



## CHAPTER 8

### CHILDREN WHO NEED EXTRA PROTECTION



STATE OF CHILDREN'S RIGHTS IN SCOTLAND 2019

#### WHAT IS THIS CHAPTER ABOUT?

This chapter looks at some children who need extra help and protection. This includes children who have been forced to leave their country because it's not safe for them, child soldiers and children that the police need to talk to. One of the things the chapter looks at is how old a child must be before they can be found to have committed a 'crime'. This is sometimes called the 'minimum age of criminal responsibility'.

#### WHAT DID THE COMMITTEE SAY?

The Committee said that it's not fair to call young children 'criminals' as this can affect their lives and future. It said that young children are still learning about what's right and wrong, and that only children who are 14 or older should be seen as able to commit a crime. The Committee suggested Scotland should change the law to match this.

The Committee also said that children who get in trouble should be treated differently and away from adults. If the police need to talk to a child, the child should be held for the shortest time possible.

#### WHAT HAS SCOTTISH GOVERNMENT DONE?

The minimum age of criminal responsibility has been 8 years old in Scotland for a long time. A child aged 8 or older who has done something harmful could be found to have committed a crime and get a 'criminal record'.

Scottish Government realised that people thought 8 years old was too young to say a child was a criminal. It made a new law that will increase the minimum age of criminal responsibility from 8 to 12. This means that if a child under 12 does something harmful, it will never be considered a crime. It will still be taken seriously though – there will be an investigation and the child will be given extra support to help them with any problems they are having that might have caused them to act the way they did.



## ★ ★ WHAT DO CHILDREN THINK?

Children have said that they think 8 years old is very young and it might not be fair to treat children around this age as criminals – they might not understand what they have done or might have other things going on in their lives which might have made them act this way.

"at the age of 8 some kids don't understand right from wrong and the police should understand the background of the child as I believe every action is caused by a situation in their life."

## WHAT DOES TOGETHER THINK?

Any child who gets into trouble should be treated with dignity and respect and in a way that recognises their young age. Children who do harmful things usually have other things going on in their lives and need support.

Together is pleased that Scottish Government is raising the age to 12 but doesn't think this goes far enough.

## WHAT'S NEXT? ★ ★

Scottish Government's new law will raise the minimum age to 12 – the Committee says this isn't high enough and that Scottish Government should raise the age to at least 14. Scottish Government has said it will think about this and has set up a group of experts.

## WHAT ELSE IS TALKED ABOUT IN THIS CHAPTER?

- Children who are forced to leave their country, for example because of war
- Child soldiers and recruitment to the army

If you want to see the full chapter, you can find this [here](#).

