

## Young Women

- The *Youth Criminal Justice Act*, proclaimed on April 1, 2003, replaced the *Young Offenders Act*. The new Act gives courts the discretion to impose adult sentences in 'appropriate' cases and extend the group of youth who can receive an adult sentence to include 14 and 15 year olds.
- The use of actuarial tools in the YCJA seeks to categorize youth through techniques of risk profiling rather than actually assessing the seriousness of the offence committed. Risk/need assessments are contradictory to the YCJA principles wherein “young persons are to be held accountable through interventions that are fair and in proportion to the seriousness of the offence”. Risk scores do not measure the seriousness of the offence nor do they predict potential for future serious offences.<sup>1</sup>
- CSC continues not to recognize the need to provide special housing, programming or other services for younger prisoners. While privately most acknowledge that they are ill-equipped to meet the needs of young prisoners, and so they are mostly kept isolated, the official position is that programs available to all prisoners can be adapted to meet the needs of younger prisoners.<sup>2</sup>
- Violent crimes committed by young women and girls receive significant media attention. Their actions are characterized as deviations from the gendered norms of society, especially given the reality that young women aged 15 to 18 account for 2.147 crimes per 100,000 versus the rate of 10,084 among young men in the same age group. These sexist biases also contribute to the higher rate of incarceration of young women as compared to men remanded or charged in similar circumstances.
- Contrary to public perception of the juvenile justice system as lenient, the seriousness of youth dispositions has increased. Prior to the inception of the *Youth Criminal Justice Act*, Canada jailed young people at 4 times the rate at which we incarcerated adults; and, 10-15 times the incarceration rate of European countries.
- Young prisoners very often find themselves in disadvantaged situations; for instance, they are more likely to be segregated, abused by other prisoners, and have more limited access to and success in programming. All of these factors also generally contribute to delayed conditional release for youthful prisoners.<sup>3</sup>

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<sup>1</sup>Kelly Hannah-Moffat and Paula Maurutto, *Youth Risk/Need Assessment: An Overview of Issues and Practices* (Ottawa: Department of Justice Canada, 2003).

<sup>2</sup>Howard Sapers, Annual Report of the Correctional Investigator, 2005-2006, (Ottawa: Minister of Public Works and Government Services Canada, 2006) at 17.

<sup>3</sup>*Ibid.*

- Aboriginal youth are significantly over-represented among youth prison populations. In 2006, 28 per cent of youth in prison were Aboriginal. In the Prairies Region, 58 per cent of imprisoned youth aged 20 and younger are Aboriginal.<sup>4</sup>
- Discrimination in the sentencing of young women is far too common. They are more likely to be detained for 'their own protection' on the basis of non-criminal, administrative offences, such as breach of bail, probation conditions and/or failure to appear in court.<sup>5</sup>
- The inequality of poverty and homelessness is associated with many types of survival activities of youth that are increasingly likely to cause them to be criminalized. Homeless youth, who must rely on selling their own bodies to survive, as well as those who first panhandle, or gather in groups, are at significantly increased risk of being criminalized.<sup>6</sup>
- Young women are also at a particularly high risk for violence against women.<sup>7</sup>

## References

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<sup>4</sup> *Ibid.*

<sup>5</sup> Amber Richelle Dean, *Locking the up to Keep them "Safe": Criminalized Girls in British Columbia* (Vancouver: Justice for Girls, 2005) at 3, 5.

<sup>6</sup> *Ibid* at 8, 17.

<sup>7</sup> Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006* (Ottawa: The Federal/Provincial/Territorial Ministries responsible for the Status of Women, 2007) at 36.

