

YOUR LIFE, YOUR RIGHTS

RIGHTS OF YOUTH IN CUSTODY IN BC

If you are in care, your Section 70 rights don't legally apply to you while you are in custody, but you still have rights.

RIGHT: Have your **basic needs** met. This includes:

- * A safe custody facility that ensures your health and dignity
- * Clean drinking water and enough healthy food
- * A safe and clean place to sleep with regular sleeping hours
- * A clean, private place where you can shower and use the bathroom
- * Clothes that are right for the climate
- * Having some personal items
- * Time and space to exercise
- * Getting any medical (including vision, dental and addictions) or mental health care that you need, including private conversations with health care professionals
- * Not being discriminated against based on your race, gender, religion, age or sexual orientation

RIGHT: Have your situation explained to you in a way that you **understand**. This includes:

- * Being told why you're in custody and what the plan is to have you return to your community
- * Being told your rights and responsibilities
- * Being told the rules at the custody centre
- * Being told how you can make complaint
- * Being told what the consequences are if you break rules

RIGHT: Be supported in **rehabilitation** and return to your community. This includes:

- * Accessing programs that can support you to return to your community
- * Being involved in your rehabilitation plan
- * A youth worker who will support you to follow all the steps to return to the community

RIGHT: Continue your **personal growth and development**. This includes:

- * Continuing your education and getting special education if you need it
- * Opportunities to take vocational training that can prepare you for a future job
- * Any certificate or diploma you earn while you're in custody shouldn't indicate that you've been in custody
- * Time and supplies for hobbies

RIGHT: Practice your **religion**. This includes:

- * Participating in religious activities
- * Attending any religious services offered in the facility
- * Have visitors who can provide religious guidance
- * Not participating in any religious services, counselling or education you don't want to

RIGHT: **Connect** with the outside community. This includes (as allowed by the custody centre rules or court order):

- * Having visitors
- * Communicating with family and friends
- * Communicating with the Representative for Children and Youth, your lawyer, the BC Ombudsperson or other advocates

Sources

Youth Criminal Justice Act

<https://www.laws-lois.justice.gc.ca/eng/acts/y-1.5/FullText.html>

Youth Custody Regulation, Youth Justice Act

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/10_137_2005

UN Rules for the Protection of Juveniles Deprived of Their Liberty

<https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty#:~:text=Juveniles%20deprived%20of%20their%20liberty%20shall%20not%20for%20any%20reason,with%20the%20deprivation%20of%20liberty.>

BC Government Website

Youth in Custody

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/bcs-criminal-justice-system/youth-justice/youth-justice-in-british-columbia/serving-a-youth-sentence/youth-custody>

Complaint Process for Children and Teens

<https://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/child-family-service-complaints/children-teen-complaint-process>

RIGHT Make a **complaint** if you feel your rights have been violated. You can reach out to the people or organizations below:

THE DIRECTOR OR AN ADVOCATE AT YOUR CUSTODY CENTRE.

FEDERATION OF BC YOUTH IN CARE NETWORKS

The Federation of BC Youth in Care Networks (the Fed) is a youth-driven, peer-based, provincial non-profit organization dedicated to improving the lives of young people in and from care in BC between the ages of 14 and 24. If you feel your rights not being respected, you can connect with us and one of our friendly staff can help you.

fbcyicn.ca | info@fbcyicn.ca | 604-527-7762

REPRESENTATIVE FOR CHILDREN AND YOUTH

BC's Representative for Children and Youth (RCY) advocates for children and youth in care. They can help you make sure your rights are respected. You can connect with an advocate via text, online chat, email or over the phone.

<http://rcybc.ca/get-help-now/> | 1-800-476-3933 | rcy@rcybc.ca

OMBUDSPERSON

The BC Ombudsperson looks into complaints about provincial and local governments. If you'd like to make a complaint about how you've been treated in custody, you can reach out to the Ombudsperson's office and they can investigate it.

<https://bcombudsperson.ca/> | 1-800-567-3247

INVESTIGATION AND STANDARDS OFFICE (ISO)

The ISO investigates complaints made by people in custody.

<https://www2.gov.bc.ca/gov/content/justice/criminal-justice/iso> | 1-250-387-5948

RESPONSIBILITIES OF THE CUSTODY CENTRE

- * Keeping you safe
- * Keeping order and security at the centre
- * Supporting your rehabilitation and return to your community
- * Supporting your personal and emotional development
- * Offering programs that provide education or training
- * Providing space and time for you to have visitors
- * Not monitoring your communication with outside people unless they have reason to believe you're doing something illegal or otherwise breaking rules
- * Considering your personal and emotional development, your safety and the safety of other youth when they decide on consequences if you break any

YOUR RESPONSIBILITIES

When you're in a custody centre, you also have responsibilities. You are responsible for:

- * Keeping yourself and your room clean
- * Following directions from staff, including participating in activities and programs
- * Following the rules of the centre and respect all property
- * Treating staff and other youth with respect
- * Not having items that you are not allowed to have
- * Keeping yourself and others safe
- * Participating in planning activities related to your time in custody and your release
- * Talking to someone if you need help

If you don't take your responsibilities seriously and break rules, you might:

- * Be asked to apologize
- * Have to pay for damages
- * Have to participate in mediation or a restorative justice process
- * Lose privileges
- * Be sent to your room (for up to 2 hours)
- * Be transferred to another room, unit or centre
- * Have trips cancelled

If you break rules and there are consequences you don't think are fair, you have the right request a review of the consequences, and review must be done by a different person than the one who decided on the consequences.

rules. Consequences should be fair and meaningful to you

- * Not placing you in separate confinement for longer than necessary, without hearing you out first, and without explaining why you're in separate confinement
- * Not doing strip searches without explaining to you why they're doing it or what is going to happen. Strip searches should be done in private by someone of the same gender as you, with one other person in the room and be done as fast as possible.
- * Safely holding of any of your things that were taken from you when you came into custody, and giving them back to you when you're released