S.C.C. FILE NO: 38546

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

BETWEEN:

C.P.

APPELLANT

- and -

HER MAJESTY THE QUEEN

RESPONDENT

- and -

ATTORNEY GENERAL OF CANADA, BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION, CRIMINAL LAWYERS' ASSOCIATION (ONTARIO), AND JUSTICE FOR CHILDREN AND YOUTH

INTERVENERS

FACTUM OF THE INTERVENER BRITISH COLUMBIA CIVIL LIBERTIES ASSOCIATION

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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PART I. OVERVIEW OF POSITION AND STATEMENT OF FACTS

1. A right to appeal to this Court in a criminal case provides a final protection against one of the worst wrongs the state can inflict: a wrongful conviction. Unlike the statutory scheme applicable to adult offenders, s. 37(10) of the *Youth Criminal Justice Act*[1] ("***YCJA***") requires youth, some of society's most vulnerable members, to apply for leave to access this safeguard even in the face of a dissenting judgment on a question of law at the court of appeal. This appeal concerns, *inter alia*, whether s. 37(10) of the *YCJA* violates ss. 7 and 15 of the *Charter.*[2]

2. The appellant was found guilty in Youth Justice Court of a sexual assault allegedly committed when he was 15 years old. A majority of the Court of Appeal for Ontario upheld the finding of guilt. Justice Nordheimer, in dissent, would have entered an acquittal. In light of the dissenting judgment on a question of law, had the appellant been an adult, he could have appealed as of right to this Court pursuant to s. 691(1)(a) of the *Criminal Code*.[3] Pursuant to s. 37(1) of the *YCJA*, the appeal provisions in Part XXI of the *Criminal Code* are generally applicable in youth cases. However, s. 37(10) of the *YCJA* creates an exception for appeals to this Court.

PART II. CONCISE OVERVIEW OF INTERVENER'S POSITION WITH RESPECT TO THE APPELLANT'S QUESTIONS ON WHICH INTERVENER HAS INTERVENED

3. **Does s. 37(10) of the *YCJA* infringe section 7 of the *Charter?*** Yes, it is contrary to established principles of fundamental justice because it (a) offends procedural fairness; and (b) is arbitrary (or in the alternative, overbroad) in the sense that it deprives all (or some) youth of their right to liberty in a way that bears no relation to its objects.

PART III. STATEMENT OF ARGUMENT

A. Section 37(10) of the *YCJA* Offends Procedural Fairness

4. The principles of fundamental justice "include a guarantee of procedural fairness, having regard to the circumstances and consequences of the intrusion on life, liberty or security."[4] This

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[1] *Youth Criminal Justice Act*, SC 2002, c 1 [***YCJA***], s 37(10).
[2] *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982,* being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [***Charter***], ss 7, 15.
[3] *Criminal Code*, RSC 1985, c C-46 [***Criminal Code***], s 691.
[4] *Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 9 [***Charkaoui***], ¶19.

principle is engaged when a process is "fundamentally unfair" to the affected person.[5] For a process to be fair, it must at minimum comply with the common law requirements of procedural fairness.[6] Professors Lorne Sossin (as he then was) and Charles Smith have recognized that the duty of fairness at common law may include rights to an appeal.[7]

5. While this Court has held in a number of cases that the *Charter* does not mandate the provision of a *particular* appeal right, it has not "repeatedly and consistently held that there is no constitutional right to an appeal."[8] In *Mills* and *Meltzer*, this Court held that the *Charter* does not guarantee a right to an interlocutory appeal in criminal proceedings.[9] Neither *Mills* nor *Meltzer* considered whether any law violated s. 7 of the *Charter* for failure to provide a right of appeal. In *Chiarelli*, this Court held that s. 7 of the *Charter* does not mandate a compassionate appeal from a decision which comports with principles of fundamental justice.[10] In contrast, the question in this appeal is whether the *YCJA* comports with those principles, and specifically procedural fairness. In *Kourtessis*, this Court held that appeal courts do not have inherent jurisdiction.[11] However, this Court did not consider whether the impugned law infringed s. 7 *because* of its failure to provide an appeal right, let alone whether any law ever could. The judgments of this Court found it was "not necessary to consider s. 7"[12] because the challenged provision was struck down under s. 8. In *Charkaoui*, this Court held that the unwritten constitutional principle of the rule of law was not infringed by the unavailability of an appeal of a designated judge's determination that a certificate declaring that a foreign national or permanent resident is inadmissible to Canada on grounds of security, among others, is reasonable.[13] Again, it was not argued that the unavailability of an appeal violated s. 7 or was inconsistent with the principle of procedural fairness. Thus, when this Court

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[5] *Charkaoui*, ¶22; see also *Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)*, 2004 SCC 4 [***CFCYL***], ¶5.
[6] *Suresh v Canada (Minister of Citizenship and Immigration),* 2002 SCC 1 [***Suresh***], ¶113*; Ruby v Canada (Solicitor General)*, 2002 SCC 75, ¶39.
[7] Lorne Sossin and Charles Smith, "Hard Choices and Soft Law: Ethical Codes, Policy Guidelines and the Role of the Courts in Regulating Government" (2003) 40 Alta L Rev 867, fn 36; *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 [***Baker***], ¶20.
[8] Respondent's Factum, ¶23.
[9] *Mills v The Queen*, [1986] 1 SCR 863 at 958-964; *R v Meltzer*, [1989] 1 SCR 1764 at 1773-1775.
[10] *Canada (Minister of Employment and Immigration) v Chiarelli*, [1992] 1 SCR 711 at 739.
[11] *Kourtessis v MNR*, [1993] 2 SCR 53 [***Kourtessis***] at 69.
[12] *Kourtessis* at 93.
[13] *Charkaoui*, ¶136.

held "there is no constitutional right to an appeal,"[14] citing *Kourtessis* (a case which we have argued also did not consider this question), it could not have intended to foreclose consideration of this argument. The Federal Court of Canada Appeal Division decisions in *Luitjens* and *Huynh* are also distinguishable, as s. 7 of the *Charter* was not engaged in these cases.[15]

6. There is authority for the proposition that rights of review may attract s. 7 protection. In *Farinacci*, Justice Arbour (then a justice of the Ontario Court of Appeal) determined that it was "arguable, but it does not fall to be decided in this case, that the principles of fundamental justice in Canada … provide an entitlement to some form of review of convictions resulting in imprisonment."[16] She noted that "[r]eviewability of convictions for indictable offences has been an integral part of our criminal law system at least since the enactment of the *Criminal Code* one hundred years ago."[17] She explained that *Mills*, *Meltzer*, and *Kourtessis* did not bar the conclusion that reviewability attracts constitutional protection, as these cases simply establish that "[t]here is no constitutionally entrenched right of appeal, in the sense that s. 24 of the *Charter* does not create an appellate structure of courts to review decisions allowing or dismissing a *Charter* claim."[18] In *Pan*, this Court relied on *Farinacci* and was prepared to assume that "some review of conviction is required as a principle of fundamental justice"[19] for the purposes of the appeal.

7. Addressing the principle of fundamental justice of procedural fairness in particular, Professor Hamish Stewart has argued that it could protect appeal rights in some circumstances:

> The principles of fundamental justice do not always guarantee the full array of procedural protections such as notice and rights of appeal. However, it would be unwise to commit oneself to the contrary proposition that the principles of fundamental justice never require notice or rights of appeal. Procedural fairness is undoubtedly a principle of fundamental justice; the question whether a specific procedural right is required for procedural fairness has to be considered in the particular context in which it arises.[20]

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[14] *Charkaoui*, ¶136.
[15] *Jacob Luitjens v The Secretary of State,* [1992] FCJ No 319, ¶8; *Huynh v R*, [1996] 134 DLR (4th) 612, ¶¶16, 23. *Huynh* also acknowledges that attaching conditions to a right of appeal could violate s 7 (¶21).
[16] *R v Farinacci*, [1993] 109 DLR (4th) 97 [***Farinacci***], ¶25.
[17] *Farinacci*, ¶25.
[18] *Farinacci*, ¶23 (emphasis added).
[19] *R v Pan; R v Sawyer*, 2001 SCC 42 [***Pan***], ¶40.
[20] Hamish Stewart, *Fundamental Justice: Section 7 of the Canadian Charter of Rights and Freedoms*, 2nd ed (Toronto, ON: Irwin Law Inc., 2019) at 147 (emphasis added); see also David Layton, "The Pre-Trial Removal of Counsel for Conflict of Interest: Appealability and Remedies on Appeal" (1999) 4 Can Crim L Rev 25.

8. The content of the duty of fairness, whether at common law or under s. 7 of the *Charter*, is flexible, variable, and context-dependent.[21] Courts consider the *Baker* factors when determining what the duty of procedural fairness requires: (1) the nature of the decision being made and the process followed in making it; (2) the nature of the statutory scheme; (3) the importance of the decision to the individuals affected; (4) the legitimate expectations of the person challenging the decision; and (5) respect for the choices of procedure made by the agency itself.[22]

9. Proceedings under the *YCJA* require the fullest array of procedural protections, including the right to appeal to this Court as of right on a question of law on which a judge of the court of appeal dissents. The most significant *Baker* factors in this appeal are (1) the nature of the decision being made and the process followed in making it; (2) the nature of the statutory scheme; and (3) the importance of the decision to the individuals affected. However, the *Baker* factors are not exhaustive.[23] The characteristics of the affected individuals are also significant in this appeal, namely, the unique vulnerability and capacity for development of young persons. While the facts of the present case involve an appeal under the *YCJA,* approaching the analytical framework through the lens of procedural fairness affords this Court's judgment the flexibility to be applied, with potentially differing results, in any proceeding engaging a child's s. 7 rights.

i. The Decision Being Made and Process Followed in Making It

10. The decision being made is the determination of an appeal, on a question of law, from a finding of guilt, against a young person, for a criminal offence (here, the indictable offence of sexual assault). The process followed in making the decision includes the entire youth criminal trial process, followed by an appeal to at least three judges of the Court of Appeal. The appeal judges exercise independent judgment and pronounce reasons for judgment. Where, as here, the appeal judges cannot agree, there will be a dissenting judgment.

11. A finding of guilt is a serious thing for a young person. In certain circumstances, a finding of guilt may become a conviction.[24] The *YCJA* restricts the publication of a young person's name and access to youth court records.[25] However, ss. 120(1), (4), and (6) of the *YCJA* dilute that protection by creating a broader circle of disclosure for individuals convicted of, among other

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[21] *Baker*, ¶22; *Charkaoui*, ¶20.
[22] *Baker*, ¶¶23-27.
[23] *Baker*, ¶28.
[24] *YCJA*, ss 74(2), 120(6).
[25] *YCJA*, s 110.

offences, sexual assault. In the circumstances laid out in s. 120(6), those restrictions no longer apply to the record and "the record shall be dealt with as a record of an adult and may be included on the automated criminal conviction records retrieval system maintained by the Royal Canadian Mounted Police; and for the purposes of the *Criminal Records Act*, the finding of guilt in respect of the offence for which the record is kept is deemed to be a conviction." Further, a finding of guilt for an offence in respect of which an adult sentence is imposed[26] becomes a conviction once the time allowed for the taking of an appeal has expired or, if an appeal is taken, all proceedings in respect of the appeal have been completed and the appeal court has upheld an adult sentence.[27] Young people sentenced as adults lose the benefit of *YCJA* privacy protections[28] and *YCJA* caps on sentences for certain serious offences,[29] which means they could face adult mandatory minimum sentences or life imprisonment for certain offences. For some sexual offences, a young person sentenced as an adult may be put on the National Sex Offender Registry.[30]

12. The decision being made and the process followed in making it require no fewer procedural protections than are afforded to adult offenders. This factor suggests the fullest array of procedural protections are required.[31]

ii. Nature of Statutory Scheme

13. By creating in the *YCJA* a separate youth criminal justice system with its own procedures, Parliament sought to achieve two objectives: (a) to provide young persons with enhanced procedural protections throughout the criminal process in recognition of their youth; and (b) to create less formal and more expeditious proceedings.[32] These objectives find expression in s. 3(1) of the *YCJA*.[33] Of particular relevance here are ss. 3(1)(b)(iii) - (v) that provide for: "(iii) <u>enhanced procedural protection</u> to ensure that young persons are treated fairly and that their rights, including their right to privacy, are protected; (iv) <u>timely intervention</u> that reinforces the link between the offending behaviour and its consequences; and (v) the <u>promptness and speed</u> with which persons responsible for enforcing this Act must act, given young persons' perception of time."[34]

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[26] See *YCJA*, ss 64(1), 72(1).
[27] *YCJA*, s 74(2).
[28] *YCJA*, ss 110(2)(a).
[29] *YCJA*, ss 42(2)(q), 73.
[30] See *Criminal Code*, ss 490.011, 490.012.
[31] *Baker*, ¶23; *Knight v Indian Head School Division No. 19*, [1990] 1 SCR 653 at 683.
[32] *R v KJM*, 2019 SCC 55 [***KJM***], ¶136 per Abella and Brown JJ., dissenting but not on this point.
[33] *KJM*, ¶59.
[34] Emphasis added.

14. These principles "are intended to remind court administrators, judges, lawyers, and others of the need to give priority to the expeditious resolution of youth court cases."[35] But expediency does not come at the expense of fair process, including processes that may draw out the resolution of the case. For example, "the *YCJA* encourages the use of extrajudicial measures which seek to respond to youth offending in a less intrusive, more informal, and more expeditious fashion than can be achieved through the courts."[36] The use of extrajudicial sanctions does not preclude later judicial proceedings. In *KJM*, a majority of this Court recognized the importance of extrajudicial sanctions to the youth criminal justice system and interpreted s. 11(b) of the *Charter* to minimize "the risk that authorities will refrain from using extrajudicial sanctions in the first place out of a fear that they may be increasing the likelihood of a stay in the event such measures fail."[37]

15. The statutory scheme indicates that, while the timely resolution of *YJCA* matters must be encouraged, timeliness must not come at the cost of the fullest array of procedural protections.

iii. Importance of Decision to the Individual

16. A finding of guilt for the indictable offence of sexual assault will stay with a young person for life. For many, a finding of guilt results in numerous losses including but not limited to (a) loss of liberty; (b) loss of reputation; (c) loss of privacy; (d) humiliation and disgrace; and (e) pain and suffering. As noted above, for some it may become a conviction.

17. When a finding of guilt flows from a fair trial and appeal process, the hope is that miscarriages of justice are prevented and countervailing benefits will flow to society insofar as the process results in the young person being held accountable and the goals of reintegration, rehabilitation, and crime prevention being fostered. However, the risk of denying the right to a final appeal in the face of a dissenting judgment at the court of appeal on a question of law is that the finding of guilt has been *wrongfully* made. The consequences of such a wrongful decision for the individual are severe and may include the sense that all of the losses enumerated above have been imposed unjustly, resentment, and loss of trust in the system. Such feelings are unlikely to promote prosocial attitudes. Miscarriages of justice also exact a heavy price on the public. Blackstone's famous adage that it is "better that ten guilty persons escape, than that one innocent party suffer" gives expression to the social opprobrium felt in respect of wrongful convictions.

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[35] *KJM*, ¶60.
[36] *KJM*, ¶86.
[37] *KJM*, ¶¶88, 89; *YCJA*, s 10(5).

18. In all the circumstances, the importance of the decision to those affected could not be more serious and demands the most exacting level of procedural fairness.

iv. The Special Vulnerability of Youth and Their Capacity for Growth

19. As noted above, the *Baker* factors are non-exhaustive. Also significant in this case, and in any proceedings involving young people, are the characteristics of the individuals affected by the decision. Young people have been described as the most vulnerable members of our community.[38] Canadian legislation and courts have repeatedly recognized the special status of children as uniquely dependent, vulnerable, and deserving of protection both of their physical and mental well-being and also of their potential for development. Illustrative examples of this characterization are myriad in both civil and criminal law.[39] Further, "[t]he recognition of children as vulnerable members of society has, in some contexts, resulted in children receiving recognition and protection of their *Charter* rights where such treatment would not be afforded to their adult counterparts."[40] In criminal matters, "special rules based on reduced maturity and moral capacity have governed young persons in conflict with the law from the beginning of legal history."[41] These rules protect privacy and emphasize rehabilitation rather than punishment if the young person is found guilty.[42]

20. These special rules support that it is not only youth's dependence but also their capacity for growth that motivates the law. However, in the course of addressing an argument advanced under s. 15 of the *Charter*, the Crown distorts this interest in a child's potential for development by arguing that s. 37(10) of the *YCJA* does not perpetuate the pre-existing disadvantage of young people but is responsive to their needs because "the youth justice system is separate and very different from that of adults", youth "have a different perception of time", findings of guilt are less serious than convictions, and finality, rehabilitation and reintegration must be emphasized.[43]

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[38] *KJM*, ¶55; *CFCYL*, ¶26.
[39] *AC v Manitoba (Director of Child and Family Services),* 2009 SCC 30, ¶110; see also Alison M. Latimer, "A Positive Future for Section 7? Children and Charter Change" (2014) 67 SCLR (2d) 537 at 547-556; Jeffery Wilson, *Wilson on Children and the Law*, loose-leaf (Markham, ON: LexisNexis Canada, 1994) [**Wilson**], ¶¶1.146-1.161.
[40] Wilson, ¶1.146; see also *KJM*, ¶109.
[41] *R v B (D)*, 2008 SCC 25, ¶47; see also *R v C (R)*, 2005 SCC 61 [***CR***], ¶41.
[42] *CR*, ¶40.
[43] Respondent's Factum, ¶¶44-45, see also ¶27.

21. There is an enhanced need for timeliness in resolution of youth criminal cases.[44] However, an "expeditious conclusion" should not be achieved by simply bringing proceedings to an end. A dissent on a question of law may indicate the finding of guilt is wrongly made and therefore the focus on rehabilitation misplaced, or it may indicate the law is unclear or not being applied consistently. Both the young person and society at large have a strong interest in ensuring courts get criminal law questions right.[45] And as explained above, findings of guilt may for some become convictions. If leave to appeal is warranted, the law elongates rather than expedites the process.

22. Nor would extending the right to appeal to this Court as of right on a question of law on which a judge of the court of appeal dissents, as a requirement of procedural fairness under s. 7 of the *Charter*, mandate a parallel right for the Crown. The necessity to provide the fullest array of procedural protections *for young persons* can be traced to Canada's international commitments. The preamble of the *YCJA* refers to the *United Nations Convention on the Rights of the Child* ("***Convention***") which guarantees young persons the right to appellate review in penal matters.[46] The *Convention*, in its Preamble, builds upon the foundation established in the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* ("**Beijing Rules**"). The Beijing Rules call for similar procedural protections for young persons in "juvenile justice systems" in United Nations members states, including Canada. Rule 7.1 provides: "[b]asic procedural safeguards such as… the right to appeal to a higher authority shall be guaranteed at all stages of proceedings."[47] The *YCJA* was enacted against this international backdrop. This Court has repeatedly recognized the relevance of international instruments in interpreting the *Charter*.[48]

23. Nor does a concern for timeliness undermine the importance of procedural protections for young people. At an individual level, timeliness protects the accused's liberty in terms of pre-trial custody or bail conditions. Timeliness protects the accused's right to make full answer and defence insofar as delay prejudices the ability of a defendant (and particularly a youthful defendant whose memory may fade faster than an adult's) to lead evidence, cross-examine, and otherwise raise a

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[44] *KJM*, ¶¶48, 50-60.
[45] Gerard Kennedy, "Persisting Uncertainties in Appellate Jurisdiction at the Supreme Court" (2013) 100 CR (6th) 96 at 100-101.
[46] *United Nations Convention on the Rights of the Child*, Can T.S. 1992 No. 3 (adopted by the United Nations General Assembly, November 20, 1989, ratified by Canada on December 13, 1991) [***Convention***], Article 40, Paragraph 2(b).
[47] *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, A/RES/40/33 (November 29, 1985) [**Beijing Rules**], Rule 7.1.
[48] *Suresh*, ¶46.

defence.[49] None of these concerns are live at the final appeal stage when the issue is a question of law, or if they are live, they point in the opposite direction. It is not protective of an accused's liberty to deny them the opportunity to appeal in such cases. At the final appeal stage, on a question of law, there is limited if any ability to lead evidence or cross-examine, nor is the accused's memory of events particularly pertinent. Timeliness in youth criminal justice proceedings reinforces "the connection between actions and consequences."[50] When a finding of guilt is wrongly made, a focus on accountability and rehabilitation is inappropriate.

24. At the societal level, the point of trial timeliness is to allow victims and witnesses to make the best possible contribution to the trial and to minimize their frustration while waiting to give testimony. These concerns are not live at the final appeal stage. Society's ability to move on and to see that people accused of crimes are treated humanely and fairly is also significant.[51] This last point suggests society's interests are served by ensuring the fullest array of procedural protections.

25. For a young person who is not granted leave to appeal, the Crown is effectively suggesting it is better to risk that they may be wrongfully convicted than for their case to be decided in a longer time frame. For those young people who are granted leave to appeal, the Crown is also endorsing an appeal process that will take longer and be more costly than that available to adults.

B. Section 37(10) of the *YCJA* is Arbitrary or Overbroad

26. Section 37(10) of the *YCJA* violates the principles against arbitrariness and overbreadth. Arbitrariness targets the situation where there is no rational connection between the object of the law and the limit it imposes on life, liberty, or security of the person.[52] Overbreadth targets laws that take away rights in a way that generally supports the object of the law, but go too far by denying the rights of some individuals in a way that bears no relation to the object.[53]

27. When identifying the object of the law, the Court must consider the challenged provision "within the context of the legislative scheme of which it forms a part."[54] The two objectives of the *YCJA*, reflected in s. 3(1)(b), are: (a) to provide young persons with enhanced procedural

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[49] *KJM*, ¶¶38, 52-54.
[50] *KJM*, ¶51; *YCJA*, s 3(1)(b)(iv).
[51] *KJM*, ¶38.
[52] *Carter v Canada (Attorney General)*, 2015 SCC 5 [***Carter***], ¶83.
[53] *Carter*, ¶85.
[54] R *v Moriarity*, 2015 SCC 55, ¶24, see also ¶26.

protections throughout the criminal process in recognition of their youth; and (b) to create less formal and more expeditious proceedings.[55] In *R. v. C.(T.L.)*, this Court determined that the purpose of s. 27(5) of the *Young Offenders Act*,[56] the predecessor of s. 37(10) of the *YCJA*, was to "favou[r] the early resolution of the adjudicative stage in order to facilitate commencement of rehabilitation."[57] However, in light of the different legislative scheme set out in the *YCJA*, the objective of s. 37(10) of the *YCJA* is to favour the early resolution of the dispute in order to promote rehabilitation, while granting young people enhanced procedural protections that ensure they are treated fairly, and that their rights are protected throughout the adjudicative process.

28. There is no rational connection between the purpose of s. 37(10) and its impacts on liberty. By denying a young person a right to appeal that would be available to an identically situated adult, s. 37(10) provides young people with *diminished*, rather than enhanced, procedural protections in the adjudicative process. The provision is therefore arbitrary.

29. In the alternative, s. 37(10) is overbroad. Even though s. 37(10) denies young people the right to appeal to this Court, young people still have the right to apply for leave to appeal. In cases where leave is granted, s. 37(10) *elongates* the adjudicative process, as the leave application must be processed and decided before a hearing can be scheduled.

PARTS IV AND V. COSTS SUBMISSION AND ORDER SOUGHT

30. The BCCLA seeks no order as to costs and asks that no costs be made against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at the City of Vancouver, Province of British Columbia, this 21st day of October, 2020.

For: **Alison M. Latimer and Jessica Magonet**
Counsel for the Intervener,
the British Columbia Civil Liberties Association

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[55] *KJM*, ¶136 per Abella and Brown JJ., dissenting but not on this point.
[56] *Young Offenders Act,* RSC 1985, c Y-1.
[57] *R v C (TL),* [1994] 2 SCR 1012 at 1016.

PART VI. TABLE OF AUTHORITIES

TEXTS

PART VII. STATUTES RELIED ON

	Paragraph(s)
Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11, ss 7, 11(b), 15	1, 7
Criminal Code, RSC 1985, c C-46, ss 490.011, 490.012, 691	2, 11
United Nations Convention on the Rights of the Child, Can T.S. 1992 No. 3 (adopted by the United Nations General Assembly, November 20, 1989, ratified by Canada on December 13, 1991), Article 40	22
United Nations Standard Minimum Rules for the Administration of Juvenile Justice, A/RES/40/33 (November 29, 1985), Rule 7.1	22
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