



GlobalChild: A Child Rights-Based Analysis of New Brunswick

A Comprehensive Evaluation Using the
GlobalChild Monitoring Tool

August 8, 2025



Acknowledgments

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- Dr Yanghee Lee (SC chair), the former chair of the UN Committee on the Rights of the Child
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Executive Summary

The United Nations Convention on the Rights of the Child (UNCRC) is the most universally endorsed human rights treaty, providing a comprehensive framework for the protection and empowerment of children globally. Since ratifying the UNCRC in 1991, Canada has been obligated to uphold its provisions, but the federal-provincial division of powers means that the responsibility for implementation is primarily with provinces and territories. The lack of an effective coordinating mechanism, implementation strategy or provincial or national plans of action has led to uneven realization of children's rights across the country.

New Brunswick was selected as the first Canadian province to pilot the GlobalChild platform—an innovative rights-based monitoring tool designed to help governments assess compliance with the UNCRC using a structured, indicator-based framework. The pilot used administrative data from multiple sectors to evaluate New Brunswick's legal, policy, and service landscape in relation to children's rights.

The findings reveal that while New Brunswick has taken important legislative and administrative steps—such as the adoption of Child Rights Impact Assessment procedures, annual data monitoring through a State of the Child report and enactment of the Child and Youth Advocate Act in 2006 - critical gaps persist. These include the lack of comprehensive and disaggregated data in relation to many areas of child rights implementation, insufficient mechanisms for meaningful child participation, and ongoing disparities in access to education, healthcare, and social services, especially for Indigenous, rural, and marginalized children. There is also no statutory requirement for child rights education, and public awareness of the UNCRC remains limited.

The report provides detailed, actionable recommendations across the key clusters of child rights. These include:

- Expanding disaggregated data collection by race, gender, disability, and other socio-economic factors to better identify and address disparities.
- Integrating child rights education into school curricula, public campaigns, and professional training to foster a culture of respect for children's rights.
- Strengthening mechanisms for child participation, ensuring that children's voices are heard in legal, policy, and service delivery processes.
- Improving access to rights-based services, particularly in underserved and remote communities.
- Enhancing accountability and transparency through independent evaluations, regular reporting, and accessible feedback mechanisms.

New Brunswick's experience with GlobalChild provides a scalable model for child rights monitoring in other provinces and territories. It demonstrates the potential for localized implementation of international human rights frameworks through strategic collaboration, data-driven decision-making, and commitment to equity. By addressing the identified gaps, New Brunswick can lead the way in ensuring that every child enjoys their rights fully and equally, laying the groundwork for systemic change across Canada.

Recommendations

To enhance the monitoring and implementation of child rights in New Brunswick, the following actions are recommended:

Cluster	Recommendations
<p>Overarching</p>	<p>Develop a Provincial Child Rights Strategy</p> <p>Establish a comprehensive, cross-sectoral strategy to guide the implementation of children’s rights across New Brunswick, aligned with the UN Convention on the Rights of the Child (UNCRC) and the findings of this GlobalChild report. The strategy should define overarching goals, identify provincial priorities, embed child participation mechanisms, and coordinate actions across departments. It should be grounded in the structure-process-outcome model recommended by the UN Office of the High Commissioner for Human Rights, and include mechanisms for data monitoring, accountability, and public reporting. This provincial strategy would serve as a roadmap for integrating child rights into all areas of governance and service delivery.</p> <p>Create Cluster-Specific Implementation Plans Aligned with the Provincial Strategy</p> <p>For each thematic cluster addressed in this report, such as education, health, protection, family environment, and civil rights; develop targeted implementation plans that contribute to the overarching provincial child rights strategy. These cluster-level plans should identify measurable objectives, responsible departments, resource needs, and timelines for implementation. They should also integrate child and youth perspectives and respond to the specific gaps and recommendations outlined in each section of the GlobalChild analysis. Coordinated in this way, the cluster-specific strategies will operationalize the provincial vision while enabling progress to be tracked and adapted over time.</p> <p>Introduce legislation to incorporate the UNCRC into domestic law on the model of the recent Scottish Incorporation Law</p> <p>In several ways the GlobalChild pilot pointed up structural gaps in implementation where New Brunswick’s legislative framework was inadequate to implement the Convention meaningfully. A number of recommendations are addressed below to address</p>

	<p>such structural gaps as they arise. However, canons of statutory interpretation require a thoughtful approach to incorporation. Incorporation of only one part of the Convention may be used to deny children remedies for violations of other rights. The proper path to incorporation in a federal and dualist state was recently established by the Scottish Parliament with its Incorporation law. The Scottish law is readily adaptable to the New Brunswick context where an Advocate’s office exists as well as an established practice of Child Rights Impact Assessment, with a focus on data monitoring and wellbeing. It also introduces legislative requirements in relation to other key structural recommendations of this report, such as improved child participation in legal processes and public policy processes.</p>
<p>General Principles</p>	<p>Expand Data Collection and Disaggregation</p> <p>Enhance the collection of disaggregated data by race, gender, disability, and other socio-economic indicators. Special attention should be given to collecting data on Indigenous children, children in poverty and LGBTQ2+ children and youth, as well as rural populations, and other vulnerable groups to ensure that their rights are being fully realized and that disparities are addressed.</p> <p>Integrate Child Rights Education</p> <p>Mandate the inclusion of child rights education in school curricula, public awareness campaigns, and professional training programs across sectors such as health, education, and social services. Ensuring that children, parents, and professionals are knowledgeable about children's rights is essential for fostering a culture that respects and protects these rights.</p> <p>Strengthen Mechanisms for Child Participation</p> <p>Formalize structures that ensure children's voices are heard in decision-making processes across all sectors. This includes establishing child-friendly complaint mechanisms and ensuring that children are meaningfully involved in policy development, legal proceedings, and service delivery that affects their lives.</p> <p>Improve Access to Child Rights Support Services</p> <p>Invest in increasing access to support services for children, particularly in underserved rural and Indigenous communities. This includes improving access to healthcare, education, and</p>

child protection services and ensuring that these services are informed by child rights principles.

Enhance Accountability and Transparency

- Mandate annual, publicly accessible child-rights performance reports by all child-serving departments;
- Require formal, time-bound departmental responses to recommendations from the Advocate and legislative committees;
- Embed child-rights key performance indicators (structure-process-outcome) in departmental business plans and Treasury Board submissions;
- Establish routine external evaluations and publish result dashboards disaggregated by equity groups;
- Create child-friendly feedback/complaints channels and publish how children’s input changed decisions.

Implement measures to improve the transparency and accountability of government and institutions in upholding child rights. This includes regularly publishing reports on the state of child rights, conducting independent evaluations of programs, and ensuring that feedback mechanisms are in place for children and families to voice concerns and complaints.

Align Survey Tools with Child Rights Indicators

Leverage existing data collection mechanisms, such as the New Brunswick Student Wellness Survey, to capture key child rights indicators outlined by the GlobalChild framework. Establish a formal collaboration between the GlobalChild team and the administrators of the Wellness Survey to identify priority data gaps and integrate new or adapted questions that align with UNCRC articles. This alignment would enhance the province’s capacity to monitor child rights implementation systematically and cost-effectively, while also fostering a more consistent evidence base for future reporting and policy development.

Establish a Provincial Pediatric Death Review Process

Develop and implement a standardized, province-wide process for the review of all child deaths in New Brunswick. This process should extend beyond deaths occurring under suspicious circumstances and include coordination between the Coroner’s Office, public health authorities, and relevant child-serving sectors. Drawing on models such as Ontario’s Pediatric Death Review Committee, this approach would help identify systemic factors contributing to child mortality, inform preventative

measures, and support continuous improvement in services affecting children's well-being. Mortality data should be disaggregated by age, gender, disability, geographic location, and other identity factors to enable targeted, equity-focused interventions.

Investigate Neonatal Mortality and Strengthen Early Developmental Monitoring

Conduct targeted research to better understand the contributing factors behind New Brunswick's relatively high neonatal mortality rate. This investigation should consider maternal health, prenatal care access, socio-economic disparities, and service delivery gaps. In parallel, enhance data collection on child development outcomes, such as the percentage of children under five who are developmentally on track, and on access to rehabilitation services for developmental delays. A more robust evidence base will support early intervention strategies, improve birth and early childhood outcomes, and help ensure that all children have the opportunity to thrive from the earliest stages of life.

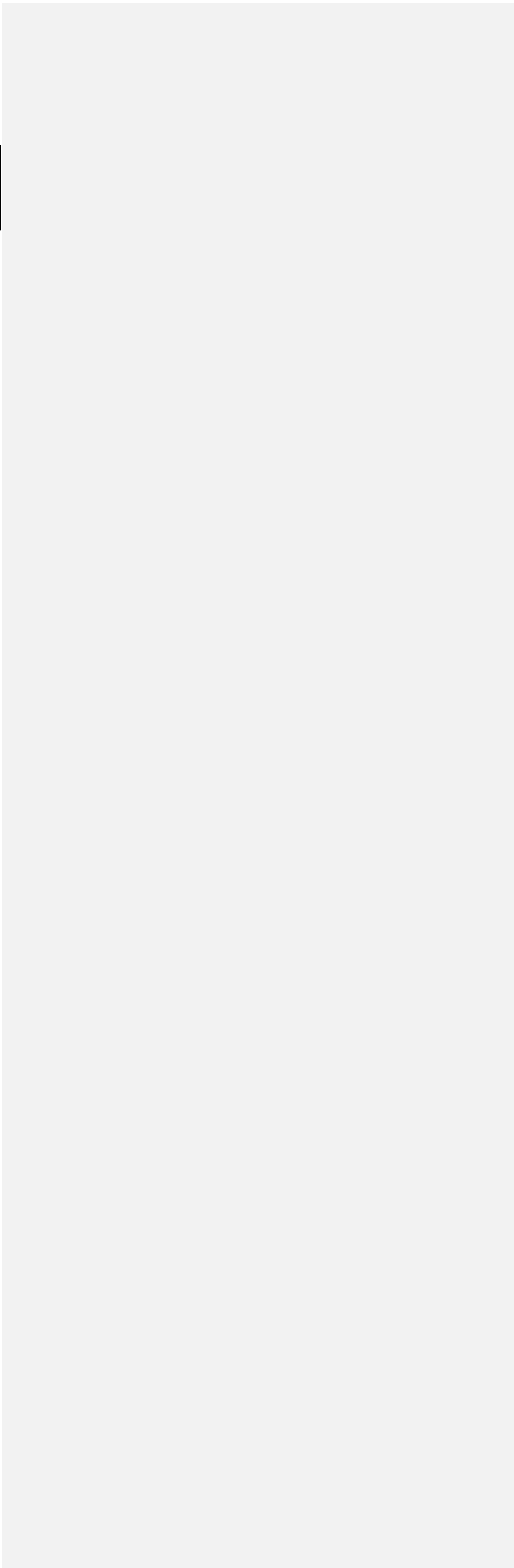
Expand Human Rights Education to Parents and Caregivers

Develop and implement educational initiatives focused on the rights of the child for parents, caregivers, and community leaders. These initiatives should be grounded in the UNCRC and aligned with public education best practices. Supporting caregivers in understanding and applying principles of child participation at home can strengthen early autonomy, reinforce protective factors, and contribute to a rights-respecting culture.

Use This Report as a Starting Point for Child-Friendly Government Documents

To advance Article 42 of the UNCRC and promote accessibility, this report should be adapted into a child-friendly version using age-appropriate language and accessible formats (Braille, audio, large-print). This initiative can serve as a model for developing future child-friendly government documents across sectors. By beginning with this foundational report, the province can demonstrate its commitment to transparency and child participation, while fostering a broader culture of accessibility in public reporting. The development process should involve children and youth to ensure the content is engaging, understandable, and relevant. This approach aligns with

	international best practices and strengthens the implementation of child rights across all levels of government.
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<p>Civil and Political Rights</p>	<p>Establish Data Collection Frameworks</p> <p>Create provincial mechanisms for systematically collecting disaggregated data on children's exercise of their civil and political rights, with particular attention to marginalized groups and digital spaces.</p> <p>Enhance Digital Privacy Protections</p> <p>Strengthen monitoring and enforcement of children's online privacy rights through updated legislation and dedicated provincial resources.</p> <p>Promote Religious Tolerance</p> <p>Initiate province-wide campaigns to promote religious tolerance and respect for diversity, alongside regular data collection on incidents of discrimination based on religious beliefs.</p> <p>Amend the Student Wellness Survey</p> <p>Revise the Student Wellness Survey to collect discretely the experiences of racial slurs or taunting, religious-based harassment or bullying and body image/personal features discrimination.</p> <p>Standardize School-Based Expression Programs</p> <p>Ensure all schools provide equal opportunities for children to exercise their right to expression through standardized programs that are regularly evaluated for effectiveness.</p> <p>Integrate Child Rights Remedies into the Human Rights Framework</p> <p>The New Brunswick Human Rights Act should be aligned with the enforcement mechanisms of the Child and Youth Well-being Act under a future UNCRC incorporation law, ensuring children can access remedies without navigating multiple legal forums. This approach builds on existing protections while improving coherence and access to justice.</p> <p>Integrate Civic Engagement Indicators into the Student Wellness Survey</p>
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	<p>To support the development of democratic literacy and monitor civic readiness among youth, work with the GlobalChild Team to frame potential new questions related to voting intentions, trust in democratic institutions, and perceptions of civic participation in the New Brunswick Student Wellness Survey. These indicators would provide valuable insight into how young people in the province understand and engage with democratic processes, aligning with the goals of Article 12 (the right to be heard) and Article 13 (freedom of expression) of the UNCRC. Including such measures would strengthen public policy efforts aimed at fostering informed, engaged future citizens and support early interventions that promote civic inclusion and participation.</p>
<p>Family Environment and Alternative Care</p>	<p>Develop and Collect Disaggregated Data</p> <p>Introduce data collection measures to gather detailed information on children’s experiences in child protection settings and in separated family arrangements. This should include tracking satisfaction with alternative forms of care provided, with efforts to maintain contact with parents, emotional well-being through separation and placement, and experiences in different family structures and disaggregated by child and youth populations.</p> <p>Establish Process Indicators at the Provincial level</p> <p>Define and implement specific process indicators to evaluate the effectiveness of family support services, parental training programs, and public awareness campaigns on parental responsibilities. These indicators should include the frequency and outcomes of placement reviews, with a focus on the child’s potential for reunification with their family, in alignment with their best interests.</p> <p>Promote Shared Parental Responsibilities and Service Effectiveness</p> <p>For Article 18, launch campaigns that promote shared parental responsibilities and family support structures. These campaigns could raise awareness about available support services, parental leave, and the rights of children and parents. In parallel, implement professional training programs and develop process indicators to measure the effectiveness of family support services, adoption services, and parental education initiatives.</p>

	<p>Improve Access to Early Childhood Care Data</p> <p>Regularly update and make available provincial data on childcare access, costs, and participation rates. This information can inform policy adjustments and support more families in balancing caregiving with employment.</p> <p>Integrate Child Rights Standards into Legislation</p> <p>In New Brunswick, aligning provincial laws more explicitly with UNCRC Articles would ensure better recognition and enforcement of children’s rights.</p> <p>Improving Transparency and Child Voice in Care Placements</p> <p>The Government of New Brunswick should develop and publicly report comprehensive data on child placements across all care settings, including reasons for placement, quality assessments, review frequency, and reintegration efforts. This should include direct input from children on their satisfaction with placements, in line with Articles 12 and 25 of the UNCRC.</p>
<p>Disability, Basic Health, and Welfare</p>	<p>Increase financial support from GNB for parents and caregivers of children with disabilities</p> <p>Providing additional financial resources to parents and caregivers will enhance their ability to offer necessary care and support to children with disabilities, ensuring they have the means to access appropriate services and assistance.</p> <p>Implement data collection processes for institutionalized children with disabilities</p> <p>Developing and maintaining comprehensive data on institutionalized children with disabilities will help assess their well-being and integration into society, enabling more effective policy decisions and resource allocation.</p> <p>Ensure that data collected in New Brunswick is disaggregated to distinguish between children with and without disabilities</p> <p>Disaggregating data will provide a clearer picture of the specific needs and challenges faced by children with disabilities, allowing for more targeted and effective support programs.</p>

	<p>Develop and implement a system to collect data on the density of medical and paramedical personnel per 10,000 population</p> <p>Creating a standardized system to collect this data will enable better understanding and addressing of healthcare needs, particularly for children requiring specialized medical care</p> <p>Enhance access to primary healthcare services, especially for children with chronic conditions or disabilities</p> <p>Expanding healthcare accessibility will improve the quality of life for children facing chronic health conditions and disabilities by ensuring they receive timely and appropriate care.</p> <p>Continue to support and enhance programs that have led to increased immunization/vaccination coverage</p> <p>Maintaining and expanding successful immunization programs will ensure a high percentage of children arrive at school fully immunized, contributing to overall public health improvements.</p> <p>Develop a comprehensive list of process-oriented indicators and establish a system to collect and analyze data on these core indicators</p> <p>Tracking these indicators will enhance understanding of how social security systems support children’s development, leading to more effective policies and interventions.</p> <p>Implement data collection and reporting mechanisms for social protection expenditure specifically targeted at children</p> <p>Gathering and analyzing data on child-focused social protection expenditures will allow for a better assessment of financial support programs and their impact on children and families.</p> <p>Explore further strategies to support children and families through enhanced social security measures</p> <p>Identifying and implementing additional measures will strengthen social security frameworks, ensuring that children and their families receive adequate financial assistance and support.</p>
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	<p>Amend the Electricity Act to incentivize local renewable energy generation, support energy storage solutions, and promote grid modernization to enhance energy security</p> <p>Strengthening legislation to encourage renewable energy solutions will improve energy security, ensuring that children and families have reliable access to electricity.</p> <p>Improve internet access in rural areas to ensure that all children can participate in online education, access telehealth services, and engage with government programs</p> <p>Expanding rural internet access will support children’s education, healthcare access, and overall social inclusion, helping to bridge the digital divide.</p> <p>Advance a Universal Child Guarantee to Ensure an Adequate Standard of Living</p> <p>Support the development of a Universal Child Guarantee in New Brunswick, aligned with the UNCRC and future incorporation efforts, to ensure no child lives in poverty and all have access to adequate income supports that meet their basic needs similar to the European model.</p>
<p>Education, Leisure and Cultural Activities</p>	<p>Institute child rights education in New Brunswick schools</p> <p>Developing and implementing educational curriculum that teaches children and youth in the province about their rights under the UNCRC, as well as how to promote, respect, and protect those rights, will support children to achieve their maximum potential and better enable them to participate as global citizens in their communities. A child rights-based curriculum and associated training materials for educators can empower young people to participate fully in decisions in their schools and communities.</p> <p>Legislate the right to play for children and youth</p> <p>Further to the recommendation above for domestic incorporation of the UNCRC into New Brunswick law, consequential amendments should be made to the Education Act, Child and youth wellbeing Act, Parks Act and Community Planning Act to better implement children’s right to play.</p>

	<p>Develop an action plan to address systemic racism in New Brunswick</p> <p>In response to the 2022 Report of the Systemic Racism Commissioner, the Province of New Brunswick should establish an action plan to address systemic racism in all public institutions. The development of the action plan should take into consideration the rights of children and youth, particularly their right to participate in decisions that affect them, in its development and implementation. An associated Child Rights Impact Assessment should be completed on the action plan to ensure that the rights of children are being positively impacted by the proposed measures to address systemic racism throughout the province.</p> <p>Leverage existing survey tools to better capture child rights implementation measures</p> <p>The Province of New Brunswick already has a number of survey tools in place to capture the perspectives of children and youth. Adopting revisions to the existing Grade 12 Exit Survey or to the New Brunswick Student Wellness Survey on the basis of a child rights framework would better enable the province to identify challenges with child rights implementation or highlight its successes on a global scale through its five-year reporting cycle under the UNCRC.</p>
<p>Special Protection Measures</p>	<p>Develop Provincial Data Collection Frameworks</p> <p>New Brunswick should re-establish frameworks for provincial data monitoring of child rights and child justice systems, focusing on key indicators that assess children’s experiences in detention, access to rehabilitation services, and fairness in the justice process. Such data should be comparable with other Canadian jurisdictions, particularly those in the Atlantic region to ensure that New Brunswick correctional practices and sentencing practices remain within regional and national norms and that children here enjoy equal access to justice alongside their Canadian peers particularly in relation to Articles 37, 39, and 40 of the Convention.</p> <p>Enhance National Child rights monitoring mechanisms</p> <p>Establish formal mechanisms to standardize youth justice datasets in all Canadian jurisdictions in compliance with Canada’s reporting obligations under the UNCRC and to improve</p>

public reporting and analysis of the available data in order to improve policy and practices in the field.

Expand Monitoring for Rehabilitative Services and Diversion Programs

New Brunswick's efforts to reduce youth crime and youth incarceration since the adoption of the YCJA have been particularly successful. However, greater attention is needed to monitor rehabilitation and reintegration in the community, including resiliency measures and post-diversion supports for all youth diverted from criminal trial processes. Adding a standardized recidivism indicator set—for example, tracking the proportion of youth who re-offend within 6, 12, or 24 months, disaggregated by offence type and demographics—would strengthen the province's capacity to assess the effectiveness of these interventions and the YCJA more broadly.

Establish Review Mechanisms for Detention and Care

New Brunswick should establish review mechanisms for Detention and Care with the central objective that-aligned with Articles 37 & 40- deprivation of liberty should be used as a last resort and for the shortest appropriate period. In anticipation of Canadian Ratification of the Optional Protocol to the Convention Against torture, New Brunswick should resource and mandate the Child and Youth Advocate to carry out regular audits and monitoring of all places where children are deprived of liberty, so that their conditions of detention are maintained in full compliance with Article 40 rights and the Committee's advice in general comment 24 and existing international standards.

Renew and Sustain Cross-Sectoral Coordination Mechanisms

New Brunswick should consider re-establishing a coordinated, cross-departmental approach to child protection and harm prevention, such as updating and renewing the Harm Prevention Strategy. This should include restoring a permanent interdepartmental committee and youth advisory mechanism to guide implementation, monitor progress, and foster collaboration across health, education, justice, and social services. A renewed strategy could explicitly integrate Articles 19 and 39 of the UNCRC, ensuring that recovery and reintegration supports are embedded in broader child welfare and justice planning frameworks.

	<p>Implement Child Rights Standards and Revitalize Youth Justice Committees</p> <p>New Brunswick should take steps to operationalize the Child Rights Standards of Child Justice developed in 2022. This includes delivering training to relevant justice system stakeholders and integrating the standards into diversion protocols, case conferencing, and judicial proceedings. At the same time, the province should revitalize Section 18 Youth Justice Committees by clarifying their mandate, supporting consistent operations across regions, and ensuring their role aligns with the principles of Article 40. Together, these actions will help ensure that youth justice in New Brunswick is rights-based, consistent, and focused on rehabilitation and reintegration.</p>
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New Brunswick’s participation in the GlobalChild initiative underscores its commitment to advancing child rights. However, significant work remains to fully implement the UNCRC across all aspects of governance and society. By addressing gaps in data, participation, education, and access to services, the province can ensure that all children—regardless of background—enjoy the rights and protections to which they are entitled. This report serves as a foundation for continued dialogue and action to strengthen child rights in New Brunswick and across Canada.

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Introduction

The United Nations Convention on the Rights of the Child (UNCRC) is a landmark international treaty that establishes a comprehensive framework for the protection of children's rights across the globe. Adopted by the UN General Assembly in 1989, the UNCRC is the most widely ratified human rights treaty, signifying the universal recognition of children as independent rights holders. The Convention outlines civil, political, economic, social, and cultural rights that all children under the age of 18 are entitled to, regardless of their background or circumstances. These rights range from basic needs like the right to survival, education, and health care to more nuanced aspects such as protection from exploitation, the right to participate in decision-making, and the right to freedom of expression.

Canada ratified the UNCRC in 1991, demonstrating its commitment to upholding these norms and ensuring that children's rights are respected, protected, and fulfilled in all aspects of public and private life. By ratifying the Convention, Canada pledged to review its laws, policies, and practices to align with the principles and provisions of the UNCRC. However, Canada's federated model of governance presents unique challenges in implementing the Convention. While the federal government is responsible for international treaty-making, the authority to implement and enforce the laws and policies necessary to implement the Convention often falls to the provinces and territories. This division of powers means that the application of children's rights can vary across the country, potentially leading to inconsistencies in how children's rights are realized depending on the province or territory.

Additionally, in Canada, international conventions such as the UNCRC are not self-executing. This means that even though Canada ratifies an international treaty, the treaty does not automatically become part of Canadian law. For the Convention's provisions to be legally enforceable, they must be incorporated into domestic legislation. In practice, this requires ongoing efforts to ensure that federal, provincial, and territorial laws are harmonized with the principles of the UNCRC, which can be a complex and lengthy process.

New Brunswick, one of Canada's smaller provinces, stands out as an ideal setting for piloting child rights monitoring initiatives like the GlobalChild platform. As Canada's only officially bilingual province, New Brunswick offers a unique demographic and cultural landscape for examining how children's rights are implemented in both Anglophone and Francophone communities. The province also has a diverse population, including Indigenous communities, immigrants, those living in cities, and rural populations, each with distinct challenges and needs. This diversity provides a valuable opportunity to test how child rights frameworks, like GlobalChild, can be adapted to reflect different cultural, linguistic, and geographical contexts.

Moreover, New Brunswick's relatively small size and close-knit communities make it an accessible and manageable region for piloting initiatives aimed at improving child rights monitoring. The province's commitment to both of Canada's official languages, combined with its interest in addressing social and economic disparities, aligns well with

the goals of the GlobalChild platform. By piloting the platform in New Brunswick, stakeholders can gather valuable insights into how the framework can be tailored to local needs, while also creating a scalable model that could be adapted for other provinces and territories across Canada. This initiative positions New Brunswick at the forefront of child rights implementation efforts, offering lessons for the rest of the country and beyond.

About GlobalChild

GlobalChild is an innovative and comprehensive initiative aimed at helping countries monitor the implementation of the UNCRC. Designed as a global tool, GlobalChild provides governments with a systematic framework for assessing their adherence to the Convention's principles and for identifying areas where gaps in policies, services, or practices may prevent the full realization of children's rights. The platform allows for ongoing evaluation and reporting, ensuring that progress toward fulfilling the UNCRC obligations can be measured, monitored, and improved upon.

At the heart of the GlobalChild project is a set of indicators aligned directly with the Articles of the UNCRC, using the Structures, Processes, and Outcomes (SPO) model of human rights indicators recommended by the UN High Commissioner for Human Rights¹. These indicators offer a structured approach for governments to evaluate their performance in key areas of child development, protection, and participation. Through this data-driven framework, countries can generate evidence-based reports that highlight both successes and areas in need of improvement. This process not only strengthens transparency and accountability but also equips policymakers and child advocates with actionable insights to address gaps and challenges in child rights implementation. By providing a clear, measurable path for compliance, GlobalChild empowers countries to take more effective action in safeguarding and advancing the well-being of children.

In New Brunswick, the process followed a carefully structured approach, utilizing administrative data from various sectors to capture a comprehensive snapshot of child rights in the province. The resulting report provides an in-depth analysis of New Brunswick's progress in implementing the UNCRC, detailing how well children's rights are being upheld. This data serves as a baseline from which policymakers, service providers, and child advocates can develop targeted interventions to enhance child rights.

However, the process of implementing GlobalChild in New Brunswick was not without its challenges. Coordinating data collection across multiple government departments,

¹ Vaghri, Ziba, Lothar Krappmann, and Jaap Doek. "From the Indicators of General Comment No. 7 to GlobalChild: A Decade of Work to Enhance State Parties' Accountability to Children", *The International Journal of Children's Rights* 27, 4 (2019): 821-851, doi: <https://doi.org/10.1163/15718182-02704009>

each with its own priorities and procedures, required careful planning and communication. Ensuring that the platform was inclusive of both the Anglophone and Francophone populations also added complexity, as did the need to address significant data gaps in rural and Indigenous communities, where access to services and resources may be more limited. Additionally, the federated nature of Canada's government posed another layer of difficulty. While international treaty obligations, such as the UNCRC, are managed at the federal level, much of the responsibility for implementing children's rights falls to the provinces and territories. This created challenges in aligning provincial actions with federal commitments under the UNCRC.

Despite these obstacles, the New Brunswick pilot project offers valuable lessons for future implementations of GlobalChild both within Canada and internationally. The experience demonstrated the importance of flexible, context-sensitive approaches to data collection and the need for strong partnerships across government and civil society.

The insights gained from the New Brunswick pilot will play a crucial role in shaping the future rollout of GlobalChild in other provinces and territories, as well as informing global efforts to monitor and implement the UNCRC. The New Brunswick experience has shown that with thoughtful adaptation, the GlobalChild platform can be a powerful tool for improving child rights monitoring and ensuring that every child, no matter where they live, has their rights protected and their needs met.

Methodology

The GlobalChild platform was officially launched in Canada on December 13, 2021, marking the 30th anniversary of Canada's ratification of the UNCRC. New Brunswick became the first province in Canada to pilot the GlobalChild tool, with the goal of assessing existing structures and processes that support the 41 substantive rights of children under the UNCRC.

This pilot was a collaboration between GlobalChild, the New Brunswick Child and Youth Advocate (NBCYA), and the Government of New Brunswick (GNB). GlobalChild provided the research framework, indicator sets, and platform infrastructure for data collection. NBCYA contributed expertise in child rights monitoring, provided strategic oversight, and advocated for the project. GNB supported data collection through in-kind contributions, departmental staff involvement, and endorsement in relevant forums.

The methodology evolved throughout the project to align with the realities of data collection in New Brunswick. A New Brunswick Pilot Steering Committee was established to oversee planning, review indicator sets, and guide implementation. The first steering committee meeting was held on December 8, 2022, followed by a stakeholder meeting on February 17, 2023, and a task force meeting on June 8, 2023, to refine data collection processes. Initially, task force members were expected to contribute to data collection, but to improve efficiency, GNB designated a single data coordinator to oversee this process.

Data collection began in the summer of 2023, with administrative data received from GNB in the fall. Data collection and reporting were structured around key thematic

clusters aligned with UNCRC obligations, including general measures of implementation, the definition of the child, general principles, civil and political rights, protection from violence, family environment and alternative care, disability, basic health and welfare, education, leisure and cultural activities, and special protection measures.

This information was entered into the GlobalChild platform. To ensure completeness, the GlobalChild team reviewed available sources and supplemented the dataset with publicly accessible information. During this phase, a server crash required migrating the platform to UNB servers for long-term stability. Following this transition, the GlobalChild team conducted a comprehensive review, validated findings, and compiled data from multiple sources into a master dataset. The draft report was then refined and reviewed internally before being submitted to the New Brunswick Pilot Steering Committee for validation and finalized for publication.

Next Steps Recommendations

Based on the experience and insights gained through the New Brunswick pilot of the GlobalChild platform, the following recommendations are proposed to support the long-term, province-wide implementation of the UNCRC:

1. **Recommendation:** Develop a Provincial Child Rights Strategy

Establish a comprehensive, cross-sectoral strategy to guide the implementation of children's rights across New Brunswick, aligned with the UNCRC and the findings of this GlobalChild report. The strategy should define overarching goals, identify provincial priorities, embed child participation mechanisms, and coordinate actions across departments. It should be grounded in the structure-process-outcome model recommended by the UN Office of the High Commissioner for Human Rights, and include mechanisms for data monitoring, accountability, and public reporting. This provincial strategy would serve as a roadmap for integrating child rights into all areas of governance and service delivery.

2. **Recommendation:** Create Cluster-Specific Implementation Plans Aligned with the Provincial Strategy

For each thematic cluster addressed in this report, such as education, health, protection, family environment, and civil rights; develop targeted implementation plans that contribute to the overarching provincial child rights strategy. These cluster-level plans should identify measurable objectives, responsible departments, resource needs, and timelines for implementation. They should also integrate child and youth perspectives and respond to the specific gaps and recommendations outlined in each section of the GlobalChild analysis. Coordinated in this way, the cluster-specific strategies will operationalize the provincial vision while enabling progress to be tracked and adapted over time.

3. **Recommendation:** Introduce legislation to incorporate the UNCRC into domestic law on the model of the recent Scottish Incorporation Law

In several ways the Global Child pilot pointed up structural gaps in implementation where New Brunswick's legislative framework was inadequate to implement the Convention meaningfully. A number of recommendations are addressed below to address such structural gaps as they arise. However, canons of statutory interpretation require a thoughtful approach to incorporation. Incorporation of only one part of the Convention may be used to deny children remedies for violations of other rights. The proper path to incorporation in a federal and dualist state was recently established by the Scottish Parliament with its Incorporation law. The Scottish law is readily adaptable to the New Brunswick context where an Advocate's office exists as well as an established practice of Child Rights Impact Assessment, with a focus on data monitoring and wellbeing. It also introduces legislative requirements in relation to other key structural recommendations of this report, such as improved child participation in legal processes and public policy processes.

Foundation and Key Principles of Child Rights

This section provides a comprehensive overview of the foundational elements of the UNCRC. It begins with Article 1, which defines the term "child" and establishes the age range for individuals entitled to protection under the Convention. The section then summarizes the data relating to New Brunswick children's experience in relation to the General Principles of children's rights (Articles 2, 3, 6, and 12). These four rights constitute the foundational values that guide the interpretation and implementation of all child rights. The general principles include non-discrimination, the best interests of the child, the right to life, survival and development, and the right of children to express their views and have them taken into consideration in decisions which affect them. Lastly, also included in this section is Article 42 which requires the measure of implementation that children and adults be made aware of the rights enshrined in the UNCRC. Together, these Articles form the foundation of the Convention, establishing both the definition of childhood and the guiding principles necessary to ensure the effective protection and promotion of children's rights worldwide.

Definition of the Child:

Article 1

Definition of the Child

Article 1 of the UNCRC defines a "child" as any human being under the age of 18, unless the legal age of majority is attained earlier under national law. This Article provides the foundational definition for determining who is entitled to the rights and protections outlined in the Convention, ensuring that all individuals under this age are recognized as children and, therefore, protected by the provisions of the UNCRC.

In New Brunswick, the legal age of majority is 19 as established by the Age of Majority Act², meaning individuals are considered adults for most legal purposes at that age. However, certain federal rights and responsibilities, such as voting and federal criminal law, apply to individuals once they turn 18. Despite this distinction, individuals under the age of 19 in New Brunswick remain protected under New Brunswick's child welfare law, the Child Youth and Well-Being Act³, regardless of any circumstances related to reaching the federal age of majority. These laws ensure that all minors are safeguarded

² <https://www.canlii.org/en/nb/laws/stat/rsnb-2011-c-103/latest/rsnb-2011-c-103.html>

³ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

from abuse, neglect, and exploitation, though specific rights and services, such as decision-making capacity or access to education and healthcare, may vary based on individual circumstances and local regulations.

For the purposes of this report, Article 1 of the UNCRC doesn't grant specific rights but simply defines the ages at which a person is considered a "child." It helps clarify who is covered by the Convention. Any other issues related to age limits, such as the minimum age for employment or when schooling ends, are addressed in other Articles (for instance, Article 28 covers education, and Article 5 discusses evolving capacities). Because Article 1 is purely definitional, there are no specific process or outcome indicators related to it.

General Principles

Article 2

The Right to Non-Discrimination

Article 2 establishes the fundamental principle of non-discrimination, ensuring that all children, regardless of their background, have equal access to the rights outlined in the Convention. This Article obligates state parties to respect and guarantee the rights of every child within their jurisdiction, without discrimination of any kind—whether based on race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or any other status.

The Article ensures that no child is treated unfairly and that measures are taken to protect children who may face additional challenges or marginalization due to their particular circumstances. Article 2 also applies to children's parents or guardians, ensuring that children are not subject to discrimination based on the identity, status, or actions of those responsible for their care. By safeguarding against discrimination, Article 2 reinforces the broader principles of equality and fairness that underpin the entire Convention, ensuring that every child can enjoy their rights fully and without bias.

Structure

The right to non-discrimination is a foundational constitutional right guaranteed by Section 15 of the Canadian Charter of Rights and Freedoms⁴. It guarantees that every individual is equal before and under the law and is entitled to equal protection and

⁴ <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>

benefit of the law, without discrimination based on factors such as race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. Additionally, Section 15(2) allows for laws, programs, or activities designed to improve the conditions of disadvantaged individuals or groups, even if those measures specifically target individuals based on these characteristics to address systemic inequalities. Furthermore, these principles are reiterated in the Canadian Human Rights Act⁵.

Lastly, Canada is a signatory to other international human rights treaties which affirm the right to non-discrimination, including the International Convention on Civil and Political Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities⁶; these are four of the six treaties that are indicators of compliance with Article 2 of the UNCRC.

However, it is important to note that New Brunswick's Human Rights Act stipulates that its prohibitions against age discrimination do not apply to individuals who have not reached the age of majority. This limit raises potential concerns about how the province addresses discrimination affecting children and youth, particularly in relation to their rights under Article 2 of the UNCRC.

The establishment of an independent children's rights institution responsible for promoting and protecting children's rights, including the right to discrimination, is another structural indicator for Article 2. In New Brunswick, such an institution exists: the Office of the New Brunswick Child & Youth Advocate⁷, which receives its mandate under the Child and Youth Advocate Act⁸. The advocate is chosen by an election committee composed of a single representative from each of the three branches of the Government of New Brunswick, along with a member of the university community, who is then recommended by the Legislative Assembly for appointment by the Lieutenant Governor to serve a 7-year term. Though the government is deeply involved in the selection and appointment of the advocate, the Act stipulates that they not be a Member of the Legislative Assembly. This appointment process, the 7-year term, and other provisions on immovability, access to records, and immunity from suit help ensure that the Office operates independently of the Government.

Process

While efforts were made to obtain data related to the process indicators of Article 2, such information was not available for inclusion in this report. This includes indicators such as the percentage of primary and secondary schools with a comprehensive non-

⁵ <https://laws-lois.justice.gc.ca/eng/acts/h-6/page-1.html>

⁶ <https://www.justice.gc.ca/eng/abt-apd/icg-gci/ihr-didp/tcp.html>

⁷ <https://www.cyanb.ca/our-mandate-what-do-we-do>

⁸ <https://www.canlii.org/en/nb/laws/astat/snb-2007-c-c-2.7/latest/snb-2007-c-c-2.7.html>

discrimination policy developed in collaboration with students, or the percentage of public service buildings with facilities accessible to children with disabilities.

Outcome

The outcome indicators for Article 2 reveal several gaps in data collection and reporting related to the effectiveness of non-discrimination measures in New Brunswick. One key indicator asks for the percentage of adjudicated complaints concerning direct and indirect discrimination that have been effectively addressed by the government. While the Office of the New Brunswick Child and Youth Advocate lists the amount of advocacy requests received in their annual reports⁹, there is no publicly available data on the outcomes of these requests, and if they yielded meaningful change. Therefore, there is no clear mechanism to evaluate whether the government's response to these cases has been effective, making it difficult to assess how well discrimination is being tackled. Other Advocates Offices in Canada track this kind of data, and the New Brunswick CYA has begun to do so internally, but they should be reporting publicly upon the types of rights violations that children are reporting.

The lack of such a mechanism was highlighted during the review of Policy 713, which governs sexual orientation and gender identity in schools. The review, sparked by just 35 emails raising concerns about issues such as drag story time and gender-inclusive education, led to policy changes that restricted the use of chosen pronouns for students under 16 without parental consent¹⁰. Although the changes were later partially reversed, the situation underscores the need for transparent reporting and evaluation to ensure non-discrimination measures are effective and evidence based.

Data on birth and mortality rates disaggregated by race, color, sex, language, or religion are also not collected to the degree required. While basic data on under-five and neonatal mortality is available in line with the Sustainable Development Goals (SDG), more detailed demographic breakdowns are lacking, limiting insights into disparities between population groups.

Educational attainment, such as literacy and numeracy rates among targeted population groups (including Indigenous and ethnic minorities), is not clearly reported either. This makes it challenging to evaluate whether certain populations face barriers to achieving educational success.

In 2021-22, 163 youth were admitted to correctional services in New Brunswick, with 11 identifying as Indigenous, highlighting the disproportionate impact on this community¹¹.

⁹ <https://www.cyanb.ca/reports-and-submissions-to-government>

¹⁰ <https://www.cbc.ca/news/canada/new-brunswick/new-brunswick-policy-713-gender-identity-parental-consent-1.7266006>

¹¹ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3510000701&pickMembers%5B0%5D=1.5&pickMembers%5B1%5D=2.1&pickMembers%5B2%5D=4.1&cubeTimeFrame.startYear=2017+%2F+2018&cubeTimeFrame.endYear=2021+%2F+2022&referencePeriods=20170101%2C20210101>

However, it is important to note that Statistics Canada reports on admissions rather than unique individuals, which may result in some youth being counted more than once. This limitation highlights the need for careful interpretation of the data and continued monitoring to ensure progress toward eliminating systemic disparities.

Other areas where data is lacking include the number of children held in custody due to parental immigration status and those denied access to healthcare or education based on factors such as race or ethnicity; situations that, in principle, should not be occurring in New Brunswick. This may partly explain the absence of official data; however, without such information, it is difficult to confirm that these rights violations are not taking place. Additionally, no data is collected on the number of children who have experienced discrimination or on the percentage of professionals working with children who understand direct and indirect discrimination. These data gaps make it challenging to evaluate the effectiveness and reach of non-discrimination measures for children in the province.

Moreover, information on hate crimes against children, the number of children trained as human rights defenders, and the percentage of children who feel their aspirations can be achieved is also missing. These outcome indicators are essential for assessing the effectiveness of Article 2's implementation and ensuring that discrimination is being properly addressed across various sectors affecting children's lives.

Article 3

The Best Interests of the Child

Article 3 of the UNCRC outlines a fundamental principle of both the Convention and children's rights more broadly: the best interests of the child must be a primary consideration in all actions that affect children. This principle applies to decisions made by public or private institutions, courts, administrative authorities, and legislative bodies. It ensures that a child's well-being, development, and protection are prioritized in all policies, practices, and services that impact them.

The scope of Article 3 goes beyond immediate care and protection. It mandates that the best interests of the child must be considered in various areas, including healthcare, education, family law, and child welfare. Additionally, it places an obligation on both government and non-government organizations to ensure that institutions, services, and facilities responsible for children meet standards that guarantee their safety, well-being, and development.

Structure

In 2004, the Supreme Court of Canada ruled in *Canadian Foundation for Children v. Canada (AG)* that the best interest of the child was not a fundamental principle of justice

and did not trump all other concerns in the administration of justice¹². This decision has blunted Canada's commitment to upholding its international legal obligations fully. Recent amendments to the Federal Divorce Act have given this principle the central prominence it should have in family law matters, but a robust interpretation of the principle in keeping with international precedent is still wanting. New Brunswick has also taken this commitment seriously and treated the best interests of the child with great respect, making the best interests of the child the cornerstone of provincial laws concerning children.

The best interests of the child, as guaranteed by Article 3 of the UNCRC, have been explicitly recognized and codified in New Brunswick's Child and Youth Well-being Act, which received Royal Assent in 2022¹³. This legislation firmly establishes the principle of the best interests of the child as a substantive right, ensuring it is prioritized in decisions made by public authorities. Section 5(1) of the Act mandates that when the Minister of Social Development or the Court of the King's Bench makes a decision affecting a child or youth, the best interests of the child must be considered above all other factors, emphasizing the importance of this principle in legal and administrative procedures¹⁴. This right is also recognized in the Family Law Act, which governs parents' obligations towards their children¹⁵.

In terms of procedural guarantees, the Child and Youth Well-being Act provides clear policy measures and protocols for the Minister and the Courts to ensure that the best interests of the child are consistently prioritized in decision-making processes¹⁶. Under section 8 of the Act, the Minister is required to inform children and youth receiving social services, in a reasonable and appropriate manner, of their rights under the Act, the relevant complaint or review processes, their ability to receive assistance in filing a complaint or requesting a review, and the existence and role of the Child, Youth and Senior Advocate; including how to contact the Advocate's Office and access assistance. These provisions help to reinforce procedural fairness and institutional accountability. Additionally, appropriate standards have been established for institutions, services, and facilities responsible for the care and protection of children. For instance, early learning and childcare centres are governed by the Early Childhood Services Act, which ensures safety, staff requirements, programming, nutrition, and regular inspections. However, further attention is needed in areas such as health services, protection from violence, and staff suitability to ensure full conformity with the Convention's provisions¹⁷.

¹² Canadian Foundation for Children, Youth, and the Law v. Canada (Attorney General), [2004] 1 S.C.R. 76, 92-95 ¶¶ 7-12. CanLII <https://www.canlii.org/en/ca/scc/doc/2004/2004scc4/2004scc4.pdf>

¹³ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

¹⁴ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

¹⁵ <https://www.canlii.org/en/nb/laws/stat/snb-2020-c-23/latest/snb-2020-c-23.html>

¹⁶ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

¹⁷ <https://www.canlii.org/en/nb/laws/stat/snb-2010-c-e-0.5/latest/snb-2010-c-e-0.5.html>

Independent inspections and supervision remain a key aspect of maintaining these standards.

Process

Pre- and in-service training for professionals in New Brunswick is in place to ensure the best interests of the child are prioritized in decision-making. Early childhood educators are required to hold an Early Childhood Education Certificate or must have completed the Introduction to Early Childhood Education Course, both of which emphasize the child's well-being and best interests. Additionally, the New Brunswick Curriculum Framework for Early Learning and Child Care includes a section dedicated to the determination of the child's best interests, guiding educators in fostering environments that prioritize children's holistic development¹⁸. Furthermore, teachers are governed by the New Brunswick Teacher's Association Code of Professional Conduct¹⁹ and the Association des enseignantes et des enseignants francophones du Nouveau-Brunswick's Code de déontologie²⁰, which reinforces the professional obligation to act in the best interests of the child.

Outcome

Under Article 3 one outcome indicator is the percentage of children knowledgeable about the role of the Child and Youth Advocate in protecting their best interests. However, this information has not been collected in New Brunswick, highlighting a gap in understanding how well children are informed about the mechanisms in place to safeguard their rights.

Similarly, data on the percentage of children who feel that their best interests are considered by adults in their lives is also not available. This outcome is crucial for assessing how effectively adults, including caregivers, educators, and authorities, incorporate the principle of the best interests of the child in decision-making. The Committee on the Rights of the Child has been clear that a child's best interests cannot be determined in relation to a given decision without seeking the child's views on the matter and giving them due consideration in accordance with the child's maturity. As children's best interests and their right to be heard go hand in hand it only makes sense to consult children in determining whether their best interests are being considered.

Precise data on the percentage of court cases involving children that engage in best interests of the child analysis is not maintained by Court services. While legal search engines, whether private or publicly available ones such as CanLII (the Canadian Legal Information Institute), assist in finding relevant case-law in such matters, they are not helpful in providing an empirical assessment of the courts' routine use of the principle. Better data collection on this indicator at the source, as some Child and Youth Advocate

¹⁸ www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/ELCC/ECHDPE/nb-curriculum-framework.pdf

¹⁹ <https://www.nbta.ca/wp-content/uploads/2021/04/Code-of-Professional-Conduct-2011.pdf>

²⁰ <https://www.aefnb.ca/wp-content/uploads/2016/06/Code-Deontologie-AEFNB.pdf>

offices have begun to do, would be a helpful aspect of child rights implementation monitoring.

Article 6

The Right to Life and Maximum Survival and Development

Article 6 of the UNCRC emphasizes the inherent right of every child to life and the state's obligation to ensure the child's survival and development to the maximum extent possible. This Article calls for comprehensive measures to safeguard the physical, mental, and emotional well-being of children. It requires governments to put in place appropriate policies, services, and protections that prioritize children's health, safety, and development.

Structure

New Brunswick has introduced several legislative measures that align with the principles of Article 6. For instance, the province's Overcoming Poverty Together (V3) plan, released in 2020, aims to reduce poverty by 50% by 2030, aligning with the UN's 2030 Agenda for Sustainable Development Goals²¹.

In terms of health services, the Regional Health Authorities Act sets out the framework for health services planning in New Brunswick. However, it like many other provincial health-related legislation such as the Health Quality and Patient Safety Act, the Hospital Services Act, the Medical Consent of Minors Act, the Public Health Act, the Early Childhood Development Act, and the Child and Youth Well-Being Act, lacks specific high-level benchmarks related to child health indicators, such as maternal and infant mortality rates²². This omission underscores a broader gap in the legislative landscape for child health metrics and accountability in New Brunswick.

Section 233 of the federal Criminal Code of Canada also addresses infanticide, though it does not specifically criminalize female infanticide, which is prohibited under Article 6, and instead speaks of causing the death of one's newborn child without any reference to the baby's sex²³. In Canada, instances of infanticide are relatively rare. According to the most recent homicide survey by Statistics Canada, there were only three instances where women were charged with infanticide, two of which involved female victims, with motivations unrelated to the child's sex²⁴. While Canada's law does not explicitly

²¹ <https://www2.gnb.ca/content/dam/gnb/Departments/esic/pdf/opt3-progress-report-october-2022.pdf>

²² <https://laws.gnb.ca/en/document/cs/2011.%20c.217>

²³ <https://laws.justice.gc.ca/PDF/C-46.pdf>

²⁴ <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2023001/Article/00007-eng.pdf?st=QPllq9X7>

criminalize female infanticide, as some countries have done to address sex-based discrimination, the relatively low occurrence of infanticide in Canada suggests the issue is not widespread. Additionally,, New Brunswick Regulation 84-20 under the Medical Services Payments Act guarantees equitable access to healthcare for dependents of individuals eligible for Medicare cards, ensuring that children of beneficiaries receive preventative and curative health services under uniform terms²⁵. However, this provision does not explicitly guarantee equitable access to healthcare for all children in the province. For instance, children of ineligible parents, such as certain indigenous people, temporary residents or new residents, may face gaps in coverage. Furthermore, the Emergency Measures Act includes a provincial disaster risk strategy that addresses the needs of children, ensuring their protection during crises²⁶.

Process

While structural measures are in place, there are gaps in process indicators related to child health and development in New Brunswick. The province faces challenges reporting detailed data collected on child and youth suicide. This is primarily due to the number of child/youth deaths that occur annually; reporting small numbers increases the risk of identification or disclosing sensitive information about decedents. This limits its ability to fully evaluate and address the effectiveness of prevention and intervention efforts. According to the Child and Youth Advocate's interim report on youth suicide prevention, improved data collection and monitoring are critical to understanding and mitigating the risks faced by children and youth in New Brunswick²⁷.

Currently, the review of child deaths in New Brunswick is primarily the responsibility of the Coroner, who typically investigates only those deaths that occur under suspicious or unexplained circumstances. While some improvements have been made; particularly in tracking the deaths of children in care; a province-wide, standardized process for reviewing all child deaths has not yet been fully developed. This gap reduces the ability to identify systemic contributing factors and implement preventative strategies. In contrast, Ontario has established a pediatric death review process that brings together the Coroner's Office and public health partners to review all deaths under the age of five, providing a more holistic and proactive approach. Establishing a similar process in New Brunswick could enhance cross-sector learning, support targeted intervention strategies, and ensure that all child deaths are reviewed through a public health and rights-based lens. Disaggregating mortality data by age, gender, geographic region, disability, and other identity factors would further enable the development of more effective, equity-focused policies and programs. In compiling and reviewing such data

²⁵ <https://laws.gnb.ca/en/document/cs/M-7>

²⁶ https://www2.gnb.ca/content/dam/gnb/Departments/ps-sp/pdf/emo/provincial_all_hazards_plan-2017.pdf

²⁷ <https://s3.documentcloud.org/documents/20961224/a-matter-of-life-and-death.pdf>

points particular attention must be given to factors such as LGBTQ2+ status, indigeneity, disability and family status including children in care.

New Brunswick has earmarked approximately \$227.6M for early childhood development, which accounts for only 0.695% of New Brunswick's GDP of \$32,522.7M. While GDP is used here as a benchmark to provide a broader economic context, it is important to note that GDP includes all economic activity within the province, not just government revenue. Using GDP as a measure highlights the scale of investment relative to the province's overall economic capacity, emphasizing the need for more substantial investment in early childhood development to better support children and families. Additionally, education on child rights, is lacking for parents, healthcare professionals, educators, and other public sector workers. The New Brunswick Child and Youth Advocate's report, "The Best We Have to Offer", highlights the need for cross-sectoral training to equip duty-bearers, including healthcare professionals, with the knowledge and tools required to meet their obligations to children as rights-holders. This includes adopting rights-informed and trauma-informed approaches to better address the needs of children and youth²⁸. While this recommendation has been identified, there is limited data to show the progress in implementing these training efforts.

New Brunswick demonstrates a commitment to maternal and child health through initiatives that align with WHO-recommended perinatal screening tests²⁹ as well as universal healthy toddler screening and vaccination programs³⁰. The province also offers school readiness assessments to identify and manage developmental difficulties in children³¹. Financial and in-school support mechanisms are also in place for families of children with developmental issues, coordinated by Social Development³².

Outcome

Outcome indicators for Article 6 are currently limited by a lack of comprehensive data. While the under-five mortality rate in New Brunswick is 0.2 per 1,000 for children aged 1-4, more detailed disaggregation by ethnicity, disability, or other variables is not available³³. Similarly, there is no reliable data on the number of infanticides in the province. This is partly because the federal definition of infanticide under Section 233 of

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<https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/6141d15324d76514ebbe808b/1631703392266/The+Best+We+Have+to+Offer.pdf> , Page 87

²⁹ <https://horizonnb.ca/horizon-services/provincial-program/nb-perinatal-health-program/>

³⁰ <https://www2.gnb.ca/content/gnb/en/corporate/promo/vaccines-and-immunization/routine-immunization-schedule.html>

³¹ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/ELCC/ECHDPE/EarlyIntervention.pdf>

³²

https://www2.gnb.ca/content/gnb/en/services/services_renderer.10195.Family_Supports_for_Children_with_Disabilities_.html

³³ <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1310071001>.

the Criminal Code of Canada applies only to biological mothers who kill their newborns. Fathers, other relatives and non-relatives who kill an infant are charged under the homicide provisions, which carry harsher sentences. This definition of infanticide does not align with broader interpretations of child fatalities used by global indicators, such as those employed by GlobalChild, which encompasses all forms of intentional killing of infants regardless of the perpetrator. Furthermore, while the UNCRC does not explicitly mention infanticide, it emphasizes the right to survival and development for all children, making it essential to track all forms of child fatalities. Currently, records of child fatalities in New Brunswick are insufficiently detailed or disaggregated to provide a clear understanding of these issues.

Moreover, while the province provides some information on neonatal mortality (3.3 deaths per 1,000 live births), there is no data on the percentage of children under five who are developmentally on track or the number of children receiving rehabilitation services for developmental problems³⁴. Violence-related child fatalities, deaths of children in formal care or the criminal justice system, and child suicide attempts are additional outcome indicators for which data is either unavailable or insufficiently disaggregated. Collecting reliable data on these indicators is crucial for accurately assessing the state's progress in fulfilling its obligations under Article 6.

However, the Healthy Toddler Assessment, a voluntary program, assesses toddlers at 18 months for developmental milestones and tracks referrals for further services such as optometrists and dentists. In addition, the Early Years Evaluation - Direct Assessment, also voluntary and administered by school districts when children register for kindergarten, assesses children on developmental milestones and school readiness.

In summary, while New Brunswick has made progress in ensuring the survival and development of children through policies and healthcare provisions, there are significant gaps in data collection and monitoring that hinder a full evaluation of outcomes related to Article 6. Addressing these gaps is essential to ensure that all children in the province receive the highest possible standard of care and protection.

Article 12

The Right to Be Heard

Article 12 of the UNCRC guarantees children the right to express their views freely in all matters affecting them and to have those views given due weight according to their age and maturity. This right is fundamental to the realization of children's participation in decisions that influence their lives, ensuring that their voices are considered in a range of settings, including judicial and administrative proceedings, family matters, and

³⁴ <https://www144.statcan.gc.ca/sdg-odd/goal-objectif03-eng.htm>

education. The principle of child participation encourages the empowerment of children and the recognition of their agency in society.

Structure

While the child's right to be heard as proclaimed in Article 12 of the UNCRC is not explicitly guaranteed under Canada's Constitution or the *Charter of Rights and Freedoms*, some principles aligned with international conventions, including the UNCRC, are reflected in Canadian legal frameworks. However, international treaties unlike the UNCRC are not incorporated directly into domestic law in Canada or have constitutional value or precedent over national laws, as they might in other countries with a monist legal tradition. Instead, courts have held that Canadian laws are presumed to align with international legal obligations, barring a clear legislative intent to the contrary and so implementation of such treaty rights is often left as a matter of judicial interpretation, if not discounted entirely.

In New Brunswick, the *Child and Youth Well-being Act* explicitly enshrines the right to child participation in decision-making processes. While the Act does not have constitutional authority, it serves as a statutory framework that upholds the principles of child participation in alignment with the UNCRC. Section 5(2) of the Act mandates that when determining the best interests of a child, the views and preferences of the child must be considered, and Section 6 obligates decision-makers to make substantial efforts to identify the views of children who are either unwilling or unable to express their opinions³⁵. However, the language of Section 6(1)(a) raises concerns, as research has shown that such provisions can be misused to dismiss children's rights to express themselves by deeming them incapable due to perceived immaturity or other factors³⁶.

This could result in adults being consulted instead, who may inaccurately represent or advocate for the child's opinions and preferences. It is not clear to what extent this occurs in New Brunswick, as the legislation lacks detailed safeguards to define what "substantial efforts" entail or how decision-makers are held accountable for ensuring that children's voices are authentically heard. There is also no explicit obligation to respect the wishes and opinions of children once identified, leaving their input potentially subject to interpretation by adults. Addressing these gaps by establishing clearer standards and oversight mechanisms would help ensure that Section 6 does not become a loophole for undermining the right of children to participate meaningfully in decisions affecting their lives.

Despite this legal recognition, there are gaps to explicitly include child participation across various domains such as education, healthcare, and community services. While policies like Policy 322 provide mechanisms for students to voice concerns within educational settings, these are primarily focused on addressing grievances and do not

³⁵ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

³⁶ https://brill.com/view/journals/chil/28/3/Article-p471_471.xml

encompass broader opportunities for children to participate meaningfully in decision-making processes. Legislated complaint mechanisms for children remain narrowly focused and are often reactive, addressing dissatisfaction rather than proactively involving children in shaping policies or decisions that affect them.

This indicates a need for laws that establish more formalized structures to support children's rights to express their views, ensuring that their participation is not limited to expressing discontent but extends to contributing meaningfully to the development and implementation of policies and services. By creating such frameworks, New Brunswick can move beyond grievance-based mechanisms and towards a more holistic approach to child participation that respects and incorporates their perspectives as a fundamental part of decision-making processes. A good place to start would be through improved child participation in Child Rights Impact Assessment processes. Many commonwealth jurisdictions such as Ireland, Scotland and Wales have robust practices in this regard from which New Brunswick could learn. Giving a structural legislative commitment to the CRIA practice which New Brunswick has championed in Canada since 2013 would be another logical step forward.

Process

In the Department of Education and Early Childhood Development in New Brunswick, there is minimal structured training for professionals working with children to guarantee their right to be heard. *Inclusive Education Policy 322* outlines the obligation of school personnel to ensure that children can participate in the common learning environment, which primarily refers to classroom activities and group participation rather than individual decision-making processes. While the policy emphasizes the importance of inclusion and engagement in education settings from kindergarten through grade 12, it frames participation as a responsibility of school staff to facilitate, rather than explicitly statement it as a right of the child³⁷. At the same time, Section 5.3 of the policy mentions human rights in society which could imply an overarching concern for respecting human rights within the school environment, including children's rights to express their views. Although the policy does not explicitly recognize children's rights to be heard in matters affecting their individual experiences, it does establish a framework that school personnel are expected to uphold, which indirectly supports the principle of participation. Expanding this framework to explicitly recognize the individual rights of children to be involved in decision-making processes would strengthen its alignment with the principles of the UNCRC.

Mechanisms such as school councils offer some avenues for children to express their views collectively in school settings, though data on the prevalence and effectiveness of these bodies is limited. Anecdotally, youth organizations such as the Federation des Jeunes Francophones du Nouveau-Brunswick have traditionally called for greater power sharing with student councils, and student council monitors networks within

³⁷ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/e/322A.pdf>

schools could be doing more to enhance child participation practices. At the governmental level, there is no systematic tracking of consultations with children on relevant legislation, policies, and services, which hinders a comprehensive understanding of the extent to which children's voices are considered in broader policy-making processes. The New Brunswick Youth Council disbanded in 2009 has still never been given any second life.

Outcome

Several outcome indicators provide insight into the current state of child participation in New Brunswick, though gaps remain in data collection. For instance, the 2022-2023 Grade 12 Exit Survey indicates that 75% of respondents felt confident about their future, while 64.1% felt respected at their school³⁸. However, only 50.4% of students in grades 6-12 reported feeling free to express themselves at home, highlighting the need for greater emphasis on fostering open communication between children and their caregivers³⁹.

Regarding children's influence on decisions affecting their lives, only 31.1% of students in grades 6-12 felt they had a choice about household chores, and 41.3% reported having a say in activities with friends⁴⁰. These figures suggest that while some children feel empowered in certain aspects of their lives, there is room for improvement in promoting autonomy and participation in both family and educational contexts.

Furthermore, 43% of respondents to the 2022-2023 Grade 12 Exit Survey indicated that they had opportunities to influence decisions within their school and 50% indicated that they felt empowered⁴¹. Additionally, information on the percentage of children who feel listened to in judicial or administrative proceedings is not readily available. Overall, while some data points suggest that children in New Brunswick are being heard, there are significant gaps in both participation opportunities and the mechanisms to track and measure this right comprehensively.

Building a culture that supports child participation requires coordinated efforts that extend beyond formal institutions such as schools and child protection services. The integration of child rights education for parents, caregivers, and community leaders has been identified in international models as a foundational component of broader cultural change. For instance, Ireland's National Strategy on Children and Young People's Participation in Decision-Making and Scotland's Children and Young People's

³⁸ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/2022-exit-survey-report.pdf>

³⁹ https://nbhc.ca/indicators/sh_mef03_1

⁴⁰ https://nbhc.ca/indicators/se_mef06_1

⁴¹ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/StatisticalReports-RapportsStatistiques/2022-exit-survey-report.pdf>

Commissioner framework both incorporate public education and municipal-level participation structures to support implementation of Article 12 of the UNCRC.

In New Brunswick, while the Child and Youth Well-being Act establishes important protections and participatory rights, its application is primarily oriented toward cases of elevated need. There is an opportunity to expand the province's approach through a strategy that links structural reforms, system-level training, and practical mechanisms for everyday child participation. This would align with best practices in child rights implementation, including the structure-process-outcome model recommended by the UN Office of the High Commissioner for Human Rights.

Measures of Implementation

The UNCRC is a landmark international treaty that establishes a comprehensive set of rights for children, aimed at promoting their survival, development, protection, and participation in society. Adopted by the UN General Assembly in 1989, the UNCRC is the most universally ratified human rights treaty in the world, reflecting the global commitment to safeguarding children's rights. However, ensuring that these rights are respected and upheld requires effective implementation strategies at the national and local levels.

The "Measures of Implementation" encompass the actions taken by states to bring their laws, policies, institutions, and practices into full alignment with the principles and provisions of the UNCRC. Articles 4 and 42 of the Convention place clear obligations on ratifying state parties to take "all appropriate legislative, administrative and other measures for the implementation of [children's] rights". The New Brunswick GlobalChild pilot focused upon the educational measures required under Article 42. These measures are crucial to translating the rights enshrined in the convention into tangible realities for children. Other implementation mechanisms include the establishment of legislative frameworks, the creation of national coordinating bodies, regular monitoring and evaluation of progress, and the allocation of resources and the use of child rights impact assessment in legislative and policy development. However, raising public awareness about children's rights and ensuring children's meaningful participation in decision-making processes are essential components of effective implementation, in support of all others.

By focusing on these measures, states can ensure that their obligations under the UNCRC are met and that children's rights are fully integrated into all aspects of governance and society. This introductory section outlines the core components of these measures and their significance in creating a rights-based approach to child welfare and development.

Article 42

Making the Convention Widely Known Among Children and Adults

Article 42 of the UNCRC obligates State Parties to make the principles and provisions of the Convention widely known to both adults and children. This includes disseminating information about children's rights and ensuring that both the general public and key stakeholders are aware of the Convention and its implications for children's welfare, development, and protection. The goal is to create an informed society where children and adults alike understand and advocate for the rights guaranteed under the UNCRC.

Structure

In New Brunswick, there is no statutory requirement for children's rights to be taught in school curricula. While the province lacks a comprehensive strategy to raise awareness about child rights, the *Child, Youth, and Senior Advocate Act* outlines a general mandate for the Advocate to ensure that the rights and interest of children are protected and that their views are considered in relevant forums⁴². Although the Act does not explicitly reference the UNCRC or tie its mandate to promoting awareness of the Convention, the Advocate's office engages in activities aimed at making the Convention and child rights more visible across the province.

At both the provincial and national level, efforts exist to raise awareness of children's rights. For example, the Government of Canada recognizes November 20th as National Child Day and provides various resources on children's rights through its website⁴³. Despite these efforts, there is no cohesive, formalized national or provincial strategy dedicated to educating the broader public, professionals or children themselves about their rights. Currently, the Province of New Brunswick is in the process of developing an online Children's Rights training module for all professionals working with youth in Correctional Services NB. The province has developed standards of Child Rights in the justice sector, but the challenge remains; they need to be implemented, and training provided for those standards to become a lived reality of children in justice services.

Process

In the absence of a legislative framework, the New Brunswick school curriculum has components that focus on general human rights education, but little to no policy or programming supports exist to assist teachers in teaching children about their rights as children. Information on how child rights education is incorporated into parenting

⁴² <https://www.canlii.org/en/nb/laws/stat/snb-2007-c-c-2.7/latest/snb-2007-c-c-2.7.html>

⁴³ <https://www.canada.ca/en/public-health/services/national-child-day/children-s-rights-activity-guide.ht>

programs or post-secondary education courses is not systematically collected or mandated by the government.

Post-secondary institutions in New Brunswick, such as St. Thomas University, offer human rights programs, but these are independent of government oversight. At present, no degree or diploma programs in children's rights are available at the post-secondary level in New Brunswick and only a few courses exist in children's rights in undergraduate or professional programs, as well as occasional professional development opportunities offered by continuing education departments in some university campuses. Within government there is no coordinated programmed resource expenditure, no policy or programming efforts to support child rights education, either at the primary, secondary or post-secondary level, although government has generously supported such initiatives when invited to do so.

Outcome

There is a lack of data on the general public's knowledge of the CRC and child rights in New Brunswick. Information is not collected on the percentage of parents, front-line workers, or children who report understanding their rights under the CRC. Additionally, there is no data available on the percentage of the public who are aware of State Party reports and Concluding Observations. This gap in data collection points to a need for stronger efforts in raising awareness and ensuring that both professionals and the general public are informed about children's rights.

Furthermore, there are no available statistics on the extent to which front-line workers in child-serving agencies understand and apply children's rights in their work. This lack of information suggests that more comprehensive training and awareness-raising initiatives are required to ensure that children's rights are effectively integrated into the services and support provided to young people across the province.

Gaps in Child Rights Monitoring Capacity

Despite New Brunswick's commitment to advancing the rights of children, as expressed in its legislation, several significant gaps remain in the province's child rights monitoring capacity. A major challenge lies in the absence of a comprehensive, province-wide system for collecting and analyzing data related to the implementation of the UNCRC. For several years, from 2007 to 2022, the Child and Youth Advocate's Office collaborated with government departments in preparing a statistical profile of child and youth wellbeing, informing an annual State of the Child Report. In 2012, with the assistance of the New Brunswick Health Council the statistical profile was upgraded to present standardized data in relation to children's rights, using the same clustering of rights used by the Committee on the rights of the child. This child rights data monitoring has, however been allowed to lapse in recent years and is no longer available. Data on child rights indicators, particularly those addressing discrimination, participation, and best interest determination, are either incomplete or not systematically collected. This

lack of consistent data makes it difficult to assess the true state of child rights across key sectors such as education, health, and justice.

Furthermore, there is limited integration of child rights education into public awareness campaigns, school curricula, and professional training programs. While some legislation, such as the *Child and Youth Well-being Act*, incorporates principles of child participation, many sectors, including education and social services, do not have formalized mechanisms to guarantee children's right to be heard in decisions affecting them. This omission restricts the full realization of Article 12 of the UNCRC, which emphasizes children's rights to express their views and have them given due weight regarding decisions that will impact their lives.

Additionally, the absence of disaggregated data by key demographic variables, such as ethnicity, disability, and socio-economic status, makes it difficult to identify disparities in child rights realization. The lack of robust data collection on Indigenous children and children from rural areas further hinders efforts to address the unique challenges faced by these populations. These gaps undermine the province's ability to track progress, inform policy decisions, and implement targeted interventions to improve outcomes for children.

Recommendations

To address these gaps and strengthen New Brunswick's capacity to monitor and implement child rights effectively, several key recommendations are proposed:

4. **Recommendation:** Expand Data Collection and Disaggregation

Enhance the collection of disaggregated data by race, gender, disability, and other socio-economic indicators. Special attention should be given to collecting data on Indigenous children, children in poverty and LGBTQ2+ children and youth, as well as rural populations, and other vulnerable groups to ensure that their rights are being fully realized and that disparities are addressed.

5. **Recommendation:** Integrate Child Rights Education

Mandate the inclusion of child rights education in school curricula, public awareness campaigns, and professional training programs across sectors such as health, education, and social services. Ensuring that children, parents, and professionals are knowledgeable about children's rights is essential for fostering a culture that respects and protects these rights.

6. **Recommendation:** Strengthen Mechanisms for Child Participation

Formalize structures that ensure children's voices are heard in decision-making processes across all sectors. This includes establishing child-friendly complaint mechanisms and ensuring that children are meaningfully involved in policy development, legal proceedings, and service delivery that affects their lives.

7. **Recommendation:** Improve Access to Child Rights Support Services

Invest in increasing access to support services for children, particularly in underserved rural and Indigenous communities. This includes improving access to healthcare, education, and child protection services and ensuring that these services are informed by child rights principles.

8. **Recommendation:** Enhance Accountability and Transparency

Implement measures to improve the transparency and accountability of government and institutions in upholding child rights. This includes regularly publishing reports on the state of child rights, conducting independent evaluations of programs, and ensuring that feedback mechanisms are in place for children and families to voice concerns and complaints.

9. **Recommendation:** Align Survey Tools with Child Rights Indicators

Leverage existing data collection mechanisms, such as the New Brunswick Student Wellness Survey, to capture key child rights indicators outlined by the GlobalChild framework. Establish a formal collaboration between the GlobalChild team and the administrators of the Wellness Survey to identify priority data gaps and integrate new or adapted questions that align with UNCRC articles. This alignment would enhance the province's capacity to monitor child rights implementation systematically and cost-effectively, while also fostering a more consistent evidence base for future reporting and policy development.

10. **Recommendation:** Establish a Provincial Pediatric Death Review Process

Develop and implement a standardized, province-wide process for the review of all child deaths in New Brunswick. This process should extend beyond deaths occurring under suspicious circumstances and include coordination between the Coroner's Office, public health authorities, and relevant child-serving sectors. Drawing on models such as Ontario's Pediatric Death Review Committee, this approach would help identify systemic factors contributing to child mortality, inform preventative measures, and support continuous improvement in services affecting children's well-being. Mortality data should be disaggregated by age, gender, disability, geographic location, and other identity factors to enable targeted, equity-focused interventions.

11. **Recommendation:** Investigate Neonatal Mortality and Strengthen Early Developmental Monitoring

Conduct targeted research to better understand the contributing factors behind New Brunswick's relatively high neonatal mortality rate. This investigation should consider maternal health, prenatal care access, socio-economic disparities, and service delivery gaps. In parallel, enhance data collection on child development outcomes, such as the percentage of children under five who are developmentally on track, and on access to rehabilitation services for developmental delays. A more robust evidence base will support early intervention strategies, improve birth and early childhood outcomes, and help

ensure that all children have the opportunity to thrive from the earliest stages of life.

12. Recommendation: Expand Child Rights Education to Parents and Caregivers

Develop and implement educational initiatives focused on the rights of the child for parents, caregivers, and community leaders. These initiatives should be grounded in the UNCRC and aligned with public education best practices. Supporting caregivers in understanding and applying principles of child participation at home can strengthen early autonomy, reinforce protective factors, and contribute to a rights-respecting culture.

13. Recommendation: Use This Report as a Starting Point for Child-Friendly Government Documents

To advance Article 42 of the UNCRC and promote accessibility, this report should be adapted into a child-friendly version using age-appropriate language, visuals, and formatting. This initiative can serve as a model for developing future child-friendly government documents across sectors. By beginning with this foundational report, the province can demonstrate its commitment to transparency and child participation, while fostering a broader culture of accessibility in public reporting. The development process should involve children and youth to ensure the content is engaging, understandable, and relevant. This approach aligns with international best practices and strengthens the implementation of child rights across all levels of government.

Civil and Political Rights

Civil and political rights are fundamental for ensuring that children are not only protected but also empowered to actively participate in society. These rights encompass a range of protections, including the right to freedom of expression, thought, conscience, association, and privacy. The UNCRC recognizes these rights through several key Articles, emphasizing the importance of children being heard and protected in all matters affecting them. Moreover, these rights intersect with other clusters such as health, education, and social security, forming a comprehensive framework for child development and well-being.

Civil and political rights are crucial for empowering children to express themselves freely, participate in decisions affecting their lives, and live in societies that respect their dignity. These rights also ensure that children are protected from exploitation, abuse, and violence. By guaranteeing these rights, the UNCRC promotes the creation of societies where children are active participants rather than passive subjects of policies and practices.

In this section, the Province of New Brunswick's monitoring and implementation of the civil and political rights of the child, pursuant to Articles 13, 14 and 16 of the UNCRC, will be explored in more detail. The collected data will provide a snapshot of the province's capacities, both in terms of structural and procedural support for these rights. Following the summary reviews of each Article, an analysis of key gaps in data monitoring and human rights implementation capacity will be completed, and a set of recommendations for improved implementation of children's civil and political rights in New Brunswick will be provided.

Article 13

Freedom of Expression

Article 13 of the UNCRC emphasizes a child's right to freedom of expression. This includes the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of the child's choice. The right to expression is crucial for children's development, enabling them to participate in society, share their ideas, and have access to a wide range of information⁴⁴.

⁴⁴ https://link.springer.com/chapter/10.1007/978-3-030-84647-3_8

However, Article 13 the exercise of this right may be subject to certain restrictions, but only those that are provided by law and are necessary for:

1. Respecting the rights or reputations of others, or
2. Protecting national security, public order, public health, or morals.

This Article highlights the importance of ensuring children can express themselves freely while balancing these freedoms with the rights of others and the broader public interest.

Structure

New Brunswick has established legal frameworks that support the right of children to freedom of expression. The province adheres to the Canadian Charter of Rights and Freedoms, which broadly protects freedom of expression⁴⁵. The nexus between article 13 and Article 16 (Right to Privacy) and 17 (Right to Information) is an important one and the Province can find important guidance on how to reinforce children's freedom of expression by considering the guidance from the Committee on the Rights of the Child in its recent General Comment 25 on the rights of the child in relation to the Digital environment. Children's expressive rights are intricately intertwined with their rights within the digital environment and yet access to this environment is increasingly under threat for children because of the risks to which they may be exposed online. Protecting the Child's Charter rights to freedom of expression while protecting them from online harms presents some of the most pressing challenges to which legislators are confronted today. The growth of Artificial Intelligence (AI) and the use of AI in Ed tech, in online games and social media present new challenges, and addressing these often requires the sort of wisdom of Solomon that is most often in short supply. New Brunswick can choose to continue to defer to the Federal Government and let it occupy the entire field on these issues, or it can do as Quebec, BC and Alberta have done and begin to regulate its own space in this area of property and civil rights, recognizing the foundational social choices that need to be made in relation to how and in what environment we choose to raise our children and how we choose to regulate the spaces where they learn, play and are able to express themselves, and forge their identity. Proper consideration for our youngest citizens would recommend this choice, but there are more pressing economic imperatives for doing so, given the information age in which we find ourselves and the need to continue to be able to attract investment in the information sector through the development of a credible and industry-standard regulatory environment.

Beyond the digital environment, however, structural changes may also be needed to give children freedom of expression, in relation to their say in school governance, in

⁴⁵ <https://www.canlii.org/en/nb/laws/astat/snb-2022-c-35/latest/snb-2022-c-35.html>

support of civic participation at the local and provincial policy tables, and perhaps one day, in increasing numbers, at the ballot box.

Process

No specific provincial data was available to measure children's reported enjoyment of their right to freedom of expression, at school, at home or in the community. However, the NB student wellness survey captures some measures of children's freedom of expression by surveying youth annually in relation to whether expressing their opinion in class is very important to them, whether they believe getting involved in student council or similar groups is important or very important, or whether they agree or strongly agree that there are good places to spend one's free time. Additionally, this annual survey reports on the percentage of children who report being involved in activities at school or outside of school, in community groups, or in church groups or spiritual groups, as well as whether they feel supported in their communities.

To strengthen the understanding of civic readiness and youth engagement, consideration should be given to including questions related to voting intentions and perceptions of democratic participation. As global concern grows about the erosion of democratic rights, measuring young people's views on voting and civic involvement is increasingly important. Including such questions would align with the broader goals of fostering democratic literacy, supporting civic education, and promoting the long-term realization of Article 13 and Article 12 of the UNCRC.

In terms of remedies available to protect children from arbitrary interference with their freedom of expression, the Canadian Charter of Rights and Freedoms protects fundamental freedoms of all persons including children and their freedom of expression in section 2b) and remedies for Charter violations are guaranteed by s. 24. This section states that:

Any individual whose Charter rights have been infringed or denied may apply to a court for an appropriate and just remedy in the circumstances.

If a court finds that evidence was obtained in violation of Charter rights, that evidence must be excluded if its admission would harm the administration of justice.

As part of the 1982 Constitution Act, the Charter is considered the supreme law of Canada. According to section 52(1), any law that conflicts with the Constitution is rendered ineffective to the extent of the inconsistency.

This overarching framework ensures that remedies are available through the courts for anyone, including children, to protect their rights to freedom of expression as outlined in the Charter. However, children in New Brunswick are wholly dependent on adults to seek these remedies, as children under the age of majority lack legal standing in Canada and must have their parent, legal guardian or a guardian ad litem commence a lawsuit on their behalf (a guardian ad litem refers to someone (usually a lawyer) appointed by the Court to represent a child's interests. In New Brunswick, a guardian ad litem can be appointed in child protection cases, and this would be a lawyer who is

different from the lawyer of their parents or the lawyer representing the province.)⁴⁶ As such, an unwilling parent can prevent a child from accessing these remedies.

Outcome

The percentage of children who report that their right to freedom of expression (both to access and impart information) is respected at school is not collected. The absence of systematic data collection makes it difficult to measure the overall effectiveness of existing programs and policies aimed at promoting this right. Moreover, there is no disaggregated data to assess whether children from marginalized groups are receiving the necessary support to participate fully in society.

Article 14

Freedom of Thought, Conscience, and Religion

Article 14 recognizes the child's right to freedom of thought, conscience, and religion. It also outlines the responsibilities of parents or legal guardians to provide direction to the child in the exercise of this right, in a manner consistent with the evolving capacities of the child.

The key elements of Article 14 are:

- **Freedom of Thought, Conscience, and Religion:** Children have the right to develop their own beliefs, thoughts, and religious practices.
- **Parental Guidance:** Parents or guardians are encouraged to provide appropriate guidance in exercising this right, taking into consideration the child's age and maturity.
- **Limitations:** The exercise of this freedom is subject to restrictions that are necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others, as provided by law.

This Article ensures that children are allowed to form and express their own beliefs while being guided by their parents or guardians in a supportive and age-appropriate way.

Structure

The child's right to freedom of thought, conscience, and religion, as guaranteed under Article 14 of the UNCRC, is governed by federal legislation in Canada. The Canadian Charter of Rights and Freedoms, part of the 1982 Constitution Act, enshrines fundamental freedoms that apply to all individuals, including children. Section 2 of the Charter outlines these freedoms, which include freedom of conscience and religion,

⁴⁶ <https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/vccp-vecp/voi2b.html>

freedom of thought, belief, opinion, and expression, as well as freedom of the press, peaceful assembly, and association. These broad protections ensure that all individuals can exercise their beliefs and express their opinions without exclusion or discrimination⁴⁷.

However, limitations on these freedoms are also recognized under the law. According to Article 14(3) of the UNCRC, the freedom to manifest one's religion or beliefs may be restricted by law to protect public safety, order, health, morals, or the fundamental rights and freedoms of others. Canadian courts provide guidance on how these rights are applied, often balancing competing interests. For example, in the case *Trinity Western University v. British Columbia College of Teachers*, the Supreme Court held that "the freedom to hold beliefs is broader than the freedom to act on them," highlighting the nuanced approach Canadian courts take when interpreting these rights⁴⁸. Canadian courts have also regularly held school teachers to a higher standard than other Canadians in regard to hate speech, ensuring children are able to attend school without being exposed to speech that is harmful and offensive. Examples of this can be found in *R. v. Keegstra*, [1990] 3 S.C.R. 697⁴⁹, and perhaps more importantly, in *Ross v. N.B. School District No. 15*, [1996] 1 SCR 825⁵⁰.

Process

Measures related to protecting children from violence in the context of freedom of thought, conscience, and religion are a common challenge for schools and provincial child protection authorities. Although the cases may commence in a provincial court, the prosecution of criminal offences of ethnically or religiously based hate crimes may also be addressed by the federal government through its constitutional authority in relation to the criminal law.

Regarding promoting religious tolerance, efforts to address issues such as Islamophobia, antisemitism, and responses to the Truth and Reconciliation Commission's (TRC) Calls to Action have been undertaken. New Brunswick has not specifically initiated a campaign focused solely on promoting religious tolerance. In 2021, Manju Varma was appointed as New Brunswick's Commissioner on Systemic Racism. During her one-year mandate, she developed the "Systemic Racism Commissioner's Final Report" which outlined 62 recommendations in order to address systemic racism⁵¹. Currently, the Province's response to the report is still outstanding.

⁴⁷ <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

⁴⁸ *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S.C.R. 772, 814

⁴⁹ *R. v. Keegstra*, [1990] 3 S.C.R. 697 <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/695/index.do>

⁵⁰ *Ross v. New Brunswick School District No. 15*, [1996] 1 SCR 825 <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/1367/index.do>

⁵¹ <https://www2.gnb.ca/content/dam/gnb/Corporate/Promo/systemicracism-racismesystemique/SystemicRacismCommissionerFinalReport.pdf>

Beyond addressing systemic racism, ensuring institutional guarantee of freedom of thought, conscience, and religion in settings -- such as schools -- requires structured policy measures and training protocols. Educational institutions play a key role in fostering inclusive environments that respect diverse beliefs. Data collection on children's religious affiliations is also addressed at the federal level pursuant to the Statistics Act, which incorporates the UN Fundamental Principles of Official Statistics. Interestingly the Canadian Community Health Survey, which New Brunswick's Wellness survey was meant to supplement and expand upon, includes questions in relation to religious and spiritual expression, which the wellness survey leaves out. Incorporating such questions would allow for more robust analysis of children of various religious denominations and the role that religious expression or spirituality plays in their lives. This is an important data gap which the Province should address. Lastly, while there is no formal collection of data on the percentage of institutions providing ethical, philosophical, and multi-religious education, secular public education systems typically include these subjects as part of broader curricula in social studies and history. More data in relation to children's experience of this curricular content would be helpful. More encouragingly the Truth and Reconciliation Calls to action are impacting historical divides between indigenous and non-indigenous learners regarding cultural practices. For example, the New Brunswick Grade 10 Civics course includes Indigenous Principles of Learning and Indigenous Ways of Knowing as part of the curriculum.

Outcome

Scant information is collected regarding the percentage of children aged 12-17 years reporting having felt discriminated against or harassed on the basis of their thought, conscience and/or religion. The Student Wellness survey includes a question measuring the percentage of youth who "report having been bullied at school with mean comments about their race/religion/personal features in the past couple of months".

Article 16

The Right to Privacy

Article 16 protects a child's right to privacy. It asserts that no child shall be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor to unlawful attacks on their honor and reputation.

Key points of Article 16 are:

- **Protection of Privacy:** Children have the right to be protected from arbitrary or unlawful interference with their personal privacy, family life, and communications.
- **Protection of Honor and Reputation:** Children are also protected from unlawful attacks on their honor or reputation.
- **Legal Protection:** The law must ensure that children are safeguarded against such interference or attacks.

This Article ensures that children's privacy and dignity are respected, both by individuals and by the state.

Structure

Legislation in New Brunswick provides for the right to privacy, including data protection, through the Right to Information and Protection of Privacy Act⁵². This Act sets out rules on how public bodies may collect personal information and offers protection against unauthorized use or disclosure of such information. It also guarantees individuals the right to request corrections to records containing their personal information that are held by public bodies and establishes a process for independent review of decisions made by public bodies regarding these matters. Privacy rights are also offered through the Personal Health Information Privacy and Access Act⁵³, which protects the privacy of all individuals regardless of age and which provides that children may consent to the collection or use or disclosure of their own health information if over 16, or under 16 and are deemed competent to provide such consent by a medical professional under the Medical Consent of Minors Act⁵⁴. Moreover, section 7 of the Child and Youth Well-Being Act affords children receiving social services the rights to privacy.

In terms of accessible and enforceable remedies for children in cases of privacy violations, including issues such as cyberbullying, online exploitation, unauthorized use of images, and the right to be forgotten, a 2008 report highlighted that the Canadian legislative framework, particularly the Personal Information Protection and Electronic Documents Act (PIPEDA), may be insufficient to fully protect children's privacy rights online⁵⁵. The Office of the Privacy Commissioner of Canada has a complaints mechanism in place for addressing such concerns⁵⁶. Significant law reform was tabled in Parliament by government in the fall of 2023, but the proposed reforms have now died with the recent prorogation of Parliament. This presents an opportunity for New Brunswick to legislate in this field as other Provinces have done and to build the case for an improved federal framework that is more intentionally oriented to implementing Articles 16 and 17 of the Convention in Canada and guaranteeing every child a safe digital environment.

In any case, given the new risks posed to children's privacy from generative Artificial Intelligence, the growth of child influencers in social media and the retraction of global platforms from recently developed fact checking and privacy safeguards, a comprehensive strategy to protect children's privacy in the digital age should be

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<https://www2.snb.ca/content/snb/en/privacy.html#:~:text=RTIPPA%20sets%20out%20the%20rules,correct%20their%20own%20personal%20information.>

⁵³ <https://laws.gnb.ca/en/document/cs/P-7.05>

⁵⁴ <https://laws.gnb.ca/en/document/cs/M-6.1>

⁵⁵ <https://epe.iac->

[bac.gc.ca/100/200/300/public_interest_advocacy/children_final/children_final_small_fixed.pdf](https://epe.iac-bac.gc.ca/100/200/300/public_interest_advocacy/children_final/children_final_small_fixed.pdf)

⁵⁶ <https://www.priv.gc.ca/en/report-a-concern/>

developed by the Province's Chief Information Officer, Chief Privacy Officer and the Department of Education to better protect New Brunswick children.

Process

Privacy violations are subject to New Brunswick's Right to Information and Protection of Privacy Act and complaints are addressed by the appropriate departments. However, the Government of New Brunswick (GNB) does not have the capacity to conduct the necessary research to gather information related to the percentage of all reported complaints in relation to child privacy violations.

Regarding the rate of reporting and removal of online child privacy violations by Internet Service Providers and law enforcement, in 2022-23, the Office of the Privacy Commissioner of Canada received 434 well-founded complaints under the Privacy Act from Canadians and 298 data breach reports. Additionally, 19 well-founded complaints were received under PIPEDA, alongside 681 data breach reports. These breaches occurred primarily in sectors such as financial services, telecommunications, and professional services⁵⁷.

In terms of the percentage of male and female child and adolescent internet users who interacted online with individuals they had not met before in person which led to victimization, about two-thirds (64%) of young adults aged 18-29 in Canada reported that men were primarily responsible for their cybervictimization. Meanwhile, 19% reported women as the offenders, 4% said both genders, and 13% did not know the gender of the attacker. The most common offenders, at 55%, were individuals known to the victim, such as friends, acquaintances, teachers, co-workers, and family members, while 45% of offenders were not known to the victim⁵⁸.

Outcome

The Student Wellness and Education Survey reports that in 2025 13.0% of NB children reported having been bullied at school with cyber-attacks in the past couple of months⁵⁹. The Student Wellness and Education Survey in schools asks detailed questions about children's experience of bullying at school. The questionnaire should be modified to add more questions about the various forms of cyberbullying as well as bullying in the community outside of school. Special programs should be developed to help children address their victimization by cyber-bullies with a priority focus on program responses for girls, for children with disabilities and children in poverty⁶⁰.

⁵⁷ https://www.priv.gc.ca/en/opc-actions-and-decisions/ar_index/202223/ar_202223/

⁵⁸ <https://www150.statcan.gc.ca/n1/pub/75-006-x/2023001/Article/00003-eng.htm>

⁵⁹ <https://nbhc.ca/table/grades-6-12-social-and-emotional-development?cuts=NB>

⁶⁰ <https://nbhc.ca/sites/default/files/publications-attachments/SWS18-19%20-New%20Brunswick%20Provincial%20Results.pdf>

Information is not collected related to the percentage of children living in households where data privacy principles and social media use rules are discussed and respected. Screen time data usage is collected.

Data is not collected regarding the percentage of children who report feeling that their privacy is respected within various institutional settings, like schools or hospitals. However, it warrants mention that both the New Brunswick Child and Youth Advocate⁶¹ and the Office of the Ombud New Brunswick⁶² raised concerns that revisions to Policy 713 of the Department of Education and Early Childhood Development in 2023 conflicted with children's right to privacy. Though these revisions have since been repealed, it suggests that this right has at times been vulnerable to being violated.

Gaps in Child Rights Monitoring Capacity

Article 13

Right to Expression

Freedom of expression is fundamental for children to express their opinions, access information, and contribute to society. While the Canadian Charter of Rights and Freedoms provides broad protections for freedom of expression, there is a lack of provincial data collection on the actual implementation of these rights for children in New Brunswick. Key gaps include:

- **Absence of Disaggregated Data:** There is no consistent collection of data on how children, especially those from marginalized or rural communities, exercise their right to freedom of expression. This makes it difficult to assess whether these children have equal opportunities to express themselves and access information.
- **Lack of Data on Digital Spaces:** In the digital age, much of children's expression occurs online. However, there is a lack of specific provincial legislation governing children's digital rights, and no data is being collected on how children engage in online spaces. The absence of mechanisms to track online privacy issues and digital expression further exacerbates this gap.
- **Limited Information on School Programs:** Although schools promote expression through student councils and other initiatives, there is no systematic evaluation of

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<https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/64dba253048a5831dfbec552/1692115539961/On+Balance+Choose+Kindness+-+Advocate+Review+of+Policy+713.pdf>

⁶² <https://ombudnb.ca/wp-content/uploads/2023/11/Policy-713-Ombud-NB-Submission-E.pdf>

whether these programs are reaching all students equitably or whether they effectively empower children to exercise their right to expression.

Article 14

Right of the Child to Freedom of Thought, Conscience and Religion

Article 14 of the UNCRC guarantees the right of children to develop their own beliefs and religious practices. In New Brunswick, this right is largely protected the Canadian Charter of Rights and Freedoms. However, several gaps in monitoring and implementation exist:

- **No Data on Religious Freedom Violations:** There is no provincial data on children who feel discriminated against or harassed due to their religious beliefs or other grounds of belief, thought or conscience. Nor is there any data in relation to how children view their own faith or religious practices, or whether they feel indoctrinated, at home, at school or in the community. Without this information, it is difficult to understand the prevalence of religious discrimination or faith experience among children in New Brunswick.
- **Lack of Campaigns Promoting Religious Tolerance:** While efforts have been made to address issues such as Islamophobia and antisemitism, New Brunswick has not initiated a focused campaign to promote religious tolerance among children. Without such initiatives, religious diversity and tolerance may not be sufficiently supported within schools and communities.
- **No Formal Data on Religious Instruction:** Data is not being collected on the institutions providing ethical, philosophical, and multi-religious education. Without a formal assessment of whether children's right to religious education is being upheld, gaps in support for these rights may go unnoticed.

Article 16

Child's Right to Privacy

Article 16 protects children's right to privacy, ensuring they are not subjected to arbitrary or unlawful interference in their personal lives. Despite the presence of the Right to Information and Protection of Privacy Act in New Brunswick, which governs how personal information is collected and used, there are key gaps in monitoring the right to privacy for children:

- **Insufficient Data on Child Privacy Violations:** Current mechanisms in place to track privacy violations specifically related to children, including issues such as cyberbullying, data mining, and unauthorized use of personal information are incomplete or wholly lacking. The lack of a specialized framework for monitoring

privacy breaches involving children makes it difficult to measure the effectiveness of existing privacy protections.

- **Inadequate Monitoring of Digital Privacy:** Although the Personal Information Protection and Electronic Documents Act (PIPEDA) provides some protections, it has been criticized as insufficient to address the complexities of children's digital privacy. The absence of provincial initiatives to enhance digital privacy protections for children and monitor online privacy violations presents a significant gap. Meanwhile most democratic states have developed robust legislative models to protect children's privacy and insist upon Age-Appropriate design criterion by social media giants and internet service providers. A reliable legislative framework that keeps pace with technology is critical not only to protect children's rights and wellbeing, but also to develop a performing IT sector.
- **No Data on Household Privacy Practices:** Information is not collected on how families discuss and enforce data privacy principles, particularly in relation to social media use and online behavior. Without this data, it is unclear whether children are being adequately educated about their right to privacy and how to protect it in the digital space.

Recommendations

While New Brunswick has made progress in legislating civil and political rights for children, significant gaps remain in its capacity to monitor the implementation and enforcement of these rights. The lack of data collection on freedom of expression, religious tolerance, and privacy protections makes it difficult to measure how effectively these rights are being upheld. Moreover, marginalized groups, such as children from rural or low-income backgrounds, may be disproportionately affected by these gaps, further limiting their ability to fully participate in society. Addressing these monitoring gaps is essential for ensuring that all children in New Brunswick can enjoy their civil and political rights as guaranteed by the UNCRC.

14. **Recommendation:** Establish Data Collection Frameworks

Create provincial mechanisms for systematically collecting disaggregated data on children's exercise of their civil and political rights, with particular attention to marginalized groups and digital spaces.

15. **Recommendation:** Enhance Digital Privacy Protections

Strengthen monitoring and enforcement of children's online privacy rights through updated legislation insisting upon an Age-Appropriate Design Code for industry leaders based upon a strong model recognized in international child-rights monitoring literature, as well as dedicated protections for children in relation to the advent of generative AI. Dedicated provincial resources will be required to support all of these initiatives.

16. **Recommendation:** Promote Tolerance

Initiate province-wide campaigns to promote tolerance of different religions and respect for diversity, alongside regular data collection on incidents of discrimination based on religious beliefs, as well as children's experience of freedom of religion.

17. Recommendation: Amend the Student Wellness Survey

Revise the Student Wellness Survey to collect the experiences of racial slurs or taunting, religious-based harassment or bullying and body image/personal features discrimination.

18. Recommendation: Standardize School-Based Expression Programs

Ensure all schools provide equal opportunities for children to exercise their right to expression through standardized programs that are regularly evaluated for effectiveness, particularly by giving children greater freedom in relation to their own student councils and involving them more meaningfully in school governance and policy-setting.

19. Recommendation: Integrate Child Rights Remedies into the Human Rights Framework

The New Brunswick Human Rights Act can be aligned with the enforcement mechanisms of the Child and Youth Well-being Act under a future UNCRC incorporation law, ensuring children can access remedies without navigating multiple legal forums. This approach builds on existing protections while improving coherence and access to justice.

20. Recommendation: Integrate Civic Engagement Indicators into the Student Wellness Survey

To support the development of democratic literacy and monitor civic readiness among youth, work with the GlobalChild Team to frame potential new questions related to voting intentions, trust in democratic institutions, and perceptions of civic participation in the New Brunswick Student Wellness Survey. These indicators would provide valuable insight into how young people in the province understand and engage with democratic processes, aligning with the goals of Article 12 (the right to be heard) and Article 13 (freedom of expression) of the UNCRC. Including such measures would strengthen public policy efforts aimed at fostering informed, engaged future citizens and support early interventions that promote civic inclusion and participation.

Family Environment and Alternative Care

The family environment and alternative care provisions in the UNCRC highlight the importance of family as the fundamental unit for the upbringing and well-being of children, while also recognizing the need for alternative care when family circumstances fail to provide adequate protection and nurturing. Articles 5, 7-11, 18-22 and 25 collectively emphasize the rights of children to be cared for by their families, the shared responsibility of parents and the state in ensuring children's welfare, and the importance of regulating alternative care systems to protect the best interests of the child. The NB pilot of GlobalChild has focused on Articles 9, 18, 21 and 25.

Article 9

Separation from Parents

Article 9 of the UNCRC addresses the right of children to maintain relationships with their parents, even in cases of parental separation, unless it is contrary to the child's best interests. This Article ensures that children are not unlawfully or arbitrarily separated from their parents, recognizing the emotional and developmental importance of parental relationships. In circumstances where separation occur, such as divorce, family breakdown, or state intervention, the child retains the right to stay in contact with both parents, provided it serves their well-being.

In New Brunswick, family law emphasizes the importance of co-parenting, with court decisions prioritizing the best interests of the child in cases of separation or custody disputes. The province's family services also offer mediation and support to help maintain a child's connection to both parents when possible. However, in situations involving abuse or neglect, protective services may intervene to limit or end parental contact in the child's best interests. This ensures that children's safety is paramount while balancing their right to maintain family bonds⁶³.

Article 9 protects children from being separated from their parents by insisting that children should only be removed from their parents' care where competent authorities

⁶³ https://www.familylawnb.ca/english/faqs_custody_and_access

have decided, subject to judicial oversight, that it is necessary to do so in the child's best interest.

Structure

Nationally, Canada's legislation explicitly recognizes the rights and guarantees embodied in Article 9 of the UNCRC, particularly through child protection and child welfare legislation at the provincial level, ensuring that any separation from parents is only resorted to when the child's well-being and best interests require it. As well, the federal Divorce Act and provincial family law statutes, prioritize the best interests of the child in matters of parental separation and custody. The Divorce Act ensures that children have the right to maintain relationships with both parents unless such contact is not in the child's best interests, reflecting the protections in Article 9⁶⁴. The Canadian Charter of Rights and Freedoms supports these principles by guaranteeing equal protection and benefit of the law, which extends to children in family law cases⁶⁵.

In New Brunswick, while the Child and Youth Wellbeing Act and the Family Law Act reflects many of the principles of Article 9, such as prioritizing the best interests of the child in decisions related to custody and child protection, there is no explicit mention of Article 9 or a formal strategy ensuring continued contact with both parents in cases of separation. Although the courts and family services generally aim to preserve family connections when it serves the child's best interests, there is a noted gap in the provincial framework when compared to the rights outlined in the UNCRC.

New Brunswick's legislation, though aligned in practice, lacks a specific provincial strategy addressing Article 9 rights. The Child and Youth Advocate's recent *Easier to Build* report recommended a path to achieve such implementation, but the new Child and Youth Wellbeing Act only followed some of the recommendations, leaving to another day the task of a more intentional strategy to implement children's rights, through robust child rights-based law reform⁶⁶.

Process

No data was provided for the process indicators related to Article 9. Specifically, no information was available for the following questions: the number of cases of children separated from parents by domestic courts in the past 12 months; the percentage of court cases involving the possible removal of a child that were diverted through alternate dispute resolution processes such as collaborative family law practices or family group conferencing; the existence of effective child-friendly justice practices in child protection and custody matters; the percentage of court cases involving placement

⁶⁴ <https://laws-lois.justice.gc.ca/eng/acts/d-3.4/>

⁶⁵ <https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/>

⁶⁶ <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/627d8e90f6f80d31302084cd/1652395667982/Easier+to++Final+EN.pdf>

decisions where the child's view was given due consideration; and the presence of systems ensuring child/parent contact in various separation contexts, including child protection, kinship care or open adoption settings, child and adult criminal justice, addictions and psychiatric care, and immigration detention settings. Furthermore, in cases where a minor is sentenced to incarceration in New Brunswick, there is only one juvenile detention facility, located in Miramichi, and there is no longer any opportunity for a youth to serve even an open custody sentence in their own community, thereby requiring parental separation even for these less intrusive custodial options.

More than most other parts of the NB pilot, these indicator sets point to a troubling lack of focus on children as stakeholders in court systems and a lack of data collection with respect to efforts that are underway. Other systems of government in health care, in education, in child welfare all have better monitoring systems in place, but the justice system seems to operate according to different rules, where goal setting, working the plan and results monitoring have little or no place. The research and evaluation capacity of court services and justice services has eroded over time. Children were never the focal point of this system, but the system has now lost its ability to bring a systems lens focus on almost any outcome or goal. As for child friendly justice practices, the Attorney General did fund the development of promising standards for use in youth criminal justice settings, but these have not been implemented, and there has been little movement towards any growth of such standard setting in other court services.

Outcome

While there is a lack of disaggregated data specifically related to children separated from one or both parents in New Brunswick, the child rights indicator framework reports that between 2018-19 and 2019-20 the rate of placement of children and youth into group homes and foster homes has been relatively stable, with foster home placements being over three times more frequent than group home settings. This points to an encouraging use of family centred alternative forms of care in child protection. The new Child and Youth Well-Being Act has brought in important law reform that will improve upon this situation even further by maximizing and extending the use of kinship placements in child protection decision-making. The Student Wellness and Education Survey also provides some general indicators provide insight into family life satisfaction among children. In the 2024-2025 survey:

- 82.1% of children in grades 4-5 reported that they like to spend time with their parents.
- Compared to 59.7% of children in grades 6-12⁶⁷.

However, this data cannot be separated to reflect whether these children are living with both parents or have experienced separation. Without specific disaggregated data, it remains challenging to directly assess the experiences of children who are separated

⁶⁷ <https://nbhc.ca/surveys/2024-2025-student-wellness-and-education-survey>

from one or both parents, especially in terms of their satisfaction with the time spent with their families.

More targeted research and indicators in New Brunswick are needed to fully understand the impact of parental separation on children's well-being and satisfaction, as well as the impact of alternative forms of placement, all of which is required in order to properly assess the implementation of Article 9 of the UNCRC.

Article 18

Parental Responsibilities and State Assistance

Article 18 of the UNCRC emphasizes the shared responsibility of parents and the state in raising children. It outlines the responsibility of parents to ensure the well-being and development of their children, while also recognizing the state's role in providing assistance to parents to fulfill these duties. This Article advocates for social services, childcare support, and policies that help parents, particularly working parents, to manage their responsibilities⁶⁸.

In New Brunswick, this principle is reflected in policies that provide parental leave, access to daycare and early childhood services, access to childcare subsidies, and family support programs aimed at helping parents balance work and caregiving responsibilities, particularly for parents of children with special needs. Provincial family services and early childhood education programs are designed to assist parents in creating a nurturing environment for their children. Collaboration between the state and parents ensures that children receive the care, protection, and education necessary for their development.

Article 18 highlights both the responsibilities of parents and the role of the state in supporting them, ensuring children receive proper care and attention through family support and public services.

Structure

Article 18 of the UNCRC emphasizes the primary responsibility of parents for the upbringing and well-being of their children, while also recognizing the state's role in supporting parents in fulfilling these duties. In New Brunswick, this principle is reflected

⁶⁸ <https://www.unicef.org/child-rights-convention/convention-text>

in the Early Childhood services Act, the Child and Youth Well-being Act, and the Employment Standards Act.

A legal and policy framework exists in New Brunswick to support working parents in exercising their parental responsibilities. The Early Childhood Services Act governs access to licensed early learning and childcare, while the Employment Standards Act provides for protected job leave provisions, including 17 weeks of leave for birthing parents following the birth of a child (Section 43(1)),

- 62 weeks of leave for natural or adoptive parents to care for and bond with their child (Section 44.02(2)),
- 37 weeks of leave for parents or family members to care for children who are critically ill (Section 44.025(2))⁶⁹.

These leave provisions, supported by the federal Employment Insurance program, ensure that parents receive a portion of income replacement during maternity, parental, or family-related leaves⁷⁰. The Act also allows parents to take time off when their child is sick, providing necessary flexibility to manage both work and family responsibilities.

Process

To ensure the effective implementation of Article 18 of the UNCRC, which emphasizes parental responsibilities and state support, several key processes are generally expected. These processes include training for parents on child's best interests, national awareness campaigns, services supporting parental responsibilities, daycare and facilities for working parents, and monitoring of care institutions and services.

In New Brunswick, several programs provide direct support to parents in fulfilling their caregiving responsibilities. The province offers childcare subsidies to help families access affordable early learning and childcare services, ensuring that parents—particularly those with financial constraints—can balance work and caregiving responsibilities⁷¹. Programs such as Daycare Assistance, Designated Centre Subsidies, and Alternative Child Care Assistance aim to reduce financial barriers and increase access to quality childcare. Additionally, there are targeted initiatives that support new parents, including parental leave benefits, prenatal programs, and early childhood education resources⁷².

However, despite these supports, there is no evidence of a public awareness campaign specifically designed to promote a culture of shared parental responsibilities or to educate parents about their rights and available resources under Article 18. While many services exist, the extent to which they actively reinforce the shared responsibility

⁶⁹ <https://www.canlii.org/en/nb/laws/stat/snb-1982-c-e-7.2/latest/snb-1982-c-e-7.2.html>

⁷⁰ <https://www.canada.ca/en/services/benefits/ei.html>

⁷¹ <https://socialsupportsnb.ca/en/program/help-daycare-and-childcare>

⁷² https://socialsupportsnb.ca/en/simple_page/support-new-parents

framework remains unclear. Further efforts could be made to ensure that parents are fully informed about their rights and the available support systems in New Brunswick.

Outcome

The outcome indicators for Article 18 reveal several gaps in data collection, particularly regarding parental responsibilities and state support in New Brunswick. For example, there is no available data on the percentage of parents aware of their shared responsibilities for the upbringing of their children or on the percentage of parents participating in positive and shared training programs aimed at promoting shared parental responsibilities. Furthermore, data on the percentage of parents and caregivers benefiting from measures such as maternity and paternity leave is not collected. While the federal government may track the number of New Brunswick residents accessing Employment Insurance (EI) maternity benefits, there are workers who are ineligible for EI, and employers do not report when individuals take leave, making it difficult to assess the full scope of job protection measures.

Information on the proportion of time spent on unpaid domestic and care work by sex, age, and location is available through the Canadian Indicator Framework for the Sustainable Development Goals, which recognizes and values unpaid care and domestic work, but no specific provincial data for New Brunswick has been made available⁷³. In related data, a 2023 report indicates that 25,000 children aged 0-5 in New Brunswick, representing 60.7% of children in this age group, used early learning and childcare arrangements⁷⁴. Of these, 42.4% were enrolled in daycare centres or preschools, with others receiving care from family members or in family daycare homes⁷⁵. While this data offers insights into childcare usage, it does not address the broader issues of parental leave or shared caregiving responsibilities. Finally, the pilot did not reveal any relevant data in relation to how Article 18 rights assist families of children with disabilities to meet their caregiving and child-rearing needs.

These gaps in outcome data collection make it challenging to fully assess the implementation of Article 18 in New Brunswick and to evaluate how well parental responsibilities are supported by public policies and services.

⁷³ <https://www150.statcan.gc.ca/n1/pub/11-26-0004/112600042021001-eng.htm>

⁷⁴ <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=4210000401>

⁷⁵ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=4210003101&pickMembers%5B0%5D=1.5&pickMembers%5B1%5D=2.1&cubeTimeFrame.startYear=2023&cubeTimeFrame.endYear=2023&referencePeriods=20230101,20230101>

Article 21

Adoption

Article 21 of the UNCRC focuses on adoption and safeguards the best interests of the child throughout the adoption process. It stipulates that adoption should only occur if it is in the child's best interests and that international adoption should be a last resort when suitable care cannot be found within the child's country of origin. This Article ensures that children placed for adoption are provided with loving, stable homes and that their rights and welfare remain central during the process⁷⁶.

In New Brunswick, adoption laws and processes prioritize the well-being of the child, ensuring thorough vetting of potential adoptive families. The province follows strict procedures to ensure that adoption, whether domestic or international, is handled with the child's best interests in mind⁷⁷. These processes align with federal and international standards, particularly regarding international adoption, which must comply with both provincial adoption laws and international treaties, such as The Hague Convention on Intercountry Adoption⁷⁸.

Article 21 reinforces the idea that adoption should serve the child's welfare above all else, offering legal protections and guidelines with the ultimate goal of securing a child's right to a stable family life.

Structure

In New Brunswick, adoption is governed by Part VI of the Child and Youth Well-Being Act. Prospective adoptive parents must submit their applications to the Minister of Social Development or a designated community social service agency. A critical aspect of the adoption process is the emphasis on the best interests of the child, which must be the primary consideration in any placement decision. The Act stipulates that any child may be adopted, provided that the adoption complies with its provisions. The Minister is responsible for conducting a thorough assessment of the proposed adoption placement to ensure suitability. Additionally, the Act includes provisions for the disclosure of both identifying and non-identifying information about the parties involved in the adoption, attempting to ensure transparency and support throughout the process. This framework is designed to prioritize the welfare of the child while providing a structured approach for prospective adoptive parents.⁷⁹

⁷⁶ <https://www.unicef.org/child-rights-convention/convention-text>

⁷⁷ <https://socialsupportsnb.ca/en/program/adopting-child-or-youth>

⁷⁸ <https://publications.gc.ca/collections/Collection/Ci63-18-2000E.pdf>

⁷⁹ [SNB 2023, c 36 | An Act Respecting Child and Youth Well-Being | CanLII](#)

Lastly, the Act requires that a cultural connection plan be developed when an Indigenous child is adopted outside their family, culture, or community, and this plan must be created in collaboration with the child's community. This provision aims to preserve the cultural identity and heritage of Indigenous children. While the Act does not explicitly mandate that Indigenous children be placed within their extended family or community (often referred to as kinship care), this principle is widely recognized as a best practice in Canadian child welfare. The federal government, through legislation such as An Act respecting First Nations, Inuit and Métis children, youth and families, affirms the right of Indigenous communities to exercise jurisdiction over child and family services, including a preference for family- and community-based care. As such, adoption practices in New Brunswick must be interpreted in alignment with these broader legal obligations, ensuring that the best interests of Indigenous children are assessed in a culturally informed and rights-respecting manner. **Process**

Children over the age of 12 are required to give their written consent for adoption. For children under 12, the court must consider the child's wishes when it is deemed appropriate and feasible to do so. These procedural safeguards are in line with the UNCRC's emphasis on children's participation in matters that affect them. While legal frameworks are in place, ensuring that children's voices are meaningfully considered during the adoption process remains an area for continuous monitoring and evaluation.

Outcome

No data was provided for the following outcome indicators: the percentage of adopted children expressing satisfaction with the adoption process, and the number of prosecutions for trafficking and improper financial inducement in inter-country adoptions. These indicators are essential for assessing the quality, transparency, and rights-respecting nature of adoption practices in the province. Although it is possible that some data is collected internally, it is not made publicly available, limiting opportunities for accountability and system-wide learning. Improved data transparency: particularly on the lived experiences of adopted children and families, would support more responsive policy development. In light of ongoing changes in adoption law and practice, including increasing openness and efforts to support reconnection with birth families, establishing routine, disaggregated reporting of these indicators would align with evolving national and international norms.

Article 25

Periodic Review of Placement

Article 25 of the UNCRC ensures that children placed in care settings, including foster care, adoption, or institutional care, are subject to regular reviews to assess their treatment and living conditions. This provision is essential to safeguarding children in

alternative care, ensuring that their placement continues to meet their needs and that their rights are protected throughout their time in care⁸⁰.

In New Brunswick, child protection services regularly assess the living conditions and welfare of children in care. Provincial law mandates that children in foster care or group homes receive periodic reviews to monitor their progress and well-being. This system of oversight is in place to ensure that children in care receive the same level of attention and protection as those living with their families. Additionally, reviews are used to assess whether a child's placement remains the most appropriate or whether reunification with their family or another permanent arrangement is in their best interest⁸¹.

Article 25 highlights the need for continuous oversight of children's welfare in care placements, ensuring that their rights are upheld and that they are protected from harm or neglect while in alternative care.

Structure

While Section 49 of the Child and Youth Well-Being Act outlines provisions for the review of protective care interventions, no comprehensive data was provided for the structure indicators related to the placement of children across all settings. It remains unclear whether legislation or policy consistently addresses key aspects such as the reason for placement, the quality assessment of the placement setting, specific timeframes for reviews, the frequency of those reviews (particularly whether they occur at least every three months and accommodate requests by the child or their advocate), the standards governing the review process itself, and provisions supporting reintegration with family and community. More detailed information is needed to assess how consistently these standards are applied and monitored across different types of placements.

Process

No data was provided regarding whether regular reviews of the review process are undertaken by the relevant authorities.

Outcome

No data was provided for the outcome indicators related to the review process. Specifically, there is no information on the number of complaints from children about the quality of the review process or the percentage of reviews conducted within the timeline articulated in the legislation.

⁸⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

⁸¹ <https://www2.qnb.ca/content/dam/qnb/Departments/sd-ds/pdf/Protection/Child/ReviewOfTheEffectivenessOfNewBrunswicksChildProtectionSystem.pdf>

Gaps in Child Rights Monitoring Capacity

In New Brunswick, significant gaps exist in the capacity to monitor child rights effectively, particularly concerning family environment and alternative care provisions under the UNCRC. One key area of deficiency is the lack of disaggregated data specific to children's experiences in separated family arrangements or informal systems of care. While general data on family satisfaction exists, it does not account for variables like parental separation or different living arrangements, which are critical for assessing children's well-being in the context of Article 9. Additionally, there is a shortage of process indicators that could monitor the effectiveness of services aimed at upholding child rights, such as parental support programs, family assistance services, and public awareness initiatives. Without these indicators, it becomes challenging to gauge the implementation of Articles 9, 18, and 25 of the UNCRC within the province.

Another barrier in monitoring child rights is the absence of consistent outcome data that would reflect the effectiveness of state support for families. For example, Article 18 highlights the shared responsibilities of parents and the state, yet there is limited data tracking parental awareness of these responsibilities or participation in state-supported programs. Furthermore, monitoring of alternative care settings, such as foster homes and group care, lacks sufficient data on the frequency and outcomes of periodic reviews as mandated by Article 25, limiting oversight of children's welfare in these environments. Additionally, there is a lack of access to provincial data related to unpaid domestic and caregiving responsibilities, and in relation to the Province's efforts to direct needed assistance to families of children with special needs, all of which impedes the ability to assess the broader support landscape for family caregiving.

The province's current monitoring capacity is also restricted by limited provincial alignment with UNCRC standards. While New Brunswick's family law framework reflects many principles of child rights, there is no explicit provincial strategy ensuring adherence to the Articles under the UNCRC. This gap affects the consistency and scope of child rights monitoring, as well as the availability of structured data needed to evaluate compliance with international standards. Consequently, these gaps in monitoring capacity hinder the province's ability to fully support and enforce children's rights to family, care, and protection. Addressing these issues requires a comprehensive strategy to enhance data collection, improve process indicators, and align provincial legislation more closely with UNCRC standards to strengthen the monitoring and protection of child rights across New Brunswick.

Recommendations

To address these gaps and strengthen New Brunswick's capacity to monitor and implement child rights effectively, several key recommendations are proposed:

21. **Recommendation:** Develop and Collect Disaggregated Data

Introduce data collection measures to gather detailed information on children's experiences in child protection settings and in separated family arrangements.

This should include tracking satisfaction with alternative forms of care provided, with efforts to maintain contact with parents, emotional well-being through separation and placement, and experiences in different family structures and disaggregated by child and youth populations.

22. Recommendation: Establish Process Indicators at the Provincial level

Define and implement specific process indicators to evaluate the effectiveness of family support services, parental training programs, and public awareness campaigns on parental responsibilities. These indicators should include the frequency and outcomes of placement reviews, with a focus on the child's potential for reunification with their family, in alignment with their best interests.

23. Recommendation: Promote Shared Parental Responsibilities and Service Effectiveness

For Article 18, launch campaigns that promote shared parental responsibilities and family support structures. These campaigns could raise awareness about available support services, parental leave, and the rights of children and parents. In parallel, implement professional training programs and develop process indicators to measure the effectiveness of family support services, adoption services, and parental education initiatives.

24. Recommendation: Improve Access to Early Childhood Care Data

Regularly update and make available provincial data on childcare access, costs, and participation rates. This information can inform policy adjustments and support more families in balancing caregiving with employment.

25. Recommendation: Integrate Child Rights Standards into Legislation

In New Brunswick, aligning provincial laws more explicitly with UNCRC Articles would ensure better recognition and enforcement of children's rights.

26. Recommendation: Improving Transparency and Child Voice in Care Placements

The Government of New Brunswick should develop and publicly report comprehensive data on child placements across all care settings, including reasons for placement, quality assessments, review frequency, and reintegration efforts. This should include direct input from children on their satisfaction with placements, in line with Articles 12 and 25 of the UNCRC.

Disability, Basic Health, and Welfare

The realization of children's rights to disability inclusion, basic health, and welfare is fundamental to ensuring their overall well-being and development. They intersect with economic, social, cultural, civil, and political rights, making them critical for the comprehensive development of every child. The UNCRC underscores these rights through a dedicated cluster of Articles, emphasizing the importance of a holistic approach to child development.

The UNCRC recognizes the right of children with disabilities to enjoy a full and decent life in conditions that ensure dignity, promote self-reliance, and facilitate active participation in the community. Article 23 specifically addresses the needs of children with disabilities, highlighting their right to special care, education, health services, training, rehabilitation, and preparation for employment. It emphasizes the necessity of providing support not only to the children but also to their families, ensuring a supportive environment for their development. Lastly, this Article recognizes the significance of inclusive environments in promoting the development of children with disabilities.

Health is a cornerstone of child development, and Article 24 of the UNCRC enshrines the right of every child to the highest attainable standard of health. It calls for comprehensive measures to reduce infant and child mortality, combat disease and malnutrition, and ensure access to clean drinking water, nutritious food, and environmental sanitation. Additionally, it highlights the importance of educating parents and children about health and nutrition, empowering them with the knowledge to maintain healthy lifestyles.

The right to social security and an adequate standard of living are crucial for the welfare of children. Article 26 of the UNCRC ensures that every child benefits from social security, including social insurance, which provides financial support essential for their development and well-being. Article 27 further elaborates on the right to an adequate standard of living, necessary for the child's physical, mental, spiritual, moral, and social development. It stresses the responsibility of parents and caregivers to secure the conditions necessary for the child's growth and calls on states to assist in providing material support and resources when needed.

The UNCRC, through Articles 23, 24, 26, and 27 (as well as Article 33, which was not selected for data collection during this pilot), sets a comprehensive framework for ensuring the rights and well-being of all children, particularly those with disabilities and those in need of basic health and welfare support. These Articles collectively emphasize the importance of inclusive support systems, adequate health care, social security, and a standard of living that fosters the holistic development of children. By adhering to these principles, states can work towards creating environments where every child can thrive and reach their full potential.

In this section, the Province of New Brunswick's monitoring and implementation of the rights of the child pursuant to Articles 23-24 and 26-27 of the UNCRC are explored in more detail. The collected data will provide a snapshot all existing capacities of the province, both in terms of the structural as well as procedural support for a given right

and will highlight the gaps in some capacities. It will provide a brief overview of the province's performance in meeting its international obligations under the UNCRC.

Article 23

Children with Disabilities

Article 23 of the UNCRC focuses on the rights of children with disabilities. It recognizes that a child with a physical or mental disability should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

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

States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and the circumstances of the parents or others caring for the child.

Emphasis is on addressing the special needs of disabled children by offering free assistance whenever possible, taking into account the financial situation of their caregivers. This support should include access to education, healthcare, rehabilitation, employment training and recreational activities to promote their social integration and personal development.

States Parties shall promote international cooperation by sharing information on preventive health care, rehabilitation, education, and vocational services for disabled children, to enhance global capabilities. Special attention should be given to the needs of developing countries⁸².

Structure

Canada ratified the United Nations *Convention on the Rights of Persons with Disabilities* (UNCRPD) in 2010 after consultation with the provincial and territorial governments. Upon ratification, Canada entered a reservation with respect to UNCRPD Article 12,

⁸² <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

indicating that the State will continue to use substitute decision-making in circumstances where an individual does not have the legal capacity to make decisions for themselves⁸³. In New Brunswick, all legislation has been reviewed to ensure compliance with the UNCRPD. In doing so, the province has introduced legislation and/or policy addressing the following rights of persons living with a disability:

- The New Brunswick *Human Rights Act* establishes disability as a prohibited ground for discrimination.
- The New Brunswick *Education Act* recognizes the right to inclusion of all children with disabilities within the school system. Furthermore, *Education Act* Policy 322 – Inclusive Education comprehensively sets out principles, goals, and standards for inclusive education for the province⁸⁴.
- In January 2024 the Infirm Persons Act was repealed and replaced with the Supported Decision-Making and Representation Act a new legislative best practice nationally, which, notwithstanding Canada's reservation, is compliant with the UNCRPD and its Article 12⁸⁵.

Furthermore, in 2021, the New Brunswick Legislative Assembly established a Select Committee on Accessibility with a mandate to consult with stakeholders and government departments on the state of accessibility in the province and report to the House with recommendations. Following consultations, in December 2022, the Committee issued an interim report "Nothing About Us, Without Us: Moving Together Towards an Accessible New Brunswick", which identifies key barriers to inclusion and recommends that the Government should prepare accessibility legislation that addresses the issues outlined in the report. As a result, the New Brunswick *Accessibility Act* was introduced in May 2024, receiving royal assent the following month, with the aim of building a more inclusive province by requiring the establishment of accessibility standards and accessibility plans for government services, as well as establishing a governance model and evaluation mechanisms to ensure compliance with accessibility requirements.⁸⁶ The Province established an accessibility office with the Department of Post-Secondary Education, Training and Labour in July 2024. On September 17, 2024, the Province named ten people to be appointed to the Province's Accessibility Advisory Board. The advisory board is set up to advise the minister and make recommendations about accessibility standard regulations, as well as advising on other measures, policies, practices and requirements relating to accessibility. The board may also assess

⁸³ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsq_no=iv-15&chapter=4&clang=en#EndDec

⁸⁴ <https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/e/322A.pdf>

⁸⁵ [NANB-FactSheet-SupportedDecisionMaking-Mar_24-E-Amended-June.pdf](https://www2.gnb.ca/content/dam/gnb/Departments/ed/pdf/K12/policies-politiques/e/322A.pdf)

⁸⁶ <https://laws.gnb.ca/en/document/cs/2024.%20c.27>

and suggest improvements to existing measures and establish objectives for furthering the purpose of the act⁸⁷.

New Brunswick began shifting away from the institutionalization of persons living with a disability in the 1970s and 1980s—a transition that reflects a broader movement from the medical model of disability toward the social model of disability. While an acute care facility for individuals with significant mental or physical disabilities remains in operation, the province has increasingly emphasized community-based programming and inclusive service delivery. Despite strong public and private support, some individuals are still required to relocate to assisted living or long-term care facilities in order to access the healthcare services they need, highlighting ongoing structural barriers. Within the education system, New Brunswick has committed to a fully inclusive learning environment, and the implementation of the Integrated Service Delivery (ISD) program seeks to ensure early assessment, identification, and intervention tailored to each child’s needs—an approach aligned with the social model’s emphasis on responsive systems rather than individual deficits. While these initiatives represent meaningful progress in the inclusion of children living with disabilities, challenges remain, particularly regarding funding and human resource capacity, which are not always sufficient to meet the province-wide demand. A review of existing legislation and policy may help clarify the extent to which New Brunswick’s legal framework is explicitly aligned with the social model of disability, or whether it adopts its principles indirectly through alignment with other jurisdictions.

UNCRC Article 23 also establishes a mandate for knowledge exchange among State Parties regarding leading evidence and best practices in the care of children living with a disability. The Province of New Brunswick does engage with its provincial and territorial counterparts through several networks, including the Federal Provincial Territorial Roundtable of Canadian Ministers of Health, the National Autism Strategy, CANFASD, and Inclusion New Brunswick (as a member of the Inclusion Canada network). Moreover, public awareness campaigns on disability are supported by the provincial government through the Premier’s Council on Disabilities⁸⁸. Although the province participates in a number of national networks, the lack of a coordinated approach focused on childhood disabilities limits the success of knowledge exchange initiatives.

Process

There is little to no data surrounding government financial support for children living with a disability in the province of New Brunswick. It is not currently possible to calculate the percentage of the annual provincial budget allocated to programs and services for children living with a disability, nor is there any data regarding the percentage of the

⁸⁷ https://www2.gnb.ca/content/gnb/en/departments/post-secondary_education_training_and_labour/news/news_release.2024.09.0416.html

⁸⁸ <https://www2.gnb.ca/content/gnb/en/departments/pcsd/p.html>

annual budget earmarked for inclusion measures for children living with a disability. However, there is some data available regarding tourism and recreation initiatives to support the health and well-being of children living with a disability:

- The GNB Sport Participation Bilateral has \$60,000 allocated for measures and programs designed to promote the inclusion of children and youth living with a disability, and other funds within the sport and recreation budget are also available to support opportunities for any person living with a disability to participate in sports and recreation activities.
- As of 2020, 95.7% of ice arenas, 89.1% of pools, 79.9% of arts and culture facilities and 69.9% of other municipal culture, recreation and sport facilities were deemed accessible in the province of New Brunswick⁸⁹.
- Provincial parks in New Brunswick have been working to improve accessibility through the introduction of beach mobility mats, installing an accessible playground at Parlee Beach park, increasing the availability of adapted adventure equipment (such as mountain bikes, all-terrain wheelchairs, water-wheel flotation devices, and para golfer carts), and re-designing parking lots in provincial parks.

Though there are many efforts identified within sports and recreation, there is little data otherwise regarding accessibility of the health system for children living with a disability. Thus, while it is likely that children living with a disability, or their caregivers, are receiving various supports through government programs and services in New Brunswick, such as the Family Supports for Children with Disabilities⁹⁰; the data infrastructure is not in place to calculate the overall financial commitment of the Province at this time. The recently announced New Brunswick Accessibility Act includes requirements to monitor and evaluate the implementation of accessibility measures, will likely better enable the province to capture data surrounding its commitments to children and youth living with a disability.

Outcome

Similarly to the challenges outlined with process indicators above, there is little data available regarding the outcomes of children living with a disability as identified in the GlobalChild framework. The New Brunswick Student Wellness Survey includes disaggregated data for school-aged children living with a disability. According to the 2023-2024 edition of the survey, 8% of students in Grades 6-12 self-identify as a person with a disability⁹¹. Among those students, only 39.1% report their physical health is very good or excellent, and only 18.2% report high levels of mental fitness⁹².

⁸⁹ <https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3410019101>

⁹⁰ https://www2.gnb.ca/content/gnb/en/services/services_renderer.10195.Family_Supports_for_Children_with_Disabilities_.html

⁹¹ https://nbhc.ca/indicators/sh_dis01_1

⁹² https://nbhc.ca/indicators/sh_hep01_1

At the educational level, students in Grades 6-12 report that their mental fitness needs are poorly satisfied at school (50% compared to 58.5% of the general population), and slightly lower levels of involvement in extra-curricular activities (59.8% compared to the provincial average of 62.1%).

While the New Brunswick Student Wellness Survey does capture disaggregated self-reported data for students living with a disability, it does not have data respecting the number of children living with a disability who are placed in institutional care, the percentage of children living with a disability who have access to the services, assistive devices, or other assistance they need to live with dignity, or the educational outcomes for students living with a disability. Other sources of data are not disaggregated for children and youth living with a disability, leaving unanswered questions regarding the inclusive implementation of human rights for children in New Brunswick.

Additionally, the New Brunswick Child and Youth Advocate has reported that the province frequently fails to provide full-day educational services to students with disabilities, with some receiving only partial-day schooling or being denied access to school altogether. The 2024 report, "A Policy of Giving Up: Partial Day School Programs," highlights systemic barriers that prevent children with disabilities from accessing equitable education and raises concerns about New Brunswick's commitment to inclusive learning environments. The report emphasizes that rather than ensuring appropriate accommodations, schools are increasingly limiting the time students with disabilities can spend in school, effectively reducing their right to education.

At the same time, New Brunswick has long been recognized for its leadership in inclusive education policy. Organizations such as Inclusion NB and Inclusion Canada have played pivotal roles in advancing the rights of students with disabilities and shaping national discourse on inclusion. These advocacy efforts have resulted in progressive policies and strong public support for inclusive learning environments.

Because New Brunswick has developed a robust foundation for inclusive education, it is well-positioned to lead in evidence-based monitoring. The GlobalChild indicators for Article 23 offer a practical framework for measuring progress and identifying areas for improvement. However, there is currently no structured system in place for regular data collection on the experiences of students with disabilities. Implementing such a framework would allow the province to build on its strengths, ensure accountability, and reinforce its commitment to the rights of all learners.

Article 24

Right to the Highest Attainable Standard of Health

Article 24 sets out the child's right to the "highest attainable standard of health", which encompasses not only access to health services but also the broader social determinants of health, preventive care, mental health, maternal and perinatal care, and health education, and access to healthcare services. It emphasizes the importance of reducing child mortality, ensuring the provision of necessary medical assistance and

healthcare to all children, and combating disease and malnutrition. The UNCRC articulates that:

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 healthcare services.

The convention also obligates the state to take a series of measures to ensure health, such as:

- Diminishing infant and child mortality.
 - Ensuring the provision of necessary medical assistance and healthcare to all children, with an emphasis on the development of primary healthcare.
 - Combatting disease and malnutrition, including within the framework of primary healthcare, through measures fit for the context and level of development of the state.
 - Ensuring appropriate pre-natal and post-natal healthcare for mothers.
 - Ensuring that all segments of society, in particular parents and children, are informed, have access to education, and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, and the prevention of accidents.
- Developing preventive healthcare, guidance for parents, and family planning education and services.

The Convention's focus on communicable disease as the object of State Party obligations, reflects the Global Health Priorities at the time of its drafting and in the decades prior to adoption. However like all human rights instruments, the Convention is a living document and the Committee on the rights of the child in its recent general comment on the Child's Right to Health has been careful to point out that Article 24 protects not only physical health and communicable diseases, but requires a State focus on new morbidities including mental health and reproductive health challenges as well as the wider social determinants of health that impact chronic health conditions.

The UNCRC recognized the significance of international cooperation and encourages it as a way to achieve progressively the full realization of the right to health and health services.

This Article underscores the obligation of states to provide comprehensive healthcare services to children and to ensure their overall well-being through preventive and remedial healthcare measures.

Structure

The New Brunswick Human Rights Act (Act) is the provincial law that prohibits discrimination and harassment based on 16 protected grounds of discrimination. These include race, color, national origin, ancestry, place of origin, creed or religion, age, physical disability, mental disability, marital status, family status, sex (includes

pregnancy), sexual orientation, gender identity or expression, social condition (includes a person's source of income, level of education and type of occupation), and political belief or activity⁹³.

While New Brunswick prohibits discrimination in the provision of health services and does have reliable legislative guarantees for access to health care, a right to health services is not a constitutionally entrenched right, and the Supreme Court of Canada has neglected to read into the Charter's section 7 right to security of the person, any socioeconomic or cultural rights. Similarly, children's right to health has no constitutional protection, and access to health services remains a challenge with far too few mental health specialists available to meet the population's needs and tens of thousands of New Brunswickers are wait-listed for access to a Primary Care Provider, including many newborn infants.

Furthermore, the Act prohibits discrimination in the provision of services under the provincial jurisdiction. However, the Act also prohibits discrimination but allows age-based distinctions for minors in employment, housing, services, and public notices when authorized by other laws. Examples include the Employment Standards Act, which sets minimum working ages, and the Liquor Control Act and Tobacco and Electronic Cigarette Sales Act, which restrict sales to minors for health and safety reasons. While these laws generally align with the UNCRC to protect children, it is essential to ensure they do not impose unjustified discrimination. Under Section 15 of the Canadian Charter of Rights and Freedoms, minors can seek legal redress if they experience unfair treatment, including in areas like health care services⁹⁴.

The healthcare service provision in New Brunswick is conducted by two regional health authorities: Horizon Health Network and Vitalité Health Network. They have primary, secondary, and acute care facilities throughout the province. These networks play a key role in training health professionals through structured partnerships with educational programs allowing for integrating students into clinical training from various fields. To support these efforts, the province hosts two medical faculties affiliated with out-of-province medical schools (Dalhousie Medicine New Brunswick and the Centre de formation médicale du Nouveau-Brunswick, which is associated with the Université de Sherbrooke) and two nursing faculties (Université de Moncton and the University of New Brunswick), which contribute to training healthcare professionals. The University of New Brunswick offers a Bachelor of Nursing program in Moncton, Fredericton, and Saint John, while the Université de Moncton provides nursing programs in Moncton, Edmundston, and Shippagan. Additionally, Oulton College and Beal University now offer Bachelor of Nursing programs in New Brunswick.

⁹³ <https://www2.gnb.ca/content/gnb/en/departments/nbhr/human-rights-act/act-explained.html>

⁹⁴ <https://www.canada.ca/en/canadian-heritage/services/how-rights-protected/guide-canadian-charter-rights-freedoms.html>

Process

Most public health care services are free of charge in Canada due to the Canada Health Act. Accessibility of health care services is a challenge though - adults (18 and over) in New Brunswick report that only 1 in 3 citizens who have a primary care provider can get an appointment within 5 days and 18.8% of citizens reported having trouble finding their way around the health care system.⁹⁵ These challenges are amplified for individuals without a regular primary care provider; often those in more vulnerable situations such as low-income families, newcomers, or people living in rural areas; who may experience longer wait times, limited service availability, and greater barriers to receiving timely and appropriate care. For many, navigating the health system is among the most difficult aspects of their daily lives, underscoring the need for targeted efforts to improve equitable access and system literacy.

Provincially the percentage of students meeting immunization requirements for school entry increased in 2022/23 to 70.4% from 61.4% in 2021/22 school year and 60% in the 2020/21 school year⁹⁶. Statistics Canada collects data on estimated vaccine coverage of routine childhood vaccines by 2 years of age by province as well: 78.1% had their DPT vaccine, 89.6% had polio, 75.9% had Haemophilus Type B, 94.3% had measles and mumps and rubella, 79.8% for HepB, 91.2% for varicella, 90.6% for Meningococcal Type C, 86.7% for Pneumococcal, and 66.6% for Rotavirus in 2021.⁹⁷

There was no data provided regarding the percentage of children who had regular medical check-ups in the reporting period. Additionally, there was no data regarding the density of medical and paramedical personnel per 10,000 population.

Outcome

Age-specific mortality rate by intentional self-harm is available for Canada as a whole and is not provided for New Brunswick alone. Rate per 100,000 for 10-14 years old is 1.9. Rate per 100,000 for 15-19 years old is 6.9 in 2023⁹⁸. This data can be disaggregated by sex, however, data specifically focusing on sexual orientation or gender identity among younger age groups is not routinely collected or reported in Canadian national health datasets. It is worthy of noting however, that research indicates that LGBTQ+ youth are at a significantly higher risk of experiencing mental health challenges, including self-harm and suicide, compared to their heterosexual peers. This higher risk is often associated with factors such as discrimination, stigma, and lack of social support⁹⁹.

⁹⁵ <https://nbhc.ca/surveys/2023-primary-care-survey>

⁹⁶ [immunization-report-school-year-2020-2023.pdf](https://www2.gov.bc.ca/gov/content/health/immunization-report-school-year-2020-2023.pdf) (qnb.ca)

⁹⁷ <https://www.canada.ca/en/public-health/services/immunization-vaccines/vaccination-coverage/2021-highlights-childhood-national-immunization-coverage-survey.html>

⁹⁸ <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=1310039201>

⁹⁹ <https://afsp.org/story/what-we-know-about-lgbtq-youth-mental-health-and-suicide-prevention/>

Life expectancy at birth was 80.7 years of age in New Brunswick in 2017. Health adjusted life expectancy was 67.9 years of age in NB in 2017¹⁰⁰. This data can be disaggregated by sex.

According to the 2017 New Brunswick State of the Child Report, 25.1% of youth in 2013 had injuries in the past year causing limitation of normal activities. Additionally, in the 2021 Child Rights Indicators Framework published by the Child and Youth Advocate office, 30.1 % of Grade 6-12 students who report having an injury in the past 12 months requiring nurse or doctor treatment.¹⁰¹

Article 26

Right to Benefit from Social Security

Article 26 of the UNCRC addresses the child's right to benefit from social security, including social insurance.

1. States Parties recognize for every child the right to benefit from social security, including social insurance.
2. States Parties shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
3. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child.

This Article emphasizes the importance of social security systems in lifting some of the weight from the caregivers and supporting children's development and well-being, ensuring that they have access to necessary resources to live a healthy and fulfilling life. This includes financial support for families to help cover the costs associated with raising children, especially in situations where families may be facing economic hardship.

Structure

A child's right to social security is not explicitly outlined in the New Brunswick Family Income Security Act, but the Act does establish income assistance eligibility for adults, including parents and guardians, which can directly impact children's well-being. Through the Social Assistance Program, individuals may apply for income support if

¹⁰⁰ <https://nbhc.ca/indicators/statc-cvits-001#tables>

¹⁰¹ <https://static1.squarespace.com/static/60340d12be1db058065cdc10/t/619391850979f2244938dd19/1637061439161/2021+Child+Rights+Indicator+Framework>

they are New Brunswick residents and are not residing on a reserve, incarcerated, or in Canada illegally.¹⁰² Children's direct entitlement to social services and support is instead governed by Regulation 2024-6 of the Child and Youth Well-Being Act, which outlines provisions for financial assistance, social support, and access to services for children in need. While minors would rarely apply for income assistance themselves, since this would typically require them to be considered independent from a guardian, the availability of financial aid to parents and caregivers is essential in ensuring a child's right to an adequate standard of living.

The State's responsibility regarding a comprehensive social security system is shared between federal and provincial authorities. New Brunswick operates a public healthcare system under the Canada Health Act. According to the province's Employment Standards Act, employees are entitled to 5 unpaid sick days annually and 18 months of unpaid maternity/parental leave. Compensation for workplace injuries or fatalities is provided under the Worker's Compensation Act. Additionally, employment insurance (EI) benefits are available through the federal EI program, but eligibility is subject to specific requirements, including minimum insurable hours worked and circumstances of unemployment.

Process

Additionally, no data is available regarding the existence of child-friendly processes for applications, including the availability of staff to support the child, the provision of all necessary information to the child, and the timely processing of applications.

Children between the ages of 16 and 18 who have been living outside of the parental home for a period of 3 or more months are also entitled to financial aid, life skills coaching, and other needed supports through New Brunswick's Youth Engagement Services.¹⁰³

Section 3.1 of the Child and Youth Well-Being Act stipulates that indigenous children and youth are entitled to the timely provision of social services. Regulation 2024-6 of the Child and Youth Well-Being Act provides detailed provisions to ensure child-friendly processes in the delivery of social services. The regulation emphasizes early and strategic intervention to support children and youth effectively. It outlines principles for service delivery that prioritize the best interests of the child, ensuring that services are accessible, appropriate, and timely. Additionally, the regulation acknowledges the importance of cultural connections, particularly for Indigenous children and youth, ensuring that services are delivered in a culturally sensitive manner. These provisions

¹⁰² <https://laws.gnb.ca/en/document/cs/2011.%20c.154>

¹⁰³ [https://www2.gnb.ca/content/gnb/en/services/services_renderer.201479.Youth_Engagement_Services_\(YES\).html](https://www2.gnb.ca/content/gnb/en/services/services_renderer.201479.Youth_Engagement_Services_(YES).html)

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall, in case of need, provide material assistance and support programs, particularly with regard to nutrition, clothing, and housing.

States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a different country, States Parties shall promote accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 27 underscores the importance of ensuring that all children have the necessary conditions for a healthy and fulfilling life, emphasizing both the role of parents and the responsibility of the state to support families in providing their children's basic material needs.

Structure

In general, the justiciability of economic and social and cultural rights, including the right to an adequate standard of living, is contested in Canada. There is no explicit recognition of the right to an adequate standard of living as a constitutionally protected value. And yet income assistance programs, the Canada Pension plan and old age security have existed in law for over 50 years. Moreover, social condition is a prohibited ground of discrimination under New Brunswick's Human Rights Act and may provide the basis for related complaints that do not involve a federally regulated entity.

Legislative protections are in place for families with children to have timely access to social protection. In New Brunswick, the Child and Youth Wellbeing Act replaces the social protection provisions of the Family Services Act. This new act, which received royal assent in June 2022, came into force in early 2024¹⁰⁹. This new Act is intended to modernize child welfare laws by allowing the Minister to extend support for children in care past the age of 19 and up to age 26, enhance cultural and community connections, and improve information-sharing and decision-making authority for relatives. It also introduces flexibility in court processes and a mechanism for regular legislative reviews, so the law remains relevant and effective¹¹⁰. Legislative protections in relation to tenancies and eviction are addressed in New Brunswick's Residential Tenancies Act¹¹¹, which provides basic safeguards for renters, including families with children. By regulating evictions and rental agreements, the Act helps protect housing stability for families, ensuring that children are not displaced due to sudden or unfair eviction

¹⁰⁹ <https://www2.gnb.ca/content/dam/gnb/Departments/ag-pg/PDF/ActsLois/2022/chapter-35.pdf>

¹¹⁰ https://www2.gnb.ca/content/gnb/en/news/news_release.2024.01.0029.html

¹¹¹ <https://www.canlii.org/en/nb/laws/stat/snb-1975-c-r-10.2/latest/snb-1975-c-r-10.2.html>

practices. However, the Act explicitly states that it does not apply to living accommodations located in a child and youth care resource as defined in the Child and Youth Well-Being Act. This exclusion means that children in group homes, foster care, or other specialized child welfare accommodations do not benefit from the same tenancy protections as those living in private rental housing. Ensuring strong housing stability for families remains a key factor in protecting children's well-being and access to education, healthcare, and community supports.

Additionally, a broad range of federal and provincial consumer protection laws applies broadly to all ages and includes coverage for privacy, advertising and other matters affecting children. The New Brunswick Financial and Consumer Services Commission has oversight and enforcement responsibilities for service providers whose activities may impact children directly or indirectly.¹¹² For example, the federal Competition Act prohibits false or misleading advertising, including ads targeting children, while Canada's Personal Information Protection and Electronic Documents Act (PIPEDA) regulates how businesses collect and use children's data. Additionally, provincial consumer protections apply to youth-oriented industries, such as private career colleges, online gaming, and social media influencers. While FCNB's primary focus is consumer and financial regulation, its work indirectly impacts children by safeguarding families from predatory financial practices, ensuring fair lending, and enforcing truth in advertising. Strengthening child-specific consumer protections, particularly in digital privacy, financial literacy, and online advertising, remains an area for further policy development.

Legislation in relation to employment conditions for working parents and caregivers is outlined in the Employment Standards Act which in addition to establishing a minimum wage, provides a variety of job protections for parents and caregivers who need time off work to care for their children and other dependents,¹¹³ in conjunction with the Child and Youth Well-Being Act.

Furthermore, New Brunswick's Office of Support Enforcement (OSE) monitors and enforces support orders under the Divorce Act and Family Services Act,¹¹⁴ and is authorized to issue payment orders to employers in cases of non-compliance under the Support Enforcement Act.¹¹⁵ It is also authorized to issue a payment order from federal sources in cases of non-compliance under Canada's Family Orders and Agreements Enforcement Assistance Act, which can include GST credits, income tax returns, EI

¹¹² <https://fcnb.ca/en>

¹¹³ <https://laws.gnb.ca/en/pdf/cs/E-7.2.pdf>

¹¹⁴ [https://www2.gnb.ca/content/gnb/en/services/services_renderer.15316.Office_of_Support_Enforcement_\(OSE\).html](https://www2.gnb.ca/content/gnb/en/services/services_renderer.15316.Office_of_Support_Enforcement_(OSE).html)

¹¹⁵ https://laws.gnb.ca/en/pdf/cs/S-15.5.pdf?_gl=1*1c2mo5e*_ga*NDq2OTgxMTE1LjE3MzYxNzYyNTc.*_ga_F531P4D0XX*MTczNjg3Mzc1NS4xNi4xLjE3MzY4Nm4MjQuMC4wLjA

benefits, or other sources of federal income.¹¹⁶ This allows the province to ensure that parents are provided with child support payments to which they are legally entitled, in turn assisting single-parents provide their children with an adequate standard of living. However, while these enforcement measures ensure that parents receive court-ordered child support, the best interests of the child are not explicitly referenced in child support provisions—only in custody and parenting orders. This omission raises concerns about whether child support enforcement sufficiently prioritizes children's needs.

Process

No data was provided for process indicators related to the percentage of the national budget allocated to poverty reduction measures for children, particularly in relation to nutrition, clothing, and housing. Similarly, no data was available regarding the number of complaints resolved by a human rights institution concerning the right to adequate food, the right to housing, or recovery of maintenance for a child. These process indicators are complicated by the federal structure of Canada, where jurisdiction over such issues is shared between federal and provincial governments. While there is no federal human rights remedy specific to these concerns, it remains unclear whether New Brunswick's provincial human rights institutions have addressed such complaints or maintain relevant data. Given the provincial focus of this report, data from New Brunswick's human rights mechanisms could serve as a meaningful substitute and provide insight into the province's capacity to uphold these rights. Further investigation is needed to determine whether such provincial data exists and is accessible.

Outcome

According to the New Brunswick Health Council, 85% of kindergarten school children demonstrated appropriate development and school readiness during 2018-2019 academic year.¹¹⁷ As well, there were 2,900 Youth Not in Education, Employment or Training (NEET) in NB during the 2022-2023 academic year. This was 6.8% of the total population of this age group.¹¹⁸

In terms of infrastructure and services, New Brunswick ensures that its residents have access to safe and reliable drinking water through a comprehensive approach outlined in the New Brunswick Drinking Water Quality Guidelines which are based on the Guidelines for Canadian Drinking Water Quality established by Health Canada¹¹⁹. The province's commitment to maintaining water quality is evident in its proactive measures, which include monitoring water sources, ensuring proper treatment processes, and implementing robust regulatory frameworks. These efforts ensure that New Brunswickers receive high-quality drinking water that meets both provincial and national

¹¹⁶ <https://laws-lois.justice.gc.ca/eng/acts/F-1.4/index.html>

¹¹⁷ <https://nbhc.ca/indicators/gnb-eesc-004>

¹¹⁸ <https://www150.statcan.gc.ca/n1/daily-quotidien/240105/dq240105a-eng.htm>

¹¹⁹ <https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/drinking-water-in-my-community.pdf>

safety standards. In comparison to the rest of Canada, in 2020, 99.04% of Canadians had access to clean drinking water¹²⁰.

New Brunswick relies primarily on a mix of energy sources for its power needs, including nuclear, hydroelectric, natural gas, coal, and oil. The province also imports electricity from Quebec to meet demand and ensure grid stability¹²¹. Although 100% of New Brunswickers and Canadians had electricity access in 2021¹²², dependence on importation of energy could pose risks to energy security, especially in times of increased demand or supply disruptions. According to NB Power, future power demand in New Brunswick is expected to grow due to increased electrification, population growth and economic development¹²³. As Quebec continues to address its own increasing demand for electricity due to similar trends in electrification and economic growth, its capacity to export power to neighboring regions may be constrained. This potential reduction in export availability from Quebec could impact New Brunswick's reliance on imported electricity and highlight the need for the province to enhance its own energy generation capacity and resilience.

Affordability is a critical factor in energy security. Rising electricity costs have contributed to energy poverty, affecting low-income households in particular. A report from the Saint John Human Development Council explores the issue of energy poverty in New Brunswick in greater detail¹²⁴. To mitigate financial strain, the provincial government provides social support programs to help residents manage their utility costs, including the New Brunswick Electricity Rebate, emergency financial assistance, and other targeted relief measures¹²⁵.

In 2022, 92.7% of New Brunswickers had access to the Internet in their home¹²⁶. This is slightly lower than the national average of 94%¹²⁷. However, only 78.91% of households in rural areas of New Brunswick had access to high-speed Internet as of 2021¹²⁸. As 48.82% of New Brunswickers live in rural regions¹²⁹ and essential services such as healthcare, education and government services are increasingly being offered online,

¹²⁰ <https://www.macrotrends.net/global-metrics/countries/CAN/canada/clean-water-access-statistics>

¹²¹ <https://www.nbpower.com/media/1492376/energizing-our-future-strategic-plan-2023-2035-nb-power.pdf?06-07-2023>

¹²² <https://www.macrotrends.net/global-metrics/countries/CAN/canada/electricity-access-statistics#:~:text=Canada%20electricity%20access%20for%202021,a%20%25%20increase%20from%202020.>

¹²³ https://www.nbpower.com/media/1492536/2023_irp.pdf

¹²⁴ <https://sjhdc.ca/report/energy-poverty-in-new-brunswick/>

¹²⁵ <https://www2.gnb.ca/content/gnb/en/corporate/promo/electricity-rebate.html>,

https://socialsupportsnb.ca/en/simple_page/reducing-your-utility-costs,

<https://www.nbpower.com/en/accounts-billing/payment-assistance>

¹²⁶ <https://www150.statcan.gc.ca/t1/tbl1/en/cv.action?pid=2210013401>

¹²⁷ <https://datareportal.com/reports/digital-2022-canada>

¹²⁸ https://www.oag-bvg.gc.ca/internet/English/parl_oag_201811_01_e_43199.html

¹²⁹ <https://sorc.crrf.ca/nb/>

ensuring robust internet connectivity is crucial. This connectivity is vital for enabling children living in rural areas to access telehealth services, participate in online education, and engage with government programs, thus supporting their well-being and reducing the digital divide between urban and rural areas¹³⁰.

Gaps in Child Rights Monitoring Capacity

Effective monitoring of child rights, particularly in the areas of disability, basic health, and welfare, is crucial for ensuring the protection and well-being of children. However, several gaps exist in the current monitoring capacity, hindering the realization of these rights. Addressing these gaps is essential for creating a more robust and effective system.

Comprehensive, reliable, and up-to-date data on children with disabilities and their health and welfare needs are often lacking. This impedes the ability to accurately assess the state of their rights and identify areas needing improvement. New Brunswick families have not claimed their share of Canadian disability tax benefits and more effort should be expended to assist children and their parents in advancing available claims. Data disaggregation by disability type, health status, socioeconomic status, and geographic location is often insufficient, limiting the understanding of how different groups of children are affected by policies and practices.

Resource allocation are barriers to effective monitoring in the areas of disability, health, and welfare. Many organizations and agencies tasked with this responsibility operate with limited budgets, constraining their ability to conduct thorough and continuous monitoring activities. This financial shortfall affects the capacity to employ skilled personnel, implement advanced data systems, and carry out extensive fieldwork.

Ensuring accountability in monitoring child rights related to disability, health, and welfare is vital for addressing violations and promoting transparency. Weak accountability mechanisms can result in unaddressed abuses and a lack of trust in the monitoring system. Strengthening these mechanisms, including clear reporting channels and enforcement measures, is crucial for an effective monitoring process.

Addressing these gaps requires a concerted effort. This will ultimately contribute to the better protection and promotion of the rights and well-being of all children in these critical areas.

Recommendations

¹³⁰ https://www.oag-bvg.gc.ca/internet/English/parl_oag_201811_01_e_43199.html

27. Recommendation: Increase financial support from GNB for parents and caregivers of children with disabilities and improve supports to these families in accessing Disability tax credits and registered savings programs.

Providing additional financial resources to parents and caregivers will enhance their ability to offer necessary care and support to children with disabilities, ensuring they have the means to access appropriate services and assistance.

28. Recommendation: Implement data collection processes for institutionalized children with disabilities.

Developing and maintaining comprehensive data on institutionalized children with disabilities will help assess their well-being and integration into society, enabling more effective policy decisions and resource allocation.

29. Recommendation: Ensure that data collected in New Brunswick is disaggregated to distinguish between children with and without disabilities.

Disaggregating data will provide a clearer picture of the specific needs and challenges faced by children with disabilities, allowing for more targeted and effective support programs.

30. Recommendation: Develop and implement a system to collect data on the density of medical and paramedical personnel per 10,000 population.

Creating a standardized system to collect this data will enable better understanding and addressing of healthcare needs, particularly for children requiring specialized medical care.

31. Recommendation: Enhance access to primary healthcare services, especially for children with chronic conditions or disabilities.

Expanding healthcare accessibility will improve the quality of life for children facing chronic health conditions and disabilities by ensuring they receive timely and appropriate care.

32. Recommendation: Continue to support and enhance programs that have led to increased immunization/vaccination coverage.

Maintaining and expanding successful immunization programs will ensure a high percentage of children arrive at school fully immunized, contributing to overall public health improvements.

33. Recommendation: Develop a comprehensive list of process-oriented indicators and establish a system to collect and analyze data on these core indicators.

Tracking these indicators will enhance understanding of how social security systems support children’s development, leading to more effective policies and interventions.

34. Recommendation: Implement data collection and reporting mechanisms for social protection expenditure specifically targeted at children.

Gathering and analyzing data on child-focused social protection expenditures will allow for a better assessment of financial support programs and their impact on children and families.

35. Recommendation: Amend the Electricity Act to incentivize local renewable energy generation, support energy storage solutions, and promote grid modernization to enhance energy security.

Strengthening legislation to encourage renewable energy solutions will improve energy security, ensuring that children and families have reliable access to electricity.

36. Recommendation: Improve internet access in rural areas to ensure that all children can participate in online education, access telehealth services, and engage with government programs.

Expanding rural internet access will support children’s education, healthcare access, and overall social inclusion, helping to bridge the digital divide.

37. Recommendation: Advance a Universal Child Guarantee to Ensure an Adequate Standard of Living

Support the development of a Universal Child Guarantee in New Brunswick, aligned with the UNCRC and future incorporation efforts, to ensure no child lives in poverty and all have access to adequate income supports that meet their basic needs similar to the European model.

Article 31

Education, Leisure, and Cultural Activities

Education affects the realization of, and is a prerequisite for, the enjoyment of all other human rights. Although it is recognized as a cultural right, it also has characteristics of economic, social, civil and political rights. Perhaps it is because of these characteristics

of education that *the International Covenant on Economic, Social and Cultural Rights* (ICESCR) refers to it as an empowerment right that will enable the economically and socially marginalized to lift themselves out of poverty and exclusion and become full participants in their communities¹³¹. The right to education is inherent to every human being, but in practice most beneficiaries are children. In principle, the right to education is a right to acquire knowledge, but the quality of education and the objectives of education give cultural, philosophical, psychological and democratic aspects to this right¹³².

The UNCRC, through a cluster of Articles related to education, leisure and culture, speaks authoritatively of the focus on the child's right to optimal development. These rights collectively declare the right of every child to learn and play in a safe and stimulating environment that respects his or her own culture and language, while also insisting on the importance of respecting the child's agency and autonomy in contributing to their own development. They recognize that education is not only about academic learning, but also about nurturing children's physical, mental, social, and cultural well-being. The UNCRC also emphasizes the importance of inclusive and culturally sensitive education that respects the rights and identities of all children.

Article 28 of the UNCRC outlines the right to access primary and secondary education and emphasizes equality of opportunity for all children at all levels. It obliges States Parties (SPs) to take all measures to reduce school dropout rates and to protect children and their human dignity from violence in schools, including its use as a means of discipline. In addition, Article 28 emphasizes that the quality of education and the nature of the educational environment must be such that children are treated with respect and their active participation and involvement in education is encouraged. Therefore, it is the responsibility of governments not only to provide education, but also to ensure that it is available, accessible, acceptable and adaptable to every child, without discrimination on any grounds³. Article 29 of the UNCRC elaborates on the objectives of education, with the realization of the full potential of the child as its central goal, while insisting on the promotion of respect and recognition of the child's own cultural identity, preparation for life in society and respect for the ecological environment. Article 30 UNCRC reiterates the provision of the *International Covenant on Civil and Political Rights* (ICCPR), reaffirming the link between the child and his or her culture and the child's development, and declares the right of every child to enjoy his or her culture and to practice his or her religion and language. This Article, in conjunction with Article 29, requires that both formal and informal school curricula reflect this culture of respect. Finally, Article 31 UNCRC declares the right of every child to rest, leisure and cultural life, and adds the important complement of play to a child's life. Article 31 demonstrates the important ways in which the convention adapts human rights theory to the child's circumstance. Just as work is fundamentally important to who we are as

¹³¹ UN Doc E/C.12/1999/10, Para 1.

¹³² Sahovic, Doek, and Zermatten (2012). *The rights of the child in international law*

adults, as it is intricately tied to our notions of purpose and self-worth, so too play is a defining aspect of childhood. Traumatized children do not play or engage in it freely. Play is deeply relevant to the very spirit of childhood - with profound implications both for the enjoyment of childhood itself and for the child's future life.

In this section, the Province of New Brunswick's monitoring and implementation of the rights of the child pursuant to Articles 28-31 of the UNCRC are explored in more detail. Available responses to each indicator from the GlobalChild Framework were reviewed and summarized for a brief overview of the province's performance in meeting its international obligations. Data was available for 21/36 indicators for Article 28, 12/16 indicators for Article 29, 10/19 indicators for Article 30, and 15/25 indicators for Article 31. Following the summary reviews of each Article, an analysis of key gaps in data monitoring and human rights implementation capacity is completed and accompanied by a set of recommendations for improved implementation of children's rights in New Brunswick.

Article 28

Right to Education

Article 28 requires state parties to make primary education compulsory and free to all children, as well as to encourage the development, availability, and affordability of secondary, vocational, and post-secondary education activities. This provision of the UNCRC also requires state parties to take measures that encourage regular attendance at schools, reduce drop-out rates, and limit school discipline to only such measures as are consistent with a child's fundamental human dignity.

Structure

Primary and Secondary Education

The province of New Brunswick has established legislation that complies with its obligations under Article 28 of the UNCRC.

The primary source of legislative authority dealing with a child's right to access primary and secondary education is the New Brunswick *Education Act*, which confirms the following rights for children and youth in the province:

- Education is free and compulsory until the completion of high school or the age of 18, whichever comes first. However, international students are required to pay annual tuition in the amount of \$15,636.00.
- Education is provided in English and French, and the importance of inclusion and the Mi'kmaq and Wolastoqey cultures are acknowledged as guiding principles in all educational settings.

- The use of corporal punishment in an educational setting is banned. Additionally, Policy 701 under the *Education Act* provides an administrative and investigative remedy to address any inappropriate use of force by a teacher toward a pupil.
- Schools are required to provide a personalized learning plan for all students requiring accommodations that enables them to participate and succeed in the school environment.
- Support for the establishment of private schools, religious schools, and homeschooling, provided that all schools follow the provincial educational curricula.

New Brunswick's education system has won several national and global awards and has been recently lauded by the UN Special Rapporteur on the Rights of Persons with Disabilities.

In 2019, following her visit to Canada, Catalina Devandas-Aguilar, provided the following assessment of progress toward inclusive schooling in New Brunswick in her End of Mission Statement: *"I was extremely pleased to learn about the fully inclusive education system implemented in New Brunswick, which is one of the best in the world and a role model,*

Moreover, the province has established a number of educational policies that protect and promote the child's right to access education, including, but not limited to:

- Curriculum Framework and Curricula by Learning Area for K-12 students¹³³.
- Policy 321 deals with the provision of education in both official languages of the province.
- Policy 322 comprehensively sets out the principles, goals, and standards for inclusive education for the province.
- Policy 701 establishes the requirements for a positive learning and working environment and for the protection of pupils in schools.
- Policy 703 addresses harassment and bullying in schools.
- Policy 705 provides guidance on school crisis planning.

Additionally, section 16.1(1) of the Charter of Rights and Freedoms guarantees distinct educational institutions for New Brunswick's English and Francophone communities, with the underlying principle of equality of status and equal rights and privileges between the two groups.

Early Childhood Education

¹³³ <https://curriculum.nbed.ca/>

The New Brunswick Early Childhood Services Act regulates and licenses daycares and early learning and childcare homes, and full-time early learning and childcare centers in the province.

The province currently has in place an Action Plan pursuant to the Canada – New Brunswick Early Learning and Child Care Agreement, which focuses on the establishment of a licensing designation for childcare facilities. Licensed facilities that receive the designation as an Early Learning Centre or Home receive increased financial support and are expected to adhere to the following enhanced guidelines: (1) follow a provincially mandated low-fee policy, (2) increase infant spaces, (3) improve capacity for inclusion, (4) establish parent committees, (5) strengthen the skills and competences of their Early Childhood Educators (ECEs), and (6) follow guidelines to ensure language acquisition and cultural identity for Acadian and Francophone communities.

The province's 2021-23 Action plan states that NB is ranked 3rd among Canadian jurisdictions for the quality of its early childcare services. Improved investments in this sector are aimed at making free daycare available for low-income households and affordable for everyone else. Subsidies for families with an income below \$37,500 per year are available.

Further Legislative Guarantees for Access to Education

Additional legislative guarantees of children's rights with respect to access to education in New Brunswick include:

- A duty to accommodate persons living with a disability. The duty to accommodate is established in the New Brunswick *Human Rights Act* and Policy 410, which establishes a requirement that all public schools in New Brunswick are accessible to children living with a physical disability, as well as the Canadian Charter of Rights and Freedoms (s. 15), and Education Act Policy 322 – Inclusive Education. Student services within the Department of Education and in District Offices are responsible for services to students with exceptionalities. Their guidelines and framework present the process in which student needs are identified and supported in the classroom.
- The minimum ages for various legal responsibilities in New Brunswick include marriage at 18 (or 16 with parental consent from both parents or legal guardians) under the New Brunswick Marriage Act and criminal responsibility at 12 under the Criminal Code of Canada. While the Youth Criminal Justice Act (YCJA) governs the sentencing and judicial processes for minors, it does not establish the age of criminal responsibility itself. Notably, under Part 4 of the YCJA, the Attorney General may request that a youth aged 14 or older be sentenced as an adult if the offense carries a potential sentence of more than two years. This means that a minor could receive a sentence that extends into adulthood. Regarding employment, the New Brunswick Employment Standards Act does not set a minimum age for employment but regulates working conditions for minors. Restrictions apply to children under 16, limiting work hours and types of

employment, with additional safeguards for those under 14 to protect their education and well-being. At 16, these restrictions no longer apply. For military recruitment, the National Defence Act allows individuals to enlist in the Canadian Armed Forces before age 18 with parental consent. Internal policies permit enlistment at 16 for officers and 17 for non-commissioned members. While lawful, voluntary recruitment under 18 is viewed as low by international child-rights standards and must include robust safeguards.

- The Office of the Child and Youth Advocate was established in 2006 pursuant to the New Brunswick *Child and Youth Advocate Act*, and is a Paris Principles-based legislative office, independent of the executive branch of government, that offers a free complaint mechanism to any child or parent in relation to any public service, including educational services. The Advocate's office seeks to actively promote child participation in all of their advocacy and complaint resolution efforts.
 - The Child, Youth and Seniors' Advocate is an Officer of the Legislative Assembly of New Brunswick empowered under the Child Youth and Senior Advocate Act to conduct investigations and general oversight of government departments and other organizations who provide services to children, youth, vulnerable adults and seniors. Our mission is to ensure these groups have access to the services they need and that their rights and interests are respected and upheld.
 - The Advocate can make individual or systemic recommendations.
 - The Advocate's Office can address issues and advise in two ways. First, the Office can receive complaints from individuals affected by government decisions and examine whether or not departments and other agencies have made sound policy and provided fair and legal treatment. Second, in addition to assisting individuals, the Advocate can also review the systemic treatment of the groups covered by the Advocate's mandate. This means that policies, laws, and decisions can be reviewed by the Advocate for their broad impact. This ensures that when many individual citizens are adversely affected, the Advocate is able to provide information and advice to the Legislature on how decisions can better serve these groups.

Process

Budget

In 2021-2022, the total provincial expenditures of the Department of Education and Early Childhood Development was \$1,425,545,000. The amount spent on early childhood education and childcare was \$120,572,000. The province's total annual expense for 2021-2022 was \$10,724,734,000, accordingly, the proportion of the provincial budget allocated to education was 13.3%.

Educator Training & Capacity

In 2021-2022, the province released the Early Childhood Educator Workforce Strategy. Approximately 1,972 (41.9%) of 4,708 early childhood educator positions hold a B.Ed.,

a recognized Early Childhood Education certificate or diploma, and/or a university degree in child study. Of those 1,972 educator positions, approximately 1,852 (39.3%) educator positions hold a recognized Early Childhood Education certificate or diploma. The Strategy indicates that 52.5% of early childhood educators had some form of training as of 2021-2022. No information was available regarding the training of educators at the primary and secondary levels.

The ratio of students to teachers in classrooms is determined annually on the basis of collective bargaining agreements. The current ratios are 28:1 to 21:1 for kindergarten to Grade 5, and 29:1 to 28:1 for Grades 6-12.

While the ratios vary by grade level, they cannot exceed the ratios established in the collective agreements. As such, if a new student arrives in a classroom that is at the ratio limit, the classroom will be divided into two smaller classes and a new teacher hired. However, recent studies on teacher recruitment and retention challenges suggest that a shortage of available teachers may make it difficult to implement this policy in practice, potentially leading to larger class sizes despite the established limits¹³⁴. The Department of Education and Early Childhood Development also reports annually on the total pupil teacher ratio across the entire school system. Provincially, this ratio is normally around one teacher for every 12 or 13 pupils.

School Food

The province has invested in the Food Depot Alimentaire Student Nutrition Program, which is active in schools in the Francophone and Anglophone East, West and South Districts. No information was provided regarding access to school food programs for students in the northern school districts.

Outcome

Primary and Secondary Education

Although the GlobalChild project aims to capture school enrolment rates for primary and secondary education, the data available only examines graduation and dropout rates. The number of dropouts in 2020-2021 was 398 youth, up slightly from the previous year's 357.

0.9%

High school dropout rate (2020-2021)

94.3%

of New Brunswickers aged 20-24 have a high school diploma (2021)

¹³⁴ <https://unbscholar.dspace.lib.unb.ca/server/api/core/bitstreams/2290c85f-df90-4f4a-b9fa-43d67763d51f/content>

Early Childhood Education

In 2021, there were 13,461 spaces in Early Learning and Childcare facilities in the province, and 32,280 children aged 0 to 4 years old.

- 65.9% of children aged 4-5 and not in school are registered in a daycare center, preschool, or childcare center.
- 33% of children aged 4-5 who are in school are registered in a daycare center, preschool, or childcare center.

Article 29

Aims of Education

Article 29 of the UNCRC outlines the aims of education for children and young people, establishing an obligation that education be utilized to foster the development of a child's personality, talents, and abilities to their fullest potential. Education should also develop in children a respect for fundamental human rights and freedoms, for their parents, their cultural, linguistic, and national identities, and their natural environment. This Article emphasizes the role of education in teaching children the necessary values to become responsible global citizens.

Structure

The New Brunswick *Education Act* s. 1.1 sets out the following purpose: "(a) that the school system is founded on the principles of free public education, linguistic duality and the inclusion of all pupils, and (b) the importance of the cultures and languages of the Mi'kmaq and Wolastoqey peoples". The Act does not express reference to children's rights or establish obligations with respect to children's rights education.

Historically, there have been a number of efforts to establish child rights-based curricula in New Brunswick. A human rights education core program was developed in the 1990s under the direction of Dr. Catalina Ferrer at the Université de Moncton, and the province's Human Rights Commission has partnered with the Department of Education and Early Childhood Development on the development of human rights modules for schools. However, no targeted effort has been undertaken to formalize human rights education in school curriculum in the province to date.

Nevertheless, an examination of current curriculum framework documents for the Anglophone and Francophone school sectors in the province reveals significant alignment with the aims of education as articulated in Article 29 of the UNCRC. In the Anglophone sector, the curriculum framework includes the themes of Wabanaki history and cultural identities, inclusion and equity, lifelong learning, relationships and connections, sustainable futures, and well-being. In the Francophone sector, students learn about their health & well-being through physical education, and they learn about communication, critical thinking, personal and social development, and culture and heritage in their social studies classes.

Process

Despite the alignment between provincial curriculum frameworks and Article 29 of the UNCRC, there are no formal evaluation measures related to human rights education in New Brunswick. Since human rights education is not explicitly embedded as a standalone component within the curriculum, there is no framework for assessing teachers on their ability to provide meaningful instruction in this area. Additionally,

teachers do not receive intentional human rights training, and while they are evaluated against the provincial curriculum framework, their capacity to integrate human rights education is neither required nor assessed. In the absence of any structural or process requirement for general human rights education in schools, the notion of a more specialized child rights education curriculum to teach children about their own rights has never been given any serious consideration in New Brunswick, although several reports have made formal recommendations towards that end..

Students' educational outcomes are also not specifically assessed against the tenets of human rights-based education. Although the social studies curriculum includes certain components that align with the aims of education pursuant to Article 29 UNCRC, there are few associated measurable learning outcomes in place. Certain courses include learning outcomes that are tied to human rights education, such as sexual and reproductive health in physical education courses and environmental sustainability in grade 8 science. Further, 58% of respondents to the 2022-2023 Grade 12 Exit Survey indicated that their school encouraged them to contribute to the environment's sustainability and 71% felt their school was environmentally friendly. Thus, while several components of human rights education are included in current coursework for students in schools, it is not being framed in the context of the rights of the child nor being adequately measured for compliance with the UNCRC.

Outcome

Limited data regarding the implementation of Article 29 UNCRC is available in New Brunswick. There is currently no data collected regarding human rights education or student participation in educational decision-making. There is a legislative requirement that a student participate on the District Education Councils established to govern schools (Education Act s. 36.2(3.1)), and it is believed that many middle and high schools in the province have elected student council bodies. Nevertheless, only 10.7% of students reported participating in student clubs or groups and 64.1% of respondents to the 2022-2023 Grade 12 Exit Survey indicated that they felt respected at school. Furthermore, 48.2% of students in grades 6-12 reported experiencing bullying at school. Indigenous youth (60.2%), youth living with a disability (63.7%), and 2SLGBTQIA+ youth (64.9%) were more likely to report experiences of bullying, despite the emphasis on equity, diversity, and inclusion throughout the education curriculum¹³⁵.

Article 30

¹³⁵ https://nbhc.ca/indicators/sh_buvao_1

Minority Culture, Language, and Religion

Article 30 of the UNCRC establishes the cultural rights of children belonging to ethnic, religious, or linguistic minority groups, as well as Indigenous children, to follow their religion, use their language, and enjoy their cultural practices along with the members of their community.

Structure

The Province of New Brunswick is home to several minority groups. Historically, Indigenous People of the Wabanaki were the first inhabitants of the land in New Brunswick. Today, there are 15 Mi'kmaq and Wolastoqey communities in the province, as well as urban Aboriginal people residing in many of the larger cities. The first European settlers to the area came from France, from the Poitou and Normandy regions, settling first in Nova Scotia and later finding refuge on the shores and rivers of New Brunswick after their forced expulsion from their farms by the British in the late 1750s. The province therefore has a significant Acadian French minority population. Lastly, over recent years, many newcomers from different ethnic backgrounds have chosen to make New Brunswick their new home. According to the 2021 Census, 63.7% of New Brunswick's population reported English as their only mother tongue, while 29.5% reported French as their only mother tongue. The proportion of the population reporting a non-official language as their mother tongue increased from 2.5% in 2011 to 3.1% in 2016, and further to 4.0% in 2021¹³⁶. New Brunswick's status as Canada's only officially bilingual province was enshrined in the Constitution in 1980 and later confirmed legislatively with the adoption in 1981 of the Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick. Beyond this hybrid nature the Truth and Reconciliation process and changing demographics place increasing importance on minority cultural expression as the province grows with many diverse minority populations with unique cultures, histories, languages, and religions.

In Canada, the rights of minority populations are protected by a number of legislative instruments. The Canadian government ratified the United Nations *Convention on the Elimination of all Forms of Racial Discrimination* in 1970 and the United Nations *Declaration on the Rights of Indigenous Peoples* in 2021. Furthermore, the Canadian *Charter of Rights and Freedoms (Charter)* sets out the right to equality for all persons and prohibits discrimination on the grounds of personal characteristics such as race, national or ethnic origin, color, religion, sex, age, or mental or physical disability, sexual orientation, residency, marital status or citizenship (*Charter* s. 15). The *Charter* further guarantees the official language rights and the equality of status of the English and French communities in New Brunswick (*Charter* s. 16.1), Canada's only bilingual

¹³⁶ <https://www12.statcan.gc.ca/census-recensement/2021/as-sa/fogs-spg/Page.cfm?dguid=2021A000213&lang=E&topic=6&utm>

province, and the right to minority language education in English or French (*Charter* s. 23). Multiculturalism and indigenous treaty rights are also protected as constitutional obligations under the Charter.

At a provincial level, the New Brunswick *Human Rights Act* prohibits discrimination on the grounds of race, color, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity. The *Human Rights Act* recognizes that everyone has the right to be free from discrimination in the areas of provincial jurisdiction, including employment, housing and sale of property, accommodation and services, notices or signs, and professional, business or trade associations. Furthermore, the *Education Act* recognizes that the school system is founded on principles such as linguistic duality, inclusion of all peoples, and the importance of the cultures and languages of the Mi'kmaq and Wolastoqey peoples (*Education Act* s. 1.1).

In 2022, a final report was released by the province's appointed Systemic Racism Commissioner which included 86 recommendations across all spheres of public influence. The Government of New Brunswick has yet to issue a formal response to the Commissioner's report or identify progress on the implementation of its recommendations. There is currently no provincial strategy addressing systemic discrimination. However, the province is actively engaged in implementing the recommendations issued from the Truth and Reconciliation Commission (TRC) of Canada and working toward reconciliation with Indigenous Peoples. In 2021, the Department of Aboriginal Affairs issued a public report detailing the progress made on the TRC recommendations in New Brunswick. This report highlights various initiatives undertaken across government departments to address the 31 Calls to Action that fall under provincial jurisdiction. Key areas of focus include child welfare, education, health, and economic development. The report acknowledges that while significant progress has been made, there is still considerable work to be done to fully implement the TRC's Calls to Action¹³⁷.

At the school level, the Department of Education and Early Childhood Development has an Anglophone and Francophone sector with separate resources to ensure the delivery of linguistic minority educational rights in the province. While specific data on the number of schools offering instruction in Mi'kmaq or Wolastoqey languages is limited, several initiatives and institutions contribute to Indigenous language education in the province. The First Nation Education Initiative Inc. (FNEII) represents an alliance of seven First Nation communities in New Brunswick, including Bouctouche, Eel Ground, Eel River Bar, Fort Folly, Indian Island, Metepenagiag, and Pabineau. FNEII aims to enhance the quality, accessibility, and relevance of education programs for First Nation

¹³⁷ <https://www2.gnb.ca/content/gnb/en/corporate/promo/truth-and-reconciliation.html>

people in the province. Additionally, the Three Nations Education Group Inc. (TNEGI) is dedicated to improving educational outcomes for First Nations students through advocacy, professional support, and building meaningful relationships with educational partners. While the public-school curriculum is developed independently by each sector, the Anglophone sector's curriculum framework includes topics related to Wabanaki history and culture. However, comprehensive data on the integration of Mi'kmaq or Wolastoqey languages in public, band-operated and private schools remain limited.

Process

Process indicators dealing with the implementation of Article 30 UNCRC are limited in New Brunswick. The province contributes to the national reporting process for the UNCRC five-year progress reports, which focuses on policies, programs, and services for Indigenous children, with particular reference to the TRC Calls to Action and the Missing and Murdered Indigenous Women and Girls Calls for Justice. Attention is also given to children with disabilities and those belonging to visible minorities and other vulnerable groups in the progress reports.

However, beyond the UNCRC progress reports, the province has not implemented specific evaluation metrics to capture its investments into the protection and promotion of minority language, culture, and religious rights. New Brunswick has fifteen recognized Indigenous communities and one non-recognized Band, as well as a provincial Multicultural Council and a large number of official language minority organizations. Most of these groups and communities receive public funding from the Government, but data regarding total amounts and partnership efforts is unavailable.

Outcome

In a similar vein, there is very little data regarding the outcomes of the full implementation of Article 30 UNCRC. The New Brunswick Student Wellness Survey is administered annually to all students throughout the public schools in the province. Each cycle, over 50,000 students in grades 6 to 12 respond to the survey questionnaire, which measures self-reported indicators such as the percentage of children who report feeling that they belong at their school and are treated fairly in their community, as well as the percentage of children who report that it is important for them to learn about their culture and heritage at school. The Survey collects data regarding student experiences and disaggregates responses to demonstrate variability between different demographic groups, including Indigenous youth, racialized youth, and newcomers.

Table 1. Students in grades 6 to 12 who report they feel they belong at their school (2023-2024)

Total	26.3%
Indigenous	21.7%
Newcomer	29.2%
Racialized Groups	28.8%

Table 2. Students in grades 6 to 12 who report they are treated fairly in their community (2023-2024)

Total	34.9%
Indigenous	28.1%
Newcomer	39.1%
Racialized Groups	36.7%

Table 3. Students in grades 6 to 12 who report that learning about their culture/heritage is very important or important to them (2023-2024)

Total	66.4%
Indigenous	81.5%
Newcomer	79.2%
Racialized Groups	79.1%

While this data provides helpful insights into the experiences of children and youth belonging to minority groups and Indigenous children and youth, more standardized data regarding the implementation of UNCRC Article 30 is required to better capture the effects of systemic discrimination and spur measurable progress toward equality for minority and Indigenous children in New Brunswick.

Article 31

Right to Rest, Play, Culture, and Arts

Article 31 of the UNCRC establishes the right of the child to rest, leisure, and play. State Parties to the UNCRC have a positive obligation to ensure all children have an equal opportunity to engage in recreational activities as well as participate in cultural life and the arts.

Structure

In New Brunswick, there is currently no legislation setting out a positive right to play for children and youth. The New Brunswick *Employment Standards Act* s. 39 prohibits the employment of children under the age of 16 for more than six hours of work per day or three hours of work on any school day, as well as between the hours of 10:00 pm and 6:00 am (*Employment Standards Act* s. 39). Moreover, the province has established several policies, regulations, and educational frameworks that impact the child's right to play: Canada has ratified ILO Convention No. 182 (2000) and Convention No. 138 (2016); treaty ratification occurs at the federal level.

- The *Building Code Administration Act* addresses universal design, and the province has established the Barrier-Free Design Building Code to ensure

structures are accessible for all New Brunswickers, including children and youth. However, the *Community Planning Act* does not have any obligations regarding play and recreational spaces in community planning design. The province's New Accessibility Act has however introduced a new legislative mechanism and process to address deficiencies in such areas.

- The Department of Education and Early Childhood Development has put in place School Design Specifications as part of the Department of Transportation and Infrastructure's Design and Construction Standards. These materials are not publicly available as a security precaution to protect children in schools, but they focus mainly on security rather than universal design or child development concerns. The Advocate's Office has commented on the specifications to offer helpful ways of imbedding child rights design into them.
- The Department of Education and Early Childhood Development's Policy 406 sets out the minimum standards for schoolyard playgrounds by the national Canadian Standards Association Group standards.
- The Department of Education and Early Childhood Development's Policy 311 governs online safety for children and youth in schools.
- Educational curricula for both the Anglophone and Francophone sectors in the province include fine arts and physical education as requirements for learners.

In 2016, the province released a Sport and Recreation Framework that referenced the UNCRC as a foundational element of sport policy. The Framework has since been repealed, and a new sport policy is in development. While there is no governing legislation for sport and recreation, the Department of Tourism, Heritage, and Culture oversees regulation and funding for community sports, which are currently operated through provincial not-for-profit organizations with independent Boards of Directors for oversight. The Department will only provide funding to sports organizations that have a publicly available safe-sport policy that addresses player conduct and ethics, discipline and complaints, appeals, disputer investigation and resolution, participant protection, social media, and screening.

The federal government of Canada also has jurisdiction over certain elements of the right to play, such as the regulation of media, film, advertising, and broadcasting to children, as well as the safety standards for toys and play equipment. In the Maritime provinces, including New Brunswick, the Maritime Film Classification Board is responsible for reviewing films and assigning ratings. Accessibility Standards Canada is currently reviewing Canadian Standards Association's regulations for toy safety to ensure for barrier-free design, and the federal government's planned *Online Harms Act*, now dead on the last Parliament's order paper sought to put in place stronger protections for children in the digital universe and may soon be reintroduced by the newly elected government.

Process

In the context of a lack of legislation specifically governing the right to play, it is difficult to measure the implementation of process indicators in the province. There are currently

no guidelines or budget targets for the provincial or local governments regarding their responsibilities pursuant to Article 31 UNCRC, resulting in limited data regarding accessibility of community play areas, public transportation, and sport and leisure activities.

In the school setting, the right to rest, leisure, and play is better enforced through policy guidelines addressing curriculum, as well as structured recess and play time requirements that have been developed on the basis of age-appropriate standards and best practice guidelines.

Outcome

The New Brunswick Student Wellness Survey captures the percentage of students in Grades 6-12 who report participating in leisure and recreational activities at school and in community on an annual basis.

Table 1. Students in grades 6 to 12 who report being involved in activities or groups inside school (2023-2024).

Activity Type	Percentage
All activities	62.1%
Sports team	38.8%
Individual sport	11.7%
Arts group	12.4%
STEM group	4.8%
Religious or spiritual group	5.0%
Student club or group	10.1%
Other activity or group	13.0%

Table 2. Students in grades 6 to 12 who report being involved in activities or groups outside of school (2023-2024).

Activity Type	Percentage
All activities	64.8%
Sports team	39.2%
Individual sport	17.3%
Arts group	11.7%
STEM group	3.0%
Religious or spiritual group	9.8%
Student club or group	4.0%
Other activity or group	10.9%

Accordingly, approximately 35% to 38% of children who are currently enrolled in school in Grades 6 to 12 did not report participating in recreational activities outside of the structured school curriculum. The New Brunswick Human Rights Commission has reported 11 complaints regarding the implementation of the child’s right to play, rest, and

leisure over the past 12 months, 11 of which were complaints related to the educational system. At a community level, it is unclear what factors may be influencing children and youth who are not participating in recreational activities, however, affordability, accessible transportation, and safety may all play a role in limiting uptake.

- **Affordability:** In New Brunswick, the average transportation expenditure by household in 2021 was \$9,625 and the average expenditure on recreation activities by household was \$4,081. For low- and middle-income households, recreation-related expenses may be increasingly unaffordable as the cost-of-living rises across the country.
- **Accessible transportation:** Public transportation is limited to urban centers in the province, with only Fredericton, Moncton, Saint John and Miramichi having a public transportation system. In rural communities, children and youth are dependent on access to a family vehicle or active transportation to engage in structured recreational activities. In November 2024, the federal and provincial governments announced a joint investment of over \$1.7 million to establish a public transit system serving Edmundston, Madawaska Maliseet First Nation, and the Haut-Madawaska area. This initiative, named FlexGo, will feature a traditional fixed-route bus system, a taxi-bus service, and para-transit options, aiming to provide accessible transportation for residents, including those with reduced mobility¹³⁸. Similarly, Bathurst City Council recently voted unanimously to approve a pilot public transit project, signaling a commitment to enhancing transportation options for its residents¹³⁹. These initiatives reflect a growing recognition of the need for accessible transportation across New Brunswick, particularly in areas previously underserved by public transit systems.
- **Safety:** Approximately 71% of students in grades 6 to 12 agreed that it is safe for younger children to play outside during the day. This number has been decreasing over time, indicating that children and youth may be perceiving greater safety risks in their communities in recent years.

Gaps in Child Rights Monitoring Capacity

Structure

The Province of New Brunswick has strong legislative protections in place guaranteeing inclusive access to quality early childhood, primary, and secondary education for children and youth. The *Education Act* makes education compulsory until the completion of high school (or the age of 18), and the province's numerous policies and curricula

¹³⁸ <https://www.canada.ca/en/housing-infrastructure-communities/news/2024/11/federal-and-provincial-governments-invest-in-public-transit-in-northwestern-new-brunswick.html>

¹³⁹ <https://ca.news.yahoo.com/bathurst-council-votes-unanimously-transit-194337768.html>

framework establish an inclusive system whereby all children who are residents of New Brunswick, including children living with a disability, Indigenous children, and children of minority groups, are guaranteed access to free, public primary and secondary education.

Nevertheless, the province does have some structural gaps with respect to implementation of its obligations pursuant to the UNCRC. First, New Brunswick's education-related legislation does not explicitly reference children's rights or the UNCRC. As a result, there is no formalized requirement for public schools to deliver human rights education, leaving the extent to which children learn about their rights dependent on individual curriculum decisions rather than a legislated mandate. Second, there is no legislated right to play for children and youth. The province's *Employment Standards Act* sets out mandatory rest periods for children and youth who are engaged in formal employment activities, but the gap in legislation and policy dealing with the right to play more specifically impacts overall community planning. For example, the *Community Planning Act* is silent on the right to play and the design of recreational spaces in communities, and there is no legislation in place governing access to safe play opportunities through sports or other recreational groups. Third, while the province has an action plan in place to improve accessibility of high-quality early childhood education, most recent data indicates that nearly 35% of children aged 4 or 5 who are not yet in school are not attending a registered childcare facility. While some parents may choose to keep their children at home until they are ready to attend primary school, there are many reports of a lack of available and affordable childcare spaces for children under the age of 5. Lastly, although there are strong legislative protections prohibiting discrimination, there is currently no strategy in place to address systemic discrimination against children of visible minority groups. Despite the 2022 Report from the Systemic Racism Commissioner, the province has not taken any formal steps to issue a response or take formal action toward greater inclusion of Indigenous Peoples and minority groups in all aspects of public life.

Thus, from a structural perspective, New Brunswick has instituted many important legislative and policy guarantees of children's rights. However, certain gaps remain which have important implications for both process and outcome measures of child rights implementation.

Process

The structural limitations in child rights legislation in New Brunswick have resulted in minimal evaluation of child rights implementation in the province. Although the province completes its UNCRC reporting obligations on a five-year cycle, there are significant data gaps with respect to its implementation of arts. 28, 29, 30, and 31 of the UNCRC. The data gaps do not always indicate a failure to implement international obligations, but rather a failure to evaluate the implementation. There are numerous examples of this challenge, including:

- New Brunswick's educational curriculum frameworks align with the aims of education outlined in Article 29 of the UNCRC. However, teachers do not receive formal training on the UNCRC, nor are they assessed on their ability to deliver meaningful human rights education. If such training were implemented, it could

be integrated into professional development for current educators or incorporated into teacher preparation programs at New Brunswick universities to ensure a consistent and sustainable approach.

- Additionally, there is little data regarding the implementation of the rights of minority and Indigenous children and youth in educational and recreational settings in the province. The *Education Act* reinforces the importance of Indigenous cultures, but there is no data capturing students' knowledge of Indigenous languages, worldviews, or traditions. At the community level, there are many minority-serving organizations and Indigenous communities who receive funding from the Government of New Brunswick, but there is no data regarding the total amounts of funding or the impacts of their partnership efforts.
- Lastly, due to the lack of legislation specifically governing the right to play, there are no provincial guidelines, budgets, or strategies covering safe and accessible community play areas, public transportation, and sport and recreational activities.

These data gaps render reporting on successes and challenges in child rights implementation difficult for the province.

Outcome

New Brunswick collects significant data regarding the health and well-being of students throughout the province through two annual, standardized surveys, namely the Grade 12 Exit Survey and the New Brunswick Student Wellness Survey. The Grade 12 Exit Survey is administered to all students in their final year of secondary education, whereas the New Brunswick Student Wellness Survey is administered to parents of students in kindergarten to Grade 5, as well as students in Grades 4 to 12. Both surveys explore numerous facets of life for children and youth, yet neither has been leveraged specifically to explore child rights implementation.

As a result, there are several important data gaps with respect to the rights of children. There is no data regarding whether children in New Brunswick are aware of their rights under the UNCRC, whether they know how to protect and enforce their rights, or whether students are participating in decision-making processes within their educational institutions and communities. There is data regarding student dropout rates for the province, but no data on school enrollment rates to monitor the implementation of compulsory education. Further, through the survey instruments previously highlighted, there is self-reported data regarding students' sense of belonging in their schools, their participation in sport and recreational activities, and their feelings of safety in their communities. However, these data points indicate that more than 35% of students in grades 6 to 12 in New Brunswick do not report participating in recreational activities inside or outside of the school setting, and do not provide any insight as to the factors that may influence these participation rates. Further, only 26% of students in grades 6 to 12 report feelings of belonging at school, and 35% report feeling as though they are treated fairly in community. Additional data points within a child rights-based framework could assist decision-makers in the educational, community, municipal, and provincial settings to better understand the challenges that children and youth are facing and how to better create child-friendly spaces.

Recommendations

38. Recommendation: Institute child rights education in New Brunswick schools.

Developing and implementing an educational curriculum that teaches children and youth in the province about their rights under the UNCRC, as well as how to promote, respect, and protect those rights, will support children to achieve their maximum potential and better enable them to participate as global citizens in their communities. A child rights-based curriculum and associated training materials for educators can empower young people to participate fully in decisions in their schools and communities.

39. Recommendation: Legislate the right to play for children and youth.

Further to the recommendation above for domestic incorporation of the UNCRC into New Brunswick law, consequential amendments should be made to the Education Act, Child and youth wellbeing Act, Parks Act and Community Planning Act to better implement children's right to play.

40. Recommendation: Develop an action plan to address systemic racism in New Brunswick.

In response to the 2022 Report of the Systemic Racism Commissioner, the Province of New Brunswick should establish an action plan to address systemic racism in all public institutions. The development of the action plan should take into consideration the rights of children and youth, particularly their right to participate in decisions that affect them, in its development and implementation. An associated Child Rights Impact Assessment should be completed on the action plan to ensure that the rights of children are being positively impacted by the proposed measures to address systemic racism throughout the province.

41. Recommendation: Leverage existing survey tools to better capture child rights implementation measures.

The Province of New Brunswick already has a number of survey tools in place to capture the perspectives of children and youth. Adopting revisions to the existing Grade 12 Exit Survey or to the New Brunswick Student Wellness Survey on the basis of a child rights framework would better enable the province to identify challenges with child rights implementation or highlight its successes on a global scale through its five-year reporting cycle under the UNCRC.

Special Protection Measures

The Special Protection Measures section of the UNCRC underscores the imperative to safeguard children from abuse, neglect, and the justice system's potential harms. Articles 37, 39, and 40 are pivotal in this regard, each focusing on different aspects of child protection within challenging circumstances. Article 37 establishes the rights of children to be free from torture, inhumane treatment, and unlawful deprivation of liberty. It mandates that detention be used only as a last resort, for the shortest time possible, and that any form of restraint respects the child's dignity and well-being.

Complementing this, Article 39 emphasizes the right to recovery and reintegration for children who have endured abuse, exploitation, or neglect. It promotes rehabilitation services to restore their mental and physical health and help them reintegrate into society. Finally, Article 40 addresses the rights of children in conflict with the law, advocating for age-appropriate legal protections, fair treatment, and opportunities for rehabilitation. Together, these Articles highlight the commitment to providing children with protective, rehabilitative, and fair systems, ensuring that they are treated with respect and compassion, regardless of their circumstances.

Article 37

Protection from Torture, Inhumane Treatment, and Deprivation of Liberty

Article 37 of the UNCRC addresses the critical need to protect children from torture, cruel or inhumane treatment, and arbitrary deprivation of liberty. This Article affirms that children should not be subjected to harsh or degrading punishments and that any detention or imprisonment should only be used as a measure of last resort and for the shortest possible period. When detained, children are entitled to humane treatment and care, ensuring their dignity and well-being. The Article also emphasizes the importance of placing children in settings appropriate to their age and needs, separate from adults unless it is in the child's best interest to be housed with them. By prioritizing these protections, Article 37 seeks to uphold the safety, rights, and dignity of children within justice and correctional systems.

Structure

Children in New Brunswick, as elsewhere in Canada are subject to a separate system of criminal justice administration under the Youth Criminal Justice Act. (YCJA) Constitutionally the Charter also guarantees the legal rights of any person accused of crime, including children, and this includes guarantees against the use of cruel or unusual punishment. The death penalty has been abolished in Canada for over 50 years and under the YCJA the maximum penalty that can be imposed upon a child is 3 years, or for murder 10 years. Exceptionally, however the YCJA allows the court to sentence a young person as an adult where the circumstances so warrant, and this is inconsistent with the UNCRC's Article 37. The Minimum age of criminal responsibility in Canada is 12 and the Committee on the rights of the child has stated to be compliant with

Article 37 and 40 the MACR should be no less than 14. Prosecuting neurodevelopmentally delayed children above the age of the MACR is also inconsistent with the UNCRC, but it happens routinely in Canada and in New Brunswick. There are good laws and good practices to guarantee children child appropriate interventions in relation to their criminal conduct and the adoption of the YCJA in 2003 has led to a continuous and significant decline in the rate of child crime and youth incarceration. However there remain many structural challenges in Canada's legal framework to make the system fully compliant with government's obligations under the UNCRC. While the federal government has jurisdiction to legislate what is a crime in Canada, the administration of the criminal law is the responsibility of the provinces. Consequently, New Brunswick must look to its own obligations and ensure that in administering the criminal laws voted by Parliament that the New Brunswick government meets its own obligations under the Convention.

Process

New Brunswick annually uploads its youth criminal justice data to the Juristat system, where the information is compiled and published by Statistics Canada. From 2012 to 2022, New Brunswick also maintained a Child Rights Indicator Framework, which tracked 26 indicators related to special measures of protection under the UNCRC. These included the youth crime rate per 100,000 youth—disaggregated by offence category—as well as the number of youth in secure custody, open custody, or pre-trial detention, and the number of youth receiving community sentences or alternative measures. Updated data for 2022/23 is now available through Statistics Canada and continues to provide a comprehensive view of youth justice outcomes in the province. Additionally, much of this data is tracked internally in the province through systems like the Client Information System and the Justice Information System.

Outcome

The outcomes of the YCJA are very encouraging. While New Brunswick had one of the highest rates of youth incarceration among Canadian provinces in 2007 (3rd behind the Northwest Territories and Saskatchewan) in 2020 it had one of the lowest (3rd lowest next to BC and Quebec). Across the country, the youth crime rate and the youth incarceration rates have been in steep decline. In New Brunswick youth incarceration rates have declined by over 90 percent in the past 15 years. The Province has only one closed custody facility in Miramichi and while the daily in person youth count at NBYC in 2007 was about 46 youth on any given day, since 2018 the daily youth count in custody has fluctuated between 3 to 8 youth, with one reported day in October 2020 when there were no youth in closed custody in the province. The rate of Indigenous youth detained is now also much closer to their pro-rata representation in the general population in the province. Regrettably many youth detained at the Miramichi Youth Campus continue to be children who suffer from serious mental health problems and addictions, as well as youth with significant neurodevelopmental delays.

Article 39

Recovery and Reintegration of Child Victims

Article 39 of the UNCRC focuses on the recovery and reintegration of children who have experienced trauma, abuse, exploitation, or neglect. This Article recognizes that children who endure such adversities require specialized support to heal and reclaim their sense of well-being and self-worth. To this end, Article 39 calls on states to provide services that promote physical and psychological recovery, as well as social reintegration, in an environment that fosters the child's health, self-respect, and dignity. These rehabilitative measures are essential to helping child victims move past their experiences and reintegrate into their families and communities with renewed confidence and support.

Structure

Canada has ratified both Optional Protocols to the UNCRC on the involvement of children in armed conflict and on the sale of children, child prostitution, and child pornography, and was among the early adopters and advocates of these instruments. Canada has also signed the Palermo Protocol on human trafficking, though it has yet to ratify this agreement. At the provincial level, New Brunswick does not have legislation that explicitly enshrines the right to recovery and reintegration for child victims. Although the federal Department of Justice funds Child Advocacy Centres (CACs), only two exist in New Brunswick (Moncton and Saint John), having opened in just the past few years despite both cities having among the highest national rates of sexual crimes against children. There is no provincial policy or legal framework mandating the expansion of these services or broadening their scope to other types of victimization. In 2015, the Province adopted a Harm Prevention Strategy for children, an initiative led by the Office of the Child and Youth Advocate to strengthen implementation of Article 19 of the UNCRC. The associated action plan concluded in 2017, and while it achieved several of its intended objectives, it has not been renewed to date. The interdepartmental committee established to oversee the strategy, as well as the youth advisory council that supported its implementation, concluded their work in 2018, reflecting a shift in priorities and the need for renewed coordination to sustain cross-sectoral efforts in this area.

Process

There is limited provincial-level policy development to guide a strategic approach to recovery and reintegration for children. While Child Advocacy Centres (CACs) provide a promising model of integrated services, New Brunswick lacks consistent monitoring or evaluation of how these services operate, how they coordinate across sectors, or how they could be scaled. The CYA also plays a key role in receiving complaints from children and families, including those involving violence or abuse. While the Office can refer cases to appropriate services, publicly available reports—such as the *State of the Child*—do not provide detailed data on referral destinations or the outcomes of those interventions. As a result, there is limited information available to assess the extent to which current pathways support effective recovery and reintegration for affected children.

These challenges are consistent with findings from *How It All Broke: The Failure of Child Welfare in New Brunswick*, which documents systemic weaknesses in the province's response to vulnerable children. The report identifies a fragmented and under-resourced system, marked by poor inter-agency coordination, limited access to trauma-informed care, and the absence of a clear strategy for long-term recovery. It further highlights how these issues disproportionately affect children already experiencing multiple forms of marginalization, reinforcing the need for more integrated and accountable service models that prioritize the child's well-being across departments.¹⁴⁰

Outcome

While anecdotal evidence highlights the life-saving impact of the Moncton and Saint John CACs, there are no formal outcome evaluations. Without data on access, usage, or outcomes, it is difficult to assess the effectiveness of rehabilitative services for children across the province.

Article 40

Rights of Children in Conflict with the Law

Article 40 of the UNCRC emphasizes the rights and fair treatment of children accused or convicted of criminal offenses. It establishes the need for a justice system that respects the age, needs, and capacities of young offenders, encouraging alternatives to judicial proceedings where appropriate. Under Article 40, children are entitled to prompt and fair adjudication, access to legal assistance, and protection of their privacy. Furthermore, this Article advocates for a justice approach that focuses on rehabilitation, reintegration, and the child's potential for positive change. By promoting respect and fair treatment, Article 40 supports a child-centered approach to justice that seeks to protect and guide young individuals, helping them to develop and reintegrate as constructive members of society.

In its General Comment No. 24 on children's rights in the child justice system, the UN Committee on the Rights of the Child provides additional guidance on the implementation of Article 40. It urges State Parties to establish a minimum age of criminal responsibility (MACR), recommending that it not be set below the age of 14. The Committee further emphasizes that children both below and above the MACR should be supported through tailored interventions and child-specific justice measures.

¹⁴⁰

<https://static1.squarespace.com/static/5c64288d840b162eb5d3ee2a/t/65ee3ad14039a95ab3a305c3/1710111442286/HOW+IT+ALL+BROKE.pdf>

General Comment 24 also calls on States to avoid the use of mandatory minimum sentences for children and to prohibit the prosecution of children as adults. Custodial sentences should be used only as a measure of last resort and for the shortest appropriate period. Where detention is necessary, States must ensure that children's rights to education, health care, family contact, and other protections are fully upheld. Regular monitoring of facilities where children are detained is essential to safeguard these rights and to ensure conditions are consistent with the principles of dignity, development, and reintegration at the heart of Article 40.

Structure

New Brunswick implements the Youth Criminal Justice Act (YCJA), which provides a legal framework for age-appropriate treatment, legal safeguards, and diversion options for children in conflict with the law. While the YCJA is federal legislation, provincial governments—including New Brunswick—are responsible for its administration. Provincial systems are in place to support community-based interventions and alternatives to detention.

In 2015, the Province adopted a Youth Diversion Model that encourages greater use of Section 19 case conferences as an alternative to formal trial processes. Section 18 Youth Justice Committees were also established in communities across the province to support these objectives. However, the mandate, activity, and continuity of these committees have varied significantly, and in many regions, their use has declined.

In 2022, with support from an Attorney General grant through the Proceeds of Crime Fund, New Brunswick developed Child Rights Standards of Child Justice. These standards were informed by international child-friendly justice models and were designed to embed rights-based principles into provincial youth justice practices. While the standards have been finalized, implementation has not yet occurred, and no formal training has been delivered to the youth justice professionals who participated in their development.

Process

The province collects relevant data through its Client Information System and Justice Information System. These systems track information on youth diversion, custody, sentencing, and aftercare services. The data is rolled up nationally to the Juristat service and to Statistics Canada and made available through provincial and national data tables for comparative purposes. While New Brunswick had one of the highest rates of Youth incarceration as recently as 2008, it now has a youth incarceration rate of 1.72 youth per 10,000 youth, which represents only a fraction of what the rates were ten years ago. However, in recent years neighbouring provinces have made even more progress than NB such that by 2023 the Province's youth incarceration rate remained the highest among provinces in the Atlantic region and was considerably higher than the rates in British Columbia and on par with Alberta and the Yukon, but still much lower than Ontario, Manitoba, Saskatchewan or the other northern territories.

In New Brunswick the Child and Youth Advocate's Office has paid considerable attention to data monitoring and reporting in this field through its Annual State of the Child

Reports and its Child Rights Indicator Frameworks. These monitoring tools have not been continued however since 2022, and the recent data shows that youth incarceration rates have been on an upward trend in New Brunswick since that time¹⁴¹.

Outcome

New Brunswick's youth justice system maintains good data monitoring practices, in keeping with national and global standards. For many years in New Brunswick these were monitored and reported upon annually by the Child and Youth Advocate. This attention to youth justice data collection and monitoring has allowed for marked improvements including a declining rate of child incarceration, a reduced rate of pre-trial detention of minors, an increase in community and reintegration leaves for youth in detention and an important reduction in the use of solitary confinement of youth while in detention. Wait times from first appearance to final decision in youth matters were on median of 161 days in 2022-23. While this is much better than in adult matters, youth matters must proceed expeditiously given the impact of these processes upon a young person's development.

A continued focus on data collection, monitoring and analysis of data in this field is critical to the full realization of Article 40 and Article 37 rights for New Brunswick children. Continued investment in this will position New Brunswick well for future tracking of the capacities and the impact of these capacities on children and subsequent data-informed decision-making.

Gaps in Child Rights Monitoring Capacity

Despite jurisdictional complexity, New Brunswick holds direct responsibility for administering justice-related services and collecting youth justice data. While much of the relevant data exists at the provincial level, monitoring frameworks—such as the Advocate's Child Rights Indicator Framework—have been discontinued, and insufficient attention has been given to the public reporting and analysis of available datasets. This significantly limits the province's ability to assess compliance with Articles 37, 39, and 40 of the UNCRC.

The absence of process indicators for Article 39, in particular, hampers the evaluation of recovery and reintegration services. New Brunswick's notable progress since the adoption of the Youth Criminal Justice Act (YCJA) in reducing youth incarceration rates stands as a positive example of child rights enforcement and offers important lessons for other jurisdictions. Equal access to justice, however, should ensure that youth incarceration rates are relatively consistent across the country. Unfortunately, this is not the case. Within closed custody facilities, too many young people—particularly those

¹⁴¹ Statistics Canada. [Table 35-10-0003-01 Average counts of young persons in provincial and territorial correctional services](https://doi.org/10.25318/3510000301-eng). DOI: <https://doi.org/10.25318/3510000301-eng>

with complex mental health needs—continue to serve lengthy sentences, despite the fact that community-based clinical interventions would better support their development and contribute more effectively to public safety.

There is an urgent need to raise awareness of children's rights under the UNCRC in this area and to ensure that relevant data is collected, disaggregated, and made available. This includes attention to disparities affecting vulnerable youth populations, including Indigenous children, children of colour, 2SLGBTQ+ youth, and others who face systemic barriers. Improved provincial and national-level transparency is essential to advancing accountability and ensuring that all children have access to fair, supportive, and rights-respecting justice processes.

Recommendations

To address the gaps in monitoring and implementation of Special Protection Measures for children in New Brunswick, several key recommendations can be made:

41. **Recommendation:** Develop Provincial Data Collection Frameworks

New Brunswick should re-establish frameworks for provincial data monitoring of child rights and child justice systems, focusing on key indicators that assess children's experiences in detention, access to rehabilitation services, and fairness in the justice process. Such data should be comparable with other Canadian jurisdictions, particularly those in the Atlantic region to ensure that New Brunswick correctional practices and sentencing practices remain within regional and national norms and that children here enjoy equal access to justice alongside their Canadian peers particularly in relation to Articles 37, 39, and 40 of the Convention.

42. **Recommendation:** Enhance National Child rights monitoring mechanisms

Establish formal mechanisms to standardize youth justice datasets in all Canadian jurisdictions in compliance with Canada's reporting obligations under the UNCRC and to improve public reporting and analysis of the available data in order to improve policy and practices in the field.

43. **Recommendation:** Expand Monitoring for Rehabilitative Services and Diversion Programs

New Brunswick's efforts in reducing youth crime and youth incarceration since the adoption of the YCJA have been particularly successful. Greater effort, however, is required to strengthen the monitoring of rehabilitation, reintegration, and recidivism, including the use of resiliency measures and post-diversion supports for all youth diverted from criminal trial processes.

44. **Recommendation:** Establish Review Mechanisms for Detention and Care

New Brunswick should establish review mechanisms for Detention and Care with the central objective that-aligned with Articles 37 & 40- deprivation of liberty

should be used as a last resort and for the shortest appropriate period. In anticipation of Canadian Ratification of the Optional Protocol to the Convention Against torture, New Brunswick should resource and mandate the Child and Youth Advocate to carry out regular audits and monitoring of all places where children are deprived of liberty, so that their conditions of detention are maintained in full compliance with Article 40 rights and the CRC Committee's advice in general comment 24 and existing international standards.

45. Recommendation: Renew and Sustain Cross-Sectoral Coordination Mechanisms

New Brunswick should consider re-establishing a coordinated, cross-departmental approach to child protection and harm prevention, such as updating and renewing the Harm Prevention Strategy. This should include restoring a permanent interdepartmental committee and youth advisory mechanism to guide implementation, monitor progress, and foster collaboration across health, education, justice, and social services. A renewed strategy could explicitly integrate Articles 19 and 39 of the UNCRC, ensuring that recovery and reintegration supports are embedded in broader child welfare and justice planning frameworks.

46. Recommendation: Implement Child Rights Standards and Revitalize Youth Justice Committees

New Brunswick should take steps to operationalize the Child Rights Standards of Child Justice developed in 2022. This includes delivering training to relevant justice system stakeholders and integrating the standards into diversion protocols, case conferencing, and judicial proceedings. At the same time, the province should revitalize Section 18 Youth Justice Committees by clarifying their mandate, supporting consistent operations across regions, and ensuring their role aligns with the principles of Article 40. Together, these actions will help ensure that youth justice in New Brunswick is rights-based, consistent, and focused on rehabilitation and reintegration.

By addressing these gaps, New Brunswick can strengthen its capacity to protect child rights within the province, uphold UNCRC standards, and ensure children are afforded the safeguards, support, and fair treatment they deserve.

Conclusion

New Brunswick's role as the first province in Canada, and the first jurisdiction in the world, to pilot the GlobalChild platform marks a significant milestone in advancing children's rights at the subnational level. Through this initiative, the province has demonstrated a commitment to taking an inventory of its capacities in support of several rights of children under the CRC, understanding where the gaps in capacity are and how can they fill these gaps.

Perhaps one of the major learning of this exercise was understanding the level of data scarcity. It should be mentioned that such a phenomenon is not unique to NB, or even to Canada. Many States Parties do experience an inability to assess the situation of many rights due to the unavailability of data for all indicator sets of structure, process, and outcome. While this is an immutable fact in many countries, it should not be so for ours. Lastly, it is our hope that the mere fact of identifying this gap may bring this issue to the forefront of the attention of decision makers within GNB.

Additionally, the findings presented in this report show that while important legislative and institutional frameworks exist; such as the province's Child Rights Impact Assessment process and the complaint mechanism and pathway to remedy through the Office of the Child and Youth Advocate; gaps remain in several critical areas, such as the absence of comprehensive and disaggregated data, limited mechanisms for meaningful child participation, inconsistent integration of child rights education, and inequitable access to services in rural, Indigenous, and marginalized communities.

Addressing these challenges requires more than technical fixes; it calls for a cultural shift that recognizes children not only as recipients of services, but as active rights-holders and contributors to ~~policy~~ any decisions that affect them. By strengthening data infrastructure, formalizing child participation mechanisms, expanding human/child rights education, and enhancing government accountability, New Brunswick can lead the way in building a province—and a country—where every child's rights are respected, protected, and fulfilled.

The GlobalChild pilot has laid a foundation for future action. The data collected during this pilot has not only highlighted the existing gap but also established a baseline data. Such baseline will serve during the future data collection efforts as a reference point and facilitate observing the change in the capacity as well as tracking the children of the province. As other provinces and territories consider adopting similar monitoring frameworks, the insights from New Brunswick can serve as both a guide and a catalyst. Ensuring children's rights are realized in full is not only a legal obligation—it is a moral imperative and an investment in the social fabric of current and future generations.

Appendix A:

Recommendations Table

Cluster	Recommendations
<p>Overarching</p>	<p>Develop a Provincial Child Rights Strategy</p> <p>Establish a comprehensive, cross-sectoral strategy to guide the implementation of children’s rights across New Brunswick, aligned with the UN Convention on the Rights of the Child (UNCRC) and the findings of this GlobalChild report. The strategy should define overarching goals, identify provincial priorities, embed child participation mechanisms, and coordinate actions across departments. It should be grounded in the structure-process-outcome model recommended by the UN Office of the High Commissioner for Human Rights, and include mechanisms for data monitoring, accountability, and public reporting. This provincial strategy would serve as a roadmap for integrating child rights into all areas of governance and service delivery.</p> <p>Create Cluster-Specific Implementation Plans Aligned with the Provincial Strategy</p> <p>For each thematic cluster addressed in this report, such as education, health, protection, family environment, and civil rights; develop targeted implementation plans that contribute to the overarching provincial child rights strategy. These cluster-level plans should identify measurable objectives, responsible departments, resource needs, and timelines for implementation. They should also integrate child and youth perspectives and respond to the specific gaps and recommendations outlined in each section of the GlobalChild analysis. Coordinated in this way, the cluster-specific strategies will operationalize the provincial vision while enabling progress to be tracked and adapted over time.</p> <p>Introduce legislation to incorporate the UNCRC into domestic law on the model of the recent Scottish Incorporation Law</p> <p>In several ways the GlobalChild pilot pointed up structural gaps in implementation where New Brunswick’s legislative framework was inadequate to implement the Convention meaningfully. A number of recommendations are addressed below to address</p>

	<p>such structural gaps as they arise. However, canons of statutory interpretation require a thoughtful approach to incorporation. Incorporation of only one part of the Convention may be used to deny children remedies for violations of other rights. The proper path to incorporation in a federal and dualist state was recently established by the Scottish Parliament with its Incorporation law. The Scottish law is readily adaptable to the New Brunswick context where an Advocate's office exists as well as an established practice of Child Rights Impact Assessment, with a focus on data monitoring and wellbeing. It also introduces legislative requirements in relation to other key structural recommendations of this report, such as improved child participation in legal processes and public policy processes.</p>
<p>General Principles</p>	<p>Expand Data Collection and Disaggregation</p> <p>Enhance the collection of disaggregated data by race, gender, disability, and other socio-economic indicators. Special attention should be given to collecting data on Indigenous children, children in poverty and LGBTQ2+ children and youth, as well as rural populations, and other vulnerable groups to ensure that their rights are being fully realized and that disparities are addressed.</p> <p>Integrate Child Rights Education</p> <p>Mandate the inclusion of child rights education in school curricula, public awareness campaigns, and professional training programs across sectors such as health, education, and social services. Ensuring that children, parents, and professionals are knowledgeable about children's rights is essential for fostering a culture that respects and protects these rights.</p> <p>Strengthen Mechanisms for Child Participation</p> <p>Formalize structures that ensure children's voices are heard in decision-making processes across all sectors. This includes establishing child-friendly complaint mechanisms and ensuring that children are meaningfully involved in policy development, legal proceedings, and service delivery that affects their lives.</p> <p>Improve Access to Child Rights Support Services</p> <p>Invest in increasing access to support services for children, particularly in underserved rural and Indigenous communities. This includes improving access to healthcare, education, and</p>

	<p>child protection services and ensuring that these services are informed by child rights principles.</p> <p>Enhance Accountability and Transparency</p> <ul style="list-style-type: none"> • Mandate annual, publicly accessible child-rights performance reports by all child-serving departments; • Require formal, time-bound departmental responses to recommendations from the Advocate and legislative committees; • Embed child-rights key performance indicators (structure-process-outcome) in departmental business plans and Treasury Board submissions; • Establish routine external evaluations and publish result dashboards disaggregated by equity groups; • Create child-friendly feedback/complaints channels and publish how children’s input changed decisions. <p>Implement measures to improve the transparency and accountability of government and institutions in upholding child rights. This includes regularly publishing reports on the state of child rights, conducting independent evaluations of programs, and ensuring that feedback mechanisms are in place for children and families to voice concerns and complaints.</p> <p>Align Survey Tools with Child Rights Indicators</p> <p>Leverage existing data collection mechanisms, such as the New Brunswick Student Wellness Survey, to capture key child rights indicators outlined by the GlobalChild framework. Establish a formal collaboration between the GlobalChild team and the administrators of the Wellness Survey to identify priority data gaps and integrate new or adapted questions that align with UNCRC articles. This alignment would enhance the province’s capacity to monitor child rights implementation systematically and cost-effectively, while also fostering a more consistent evidence base for future reporting and policy development.</p> <p>Establish a Provincial Pediatric Death Review Process</p> <p>Develop and implement a standardized, province-wide process for the review of all child deaths in New Brunswick. This process should extend beyond deaths occurring under suspicious circumstances and include coordination between the Coroner’s Office, public health authorities, and relevant child-serving sectors. Drawing on models such as Ontario’s Pediatric Death Review Committee, this approach would help identify systemic factors contributing to child mortality, inform preventative</p>
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measures, and support continuous improvement in services affecting children's well-being. Mortality data should be disaggregated by age, gender, disability, geographic location, and other identity factors to enable targeted, equity-focused interventions.

Investigate Neonatal Mortality and Strengthen Early Developmental Monitoring

Conduct targeted research to better understand the contributing factors behind New Brunswick's relatively high neonatal mortality rate. This investigation should consider maternal health, prenatal care access, socio-economic disparities, and service delivery gaps. In parallel, enhance data collection on child development outcomes, such as the percentage of children under five who are developmentally on track, and on access to rehabilitation services for developmental delays. A more robust evidence base will support early intervention strategies, improve birth and early childhood outcomes, and help ensure that all children have the opportunity to thrive from the earliest stages of life.

Expand Human Rights Education to Parents and Caregivers

Develop and implement educational initiatives focused on the rights of the child for parents, caregivers, and community leaders. These initiatives should be grounded in the UNCRC and aligned with public education best practices. Supporting caregivers in understanding and applying principles of child participation at home can strengthen early autonomy, reinforce protective factors, and contribute to a rights-respecting culture.

Use This Report as a Starting Point for Child-Friendly Government Documents

- Publish child-facing materials in accessible formats (Braille, audio, large-print, and plain-language).

To advance Article 42 of the UNCRC and promote accessibility, this report should be adapted into a child-friendly version using age-appropriate language, visuals, and formatting. This initiative can serve as a model for developing future child-friendly government documents across sectors and in formats that facilitate accessibility to all children. By beginning with this foundational report, the province can demonstrate its commitment to transparency and child participation, while fostering a broader culture of accessibility in public reporting. The development process should involve children and youth to

	<p>ensure the content is engaging, understandable, and relevant. This approach aligns with international best practices and strengthens the implementation of child rights across all levels of government.</p>
<p>Civil and Political Rights</p>	<p>Establish Data Collection Frameworks</p> <p>Create provincial mechanisms for systematically collecting disaggregated data on children's exercise of their civil and political rights, with particular attention to marginalized groups and digital spaces.</p> <p>Enhance Digital Privacy Protections</p> <p>Strengthen monitoring and enforcement of children's online privacy rights through updated legislation and dedicated provincial resources.</p> <p>Promote Religious Tolerance</p> <p>Initiate province-wide campaigns to promote religious tolerance and respect for diversity, alongside regular data collection on incidents of discrimination based on religious beliefs.</p> <p>Amend the Student Wellness Survey</p> <p>Revise the Student Wellness Survey to collect discretely the experiences of racial slurs or taunting, religious-based harassment or bullying and body image/personal features discrimination.</p> <p>Standardize School-Based Expression Programs</p> <p>Ensure all schools provide equal opportunities for children to exercise their right to expression through standardized programs that are regularly evaluated for effectiveness.</p> <p>Integrate Child Rights Remedies into the Human Rights Framework</p> <p>The New Brunswick Human Rights Act should be aligned with the enforcement mechanisms of the Child and Youth Well-being Act under a future UNCRC incorporation law, ensuring children can access remedies without navigating multiple legal forums. This approach builds on existing protections while improving coherence and access to justice.</p>

	<p>Integrate Civic Engagement Indicators into the Student Wellness Survey</p> <p>To support the development of democratic literacy and monitor civic readiness among youth, work with the GlobalChild Team to frame potential new questions related to voting intentions, trust in democratic institutions, and perceptions of civic participation in the New Brunswick Student Wellness Survey. These indicators would provide valuable insight into how young people in the province understand and engage with democratic processes, aligning with the goals of Article 12 (the right to be heard) and Article 13 (freedom of expression) of the UNCRC. Including such measures would strengthen public policy efforts aimed at fostering informed, engaged future citizens and support early interventions that promote civic inclusion and participation.</p>
<p>Family Environment and Alternative Care</p>	<p>Develop and Collect Disaggregated Data</p> <p>Introduce data collection measures to gather detailed information on children’s experiences in child protection settings and in separated family arrangements. This should include tracking satisfaction with alternative forms of care provided, with efforts to maintain contact with parents, emotional well-being through separation and placement, and experiences in different family structures and disaggregated by child and youth populations.</p> <p>Establish Process Indicators at the Provincial level</p> <p>Define and implement specific process indicators to evaluate the effectiveness of family support services, parental training programs, and public awareness campaigns on parental responsibilities. These indicators should include the frequency and outcomes of placement reviews, with a focus on the child’s potential for reunification with their family, in alignment with their best interests.</p> <p>Promote Shared Parental Responsibilities and Service Effectiveness</p> <p>For Article 18, launch campaigns that promote shared parental responsibilities and family support structures. These campaigns could raise awareness about available support services, parental leave, and the rights of children and parents. In parallel, implement professional training programs and develop process</p>

	<p>indicators to measure the effectiveness of family support services, adoption services, and parental education initiatives.</p> <p>Improve Access to Early Childhood Care Data</p> <p>Regularly update and make available provincial data on childcare access, costs, and participation rates. This information can inform policy adjustments and support more families in balancing caregiving with employment.</p> <p>Integrate Child Rights Standards into Legislation</p> <p>In New Brunswick, aligning provincial laws more explicitly with UNCRC Articles would ensure better recognition and enforcement of children’s rights.</p> <p>Improving Transparency and Child Voice in Care Placements</p> <p>The Government of New Brunswick should develop and publicly report comprehensive data on child placements across all care settings, including reasons for placement, quality assessments, review frequency, and reintegration efforts. This should include direct input from children on their satisfaction with placements, in line with Articles 12 and 25 of the UNCRC.</p>
<p>Disability, Basic Health, and Welfare</p>	<p>Increase financial support from GNB for parents and caregivers of children with disabilities</p> <p>Providing additional financial resources to parents and caregivers will enhance their ability to offer necessary care and support to children with disabilities, ensuring they have the means to access appropriate services and assistance.</p> <p>Implement data collection processes for institutionalized children with disabilities</p> <p>Developing and maintaining comprehensive data on institutionalized children with disabilities will help assess their well-being and integration into society, enabling more effective policy decisions and resource allocation.</p> <p>Ensure that data collected in New Brunswick is disaggregated to distinguish between children with and without disabilities</p>

	<p>Disaggregating data will provide a clearer picture of the specific needs and challenges faced by children with disabilities, allowing for more targeted and effective support programs.</p> <p>Develop and implement a system to collect data on the density of medical and paramedical personnel per 10,000 population</p> <p>Creating a standardized system to collect this data will enable better understanding and addressing of healthcare needs, particularly for children requiring specialized medical care</p> <p>Enhance access to primary healthcare services, especially for children with chronic conditions or disabilities</p> <p>Expanding healthcare accessibility will improve the quality of life for children facing chronic health conditions and disabilities by ensuring they receive timely and appropriate care.</p> <p>Continue to support and enhance programs that have led to increased immunization/vaccination coverage</p> <p>Maintaining and expanding successful immunization programs will ensure a high percentage of children arrive at school fully immunized, contributing to overall public health improvements.</p> <p>Develop a comprehensive list of process-oriented indicators and establish a system to collect and analyze data on these core indicators</p> <p>Tracking these indicators will enhance understanding of how social security systems support children’s development, leading to more effective policies and interventions.</p> <p>Implement data collection and reporting mechanisms for social protection expenditure specifically targeted at children</p> <p>Gathering and analyzing data on child-focused social protection expenditures will allow for a better assessment of financial support programs and their impact on children and families.</p> <p>Explore further strategies to support children and families through enhanced social security measures</p>
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	<p>Identifying and implementing additional measures will strengthen social security frameworks, ensuring that children and their families receive adequate financial assistance and support.</p> <p>Amend the Electricity Act to incentivize local renewable energy generation, support energy storage solutions, and promote grid modernization to enhance energy security</p> <p>Strengthening legislation to encourage renewable energy solutions will improve energy security, ensuring that children and families have reliable access to electricity.</p> <p>Improve internet access in rural areas to ensure that all children can participate in online education, access telehealth services, and engage with government programs</p> <p>Expanding rural internet access will support children’s education, healthcare access, and overall social inclusion, helping to bridge the digital divide.</p> <p>Advance a Universal Child Guarantee to Ensure an Adequate Standard of Living</p> <p>Support the development of a Universal Child Guarantee in New Brunswick, aligned with the UNCRC and future incorporation efforts, to ensure no child lives in poverty and all have access to adequate income supports that meet their basic needs similar to the European model.</p>
<p>Education, Leisure and Cultural Activities</p>	<p>Institute child rights education in New Brunswick schools</p> <p>Developing and implementing educational curriculum that teaches children and youth in the province about their rights under the UNCRC, as well as how to promote, respect, and protect those rights, will support children to achieve their maximum potential and better enable them to participate as global citizens in their communities. A child rights-based curriculum and associated training materials for teachers along with a mandatory training for educators can empower young people to participate fully in decisions in their schools and communities.</p> <p>Legislate the right to play for children and youth</p> <p>Further to the recommendation above for domestic incorporation of the UNCRC into New Brunswick law, consequential amendments should be made to the Education Act, Child and</p>

	<p>youth wellbeing Act, Parks Act and Community Planning Act to better implement children's right to play.</p> <p>Develop an action plan to address systemic racism in New Brunswick</p> <p>In response to the 2022 Report of the Systemic Racism Commissioner, the Province of New Brunswick should establish an action plan to address systemic racism in all public institutions. The development of the action plan should take into consideration the rights of children and youth, particularly their right to participate in decisions that affect them, in its development and implementation. An associated Child Rights Impact Assessment should be completed on the action plan to ensure that the rights of children are being positively impacted by the proposed measures to address systemic racism throughout the province.</p> <p>Leverage existing survey tools to better capture child rights implementation measures</p> <p>The Province of New Brunswick already has a number of survey tools in place to capture the perspectives of children and youth. Adopting revisions to the existing Grade 12 Exit Survey or to the New Brunswick Student Wellness Survey on the basis of a child rights framework would better enable the province to identify challenges with child rights implementation or highlight its successes on a global scale through its five-year reporting cycle under the UNCRC.</p>
<p>Special Protection Measures</p>	<p>Develop Provincial Data Collection Frameworks</p> <p>New Brunswick should re-establish frameworks for provincial data monitoring of child rights and child justice systems, focusing on key indicators that assess children's experiences in detention, access to rehabilitation services, and fairness in the justice process. Such data should be comparable with other Canadian jurisdictions, particularly those in the Atlantic region to ensure that New Brunswick correctional practices and sentencing practices remain within regional and national norms and that children here enjoy equal access to justice alongside their Canadian peers particularly in relation to Articles 37, 39, and 40 of the Convention.</p> <p>Enhance National Child rights monitoring mechanisms</p>

	<p>Establish formal mechanisms to standardize youth justice datasets in all Canadian jurisdictions in compliance with Canada’s reporting obligations under the UNCRC and to improve public reporting and analysis of the available data in order to improve policy and practices in the field.</p> <p>Expand Monitoring for Rehabilitative Services and Diversion Programs</p> <p>New Brunswick’s efforts to reduce youth crime and youth incarceration since the adoption of the YCJA have been particularly successful. However, greater effort is needed to monitor rehabilitation and reintegration in the community, including resiliency measures and post-diversion supports for all youth diverted from criminal trial processes. For example, adding a standardized recidivism indicator set (such as the proportion re-offending within 6, 12, or 24 months, disaggregated by offence type and demographics) would enable closer monitoring of the effectiveness of the YCJA.</p> <p>Establish Review Mechanisms for Detention and Care</p> <p>New Brunswick should establish review mechanisms for Detention and Care with the central objective that-aligned with Articles 37 & 40- deprivation of liberty should be used as a last resort and for the shortest appropriate period. In anticipation of Canadian Ratification of the Optional Protocol to the Convention Against torture, New Brunswick should resource and mandate the Child and Youth Advocate to carry out regular audits and monitoring of all places where children are deprived of liberty, so that their conditions of detention are maintained in full compliance with Article 40 rights and the Committee’s advice in general comment 24 and existing international standards.</p> <p>Renew and Sustain Cross-Sectoral Coordination Mechanisms</p> <p>New Brunswick should consider re-establishing a coordinated, cross-departmental approach to child protection and harm prevention, such as updating and renewing the Harm Prevention Strategy. This should include restoring a permanent interdepartmental committee and youth advisory mechanism to guide implementation, monitor progress, and foster collaboration across health, education, justice, and social services. A renewed strategy could explicitly integrate Articles 19 and 39 of the</p>
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	<p>UNCRC, ensuring that recovery and reintegration supports are embedded in broader child welfare and justice planning frameworks.</p> <p>Implement Child Rights Standards and Revitalize Youth Justice Committees</p> <p>New Brunswick should take steps to operationalize the Child Rights Standards of Child Justice developed in 2022. This includes delivering training to relevant justice system stakeholders and integrating the standards into diversion protocols, case conferencing, and judicial proceedings. At the same time, the province should revitalize Section 18 Youth Justice Committees by clarifying their mandate, supporting consistent operations across regions, and ensuring their role aligns with the principles of Article 40. Together, these actions will help ensure that youth justice in New Brunswick is rights-based, consistent, and focused on rehabilitation and reintegration.</p>
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