

A teal line that starts horizontally on the left, then turns diagonally upwards and to the right, ending in an arrowhead.

TEN IS TOO YOUNG

The evidence for raising the
minimum age of criminal
responsibility in Northern
Ireland – Learning from Europe

APRIL 2026

A Joint Briefing from:

Introduction and purpose

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). 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 NI’s unacceptably low minimum age of criminal responsibility (MACR).

This briefing paper has been prepared primarily to contribute to the ongoing considerations of members of the NI Assembly in relation to the potential to raise the minimum age of criminal responsibility through an amendment to the Justice Bill. It is clear from this brief scoping, that European countries overwhelmingly use welfare responses, diversion, education, family support and a variety of child protection based interventions, with social services as primary lead in cases where children under the MACR display harmful behaviour. Therapeutic or behavioural interventions and multi-agency approaches feature in many of the responses below. There is a lot that countries can learn from each other with regards to progress in youth justice legislation, programmatic and advocacy initiatives and tools and resources that have been developed, including relating to.¹

European Network of Ombudspersons for Children (ENOC)

The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children’s rights institutions (ICRIs). More specifically, ENOC links ICRIs offices established in the Council of Europe to promote children’s fundamental rights. Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the United Nations Convention on the Rights of the Child (UNCRC).

NICCY has been a member of ENOC since 2007, and utilising this network, requested information from members on the operation of MACR in their respective country or state in February 2026. A copy of the questions asked to members is available in *Appendix 1* and a total of 18 official responses from the ENOC members during February and March 2026 were received; a list of which is provided in *Appendix 2*.

In this paper, we set out evidence from across Europe on the operation of MACR within relevant jurisdictions. Further details on MACR in operation in the rest of the UK (England, Wales, Jersey and Scotland) have also been included in this paper, found through desktop review.

¹ 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’ (2022) (Available at: [Systematic Responses to Children under the Minimum Age of Criminal Responsibility who have been \(Allegedly\) Involved in Offending Behaviour in Europe and Central Asia.pdf](#))

Iceland

In Iceland, according to Article 14 of the General Penal Code, the MACR is set at 15 in Iceland, with no exceptions in law.² Children who are 15 and older and have been found guilty don't serve their sentences in prison but in a facility run by the National Agency for Children and Families.³ According to the Umboðsmaður barna (Ombudsman for Children) children that are under 15 are not punished for their crimes. However, there is a role for the criminal justice system. The police are required to investigate offences committed by children who are below the age of criminal responsibility, among other things to determine their scope. The police are obliged to cooperate with child protection services and to provide them with all necessary information regarding the case in question. Child protection services are then tasked with examining the case, identifying the underlying causes, and determining how the child can be helped, as all children have the right to support.

Efforts are made to assess what is in the best interests of the child and to provide the support deemed appropriate in each individual case. In some cases, children are placed outside the home. An example given by the Umboðsmaður barna was a child being placed at a treatment centre or in foster care. Such placements are never made for punitive purposes, but rather as treatment measures. For example, when children display inappropriate sexual behaviour, specific psychological treatment is available to support them. Children who exhibit violent behaviour may require specialised interventions, such as Multisystemic Therapy (MST), or placement in treatment facilities.⁴ Placement in foster care may also be considered. All such measures are assessed based on the circumstances of the child and the family in each individual case.⁵

Latvia

In Latvia, criminal liability begins at the age of 14. There are no exceptions; however, from the age of 11, a child may be subjected to compulsory corrective measures.⁶ These compulsory corrective measures can include the issuing of a warning; giving the victim an apology if they agree to meet; to place the child in the custody of parents or guardians, as well as other persons, authorities or organisations, alongside other community service or educational options. Probationary observation is also available to children under 14 which include a range of different correctional programs.⁷

² The General Penal Code is available at: [getfile.aspx](#)

³ For more information on the National Agency for Children and Families, see: [The National Agency for Children and Families](#)

⁴ For more information about the MST support offered for behaviour or addiction problems in Iceland, see: [MST therapy for children with behavioral and addiction problems | The National Agency for Children and Families](#)

⁵ We thank the Umboðsmaður barna (Ombudsman for Children) for providing this response.

⁶ For more information on the imposition of compulsory measures of a correctional nature on children, please see: [Par audzinoša rakstura piespiedu līdzekļu piemērošanu bērniem](#)

⁷ We thank the Ombudsman's Office of the Republic of Latvia for providing this response.

Spain

The age of criminal responsibility in Spain is set at 14 years old which was established under article 3 of Organic Law 5/2000, on the criminal responsibility of minors, with no exceptions provided. In the case of offenders under the age of 14 years, they will not be prosecuted / held responsible under this law but are dealt with according to the provisions established by the Civil Code and other regulations for the protection of minors.

The Prosecution Service will report the case to the public authority in charge of child protection, so that his/her situation is properly assessed, and this authority shall promote the necessary and most adequate measures to ensure the protection of the child according to Organic Law 1/1996, on the legal protection of minors.⁸ The 1996 law recognised a new approach to children and young people and the realisation of their rights, and pointed out the need to improve the existing procedures when minors were affected, regulating both the procedural and material aspects involved and always considering the best interest of children and young people as the principle which should inspire all actions related to them.

It added in a specific, further protection for children and young people relating to the justice system and rights to participation, confirming that disciplinary procedure would be used as a last resort in protection centres for minors with behavioural issues, and conflict resolution and educational interaction restorative systems would be prioritised.⁹ According to the Andalusian Ombudsman, the aim of this regulation was, on the one hand, offering a proper response to juvenile offences and, on the other hand, ensuring reeducation and reintegration of child and young offenders. The 1996 law introduced the use of alternative dispute resolution mechanisms in this field, such as mediation, reconciliation, and reparation. It also introduced a range of corrective-educational measures in contrast with the punitive ones traditionally included in the Spanish Penal Code and recognised the need of a multidisciplinary approach. The Organic Law 5/2000 is most up to date and relevant legislative framework on the criminal responsibility of minors.

⁸ The legal protection of minors legislation is the Organic Law 1/1996. An English version of this law is available from NICCY on request. Unfortunately, we have been unable to find an English version of the Organic Law 5/2000, on the criminal responsibility of minors. More information on this is available here: [Rights of minors in court proceedings | European e-Justice Portal](#).

We thank the Dep. de Coordinación y Seguimiento de Quejas/Andalusian Ombudsman for providing this response.

⁹ Ministerio de Justicia, 'Legal Protection of Children and Young People Organic Act 1/1996' (2018) (Available at: [129243061749 - Legal protection children 1-1996 january 15.PDF.pdf](#))

Norway

Norway's age of criminal responsibility is 15 years old, as set out in the Norwegian Penal Code, which states that no one can be punished for actions committed before this age. The rule is absolute, with no exceptions, meaning that no child under 15 can be punished, regardless of the seriousness of the offence.

Norway responds to offending behaviour of children under 15 through a welfare-based system led primarily by Child Welfare Services (CWS), supported by the police and prosecution authority. These interventions are designed to protect the child, address underlying problems, and prevent further offending, rather than impose criminal sanctions.

Even though children under 15 cannot be held criminally responsible, the law allows the police to still investigate offences committed by children aged 12–15, and in practice often do so. These investigations do not lead to criminal charges but may help clarify concerns and support the work of child welfare services (CWS).

Whenever the police initiate an investigation involving anyone under 18, they are legally required to notify CWS. This duty applies equally to cases involving children under 15. The prosecution authority may transfer cases involving children under 15 to CWS for follow-up and further decision making on the child. The CWS must conduct a holistic assessment of the child's situation and needs which includes evaluating their overall care and living situation, and whether the child or the family faces challenges contributing to the offending behaviour. Based on this, an evaluation will be made on the need for support, such as counselling, family interventions, structured activities, or in serious cases, institutional placement. These measures aim to improve the child's circumstances, reduce risk, and promote positive development.¹⁰

Basque Country

MACR is set at 14 years old in the Basque Country and no exceptions are permitted under law. Like in Spain, this is set out in the Organic Law 5/2000, regulating the criminal responsibility of minors. The Ombudsman of the Basque Country (Ararteko) stated that the law has a 'marked educational and rehabilitative character'. This is noted in the explanatory memorandum, which was published alongside the law, when it refers to key general principles. This includes express recognition of all the guarantees derived from respect for constitutional rights; special requirements of the interests of the minor; flexibility in the approaches to the child and tackling problematic behaviour, including different responses depending on the needs of the child.

Article 3 of the Organic Law 5/2000 outlines the regime for minors under 14 years of age who are not criminally responsible – the regulations on the protection of children and adolescents (Organic

¹⁰ We thank the Barneombudet office for providing this response.

Law 1/1996, of January 15) apply to them. In these circumstances, the Public Prosecutor's Office forwards the case to the public child protection agency which includes any information it deems necessary regarding the minor, in order to assess his or her situation. The child protection agency will implement certain protective measures they deem appropriate to the circumstances of the child.¹¹

Republic of Slovenia

In Slovenia, the age of criminal responsibility is regulated by the Juvenile Criminal Procedure Act, which will come into force on 1st January 2027. Under this Act, only individuals who commit a criminal offence at the age of 14 or over can be held liable, with no exceptions.

Article 52 of the Act sets out the procedure to be followed by the relevant authority if a person under the age of 14 commits an offence. If there are reasons to suspect that an unlawful act was committed by a person who was not yet 14, the police shall take all necessary measures to secure evidence, as well as collecting information on the case. A police report will be issued to the public prosecutor, and social services will be notified, the child referred to them, with communication between police and social services if the criminal complaint has been dismissed.

Under the Act, provision for information sharing exists, including that which was collected pre-trial, including what is excluded on the child when being passed between authorities.¹²

Republic of Srpska

In the Republic of Srpska the juvenile justice system is established by the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings which includes special rules for dealing with children who are in conflict with the law. This includes the procedures for the courts, prosecutors, authorised officials, guardianship bodies, families, schools, institutions at all levels, the community, as well as other participants involved, respecting all four principles of the UNCRC.¹³ A child under the age of 14 cannot be held criminally responsible, and no sanctions may be imposed. There are no exceptions in operation. Although the legal framework clearly excludes criminal responsibility and the imposition of sanctions for children under the age of 14, the handling of such cases takes place entirely within the social protection system. In practice, this may present challenges in ensuring an adequate and timely response, especially in cases involving more serious forms of risky behavior.

¹¹ We thank the Ararteko (Ombudsman of the Basque Country for providing this response.

¹² We thank the Human Rights Ombudsman of the Republic of Slovenia for providing this response.

¹³ The legislative basis is the Official Gazette of the Republic of Srpska No:13/2010, 61/2013, 68/202)

In practice, when a child under 14 commits a criminal offence, the police, within their competence, record the incident, notify the parents and the Centre for Social Work, and do not file charges against the child. Possible liability may exist for the parents (depending if there is neglect of supervision). Furthermore, although there is an institution in Republika Srpska for the execution of institutional (custodial) measures for juveniles, these measures apply exclusively to criminally responsible juveniles (aged 14–18), while no such institutional measures exist for children under the age of 14. In this regard, the Ombudsman for Children has previously highlighted the need to improve and further develop the system of support and treatment for children with pronounced behavioral difficulties.

In terms of the process, after an incident, the Centre for Social Work becomes the authority in charge of the procedure.¹⁴ A child in this case is deemed as ‘a child at risk’ and/or a ‘child with behavioral problems’. Several measures can be put in place by social services including:

- An assessment of the family and risks;
- Counselling of the child and parents;
- Enhanced supervision;
- The inclusion in a day care/day treatment centre; and
- Cooperation with the school.

The competent social protection services, in cooperation with schools, mental health centres and other relevant stakeholders, strive to ensure that the child receives appropriate support, treatment and rehabilitation, in accordance with his or her best interests.¹⁵

Belgium (French speaking only)

In the French-speaking part of Belgium, the age of criminal responsibility is fixed at 18 years old.¹⁶ However, Belgium also has juvenile laws specifically designed to protect minors (individuals under the age of 18) who are involved in criminal activities. These measures are based on a rehabilitative approach rather than punitive measures when it comes to minors, with a strong emphasis on social reintegration and child protection. These judgments would be held by a special judge dedicated to minor criminality.

¹⁴ This is contained within the Law on Social Protection Law on Social Protection of Republic of Srpska (Official Gazette of the Republic of Srpska No: 37/2012, 90/2016, 94/2019, 42/20 – other regulation, 36/2022) and other relevant regulations.

¹⁵ We thank the Ombudsman for children of the Republic of Srpska for providing this response.

¹⁶ We thank the Délégué général aux droits de l’enfant for providing this response. It is important to note that rules governing the handling of crimes committed by minors may vary from one community to another. The law is not necessarily applied in the same way in the Dutch-speaking part of the country as in the French-speaking part. The information provided for Belgium therefore applies to the French-speaking part of the country only.

Children under 12 are not held criminally responsible for their actions and may be subject to child protection measures instead of criminal proceedings. The minor is presumed 'not having the capacity to break criminal law'. Minors aged 12 to 18 can however be held criminally responsible, but there are different legal provisions in place to address their cases with a focus on rehabilitation.

Juvenile cases are handled by the Juvenile Court, which treats children between 12 and 18 years old. Judges in Juvenile Courts consider factors such as the child's age, personality, social background, and the seriousness of the offence when determining the most appropriate measures. They usually tend to use rehabilitation.

In case of a 'major' crime committed after the age of 16, minors involved may still face adult courts. This procedure is called "dessaisissement" and it can happen if two conditions are met:

1. The minor has already been judged by the juvenile court multiple times; and
2. If the minor has committed a major crime which implies the physical or mental harm of someone else.

In this case, if the judge considers that rehabilitation is not a valid option for the crime committed, then the case can be transferred to a penal judge. The Délégué général aux droits de l'enfant (General Delegate for the Rights of the Child) have stated that they are completely opposed to this procedure and there are no circumstances under which a child should be judged other than as a minor. They stated that procedure leads to abuses and does not respect the best interests of the child under the UNCRC.

The justice system in the French speaking part of the county judges minors as minors and not as adults. Children are judged through a specialised youth protection system focused on welfare, education, and reintegration rather than punishment. Responses prioritise protection, care, education, and restorative justice, explicitly avoiding criminal sanctions or imprisonment. In heavier cases, detention in close institutions may be an option. However, these cases are handled in institutions that specialise in young people. They must respect the rights of young people, as well as their needs. These penalties are less common. However, they are a possibility under Belgian law for judging crimes committed by minors.

There are a number of different types of results available to a judge in these circumstances:

- The reprimand;
- Supervision by the Youth Protection Service;
- Support or guidance;
- Remaining in the child's living environment under certain conditions; and

- As a last resort, removal from the living environment, such as placement. Placement in an open regime must always be prioritised.

The Délégué général des droits de l'enfant has also stated that the conditions of detention and judgment are not perfect, and they receive complaints every week on the conditions and treatment of children in those institutions.

Republic of Ireland

In the Republic of Ireland, MACR is currently 12 years old with exceptions to 10 years old in some cases. An amendment to the Children Act 2001, which was passed in 2006, raised MACR from the age of seven, in line with common law.¹⁷ However, it is important to note that Children Act 2001 intended to raise MACR from seven to 12 with a 'rebuttal presumption' clause that MACR was to be 14.¹⁸ However, this section was never commenced. Currently, under the amended 2001 Act, the MACR process can be understood as:

- No child under 12 years of age shall not be charged with an offence.
- This does not apply to a child aged 10 or 11 years who is charged with murder, manslaughter, rape, rape under section 4 of the Criminal Law (Rape) (Amendment) Act 1990 or aggravated sexual assault. This has never had to be used.
- The 'rebuttable presumption' no longer applies.
- A child aged 12 to 13 can be charged with a crime, but only with the express consent of the Director of Public Prosecutions.
- The court has the power to dismiss a case against a child under 14 years of age if "having due regard to the child's age and level of maturity, it determines that the child did not have a full understanding of what was involved in the commission of the offence".

¹⁷ The amendment to the Children Act 2001 is contained within Section 29 of the Criminal Justice Act 2006.

We thank the Ombudsman for Children Ireland for their comprehensive response. The OCOC also provided information that they engaged on the pre-legislative scrutiny of the Children (Amendment) Bill 2024, where they again recommended that the MACR was explicitly raised to 14 years of age for all offences. Their submission is available [here](#), as well as the submission made by the Irish Penal Reform Trust ([here](#)). Unfortunately, despite taking on many of the recommendations, the report by the Justice Committee failed to recommend increasing the MACR. The OCO will continue to closely monitor this piece of legislation as it progresses.

¹⁸ The original section 52 of the 2001 Act provided the following, but was never commenced: (1) It shall be conclusively presumed that no child under the age of 12 years is capable of committing an offence. (2) There is a rebuttable presumption that a child who is not less than 12 but under 14 years of age is incapable of committing an offence because the child did not have the capacity to know that the act or omission concerned was wrong.

The courts, when dealing with a child charged of offences, have to have regard to a number of different children's rights, including a right to be heard and to participate in any proceedings of the court that can affect them, and the principle that criminal proceedings shall not be used solely to provide any assistance or service needed to care for or protect a child.

Written in law, it is desirable for the courts to allow the education, training or employment of children to proceed without interruption, to preserve and strengthen the relationship between children and their parents and other family members, to foster the ability of families to develop their own means of dealing with offending by their children, and to allow children reside in their own homes. Any penalty imposed on a child for an offence should cause as little interference as possible with the child's legitimate activities and pursuits, should take the form most likely to maintain and promote the development of the child and should take the least restrictive form that is appropriate in the circumstances; in particular, a period of detention should be imposed only as a measure of last resort.

The court may take into consideration as mitigating factors a child's age and level of maturity in determining the nature of any penalty imposed, unless the penalty is fixed by law, alongside a range of other determining factors about the child and the alleged offence, in the best interests of the child. In Ireland, children cannot be sent to prison. Children who are subject to detention or a remand order are accommodated in a purpose-built facility focused on their care (Oberstown).

The Ombudsman also provided an example of youth diversion project, ran by the Garda, given the strong focus on diversion outlined in the Children Act 2001. Diversion programmes are available to all children who come into conflict with the law, pending their suitability. This can involve receipt of a caution or supervision Juvenile Liaison Officer (JLO).¹⁹ In terms of policy, there have been three national strategies on youth justice to date.²⁰ In order for Ireland's youth justice system to be rights-based and child-centred ensures that children are must be prosecuted only as a last resort and when diversion is not appropriate – i.e. only for serious offences or for repeat offending where earlier interventions have not been successful.

In 2023, the former Minister for Justice stated that in response to a parliamentary question related to MACR that there are no current plans to review the age limit further. Recently proposed amendments to the 2001 Act to date have mainly focused on sentencing provisions for those who committed a crime while under 18 but have turned 18 while awaiting trial. This choice not to raise

¹⁹ This is contained under Section 18 of the Children Act 2001. More information on the Garda Diversion Programme can be found here:

[garda.ie/en/403/?404%3bhttps%3a%2f%2fwww.garda.ie%3a443%2fen%2fcrime-prevention%2fcommunity-engagement%2fgarda-national-youth-diversion-bureau%2fgarda-national-youth-diversion-bureau%2f](https://www.garda.ie/en/403/?404%3bhttps%3a%2f%2fwww.garda.ie%3a443%2fen%2fcrime-prevention%2fcommunity-engagement%2fgarda-national-youth-diversion-bureau%2fgarda-national-youth-diversion-bureau%2f)

²⁰ The National Youth Justice Strategy 2008-2010, Tackling Youth Crime: Youth Justice Action Plan 2014- 2018 and the new Youth Justice Strategy 2021-2027 adopted by the Department of Justice.

the MACR in Ireland, is at odd with the interpretation of the UNCRC as provided by the UN Committee on the Rights of the Child in their concluding observations on Ireland in 2023.

Denmark

In Denmark, the minimum age of criminal responsibility is set at 15 years old and children under the age of 15 cannot be held criminally responsible or subject to criminal sanctions.²¹ There are no formal exceptions to MACR. However, since 2019, children aged 10–14 who are suspected of serious or repeated offending behaviour may be referred to the Youth Crime Board (UKN). Denmark formally maintains a welfare-based model for children under 15, with responsibility placed in the social services system. However, the introduction of the Youth Crime Board represents a development that brings justice-like structures into cases involving younger children, raising ongoing child rights concerns.

The Børneråde (The Danish National Council for Children) stated that the presumption of innocence does not apply and although a referral to the UKN does not constitute criminal prosecution, measures can be imposed that resemble criminal justice interventions in nature and structure. Children aged between 15 and 17 fall under the criminal justice system but are subject to special juvenile rules, including mitigated sentencing principles and an emphasis on rehabilitation.

The UKN is chaired by a judge and includes representatives from the police and the local municipality, reflecting a hybrid structure with a strong justice system element.

The Board may impose a number of different programmes/interventions including:

- Improvement programmes, lasting up to four years;
- Immediate reactions which have a restorative focus;
- Supervision measures; and
- Placement decisions.

Children aged 10–14 can be referred based on suspicion alone and are not afforded the same procedural safeguards as in ordinary criminal proceedings. Appeal rights are limited and do not suspend enforcement of measures.

The Danish National Council for Children has critically followed the development of the UKN. Their concerns include that there is a risk that measures prioritise control and surveillance over support for children, that there is insufficient focus on individual needs and there is a risk of labelling and stigmatisation. There is also evidence and research to suggest that early exposure to court-like procedures may increase the risk of reoffending.²² Further, children with disabilities are over-

²¹ We thank the Børneråde (*The Danish National Council for Children*) for providing this response.

²² A 2025 evaluation by the Danish Centre for Social Science Research (VIVE) noted that many children experience Youth Crime Board measures as punitive rather than supportive.

represented in referrals to the UKN, particularly those who suffer from severe mental health issues, which led to legislative change in 2022 however, there are still children who are not suited for the board due to their mental health or challenges.

Montenegro

The age of criminal responsibility in Montenegro is 14 years old, with no ability to hold criminally responsible or liable for misdemeanors, children aged below 14, set by the Law on the Treatment of Minors in Criminal Procedure, with no exceptions in operation²³[\[7\]](#)

A child who exhibits unacceptable behavior can be referred to a social and child protection institution - a non-institutional, semi-open educational and correctional institution. It is therefore the responsibility of the public institution of social and child protection that monitors the family, supervises the exercise of parental rights, to intervene.

Children are referred to this institution by the guardianship authority, a court or the state prosecutor's office. The purpose of the stay is to improve the quality of life, through a designed and targeted educational program, in a planned and limited time period, which is created in accordance with the developmental needs of the child. It can include the development of life skills, improving personal and social responsibility and behavior within the limits of what is socially acceptable. In addition to these educational measures, short-term accommodation for children at risk is also provided.

Kosovo

Under Kosovo's Criminal Code, a person is not criminally liable if, at the time of the commission of a criminal offence, under 14 years old.²⁴ There are no exceptions to this regardless of the nature, gravity, or circumstances of the criminal offence.

Kosovo has established a child-centered justice framework under the Juvenile Justice Code. When dealing with children under 14, cases are handled through the social protection system. This is provided mainly by Centers for Social Work and the Guardianship Authority in cooperation with educational institutions and when necessary, also with police and the prosecutor's office for referral purposes. This approach is oriented towards protection, rehabilitation, education, and social reintegration, based on the principle of the best interests of the child.

Administrative instruction on protection and treatment of children as offenders of criminal offences under the age of criminal responsibility further clarifies these procedures by ensuring that

²³ We thank the Zaštitnik ljudskih prava i sloboda Crne Gore for providing this response.

²⁴ We thank the Ombudsperson Institution of Kosovo for providing this response.

children under 14 receive protection, rehabilitation, and support services. It emphasizes non-punitive measures, family involvement, and respect for children's rights in line with international standards.

The Netherlands

In The Netherlands, the minimum age is set at 12 years old with no exceptions in place. However, a flexible 'upper age' limit is in operation: 16- and 17-year-olds can be sentenced according to adult sentencing laws, and 18- to 23-year-old can be sentenced according to youth sentencing laws.²⁵

A child under the age of 12 cannot be prosecuted under criminal law. However, a police investigation and the limited use of certain measures for the purpose of establishing the truth can be used. According to the Children's Rights Coalition, very year there are around 30 to 60 children below 12 arrested, questioned and temporarily held in police custody.²⁶

In such cases, a responsible approach towards these very young suspects must always take priority. Since children under 12 cannot be prosecuted, they were not entitled to publicly funded legal consultation or representation during questioning. However, this has been amended by a recent law passed in March 2026.²⁷ The police must always invite a trusted representative to be present during the questioning of such minors.

Offences committed by very young children may constitute an important welfare concern. In such instances, the police must submit a safeguarding report to the Domestic Violence and Child Abuse Reporting and Advice Centre (Veilig Thuis) and subsequently, a determination is made on whether an intervention is warranted.

Committing criminal acts at a very young age may also be a significant predictor of future offending behaviour. At a later stage, it can be important to have this knowledge when assessing the likelihood of reoffending. Therefore, it is necessary for the police to record what would be criminal offences committed by children under 12. When a minor under the age of 12 is involved, the police, the Public Prosecution Service, the Child Protection Board, and Veilig Thuis will, if necessary, convene a separate meeting to discuss the progress of the criminal investigation and any civil (welfare) measures that may be required.

Research in the Netherlands has found that these children often face multiple problems; they are

²⁵ We thank the *the Kinderombudsman* for providing this response. The office also issued a link to an academic paper in Dutch ([here](#)) which has been summarised in English.

²⁶ For more information, please see: [Jeugdstrafrecht | Kinderrechten in Beweging](#)

²⁷ For more information, please see: [Jeugdstrafrecht | Kinderrechten in Beweging](#)

frequently victims of (domestic) violence, and 60% have ADHD, a behavioural disorder, or a combination of these. In addition, they often experience difficulties at school and at home.²⁸ There are different community-based approaches in operation that focuses on early intervention and preventative work with children under 12 displaying harmful behaviours. 'BASTA!' for example, focuses on the child, the caregivers, the school, and the neighbourhood in which the child lives using an EARL risk assessment model. Young children with a high risk of recurring offending behaviour are also involved, enabling referral to more intensive support when necessary.

Sweden

The age of criminal responsibility is 15 years old in Sweden and there are no exceptions allowed for in law.²⁹ A government proposal to lower the age of criminal responsibility to 13 years for serious crimes is currently being prepared. According to the proposal a special, time-limited regulation (valid for five years) should apply to crimes with a minimum sentence of imprisonment of four years.

Children under 15 cannot be prosecuted and social services are responsible for any care and treatment required. Social services will make an assessment or investigation of the need for interventions including voluntary participation and compulsory care, or both.

When a child is suspected of before the age of 15 having committed a crime for which there has not been prescribed a lesser penalty than one year's imprisonment, a police investigation is also initiated. The investigation is primarily used as a basis for social services' decisions about possible interventions, as well as for meeting the interests of crime victims and others. Under certain conditions – mainly when it comes to serious crimes – an evidentiary hearing may also be held in the court, at the request of the prosecutor, to examine whether a child who has not reached the age of 15 has committed a certain criminal act. It is an examination of the question of guilt but without criminal sanctions.

Ukraine

According to the Criminal Code of Ukraine, which is based on the Constitution of Ukraine and generally recognised principles and norms of international law, the general age of criminal responsibility is defined at the age of 16.³⁰

Exceptions do exist within the Criminal Code, which provides for a reduced age of criminal responsibility for certain serious crimes. Persons who have committed criminal offences between the ages of 14 and 16 are subject to criminal responsibility only for:

²⁸ For more information, please see: [Jonger dan 12 of 12-minner? - Wegwijzer - Jeugd en Veiligheid](#)

²⁹ We thank the Office of the Ombudsman for Children for providing this response.

³⁰ We thank the Secretariat of the Ukrainian Parliament Commissioner for Human Rights for providing this response.

- Intentional murder;
- Attempts on the life of a state or public figure, law enforcement officer, member of a public organisation for the protection of public order and state borders or military personnel, judge, lay judge or juror in connection with their activities related to the administration of justice, defender or representative of a person in connection with activities related to the provision of legal assistance, representative of a foreign state; related to the provision of legal assistance, a representative of a foreign state;
- Intentional grievous bodily harm; cruel treatment of animals; intentional bodily harm of moderate severity; sabotage; banditry; terrorist act; hostage-taking; rape; sexual violence; theft; robbery; extortion; intentional destruction or damage to property; damage to transport routes and vehicles; hijacking or seizure of railway rolling stock, aircraft, sea or river vessels; unlawful seizure of a vehicle; hooliganism.

There are a number of options available under law should a child under MACR commit a ‘socially dangerous act’ that can be applied by the state. The child can be subject to compulsory educational measures by the court, subject to a warning; have restrictions on leisure activities and the establishment of special requirements for the behaviour of the child; the transfer of the minor to the supervision of their parents or persons replacing them, or to the supervision of a teaching or work collective with their consent, as well as individual citizens at their request.

There is also an ability to impose on a minor who has reached the age of 15 and has property, funds or earnings the obligation to compensate for the property damage caused, a referral process for the child to a special educational institution for ‘correction’, for a period not exceeding three years. The conditions of stay in these institutions for minors and the procedure for their release are determined by law. Further exceptions to punishment are also outlined in the Criminal Code including reflecting ‘impeccable behaviour’ and ‘sincere repentance’. In such cases, the court can order the child into compulsory educational measures instead.

Luxembourg

Luxembourg holds that 16 years is its MACR and minimum age for penal majority, and that only protection measures of care, therapy, and education are available for younger children. The Law on the Protection of Children provides that generally persons under 18 must be dealt with by the Youth Courts, where measures taken are aimed at protection, care, therapy and education.³¹ However, from the age of 16, a judge may reassign (désaisissement) a child’s case to the adult courts if it is deemed that youth protection measures are ineffective, similar to the approach taken in Belgium.

Furthermore, the powers of the Youth Court are in certain cases of a penal or correctional nature, including deprivation of liberty generally and solitary confinement of up to 3 days. These measures are not subject to any lower limit, however, juvenile court measures can provide a penal-

³¹ We thank the ‘Ombudsman fir Kanner a Jugendlecher/ Ombudsman for Children and Adolescents of the Grand Duchy of Luxembourg for providing this response.

correctional response to children's actions without any lower age.³² These measures may include deprivation of liberty, and in some cases, solitary confinement may be ordered for up to 10 consecutive days as a disciplinary sanction. Depending on the circumstances, children may be placed in a state rehabilitation institution which can be extended beyond the age of majority for a period that may not exceed their 25th birthday.

According to the Adjoint à l'Ombudsman fir Kanner a Jugendlecher (OKAJU) there are draft plans in place to set MACR at 13. However, OKAJU indicates that a higher age threshold, such as 14 or 15 years, would be more consistent with international recommendations and child development considerations. They stated that the proposed law does not extend the protective child regime to young adults aged 18–21. This could therefore be seen as an exception in practice because these young adults are treated as full adults in the justice system, even though they may not be developmentally mature.

Children below MACR fall under the provisions of the Youth Protection Act and are referred to the National Children's Office, which takes protective measures or orders educational support. The response falls outside the criminal justice system and is addressed within the youth protection framework. Interventions are welfare-based and may involve social services, child protection authorities and, where appropriate, judicial authorities acting in a protective (non-penal) capacity. The measures focus on the child's best interests and aim at education, support, rehabilitation and reintegration, rather than sentencing.

Within the framework of the ongoing reform in Luxembourg, the OKAJU wishes to highlight that responses should prioritise diversion, psychosocial support and family-oriented or educational measures, with limited judicial intervention and a clear separation from juvenile criminal law.

Diversion examples were provided, including:

- Socio-educational interview;
- Individual follow-up with guidance and development of social skills;
- A learning or vocational training program, if possible related to the nature or motive of the offense committed;
- A mentoring program by a support person (agent of the Central Social Assistance Service) or another qualified person appointed for this task; and
- Therapeutic follow-up related to the offense committed.

³² [Loi du 10 août 1992 relative à la protection de la jeunesse, Article 32 and Cipriani, Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective, 2009, p. 212] open Access-info 2008 Don CIPRIANI (2009, page 204):

Poland

In Poland, the age of criminal responsibility is 17 years old and is liable under the general provisions of the Criminal Code.³³ Under Article 10 of the Code, exceptions are provided for certain circumstances. For example, a child who has reached the age of 15 may be held liable under the general provisions for the most serious offences if the circumstances of the case warrant it, taking into account the mental health and development stage of the child, their circumstances and personal situation, as well as any previous involvement in educational or corrective measures. This applies to homicide, grievous bodily harm, rape, armed robbery, causing a catastrophe, among other things.

In extremely serious situations, it is also possible to hold criminally liable a child aged 14 - only in relation to qualified types of homicide, such as homicide with particular cruelty. A condition for this is, among other things, a justified assumption that educational or corrective measures would not ensure the person's rehabilitation.

If a child meets the conditions specified in the above exceptions, the case is conducted under the provisions of the Code of Criminal Procedure and the case is referred to a criminal court. Special sentencing directives apply in these cases, which includes specific guidelines on sentencing, a focus on rehabilitation as the primary objective of the court, and if they are under 18, they may not be sentenced to life imprisonment.

In cases that do not meet the criteria for exceptions to apply, the Act on Supporting and Resocialising Juveniles provides the legislative basis for the courts proceedings. These cases will be dealt with in the Family Court, whose measures are educational, rehabilitative, and preventive in nature, aimed at counteracting demoralisation. The measures imposed on the juvenile are not classical penalties under the Criminal Code - they may include:

- Supervision by a probation officer;
- An obligation to undertake specific actions;
- Placement in a Youth Educational Centre; and
- Therapeutic or educational measures.

Greece

The criminal responsibility of minors in Greece begins at the age of 15.³⁴ The Penal Code provides that children are considered as those persons between the ages of 12 and 18. According to this legislation, children aged from 12 to 15 years cannot be held 'criminally responsible'.

³³ We thank the Biuro Rzecznika Praw Dziecka for providing this response.

³⁴ We thank the Office of the Deputy Ombudswomen for Children for providing this response.

Even though they are not criminally responsible, any offences they commit can be attributed to them and they can be subject only to reformatory or therapeutic measures. Reformatory or therapeutic measures can be also imposed to children over 15 years old. Decisions imposing reformatory or therapeutic measures are considered as acquitting decisions and not as convicting ones.³⁵

Imprisonment in a youth detention facility can be imposed to children above 15 years old, if, in the case of an adult, the crime committed would constitute a felony. The decision of the court must contain specific and detailed reasoning, justifying why reformatory or therapeutic measures are not deemed sufficient, taking into account the particular circumstances of the case and of the child. In cases that a child commits a crime, persons who have legal obligation to supervise the minor may be prosecuted for failing to prevent the child from committing a criminal act

A minor who is suspected or accused of committing a criminal act is mandatorily assessed by the Juvenile and Social Welfare Service. The individual assessment consists of gathering information, leading to a social investigation report, regarding the personality, economic, social, and family environment, as well as the mental, physical and intellectual state of the minor.

Scotland, Jersey, England and Wales

The age of criminal responsibility in Scotland, Jersey, England and Wales varies – at 10 for Jersey, England and Wales; and 12 in Scotland.³⁶ Like NI, Jersey, England and Wales have one of the lowest MACRs in Europe, with no exceptions in place. A 10-year-old can therefore be interviewed and detained by police, charged, prosecuted in the youth or crown courts (where relevant), sentenced to a youth offender institution or justice centre and given a criminal record. They can also be subject to diversionary activities. The use of cautions and restorative approaches also feature within the youth justice systems.

Like in NI, this record can follow them into adulthood. According to the Welsh Children's Legal Centre, English law historically recognised the doctrine of *doli incapax*, which presumed children aged 10–13 years were incapable of criminal intent unless proven otherwise. However, this safeguard was abolished in 1998 by the Crime and Disorder Act, meaning children over the age of 10 are now treated as having full criminal capacity.³⁷ In Wales, the Commission on Justice has also recommended raising the age of criminal responsibility, alongside the Children's Commissioner for Wales, in line with the UNCRC.

³⁵ Contained within Article 126 of the Penal Code: 1.

³⁶ This section is based on desktop research, and the consideration of publicly available reports from Scotland, England and Wales.

³⁷ See: [Too young to vote at 15 – but Criminally Responsible at 10? Time to Rethink Child Justice in England and Wales | Children's Legal Centre Wales](#)

Recently, a number of legal professionals and judges, including the former Supreme Court President Lady Hale, joined calls for MACR to be raised in England, through an amendment tabled to the Crime and Policing Bill by Baroness Chakrabarti.³⁸

In Scotland, MACR was raised in 2019 from 8 years old to 12 years old via the Age of Criminal Responsibility (Scotland) Act, which came into force in December 2021. There are no exceptions in the Scottish legislation. The Children and Young People's Commissioner Scotland has recommended that this should be raised to at least the international minimum standard of 14 years, preferably a higher age of 15 or 16 years. According to the Commissioner, this still leaves Scotland's MACR two years below the minimum acceptable international standard of at least 14, and that criminalising children at age 12 is an unacceptable situation, and it needs to change.³⁹ Children's hearings are in place within Scotland for those children under 16 which can only result in welfare interventions.⁴⁰

Further to the change in legislation, an advisory group was established to assist Scottish ministers to undertake the statutory review to evaluate the operation of the Age of Criminal Responsibility (Scotland) Act 2019, as well as to consider a future age of criminal responsibility. The three-year review period started in December 2021 and concluded in December 2024. The most recent report, published in 2025, outlined several key areas of learning which we consider important to consider pending legislative change in NI.⁴¹

In Jersey, MACR is 10 years old. The 'Reimagining Youth Justice: A Child-First Roadmap for Jersey 2025 – 2030', published in 2025 by the Assistant Minister for Justice and Home Affairs, outlined an intention to research the changes required, and impact on the current system should the MACR be raised.⁴² These findings would inform any law changes required considering any alternative arrangements needed to intervene with children who would have previously entered the formal criminal justice system and to understand the impact on children should the law be changed. The 'Roadmap' has a philosophy of seeing children as 'children first' - affirming that every child, regardless of their circumstances, has the right to be nurtured, protected, and supported. In 2025,

³⁸ See: [Top judges join call for England and Wales to raise age of criminal responsibility to 14 | UK criminal justice | The Guardian](#). Details on the debate on the amendment held in February 2026 can be read here: [Crime and Policing Bill - Hansard - UK Parliament](#)

³⁹ See: [Position: The Minimum Age of Criminal Responsibility in Scotland - CYPCS](#)

⁴⁰ For more information on the Children's Hearing System in operation in Scotland, please see: [Questions and Answers - SCRA](#); [Children's hearings - mygov.scot](#); For information issued by the Children and Young People's Commissioner Scotland to the Scottish Government's consultation, see: ['Children's Hearings Redesign' - Scottish Government Consultation Response - The Children and Young People's Commissioner Scotland](#)

⁴¹ The reports and overview of the ACR Advisory Group is available here: <https://www.gov.scot/groups/age-of-criminal-responsibility-advisory-group/>. We thank the Office of the Children and Young People's Commissioner Scotland for providing this paper, and for regular updates on MACR in Scotland.

⁴² See: [R-105-2025-Youth-Justice-Roadmap-JHA-Copy.pdf](#)

the Children’s Commissioner for Jersey, released a series of recommendations to the government, including the need to raise MACR from 10 years old.⁴³

Analysis of responses and conclusion

Based on the data provided from the requests to ENOC, and considering its operation in England, Jersey, Wales and Scotland, the average age criminal responsibility is 14 years old. A significant group of countries (Iceland, Denmark, Norway, Sweden, and Greece) go further, with Poland and French-speaking Belgium having an even higher age. Only Ireland, England and Wales and the Netherlands maintain a lower MACR of 12 or 10 years old. It is important to note that in Denmark, in 2010 their MACR was reduced to 14 years old, with this decision reversed two years later.

A post-reduction evaluation found that 14-year-olds processed through the criminal justice system after this age reduction were more likely to be recidivists than 14-year-olds who had not previously been charged when under the age of criminal responsibility and were less likely to be in continuing education.⁴⁴

Table 1: Minimum Age of Criminal Responsibility, ENOC countries, by age⁴⁵

Country	Age	Country	Age
Iceland	15	Ireland	12
Latvia	14	Denmark	15
Spain	14	Montenegro	14
Norway	15	Kosovo	14
Basque Country	14	The Netherlands	12
Republic of Slovenia	14	Sweden	15
Republic of Sprska	14	Ukraine	16
Poland	17	Greece	15
Luxemburg	16	Belgium (French speaking)	18

Source: ENOC responses to NICCY, February to March 2026

As can be seen from the below tables, exceptions to the MACR are rare, and the acts that they apply to have been listed above for each relevant State. Only three jurisdictions operate exceptions for specific acts, whilst others have in place varying degrees of court direction and support available to a child under the MACR, and between particular ages. These have not been considered as ‘exceptions’ for the purposes of this report.

⁴³ For more information, please see: [Lack of activities for Jersey teenagers says commissioner - BBC News](#);

⁴⁴ Delmage, E. et al, ‘The Minimum Age of Criminal Responsibility Internationally—History, Systems and the Future’ (2025) (Available at: [The Minimum Age of Criminal Responsibility Internationally—History, Systems and the Future - Delmage - 2026 - Criminal Behaviour and Mental Health - Wiley Online Library](#))

⁴⁵ + Legislative codes set out minors from 12 to 18, but MACR is 15.

Table 2: Exceptions to the Minimum Age of Criminal Responsibility and age, ENOC countries⁴⁶

Country	Exceptions (Y/N)	Exceptions age	Country	Exceptions (Y/N)	Exceptions age
Iceland	No	-	Ireland	Yes	10
Latvia	No*	-	Denmark	No	-
Spain	No	-	Montenegro	No	-
Norway	No	-	Kosovo	No	-
Basque Country	No	-	The Netherlands	No	-
Republic of Slovenia	No	-	Sweden	No	-
Republic of Sprska	No	-	Ukraine	Yes	14
Poland	Yes	14 and 15	Greece	No	-
Luxemburg	No*		Belgium (French speaking)	No*	-

Source: Analysis of ENOC responses to NICCY, February to March 2026

There are also varying degrees of contact and role for the criminal justice system for children under MACR in each area, with the majority having a welfare-focused response, including a lead role for social services, focusing on diversion, rehabilitation and education. Children’s rights and the UNCRC have been reflected or specifically referenced in many of the laws, policies and practices in operation relating to youth justice in the countries that provided responses. Some responses including reference to specific UNCRC rights, along with the provisions within General Comment No. 24, which the *10 is Too Young* coalition has produced information on in other reports.

Many of the responses that were received outlined in detail, other measures that are in place for dealing with and supporting young people who have allegedly been involved in, or involved in, offending behaviour. UNICEF provided a guidance note in 2022 on systematic responses that are in place to deal with this across Europe and Central Asia, showing examples of good practice, in line with the UNCRC.⁴⁷ UNICEF noted that in most countries have not developed systematic responses to children under the MACR and their parents/caregivers and families that are in line with international standards and principles. Specific on legislative reform, safeguarding policy, capacity building and programmes recommendations included:

⁴⁶ *This table does not include exceptions that would include court direction for rehabilitation or other support measures, reflecting only if the child is held criminally liable for particular offences. Further information on powers available to the courts or justice system in the respective countries are outlined in the report.

⁴⁷ 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’ (2022) (Available at: [Systematic Responses to Children under the Minimum Age of Criminal Responsibility who have been \(Allegedly\) Involved in Offending Behaviour in Europe and Central Asia.pdf](#))

- Increasing the MACR to at least 14 years, if not yet done, and preferably to as close to 18 years as possible; and ensuring that the law stipulates that children’s ages are considered at the time of their alleged commission of the offence and the MACR applies throughout the country without exception;
- Considering children under the MACR (as well as those at or above the MACR) who are used by adults for criminal activities, violent acts or organized crime to be child victims of crime;
- Regulating, through law or guidelines, that children under the MACR (and their parents/ caregivers) fall within the mandate of the social welfare system and that children (and their parents/ caregivers) coming into contact with the child justice system should immediately be referred to the social welfare system;
- Ensuring that children under the MACR who have been (allegedly) involved in offending behaviour are entitled to the rights set forth in the Convention on the Rights of the Child (1989) and to access to justice to seek and obtain a just, equitable and timely remedy for violations of their rights; and
- Developing and implementing family-based and community-based programmes and services for children under the MACR and their parents/caregivers and/or families, organized and monitored by the social welfare system, and, when appropriate, in collaboration with NGOs, educational organizations, social protection organizations, mental health organizations and/or organizations in charge of employment.⁴⁸

In this briefing document, we have sought to explore further the evidence from Europe as to why at 10 years old, NI’s minimum age of criminal responsibility is too young, and show what else is in place for States to support children and young people. NI clearly remains an outlier.

We consider it helpful for decision makers to learn from other jurisdictions to ensure that an effective child’s rights approach is taken in NI. This adds to the already existing evidence as to why MACR in NI must be increased, as a matter of priority.

As the *10 is Too Young coalition* have stated previously, the response that should be available to children and young people should be one of care, protection and support - not criminalisation – in line with their rights and best interests. There is a plethora of examples from other jurisdictions that can be implemented in NI, refined to our local context on how problematic behaviour can be dealt with, including further reform of our youth justice system and how NI, as a society, deals with violence and criminal behaviour.

Ten is too young. 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 NI 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.

⁴⁸ *Ibid.*, p.29-31

Appendix 1: Questions asked to ENOC

1. What is the current age of criminal responsibility in your country?
2. Does your country have a minimum age of criminal responsibility with exceptions? If so, what are those exceptions?
3. How does your country deal with children under the age of criminal responsibility who have been involved in offending behaviour? Are these responses conducted by the justice system, social services (outside of justice, including a focus on rehabilitation, education and reintegration)?

Appendix 2: List of ENOC respondents

1. Iceland
2. Latvia
3. Spain
4. Norway
5. Basque Country
6. Republic of Slovenia
7. Republic of Sprska
8. Belgium (French speaking only)
9. Ireland
10. Denmark
11. Montenegro
12. Kosovo
13. The Netherlands
14. Sweden
15. Ukraine
16. Luxemburg
17. Poland
18. Greece