

September 15th, 2017

Submission to UN Special Rapporteur on Human Rights and the Environment

Response for Call for Input regarding the environment and the rights of the child

The Office of the New Brunswick Child and Youth Advocate submits the following in regard to the five questions in the Special Rapporteur's questionnaire.

1.

In February 2013, further to recommendations by the New Brunswick Child and Youth Advocate (a sub-national Independent Human Rights Institution for children), the provincial government implemented the use of Children's Rights Impact Assessments (CRIAs) in all provincial legislative, regulatory and policy changes. The CRIA process uses the UN Convention on the Rights of the Child (UNCRC) as its foundational reference, and in terms of protection of children from environmental harm, all government changes to laws and policies must assess and attempt to mitigate potential adverse effects on children.

A CRIA Primer created by the Child and Youth Advocate:

http://www.cyanb.ca/images/PDFs/CRIA_Primer_New_Brunswick.pdf

2.

(a) The Child Rights Indicators Framework (CRIF) is updated annually as a statistical reference of the state of children's rights and wellbeing. The New Brunswick Child and Youth Advocate (NBCYA) produces the CRIF, and the upcoming 2017 version groups UNCRC rights according to the 8 clusters favoured by the UN Committee on the Rights of the Child. The CRIF is included in a State of the Child (SOC) report, which reflects on the data related to rights indicators, as well as on the child rights issues that the NBCYA sees in his office's work. The CRIF data is disaggregated whenever possible by groupings of vulnerable status such as Indigenous, immigrant, poverty-challenged and LGBTQ children. Aspects of the SOC report and several of the CRIF indicators relate to food access, health, cultural rights, play and others related to the environment.

2016 version of the SOC:

<http://www.cyanb.ca/images/PDFs/State%20of%20the%20Child%20Report%202016.pdf>

(b) A “Shaking the Movers, 2016” event brought together young people aged 8-18 to discuss the subject of climate change and the right to a clean environment. A team of 10 youth facilitators (ages 14-18) designed the format of the weekend forum, as the event is youth-led. Through interactive activities, youth were able to express their views on the topic, which they translated into a report and presented to the local provincial Member of the Legislative Assembly and national Member of Parliament. The NBCYA facilitated the event. The Shaking the Movers project was developed by the Landon Pearson Centre for the Study of Childhood.

(c) An ongoing collaboration between civil society and government exists in furtherance of implementing Article 19 of the UNCRC. The Provincial Strategy for the Prevention of Harm to Children and Youth has emerged in response to the UN Committee on the Rights of the Child’s General Comment 13, which recommends the development of coordinated approaches to address violence to children. The Strategy was developed by a Roundtable supported by a Working Group, and included youth representatives, civil society representatives, government representatives (at the Ministerial and Deputy Ministerial levels), and the Child and Youth Advocate. The Strategy is an ongoing process of identifying action items and measuring progress. The strategy is supported in an ongoing fashion by government through the creation of an Interdepartmental Working Group on Children and Youth, and by civil society through coordination via the NGO New Brunswick Champions for Children’s Rights, Inc.

The initial strategy document:

<http://www.cyanb.ca/images/PDFs/ChildrenYouthSafeFromHarm.pdf>

3.

The New Brunswick Child and Youth Advocate has provided input into the creation of a piece of model legislation for children’s environmental health; this model legislation was developed via the New Brunswick Children’s Environmental Health Collaborative. The model legislation is entitled the Bill of Rights to Protect Children’s Health from Environmental Hazards:

<http://nben.ca/en/bill-of-rights>. The Collaborative has faced challenges in its attempts to persuade government to adopt it into law.

4.

Regrettably, a response to this question would require more time than the New Brunswick Child and Youth Advocate has to meet the Special Rapporteur's deadline for submissions, due to the fact that the NBCYA only became aware of the questionnaire on the day of the submission deadline.

5.

The New Brunswick Child and Youth Advocate is not aware of any provincial laws that refer to the rights of future generations in environmental matters.