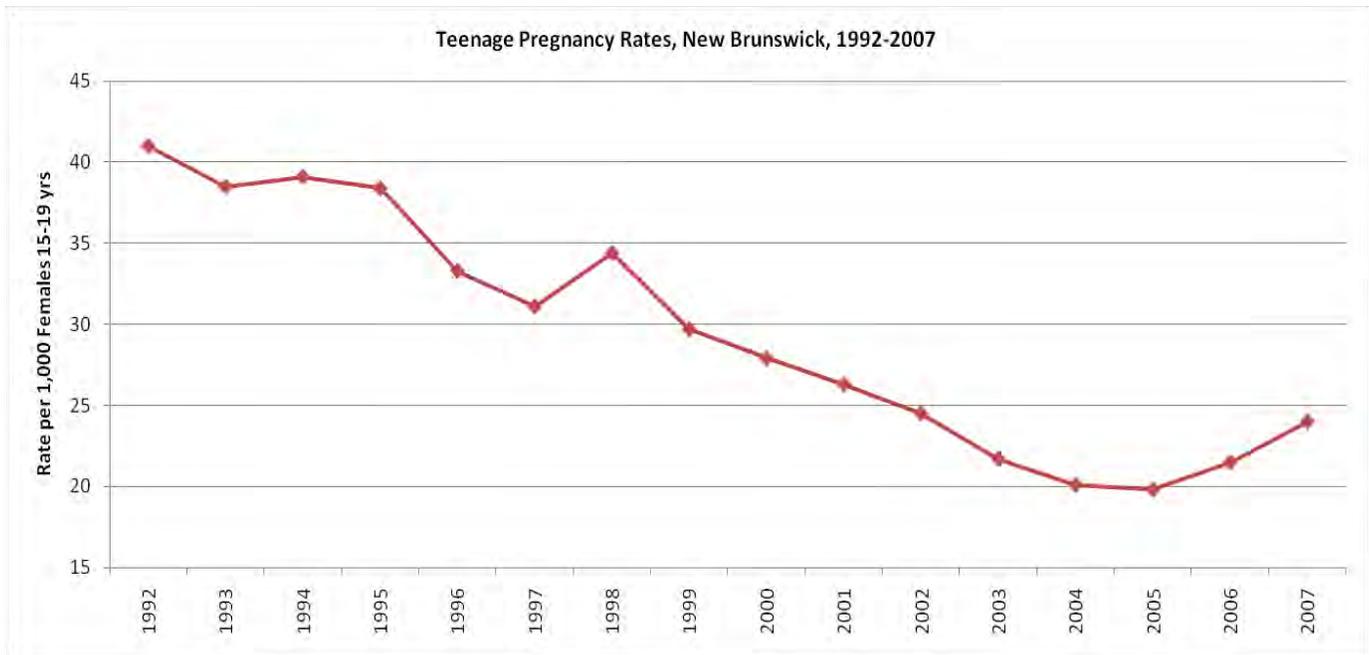
Photo: Family at Michaud Farm in Bouctouche.

hegemony – the most powerful in the world – bear against them with the added pressures of poverty, exclusion, unemployment and low levels of literacy and education. And yet, today’s First Nations parents from Fort Folly, Eel River Bar, Madawaska and points in between are the only ones who can make a real difference in their children’s lives. These parents deserve the urgent and utmost support of all New Brunswickers.

Beyond the interplay of these rights, our focus on Article 18 gives us a glimpse into the family types in which children in our province are being born and raised today. We track births by age and marital status, the number of teen pregnancies, adoption rates and our progress in providing accessible daycare to New Brunswick families. We note with concern that while across Canada only one in every hundred children lives apart from both of their parents, growing up away from both mom and dad is the reality for one in every ten First Nations children in our country. On a more positive note, we are encouraged by the fact that while the birth rate in New Brunswick remains in decline for a third consecutive year, we have seen over the same three year period a measurable rise in the number of approved daycare facilities and total child care spaces. These investments in early childhood education will assuredly pay dividends for many years to come and are achievements worth celebrating. More encouraging yet is the Alward government’s promise of even swifter progress on this file and the commitment to double the 2007-08 number of child care spaces to 30,000 over the next few years.

<b>Live Births by Age and Marital Status of Mother</b>										
<b>Marital Status</b>	<b>&lt;15</b>	<b>15-19</b>	<b>20-24</b>	<b>25-29</b>	<b>30-34</b>	<b>35-39</b>	<b>40-44</b>	<b>45-49</b>	<b>50+</b>	<b>Total</b>
<b>Never Married</b>	3	471	1,257	983	485	160	18	0	0	3,378
<b>Married</b>	0	17	345	1,313	1,436	550	73	5	0	3,742
<b>Widowed</b>	0	0	2	2	3	3	3	0	0	13
<b>Divorced</b>	0	1	3	27	50	44	18	0	0	143
<b>Separated</b>	0	2	26	41	58	24	11	0	0	163
<b>Not Stated</b>	0	3	6	6	4	1	0	0	0	22

Source: Government of New Brunswick. Vital Statistics, 2008 (Annual Report).



Source: Public Health Practice and Population Health, Office of the Chief Medical Officer of Health, NB Department of Health, December 2008.

<b>Number of Daycare Facilities</b>				
<b>Child Care</b>	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>
<b>Number of Approved Day Care facilities</b>	431	470	519	578
<b>Total Child Care Spaces</b>	14,170	15,506	17,014	18,785
<b>Children served by Daycare Assistance Program</b>	3,730	5,624	5,308	5,841
<b>Children served by Integrated Day Care Services at year end</b>	322	322	276	323

Source: Department of Social Development, 2010.

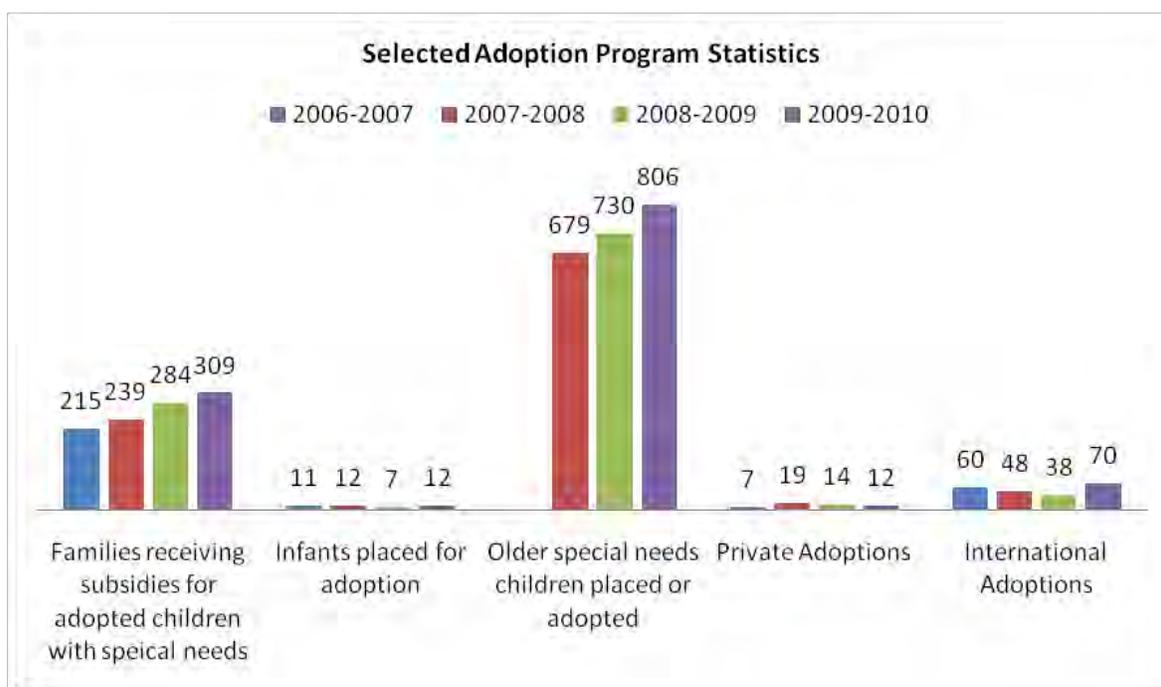
<b>Adoptions</b>				
	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>
<b>Families receiving subsidies for adopted children with special needs</b>	215	239	284	309
<b>Infants placed for adoption</b>	11	12	7	12
<b>Older special needs children placed or adopted (since 1992)</b>	n/a	679	730	806
<b>Private adoptions</b>	<10	19	14	12
<b>International adoptions</b>	60	48	38	70

Source: Department of Social Development, 2010.

**Percentage of Change in Adoptions from 2008 to 2010**

	2008-2009	2009-2010	% of Change
<b>Families receiving subsidies for adopted children with special needs</b>	284	309	9%
<b>Infants placed for adoption</b>	7	12	71%
<b>Older special needs children placed or adopted (since 1992)</b>	730	806	10%
<b>Private adoptions</b>	14	12	-14%
<b>International adoptions</b>	38	70	84%

Source: Department of Social Development, 2010.



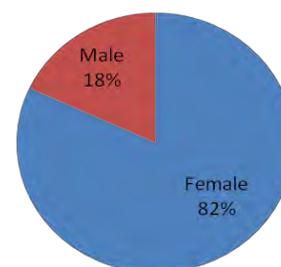
Source: Department of Social Development, 2010.

**New Brunswick Family Structure**

	Married couples	Common-law couples	Lone-parent families
<b>Families without children at home</b>	73,435	17,865	0
<b>Families with children at home</b>	77,775	13,130	35,585
<b>1 child at home</b>	33,030	6,965	23,385
<b>2 children at home</b>	33,275	4,480	9,570
<b>3 or more children at home</b>	11,465	1,690	2,630

Source: Statistics Canada, 2006 Census of Population.

<b>Lone-parent Families</b>		
	<b>Female Parent</b>	<b>Male Parent</b>
<b>Families without children at home</b>	0	0
<b>Families with children at home</b>	29,150	6,435
<b>1 child at home</b>	18,835	4,550
<b>2 children at home</b>	7,980	1,590
<b>3 or more children at home</b>	2,335	295



Source: Statistics Canada, 2006 Census of Population.

<b>New Brunswick Family Composition</b>		
<b>All Families</b>		<b>217,795</b>
	Without children at home	91,300
	With children at home	126,490
<b>Families of married couples</b>		<b>151,210</b>
	Without children at home	73,435
	With children at home	77,775
<b>Families of common-law couples</b>		<b>31,000</b>
	Without children at home	17,865
	With children at home	13,130
<b>Lone-parent families</b>		<b>35,585</b>
	Male parent	6,435
	Female parent	29,150

Statistics Canada. Census of Population, 2006.

### First Nations

<b>Legal Marital Status of the Aboriginal Identity Population</b>			
	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Total Aboriginal Identity Population 15yrs and Over</b>	6,425	6,775	13,200
<b>Never Legally Married (single)</b>	3,265	2,960	6,225
<b>Legally Married (not separated)</b>	2,210	2,355	4,565
<b>Separated, but Still Legally Married</b>	340	425	765
<b>Divorced</b>	535	605	1,140
<b>Widowed</b>	80	425	505

Source: Statistics Canada. Aboriginal Population Profile, 2006 Census (New Brunswick). Catalogue No.: 92-594-XWE.

<b>Census Family Status of the Aboriginal Identity Population</b>			
	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Total Number of Persons in Census Families</b>	8,600	8,985	17,585
<b>Spouses</b>	2,180	2,325	4,510
<b>Common-law Partners</b>	1,065	1,060	2,125
<b>Lone Parents</b>	245	1,200	1,445
<b>Children in Census Families</b>	3,655	3,220	6,880
<b>Persons not in Census Families</b>	1,450	1,175	2,625

Source: Statistics Canada. Aboriginal Population Profile, 2006 Census (New Brunswick). Catalogue No.: 92-594-XWE.

## ARTICLE 19: PROTECTION FROM VIOLENCE, INJURY, ABUSE, NEGLECT AND MALTREATMENT



*States 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...*

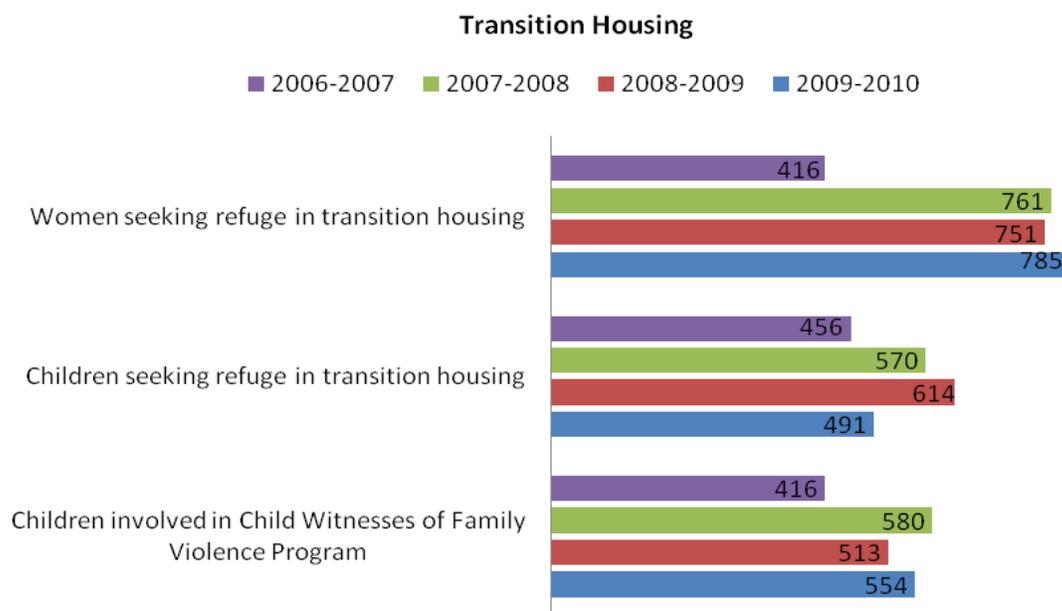
The right to protection from violence, injury, abuse, neglect and maltreatment is undoubtedly a right of the child which is intimately related to every other right they might enjoy. A child victimized by injury, violence or abuse is often unable to find their voice. Self-esteem is indelibly affected. The right to education, health, play and leisure activities, and to enjoy one's culture and speak one's language may seem remote and meaningless for a child raised in violence. When injury, neglect or abuse are present in a child's life, the parents' and society's first priority has to be to put an end to the violence and maltreatment.

New Brunswickers should be encouraged by the data available this year which points to a significant drop in the number of child protection referrals and the number of active family cases, a decline in the number of children receiving child protection services and an important reduction in the number of children placed in temporary and permanent care. The Department of Social Development attributes a large part of the reduction in the number of children placed in permanent care to the successful roll-out of the Family Enhancement Program and the introduction of Family Group Conferencing as an intervention method in child protection matters. This model of child welfare is inspired by Aboriginal child welfare practices and is particularly suitable for meeting the challenges of child welfare in New Brunswick First Nations communities. More efforts are being made to extend this practice model in First Nations Child and Family Service agencies and it is hoped that a similar reduction in permanent care placements will be seen in First Nations communities in the months ahead. This year's data suggests, however, that the rates of placement vary a great deal from one community agency to the next and more common approaches across First Nations agencies should be encouraged.

One area where more efforts should be expended is in the area of post-guardianship care to ensure that as many youth as possible take advantage of the educational opportunities available to them as they graduate out of the guardianship system.

<b>Child Welfare</b>				
	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>
<b>Child Protection Referrals</b>	6,840	6,632	7,331	6,595
<b>Number of Active Family Cases</b>	1,587	1,601	1,588	1,490
<b>Children under 16 receiving child protection services</b>	2,975	2,863	2,901	2,805
<b>Avg. age of children under 16 receiving child protection services</b>	7.9	8.1	7.9	7.3
<b>Total cost of child protection services</b>	n/a	\$14,711,462	n/a	n/a
<b>Total Investment in Youth Care</b>	n/a	\$34,562,871	n/a	n/a

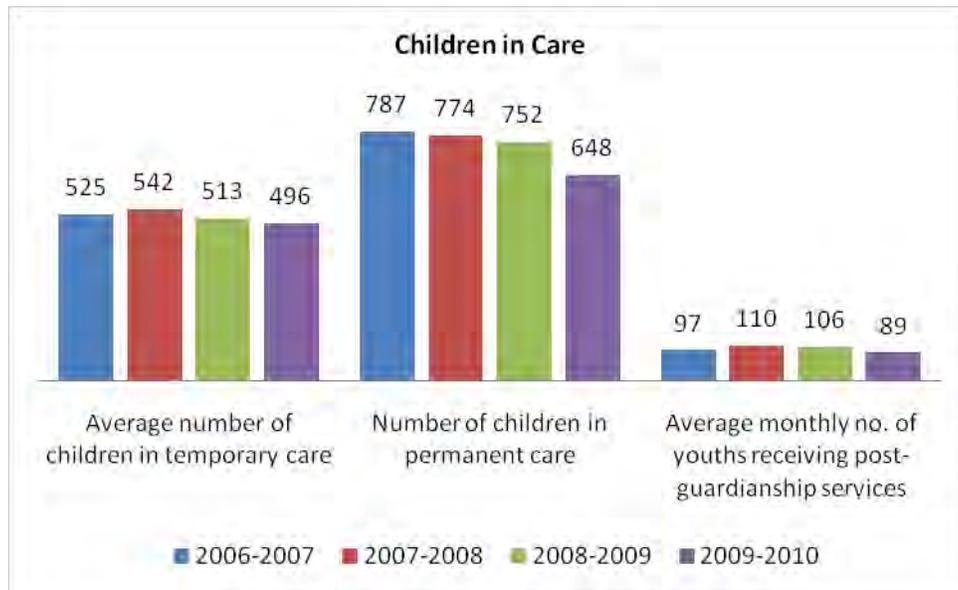
Source: Department of Social Development, 2010.



Source: Department of Social Development, 2010.

<b>Children in Care</b>				
	<b>2006-2007</b>	<b>2007-2008</b>	<b>2008-2009</b>	<b>2009-2010</b>
<b>Monthly average number of children in temporary care</b>	525	542	513	496
<b>Number of children in permanent care</b>	787	774	752	648
<b>Average monthly no. of youths receiving post-guardianship services (for youths ages 19-24)</b>	97	110	106	89

Source: Department of Social Development, 2010.



Source: Department of Social Development, 2010.

Residential Services				
	2006-2007	2007-2008	2008-2009	2009-2010
Number of foster/provisional families	766	668	668	631
Number of child care residential centers	36	35	38	38

Source: Department of Social Development, 2010.

### First Nations

Child Welfare						
	Burnt Church	Eel Ground	Eel River Bar	4-Directions	Metepenagiag	Kingsclear
Case Load Average monthly last fiscal year	91	48	30	45	40	54
Temporary	23	3	1	1	9	8
Permanent	23	4	10	2	5	8
Number of Provisional foster homes	27	3	4	3	9	4
Number of Regular foster homes	19	1	2	0	4	1
Number of subsidized adoptions	0	0	0	0	0	0
Number of investigations for In-Home	60	45	96	20	30	54
Number of In-home cases per month	25	48	16	11	26	48
Number of Head-start open cases	25	10	1	5	9	12

Source: The optional analysis for ICFS, 2008-2009.

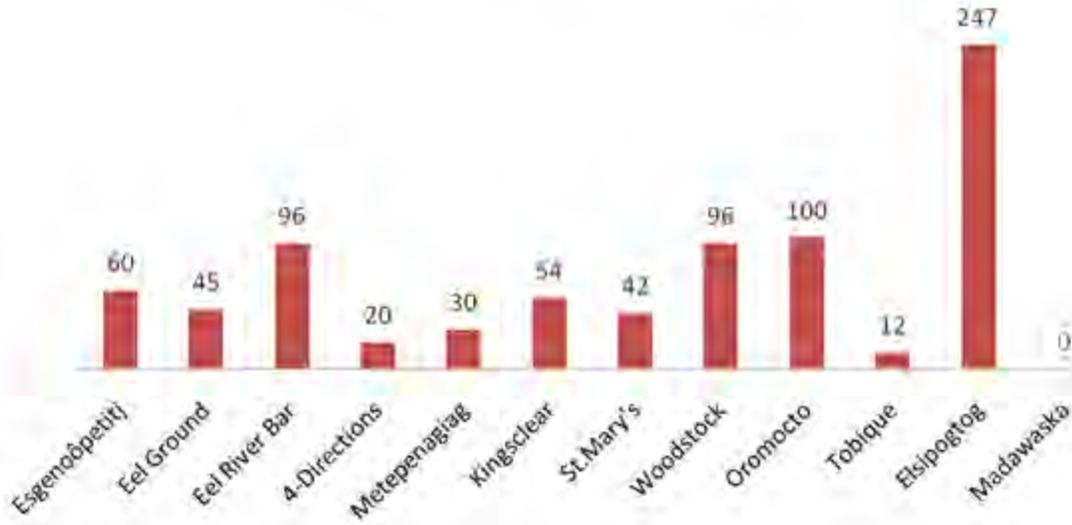
<b>Child Welfare</b>						
	<b>Esgenoôpetitj</b>	<b>Eel Ground</b>	<b>Eel River Bar</b>	<b>4-Directions</b>	<b>Metepenagiag</b>	<b>Kingsclear</b>
<b>Case Load Average monthly last fiscal year</b>	91	48	30	45	40	54
<b>Temporary</b>	23	3	1	1	9	8
<b>Permanent</b>	23	4	10	2	5	8
<b>Number of Provisional foster homes</b>	27	3	4	3	9	4
<b>Number of Regular foster homes</b>	19	1	2	0	4	1
<b>Number of subsidized adoptions</b>	0	0	0	0	0	0
<b>Number of investigations for In-Home</b>	60	45	96	20	30	54
<b>Number of In-home cases per month</b>	25	48	16	11	26	48
<b>Number of Head-start open cases</b>	25	10	1	5	9	12

Source: The optional analysis for ICFS, 2008-2009.

<b>Child Welfare continued</b>							
	<b>St. Mary's</b>	<b>Woodstock</b>	<b>Oromocto</b>	<b>Elsipogtog</b>	<b>Tobique</b>	<b>Madawaska</b>	<b>Total</b>
<b>Case Load Average monthly last fiscal year</b>	66	16	33	125	50	1	<b>599</b>
<b>Temporary</b>	3	2	20	47	25	1	<b>143</b>
<b>Permanent</b>	3	0	2	24	3	0	<b>84</b>
<b>Number of Provisional foster homes</b>	2	0	8	5	31	0	<b>96</b>
<b>Number of Regular foster homes</b>	3	0	1	20	1	0	<b>52</b>
<b>Number of subsidized adoptions</b>	0	0	0	1	0	0	<b>1</b>
<b>Number of investigations for In-Home</b>	42	96	100	247	12	0	<b>802</b>
<b>Number of In-home cases per month</b>	54	14	33	36	22	0	<b>333</b>
<b>Number of Head-start open cases</b>	5	5	10	42	5	0	<b>129</b>

Source: The optional analysis for ICFS, 2008-2009.

### Number of investigations for In-Home



Source: The optional analysis for ICFS, 2008-2009.

## ARTICLE 23: RIGHTS OF MENTALLY ILL OR PHYSICALLY DISABLED CHILDREN



*...a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.*

One of the highest priorities for the Office of the Child and Youth Advocate since its inception has been to advocate for physically and mentally challenged children in New Brunswick. These children are extremely vulnerable and it is particularly on their behalf that our office's Child and Youth Advocate delegates intervene day in day out. If one adds to this a disabled child's isolation through membership in a disadvantaged minority culture group, it is easy to understand why disabled First Nations youth will require special intervention and priority treatment by the Advocate's staff and other interested stakeholders. The interplay between Articles 23 and 12 is also an important one: the language of Article 23 already calls forward the principles of youth engagement and the need to be solicitous of the child's view regarding their health care and treatment in order to ensure "dignity, promote self-reliance and facilitate the child's active participation in the community."

New Brunswick has made great strides since the early 1980s to move towards inclusive approaches in education, in the workplace and in meeting the housing and social service needs of disabled residents. Far more, however, needs to be done to adequately prepare disabled children in our province to manage their health conditions and to lead active and productive lives in our communities.

The data available this year suggests that there is no relaxation in the rate of diagnosis of mental health disorders or physical disability among children. We will have to redouble our efforts in devising universal design solutions that consider the needs of these children in order to support them as required under the Convention. Most troubling is the fact that while detection and diagnostic services appear to be improving, there is no collateral investment in treatment services. The number of families and children assisted through the Community-Based Services for Children with Special Needs (CBSCSN) Program seems in fact to have reached a plateau and even declined.

**New Brunswick Mental Health Classifications ages 0-18**

	Male			Female		
	2007-08	2008-09	2009-10	2007-08	2008-09	2009-10
<b>Attention-deficit and Disruptive Behavior disorder</b>	1,532	1,626	1,587	434	526	532
<b>Depressive disorders</b>	188	282	218	296	351	406
<b>Eating disorders</b>	16	6	2	18	34	60
<b>Bipolar disorders</b>	26	48	30	22	42	34
<b>Schizophrenia and Other Psychotic disorders</b>	10	10	10	4	8	8
<b>Alcohol-Related Disorders</b>	12	30	18	10	2	12
<b>Cocaine-Related disorders</b>	6	8	8	2	6	2
<b>Opiod-Related disorders</b>	0	0	0	0	2	2

Source: Department of Health, 2010.

**New Brunswick Mental Health Classification ages 0-18 percentage of change for 2008 to 2010**

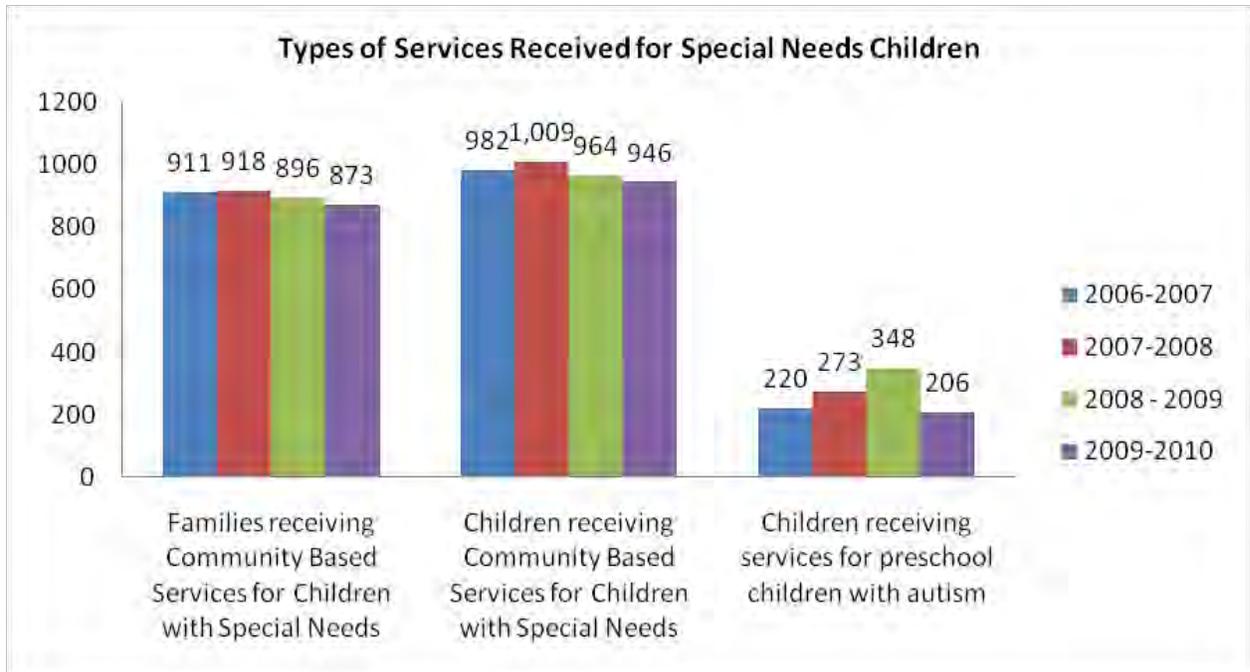
	2008-09	2009-10	% of Change
<b>Attention-deficit and Disruptive Behavior disorder</b>	2,152	2,119	-1.5%
<b>Depressive disorders</b>	633	624	-1.4%
<b>Eating disorders</b>	40	62	55%
<b>Bipolar disorders</b>	90	64	-29%
<b>Schizophrenia and Other Psychotic disorders</b>	18	18	0%
<b>Alcohol-Related Disorders</b>	32	30	-6.2%
<b>Cocaine-Related disorders</b>	14	10	-28%
<b>Opiod-Related disorders</b>	2	2	0%

Source: Department of Health, 2010.

**Special Needs Children**

	2006-2007	2007-2008	2008 - 2009	2009-2010
<b>Families receiving Community Based Services for Children with Special Needs</b>	911	918	896	873
<b>Children receiving Community Based Services for Children with Special Needs</b>	982	1,009	964	946
<b>Children receiving services for preschool children with autism</b>	220	273	348	455

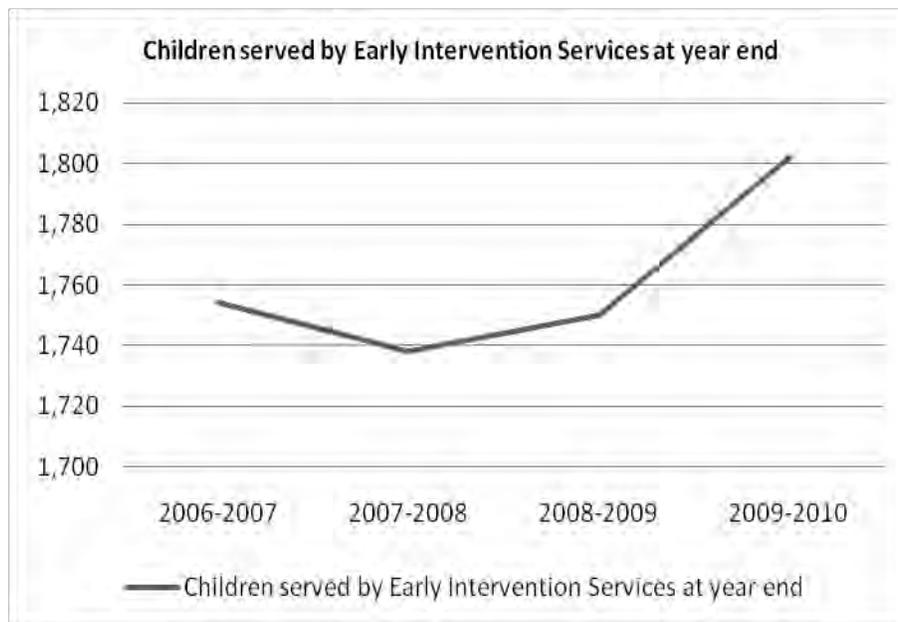
Source: Department of Social Development, 2010.



Source: Department of Social Development, 2010.

Early Childhood Interventions at Year End				
	2006-2007	2007-2008	2008-2009	2009-2010
<b>Children served by Early Intervention Services</b>	1,754	1,738	1,750	1,802
<b>Children served by Infant-Parent Attachment Program</b>	58	86	81	66

Source: Department of Social Development, 2010.



## ARTICLE 24: RIGHT TO HIGHEST ATTAINABLE STANDARD OF HEALTH

*States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services...*



The right enshrined in Article 24 of the Convention on the Rights of the Child, the right to the highest attainable standard of health, is a programmatic right. This means that it is a right which can only be enjoyed as a result of state intervention to create the conditions necessary for the exercise of the right. Unlike freedom of expression or liberty rights, which require merely that the state not interfere with the individual's exercise of those rights, the right to an optimum standard of health requires that governments support programs that recognize the individual's entitlement, by virtue of their human dignity, to certain minimum programs and services. The following few sections of this report deal with such rights. Most social, economic and cultural rights like the rights to health, to education, to an adequate standard of living and to rest, leisure and play, are programmatic rights.

It is therefore particularly important that governments and state signatories of the Convention be held accountable for their progress – or lack of progress – in the gradual implementation of these rights through periodic reports setting out benchmarks, outcomes and other performance measures and indicators just as we seek to do here. Much of the data contained in this report can be analyzed as a measure of our performance in relation to one of these programmatic rights. The health data available on services for children and youth in New Brunswick is particularly rich. Unfortunately, we have still not found the best way of harnessing and analyzing the data in order to drive forward the information that should inform our public debate, our social policy and our health policy decisions. Our office is, however, particularly encouraged by the work undertaken by the New Brunswick Health Council, the Department of Wellness, Culture and Sport and the newly established Social Policy Research Network in relation to this challenge. We plan in particular to deepen our collaboration with the New Brunswick Health Council over the next year in order to improve and extend our *State of our Children and Youth* reporting process.

The right to the highest attainable standard of health is again intrinsically related to the right to identity, the right to be heard and also the right to enjoy one's own culture, profess one's faith

and speak one's language. In the absence of a relative degree of health, none of these other rights matter. In New Brunswick, we note that children's health continues to be compromised by poor diet, lack of exercise and the adoption of increasingly sedentary lifestyles. While the latest data points to an encouraging decrease in overweight and obesity rates among boys, New Brunswick boys continue to face more significant weight challenges than their female peers. Unfortunately, the 2009/2010 data shows no improvement whatsoever in the obesity rates reported among girls three years previously. Both boys and girls have continued to see year over year increases in the prevalence of diabetes over the past six years. Both infant mortality rates and perinatal death rates in New Brunswick continue to be below national averages although in both cases the gap is closing. By and large, accidental deaths continue to be the main cause of death among children from ages 1 to 19 years; better efforts should be deployed in sensitizing parents and youth to this fact.

In New Brunswick First Nations communities, the data points to a marginally higher rate of access by First Nations children to specialists and health care practitioners overall – with the exception of poorer access to dental care. Paradoxically, the data also suggests that a significantly higher number of New Brunswick First Nations children are diagnosed with a severe chronic health condition, allergies, asthma or one or more health conditions.

## Health Profile

Population with a Regular Medical Doctor						
	2007	Percent	2008	Percent	2009	Percent
<b>Canada</b>	23,604,601	84.9%	23,789,718	84.4%	24,231,191	84.9%
<b>Males</b>	11,011,716	80.4%	11,175,031	80.4%	11,390,238	80.9%
<b>Females</b>	12,592,885	89.2%	12,614,687	88.3%	12,840,953	88.7%
<b>New Brunswick</b>	587,560	91.9%	584,865	90.8%	595,758	92.1%
<b>Males</b>	280,330	89.6%	273,011	86.9%	289,262	91.9%
<b>Females</b>	307,231	94.1%	311,854	94.6%	306,496	92.3%

Source: Statistics Canada, 2009. Canadian Community Health Survey, CANSIM table 105-0501, Health indicator profile, ages 12 and over.

Perceived Health Status				
	Male	Female	NB Average	Canadian Average
<b>See their health as being very good or excellent</b>	71%	62.8%	67%	68%
<b>See their mental health as being very good or excellent</b>	68.8%	75.1%	71.8%	77.4%
<b>Satisfied or very satisfied of life</b>	97%	96.5%	96.8%	96.7%

Source: Statistics Canada. Canadian Community Health Survey, 2009. CANSIM table 105-0501 (12-19 years of age).

**Prevalence of Diabetes Among Youth (1-19 Years Old) in New Brunswick**

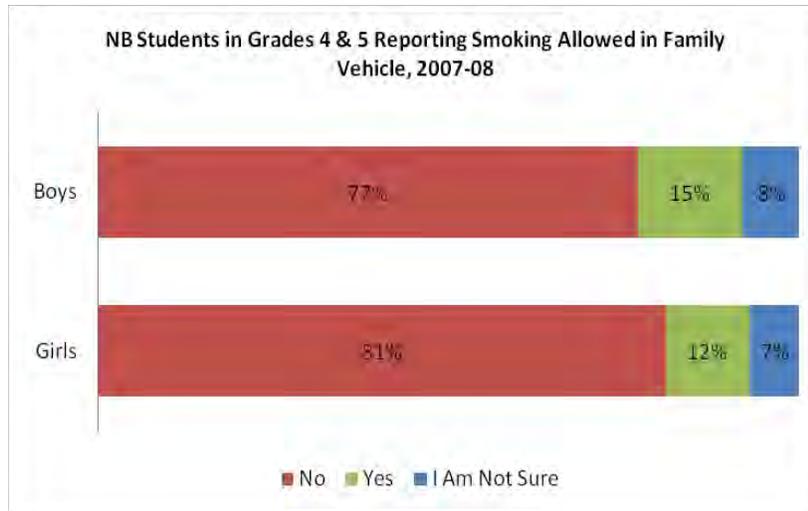
Sex	Fiscal Year	Prevalence	Crude Rate	Lower limit of 95% CI	Upper limit of 95% CI
Male	2004	315	3.6	3.2	4.0
	2005	321	3.8	3.4	4.2
	2006	320	3.8	3.4	4.2
	2007	326	4.0	3.6	4.5
Female	2004	260	3.2	2.8	3.6
	2005	279	3.4	3.0	3.8
	2006	278	3.5	3.1	3.9
	2007	292	3.7	3.3	4.2

Source: Department of Health, 2007.

**Smoking Behaviors, Grades 6-12**

	Males 2006-07	Males 2009-10	Females 2006-07	Females 2009-10
<b>Ever smoked a cigarette (Grade 12 Only)</b>				
Yes	55%	46%	53%	35%
No	45%	54%	47%	65%
<b>Smoked in last 30 days</b>				
Smoked in last 30 days	13%	14%	11%	10%
Has not smoked in last 30 days	87%	86%	89%	90%
<b>Confidence and intentions to remain smoke free</b>				
Yes	76%	70%	76%	75%
No	24%	30%	24%	25%
<b>Number of days in past week spent in car with someone smoking</b>				
0	62%	67%	62%	68%
1 or 2	18%	16%	17%	16%
3 or 4	8%	6%	9%	6%
5 or 6	4%	3%	4%	3%
All 7 days	8%	8%	7%	6%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10.



Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2007-08.

<b>Fruits &amp; Vegetables Eaten Previous Day (Not Including Fruit Juice)</b>		
	<b>Males</b>	<b>Females</b>
<b>Grades 4 &amp; 5 (2007-08)</b>		
Less than 5	46%	36%
5 or More	54%	64%
<b>Grades 6-12 (2006-07)</b>		
Less than 5	76%	72%
5 or More	24%	28%
<b>Grades 6-12 (2009-10)</b>		
Less than 5	76%	75%
5 or More	24%	25%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-2007, 2007-08 and 2009-10.

<b>Eating Behaviors, Grades 6-12</b>					
	<b>Amount Consumed</b>	<b>Males</b>		<b>Females</b>	
		<b>2006-2007</b>	<b>2009-2010</b>	<b>2006-2007</b>	<b>2009-2010</b>
<b>Sweet Drinks consumed the previous day</b>	None	27%	32%	43%	44%
	1 or More	73%	68%	57%	56%
<b>Candy, Chocolate or Sweets consumed the previous day</b>	None	23%	27%	24%	27%
	1 or More	77%	73%	76%	73%
<b>Fast Food consumed in the previous week</b>	None	60%	41%	64%	42%
	1 to 2 times that week	28%	42%	28%	47%
	3 or More times that week	13%	17%	8%	11%

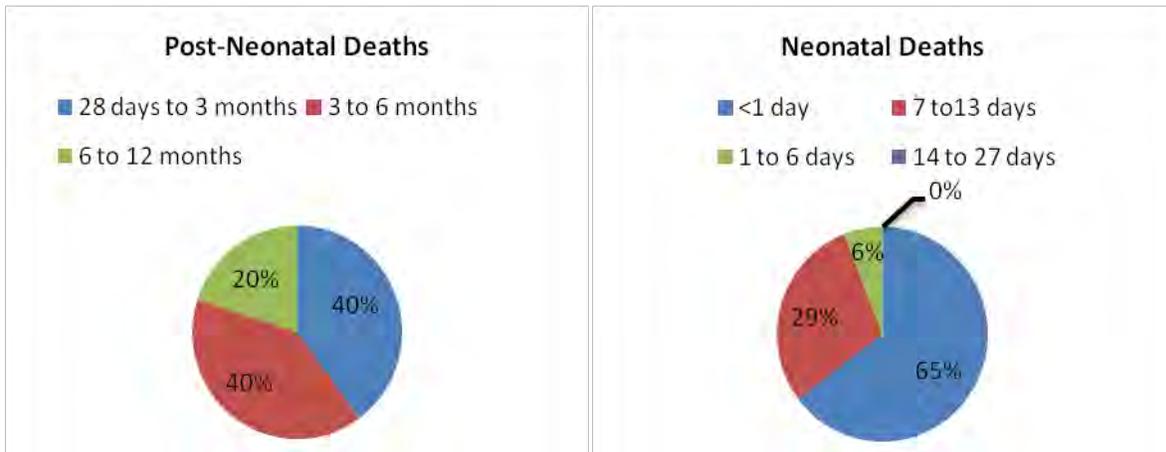
Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10.

### BMI Class by Gender

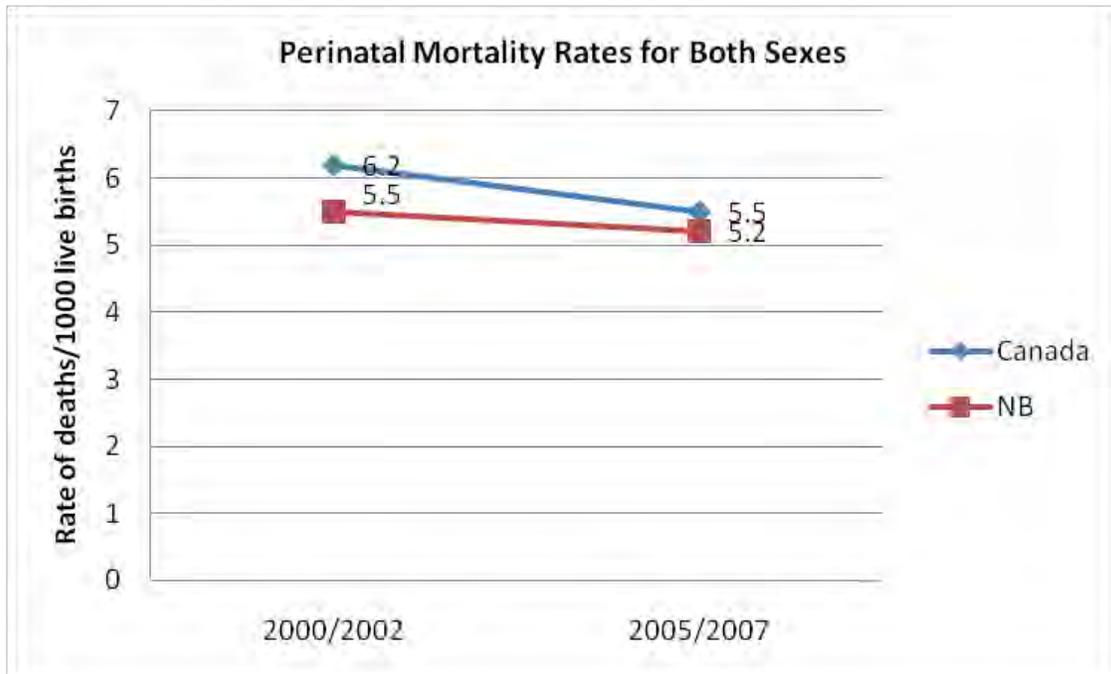
	Males 2006-07	Males 2009-10	Females 2006-07	Females 2009-10
<b>Underweight</b>	4%	8%	4%	7%
<b>Healthy Weight</b>	64%	68%	76%	72%
<b>Overweight</b>	15%	13%	12%	10%
<b>Obese</b>	16%	12%	9%	10%

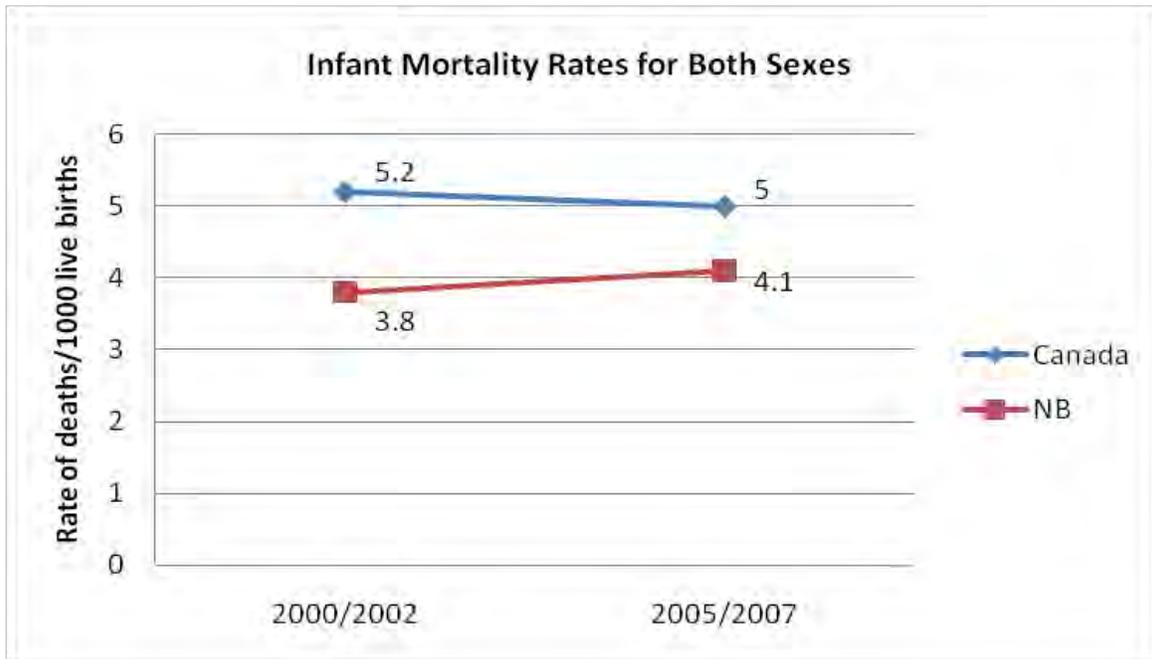
Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10.

### Premature Deaths

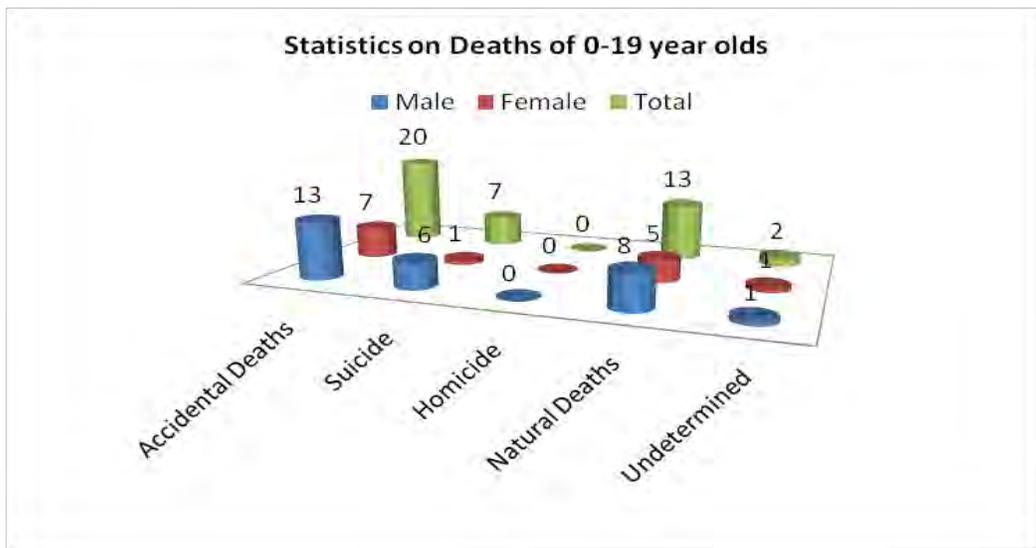


Source: Government of New Brunswick. Vital Statistics, 2008 (Annual Report).





Source: NB Health Council, 2010



Source: Government of New Brunswick. Office of the Chief Coroner, 2008 (Annual Report).

#### Premature Death Rates per 10,000 for New Brunswick Children and Youth, 10 to 19 Years

	Males	Females	NB Total
Premature death from cancer	25.01	13.2	19.25
Premature death from injuries	152.38	62.89	108.77
Premature death from suicides / self-inflicted injuries	51.16	15.55	33.8

Source: Years of life lost, rate per 10,000, New Brunswick Vital Statistics 2004 to 2008 for 10 to 19 years of age, prepared by New Brunswick Health Council.

## First Nations Health Profile

### Who has Parent or Guardian seen in past 12 Months for Physical, Emotional or Mental Health of the Child or Youth

	New Brunswick	All Provinces
<b>Pediatrician, General Practitioner or Family Physician</b>	54%	55%
<b>Another Medical Specialist</b>	41%	32%
<b>Community Health Nurse, Public Nurse or Nurse Practitioner</b>	21%	19%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

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Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

### Children and Youth who Last Received Dental Care

	New Brunswick	All Provinces
Within the Last 12 Months	78%	81%
Children and Youth in Need of Dental Treatment	29%	29%
<b>Of those in Need of Dental Treatment</b>		
Arrangements have been made for treatment	46%	52%
Arrangements have not been made for treatment	46%	42%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

### Medical Diagnoses (By a Health Professional)

	New Brunswick	All Provinces
<b>With One or More Health Conditions</b>	65%	50%
<b>With One or More Severe Chronic Health Conditions</b>	57%	42%
<b>With Allergies</b>	22%	18%
<b>With Asthma</b>	22%	15%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

## ARTICLE 27: ADEQUATE STANDARD OF LIVING

*States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development...*

Article 27 of the *Convention on the Rights of the Child* guarantees the child's right to be protected from poverty and promises to every child a standard of living adequate to his or her physical, mental, spiritual, moral and social development. There is no need on this score to stress yet again the inter-relatedness and interdependence of this right to all other rights guaranteed under the Convention. Unfortunately, it is particularly important to draw attention to the interplay between Articles 27 and



Photo: Matthew Sherwood, Telegraph-Journal. A mother and her infant seen through one of the many holes in the walls of the two-story apartment building they live in on the Woodstock First Nation.

30 if only to point out that in a Canadian context there is a staggering gap in wealth between New Brunswick First Nations children and their peers throughout the province. Just as *Hand-in-Hand*, our report examining child welfare services in First Nations communities was being released earlier this year, a Statistics Canada report was made public listing Canada's poorest communities by postal code. In 2009, six of Canada's poorest communities, including the poorest ones overall, were located in New Brunswick. All six of these communities were New Brunswick First Nations communities.

This very deep poverty is causally linked to significant housing problems, the decay of public infrastructures and buildings and growing drug addiction problems. In these conditions, a child's right to an adequate standard of living is deeply compromised and so is their right to identity and to linguistic and cultural heritage. In the course of our investigation for the *Hand-in-Hand* report, many well-educated First Nations people spoke with passion about their attachment to their communities, but several admitted candidly that they had chosen to live off reserve in order to raise their children in an environment less fraught with poverty, addictions, inadequate housing and unemployment. For many First Nations parents, choosing to live their ethnicity and culture and raise their children in that heritage is a difficult and soul-wrenching choice. But New Brunswickers of all backgrounds are familiar with the difficult choices between outmigration, the pursuit of economic gain and attachment to land and community.

Overall in New Brunswick, children are raised in families with incomes roughly 15% lower than Canadian national averages. They are, however, roughly on par with peers and families in other Atlantic provinces: Prince Edward Island and Nova Scotia residents have slightly higher incomes, while Newfoundland residents have recently closed the wage gap with their New Brunswick counterparts. The statistics on family type reproduced in the “Common Responsibility for Upbringing And Development” section above are important societal markers to keep in mind in assessing child wellness. However, they are incomplete if they do not adequately capture how many families are made up of two-parent households but where the primary breadwinner is living in another province or country seeking active employment or is engaged, for instance, in peace-keeping efforts. These situations are not uncommon and affect a child’s upbringing. Our social policy needs to be informed by adequate measures related to additional stress that work migration patterns may place on child welfare.

Taking a broader view, however, the undeniable fact is that Canada is one of the richest countries in the world, and if we cannot make stronger and swifter progress at eradicating child poverty, there is little hope for children elsewhere. In this area it is critically important that Canada lead by example. Maritimers, because of the close-knit nature of our communities, are perhaps best positioned, notwithstanding our overall economic outlook, to be leaders on this issue.

<b>Average Weekly Earnings</b>					
	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Canada</b>	\$737.29	\$755.48	\$788.06	\$810.52	\$823.53
<b>New Brunswick</b>	\$651.29	\$672.37	\$706.65	\$729.30	\$747.60

Source: Statistics Canada. CANSIM Database, table [281-0027](#) and Catalogue No. [72-002-X](#).

\*Note: All industries excluding unclassified enterprises. Data includes overtime. North American Industry Classification System (NAICS), 2007.

<b>Median Total Income, by Province (of all census families*)</b>					
	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
<b>Canada</b>	\$58,100	\$60,600	\$63,600	\$66,550	\$68,860
<b>New Brunswick</b>	<b>\$49,700</b>	<b>\$51,500</b>	<b>\$54,000</b>	<b>\$56,930</b>	<b>\$59,790</b>
<b>Newfoundland and Labrador</b>	\$46,100	\$47,600	\$50,500	\$55,210	\$59,320
<b>Nova Scotia</b>	\$51,500	\$54,000	\$56,400	\$59,200	\$61,980
<b>Prince Edward Island</b>	\$51,300	\$53,400	\$56,100	\$58,610	\$61,010

Source: Statistics Canada. CANSIM Database, table [111-0009](#).

\* Census families include couple families, with or without children, and lone-parent families.

**Prevalence of low income (before tax) in 2005 for economic families**

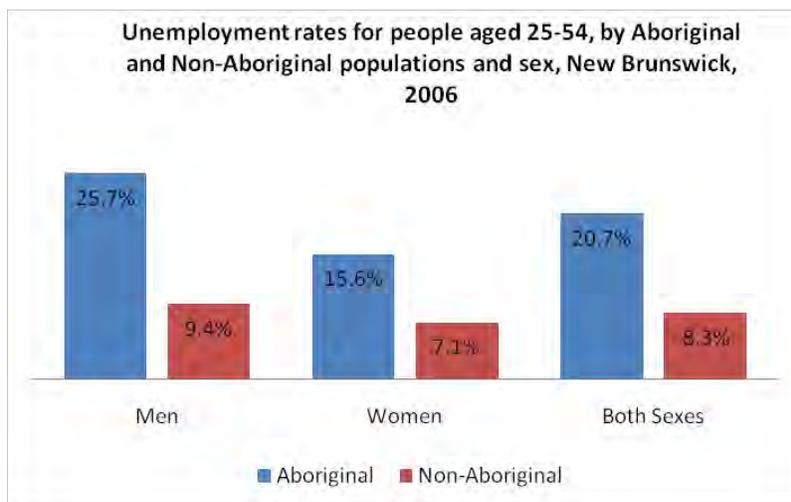
Canada	11.6
Newfoundland and Labrador	11.9
Prince Edward Island	7.7
Nova Scotia	10.3
New Brunswick	10.4
Quebec	12.3
Ontario	11.7
Manitoba	12.3
Saskatchewan	10.2
Alberta	8.7
British Columbia	13.3

Source: Statistics Canada. Census indicator profile, CANSIM table 109-0300, 2006.

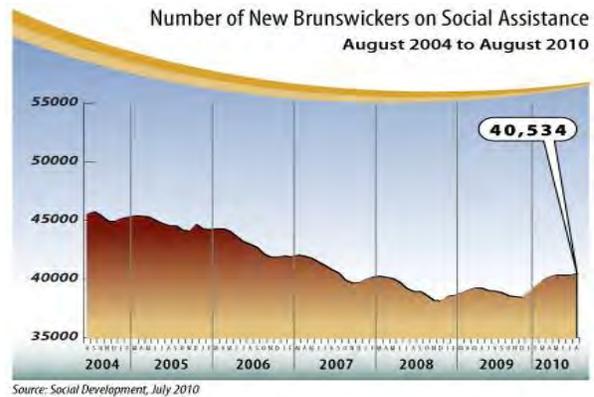
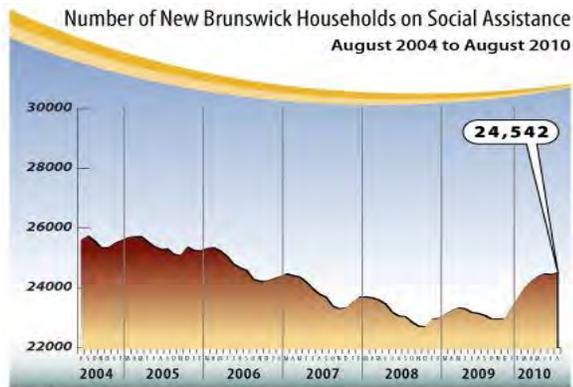
**Low Income Before Tax Cut-offs for Economic Families and Persons Not in Economic Families, 2005**

Family Size	Size of area of residence				
	Rural (Farm and non-farm)	Small urban regions	Population of 30,000 to 99,999	Population of 100,000 to 499,999	Population of 500,000 or more
1	14,303	16,273	17,784	17,895	20,778
2	17,807	20,257	22,139	22,276	25,867
3	21,891	24,904	27,217	27,386	31,801
4	26,579	30,238	33,046	33,251	38,610
5	30,145	34,295	37,480	37,711	43,791
6	33,999	38,679	42,271	42,533	49,389
7+	37,853	43,063	47,063	47,354	54,987

Source: Statistics Canada. Income Research Paper Series, Low Income Cut-offs for 2006 and Low Income Measures for 2005. Catalogue number 75F0002MIE, no. 004.



Source: Statistics Canada. Census of Population, 2006. Catalogue No.: 97-559-XCB2006008.



#### Family Households Receiving Monthly Social Assistance in New Brunswick

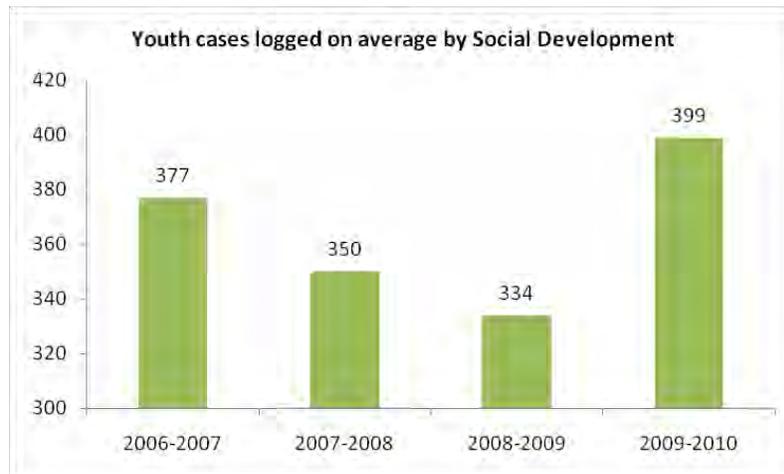
	2006-2007	2007-2008	2008-2009	2009-2010
<b>Total number of SA households</b>	24,658	23,807	23,136	24,153
<b>Two parent SA households as % of all SA households</b>	7.5%	7.0%	6.6%	6.4%
<b>One parent SA households as % of all SA households</b>	27.1%	26.3%	25.5%	24.2%
<b>% single parent SA households led by men</b>	9.0%	8.6%	8.0%	8.8%
<b>% single parent SA households led by women</b>	91.0%	91.4%	92.0%	91.2%

Source: Department of Social Development, 2010.

#### Youth Social Services (Youths on Social Assistance, Total Investment in Youth Care)

	2006-2007	2007-2008	2008-2009	2009-2010
<b>Youth cases logged on average by SD</b>	377	350	334	399

Source: Department of Social Development, 2010.

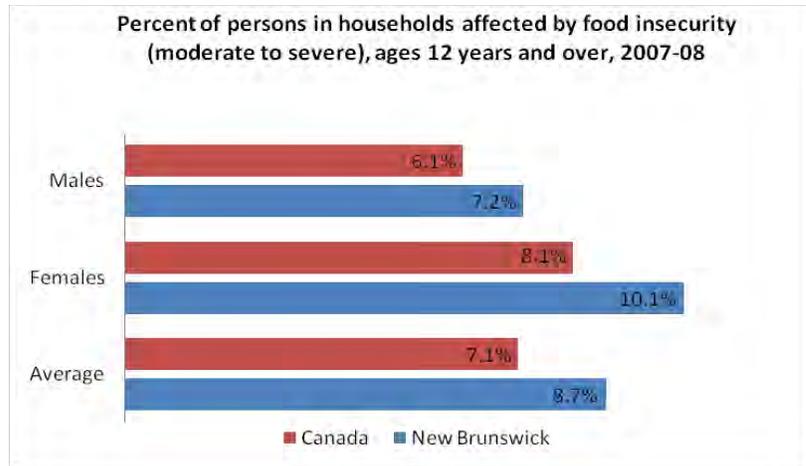


Source: Department of Social Development, 2010.

#### Maternity Benefits

	2006-2007	2007-2008	2008-2009	2009-2010
<b>Expectant Mothers receiving Prenatal Benefits</b>	1,475	1,449	1,371	1,434

Source: Department of Social Development, 2010.



Source: Statistics Canada. CANSIM Database, table [105-0547](#).

### First Nations

#### Sources of Income (Year Ending December 31, 2005)

	New Brunswick	All Provinces
<b>Paid Employment or Self-Employment</b>	63%	67%
<b>Employment Insurance</b>	21%	12%
<b>Canada or Quebec Pension Plans</b>	11%	8%
<b>Social Assistance or Welfare Benefits</b>	16%	10%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

#### Median Income and Distribution of Total Income of Aboriginal and Non-Aboriginal People 15 Years of Age and Older with Income, Fredericton 2005

	Aboriginal Population			Non-Aboriginal Population		
	Male	Female	Total	Male	Female	Total
<b>Under \$20,000</b>	61.9%	52.9%	56.4%	32.5%	47.0%	40.0%
<b>\$20,000 to \$39,999</b>	25.4%	37.4%	32.4%	29.3%	32.1%	30.7%
<b>\$40,000 and over</b>	12.7%	9.6%	11.2%	38.2%	20.9%	29.3%
<b>Median Income</b>	\$13,846	\$18,153	\$16,263	\$31,622	\$21,453	\$25,910

Source: Statistics Canada. Aboriginal Population Profile for Fredericton, 2006. Catalogue No. 89-638-X, no. 2009002.

#### Housing Conditions of Aboriginal and Non-Aboriginal People, Fredericton 2001 & 2006

	2001		2006	
	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
<b>Population living in crowded dwelling</b>	3.2%	0.8%	2.1%	0.7%
<b>Population living in dwellings in need of major repairs</b>	20.2%	7.9%	20.5%	7.4%

Source: Statistics Canada. Aboriginal Population Profile for Fredericton, 2006. Catalogue No. 89-638-X, no. 2009002.

## ARTICLE 28: RIGHT TO EDUCATION



*States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity...*

Of all the rights guaranteed to children, the most basic right on which adults everywhere can agree is that every child should enjoy an equal right to education. Just as a human being's right to work is fundamental to their identity, sense of self-worth and human dignity, a child's work is to learn. It is through access to

public schooling that a child is given the tools necessary to attain their optimal development. Education is the great leveler of inequality, privilege, wealth, ignorance and other conditions that can divide us as human beings. In New Brunswick, there is a strong commitment to equal access to education since the Robichaud government's famous Equal Opportunity Program in the 1960s.

New Brunswickers have to question, therefore, how it is that we allow ourselves to live in a province where so many First Nations children are deprived of the opportunity to access primary, secondary and post-secondary educational services in conditions of true equality. Many attempts have been made to remedy this situation and numerous programs are in place to help First Nations children and their families succeed in closing the educational gap. The fact remains, however, that we have failed as a society to achieve measurable success on this front. We must renew our efforts again because the actual fulfillment of this promise is a necessary condition to achieving true equality between First Nations and non-First Nations peoples in our province.

The right to education is also a critical component in ensuring that a child's right to be heard can be meaningfully materialized. A child without education cannot give voice to their needs, views, wants or desires. Improved educational outcomes for all New Brunswick school children and for First Nations pupils in particular is a societal goal which law-makers and political leaders will have to keep constantly in the forefront of the public agenda.

<b>Self Reported Sense of Connectedness to School</b>			
<b>Grades 4 -5 (2007-08)</b>		<b>Male</b>	<b>Female</b>
	<b>Felt Connected</b>	53%	71%
	<b>Felt Less or Not at all Connected</b>	47%	29%
<b>Grades 6-12 (2006-07)</b>			
	<b>Felt Connected</b>	80%	84%
	<b>Felt Less or Not at all Connected</b>	20%	16%
<b>Grades 6-12 (2009-10)</b>			
	<b>Felt Connected</b>	80%	86%
	<b>Felt Less or Not at all Connected</b>	20%	14%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07, 2007-08 and 2009-10.

<b>School Enrollment as of Sept 30, 2009</b>					
	<b>Enrolment</b>	<b>2009-2010</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
	<b>Provincial enrolment</b>	<b>106,394</b>	51.3%	48.7%	-
	<b>Anglophone enrolment</b>	71%	51.7%	48.3%	75,974
	<b>Francophone enrolment</b>	29%	50.2%	49.8%	30,420
	<b>Total dropouts 2008-2009 (grades 7 -12)</b>	1,195	59.1%	40.9%	-
	<b>Dropout rate 2008-2009 (grades 7-12)</b>	2.2%	2.5%	1.8%	-

Source: Department of Education, 2010.

<b>Number of Schools, Enrolment and Educators*</b>		
	<b>2008</b>	<b>2009</b>
<b>Anglophone Schools</b>	228	225
<b>Francophone Schools</b>	98	97
<b>Province Total</b>	<b>326</b>	<b>322</b>
<b>Enrolment Rates, Anglophone</b>	77,288	75,974
<b>Enrolment Rates, Francophone</b>	31,119	30,420
<b>Enrolment Rates, Province Total</b>	<b>108,407</b>	<b>106,394</b>
<b>Educators, Anglophone</b>	5,701.50	5,548.40
<b>Educators, Francophone</b>	2,433.70	2,347.90
<b>Educators, Province Total</b>	<b>8,135.20</b>	<b>7,896.30</b>

Source: Department of Education, 2010.

\*Educators are employees who deliver educational and/or pupil personnel services in a professional capacity.

<b>Total Dropouts in New Brunswick (Grades 7-12) 2008-2009</b>			
	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>All Dropouts</b>	59.1%	40.9%	1,195
<b>Dropout Rate</b>	2.5%	1.8%	2.2%
<b>First Nations</b>			5.8%

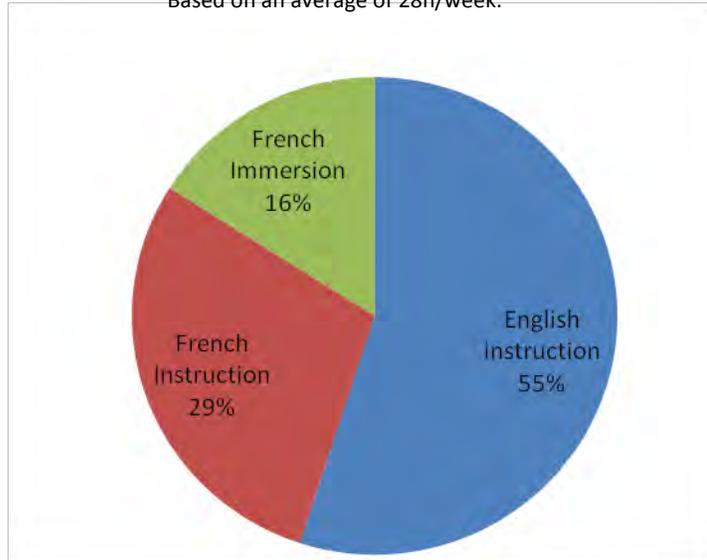
Source: Department of Education, 2010.

### School Instruction by Language

	Anglophone	Francophone	Total
School Psychologists	60%	40%	40.2
Teacher's Assistants*	70%	30%	2,177.9
School Intervention Workers	57%	43%	118.6

Source: Department of Education, 2010.

\*Based on an average of 28h/week.



### Percentage of Students at Intermediate Level or Higher on ESL Oral Proficiency Assessment

	Male	Female	Overall
New Brunswick	68%	67%	67%

Source: Department of Education, 2010.

### Percentage of Students at Each ESL Oral Proficiency Level

	Overall	Male	Female
Superior	8.4	8.1	8.7
Advanced	27.8	25.3	30.1
Intermediate	31.2	34.5	28.0
Basic	26.7	25.7	27.6
Novice	5.1	5.1	5.1
Unratable	0.6	0.8	0.4
Exempted	0.3	0.4	0.1

Source: Department of Education, 2010.

**Total New Brunswick University Enrollments by Registration Status, 2009-2010**

University	Full-Time	Part-Time	Total
Université de Moncton (Moncton)	4,071	636	4,707
Université de Moncton (Shippagan)	417	308	725
Université de Moncton (Edmundston)	535	476	1,011
Mount Allison University	2,162	159	2,321
St. Thomas University	2,784	262	3,046
UNB - Fredericton	7,827	1,982	9,809
UNB - Saint John	2,393	721	3,114
<b>Total</b>	<b>20,189</b>	<b>4,544</b>	<b>24,733</b>

Source: Maritime Provinces Higher Education Commission (MPHEC), 2010.

**2010-2011 Undergraduate Arts Tuition Fees and Ancillary Fees\* at New Brunswick Universities**

	Tuition Fees	Tuition plus Ancillary Fees
Mount Allison University	6 720 \$	7 010 \$
St. Thomas University	4 570 \$	5 207 \$
Université de Moncton	4 920 \$	5 476 \$
University of New Brunswick	5 482 \$	6 008 \$
<b>Provincial Average</b>	<b>5 423 \$</b>	<b>5 925 \$</b>

Source: Maritime Provinces Higher Education Commission (MPHEC), 2010.

\* Ancillary Fees include Student Union fees, Health Insurance and other fees such as Athletic fees, Society fees, technology fees, etc.

**Tuition Fees, Enrollment and Graduation Rate at NBCC/CCNB**

<b>Tuition Fees (2011-2012)</b>	2 600 \$ per year	
<b>Enrollment (2010-2011)</b>	6,737 Regular Programs	18,352 Courses and Non-Regular Programs
<b>Graduation Rate</b>	84.5% (of those eligible to graduate)	

Source: Collège communautaire du Nouveau-Brunswick/New Brunswick Community College (CCNB/NBCC), 2010.

**University Degrees, Diplomas and Certificates Granted**

	2004	2005	2006	2007	2008
<b>Canada</b>	211,902	216,240	227,085	242,787	244,380
<b>New Brunswick</b>	4,944	5,244	5,463	5,268	5,439

Source: Statistics Canada. CANSIM table 477-0014.

## First Nations

### First Nations Living on Reserve and Attending Public School, 2009-2010

<b>Anglophone district</b>	94%
<b>Francophone district</b>	6%
<b>Total</b>	<b>1,573</b>

Source: Department of Education.

### Educational Attainment of the Aboriginal Identity Population

	Male	Female	Total
<b>Total Aboriginal Identity Population aged 15 - 24</b>	<b>1,500</b>	<b>1,430</b>	<b>2,935</b>
<b>No Certificate, Diploma, or Degree</b>	900	830	1,735
<b>High School Certificate or Equivalent</b>	385	405	785
<b>Apprenticeship or Trades Certificate or Diploma</b>	85	25	105
<b>College, CEGEP or Other Non-University Certificate / Diploma</b>	105	120	230
<b>University Certificate or Diploma Below the Bachelor Level</b>	10	10	10
<b>University Certificate or Degree</b>	25	45	70

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006.

### Attended an Early Childhood Development or Preschool Program

<b>New Brunswick</b>	68%
<b>All Provinces</b>	62%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

## Attributes of School

### Feels Violence is a Problem at School

	New Brunswick	All Provinces
<b>Strongly Agree or Agree</b>	23%	20%
<b>Disagree or Strongly Disagree</b>	75%	76%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

### School Enrolment

#### Currently Attending Elementary or High School or High School Equivalency Program, 15 years and older

New Brunswick 16%

All Provinces 23%

#### Of Those Attending Elementary or High School or a high School Equivalency Program:

New Brunswick

All Provinces

Full Time

76%

82%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

### Completion of High School or Equivalent for First Nations, 15 years and older

New Brunswick

All Provinces

Graduated from High School

77%

74%

Did not Finish High School

23%

25%

Completed High School through Equivalency Program GED

21%

18%

Median Age When Last in Elementary or High School (years)

15.3%

15.8%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

### Aboriginal Culture at Elementary or High School Level

New Brunswick

All Provinces

At School had Aboriginal Teachers or Teachers' Aids

9%

16%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

### Financial Assistance for Post-Secondary Studies

New Brunswick

All Provinces

Applied for Financial Assistance for Post Secondary Studies

50%

51%

Received Financial Assistance for Post Secondary Studies

88%

88%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

### Highest Level of School Completed

New Brunswick

All Provinces

Less than High School Diploma

34%

31%

High School Diploma or High School Equivalency

14%

16%

Some Other Non-University Institution

10%

9%

Diploma or Certificate from other non-University Institution

18%

17%

Bachelor's Degree

6%

6%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 15 years and older.

## ARTICLE 31: RIGHT TO REST, LEISURE AND PLAY

*States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.*

Lawyers and laymen may be surprised to hear human rights experts talk about the fundamental human right to rest and leisure. Some may be even more derisive when the same experts talk about a child's inalienable right to play. But playing is central to a child's life, to their path of discovery and their sense of self. Janusz Korczak, a Polish pediatrician and pedagogue renowned as the father of children's rights, said that a story, a conversation with a dog, or a ball game were all very important moments and time well spent in a child's day. Child psychologists and children's rights advocates all agree on this point today, but the right to play still does not hold much weight in our social policy discourse.



Photo: Girls at a playground in Moncton.

Initially it was suggested that this year's report should also explore the contours of Article 31, particularly given its relevance to Article 30 and the rights of children of minority cultures, religions or linguistic groups. As we toured First Nations communities in New Brunswick for our *Hand-in-Hand* report, our office's delegates met with children and youth in every community and invariably heard of the need for more services and facilities where children could play and find something positive to do. It is for this reason that one of the final and most central recommendation in the *Hand-in-Hand* report calls for the creation of a First Nations Children's Futures Fund, which will enlist the support of New Brunswick's non-profit and business communities in providing better and sustainable recreational services and facilities for children in First Nations communities. The work to establish this fund and endow it is now underway. On balance, however, it was decided that the right to rest, leisure and play is a definitional right for children and one which would benefit from a separate thematic approach at another time.

We found it helpful to start tracking the available data that can help demonstrate the investments and programs that exist in New Brunswick and which help support the fulfillment of the promise made to children under Article 31. One clear alarm bell is sounded in the charts

below with respect to the remarkable lack of physical activity: while only 12% of Canadian children report engaging in the recommended 90 minutes per day of moderate or strenuous physical activity, the rate within New Brunswick is barely more than half the national average (7%), far behind every other jurisdiction in Canada. Some schools have stepped up to this challenge by introducing programs to achieve the desired targets within their school community, but a paradigm shift is required to achieve similar results on a provincial scale.

We are also concerned that the data for screen time usage among New Brunswick children is not detailed enough, since we only have reports regarding usage of two hours or more of screen time per day. Other jurisdictions in developed countries report average screen time usage among adolescents as high as six hours a day and more. The Department of Wellness, Culture and Sport has more detailed data available and we will be working with them in the coming months to better track this information in future reports. We also hope to break down this future data by type of activity: computers, television, video games, cell phones, texting, e-books and electronic notepads.

**Selected Leisure Activities\* of NB Students Grades 6-12**

	<b>Males 2006-07</b>	<b>Males 2009-10</b>	<b>Females 2006-07</b>	<b>Females 2009-10</b>
<b>2 Hours or less</b>	45%	35%	49%	44%
<b>More than 2 hours</b>	55%	65%	50%	56%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10.

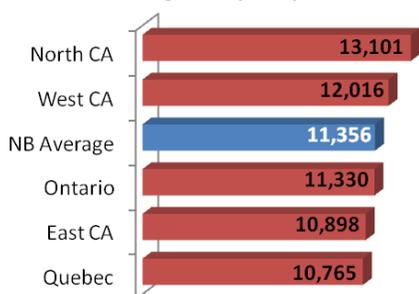
\*Television, video games, internet, phone and messaging not for school.

**Average Number of Steps by Gender, 2005-2006**

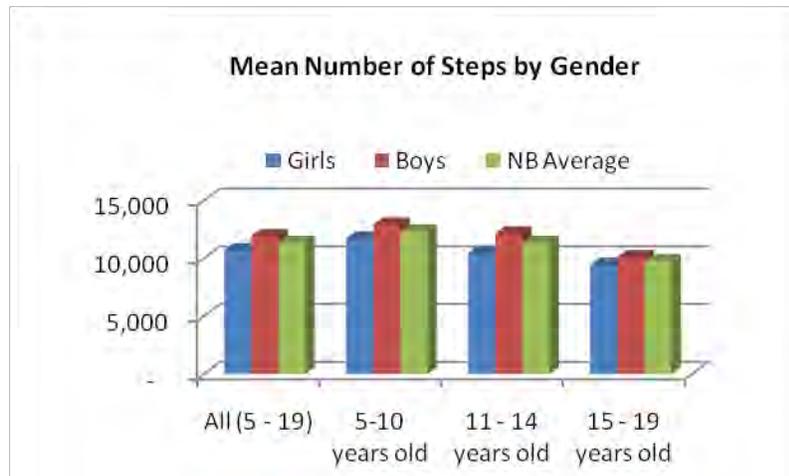
<b>Age of Youth</b>	<b>Male</b>	<b>Female</b>	<b>New Brunswick Avg.</b>
<b>All (5-19 yrs)</b>	11,946	10,735	11,356
<b>5-10</b>	12,936	11,744	12,353
<b>11-14</b>	12,168	10,485	11,367
<b>15-19</b>	10,132	9,463	9,767

Source: Canadian Fitness and Lifestyle Research Institute (CFLRI). Canadian Physical Activity Levels among Youth (CANPLAY) Study, 2005-06.

**Average Daily Steps, 2005-06**



Source: CFLRI. CANPLAY Study, 2005-06



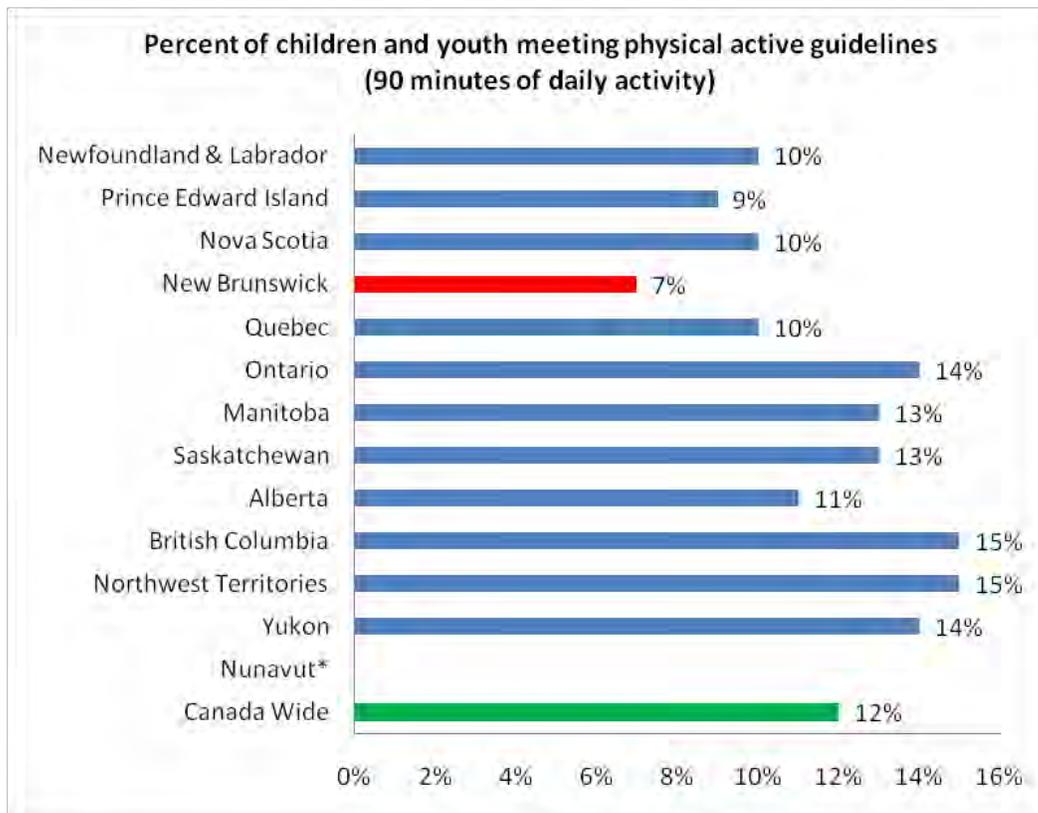
Source: CFLRI. CANPLAY Study, 2005-06.

Participation in Organized Physical Activity				
	Males 2006-07	Males 2009-10	Females 2006-07	Females 2009-10
<b>After School Physical Activity Organized by School</b>				
Yes	51%	39%	44%	35%
No	42%	52%	50%	58%
None Offered	8%	8%	5%	7%
<b>Competitive School Sports Teams</b>				
Yes	45%	41%	40%	37%
No	49%	55%	50%	60%
None Offered	5%	5%	4%	3%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10

Average Minutes of Moderate/Hard Physical Activity per Day, Grades 6-12				
Minutes	Males 2006-2007	Males 2009-2010	Females 2006-2007	Females 2009-2010
0	3%	2%	3%	2%
30	7%	5%	12%	8%
60	12%	9%	17%	12%
90	13%	12%	18%	14%
120	14%	13%	14%	14%
150	11%	12%	11%	11%
180	10%	12%	8%	11%
210	7%	10%	5%	9%
240	6%	10%	4%	8%
270	4%	9%	3%	6%
300	3%	6%	2%	5%
More than 300	10%	0%	4%	0%

Source: Department of Wellness, Culture and Sport. Student Wellness Survey, 2006-07 and 2009-10.



Source: The Active Healthy Kids Canada Report Card on Physical Activity for Children and Youth, 2010.

\* The percentage of children and youth in Nunavut meeting the guideline is not able to be determined due to the small sample size.

### First Nations

#### Satisfied with the Availability of Extracurricular Activities in their School

	New Brunswick	All Provinces
<b>Strongly Agree or Agree</b>	72%	75%
<b>Disagree or Strongly Disagree</b>	24%	20%

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

#### Breakdown of Leisure Hours and Percent of Sports Play among First Nations Children and Youth, Ages 6 to 14 Years Living Off-Reserve

	New Brunswick	All Provinces
<b>Average # of Hours used to Watch TV, Videos/DVDs Per Day</b>	2	2.1
<b>Average # of Hours used to Play Video Games Per Day</b>	0.8	0.8
<b>How Often Child or Youth Plays Sports: Never or Less than Once Per Week</b>	32	31
<b>How Often Child or Youth Plays Sports: One or More Times Per Week</b>	67	68

Source: Statistics Canada. Profile of Aboriginal Children, Youth and Adults, 2006. Aboriginal Identity (Living Off-Reserve), ages 6 to 14 years.

## ARTICLE 32: PROTECTION OF CHILDREN IN THE WORKPLACE

*States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*

*States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:*

*(a) Provide for a minimum age or minimum ages for admission to employment;*

*(b) Provide for appropriate regulation of the hours and conditions of employment;*

*(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.*



The right of children to be protected from economic exploitation and from work that is hazardous or interferes with their education is enshrined in New Brunswick in the provisions of our *Employment Standards Act*. Two challenges, however, point out the extent to which we in New Brunswick may be complacent or ready to pay only lip service to this particular right of the child. On the one hand, we modified our school leaving age several years ago to increase it from 16 to 18 years of age. However, notwithstanding the recommendations of several policy review panels, the parallel legislative changes to our *Employment Standards Act* have never been made to ensure that work does not interfere with schooling for 16- to 18-year-olds. Secondly, our school attendance laws and policies and child labour standards suffer from lax enforcement efforts.

These laws are little known and our office has been told that they are frequently observed in breach. How realistic is it to expect our children to succeed in school if they are working in the evenings more than the three hours per school night which the law allows? How many children work more than the law allows and have they all received the necessary dispensations from the Director of Employment Standards? Why do the same standards not apply to 17- and 18-year-olds, when they are still required to be in school? Is the province living up to our commitment to children under Article 32 of the Convention?

**New Brunswick Employment Rate for 15-24 year olds, by sex**

	2005	2006	2007	2008	2009
<b>Male</b>	53.7%	55.8%	56.7%	56.2%	55.3%
<b>Female</b>	57.4%	58.0%	59.8%	60.5%	57.2%
<b>Total</b>	55.4%	56.9%	58.3%	58.3%	56.2%

Source: Statistics Canada. Employment Rate, Annual Averages (New Brunswick).

**Claim Statistics For Young Workers, ages 15-24**

	2006	2007	2008	2009
<b>Total Fatalities (ages 15 - 24)</b>	0	1	1	0
<b>Lost time claims amongst youth</b>	777	833	834	734

Source: WorkSafeNB, 2010.

**Number of Young Workers ages 15-24 by Sex**

	2005	2006	2007	2008	2009
<b>Males</b>	26 600	27 400	27 500	27 200	26 500
<b>Females</b>	27 000	27 100	27 800	28 000	26 200
<b>Total</b>	<b>53 500</b>	<b>54 500</b>	<b>55 300</b>	<b>55 200</b>	<b>52 700</b>

Source: Statistics Canada. Employment Estimates (Annual Averages).

**New Brunswick Employment Rate by Educational Attainment, ages 15 and older**

	2005	2006	2007	2008	2009
<b>0 - 8 years</b>	17.5%	18.2%	19.1%	18.8%	20.0%
<b>Some high school</b>	40.6%	41.7%	42.1%	42.6%	39.3%
<b>High school graduate</b>	65.3%	65.4%	65.9%	63.7%	62.8%
<b>Some post-secondary</b>	59.5%	57.7%	59.8%	62.2%	60.7%
<b>Post-secondary certificate or diploma</b>	67.7%	68.3%	69.4%	68.7%	69.1%
<b>University degree</b>	77.5%	76.7%	77.8%	78.4%	77.9%
<b>Total</b>	57.4%	58.1%	59.2%	59.3%	59.0%

Source: Statistics Canada. Employment Rate by Educational Attainment (New Brunswick).

## ARTICLE 37 AND 40: PROTECTION OF FUNDAMENTAL RIGHTS WITHIN THE CRIMINAL JUSTICE SYSTEM



*No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;*

*No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;*

*...States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.*

The final chapter of this report is dedicated to a child's right to be treated fairly and with dignity by the strong arm of the law. Children do not have the same insight into their behaviours that adults do and therefore do not possess the moral blameworthiness required to hold them accountable for their actions before the criminal justice system. In Canada, the *Youth Criminal Justice Act* (YCJA) provides that a young person may be charged with a *Criminal Code* offence from the age of 12 and up. However, minors from 12 to 18 years of age are entitled to differential treatment by the criminal justice system precisely because their moral compass is still developing. Every opportunity should be taken to redirect a youth charged with a *Criminal Code* offense away from crime and towards more pro-social behaviours. Early intervention and preventive approaches are to be encouraged.

Over the past year, the Office of the Child and Youth Advocate, with the support of the Youth Justice Branch of the Federal Department of Justice, policing services and stakeholders in every provincial and community agency dealing with youth at risk of offending, has developed a

model for youth diversion in New Brunswick established on Canadian and international best practices. Essentially, the model requires the proactive use of existing legislative tools and processes under the YCJA and the involvement of families and communities in supporting preventive interventions. We are confident that if adopted around the province, this model will greatly improve public safety while avoiding custodial sentences for youth where all too often young people are socialized into a life of crime.

New Brunswick must do better in observing the guarantees to children under Articles 37 and 40. In particular, we must take the necessary steps to stop the detention of minors in common facilities with adult offenders. The continued placement of adult offenders at the New Brunswick Youth Centre must stop: it is not sufficient to keep these incarcerated populations separate within the same facility.

Reflecting on the interplay of Article 40 with Articles 8 and 30, it is clear that there is much work to be done in New Brunswick in achieving true equality and reducing custodial approaches as much as possible for First Nations youth. It is disquieting to note the huge gap in the average length of detentions served by Aboriginal youth versus non-Aboriginal youth in our province. This data raises questions of differential treatment for which all actors tasked with imposing or managing custodial measures must make clear account.

Reflecting on the interplay of the provisions of Article 12 and those under other Articles in the Convention, it is clear that much more can and should be done to ensure that the voices of youth are heard and considered in custodial settings and in YCJA proceedings. Too often a young offender's access to counsel is mere lip service and does not allow the youth's voice to be heard. Alternative approaches to handling youth criminal offences, such as case conferencing, are available under the YCJA and are much more conducive to the realization of a child's right to be heard. This is indeed an area where New Brunswickers have much more work ahead of them.

**Detainee Right to Counsel by Telephone: Service Demand 2009-2010**

<b>Reason for detention</b>	<b>Youth</b>
Criminal code, operation of a motor vehicle	12
Fraud/theft/break and enter	118
Assault	56
Breach, probation, undertaking	90
Warrants	9
Controlled drug and substance	24
Intoxicated Persons Detention Act	0
Sexual assault	7
Robbery	10
Weapons and firearms	3
Other federal	48
Other provincial	3
Information not filed	4
<b>Total</b>	<b>384</b>

Source: NB Legal Aid, 2009-2010.

**Youth Duty Counsel by Charge**

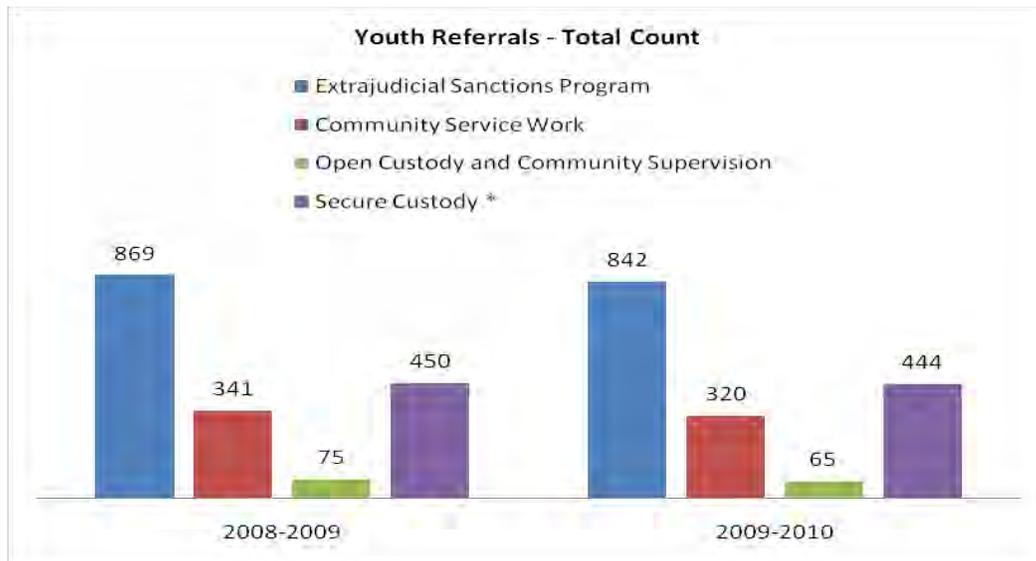
<b>Legislation</b>	<b>2009-2010</b>	<b>2008-2009</b>
Criminal Code	4,185	3,864
Motor Vehicle Act	78	106
Controlled Drugs and Substances Act	202	153
Youth Criminal Justice Act	1,149	1,107
Other Provincial Acts	43	67
Other Federal Acts	11	7
Liquor Control Act	15	34
Information not filled	0	0
<b>Total</b>	<b>5,683</b>	<b>5,338</b>

Source: NB Legal Aid, 2009-2010.

**Youth Criminal Legal Aid: New Applications**

Reason for application	Applications Received		Applications Approved		Eligibility Rate	
	2008-09	2009-10	2008-09	2009-10	2008-09	2009-10
Capital, Non-Capital & Attempted Murder	2	1	2	1	100.0%	100.0%
Possession of dangerous weapons	3	1	1	1	33.3%	100.0%
Robbery	6	3	5	2	83.3%	66.7%
Break, Enter & Theft - Possession of stolen goods	51	57	30	27	58.8%	47.4%
Sexual Offence-Indecent Assault	7	11	3	8	42.9%	72.7%
Narcotics	8	14	3	7	37.5%	50.0%
Assault	48	49	23	26	47.9%	53.1%
Motor Vehicle, CCC (Includes Drunk & Impaired Driving)	0	3	0	2	0.0%	66.7%
Fraud & False Pretense	4	4	1	0	25.0%	0.0%
Destroying Property & Arson	16	17	8	10	50.0%	58.8%
Obstructing a Peace Officer	2	0	0	0	0.0%	0.0%
Breach Probation	25	9	14	3	56.0%	33.3%
Attempts, Conspiracies, Accessories	3	0	3	0	100.0%	0.0%
False Messages	0	1	0	0	0.0%	0.0%
Bodily Harm	1	0	0	0	0.0%	0.0%
Forgery	0	1	0	1	0.0%	100.0%
Public Mischief	2	1	0	0	0.0%	0.0%
Escaping Custody	2	2	1	1	50.0%	50.0%
Causing Disturbance	2	0	1	0	50.0%	0.0%
Uttering Threats	16	15	9	9	56.3%	60.0%
Kidnapping, Abduction	1	0	0	0	0.0%	0.0%
Vary Sentence (Duty Counsel)	0	0	0	0	0.0%	0.0%
Other Provincial Acts	0	1	0	0	0.0%	0.0%
Other Criminal Acts	3	3	1	1	33.3%	33.3%
<b>Total</b>	<b>202</b>	<b>193</b>	<b>105</b>	<b>99</b>	<b>52.0%</b>	<b>51.3%</b>

Source: NB Legal Aid, 2009-2010.



Source: Department of Public Safety, 2010.

<b>2009-2010 Extrajudicial Sanctions Program</b>				
<b>Aboriginal</b>		<b>Non-Aboriginal</b>		
<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	
<b>16</b>	<b>22</b>	<b>524</b>	<b>280</b>	
<b>Total: 842</b>				

Source: Department of Public Safety, 2010.

<b>2009-2010 Community Service Work</b>				
<b>Aboriginal</b>		<b>Non-Aboriginal</b>		
<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	
<b>10</b>	<b>1</b>	<b>236</b>	<b>73</b>	
<b>Total: 320</b>				

Source: Department of Public Safety, 2010.

<b>2009-2010 Secure Custody*</b>				
<b>Aboriginal</b>		<b>Non-Aboriginal</b>		
<b>Male</b>	<b>Female</b>	<b>Male</b>	<b>Female</b>	
<b>16</b>	<b>9</b>	<b>321</b>	<b>98</b>	
<b>Total: 444</b>				

Source: Department of Public Safety, 2010.

\*Includes holdings, remands and sentences.

**2009-2010 Open Custody and Community Supervision**

Aboriginal		Non-Aboriginal	
Male	Female	Male	Female
4	0	42	19
<b>Total: 65</b>			

Source: Department of Public Safety, 2010.

**Reintegration Leaves from NBYC**

Release Reason	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10
Reintegration/Rehabilitation	145	163	53	30	56	59
Program Attendance	4	6	8	1	5	6
Humanitarian	11	6	3	6	15	13
Educational	19	6	5	16	7	16
Medical	3	6	3	2	1	2
Employment	2	3	0	0	1	2
<b>TOTAL PASSES</b>	<b>184</b>	<b>190</b>	<b>72</b>	<b>55</b>	<b>85</b>	<b>142</b>
<b>TOTAL CLIENTS</b>	<b>56</b>	<b>46</b>	<b>35</b>	<b>31</b>	<b>32</b>	<b>41</b>
<b>TOTAL CLIENT ADMISSIONS</b>	<b>101</b>	<b>120</b>	<b>88</b>	<b>81</b>	<b>83</b>	<b>76</b>

Source: Department of Public Safety, 2010.

**2009-2010 Reintegration Leaves from NBYC Total Client**

Aboriginal		Non-Aboriginal	
Male	Female	Male	Female
3	1	30	7

Source: Department of Public Safety, 2010.

**2009-2010 NBYC Total Client Admissions**

Aboriginal		Non-Aboriginal	
Male	Female	Male	Female
3	4	55	14

Source: Department of Public Safety, 2010.

**2009-2010 Remand Admissions**

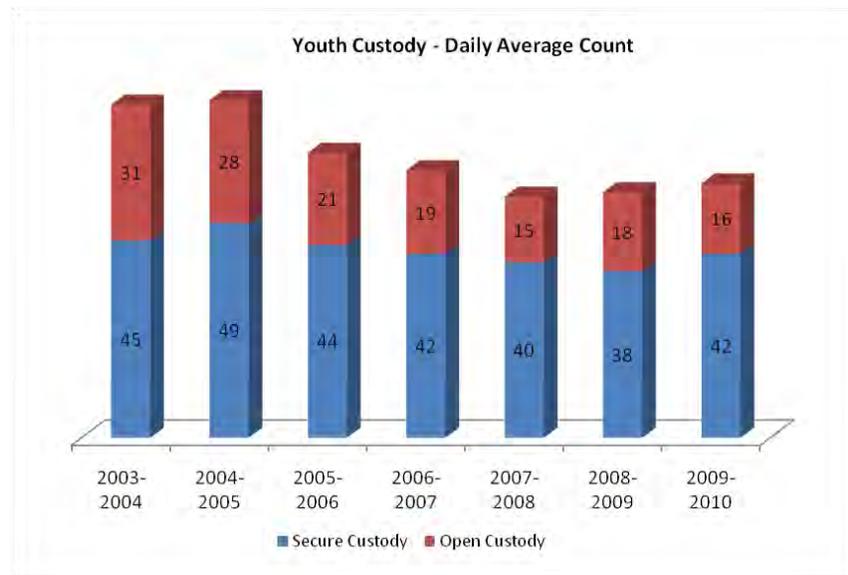
**Average Length of Stay (Days)**

Aboriginal		Non-Aboriginal	
Male	Female	Male	Female
23	18	20	19

Source: Department of Public Safety. Executive Information System (EIS). Youth Secure Custody and Court Remand Orders, 2010.

2009-2010 Sentenced Admissions					
Average Length of Stay (Days)					
Aboriginal			Non-Aboriginal		
Male	Female		Male	Female	
79	162		93	67	

Source: Department of Public Safety, Executive Information System (EIS). Youth Secure Custody and Court Remand Orders, 2010.



Source: Department of Public Safety, 2010.

Court Review						
Review Type	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010
Youth - Optional	27	37	23	16	13	23
Youth - Mandatory	6	5	3	4	1	5
<b>TOTAL</b>	33	42	26	20	14	28
<b>TOTAL CLIENTS</b>	31	39	24	17	12	23
<b>TOTAL CLIENT ADMISSIONS</b>	101	120	88	81	83	76

Source: Department of Public Safety, EIS Reviews, 2010.

2009-2010 Court Reviews Total Client							
Youth - Optional				Youth - Mandatory			
Aboriginal		Non-Aboriginal		Aboriginal		Non-Aboriginal	
Male	Female	Male	Female	Male	Female	Male	Female
1	0	13	4	0	0	5	0
<b>Total: 18</b>				<b>Total: 5</b>			

Source: Department of Public Safety, 2010.

## CONCLUSION

One thing is clear from the foregoing: a child's right to identity and their right to be heard are intimately connected to one another and to most of the other rights guaranteed under the Convention. Being prepared to listen to a child and to take their right to identity seriously will nurture and support the child's self-esteem and freedom of expression; this will in turn help guarantee their optimal development as a productive and contributing member of society. The challenge which we face as a society in enforcing and respecting both of these rights with respect to children of minority cultural, religious and language groups is a daunting one.

The New Brunswick experience since the 1960s Equal Opportunity Program points inexorably towards one conclusion: the promotion and protection of minority languages and cultures is a critical factor in shaping our identities, in developing resiliency in our youth and in bridging the gaps in education, health, employment and income levels that too often divide our communities. Knowing where you are from, being able to speak your own language and enjoying your own cultural traditions are rights which Anglophone and Francophone New Brunswickers have learned to not take for granted. They are rights to be celebrated, protected and promoted. First Nations children in New Brunswick need all of us to make sustained efforts in protecting those rights for them if we are to achieve any significant gains in addressing the disparities that continue to divide us.

The recommendations in our recent *Hand-in-Hand* report (the roll-out of Caring Across the Boundaries workshops aimed at bringing together First Nations communities with the non-profit organizations in surrounding communities; the establishment of a First Nations Children's Future Fund dedicated to improving recreational and cultural opportunities for First Nations youth and supporting language promotion and preservation initiatives; and the resurrection of the Indian Summer Games) are all encouraging developments, but they need to be sustained and improved upon with the help of all New Brunswickers.

Much more needs to be said on the broad topic of language, culture and identity, especially with regards to the shrinking demographic of New Brunswick's Francophone and Acadian community; the urgent need to increase our dwindling and aging population through immigration and other population growth strategies; and the rights and obligations we owe to other minority language or cultural groups who call New Brunswick home. If this year's report has focused so squarely on the rights of First Nations children it is because the data shows quite plainly that this group of children are perhaps the last generation with a faint hope of being raised with their native languages and able to carry forward the stories and songs of their people to future generations, and also because they are the most vulnerable and disenfranchised of our province's youth. Every society in every age will always be judged by

how it treated its most vulnerable members. It is to the voice of First Nations youth that all of us in New Brunswick must urgently give heed.