

# Young Women

- New legislation proclaimed on April 1, 2003 replaced the *Young Offenders Act* with the *Youth Criminal Justice 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.
- 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.
- Violent crimes committed by young women and girls receive significant media play and attention. Their actions are seen as deviations from the gendered norms of society, especially considering that 2.147 crimes per 100,000 charged against women aged 15 to 18 is drastically smaller than the rate of 10,084 among young men in the same age group. Girls are more likely to be sent to prison for minor offences, due to economic vulnerability and inequality.
- 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 – segregation, abuse by other prisoners, limited access to and success in programming, and delayed conditional release.<sup>1</sup>
- Aboriginal youth are significantly over-represented among youth prison populations. In 2006, 28 per cent of them were Aboriginal. The situation in the Prairies Region is most problematic as 58 per cent of imprisoned youth aged 20 and younger are Aboriginal.<sup>2</sup>
- The Correctional Service does not provide special housing, programming or other services for younger prisoners.<sup>3</sup>

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<sup>1</sup> *Annual Report of the Correctional Investigator, 2006*

<sup>2</sup> *Annual Report of the Correctional Investigator, 2006*

<sup>3</sup> *Annual Report of the Correctional Investigator, 2006*

- Young women are at a particularly high risk for partner abuse.<sup>4</sup>
  - Discrimination in the sentencing of young women is very 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 failure to appear in court.
  - Aboriginal young people are still over-represented in sentenced custody admissions.
  - Homelessness is associated with many types of survival activities of youth that are increasingly likely to cause them to be criminalized. A small number of Canadian studies indicate that young women and girls are less likely than young men or boys to engage in criminal activity or to be jailed.
  - 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.
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## References

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<sup>4</sup> Canadian Association of Social Workers (2006). *The Declining Health and Well-Being of Low Income Women in Canada*.