



Handout: Age of Criminal Responsibility

Young people are dealt with differently than adults in criminal law. Children under the age of 12 cannot be arrested or charged with a crime. Once youth reach the age of 12, they are dealt with in a separate youth justice system. While the same criminal laws apply to youth 12 and over, the administration of justice is carried out under the provisions of the *Youth Criminal Justice Act*. Once youth reach the age of 18, they are subject to the adult criminal justice system.

Some of the arguments used to justify 18 as the age where individuals are subjected to the “full” adult system of criminal responsibility include:

- by international standards, eighteen is the age when a person is believed to have reached maturity
- it is a good idea to keep young people out of adult prisons for as long a period as is possible
- in no province is the age of majority lower than 18 years

In addition to these reasons, it is also important to note that the *Youth Criminal Justice Act* requires the Crown to consider seeking an adult sentence when a youth 14 or older is charged with a serious violent offence. The YCJA also allows a court to hand down an adult sentence when certain requirements are met. When a youth receives an adult sentence, they will serve the sentence in a youth facility until they turn 18. This means that despite 18 as being the age of “full” responsibility, the law is flexible for exceptional circumstances.

For the administration of justice for children under the age of 12, the Department of Justice has suggested that “the small number of children under the age of criminal responsibility who exhibit serious behaviour problems can be dealt with more effectively by parents and the community without involving the state. When a more formal approach is required, child welfare or mental health systems are the preferred approach. These systems have access to a wide array of services that are more age-appropriate, family-oriented and therapeutic than those available through the criminal justice system.”

Consider

1. Every crime has two parts: action and intent. For example, the crime of theft requires that something be taken from its owner, and that the person meant to take it. Young people don't always understand their responsibility to act within the law. Do you agree that a 12-year-old is mature enough to be held criminally responsible for their actions?
2. The law must be certain that a person understands the meaning and the consequences of their actions in order to hold them legally responsible. This does not mean that a child under the age of 12 should not be subjected to any consequences for bad behaviour; it simply means they will not be subjected to a criminal penalty. Do you think this is fair?
3. As a whole, do you agree with the rationale behind how the justice system deals with criminal responsibility of youth? Why or why not?