

Committee on the Rights of the Child

**General Comment No. 27 on
Children's Rights to Access to Justice and Effective Remedies**

Call for Submissions

1. The Committee on the Rights of the Child is currently drafting general comment No. 27 on children's rights to access to justice and effective remedies.
2. In January 2024, the Committee adopted the [concept note](#) for the general comment, which lays out the terminology, outlines the anticipated scope of the general comment and outlines the key issues it aims to address.
3. The Committee now seeks contributions from **all interested stakeholders** to clarify terms, approaches and actions States should take in order to implement the right of all children to access justice and effective remedies, when their rights under the Convention on the Rights of the Child fail to be respected.
4. The Committee encourages stakeholders to consider in their contributions the **multiple types of mechanisms** that can provide a remedy for child rights violations as well as how these mechanisms interact and complement each other. These mechanisms include:
 - Judicial mechanisms, namely administrative, civil, criminal and military judicial systems;
 - Alternative dispute resolution mechanisms, such as mediation or arbitration;
 - Independent institutions, including with a child rights mandate, such as National Human Rights Institutions, Ombudspersons, Commissioners, National Preventive Mechanisms, Truth and Reconciliation Commissions or other forms of mechanisms for transitional justice, and other similar mechanisms;
 - Internal grievance/complaint mechanisms within the public administration, including ministries, government agencies, public services and social service providers, such as schools, hospitals, child care institutions, child justice institutions and detention facilities (including for migrant children), among others;¹
 - Customary, tribal, indigenous, religious or informal community-based justice systems;
 - Ad hoc, hybrid, regional and international accountability or human rights mechanisms;
 - Business sector grievance mechanisms;
 - Grievance mechanisms provided by internet providers, social media and website owners, related to online activity;
 - Individual and collective remedy mechanisms;
 - Other relevant remedy mechanisms.

¹ The Committee's general comment No. 24 (2019) on children's rights in the child justice system already provides guidance in relation to children alleged as, accused of or recognized as having infringed criminal law. The Committee thus seeks contributions of a different scope as outlined in the concept note.

Guiding Questions

5. The Committee seeks the support from stakeholders in addressing one or more of the following questions.

6. **Definitions and understandings** of access to justice and effective remedies for children:

- What are the key elements of the definitions of ‘access to justice’ and ‘effective remedies’ when applied to children?
- What are children’s understandings of justice and remedies? How do they define these terms from their own perspective?
- What should be the framework for guaranteeing children’s right to access to justice and effective remedies for civil and political rights and for economic, social and cultural rights? What are the differences between the sets of rights in this respect?
- Are there other legal concepts the general comment should consider?

7. **Barriers** preventing children from gaining access to justice and effective remedies:

Existing barriers

- What are the main legal barriers? Is the right of children to an effective remedy provided by law? Are some children excluded from this provision?
- What are the main socio-cultural barriers? How do social norms affect children’s ability to seek and obtain a remedy?
- What are the financial barriers?
- What are the practical barriers?
- How do these barriers intersect?

Discrimination and exclusion

- Which groups of children are particularly disadvantaged or structurally discriminated against in exercising their right to access to justice and effective remedies? Are certain groups of children most affected by barriers than others?
- What are the manifestations and root causes of discrimination and exclusion specific to access to justice and effective remedies?

Specific situations, in particular armed conflict, humanitarian contexts, and post-conflict and emergency situations

- Are there areas and contexts the Committee should consider for inclusion in the general comment, in particular those not mentioned in the concept note?
- What are the specific challenges to ensuring access to justice and effective remedies to children in armed conflict, humanitarian contexts, and post-conflict and emergency situations?

8. **Enabling factors and strategies:**

- Which key provisions should be included in legislation to ensure children’s right to access to justice and effective remedies?
- What is the role of adults (including parents or legal guardians, caretakers, education and legal professionals and community leaders, among others) and peers, in supporting children’s access to justice and effective remedies?

- What is the role of the State (including the judiciary and other competent authorities, ministries or departments, the legislature, social services and schools, among others)?
- What is the role of civil society organizations, national human rights institutions and other stakeholders?
- What is the role of technologies?
- What are the strategies and approaches to ensure access to justice and remedies for specific groups of children, in particular marginalised children (including, among others, children living in poverty, children with disabilities or mental health difficulties, living in institutions, on the move, separated from their families, living in conflict zones, belonging to minorities or victims of sexual violence, trafficking, sale or other crimes)?
- What is the role of strategic litigation in ensuring access to justice and effective remedies for children?
- What is the role of customary, tribal, indigenous, religious or other informal community-based justice systems in providing access to justice and remedies for children, including specific approaches, strengths and risks?
- What are strategies to enable legal empowerment of children to access justice?
- What are strategies and approaches to ensure children's access to justice and effective remedies in conflict and humanitarian settings and in post-conflict and emergency situations?

9. **Proceedings:**

- How can proceedings be adapted in order to secure access to justice and effective remedies for children, including in relation to: legal standing, legal representation, legal and non-legal aid, best interests consideration, child's right to be heard, respect for children's evolving capacities, privacy and confidentiality, training of professionals and other relevant areas?
- How do customary systems proceedings interact with the State justice system?

10. **Outcome and impact** of the remedy:

- How can outcomes respectful of children's rights be ensured?
- How can remedies lead to change?
- What is the link between remedies and State accountability?

11. The Committee particularly welcomes contributions that include the following:

- **Interesting and innovative** practices, pilot projects and concrete experiences;
- Relevant **research and disaggregated data** on children's access to justice and effective remedies, including existing studies that include children's views, as well as the views of adults who needed or sought access to justice and effective remedies when they were children;
- Key recommendations with a focus on **lessons learnt from evidence and practice**, that the Committee can draw on to guide States Parties in strengthening access to justice and remedies for all children, in particular those most marginalised.

Submission Guidelines

12. All submissions:
 - Should be in one of the official working languages of the Committee: English, French or Spanish;
 - Should be in one concise document and must **not exceed 2,500 words**;
 - Should be submitted in WORD format to ohchr-crc@un.org;
 - Will **not** be accepted if they do not follow the above requirements;
 - Will **not** be translated;
 - Will be posted on the [CRC webpage devoted to this draft general comment](#).
 13. The deadline for submissions is **23 August 2024**. No submissions received after this deadline will be considered or posted on the webpage.
 14. The concept note for the general comment can be found on the [CRC webpage](#).
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