



Handout: **Philosophy and Principles of the Youth Criminal Justice Act**

Many laws have a preamble. It explains the rationale behind the law and what the law seeks to accomplish. This can help put the statute into perspective and help to interpret the law.

The preamble to the *Youth Criminal Justice Act* refers to values such as accountability, respect, responsibility, and fairness. It states:

- addressing the developmental challenges and needs of young people and preventing crime is a shared responsibility of society as a whole
- youth have legal rights that must be respected
- the youth justice system should ensure accountability through meaningful consequences and rehabilitation and reintegration
- the most serious interventions should be reserved for the most serious crimes
- youth incarceration should be reduced for non-violent young persons
- accurate information about youth justice should be available to the public

This preamble is the rationale behind the YCJA.

Declaration of Principles

The preamble of the YCJA is followed by the YCJA's Declaration of Principles. The Declaration of Principles contains more specific statements about youth justice policy.

The YCJA's principles must be considered at all times when dealing with the provisions of the YCJA. The principles can be summarized as follows.

1. The intent of the youth criminal justice system is to protect the public by:
 - holding persons accountable by using measures that fit the seriousness of the offence and the degree of responsibility of the young person
 - promoting rehabilitation and reintegration of young persons who commit offences
 - supporting crime prevention by making referrals to community agencies to address the issues underlying offending behaviour

2. The youth justice system must be separate from the adult system and must recognize the principle of diminished moral blameworthiness of young persons. It must emphasize:
 - rehabilitation and reintegration
 - fair and proportionate accountability given the greater dependency and reduced levels of maturity of young persons
 - enhanced procedural protections
 - timely intervention that emphasizes the link between the offending behaviour and its consequences
3. Measures taken must be fair and proportionate and should:
 - reinforce societal values
 - encourage the repair of the harm done to victims and the community
 - be meaningful to the young person and where appropriate involve parents, extended family, community, and social or other agencies in the youth's rehabilitation and reintegration
 - respect gender, ethnic, cultural, and linguistic differences and respond to the needs of Aboriginal young persons and young persons with special requirements
4. Special considerations apply within the youth justice system, particularly:
 - young persons have rights and freedoms in their own right and have the right to participate in decisions that affect them and have special guarantees of their rights and freedoms
 - victims should be treated with courtesy, compassion, respect, and should suffer the minimum degree of inconvenience as a result of their involvement in the youth criminal justice system
 - victims should be provided with information about the proceedings and be given an opportunity to participate and be heard
 - parents should be informed of measures or proceedings involving their children and encouraged to support them in addressing their offending behaviour

