

Children and Young People Event

Long Gallery, 3 July 2025

Introduction

Voice of Young People in Care and Include Youth (VOYPIC) led the preparation and facilitation of the event. The event was attended by young people along with support workers from a number of youth organisations. The organisations represented are listed in the Appendix.

The young people were divided into five groups with each group joined by a Committee Member. The discussions were facilitated by support workers.

Each group had the opportunity to discuss three topics. The key points raised during the discussions are detailed below.

Topic: Privacy and Biometric Data

- There was consensus that, for one offence, it was unfair to hold someone's biometric data for any longer than five years.
- Concerns were raised that data is held for simply a caution or if someone is not guilty and it was suggested the data should be erased in these circumstances.
- There was an awareness of the need for balance between crime prevention and right to move on, but current proposals are not striking the right balance.
- Participants indicated a lack of awareness of current retention policies and advised it is not explained appropriately to those who do have data taken.
- Transparency is essential – people must know why data is being taken, for what purpose(s) it will be used and for how long it will be kept.
- Many of the participants who discussed this topic felt that, if people become repeat offenders, their data should be held for longer and that more serious crimes also deserve longer periods of retention.
- There was a suggestion that, for under-18s, data should be deleted one year after the offence was committed.
- It was pointed out that not keeping someone's data for long periods could give them hope.
- It was felt that, for under-18s who engaged in serious crime, how long their data is kept should be decided on a case-by-case basis.
- There was consensus that someone's data should not be retained if they are not convicted.
- Views were expressed that photos are becoming less relevant as biometric data but other formats, such as video, are increasing – need for rules to keep up with technology.

- Need to look at police attitudes to certain young people, who face higher arrest rates.

Topic: Custody and Bail

- There was general agreement that, for most crimes, children and young people should not be held in custody when on remand before a trial has taken place.
- However, some did say it should depend on the severity of the crime and that custody can be a safer space, if the young person has been caught up with other older influences.
- Custody can also be safer in places other than home and it was pointed out that more bail accommodation needs to be available.
- It was pointed out that a child or young person could not properly mentally prepare for a trial if in custody.
- Custody is not a deterrent but is viewed as scary.
- It was pointed out that a child or young person would not be able to leave the country to avoid a trial, so remanding them in custody would often be disproportionate.
- Regarding facilities, there was consensus that appropriate youth facilities should be provided, with appropriate adult supervision so that young people are not led astray.
- Views were expressed that existing custody suites are not child friendly.
- It was pointed out that those under 16 cannot raise complaints about their treatment in custody – this must be done by an adult. It was suggested that this is an acknowledgement that u16s are too young and contradicts the minimum age of criminal responsibility (*MACR discussed as a separate topic below*).
- It is essential for support workers to be available but there are a lack of appropriate adults for children in care.
- Aware that care-experienced children are more likely to be engaged in the justice system so more needs to be done to support them.
- Maintaining social connections is a big issue for young people – they cannot be isolated but it also needs to be managed if friends are part of the problem.
- Ownership and agreement to bail conditions definitely helps people stick to the terms of bail – everything needs to be understood by the young person.
- More support is needed to prevent entering the system but the view was that there is currently not enough support to prevent this.
- There is a clear need for better systems to deal with children and young people in the justice system: more bail/hostel accommodation; better diversionary and disposal schemes; better educational opportunities; and more vocational type recourse/rehabilitation for committed crime.

Topic: Live links

- It was acknowledged that there are pros and cons to the use of live links – there was general agreement that it is good to have the option but that it needs to be a choice and live links should not be an automatic default.
- Active consent and best interests should guide the decision to use live links or not.
- Ideally a lawyer should be physically present with a young person appearing via video link, or if not, there should be an opportunity for them to meet via video before the hearing begins.
- Pre-court information is vital – knowing the process, who will attend, how proceedings will be conducted etc.
- Transport is unreliable – there aren't enough buses, and access to advocates in Hydebank is limited.
- There seems to be a presumption that children and young people are more comfortable with live links but that is not necessarily the case.
- There was broad consensus among those discussing the topic that it is still easier to understand things and focus if seen face to face and several expressed the preference to appear in person.
- It was thought by some that it may be harder to get treated fairly via video link. The dehumanising effect of video links was a recurring theme and it was suggested that the judiciary or others involved in the proceedings do not see the defendant as a person if they are appearing on screen.
- There can be difficulties with young people following proceedings if they appear via video link and they may be more likely to zone out and not really follow or understand what is happening.
- Concerns were expressed about the quality of the links and potential for links to drop out, meaning information could be lost or glossed over.
- It was acknowledged that there could be big time savings (and cost savings) and this could be a benefit.
- It is also likely to be better for victims or witnesses and for certain types of offences or cases to take place via video link.
- It was suggested that those who are guilty of an offence may opt for appearing by video link if they feel it can better mask their personality/emotions etc.

Topic: Minimum Age of Criminal Responsibility

- The participants were generally aware of the concept of a minimum age of criminal responsibility (MACR).
- Some were unaware that, in Northern Ireland, the MACR of 10 years old was lower than elsewhere and the lowest in Europe.

- It was suggested that vulnerable children or children in care might know more about MACR than others because they are more likely to have experience of the justice system.
- There was consensus that 10 is too young.
- Most 10-year-olds do not fully understand their actions. They do not have an appropriate understanding of long-term consequences – they may know right from wrong but still not understand the implications of actions.
- Some may be influenced by other older children or adults to commit a crime without understanding their actions.
- There are many things that 10-year olds are not deemed old enough to do – the age of sexual consent is 16; they cannot buy alcohol or cigarettes, drive a car, leave school, leave home etc., so why are they deemed to criminally responsible at that age?
- It is very traumatic for a 10-year-old to go to court.
- They do not possess the appropriate level of maturity to face questioning at a police station or to appear in court.
- There should be alternative youth justice interventions for children who break the law.
- It was felt that it was important to understand why some young people break the law.
- There was consensus that restorative justice is a better approach.
- Measures other than children being criminalised were suggested, for example, meeting victims of crime.
- It was pointed out that labelling children as criminals can be devastating for some and some might feel they may as well “act upon” such labels.
- Some suggested that setting a higher age may lead to children being targeted or manipulated by others to commit crimes as they “will get away with it” where an older child may not.
- Issues were raised about older children and adults being seen as role models inappropriately.
- Children and young people may be susceptible to peer pressure, may be groomed or used by older children and young people, adults or even paramilitaries to commit a crime.
- Some young people are victims, not criminals.
- Building relationships with supportive workers reduces judgement and manipulation by older peers.
- It was suggested that that children in secondary school are more socially aware so MACR should be at least set at this level. Suggested MACR ranged from 13 – 16 years of age.
- Consequences still exist outside the justice system but sometimes the system itself causes problems.
- If the goal of a low MACR is to stop crime, it’s not working.
- Support such as CAMHS (Child and Adolescent Mental Health Services) and diversionary schemes need to be properly funded for this to work.

General Issues

It was felt that “equal protection” should be included in the Bill. It was pointed out that an adult breaks the law if they punch another adult but it was felt that a parent can punch their child without breaking the law.

The use of the term “juvenile” was felt by all to be outdated and inappropriate. The participants advised that if they are victims of crime then they are referred to as a child, but if they are a perpetrator then that changes to juvenile. They believed there is stigma attached to that term.

It was thought that there is a general lack of privacy and a feeling that it is increasingly becoming a security state and people are always being watched – children being judged for fairly innocuous things that would not have been an issue in the past.

There was an overwhelming view that things done as a child or young person should not follow them for life and potentially ruin their future.

There should be better systems or services to deal with children and young people e.g. crime rehabilitation centres, and completion of courses etc. Punishment is OK but it would be better if there was no record of the crime kept long-term. Some participants firmly believed that something stupid done as a child or young person should not stay with you for the rest of your life.

Appendix

Young people and/or support workers from the following organisations attended the event:

Children's Law Centre

Include Youth

NIACRO

Northern Ireland Alternatives

Northern Ireland Commissioner for Children and Young People

Northern Ireland Youth Forum

St Peter's Immaculata Youth Club

VOYPIC