

**PE1596/H**

1 March 2016

c/o Public Petitions Clerks  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

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Dear Public Petitions Committee,

**CONSIDERATION OF PETITION PE1596**

*Calling on the Scottish Parliament to urge the Scottish Government to retain our essential, dedicated In Care Survivor Service Scotland in its current form*

Thank you for your letter of 27 January 2016 with regard to petition PE1596, we apologise for the delay in responding.

The Commission welcomes the Petitions Committee's consideration of this petition and the ongoing role that the petitioners have played on this issue.

The Commission is not in a position to comment on particular services, but the design and delivery of support services must be survivor-centred.

In 2010, the Scottish Human Rights Commission (SHRC) carried out work to develop a human rights framework to secure remedies for historic child abuse in Scotland. The framework drew on international human rights law as well as the views of victims/survivors and other key stakeholders in Scotland. While acknowledging the responses to historic abuse which had been taken forward, we called on the Scottish Government to adopt a comprehensive approach to ensure effective access to justice, remedies and reparation for childhood abuse. In 2011 Scottish Ministers agreed to implement the recommendations of this work in the SHRC Framework. A key part of that was a survivor-centred InterAction process to coordinate steps to implement the recommendations in the Framework.

The InterAction Action Plan published in December 2013 identified two primary outcomes: Acknowledgement and Accountability. Within each of these outcomes,

there were a number of commitments. A part of the Accountability outcome was a commitment to reparation which includes restitution (restoring things that were lost as a result of abuse, such as education or work opportunities), compensation, rehabilitation, satisfaction and guarantees of non-repetition. One of the strengths of the InterAction process was the participation of survivors in developing the outcomes on accountability. This participation and the empowerment of survivors needs to remain a hallmark of all aspects of the delivery of the Action Plan, including the design and delivery of support services. Individual reparations should be based on the participation of the victim of a violation (to uphold their autonomy and dignity and identify their needs and wishes) and should be proportionate to the gravity of the violation and the resulting harm.<sup>1</sup> Survivor participation in choosing what is right for them, based on access to reliable information and a range of meaningful choices is essential.

We welcome the ongoing engagement of the Committee on this issue and the leadership shown by the petitioners in ensuring that the focus remains on empowering survivors.

SHRC

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<sup>1</sup> See views of the UN Special Rapporteur on the Rights to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms, *'Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms'*, UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, forty-fifth session, UN Doc. E/CN.4/Sub.2/1993/8, 2 July 1993 at 56.