



## Handout: Publication and Information Sharing

One of the special protections a young person has under the *Youth Criminal Justice Act* is a general “right to privacy” as an accused, witness, or victim. The YCJA states that:

*no person shall publish the name of a young person, or any other information related to a young person, if it would identify the young person as a young person dealt with under this Act.*

The term “publication” is defined as “the communication of information by making it known or accessible to the general public through any means, including print, radio or television broadcast, telecommunication or electronic means.” This means that individuals cannot use social media to share names.

Even though there are publication bans, Youth Justice Court is generally open to the public. They can only be closed by the Judge for good reasons. Reporters may be present. The facts of the case can be published, but only if the facts will not reveal the identity of any young person involved.

The name and other identifying information of a young person being dealt with under the YCJA can only be published in very limited circumstances. These circumstances include:

- The identity of a young person is not protected in the event that they receive an adult sentence following a guilty finding in Youth Justice Court.
- Publication is necessary to protect the public because the young person has received a sentence for a violent offence and poses a significant risk of committing another violent offence.

There are other situations where a young person’s identity can be published.

- A young person can ask the Court for an order permitting publication of their involvement under the YCJA and the Court can make such an order if it is satisfied that publication would not be contrary to the young person’s best interests or the public interest.
- A police officer can request, and a Youth Justice Court can permit, the publication of information that could identify a young person who has committed an indictable (serious) offence if:
  - there is reason to believe that the young person is a danger to others; and
  - publication is necessary to assist in apprehending the young person.(Note: These orders only last for five days.)

In adult court, all trials are open to the public unless closed by the Judge. The press has the right to be present and the right to report the details of the trial, including the name of the person charged with the crime, and the names of witnesses. Open courts ensure that the public knows trials are conducted fairly. Judges sometimes order the press not to publish names of adults in order to protect victims of crimes such as sexual assault.

Protecting information about the identity of young persons who have been dealt with under the YCJA recognizes that the publication of this information can have a negative effect on the rehabilitative goals of the YCJA. These provisions underscore the belief that a young person's mistakes should not stigmatize them into adulthood.



### ***Discuss***

1. What bad effects would publicity have on a young person?
2. Is there a good reason why the media should treat a young person differently than an adult?
3. When might protection of the public require a young person to be identified?
4. Can you think of a good reason why, in adult courts, the press is free to identify the accused and witnesses?
5. Why shouldn't all trials be held in secret?