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Juliet Harris, Director, Together
Fiona Dyer, Interim Director, Centre for Youth &
Criminal Justice

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Dear Juliet and Fiona,

I am writing with reference to your letter of 30 January 2019 to the First Minister. I have been asked to respond.

Throughout policy development, pre-legislative preparation and the parliamentary process, the Scottish and international interest in the Age of Criminal Responsibility (Scotland) Bill has been very welcome. We remain grateful for your ongoing constructive approach to consideration of the Bill and wider reform programme.

As you would expect, the Scottish Government will continue to give careful consideration to the evolving international framework. We will examine the full UNCRC General Comment, and assess what work remains outstanding in the period thereafter.

The Scottish Government certainly does not seek to make a case that our system exempts us from fulfilling our international obligations. While the headline age of criminal responsibility is an important indicator, it is also important to take account of the totality of our approach to supporting children in trouble or at risk. The Age of Criminal Responsibility is but one feature of that.

The Lord Advocate's evidence to the Equalities and Human Rights Committee emphasised that the European Convention on Human Rights requires us to maintain an effective system for investigating and prosecuting crime. If we are to consider a higher age of criminal responsibility in future, we must have confidence that the responses available to the children's hearings system are suitable and sufficient for any case, even the most grave.

The earlier work of the Advisory Group in advance of the Bill has proved a vital contribution to building public, political and professional confidence around raising the current age. Experts from across care and justice sectors came together to work together to find answers to the complex and challenging questions that this reform posed. The foundation that

provided for the current Bill has been invaluable, and we will consider whether similar activity would prove helpful in the next period.

The aspiration to raise the age further is one which Ministers recognise, and a position we respect. You and your organisations have contributed real value to this debate, and we look forward to continuing to work with you.

Yours sincerely

Donald Henderson
Head of Care, Protection and Justice