

STATES OF JERSEY



YOUNG OFFENDERS: NAMING BY THE MEDIA (P.148/2009) – AMENDMENT

Lodged au Greffe on 14th October 2009
by Senator B.E. Shenton

STATES GREFFE

PAGE 2, PARAGRAPH (a) –

For the words “from the age of 12” substitute the words “from the age of 16”.

SENATOR B.E. SHENTON

REPORT

I congratulate Deputy Trevor Pitman on writing a very readable report and I can fully understand exactly what he is trying to achieve. However I believe that the age of 12 is too young because you need the maturity to know the difference between right and wrong, and also the consequences of actions. I know of many cases whereby youth have committed crime out of sheer stupidity or naivety rather than through malicious intent. In some instances they have fallen victim to peer pressure and not really understood what they were doing or the implications of it. Furthermore you have to consider who you want to educate. The objective must surely be to educate, through punishment or sanction, in order that the offence is not committed again. And whilst naming a 12 year-old may educate that person who committed the crime what impact does it have on the parents? By naming their offspring you could be accused of punishing the family for something out of their control, without any element of education being in place to justify that punishment.

Be careful what you wish for

So why 16? Two years ago we agreed, despite my protestations, to give the vote to 16 year olds as they were mature and responsible young adults. There is no doubt that children today do grow up quicker – and have more freedom. With this freedom and maturity comes responsibility – responsibility for their actions.

It is ludicrous that a youth of 16 can undertake premeditated crimes knowing that he cannot be named, or the conviction passed into the public domain. I reproduce below some of the comments from the Hansard of the debate to lower the voting age. I fully expect those that supported the reduction in the voting age to support this proposition if amended.

If we are saying that 16 year olds are mature enough to vote then logically they must be mature enough to take responsibility for their actions. In the U.K. youths age 16 have been named (see Appendix for an example) despite the fact that the legal age for naming remains at 18. It would appear to be only a matter of time before the U.K. moves this age lower – albeit you still need the maturity of an 18 year old to vote!

EXTRACT FROM OFFICIAL REPORT - WEDNESDAY, 4th JULY 2007

Public Elections: Reduction in Voting Age to 16 – P.63/2007

Deputy C.F. Labey of Grouville:

“Having researched this subject, read up about voting reform of this kind, visited schools, the youth forum, listened to the Youth Assembly, spoken to and debated with students, I am now firmly of the opinion that we should most certainly reduce the age to 16.”

“Probably one of the worst arguments I have heard for denying our young people the vote is because they are supposedly not knowledgeable or educated enough or interested in voting.”

Senator M.E. Vibert:

“We do not let them drive a car - no - but we do let 16 year-olds join the Armed Forces and get married, which seem fairly responsible things to allow 16 year-olds to do; to fight for their country and get married. I think the question of maturity is a state of mind not age. You will have some 16 year-olds who are far more mature in their outlook and their development than 18 year-olds.”

3.1.5 Deputy P.V.F. Le Claire of St. Helier:

“So at the age of 16 I joined the Royal Marines and that decision to join the Royal Marines was based upon the fact that I wanted to, one day, have the CV with that on so that I could put myself forward for public office.”

“Most of the young people these days have a wealth of knowledge that far exceeds that of their grandparents thanks to the modern forms of communications that I mentioned.”

Deputy J.J. Huet of St. Helier:

“The reason is, Sir, that I got married at 16 and so I have been there, seen that, et cetera, et cetera. I know that my poor husband is still moaning that he is on his third life sentence with no time off for good behaviour but I can always remember, Sir, what I always thought was the unfairness of 3 ages that used to exist. That was the 16, 18 and 21 for rules and regulations, but please let me explain further. One could get married at 16, with your parents’ permission. But if they refused because they thought you were too young, one only had one alternative. You could elope.”

“Well, I guess, as we have now reduced the age of consensual sex and if we reduce the age of voting, the smoking and drinking - we only put it up a short while ago - will, as night follows day, shortly follow and reduce to 16. Well, the Treasury, I should imagine, will be happy as there will be more import duty to pay and we all know that young people like to experiment so that will be one extra income. What else could we do? Well, at the moment we have juvenile courts, up to the age of 18, but that can reduce to 16. If they are old enough, as said before, to vote, they must be also responsible for criminal offences and be named publicly and, of course, they will be able to go to prison at 16 instead of a remand home. So there is another saving, this time for Home Affairs. What else will we be able to recoup funds on? Well, there is Housing. At the moment, when a young person reaches 18, the rent gets increased for the family but that would drop to 16.”

Connétable K.P. Vibert of St. Ouen:

“Generally 16 year-olds that I speak to are well mature. They are well informed.”

Deputy G.P. Southern of St. Helier:

“In terms of the commitment as well, you listen to most 16, 17, 18 year-olds. They are fantastically committed to all sorts of things. You talk to them about green issues, about the environment - bang. Half an hour later they will still be talking at you, some of them will. Talk to them about racism: for and against, whatever, but as an issue. Talk to them about discrimination. Talk to them about the bus service and, again, expect another 20 minutes. Yes. Of course they are committed.”

Deputy J.A. Martin of St. Helier:

“If you are mature enough to do a lot of the things that they are allowed to do and we are educating them well enough in the political system we want them to be able to engage and once they vote that first year, like myself, I have never missed, even when I first came to Jersey I found out what the system was and I voted and I have always voted because people gave me the right to do it. I will not deny 16 year-olds that same right.”

Deputy S. Pitman of St. Helier:

“As someone who has worked with young people and in doing so I helped to organise a political question time for young people a few years ago, States’ Members who attended that event will know that the young people that were there were vociferous, courageous and informed on political issues. These young people knew more about real life and political issues than many adults and some Members in this House.”

“Sir, if a 16 year-old can choose to hold a fulltime job and subsequently pay taxes, if they can choose to have a family and if they can choose to get married, surely they should be given the right to vote. 16 year-olds deserve to be given the responsibility of having a vote and with that, Sir, a voice.”

Senator P.F. Routier:

“I think what we need to think about is whether the young adults at 16 have the ability to make a choice, and I have reflected back to our previous laws which did not allow people with learning disabilities to vote. I campaigned to get that law changed. People with learning disabilities perhaps may not have the skills as much as people of age 16 and they have the right to vote and I believe that is appropriate. They are part of the community, they do need to have services which they require and they make their voices heard, and it is important that they were given that right to vote on issues which related to them. So, I believe that a 16 year-old could and should have that right to vote as much as anybody else within our community.”

Deputy J.G. Reed of St. Ouen:

“Let us get our act together and then and only then, when we have a system where people do want to get out and vote, then let us empower these youngsters.”

Connétable A.S. Crowcroft of St. Helier:

“I think young people have changed and certainly in my relatively recent experience of teaching there are a number of 16 year-olds who will benefit from the ability to vote”.

Deputy J. Gallichan of St. Mary:

“Some people have questioned are our 16 year-olds intelligent, bright, committed enough to take part. Well, for me that is not an issue. I have seen them at work, I have participated in the citizenship programme, our kids are interested and they are becoming engaged.”

Senator P.F.C. Ozouf:

“Over the last few months I have continued to visit schools. I went to a Victoria College politics class with 16 and 17 year-olds a few weeks ago, and was seriously impressed by the level of knowledge and engagement and a couple of people have made some fairly condescending speeches about our young people and their ability to be told about what they can be told and what to think. These young boys at Victoria College very well knew what was going on in politics and would make very well-

informed decisions. I went to Hautlieu a couple of weeks ago and was really impressed by the maturity of our young people. Sixteen is a turning point in people's lives. Life is stretching, we are living longer but we are also becoming older, younger. Sixteen is the age at which you can choose to marry. You make a number of personal decisions or legally you make a number of personal decisions at 16. You can work and you can pay tax. I have a guiding principle that with rights come responsibilities. We are asking our young people to take more responsibility in their lives for their education and those responsibilities now start at 16.”

POUR: 25

CONTRE: 21

ABSTAIN: 0

Senator T.A. Le Sueur

Senator L. Norman

Senator P.F. Routier

Senator F.H. Walker

Senator P.F.C. Ozouf

Senator T.J. Le Main

Senator F.E. Cohen

Senator B.E. Shenton

Connétable of St. Ouen

Senator J.L. Perchard

Connétable of St. Mary

Connétable of St. Peter

Connétable of St. Clement

Connétable of Trinity

Connétable of St. Helier

Connétable of St. Lawrence

Connétable of Grouville

Connétable of St. Brelade

Deputy R.C. Duhamel (S)

Connétable of St. Martin

Deputy A. Breckon (S)

Connétable of St. John

Deputy P.N. Troy (B)

Deputy J.J. Huet (H)

Deputy C.J. Scott Warren (S)

Deputy of St. Martin

Deputy R.G. Le Hérissier (S)

Deputy G.C.L. Baudains (C)

Deputy J.A. Martin (H)

Deputy S.C. Ferguson (B)

Deputy G.P. Southern (H)

Deputy of St. Ouen

Deputy P.J.D. Ryan (H)

Deputy of St. Peter

Deputy of Grouville

Deputy G.W.J. de Faye (H)

Deputy J.A. Hilton (H)

Deputy J.A.N. Le Fondré (L)

Deputy P.V.F. Le Claire (H)

Deputy of Trinity

Deputy D.W. Mezbourian (L)

Deputy K.C. Lewis (S)

Deputy S. Pitman (H)

Deputy of St. John

Deputy I.J. Gorst (C)

Deputy of St. Mary

Financial and manpower implications

There are no additional financial or manpower implications arising from this amendment.

Schoolboy, 16, on the run with a price on his head after ‘gangland execution’ of another pupil

Daily Mail – 18th August 2009

Like other boys his age, 16-year-old Moses Mathias should be eagerly anticipating his GCSE results.

Instead, he is being hunted for the murder of another schoolboy.

In a groundbreaking move, police have put out a poster of the boy and placed a £15,000 bounty on his head. Police believe it is the first time a child has been named as a prime suspect on a wanted poster. And in another pioneering step, police beamed the giant ‘electronic’ poster on to buildings in Manchester city centre yesterday.

Mathias, from Manchester, is being hunted for the killing of 16-year-old Giuseppe Gregory in May. Giuseppe, who lived in Ardwick with his 36-year-old mother Samantha and stepfather, was shot in the head in a pub car park late at night in what police fear was a bungled drug deal. At the time his mother said: ‘Giuseppe was my only child, my little boy, and no words or statement will ever sum up what he meant to me or what I have lost.’

Yesterday, Detective Superintendent Paul Rumney, of Greater Manchester Police, said: ‘We are so keen to speak to Moses that we have taken the unusual step of naming a boy who is under 18, and we are offering a reward to anyone who can tell us where he is staying – that’s all you need to do. ‘You will not have to give evidence in court. Nobody need know who you are.’

Mathias – who has distinctive tattoos on his left arm – may be in Greater Manchester or the Midlands, where he has connections.”