

Youth Law: Backgrounder

What is the Youth Criminal Justice Act (YCJA)?

The YCJA is an Act that governs the administration of justice for youth who commit crimes. The YCJA replaced the *Young Offenders Act (YOA)* on April 1st, 2003 and was amended in October 2012 via the [Safe Streets and Communities Act](#).

What is the Declaration of Principle in the YCJA?

The Declaration of Principle sets out the policy framework for the interpretation of the YCJA. The emphasis is on the protection of the public.

Who does the YCJA apply to? Why?

The YCJA applies to youth who are 12 to 17 years of age inclusive. A person is considered an adult at the age of 18 and a person under the age of 12 cannot be charged with a crime. Under Canadian criminal law, youth need to be treated separately from adults because of their dependency, level of maturity, and level of development. The system for youth must be based on the principles of diminished moral blameworthiness or culpability.

How does the YCJA deal with youth crime?

The YCJA is intended to protect the public by holding youth accountable, by preventing crime and by rehabilitating and reintegrating youth in the community. The Act further supports the prevention of crime by referring youth to community programs.

The Act requires that youths be treated separately from adults and that it be recognized that youths have diminished moral blameworthiness. When dealing with youth, there must be an emphasis on:

- Rehabilitation and reintegration,
- Fair and proportionate accountability,
- Enhanced procedural protection,
- Timely intervention, and
- Prompt enforcement.

What is meant by fair and proportionate accountability?

The YCJA provides that the measures taken against youth should:

- Reinforce respect for societal values,
- Encourage the repair of harm to victims and the community,
- Be meaningful to the youth, and
- Respect differences between youth.

Are there any special considerations in respect of proceedings under the YCJA?

The Act recognizes the following:

- Youths have rights and freedoms in their own right,
- Victims should be treated with courtesy, compassion and respect,
- Victims should be provided with information about the proceedings, and
- Parents should be informed or measures or proceedings involving their children.

What rights and freedoms do youth have?

Youth have due process rights, including the right to be heard and participate in decisions that affect them. They also have the rights and freedoms under the [Charter of Rights and Freedoms](#).

What does the YCJA emphasize?

The YCJA emphasizes rehabilitation and reintegration. Rehabilitation addresses the problems that led the youth to commit the crime, so that he or she does not commit further offences. Reintegration deals with the issue of how the youth can fit back into his or her community. The YCJA also recognizes the importance of timely intervention that reinforces the link between the offending behaviour and its consequences. Fair and proportionate accountability is also important.

What roles do parents, the victim and the community play?

Parents and victims have a constructive and important role to play in the youth criminal justice system. The youth criminal justice system aims to inform parents, the victim and the community about the process, and to encourage parents to participate in addressing the youth's criminal behaviour.

Resources

[Explore the YCJA: Discover Canada's Youth Criminal Justice Act](#)

[Youth Criminal Justice Act Summary and Background](#)

[Educational Tools](#)

[Teaching Youth Justice](#)

[YCJA](#)

[YCJA Preamble and Interpretation](#)

[YCJA Section 3: Declaration of Principles](#)