



Young People and Bill C-10

In the middle of the omnibus crime legislation are major changes for young people who come into conflict with the law. The Canadian Coalition for the Rights of Children (CCRC) believes that changes to the youth justice system should be considered separately from changes for adults to ensure that the best interests of young people are given primary consideration, along with public safety.

The CCRC proposes that Part IV of Bill C-10 on youth justice be extracted from the omnibus bill and considered separately through a full public debate on youth justice in Canada.

Reasons for Treating Youth Justice Separately

1. Youth justice is different from adult justice

The youth justice system is different from the adult justice system because persons under age 18 are developing into adults but are not yet mature adults. Just as parents use age-appropriate correction and means of accountability at home, the court system must use age-appropriate means to protect both adults and young people from harm.

This is common sense. It is also an obligation that Canada accepted when it ratified the Convention on the Rights of the Child more than twenty years ago. Bill C-10 reduces the age-appropriate nature of Canada's youth justice system. It violates the provisions in the Convention regarding youth justice. The CCRC and other witnesses made those arguments during review of the previous Bill C-4. We asked the government to release its review of compliance with Canada's obligations under international law.

2. Bill C-4 was delayed for good reasons: questions remain unanswered

Bill C-4 was delayed because most witnesses before the parliamentary committee raised important points for consideration to have an effective youth justice system. There has been no answer to questions raised and no modifications that reflect learning from the parliamentary process.

Rushing passage of proposed changes in spite of legitimate concerns and strong evidence sets a poor example for young people of how democracy and parliament work. Improving proposed laws as a result of full debate would demonstrate the value of our political processes.

3. Youth justice was not debated in the last election

Winning the election cannot be interpreted as a mandate to rush changes to the youth justice system. Adult issues, not youth justice, were the focus of election debate. Below are four major questions that warrant public debate before changing the law.

Four Questions from Bill C-10 that Need Full Public Debate

- **Will putting more young people in jail for longer times increase public safety?**

The technical legal changes in Bill C-10 are increased detention and adding denunciation and deterrence as principles of sentencing for young people in court. The result will be putting more young people in jail for less severe crimes for longer times. Jails are more likely to be schools for crime for young people than places to learn to be responsible adults.

The “three D’s” in Bill C-10 have been shown to be ineffective, while the age-appropriate measures for correction and accountability in the current Youth Criminal Justice Act received positive evaluation in a cross-country consultation last year. A reasonable approach would be a full review of the current law after ten years and then make changes in the law. Passing Bill C-10 now threatens progress being made in youth justice.

Article 40 of the Convention on the Rights of the Child obligates States to use alternatives to jails as much as possible, with detention as a last resort, and give priority to rehabilitation, reintegration, and correction. Bill C-10 does not comply with Article 40 of the Convention and other international standards for youth justice.¹

- **What deters young people from criminal activity and increases public safety?**

Research shows that the threat of long sentences does not deter youth crime because young people do not think they will be caught or are not thinking about consequences when they fall into criminal activity. On the other hand, research shows that helping young people at risk to make a successful transition into responsible adulthood does reduce the likelihood they will turn to crime. A focused public debate on how best to help young people avoid crime should be held before scarce resources are spent on more jails, while funding for prevention programs is being reduced.

Implementing all the provisions of the Convention on the Rights of the Child would help to reduce youth crime. One priority for the CCRC is changing the current policy of “graduating” young people from child welfare between the ages 16 and 18 without anyone to help them in the transition to adulthood. Investing funds to help these young people make a successful transition to adulthood would be a better investment.

- **Does broadcasting their names help young people become responsible adults?**

Working with young people to give them a second chance is the focus of successful programming with young people who have come into conflict with the law. Public labelling reduces space for a second chance; perversely, it can give young people hero

status within groups they then turn to for their identity. Public safety is advanced when young people change behaviour patterns; risk is increased when young people stay in circles that reinforce illegal activities.

Article 40 of the Convention respects the right of a child “to have his or her privacy fully respected at all stages of the proceedings.” Bill C-10 violates this provision.

- **What actions will reduce violence against young people and by young people?**

More young people experience violence than perpetrate it. Bill C-10 will not address what is a serious problem in Canada, the high level of violence against children. Implementing effective strategies to reduce the high levels of violence in Canada would do more to increase public safety than quickly passing Bill C-10.

Article 19 of the Convention obligates states to take all possible measures to protect children from all forms of violence. Making this a top priority would increase public safety for both children and adults in Canada.

Conclusion

Public safety and respect for the rights of young people are not trade-offs. Both are advanced through the use of age-appropriate strategies with young people who are at high risk of becoming engaged in criminal activity and in the courts when young people are in conflict with the law. The cross-country evaluation of current practices under the Youth Criminal Justice Act demonstrates the benefit of age-appropriate measures and highlights the need to invest more resources in programming that demonstrates effective results. This should be the primary focus for improving the current system of youth justice.

Members of parliament are responsible to protect the rights of children and ensure that Canada fulfills its obligations under the Convention on the Rights of the Child, ratified in 1991. Nothing has been tabled in parliament to show that Bill C-10 complies with the Convention, despite specific requests for that assessment during debate on the earlier Bill C-4. Taking Part IV out of the omnibus bill is a reasonable measure until all Members of Parliament are informed about how Bill C-10 fulfills, or violates, their obligations to uphold the rights of children.

ⁱ See the CCRC submission on the earlier Bill C-4 for a detailed analysis of how the proposed changes in that bill, now in Bill C-10, protect or violate the rights of children. It is available on the CCRC website at www.rightsofchildren.ca.