



June 9, 2023

Fredericton, New Brunswick

The changes made by the Government of New Brunswick regarding Policy 713 have the potential to put children at harm and this fact is undisputable. By their own admission, the government acknowledges the possibility of harm and provides no set of facts, evidence or research to justify such a damaging approach. The vast cracks in the government review and consultation process are noticeable and this, combined with the disregard for recommendations from our own provincial Child and Youth Advocate have allowed for a deeply flawed policy to be created.

As an agency that carries out its work through a child rights and trauma informed lens we are unable to support the revised Policy 713 and we believe it has the strong potential to put children at significant harm. 32 years ago Canada ratified the Convention on the Rights of the Child and the first Child Protection Act was passed in Canada in 1893. The debate over a government's legal obligation to protect a child and if indeed they have their own rights has been over for longer than a century.

Policy 713 was put into place to *“create a safe, welcoming, inclusive, and affirming school environment for all students, families, and allies who identify or are perceived as LGBTQI2S+.”* The changes to the policy announced this week are in direct conflict with the purpose of the policy itself. The changes do not reflect a rights based approach and indeed they could have the unintended consequence of weakening the protections that are afforded to children under the law.

The United Nations Convention on the Rights of the Child (UNCRC) affirms a child's entitlement to fundamental human rights including: development, protection, participation and non-discrimination and recognizes children's need for special care and assistance and realizing these rights is not up for debate – nor can these rights be disregarded. The government has not provided any factual or transparent reason for this entire process of review.

Head Office: 487 Brunswick St., Fredericton, NB, E3B 5L6
506-462-0323, info@partnersforyouth.ca
www.partnersforyouth.ca



Within the revised policy we find several areas of concern and conflict with a Child's Rights and the protections afforded to them under the law. We are also confident in stating that the revisions were not made through a trauma informed lens, a Child Rights Impact Assessment or a Gender Based Analysis – all requirements put into place by various government departments over the years when proposed policy changes will have an impact on children.

Several sections of the policy are now considerably compromised such as:

- Section 6.1.5 - With the removal of *"consistent with their gender identity,"* this policy does not protect transgender students from discrimination. Further, regarding participation in sports, the removal of "consistent with their gender identity" means that discrimination against trans students in sports is not protected by this policy.
- Section 6.3.1- With the addition of "who is 16 and over" school personnel, who have relationships and understandings are only able to have these important discussions with a student over 16 and for those youth who are under 16 – school personnel will be forced to misgender and deadname a youth who they are there to support.
- Section 6.3.2 - With the removal of *"a plan will be put in place to support the student in managing the use of the preferred name in the learning environment without parental consent"* the youth's right to autonomy has been disregarded.
- The addition of universal spaces would appear to address a need however we feel this has the potential to subject trans students to discrimination if they choose to use the changing room which aligns with their gender identity.

At the core of these revisions is a non-existent process of engagement and a shift away from a Child Rights based approach, which leaves everyone with a policy that is not the best we can do for kids.

"Make a habit of two things: to help; or at least to do no harm."

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