

# Age of Criminal Responsibility

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At 10 years old, the age of criminal responsibility in England, Wales and Northern Ireland is the lowest in Europe and one of the lowest in the world. The UN Committee on the Rights of the Child has repeatedly stated that our minimum age of criminal responsibility is not compatible with our obligations under international standards of juvenile justice. There is a growing wealth of evidence from national and international arenas and across disciplines, including neuro-science and academia, that set out why children require a different approach.

Research indicates that early adolescence is a period of marked neuro-developmental immaturity, during which children's capacity is not equivalent to that of an older adolescent or adult. Such findings cast doubt on the culpability and competency of early adolescents to participate in the criminal process. Children of 10 and 11 have less ability to think through the consequences of their actions, less ability to empathise with other people's feelings and less ability to control impulsive behaviour. It therefore cannot be right to deal with such young children in a criminal process based on ideas of culpability which assume a capacity for mature, adult-like decision-making.

I have for many years been working to raise the age of criminal responsibility in England and Wales and, in 2013, introduced a Bill to increase the age from 10 to 12 (Age of Criminal Responsibility Bill 2013). Approaches from other countries have shown that taking 10- or 11 year-olds out of the criminal justice system does not mean doing nothing with children who offend. Instead, it means dealing with the causes of children's offending through intervention by children's services teams. Dealing with children who by nature are some of society's most vulnerable through welfare interventions and, where necessary, family court proceedings for the children who would otherwise have been charged and prosecuted.

Children who go through the criminal process at a young age are often young people from chaotic, dysfunctional and traumatic backgrounds involving some combination of poor parenting, physical or sexual abuse, conflict within families, substance abuse or mental health problems. The prospects for diverting the child from offending are far better if these problems are tackled through welfare interventions, rather than by imposing punishments in a criminal court. A welfare approach avoids unnecessarily giving children a criminal record, which can make it harder for them to gain employment when they reach working age, and helps deal with the entrenched problems that cause offending. As

unemployment increases the chances of reoffending, this is another way in which criminalising children can increase, rather than reduce, the likelihood of future crime.

It has been extremely encouraging to see the continued decline in incarceration of children and reduction in the number of children in the criminal justice system in England and Wales over recent years. The small numbers provide a real opportunity for a different approach; one that puts both the needs of children and the interests of society at the centre.

I welcome the contributions contained within this special edition and encourage the learning to be shared as widely as possible. I will continue my work on this matter. Increasing the age of criminal responsibility would be an important step towards dealing with vulnerable, difficult and disturbed children in a way that befits our civilised society.