

## List of Issues, Eighth periodic report of the United Kingdom, International Covenant on Civil and Political Rights

13 January 2020

Dear Mr Fathalla / distinguished members of the Human Rights Committee

Our colleagues at the Scottish Human Rights Commission have submitted a detailed report for the List of Issues prior to reporting. We endorse the key issues raised in their report.

We wish to draw to your attention the fact that the minimum age of criminal responsibility<sup>1</sup> is only 8 in Scotland and 10 in Northern Ireland, England and Wales.

In 2019 the Scottish Government passed legislation to raise the minimum age of criminal responsibility from 8 to 12 years of age. This new law is not yet fully in force. We are concerned that, despite evidence from our office, civil society, the Council of Europe Commissioner for Human Rights and the UN Committee on the Rights of the Child, all of which made clear that the minimum internationally acceptable age of criminal responsibility is 14, Scotland chose not to meet this international standard.<sup>2</sup>

We recommend the Committee asks the UK (and devolved governments) to take urgent action to raise the age of criminal responsibility in line with international minimum standards.

During the last CCPR reporting cycle in 2014, the Committee asked the UK to report on measures taken to raise the minimum age of criminal responsibility (Issue 25.) We anticipate that the Scottish Government will respond to a similar question by saying that the age of criminal responsibility has since been raised to 12 in Scotland, and that it will be reviewed in time. We urge the Committee to view such a response as unsatisfactory and to press the Scottish Government on timescales to move to at least 14. We therefore recommend the List of Issues questions include 'Please report on steps taken and a timeframe to raise the age of criminal responsibility to at least 14, in line with international minimum standards.'

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<sup>1</sup> Related to ICCPR, [1966], Articles 2, 14 & 24 and UNCRC General Comment No.24 [2019]

<sup>2</sup> 10 members of the Scottish Parliament voted for and 110 voted against raising the age of criminal responsibility to 14 years old. 11 voted for and 108 voted against raising the age of criminal responsibility to 16. ([Meeting of the Scottish Parliament Minutes](#), 7 May 2019)

We hope that the Human Rights Committee will join other UN treaty bodies in holding the Scottish and UK Government accountable for protecting children from the well-established negative consequences of early criminalisation of criminal responsibility by raising the standard to at least 14 years of age.



Bruce Adamson  
**Children and Young People's Commissioner Scotland**