

THE INTEGRATED LAW (IL) PRACTICE: A CHILD-RIGHTS-BASED APPROACH TO HEALTH

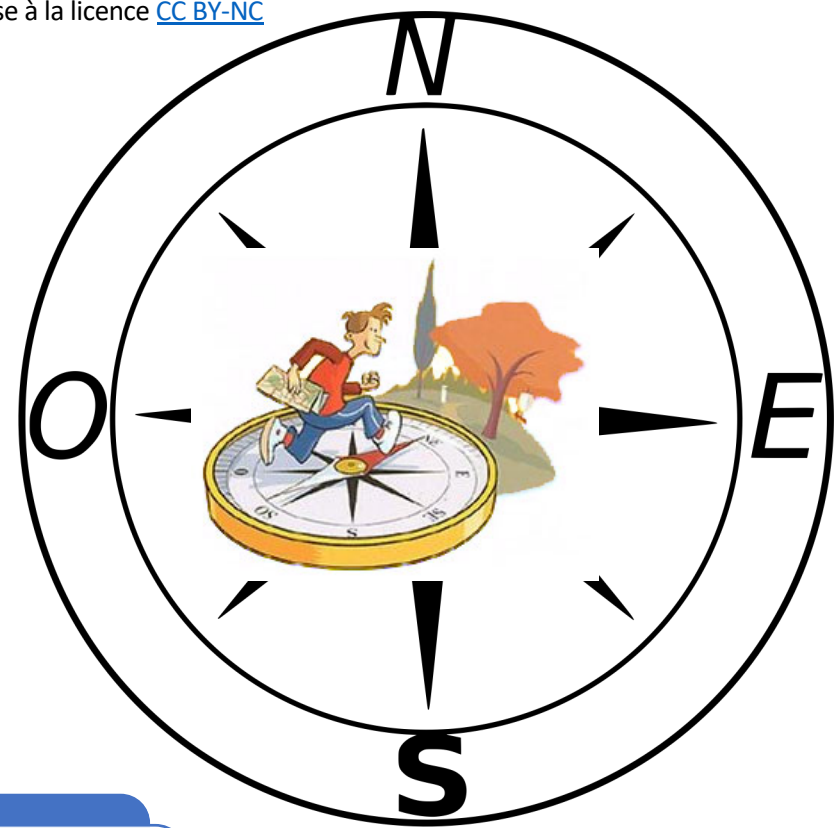


FONDATION
DR JULIEN

Hélène Sioui Trudel, CQ, LL.M.

Lawyer, Accredited Mediator
Founder, Integrated Law Practice





1

Refreshing our mind - the Canadian Model of Community Social Pediatrics

2

Defining the Integrated Law (IL) Practice

3

Why we need the Integrated Law (IL) for ALL

4

Understanding the main characteristics of the IL practice

5

Need to create & innovate to favour access to justice

Q & A

1. THE CANADIAN MODEL OF COMMUNITY SOCIAL PEDIATRICS (CSP)



Addresses children's needs whose development is compromised by toxic stresses and complex traumas stemming from difficult living conditions and breaches of their fundamental rights as enunciated in the *Convention on the Rights of the Child*

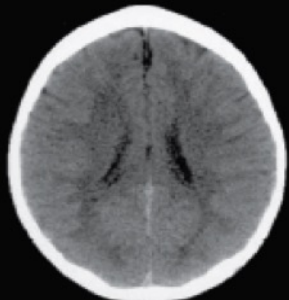
CSP REPRESENTS A PARADIGM SHIFT BASED ON CHILDREN'S RIGHTS TO ENSURE A GLOBAL APPROACH TO CHILD HEALTH

Early Intervention: Smart Investment, Massive Savings

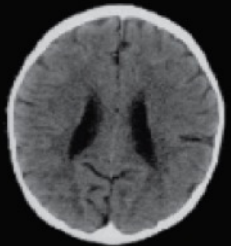
The Second Independent Report to Her Majesty's Government
Graham Allen MP

3 Year old children

Costs to taxpayer



Normal



- A transdisciplinary model of medicine Integrating the practice of law and psychosocial services
- And facilitating the meaningful participation of the child, the family network & community services
- To identify and readily address sources of toxic stress and complex traumas that affect the well-being and health status of the child
- And to ensure coherent care and adapted services in complementarity with those offered in the community

BASED ON THE APPROACH EEDA



E

Establishing a special relationship with the child & family (caregivers)

E

Exchanging pertinent information

D

Decoding stress based on shared knowledge and experience

A

Acting based on a consensus between the child, family members, community members & professionals to meet children’s needs in the respect of their fundamental rights (CRC).

2. DEFINING THE INTEGRATED LAW (IL) PRACTICE

Specialized law practice integrated in the transdisciplinary Community social pediatrics model

Focus is on dispute prevention and settlement process

Requires the meaningful participation of the child and family.

Based on a reading the CRC as a whole, in the assessment of the child's well-being and health status

Covers all sectors

THE INTEGRATED LAW PRACTICE = A CHILD-RIGHTS BASED APPROACH TO CHILD HEALTH

A strategy called for by the UN and the WHO as part of the Sustainable Development Goals (SDG) requiring linking human rights to the delivery of health services to ensure more effective outcomes for children.



3. WHY WE NEED THE INTEGRATED LAW PRACTICE FOR ALL

- **BECAUSE every child,**
- regardless of their caregivers' socio-economic status and culture,
- **has the fundamental right** to have every opportunity to be healthy and to develop their potential
- **as any human being.**

<https://www.tori.ng/news/63455/sad-how-11yearold-girl-was-forced-to-marry-the-man.html>





<http://i.dailymail.co.uk/i/pix/2016/03/05/22/3>

1E5D16800000578-0-image-2

BECAUSE:

Expectations

- Parents respond to their child's needs and interests
- Parents ensure the protection of their child

Reality

- Child's undefined needs and interests
- Parents' life background
- Alarming disparity of resources and opportunities
- Limited communications between professionals
- Intense levels of state's supervision of families in poor neighborhoods

Results

Children from various communities do not have the same opportunities to develop their capacities

= Different understanding of the situation = different orientations and different services

Violation of children's fundamental rights

WE HEAR THE CULTURAL CLASH

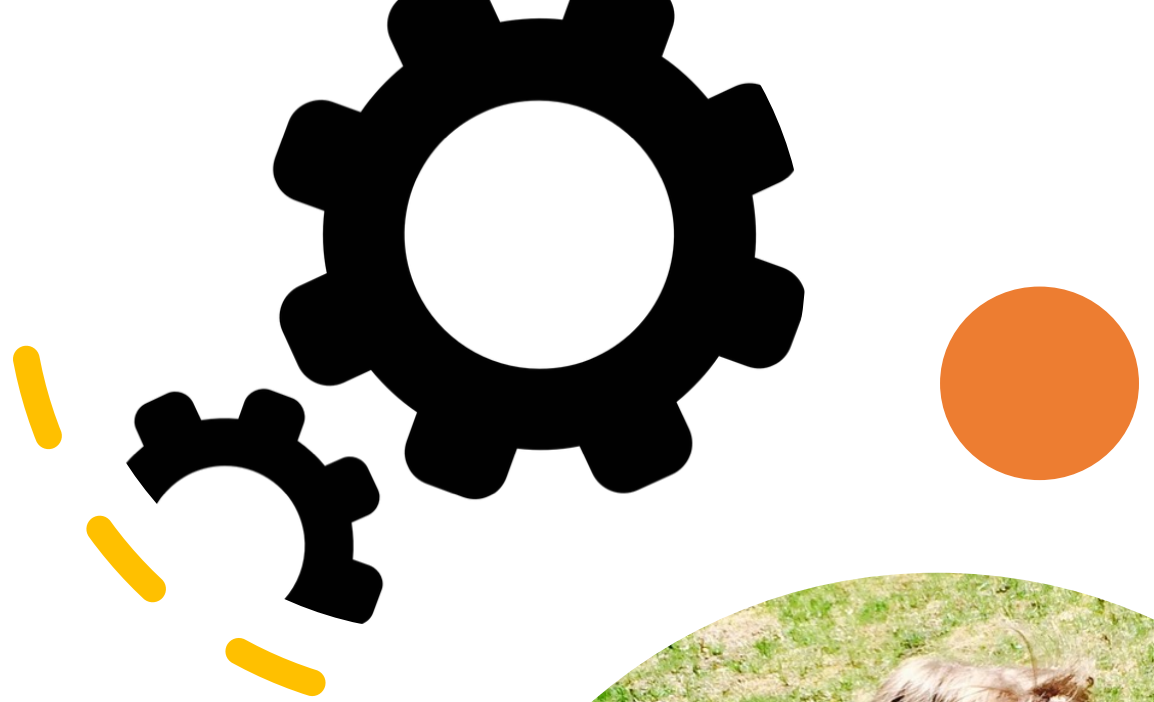


https://www.google.ca/search?hl=fr&biw=1130&bih=552&tbm=isch&sa=1&ei=-RX3W5DBO4rA0PEP17KJgAM&q=loi+et+droit&op=loi+et+droit&gs_l=img:3..0i24k1.13061.15268.0.16075.12.11.0.1.1.0.150.1102.0j9.9.0....1c.1.64.img..2.10.1103...0j0i67k1j35i39k1j0i8i30k1.0.tafqjeOoshw#imgrc=OEsaue77B6hqOM:



4. UNDERSTANDING THE MAIN CHARACTERISTICS OF THE IL PRACTICE

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Rights Approach to Child Health, November 2023



1st - recognizing that Children's health & behavioural problems often hide a breach of their fundamental rights

- Unsafe housing
- Incomplete diagnosis
- Lack of stimulation
- Inadequate resources in education
- Financial insecurity
- Poor environment
- Poor attachment
- Intimidation
- Lack of a protective circle
- Precarity or absence of identity
- Malnutrition
- Lack of reference and guidance
- Cultural and spiritual breakdown
- Exclusion and abandonment
- Violence, abuse, intimidation
- No citizenship
- Lack of access to justice



https://www.google.ca/search?hl=fr&biw=1130&bih=552&tbm=isch&sa=1&ei=ZB13W5SKOpOV0PEPncCQiA4&q=laws&oq=laws&gs_l=img.3..0i67k1j0l3j0i67k1j0l5.25784.25784.0.26879.1.1.0.0.0.126.126.0j1.1.0....0...1c.1.64.img..0.1.126....0.hhTUvTksWrM#imgsrc=Ha_jkL92bzEveM:

VIOLATION OF LISA'S RIGHTS



<https://www.tori.ng/news/63455/sad-how-11yearold-girl-was-forced-to-marry-the-man.html>

2nd – Reading the Convention of the Rights of the Child as a whole

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990 – summarized by H el ene (Sioui) Trudel



1. Children are born with equal rights.
2. Children’s superior interest governs decisions that concern them.
3. Children enjoy civil rights and liberties, including being heard and participate.
4. Children’s full potential development requires their family, supported by the entire community.
5. Children are born healthy and grow healthy.
6. Children learn, play and are open to the world.
7. Children must be protected from exploitation, violence, injury, abuse, maltreatment and neglect.

3RD – THE RIGHT OF THE CHILD TO BE HEARD

AS RECOMMENDED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD

The most beautiful role of the lawyer who works with underprivileged children is to contribute to building a better world with them, and **to systematically build “a culture of respect for children and their v**

51^e session. Geneva, CRC/C/GC/12 20 July 2009, par 13

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4TH – THE TRANSDISCIPLINARY TEAM

Family & Community NETWORK

Participation in IDENTIFICATION of strengths, interests, sources of toxic stress & solutions

HEALTH

INTEGRATION of evidence-based knowledge into coherent global health services to meet fundamental needs

INTEGRATING LAW

ACCESS to justice by working **FOR & WITH children** = informed participation to the decision-making process leading to preventive & consensual solutions

CHILD'S INFORMED PARTICIPATION

PSYCHOSOCIAL

ACCESS to psychosocial evaluation, follow-up to adapted and integrated services

A REMINDER: A GOOD ADVOCATE (*Fortin v. Chrétien*, 2001 SCC 45)

53 Thus, contrary to popular belief, not only will a **good advocate** not foment dissension and promote disputes between parties, he **will seek to reconcile opposing interests in order to avoid the ultimate confrontation of a trial**. He will be called on to **play the role of moderator, negotiator and conciliator**. Indeed, it is his duty to facilitate a rapid solution to disputes and to avoid fruitless or frivolous actions: [ss. 2.02, 2.05](#) and [3.02.11](#) of the [Code of ethics of advocates](#), and Canadian Bar Association, *supra*, ch. IX, “The Lawyer as Advocate”, p. 35. »

Fortin v. Chrétien, 2001 SCC 45 (CanLII), [2001] 2 SCR 500, <<https://canlii.ca/t/5209>> (my emphasis)

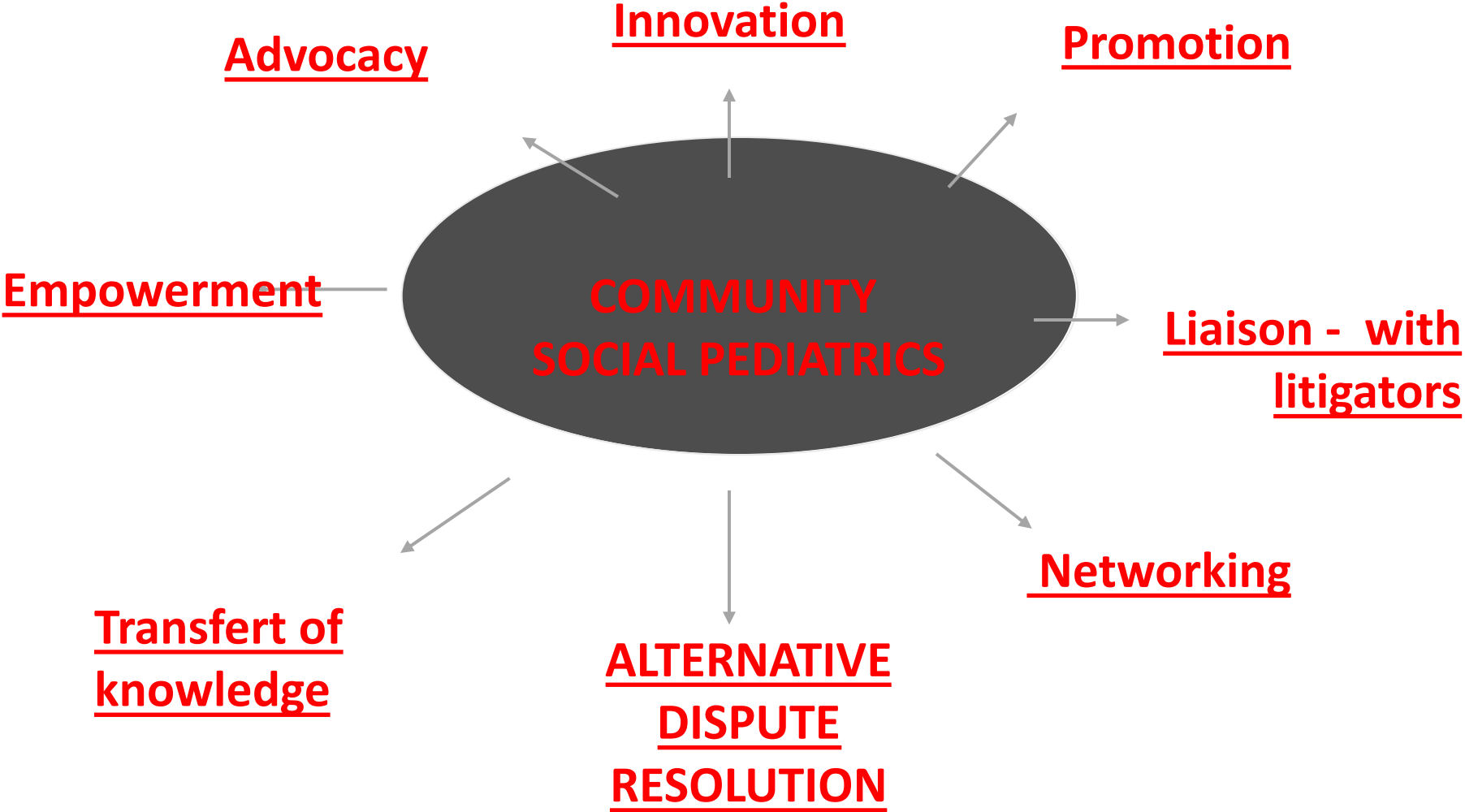


THE ROLE OF THE LAWYER- MEDIATOR IN COMMUNITY SOCIAL PEDIATRICS

- does not represent any of the parties, but in his capacity as mediator, he assists the parties in resolving the issues in dispute (Chapter XXI – Code of professional ethics of CBA)
- democratizes the law & empower the child and his/her family to act (right to be heard)
- expertise on preventive or corrective measures to promote respect and implementation of the fundamental rights of the child set forth in the Convention on the Rights of the Child and other instruments
- defuses conflict situations between adults that are detrimental to the child's development with and for the child
- Facilitates a personalized transfer to legal aid or pro bono professional services

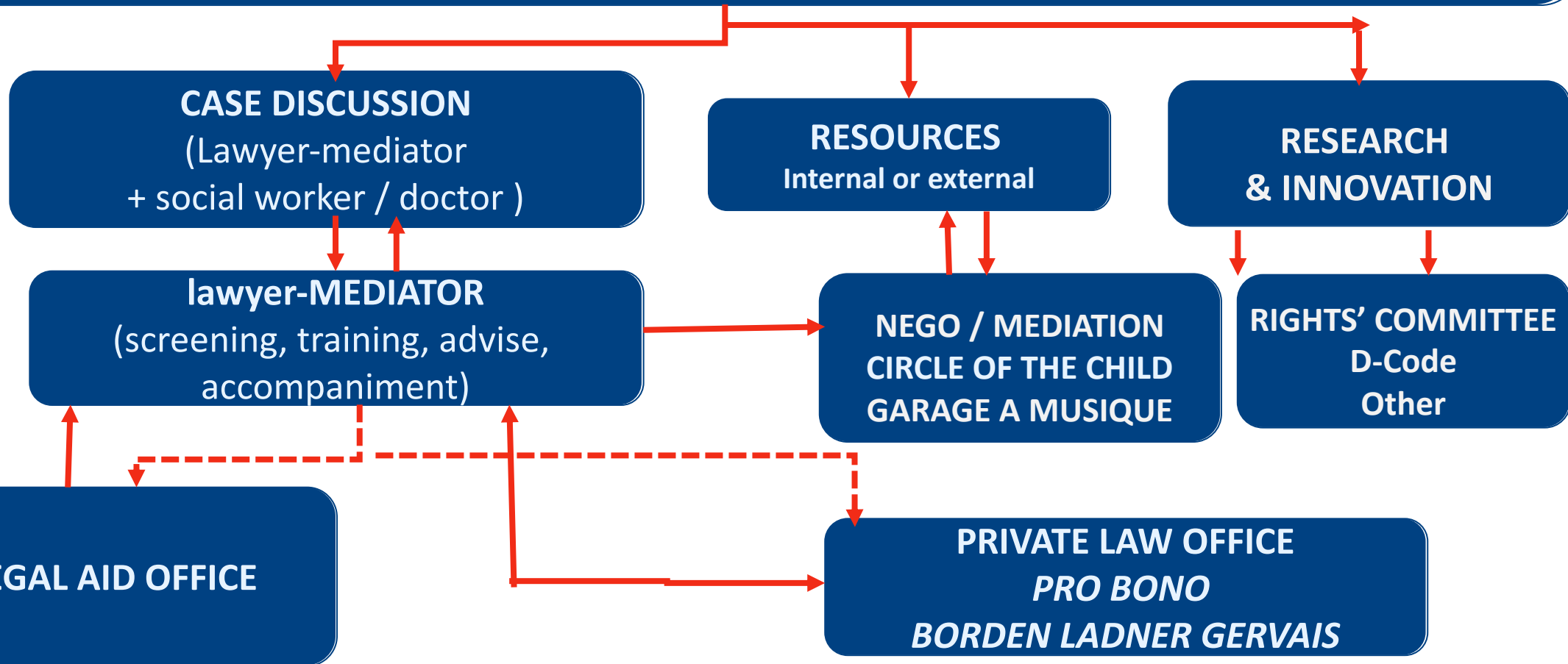
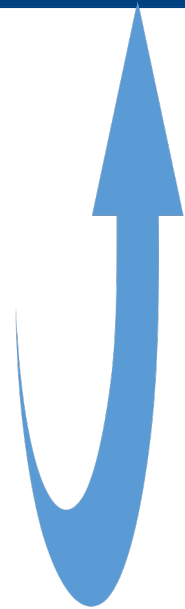


ROLES OF LAWYER-MEDIATOR (ACCESS TO JUSTICE)

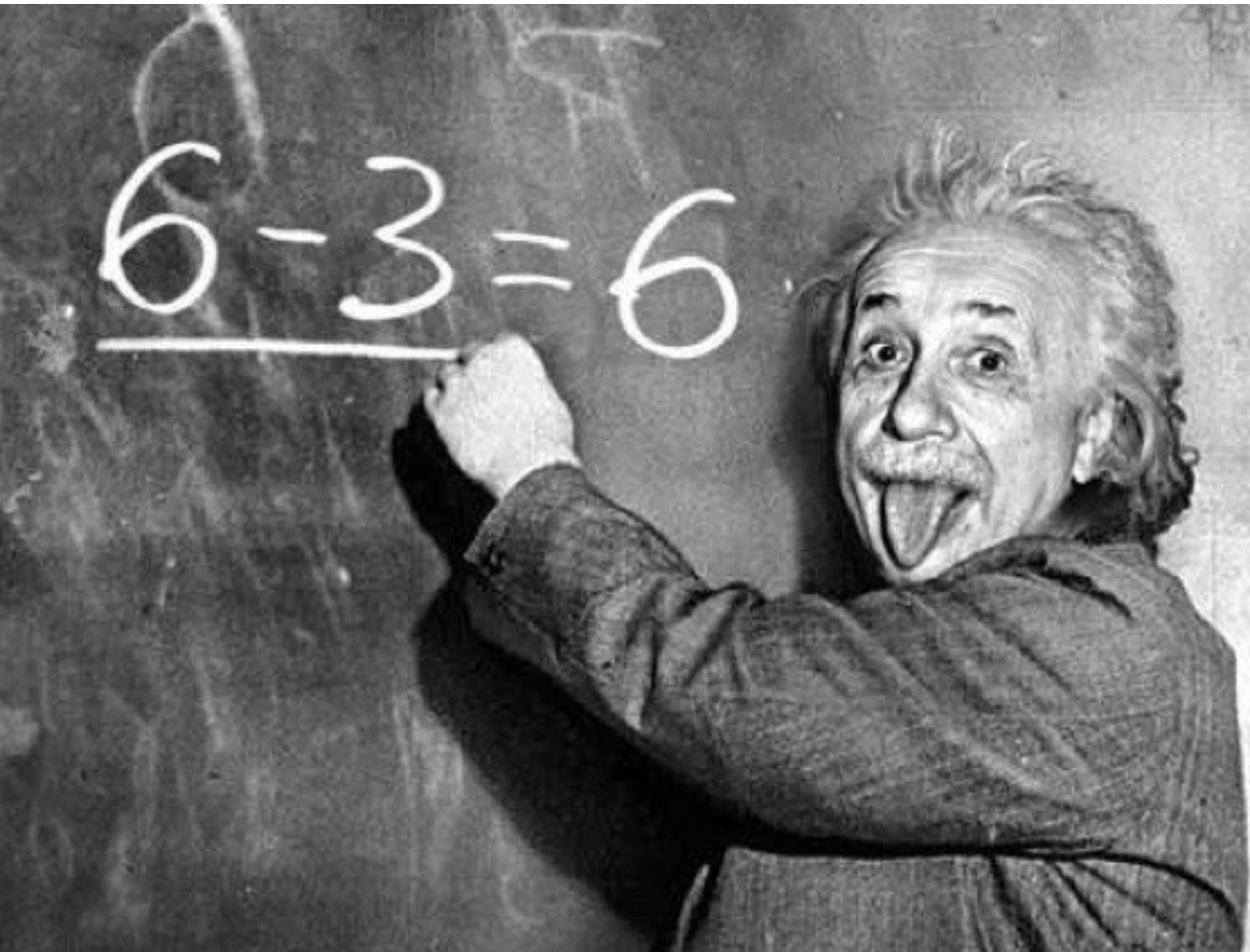


COMMUNITY SOCIAL PEDIATRICS CLINIC

(CHILD, family network, pediatrician or family doctor+ lawyer-mediator + psychosocial worker + other team members), school principal, youth protection, etc



5. INNOVATING TO FAVOUR ACCESS TO JUSTICE: NO BOX



Albert Einstein, George Bernard Shaw (2012). "Einstein on Cosmic Religion and Other Opinions and Aphorisms", p.97, Courier Corporation;

Image: <https://www.club-de-reflexion-noctua-et-bubo.com/albert-einstein>

I believe in **intuition** and **inspiration**.

Imagination is more important than knowledge.

For knowledge is limited, whereas imagination embraces the entire world, stimulating progress, giving birth to evolution.

It is, strictly speaking, **a real factor in scientific research**.

THE PHILOSOPHY OF THE IL PRACTICE : GOPE



<http://chmm.gmu.edu/cyh/primary-sources/438>

GOPE board,
Indians of New Guinea

Gift

Every child is born with at least one gift,
one strength

Opportunities

This gift is developed through the
opportunities offered to the child by his or
her family network and community

Partnership

The family network, the community and
the state must work in partnership

Equity

This transsystemic work contributes to
social and economic equity

WHO SAID HUMAN INVENTED THE PROTECTIVE CIRCLE ?



WNET/Frederique Olivier/JDP

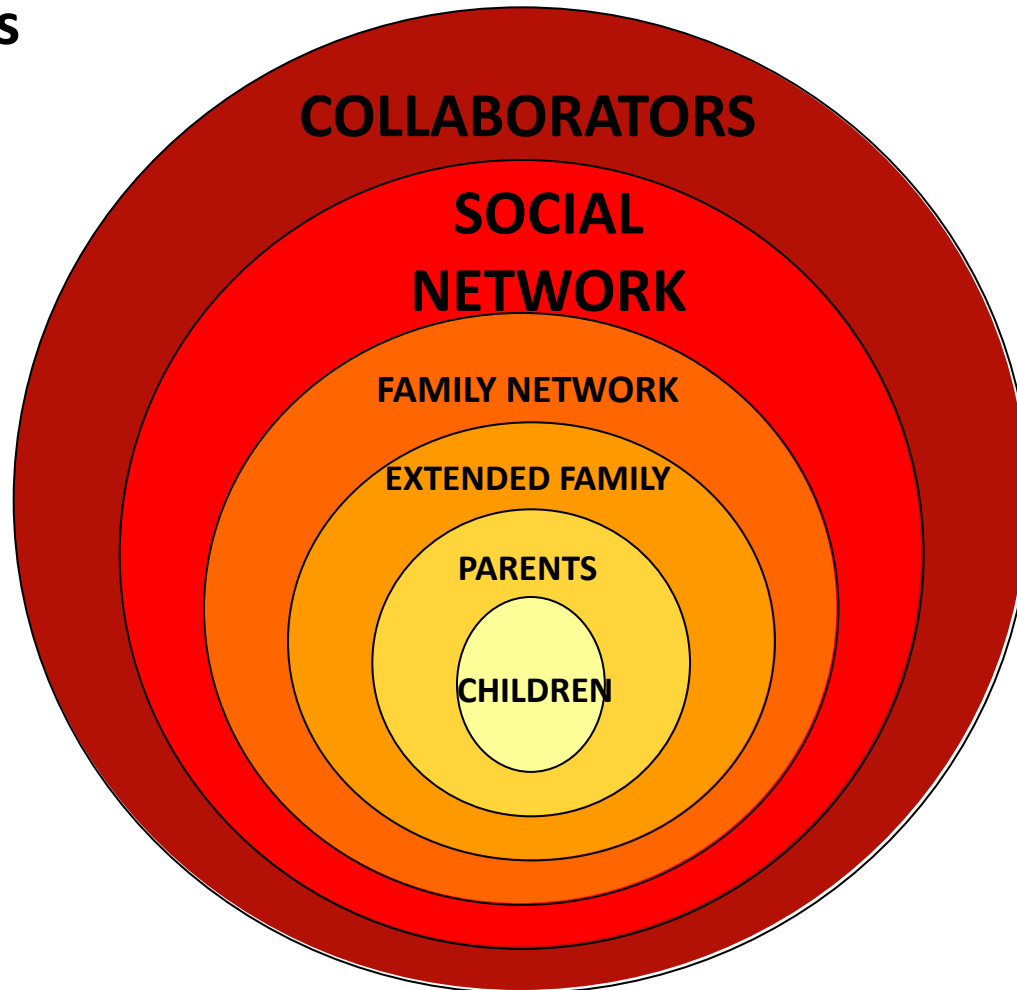
<https://www.thedodo.com/protective-animal-moms-1225565790.html>; added circle for presentation



To empower the child, the family &
community (**family network**)
to become
real partners with professionals (**social
network**)

KEY = MOBILIZE THE CHILD AND HER NETWORKS

Friends
Neighbours
Volunteers



Community social pediatrics centres
Volunteers
Schools
Child care centres
Recreational centres
Community groups
Health and social services
Youth protection services
Police services

Legal aid services
Bar association
Universities
Child advocate
Human rights commission
Entrepreneurs
Private foundations
Band councils
Lawyers and Judges
Mediators

CHILDRENS' RIGHTS COMMITTEE

To promote the effective participation of the child and his or her family in decisions that affect them.





YOUTH SPEAKERS AT THE UNIVERSITÉ DE MONCTON AS PART OF THE SUMMER SCHOOL ON CHILDREN'S RIGHTS



YOUTH FROM THE GARAGE À MUSIQUE AT UN

Original in French

MANIFESTO

March 14, 2018

Excerpt : MANIFESTO of children and youth against bullying and violence in schools in Quebec (published in Le Devoir)

Because we, children and young people who have been intimidated, threatened and abused by our peers in school, public or private, and members of families, want to change things, by this manifesto:

Cédric
Lauranne
Gabriel

Samuel
Jasmine
Étienne

Isabelle
Marika
Guillaume

Thalie
Tyler

We ask that you, as adults, in the home, the private or public school environment, in the police and youth protection services, in the community, as well as in the political community, take seriously our steps to stop bullying and violence and to prevent situations that undermine all of our fundamental rights as set out in the *Convention on the Rights of the Child*.

D-CODE OR CLAN: CHILDREN LINK TO ADULTS & NETWORKS

Began as a social development project based on implementing the CRC in 10 impoverished communities in Montreal (2017-2020)



LAETITIA ANGBA, ASC
Jurist & Project manager



EMPOWERING children and young people through knowledge of their rights and obligations, peaceful communications and social entrepreneurship.

BUILDING A PROTECTIVE CIRCLE within the community with adults who care for children and youth, through knowledge of children's rights, outreach tools and caring families.



MALIKA SAHER, Lawyer-mediator, now IL director, FDJ

YOUNG REPORTERS

THE MUSICAL NOTE OF COMMUNITY SOCIAL PEDIATRICS = GARAGE À MUSIQUE

1st specialized centre of community social pediatrics based on neuroscience



... sole project identified that proceeds by clinical reference and allows follow-up in medicine, law and social work

... the only collective learning model of music that explicitly and concretely integrates developmental notions (based on neurosciences)

80% of children and young people observe changes in at least one area of their life (motivation, socialization, autonomy, etc.)

YOUTUBE: LA FORCE DE LA MUSIQUE

<https://www.youtube.com/watch?v=DMHaONkWaiA>



Source: Évaluation du Garage à musique, 2011-2016, par Anne-Marie Piché, Ph.D., Professeure, École de travail social, UQÀM



MESSAGES

The child has the right to be considered as a full citizen, to be heard, and **to participate** in decisions that concern her, at the present tense

Parents are not the only caregivers; the **community** must support families and **share this responsibility**

Integrating law into social medicine is a powerful tool to ENSURE THE RESPECT of the 41 fundamental rights of the child.

THE INSTITUTE OF COMMUNITY SOCIAL PEDIATRICS



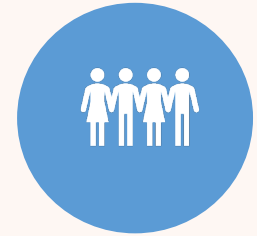
**CODIFIES BEST
PRACTICES**



**DISSEMINATES KNOWLEDGE
THROUGH 3 TYPES OF
TRAINING: CONTINUING
PROFESSIONAL DEVELOPMENT,
UNIVERSITY TRAINING AND
COMMUNITY TRAINING.**



**RESEARCH THE
BEST PRACTICE
OF TOMORROW**



**CONTRIBUTES TO
BUILDING A
SOLID
COMMUNITY OF
PRACTICE**

QUESTIONS ?

COMMENTS ?



<http://agiteur.com/graphiques-evolution-positive-monde/>



www.fondationdrjulien.org

THANK YOU!

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MERCI !