

Children in Northern Ireland



Response to the Department of Justice (NI) public consultation on increasing the Minimum Age of Criminal Responsibility in Northern Ireland

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The MACR should be increased to 16

[Children in Northern Ireland \(CiNI\)](#) is the regional umbrella organisation for the children's sector in Northern Ireland. With over 130 members, CiNI is accountable for representing and giving voice to the experiences, views and aspirations of its members across NI to inform and influence those who make policy or plan and deliver services for children and young people. Our vision is to make Northern Ireland a society where all children are valued, treated fairly and are able to flourish.

We believe that raising the Minimum Age of Criminal Responsibility (MACR) is central to improving equality of opportunity for all of our children and young people; and we recommend that the MACR in NI should be raised to 16 years old in line with international best practice.

There should be no exceptions

[The United Nations \(UN\) Committee on the Rights of the Child \(CRC\)](#) now considers the age of 14 to be the minimum acceptable standard for States parties and commends those that apply a higher legal threshold of 15 or 16 years old.¹ The Committee is also 'concerned about practices that permit exceptions to the use of a lower minimum age of criminal responsibility in cases where, for example, the child is accused of committing a serious offence.' The Committee notes that 'such practices are usually created to respond to public pressure and are not based on a rational understanding of children's development.' It therefore 'strongly recommends that States parties abolish such approaches and set one standardized age below which children cannot be held responsible in criminal law, without exception.'

We agree with the UN CRC's recommendation that there should be no exceptions to the standardised age below which children cannot be held responsible in criminal law, in line with a rational understanding of children's development.

The MACR should be based upon child development

[The UN's recommendations are based on the latest available evidence](#) in the fields of child development and neuroscience, which indicate that 'maturity and the capacity for abstract reasoning is still evolving in children aged 12 to 13 years due to the fact that their frontal cortex is still developing. Therefore, they are unlikely to understand the impact of their actions or to comprehend criminal proceedings.' The Committee note that 'adolescence is [also] a unique defining stage of human development characterized by rapid brain development, and this affects risk-taking, certain kinds of decision-making and the ability to control impulses [...] Moreover, the developmental and neuroscience evidence indicates that adolescent brains continue

¹ United Nations, Committee on the Rights of the Child, 18 September 2019, General comment No. 24 on children's rights in the child justice system: <https://digitallibrary.un.org/record/3899429?ln=en>

to mature even beyond the teenage years, affecting certain kinds of decision-making.’

We agree with the UN CRC’s assessment that the latest available evidence in the fields of neuroscience and children’s development demonstrate that adolescent brains continue to mature beyond the teenage years, affecting decision-making, risk-taking, and the ability to control impulses.

The MACR should align with wider Youth Justice Policy

[Local research in Northern Ireland aligns with the international evidence](#)² and our Minimum Age of Criminal Responsibility (MACR) of 10 years old, one of the lowest in Europe, stands in stark contrast to the rights standards and principles embedded in our current youth justice system. Northern Ireland has incorporated the ‘best interests’ principle into the aims of the Youth Justice System; it has adopted a welfare ethos in Juvenile Justice Centres; there is a commitment to diversion from formal court processes; there have been developments in early intervention; and there is a ‘Children First’ informed model of practice. Our low MACR is not compliant with Children’s Rights, as set out in the UN Convention, and it is not coherent with wider criminal justice policy development in Northern Ireland. It simply does not align with the progress that has been made elsewhere in the Youth Justice System.

We believe that raising the MACR to 16 would contribute towards a more coherent approach to Youth Justice, reflecting the progress and developments elsewhere in the system.

Raising the MACR is key to diversion

[Criminalising children does not work](#)³, in terms of reducing offending and tackling recidivism, and raising the MACR is a key element of effective diversionary strategies. The current approach impacts young people’s ability to access education; it hampers their job opportunities; and it can have even more devastating consequences on their lives. The evidence shows that trusting relationships, education, and having a job all improve outcomes and break cycles of reoffending.⁴ Raising the MACR does not result in impunity for offending behaviour, it is about

² See for example: Carr & McAlister (2021) ‘Tracing the Review: Developments in Youth Justice in Northern Ireland: <https://www.qub.ac.uk/research-centres/CentreforChildrensRights/CCRFilestore/Filetoupload,1238076,en.pdf>; McAlister et al. (2022) ‘Over-representation in the Youth Justice System in Northern Ireland: https://www.justice-ni.gov.uk/sites/default/files/publications/justice/over-rep%20in%20yjs%20main%20report_4.pdf; and McAlister et al. (2017) Raise the Age? Children’s attitudes towards the minimum age of criminal responsibility: https://pureadmin.qub.ac.uk/ws/portalfiles/portal/131696413/ARK_Update_ACR.pdf.

³ Rod Morgan (2009) ‘Children and Young People: Criminalisation and Punishment’ in Armitage et al. ‘Youth Offending and Youth Justice (pp.56-75): https://www.google.co.uk/books/edition/Youth_Offending_and_Youth_Justice/yvEn306KDG8C?hl=en&gbpv=0

⁴ Farrall et al. (2010) Social structures and desistance from crime, European Journal of Criminology: <https://doi.org/10.1177/1477370810376574>

recognising the needs of children and young people and addressing those. It must be accompanied by a more strategic and effective allocation of resources, away from costly placements in Juvenile Justice Centres and into therapeutic, early intervention services and community-based restorative practice.

We believe that raising the MACR to 16 provides a crucial opportunity for government departments to assess the strategic allocation of resources and ensure sustainable funding models for services and programmes that are effective in reducing youth offending and providing victims with a role in repairing the harm caused and preventing reoffending.

Raising the MACR can help tackle inequalities

[The case to raise the MACR to 16](#) is supported by research into child development, including neuroscience, a more progressive youth justice system framed around desistance as opposed to punitive forms of punishment, and a vision for society that values fairness and equal opportunities for all of our children and young people. Research consistently highlights the links between young people coming into contact with the criminal justice system and those living in poverty, with mental ill health, having experience of being in care or experiencing neglect/ abuse, misusing drugs or alcohol, and having learning and behavioural difficulties.⁵ It is often those who face the greatest structural barriers and experience the most acute social need that are caught up in the youth justice system.⁶ 34% of children in custody in Northern Ireland during 2021/2022 were children in the care system.⁷

We agree with the expert analysis that shows how a low age of criminal responsibility results in a criminal justice solution to welfare issues, poverty, and adverse childhood experiences; simply accelerating already vulnerable children further into the system and ultimately custody. Raising the MACR can help break cycles of institutionalisation and allow space for the multiple disadvantages and vulnerabilities to be addressed.

Raising the MACR remains a political choice and we must grasp this opportunity, with the weight of evidence and wider public understanding now strongly directed towards change. It is long overdue that we stop criminalising our children. We support raising the MACR to 16 because we believe that children can, and must, be offered a different path through proper support services. This is a critical step towards making Northern Ireland a society where all children are valued, treated fairly and are able to flourish.

⁵ Howard League for Penal Reform (2011), 'Response to Breaking the Cycle: Effective Punishment, rehabilitation and sentencing of offenders', London: The Howard League for Penal Reform; Prison Reform Trust, (2009), 'Seen and Heard, supporting vulnerable children in the youth justice system'.

⁶ Barry Goldson, (2013), 'Unsafe, Unjust and Harmful to Wider Society': Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales, Youth Justice Series 2013 13: 111.

⁷ Youth Justice Agency, Annual Workload Statistics, 2021/2022.