

What Factors Might Explain Why England and Wales Age of Criminal Responsibility is Low Compared to Other, Similar, Developed Countries: A Narrative Review



Hannah Atkinson

Hannah has always been interested in discovering new approaches to make a positive difference in people's lives. The diversity of health and social care is fascinating, and there is always something new to learn. Hannah has pursued this interest since her GCSEs, and she has continued to expand her knowledge on the subject all the way through university and with plans to carry this on beyond her degree. Hannah has always been intrigued with youth crime, particularly with the response England and Wales chooses to take to address crime. Hannah chose a year 3 option module on youth crime as she was curious as to why the age of criminal responsibility in England and Wales was so low compared to other countries. Hannah's dissertation topic and question was inspired by the difference in laws across various nations. Hannah also believes that this subject needs to be explored and addressed more due to the detrimental health outcomes connected with early contact with the formal youth justice system, as well as the need for children and young people to have a voice.

Abstract

Introduction – The minimum age of criminal responsibility (MACR) varies across different countries, one of the lowest being England and Wales. Investigating factors that influence the MACR will aid to identify the reasons England and Wales have set the MACR so low, compared to similar, developed countries. This is critical to uncover as a low MACR and criminalising children from a young age can have detrimental effects. The review will focus on key themes identified through the search; therefore, the aim of this review is to find out: what are the main contributing factors to setting the MACR?

Methods – A variety of keys terms were set, which included “juvenile justice”, “criminal responsibility”, “criminal liability”, “age of criminal responsibility” AND “Europe”, “public opinions”, “politics” “international”, “age of criminal responsibility”, which were used on PYSCHinfo, ScienceDirect and Emerald databases, initially generating 898 sources. After using a predetermined eligibility criterion, alongside the removal of duplicates, 14 sources were identified. These pieces of literature were entered into a table to identify key themes and subthemes. Data was analysed and synthesised, to draw conclusions based on the findings.

Results – Ten articles discussed public and political opinion on the MACR, nine sources identified the importance of child development regarding the decision of MACR, and seven pieces of literature discussed children’s rights. All investigating how these factors play a role in the juvenile justice system (JJS) and MACR in various countries.

Conclusion – The main factor influencing the MACR is suggested to be neoliberalism, as evidence displays that this political ideology is embedded throughout the youth justice system in England and Wales. Further studies have been included to further investigate this relationship before conclusions have been drawn. There is a lack of evidence that child development research is explicitly used in the decision-making process for England and Wales,

which contradicts the findings of many European countries who explicitly use neurolaw. While evidence of the application of children's rights may be seen across the JJS, it is evident that neoliberalism has a role in these decisions.

Introduction

The aim of this narrative review is to explore and recognise the influential factors of determining the minimum age of criminal responsibility (MACR) in England and Wales, with comparisons to other, similar, developed countries. With the intention to identify which factors contribute to a low MACR in England and Wales, this will be achieved by the analysis of published literature, as well as relevant grey literature. The term MACR refers to the age at which a child can be prosecuted and punished under the law for committing a crime (Brown and Bunn, 2018). This means that a child below a certain age cannot be held responsible for any criminal act (McGuinness, 2016). This age difference depends on the countries set law, which assumes at a particular age, an individual can understand the nature of the act and its potential consequences (Sabreen, 2017). The introduction will cover a broad overview of the topic of the MACR, whilst beginning with a historical background to provide context for the evaluation, as well as insight into how countries approach youth offenders and their perspectives on the MACR. The review will be limited to countries with the most available amount of research to provide a comprehensive understanding of their juvenile justice system (JJS) and their stance on the MACR. This will be followed by an outline of the possible repercussions a low MACR may hold and why this topic is a particular area of concern. Finally, the review aims, and rationale will be stated.

1.1 Background research: historical perspective of juvenile justice systems

Each country has a different approach when it comes to children who offend; when looking at the present research, often countries opt for either a more punitive or a welfare-based approach which then reflects on the age they have set for the MACR (Winterdyk, 2015). A welfare-based justice system has its origins in an ideology that saw criminal behaviour as a result of adversity

in society, with a primary focus on addressing children's needs (Forde, 2021). Whereas a justice-based approach places importance on accountability, punishment, and procedural discipline (Young, et al., 2018).

In England and Wales, the MACR was raised from 8 to 10-years by the Children and Young Person's Act 1963 and has remained the same since (Goldson, 2013). England and Wales historically have seen children as 'miniature adults,' which was reflected in their policies surrounding the youth justice system (YJS), as prior to the 1800s there was no separate institution for youth offenders (Elrod and Ryder, 2020). One case which has clearly had an influence on keeping the age of criminal responsibility (ACR) low is the James Bulger case, a two-year-old child, who was murdered by two 10-year-old boys in 1993 (Jennings, et al., 2017). This prompted a shift in public opinion toward a more punitive approach to dealing with juvenile offenders, as reflected in a White Paper titled 'No More Excuses: A New Approach to Tackling Youth Crime in England and Wales' (Delmeage, 2013; Home Office, 1997).

Similarly, the United States (US) have been linked with a low MACR, evidenced by the MACR being set as low as 6 years old in some states (Young, et al., 2018). It is important to note that each of the 50 states in the US is governed by policies and philosophies that reflect regional and state diversity, while also retaining some continuity with established national principles and judicial decisions and directives (Reddy and Redmond, 2018; Benekos and Merlo, 2015). Prior to the 19th century, in the US there was no separate JJS, as juvenile offenders were prosecuted using the same criminal law procedures as adults (Zimring, 2019). Later, in the 19th century, change took place and until the age of 14, it was assumed that a child could not form criminal intent (Meng, et al., 2013).

Focusing on European countries, the Netherlands was one of the first countries to separate criminal law and procedures for juveniles in 1905, enforcing sanctions targeted at protecting children and providing juvenile correctional education facilities (Hoeve and Van der Laan, 2016). Welfare approaches have been ingrained in the Dutch JJS throughout its history. For example, in the 1980s, programmes were created to assist young people through interventions that began with community service but later evolved into victim-offender mediation (Wolthuis, et al., 2019). Similarly, Belgium is commonly highlighted as an example of a country with a strong welfare system, corroborated by a high MACR of 16 years (Young, et al., 2017). Prior to the Child Protection Act 1912, Belgium originally took a punitive approach in the 1800's before changing to a protective model in 1912 (Stamatel, 2021). Belgium established the Child Protection Act in 1912, which served as a model for legislation in many nations (Decker and Marteaché, 2016). It favours a higher MACR as it addresses welfare needs and views youths as children in need of support, rather than criminals (Cipriani, 2016). Belgium abolished all judicial punishments for children under the age of 16 because of this Act, and currently prioritises restorative justice methods to youth offending, as enshrined in the Youth Justice Act 2006 (Put, et al., 2012). Since 2006, Belgium has formally adopted restorative justice, as well as the provision for alternative sanctions, a greater parental participation in dealing with juvenile offenders, strengthened legal rights for youths, and stricter measures for more serious offences (Stamatel, 2021).

During the twentieth century, the Nordic countries (Denmark, Finland, Iceland, Norway, and Sweden) took the first steps towards a welfare-based approach by enacting child protection legislation (Lappi-Seppälä, 2012). As a result, children under the age of 15 were referred to the

child welfare system, while 15–17-year-olds were provided with non-prosecution and sentence waiver provisions, where prosecutors could drop charges and transfer cases to the social welfare authorities (Goldson, 2019). Since the twentieth century, the welfare-based approach to youth justice has continued to be rooted in youth justice law and systems in Nordic countries (Lahti, 2017). Similarly, in countries like France, anti-social and offending behaviour of young children is addressed through the child welfare system rather than the JJS (Cooke, 2021). The year 1945 marked the beginning of a shift in France's JJS, which saw juvenile treatment shift from a penitentiary setting to individualised rehabilitation for young offenders (Terrill, 2015).

From a brief overview of the current research, it has displayed that the MACR varies from 6 to 18 years (see table 1). Additionally, there is no clear reason for this discrepancy (Young, et al., 2017). However, there are many factors which can play a role in this decision as outlined above, for instance, psychological aspects like children's ability in decision-making, children's rights and politics (Delmege, 2013; Crofts, 2019). Moreover, social and neighbourhood elements, as well as public concerns about national crime rates, are likely to be taken into account (Pillay, 2015). This is a complicated issue that is centred on a set of interrelated understandings rather than a single factor (McDiarmid, 2013).

1.2 Research aims and rationale: Why is the age of criminal responsibility an area of concern?

From reviewing the available literature, it has displayed the differences in ages globally, meaning that individuals are criminalised at a very young age in some countries compared to others (Bassiouni, 2013). Having a low MACR holds an assortment of consequences for

children, as this means children can enter the formal justice system at an incredibly young age and this type of contact has the potential to cause lasting damaging effects (Goldson, 2019). It can be counterproductive; entering the formal criminal justice system from a young age can be harmful due to labelling, criminalization, negative social reactions, and stigma (Goldson, 2013). The labelling theory, for example, argues that once a deviant label is applied, a process of social exclusion begins due to stigma (Wiley, et al., 2013). This limits access to legitimate opportunities and encourages engagement in delinquent behaviour, implying that labelling, self-concept changes, social exclusion, and deviant group participation all correlate with offending (Bramley, et al., 2019).

Furthermore, juvenile detention can have a significant impact on a child's physical and emotional health, as well as their education and employment opportunities (Trevitt and Browne, 2020). Imprisonment elevates the risk of a person experiencing an assortment of mental health issues, including depression, suicidal thoughts and attempts, and anxiety (Dembo, et al., 2018; Livanou, et al., 2019). Due to the potential serious ramifications of children entering the formal JJS, Underwood and Washington (2016) emphasise the necessity of these consequences being considered while deciding on treatment options for juveniles.

This information illustrates the importance of discussing the topic of MACR, as without an appropriate response to youth crime it can have detrimental effects on children. Furthermore, there are multiple implications regarding a low MACR, such as negatively affecting a child's mental and physical wellbeing and being counterproductive, leading to an increased risk of reoffending (Bramley, et al., 2019; Travitt and Browne, 2020; Goldson, 2019). The MACR in England and Wales is currently set at ten years old (Abrams, et al., 2018). Hence, it is essential to understand the underlying factors that contribute to this, as the impact of this decision can

have serious repercussions for millions of individuals. There are discrepancies among the MACR in every country (see table 1). By comparing England and Wales to similarly, developed economic countries, it allows the researcher to explore factors that could influence this critical decision. Moreover, it allows to answer the question of why the MACR in England and Wales is so low?

Methodology

For this dissertation, it is important to note that the United Kingdom consists of England, Scotland, Wales, and Northern Ireland; however, only England and Wales have the same criminal justice systems, and this must be considered when comparing the literature (Abrams, et al., 2018). In this circumstance, this narrative review will solely refer to England and Wales. Moreover, it is important to define what is meant by similar developed countries. For the purposes of this dissertation, developed countries refer to a group of countries that share fairly homogeneous characteristics, such as higher incomes, education, health, and developed economies (United Nations, 2020). As well as England and Wales this includes nations like Europe, North America, Australia, New Zealand and Canada (United Nations, 2014). The countries that have been chosen to be discussed throughout this narrative review alongside England and Wales are European countries, such as Netherlands, Sweden, France, Belgium, and USA (United States of America). They have been chosen based on the amount of research and information available to gain a complete understanding of their present MACR position.

2.1 What is a narrative review?

A narrative literature review summarises and synthesises an existing body of knowledge on a particular subject (Allen, 2017); providing a comprehensive overview of current knowledge at a specific point in time (Booth, et al., 2022). This specific type of review will utilise a broad range of sources, including published literature, reports, and government publications (Paez, 2017). Additionally, a narrative review enables researchers to gather a variety of previously published data, allowing them to identify gaps within research (Torraco, 2016).

A systematic literature review is another approach of conducting research, which entails systematically gathering, analysing, integrating, and presenting data from multiple studies on a particular question or topic (Dehkordi, et al., 2021; Xiao and Watson, 2019). An advantage of this method of research compared to a narrative review is the ability to focus on a specific topic (Galvan and Galvan, 2017). The rationale for choosing a narrative review over a systematic literature review is that systematic reviews remain focused on answering a relatively narrow topic (Machi and McEvoy, 2021). This means that it is predefined from the beginning, with a primary concentration on the extraction, analysis, and summarisation of data (Greenhalgh, et al., 2018). Hence, a narrative review will be best suited over a systematic review because it is more aligned with the MACR topic.

2.2 Why a narrative review?

To address the subject of MACR appropriately, choosing a narrative review approach will allow the researcher to obtain a comprehensive perspective and provide a holistic view on the topic. The range within narrative reviews is broad, there are different approaches that can be taken, some are more structured than others; this is often dependant on the research aim and review subject (Buntins, et al., 2019). The research aim of this dissertation is to discover the existing and key information about several factors that affect the decision on setting the MACR, in England and Wales, as well as similar, developed economic countries. This will allow the researcher to critically evaluate existing arguments and facts while also exploring various theoretical concepts and relationships (Siddaway, et al., 2019).

It is important to acknowledge that critics have questioned the accuracy of narrative reviews due to their methodologies (Baethge, et al., 2019). Narrative reviews can easily be the subject of bias, there is room for researchers to select data that is used to match their intended research

outcomes (Rentala, 2019). The results may lose accuracy if published data is manipulated to suit a researcher's desired outcome (Wilczynski, 2017). It might be difficult to demonstrate the absence of researcher bias if a narrative review does not explicitly describe how sources were located, as well as why specific sources were included and excluded (Paré and Kitsiou, 2017). It is crucial to identify any potential risk of bias in a literature review; this allows the researcher to address these concerns and find solutions to eliminate bias (Eden, et al., 2011). With this knowledge in mind, the methodology section will be outlined in detail to minimise any potential bias. By documenting methodologies and being transparent throughout the review, it will increase confidence in the review conclusions as it increases repeatability (Haddaway, et al., 2015). Fundamentally, all methodologies will have flaws; nevertheless, by identifying areas that are prone to bias, researchers can focus on eliminating this from the research (Synder, 2019). Additionally, telling a comprehensive story is not just about minimising bias; meaning aspects outside of the structure search are important too (Greenhalgh, et al., 2018). This means any relevant grey literature will be incorporated alongside papers obtained using the structured search to provide a more comprehensive perspective (Pham, et al., 2014). Integrating grey literature with commercially published research can provide a more balanced view of the evidence and more accurate conclusions, as it can report neutral or negative results; thus, helping to eliminate the effects of publishing bias (Paez, 2017).

2.3 Search Strategy

Literature Search

The databases used to conduct the search for the literature used were PYSCHinfo, ScienceDirect and Emerald. These databases were selected as they were appropriate to find key resources and relevant literature for the chosen topic. The search initially began with general searches using key phrases, that were established through conducting the background

research, such as ‘juvenile justice systems’ and ‘age of criminal responsibility.’ As key terms from relevant studies were added to the list of existing search terms, the search strategy was continually refined. The finalised terms used have been documented in table 2. Initial searches brought up a large quantity of literature, 2321 sources were initially identified. Once the set search terms were decided (see table 2), they were used to conduct semi-structured searches to find relevant literature for the narrative review. In addition, the references from suitable articles were checked for potential sources to add to the list of literature found through the search, as well as hand searching for grey literature. This has been done to provide a comprehensive understanding of factors that affect the decision to set the MACR. Only articles that discussed the YJS and the MACR were included too.

Table. 2 – Finalised Search Terms

Databases	Search Terms
PYSCInfo ScienceDirect Emerald	<p><i>“juvenile justice”, “criminal responsibility”, “criminal liability”, “age of criminal responsibility”</i></p> <p><i>AND</i></p> <p><i>“Europe”, “public opinions”, “politics” “international”, “age of criminal responsibility”</i></p>

Inclusion/Exclusion Criteria

Ensuring a semi-structured search took place to find all relevant evidence, it was critical to have a predetermined eligibility criterion (Ferrari, 2015). The narrative review's boundaries are defined by eligibility requirements, this provides the reviewer a solid foundation from which to draw valid and credible conclusions (Jahan, et al., 2016). This included that all articles used must be written in English and have full accessibility. No formal quality rating scheme was

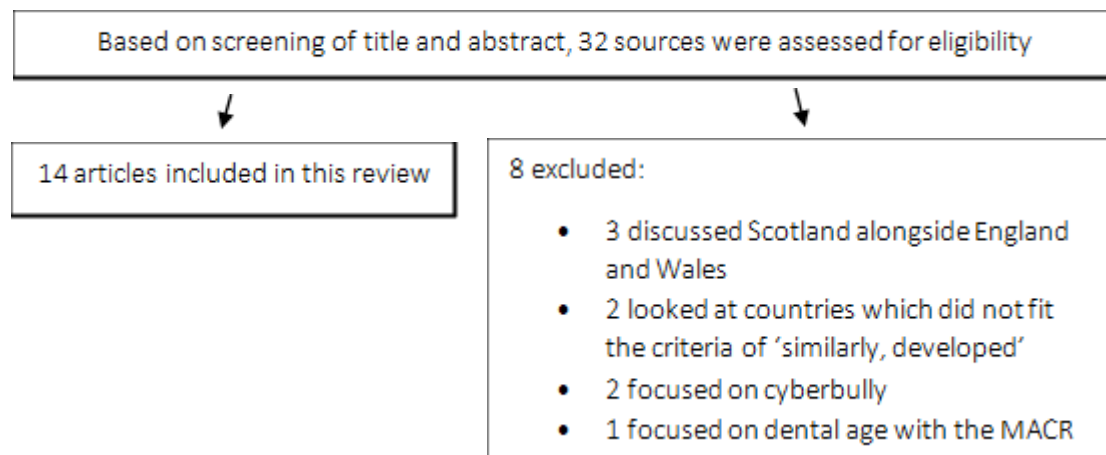
used; quality of data was assessed by refining searches to peer-reviewed journals only and published between the period of 2012-2022. Peer-reviewed sources ensures elimination of search errors, validating academic work and ensures quality (McGowen, et al., 2016). The quality of grey literature is difficult to assess due to the general absence of peer review, therefore, the only way to do so is through critical assessment which includes aspects like assessing if the literature has any conflicts of interest (Sibbald, et al., 2015). Resources were selected from the past 10 years because this ensures all sources used are relevant and provides a current understanding of the MACR; additionally, this date range produced a manageable number of studies.

Screening Process

The screening process involved preliminary looking at the titles to identify key words and phrases, such as ‘juvenile justice,’ ‘age of criminal responsibility’ and any countries that have been previously discussed such as England, Wales, Netherlands, and Sweden. Articles were then further narrowed down by using the abstract, looking at the discussion of the MACR and factors that influence this. Once literature was identified as key sources for addressing the topic of ACR, their reference list was screened to find further literature that could be critical for this review. To produce highly valid conclusions, the criteria was utilised to minimise bias in the detection, selection, and synthesis of the sources that were included (Ferrari, 2015). All potential factors that could influence the decision of setting the MACR were screened, alongside JJSs in different countries. Sources were excluded from the review if they focussed on specific crimes that are unrelated, such as cyberbullying. By following this, it will allow the researcher to locate relevant sources and to ensure it meets the inclusion requirements (Ridley, 2012). Using the search terms provided in table 2, 898 sources were identified, once

duplicates were discarded, and using the inclusion criteria, all sources were screened, resulting in 32 sources were assessed for eligibility (see figure 1).

Figure. 1 – Screening Results



Data Extraction and Analysis

Stage one of analysing literature involved extracting aims, type of study, location, and summary of findings, which were recorded in a table (see table 3). The next stage was to reread the literature selected, to be familiar with the literature and start to identify themes (Wong, et al., 2013). Initial themes were noted during this process, this was a key tool for recognising main themes; it was clear from initial stages of the analysis, that 12 sub-themes emerged. The researcher was then able to link the themes together, allowing them to examine the numerous findings in each resource and organise a collection of repeated concepts (Vaismoradi, et al., 2016). The three main themes that were identified were: opinions, child development and children's rights. These themes were consistently recognised as factors that influenced the MACR. The final stage included synthesising literature in each theme, creating relationships

between various sources as this provides new insight into the topic and another perspective (Smith and Noble, 2016).

Results

3.1 Overview on findings

This is a narrative review of fourteen papers. The articles and resources included were focused on England and Wales (4), Sweden (1), Netherlands (1), USA (3), Europe (2) and an international perspective (3). The methodological mix of the literature used was twelve literature reviews, one quantitative and one qualitative study.

After synthesising the results from the literature search, it highlighted multiple potential factors that determine the MACR. These ranged from opinion, child development and children's rights. Additionally, many articles highlighted different countries stance on how their JJSs work, to gain a better understanding between the correlation of YJSs and the MACR. The main findings from this indicated that if a country had a high MACR, their JJS took a more welfare-based approach. Whereas countries with a low ACR, like England and Wales, uses more punitive approaches to address youths that commit crimes. From the literature search, twelve themes became apparent, which included "crime trends," "politics," "child development," "maturity," "neuroscience," "criminal capacity," "biology," "psychology," "children's rights," "culture," "societal views" and "childhood." These themes were then grouped together appropriately by identifying similar characteristics and shared concepts, which then created three main themes. These themes were "opinion," "child development" and "children's rights" (see table 4).

The theme "opinion" encompasses both a public and political viewpoint; "public opinion" refers to societal perceptions and the collection of individual citizens' preferences on the JJS

and the MACR in their country of residence (Anstead and O’Loughlin, 2019). While "political opinion" makes reference to any views on the state's government's conduct or the perspectives of individual politicians on the MACR and YJS (Lindh and McCall, 2020). "Child development" encompasses a wide range of topics, including neurology, psychology, criminal capability, and maturity in order to provide a holistic picture of childhood. All these factors play a role in a child's development (Keenan, et al., 2016), therefore, this can offer insight into the significance of science in determining elements of juvenile justice and the MACR. The final key theme, "children's rights," examines this subgroup of human rights. Children's rights place a special emphasis on minors' rights to special protection and care (Barnett, 2022). This will be compared to the responses of children's rights regarding the JJS in different countries.

Table 4. Themes

Author	Title of Source	Opinion (Public or Political)	Child Development	Children’s Rights
Young, Greer and Church, 2018	Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective	✓		
Pillay, 2019	The minimum age of criminal responsibility, international variation, and the Dual Systems Model in neurodevelopment	✓	✓	
Schleim, 2020	Real Neurolaw in the Netherlands: The Role of the Developing Brain in the New Adolescent Criminal Law		✓	
Goldson and Muncie, 2012	Towards a global ‘child friendly’ juvenile justice?	✓		✓
Trzcinski and Allen, 2012	Justice towards youth: Investigating the mismatch between current policy and public opinion	✓		
Bateman, 2014	“Catching them young” - some reflections on the meaning of the age of criminal responsibility in England and Wales	✓	✓	✓

Goldson, 2013	Unsafe, Unjust and Harmful to Wider Society’: Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales	✓	✓	✓
Dünkel, 2014	Juvenile Justice Systems in Europe – Reform developments between justice, welfare and ‘new punitiveness’	✓	✓	✓
McDiarmid, 2013	An Age of Complexity: Children and Criminal Responsibility in Law		✓	✓
Papadodimitraki, 2016	Minimum Age of Criminal Responsibility (MACR) - Comparative Analysis International Profile - Sweden	✓		✓
Logan, 2021	Age of Criminal Responsibility: Children and Young People’s views	✓		

Bernuz Beneitez and Dumortier, 2018	Why Children Obey the Law: Rethinking Juvenile Justice and Children’s Rights in Europe through Procedural Justice		✓	✓
Monahan, Steinburg and Piquero, 2015	Juvenile Justice Policy and Practice: A Developmental Perspective		✓	
Steinburg, 2017	Adolescent Brain Science and Juvenile Justice Policymaking	✓	✓	

These themes are strongly interlinked, as displayed through all three being discussed in much of the literature. Without the discussion of these three potential factors, there would be no understanding of how policies on juvenile justice and MACR would be created. Moreover, it provides a comprehensive insight into why the MACR in England and Wales is much lower compared to similar, developed, countries. Therefore, it is essential this narrative review critically analyse the literature around these three core themes.

3.2 Opinion

This section will explore the literature that outlined societal opinions on the MACR and their beliefs on the treatment of youths who offend, as well as political perspectives. Within the introductory segment of the results section, an explanation of "public opinion" and "political opinion" has been provided to provide the reader with a clear understanding of what these themes represent.

3.2.1 Public Opinion

The consensus among the public, both the views of adults and young people, displayed that they were in support of children being supported rather than criminalised (Logan, 2021; Trzcinski and Allen, 2012). To evidence this, Logan (2021) outlined that many of these young people opted for a much higher MACR, the majority of respondents (24.6% of 285 respondents) believed that the ACR should be set at 16. This is six years older than the current MACR in England and Wales (see table 1). Although this study provides valuable insight into young people's perspectives on the current law of MACR, it is imperative to note this piece of research surveyed 285 participants, thus, the findings may not reflect the views of the wider population in England and Wales (Braun, et al., 2021).

Furthermore, a study conducted in Michigan, USA, highlighted that the public would be supportive of reducing levels of harshness and severity in treatment if they were educated about the availability and success of alternative sanctions (Trzcinski and Allen, 2012). This provokes the idea that public opinion can have the power to drive change toward public policy on the treatment of juveniles in the justice system. However, many factors can play into the public voice being adhered to and the public's perception of youth crime, such as media portrayal of

youth crime, how loud the public and advocates make their voices and political perspectives (Aleem, et al., 2012; Anderson, et al., 2017).

Additionally, it is important to note that this research was completed within the USA, England, and Wales, all countries which opt for more punitive measures (Dünkel, 2014). This could suggest that public views are clearly not being listened to and addressed; thus, it is critical to unpack potentially some of the reasons why public views are not being utilised to influence policies on the MACR and JJSs. Another explanation could be related to the media, which can generate anxiety about the prevalence of youth criminality (Bateman, 2014); impacting public support of harsher punishments if people grow apprehensive about the situation (Maruna and King, 2013). Furthermore, according to Steinburg (2017), most people may struggle with the concept of children offending because many people do not expect children to be criminals or to commit any crimes, subsequently producing a dilemma. Another argument may be based on politics; it could be argued that political ideas overshadow public opinions, or that many public opinions are formed by the social construction of a child 'offender' and the influence of political opinions (Goldson, 2013). This is further explained, discussed, and analysed in section 3.3.

3.2.2 Political Opinion

From the literature gathered, it is evident that politics affects the decisions made concerning the JJS and the ACR (Young, et al., 2017; Pillay, 2019; Goldson and Muncie, 2012; Bateman, 2014; Goldson, 2013; Dünkel, 2014). Pillay (2019: 224) explains that MACR policies and laws are based on a variety of factors, including the government's effort to convince the public of the seriousness of crime by not allowing individuals, including children, to “get away with” criminal behaviour, and ensuring that laws are consistent with international standards. Focusing on England and Wales, research into political agendas demonstrated the effect

neoliberal politics has on the JJS (Bateman, 2014; Goldson and Muncie, 2012; Goldson, 2013). When referring to neoliberalism and crime, the notion is that less emphasis is placed on the social settings and social analytics of crime, and more focus is given on individual, family and community responsibility and accountability (Arthur, 2013). As a direct result of this, this type of ideology has led to England and Wales choosing more punitive measures regarding the treatment of youth offenders and setting a low MACR, as this in the government's point of view, controls crime and displays the government's importance of justice over welfare (Loader and Sparks, 2016). Bateman (2014) further explains that this has led to the emphasis government wants to place on the toughness of crime and their desire to hold children accountable for their actions from an early age. Suggesting that a low MACR permits children and young people to be punished, held accountable and gain justice from a young age (Cipriani, 2016).

Through the research that has been conducted, it became evident that the USA, England and Wales share similarities. Their main connection is the use of neoliberalism that is consistently embedded within their policies on the criminal justice system (Munice, 2012). Dünkel (2014) outlined that the neoliberal approach adopted by the USA, which places significance on punishment and deterrence, had an impact upon European countries, in particular England and Wales. However, there are some anomalies amongst this; neoliberal tendencies have also been recognised within France and Netherlands, however, their MACR is much higher when compared to the USA, England, and Wales (see table 1). Creating the argument that when deciding on the MACR, the US, England, and Wales may prioritise neoliberal ideas over a balanced argument that considers all variables, such as public views, child development and children's rights. Furthermore, this also provides the argument that Anglophone countries have

adopted a particularly harsh form of neoliberalism, and this results in a lower MACR and punitive measures throughout the JJS (Carrington, et al., 2013).

Looking at the papers, many discussed the welfare vs justice debate. These terms have previously been defined at the start of section 1.1. Political ideologies are a good predictor of treatment choices for juvenile offenders and the MACR, which are frequently mirrored in their policies (Wright, et al., 2017). Countries that adopt a more justice-based approach to youth justice and MACR adhere to neoliberal ideology; nonetheless, it is critical to investigate the importance some countries place on welfare-based approaches, as this links to their political stance on the matter of MACR. Multiple countries in Europe, including Sweden, Netherlands, France, and Belgium, focus on addressing and supporting children's needs rather than punishing them (Dünkel, 2014; Papadodimitraki, 2016). Policies that are based on welfare approaches and a higher MACR, reflect liberal ideology; as liberalism promotes and places significance upon the wellbeing of the individual (Loader and Sparks, 2016), meaning minimum intervention from the formal YJS and a higher MACR (Dünkel, 2014; Hollander and Tärnfalk, 2017). Even though it has been established that those political ideologies play a role in laws and policies on MACR, there are inconsistencies within this, for instance, the Netherlands, use both neoliberal ideas and positive youth justice philosophy within their JJS (De Haan, 2016). Under this framework, the Netherlands has a higher MACR, and policies are aimed at encouraging young people to take responsibility while supporting them in becoming active citizens (Chalhi, et al., 2018). This illustrates that, when it relates to MACR, countries will evaluate a variety of criteria; the question is which aspects are prioritised according to which countries.

3.3 Child Development

Neuroscience, psychology, and childhood were all topics which were discussed in several papers; as discussed previously in section 3.1, these are all factors that contribute to child development (Keenan, et al., 2016). Understanding child development, according to Pillay (2019), can aid in determining at what age an individual has criminal capacity and can be held accountable for the crime. It is a complicated matter as there are many variables interlinked, that determine a child's development (Steinburg, 2017). However, many academics agree that because children and adolescents' brains are not as mature as adults, children may not be capable of certain decision-making, rational thinking and cognitive function and therefore they are considered incapable of criminal capacity (Pillay, 2019; Schleim, 2020; Bateman, 2014; Goldson, 2013; Dünkel, 2014; McDiarmid, 2013; Bernuz Beneitez and Dumortier, 2018; Steinburg, 2017).

However, as Pillay (2019) and Bernuz Beneitez and Dumortier (2018) have drawn upon, child development is a complex matter, as it is not linear. Although, it can be helpful in informing a decision on the MACR, there is no definite answer, at this present time, to the appropriate age that should be adopted internationally. This could be due to variances in children's upbringings, for example, which can affect their development and maturation at different times (McDiarmid, 2013). Monahan et al (2015) argues that adolescence is a distinct development period and therefore deserves different treatment and will benefit more from less punitive measures and more support. Therefore, child development information, such as age-related changes and understanding decision-making can aid in deciding on what age of MACR is appropriate according to scientific findings (Pillay, 2019). The results display that many academics and some countries have explicitly outlined the importance of child development and the MACR, however, several countries lack acknowledgement on the matter. One reason could be the

concept of childhood and perception of children, Goldson (2013) suggests that people may perceive children as 'impulsive' and hence in need of adult intervention and correction, which results in punishment.

The Netherlands is a key country to discuss regarding neuroscience, as their policies around adolescent offending behaviour include direct reference to neuroscience; the Netherlands have put into place a law, which means 18–22-year-olds, could potentially be sentenced according to the rules for youth offenders (Schleim, 2020). This is due to scientific findings which show that the brain continuously develops until at least the age of 25 (Dünkel, 2014). This is a slight contradiction, as the Netherlands have set their law to 22 instead of 25, which does not coincide (Schleim, 2020). However, it addresses the issue of having flexibility within the JJS, as this outlines the importance of considering individual circumstances and using science to guide a response to youth crime and the MACR (Bateman, 2014). Additionally, in the USA, direct references to neuroscience in court and legal opinions have also been recognised regarding child and adolescents' capability (Steinburg, 2017). This displays the influence child development has and highlights that some countries use neuroscience and child development consistently when addressing MACR and the JJS (Schleim, 2020; Steinburg, 2017). However, there have been some questions raised on this and neurolaw in general when regarding the MACR. Research on neuroscience and child development is consistently advancing; therefore, policy makers should be aware and be proposed to be used in legal processes for children and adolescents to address their needs (Petoft and Abbasi, 2022). Additionally, for the Netherlands who explicitly use “neurolaw,” if their MACR was ever altered, questions may be raised (Schleim, 2020). This is a relatively new phenomenon, neurolaw regarding criminal responsibility, therefore, more needs to be researched on the subject to highlight the positives

and implications as brain cognitive function is an extremely complex subject (Petoft and Abbasi, 2020).

3.4 Children's Rights

The discussion of the United Nations (UN) Convention on the Rights of the Child (UNCRC) and children's rights in general, was consistently discussed in multiple pieces of literature (Goldson and Muncie, 2012; Papadodimitraki, 2016; Bernuz Beneitez and Dumortier, 2018; McDiarmid, 2013; Goldson, 2013; Bateman, 2014). This displays the significance of Children's rights when considering the MACR, as the UN has outlined its take on an appropriate MACR in relation to children's rights. The UN has suggested the age of 12 as a minimum and is supportive of restorative justice when considering the YJS (Goldson and Muncie, 2012; McDiarmid, 2013; Bateman, 2014). This is because to best support children's needs and rights, using alternative methods that protects children and empowers them is essential (Goldson and Muncie, 2012).

Various rights should be considered regarding the YJS, for instance, the right to participation, to be kept safe from torture and cruel treatment and the right to an education to mention a few (Listyarini, 2017). The UN has had multiple successes regarding the adoption of human rights within the JJS, alongside campaigning their belief of raising the MACR to at least 12-years-old (Bateman, 2014). This is demonstrated by several countries raising their MACR to at least 12 if not higher (see table 1) and multiple countries, like Nordic countries, incorporate and make direct reference to children's rights (Johansson, et al., 2017). However, there has also been some criticism alongside this, outlining that the UN has failed to safeguard the rights of all children regardless of their circumstances, meaning the JJS (Bernuz Beneitez and Dumortier, 2018). The UNCRC's statement that children have the "right to participate" rather

than "children's citizenship" has been criticised (Bernuz Beneitez and Dumortier, 2018: 38). This might cause problems as it implies that children have normal decision-making capacity which could contribute to more punitive measures and a low MACR (Bernuz Beneitez and Dumortier, 2018); suggesting that different countries may interpret rights differently, which could lead to either more punitive measures or a welfare-based approach in countries.

Papadodimitraki (2016) emphasises the importance of promoting and protecting children's rights throughout Sweden's JJS, as evidenced by legislation that adheres to children's rights, such as promoting children's voices, knowledge, and experience to inform professional and decision-makers' decisions. It is argued, on the other hand, that the laws on MACR in several countries, such as England and Wales, and their emphasis on individual responsibility, are out of line with other European countries, such as Sweden, and it is difficult to understand why, especially with regard to children's rights and MACR recommendations (Goldson, 2013).

It is interesting how there are set rights for children, which must be adhered to and embedded within the JJS, but there are a variety of discrepancies to how YJSs are run. There is a contradiction in laws, in England, Wales, and the USA specifically, in that laws only permit young people to make their own decisions to consent to medical treatments when they reach the age of 16, but at the age of 10 children are viewed as responsible within the criminal law (Goldson, 2013). This is confusing and policies and laws should correspond throughout social and criminal law, otherwise, it is hard to understand the logic behind them (Norrie, 2014). This could lead to the conclusion that interpretation of rights, alongside a combination of the use of neurolaw and political ideology, is at the forefront of influencing the JJS and setting the MACR. It could also be argued that in England, Wales, and the USA, children are viewed as

children until they commit a crime, which is evidenced by the contradictions in their laws and policies (Goldson, 2013).

Discussion

From this narrative review, there is strong evidence of which factors influence England and Wales in setting a low MACR, such as political opinion. However, there is more likely to be an interplay of factors rather than a single explanation. Work to raise the MACR clearly remains a priority, as evidenced by the work of the UNCRC, outlining the importance of raising the MACR to an appropriate age of at least 12 years old (Decker and Marteache, 2017). Overall, it is difficult to draw an exact conclusion as to why England and Wales have yet to raise their MACR, as the findings provide a compelling argument for the elements that clearly impact the governments' decision-making process.

One crucial factor that seems to be consistently highlighted is England and Wales neoliberal tendencies, indicating that this ideology underpins many decisions made by the government (Matthews, 2013). Therefore, this will result in punitive measures against youth crime and the popular theme of “individual responsibility” (Wacquant, 2014: 81). To further evidence this, it is crucial to look at this from a broader perspective. Neoliberal ideology is evident within the adult justice system in England and Wales, which has led to increased penal policies and the imprisonment of adult offenders (Turner, et al., 2018). In support of Turner et al (2018), the latest estimation of prison population in England and Wales is expected to rise from 78,756 to 98,700 by 2026 (Sturge and Tunnicliffe, 2021). When considering the results found, it is evident that neoliberalism is embedded within the justice system and plays an influential role into the decision of MACR in England and Wales.

To try and comprehend why England and Wales stand by this decision of a low MACR, an alternative view could be argued that the government is trying to positively impact children. This could be viewed as an opportunity to divert children out of the system and effectively engage children in alternate interventions (Brown and Charles, 2021). There is evidence to

support that there is a decreased rate of children entering the formal YJS as there is opportunities for alternative sanctions to be used (Taylor, 2016). This is illustrated by a decrease of 17% of children receiving a caution or sentence in the last year and an 82% decrease over the last ten years (Ministry of Justice, 2022). However, if the idea is to divert children out of the JJS, why not have a higher MACR to achieve this? Many countries have demonstrated that this is possible; one notable example is Sweden which places a strong emphasis on children's rights and wellbeing by adopting alternative techniques to address their needs (Papadodimitraki, 2016). Therefore, England and Wales aim of diversion should be reflected in all aspects of their YJS, concluding that their MACR should be raised to achieve their set outcomes (Case and Haines, 2020).

The finding of public opinions being supportive of welfare-based approaches and a higher MACR was an interesting finding, which raised further questions on public perception of crime and punishment. As established in the results, public perception has the ability to be influenced by a variety of factors, such as media, advocates and politicians (Aleem, et al., 2012; Anderson, et al., 2017). One key example in England and Wales is the James Bulger case in 1993, as previously outlined in the introduction section (see section 1.1) (Jennings, et al., 2017). This case was highly politicised and gained vast media coverage, mostly depicting these two children as evil, monsters and they were no longer seen as children (Goldson, 2013; Smith, 2017). According to Grimwood and Strickland (2013), this caused moral panic amongst the public and politicians, resulting in tainted public attitudes, such as a lack of trust in how youth crime is dealt with. To counteract this the government enacting stricter measures to counteract it (Hamilton, 2013). This case is still highly debated, meaning this major case could play a significant role in ensuring the MACR remains at 10 years old (Goldson, 2013). It is interesting

how the James Bulger case that happened nearly 30 years ago still influences policies today (Jennings, et al., 2020).

Another important finding is that public and political opinions could be influenced by thinking of the worst crimes imaginable, for example murder (Roberts and Stalans, 2018). However, the reality of youth crime is that murder does happen, but as Green (2012) suggests it is rare. For instance, crimes such as theft, drugs and motoring offences are crimes which are more common (Ministry of Justice, 2022). Moreover, children who enter the YJS are predominately labelled as vulnerable, as they have usually been subjected to years of social exclusion, more likely come from care, experience poverty or are associated with a family member who has previous convictions (Ministry of Justice, 2012). This is important to keep in mind when considering the MACR, as it provides a perspective and understanding of the situation a child is in, which can provide an explanation of what has led them to commit a criminal offence (Yates, 2012). Understanding a young person and their circumstances allows YJSs to best suit their needs (Fitzpatrick, 2017). As proven from Swedish and other Nordic countries, having a higher MACR allows young people to avoid the formal YJS and use alternative provisions that meet their specific needs (Pösö, et al., 2014). Overtime, this would prevent reoffending (Wilson, et al., 2018). On the other hand, it could be argued that this is a way of excusing a young person of their behaviour (Hughes, 2014). Therefore, leading to a lower MACR and more punitive measures, which will increase individual responsibility and gain justice (Meynen, 2016).

Regarding child development, there was a lack of evidence that England and Wales explicitly use neuroscience within their decision-making process. Although, it is important to consider there is little reference to neurolaw and child development within the researchers results, it does not necessarily mean it is not taken into consideration; it simply alludes to the fact that

England and Wales must prioritise different factors such as their neoliberal beliefs. One aspect that was evident in the results section was that children always need safeguarding, as they are more vulnerable and at risk of harm (Pösö, et al., 2014). Dünkel (2014) suggests that younger children often lack maturity and life experiences, which therefore make them incapable of making rational decisions. However, in England and Wales, there is evidence that children are viewed as children until they commit a crime (James and James, 2017). This is seen both in the ‘adultification’ of children during criminal proceedings and the contradictions in social and criminal laws (Goldson, 2013). On the contrary, neuroscience has shown that children and adolescents do not have the same criminal capacity as adults as their brain is still constantly developing (Pillay and Willows, 2015). Therefore, ‘adultifying’ children from the age of 10 years old is unfair, unjustified and harmful (Bolin, 2014).

As established in the results, this difference in age from criminal law and social law is confusing. The message shows that once a child commits a crime, they face increased responsibility, which they have never been expected to take before, similar to what an adult would experience (Haines, et al., 2021). This is not to say that children should not take responsibility, although it is difficult to comprehend that a child should be expected to facilitate the same amount of accountability as an adult (Peeters, 2013). This is potentially damaging for children, as often their needs and rights are neglected as the focus has shifted to taking responsibility and gaining justice (Goshe, 2015). Delmage (2013) outlines that in medicine, the age of consent to major surgery is higher than the threshold to consent, as the outcome is potentially harmful. This provokes the question of why this is not reciprocated within the JJS. This suggests that, if this analogy was applied to the MACR, the threshold for criminal capacity should be reserved for the most serious offences and then higher for less serious offences (Delmage, 2013). Previous evidence displays that often once a child commits a crime, people

experience a dilemma as this is unexpected scenario. Politicians for example, must continually challenge their own beliefs on how a child should act and follow the basis of science and children's rights as a guidance for law-making, since a low MACR misrepresents neuroscience evidence and children's rights (Arthur, 2016). The government should begin to make balanced decisions, which will be truly in the best interests of children, by disregarding personal beliefs and ideologies and solely using information and evidence (Mears, et al., 2015). Hence, there should be a structured guide and international standard set, using a combination of neuroscience, children's rights and evidence of beneficial interventions and laws that have worked, to aid in a decision which is appropriate and reflects the stages of child development (Brown and Charles, 2021).

With the findings that have been presented, it is also critical to express that there are multiple difficulties in deciding on the MACR. There is no set answer because the MACR are dependent on the country's beliefs (Johnstone and Van Ness, 2013). Establishing a child's criminal capacity is a difficult task; each child is different, thus there is no clear answer as to what the MACR should be set at (Pillay, 2019). The lack of universally set standards that countries should follow when making this decision could also contribute to a low MACR (Goldson and Muncie, 2012). However, it is also crucial to be constantly reminded that this decision has an impact on thousands of children and must be carefully considered (Underwood and Washington, 2016).

Limitations

To review a wide range of evidence, it was necessary to restrict the topics discussed within this dissertation. Political and public opinion, child development and children's rights were the factors that were highlighted consistently in the literature. However, there are possibly more

influential aspects that could have been discussed but due to the lack of literature, this review was limited to a certain number of factors. This intended to provide the main influential roles and to best address the subject. Moreover, given there is no set answer to why and discrepancies across countries in the MACR, there could be an array of reasons contributing to this decision (Cipriani, 2016). Similarly, there was a lack of literature on multiple countries, especially European countries. Although there was sufficient amount on those discussed throughout the narrative review, it is imperative to note it was not possible to discuss all similar, developed countries therefore, this could result in a factor being unspoken about in the review. The countries selected were based off the amount of literature available, as it would have been impossible to discuss each country in depth.

Recommendations

From the discussion, it has shown there is a gap in the literature surrounding child development and neurolaw in England and Wales. Therefore, it is recommended that more research is conducted into this factor, to gain a better understanding on how neuroscience affects the MACR in England and Wales. In addition, based on the research that has been conducted, it is suggested that the government in England and Wales should revise the current MACR of 10 years old, as the research has displayed that it is far out of line with other European countries.

Conclusion

To conclude, it is evident that there are several factors that have an influential role in determining the MACR in each country. The main aspects that have a clear connection to these decisions are political and public opinion, child development and children's rights, holding different values for each country. Focusing on England and Wales, neoliberal ideology seems to be at the forefront of politics, as well as decisions made concerning crime prevention. The harsh form of neoliberalism has seen to be adopted by Anglophone countries, particularly in England and Wales. This leads to tougher punishments and an increased emphasis on responsibility, which has been identified throughout the YJS in England and Wales. Illustrating the main driver for a low MACR; this is additionally interlinked with other factors, having an impact upon them. One example is shown through the importance and increase of individual responsibility for children who encounter the YJS, which supports the 'right to participation'. Displaying that these neoliberal ideologies have a direct effect on how politicians view crime and the JJS. Having a low MACR achieves these desired outcomes, by placing individual responsibility through tougher punishment, from a young age. Thus, arguing that since neoliberalism sets England and Wales aside from European countries, this is the largest leading influence of a low MACR.

Reference List

ABRAMS, L., JORDGAN, S., MONTERO, L., 2018. What Is a Juvenile? A Cross-National Comparison of youth justice systems. *Youth Justice*. 18 (2), pp. 111-130. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/1473225418779850> [Accessed 20 February 2022].

ALEEM, Y., KHAN, S.W., JAMROZE, S., 2021. Medias Portrayal of Crime and Public Perception Toward the Criminal Justice System. *Bulletin of Business and Economics*. 10 (4), pp. 167-175. Available from: <https://doi.org/10.5281/zenodo.6413775> [Accessed 21 April 2022].

ALLEN, M., 2017. *The SAGE Encyclopedia of Communication Research Methods*. 1st ed. London: SAGE.

ANDERSON, S., KINSEY, R., LOADER, I. and SMITH, C., 2017. *Cautionary tales: Young people, crime and policing in Edinburgh*. London: Routledge.

ANSTEAD, N., O'LOUGHLIN., 2019. Social Media Analysis and Public Opinion: The 2010 Uk General Election. *Journal of Computer-Mediated Communication*. 20 (2), pp. 204-220. Available from: <https://doi.org/10.1111/jcc4.12102> [Accessed 31 March 2022].

ARTHUR, R., 2013. "The Influence of Neoliberalism on the Development of the English youth justice system under New Labour," in Whitehead, P. and Crawshaw, P. (eds) *Organising Neoliberalism: Markets, Privatisation and Justice*. Anthem Press, pp. 135–154. Available from: doi:10.7135/UPO9780857285362.006 [Accessed 1 April 2022].

ARTHUR, R., 2016. Exploring childhood, criminal responsibility and the evolving capacities of the child: the age of criminal responsibility in England and Wales. *Northern Ireland Legal Quarterly*. 67, p. 269. Available from: [Exploring Childhood, Criminal Responsibility and the Evolving Capacities of the Child: The Age of Criminal Responsibility in England and Wales](#)

[Special Issue: The Age of Criminal Responsibility 67 Northern Ireland Legal Quarterly 2016 \(heinonline.org\)](#) [Accessed 25 April 2022].

BAETHGE, C., GOLDBECK-WOOD, S., MERTENS, S., 2019. SANRA—a scale for the quality assessment of narrative review articles. *Research Integrity and Peer Review*. 4 (1), 5. Available from: <https://researchintegrityjournal.biomedcentral.com/track/pdf/10.1186/s41073-019-0064-8.pdf> [Accessed 16 March 2022].

BARNETT, H., 2022. *Children's Rights and the Law*. 1st ed. Abingdon: Routledge.

BASSIOUNI, M.C., 2017. Introduction to international criminal law. In *Introduction to International Criminal Law*. 2nd ed. Brill Nijhoff.

BATEMAN, T., 2014. “Catching them young” - some reflections on the meaning of the age of criminal responsibility in England and Wales. *Safer Communities*. 13 (3), pp. 133-142. Available from: DOI 10.1108/SC-05-2014-0008 [Accessed 5 February 2022].

BEDENLIER, S., BUNTINS, K., BOND, M., KERRES, M., ZAWACKI-RICHTER, O., 2019. *Systematic Reviews in Educational Research*. 1st ed. Wiesbaden: Springer VS.

BERNUZ BENEITEZ, M.J., DUMORTIER, E., 2018. Why Children Obey the Law: Rethinking Juvenile Justice and Children’s Rights in Europe through Procedural Justice. *Youth Justice*. 18 (1), pp. 34-51. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/1473225417741225> [Accessed 25 January 2022].

BOLIN, R.M., 2014. *Adultification in Juvenile Corrections: A Comparison of Juvenile and Adult Officers* (Doctoral dissertation, University of South Carolina) [online]. Available from: <https://scholarcommons.sc.edu/etd/2791> [Accessed 26 April 2022].

BOOTH, A., SUTTON, A., PAPAIOANNOU, D., 2022. *Systematic Approaches to a Successful Literature Review*. 3rd ed. London: SAGE.

BRAMLEY, R., HALL, M.A., ELY, C., ROBIN-D'CRUZ, C., 2019. Youth diversion evidence and practice briefing: minimising labelling. Available from: https://www.justiceinnovation.org/sites/default/files/media/documents/2019-09/minimising_labelling_final.pdf#:~:text=Labelling%20theory%20is%20a%20central%20rationale%20for%20youth,by%20triggering%20changes%20in%20self-concept%2C%20processes%20of%20social [Accessed 30 March 2022].

BRAUN, V., CLARKE, V., BOULTON, E., DAVEY, L., MCEVOY, C., 2021. The online survey as a qualitative research tool. *International Journal of Social Research Methodology*. 24 (6), pp. 641-654. Available from: <https://doi.org/10.1080/13645579.2020.1805550> [Accessed 3 April 2022].

BROWN, A., CHARLES, A., 2021. The Minimum Age of Criminal Responsibility: The Need for a Holistic Approach. *Youth Justice*. 21 (2), pp. 153-171. Available from: <https://doi.org/10.1177/1473225419893782> [Accessed 13 April 2022].

BROWN, P., BUNN, S., 2018. *Age of Criminal Responsibility*. Available from: <https://researchbriefings.files.parliament.uk/documents/POST-PN-0577/POST-PN-0577.pdf> [Accessed 15 February 2022].

CARRINGTON, K., BALL, M., O'BRIEN, E., TAURI, J., 2013. *Crime, Justice and Social Democracy: International Perspectives*. 1st ed. Basingstoke: Palgrave Macmillan.

CASE, S., HAINES, K., 2020. Abolishing youth justice systems: Children First, Offenders Nowhere. *Youth Justice*. 21 (1), pp. 3-17. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/1473225419898754> [Accessed 22 April 2022].

CHALHI, S., KOSTER, M., VERMEULEN, J., 2018. Assembling the Irreconcilable: Youth Workers, Development Policies and 'High Risk' Boys in the Netherlands. *Ethos*. 83 (5), pp. 850-867. Available from: <https://doi.org/10.1080/00141844.2017.1362452> [Accessed 3 April 2022].

CHILDREN'S RIGHTS INTERNATIONAL NETWORK, 2022. MINIMUM AGES OF CRIMINAL RESPONSIBILITY IN EUROPE [online]. Available from: <https://archive.crin.org/en/home/ages/europe.html> [Accessed 22 October 2021].

CIPRIANI, D., 2016. *Children's Rights and the Minimum Age of Criminal Responsibility: A Global Perspective*. 2nd ed. Abingdon: Routledge.

COOKE, S., 2021. *Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021*. Available from: [20211130_Anglicare_SQ_submission_MACR_final.pdf \(anglicaresq.org.au\)](https://www.anglicaresq.org.au/wp-content/uploads/2021/11/20211130_Anglicare_SQ_submission_MACR_final.pdf) [Accessed 23 January 2022].

CROFT, T., 2019. Will Australia Raise the Minimum Age of Criminal Responsibility? *Criminal Law Journal*, 43 (1), pp. 26-40. Available from: https://nrl.northumbria.ac.uk/id/eprint/43830/1/crofts_crimlj_v43_pt1%20%281%29.pdf [Accessed 15 February 2022].

DE HAAN, N.L., 2016. *Do It Yourself: Individual Responsibility in the Dutch Juvenile Criminal Justice System* [online] (Master's thesis). Available from: <https://studenttheses.uu.nl/bitstream/handle/20.500.12932/24590/Haan,%20Nienke%20de.pdf?sequence=2> [Accessed 22 April 2022].

DECKER, S.H., MARTEACHE, N., 2017. *International handbook of juvenile justice*. 2nd ed. Switzerland: Springer International Publishing.

DEHKORDI, A., MAZAHERI, E., IBRAHIM, H., DALVAND, S., GHESHLAGH, R., 2021. How to Write a Systematic Review: A Narrative Review. *International Journal of Preventative Medicine*. 12 (27). Available from: https://doi.org/10.4103/ijpvm.IJPVM_60_20 [Accessed 31 March 2022].

DELMEGE, E., 2013. The Minimum Age of Criminal Responsibility: A Medico-Legal Perspective. *Youth Justice*. 13 (2), pp. 102-110. Available from: <https://doi.org/10.1177/1473225413492053> [Accessed 15 February 2022].

DEMBO, R., FABER, J., CRISTIANO, J., WAREHAM, J., KRUPA, J., SCHMEIDLER, J., TERMINELLO, A., 2018. Family Problems, Mental Health and Trauma Experiences of Justice-Involved Youth. *Medical Research Archives*. 6 (1), pp. 1-23. Available from: <file:///C:/Users/Pre-Setup/Downloads/1677-13-6769-1-10-20171223.pdf> [Accessed 20 February 2022].

DÜNKEL, F., 2014. Juvenile justice systems in Europe – Reform Developments between justice, welfare and ‘new punitiveness’. *Kriminologijos studijos*. 1, pp.31-76. Available from: <https://www.zurnalai.vu.lt/kriminologijos-studijos/article/view/3676> [Accessed 4 February 2022].

EDEN, J., LEVIT, L., BERG, A., MORTON, S., 2011. *Finding What Works in Health Care: Standards for Systematic Reviews*. 1st ed. Washington: The National Academies Press.

ELROD, P., RYDER, S., 2020. *Juvenile Justice: a Social, Historical, and Legal Perspective*. 5th ed. Burlington: Jones and Barlett Learning.

FERRARI, R., 2015. Writing narrative style literature reviews. *Medical Writing*. 24 (4), pp. 230-235. Available from: 10.1179/2047480615Z.000000000329 [Accessed 16 March 2022].

FITZPATRICK, C., 2017. What do we know about girls in the care and criminal justice systems? *Safer Communities*. 16 (3), pp. 134-143. Available from: <https://www.emerald.com/insight/content/doi/10.1108/SC-03-2017-0011/full/pdf?title=what-do-we-know-about-girls-in-the-care-and-criminal-justice-systems> [Accessed 22 April 2022].

FORDE, L., 2021. Welfare, Justice, and Diverse Models of Youth Justice: A Children’s Rights Analysis. *The International Journal of Childrens Rights*. 29 (4), pp. 920-945. Available from: <https://doi.org/10.1163/15718182-29040005> [Accessed 17 January 2022].

GALVAN, J., GALVAN, M., 2017. *Writing Literature Reviews*. 7th ed. London: Routledge.

GOLDSON, B., 2013. ‘Unsafe, Unjust and Harmful to Wider Society’: Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales. *Youth Justice*. 13 (2), pp.

111-130. Available from: <https://doi.org/10.1177/1473225413492054> [Accessed 15 February 2022].

GOLDSON, B., 2013. 'Unsafe, Unjust and Harmful to Wider Society': Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales. *Youth Justice*. 13 (2), pp. 111-130. Available from: DOI:10.1177/1473225413492054 yjj.sagepub.com

GOLDSON, B., 2013. *Dictionary of Youth Justice*. 2nd ed. Abingdon: Routledge.

GOLDSON, B., 2019. *Juvenile Justice in Europe: Past, Present and Future*. 1st ed. Abingdon: Routledge.

GOLDSON, B., 2019. *Youth Justice: Contemporary Policy and Practice*. Abingdon: Routledge.

GOLDSON, B., MUNCIE, J., 2012. Towards a global 'child friendly' juvenile justice? *International of Law, Crime and Justice*. 40 (1), pp. 47-64. Available from: <https://doi.org/10.1016/j.ijlcrj.2011.09.004> [Accessed 26 January 2022].

GOSHE, S., 2015. Moving Beyond the Punitive Legacy: Taking Stock of Persistent Problems in Juvenile Justice. *Youth Justice*. 15 (1), pp.42-56. Available from: 10.1177/1473225414537930 yjj.sagepub.com [Accessed 26 April 2022].

GREEN, D.A., 2012. *When children kill children: Penal populism and political culture*. 2nd ed. Oxford: Oxford University Press.

GREENHALGH, T., THORNE, S., MALTERUD, K., 2018. Time to challenge the spurious hierarchy of systematic over narrative reviews?. *European Journal of Clinical Investigation*. 48 (6), e12931. Available from: <https://doi.org/10.1111/eci.12931> [Accessed 22 February 2022].

GRIMWOOD, G., STRICKLAND, P., 2013. *Young offenders: What next?* [online]. House of Commons, Home Affairs Section: Standard Note: SN/HA/5896. Available from:

<https://researchbriefings.files.parliament.uk/documents/SN05896/SN05896.pdf> [Accessed 14 April 2022].

HADDAWAY, N.R., WOODCOCK, P., MACURA, B., COLLINS, A., 2015. Making literature reviews more reliable through application of lessons from systematic reviews. *Conservation Biology*. 29 (6), pp. 1596-1605. Available from: 10.1111/cobi.12541 [Accessed 25 February 2022].

HAINES, K., CASE, S., SMITH, R., LAIDLER, K.J., HUGHES, N., WEBSTER, C., GODDARD, T., DEAKIN, J., JOHNS, D., RICHARDS, K., GRAY, P., 2021. Children and Crime: In the Moment. *Youth Justice*. 21 (3), pp. 275-298. Available from: 10.1177/1473225420923762 journals.sagepub.com/home/yjj [Accessed 26 April 2022].

HAMILTON, C., 2013. Punitiveness and political culture: Notes from some small countries. *European Journal of Criminology*. 10 (2), pp. 154-167. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/1477370812464469> [Accessed 28 April 2022].

HOEVE, M., VAN DER LAAN, P., 2016. *Persisters and Desisters in Crime from Adolescence into Childhood*. 2nd ed. Abingdon: Routledge.

HOLLANDER, A., TÄRNFALK, M., 2017. Juvenile crime and the justice system in Sweden. *Youth justice and child protection* [online], pp. 90-103. Available from: [Juvenile Crime and the Justice System in Sweden | \(lawexplores.com\)](#) [Accessed 3 April 2022].

HOME OFFICE, 1997. *No More Excuses: A New Approach to Tackling Youth Crime in England and Wales*. London: Home Office Publications.

HUGHES, A., 2014. The Evolution of Youth as an Excuse: Striking a Balance Between the Interest of Public Safety and the Principle that Kids are Kids. *Touro Law Review*. 29 (4), pp. 967-1002. Available from: <https://digitalcommons.tourolaw.edu/lawreview/vol29/iss4/5> [Accessed 27 April 2022].

JAHAN, N., NAVEED, S., ZESHAN, M., TAHIR, M., 2016. How to Conduct a Systematic Review: A Narrative Literature Review. *Cureus*. 8 (11), e864. Available from: doi:10.7759/cureus.864 [Accessed 16 March 2022].

JAMES, A., JAMES, A., 2017. *Constructing childhood: Theory, policy and social practice*. 2nd ed. Basingstoke: Macmillan International Higher Education.

JENNINGS, W., FARRALL, S., GRAY, E., HAY, C., 2017. Moral Panics and Punctuated Equilibrium in Public Policy: An Analysis of the Criminal Justice Policy Agenda in Britain. *Policies Studies Journal*. 48 (1), pp. 207-234. Available from: <https://doi.org/10.1111/psj.12239> [Accessed 30 January 2022].

JOHANSSON, S., STEFANSEN, K., BAKKETEIG, E. AND KALDAL, A., 2017. Implementing the Nordic Barnahus model: Characteristics and local adaptations. *In Collaborating Against Child Abuse* (pp. 1-31). Palgrave Macmillan, Cham.

JOHNSTONE, G., VAN NESS, D., 2013. *Handbook of restorative justice*. 1st ed. London: Routledge.

KEENAN, T., EVANS, S., CROWLEY, K., 2016. *An Introduction to Child Development*. 3rd ed. London: SAGE.

LAHTI, R., 2017. Towards a more efficient, fair and humane criminal justice system: Developments of criminal policy and criminal sanctions during the last 50 years in Finland. *Cogent Social Sciences*. 3 (1), 1303910. Available from: <https://doi.org/10.1080/23311886.2017.1303910> [Accessed 1 February 2022].

LAPPI-SEPPÄLÄ, T., 2012. Penal Policies in the Nordic Countries 1960–2010. *Journal of Scandinavian Studies in Criminology and Crime Prevention*. 13 (1), pp. 85-111. Available from: <https://doi.org/10.1080/14043858.2012.740858> [Accessed 3 December 2021].

LIEFAARD, T., 2015. *Juvenile justice from an international children's rights perspective*. 1st ed. London: Routledge international handbook of children's rights studies, p. 234.

LINDH, A., MCCALL, L., 2020. Class Position and Political Opinion in Rich Democracies. *Annual Review of Sociology*. 46 (1), pp. 419-441. Available from: <https://doi.org/10.1146/annurev-soc-121919-054609> [Accessed 31 March 2022].

LISTYARINI, D., 2017. Juvenile justice system through Diversion and Restorative Justice Policy. *Diponegoro Law Review*. 2 (1), pp. 168-184. Available from: [15333-37320-1-PB.pdf](#) [Accessed 26 April 2022].

LIVANOU, M., FURTADO, V., WINSPEER, C., SILVESTER, A., SINGH, S., 2019. Prevalence of Mental Disorders and Symptoms Among Incarcerated Youth: A Meta-Analysis of 30 Studies. *International Journal of Forensic Mental Health*. 18 (4), pp. 400-414. Available from: <https://doi.org/10.1080/14999013.2019.1619636> [Accessed 20 February 2022].

LOADER, I., SPARKS, R., 2016. Ideologies and crime: political ideas and the dynamics of crime control. *Global Crime*. 17 (3-4), pp. 314-330. Available from: <https://doi.org/10.1080/17440572.2016.1169926> [Accessed 1 April 2022].

LOGAN, B.A., 2021. *Age of Criminal Responsibility: Children and Young People's views* [online]. Available from: https://strathprints.strath.ac.uk/76510/1/Logan_2021_CYCJ_Age_of_criminal_responsibility_children_and_young_peoples_views.pdf [Accessed 27 January 2022].

MACHI, L., MCEVOY, B., 2021. *The Literature Review: Six Steps To Success*. 4th ed. New York: Corwin Publishing.

MARUNA, S. and KING, A., 2013. Public opinion and community penalties. In *Alternatives to prison* (pp. 101-130). Willan.

MATTHEWS, R., 2013. *Rethinking penal policy: towards a systems approach*. In *The new politics of crime and punishment* (pp. 235-261). 2nd ed. Willan.

MCDIARMID, C., 2013. An Age of Complexity: Children and Criminal Responsibility in Law. *Youth Justice*. 13 (2), pp. 145-160. Available from: <https://doi.org/10.1177/1473225413492056> [Accessed 15 February 2022].

MCGOWEN, J., SAMPSON, M., SALZWEDEL, D., COGO, E., FOERSTER, V., LEFEBVRE, C., 2016. PRESS Peer Review of Electronic Search Strategies: 2015 Guideline Statement. *Journal of Clinical Epidemiology*. 75 (1), pp. 40-46. Available from: <https://doi.org/10.1016/j.jclinepi.2016.01.021> [Accessed 9 March 2022].

MCGUINNESS, T., 2016. *The age of criminal responsibility*. Available from: <https://researchbriefings.files.parliament.uk/documents/CBP-7687/CBP-7687.pdf> [Accessed 15 February 2022].

MEARS, D., PICKETT, J., MANCINI, C., 2015. Support for Balanced Juvenile Justice: Assessing Views About Youth, Rehabilitation, and Punishment. *Journal of Quantitative Criminology*. 31 (3), pp. 459-479. Available from: <https://www.jstor.org/stable/44504773> [Accessed 24 April 2022].

MENG, A., SEGAL, R., BODEN, E., 2013. American Juvenile Justice System: history in the making. *Adolescent Psychiatry*. 19, pp. 227-232. Available from: <https://library.oapen.org/bitstream/handle/20.500.12657/25212/1004880.pdf?sequence=1#page=243> [Accessed 15 December 2021].

MEYNEN, G., 2016. *Legal insanity: Explorations in psychiatry, law, and ethics*. Switzerland: Springer International Publishing.

MINISTRY OF JUSTICE, 2012. *Prisoners' childhood and family backgrounds Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners* [online]. London: The Stationary Office. Available from: https://www.researchgate.net/profile/Natalie-Booth-3/publication/296701221_Prisoners'_Childhood_and_Family_Backgrounds/links/56d94afc08

[aee1aa5f817573/Prisoners-Childhood-and-Family-Backgrounds.pdf](#) [Accessed 18 April 2022].

MINISTRY OF JUSTICE, 2022. *Youth Justice Statistics 2020/21 England and Wales* [online]. London: The Stationary Office. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1054236/Youth_Justice_Statistics_2020-21.pdf [Accessed 14 April 2022].

MONAHAN, K., STEINBERG, L., PIQUERO, A., 2015. Juvenile Justice Policy and Practice: A Developmental Perspective. *Crime and Justice*. 44 (1), pp. 577-619. [Accessed 12 February 2022].

MUNCIE, J., 2012. Youth justice: globalisation and multi-modal governance. In *Criminal justice and political cultures* (pp. 164-195). Willan.

NATION MASTER, 2022. Crime > Age of criminal responsibility: Countries Compared [online]. Available from: <https://www.nationmaster.com/country-info/stats/Crime/Age-of-criminal-responsibility> [Accessed 22 October 2021].

NORRIE, A., 2014. *Crime, reason and history: A critical introduction to criminal law*. 3rd ed. Cambridge: Cambridge University Press.

PAEZ, A., 2017. Gray literature: An important resource in systematic reviews. *Journal of Evidence-Based Medicine*. 10 (3), pp. 233-240. Available from: <https://doi.org/10.1111/jebm.12266> [Accessed 25 February 2022].

PAPDODIMITRAKI, Y., 2016. *Minimum Age of Criminal Responsibility (MACR) - Comparative Analysis International Profile – Sweden* [online]. Available from: <https://cycj.org.uk/wp-content/uploads/2016/03/MACR-International-Profile> [Accessed 24 January 2022].

PARÉ, G., KITSIOU, S., 2017. *Handbook of eHealth Evaluation: An Evidence-based Approach*. 1st ed. Victoria: University of Victoria.

PEETERS, R., 2013. Responsibilisation on Government's Terms: New Welfare and the Governance of Responsibility and Solidarity. *Social Policy and Society*. 12 (4), pp. 583-595. Available from: [10.1017/S1474746413000018](https://doi.org/10.1017/S1474746413000018) [Accessed 20 April 2022].

PETOFT, A. and ABBASI, M., 2020. Current limits of neurolaw: A brief overview. *Médecine & Droit*. 2020(161), pp. 29-34. Available from: <https://doi.org/10.1016/j.meddro.2019.11.002> [Accessed 21 April 2022].

PETOFT, A., ABBASI, M., 2022. Children's Criminal Perception; Lessons from Neurolaw. *Child Indicators Research*. Pp. 1-16. Available from: <https://doi.org/10.1007/s12187-022-09928-2> [Accessed 3 April 2022].

PHAM, M., RAJIĆ, A., GREIG, J., SARGEANT, J., PAPADOPOULOS, A., MCEWEN, S., 2014. A scoping review of scoping reviews: advancing the approach and enhancing the consistency. *Research Synthesis Methods*. 5 (4), pp. 371-385. Available from: [10.1002/jrsm.1123](https://doi.org/10.1002/jrsm.1123) [Accessed 25 February 2022].

PILLAY, A., 2015. Deliberating the minimum age of criminal responsibility. *South African Journal of Psychology*. 45 (2), pp. 143-146. Available from: <https://doi.org/10.1177/0081246315585922> [Accessed 1 December 2021].

PILLAY, A., 2019. The minimum age of criminal responsibility, international variation, and the Dual Systems Model in neurodevelopment. *Journal of Child & Adolescent Mental Health*. 31 (3), pp. 224-234. Available from: <https://doi.org/10.2989/17280583.2019.1692851> [Accessed 24 January 2022].

PILLAY, A., WILLOWS, C., 2015. Assessing the criminal capacity of children: a challenge to the capacity of mental health professionals. *Journal of Child & Adolescent Mental Health*. 27 (2), pp. 91-101. Available from: <https://doi.org/10.2989/17280583.2015.1040412> [Accessed 26 April 2022].

PÖSÖ, T., SKIVENES, M., HESTBÆK, A.D., 2014. Child protection systems within the Danish, Finnish and Norwegian welfare states—time for a child centric approach?, *European Journal of Social Work*, 17 (4), pp. 475-490. Available from: <https://doi.org/10.1080/13691457.2013.829802> [Accessed 26 April 2022].

PUT, J., VANFRAECHEM, I., WALGRAVE, L., 2012. Restorative Dimensions in Belgian Youth Justice. *Youth Justice*. 12 (2), pp. 83-100. Available from: <https://doi.org/10.1177/1473225412447159> [Accessed 30 November 2021].

RENTALA, S., 2019. *Basics in Nursing Research and Biostatistics*. 1st ed. New Delhi: Jaypee Brothers Medical Publishers.

RIDLEY, D., 2012. *The Literature Review: A Step-by-Step Guide for Students*. 2nd ed. London: SAGE Publications.

ROBERTS, J.V., STALANS, J.V., 2018. *Public opinion, crime, and criminal justice*. 2nd ed. Abingdon: Routledge.

SABREEN, M., 2017. *The Age of Criminal Responsibility and its Effect on Dispensation of Justice*. *PLR*, 8, pp. 103-122. Available from: <https://pakistanlawreview.com/wp-content/uploads/2019/10/8.pdf> [Accessed 15 February 2022].

SCHLEIM, S., 2020. Real NeuroLaw in the Netherlands: The Role of the Developing Brain in the New Adolescent Criminal Law. *Frontiers in Psychology*. 11 (1), e1762. Available from: 10.3389/fpsyg.2020.01762 [Accessed 24 January 2022].

SIBBALD, S., MACGREGOR, J., SURMACZ, M., WATHEN, N., 2015. Into the gray: a modified approach to citation analysis to better understand research impact. *Journal of Medical Library Association*. 103 (1), pp. 49-54. Available from: 10.3163/1536-5050.103.1.010 [Accessed 9 March 2022].

SIDDAWAY, A., WOOD, A., HEDGES, L., 2019. *How to Do a Systematic Review: A Best Practice Guide for Conducting and Reporting Narrative Reviews, Meta-Analyses, and Meta-*

Syntheses. *The Annual Review of Psychology*. 70 (1), pp. 747-770. Available from: <https://doi.org/10.1146/annurev-psych-010418-102803> [Accessed 25 February 2022].

SMITH, D.J., 2017. *The sleep of reason: the James Bulger case*. Faber & Faber.

SMITH, J., NOBLE, H., 2016. Reviewing the literature. *Evidence Based Nursing*. 19 (1), pp. 2-3. Available from: 10.1136/eb-2015-102252 [Accessed 16 March 2022].

STAMATEL, J., 2021. *Examining Crime and Justice around the World*. 1st ed. California: ABC-CLIO.

STEINBURG, L., 2017. Adolescent Brain Science and Juvenile Justice Policymaking. *Psychology, Public Policy and Law*. 23 (4), pp. 410-420. Available from: <https://dx.doi.org/10.1037/law0000128> [Accessed 24 January 2022].

STURGE, G., TUNNICLIFFE, R., 2021. *UK Prison Population Statistics* [online]. Available from: <https://commonslibrary.parliament.uk/research-briefings/sn04334/?msckid=fc60588ab14a11ec9a6716f6d8774f9f> [Accessed 1 April 2022].

SYNDER, H., 2019. Literature review as a research methodology: An overview and guidelines. *Journal of Business Research*. 104 (1), pp. 333-339. Available from: <https://doi.org/10.1016/j.jbusres.2019.07.039> [Accessed 16 March 2022].

TAYLOR, C., 2016. *Review of the Youth Justice System in England and Wales* [online]. Available from: <https://www.allianceofsport.org/wp-content/uploads/2016/12/youth-justice-review-final-report.pdf> [Accessed 28 April 2022].

TERRILL, R., 2015. *World Criminal Justice Systems*. 9th ed. Abingdon: Routledge.

TORRACO, R., 2016. Writing Integrative Literature Reviews: Using the Past and Present to Explore the Future. *Human Resources Development Review*. 15 (4), pp. 404-428. Available from: <https://doi.org/10.1177/1534484316671606> [Accessed 9 March 2022].

TREVITT, S., BROWNE, B., 2020. *Raising the age of criminal responsibility*. Available from: <https://apo.org.au/sites/default/files/resource-files/2020-07/apo-nid307114.pdf> [Accessed 15 February 2022].

TRZCINSKI, E., ALLEN, T., 2012. Justice towards youth: Investigating the mismatch between current policy and public opinion. *Childre and Youth Services Review*. 34 (1), pp. 27-34. Available from: <https://www.sciencedirect.com/science/article/pii/S019074091100274X> [Accessed 26 January 2022].

TURNER, M., PEACOCK, M., PAYNE, S., FLETCHER, A., FROGGATT, K., 2018. Ageing and dying in the contemporary neoliberal prison system: Exploring the ‘double burden’ for older prisoners. *Social Sciences and Medicine*. 212 (1), pp. 161-167. Available from: <https://doi.org/10.1016/j.socscimed.2018.07.009> [Accessed 1 April 2022].

UNDERWOOD, L., WASHINGTON, A., 2016. Mental Illness and Juvenile Offenders. *International Journal of Environmental Research and Public Health*. 13 (2), e228. Available from: [file://c1stuhome2/STUHOME2/a/24145203/Downloads/ijerph-13-00228-v2%20\(1\).pdf](file://c1stuhome2/STUHOME2/a/24145203/Downloads/ijerph-13-00228-v2%20(1).pdf) [Accessed 30 March 2022].

UNITED NATIONS, 2014. *Country Classification*. Available from: 2014wesp_country_classification.pdf [Accessed 1 December 2021].

UNITED NATIONS, 2020. *Human Development Data Center*. Available from: [Human Development Data Center | Human Development Reports \(undp.org\)](Human Development Data Center | Human Development Reports (undp.org)) [Accessed 3 December 2021].

VAISMORADI, M., JONES, J., TURUNEN, H., SNELGROVE, S., 2016. Theme development in qualitative content analysis and thematic analysis. *Journal of Nursing Education and Practice*. 6 (5), pp. 100-110. Available from: <http://dx.doi.org/10.5430/jnep.v6n5p100> [Accessed 16 March 2022].

WACQUANT, L., 2014. The global firestorm of law and order: On punishment and neoliberalism. *Thesis Eleven*. 122 (1), pp. 72-88. Available from: DOI: 10.1177/0725513614536136 [Accessed 13 April 2022].

WILCZYNSKI, S., 2017. Chapter 2 - Other Sources of Evidence (pp.13-19). *In A Practical Guide to Finding Treatments That Work for People with Autism* [online]. Available from: <https://doi.org/10.1016/B978-0-12-809480-8.00002-9> [Accessed 22 April 2022].

WILEY, S. A., SLOCUM, L. A., ESBENSEN, F.A., 2013. THE UNINTENDED CONSEQUENCES OF BEING STOPPED OR ARRESTED: AN EXPLORATION OF THE LABELING MECHANISMS THROUGH WHICH POLICE CONTACT LEADS TO SUBSEQUENT DELINQUENCY. *Criminology*. 51 (4), pp. 927-966. Available from: <https://doi.org/10.1111/1745-9125.12024> [Accessed 30 March 2022].

WILSON, D., BRENNAN, I., OLAGHERE, A., 2018. Police-initiated diversion for youth to prevent future delinquent behavior: a systematic review. *Campbell Systematic Reviews*. 14 (1), pp.1-88. Available from: <https://doi.org/10.4073/csr.2018.5> [Accessed 26 April 2022].

WINTERDYK, J., 2015. *Juvenile Justice: International Perspectives, Models and Trends*. 1st ed. Boca Raton: CRC Press.

WOLTHUIS, A., CLAESSEN, J., JAN SLUMP, G., VAN HOEK, A., 2019. Dutch developments: restorative justice in legislation and in practice. *The International Journal of Restorative Justice*. 2 (1), pp. 117-133. Available from: https://www.restorativejustice.nl/user/file/07.dutchdevelopments_wolthuisclaessenslumpvanhoeke.pdf [Accessed 8 April 2022].

WONG, G., GREENHALGH, T., WESTHORP, G., BUCKINGHAM, J., PAWSON, R., 2013. RAMESES publication standards: meta-narrative reviews. *Journal of Advanced Nursing*. 69 (5), pp. 987-1004. Available from: <https://doi.org/10.1111/jan.12092> [Accessed 16 March 2022].

- WRIGHT, J.P., BEAVER, K., MORGAN, M., CONNOLLY, E., 2017. Political ideology predicts involvement in crime. *Personality and Individual Differences*. 106 (1), pp. 236-241. Available from: <http://dx.doi.org/10.1016/j.paid.2016.10.062> [Accessed 2 April 2022].
- XIAO, Y., WATSON, M., 2019. Guidance on Conducting a Systematic Literature Review. *Journal of Planning Education and Research*. 39 (1), pp. 93-112. Available from: <https://journals.sagepub.com/doi/pdf/10.1177/0739456X17723971> [Accessed 30 March 2022].
- YATES, J., 2012. What Prospects Youth Justice? Children in Trouble in the Age of Austerity. *Social Policy and Administration*. 46 (4), pp. 432-447. Available from: <https://doi.org/10.1111/j.1467-9515.2012.00842.x> [Accessed 22 April 2022].
- YOUNG, S., GREER, B., CHURCH, R., 2018. Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective. *PJPysch Bulletin*. 41 (1), pp. 21-29. Available from: 10.1192/pb.bp.115.052274 [Accessed 24 January 2022].
- ZIMRING, F., 2019. *American Juvenile Justice*. 2nd ed. New York: Oxford University Press.

Appendix 1

Table 1 – Minimum Age of Criminal Responsibility by Country

Country/Countries	Minimum Age of Criminal Responsibility
England and Wales	10
USA (United States of America)	6-12 (varies in each state)
Netherlands	12
Belgium	16
Sweden	15
Denmark	14
Finland	15
Iceland	15
Norway	15
France	13

Source: Children's Rights International Network (2022) and Nation Master (2022)

Appendix 2

Table 3 – Search Results Findings

<i>Author</i>	<i>Year</i>	<i>Location</i>	<i>Study type/objectives</i>	<i>Themes</i>	<i>Summary of findings</i>	<i>Reference</i>
Young, Greer and Church	2018	Several countries (global perspective)	Literature review	Politics, youth crime trends	Exploration of the juvenile justice globally; this found that countries usually opt for a welfare or punitive approach. In either approach, discoveries of inadequate policies have been identified.	YOUNG, S., GREER, B., CHURCH, R., 2018. Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective. <i>PJPysch Bulletin</i> . 41 (1), pp. 21-29.
Pillay	2019	Several countries (international variation)	Literature review	Politics, child development, maturity, neuroscience, criminal capacity	Current MACR lacks the ability to understand children's behaviour, adolescence as a developmental stage, and how to appropriately respond to these, according to neuroscience findings.	PILLAY, A., 2019. The minimum age of criminal responsibility, international variation, and the Dual Systems Model in neurodevelopment. <i>Journal of Child & Adolescent Mental Health</i> . 31 (3), pp. 224-234.
Schleim	2020	Netherlands	Literature review	Neuroscience, biology, psychology	The law uses studies on brain development to support a higher MACR for the application of juvenile criminal law in the Netherlands. Particular risk behaviour between the ages of 15 and 23 can also be due to the incomplete development of some brain processes.	SCHLEIM, S., 2020. Real NeuroLaw in the Netherlands: The Role of the Developing Brain in the New Adolescent Criminal Law. <i>Frontiers in Psychology</i> . 11 (1), e1762.

Goldson and Muncie	2012	International perspective	Literature review	Politics, human rights, culture	Children in the justice system are increasingly 'responsibilised,' which also means children's rights will continuously be violated.	GOLDSON, B., MUNCIE, J., 2012. Towards a global 'child friendly' juvenile justice? <i>International of Law, Crime and Justice</i> . 40 (1), pp. 47-64.
Trzcinski and Allen	2012	USA	Quantitative - surveys	Society views, politics	Policy on the MACR and juvenile justice can be influenced by public opinion. In the US, a study found that public education on child development had an influence on how individuals view punishment alternatives. For instance, greater understanding was associated with the public being more supportive of reducing harshness.	TRZCINSKI, E., ALLEN, T., 2012. Justice towards youth: Investigating the mismatch between current policy and public opinion. <i>Childre and Youth Services Review</i> . 34 (1), pp. 27-34.
Bateman	2014	England and Wales	Literature review (Analysis)	Opinion, neuroscience, politics, children's rights	The low MACR could be due to a variety of reasons, the most significant of which is the neoliberal ideological politics, that opposes children's rights.	BATEMAN, T., 2014. "Catching them young" - some reflections on the meaning of the age of criminal responsibility in England and Wales. <i>Safer Communities</i> . 13 (3), pp. 133-142.
Goldson	2013	England and Wales	Literature review	Politics, childhood, opinion, criminal capacity, child rights, psychology, neuroscience	Political ideologies in England and Wales have caused reluctance to raise the MACR.	GOLDSON, B., 2013. 'Unsafe, Unjust and Harmful to Wider Society': Grounds for Raising the Minimum Age of Criminal Responsibility in England and Wales. <i>Youth Justice</i> . 13 (2), pp. 111-130.

Dünkel	2014	Europe	Literature review	Political opinion, neuroscience, child development	This focuses on neurolaw and the use of neuroscience in the justice system in Europe – found that European countries often opt for either a welfare-based or a justice approach.	DÜNKEL, F., 2014. Juvenile Justice Systems in Europe – Reform Developments between justice, welfare and ‘new punitiveness’. <i>Kriminologijos studijos</i> . 1, pp.31-76.
McDiarmid	2013	England and Wales	Literature review	Child development and children’s rights	The MACR should be raised for two reasons: children's rights and neurological research. The current cause for this could be owing to political, moral, and legal reasons in England and Wales.	MCDIARMID, C., 2013. An Age of Complexity: Children and Criminal Responsibility in Law. <i>Youth Justice</i> . 13 (2), pp. 145-160.
Papadodimitraki	2016	Sweden	Literature review	Children’s rights	The Swedish JJS prioritises rehabilitation and children’s rights. When children are involved with the JJS, the system is more lenient and protective of them.	PAPDODIMITRAKI, Y., 2016. <i>Minimum Age of Criminal Responsibility (MACR) - Comparative Analysis International Profile – Sweden</i> [online].
Logan	2021	England and Wales	Qualitative surveys	Opinion	Children and young people in England and Wales expressed that they wanted to see their peers supported, rather than penalised. Their position is in favour of increasing the MACR.	LOGAN, B.A., 2021. <i>Age of Criminal Responsibility: Children and Young People’s views</i> [online].
Bernuz Beneitez and Dumortier	2018	Europe	Literature review	Childrens rights and child development	Children's rights in relation to the JJS can be problematic, as	BERNUZ BENEITEZ, M.J., DUMORTIER, E., 2018. Why Children

					evidenced by the MACR's inconsistencies in Europe. Children's rights should ensure that the children's opinions and views are valued, and that children are treated fairly in accordance with their needs.	Obey the Law: Rethinking Juvenile Justice and Children's Rights in Europe through Procedural Justice. <i>Youth Justice</i> . 18 (1), pp. 34-51.
Monahan, Steinburg and Piquero	2015	USA	Literature review	Neuroscience	Neuroscience is directly linked to parts of the US JJS. For example, decision-making processes are guided by updated neuroscience.	MONAHAN, K., STEINBERG, L., PIQUERO, A., 2015. Juvenile Justice Policy and Practice: A Developmental Perspective. <i>Crime and Justice</i> . 44 (1), pp. 577-619.
Steinburg	2017	USA	Literature review	Neuroscience, opinion	Practices and policies are becoming more aligned with developmental research. This is done through using neuroscience, finding that more must be done to support young people's developmental immaturity.	STEINBURG, L., 2017. Adolescent Brain Science and Juvenile Justice Policymaking. <i>Psychology, Public Policy and Law</i> . 23 (4), pp. 410-420.