



Justice Bill

Youth Assembly Members' views

10 April 2025

Youth Assembly Background

The Youth Assembly was established in June 2021. The current 90 Youth Assembly Members took their seats in October 2023. At the time of recruitment, they were in school years 9-12 which is approximately age 12-16. They are a diverse group. Membership includes young people from every constituency and recruitment was designed to ensure proportionate representation of Section 75 categories including gender, religious background, race, care experience, sexuality, disability, and young people with caring responsibilities. In addition, there is proportionate representation of young people with care experience and those in receipt of Free School Meals.

The Youth Assembly was established to perform three functions:

- To engage with the work of the Northern Ireland Assembly, specifically with Assembly Committees on legislation and inquiries relevant to young people.
- To undertake project work generated by the three Youth Assembly committees; and
- To enable consultation with government Departments and to participate in youth voice projects.

The Youth Assembly Members established three committees for their focus in this mandate. These are Education, Health and Rights and Equality.

Members have worked with several Assembly Committees on inquiries and legislative scrutiny. These include the Tobacco and Vapes Bill with the Committee for Health, Pensions Autoenrolment Bill with the Committee for Communities, and the RSE mini inquiry with the Education Committee. Members have also met with Departmental officials to help shape policy on the recent Curriculum review, the school improvement review, the Free School Meals and Uniform Grant review, and pre consultation on the School Uniform Bill.

The Youth Assembly Members wish to record their gratitude to the Committee for meeting with them to hear their evidence.

Justice Bill - Background

Youth Assembly Members were asked by the Committee for Justice in October 2024 to give their views on the Justice Bill.

The Youth Assembly Team established an ad hoc committee to examine the Bill. It must be noted that none of the Youth Assembly Members in the ad hoc committee have lived experience of the youth justice system. Given the scope of the Bill, its complexity, the amendments which have been made since the Bill's introduction, and the lack of lived experience in the group, the ad hoc committee decided to focus on parts one and two of the Bill.

As there is no children and young person's version of the Bill, or any documentation which would assist young people in understanding the key issues, the Youth Assembly team required time to summarise the Bill and create a suitable document for Members to be able to better understand the complex issues. This document can be viewed at Appendix A (Youth Assembly Justice Bill Parts 1 and 2 Summary).

Once this documentation was prepared, Members met throughout March 2025 to consider the Bill. On 26 March 2025, Members met with the Minister for Justice. They put several questions to her relating to parts one and two of the Bill. The questions can be viewed at Appendix B. Members also shared the Youth Assembly children and young people's version of parts one and two of the Bill with the Minister and her Department.

Youth Assembly Members broadly welcome this Bill and the opportunity to have their voices heard.

Youth Assembly Views

Part One: The Retention of Biometric Data

75:50:25

The Youth Assembly recognizes that a balance must be struck between public safety and solving crimes and the rights of the individual. The Youth Assembly are in favour of changing the law from the current position of holding biometric data indefinitely. However, Youth Assembly Members are still unclear why the 75:50:25 model was chosen particularly as it relates to children. We put this question to the Minister who told us that these figures are based on decisions and judgements made by the European court and examples from other countries. She explained that the Department is trying to make this proportionate and easily understood and enforceable by PSNI. None of this information has been made public.

Many of the Youth Assembly Members feel that the 75:50:25 model is unfair for children, and that it does not align with the United Nations Convention on the Rights of the Child in particular Article 3, the best interests of the child, Article 12, the right to have your voice heard, and Article 16, the right to privacy. Members are concerned that there are insufficient safeguards for children and young people with this model and that no consideration has been given to age and maturity in relation to retention periods.

Desistance

According to research, many people desist from committing crime the older they get due to reasons such as having a family, a job, a new purpose in life. If this is the case, Members ask why is biometric data held on children and young people held for long periods?

Solving crimes

According to the Scottish Biometrics Commissioner at a recent Justice Committee meeting,

“Whilst biometric data is very important, it isn’t key in most investigations – DNA helping to solve only 0.34% of all recorded crime and facial imaging less than 2% of all crime.”

If this is the case, Members ask why is it important to hold biometric data on children for so long?

What is biometric data?

Youth Assembly Members are confused about whether photographs are biometric data. NICCY stated in their recent evidence to the Committee that, once a photograph is uploaded to a database, it becomes biometric data. The Committee seemed to be unsure. This is apparently one of the amendments to the Bill. However, it is unclear whether the Department define photographs as biometric data in this instance. Further clarification is needed here.

Future Proofing

Youth Assembly are concerned that the current Bill does not allow for new technologies such as those developed with Artificial Intelligence. Facial recognition technology is commonly being used by police forces across the UK already. This is not included in this Bill. The Minister of Justice stated that she will look at this later if it is something the PSNI intend to use. Youth Assembly feel that this is a missed opportunity.

Part two: Bail, custody and remand for children

Stigma

Youth Assembly is concerned about the stigmatisation of young people in the Youth Justice system. The Youth Assembly recognise that many children who enter the Youth Justice System become stigmatised and institutionalised.

Furthermore, Members are concerned about the disproportionate numbers of vulnerable children, care experienced children and children from ethnic minorities who are in the Youth Justice system. Youth Assembly Members agree with the Northern Ireland Commissioner for Children and Young People that the Bill should look at an application process for 'wiping the slate clean' at 18 for minor crimes committed as a child.

Bail

Research has shown that a lot of children are kept in custody before their trial or after breaking bail rules, but very few of them end up with a custodial sentence. This suggests that the law which states that children should be given bail is not working as well as expected. Experts like the Youth Justice Review and Criminal Justice Inspection Northern Ireland have said that children should not be kept in custody if they are unlikely to receive a custodial sentence later.

Youth Assembly Members have concerns about children being sent to custody because there isn't enough suitable accommodation for them while they wait for their trial or if they are arrested under PACE.

The Youth Assembly welcomes Clause 9 of the Bill which states that children will never be imprisoned with adults.

Raising the Age for Young Offenders' Centres

The Bill raises the age for sending children to young offenders' centres to 18. Youth Assembly Members welcome this clause however they wonder if this change creates any challenges in terms of capacity and resources.

Children's Rights

The United Nations Committee on the Rights of the Child has raised concerns in the past on the treatment of children in the justice system in the UK. The UN Committee's Concluding Observations in its 2023 report on the United Kingdom, highlighted concerns around children in the justice system:

53. The Committee is deeply concerned about the draconian and punitive nature of the State party's child justice system and the limited progress made in implementing the Committee's previous recommendations to bring the child justice system in line with the Convention, in particular:

(a) The low minimum ages of criminal responsibility, set at 10 or 12 years, throughout all jurisdictions of the State party and the State party's position that "children aged 10 can differentiate between bad behaviour and serious wrongdoing";¹

¹ [CRC/C/GBR/6-7](#), para. 295.

(b) *That children who are 16 and 17 years of age are not always treated as children in the justice system;*

(c) *That children can be remanded into police custody, sometimes staying overnight in prison cells;*

(d) *The continued use of solitary confinement for children and segregation and isolation in child detention facilities, and that legislation allows for life imprisonment for children;*

(e) *The overrepresentation of children belonging to ethnic minority groups in detention;*

(f) *The large number of cases of violence, including sexual abuse, committed by staff against children in the child justice system and the findings of the independent inquiry into child sexual abuse that such complaints are rarely investigated.*

Youth Assembly Members would urge the Committee to take these important points into account when examining this Bill.

Custody Conditions

This Bill focuses on bail and custody for children but does not talk about conditions while in custody. The UN Committee on the Rights of the Child's Concluding Observations in 2023 made many recommendations in this area. Youth Assembly is concerned that the Concluding Observations have not been addressed in this Bill.

The Youth Assembly would like the Committee to consider if this section of the Bill will help meet the goal of the Department's Strategic Framework for Youth Justice 2022-2027. The goal is that children should only ever be placed in as a last resort. This is also framed under Article 37(c) of the UNCRC²: *"every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age."*

Further comments

Youth Assembly Members have a number of other concerns relating to the Bill.

² <https://www.unhcr.org/sites/default/files/legacy-pdf/4d9474b49.pdf>

1. Why is there no children and young people's version of this Bill when it concerns them? How are children and young people supposed to come to a view when these documents do not exist? The Minister told us that it isn't usual for a Bill to have a children and young people's version even though she admitted that the Bill is complex and wide ranging. The Youth Assembly would advocate that all policy and legislation relating to young people must be explained to them in ways that they can understand.
2. Youth Assembly Members feel that the Department of Justice should explain which reports and public consultations helped shape the changes made in the clauses of the Justice Bill. This will help to understand how decisions were made.
3. Young people from all backgrounds but especially those with lived experience of the Youth Justice System must have their voices heard on this Bill. The Minister told us that the Department has worked with children from NICCY, Children's Law Centre and young people in the Youth Justice System. Youth Assembly would like to have been able to consider these views, but we can find no records. The Youth Assembly urges the Committee to ensure they hear the views of such young people when examining this Bill.
4. It is unclear if a Child Right's Impact Assessment has been carried out in the development of this Bill. The Youth Assembly would advocate that the Department ensures this is carried out.
5. Youth Assembly would like to see evidence that the UN Concluding Observations 2023 have been considered when drafting this Bill. Recommendations raised by the UN Committee about which the Youth Assembly is particularly concerned include:
 - The use of solitary confinement, seclusion and restraint. This must be prohibited.
 - The Minimum Age of Criminal Responsibility must be raised from 10 to at least 14. The Youth Assembly are very concerned that this is not in the Bill and would encourage the Committee and/or individuals MLAs to consider this amendment.

- That detention is used as a measure of last resort for children and when it must be used, children must be detained separately from adults and detention conditions must be compliant with international standards, including with regard to access to education and health-care services, including mental health services.
 - That the child justice system is applied to all children who were below the age of 18 when the offence was committed.
 - That the Department invest more in early interventions for children and actively promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, use non-custodial measures for children, such as probation or community service.
 - That the Department address the overrepresentation of children belonging to minority groups in detention.
 - To ensure capacity-building for judges, prosecutors, police officers and other professionals on child-friendly justice procedures, children's rights and the Convention.
6. Youth Assembly Members also discussed the issue of Equal Protection with the Minister. They are disappointed that Equal Protection is not in the Bill and would encourage the Committee and/or individuals MLAs to consider this amendment.

Appendix B

Youth Assembly Members Questions to the Minister 26.03.2025

General questions

1. Why is there no summary of the Bill on the DoJ website?
2. Why is there not a children and young people's version of the Bill?
3. What consultation was conducted with children and young people beforehand?
4. How will the Minister ensure that the voices of all young people including all Section 75 groups and the children with lived experience of the Youth Justice System are heard in the consultation?

Biometric Data

5. How was the new model of 75:50:25 decided?
6. According to the Scottish Biometric Commissioner at a recent Justice Committee meeting, he stated, '*That whilst biometric data is very important, it isn't key in most investigations – DNA helping to solve only 0.34% of all recorded crime and facial imaging less than 2% of all crime.*' If this is the case, why is it important to hold biometric data on children for so long?
7. According to research, many people desist from committing crime the older they get due to reasons such as having a family, a job, a new purpose in life. If this is the case, why is biometric data held on children and young people held for long periods?
8. Do you feel holding biometric data is in the best interest of the child, according to Article 3 of the UNCRC? Do you also feel it takes into account Article 17 (right to access information) and Article 12 (the right to be heard on matters that concern us)?

9. With continual advancements of technology, especially the development of AI in everyday life, do you feel this Bill future proofs new technologies e.g. facial recognition?

Children's Bail and Custody

10. According to NICCY's Justice Briefing in June 2024, in 2022/23, there were 224 admissions to the Woodlands, 176 (nearly 80%) were related to PACE. Do you think this is appropriate considering Article 37 of the UNCRC states that children should only be removed from their family in exceptional circumstances?
11. Considering the widespread support for raising MACR to 14 in Northern Ireland, why has this Bill not addressed it?
12. We have two centres for children and young adults in NI – Woodlands and Hydebank, do you think there is sufficient and appropriate care for children in custody?
13. This Bill focuses on bail and custody for children but does not talk about conditions while in custody. The UN Committee on the Rights of the Child's Concluding Observations in 2023 made many recommendations in this area. Would the Minister consider moving towards a more child-rights based model such as Oberstown in Ireland?