

**United Nations Committee on the Rights of the Child  
Day of General Discussion – 16 September 2021  
Children's Rights and Alternative Care  
Bruce Adamson, Children and Young People's Commissioner Scotland,  
Chair, European Network of Ombudspersons for Children**

***Access to Justice and accountability for children and young people in  
alternative care, their families, and adults who grew up in care***

Thank you chair and hello from Edinburgh. Thank you, Munashe, and the rest of the Children's and Youth Advisory Teams for your important work alongside the Committee to bring us for this important event.

Thank you to the young human rights defenders who have opened this session with such powerful and brave contributions

Sinet, Marcel, and Megan – whose leadership here in Scotland championing the rights of children and young people has been so inspiring. She made the huge sign behind me with LOVE emblazoned across it.

Excellencies, we have to hear those calls **for change and justice**. We have to deliver that change.

We are in a global pandemic, which has affected children's rights which were already at risk, particularly for children and young people in alternative care. And this includes historic abuses.

We have to address the fact that childhoods are being lost, as Sinet, Marcel and Megan said.

I want to focus on accountability. Accountability goes to the core of human rights. Without justice, children and young people cannot move on with lives. Without the acknowledgment of and redress for the violations they have experienced. Without effective monitoring through data, without effective remedies, without effective corrective actions. This is strongly required by our human rights framework.

In Scotland, very quickly, there are two specific examples: one focused on redress which is our system for justice and one focused on systems change.

There is a need to change things urgently. The care-experienced young people that I speak to have consistently told me they feel unloved, experiencing uncertainty, of being moved around, of not being listened to, of poor understanding.

They've told me of concerns that we have already heard around access to education and healthcare.

Young people in Scotland face many barriers to their human rights.

In terms of historic abuse of children in care, there has been work going on here for the last two decades, which has covered a great many things. Some of the things which may be of interest:

- In 2014, we developed an [Action Plan on Justice for Victims of Historic Abuse of Children in Care](#),
- We introduced a National Confidential Forum,
- We changed the time limits for raising human rights breaches, and,
- We introduced our [financial redress scheme](#).

These are all part of ongoing developments.

Megan already spoke about our [Independent Care Review](#), but the most important thing is that over 5,000 people from babies to adults were involved in that process and it was led by care-experienced people. It has resulted in an implementation plan including a focus on resources, a point that was raised earlier.

We need to resource the changes that we make.

Broadly, across ENOC ([European Network of Ombudspersons for Children](#)), which is a network of commissioners for children across Europe, made of 43 members from 34 Council of Europe Member States, we have been working on this for a number of years.

As Megan said, for the experiences of care-experienced young people, you can map this out all across the world. The same issues arise across Europe: lack of effective engagement, of guardians, of access to complaint systems and to legal aid supports, etc. These are all very important, along with research and data collection.

There are all sorts of emerging good practice across ENOC members. In Jersey, Wales, Lithuania, Belgium, Serbia, Ireland, Moldova, Sweden, Ukraine, Poland, and Luxembourg, my colleagues are very keen to ensure access to justice and are committed to continuing to work with you.

Access to justice and accountability has to be focused. The primary responsibility is on the State to ensure that duty to investigate, to prosecute individuals and to ensure effective remedy.

And, as independent children's rights institutions, we stand ready to support you in that important work with your rights at the heart.

Care-experienced children and young people have told us they are not meaningfully engaged and they need to be included more. That has to be the heart of our work. We need to engage them and they need to be included more.

And we need to continue to recognize the leadership of young human rights defenders.

And we need to go back to that call Sinet made at the start. This is not about pity. This is a demand for justice.

Thank you.