

# Children in Northern Ireland



**Evidence submitted to the  
Committee for Justice on the  
Justice Bill**

April 2025



## Who we are

Children in Northern Ireland (CiNI) is the regional umbrella organisation for the Children's Sector in Northern Ireland. With over 120 members, CiNI is accountable for representing and giving voice to the experiences, views and aspirations of its members across NI to inform and influence those who make policy or plan and deliver services for children and young people. Our vision is to make Northern Ireland a society where all children are valued, treated fairly and are able to flourish. To deliver on this vision, CiNI has three strategic priorities:

- **Influencing:** through campaigning and engagement to ensure that children are at the centre of policymaking;
- **Learning:** capacity building across the sector and innovating best practice;
- **Collaboration:** working with others to increase impact.

We are the secretariat to the All Party Group on Children and Young People at the Northern Ireland Assembly and we are represented on the Children and Young People's Strategic Partnership (CYPSP) - a multiagency partnership that includes the leadership of key statutory agencies and community and voluntary organisations, with responsibility for improving the lives of children and young people in Northern Ireland. CiNI is also a member of Safeguarding Board NI, a statutory body constituted to safeguard and protect children.

CiNI offers a wide range of training to both individuals and organisations working within the community and voluntary sector to develop their skills and knowledge through our high-quality and positively evaluated Children's Services Training Programme. We also offer bespoke training, tailored specially to the needs of organisations, both within the sector and beyond.

CiNI manages the regional parenting support helpline: Parentline NI. Funded by the Department of Health, this service offers free, confidential advice and guidance to Parents and Carers across Northern Ireland. Parentline also provides one-to-one support, practical workshops, online resources (including an award-winning podcast), and referrals to counselling services. CiNI also runs the Parent Participation Service and the Parents' Disability Forum, which are key platforms for parents/carers to have their voices heard and ensure that policymaking is informed by their lived experience.

At a community level, CiNI delivers the 'Gets Active Project', a range of healthy food and physical activity programmes aimed at addressing child food insecurity. In 2022, CiNI established a Youth Advisory Group to help shape these programmes and give young people a platform to influence policy making.

More information is available on our website: <https://www.ci-ni.org.uk/>

## Best Interests of the Child

Many of the children caught up in the criminal justice system have complex needs and challenging life experiences. When it comes to children in custody in Northern Ireland, there is a clear overrepresentation of care-experienced young people, those from deprived backgrounds, those suffering with mental ill health, learning difficulties, or histories of trauma. Rather than punishing these children, the focus should be on prevention, tailored support, and pathways that keep them out of the justice system altogether. Criminalising children fails to achieve lasting behavioural change, it isolates them and increases the risk of further offending, as shown by rates of reoffending.<sup>1</sup> We would strongly urge the Committee to consider the best interests of the child, and the particular vulnerabilities of the children in contact with the criminal justice system, throughout their scrutiny of the Bill and ensure that, through their ongoing engagement with government departments, adequate and appropriate supports are in place at every stage as they progress this legislation.

## Provisions of the Bill

### Biometrics

The Justice Bill, in its current form, allows for the retention of biometric data (fingerprints and DNA) from children based on arrest alone - without charge or conviction (see Part 1, Clause 1 and the proposed New Article 63G). This raises a number of serious issues around proportionality, privacy, and the presumption of innocence. The UN's Beijing Rules (see Rule 21 in particular), attempt to strike a balance between the conflicting interests of records and files improving the state parties' response to criminal behaviour versus the best interests of the child, and they advocate for 'wiping the slate clean' at 18 to strengthen equality of opportunity for young people moving into adulthood who may have engaged with the criminal justice system in the past.<sup>2</sup> The fact that the Bill allows for retention of biometrics from children not convicted or charges with an offence, as well as extended periods following a diversionary disposal (e.g. Community Restorative Justice Scheme), violates this principle.

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<sup>1</sup> Department of Justice/NISRA, Adult and Youth Reoffending in Northern Ireland 2021/22 Cohort: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Adult%20and%20Youth%20Reoffending%20in%20North%20Ireland%20%28202122%20Cohort%29.pdf>

<sup>2</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"): <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/beijingrules.pdf>

Theoretically, under the current provisions of the Bill, a child or young person under 18 could be arrested and not charged, or accept a diversionary disposal (which are not subject to a trial), and have their biometric data retained for a number of years into adulthood. Coupled with evidence and research that suggests there remains significant confusion around diversionary disposals and how they inhibit 'wiping the slate clean at 18' (see for example NIACRO, 2015);<sup>3</sup> we do not consider the current provisions of the Bill to be reasonable or proportionate and would advise the Committee to consider relevant amendments that would rectify these two issues. The first issue, retention of a child's biometric data based on arrest alone (with no charge) could be resolved through a specific exemption for children under new proposed Article 63G. The second issue, retention of biometrics beyond 18 years of age following a diversionary disposal, could be addressed through a clear mechanism to allow for the deletion of data following application to the Biometrics Commissioner. In our view, the 'exception for persons under 18 convicted of first minor offence' under the proposed new Article 63M does not address these two fundamental issues, and only applies when a child has been convicted of a relevant offence.

## **Bail and Remand for Children**

We strongly support the principle that custody must be a last resort, and for the shortest appropriate period of time, as reaffirmed by Article 37(b) of the UNCRC.<sup>4</sup> The presumption in favour of bail is essential and must be robustly enforced. The introduction of Youth Supervision and Custody Orders (YSCOs) must fulfil their intended purpose of providing community-based alternatives to detention. Remand must never be used for welfare, protection or convenience, and oversight and resourcing of these reforms are critical. Bail conditions must be reasonable, achievable, and there must be appropriate consideration of the education, health, personal development, employment, family circumstances, and support needs of the young person.

We would echo the calls from other children's rights organisations in NI to strengthen these provisions of the Bill and ensure that no child is ever deprived of their liberty due to a lack of suitable accommodation. We strongly support renewed investment in bail fostering and community-based accommodation schemes, properly resourced and available across NI. In order to successfully implement the stated policy intent of presumption of bail, the Department of Justice must work closely with Department of Health, and properly utilise the powers and duties of the Children's Services Co-operation Act (Northern Ireland)

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<sup>3</sup> NIACRO response to PPS Prosecution Quality Standards, 2015: <https://www.niacro.co.uk/sites/default/files/consultations/PPS%20-%20Prosecution%20Quality%20Standards.pdf>

<sup>4</sup> United Nations Convention on the Rights of the Child: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

2015, including the pooling of resources where appropriate. Care-experienced young people are disproportionately overrepresented in the criminal justice system and greater cross-departmental and cross-sectoral collaboration is key to address the underlying issues such as early trauma, experiences during care, and labelling (through stigmatisation and criminalisation).<sup>5</sup> We would advise the Committee to request further clarity on how the Bill's provisions related to bail and remand for children will work in practice and further information on cross-departmental work to ensure there is sufficient capacity in terms of appropriate accommodation.

## **Separation of Children and Adults**

The Bill's Explanatory Memorandum refers to provisions that enhance compliance with Article 37 or the UNCRC through 'underpinning the current administrative arrangements which exist around the separation of children and adults in custodial settings.' Placement of any child in Hydebank Wood Young Offenders' Centre is inappropriate and potentially harmful.<sup>6</sup> A key question for the Committee is whether the Bills' provisions, as drafted, still leave open the option for children to be placed in custody with adults in any setting, including in police custody. If so, then the Committee should consider amendments that provide sufficient legal clarity that this is no longer an option. In the event that the Juvenile Justice Centre (JJC) ever reached capacity and could not accommodate a child, the Department of Justice and Youth Justice Agency should work collaboratively with colleagues in the Department of Health, in compliance with its obligations under the Children's Services Co-operation Act (Northern Ireland) 2015 to promote the wellbeing of children, and provide secure alternative accommodation that is safe and child-appropriate.

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<sup>5</sup> Staines et al. 2023, 'We need to tackle their well being first: Understanding and supporting care-experienced girls in the Youth Justice System':

<https://journals.sagepub.com/doi/full/10.1177/14732254231191977>

<sup>6</sup> Criminal Justice Inspection Northern Ireland, 'Monitoring of progress on implementation of the Youth Justice review recommendations', December 2015: <https://www.cjini.org/getattachment/355260de-ceb0-43f8-ad83-e91fee363dd1/picture.aspx>

## Proposed Ministerial Amendments

### Live Links

The use of video/audio links in court can support efficiency and reduce trauma, but it also risks excluding children from meaningful participation if adequate consideration is not given to the necessary safeguards which must be put in place to guarantee the child's right to a fair trial as protected by Article 6 of the European Convention on Human Rights (incorporated into domestic law through the Human Rights Act 1998). Article 12 of the UNCRC also guarantees the right to be heard and to understand proceedings. Virtual hearings can compromise this, particularly for those with communication difficulties or additional needs. Some research also points to a number of ways that remote technologies directly influence the outcomes of criminal cases, including conviction rates, bail decisions, and sentencing.<sup>7</sup> We would strongly advise the Committee to seek additional safeguards to ensure that all children have the right support and capacity to participate fully, and to prevent any potential for live links to become the default for child defendants or witnesses.

Continual monitoring and review of the use of live links, and specific analysis of the impact on children and young people, particularly with regard to the right of children to understand and participate fully in their trial, will be required. Decisions around the use of live links in children's cases should be made on a case-by-case basis. The best interests of the child or young person should be the primary consideration in making such decisions and adequate consideration should be given to their particular needs and vulnerabilities. Where there are concerns that the use of a live link may not be suitable or may impact on the ability of a child or young person to fully understand or participate in their case and have their right to a fair trial upheld, they should not be used.

### AccessNI

While these reforms aim to simplify filtering of criminal records, the removal of certain protections may disproportionately affect children. For example, under the current legal framework for filtering non-serious offences from criminal record checks, the Department notes that the 'Disqualification of Caring for Children Regulations (NI) 1996 requires that the following entry is included in the current List, namely "Any offence involving injury or threat of injury to another person."<sup>8</sup>

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<sup>7</sup> Harris, H. M. 2023, 'The Impact of Remote hearing Policies on Racial Equity in Criminal Case Outcomes During the Pandemic' The Russell Sage Foundation Journal of the Social Sciences, 9(3):

<https://www.rsfjournal.org/content/9/3/252>

<sup>8</sup> Department of Justice, Appendix D 'AccessNI Filtering Amendments':

<https://www.niassembly.gov.uk/globalassets/committee-blocks/justice/2022-2027/primary/justice/published-24012025/explanatory-appendix-d---access-ni-filtering.pdf>

The Department argues that this is a 'wide-ranging entry' and is 'inconsistent with how other offences are required to be treated.' They propose to remove it from the List on the basis that it is 'unclear', 'not in keeping with current practice', and it 'does not accord with the policy in this area (filtering non-serious offences), or indeed the accompanying caselaw.' However, the Department has not provided any assessment of the potential impacts of this change. The Committee should consider whether this change poses any significant risks to the welfare of children given the key role that AccessNI checks play in safeguarding and vetting potential staff working directly with young people.

## **Organised Crime**

The proposed offences of participating in or directing organised crime are defined broadly and risk criminalising children who may be coerced or exploited. The threshold – "a group of three or more" – could easily capture peer groups or children manipulated by adults. Evidence shows that children are often used by criminals because of their perceived impunity, and the Jay Review (published in 2024) found that too many exploited children are treated as criminals rather than victims and do not receive a child protection response.<sup>9</sup> The Committee should seek clarity from the Department on how these new proposed criminal offences will sit alongside key recommendations from the Jay Review including introducing a single, cohesive legal code designed to tackle the criminal exploitation of children and a statutory definition within UK law, recognising exploitation as a distinct category of child protection and a welfare-first approach. For drug-related offences in particular, the Committee should engage with stakeholders in neighbouring jurisdictions that have introduced similar laws to tackle serious organised crime, to understand how these work in practice and how to avoid unintended consequences.

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<sup>9</sup> Jay et al. 2024, 'Shattered lives stolen futures: the Jay Review of criminally exploited children': <https://www.actionforchildren.org.uk/our-work-and-impact/policy-work-campaigns-and-research/policy-reports/the-jay-review-of-criminally-exploited-children/>

## Other Amendments

### Equal Protection

The removal of the criminal defence of ‘reasonable chastisement’ is a long-overdue step towards ending physical violence against children. There is now robust evidence that the use of physical punishment is harmful to children and ineffective with regard to improving their behaviour.<sup>10</sup> Physical punishment is also among a range of important risk factors for child physical abuse. That is particularly pertinent in Northern Ireland, where as of 31 March 2024, 81% of the children on the child protection register were on it due to physical abuse and neglect.<sup>11</sup> If the defence of reasonable chastisement were to be removed, accusations of assault against a child would be investigated by the police and social services exactly as they are now. The thresholds for intervention would not change. The removal of the defence of reasonable chastisement in Northern Ireland would lead to better public protection and legal protections for children.

In 2022, following engagement with the NSPCC in NI, the Department of Health wrote to all Health and Social Care Trusts to ensure that prospective adopters or fosterers’ views on physical punishment are reported and assessed, and that they agree to not use any form of physical punishment on a child in their care.<sup>12</sup> Research by the NSPCC in NI has also found that 71% of parents/carers support a change in the law to strengthen protections for children.<sup>13</sup> We would strongly encourage the Committee to amend the Bill with relevant provisions to remove the defence of ‘reasonable chastisement’ from the current legal framework. This legislative change should be accompanied by widespread public awareness campaigns, education, advice, support and guidance for parents and carers on more positive and effective ways of managing difficult and challenging behaviour.

### Minimum Age of Criminal Responsibility

The Minimum Age of Criminal Responsibility in Northern Ireland remains 10 years old, which is well below international standards; and it is disappointing and frustrating that no action has been taken following the completion of a public consultation by the department in 2022. In our response to the consultation, CiNI reiterated the position of the UN Committee on the Rights of the Child, which now considers the age of 14 to be the minimum acceptable standard for state parties

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<sup>10</sup> Anja Heilmann et al., 2021, ‘Physical punishment and child outcomes: a narrative review of prospective studies’: [https://www.thelancet.com/article/S0140-6736\(21\)00582-1/abstract](https://www.thelancet.com/article/S0140-6736(21)00582-1/abstract)

<sup>11</sup> Department of Health/NISRA, ‘Children’s Social Care Statistics for Northern Ireland 2023/24’: <https://www.health-ni.gov.uk/sites/default/files/publications/health/child-social-care-23-24.pdf>

<sup>12</sup> NICCY and others, 2025, ‘Joint Briefing – Equal Protection for Children in Northern Ireland’.

<sup>13</sup> NSPCC NI, 2022, ‘Policy Briefing: Public Attitudes on Equal Protection.’

and commends those that apply a higher legal threshold of 15 or 16 years old.<sup>14</sup> The UN's recommendations are based on the latest available evidence in the fields of child development and neuroscience. Criminalising children does not work, in terms of reducing offending and tackling recidivism, and raising the MACR is a key element of effective diversionary strategies.<sup>15</sup> The current approach impacts young people's ability to access education; it hampers their job opportunities; and it can have even more devastating consequences on their lives. The evidence shows that trusting relationships, education, and having a job all improve outcomes and break cycles of reoffending.<sup>16</sup> We would strongly recommend that the Committee amend the Bill with relevant provisions to raise the Minimum Age of Criminal Responsibility, which must also be accompanied by more investment and resourcing of early intervention and community-based support services for children coming into contact with police and the criminal justice system.

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<sup>14</sup> United Nations, Committee on the Rights of the Child, 18 September 2019, General comment No. 24 on children's rights in the child justice system: <https://digitallibrary.un.org/record/3899429?ln=en>

<sup>15</sup> Morgan, R. 2009, 'Children and Young People: Criminalisation and Punishment' in Armitage et al. 'Youth Offending and Youth Justice (pp.56-75).

<sup>16</sup> Farrall et al. 2010, Social structures and desistance from crime, European Journal of Criminology: <https://doi.org/10.1177/1477370810376574>