



Information for Victims of Crimes Committed by Young People Fact Sheet No. 3

Repairing the Harm Caused to Victims

This Fact Sheet contains information about how the *Youth Criminal Justice Act* promotes the repair of harm caused to the victims of a crime committed by a young person. It also discusses the ways in which a victim may be compensated for damages, losses or injuries caused by the crime.

The guiding principle

The *Youth Criminal Justice Act* begins with a Declaration of Principle, which includes this statement:

within the limits of fair and proportionate accountability, the measures taken against young persons who commit offences should ... encourage the repair of harm done to victims and the community.

This is one of the principles on which the federal youth criminal justice law is built.

Repairing harm through extrajudicial measures

One objective of extrajudicial (out-of-court) measures is to repair the harm caused by the young person to the victim and the community. This may mean requiring the young person to fix something broken during the commission of the offence or to return something that was stolen. The young person might have to do a specified task, such as mow a lawn or wash windows, for the victim or for the community.

Extrajudicial measures may be decided on after a conference where people who know something about the situation or the young person – the victim of the crime, the young person's parents, relatives, neighbours, youth court workers, etc. – meet to talk about what extrajudicial measures would be most appropriate.





The victim of the crime must agree to any extra-judicial measure that involves having the young person come in contact with him or her.

Court-ordered actions to repair harm

The law gives a youth court judge many options when deciding on the most appropriate sentence for the young person. Two factors that a youth court judge must take into account when deciding on the sentence are:

- the harm done to victims, and whether it was intentional or reasonably foreseeable, and
- any reparation made by the young person to the victim or the community.

Sentencing options that directly affect the victim include ordering that:

- the young person pay the victim compensation for loss of or damage to property, for loss of income or support or for personal injuries arising from the commission of the offence;
- the young person make restitution to the victim, returning property that was stolen or fixing something that was broken;
- the young person pay the cost of something that was stolen but that cannot be returned because it has been sold, damaged or lost;
- the young person compensate the victim by providing a service or doing a task.

A court can also require the young person to pay a victim fine surcharge. This money is not paid directly to the victim, but is used by the provincial or territorial government to support their victim assistance programs.

Victim assistance programs

Provincial and territorial victim assistance programs provide information to victims of crime and help them deal with the aftermath of the crime and the criminal justice process. Some provinces have programs to provide limited financial assistance to victims of crime in certain situations. The police, prosecutors and court workers can provide information about the local victim assistance program.

Taking legal action

A victim of a crime has the right to sue the person who committed the crime, or in the case of a young person, the parents or guardians who are responsible for the young person, for damages. Damages are financial losses the victim suffered as a result of the crime. These may include damage to property, loss of income, and injuries caused by the person's actions. A lawyer can provide more information about taking an action for damages.

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. 2 – Victims: The Rights to Participate