



## CR Art. 8

# Age of Criminal Responsibility and Capacity

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## TITLE 01 — GENERAL PROVISIONS · CHAPTER 03 — CRIMINAL RESPONSIBILITY

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- 1** The minimum age of criminal responsibility under Kaharagian law is fourteen years. No person who had not attained the age of fourteen at the time of the commission of the alleged offence may be held criminally responsible, prosecuted, or subjected to any criminal sanction.
  - 2** A person who had attained the age of fourteen but had not yet attained the age of eighteen at the time of the commission of an offence is criminally responsible, but the following special provisions apply:
    - a. Proceedings against such a person shall be conducted with due regard to the person's age, maturity, and best interests, and shall prioritise rehabilitative and educational measures over punitive sanctions.
    - b. No sanction imposed on such a person shall exceed one half of the maximum sanction that would be applicable to an adult convicted of the same offence.
    - c. Public censure of such a person shall not include the publication of their name or any identifying particulars, unless the competent authority determines, in exceptional circumstances and with stated reasons, that disclosure is necessary for the protection of the public.
    - d. The competent authority may, in lieu of or in addition to any sanction, impose rehabilitative measures including mentoring, educational programmes, supervised community engagement, or such other measures as are appropriate to the circumstances of the case and the needs of the person.
  - 3** Full criminal responsibility attaches at the age of eighteen, being the age of majority as established by [Article 9](#) of the Civil Code.
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- 4 A person who, at the time of the commission of an offence, lacked mental capacity within the meaning of [Article 12](#) of the Civil Code is not criminally responsible if, by reason of that incapacity, the person was unable:
- to understand the nature and consequences of the act or omission; or
  - to control their conduct in conformity with the requirements of law.
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- 5 Where there is credible evidence that a person may have lacked mental capacity at the time of the offence, the competent authority shall ensure that an independent assessment of the person's capacity is conducted before proceedings may result in a finding of guilt.
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- 6 A person who, at the time of the offence, had diminished mental capacity — that is, the person's capacity to understand the nature of the act or to control their conduct was substantially impaired but not wholly absent — remains criminally responsible, but the competent authority shall take the diminished capacity into account as a mitigating factor in determining the appropriate sanction.
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