



TEN IS TOO YOUNG

The Evidence for Raising the
Age of Criminal Responsibility
in Northern Ireland

JANUARY 2026

A Joint Briefing from:



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Introduction

The Justice Bill¹, introduced by the Minister of Justice to the Northern Ireland Assembly in September 2024, is a wide-ranging and significant piece of draft legislation. It contains many important proposals and is rightly receiving detailed consideration by both elected representatives and civil society, including children's rights organisations.

We, the authors of this briefing paper – Children in Northern Ireland (CiNI), the Children's Law Centre, Include Youth, Niacro, the Northern Ireland Commissioner for Children and Young People (NICCY) and the Voice Of Young People In Care (VOYPIC) - believe that the Bill presents a critical opportunity within the current Assembly mandate to deliver real and lasting change by finally addressing Northern Ireland's unacceptable age of criminal responsibility and ensuring alignment with international children's rights standards.

Working together, our organisations have formed the **10 is too young** campaign and are working with a wide and growing coalition of supporters to ensure we seize the opportunity presented by the Justice Bill to finally address Northern Ireland's minimum age of criminal responsibility (MACR). We believe the moment to act is now.

We are therefore calling on Members of the Northern Ireland Assembly to support an amendment to the Justice Bill that raises Northern Ireland's MACR from 10 to 16 years, without exception.

This reform is both necessary and long overdue. At just 10 years old, Northern Ireland's MACR is one of the lowest in the world and the lowest in Europe. Raising the age would bring Northern Ireland into line with international children's rights standards, including the UN Convention on the Rights of the Child (UNCRC)² and General Comment No. 24 (2019)³, which call for a minimum age of at least 14 and encourage States to move towards 15 or 16 years in accordance with developmental science.

In this paper, we set out the evidence for change and explain why we believe the age should be raised to 16 while reflecting on the wider social benefits of doing so.

¹ Justice Bill 07/22-27. Accessible at: <https://www.niassembly.gov.uk/assembly-business/legislation/2022-2027-mandate/primary-legislation-bills-22-27-mandate/justice-bill/>

² The United Nations Convention on the Rights of the Child. Accessible at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³ United Nations Committee on the Rights of the Child. General comment No. 24 (2019) on children's rights in the child justice system. Published 18 September 2019. Accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en

Setting the Scene: Policy Commitments and Unfinished Reform

In February 2010, the Hillsborough Agreement was reached, enabling the devolution of policing and justice powers from the UK Government to the Northern Ireland Assembly. That agreement contained a clear commitment to a:

“Review of how children and young people are processed at all stages of the criminal justice system, including detention, to ensure compliance with international obligations and best practice.”⁴

When the Review of Youth Justice was subsequently published in September 2011, it recommended that the age of criminal responsibility should be raised to 12 with immediate effect, and that, following a period of no more than three years, consideration should be given to raising it to 14.⁵

At that time, the Minister of Justice, David Ford MLA, confirmed that public consultation responses showed substantial support for raising the age and stated publicly that he personally favoured an increase to 12 or 14.

Almost 15 years later, there has been no change to the age of criminal responsibility in Northern Ireland, yet the strength of the evidence for change has only grown in the intervening period.

Subsequent Ministers of Justice have also expressed support for reform, and there is a growing consensus that change is long overdue. A public consultation in 2022 similarly found that responses *“demonstrated strong support for an increase in the Minimum Age of Criminal Responsibility (MACR) in Northern Ireland”* with 84% of respondents agreeing that MACR should be raised from 10 years. Less than 10% of the 455 responses wanted to see no change at all.⁶

Since the 2011 Review, international standards have developed further. The UN Committee on the Rights of the Child, through General Comment No. 24 (2019)⁷, has made clear that the MACR should be no lower than 14, and has encouraged States to move towards 15 or 16 years. The Council of Europe’s Committee of Ministers and European Commissioner for Human Rights have echoed this position.

Scientific and developmental evidence also reinforces this approach. Research in neuroscience and child psychology consistently demonstrates that children and young people under 16 lack the full cognitive, emotional and moral capacity to be held criminally

⁴ Hillsborough Castle Agreement: An agreement reached in Northern Ireland that allowed the devolution of policing and justice powers to the Northern Ireland Executive. February 2010. Accessible at:

<https://www.gov.uk/government/publications/hillsborough-castle-agreement>

⁵ A Review of Youth Justice in Northern Ireland. Published 2011. Accessible at:

<https://www.drugsandalcohol.ie/16000/1/report-of-the-review-of-the-youth-justice-system-in-ni%5B1%5D.pdf>

⁶ Department of Justice. Summary of Responses - Increasing the Minimum Age of Criminal Responsibility in Northern Ireland from 10 years to 14 years. June 2023. Accessible at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/summary-consultation-macr.pdf>

⁷ United Nations Committee on the Rights of the Child. General comment No. 24 (2019) on children’s rights in the child justice system. Published 18 September 2019. Accessible at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en

responsible in the same way as adults and that early criminalisation only increases the risk of reoffending.

To continue to do nothing on this issue is untenable. Our children deserve a system that recognises their developmental capacity, upholds their rights, and allows them to learn from mistakes without being criminalised. Raising the MACR to 16 would ensure that Northern Ireland moves from being an international outlier to a jurisdiction that meets modern standards of child protection and justice.

An Expanding Evidence Base for Reform: How we're Failing our Children

The evidence base on the inadequacies of the current system is ever-expanding. In particular, the combination of an established correlation between deprivation and contact with the criminal justice system, an enhanced understanding of neuroscience and child brain development, and evidence relating to *how* children are criminalised, taken together, offer a compelling empirical basis for raising the age of criminal responsibility.

Social Deprivation and Risk of Criminalisation

Firstly, there is no shortage of research linking higher risks of children in greatest social need with coming into contact with the criminal justice system. It is well-established that young people living in poverty, experiencing mental ill health, with experience of being in care, experiencing neglect/abuse, misusing drugs or alcohol, and living with learning or behavioural difficulties, are more at risk of coming into contact with the criminal justice system.⁸

In Northern Ireland in particular, children in care are over-represented in figures of children in custody. From 2022/23 to 2024/25, for example, the percentage of children in custody who were in care has markedly risen from 34% to 48.4%⁹. Further, in Department of Justice-funded research¹⁰ on over-representation in the youth justice system in NI, the authors drew attention to multiple disadvantages and vulnerabilities that the majority of children who come into contact with the justice system have. These include economic disadvantage, under-resourced communities, legacies of the conflict, parenting stress, educational disadvantage, and family involvement in the criminal justice system.

It is also worth reflecting that these issues are not new. The 2011 Youth Justice Review made specific reference to a number of groups of young people that are over-represented in the youth justice system; these included young people with speech and language difficulties, mental health problems, and care-experienced children.¹¹

In over a decade since that review, we are still observing the same issues, we must ask ourselves what can be done differently.

Context-Specific and Changing Forms of Criminalisation

In addition to the challenges outlined above, children and young people living in Northern Ireland face a context-specific risk of experiencing Adverse Childhood Experiences (ACEs) due to the variety of ongoing conflict-related activities conducted by organised crime groups

⁸ See: Tracing the Review: Developments in Youth Justice in Northern Ireland 2011-2021. May 2021. Accessible at: https://pure.qub.ac.uk/files/263877347/TRACING_THE REVIEW_PDF.pdf. See also: Department of Justice. Strategic Framework for Youth Justice. March 2022. Accessible at: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/strategic%20framework%20for%20youth%20justice%20-202022%20-%202027.PDF>

⁹ Youth Justice Agency Annual Workload Statistics 2024-25. Published September 2025. Accessible at: <https://www.justice-ni.gov.uk/publications/youth-justice-agency-annual-workload-statistics-2024-25>

¹⁰ Department of Justice. Over representation in the youth justice system in Northern Ireland. March 2022. Accessible at: <https://www.justice-ni.gov.uk/publications/over-representation-youth-justice-system-northern-ireland>

¹¹ A Review of Youth Justice in Northern Ireland. Published 2011. Accessible at: <https://www.drugsandalcohol.ie/16000/1/report-of-the-review-of-the-youth-justice-system-in-ni%5B1%5D.pdf>

and/or paramilitaries. This type of exploitation has been the subject of work conducted by the NI Executive Programme on Paramilitarism and Organised Crime (EPPOC) and has now been included in a cross-departmental Action Plan. Child Criminal Exploitation (CCE) in this action plan is defined as follows:

“Child criminal exploitation is a form of child abuse which occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate, or deceive a child or young person under the age of 18 into any criminal activity. The exploitation may be through violence or the threat of violence but may also appear to be transactional and in the context of perceived relationships and friendships. The victim may have been criminally exploited even if the activity appears to be consensual.”

Additionally, the prevalence of both “sexting” and anti-vape legislation provide a further risk factor for the criminalisation of children and young people here. In an increasingly digital world, where technology continues to evolve at pace and reshape how young people communicate and interact, children are increasingly being criminalised for engaging in behaviour such as sharing images without consent (e.g. between young people at school).

This leads to them having criminal records even when diversionary action is taken. In 2024/25 PSNI referrals to YJA for their Sexting Scheme totalled 287.¹² In addition, the emergence of anti-vaping legislation during the same period resulted in 27 referrals being made by the PSNI to YJA. As digital and social behaviours continue to evolve, the net is widening, and more children are at risk of being criminalised for actions that often stem from developmental immaturity and a lack of understanding of the law and legal consequences. There is both a social and fiscal cost to this, both of which could be diminished by adopting an approach centred on care, protection, earlier intervention and education, diversion, and lastly, by raising the age of criminal responsibility.

Brain Development and Neuroscience

Often those who argue that we should not raise the minimum age of criminal responsibility claim that children as young as 10 know the difference between right and wrong and that there should always be some form of deterrent for ‘wrongdoing’. However, these arguments disregard the ever-increasing body of evidence which exists in relation to children’s brain development.

Neuroscience research has shown that adolescence is a time of dramatic brain development, with significant developmental differences in the brain’s biochemistry and anatomy that limit adolescent’s ability to perceive risks, control impulses, understand consequences and control emotions.¹³ Further, evidence on children’s understanding of the criminal justice process suggests that those aged 13 years old and younger are impaired in

¹² Youth Justice Agency Annual Workload Statistics 2024-25. Published September 2025. Accessible at: <https://www.justice-ni.gov.uk/publications/youth-justice-agency-annual-workload-statistics-2024-25>

¹³ Enys Delmage, (2013), The Minimum Age of Criminal Responsibility: A Medico Legal Perspective, *Youth Justice*, 2013 13:102.

their ability to understand criminal proceedings and only begin to understand what it means to appear before a judge at around 14 or 15 years old.¹⁴

Evidence also points to the fact that children in contact with the criminal justice system have additional stressors that impair their brain development. For example, as a result of experiencing many of the social disadvantages outlined above (trauma, abuse, neglect, poverty etc.) children are more likely to have contact with the criminal justice system, and it is these children in particular that demonstrate even more pronounced decision-making deficits than those who never come into contact with the justice system at all.¹⁵ They are therefore particularly poorly developed in their capacity to be held criminally responsible. In the Northern Irish context, this is particularly important to consider given the particularities of challenges relating to ACEs (as outlined above).

The research around this issue unequivocally demonstrates that holding children as young as 10 criminally responsibly is not scientific or evidence based. This is reinforced by key voices in child development and psychiatry in Northern Ireland. Dr Phil Anderson, Consultant in Child, Adolescent and Forensic Psychiatry, for example, states that:

“The relevance of these brain findings to youth justice is that the adolescent population is demonstrably and substantially different to the adult population. Legislative approaches to issues, such as MACR, needs to reflect the current scientific understanding of the brain.”¹⁶

¹⁴ Children and Young People's Commissioner for Scotland, Age of Criminal Responsibility (Scotland) Bill, Evidence to the Equalities and Human Rights Committee, 2018.

¹⁵ Singh, Y., 2023. Old enough to offend but not to buy a hamster: the argument for raising the minimum age of criminal responsibility. *Psychiatry, Psychology and Law*, 30(1), pp.51-67.

¹⁶ QPOL. Dr Phil Anderson: Minimum Age of Criminal Responsibility – Why it should be raised in Northern Ireland. June 2022. Accessible at: <https://qpol.qub.ac.uk/minimum-age-of-criminal-responsibility-macr-why-it-should-be-raised-in-northern-ireland/>

Doing What Works: Why Criminalising Children Is Not an Effective Response

In considering the appropriateness of Northern Ireland's current MACR, it is important to reflect on the actual objective of how the state responds to children and young people who demonstrate certain behaviours. If the overall aim of the system is to prevent offending behaviour, to enable rehabilitation and to ensure the reintegration of young people in order that they can play a meaningful role in society, then we must acknowledge that formal criminal justice responses do not offer the best chance of achieving that objective.

The reoffending rates in Northern Ireland demonstrate this; government figures from the Department of Justice reveal the one-year proven re-offending rate of young people as follows:

- Custody release – 5 out of 9 young people
- Non-custodial disposal with supervision – 58.3%
- Non-custodial disposal without supervision – 31.8%
- Diversionary disposal – 20.8%¹⁷

Rather than criminalising children, we should support children, families, and communities who are struggling to deal with the pressures they face, ensuring they can access the support and services they need well before they reach crisis point.

Early intervention and prevention are critical to reducing the numbers of children in the criminal justice system and reducing the numbers of victims.

We know that often children who display challenging behaviour have themselves been victims and have experienced multiple levels of adversity and trauma. Some have been groomed, coerced, and exploited. The unmet needs of these children are often the most significant cause of their behaviour. Addressing these underlying issues is proven to be a more effective way of addressing offending behaviour.

Professionals and experts who are at the 'coalface' of working with children who come into the justice system are calling for a better way.¹⁸ They know the profile of children impacted by a low age of criminal responsibility and are saying loudly and clearly that change needs to happen — how we deal with these children is not acceptable and there is no excuse for inaction.

As Dr Phil Anderson, Consultant in Child, Adolescent and Forensic Psychiatry states:

"The complex needs of these young people need to be met through health and social care responses, rather than criminal justice. A low MACR that seeks criminal justice

¹⁷ NISRA. Adult and Youth Reoffending in Northern Ireland (2022/23 Cohort). October 2025. Accessible at: <https://www.justice-ni.gov.uk/publications/adult-and-youth-reoffending-northern-ireland-202223-cohort>

¹⁸ For example, alongside the authors of this briefing paper, see submissions to the Northern Ireland Assembly Committee for Justice on the Justice Bill from organisations and community groups including but not limited to Northern Ireland Alternatives and Community Restorative Justice Ireland, Barnardo's NI and the British Association of Social Workers Northern Ireland. Accessible at: <https://www.niassembly.gov.uk/assembly-business/committees/2022-2027/justice/legislation/bills-primary-legislation/justice-bill/written-submissions/>

solutions to health and social care issues impacts all of us by consolidating vulnerable children with complex needs into the justice system.”¹⁹

We are not suggesting that there should be no intervention or response to behaviour deemed harmful to others and themselves – of course there must be a response – but the most effective interventions are those which are evidence-based and which do not focus on criminalising children. It is not a case of whether children will be held accountable for harmful behaviour, but instead, how we understand their behaviour and address it.

The emphasis should be on care, protection, and diversion from the criminal justice system. A child who has been repeatedly failed and not had their needs met should not then have to be further impacted and labelled by going through the criminal justice system, when the root causes of their behaviour lie outside of that system. Doing so only adds to the trauma already experienced.

This too is acknowledged by the Police Service of Northern Ireland, in the PSNI Children and Young People’s Strategy it is stated, “*It is important that young people are not criminalised for behaviour which can be dealt with more appropriately by other means.*”²⁰

This type of approach would focus on the well-being and rehabilitation of the child; it addresses the difficulties the young person has experienced, which have led them to engage in behaviour potentially harmful to themselves and others, and ultimately at risk of involvement in the justice system. It will also ensure fewer children enter the justice system.

Countries with a higher age of criminal responsibility adopt welfare-based approaches that focus on education, family support, and mental health interventions rather than punitive justice responses. Countries such as Finland and Norway have demonstrated that welfare-based approaches reduce rates of youth offending.²¹

A 2023 UNICEF report states:

“Therefore, children under the MACR should not be considered (alleged) child offenders but, first and foremost, children in need of special protection. Offending behaviour by children under the MACR is often the result of poverty, family violence and/or homelessness. As mentioned above, their involvement in offending behaviour is an indicator of potential vulnerability that has to be addressed by the social welfare system. Special protection measures for children under the MACR should address the root causes of their behaviour and support their parents/caregivers. The measures should be tailored to the child’s needs and circumstances and based on a comprehensive and interdisciplinary assessment of the child’s familial, educational

¹⁹ QPOL. Dr Phil Anderson: Minimum Age of Criminal Responsibility – Why it should be raised in Northern Ireland. June 2022. Accessible at: <https://qpol.qub.ac.uk/minimum-age-of-criminal-responsibility-macr-why-it-should-be-raised-in-northern-ireland/>

²⁰ Police Service of Northern Ireland. Children and Young People’s Strategy. Published June 2023. Accessible at: <https://www.psni.police.uk/children-and-young-people-strategy>

²¹ Fighting Knife Crime. Punishment or Rehabilitation? Comparing Two Countries – Is Norway Succeeding where the UK is Failing. January 2023. Accessible at: <https://www.fightingknifecrime.london/news-posts/punishment-or-rehabilitation-comparing-two-countries-is-norway-succeeding-where-the-uk-is-failing>.

and social circumstances; social support system; motivation for her/his offending or problematic behaviour; and particular characteristics and special needs.”²²

Solutions to the root causes of harmful behaviour are rarely found in criminalising very young children but instead can be found in non-criminal justice interventions. Raising Northern Ireland’s MACR from 10 would enable hundreds of children annually being better off as a result. Moving children as young as 10 out of the formal justice system will have a significantly positive impact on their lives and future prospects. Every day that the age of criminal responsibility remains unchanged, is another day that children as young as 10 can be taken through police stations, courts and unnecessarily criminalised. This causes ongoing harm to children and fails to invest meaningfully in measures which would have a more tangible and constructive outcome.

²² UNICEF. Systematic Responses to Children under the Minimum Age of Criminal Responsibility who have been (Allegedly) Involved in Offending Behaviour in Europe and Central Asia. December 2022. Page 13. Accessible at: <https://www.unicef.org/eca/reports/systematic-responses-children-under-minimum-age-criminal-responsibility>

Northern Ireland as an Outlier

Northern Ireland has one of the lowest ages of criminal responsibility in the world and the lowest in Europe. In Table 1 below²³, we have summarised the age of criminal responsibility across European countries, Table 2 illustrates the same detail in age-ascending order, illustrating the degree to which Northern Ireland, and indeed much of the rest of the UK, is a significant outlier on this particular issue.

Of the 51 countries listed, the average MACR is 14 years old, 12 countries have a MACR of 13 years or under, with the majority (over 75%) somewhere between 14 and 18 years of age.²⁴

Table 1: Comparing the minimum age of criminal responsibility in European Countries			
Country	MACR	Country	MACR
Albania	14	Luxembourg	18*
Andorra	12	Macedonia	14
Armenia	16*	Malta	14
Austria	14	Moldova	16
Azerbaijan	16*	Monaco	13
Belarus	16*	Montenegro	14
Belgium	18	Netherlands	12
Bosnia & Herzegovina	14	Northern Ireland	10
Bulgaria	14	Norway	15
Croatia	14	Poland	17*
Cyprus	14	Portugal	16
Czech Republic	15	Romania	14
Denmark	15	Russian Federation	16*
England	10	San Marino	12
Estonia	14	Scotland	12
Finland	15	Serbia	14
France	13	Slovakia	14
Georgia	14	Slovenia	14
Germany	14	Spain	14
Greece	15	Sweden	15
Hungary	14*	Switzerland	10
Iceland	15	Turkey	12
Ireland	12*	Ukraine	16*
Italy	14	Wales	10
Latvia	14		
Liechtenstein	14		
Lithuania	14*		

²³ This information has been compiled to the best of our ability using official government sources and, where necessary, relevant civil society sources for each country listed.

²⁴ Where a listed age is denoted with an '*' it is because in the relevant country or jurisdiction, the age listed is the standard age of criminal responsibility but exceptions to this age may exist in particular circumstances.

Table 2: Comparing the minimum age of criminal responsibility in European Countries (in age ascending order)

Country	MACR	Country	MACR
Northern Ireland	10	Montenegro	14
England	10	Romania	14
Switzerland	10	Serbia	14
Wales	10	Slovakia	14
Scotland	12	Slovenia	14
Andorra	12	Spain	14
Netherlands	12	Hungary	14*
San Marino	12	Lithuania	14*
Turkey	12	Czech Republic	15
Ireland	12*	Denmark	15
France	13	Finland	15
Monaco	13	Greece	15
Albania	14	Iceland	15
Austria	14	Norway	15
Bosnia & Herzegovina	14	Sweden	15
Bulgaria	14	Moldova	16
Croatia	14	Portugal	16
Cyprus	14	Armenia	16*
Estonia	14	Azerbaijan	16*
Georgia	14	Belarus	16*
Germany	14	Russian Federation	16*
Italy	14	Ukraine	16*
Latvia	14	Poland	17*
Liechtenstein	14	Belgium	18
Macedonia	14	Luxembourg	18*
Malta	14		

England and Wales also have a minimum age of criminal responsibility of 10 years old. In the **Republic of Ireland**, the age has been raised to 12 for all but the most serious offences. In **Scotland**, the Scottish Law Commission recommended that the age be raised to 12. The *Age of Criminal Responsibility (Scotland) Act 2019* was passed unanimously by the Scottish Parliament on 7th May 2019, received Royal Assent on 11th June 2019, and fully commenced on 17th December 2021. This Act raised the age of criminal responsibility in Scotland from 8 to 12 and provides safeguards to ensure that harmful behaviour by children under 12 can be responded to appropriately and meaningfully, without criminalising them.²⁵

There have been calls in Scotland to raise the age beyond 12, with considerable support from key stakeholders to raise the age to 16. The Children's Commissioner for Scotland has

²⁵ Scottish Government. Youth Justice: Age of Criminal Responsibility. Accessible at: <https://www.gov.scot/policies/youth-justice/raising-age-criminal-responsibility/>

called for the MACR to be raised to 16, claiming that an increase to only 12 is a significantly missed opportunity.²⁶

The Edinburgh Study, a longitudinal research programme tracking the lives of 4,300 young people played a key role in influencing policy change in Scotland, and gave policy makers confidence that reform on MACR could be effective in tackling offending. This seminal research in Scotland has demonstrated, consistent with the body of evidence we've referred to above, that the lives of children involved in serious offending are often blighted by poverty and early trauma, factors which are beyond their capacity to control. The data clearly showed that young people who get involved in the most serious and persistent forms of offending are the most vulnerable, victimised and traumatised in society. It has also demonstrated that diversionary and holistic approaches to dealing with children's needs result in reductions in offending. While the research undoubtedly influenced change, the researchers have stated that more needs to be done and have expressed their disappointment that the legislative change did not go far enough. There are clearly lessons to be learnt from the Scottish experience; we should take on board their advice:

"There is compelling evidence that the MACR should be raised to at least age 15 and this should be regarded as a minimum necessary step to delivering justice for children in conflict with the law. Indeed, once the ethical and empirical bases for reform of the MACR are acknowledged, it follows that a 'whole system approach' should be adopted in which cross-cutting policy portfolios (including, but not restricted to, youth justice) focus their attention on the underlying needs of children. Further, efforts should be made to address the structural factors which shape in negative ways the contexts in which they grow up. In sum, the Scottish case highlights the need for a praxis: fusing the ethical and empirical imperatives for policy transformation to enable all children and young people to flourish."²⁷

Interestingly, a robust 2025 study published in the *Journal of Quantitative Criminology*²⁸ examined the effects of temporarily lowering the minimum age of criminal responsibility in **Denmark** from 15 to 14 using population-wide administrative data and a quasi-experimental design. The study found no evidence that lowering the age reduced offending among children; instead, it identified an increase in recorded crime, particularly among children with prior involvement in offending. These findings were consistent across offence types and remained robust under multiple methodological tests, with no deterrent effects observed for younger or older cohorts. The authors conclude that introducing children to the criminal justice system at a younger age is not only ineffective as a crime-reduction measure but may be counterproductive, reinforcing concerns about labelling and criminogenic effects. This evidence strongly challenges "tough-on-crime" arguments and supports the case for keeping children out of the criminal justice system and raising the age of criminal responsibility in line with developmental evidence and international children's rights standards.

²⁶ Children and Young People's Commissioner Scotland, Age of Criminal Responsibility (Scotland) Bill, Evidence to the Equalities and Human Rights Committee, 2018

²⁷ Current Issues in Criminal Justice, 2024, Raising the Minimum Age of Criminal Responsibility: lessons from the Scottish experience, Lesley McAra and Susan McVie, pages 386-407, Vol 36, Issue 4, [Full article: Raising the minimum age of criminal responsibility: lessons from the Scottish experience](#)

²⁸ Damm et al. (2025), *Lowering the Minimum Age of Criminal Responsibility: Consequences for Juvenile Crime*, Journal of Quantitative Criminology. Accessible at: <https://www.vive.dk/en/publications/lowering-the-minimum-age-of-criminal-responsibility-consequences-for-juvenile-crime-dx3jpn0v/>

Further afield, we can also see developments in other comparable countries such as **Australia** where **Tasmania** is set to become the first Australian jurisdiction to raise the minimum age of criminal responsibility from 10 to 14 years old with no exceptions and also raise the age of detention to 16 years old, both by 2029.²⁹

In welcoming the decision by the Tasmanian government, spokespeople from the Australian #RaiseTheAge campaign said, *“Raising the age to at least 14 for all children and investing in evidence-based alternatives will mean children get the support they need...”* going on to say, *“we commend them for leading the nation with a bold and compassionate stance. This announcement sets a precedent that we hope will resonate across all states and territories, emphasizing that children deserve the opportunity to thrive within their communities rather than enduring trauma within the criminal justice system.”*³⁰

²⁹ Tasmanian Government, Department for Education, Children and Young People. Youth Justice Blueprint 2024-2034: Keeping children and young people out of the youth justice system. December 2023. Accessible at: <https://publicdocumentcentre.education.tas.gov.au/library/Shared%20Documents/Youth-Justice-Blueprint.pdf>

³⁰ #RaiseTheAge – Media Release: Landmark Win as Tasmania Commits to Raising the Age of Criminal Responsibility to 14. December 2023. Accessible at: <https://raisetheage.org.au/news-stories/media-release-landmark-win-as-tasmania-commits-to-raising-the-age-of-criminal-responsibility-to-14>

Victims' Needs and Children's Rights: A Compatible Approach

Ensuring the rights, needs and experiences of victims of crime are central to the design and delivery of the criminal justice system is a fundamental principle of justice policy. Raising the age of criminal responsibility (MACR) to a level consistent with children's rights standards in Northern Ireland is entirely compatible with this principle.

Victims of crime are not a single, uniform group. As noted by Victim Support NI:

"Victims are not a homogenous group – in fact the only common thing they share is their experience of crime. They are individuals. Each will have their own thoughts and opinions about the crime they experience. Each will also have their own unique reaction to the impact of crime, and it might not be what you might expect."³¹

While some victims may believe that young people under 16 should be dealt with through the same system as adults, others recognise that punitive responses to children in conflict with the law often fail to deliver meaningful justice or prevent future harm.

Research and practice evidence indicate that many victims primarily want to ensure that similar harm does not happen to others. Many are open to alternative approaches e.g. victims engaging with a more restorative rather than punitive resolution for young people who have caused harm to them. Restorative and child-centred approaches can meet these expectations more effectively than criminalisation. Evidence shows that victims often value the opportunity for constructive engagement, explanation, and reparation, especially when the child's behaviour is understood within the context of their vulnerabilities. Restorative processes - when safe and appropriate - offer victims more voice, validation, and closure than traditional punitive measures, which frequently deliver limited emotional or practical outcomes.'

Organisations like Victim Support NI (VSNI) have long campaigned for systemic change that offers alternatives when responding to the behavior of children and young people. They have recognised that there is a greater likelihood of criminalised children and young people becoming entrenched in the criminal justice system, particularly if there have been custodial experiences, leading to further victims of crime at later stages.

VSNI has also highlighted that many children who commit crimes have themselves been victims of neglect, abuse, or adverse childhood experiences. They argue, rightly, that these children lack the agency to change their circumstances and should not be criminalised for behaviour stemming from trauma.³²

³¹ QPOL. Raising the Minimum Age of Criminal Responsibility: Guest contribution from Victim Support NI. February 2025. Accessible at: <https://qpol.qub.ac.uk/raising-the-minimum-age-of-criminal-responsibility/>.

³² QPOL. Raising the Minimum Age of Criminal Responsibility: Guest contribution from Victim Support NI. February 2025. Accessible at: <https://qpol.qub.ac.uk/raising-the-minimum-age-of-criminal-responsibility/>.

Out of Step with Children's Rights and Development

In addition to the evidence already explored in this document, it is also important to reflect that, at 10 years old, Northern Ireland's MACR is fundamentally inconsistent with the broader legal framework governing the rights, responsibilities, and protections afforded to children. Across almost all areas of law and policy, the state recognises that children under 16 - and often under 18 - lack the maturity, judgement, and autonomy required to assume adult-like responsibility for their actions.

This inconsistency exposes a fundamental contradiction: children in Northern Ireland are deemed too young to make informed choices in most areas of life, yet old enough to be held criminally liable before they even reach post-primary school age.

Legal thresholds such as the age of compulsory school attendance (16, with live proposals to increase to 18), the age at which a child can access social media without parental consent (13), learn to drive a car (17), or vote (18, with proposals to reduce to 16) reflect a consistent principle: children develop capacity gradually, and the state must protect them from premature exposure to adult responsibilities and consequences.

This position is reinforced by international children's rights standards. The UN Committee on the Rights of the Child has repeatedly stated that the MACR in the UK is not compatible with the government's obligations under the UNCRC and established international standards of juvenile justice.

In General Comment No. 24 (2019), the Committee recommends that States Parties set a MACR no lower than 14 and commends those that have established higher ages, such as 15 or 16, in line with scientific evidence on child and adolescent development:

“States parties are encouraged to take note of recent scientific findings, and to increase their minimum age accordingly, to at least 14 years of age. Moreover, the developmental and neuroscience evidence indicates that adolescent brains continue to mature even beyond the teenage years, affecting certain kinds of decision-making. Therefore, the Committee commends States parties that have a higher minimum age, for instance 15 or 16 years of age.”³³

During its most recent examination of the UK in 2023, the Committee again expressed concern about the low ages of criminal responsibility of 10 and 12 across the UK's jurisdictions and that “*children who are 16 and 17 years of age are not always treated as children in the justice system.*” It reiterated its recommendation that all UK jurisdictions raise the MACR to at least 14.³⁴

³³ United Nations Committee on the Rights of the Child. General comment No. 24 (2019) on children's rights in the child justice system. Published 18 September 2019. Accessible at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en

³⁴ United Nations Committee on the Rights of the Child. Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland. Published June 2023. Accessible at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FC0%2F6-7&Lang=en

Later that same year, during a visit to Northern Ireland to deliver the Children's Law Centre's 2023 Annual Lecture, the Committee's Vice-Chair, Mr Bragi Guðbrandsson, stated:

*"It is the view of the Committee that the current age of 10 is unacceptable. This is said in light of our knowledge today on the complex needs of children's and young people's mental, emotional, physical, or social wellbeing, as well as on brain development. We know that Human Rights Institutions, civil society, and youth organisations in Northern Ireland support raising the MACR to 16 — and the Committee wholeheartedly supports this position."*³⁵

Taken together, these positions expose the inconsistency between how Northern Ireland acknowledges and accounts for children's development in most areas of life against the law governing the age of criminal responsibility. A system that allows for the prosecution of 10-year-olds cannot credibly claim to be rights-compliant, evidence-based, or aligned with the developmental understanding underpinning all other areas of law.

³⁵ Children's Law Centre Annual Lecture 2023. Children's Rights Change Children's Lives: Implementing the UN Convention on the Rights of the Child, delivered by Bragi Gudbrandsson. 21 November 2023. Text of Lecture available at: <https://childrenslawcentre.org.uk/?mdocs-file=6890>, recording of Lecture available at: https://www.youtube.com/live/CjTG5ylIB_w?si=DDqcgIllejg1OuqTF

Conclusion

In this briefing document we have sought to explore the clear, consistent, and compelling evidence as to why at 10 years old, Northern Ireland's minimum age of criminal responsibility is too young. It criminalises vulnerability, entrenches inequality, and fails children, victims and communities alike.

Children as young as 10 who come into contact with the justice system are overwhelmingly those experiencing poverty, trauma, exploitation and unmet need. The response they receive should be one of care, protection and support - not criminalisation.

Criminalising children at such a young age does not prevent harm, does not reduce reoffending, and does not deliver meaningful justice for victims. Instead, it risks compounding trauma, worsening outcomes, and increasing the likelihood of future offending.

Raising the age of criminal responsibility to 16, without exception, would represent a decisive shift towards an evidence based, rights compliant and effective approach. It would align Northern Ireland with international standards, reflect what we know about child development, and enable resources to be redirected towards early intervention, diversion and support that genuinely reduces harm and victimisation.

The Justice Bill presents a rare and urgent opportunity to finally deliver reform that has been promised, consulted on and supported for over a decade. Failing to act now would mean knowingly continuing with a system that does not wholly work in the best interests of children and young people.

We therefore urge Members of the Northern Ireland Assembly to support an amendment to the Justice Bill to raise the minimum age of criminal responsibility to 16. This is a necessary, proportionate and principled reform - and one that will ensure Northern Ireland moves from being an international outlier to a jurisdiction that truly puts children's rights and wellbeing at its heart.

TEN IS TOO YOUNG

The Evidence for Raising the Age of Criminal Responsibility in Northern Ireland

January 2026

