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Nicola Sturgeon MSP  
The Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

30<sup>th</sup> January 2019

Dear First Minister,

### **Age of Criminal Responsibility (Scotland) Bill**

We welcome your statement during First Ministers Questions on 24th January 2019 that the Scottish Government will continue to listen to views and evidence presented on the Age of Criminal Responsibility (Scotland) Bill.

As you know, very many organisations and individuals have been urging the Scottish Government to raise the age of criminal responsibility to at least 14 years old, in line with European and soon-to-be international minimum standards. We believe that not to do so would be a missed opportunity and would be out of step with the Scottish Government's positive and welcome approach to human rights. We acknowledge that there is still a view among some that additional work needs to be conducted. As such, we urge the Scottish Government to amend the bill to provide for a comprehensive time limited review so that this work can take place. Reflecting the evidence given to the Committee, we would be keen to ensure that this work places a particular focus on how such an increase would be seen by victims of children's harmful behaviour, particularly recognising that the majority of victims are children and young people themselves.

Given our experience as former members of the Advisory Group on the Minimum Age of Criminal Responsibility, we believe that a comprehensive review could be completed within the next year.

Such a review would assure Scottish Ministers, and the broader public, that any proposed increase above 12 years old has been rigorously and comprehensively considered, whilst also demonstrating the Scottish Government's commitment to upholding international human rights standards and aspiring to make Scotland the best place in the world to grow up.

Calls to raise the age of criminal responsibility beyond 12 years old have come from far and wide – from children and young people, volunteers working within the Children's Hearing System and academics, through to the Council of Europe and the United Nations. The Stage 1 report is clear that whilst most responses welcomed the increase to 12, a majority (51%) also called for the age to be raised higher, seeing 12 as merely a starting point. Of the 21 organisations responding to the additional call at Stage 2, all but one supported an increase to 14 or above.

The intervention by the Council of Europe Commissioner on Human Rights and the willingness of the UN Committee on the Rights of the Child to give evidence relating to the Bill emphasise the importance of this issue. Both are clear that countries cannot excuse themselves from meeting minimum international standards on the basis that they meet or go beyond these in other areas:

*"international human rights standards...are developed precisely to provide minimum safeguards regardless of the states' laws, policies and practices"*

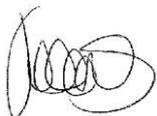
Council of Europe Commissioner for Human Rights, 10<sup>th</sup> January 2019

Professor Skelton of the UN Committee noted that the welfarist approach of the Children's Hearing System is commendable, but it does not mean Scotland can ignore the *specific* requirement of raising the minimum age of criminal responsibility to at least 14. Removing 12 and 13 year olds from criminality would, in her view, "complete [Scotland's] well-respected system".

As noted by the Commissioner for Human Rights in her recent letter, "*Scotland has shown itself to be a forerunner in building an effective human rights infrastructure, as well as in putting human rights at the centre of its decision making*", raising the minimum age of criminal responsibility "*would be another expression of Scotland's commitment to human rights in general, and the rights of children in particular*".

We do hope you are able to give our request full consideration and would be happy to offer our support in taking forward such a review.

Yours sincerely.



Juliet Harris  
Director  
Together (Scottish Alliance for Children's Rights)

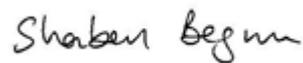


Fiona Dyer  
Interim Director  
Centre for Youth and Criminal Justice (CYCJ)

Endorsed by:



Mary Glasgow  
Chief Executive, Children 1<sup>st</sup>

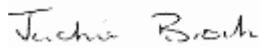


Shaben Begum MBE  
Director, Scottish Independent Advocacy Alliance.

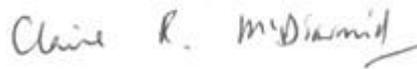


Duncan Dunlop  
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Chief Executive, Helm



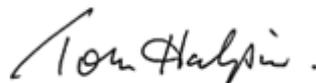
Jackie Brock  
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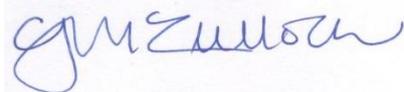
Dr Claire McDiarmid  
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Lynsey Smith  
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cc: Maree Todd, Minister for Children and Young People, Scottish Government.  
Ruth Maguire, Convenor, Equalities and Human Rights Committee, Scottish Parliament.