

**COMMITTEE ON THE RIGHTS OF THE CHILD
GENERAL COMMENT ON
CHILDREN’S RIGHTS TO ACCESS TO JUSTICE AND EFFECTIVE REMEDIES
(GC.27)**

FACILITATOR’S GUIDE FOR CONSULTATIONS WITH CHILDREN

I. General Comment of the UN Committee on the Rights of the Child on children’s rights to access to justice and effective remedies

A. What is the UN Committee on the Rights of the Child and why are they developing General Comments?

The Committee on the Rights of the Child (CRC Committee) is the body of 18 independent experts that monitors implementation of the UN Convention on the Rights of the Child by its States parties. It also monitors implementation of the Optional Protocols to the Convention, on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography and receives and considers individual communications from or on behalf of an individual or group of individuals, within the jurisdiction of a State party to the Optional Protocol to the Convention on the rights of the child on a communications procedure.

The CRC Committee develops general comments to provide further guidance to State parties on various issues pertaining to children. This is also an opportunity to interpret the Convention as a living instrument protecting children’s rights. As of August 2024, the Committee has adopted 26 general comments¹. Following the practice established during the drafting of 3 recent general comments which involved hundreds and thousands of children, the CRC Committee expressed its intention to ensure that the views of children are gathered genuinely and are given due consideration this time, too. This Guide is supposed to support this effort and provide civil society organisations with guidance and child-friendly resources for meaningful consultation with children.

B. What is scope of the General Comment on Children’s right to access to justice and effective remedies?

The General Comment No. 27 (GC. 27) aims to clarify key concepts related to children’s right to effective remedies and access to justice, building on the Committee’s recent focus on this area and existing international standards and jurisprudence. It will provide guidance on empowering all children as rights-holders, including those involved in justice processes (e.g., accused, victims, witnesses, children needing care and protection), among others, by ensuring

¹ For the full list, see the website of the Committee: <https://www.ohchr.org/en/treaty-bodies/crc/general-comments>

access to age-appropriate information and support. The document addresses children's right to access justice and effective remedies across various systems, including formal judicial and administrative proceedings, informal or non-state justice systems, community-based services, and alternative dispute resolution mechanisms. Furthermore, the General Comment highlights the need for efficient and accessible complaints mechanisms and the crucial role of national human rights institutions in this process. It will highlight the procedural rights of children, such as legal standing, access to free and quality legal aid, the right to be heard, and the right to be informed throughout legal proceedings, stressing the importance of child-friendly processes and trained professionals.

The Comment also underscores the need for sufficient resources, including human, financial, and technical, to ensure children's full access to justice. This includes appropriate budgeting and high-quality education on children's rights for professionals working with and for children. Additionally, the role of civil society organizations, social services, lawyers, and other actors in supporting children to realize their rights will be considered. These actors are essential in bridging the gap between children's justice needs and the justice system's capacity, raising awareness, and engaging in strategic litigation.

The overall objective of the General Comment is to provide authoritative guidance to States Parties to undertake all appropriate legislative, administrative and other actions to ensure children's right to access justice and effective remedies for the full realisation of all their rights. In doing so the General Comment aims to, among others:

- Promote a comprehensive understanding of the elements that are critical for ensuring access to justice and effective remedies to all children;
- Identify the practical, legal, social and cultural barriers that hinder children from accessing justice, and provide clear guidance to States on actions needed to ensure an effective remedy including on the issue of the legal capacity of children according to their age, maturity and based on the principle of evolving capacity;
- Clarify States' obligations to ensure the justiciability of all rights set out in the Convention through a range of effective and accessible complaints mechanisms and promote accountability;
- Provide guidance for the empowerment of children to know their rights, to seek justice, and to obtain redress.
- Adapt the justice system to make it child-friendly;
- Make the link and synergy between the Convention and other international mechanisms that are critical for ensuring access to justice and effective remedies for children;
- Emphasise the need to provide child-friendly safeguards to the substantive and procedural rights of children to access justice and effective remedies;
- Provide concrete examples and guidance to States to set up effective mechanisms that will support children when they need to access to justice and remedies.

You are invited to read the full Concept Note published by the CRC Committee [here](#).

C. How can children be involved in the drafting of the General Comment?

While working on a new General Comment, the CRC Committee consults the public in two rounds: first, based on the concept note, and second, based on the draft General Comment. While keeping the concept and aim of the two rounds, the Committee can set different deadlines for child participation. It is important to check that so there is no confusion with deadlines for submission by civil society organisations.

The tentative timeline for child participation in the drafting of the GC. 27 is the following:

1st round of consultation is between May and December 2024,

2nd round of consultation may be between spring and fall 2025 (subject to change).

The current version of the Guide aims to support consultation with children at the 1st round. The views of the children can be collected using the feedback template in the annex and submitted via the online form provided below.

D. Why should children participate in the drafting of the General Comment No. 27?

In accordance with Article 12 of the UN Convention on the Rights of the Child, children have the right to be heard in all matters that concerns them, including decision-making taking place on international level. This applies to the standard-setting procedures of the CRC Committee, too. Besides that, occasions like this encourages children's views to be taken into account and listened to by UN decision-makers, including governments, and it also empowers children to learn more about the work of the UN and to defend human rights.

II. Planning children's consultations

A. Basic Requirements for Child Participation

It is important to be familiar with, and apply, the UN Committee on the Rights of the Child's 9 basic requirements for child participation. Here is a [link](#) to the basic requirements which are summarised below in an everyone-friendly format.

1. *Being able to **access information** about the child participant's right to be listened to and for their views to be acted on.*
2. *It is children's **choice to participate** and they can decide not to take part at any point.*
3. *Children's views and ideas to be **respected** by adults.*
4. *The activities will be **interesting and familiar** to the child's life, and there will be space for child participants to put forward any issues that are important to them.*
5. *There should be **preparations** so that all children will feel happy to participate in the activities, within **comfortable and friendly spaces**.*

6. The activities should be **open equally to all children** to take part from all communities and backgrounds, including children with disabilities.
7. **Adults will be prepared** for the different activities so that all children are comfortable and feel supported and listened to.
8. Children must be **safe** and know who to talk to if they feel unsafe.
9. Children should get **feedback** on how their views have been acted on by adults, and the chance to give your opinion on the results of this project and the activities.

B. Practical preparations

- ✓ First, consider the size of the group depending on the different factors such as the number of facilitators, the venue, and the particular needs of the children participating. In any case, group of 10-15 children is usually manageable for such consultation, while keeping in mind that a smaller size may be necessary due to the potential sensitivity of the topic.
- ✓ **Identify the children who will participate** and ensure that they will take part voluntarily. It is recommended that these children are already connected to existing groups / networks that have been learning about child rights or want to learn about them. This is an important opportunity to **promote inclusivity and diversity**, mobilising children from as many interested groups and networks as possible and ensuring that the voices of the most marginalised children are heard. This also means that you need to be aware of any situations of vulnerability the participants might be in and adjust the framework and setting of the consultations to ensure their meaningful participation.²
- ✓ **Use the child-friendly information leaflet** to inform the children about the process and the scope of the consultations. In case you want to translate it, please reach out to us to have an editable copy. The leaflet can be useful at any point, you can use only one page or part of a page or you can let the children to have it on their device and get back to whenever they feel like.
- ✓ **Apply all the necessary child safeguarding measures, including ensuring that consent has been given** by children and parents/caregivers (for all the information on child safeguarding see below).
- ✓ **Arrange the logistics for the consultation.** It can be online or in-person. E.g. locate a safe space, provide refreshments, and make sure writing materials are available for children to make or record notes if they want to.
- ✓ **Make arrangements for children** to arrive and leave from the location at the planned time. Ensure any necessary measures are taken to ensure the safe participation of all children.

² Useful resource to plan consultation with children with disabilities: <https://www.unicef.org/documents/take-us-seriously>

- ✓ **Identify a facilitator**, ensuring that they are familiar with the purpose of the consultation and the questions to be discussed.
- ✓ **Identify a documenter**, preparing them with the discussion questions and the reporting templates.
- ✓ Arrange for **interpretation** during the session, if necessary, and **translation** of the outcome document into either English, French or Spanish (to be submitted via the online form provided below).

C. Child Safeguarding

All members and partners who will hold or support children's consultations are expected to follow their child safeguarding protocols, or, they can decide to adhere to [Child Rights Connect's Child Safeguarding Policy and Procedure](#) (child-friendly version [here](#)). Nevertheless, it is highly recommended to prepare a risk assessment and to assign a Child Safeguarding Focal Point for the consultations who is introduced to the children at the beginning of the consultation and available during and after the consultation as well. The Child Safeguarding Focal Point need to work closely with the facilitator(s) to prevent and mitigate risks as, furthermore, to react to safeguarding concerns and incidents.³

Make sure you receive **informed consent** from children for their participation in the consultation, and from their parents/caregivers. Using the child-friendly information leaflet, share information with the children about what is happening and why, how they can take part and how their views will be taken into account and what kind of follow-up and feedback there will be. Children should be provided with a range of ways to agree to giving their consent, these might include verbal agreement (via audio recording), thumbprints and writing their name or providing a signature. You can find an example of consent form [here](#) for inspiration.

If your focus group is taking place **online**, take time to make sure you are using a secure platform and put all necessary measures in place to protect and secure the space. Facilitators and other adult participants should always treat children with respect, and ensure they are not asked to comment on matters inappropriate to their age or where they are being asked to specifically disclose any sensitive personal information or any other information that might put them at risk. Even though the questions are not asking children to disclose abuse, the discussion might trigger some children to share that they have experienced abuse or that they have been involved in, or subject to criminal behaviour. Facilitators and Child Safeguarding Focal Points need to plan how any such issues will be dealt with the moment they are disclosed but also afterwards in terms of any need or duty to escalate or follow up. Children need to know that support is available and that they can access it through the Child Safeguarding Focal Point.

³ You can find an example of a risk assessment template and safeguarding protocol in Our Safeguarding Policy and Procedure.

III. FACILITATING THE CONSULTATION WITH CHILDREN

1. INTRODUCTION

- ✓ Welcome participants and thank them for coming.
- ✓ Icebreaker/introductions.
- ✓ Explain why the consultation is taking place and what it will be about.
- ✓ Use the child-friendly leaflet to explain what the CRC Committee is, how they are working to protect children's rights and what the General Comment is. You can use the child-friendly website of the CRC Committee.⁴ Make sure they understand their role and where they are in the timeline of the drafting of the GC. 27.
- ✓ Once they understood the framework of the consultation, move on to explain the right to access to justice and effective remedies within the context of the violation of children's rights. If needed, you can introduce children's rights first along with the CRC Convention by using the child-friendly version of it.⁵ It is crucial that they understand the concept of 'bodies delivering justice' in their country. The child-friendly leaflet includes a long list of different bodies, you can pick those which are relevant for your country to make it easier.
- ✓ Clarify confidentiality. Explain that notes will be made during discussions without reference to the identity of the participations and they these will only be used for a report sent to the Committee and treated with confidentiality. The information may be combined into a larger report covering all consultations held with children.
- ✓ Set and agree on ground rules for the session, including safeguarding. Explain that their participation is voluntary. Children can withdraw at any time or decide not to answer a question if they do not want to. You can use this example of [code of conduct](#) to set the ground rules for a safe space.

⁴ See here: <https://www.ohchr.org/en/treaty-bodies/crc/information-children>

⁵ <https://www.unicef.org/sop/convention-rights-child-child-friendly-version>

2. QUESTIONS FOR DISCUSSION

- ✓ Below you can find the child-friendly version of the Committee’s guiding questions⁶ which is identical to the list of questions in the child-friendly leaflet. There are also tips for the facilitator concerning the possible directions of the discussion. To better understand the scope of the topic, you can check out the [guiding questions](#) by the CRC Committee.
- ✓ In terms of timing, you can prepare your own schedule about how much time you are planning to dedicate for each question, or you can simply go ahead with the discussions and stop for the breaks agreed with the group at the beginning of the consultation. If it better fits the group, the questions can be discussed in 2 or 3 meetings but try to avoid several days of break because it is a difficult topic, and participants might forget about the discussions.
- ✓ Assure participants that it is fine if they do not know the answers to these questions. There is no right or wrong answer! It is important to recall as well that they do not have to reply all the questions all of them.
- ✓ Try to encourage discussion between participants and the active participation of all involved. Prompt if necessary but try not to give any answers.
- ✓ In case children are interested, you can encourage them to express themselves in different ways, not only verbally: this can include art, digital software or any other creatives methods.

1. What do children think about justice and effective remedies?	
Guiding questions from the CRC Committee:	Definitions and understandings of access to justice and effective remedies for children
Questions proposed for the child consultations:	<ul style="list-style-type: none"> • What does justice mean for you? • What does effective remedy mean for you?
Further tips for the facilitators:	<ul style="list-style-type: none"> • Let the group create their definition as the outcome of the discussion but at the end make sure that they understand the concept in the current context (ensuring access to justice for violations of children’s rights). • There are several difficult words but instead of oversimplifying try to explain them and then use them accordingly.

⁶ For reference see the full document: <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/callsubmissions/gc27/GC27-call-for-submissions.pdf>

	<ul style="list-style-type: none"> • Make sure you use the right expressions in your mother tongue or the language you use at the consultations.
2. What are the barriers for children to access justice and get effective remedy?	
Guiding questions from the CRC Committee:	Barriers preventing children from gaining access to justice and effective remedies
Questions proposed for the child consultations:	<ul style="list-style-type: none"> • Think about any reason that might make it hard for children to find, access to and speak to a body delivering justice when their rights have been violated. • Are there group of children for whom it is even more difficult? If yes, who and why?
Further tips for the facilitators:	<ul style="list-style-type: none"> • The CRC Committee has already identified some barriers in the concept note of the GC.27. This includes the lack of child-friendly information, lack of accessible and effective complaint mechanisms, lack of legal standing for children in procedures which are far from being child-friendly. • First let the children to come up with their ideas and then if any of these are missing you can direct the discussion to touch upon them. • The next questions can be easily built on this one, so you can collect the barriers in a way that children can later connect them with potential solutions.
3. What do children need to access justice and effective remedy if their rights got violated?	
Guiding questions from the CRC Committee:	Enabling factors and strategies
Questions proposed for the child consultations:	<ul style="list-style-type: none"> • Think about everything children may need to go to the bodies delivering justice and all the things they need to engage with them until the bodies deliver their decision (for example methods, information, support). • You can also think about ideas for solutions to overcome the barriers you talked about before. • How can adults help children? Think about adults around a child like the parents and teachers, but

	<p>you can also think about civil society organisation or the government.</p>
<p>Further tips for the facilitators:</p>	<ul style="list-style-type: none"> • As mentioned above, you can look for solutions to overcome the barriers that the children identified. • Another method can be that you draw up a timeline from approaching a body delivering justice, for example a court, and go through the process asking children at each step what they would need to participate (see the child-friendly leaflet for a simple timeline). • Ask the children to think about the role of adults and who can help them to approach a body delivering justice and in what ways (for example adults they trust at school, hotlines, social services). At this point focus only on accessing justice.
<p>4. What ways should the bodies delivering justice work with the cases of children?</p>	
<p>Guiding questions from the CRC Committee:</p>	<p>Proceedings</p>
<p>Questions proposed for the child consultations:</p>	<ul style="list-style-type: none"> • Think about if children need adults to represent them, like their parents or lawyers, and if so, how they should represent the opinion of the child. • Think about how children should be heard and listened to by the bodies delivering justice while they are working on the case, but also when they are making their final decision. • Think about how the identity of the child needs to be protected and any other ways children can feel safe. • Think about the role of adults who work at these bodies and the way they should work with children. • How can the process of these bodies be child-friendly?
<p>Further tips for the facilitators:</p>	<ul style="list-style-type: none"> • Try to ask them to identify adults in this context, not only people around them, but also those they might come into contact during the procedures. Once they are identified, you can talk about their role and the support children would need from them.

	<ul style="list-style-type: none"> • Even though the legislation in most of the countries demand an adult to represent the child, let the children discuss this freely. • Make sure they understand the right to participation in this context and how children from the youngest age can be involved in decision-making about their life even though there are adults to present their decision 'officially'. • The right to participation has another aspect and this is in relation to the body delivering justice. Here you can talk about how children whose rights had been violated should be involved in proceedings. • If you used the timeline method for the previous question, here you can easily refer back to that and complement it with other proposals children are putting forward to make the process more child-friendly. Or you can simply ask them to prepare a list of must for child-friendly procedures. • In relation to this question, if it does not come up from the group itself, make sure you talk about what children need to be safe and to feel safe in such procedures.
<p>5. How can adults make sure that when justice is delivered, it has a positive impact on the life of the child or children?</p>	
<p>Guiding questions from the CRC Committee:</p>	<p>Outcome and impact of the remedy</p>
<p>Questions proposed for the child consultations:</p>	<ul style="list-style-type: none"> • Think about the change that justice can bring to the life of a child whose rights had been violated. • Think about also when and how this change should happen.
<p>Further tips for the facilitators:</p>	<ul style="list-style-type: none"> • This is an occasion to talk about the effect of decisions on the violation of children's rights and rectifying them. This has an individual aspect but also a more general one contributing to a higher level of respect for children's rights and to strengthening of the rule of law in their country. • You can open up the discussion about why it matters for a child whose rights had been violated to receive a decision from a formal body which says that the violation happened. Going

	<p>further than that, what needs to happen to make up this wrong for the child, for example they need compensation, other support or certain settings restored for them.</p> <ul style="list-style-type: none"> • It is possible that the issue of time was already raised in relation to the previous question, but if not, this is the moment to talk about whether they know how fast justice is delivered and why does it matter for children.
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3. CLOSING

- ✓ At the end of the discussion, thank all the participants for their valuable contributions.
- ✓ Remind them that their views will contribute to the first-round drafting of the General Comment of the CRC Committee. At the beginning of the second round, the draft General Comment will be published which will reflect their views as well.
- ✓ As a next step, you can mention that child participation is planned for the second round too, but information will be shared with them next year.
- ✓ Before the consultation comes to an end, ask children for their feedback about the session. What went well? What did not go so well? Do they have any other comment?

4. AFTER THE CONSULTATION

- ✓ Ensure that the documenter records what children say during the session, using the documentation template in Annex 1.
- ✓ If the documenter has not used this template during the session, please make sure that the notes are recorded in this format as soon as possible.
- ✓ Don't forget to record any important quotes. For each quote, please include the child's age, gender, and nationality, if possible.
- ✓ Please record the number of participants, their genders, and any other important information.
- ✓ Please send all the information collected through [the following link](#) by end of December 2024. Early submissions before the holiday session are welcome!
- ✓ Should you have any questions regarding the methodology, please contact Child Rights Connect: rutai@childrightsconnect.org. If you have question about the General Comment, you can reach out to the Secretariat of the CRC Committee: ohchr-crc@un.org.

ANNEXE 1: Documentation template to submit the outcomes of the consultation with children on the CRC Committee's General Comment on children's rights to access to justice and effective remedies (gc.27)

PLEASE NOTE THAT YOU WILL FIND THE SAME QUESTIONS BY GOING ON THE LINK [HERE](#) in English, French and Spanish You can submit the replies in English, French and Spanish.

If the children expressed their opinions in different ways, such as drawings, poems, or other expressive methods, please upload them to the online form at the end.

1. Please share with us the following background information!

***Name of the supporting organisation:**

***Contact person and their email address:**

***Date of consultation:**

***Where the consultation took place (country, city):**

***Name of facilitator(s):**

2. Please share with us the following information about the child participants!

***Total number of children involved:**

***Gender of child participants:** Female / Male / Other

***Ages of the children (age range):**

***Representation:** *Please note any other relevant background details about the children who have participated. This might include, but not be limited to, being a member of a minority group, having a disability, living in alternative care, being out of school, children on the move, etc.*

***Selection:** Please describe how the children were gathered and selected to take part in this activity. Are they part of an existing project(s) run by your organisation?

3. Please share with us the summary of the children's views by questions. You can go into details as much as you want and we welcome direct quotes from the children, too. In case the children did not want to discuss any of the questions, please just indicate that the group decided to skip that question.

3.1. What do children think about justice and effective remedies?

3.2. What are the barriers for children to access justice and get effective remedy?

3.3. What do children need to access justice and effective remedy if their rights got violated?

3.4. What ways should the bodies delivering justice work with the cases of children?

3.5. How can adults make sure that when justice is delivered, it has a positive impact on the life of the child or children?

3.6. Other comments

4. We would like to hear also the feedback of the children and the facilitators about the consultation process itself.

4.1. FEEDBACK FROM CHILD PARTICIPANTS:

What worked well? What could be better next time? Any other comment?

4.2. FEEDBACK FROM FACILITATORS:

What worked well? What could be better next time? Any other comment?