

# New Brunswick Strategy for the Prevention of Harm to Children and Youth

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## Definition of Harm

### Preamble and Context

The New Brunswick Strategy for the Prevention of Harm to Children and Youth is framed by a rights-based approach guided by the UN *Convention on the Rights of the Child*. The definition of harm and all elements of the strategy, while grounded in a New Brunswick specific context, are based on foundational principles of children's rights and the *Convention*. Under a rights-based approach, children are rights-bearers; and governments, not only at the national but also the provincial and municipal level<sup>i</sup>, are obligated to fulfill these rights. Children's rights are indivisible in that each right is best realized in respecting, protecting and fulfilling all the rights of the *Convention*.<sup>ii</sup> The child rights approach furthers the realization of rights by developing the capacity of duty bearers to meet their obligations and the capacity of rights holders to claim their rights, guided at all times by the rights to non-discrimination (art. 2), considerations of the best interests of the child (art. 3), life, survival and development (art. 6), respect for the views of the child (art. 12), and appropriate and active education for children and adults on child rights (art. 42).<sup>iii</sup>

It is necessary to have government, civil society and family involved in rights fulfilment in a coordinated and holistic way.<sup>iv</sup> This is especially important in regards to article 19: the right to protection from all forms of harm.<sup>v</sup> It is important that the Strategy for the Prevention of Harm to Children and Youth evolve from a partnership between both government and civil society to ensure coordination of strategies, measures and interventions, as well as ownership from all sectors. A strategy that is developed by both government and civil society can promote flexibility and creativity and allow for the implementation of initiatives from all sectors, but which will reduce duplication and gaps while increasing efficiency and effectiveness through cohesiveness and coordination.<sup>vi</sup>

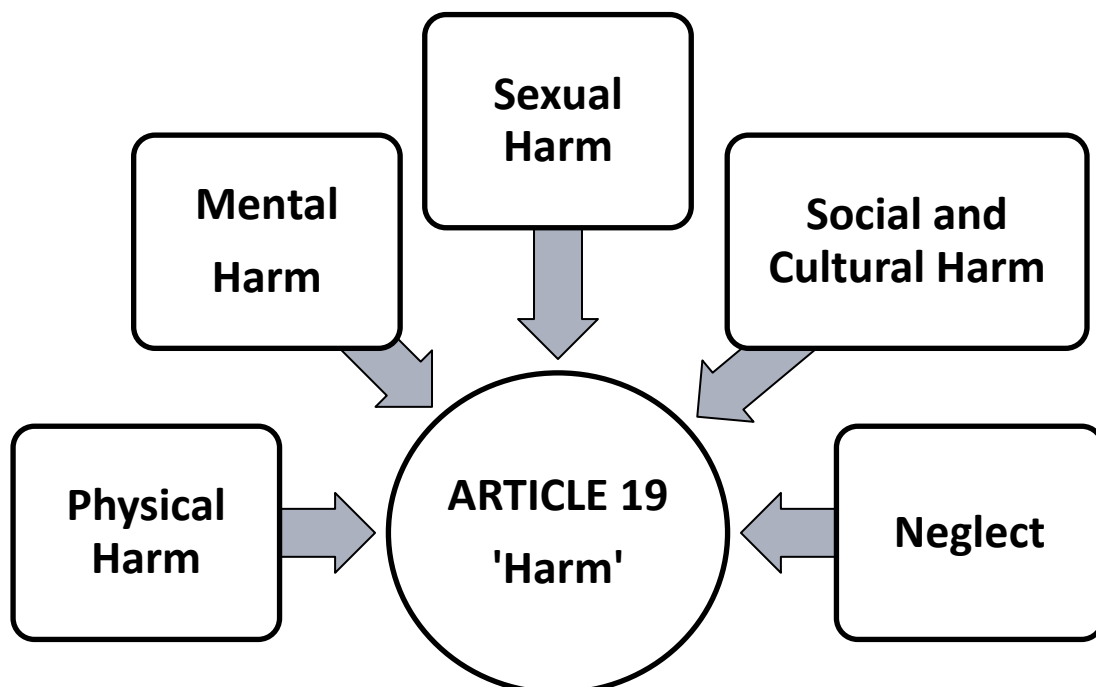
It is also important that the family be a primary element in the development and content of the strategy. There is an obligation for government under the *Convention* to support parents and other care givers to secure, within their abilities and with respect for the evolving capacities of the child, the living conditions necessary for the child's optimal development (arts. 18 and 27).<sup>vii</sup> Furthermore, families have the greatest potential to protect children and to prevent violence; families can empower children to protect themselves. The Strategy for the Prevention of Harm to Children and Youth must recognize both the vital role of families and the obligation to support them within the objective of preventing harm to children.

## Definition of Harm

This strategy defines harm to children as any form of physical, mental or sexual harm, injury, neglect or exploitation from any person who has the care of the child.

Article 19 of the *Convention on the Rights of the Child* states:

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.<sup>viii</sup>



## Physical Harm

Physical harm includes the intentional use of physical force or power, threatened or actual, against a child, by an individual or group that either results in or has a high likelihood of resulting in actual or potential harm to the child's health, survival, development or dignity.<sup>ix</sup> This includes fatal and non-fatal physical violence as well: as cruel and degrading treatment or punishment, and physical bullying and hazing by adults and other children.<sup>x</sup> This can include harm caused to a child by an adult, to a child by another child, or by the child to him/herself. Physical harm also includes unintentional harm such as injury. Unintentional harm can be caused by a number of human, societal or circumstantial factors which may or may not be feasible to control or impact.

## Mental/Emotional Harm

Mental/Emotional harm is often described as psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect. This can include: all forms of consistent harmful interactions with the child, for example, conveying to the child that they are worthless, unloved, unwanted, endangered or only of value in meeting another's needs; scaring, terrorizing and threatening, exploiting and corrupting, spurning and rejecting, isolating, ignoring and favouritism; denying emotional responsiveness, neglecting mental health, medical and emotional needs; insults, name-calling, humiliation, belittling, ridiculing and hurting a child's feelings; exposure to domestic violence; placement in solitary confinement, isolation or humiliating or degrading conditions of detention; and psychological bullying and hazing by adults or other children including via information and communication technologies (ICTs).<sup>xi</sup> This can include harm caused to a child by an adult, to a child by another child, or caused by the child to him/herself. Mental/Emotional harm also includes unintentional harm such as injury or mental health disorders. Unintentional harm can be caused by a number of human, societal or circumstantial factors which may or may not be feasible to control or impact.

## Sexual Harm

Sexual harm refers to any sexual act, attempt to obtain an unlawful or psychologically harmful sexual activity, using coercion inducement, exploitation or force,<sup>xii</sup> by any person regardless of their relationship to the victim, in any setting.<sup>xiii</sup> This includes experience of sexual victimization which is not accompanied by physical force or restraint but which is nonetheless psychologically intrusive, exploitive and traumatic. Sexual violence can include the use of children in commercial sexual exploitation; the use of children in audio or visual images of child sexual abuse; forced marriage; forced abortion; female genital mutilation; and forced prostitution or human trafficking.<sup>xiv</sup> This can include harm caused to a child by an adult, to a child by another child.

## Neglect

Neglect means the failure to meet children's physical and psychological needs, to protect them from danger, or obtain medical, birth registration or other services when those responsible for children's care have the means, knowledge and access to services to do so. It includes: physical neglect; psychological or emotional neglect; neglect of children's physical or mental health; educational neglect; and abandonment.<sup>xv</sup>

## Social and Cultural Harm

Social and Cultural harm refers to harm to children that results from social and/or cultural factors. This harm can result from insufficient available, accessible, acceptable and appropriate, that is adapted to the individual, education; inadequate access to affordable, habitable, well located and culturally adequate housing; inadequate access to nutritious food; inadequate access to sufficient and safe water; and inadequate access to available accessible, acceptable and quality health services.<sup>xvi</sup> Social and Cultural harm can include creations of stereo-typed or biased images of children through the mass media resulting in policies that take a punitive approach, which may include violence as a reaction to assumed or factual misdemeanours of children and young persons.<sup>xvii</sup> Cultural harm results from inadequate access to culture and language. Article 30 of the *Convention on the Rights of the Child* states that a child who belongs to an ethnic, religious or linguistic minority, or person of indigenous origin shall not be denied the right to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language.<sup>xviii</sup> Social and Cultural Harm are broad sweeping and may result from any number or combination of actors or from society as a whole. These harms may be historical, multi-generational and may be either visible or invisible.

## Non-exhaustive List of Harms

- Abandonment
- Abduction
- Availability of perinatal screening practices
- Bullying and cyberbullying
- Child luring
- Child pornography
- Child prostitution
- Child trafficking
- Criminalization of mental health disorders or youth misconduct
- Cultural alienation/ loss of culture
- Discrimination
- Exposure to violent and otherwise inappropriate images and messages
- Failure of service capacity. failure to provide services
- Failure to acknowledge or consider child and youth voice
- Failure to coordinate interventions across systems
- Failure or inability to protect a child from harm
- Failure to provide healthy and safe environments and conditions
- Failure to provide healthy and safe working conditions for children
- Failure to report suspected harm
- Incest
- Institutional emotional abuse
- Institutional physical abuse
- Institutional neglect
- Institutional sexual abuse
- Lack of access to the basic necessities of life
- Lack of adequate supervision by caregivers
- Lack of medical care
- Malnourishment
- Medicalization of youth misconduct
- Mental health issues resulting in hospitalization
- Mental or emotional abuse by caregivers
- Misdiagnosis
- Motor vehicle accidents
- Neglect by caregivers
- Obesity and malnutrition
- Overall injuries
- Over-prescription
- Parentification
- Physical abuse by caregivers
- Physical neglect (caregiver and societal)
- Physical peer violence
- Physically harmful behavioural interventions
- Preventable injury in various care settings
- Psychological or emotional neglect by caregivers
- Recreational injuries
- Self-harm
- Sexual abuse by caregivers
- Sexual assault
- Sexual exploitation
- Sexually transmitted infections
- Sexual violations against children
- Social neglect/ insufficient income level
- Substance use and abuse
- Substandard housing and clothing
- Suicide
- Witnessing domestic violence
- Workplace injury

## Appendix A: References

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- <sup>i</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, para 5.
- <sup>ii</sup> *Ibid*, para 59.
- <sup>iii</sup> *Ibid*.
- <sup>iv</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 5* (2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44), 19 September 2003, CRC/C/GC/5, para 5.
- <sup>v</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, para 68.
- <sup>vi</sup> *Ibid*, para 69.
- <sup>vii</sup> *Ibid*, para 5.
- <sup>viii</sup> Article 19, *Convention on the Rights of the Child*.
- <sup>ix</sup> E. G. Krug et al. (eds.), *World Report on Violence and Health* (Geneva, World Health Organization, 2002), p. 5.
- <sup>x</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, para 22.
- <sup>xi</sup> *Ibid*, para 21.
- <sup>xii</sup> *Ibid*, para 25.
- <sup>xiii</sup> E. G. Krug et al. (eds.), *World Report on Violence and Health* (Geneva, World Health Organization, 2002), p. 149.
- <sup>xiv</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, paras 25 and 29.
- <sup>xv</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, para 20.
- <sup>xvi</sup> *International Covenant on Economic, Social and Cultural Rights*
- <sup>xvii</sup> UN Committee on the Rights of the Child (CRC), *General Comment No. 13* (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, para 30.
- <sup>xviii</sup> Article 30, *Convention on the Rights of the Child*