Mona Paré:
[In front of camera]
For several years, we have been talking about problems of access to justice in our society, but we forget that it affects children as well but in a different way.

Mona Paré:
[In front of camera]
Children are at the heart of our protection procedures. These are very important decisions that affect their lives, yet their place and their voice in these procedures is uncertain.

Mona Paré [Professor, Faculty of Law, Civil Law Section]:
[In front of camera]
My name is Mona Paré. My research focuses on access to justice for children, particularly in the context of protection procedures in Quebec.
We keep children at a distance because they are vulnerable

By doing this, we limit their access to justice

What are the issues that promote children's access to justice?

Mona Paré:

Are children present at the proceedings, at the hearings? Do they testify? Can they comment on the issues that concern them? Do we listen to them? Do we explain the decision to them at the end? Are we facilitating their passage through the court system? We need to raise awareness about these issues among the legal community and among child protection professionals, and that's why I do this research.

Does taking different voices into account improve access to justice and reduce the vulnerability of children?

Mona Paré:

I do research with the people who I think are the most involved. I do interviews with the judges, who in fact very rarely address these issues. I do research with the children themselves, who, as I said, are at the heart of decisions and who are seldom heard. I also do research with social workers, who are rarely involved in legal research and who have a very practical vision of, for example, the child's well-being and vulnerability.

What makes children vulnerable in their encounters with the law and its procedures?

Mona Paré:

Indeed, children are vulnerable for different reasons. They are vulnerable because of their legal incapacity, which means that they are active in fewer areas of their lives than adults are, but also because they are in the midst of changing emotionally, socially, physically and psychologically. Moreover, some children are more vulnerable than others for specific reasons: for example, perhaps they have a disability, or perhaps there are pertinent external situations, such as for migrant children, for example.

Mona Paré:

[Voice-over as images of a waiting room, a clock, a stack of books, and a drawing of a child in a courtroom setting are displayed]
It’s useful to think, simply, of the waiting rooms in the courthouses, the number of hours that pass – sometimes whole days – waiting for a court appearance, the legal vocabulary, which is even difficult for adults, the cross-examination of their testimony, which is stressful for everyone, to understand the magnitude of the problem for children.

Subtitle

How can legal research contribute to solving this social problem?

Mona Paré:

In front of camera, then as voice-over as examples of research articles are displayed
There are numerous professionals and groups of professionals, including social workers and judges, who told me that they were interested in the results of the research and that they would need more guidelines to know how to make decisions in relation to children’s participation in the procedures and their preparation. So, I think this research will help professionals better understand the issues. Perhaps they would focus only on certain issues while there are others that may be identified in the research.

Subtitle

How can we improve access to justice for children?

Mona Paré:

In front of camera, with text below appearing beside her
So, for now, the child’s experience is entirely dependent on the attitudes of the various stakeholders – when I say “stakeholders”, I mean the social worker who works with the child, their lawyer, and other people around them – and it seems to me that the big problem is a lack of communication between these different individuals, who sometimes seem to be passing the buck and it becomes unclear who is responsible for explaining everything to the child, for dedramatizing the situation, or for taking them to visit the Court in advance, perhaps.

How can we improve access to justice for children?

improve communication between stakeholders

explain the procedures

dedramatize the experience

familiarize them with the spaces

Subtitle

Interdisciplinarity in service of social innovation

Mona Paré:
Interdisciplinary research is very important because it allows us to see things that I would not have seen because I am a legal expert, and as such, I analyze laws and policies, and then I meet, for example, social workers, who have a completely different experience, who are able to talk to me about child psychology, who are able to talk about the child's attitude, their experience before and after going to court.

What's interesting is having different voices, seeing the questions from different angles and putting it all together. Children are rarely thought of when developing laws and policies, when in fact most of our laws and policies affect children.

I would like us to adopt a policy of assessing the impact of laws and policies on children. Children are subjects of our laws. If access to justice is important for adults, why would it not be for children, who are also subjects of our laws?

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[Logos: Human Rights Research and Education Centre; Université de Québec à Montréal; Cour du Québec; Social Sciences and Humanities Research Council of Canada; Association de juristes d’expression française de l’Ontario; uOttawa]

[Credits]

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