

Access to Justice Through Street Youth Legal Services

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Street Youth Legal Services ('SYLS'), is a unique legal outreach program in Toronto, Canada that connects with 16 to 24-year-old street-involved young people where they spend their time — at drop-ins, shelters and health clinics. The program was developed by Justice for Children and Youth (JFCY), a children's rights legal aid clinic. The SYLS model was designed to increase access to justice by providing legal education, advice, and representation to Toronto's most vulnerable young people. Much of the work by SYLS addresses a variety of legal issues that affect a young person's housing stability by preventing homelessness from occurring, or assisting with a successful transition out of homelessness.

SYLS celebrated its 20th anniversary this year. Prior to the start of SYLS, staff at JFCY¹ held focus groups with young people experiencing homelessness to develop a legal program that was truly accessible to them. JFCY quickly learned that the traditional lawyer-client model was going to be ineffective. Young people experiencing homelessness were rarely going to attend at a lawyer's office, and were even hesitant to access their local community legal aid clinic. The young people needed simple, direct access without wait times or lengthy intake processes. This resulted in the establishment of the Street Youth Legal Services program and the 'SYLS lawyer' role — a lawyer dedicated to meet young people where they spend their time, be a familiar, trusting face, dress informally and be accessible to young people by cell phone. At the same time, the SYLS lawyer is held to the same professional standards of any lawyer — fully informing clients of their options, respectfully taking instructions, and showing utmost care to their matter.

Through 20 years of experience of service, JFCY has learnt that there are numerous legal issues — including eviction, involvement in child protection, discrimination (in housing, education, healthcare, or employment), income insecurity, and the consequences of youth criminal justice involvement — that affect a young person's housing stability. For example, when a young person is denied social assistance because of their age, they lack the income security necessary to pay their rent and stay in school; when a young person is discriminated against on the basis of their race or sexual orientation by a potential landlord or employer, they cannot find or afford housing and spend more time in the shelter; or, when a young person is expelled from school and not informed of their right to appeal the expulsion, their schooling is disrupted and they fall behind or quit entirely. Homelessness, as we have learned, is as much the result of rights

violations as it is about inequality or housing affordability. All of these legal problems have a legal solution.

In addition to the legal solutions, if there is legal intervention at an earlier stage it is often possible to prevent homelessness caused by legal issues. We would also argue that in every story of a person who has found themselves experiencing homelessness there has been an injustice that contributed to their situation. This is the crux of the work by the SYLS program. Yet the rights of young people, particularly those who are homeless, are habitually overlooked. By the time the SYLS lawyer learns of the legal problem, it is often too late to avoid the consequences — sometimes years too late.

The need to recognize street involved young people as rights-holders was addressed by the United Nations (UN) Committee on the Rights of



Mahar A., age 16, Calgary, Alberta — *Untitled*

the Child in their *2017 General Comment 21* on Children in Street Situation² that placed an obligation on State actors and agencies to enhance access to justice by protecting and promoting the rights of street involved young people and set out guiding principles on what a young person's rights are and what they should look like. JFCY made submissions to the UN in the process of developing General Comment 21,³ and we believe that changes are needed in Canada in order to implement it to enhance access to justice and effectively prevent young people from experiencing homelessness and housing instability.

First, legal services must be designed to be accessible to street involved youth. This is addressed through the SYLS model, which should be replicated everywhere. It is simply not possible to meaningfully offer legal services to young people experiencing homelessness if lawyers do not go directly to them and provide their services in a manner that accommodates the young person's needs. Specialized legal services need to be fully funded and widely available to ensure access to justice. From an economic perspective, recent studies have shown that every dollar that is spent on legal aid, it saves \$6 in other services.⁴

Second, young people must know their rights exist, because oftentimes they do not. The SYLS lawyer facilitates know-your-rights workshops and legal advice drop-ins for young people in shelters and street youth serving agencies. Throughout the years, we have regularly heard 'I wish I had known that earlier.' In each situation a young person's rights were violated and the stability of their housing compromised. If they had known earlier, they may have been able to seek legal assistance and thereby protect their housing. Having rights is not enough; a young person must also know about them.

All youth serving agencies can play a role ensuring young people have access to legal information and assistance. We have been told by young people in shelters that they at one point told a shelter worker or trusted adult about their legal problem and nothing was done. Most likely, that person — a social worker,

foster parent, or teacher — did not realize that there was a legal problem, or did not know what steps to take next or who to contact. This is why part of JFCY's work is to provide legal education workshops to train staff at youth-serving agencies so service providers are able to identify the legal issues that affect a young person's housing and get in touch with their local legal aid clinic or an appropriate lawyer. To do this requires an active effort to learn about legal issues that can affect a young person's housing stability and to seek out the appropriate legal information and services.

Finally, young people must understand that justice is something that is attainable and worth fighting for. The young people we meet at youth shelters and drop-in centers may give up on their rights because they do not understand what it looks like to have rights, they do not believe their rights are attainable to them, or they have been influenced by years of a negative culture that has taught them that young people who stand up for themselves are difficult or problematic or that their voice is not worth hearing. As a result, they are discouraged from taking action. Preventing homelessness requires a shift to a culture of services that are rights-centered and rights-respecting.

What does a rights-centered approach look like? What is a culture of rights? On a more theoretical level, it is about putting the human dignity of the young person at the center of all services provided to them. In practice, this requires the approach that JFCY lawyers take in all interactions with their clients: providing information that includes options; being transparent about what each option entails; informing young people about their rights at all times — even when seemingly inconvenient to do so; and respecting the opinions and choices of the young person. As a lawyer, it involves taking their instructions. As a trusted adult, it includes being accountable to do what we say we are going to do. As an agency, it means having clear processes for young people to seek assistance, make complaints, appeal decisions made about them, and have their opinions respected and assessed by an unbiased decision-maker in a

manner that is accessible and useful to the young person. This should occur in all agencies servicing young people, at every level.

Engaging with one's rights takes knowledge and practice. Young people need practice to be encouraged and empowered to engage with their rights — whether it is to file a human rights complaint against their employer for discrimination, or take action against their landlord for an illegal eviction. For example, they can get practice from the shelter, where they should be able to contest a discharge that felt unfair and have the process be fair to them (no matter the outcome), or appeal an expulsion from school and be meaningfully heard throughout the appeal process. They must be given the knowledge to understand their rights and the processes that exist, and they must also be provided with legal assistance.

The SYLS program was designed to educate young people about their legal rights and to empower our most vulnerable citizens. Our goal at JFCY is to enhance the living situations of young people experiencing homelessness and engaging them in a rights-centered approach to build trust and citizenship. We encourage community service providers and policymakers to seek out legal resources, make connections and ensure access to justice for all young people.

Endnotes

1. The research and program was spearheaded and developed by Mary Birdsell, JFCY's current Executive Director. Visit the following link for more information: <<http://jfcy.org/en/community-partnerships/street-youth-legal-services/>>
2. Committee on the Rights of the Child 2017, *General Comment No. 21 on children in street situations*. Retrieved from: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/21&Lang=en>
3. Justice for Children and Youth, *2016 submission to the UNCRC Committee on the UN General Comment on the Rights of Children in Street Situations*. Retrieved from: <<http://jfcy.org/wp-content/uploads/2013/10/Submission-for-the-CRC-on-Children-in-Street-Situations-Justice-for-Children-and-Youth.pdf>>
4. Canadian Bar Association *Access to Justice Committee 2016, Study on Access to the Justice System — Legal Aid*, pg. 56. Retrieved from: <<https://www.cba.org/CMSPages/GetFile.aspx?guid=8b0c4d64-cb3f-460f-9733-1aaff164ef6a>>