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## Harper pitches two-tier youth justice plan

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OTTAWA and MONTREAL — Teenagers as young as 14 who are convicted of serious crimes such as murder would face stiffer sentences – including the possibility of life in prison – under Conservative Party proposals that would bypass a Supreme Court of Canada decision that made it more difficult to sentence youths as adults.

Conservative Leader Stephen Harper said Monday a re-elected Tory government would overhaul the Youth Criminal Justice Act; in effect, imposing adult sentences on some young offenders and no longer shielding their identity. He said his government would raise maximum sentences for young killers – currently 10 years for first-degree murder and seven years for second-degree – and hand down 14-year sentences for other violent crimes now subject to two- or three-year terms.

The new sentences would affect youths 14 and older in most of the country. But in a nod to Quebec, where the Tories need to win seats to form a majority government, Conservative aides said the law would apply only to those 16 and older in that province, where the justice system and public sentiment favour rehabilitation.

Mr. Harper's communications director, Kory Teneycke, said the different age cutoffs for the tougher sentences are an example of “open federalism.” Aides said it is the Tories' intention to allow provinces to choose the age at which the tougher measures kick in, and that they believe it will pass muster in the courts. They said that in the past, only Quebec expressed an interest in having a higher age, at 16.

Defence lawyers and legal experts protested at the prospect of jailing 14-year-olds for life and said harsher sentences have not been shown to reduce juvenile crime.

“The more the government attempts to squeeze young offenders into the adult criminal model, the more likely it is that the courts will resist. It has long been the law in Canada that young people are entitled to a presumption of diminished moral blameworthiness,” said Frank Addario, president of the Criminal Lawyers' Association. “I see this as a way for [Mr. Harper] to challenge the court to back down from its position.”

Research does not suggest that severe punishment of young people will prevent them from embarking on a life of recidivism, he added.

The Tories promised in the last election campaign to make adult sentences mandatory for youths 14 and over who are convicted of murder or other serious offences. But most legal experts believe the Supreme Court closed off that option in May when it struck down the part of the law that forced young offenders guilty of serious violent offences to be sentenced as adults unless they could prove that would be unfair to them.

Analysts said that if the court had struck down the requirement that the burden of proof was on defendants to show why they shouldn't be sentenced as adults, then an automatic sentence that left no discretion to judges would likely be struck down as well.

Mr. Harper said Monday his government has checked with Justice Department officials who advised that the proposals would not clash with constitutional principles, even after the Supreme Court ruled in May that adolescents and adults should generally be treated differently.

“You cannot rehabilitate someone who does not get a message from the system about the serious consequences of what they're doing,” Mr. Harper said in Ottawa.

Nicholas Bala, a youth-justice expert at Queen's University in Kingston, said that while young people should face penalties for their actions, the courts have repeatedly found that imposing severe sentences does not deter youth crime. “If people think that we're going to have a safer society because we're sending young people into custody for longer periods of time, it's simply not true,” Prof. Bala said.

Mr. Harper did not mention the proposal for life sentences for youths of 14 or older in his news conference Monday, although it was included in a Conservative news release and background document. But those papers did not mention that provinces would be allowed to choose the age at which the stiffer penalties would apply.

Mr. Harper's press aides, before the announcement, spoke to Quebec reporters about restoring the age difference. Mr. Harper himself mentioned it when a reporter asked in French about the stiffer sentences.

Josée St-Pierre, whose daughter, Francesca, 14, was allegedly killed by a 15-year-old, welcomed Mr. Harper's tough-on-crime proposals.

“It's a system that is far too generous to youth; it gives them the benefit of the doubt at every turn,” Ms. St-Pierre said Monday. “To me, if you're capable of killing at 15, you're capable of facing the full consequences of the act.”

Ms. St-Pierre's daughter was beaten to death in August of 2007, shortly after she left her group home at Rivière-des-Prairies, a suburban neighbourhood of northeastern Montreal. The youth charged in her death, who was also a resident of the home, faces a maximum sentence of six years in detention followed by four years of supervised release, if he is convicted of first-degree murder. The standard adult sentence is life with parole eligibility after 25 years.

The teenaged boy also cannot be identified under the current Youth Criminal Justice Act.

“People should know exactly what's been done, and by who,” Ms. St-Pierre said. “As it stands, nobody can say anything, and people should have the right to know just who could be capable of such a thing.”

Suman Virk, whose 14-year-old daughter, Reena, was swarmed by teenagers and drowned in a waterway in Victoria in November, 1997, feels differently. She said that while young people have to be held accountable for their crimes, she doesn't believe they should necessarily be sentenced as adults.

“I think that children should never be treated like adults, because they're not,” she said. “And the fact of the matter is it's a biological fact that the brain of a child has not developed ... and also, our children don't have the life experience. A lot of times I do believe the children don't even understand the full consequences of their actions.”

*With a report from the Canadian Press*