Thank you for having me at the Committee today. My name is Dr. Ian Marder, I am a criminologist at Maynooth University, and I sit on the Department of Justice's Youth Justice Advisory Group that oversees the implementation of the 2021-2027 Youth Justice Strategy.

I also collaborate on research and policy and practice development with several organisations of relevance to this conversation, including the Gardaí, Probation Service, and several youth justice and restorative justice organisations in the community sector.

I support the intention of the Bill to address the 'aging out' problem in youth justice, but primarily I want to propose that we take advantage of amending the Children Act to make further changes that would ensure Ireland holds a place as a world leader in youth justice.

Firstly, this is a great opportunity to extend the protections and the young person-sensitive facets of the criminal justice system to young adults up to age 25. The scientific basis for this is accepted in the Youth Justice Strategy and by a growing number of youth justice systems, such as Scotland and Germany. We don't necessarily need a whole new legislative system for young adults. It does not need to be legally complicated, although there will be plenty to be worked out practically. We should take this chance to increase the age to which the existing legal provisions apply by revising the definition of 'relevant person' in the new section 70A to include this cohort.

Secondly - and also recognised in the Youth Justice Strategy - is that we could use this process to strengthen the family conferencing provisions starting at s.78 of the Children Act. These sections are very specific and well developed, they allow for very flexible restorative justice processes that can include victims or the young person's family or other significant people, and I think Northern Ireland has shown that this can be part of the puzzle of keeping children out of prison in ways that can also help victims recover from crime - where a child's rights are not infringed by participation. I recommend looking at what has been achieved in Northern Ireland through systematic referrals to restorative justice and the correlating drastic reduction in children in prison, and consider what we can learn from this.

Here, my understanding is that there are years in which the number of family conferences is zero or one, and many other years where the number is in the single digits. The Courts Service's Annual Report for 2024 notes that 3,922 orders were made in the District Court relating to youth that year, including 150 orders of detention, suggesting there is potential to use restorative justice here. In amending this Act, we could strengthen the referral process so that more people are considered for this process. For example, a Court might be required to give reasons why they have *not* referred a child to a conference, and there might be a requirement to make a referral or to seek a Probation Officer's recommendation as to whether a family conference is appropriate.

Thirdly, I urge some caution when introducing new sentencing measures which permit intensive alternatives to prison to ensure that they are used only to reduce the sentencing tariff for a child, not to 'up-tariff' them – something which has been a problem in sentencing regimes elsewhere.

Finally, and perhaps most importantly, this is an excellent opportunity to raise the age of criminal responsibility, which is far too low in Ireland and out of line with both mature democracies across Europe, and with the principles of the Children Act itself.

Thank you.