



THE CASE AGAINST INTRODUCING EXCEPTIONS TO THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY IN NORTHERN IRELAND

APRIL 2026

A Joint Briefing from:



The purpose of this briefing

This briefing paper has been prepared primarily to contribute to the ongoing considerations of members of the Northern Ireland Assembly in relation to the potential to raise the minimum age of criminal responsibility (MACR) through an amendment to the Justice Bill¹.

This paper focuses on the question of whether any exceptions should apply to a raised MACR. It is intended to accompany, and be read alongside, our other briefing materials.²

While many of the arguments against introducing exceptions reflect the wider case for raising the MACR, this paper examines the key considerations in greater detail. These considerations can be summarised as follows:

1. Exceptions are contrary to children's rights standards which require one minimum age – with no offence-based carve outs.
2. There is no evidence that exceptions are needed.
3. Exceptions are inconsistent with children's development science.
4. Exceptions risk creating irrational and incoherent law.
5. Exceptions risk continued early criminalisation - and poorer outcomes, including higher reoffending.
6. Hard cases make bad law: policy shouldn't be built on rare and exceptional circumstances.
7. Exceptions would undermine the purpose and impact of reforming MACR.
8. Robust and effective responses already exist without prosecution.

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 Ten is Too Young: The Evidence for Raising the Age of Criminal Responsibility in Northern Ireland. January 2026. Accessible at: <https://childrenslawcentre.org.uk/?mdocs-file=8744>.

About the authors of this briefing

This briefing has been prepared by the *10 is Too Young coalition* which consists of 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).³

As a coalition we are also working with a diverse and growing body of supporters to ensure we seize the opportunity presented by the Justice Bill to finally address Northern Ireland's unacceptably low MACR.

Our starting point: 10 is too young

Before considering the question of whether there should be exceptions to our minimum age of criminal responsibility, we feel it is important to restate the compelling evidence which drives a growing consensus that Northern Ireland's MACR is overdue for reform.

In short, at 10 years old, Northern Ireland's MACR is an international outlier, inconsistent with modern children's rights standards and stands in stark contrast with what developmental science tells us about children's cognitive, emotional and social development.

Research also shows that children and young people with specific characteristics or vulnerabilities - including trauma, disabilities, care experience and socio-economic disadvantage - are either overrepresented in the youth justice system or at greater risk of becoming engaged by it.

This context is crucial when considering proposed exceptions. If the case for raising the age is based on consistent principles of rights, capacity and evidence, creating carve-outs undermines that foundation.

We believe that raising the age provides the best possible opportunity to rebalance the focus of our systems to early support and intervention, preventing harmful behaviours and delivering better outcomes for children, victims and communities by focusing on alternative responses rather than on criminalisation.

³ 10 is Too Young Coalition Launches Renewed Calls for Increase in Minimum Age of Criminal Responsibility. 2 February 2026. Accessible at: <https://childrenslawcentre.org.uk/10-is-too-young-coalition-launches-renewed-calls-for-increase-in-minimum-age-of-criminal-responsibility/>.

Children’s Rights Standards: One Age, No Exceptions

The United Nations Convention on the Rights of the Child (UNCRC) requires states to set a minimum age of criminal responsibility. Specifically, it requires, “**The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;..**”⁴

While the text of the Convention itself is not prescriptive as to what that age should be, it similarly does not allow for exceptions to the MACR once it is established.

This has been further clarified by the United Nations Committee on the Rights of the Child in its role in monitoring compliance with the Convention and in understanding how its standards should be understood and applied today. In publishing General Comment No. 24 on children’s rights in the child justice system in 2019, the Committee encouraged States to raise MACR to at least 14, commending those who set it higher, at 15 or 16. The Committee also raised concerns about practices that permit the use of a lower age in cases where, for example, the child is accused of committing a serious offence.⁵

Through General Comment No. 24 the Committee expressed concern that such approaches are, “**usually created to respond to public pressure and are not based on a rational understanding of children’s development.**”⁶

The clear position of the Committee is that having a minimum age of criminal responsibility with exceptions is contrary to the Convention on the Rights of the Child and that states should, “**set one standardized age below which children cannot be held responsible in criminal law, without exception.**”⁷

General Comment No. 24 therefore necessitates one MACR for children. A single, non-negotiable MACR of at least 14 is required to give effect to the UNCRC. The introduction of offence-based exceptions is explicitly rejected by the Committee and is incompatible with children’s rights standards.

⁴ The United Nations Convention on the Rights of the Child. Accessible at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁵ UN Committee on the Rights of the Child, ‘General Comment No. 24 on children’s rights in the child justice system’ (2019) (Accessible at: https://internet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f24&Lang=en).

⁶ Ibid

⁷ Ibid

Following the science and applying it consistently

Developmental science is unequivocal, a child who lacks the developmental maturity for criminal responsibility, lacks it regardless of the seriousness of the behaviour exhibited or the harm caused as a result. That is in no way to diminish the hurt and harm which such behaviour visits upon others in the community. In our view, introducing exceptions to the age of criminal responsibility for the most serious of behaviours presumes that a child somehow has greater capacity when their behaviour has more serious implications.

That is not a coherent position and runs contrary to the evidence which sets out that children do not yet have adult level judgement, impulse control or resistance to peer pressure. Childhood and adolescence are normal stages of brain development and this does not change simply because an offence is serious.⁸

Creating offence-based exceptions presumes that children somehow gain adult-like capacity in precisely the high-emotion circumstances where their developmental limitations are most pronounced. Early criminalisation also carries risks we can avoid; it labels children at a formative age and is linked to higher reoffending. When Denmark briefly lowered its minimum age from 15 to 14, those 14-year-olds were more likely to reoffend and less likely to stay in education, prompting government to reverse the policy.⁹

If we accept that children below a set age lack full criminal capacity, applying that presumption consistently across all offences is the fairest and most evidence-based approach, while still dealing robustly with serious harm through co-ordinated welfare, health and education responses. This approach provides the best way to enable us to comply with international children's rights standards while delivering more effective outcomes for children, victims and communities.¹⁰

⁸ Delmage, Enys, Anderson, Blower, et al. 2026. "The Minimum Age of Criminal Responsibility Internationally - History, Systems and the Future," *Criminal Behaviour and Mental Health*: 36. no. 1), 21–32. <https://doi.org/10.1002/cbm.70024>.

⁹ 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/>.

¹⁰ 10 is Too Young: The Developing Brain, Vulnerability and Criminal Responsibility. Online event delivered by the 10 is Too Young Coalition in collaboration with the Royal College of Psychiatrists in Northern Ireland. 26 March 2026. Accessible at: <https://youtu.be/TVRcubQnbWo?si=wzki2EToCC6N1AZY>.

Hard cases make bad law

We acknowledge that the exceptions included in proposed amendments at the time of writing reflect some of the most serious offences imaginable and that victims impacted by such behaviour deserve and are entitled to society's support and a robust response to the harm caused to them.

It is precisely these rare and serious cases that are often used to justify the case for exceptions. However, policy should not be built around exceptional scenarios. When a child causes serious harm, intervention is essential, but there is no evidence that criminal prosecution is the most effective way to prevent recurrence or to protect the public.

We agree that such behaviour should always trigger a response and appropriate intervention, both for the victim(s) and for those who perpetrate such actions. Where such behaviour is carried out by a child, we believe that our primary responsibility should be to understand how the circumstances of that child's life led them to carry out such actions and to address the root cause(s) of that behaviour to ensure it is not repeated.

We have previously explored in detail how early criminalisation does not improve outcomes for children, victims and society.¹¹ The best chance we have to reduce harmful behaviours and ensure fewer victims is to intervene early with targeted support and resources, not criminalisation, which in the case of children and young people is more likely to lead to reoffending rather than rehabilitation.

As Northern Ireland's Justice Minister, Naomi Long MLA has recently said, *"If other European countries can effectively manage young people, divert them from criminal behaviour and give them a better start in life, I see no good reason, with the quality of our education system, the quality of our youth justice system and the quality of our health and social services, why we cannot do likewise."*¹²

This assertion is strongly supported by the available evidence. A recently published study which sought to explore changes in the MACR internationally states:

*Seriously harmful behaviour from children can be adequately managed solely by welfare, health and education interventions - as is already the case for all those accepted as under the minimum age of criminal responsibility - and countries where the MACR is high have often developed particularly helpful, innovative and collaborative relationships between these agencies - in the interests of all.*¹³

¹¹ Ten is Too Young: The Evidence for Raising the Age of Criminal Responsibility in Northern Ireland. January 2026. Accessible at: <https://childrenslawcentre.org.uk/?mdocs-file=8744>.

¹² See Minister of Justice's response to supplementary Question from J. Buckley MLA. Oral Answers to Questions, Justice. Northern Ireland Assembly: Official Report. Tuesday 10th February 2025. Accessible at: <http://aims.niassembly.gov.uk/questions/oralsearchresults.aspx?&qf=0&qfv=1&ref=AQO%203085/22-27>

¹³ Delmage, Enys, Anderson, Blower, et al. 2026. "The Minimum Age of Criminal Responsibility Internationally - History, Systems and the Future," *Criminal Behaviour and Mental Health*: 36. no. 1), 21–32. <https://doi.org/10.1002/cbm.70024>.

This approach is also consistent with existing duties under the Children's Services Co-operation Act (Northern Ireland) 2015 (which places a mandatory duty on children's authorities to co-operate in improving the wellbeing of children and young people) and the Justice (Northern Ireland) Act 2002, as amended (which requires the best interests of the child to be the primary consideration in how all those within the youth justice system interact with children and young people).

In this context it is also important to reflect that current evidence indicates that cases of very serious offences committed by children are exceptionally rare in Northern Ireland. As far as we are aware, no child under the age of 14 has ever been convicted under the offence categories now proposed for exemption. This prompts a key consideration: what is the evidential basis for the need to carve out exemptions in the event that MACR be raised?

The *10 is Too Young coalition* agree that serious harm caused by children requires intervention, but not criminalisation. In the extremely rare circumstance that a child of any age was involved in one of these types of offences, an appropriate and robust intervention would of course be required. However, the need for intervention does not depend on criminal prosecution. Children who engage in extremely harmful behaviour require:

- Multi-agency planning and risk management;
- Intensive safeguarding and child protection responses;
- Therapeutic and psychological support; and
- Structured interventions to address underlying causes.

These responses are proven to be more effective at addressing harmful behaviours and in protecting the public.

Conclusion

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.

However, raising the age of criminal responsibility while also introducing exceptions would risk the progress we can make on this issue. Legislation should be guided by what is right in principle, rather than by concerns about how systems may respond in the short term. The question should not be whether exceptions might theoretically be useful in rare or hypothetical scenarios, but whether they are consistent with the principles behind raising the age of criminal responsibility. If the reform is based on developmental capacity and children's rights, exceptions would contradict that foundation.

Introducing exceptions to a raised MACR would undermine both the rationale and impact of the reform and is inconsistent with our understanding of child development, and contrary to international children's human rights standards. Exceptions create inconsistency, risk discriminatory application and repeat the very structural problems this reform seeks to resolve.

We urge all those who are serious about raising the age of criminal responsibility in Northern Ireland to give serious consideration to the rationale behind and potential consequences of introducing exceptions to any new MACR. We do not consider introducing exceptions, creating new precedent and legal inconsistencies, to be the most appropriate direction of travel on this matter.

The 10 Is Too Young coalition very much welcome the opportunity to continue to engage with elected representatives and other stakeholders on this issue.

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