

The Committee Clerk, The Committee for Justice
Stormont
Belfast BT4 3XX

31 August 2012

Dear Committee Clerk,

Re Criminal Justice Bill

I am writing to the Committee for Justice in response to the invitation for submissions regarding the Criminal Justice Bill and to raise significant concerns about several aspects of the Bill, in particular the provisions regarding the long-term, and sometimes indefinite, retention of children's fingerprints or DNA, where children are convicted only of minor offences, or in cases when they are not convicted but have previous convictions for minor offending. Such powers appear to be disproportionate and a potential breach of children's human rights and civil liberties, for example of Article 8 ECHR (respect for private and family life) and Article 14 (right to the enjoyment of rights and freedoms without discrimination). It is of particular concern that the provisions relate to children as young as 10 years of age.

Research demonstrates that in Northern Ireland, as in other jurisdictions, children and young people are disproportionately likely to come into contact with the police, primarily as a consequence of children's greater use of public space. The Bill therefore has the potential to impact differentially, and negatively, on young people as a group. Moreover the holding of information indefinitely is not in keeping with the rehabilitative ideal, and the possibility of a fresh start in life. This is particularly important in the case of some children and young people who may commit misdemeanours and minor offences in their early years, but through the natural process of maturation later desist from offending. The Bill also is disrespectful to the concept of innocence until guilt is proven.

As the Committee will be aware, the UK government has already been criticised by the United Nations Committee on the Rights of the Child in its 2008 observations report regarding the retention of children's DNA samples. The Committee urged government to afford better protection to children through stronger data protection regulations. The Bill as proposed does not provide adequate protection.

I would anticipate that the leading children's rights organisations in Northern Ireland will be in contact with the Committee raising concerns about this Bill and would urge the Committee to listen to those organisations which work with children and who are concerned about their rights. Our young people in Northern Ireland have been stigmatised and demonised in the past, and many have experienced social disadvantage. It is vital therefore that our political representatives work to ensure their best interests and do not put into place legislation which will further criminalise children and young people for what may be minor offending, and will allow individuals little opportunity to redeem themselves

Yours sincerely

Dr Linda Moore, Lecturer in Criminology, School of Criminology, Politics and Social Policy, University of Ulster