

Criminal responsibility

Arguments for raising the age

IUC Dubrovnik

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Question 1: What is the age of criminal responsibility?

history lesson

- 12 century
- Doli incapax
- 1998 Crime and Disorder Act
- 1969 Children and Young Persons Act - Events

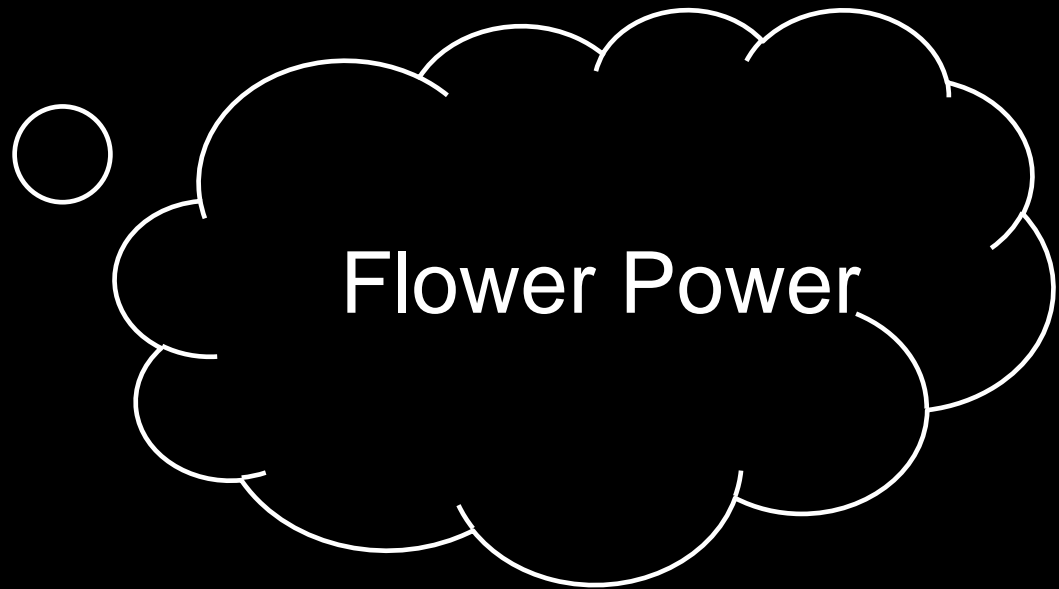
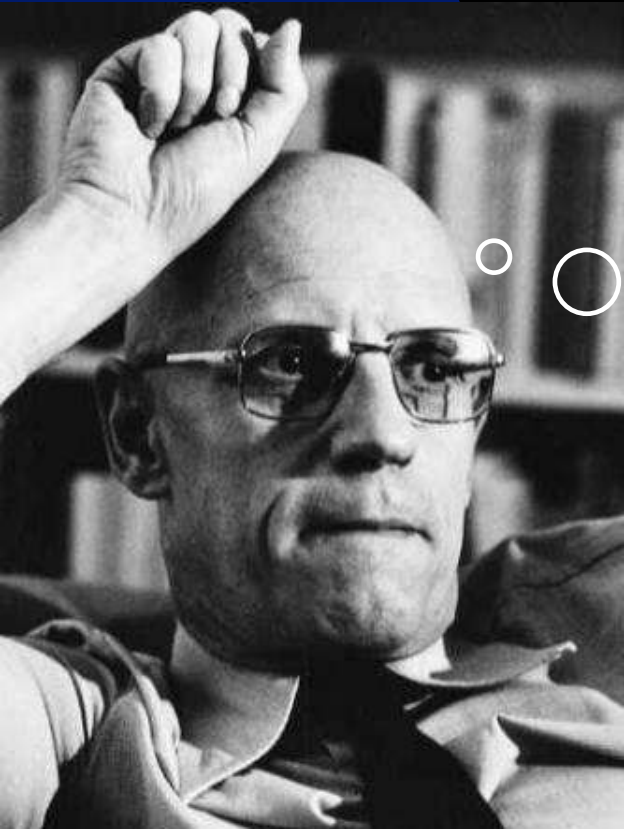
Comparisons

- Buying a pet is restricted to persons aged 16 years or older
- Children are precluded from any form of paid employment until the age of 13, at which point they can work for up to five hours on Saturday or during the school holidays.
- The statutory school leaving age (currently set at 16) is to be raised to 18 years of age.
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- Children can go into a pub aged 14, but they can't buy alcohol below the age of 18 years.
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- Whilst it's legal to smoke at 16, *purchasing* tobacco is not permitted under 18 years.
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- Children below the age of 16 can't claim benefits, buy a lottery ticket, or consent to sex.

Comparisons

- Children can't legally apply for a provisional licence to drive a car or give blood until they are 17.
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- Below 18 years of age, children aren't permitted to apply for a credit card or a mortgage, go on active service in the armed forces, perform music professionally abroad, buy fireworks, get married without parental permission, vote, or sit on a jury.

**The last time the actual
age of criminal
responsibility was
changed.**



Other jurisdictions

- In Luxemburg, the relevant age is 18, as it is in Belgium for all but the most serious offences.
- It's 16 in Portugal and Romania.
- In each of the four Scandinavian countries, it's 15 years, a threshold shared by the Czech Republic and Estonia.
- It's 14 in Bulgaria, Spain, Italy, Germany and Austria.
- France, Greece and Poland have all set 13 as the minimum age at which children are criminally liable.

Further afield

- In Cuba, Chile, and the Russian Federation the age of criminal responsibility is 16.
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- In Mongolia, Korea, Azerbaijan and Zambia it is 14; and in Canada, Costa Rica, Lebanon and Turkey, it stands at 12 years.
- A recent survey of 90 countries found that the most common age (adopted by around a quarter of the sample) was 14 years.

UNCRC

- Article 40 of the UNCRC, nation states should define an age where children are presumed 'not to have the capacity to infringe the penal law



developmental psychology y

- development of the pre-frontal cortex
- third person perspective for example is normally achieved between 10 -15
- heightened emotional stimulus

Hvala

