



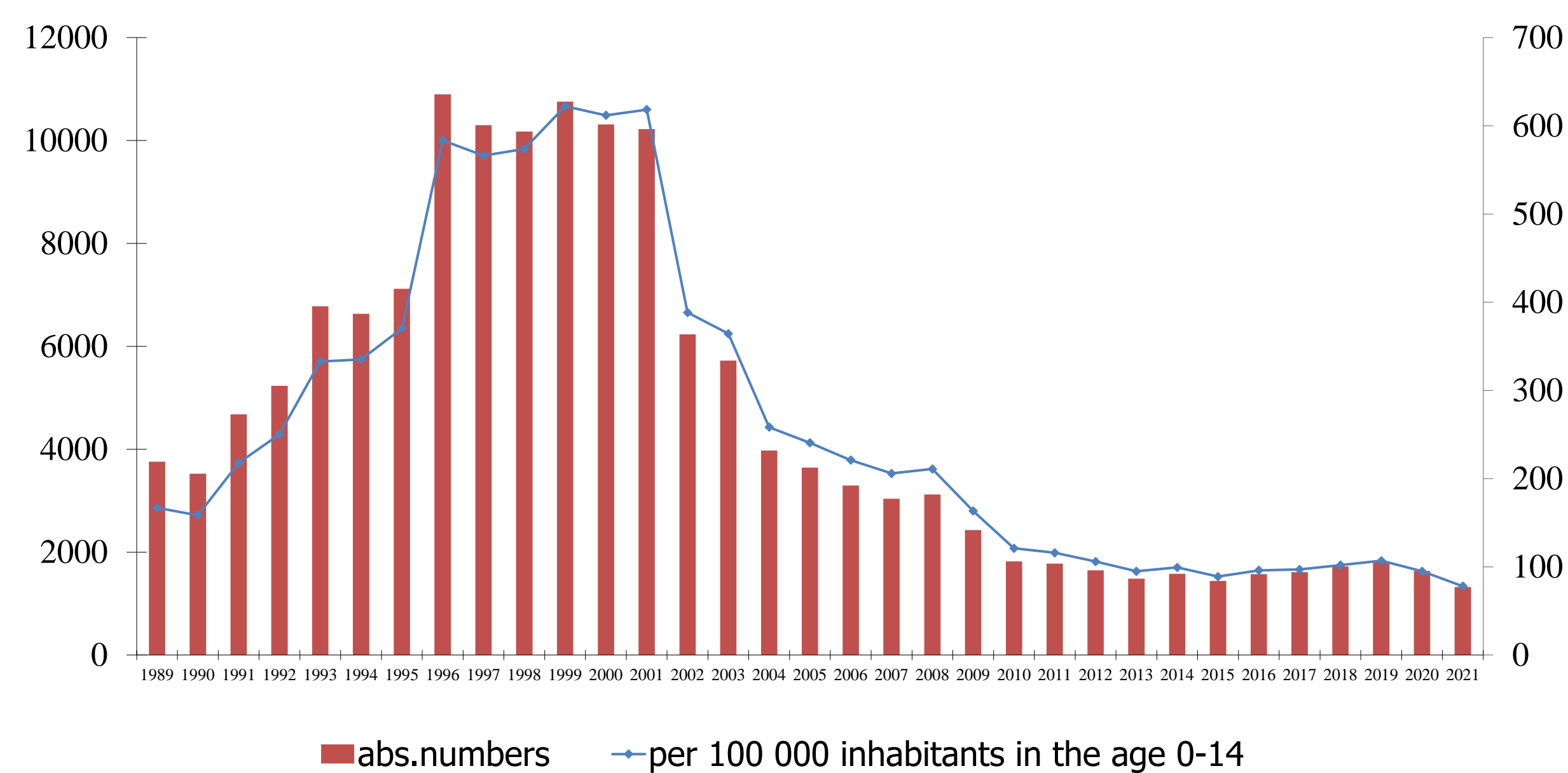
# Minimum age of criminal responsibility from the perspective of the public and practitioners

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Since 1950, the minimum age of criminal responsibility (MACR) in the Czech Republic has been associated with the completion of **15 years of age**. However, there has been a long-standing debate about whether the MACR should be lowered. In the 1990s, the need for such a step was justified by the sharp increase in the number of criminal acts committed by children. In opinion polls at the time, 70% or more of citizens were in favour of lowering the MACR and many experts have also called for such a change in the law. Since 2000, however, the crime rate for children under 15 has been falling, or relatively stable since 2010 (see **Graph 1**). In addition, since 2004, mandatory civil proceedings have been conducted in cases of children who commit otherwise criminal acts, where educational measures can be imposed. Nevertheless, the MACR has been a recurring theme for experts, practioners, politics and the public, particularly in relation to cases of serious violent crime, which, although totally exceptional, attracts a great deal of media attention.

As part of a broader research carried out by the Institute of Criminology and Social Prevention in 2020–2023 and focused on crime committed by children under 15 years of age we decided to find out what are the current opinions and attitudes towards this issue. A question on the possible lowering the MACR was included in the questionnaires for judges (from youth courts), prosecutors, probation officers (youth specialists), social workers from child welfare authorities and staff of educational institutions (working with children with behavioral disorders). In addition to the opinion on MACR itself, we were also interested in any reasons why the respondent would propose a lowering the MACR. We also managed to include the same topic in the 2021 omnibus public opinion survey using a representative sample of Czech citizens. We were interested in whether public knows MACR and what age people would consider appropriate. **Table 1** provides a brief description of our samples.

Graph 1: Investigated children under 15 in pre-trial proceedings in 1989-2021



Source: Statistics of public prosecutor offices, Ministry of Justice

Table 1

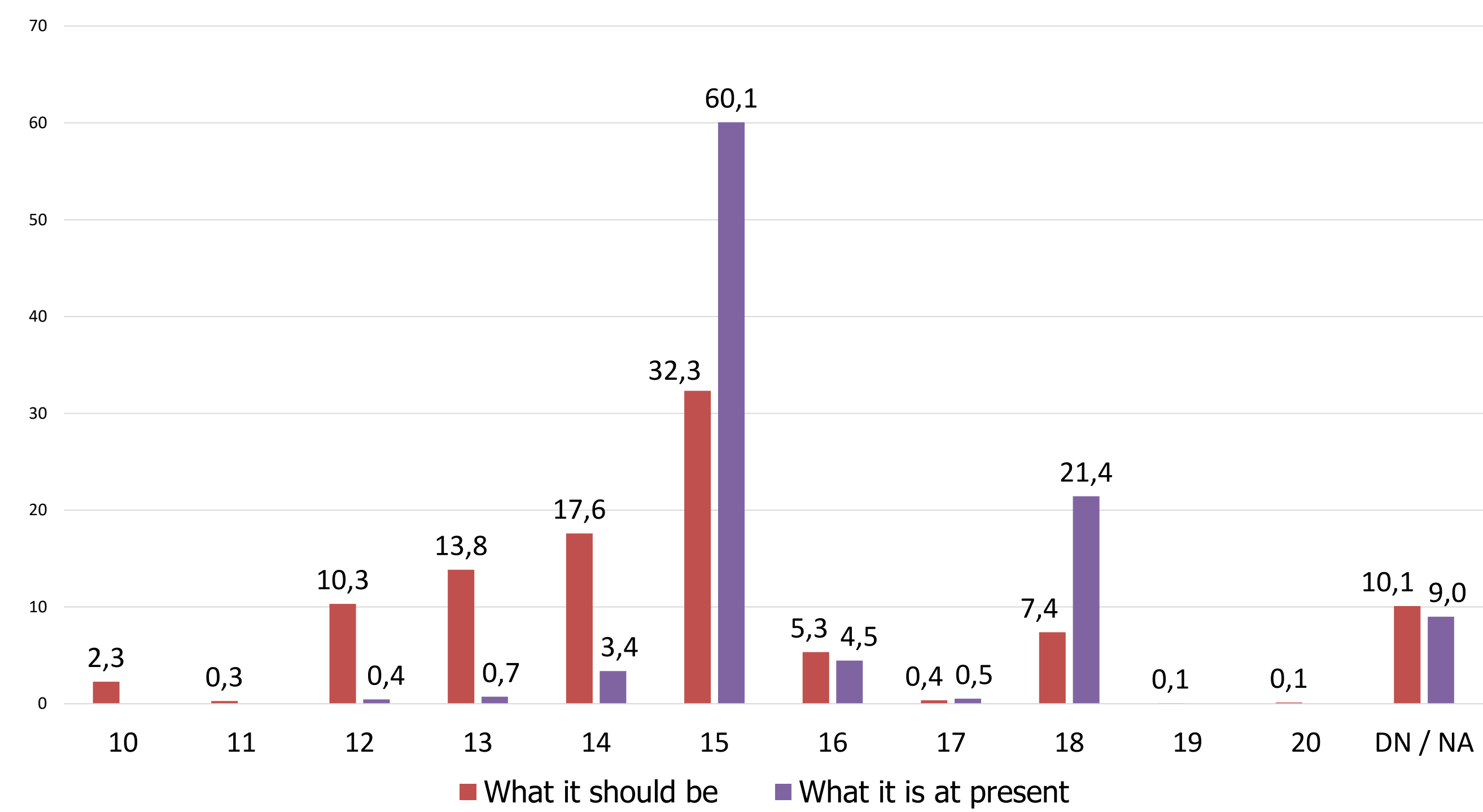
	Number	Year of data collection
Public	1.015	2021
Judges	33	2022
Public prosecutors	85	2022
Probation officers	66	2022
Social workers	243	2022
Educational staff	63	2021

## General attitudes towards MACR

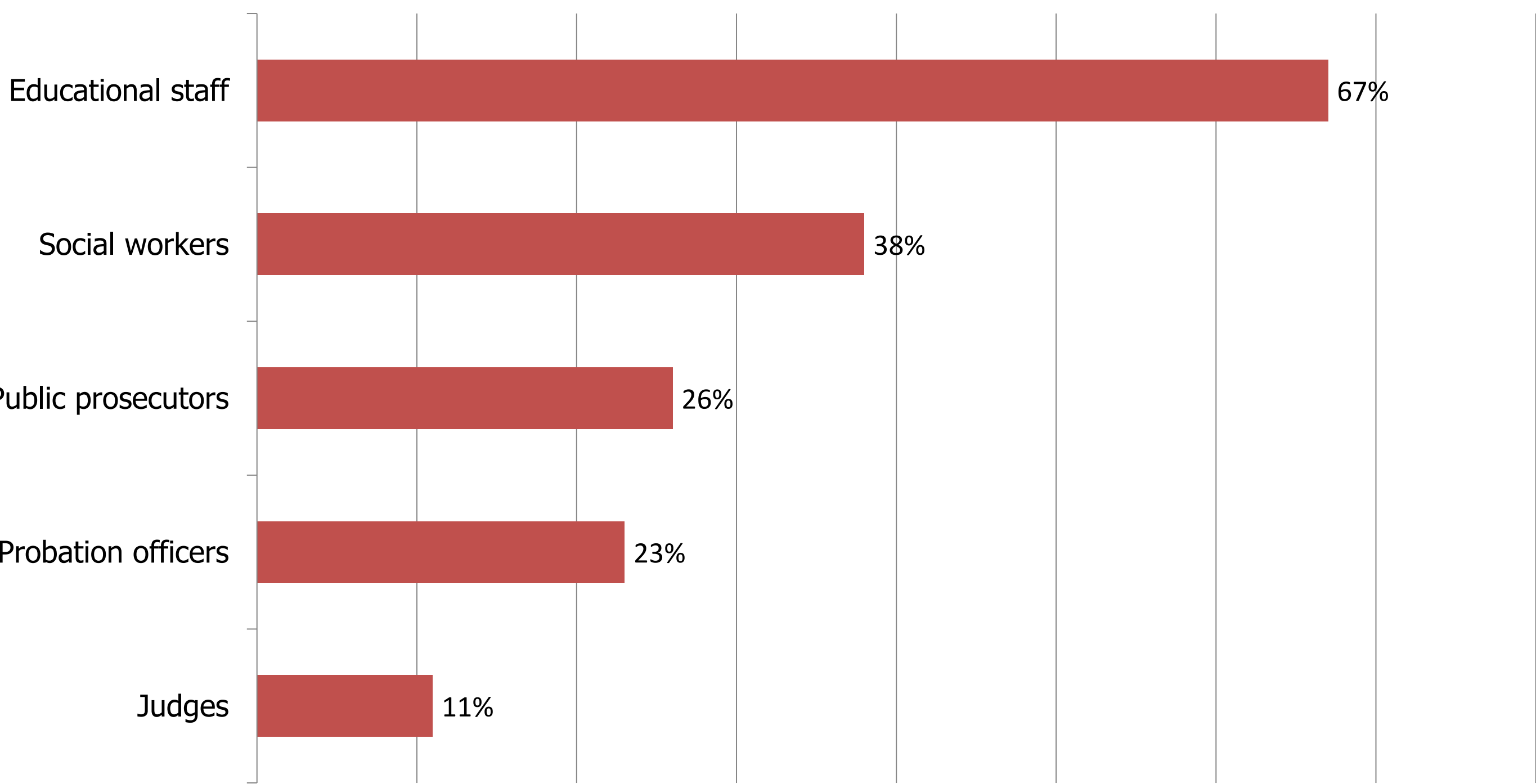
**Graph 2** shows the distribution of answers for the Czech public, both for knowledge of the actual MACR and opinion about appropriate age. Almost two thirds of the respondents (60%) stated the correct MACR in the Czech Republic, which is set at 15 years of age. One fifth (21%) likely confused the MACR with the legal age, which is 18 years of age. 9% did not know or refused to answer. With respect to public preferences towards the MACR, almost half of the respondents (46%) were in favour of maintaining or even raising the MACR. However, almost the same proportion of respondents (44%) would set the MACR to 14 years of age or lower. Every eighth respondent considered the age of 12 to be an appropriate.

**Graph 3** presents the practitioners' views. The highest proportion of those in favour of lowering the MACR was among the staff of protective education institutions (67%) who proved to be even more punitive than the Czech public. The lowest proportion was among judges (11%). If a respondent suggested a lowering the MACR, it was most often at age 14. Not to be overlooked, however, among the proponents of a lowering in the group of educational staff, there were about 20% who would set the MACR at 12 years.

Graph 2: Minimum age of criminal responsibility from the public's perspective (in %)



Graph 3: Proponents of lowering MACR (in %)



## Main reasons for lowering MACR - from practitioners point of view

As **Graph 3** shows, most practitioners would not lower the MACR. For those who held the opposite view, we asked an open-ended question about the reasons why they considered it important to lower the MACR. We then subjected all the responses to analysis, which revealed that there are **four main sets of arguments**:

### 1. Youth crime is on the rise

Although the statistics clearly show a decline in crimes committed by children, a significant number of practitioners see the trend in the opposite direction. They are therefore convinced that the situation needs to be addressed, as the number of offenders under the age of 15 is increasing year by year.

### 2. Today's children are more mature than children used to be

By far the most widely cited reason for lowering the MACR was that today's 13- or 14-year-olds should be seen as individuals who are fully and clearly aware of what they are committing. They should therefore be held fully accountable for their acts. What is somewhat surprising from a psychological or criminological point of view is that some practitioners automatically associate the current moral maturity of children with the Internet and social media, assuming that thanks to them, children know clearly at a very early age what the law allows them to do and what it does not.

### 3. Deliberate abuse of impunity

The belief that today's children have sufficient knowledge of what behaviour is and is not allowed at their age has often been coupled with the view that some individuals deliberately abuse their impunity. They consciously calculate that the measures they face under the Youth Justice Act are considerably more lenient than the penalties for those who have reached the age of 15. Some respondents apparently believe that lowering the MACR would deter this group of young offenders from committing crime.

### 4. Non-functioning system

Some practitioners justified their desire to lower the MACR by the shortcomings they perceived in the system of dealing with offenders under the age of 15. This was usually a specific comment, tied to the work of the staff member concerned. For example, some probation officers were concerned that if he or she supervises a child under the age of 15 and the level of cooperation is poor, the child faces essentially no real sanction. Similarly, the staff of protective education institutions complained that the effect of the protective measures is limited by the recurrent escapes of children, which are very difficult to prevent. There were also relatively frequent complaints that the state does not pay enough attention to crime prevention, especially work with families at risk and the leisure time of troubled youth. Similarly, some respondents pointed out that the state's response to delinquent behavior is often lengthy and burdened with unnecessary bureaucracy.