

21.01.19

4 Deputy S.M. Ahier of the Minister for Home Affairs regarding an increase in the age of criminal responsibility (OQ.23/2021):

Will the Minister advise the Assembly what plans, if any, he has to increase the age of criminal responsibility in Jersey?

Connétable L. Norman of St. Clement (The Minister for Home Affairs):

The Deputy will recall one of the recommendations of the Youth Justice Review was that the age of criminal responsibility should be increased from 10 years up to 14. Work is currently ongoing on a project to seek to meet the recommendations of that review. I am not in a position to prejudge the outcome of that work but I will say that were we to reduce the age of responsibility it will need to be grounded in a fair and just process that retains the safeguards for children already enshrined in the current justice system.

10.4.1 Deputy S.M. Ahier of St. Helier:

The criminal age of responsibility obviously in European countries like Germany is 14 but in Portugal it is 16, would the Minister consider raising it to 16?

The Connétable of St. Clement:

As I said to the Deputy, work is going on based on the recommendations of the Youth Justice Review and they recommended 14. We shall have to see the results of the work and we will consider what is appropriate when that work has been done.

10.4.2 Senator S.Y. Mézec:

What advice, if any, has the Minister received on this issue and its implications for our compliance with the United Nations Convention on the Rights of the Child?

The Connétable of St. Clement:

The United Nations Convention on the Rights of the Child does not consider any age below 12 years to be acceptable, although there is no specific requirement for a lower age of criminal responsibility. But since the extension of the rights to the Island, the Attorney General has produced a direction which states that in relation to children under the age of 12 prosecution should only occur in the most exceptional of cases and only with the written consent of the Attorney General. In the case of children over 12 years but under 14, there should be a presumption against prosecution and prosecution should only take place with the consent of the A.G. (Attorney General) or other Crown advocates.

10.4.3 Senator S.Y. Mézec:

Given that the Minister has highlighted the view of the U.N.C.R.C. that it is unacceptable and choose the words that he just used, would he, therefore, confirm that change is coming in this area? In one form or another, and we can await the specifics, but will he confirm that change of some sort in the correct direction will be achieved?

The Connétable of St. Clement:

Yes, absolutely. But what we have got to make sure of when we are doing this work is that we do not create a vacuum. If children are removed from the scope of the justice system, we have got to make sure that they can be fairly tried if they are accused of serious criminal conduct.

[11:30]

But as the Deputy knows because he, as Minister for Children and Housing, and I were working on this, that work is ongoing on the recommendations of the Youth Justice Review.

10.4.4 Deputy K.F. Morel of St. Lawrence:

The Minister said that work is ongoing but when does he expect this work to be completed and for him to bring proposals to the Assembly to change this situation?

The Connétable of St. Clement:

It is a major piece of work with some 26, 27 recommendations, I think, in the review. To be honest with you, obviously there have been delays, like there has with anything else, I think it is going to be very difficult to bring anything forward certainly before the end of this year and it is more likely to be into 2022.

10.4.5 Deputy K.F. Morel:

Would the Minister say that it is his political view that 10 is too young an age for criminal responsibility?

The Connétable of St. Clement:

On the face of it it is unusually low but, as I said, the directions of the Attorney General ensure that children under the age of 12, that a prosecution only occurs in the most exceptional of cases. In fact there should be a review now looking at the figures and what has happened in recent times with children who have been accused of criminal offences, and we will be looking at those figures to help inform the work that is going on.

10.4.6 Deputy S.M. Ahier:

When a 10 year-old comes into contact with the criminal justice system, are the best interests of that child currently being considered?

The Connétable of St. Clement:

That is always, always the case. If a child of that age or a child of any age is brought to the attention of the criminal justice system, their interests are taken into account and we get great support in that area from the probation service.