

## 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>
- Correctional Service of Canada 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>
- 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>

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

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

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

- 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 to be the victims of violence against women.<sup>7</sup>
- A survey in British Columbia revealed that youth whose parents are marginalized, have disabling mental health issues, and/or are criminalized, have a 62% likelihood of being criminalized or imprisoned themselves.<sup>8</sup>

### **Aboriginal Girls and Young Women**

- In 2004-2005, 25% of imprisoned girls and young women were Aboriginal.<sup>9</sup>
- Thirty-two percent of girls and young women remanded in custody awaiting trial and/or sentencing were Aboriginal.<sup>10</sup>
- In the Prairie region, 58% of imprisoned youth who were under the age of 20 were Aboriginal.<sup>11</sup>
- Eight percent of Canada's population is composed of youth, 12-17 years of age. In 1999, 21% of the total charges laid were laid against this portion of the population; and 21% of the charges laid against youth were laid against young women.<sup>12</sup>
- Disproportionate resources are allocated to custodial sentences for youth even though the *Youth Criminal Justice Act* emphasizes the importance of keeping young people in the community and out of custody.<sup>13</sup>

<sup>5</sup> Dean, Amber Richelle. *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.

<sup>8</sup> Canadian Institute for Health Information. *Improving the Health of Canadians: Mental Health, Delinquency and Criminal Activity*. Ottawa: CIHI, 2008 at 16.

<sup>9</sup> The Marxist Leninist Daily "Incarceration Rates in Canada and U.S." On line: <http://cpcml.ca/Tmld2008/D38038a.htm>

<sup>10</sup> Ibid.

<sup>11</sup> Sapers, Howard. *Annual Report of the Correctional Investigator, 2005-2006*. Ottawa: Minister of Public Works and Government Services Canada, 2006 at 17.

<sup>12</sup> Ibid.

<sup>13</sup> Statistics Canada. *Table 251-0012 - Youth custody and community services (YCCS), admissions to correctional services, by sex and aboriginal identity, annual (number)*. On line: [http://estat.statcan.gc.ca/cgi-win/cnsmcgi.exe?Lang=E&EST-Fi=EStat/English/CII\\_1-eng.htm](http://estat.statcan.gc.ca/cgi-win/cnsmcgi.exe?Lang=E&EST-Fi=EStat/English/CII_1-eng.htm)

- Correctional services generally recognize that racial and gender differences result in needs profiles that vary greatly and that young women are far less likely to commit acts of overt violence, but are very likely to have experiences multiple and intersecting forms of victimization and marginalization.<sup>14</sup>
- Despite the enactment of the *Youth Criminal Justice Act*, and the consequent decreases in overall incarceration rates for youth, in 2005-2006, Aboriginal youth were still 7 times more likely to be incarcerated than non-Aboriginal youth.<sup>15</sup>
- There are more Indigenous youth in the child welfare care system today than when the residential schools were in place. To make matters worse, even though children living ‘on reserve’ are identified as having significantly higher child welfare needs, they receive less funding than the children who do not live on reserves.<sup>16</sup>
- Only 3 out of 10 First Nations children living on reserves graduate from high school. This is directly linked to the lack of funding from the federal government, as 53 First Nations communities do not have schools, and too many of the off-reserve schools that the children are eligible to attend are in need of expansion and repair.<sup>17</sup>
- In 2008, the federal government’s budget allocated only 23% of the funding needed to First Nations child welfare. In 2009, an additional \$20 million over two years was to be added to this group’s funding, but that amount still only covers a third of the cost that is needed.<sup>18</sup>
- Improving child welfare supports and services, making access to education equal, improving housing, and generally improving the quality of life for Indigenous children is an investment that is likely to reap many rewards for the children and our country as a whole.<sup>19</sup>

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<sup>14</sup> Correctional Services of Canada. “FORUM on Corrections Research”. On line: <http://www.csc-scc.gc.ca/text/pblct/forum/e143/e143g-eng.shtml>

<sup>15</sup> Child and Youth Officer for British Columbia. “Aboriginal Youth and the Youth Criminal Justice System”. On line: [http://www.llbc.leg.bc.ca/public/PubDocs/bcdocs/402971/cyobc\\_ip5.pdf](http://www.llbc.leg.bc.ca/public/PubDocs/bcdocs/402971/cyobc_ip5.pdf)

<sup>16</sup> Blackstock, Cindy. *First Nations Child and Family Caring Society of Canada: Federal Government’s Under-Funding of Children’s Services on Reserves as a Risk Factor for Disadvantage Including Sexual Exploitation*. Ottawa: Senate Committee on Human Rights, 2009 at 3.

<sup>17</sup> Ibid at 4.

<sup>18</sup> Ibid at 6.

<sup>19</sup> Ibid at 7.

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