



Information for Victims of Crimes Committed by Young People

Fact Sheet No. 2

Victims: The Rights to Participate

This Fact Sheet contains information about how the *Youth Criminal Justice Act* gives victims of youth crimes a voice by encouraging their involvement in the youth justice process.

The guiding principle

The *Youth Criminal Justice Act* begins with a Declaration of Principle, which includes this statement: “victims should be provided with information about the proceedings and given an opportunity to participate and be heard.” This is one of the principles on which the federal youth criminal justice law is built.

The right to information

The victim of a crime committed by a young person has a right to information at various stages of the judicial process.

“**Extrajudicial sanctions**” – Extrajudicial sanctions may be used when the young person who committed the crime accepts responsibility for his or her actions and agrees to participate in an extrajudicial sanctions program. Since extrajudicial sanctions are arranged outside the courtroom, the law gives victims the right to know what has been decided and why.

A victim of crime can ask a police officer, a prosecutor, a youth worker or a victims’ assistance organization in the province or territory for the name of the young person who committed the crime and for information about how the justice system has dealt with that person. The information must be given to the victim when requested. The request must be made within two years of the day the young person agreed to extrajudicial sanctions.





However, the victim of the crime cannot make public the name of the young person who committed the crime. The name is given to the victim on request so that he or she knows who is responsible for the crime, if this information was not already known.

Court records – A victim of a crime committed by a young person has a right to see the court record on the case. A victim can ask to see the court record at any stage in the process. The victim may also request access to police and government records on the case but the law does not guarantee that these two types of records will be made available to the victim.

Court appearances by the young person – The law says that a victim of crime should receive information whenever a court hearing concerning the young person accused of the crime takes place. The provincial and territorial governments will decide when and how this will be done.

Opportunities to get involved

Victims of a crime committed by a young person have opportunities to be involved at various stages of the criminal justice process:

- A victim may be asked to be part of a **conference**. The conference is organized at the request of a youth court judge, a police officer, a justice of the peace, a youth court worker, a prosecutor or a provincial director to give that person advice on any decision he or she has to make concerning the young person. A conference brings together people who know something about the offence or the young person – the victim of the crime, the young person's parents, relatives, neighbours, youth court workers, etc. The conference may be asked, for example, to suggest the types of extrajudicial measures it believes are most appropriate for the young person, including how the young person can repair the harm done to the victim. Or it could be asked to make suggestions on the sentence a judge could give to the young person or on other matters concerning the offence and the young person.
- A **youth justice committee** may ask a victim about his or her concerns and may try to support the victim and facilitate the reconciliation of the victim and the young person.
- A youth court worker may interview a victim during the preparation of a **pre-sentence report**. This report will be submitted to the court to assist the judge in deciding on the most appropriate sentence for the young person.
- A victim may prepare a written **victim impact statement**. The statement gives the victim a chance to describe the harm the offence has caused and to describe any losses suffered as a result of the crime. A judge must consider the victim impact statement when deciding on a sentence for the young person. If the victim asks to read his or her victim impact statement aloud in court, the judge must allow this to take place.
- A victim of a youth crime can decide whether or not to participate in any of these judicial processes – it is the victim's choice. The only time a victim *must* participate in the youth criminal justice process is at a trial when a subpoena has been issued requiring the victim to come to court to give.

Privacy

When the victim of a youth crime is under 18 years of age, the victim's identity cannot be published, except in very limited circumstances at the request of the victim or by court order. The *Criminal Code* also includes provisions to protect the identity of victims and witnesses in certain cases.

Assistance for victims of crime

Every province and territory has a victim assistance program to support victims of crime. These organizations provide victims with information about the criminal justice system. A police officer, prosecutor, court worker or anyone else involved in the criminal justice system can tell a victim how to get in touch with the local victim assistance program.

For more information, please visit the Youth Justice Renewal home page on the Department of Justice Canada Web site under Programs and Services at <http://canada.justice.gc.ca> or e-mail youth-jeunes@justice.gc.ca

Other Fact Sheets

- No. 1 – Victims and the Youth Justice Process
- No. 3 – Repairing the Harm Caused to Victims