

Department of Justice  
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5 December 2022

Dear Sir or Madam

## Department of Justice – Public Consultation on Increasing the Minimum Age of Criminal Responsibility in Northern Ireland from 10 years to 14 years

The Commission welcomes the opportunity to respond to the Department’s consultation. We note that the response will be used to ‘inform debate over future changes to the Minimum Age of Criminal Responsibility (MACR) in Northern Ireland’.

Our response is linked solely to the Commission’s statutory remit. In this regard, we do not advocate a particular age at which criminal responsibility should be incurred. We note that a range of views exist, including for the age to remain at 10, or to be raised to 12, 14 or 16. We recommend that the appropriateness of the MACR should be informed by international best practice, UNCRC minimum standards and the views of those experienced in the fields of youth justice and children’s rights in Northern Ireland.

We note the Department’s persuasive case for raising the MACR, in particular ‘the long term impact which contact with the justice system has on the lives of children, research demonstrates that if children are criminalised from a young age they are more likely to be drawn further and deeper into the criminal justice system.’<sup>1</sup> Of relevance to the Commission is the assertion that: ‘Often it is the most troubled and vulnerable children who find themselves deeply entrenched in the justice system.’<sup>2</sup>

We highlight the Raising the Age of Criminal Responsibility Joint Briefing Paper<sup>3</sup>, reason 4 – Children at risk of coming into contact with the justice system have complex needs. It asserts that ‘Children in areas of high deprivation are more likely to be at risk of coming into contact with the criminal justice system and in Northern Ireland this is particularly true of communities affected by the conflict.’

The briefing paper references QUB research for the Department of Justice<sup>4</sup> which noted that: ‘There was a broad understanding among those from all sectors that the majority of children who come into contact with the justice system experience multiple disadvantages and vulnerabilities, with economic disadvantage, under-resourced communities, **conflict legacy**, parenting stress, educational disadvantage, and family involvement in the criminal justice system regularly discussed.’

<sup>1</sup> DoJ (Oct 2022) [MACR Consultation document](#), at paragraph 25

<sup>2</sup> DoJ (Oct 2022) [MACR Consultation document](#), at paragraph 27

<sup>3</sup> CLC, Include Youth, NIACRO, VOYPIC (Nov 2022) [Raising the Age of Criminal Responsibility Joint Briefing Paper – 10 Reasons Why 10 is Too Young](#)

<sup>4</sup> QUB, McAlister, McNamee, Corr and Butler (2022) [Over-representation in the youth justice system in Northern Ireland](#), page 34

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It highlighted research participant views around the impact of recruitment by paramilitaries and increased policing in areas to tackle it, noting: 'This is supported by other research which found a high proportion of children in the JJC to have experienced paramilitary style threats and assaults.'<sup>5</sup>

The briefing sets out that: 'Children in care are particularly over-represented in figures of children in custody in Northern Ireland. Of the children in custody during 2021/2022, 34% were in care.' Our own research<sup>6</sup> noted: 'The impact of Conflict-related experiences on mental well-being and an ability to effectively parent was raised by a significant number of community representatives and key stakeholders. Based on their practice experience, individuals working in family, social care sector and family law felt there was a correlation between Conflict legacy and the higher rates of children entering the care system due to parental distress, 'self soothing behaviours' (e.g. substance misuse) and domestic violence.'

It also identified<sup>7</sup>: 'The consequences for the current generation can be far reaching as parental trauma/ the impacts of conflict on family life can impact family relations, children's development, their feelings of safety and security, their freedom and opportunities, and their sense of well-being. There are of course implications for children's right to family life if their parent/s is not able to care for them or keep them safe, and this research certainly points to the need for further exploration of the relationship between Conflict legacy and children in care.'

The Commission's vision is that 'Victims and Survivors are remembered and empowered to shape a future where their voices are heard and their needs met within a reconciled society.' Our mission is to 'contribute to reconciliation by ensuring Victims and Survivors' needs are met, their voices heard and that learning from their experiences contributes to lasting peace for generations to come.'

Ensuring that children and young people's needs are met, through the delivery of targeted interventions that are informed by an approach that effectively addresses the legacy of Northern Ireland's past is imperative to achieve this vision and mission. That legacy is evidenced in the on-going threat of paramilitarism, sectarianism and trauma impacts upon families. We believe that in considering the MACR, the Department should pay particular attention to these needs and impacts.

Yours faithfully



Ian Jeffers  
**Commissioner**

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<sup>5</sup> QUB, McAlister, McNamee, Corr and Butler (2022) [Over-representation in the youth justice system in Northern Ireland](#), page 41

<sup>6</sup> QUB, McAlister, Corr, Dwyer, Drummond, Fargas-Malet for CVSNI (2021) ['It didn't end in 1998' Examining the Impacts of Conflict Legacy Across Generations](#), page 234

<sup>7</sup> QUB, McAlister, Corr, Dwyer, Drummond, Fargas-Malet for CVSNI (2021) ['It didn't end in 1998' Examining the Impacts of Conflict Legacy Across Generations](#), page 22