



The Justice Bill (NIA Bill 07/22-27)

Joint written response to the Justice Committee

Northern Ireland Alternatives and Community Restorative Justice Ireland

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The community-based restorative justice sphere

Northern Ireland Alternatives (**NIA**) and Community Restorative Justice Ireland (**CRJI**) are both governments accredited restorative justice organisations. Working to promote restorative practices and processes by providing community- based collaborative solutions to the hurt and harm caused by conflict, crime, and antisocial behaviour.

This impactful undertaking is rooted in the belief that restorative justice can significantly repair harm for both those who cause harm (offenders) and those who have been harmed (victims) whilst improving social and criminal justice outcomes both in the short and long term¹. Established in 1998, we are able to provide a holistic community-based response that is rooted in local but wide-spread presence. From a social perspective, CRJI and NIA use restorative practices to enhance relationships and create greater social bonds in communities that has a lasting impact on community cohesion. From a criminological perspective, working through a restorative lens ensures the criminal justice system is not prioritising punitive measures and instead provides a voice for the victim, restores, and reintegrates offenders in society and reduces the need for custodial sentences that have negative collateral consequences for all parties.

Many of the proposals contained in the amendments to the Justice Bill (NIA Bill 07/22-27) will therefore have a direct impact on many individuals that both organisations work with in our respective local communities. NIA and CRJI welcome the opportunity to provide this submission to the Committee for Justice regarding

¹ NIA and CRJI use restorative language including the terms 'harmed' and 'harmer'. For the purposes of this response and for simplicity we will use the terms 'victim' and 'offender.'

the Justice Bill. The legislation presents a critical opportunity to reshape our criminal justice framework into one that foregrounds rehabilitation, healing, and the reduction of harm. This submission is offered through the lens of restorative justice, rooted in principles of accountability, victim empowerment, and reintegration.

1. Support for Restorative Justice Expansion (Amendment 2)

NIA and CRJI express broad support for the expansion and accreditation of restorative justice (RJ) services:

- **NIA and CRJI** note that restorative justice has been embedded in the youth justice system for over two decades in Northern Ireland. It emphasises that restorative justice should remain **child-centered and victim-focused**, aligning with the UNCRC's General Comment 24, which encourages non-custodial, community-based responses to child offending. While restorative conferencing in the youth justice system has been a successful disposal in the criminal justice system, NIA and CRJI would encourage the committee to significantly recognise the specific benefits of a community-based restorative disposal. Although community-based restorative justice is a legitimate disposal under the accreditation, community-based restorative justice is often positively viewed as less formal than court ordered sanctions. These responses can mitigate against negative connotations of labelling and shame that is often associated with the formal criminal justice system and empower victims to have a voice in the process of justice.²

² Deborah H Drake and Andrew J Henley, "Victims" versus "Offenders" in British Political Discourse: The Construction of a False Dichotomy' (2014) 53 The Howard Journal of Criminal Justice 141.

- **NIA and CRJI** welcomes the proposed accreditation framework and highlight its alignment with previous commitments, including the **Fresh Start Panel Report** (currently the Independent Reporting Commission (IRC), which recommended a **Centre of Restorative Excellence (CORE)** and a dedicated fund for restorative justice initiatives.
- **NIA and CRJI** welcome the implementation of an Adult Restorative Justice Strategy (ARJS) to ensure the training and standards of restorative justice continue to be upheld and access to restorative justice is expanded. This includes a desire to increase the number of formal referrals into community-based restorative justice under the new accreditation process.
- **NIA and CRJI** encourage continued investment and expansion in community and non-justice sector restorative justice applications (e.g., schools, health, and social care). This should include a commitment that those delivering training and interventions are government accredited to ensure professionalism and standardisation.
- **NIA and CRJI** supports restorative measures as part of broader rehabilitation goals, grounded in international human rights standards like Article 10(3) ICCPR.

Recommendation: response to clause 26A

Clause 26A: Transfer of functions related to restorative justice schemes

- NIA and CRJI support the formal transfer of powers from the secretary of state to the Department of Justice under Section 43 of the Justice and Security (Northern Ireland) Act 2007.
- NIA and CRJI call for clarity on the rationale to remove the Criminal Justice Inspectorate for Northern Ireland (CJINIs) pre-accreditation inspection role.

This clause would transfer powers to the Department of Justice to determine the necessary requirements for accreditation purposes and allows the Minister of Justice to take decisions around the accreditation of organisations and individuals providing restorative justice services.

- Accredited community-based restorative justice schemes have a high level of oversight through CJINI, and this ensures standards, legitimacy, training, and safeguards for the practice of restorative justice. As CJINI state,

CJI is an independent, statutory Inspectorate created in 2003 to independently assess and improve the efficiency, effectiveness, and fairness of Northern Ireland's criminal justice system. It is a Non-Departmental Public Body.³

- There is a clear emphasis on the independence of CJINI that equates to the efficiency, effectiveness, and fairness in their inspections which NIA and CRJI view as a desirable factor to uphold in any inspection of restorative justice.
- It is our view that an external body absent of political guidance creates a required checks and balance approach, establishing a safeguarding mechanism for both the Department of Justice and community-based restorative justice schemes.

Overall, we support the proposed amendments and encourage the Committee to:

- Ensure consistency of access for restorative justice across all regions and communities in Northern Ireland.

³ CJINI, 'Our Background - CJI NI' (CJI NI/4 June 2025) <<https://www.cjini.org/about-us/our-background/>>

- Establish robust training and accreditation mechanisms, particularly for community-based providers and statutory bodies.
- Commit to multi-year resourcing, ensuring sustainability of trauma-informed restorative services with clearly defined outcomes. This resourcing would allow organisations to strategically plan and ensure the retention of staff.
- The inclusion of restorative justice must not be limited to theoretical endorsement but embedded with operational clarity, funding, and accountability.

2. Addressing Organised Crime with Safeguards (Amendment 4)

The new offences targeting organised crime groups (OCGs) raise concerns about the **criminalisation of victims of coercion**, especially **children and vulnerable individuals**.

- **NIA and CRJI** emphasise the need for clear **safeguards to protect exploited children** from prosecution, advocating for responses grounded in **child protection and safeguarding** rather than criminalisation. As NICCY recommends, learning should be applied from the **Jay Review**, the **2024 Child Criminal Exploitation (CCE) Action Plan**, and the **UNCRC's** calls for non-custodial interventions.

Recommendation:

The criminal justice system must **recognise and protect victims of coercion**—including children who are exploited and potentially recruited into paramilitarism. Restorative approaches demand that institutional systems **differentiate between**

those who cause harm (offender) and those who have been harmed (victim), while reaffirming this position in the circumstance(s) when for the former and the latter intertwine. Recognising this requires a notable investment in social interventions, diversionary and educational programmes. This would act as a safeguard against exploitation in communities and increases resilience against the devastating impacts of child criminal exploitation. Investment in these areas is well documented in research, noting factors such as contact with the criminal justice system, unstable home environments, social isolation, economic deprivation, and exclusion from mainstream education significantly increases vulnerabilities associated with criminal exploitation by organised gangs.⁴

3. Bail, Custody & Youth Justice Reform (Part 2 of the Bill)

Both **NIA and CRJI** emphasise that children should only be detained as a **last resort** and highlight the importance of **community-based alternatives** such as bail fostering and supported accommodation. Rather than acting as a deterrent, custodial sentences can often exacerbate future offending. Imprisonment can be criminogenic in nature and present additional collateral consequences upon release impacting housing, strained family relationships and broken educational attainment, all of which are linked to increased rates of recidivism.⁵

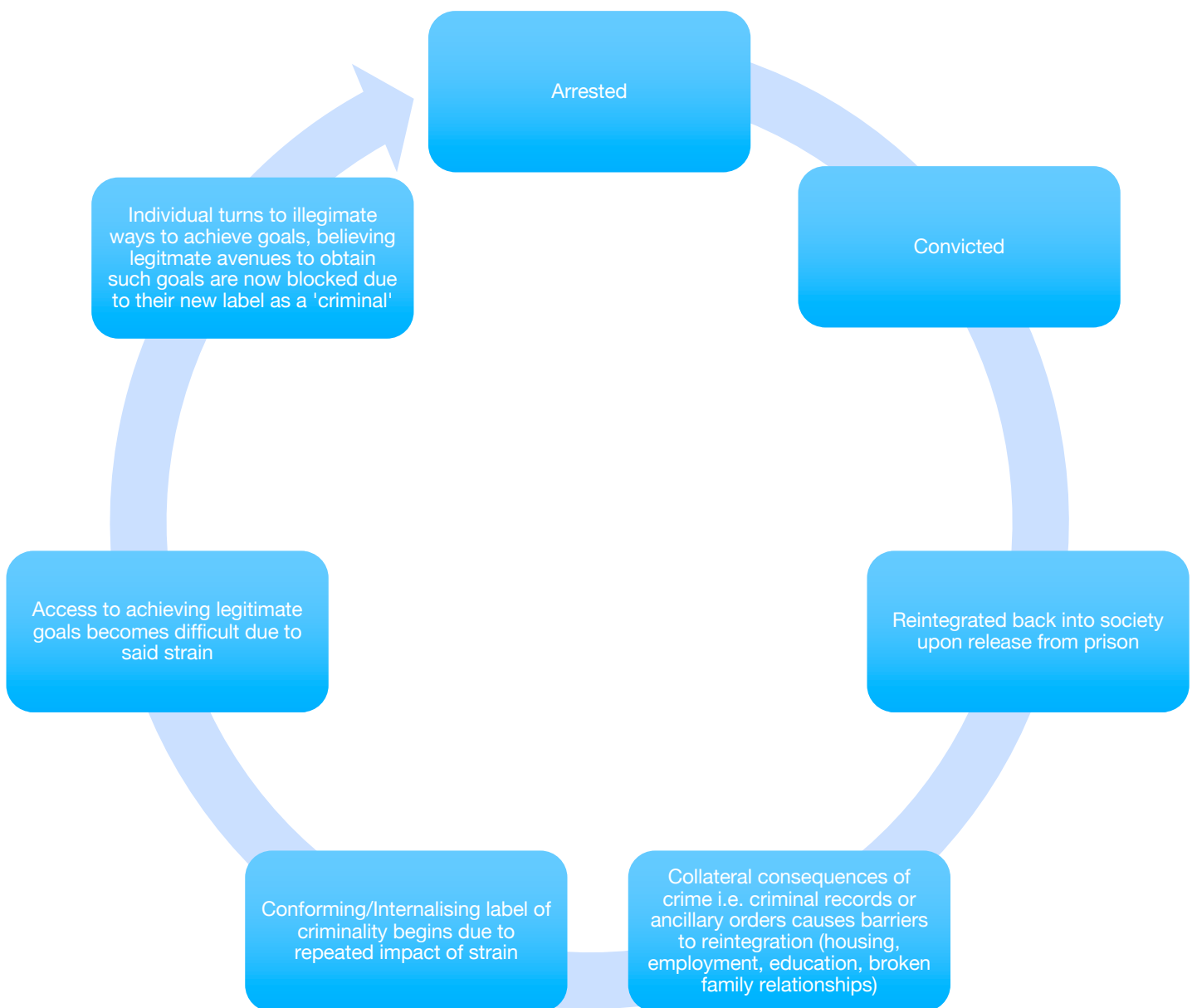
When such strain factors are faced with an internalised label of “offender” or “criminal” after a custodial sentence, it can become more straightforward to understand how imprisonment can potentially result in further offending. We have all heard of the self-fulfilling prophecy (see example illustration below), but it is

⁴ Home Office, ‘Criminal Exploitation of Children, Young People and Vulnerable Adults County Lines’ (2023) <https://assets.publishing.service.gov.uk/media/65322ad1e839fd001486720d/2023_FOR_PUBLICATION_-_Criminal_exploitation_of_children_young_people_and_vulnerable_adults_county_lines1.pdf>.

⁵ Oren Gazal-Ayal and Julian V Roberts, ‘Foreword: Alternatives to Imprisonment - Recent International Developments’ (2019) 82 Law and Contemporary Problems 1.

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important to highlight the extent to which NIA and CRJI have seen first-hand how young people (and adults) can transcend into a cycle of offending after a period in custody. NIA and CRJI continue to play an important role in the space of reintegration for offenders upon release from prison, but we must emphasise our position to use custodial sentences as a last resort in circumstances where imprisonment is required to protect the public. Restorative disposals should be expanded and explored as a legitimate alternative to imprisonment for the purposes of rehabilitating and encouraging desistance from criminality.



NIA and CRJI acknowledge, as stated by other organisations providing responses to the Committee, that many of the children who come into contact with the criminal justice system have experience adverse childhood experiences (ACEs). A trauma informed approach informs not just how we undertake our practice from a restorative justice lens but should guide the response of statutory agencies. Article 48ZA of the Bill 'Bail after arrest: juveniles' sets out the principles for grants of bail to those children in police custody. Paragraph (e) states that the "juvenile's age, maturity and needs..." should be assessed when decided whether to impose a condition of bail. NIA and CRJI are concerned by the frequent use the term "juvenile" in the Justice Bill when assessing what is in the best interest of children in custody. NIA and CRJI recommend that an additional clause is added to the Bill much like Article 3 of the Children (NI) Order 1995, where the best interests of the child are paramount.

Recommendations

- NIA and CRJI strongly encourage and affirm that a presumption of bail (where appropriate) should be the norm for any custody officer. Both organisations are intensely aware that many children who are suitable for bail do not attain bail due to the lack of accommodation options available.
- NIA and CRJI recommend that foster bail and new secure accommodations should receive property funding to ensure the spirit of the amendments are not frustrated by budget or operational restrictions.
- NIA and CRJI recommend that like the German youth justice model, greater educational disposals are created to assist magistrates and justices. Courts in other jurisdictions have statutory powers to implement structured appendices and training which has resulted in Germany have one of the lowest rates for recidivism

in Europe.⁶ The committee should be aware that unless greater powers of positive intervention are made, including apprenticeships and educational skills, the ‘revolving door’ of criminality and detention is a real potential for many young people in Northern Ireland.

- Statistically, the latest figures in Northern Ireland suggest those who are reoffending following release from custody are doing so within a short period of time. In the 2021/ 2022 cohort, just under one fifth (19.7%) of those who reoffended did so within one month of being released from custody and 44.8% reoffended within a three-month period upon release. No young person within this cohort reoffended with what is deemed a ‘serious offence’ compared to a 34 % reoffending rate for drug offences and 29.4% for public order⁷. These statistics suggest people are committing further low-level crimes within a short window, despite custodial sentences currently being used as a deterrent mechanism and statutory provisions being in place to support reintegration.
- NIA and CRJI would therefore encourage greater utilisation of community-based restorative justice to facilitate a more holistic approach for the reintegration of prisoners. For example, providing practical guidance to access housing, utilising restorative approaches to repair broken relationships and increasing resilience through long term support. Ultimately, creating a re-integration strategy and decreasing reoffending rates will generate a safer society and in turn prevent future people becoming victims.
- NIA and CRJI support a developmentally appropriate level of intervention for young people in the youth justice system. The amendments particularly around bail and the introduction of the youth and custody supervision order must be accompanied with strong trauma informed training of key stakeholders. Many of

⁶ [https://justicelab.columbia.edu/sites/justicelab.columbia.edu/files/content/Youth Justice in Europe Experience of Germany the Netherlands and Croatia in Providing Developmentally Appropriate Responses to Emerging Adults in_0.pdf](https://justicelab.columbia.edu/sites/justicelab.columbia.edu/files/content/Youth%20Justice%20in%20Europe%20Experience%20of%20Germany%20the%20Netherlands%20and%20Croatia%20in%20Providing%20Developmentally%20Appropriate%20Responses%20to%20Emerging%20Adults%20in_0.pdf)

⁷ NISRA, ‘Adult and Youth Reoffending in Northern Ireland’ (2024) <<https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Adult%20and%20Youth%20Reoffending%20in%20Northern%20Ireland%20%282021%20Cohort%29.pdf>>.

the young people we work with present with additional factors of strain and require the language of justice to be pitched at a level that they and their caregivers can engage with and importantly wish to engage with. The legislation should also provide and create powers for family-group conferencing, much like New Zealand. Forms of reparation or goal-based support can create a smoother path for a child's reintegration to society and can comprise part of the child's final goals during a youth conference.⁸

- A new clause where the best interest of the child is deemed paramount should be considered, promoting alternatives to detention that aligns with restorative principles—encouraging **early intervention, support, and reintegration** rather than custodial penalties that can perpetuate cycles of harm.

4. Children's Rights and Language Reform

NIA and CRJI strongly advise that the Justice Bill must place children's rights at its foundation. We respectfully urge the Committee to:

- Introduce a foundational Clause that enshrines the child's best interests as a guiding principle across all provisions.
- Strongly recommend replacing the term 'juvenile' with 'child' throughout the Bill, promoting a more rehabilitative and humanising narrative.
- Develop age-appropriate materials and disclosures, ensuring children understand the implications of disposals, including the presence of biometric data and criminal records.

⁸ <https://www.orangatamariki.govt.nz/youth-justice/family-group-conferences/>

5. Repeal of the Vagrancy Acts (Amendment 3)

NIA and CRJI support the repeal of outdated vagrancy laws that criminalise homelessness. Both recommend a **rights-based, trauma-informed approach** that tackles root causes like poverty, housing insecurity, and exploitation.

This repeal can help **de-stigmatise vulnerable populations** and move toward justice policies that **heal communities**, not marginalise them further. Legislation should encourage community-based responses rather than criminalisation including holistic approaches to address factors of strain impacting homelessness. This could comprise support for emergency accommodation, emergency or general medical assistance, proactive housing support and practical provisions. NIA and CRJI facilitate programmes to tackle these root causes, but this needs to be supported by greater statutory provision and funding. Rather than criminalising people for being homeless, the criminal justice system and community sector need to have a proactive approach to help eradicate homelessness instead of solely being reactionary through legislation.

6. Biometrics and Child Safeguards (Amendment 1)

NIA and CRJI raises strong concerns about biometric data collection from children (e.g., photographs at police stations), noting the **lack of child-specific safeguards** or clarity about consent and recall procedures;

- Collection of personal data (including biometrics) intersects closely with collective rights to privacy and enshrined in article 8 of the European Convention on Human Rights (ECHR). The ECHR thorough the evolution of

caselaw has held that the retention of fingerprints and DNA pursues the legitimate purpose of the selection and prevention of crime. The case of *S and Marper v United Kingdom* [2008] ECHR 880 highlighted that the practice of holding indefinitely the DNA of a non-convicted person created an unjustified interference of the subject's Article 8 rights.⁹

- NIA and CRJI raise concern that many of the children and young people that we work with who may have their biometrics taken as part of a police investigation may not understand that their biometrics can be retained for long periods of time, even if they are ultimately not convicted of any crime or any conviction becomes spent.
- The proposed amendments for photos to be taken of people connected with a police investigation may cause practical issues, especially if a child's home life is unstable. Greater clarity should be provided in the Bill regarding timescales for any potential photos.
- There remains a lack of clarity around the use of facial recognition systems and how biometric data being captured may be used in these circumstances. We would welcome greater clarity on the use of facial recognition data.

Ethical justice systems must **prioritise dignity and informed participation**, especially for children. Biometric policies must be **transparent, proportionate, and rights-respecting**.

Recommendations: Raise the Minimum Age of Criminal Responsibility (MACR)

NIA and CRJI strongly support a further amendment to the Justice Bill which would raise the MACR from 10 years of age to 14 years of age. The recommendation is

⁹ *S and Marper v United Kingdom* [2008] ECHR 880.

supported by other organisations including NIACRO and the Northern Ireland Human Rights Commission.

In Northern Ireland, the **minimum age of criminal responsibility (MACR)** is currently **10 years old**. Children aged 10 and over can be arrested, charged, and prosecuted, though they are generally dealt with via the youth justice system rather than adult courts.

Despite repeated calls for reform, this age remains one of the lowest in Europe—matching England and Wales at 10, lower than Scotland (12), Republic of Ireland (12), and most of mainland Europe (typically 14)¹⁰.

A public consultation led by the Northern Ireland Department of Justice ran from October to December 2022, asking whether to raise the MACR to **14 years** to align with UN recommendations. The results were strongly in favour: around **87%** of respondents backed raising the age, with the majority preferring 14 years as the new MACR¹¹. The Northern Ireland Human Rights Commission and other stakeholders also recommended at least 14 years, based on child development, legal and rights-based considerations.¹² NIA and CRJI affirm strongly that in the spirit of the UN Convention on the rights of a child, youth justice should be focused on repairing harm, educating the offender and reintegrating them into society. Youth justice should not be punitive or retributory¹³.

NIA and CRJI recommend that by raising the MACR, it would put a renewed focus on protecting children and reintegrating those children into civic society through targeted investment. For example, the recent disturbances in Ballymena in June 2025 highlight how children involved in anti-social behaviour can have their whole

¹⁰ <https://archive.crin.org/en/home/ages/europe.html>

¹¹ <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/summary-consultation-macr.pdf>

¹² https://nihrc.org/news/detail/nihrc-welcomes-the-department-of-justice-consultation-on-raising-the-minimum-age-of-criminal-responsibility?utm_source=chatgpt.com

¹³ <https://archive.crin.org/en/home/rights/convention/text-convention.html>

lives destroyed through flawed decision making due to their young age, social media, disinformation, and broken relationships.

Conclusion: Toward a Child- and Community-Centered Justice System

From a restorative justice perspective, the Justice Bill presents **positive steps toward reform**, particularly in its support for restorative justice services, youth diversion, and repeal of outdated criminal laws. However, **critical safeguards** are needed to ensure reforms:

- **Do not re-criminalise or exploit the vulnerable** (especially children);
- **Enhance community-based solutions** over custody; and
- And **embed restorative values into policy, practice, and oversight** structures.

NIA, CRJI and others urge the Department of Justice to embed a **Child Rights Impact Assessment (CRIA)** throughout the Bill's implementation—a vital recommendation to fully realise a restorative and rights-compliant justice framework.

This Bill, if shaped boldly and humanely, can transform Northern Ireland's justice landscape. Restorative justice is not only a practice—it is a promise: to address harm, to ensure human dignity, and to reinvest in safer communities.

We respectfully urge the Committee for Justice to seize this opportunity—to build a system that restores rather than punishes, that listens rather than silences, and that renews rather than relegates.