

**UN COMMITTEE  
ON THE RIGHTS OF THE CHILD  
DRAFT GENERAL COMMENT ON  
CHILDREN'S RIGHT TO ACCESS TO  
JUSTICE AND TO AN EFFECTIVE  
REMEDY  
(GC. 27)**



# What is the General Comment No. 27 all about?

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WE WILL EXPLAIN EVERYTHING!  
YOU CAN ALSO READ THE FULL DOCUMENT [HERE](#) AND CHECK OUT THE ORIGINAL PARAGRAPHS, THE NUMBERS CAN BE FOUND IN THE TITLES



## INTRODUCTION (PARAGRAPHS 1-6 OF GC.27)

# 01

This Chapter talks about the reasons why the General Comment was written and what children said at the first round of consultations, in 2024.

### Why do we need this General Comment?



The United Nations Convention on the Rights of the Child (CRC) was adopted in 1989 which sets out the rights that all children have. However, millions of children around the world still get their rights violated and do not have access to justice and do not receive remedies.

### What did the children say at the consultations?

They said that access to justice means being able to go to someone with their problem, that they're facing, and that this person will listen, treat the matter without taking sides and give them relief, so that the wrong that has happened to them can be redressed, and to protect from further harm in the future.

It is rare that children seek justice, because they are afraid that adults will not think that the problem that they're raising is important, that adults will not believe them, or that they will get in trouble for speaking up. Sometimes children don't even know about their rights or the ways that they can ask for justice, or sometimes they cannot use the options without the help of adults.

## OBJECTIVES (PARAGRAPHS 7-8 OF GC.27)

# 02



This Chapter sets out the objectives of the General Comment, which clearly say that children have a right to access to justice and to an effective remedy, which is important so that children can enjoy all of their rights that are written in the CRC Convention. Thanks to this guidance, countries can understand what they have to do to protect and promote this right, and everyone is reminded how important it is.

## 03 TERMINOLOGY AND SCOPE (PARAGRAPHS 9-12 OF GC.27)

This Chapter explains some of the important definitions used in the General Comment and clarifies how these definitions are understood by UN Committee on the Rights of the Child (CRC Committee).



### ACCESS TO JUSTICE:

This means that children can get a **REMEDY** if their rights are violated which is just, timely and accessible through channels adapted to children.



### REMEDY:

This includes two elements: the **PROCESS** used to hear and decide about children's claims and the **OUTCOME** of the process (the redress) which affirms that the violation needs to stop and that the child needs to receive reparations.



### RIGHT TO AN EFFECTIVE REMEDY:

It is a children's right in and of itself, but is also a right that makes it possible for children to claim all of their other rights set out by the CRC Convention, especially if these rights are violated.

All these processes need to be adapted to the age and maturity of the child, and countries must give support to children to exercise their rights.

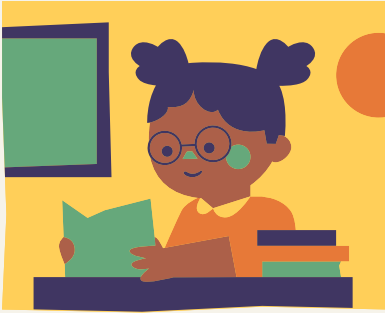


## JUDICIAL AND NON-JUDICIAL WAYS TO ACCESS JUSTICE AND EFFECTIVE REMEDY:

If their rights have been violated, children can go ask for remedies, individually or in groups, from bodies such as:

- Courts in their country, as well as special courts such as religious, tribal, customary, Indigenous or informal community-based justice systems;
- Mediation or arbitration, where a neutral person listens to all sides and helps to find an agreement that is acceptable for everyone;
- Ombudspersons and national human rights institutions whose job is to investigate claims and to protect children's rights;
- Government offices and public services such as schools, hospitals, child care institutions, child justice institutions and detention facilities, if the violation of their rights happened there;
- Companies, such as internet providers, social media and website owners, if their rights were violated online;
- Special commissions set up after a conflict occurs to deal with the crimes that happened;
- International or regional courts or committees designed to protect human rights and hear violations, such as the CRC Committee.

## 04 GENERAL PRINCIPLES AND FOUNDATIONAL ELEMENTS (PARAGRAPHS 13-15 OF GC.27)



This Chapter makes a list of the articles of the CRC Convention that promote and recognize children’s right to access to justice and to an effective remedy. It also mentions the recognition of this right in other international human rights laws.

Then, it explains the general principles and the most important elements of the right to access to justice and to an effective remedy.

### THE PRINCIPLES AND ELEMENTS ARE:

- All children, without exception, have the right to access to justice and to an effective remedy. No child should be treated differently or excluded, and if they need it, they should get extra support to exercise this right.
- The justice process and outcomes of the process, including the remedy, should be designed in a way that prioritises the best interests of the child who asked for justice. Every adult involved should think first about the best interest of the child.
- Children’s right to life, survival and development are essential, so the justice process, outcomes and the remedy should never have a negative impact on a child’s life and development. Justice processes should include necessary supports and protections for children.



- Children, individually or in groups, should be heard for all matters concerning them including their views on whether and where they would like to seek remedy if their rights are violated. Their views always need to be considered in accordance with their age and maturity.
- The capacities of a child are constantly developing and can be different for different children of the same age. This means that justice processes need to be adapted to various ages and capacities. The evolving capacities of children is a positive and empowering process, and it is normal that children's views may change as their capacities evolve.
- The justice process should always be fair, transparent, competent and impartial for children. Any security measures that are put into place by countries that restrict children's freedoms and liberties should never stop children from exercising their right to access to justice and to an effective remedy.



# 05 CHILD RIGHTS-BASED APPROACH TO CHILDREN'S RIGHT TO ACCESS TO JUSTICE AND TO AN EFFECTIVE REMEDY (PARAGRAPHS 16-68 OF GC.27)

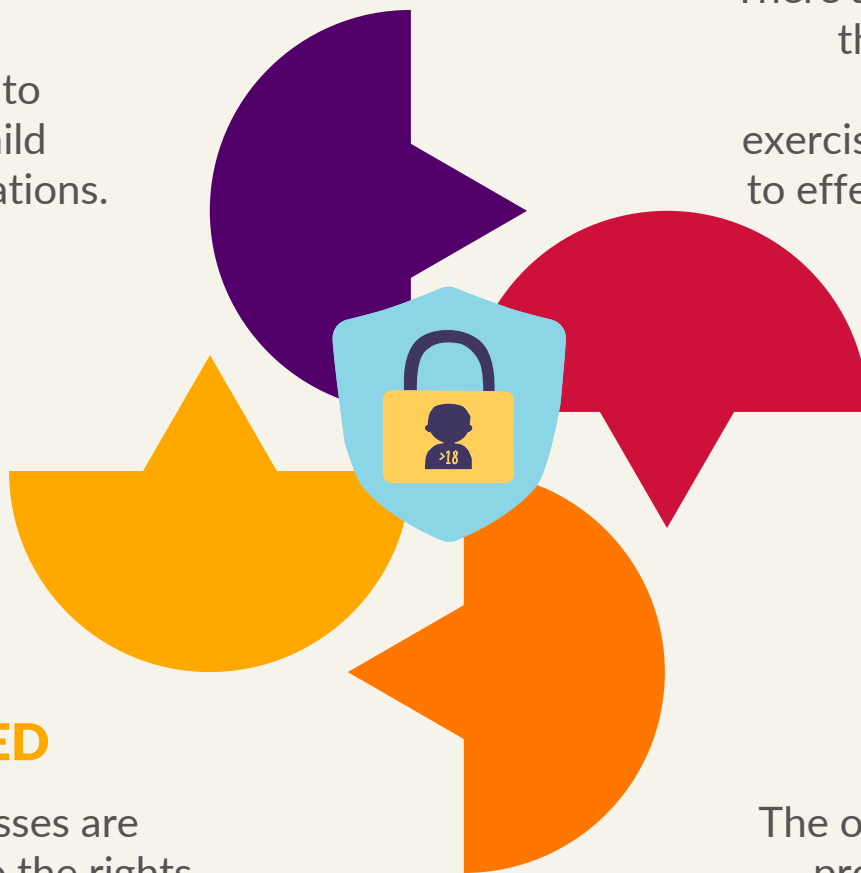
This Chapter explains how to make sure that children's rights are at the core of justice processes and their outcomes, which is called a child rights-based approach. This works two ways: first, children need to be empowered to claim their rights, and second, the country needs to meet their obligations to ensure the availability, accessibility and effectiveness of mechanisms and remedies that are adapted to children.

## AVAILABLE

There are processes mandated to address child rights violations.

## ACCESSIBLE

There are no barriers that might stop children from exercising their right to effective remedy.



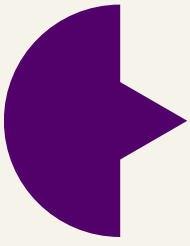
## ADAPTED

The processes are adapted to the rights and needs of children.

## EFFECTIVE

The outcome of the process provides effective redress of the harm that was caused to the child.





## **ACCESS TO JUSTICE AND REMEDY IS AVAILABLE:**

- For all children's rights under the CRC Convention;
- For all children present in the territory of a country. No child should be excluded from accessing justice;
- In cases of violation of the rights of individual children and a group of children;
- In cases of serious violation, even beyond the border of the country;
- At any point in time. Countries should remove the time limit for children to claim remedies;
- To stop child rights violations and prevent them happening in the future;
- If there is no such condition that a child has to report a violation themselves as sometimes children and adults are not aware that these rights have been violated. Given that, countries should have measures in place to monitor and identify violations, and provide options for redress, which respect the privacy and safety of the child;
- If it is still available when there is a state of emergency in a country.



## **ACCESS TO JUSTICE AND REMEDY IS ACCESSIBLE:**

- If all barriers for children and their supporting adults are identified, recognized and lifted;
- If children who are in a vulnerable situation or facing additional challenges are supported in their access;
- If the cases of all children, particularly those from marginalized groups, are heard and decided in an impartial way;
- If gender inequalities are investigated and given redress, and countries prioritize removing barriers that girls face in accessing justice;
- If children can access the process directly and without parental consent, or if they need a parent or legal guardian to bring their rights violations before court, but their parent or guardian does not want to or cannot do so, another person can be designated to represent them and their best interests;
- If there are no financial or practical barriers, like distance or language;
- If children are not afraid of reprisals, exposure in the media or exclusion from the community.



## **ACCESS TO JUSTICE AND REMEDY IS ADAPTED TO CHILDREN:**

- If the redress is provided within a reasonable time - from the perspective of the child - and in a speedy process;
- If the child's privacy is protected, so their identity or any information identifying them are kept confidential;
- If they can have access to information regarding their rights, the processes available, their role and the possible outcomes of the process - all of these in a format adapted to them;
- If they have professionals supporting them depending on their case and their needs, including interpreters and mediators who the child trusts;
- If the processes are adjusted and tailored for them, including the environment where the process takes place such as conducting justice processes in spaces where children feel comfortable and welcome.





## ACCESS TO JUSTICE AND REMEDY IS EFFECTIVE:

- If there are reparations, be it material or symbolic, provided to the child or group of children;
- If there is restitution, which means that the original situation, before the violation, is restored, as much as it is possible;
- If there is a compensation, appropriate and proportionate to the seriousness of the violation recognizing the vulnerabilities of children;
- If there is access to recovery and reintegration services;
- If the child or children are satisfied with the process and its outcomes;
- If there is a guarantee that the violation will not happen again in the future.



## **06** ENABLING ENVIRONMENT FOR REALIZING CHILDREN'S RIGHT TO ACCESS TO JUSTICE AND TO AN EFFECTIVE REMEDY (PARAGRAPHS 69-84 OF GC.27)

This Chapter goes through the different steps and actions that countries have to take to create an environment where children feel comfortable and able to exercise this right. It is repeated that children are the ones who have rights and that countries are the ones that have an obligation to make sure that children can access and practice them. Parents need to give direction, guidance and support for their children in the exercise of their rights.

### **THE STATES NEED TO:**

- 1** Join international human rights instruments, such as the documents attached to the CRC Convention, called Optional Protocols.
- 2** Make or update national laws to recognize children's right to access to justice and effective remedy.
- 3** Dedicate resources, such as funding for the bodies that support children in accessing justice and remedies, and also make sure there are trained and competent staff working at these bodies.
- 4** Make sure there is independent monitoring of children's right to access to justice and to an effective remedy, for example by national human rights institutions or ombudspersons.
- 5** Cooperate with civil society organisations which can help with monitoring and reporting of children's rights violations as well as supporting children who seeks justice.

6

Develop and run effective support services that cover legal, social and medical services which can support children while they are in the process of seeking access to justice.

7

Develop and operate awareness-raising and education programs for children so they are aware of their rights, particularly the right to access to justice and effective remedy.

8

Train all the professionals who work with children, including lawyers on a child rights-based approach to access to justice and to an effective remedy and on how to communicate with children during these processes

9

Collect data and do research on remedies for child rights violations and their effectiveness, and involve children so they can share their own views and experiences about access to justice.

## **07 DISSEMINATION/ SHARING GC.27 (PARAGRAPH 85 OF GC.27)**

The last Chapter stresses that this General Comment should be shared with everyone: authorities, professionals, children, parents, educators, business, media and civil society.



To make this happen, the document needs to be translated and transformed into different formats, including versions accessible for children.

## ACKNOWLEDGEMENTS

This document was prepared in consultation with the Children's Advisory Team of 2025 of Child Rights Connect and developed by Zsuzsanna Rutai and Imen Talhaoui.

