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# Review of Supportive Measures and Preventive Actions Against Secondary Victimization of Children and Adolescents in Canadian Law

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## ABSTRACT

One of the significant issues in the field of special victims (children and adolescents) is the existence of protective laws or the provision of policy frameworks intended to address existing deficiencies in improving the current situation. Secondary victimization of children and adolescents refers to the harms inflicted upon victims as a result of the reactions of official institutions and criminal justice processes following the occurrence of the primary offense. This form of victimization may generate profound psychological, social, and legal consequences and can seriously undermine children's trust in the justice system. Accordingly, the principal challenge is to identify and examine the preventive and supportive measures addressing this type of victimization within the Canadian legal system. Secondary victimization of children and adolescents constitutes one of the emerging challenges in contemporary criminal justice systems and refers to the adverse consequences of institutional interventions, judicial procedures, and social reactions following primary victimization. The present study employs an analytical-comparative method and draws upon Canadian federal and provincial legal documents to examine supportive measures and preventive actions concerning secondary victimization of children and adolescents. The research focuses on the Youth Criminal Justice Act (YCJA) and provincial protective legislation, including Ontario's Child, Youth and Family Services Act and British Columbia's Child, Family and Community Service Act. The findings indicate that the institutionalization of principles such as the minimization of criminal justice intervention, protection of confidentiality, informed participation of the child, and the integration of criminal and social support mechanisms plays an effective role in reducing secondary victimization. The article concludes that effective prevention of secondary victimization requires institutional coordination and a child-centered policy-oriented approach; a model from which the Canadian experience may provide valuable guidance for other legal systems.

**Keywords:** *Secondary victimization, child and adolescent victims, supportive measures, Canadian criminal justice system, Youth Criminal Justice Act, provincial child protection laws, victim-centered approach.*



## Introduction

Community-based proactive prevention, which is divided into micro and macro levels, is grounded in the model of culture and development and therefore includes the three forms of prevention: primary, secondary, and tertiary prevention. Secondary prevention refers to the application of measures to support individuals or groups at risk who have shown a tendency toward deviant or criminal behavior and who have a high probability of deviance or delinquency.

Given that children and adolescents are physically and psychologically vulnerable beings, it can first be stated that they are hidden victims; second, a child is a future adult. Victimogenic behaviors that may harm this age group and expose them to delinquency, with severe effects on their physical and psychological development, must therefore be avoided. Transformations in juvenile criminal justice policies in recent decades have directed special attention to the position of the victim, particularly vulnerable victims. In this regard, secondary victimization, as a concept beyond the primary harm caused by crime, refers to the negative experiences that a child or adolescent undergoes during interaction with official institutions, judicial proceedings, and social reactions. Legal and criminological studies indicate that the absence of appropriate supportive measures can reproduce fear, a sense of injustice, and disruption in the psychological recovery process of child victims (1).

Canadian law, by adopting a child-centered approach, has attempted to limit the negative effects of children's encounter with the criminal justice system through criminal law reforms and the development of supportive policies. Although the Youth Criminal Justice Act is primarily concerned with young offenders, by emphasizing principles such as minimum intervention, respect for human dignity, and attention to the special needs of children, it also provides a supportive foundation for reducing secondary victimization (2). In addition, Canadian policy documents and national strategies consider support for victims, especially children, an integral part of crime prevention policy (3).

On the other hand, Canadian criminal policy, by emphasizing interdisciplinary support services, confidentiality of information, specialized training for law enforcement officers and judges, and facilitation of the child's safe participation in judicial proceedings, seeks to reduce the possibility of secondary harm. Together, these measures demonstrate a transition from a merely reactive approach toward a preventive and restorative model in support of child and adolescent victims (2). Within this framework, the present article seeks to analyze supportive measures and preventive actions against secondary victimization of children and adolescents in Canadian law and to assess the capacity for transferring this experience to other legal systems. Despite the significant development of legal and criminological literature on the protection of child victims in Canada, most existing studies have either focused on primary victimization or analyzed protective measures generally and without distinguishing between different levels of harm. In particular, the concept of secondary victimization of children and adolescents has mostly been addressed in empirical or policy-oriented studies and has less frequently been examined as an independent legal issue in connection with the structure of the criminal justice system and legal procedures. Moreover, the simultaneous role of federal laws and provincial regulations in reproducing or reducing secondary victimization has not been coherently and systematically analyzed in the existing legal literature.

The innovation of this article lies in the fact that, by adopting an analytical–legal approach, it views secondary victimization of children and adolescents not merely as the result of improper functioning of judicial institutions, but as the outcome of interaction among substantive rules, procedural practices, and executive mechanisms at different

levels of governance. Focusing on Canadian law, this article analyzes, for the first time, supportive measures and preventive actions in the relationship among the Youth Criminal Justice Act, national victim-support policies, and provincial regulations related to child protection. This multilevel approach makes it possible to identify normative and executive gaps and provides a conceptual framework for reducing secondary victimization that may also be generalizable to other mixed legal systems.

In addition to the federal framework, the system of protecting child and adolescent victims in Canada is significantly influenced by provincial and territorial laws and policies. Alongside adherence to the general principles contained in federal law, each province and territory has adopted independent measures to reduce children's harmful exposure to the criminal justice system through child protection legislation, social service regulations, and specific procedural guidelines. For example, in Ontario, the Child, Youth and Family Services Act emphasizes the provision of integrated supportive services for child victims, while in British Columbia, support policies related to children's testimony and psychological support during judicial proceedings play a more prominent role (2, 3).

Provincial diversity in Canada, although it enables flexible responses to local needs, can at the same time lead to inequality in the level of protection afforded to child victims and increase the risk of secondary victimization. Therefore, the simultaneous examination of federal laws and provincial measures is an undeniable necessity for assessing the effectiveness of preventive policies and identifying the vulnerable points of the juvenile criminal justice system in Canada. Taking this legal plurality into account, the present article seeks to provide a coherent analysis of mechanisms for reducing secondary victimization at different levels of governance.

At present, with the advancement of science and knowledge, scholars in psychology, sociology, law, and criminology have concluded that proper treatment of individuals who were first exposed to victimization during childhood or who commit offenses for the first time can be effective in reducing many of their future crimes. Because children are not fully and sufficiently familiar with socialization and the implementation of social norms, the legislator must distinguish their situation when dealing with them. These ideas have entered various international instruments and conventions, and accordingly many countries have incorporated their provisions into their substantive and procedural criminal laws. The vulnerability of children and adolescents based on the age criterion in Canada's new criminal laws, both procedurally and substantively, is reflected in rules and regulations intended to protect children from the investigation and prosecution stages before police and judges through trial, sentencing, appeal, and enforcement of judgment, thereby indicating the protection of children in the criminal justice process and the preservation of their interests and rights.

In Ontario, the Child, Youth and Family Services Act was last amended in November 2020. It can be said that the identification of risk factors and the prediction of supportive measures for children and adolescents at risk have received special attention from the legislator. In the prevention of secondary victimization, preventive efforts are focused on controlling specific individuals who are at risk. In this type of prevention, the objective is to prevent harm to individuals living in critical conditions who are likely to become offenders or victims through appropriate measures and early interventions. Overall, this type of prevention is influenced by prediction regarding a criminogenic situation, and its goal is to monitor specific groups who are feared to commit crimes and are at risk of becoming offenders.

The Canadian Child, Youth and Family Services Act, as amended on November 20, 2020, in Ontario sets out supportive measures for its addressees in thirteen parts. Part 2 of this Act is specifically devoted to the rights of children and adolescents receiving services under the Act; Part 4 concerns First Nations, Inuit, and Métis child and

family services; Part 5, entitled “Child Protection,” and Part 6, entitled “Youth Justice,” are devoted to preventive measures in support of children and adolescents.

The preamble to the Canadian Child, Youth and Family Services Act, as amended on November 20, 2020, states that the Government of Ontario acknowledges that children are persons with rights who must be respected and whose voices must be heard. The Government of Ontario is committed to the following principles: services provided to children and families must be child-centered.

Children and families achieve better outcomes when services are based on their strengths. Prevention services, early intervention services, and community support services based on family strengths are highly valuable in reducing the need for disruptive services and interventions. Services provided to children and families must respect their diversity and the principle of inclusion and must respect human rights law and the Canadian Charter of Rights and Freedoms.

Systemic racism and the barriers it creates for children and families receiving services must be addressed. All children must have the opportunity to achieve their full potential. Awareness of prejudice and systemic racism and the need to address these barriers must inform the delivery of all services to children and families. Services for children and families, wherever possible, must help maintain their connection with their communities. In advancing these principles, the Government of Ontario acknowledges that the purpose of the Canadian Child, Youth and Family Services Act, as amended on November 20, 2020, is to be consistent with the principles expressed in the United Nations Convention on the Rights of the Child. Child and adolescent victims, due to their developmental characteristics, emotional dependence, and limited understanding of formal processes, are more exposed than adults to secondary harms arising from institutional reactions after crime. In other circumstances, secondary victimization occurs when the criminal justice system and related institutions, instead of performing a supportive role, unintentionally reproduce the victim’s psychological and social harms. This may result in consequences such as chronic anxiety, distrust of public institutions, and even reinforcement of the cycle of delinquency or social isolation.

In recent decades, Canadian criminal policy, through a child-centered approach, has attempted to reduce the negative effects of criminal intervention by redesigning legal and executive structures. The Youth Criminal Justice Act at the federal level and a set of protective laws at the provincial level have provided a framework aimed at protecting the best interests of the child and preventing secondary harm. However, existing studies have often analyzed these laws separately, while the practical interaction between legislative levels has received less attention. By focusing on this gap, this article analyzes supportive measures and preventive actions against secondary victimization within the multilevel structure of Canadian law.

## Concepts

### *The Concept of Children and Adolescents in Canadian Law*

According to Article 1 of the United Nations Convention on the Rights of the Child, adopted in 1989, the term “child” is deliberately used to refer to “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” Since Canada ratified the Convention on the Rights of the Child in 1992, and since majority is not attained earlier in Canada for this purpose, the legal age under which Canadian children are protected is below 18 years. However, the common terms used for children involved in the criminal

justice system, namely “adolescent,” “youth,” “minor,” as well as stigmatizing terms such as “juvenile delinquent” and “young offender,” deprive children of the rights granted to them under both the Convention on the Rights of the Child and Canadian law, while also failing to confer upon them “adult rights.” The titles of Canada’s three main juvenile justice statutes are revealing in this regard: the Juvenile Delinquents Act of 1908, the Young Offenders Act of 1985, and the Youth Criminal Justice Act of 2002. This issue of international terminology is also evident in the laws and guidelines of the United Nations concerning children involved in judicial proceedings: the Standard Minimum Rules for the Administration of Juvenile Justice of 1985, the Rules for the Protection of Juveniles Deprived of their Liberty of 1990, and the Guidelines for the Prevention of Juvenile Delinquency of 1990 (4).

### *The Concept of Secondary Victimization in Canadian Law*

Secondary victimization occurs after the development of primary victimization, and its concern is to improve the fate of the victim by providing assistance, material and moral support, and compensation for harm. It proposes different types of support under different circumstances for victims. One of the most comprehensive models of crime prevention in preventive criminology, adapted from medical sciences, is the three-stage prevention model. In this method, which can accommodate all preventive methods, preventive measures are designed and implemented according to the level of development of a problem. Since the formation and emergence of any undesirable matter, whether individual or social, physical, emotional, or psychological, has three stages, and preventive measures in each stage are applied according to that stage, this model is known as the three-stage model of prevention (5). In this model, the prevention of secondary victimization is directed toward individuals, groups, and situations in which the probability of crime and deviance is higher than for others, and the absence of effective and deterrent intervention may lead to norm-breaking behavior and involvement in criminal conduct. It is obvious that planning for crime prevention in cases where the probability of occurrence is higher is more necessary and important, because in such cases the threshold of delinquency has fallen sharply and the danger seriously and closely threatens society. Although clinical and precise diagnosis of such situations is debatable, a social and realistic view of abnormal social conditions, awareness of the factors of deviation and deviance, and knowledge of human physical, emotional, and psychological characteristics and needs can help diagnose these situations and make it possible to plan for confronting them. Support for victims in this category includes various forms, such as support immediately after the occurrence of crime, including medical and psychological support; support for the victim during trial, including explanation of rights and provision of legal needs; and support for the victim at the stage of compensation for loss and damage, including compensation for the injured party from state support resources (1, 6).

### *The Concept of Being at Risk of Committing Crime*

In Canadian law, children and adolescents being “at risk of committing crime” is not regarded as a static condition or legal label, but rather as a reflection of the dynamic interaction among biological, social, and institutional conditions that may direct the juvenile’s process of criminal socialization toward delinquency. By consciously distancing itself from the logic of early criminal reaction, the Canadian Youth Criminal Justice Act is based on the premise that effective intervention must occur before the consolidation of a criminal identity and at the level of social policies (2). From this perspective, identifying high-risk situations is not intended to expand the scope of criminal control, but rather to limit it and replace it with supportive and restorative responses (2).

Legal and criminological analyses in Canada indicate that the risk of offending among adolescents is more the product of accumulated structural inequalities and harmful lived experiences than the result of isolated individual factors. Economic deprivation, educational disconnection, disruption of family bonds, and social exclusion, combined with lack of access to supportive services, create predictable patterns of criminal vulnerability. This situation is particularly prominent among Indigenous adolescents in Canada, where the legislator and judicial practice regard their overrepresentation in the criminal justice system as evidence of the failure of past social policies, not as evidence of inherent risk or individual inclination toward delinquency (7, 8).

Accordingly, Canadian criminal policy establishes a normative distinction between “being at risk” and “realized delinquency,” the main function of which is to prevent the criminogenic effects of labeling. The dominant approach is based on the use of instruments outside the formal criminal trial process; instruments whose purpose is to strengthen social capacities, enhance individual resilience, and interrupt the chain through which risk is transformed into criminal action (9). Ultimately, this conceptual framework is consistent with international standards for the protection of children’s rights and reflects a model that regards social prevention not as a supplement, but as the primary substitute for criminal intervention in relation to at-risk children and adolescents (4).

#### *The Concept of First Nations, Inuit, and Métis Children in Canada*

The peoples known as First Nations in Canada mostly live in areas called “reserves” across Canada. Reserves are areas remaining from the vast lands of Indigenous tribes and original inhabitants; areas that were once places of hunting and nomadic life but today have been reduced to small towns or a few hectares of forest or agricultural land. Not all Indigenous peoples live on reserves; some have entered Canadian society and live alongside other people from different cultures.

The Inuit are Indigenous peoples of northern Canada; they are the same category of the original peoples of North America who are known in the United States as Eskimos. In Canada, Inuit peoples live in the Northwest Territories, Nunavut in the far north of Canada but separate from the Northwest Territories, Nunavik in northern Quebec, and Labrador in the northeast. Eskimo peoples also live in Greenland, under Danish sovereignty, and in Alaska, under United States sovereignty.

The Métis peoples reside in the central provinces of Canada and are of mixed ancestry composed of French settlers and the original inhabitants of Canada. The French were the first and the English the second group of foreigners who entered Canada and brought parts of Canada under their control. The Métis peoples have a language that combines Indigenous and French elements (8).

#### **Victim-Centered Clinical Prevention and Victim Rehabilitation: Secondary Prevention**

Victim-centered clinical prevention refers to the same objectives, principles, measures, and actions related to the correction and treatment of offenders and the concept of the offender’s dangerous state, which are discussed in clinical criminology. In the definitions provided for the correction and treatment of offenders, terms such as reintegration, readaptation, and resocialization can be observed. Overall, clinical prevention can be understood as correctional and therapeutic criminology that seeks to identify the offender’s dangerous state and ultimately prevent crime. However, just as the rehabilitation of offenders is necessary to prevent recidivism, victim rehabilitation must be pursued to prevent repeated victimization. Accordingly, victims who, after enduring crime, have departed from their ordinary state and lost their physical, emotional, and psychological capacities must be rehabilitated. In other

words, issues such as the restoration of physical, psychological, and emotional harms are matters that can be examined in clinical victimology. In fact, in clinical victimology, after identifying harms arising from crimes through medical, psychiatric, and psychological methods, the treatment of victims is placed on the agenda. The different branches of clinical victimology include justice for victims, assistance to victims, scientific or empirical victimology, and clinical victimology. In global criminological literature, considerable research has been conducted on justice for victims and assistance to victims in the form of legal, financial, social, and other forms of support within supportive victimology. However, there is limited scientific literature on scientific or empirical victimology, which seeks to identify the causes of crime by examining the victim's degree of role in the commission of crime and the victim's relationship with the offender. Nevertheless, there is a very serious shortage of research on clinical victimology, which requires not only criminal and social sciences but also medical and paramedical sciences. Therefore, victim-centered clinical measures are necessary to prevent secondary victimization and repeated victimization (6). In general, it can be stated that clinical victimology includes the following areas:

1. The study of medical and psychological outcomes and consequences arising from the victimization process;
2. The examination and study of cases involving complications;
3. The examination and assessment of the dimensions of harm inflicted on the individual.
4. Examination of Support-Oriented Legislative Developments Concerning Child and Adolescent Victims in Canada

Human rights apply equally to everyone regardless of age. However, the United Nations decided that the rights of children, meaning persons under 18 years of age, required greater precision. It acknowledges that children have special needs and circumstances and are more vulnerable than adults to exploitation. Therefore, in 1959, the United Nations adopted a document entitled the Universal Declaration of the Rights of the Child, which lists ten important rights of the child, with "child" referring here to children and adolescents, such as the right to protection against neglect and cruelty, the right to survival, the right to care, the right to be protected from harm by others, and the right to full participation in family, cultural, and social life. Canada is among the countries that have agreed to comply with the provisions of this document. It should be noted that this convention is not itself a statute in Canada, but it is an important instrument that can be useful in assisting children and adolescents. Today, Canadian law, in order to protect and support its citizens, including vulnerable groups such as children and adolescents, has generally enacted laws at three governmental levels: federal laws, municipal laws, and territorial or provincial laws. In Canada, laws exist that protect a number of rights and freedoms and allow interested persons to file formal complaints if those rights and freedoms are not respected.

When human rights in Canada are mentioned, the reference is usually to those rights and freedoms protected by several laws. The first is the Canadian Charter of Rights and Freedoms, which includes protections in areas such as fundamental freedoms, including religion; democratic rights, such as the right to vote and to run for public office; legal rights, such as the right not to be arbitrarily detained or imprisoned; and equality rights, which protect persons against laws that unfairly discriminate against a particular group of people. Rights are also conditional in another respect: individual rights must be weighed against the rights of others. For example, a person's right to freedom of expression does not mean that the person may publish material intended to spread hatred against a particular group of people. In such cases, the state may limit fundamental rights and freedoms, but only if it can prove that the limitation is reasonable in a free and democratic society and is based on the need to preserve and guarantee the rights and freedoms of other members of society.

The Charter of Rights is part of Canadian law. This means that all other Canadian laws must respect the rights and freedoms set out in it. Human rights laws also protect fundamental rights. In Canada, human rights laws have been enacted by provincial, territorial, and federal governments to protect against discrimination (10).

### **Scope and Examples of Effective Legal Protection in Preventing Victimization of Children and Adolescents in Canada**

When a child or adolescent is placed in a hazardous situation, intervention and protection must occur. The question is how the scope and examples of effective legal protection in preventing victimization of children and adolescents in Canada are structured, for what situations they are provided, and by which person or persons they must be carried out.

#### *Criminal Protection Against Hazardous Situations Affecting Children and Adolescents*

In Canadian law, as previously noted, every person under 18 years of age is considered a child. The legislator generally takes into account that younger children cannot make proper decisions in hazardous situations. Therefore, if they commit an offense under such circumstances and violate Canadian law, they are not accused and are not found guilty. However, under specific circumstances, a 16- or 17-year-old adolescent may not only be accused, but in serious cases may also be tried in an adult court (4, 10).

#### Services and Information Provision at Different Stages of the Judicial Process to the Child and the Victim's Family

The cornerstone of all charters of rights, whether federal, provincial, or territorial, is the provision of different types of information to the victim at different stages of the criminal process. Put simply, if the victim is left uninformed, no meaningful right to participation exists. Studies have shown that general information and emotional support are among the most common services provided by victim service providers. These findings are not surprising, given that the two main reasons why victims contact victim services are the need for information and support. From the victim's perspective, it is clear that they regard the provision of information at different stages of the process as particularly important. In other words, the necessary information is highly important for child victims and their families in all crimes. Some of this information and these needs include: information related to their specific case, such as notification of hearings; general information about the criminal justice system; and practical information about services such as housing and financial support. In addition to the general information mentioned, victims have also emphasized the need for and importance of information in other areas, such as restorative justice and compensation. The timely and meaningful provision of information also has a direct relationship with victims' level of satisfaction with the process: the quality, quantity, and timeliness of information can directly affect whether victims' expectations of the criminal justice process are met and how satisfied they are with that process. Given the critical importance of providing information for victim satisfaction, it is surprising that rights bills at federal, provincial, and territorial levels equally fail to require or specify that any particular public authority must assume responsibility for providing this information. Manitoba is an exception in this regard. For example, Manitoba law provides that the "chief of the law enforcement agency" must provide victims with information on the status of the investigation, the name of any person charged, and whether they have been detained. It also provides that the director of victim services must provide victims with information on programs and services available to victims, the structure and

functioning of the criminal justice system, and the law. Given this omission, it is not surprising that, after decades of living with these requirements, the provision of information to victims remains a practical problem (3).

*Procedural Protection: Duties and Responsibilities of a Provincial Director Under the Youth Criminal Justice Act*

Canada ratified the Convention on the Rights of the Child in 1992, and since in Canada the age of majority is not attained earlier for this purpose, the legal age for protected Canadian children is 18 years. However, the common terms used for children involved in the criminal justice system, namely “adolescent,” “youth,” “minor,” and “young person,” as well as stigmatizing terms such as “juvenile delinquent” and “young offender,” deprive children of the rights granted to them under both the Convention on the Rights of the Child and Canadian law, while also failing to confer upon them “adult rights.” The titles of Canada’s three main juvenile justice statutes are revealing in this regard: the Juvenile Delinquents Act of 1908, the Young Offenders Act of 1985, and the Youth Criminal Justice Act of 2002. The Standard Minimum Rules for the Administration of Juvenile Justice of 1985, the Rules for the Protection of Juveniles Deprived of their Liberty of 1990, and the Guidelines for the Prevention of Juvenile Delinquency of 1990 are also relevant. In support of youth under 18 years of age, Quebec law and other legal provisions were amended in 1984, with the aim of ensuring the security of every child, meaning every person under 18 years of age. The purpose of this law, under sections 1 and 2 of Quebec law, applies to every child whose security or development is endangered or may be considered endangered, and section 38 applies. For the purposes of this law, under section 38, a child’s security or development is considered endangered in cases where, under paragraph (g) of the Act, the child is a victim of sexual abuse or is physically mistreated through violence or neglect. It is noteworthy that cases involving children under 18 years of age are heard in youth court, and its judges also deal with children’s offenses in order to separate children’s cases from adults’ cases and to observe confidentiality policy concerning children. Therefore, under section 72.5, judicial proceedings concerning children are identified by numbers or initials rather than by spelling out names as in the case of adults (4).

*Maximum Use of the Capacity of State Organizations in Preventing Child Abuse in Canadian Law*

In order to provide services to victims, prevent crime, and support youth or vulnerable persons such as children and women who may be at risk of victimization or secondary victimization, the Government of Canada makes use of organizations and institutions such as the Ministry of Public Safety and the Attorney General, the Victim Safety Unit for victims residing anywhere in Canada, police and community safety branches, the Ministry of Justice and court services, the criminal justice office, the Public Guardian and Trustee, which provides specific protective measures for victims in certain circumstances and whose address and phone number are publicly available, forensic services, the Ministry of Children and Family Development, the Ministry of Social Services, the Ministry of Health, Correctional Service Canada, the National Parole Board, Indian and Northern Affairs Canada, the British Columbia Association of Specialized Victim Assistance and Counselling Programs, the Justice Institute of British Columbia, which provides educational and training resources for victim service, justice, health, and social service personnel and conducts research on issues related to victimization, free legal clinics, which provide some legal advice free of charge and are sometimes referred to as pro bono or free clinics that offer their services by telephone or through websites, lawyer referral services, which refer individuals to lawyers who conduct an initial interview of up to 30 minutes for a fee of 25 dollars plus tax in order to determine whether the client has a legal problem and to help the victim find a lawyer at a standard and budget-appropriate rate, legal services societies, which provide information

through websites, telephone, and in-person meetings about eligibility for and coverage of legal aid and also include many useful legal information resources, and which allow victims and at-risk youth to request legal aid by telephone through contact with the legal services society call center listed in telephone directories. To apply in person, victims may visit the legal services website or find the nearest center in telephone directories and attend in person. The government also uses the National Organization for Victim Assistance, an American organization that promotes the rights and services of victims of crime and critical incidents and provides resources for victims and victim service providers (3, 6).

### *Services of First Nations, Inuit, and Métis Groups and Communities*

Canada's strategy for protecting and promoting the rights and well-being of children includes strong and specific measures to end violence and exposure to risk among the most vulnerable members of society. The purpose of serving Canadian children and adolescents is to create well-being for children and their families, for example by supporting family reunification workers to cooperate with parents and return children to their homes.

Children and adolescents who are abused and neglected are often also victims of a crime under the Criminal Code of Canada. The police are the first to respond when a child or adolescent is in immediate danger or when someone has committed, or is likely to have committed, a crime. The law that protects children and adolescents from abuse and neglect in their homes is the Child, Family and Community Service Act. This law states that anyone who has concerns about the safety and well-being of a child must immediately report those concerns to a child welfare worker.

Today, further measures, including federal laws, are needed to support Indigenous families while raising their children, address the root causes of the removal of children, and return children to their parents, extended families, and communities. In early 2019, a law was adopted regarding respect for First Nations, Inuit, and Métis peoples. First Nations, Inuit, and Métis children in the Canadian child welfare system are among the most vulnerable persons exposed to the risk of victimization. Many of them are separated from their parents, families, and communities because of factors arising from poverty, poor housing conditions, intergenerational trauma, and culturally biased practices in child welfare. Indigenous children in care are at greater risk of adverse health outcomes, ongoing violence, and involvement with the justice system. The Government of Canada, together with First Nations, Inuit, and Métis partners, agrees that this tragic and complex situation is entirely unacceptable, and the Government of Canada is committed to improving the way it meets the needs of First Nations, Inuit, and Métis children and their families. Bill C-92 concerning Métis children, adolescents, and families was introduced in Parliament. This bill, developed in cooperation with Indigenous, Inuit, and Métis partners, was the culmination of extensive engagement that began with the emergency meeting of January 2018 on Indigenous child and family services and brought together leaders from the Assembly of First Nations, Inuit Tapiriit Kanatami, the Métis National Council, regional Indigenous leadership, and federal, provincial, and territorial governments. The bill sought to address the rights and jurisdiction of Indigenous peoples concerning child and family services and to establish principles for national implementation, such as the best interests of the child, cultural continuity, and substantive equality, to ensure that Indigenous children and adolescents receive care equivalent to that received by non-Indigenous children and adolescents (4, 8).

### *Federal Legal Protection of At-Risk Youth*

The federal CVRA grants victims a specific right to be heard in plea agreements, as well as a general right to consult with prosecutors. It also allows victims, in the event that their right to be heard is violated, to request reopening of the agreement through mandamus. In the Canadian legal system, a mandamus application is a type of application to the Federal Court asking the court to compel a public official or governmental body to perform its duty; this accelerates the processing of the case. In other words, mandamus is an order from a higher authority to subordinates requiring them to perform their duty properly within a specified period. Most states similarly have a statutory or constitutional provision granting victims a general right to consult or confer with the prosecutor, which arguably includes plea agreements, or a specific right to be heard before the court accepts the plea. Courts have been free to reject plea agreements or informally reopen plea hearings to ensure that all victims' rights are respected (3).

### **Canada's Roadmap to End Violence Against Children**

Violence against children can take various forms, including maltreatment by a caregiver, bullying by peers, intimate partner violence, sex trafficking and sexual exploitation, and community-based violence. These different forms of violence against children occur in Canada at alarming rates, and some children and youth, including First Nations, Inuit, and Métis children, transgender youth, homeless and street-involved youth, and children and adolescents with disabilities, are at greater risk. Violence against children can have serious and lasting effects on children's physical and mental health, both immediately and throughout life. Violence can also have negative effects on social and economic well-being. Ending violence against children and adolescents requires joint efforts by all sectors of society and requires actions involving individuals, families, and communities. This roadmap is a step in this direction and has been developed through cooperation with partners across government departments, including highlights from provincial and territorial governmental partners (4, 7).

Government organizations, institutions, and bodies provide diverse programs and services that prevent and respond to violence. In order to examine the results of these programs and services, the Government of Canada has devoted itself to supporting evidence-based policies and programs and acknowledges that intervention research in population health is essential for strengthening the evidence base on best practices for preventing and responding to violence against children (5).

Across Canada, numerous research methods and creative approaches have so far been implemented to share new lessons learned by specialists in children and adolescents. This emerging knowledge reflects the perspective and needs of young persons under 18 years of age, and youth, by cooperating with one another with the aim of improving their living conditions and preventing exposure to risk, victimization, or delinquency as a community, have influenced a broad spectrum of society and improved a diverse range of research projects.

One of these creative methods was the establishment of a knowledge center, which was founded in 2015 by the Centre for Research and Education on Violence Against Women and Children to improve communication between researchers and service providers in the emerging field of trauma-informed health promotion. From 2020 to 2021, the knowledge center collected existing research findings through several different means, such as websites, electronic bulletins, infographics, short summaries, and research publications. Over the next three years, Canada will share its lessons learned with international partners by serving as a learning hub through the Global Partnership

to End Violence Against Children. Canada will use mechanisms such as webinars and online resources to present emerging research findings and lessons learned to researchers and specialists around the world. The Government of Canada has also, through a new forum called Knowledge Mobilization, brought together certain researchers and service providers to address violence in adolescent or youth relationships in Canada and has gathered violence prevention programs for children and adolescents that have been presented, tested, and evaluated. This forum also improves the design and implementation of these programs (4, 7).

The Government of Canada will use the Assembly of First Nations to conduct the next cycle of study on the incidence of child abuse in violence against children, including the monitoring system for reported child maltreatment in Canada and monitoring of neglect reporting in the prosecutorial and regional systems concerning children reported to child welfare systems. Data will be collected on the number of children requiring protection, the types of maltreatment reported, and the pathway followed within the system, including referrals to services, services provided to children and families in their homes, placement in temporary care centers, connection with family or community, and reunification.

Knowledge mobilization will use information on the provision of services to children and their families, their placement in temporary care centers, and connection with family and community and reunification to analyze trends and inform child welfare policies and programs. In January 2018, the Minister of Indigenous Services Canada hosted an emergency meeting on Indigenous child and family services with Indigenous, federal, provincial, and territorial partners. During this meeting, the minister committed to six practical points, including the development of a data and reporting strategy with provinces, territories, and Indigenous partners. A data and reporting strategy was developed based on shared objectives and in cooperation with provinces, territories, Indigenous partners, and other entities.

The Government of Canada will use this roadmap as guidance on the vital path toward ensuring that children in Canada grow up safe, healthy, and free from violence. This roadmap describes the legal landscape and highlights many exceptional Canadian initiatives that are currently being implemented to protect children and end violence against them. The opportunities identified in this roadmap will help Canada focus its efforts on areas where there is a severe need and where its actions will be effective. However, this journey will not be undertaken by the government alone. In the next step, Canada will enter into deeper discussions with partners and stakeholders across different sectors and beyond government. Canada will contact adolescents and youth, Indigenous organizations, service providers, researchers, nongovernmental organizations, religious organizations, and advocacy groups to examine the efforts that all can undertake and the opportunities for supporting one another in order to end violence against children and keep them away from the risk of victimization in Canada. The Government will also continue to bring together researchers and policymakers to develop a deeper understanding of the causes and effects of violence against children and the effective measures for preventing it. Finally, it should be noted that the Government of Canada will regularly review its commitments and assess progress in this work to ensure that the collective efforts of policymakers and activists in this field remain focused where they can best lead toward the goal of a childhood free from violence (4, 7).

### **Exposure of the Privacy of Canadian Children and Adolescents to Risk Through Artificial Intelligence**

Children's capacity and conditions for exercising their privacy differ from those of adults. Children may lack awareness or may have limited literacy skills that would enable them to fully understand their right to privacy and

understand the risks and potentially long-term effects of data sharing and artificial intelligence processing. Although children and adolescents are generally technologically skilled and wish to preserve their privacy, they tend to have a more limited and less critical conception of digital privacy. Children tend to understand privacy in interpersonal ways, or as something between themselves and other individuals or groups. They, like most adults, struggle to understand their privacy in more abstract, commercial, or institutional terms, such as how their data are tracked or inferred by artificial intelligence, and therefore have limited capacity to assess related risks. The black box, or artificial intelligence, further obscures communication and makes the assessment of privacy risk between inputs and outcomes more difficult for children.

Children's privacy is multifaceted. It includes their ability to control their data, move through spaces with autonomy, communicate without interception, and make independent decisions. It is also highly dependent on context and relationships. Children's privacy preferences include numerous considerations, including what is known about their private lives, by whom, for what purposes, and with what consequences. Artificial intelligence, by collecting children's data and feeding information into algorithms to achieve different functions under limited supervision, may create potential risks to all these aspects of children's privacy. There are three main categories of risks to children's privacy arising from artificial intelligence: data risks, functional risks, and supervisory risks (11).

### **Different Law on Services for Children Under 18 Years of Age and Weaknesses of the Canadian Criminal Justice System**

Under the Constitution Act of Canada of 1867, responsibilities are divided between federal and provincial governments. Under section 91, criminal law falls under federal jurisdiction, while under section 92 concerning health and section 93 concerning property and civil rights, provinces are responsible for services such as health and child welfare. This means that children receive different protective treatment in each province of Canada. Today, Quebec is the only province that has maintained a child welfare system and is the place where homeless children from across Canada seek refuge, because they experience less police harassment there (4).

Four main weaknesses of the Canadian criminal justice system lead to the victimization of children. The first weakness concerns prosecution, which perpetuates the phenomenon of double victimization in three different ways. First, the child's presence before the accused during the hearing is highly traumatic. In Quebec, there is only one closed-circuit device in the Montreal courthouse and one portable device throughout Quebec, and it is accessible only for very young children. Placing a screen or partition to hide the accused from the child has not been considered sufficient, because the accused may reveal their presence, for example by coughing, and thereby frighten the child. In addition, the child may be in the presence of the accused in the waiting room or in courthouse corridors. Second, because prosecution in Canadian criminal courts still requires the questioning of children, most of them face an extremely difficult challenge at a young age. The defense lawyer is even permitted to be present with the child in the closed-circuit unit, and unfortunately some defense lawyers intimidate the child in order to undermine the child's credibility. For this reason, many suggest that questioning of children should be conducted by a neutral expert who has received specialized training in child examination or by a judge trained in questioning child victims or offenders. This measure guarantees the accused's right to a fair trial, because the questioning is not conducted solely by the prosecutor, while also ensuring that the interests of the child are observed. Third, there is no compensation for victims in the criminal justice system. Therefore, it is noteworthy that "children and adolescents must earn their status as victims, while the status of offender is readily assigned to them" (12).

The second main weakness of the criminal justice system concerns protection, in that sentences for crimes committed against children are very short, and therefore most adults who commit this category of crimes still roam the streets. For example, under section 151 of the Criminal Code, as amended by Bill C-2, the sentence for "sexual interference," meaning sexual assault against a child under 14 years of age, ranges from a minimum of 40 days to a maximum of 10 years. Moreover, many of them are released conditionally before the end of their sentence. In other words, under section 120 of the Corrections and Conditional Release Act, federal offenders are eligible for full parole after serving one-third of their sentence or seven years, whichever is less.

The third weakness of the criminal justice system concerns prevention, in that it decides what constitutes crime and excludes commercial corporations by failing to keep them under supervision. This can be illustrated by the contrast between the ease of indictment against ordinary offenders and the difficulty of identifying, prosecuting, and punishing corporate offenders. The inevitable result is that the criminal justice system does not merely reflect the reality of crime; rather, it participates in creating the reality that is seen (13). Such creation of reality helps conceal victimization within the ideology of catastrophe and the lack of power of regulatory organizations, which in turn reflects the profit motive of capitalist corporations.

Finally, the fourth weakness relates to the first three principles, in that instead of implementing protective and preventive measures, such as public policies concerning health, education, child welfare, law enforcement, gun control, and a wide range of cultural and social factors that are far more important in determining a country's youth crime rate than its youth justice system, the system labels targeted victims, meaning highly visible offenders, mostly children, and punishes them for their crimes. For example, instead of a moral reciprocity concerning citizenship rights, there is civic asymmetry, such that youth are punished for failing to fulfill their civic obligations, while the state fails to perform its duties in nurturing and protecting them. It can therefore be argued that the lack of support for victims and prosecution of offenders has a direct effect on children becoming offenders. For instance, adult violence leads to terror in childhood; terror in childhood leads to adolescent anger; and adolescent anger often leads to adult rage, which is destructive both toward others and toward the self (14).

## Conclusion

As observed, under Canadian law, the legal age for children under protection is below 18 years. Since this vulnerable group in society requires special support and proportionate preventive measures against the dangers threatening them, the laws enacted to protect children include three main Canadian juvenile justice laws: the Juvenile Delinquents Act, the Young Offenders Act, and the Youth Criminal Justice Act. In addition to these three laws, the Child, Youth and Family Services Act of 2020 has also attempted, through specific rules, to support and prevent the exposure of this group to risk. In relation to victimized children or delinquent children who have committed offenses under unfavorable conditions, where the absence of effective and deterrent intervention may create the possibility of repeated victimization or reoffending, deviance, norm-breaking behavior, and involvement in criminal conduct in hazardous situations, secondary victimization prevention measures can be used to take an effective step toward crime prevention. Although clinical and precise diagnosis of such situations is debatable, a social and realistic view of abnormal social conditions, awareness of the factors of deviation and deviance, and knowledge of human physical, emotional, and psychological characteristics and needs can help diagnose these situations and make it possible to plan for confronting them. Just as offender rehabilitation is necessary to prevent recidivism, victim rehabilitation must be pursued to prevent repeated victimization. In clinical victimology, after

identifying harms arising from crimes through medical, psychiatric, and psychological methods, the treatment of victims is placed on the agenda. The different branches of clinical victimology include justice for victims, assistance to victims, scientific or empirical victimology, and clinical victimology.

It can also be stated that, regarding human-rights protection of children and adolescents, the Charter of Rights is part of Canadian law, and human rights laws also protect fundamental rights. In Canada, human rights laws have been enacted by provincial, territorial, and federal governments to protect against discrimination. The foundation of all charters of rights, whether federal, provincial, or territorial, is the provision of different types of information to the victim at different stages of the criminal process. Such information includes information related to their specific case, such as notification of hearings; general information about the criminal justice system; and practical information about services such as housing and financial support.

In support of youth under 18 years of age, Quebec law and other legal provisions were amended with the aim of ensuring the security of every child, meaning every person under 18 years of age. The purpose of this law, under sections 1 and 2 of Quebec law, applies to every child whose security or development is endangered or may be considered endangered, and section 38 applies. For the purposes of this law, under section 38, a child's security or development is considered endangered in cases where, under paragraph (g) of the Act, the child is a victim of sexual abuse or is physically mistreated through violence or neglect. It is noteworthy that, under section 72.5, cases involving children under 18 years of age are heard in youth court, and its judges also deal with children's offenses in order to separate children's cases from adults' cases and to observe confidentiality policy concerning children. In addition, in order to provide services to victims, prevent crime, and support youth or vulnerable persons such as children and women who may be at risk of victimization or secondary victimization, the Government of Canada relies on institutions and organizations such as the Ministry of Public Safety and the Attorney General, the Victim Safety Unit, police and community safety branches, and other entities.

With respect to First Nations, Inuit, and Métis children, who are among the most vulnerable persons exposed to the risk of victimization in the Canadian child welfare system, many are separated from their parents, families, and communities due to factors arising from poverty, poor housing conditions, intergenerational trauma, and culturally biased practices in child welfare. Indigenous children in care are at greater risk of adverse health outcomes, ongoing violence, and involvement with the justice system. The Government of Canada, together with First Nations, Inuit, and Métis partners, agrees that this tragic and complex situation is entirely unacceptable, and the Government of Canada is committed to improving the way it meets the needs of First Nations, Inuit, and Métis children and their families. Among the measures undertaken by the Government of Canada to advance the goal of a childhood without violence was the establishment of a knowledge center in 2015 by the Centre for Research and Education on Violence Against Women and Children to improve communication between researchers and service providers in the emerging field of trauma-informed health promotion. The Government of Canada has also, through a new forum called Knowledge Mobilization, provided specific support to researchers and service providers to address violence in adolescent or youth relationships in Canada and has brought together violence prevention programs for children and adolescents that have been presented and tested. This forum also improves the design and implementation of these programs. Knowledge mobilization will use information on the provision of services to children and their families, their placement in temporary care centers, and connection with family and community and reunification to analyze trends and inform child welfare policies and programs. In January 2018, the Minister of Indigenous Services Canada hosted an emergency meeting on Indigenous child and family services with Indigenous, federal, provincial,

and territorial partners. During this meeting, the minister committed to six practical points, including the development of a data and reporting strategy with provinces, territories, and Indigenous partners. The Government of Canada will use a roadmap as guidance on the vital path toward ensuring that children in Canada grow up safe, healthy, and free from violence. This roadmap describes the legal landscape and highlights many exceptional Canadian initiatives that are currently being implemented to protect children and end violence against them. The opportunities identified in this roadmap will help Canada focus its efforts on areas where there is a severe need and where its actions will be effective. In the next step, Canada will contact adolescents and youth, Indigenous organizations, service providers, researchers, nongovernmental organizations, religious organizations, and advocacy groups to examine the efforts that all can undertake and the opportunities for supporting one another in order to end violence against children and keep them away from the risk of victimization in Canada.

Children and adolescents are among the victims of cyberspace and artificial intelligence, and they have no sufficient knowledge of privacy protection and can easily become instruments in the hands of offenders. In other words, children may lack awareness or may have limited literacy skills that would enable them to fully understand their right to privacy and understand the risks and potentially long-term effects of data sharing and artificial intelligence processing. Therefore, they have limited capacity to assess related risks. In this regard, the state must also apply supportive and preventive measures in the form of educating parents, children, and adolescents in the use of cyberspace and must take appropriate legal action against offenders in this field.

Regarding different laws on services for children under 18 years of age, it can be stated that responsibilities are divided between federal and provincial governments, meaning that children receive different protective treatment in each province of Canada. Today, Quebec is the only province that has maintained a child welfare system and the only place where children are less exposed to police harassment.

Four main weaknesses of the Canadian criminal justice system lead to the victimization of children. The first weakness concerns prosecution, which perpetuates the phenomenon of double victimization in three different ways. The second main weakness of the criminal justice system concerns protection, in that sentences for crimes committed against children are very short, and therefore most adults who commit this category of crimes still roam the streets. The third weakness of the criminal justice system concerns prevention, in that it decides what constitutes crime and excludes commercial corporations by failing to keep them under supervision. This can be illustrated by the contrast between the ease of indictment against ordinary offenders and the difficulty of identifying, prosecuting, and punishing corporate offenders. The inevitable result is that the criminal justice system does not merely reflect the reality of crime; rather, it participates in creating the reality that is seen.

Finally, the fourth weakness relates to the first three principles, in that instead of implementing protective and preventive measures, such as public policies concerning health, education, child welfare, law enforcement, gun control, and a wide range of cultural and social factors that are far more important in determining a country's youth crime rate than its youth justice system, the system relies on punitive approaches. Therefore, it can be argued that the lack of support for victims and prosecution of offenders has a direct effect on children becoming offenders.

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## Authors' Contributions

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

## Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

## Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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