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Changing the lives of children with offending behaviour, and increasing the minimum age of criminal responsibility

Most 10-13-year old children with offending behaviour are well known to many government departments. Focussed interventions are possible and will pay dividends.

But a report released today by the Office of the Children's Commissioner identifies long standing deficiencies in our response to children who offend and makes plain that immediate improvements must take place.

"Many New Zealanders won't be aware that New Zealand has a specialised child offender system dealing with children who offend aged 10 – 13", says Children's Commissioner Andrew Becroft.

"This system takes a welfare rather than a criminal justice approach. It looks at children's offending as something reflecting a context where parents and families don't have the support and resources to raise their children safely."

But the report finds the system isn't working as intended. Too many children are not getting the kind of support that might stop their offending. Some become serious youth offenders as 14-17-year olds and are dealt with in the youth justice system. Some become adult criminals.

The report concludes that simplification and better resourcing enabling the system to support whānau in bringing about change in these children's lives is badly needed.

Another avenue for constructive reform is to raise the minimum age of criminal responsibility from 10 to 14.

"The current minimum age of criminal responsibility of 10 years old is far too low", the Commissioner says. "The minimum age of criminal responsibility should be 14, consistent with the recommendations from the United Nations Committee on the Rights of the Child.

"In 2018 only 3 out of 118 children aged 10 to 13 who were referred for a youth justice Family Group Conference had not previously had a report of concern made to Oranga Tamariki about their care and protection†. Yet 97% of these children had negative childhood experiences prior to their criminalisation†.

They should be dealt with by the child offender system reformed as described in this report.

In particular the report notes:

- The present system for children who offend is too complex and poorly understood
- Oranga Tamariki's Services for Children and Families and its Youth Justice Services need to collaborate better

- Government and community agencies need to cooperate more effectively
- Effective early intervention in the lives of children and their whānau too often is missing
- Children with offending behaviour are too frequently disconnected from education
- Although most children in this cohort are Māori, the Office was repeatedly told that culturally appropriate responses from Oranga Tamariki were poor and need to improve
- Strategic leadership focussing on constructive improvement will lead to positive change for these children.

“Despite much talk about reducing crime and prison numbers, it’s ironic that a very effective long-term solution, a focus on reducing child offending, has not been prioritised”, the Commissioner says. “We are missing a critical opportunity for constructive reform.”

“An effective and well-resourced system to work with children who offend and their families can do a much better job than the criminal justice system. It can provide many more options for dealing with children. It can also ensure parents and whānau have the necessary support to provide the care their children need.

“If we also raised the minimum age of criminal responsibility to 14 we could be confident that we have perhaps the best possible response for children under 14 who offend.”

ENDS

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