

Open letter on the minimum age of criminal responsibility

Sir, at 10 years old the minimum age of criminal responsibility (MACR) in England and Wales is too low. It makes society less safe and delivers counter-productive outcomes for children. Its other fatal flaws are set out in today's report, *Rules of Engagement*, from the Centre for Social Justice. It should be raised to at least 12.

Since the MACR was raised from eight to ten in 1963, a significant body of research has emerged indicating that early adolescence is a period of marked neurodevelopmental immaturity. During this time, children are deemed less responsible for their behaviour and have limited competence to participate in criminal justice proceedings.

This lack of competence significantly reduces the likelihood of determining the truth and achieving justice. Moreover, compelling evidence demonstrates that involving young children in the youth justice system can increase the likelihood of their future offending.

The above issues are distinct from the question of the age at which children understand the difference between right and wrong, a question on which the MACR debate often misguidedly centres. Most children can broadly differentiate between right and wrong, however their capacity to judge magnitudes is limited, especially if they have grown up in dysfunctional families and experienced abuse as many young offenders have.

The MACR is also peculiarly inconsistent with other aspects of the law in England and Wales, as well as being out of step with that of many western countries and the judgement of international human rights bodies.

Robust action, outside the youth justice system, to deal with child offenders aged 10 and 11 would serve justice more effectively and better prevent future crime.

Signed by:

1. Shami Chakrabarti

Director, Liberty

2. Chris Wright

Chief Executive, Catch 22

3. Lord Warner

House of Lords and first Chair, Youth Justice Board

4. The Earl of Listowel

House of Lords

5. Frances Crook,

Chief Executive, The Howard League for Penal Reform

6. Shauneen Lambe

Just for Kids Law

7. Dr Eileen Vizard, CBE

(FRCPsych, Sieff Trustee)

8. Professor John Pitts

Director, Vauxhall Centre for the Study of Crime, University of Bedfordshire

9. Dr Charlie Alcock

Founder and Chief Executive, MAC-UK

10. Lord Dholakia

House of Lords

11. Desmond Hudson

Chief Executive, The Law Society (of England and Wales)

12. Baroness Deech

House of Lords

13. Lord Ramsbotham

House of Lords

14. Baroness Linklater

House of Lords

15. Baroness Stern

House of Lords

16. Dr Maggie Atkinson and Sue Berelowitz

Children's Commissioner and Deputy Children's Commissioner for England

17. Keith Towler

Children's Commissioner for Wales

18. Tam Baillie

Children's Commissioner for Scotland

19. Sir Louis Blom-Cooper, QC

Doughty Street Chambers

20. Sally O'Neill, QC

Furnival Chambers

21. Paul Mendelle, QC

25 Bedford Row Chambers

22. Shan Nicholas

Interim Chief Executive, The Children's Society

23. Professor Sir Andrew Ashworth

Vinerian Professor of English Law, All Souls College, Oxford

24. Professor Sue Bailey

Royal College of Psychiatrists

25. Richard Garside

Director, Centre for Crime and Justice Studies

26. Andrew Flanagan

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27. Camila Batmanghelidjh

Founder and Chief Executive, Kids Company

28. Andy Bell

Deputy Chief Executive, Centre for Mental Health

29. National Association of Youth Justice

30. Professor Sir Al Aynsley-Green

Professor Emeritus of Child Health at University College London

31. Sara Llewelin

Chief Executive, Barrow Cadbury Trust

32. Enver Solomon

Chair, Standing Committee for Youth Justice

33. Juliet Lyon

Director, Prison Reform Trust