

LAW IRE PROGECT

**My Topic: The right age that can be
charged with the criminal offence.**



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A Brief Introduction To My Project



1. Why chose this topic?

When choosing this topic, I was influenced by Vic Toews's report (Vic **Toews** is the Member of Parliament MP for Provencher and the Minister of Justice for the Government of Canada). In his report, he expressed his opinions about youth crime. He said it is necessary to lower the age of criminal responsibility. This reminds me to look back to all the records for youth crime of Canada in the past 5 years. From the data, I found there is an obviously phenomenon, that is, the age of youth crime is getting lower and lower than before. So here comes the question: do we need to set a new age for young people to commit an offence? And later on I read a piece of news on BBC. In the news the reporter pointed out England and Wales used to set the age to commit an offence at the age of 10. But later the public started to argue about the age. Most of them think they should move the age up to 14. So we can see now there are two opposite sides of arguments about the age issue of criminal responsibility. For myself, I personally think the government of Canada should lower the age of criminal responsibility. As a result I got my topic for IRE project, that is, to find out the reasonable age of criminal responsibly.



2. How I “designed” my thesis statement?

Based on my research, I think that my main focus should be on the right age barrier for young people to commit an offence. As we know now the Youth Criminal Justice Act governs the actions of young people aged 12 to 18. There is a presumption that a child under the age 12 cannot form the mental element of a criminal offence, and therefore they cannot be charged with a criminal offence. But the thing is that we can see nowadays many youth crime cases happen in younger kids group more often. So for this reason, I think I am going to challenge the age barrier that the government of Canada set for youth crime. Then I come up with my thesis statement, that is-----

The criminal law states that children under 12 cannot be charged with the criminal offence. This age is now inappropriate due to the lowing of the age of maturity.



3. How I went on designing my questions?

In order to support my thesis statement, I think my questions should be mainly focus on the age issue in my survey. The most important thing is that my questions should be acceptable to each age group. To get result, my questions can lead my sample group to really understand my statement little by little. And I want to let them know the phenomenon that the age of youth crime cases are getting lower is because of lowering age of maturity.



4. A critique of my questionnaire

For my questionnaire, I think the questions are sometimes not really clearly to the public. So as a result some people get confused when they are doing the surveys. And also some statements are not strong enough, that makes some people are not really agree with your ideas. If I get a chance next time to do this kind of project, I think I will make my questions and statements more powerful and clearer in order to get the kind of result that I really want based on my thesis statement.

Now let's go on the trip to youth crime!!!!



The RE Project

1. Background information

The Youth Criminal Justice Act governs the actions of young people aged 12 to 18. There is a presumption that a child under the age 12 cannot form the mental element of a criminal offence, and therefore they cannot be charged with a criminal offence.

2. My thesis statement

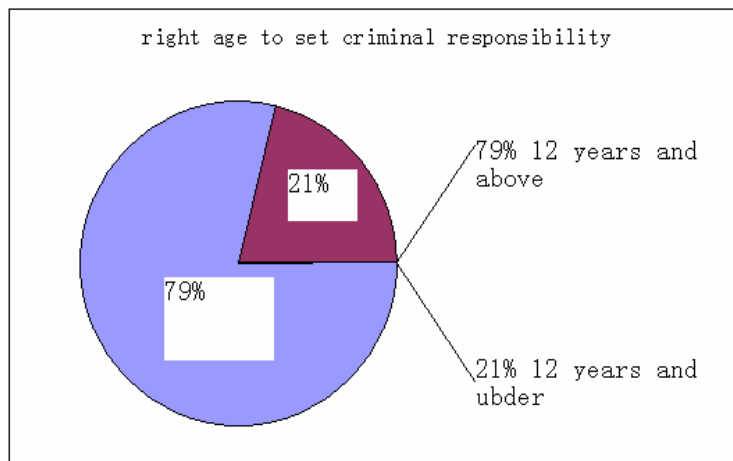
The criminal law states that children under 12 cannot be charged with the criminal offence. This age is now inappropriate due to the lowering of the age of maturity.

3. Analysis

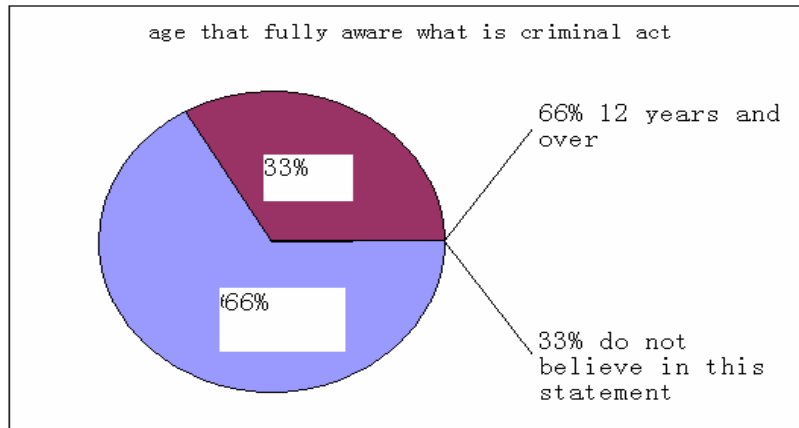
a) Results of my questionnaires

In order to do this report, I did 30 pieces of surveys in four different age levels. They are 12 years and under, 12-15 years, 15-25 years and 25 years. 50% of them are female and 50% are male. They do come from different ethnic backgrounds like European, Caucasian, and Oriental and so on. Based on the 30 surveys, we can find out the following results:

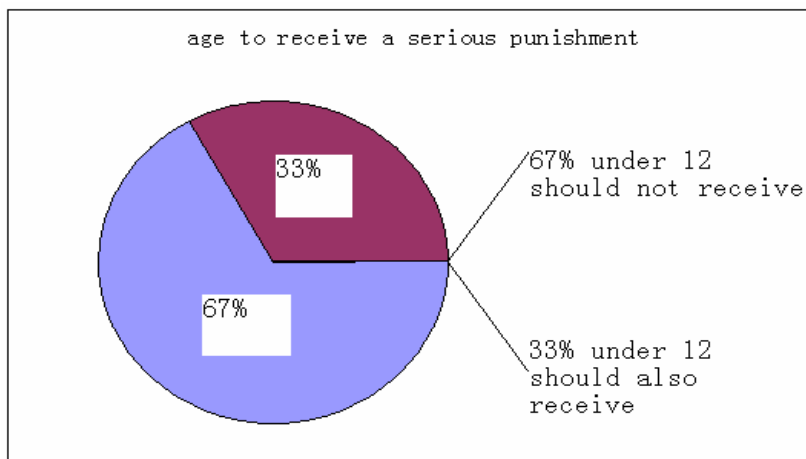
- 1) 79% think that 12 years and above is the right age to set criminal responsibility.



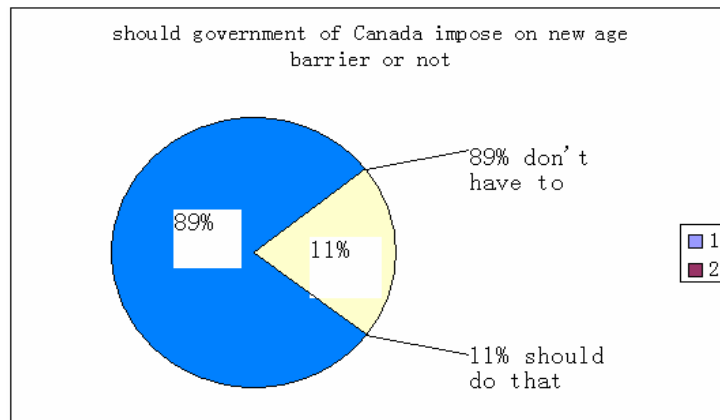
- 2) 66% somewhat believe that a child of 12 years and over is fully aware of what a criminal act is while 33% do not believe in this statement.



- 3) 83% believe that a child under the age of 12 years is at greater risk of committing a crime because the influence of using TV and Internet while others believe in the influence of books and magazines.
- 4) 67% think if a child under the age of 12 commits a crime, they should not receive a serious punishment, but at the same time they believe the most important thing that the government should do is to help those kids to develop a sense of personal responsibility for their misbehaviors. And also they believe in detention a youth criminal receive the greatest help.



- 5) 89% state that law of government of Canada doesn't have to impose on new age barrier. (P.S. the old age barrier is from 12 to 18). The reason is because there are always generally reasoning behind the crime like the influence of TV, family problems, school problems and so on. Most of the people strongly believe children still have the ability to change and shouldn't be treated like adult criminals.



b) Analysis based on the results

Young people who commit crimes have been treated differently than adult criminals since the beginning of the 20th century. But there always have discussions about the right age barrier that set for youth crime punishment. The most important issue in youth crime punishment applies to whether the government should set the age barrier earlier or not. Based on my own IRE, I thought the government of Canada should lower the age barrier for youth crime due to the lowing of the age of maturity. Say, for instance, Jon Enables and Robert Thomson in England, both 10, convicted of 1993 murder of two-year-old James Bulger. But after I did the 30 surveys, I found in fact most people think 12 years and above should the right age barrier. I was kind of surprised at this result. After this, I did some researches on the age barrier for youth crime of different countries; I found most countries set this age above 12 years.

Even England and Wales set the age barrier under 12 years, but now the government is being urged to raise the age of criminal reasonability in England and Wales from 10 to 14(according to BBC news, 2005). The following list shows the age barrier of different countries.

Age of criminal responsibility

England and Wales: 10
 France: 13
 Canada: 12
 Russia: 14
 Italy: 15
 Germany: 14
 Japan: 14

Facing to all the results and facts, I start to question myself, why people don't want to lower the age barrier even the lowering of the age of maturity happens now??? Is it because people still show big sympathy on young people who commits crime or it is other reasons that make people still think 12 years or above should be the right age??? So I am starting to search answers for all these questions.

I read a lot of statements of youth crime written by psychologists, police, I found that most of them state that young people are still developing their moral character, society believes that there is a greater chance that they can be rehabilitated. According to the results of my surveys, we can see that actually most of the people think people often do rash things when they are young. No matter is because of their family backgrounds or other problems, no one really want young people to go through life with the stigma of "criminal" attached to them. But this does not mean young people should escape from proper punishments. At the same time, punishment is not only purpose for youth criminal, the most important thing is to teach the children how to behave better, and what are the right things to do while others are not. If you don't given then the right things to do, they are just going to go on going the same things they did before.

The criminal law states that children under 12 cannot be charged with the criminal offence. But in my thesis statement, I argued with the law because I first think this age is now inappropriate due to the lowering of the age of maturity. Before I did the surveys, I believe when the kids are young, right is what their mothers tell them is right. And also because of the lowering age of maturity, I think even kids under 12 today can understand more things than before due to family backgrounds, the influence of TV and so on. But after I did my surveys and researches, I start to wonder: Can children really understand the difference between right and wrong? According to Chartered clinical psychologist Emma Citron, who works with youth offenders, she says: "Although nowadays we have the lowering age of maturity, there is still a big difference between children aged 10 and 11 and those aged 13 or 14. Really young people tend to get into trouble for shoplifting and petty crimes- and there are also sexual offences like pulling another child's trousers down. If they are 10 or 11 years old, I would view it as a warning sign and I would want them to undergo some simple cognitive therapy- trying to get them to see their actions from other people's points of view. If they are 13 or 14, then I would be seriously concerned. I would be expecting

then not to be acting like that any more.” From her words, we can easily see there is a fact that young people specially under the age of 12, they do not have fully formed brains and cannot be held responsible for criminal behavior in the same way adults. Although sometimes that you feel they behaved like adults, it is not because they really can tell what is right or wrong. They just get influence by their families, schools, TV and video games. The part of brain linked with planning, decision-making, aggression control is stilling forming at this time. It means actually they do not have the ability to make a proper decision for what is right or wrong.

There is no doubt that there are serious issues of criminal behaviors in the under-12 age group. The important thing we should notice is that the reasons cause their criminal act. Through the observation, I found out young people who have criminal acts aged 12 or under share some common traits. A composite profile shows that they are likely to be poor, abused and perhaps bored. For the vast majority, it’s poverty and a lack of family structure. Numbers of the kids are the products of abuse, and they have themselves become abusive. So from here we can see family plays a really important role in youth criminal act. Family background really influences the kids a lot since they were young. If the parents set good examples for the kids, they would have good attitude toward their lives. But if kids didn’t receive god family cares, it would easily make them to change in many ways. And also when kids are watching TV or playing video games, parents should always pay attention to what they are watching or playing. If they didn’t put enough attention on them, kids would be influenced by some garbage information. What the parents need to do is to give them right instructions.

OFFENDERS UNDER 14

Jon Venables and Robert Thomson, both 10, convicted of 1993 murder of two-year-old James Bulger

Mary Bell, 11, found guilty in 1968 of the manslaughter of two small boys

Brothers Danny, 12, and Rickie Preddie, 13 when they killed Damilola Taylor in 2000

Young offender dilemma

“There is no doubt that there are serious issues of criminal behaviour in the under-16 age group and it is something we must tackle”

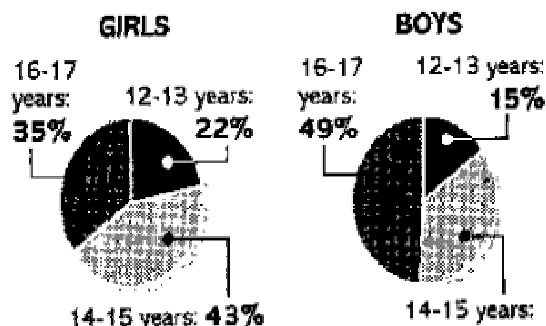
Margaret Curran
Communities Minister

Some related quotations from BBC News

The other thing we should notice is that the rates of youth crime between girls and boys. The following diagrams show the comparison between girls and boys about youth crime.

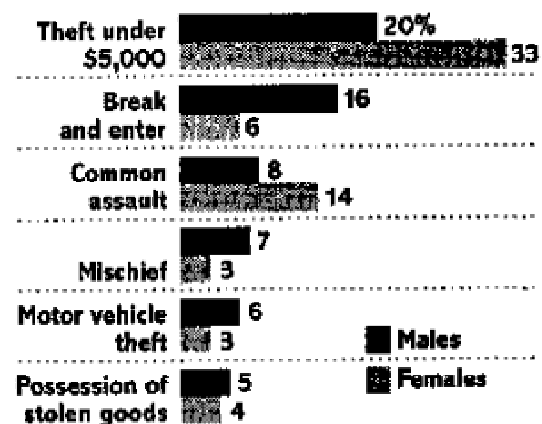
YOUTH CRIME: COMPARING GIRLS AND BOYS

Of girls aged 12-17 charged with a criminal offence in 1997, 14- and 15-year-olds make up the largest part. Among boys, by comparison, 16- and 17-year-olds make up the largest part.



Source: Statistics Canada

Breakdown of those charged, by crime



The Globe and Mail

From the diagram we see that boys do more crime and more time, and they are more likely than girls to do wrong again. We may ask why. Based on all the records and researches, we find an awful lot of this has to do with the media, especially like TV programs and video games. And from the age 12 to 17, boys are really easily get influenced by all these things. And the most important thing is that nowadays, there is violence occurring in more and more TV programs and video games, we can see episodes like kid stabbing another or shooting another more easily. So this means all these things already had big impact on teenage boys. Once the other family members cannot give them right instructions on time, tragedy will happen. May be young boys actually did not really know what is violence, but they just thought what the people did in TV or video games were so cool, and they wanted to try as well. So for this reason, guidance should pay attention to what the boys are watching or playing all the time to avoid bad influences on the boys.

4. My conclusion

Based on my surveys results and my analysis, I find out my statement about lower the age barrier for youth criminal law does not work. But it doesn't mean if a child under the age of 12 commits a crime, we don't have to pay highly attention on that. In contract, we should view this as a really serious issue. But we treat it differently from adult criminals. Because young people are still developing their moral character, society believes that

there is a greater chance that they can be rehabilitated. And they don't have the ability to tell what is right and what is wrong. They are easily get influenced by bad information if no one can guide them and help them. The most important thing is to teach the children how to behave better, and what are the right things to do while others are not. I believe if we can treat the kids who have criminal acts properly, they would surely make a difference in the future. And they will become better men.

5. References

- 1) The Youth Criminal Justice Act
- 2) Criminal Justice's youth dilemma by Joe Boyle, BBC News, 2003
- 3) Youth Criminal Justice: changing the law on young criminals, CBC News, 2006
- 4) Statistics Canada (2000), Youth Court Statistics
- 5) Calgary Finds solution to Youth Crime, CBC News, 2000