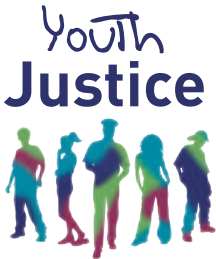




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PUBLICATION BANS



As a general rule, the *Youth Criminal Justice Act* (YCJA) protects the privacy of young persons who are accused or found guilty of a crime by keeping their identity and other personal information confidential. The protection of privacy is achieved by prohibiting the publication of information that would identify a young person's involvement in the criminal justice system and by restricting access to their youth records.

This fact sheet contains general information regarding publication bans under the YCJA. To learn more about the duration and accessibility of youth records, please consult the Youth Records fact sheet. This information is of a general nature and is not intended as a substitute for professional legal advice. For more information, see the *Youth Criminal Justice Act: Summary and Background* or the full text of the YCJA.

Purpose of Publication Bans

The rationale for protecting the privacy of young persons through publication bans is in recognition of their immaturity and the need to protect them from the harmful effects of publication so that their chances of rehabilitation are maximized.

What Is Banned?

It is generally an offence to publish the name of a young person, or any other information related to a young person, if it would identify that he or she has been suspected of, charged with or found guilty of a crime.

The privacy protections in the YCJA also ban the identification of young victims or witnesses of crimes alleged to have been committed by youth.

Publication is defined in the YCJA as the communication of information by making it known or accessible to the general public through any means, including print, radio, television or electronic means. The posting of such information using

social media such as Facebook or YouTube would fall within the meaning of publication.

Publication of the identity of a young person, a victim or a witness in contravention of the YCJA provisions is a criminal offence which can carry up to two years in custody.

Exceptions

There are a several exceptions to the rule against publishing the identification of young offenders. Information identifying a young person's involvement in the criminal justice system can be published in the following circumstances:

1. where the young person is found guilty of a crime and the court imposes an adult sentence;
2. where the young person has received a youth sentence for a violent offence and the court determines that the young person poses a significant risk of committing another violent offence and the lifting of the ban is necessary to protect the public against that risk;



3. where the publication is made in the course of the administration of justice (for example, the inclusion of a young person's name in a court document for use by court administrators);
4. where a young person alleged to have committed a crime is at large and a court determines that the young person is a danger to others and publication is necessary to apprehend him or her (publication may be permitted for up to five days);
5. where a young person has turned 18, he or she may publish or agree to the publication of their information provided they are not in custody at the time of publication; and
6. where a young person has applied to the court, the court may make an order permitting publication if it is satisfied that the publication would not be contrary to the young person's best interests or the public interest.

There are also a few exceptions to publication bans in relation to young victims or witnesses of crimes alleged to have been committed by youth. Such information can be published by the young victim or witness after he or she turns 18, or before that, with the consent of his or her parents. In circumstances where a young victim or witness has died, the parents may publish or agree to the publication of their child's identity. Finally, a young victim or witness may apply to the court for an order permitting publication, 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.