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Convention on the Rights of the Child

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Committee on the Rights of the Child

General comment No. 27 (2026) on children's right to access to justice and to an effective remedy*

I. Introduction

1. For the children consulted during the preparation of the general comment, society and State institutions remained heavily centered on adults, frequently invalidating or ignoring their experiences as children and treating them as incapable due to their age. In consultations with the United Nations Children's Fund, children conveyed that adults often dismissed their complaints as exaggerations or imagination, excluding them from decisions that directly affected their lives. Children expressed deep frustration and mistrust towards existing formal justice mechanisms, describing courts and law enforcement as intimidating, adult-oriented and slow and the judicial process as often revictimizing. Many reported being afraid to file complaints due to fear of retaliation, family or peer backlash or community stigma – or simply not being believed by the authorities.[1]

2. Despite the near universal ratification of the Convention on the Rights of the Child, the widespread ratification of its two substantive Optional Protocols and the transformative changes that they have prompted, millions of children face daily violations of their rights, among others, being denied access to health, education and social protection and being subject to violence, exploitation, discrimination and exclusion. These challenges are exacerbated during crises and particularly affect those in the most marginalized situations. However, very few children have access to justice and effective remedies for violations of their rights.

3. Children face particular obstacles due to their age, maturity and specific needs. Deeply entrenched beliefs and social norms often represent significant impediments. Many children do not speak up out of fear of reprisal or exclusion and the risk of not being believed. Children often lack knowledge of their rights, available options for redress and how to access them, notably because systems are not designed for children.

4. Some children face even greater barriers, such as children from marginalized groups, children with all types of disabilities, non-verbal children, neurodivergent children, young children, LGBTIQ children, children from ethnic minorities, Indigenous children, children without legal status or nationality, separated and unaccompanied children, children deprived of their liberty, in care or in detention, children with incarcerated or non-married parents and children with limited digital experience. Girls often face additional and intersecting obstacles because of harmful gender stereotypes and practices.

* Adopted by the Committee at its 101st session (1–28 September 2026).

[1] See the summary of consultations organized or supported by the United Nations Children's Fund. Input received by the Committee in the context of the preparation of the general comment is available on the web page of the Committee at www.ohchr.org/en/calls-for-input/2024/call-submissions-draft-general-comment-no-27-childrens-rights-access-justice.

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5. Over 7,000 children, from various regions, contributed to the development of the present general comment, sharing their perspectives on what the right to access to justice and to an effective remedy means to them and how it can be realized.

6. Consultations with children showed that their experience of justice usually starts with a realization that an injustice had occurred and the feeling that something "unfair" had happened. Access to justice means being able to refer a problem to someone who will listen, believe them, address the matter impartially and confidentially and provide relief, which leads to relevant consequences for perpetrators, redresses wrongs and prevents future harm. For children, fairness is about how a matter is dealt with as much as the outcome. For the children consulted during the preparation of the present general comment, society and State institutions remained heavily centred on adults, frequently invalidating or ignoring their experiences as children and treating them as incapable due to their age. They shared that adults often dismissed their complaints as exaggerations or figments of their imaginations, excluding them from decisions that directly affected their lives. Children expressed deep frustration and mistrust towards existing formal justice mechanisms, describing courts and the process of law enforcement as intimidating, adult-oriented, slow and often revictimizing. Many reported being afraid to file complaints due to fear of retaliation, family or peer backlash, community stigma or simply not being believed by the authorities.

7. Access to justice and to an effective remedy must be available to redress violations of the full range of economic, social, cultural, civil and political rights as set forth in the Convention and the Optional Protocols thereto.[2] The Committee affirms that access to justice and to an effective remedy for children is an integral part of the obligations of States Parties under international human rights law and deriving from article 4 of the Convention, which obliges States to take all appropriate measures for the implementation of the rights recognized in the Convention.[3] Bearing in mind the preamble to and article 41 of the Convention, the Committee refers to the recognition of this right in other international and regional human rights instruments, in particular the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, recalling that the provisions thereof apply equally to children.[4]

II. Objectives

8. In the present general comment, the Committee aims to provide a comprehensive understanding of children's right to access to justice and to an effective remedy; it should be read in conjunction with other general comments of the Committee. Specifically, it seeks to:

(a) Reaffirm this right as an obligation of States Parties under the Convention, inherent to the recognition of the child as a subject of rights;

(b) Emphasize the importance of this guarantee in respecting, protecting and fulfilling all children's rights and States' accountability in this respect;

[2] General comment No. 5 (2003) on general measures of implementation of the Convention, para. 6 and sect. V.

[3] In particular article 9 (1), in relation to the child's right to be separated from parents except when necessary to the child's best interests, subject to judicial review; article 19, in relation to judicial involvement in cases of the maltreatment of children; article 37 (d), in relation to the right to challenge deprivation of liberty before a court or competent, independent and impartial authority; article 39, in relation to the recovery and reintegration of child victims; article 40 (2) (b), in relation to child justice; articles 7–10 of the Optional Protocol on the sale of children, child prostitution and child pornography; and the preamble and articles 6 (1) and 7 (e) of the Optional Protocol on a communications procedure.

[4] See, for example, the Universal Declaration of Human Rights, art. 8; the International Convention on the Elimination of All Forms of Racial Discrimination, arts. 6, 11 (3) and 15; the International Covenant on Civil and Political Rights, arts. 2 (3), 9 (5) and 14 (6); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 13 and 14; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 15, 16, 18 (6), 22, 71 and 83; the International Convention for the Protection of All Persons from Enforced Disappearance, arts. 3, 8 (2), 20 (2), 22 (a), 23 (3) and 24; and the Convention on the Rights of Persons with Disabilities, arts. 13 (1), 16 and 27.

(c) Clarify the scope of obligations of States Parties and provide authoritative guidance on legislative and other appropriate measures required to ensure this right.

III. Terminology and scope

9. For the purposes of the present general comment, access to justice refers to the ability of children to obtain a just and timely remedy for violations of their rights, through avenues adapted to and respectful of their individual needs and rights. A remedy refers to both: (a) a process under which any claim of violations of children's rights is heard and decided by competent bodies; and (b) the outcome of the process and the redress provided, including reparations, appropriate support measures, the cessation of the violation and the prevention of future violations.

10. The right to an effective remedy, in particular, can be understood as:

(a) A substantive right, recognized for all persons and intrinsic to the recognition of children as full rights holders, which entails a corresponding duty of States to ensure its realization for all children;

(b) A procedural right, by which claims of violations of children's rights are addressed through children's rights-based procedures that recognize children's evolving capacities and the need for support in the exercise of their rights;

(c) An enabling right, through which all provisions of the Convention become practically enforceable and rights can be claimed and redressed when violated, in individual cases and through systemic change.

11. The right to access to justice and to an effective remedy can be guaranteed through judicial, quasi-judicial and non-judicial, including non-State, mechanisms. While non-judicial avenues may in many instances be more accessible to children, the ultimate responsibility to realize this right lies with the State. Even when non-judicial avenues are used, judicial recourse must remain available. States should monitor and oversee non-State mechanisms to ensure that they abide by children's rights standards. The Committee reaffirms that all children's rights must be justiciable.

12. Mechanisms to guarantee the right to access to justice and to an effective remedy include:

(a) Judicial mechanisms;

(b) Customary, tribal, Indigenous, religious or informal community-based justice systems;

(c) Independent institutions, such as national human rights institutions and children's ombudspersons, national preventive mechanisms and similar bodies;

(d) Alternative dispute resolution mechanisms;

(e) Administrative procedures and internal complaint mechanisms within the public administration, including within ministries, government agencies, local authorities and public services and social service providers, such as the police, schools, healthcare services, including mental health services, childcare services and child justice institutions, and in the context of the deprivation of liberty;

(f) Non-State-based complaint mechanisms, including those of enterprises, such as self-regulatory media mechanisms and those related to digital platforms, and private organizations, such as private service providers, religious institutions, clubs and sports, culture and leisure organizations;

(g) Truth and reconciliation commissions, national inquiries and other transitional justice mechanisms and specialized commissions or bodies with the mandate to review and address violations of children's rights focusing on specific contexts, groups or periods;

(h) International and regional mechanisms, such as courts, commissions and communications or complaint procedures overseen by treaty bodies and other bodies, in particular under the Optional Protocol on a communications procedure.

IV. General principles and main conditions for access to justice and to an effective remedy

13. The effective realization of children's right to access to justice and to an effective remedy is grounded in the following general principles of the Convention and main conditions for such access that apply across all aspects of their implementation:

(a) **Non-discrimination (art. 2).** All children within the State's jurisdiction are entitled to this right, in law and in practice;

(b) **Best interests of the child (art. 3).** This right shall be a primary consideration and guide all judicial and non-judicial procedures, from the process itself to the final outcome. This involves evaluating and balancing the different elements of a situation, including giving due weight to a child's views;[5]

(c) **Right to life, survival and development (art. 6).** Justice processes and outcomes must never be harmful to the child. Systems must provide continuous support and implement strict safeguards to protect children, parents and caregivers from safety risks, including reprisals, and address the long-term and intergenerational impact of violations;

(d) **Right to be heard (art. 12).** This right entails giving due consideration to children's views on whether to seek a remedy, including when claims are made by parents or legal guardians on their behalf, on their preferred avenue for seeking justice and on the outcome, including the type of redress, that they expect. It also applies to children collectively, in terms of the design, implementation and evaluation of interventions and mechanisms for access to justice and the determination of the forms of redress, especially collective reparation measures. To form an opinion, children need to be provided with all necessary information in an age-appropriate and accessible manner;

(e) **Respect for children's dignity**. This principle underpins all processes aimed at ensuring access to justice. Children should be treated as full rights holders with inherent value, regardless of their age and evolving capacities. These processes should be grounded in child-centred approaches that safeguard children's well-being while promoting their self-worth and agency;

(f) **Respect for the evolving capacities of the child**. Clearly anchored in the Convention, this concerns the support needed for children to exercise their rights. It should not be used as a justification for practices that restrict children's autonomy and self-expression.[6] Respect for children's evolving capacities should be explicitly recognized in legislation, particularly regarding legal standing, and implies that justice-seeking, support and remedy mechanisms should be adapted to different ages and capacities, also acknowledging that children's views and expectations may change as their capacities and circumstances evolve;

(g) **Due process and respect for the rule of law**.[7] States should ensure that children have access to fair, transparent, competent and impartial mechanisms whose decisions are predictable and based on clear sources of law that are applied equally and fairly. Due process guarantees do not preclude adequate adjustments to compensate for the power differential between children and other parties and to take into account specific needs, in line with international standards. Measures adopted in the context of the deprivation of liberty, public order or counter-terrorism should not arbitrarily restrict or otherwise impede children's access to justice and to an effective remedy, including for child human rights defenders;

[5] General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, para. 47.

[6] General comment No. 7 (2020) on implementing children's rights in early childhood, para. 16. See also Committee on the Rights of the Child, "Statement on article 5 of the Convention", 11 October 2023.

[7] S/2004/616, para. 6.

(h) **Transformative approach towards gender equality**. States must eliminate the impediments faced by girls in gaining access to justice. This requires recognizing the gendered nature of rights violations and properly investigating related claims. States should prevent direct or indirect gender discrimination by removing mandates for family or third-party approval, particularly for claims involving sexual or reproductive health rights or gender-based violence. Concurrently, justice systems must address the gender-based challenges faced by boys, especially regarding sexual exploitation and abuse. Harmful gender norms associating victimhood with weakness, combined with social stigma and the criminalization of same-sex relations, frequently prevent boys from disclosing abuse and seeking remedies;

(i) **Timeliness**. The sense of time is not the same for children and adults. Delays in addressing rights violations and denial of entitlements impair children's development and opportunities, with potential lifelong consequences. Therefore, providing redress within a reasonable time frame is integral to a remedy's effectiveness,[8] including the rapid enforcement of decisions resulting from those procedures.[9] The notion of a "reasonable time frame" should be interpreted in the light of the complexity of the case, the potential impact of the alleged violation, its imminent or ongoing nature, the likelihood of repetition, the diligence of judicial authorities and the child's age, maturity and evolving capacity and circumstances. It should take into account the risk of evidence deteriorating, including the child's ability to remember the facts. Speedy and diligent proceedings are encouraged, provided that this does not undermine the child's best interests or restrict due process guarantees.[10] Children should be informed of the prospective time frame for a decision and of progress made on a regular basis. Clear time frames should be established for completing procedures and implementing decisions; where unjustified delays occur, States should provide appropriate redress, which may include compensation. The possibility of adopting precautionary and interim measures is instrumental to preventing or stopping any irreparable harm and mitigating the impact of the alleged violation;

(j) **Privacy and confidentiality**. Privacy is the right of the child to maintain a protected sphere of private, family and personal life, free from arbitrary or unlawful interference, including with their communications, personal information, home and reputation,[11] while confidentiality requires professionals working with and for children to protect such information from unauthorized disclosure. Mechanisms providing access to justice and to an effective remedy, as well as actors such as the media and those managing digital systems, tools and platforms, including artificial intelligence, should protect children's privacy, keep their identity and any identifying information confidential, avoid undue exposure of the case, establish safeguards for data protection, including secure and lawful collection, use, storage and deletion of personal data, and provide effective remedies in case of a breach. The right to privacy applies equally to adults seeking justice for violations that they experienced as children. The Committee emphasizes that this right cannot be invoked to prevent children from exercising their right to access to justice and to an effective remedy. In cases where children request publicity, especially in strategic and public interest litigation, the principle of confidentiality could be waived following best interests and risk assessments.

V. Children's rights-based approach to children's right to access to justice and to an effective remedy

14. A children's rights-based approach fully recognizes children as rights holders and entails: (a) ensuring the conditions for children to be empowered to exercise their rights in line with their evolving capacities; and (b) strengthening the capacity of duty bearers to meet

[8] *N.B.F. v. Spain* (CRC/C/79/D/11/2017), para. 11.3.

[9] *G.G.P. v. Paraguay* (CRC/C/95/D/119/2020), para. 13.7.

[10] Joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 23 of the Committee on the Rights of the Child (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, para. 15.

[11] Convention on the Rights of the Child, art. 16.

their obligations by ensuring the existence of a range of mechanisms that are available, accessible and adapted to children and that ensure effective redress. While States are the primary duty bearers, all actors playing a role in supporting children in the exercise of their rights, or whose actions may affect children's rights, have a responsibility to ensure and facilitate redress.

A. Availability

15. The availability of an effective remedy refers to the existence of mechanisms with the mandate, competency and capacity to address claims of violations of children's rights.

16. Avenues and mechanisms providing access to children to report violations of their rights should have the widest possible jurisdiction in terms of:

(a) **Rights concerned (subject matter)**. Access to justice and to an effective remedy should be available for all rights under the Convention and the Optional Protocols thereto, as applicable. Certain alleged violations, due to their gravity, such as sexual abuse, torture or other cruel, inhuman or degrading treatment or punishment or arbitrary or unlawful detention, should in principle only be handled through the judicial system;

(b) **Persons (personal jurisdiction)**. Access should be available to all children within the State's jurisdiction. This may include the State's nationals abroad who are under the effective control of the State Party. No child within the State's jurisdiction should be excluded from access to justice, in particular due to their legal status, their nationality or lack thereof, their lack of birth registration or documentation or any past or current actions or behaviours. If the person's age is uncertain and there are reasons to believe that the person is a child, the presumption of minority should apply;

(c) **Individual and collective rights violations**. Access to justice and to an effective remedy should be available for both individual and collective rights violations and for violations affecting a large number of children, including through collective complaints, such as class action suits and public interest litigation brought by civil society organizations or other independent actors on behalf of children;[12]

(d) **Territorial jurisdiction**. States should establish and recognize jurisdiction for violations and abuses of children's rights, even when committed outside their territorial boundaries in certain circumstances, for example, when a State has effective control over the conduct of actors causing the harm or, as provided in article 4 of the Optional Protocol on the sale of children, child prostitution and child pornography, when children are not within the territory of a State but under the effective control of that State. This includes abuses of children's rights by business enterprises in cross-border cases, in the digital environment[13] and for children outside the territory of the State affected by transboundary harm, such as environmental impact;[14]

(e) **Universal jurisdiction for certain violations**. States should recognize universal jurisdiction in accordance with international law for the gravest violations of children's rights, such as war crimes, crimes against humanity and genocide, also bearing in mind that, during or in the aftermath of conflict, States may be unable or unwilling to prosecute and investigate certain crimes in their domestic courts;

(f) **Time limitation**. States should consider waiving or extending statutes of limitations for rights violations suffered during childhood, in particular for criminal offences, and, at a minimum, set the age of majority as the starting point for any time limitations. For certain crimes, such as sexual abuse, including in the circle of trust, or past cases of illegal

[12] General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change, para. 85; general comment No. 25 (2021) on children's rights in relation to the digital environment, paras. 44 and 48; and general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, para. 68.

[13] See general comment No. 16 (2013).

[14] General comment No. 26 (2023), paras. 84 and 88; and general comment No. 16 (2013), paras. 43 and 44; and *Sacchi et al. v. Argentina* (CRC/C/88/D/104/2019).

intercountry adoption[15] and abductions of newborns, children may face difficulties in disclosure over a prolonged period of time, owing to multiple factors, including fear, shame, guilt, traumatic amnesia and feelings of dependency, attachment and loyalty towards the alleged perpetrator, circle of trust or setting. Limitation periods established by law, including for civil and administrative claims, should consider children's ages and evolving capacities and the lasting impact of crimes experienced on the ability and willingness to seek redress well into adulthood.

17. The Committee emphasizes the importance of ensuring access to justice and to an effective remedy for violations and abuses of children's rights in cases of imminent or foreseeable harm. Effective remedies should be available to prevent or halt ongoing or future harm, particularly where time is of the essence. This includes cases arising from business activities, including in the digital environment, and those involving the separation of children from their families, the deportation of children or their caregivers, particularly where there is a risk of refoulement, threats to the child's life, access to medical treatment, effective access to reproductive health and safe abortion services for girls and access to education.[16]

18. Access to justice should not be conditioned on a claim being made by a child or on behalf of the child. Where victims are not readily identifiable or are unaware of their victim status, for example, in the digital environment, States must ex officio take the steps necessary to identify them and provide avenues for redress. Mechanisms providing access to justice and to an effective remedy should have the competency to investigate violations of children's rights on their own initiative within the scope of their mandate.[17]

19. Access to justice must be guaranteed during crises, including armed conflict, disasters, pandemics and climate emergencies. In such contexts, emergency reporting mechanisms and field-based remedy processes should be established to document violations as they occur and ensure child-centred accountability in real time, as far as possible. The Committee recalls that, as affirmed by the Human Rights Committee, access to an effective remedy is a non-derogable right, and States may introduce adjustments to the functioning of mechanisms during crises only to the extent that such measures are strictly required by the exigencies of the situation.[18]

20. Public entities whose mandate and action could have an impact on children's rights should establish complaint mechanisms and make them available, known and accessible to children. Such mechanisms, as listed in paragraph 11 above, should operate independently and be clearly perceived as such, with an explicit mandate to provide children with a safe, confidential and effective remedy. Methods for reporting violations of children's rights include helplines, complaint boxes and various digital means, as well as in-person services, outreach interventions, remote centres and one-stop centres.

21. Depending on the types of cases, States are encouraged to develop and strengthen child-centred alternative dispute resolution mechanisms, as well as restorative justice mechanisms, in and alongside the judicial system, that are free of charge, involve limited formalism and may be more accessible to, and potentially result in more appropriate settlements for, children than formal avenues. Appropriate safeguards must be in place to ensure that such mechanisms uphold children's rights and that participation is voluntary, based on children's informed consent and tailored to their age, maturity and evolving capacities.

22. Complaint mechanisms run by independent human rights institutions may provide accessible remedies for violations of children's rights. Independent human rights institutions should be able to receive individual and collective complaints from children and their parents

[15] See Committee on the Rights of the Child and others, "Joint statement on illegal intercountry adoptions", 2022; and *Navarro Presentación and Medina Pascual v. Spain* (CRC/C/81/D/19/2017).

[16] General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, paras. 13 and 60.

[17] See, for example, general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, para. 19 (a).

[18] Human Rights Committee, general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency, para. 14.

or legal guardians and from children's organizations and to refer cases to other competent bodies and monitor progress.[19] While their decisions are often not directly enforceable, such mechanisms are generally less formal than courts, involve limited costs and formalities and are directly accessible to children without requiring a representative or a lawyer. The Committee recalls that every State should establish an independent human rights institution with a mandate to promote and protect children's rights. The Committee reaffirms the importance of legal mandates that grant such institutions the power to investigate violations of children's rights, undertake investigations into private and public bodies, acquire information and summon witnesses for this purpose. Furthermore, an independent human rights institution should be able to initiate legal action on behalf of children, to intervene in court cases as a third party on behalf of children or inform the court about the human rights issues involved and to take on judicial review cases.[20]

23. Business enterprises and private institutions, including civil society organizations, should establish, or participate in, accessible and effective mechanisms to address and remediate grievances from children and communities who may be adversely affected by their activities. Business enterprises include, in particular, digital service providers, companies in the travel and tourism sector, pharmaceutical and food companies and manufacturers and distributors of children's products. Such mechanisms should be accessible to children and regulated and overseen by the State and must not preclude access to State-based mechanisms and the competent authorities.

24. The Committee notes that customary justice is often a primary avenue for access to justice for many people worldwide, including Indigenous persons, and may offer a remedy that individuals may favour, even when formal judicial options exist. Customary systems are frequently community-based, operate in local languages and dialects and may provide timely outcomes at a more affordable cost. They are anchored in an understanding of local social norms and systems of justice, and their actors are members of the community, often including recognized traditional, spiritual and religious leaders. However, the Committee is concerned that some customary systems may normalize, conceal or perpetuate harmful practices, particularly affecting girls, or give precedence to other considerations, including shielding the group and certain members from accountability, resulting in impunity. Furthermore, children may not feel comfortable speaking up in such settings. It is essential that such mechanisms are in alignment with legal and procedural guarantees and standards grounded in children's rights. States should provide adequate oversight, to ensure that customary systems do not violate children's rights, and clearly regulate their articulation with formal judicial systems, especially in contexts of legal pluralism. Children must always have the possibility to opt out of customary processes and access to the formal judicial system.

25. International and regional mechanisms play a complementary role in addressing violations of children's rights, including the most serious crimes against children, and in addressing situations such as impunity and strengthening national remedies. Access to international and regional mechanisms for violations of children's rights, including directly by children, is an important avenue for strengthening State accountability.

B. Accessibility

26. Ensuring access to justice and to effective remedies for all children and the adults supporting them necessitates the identification and elimination of existing barriers. These hindrances are multiple, evolve over time and circumstances and often intersect, calling for a continual review and reassessment of the interventions needed.

1. Addressing structural discrimination

27. States should be mindful that procedures for the right to access to justice and to an effective remedy may reproduce the dynamics that contribute to the power imbalance between children and adults and the marginalization of certain groups of children, including

[19] General comment No. 2 (2002), paras. 7 and 13.
[20] Ibid., para. 14.

structural discrimination. Obstacles to justice for children often stem from and are compounded by inequalities, including social, economic, territorial, ethnic and migration-related inequalities, which lead to discrimination and stigma. Available mechanisms should ensure that their impartiality is not compromised by biased assumptions, racism, prejudice and stereotypes against children in general or certain groups of children. In line with article 2 of the Convention, States should take targeted measures to guarantee equal access to justice and to an effective remedy for all children within the State's jurisdiction. This should include pathways that accommodate the specific needs of children in situations of vulnerability and marginalization and address the negative attitudes, stereotypes or childism assumptions that diminish the status or credibility of children. To this end, States should implement awareness-raising and appropriate safeguards. Mechanisms should also make proactive efforts to build trust among children in situations of vulnerability and marginalization.

2. Legal accessibility

28. The Committee underlines the importance of the availability of judicial, quasi-judicial and non-judicial mechanisms to which children can gain access directly and with or without parental consent, subject to their evolving capacities. The Committee recalls that, under the Optional Protocol on a communications procedure, children can directly submit a communication to the Committee when the conditions of admissibility are met.

29. In most countries, children are not considered legally competent to have access to judicial or other decision-making procedures or to bring a complaint before a court. They must rely on adults, usually a parent or a legal guardian, to act on their behalf. States should consider recognizing in domestic law the legal standing of children to initiate and participate in legal proceedings affecting their rights, whether as parties or in any other capacity, including the right to appeal, if they so wish, in accordance with their evolving capacities. Legal standing should apply to individual children, to child-headed households and to groups of children, including child-led organizations. Specifically, where domestic law recognizes a child's autonomy to act or make certain decisions – such as specific healthcare choices or employment for children above the minimum age for work – age limits and conditions for procedural capacity should be aligned with that recognition. The recognition of legal standing for children does not preclude due process guarantees, including free, impartial and specialized legal representation.

30. While parents or legal guardians will in many cases be present and supportive, there may be situations where they are unable to play this role or have a conflict of interest with the child, including when they have a responsibility in the violation at issue, or situations where there is no legal guardian. In such situations, the court may decide, after giving due weight to the children's views, to appoint an appropriate person to fulfil the duties of the parents or legal guardian and act as guardian ad litem (also referred to as curator, tutor or ad hoc legal guardian) who must act in the child's best interests, accurately convey the child's views and remain free from any conflict of interest.

3. Financial accessibility

31. Financial and other costs are a major barrier to access to justice. Children rarely have access to financial resources on their own, and caregivers may be unable to bear the expenses involved, where legal aid is not available or refused. Litigation against companies poses particular challenges due to prohibitive costs. All costs, direct and indirect, should be considered for the provision of adequate support. States are encouraged to minimize as much as possible the financial risk to children bringing cases, especially when in the public interest, for example, by protecting them from adverse cost orders.[21]

4. Practical accessibility

32. States should address practical barriers, such as distance, physical accessibility and language, recognizing that children and those supporting them may be unable to move independently and that certain groups may have specific needs. The principle of proximity

[21] General comment No. 26 (2023), para. 86.

implies that access points should be located within children's reach to the greatest extent possible, considering children's different needs and circumstances, including children living in remote and rural areas, children deprived of their liberty and displaced children in refugee camps and temporary shelters.

5. Technological accessibility

33. Digital technologies, including artificial intelligence, may enhance the accessibility of access to justice and to an effective remedy, facilitate children's direct engagement with the mechanisms for claiming that right and contribute to children's growth as active participants in democratic societies, but they also present significant challenges, including discrimination, privacy violations, exploitation and exposure to harm.[22] They may help to address hindrances for some children in remote areas or those with limited freedom of movement, facilitate the dissemination of information related to available pathways and support outreach efforts by actors assisting children, such as lawyers or civil society organizations. For children involved in proceedings as victims and witnesses, remote online participation may be less stressful and may limit harmful or unpleasant exposure by maintaining physical distance. Children's involvement in proceedings through digital technologies should be based on the child's informed consent.

34. Where artificial intelligence systems, tools and platforms are used, they should be aimed at improving children's access to justice and not replacing the human relationships that help to build children's trust and confidence in the process. Actors involved in developing and using such tools should ensure respect for the rule of law and children's rights and avoid any biased design. Their use should be properly regulated, monitored and regularly evaluated. Any inadvertent outcomes from automated processes must be reversible.

35. States are encouraged to support further research on the use of digital technologies, including artificial intelligence, develop evidence-based guidance and appropriate regulation for professionals using such tools with children and monitor their use, including the potential for the violation of privacy and discrimination.

6. Accessibility to specific groups

36. **Children with disabilities**. States must ensure that all children with disabilities, regardless of the type and degree thereof, including physical, mental, intellectual and sensory disabilities, have universal and barrier-free access to facilities, information, procedures and services throughout judicial, administrative and other processes to fully enjoy their right to access to justice and to an effective remedy on an equal basis with others. Children with disabilities should have access to procedural and age-appropriate accommodations,[23] which should not be limited by the concept of disproportionate burden.[24] Accommodations include, but are not limited to: physical adaptations, in terms of location, accessibility and suitability of spaces; relevant communication approaches, in terms of format, language and formulation, planning for additional time, periodic breaks, use of technology or assistive devices, including communication aids, and support from trained intermediaries, as far as possible with the child's consent; presence of a support person; reasonable accommodations regarding grounds for nullifying and postponing procedures and receiving evidence; and other accommodations based on individual needs. Discrediting a witness solely on the basis of their disability should be prohibited.

37. **Children deprived of their liberty**. Children in closed settings, such as alternative care settings, asylum centres, refugee camps, psychiatric institutions, police stations, detention centres, rehabilitation centres and military settings, and children incarcerated with their parents commonly face specific obstacles in exercising their right to access to justice and to an effective remedy. States should ensure that all children deprived of their liberty have direct, confidential and unimpeded access to legal, paralegal and social support services

[22] See general comment No. 25 (2021); and Committee on the Rights of the Child and others, "Joint statement on artificial intelligence and the rights of the child", 2026.

[23] Convention on the Rights of Persons with Disabilities, art. 13.

[24] Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018) on equality and non-discrimination, paras. 25 and 51.

and to independent remedy mechanisms. In ensuring access to such services, States should take into account the inherent risks that closed settings present for children, children's restrictions of movement, their dependency on the institution they live in and its staff – who may be perpetrators of abuse – isolation and lack of contact with trusted adults and reporting channels, as well as intersecting vulnerabilities. States should establish accessible independent reporting channels, such as confidential helplines and regular contact with independent advocates using suitable communication methods. Regular, unannounced visits by independent monitoring bodies, such as independent human rights institutions and national preventive mechanisms, are essential. Such bodies should have the authority to have direct, confidential and unsupervised interactions with children, gather evidence, handle or report rights violations and initiate legal action.

38. **Children in emergency situations**. Children in emergency situations, including those affected by armed conflict and armed violence, face unique challenges, such as weakened institutions, limitations on due process and the application of laws and pervasive insecurity. In such contexts, children require access to safe and confidential mechanisms, supported by child-centred and inclusive processes, staffed by professionals trained in trauma-informed care and child protection in emergencies. The policy on children of the Office of the Prosecutor of the International Criminal Court provides relevant guidance regarding children's involvement in access to justice and remedy mechanisms in such contexts.

39. **Children who are victims and witnesses in criminal proceedings**. Judicial proceedings should guarantee children who are victims and witnesses the right to pretrial testimony under the judicial safeguards of due process as soon as possible after the disclosure and reporting of child abuse, neglect or violence. Audiovisual recording of the child's testimony at this stage should serve a twofold purpose: on the one hand, to preserve the integrity of the evidence elicited from the child for the court proceedings; and on the other hand, to avert distress and any other harmful impact on the child due to repetitive interviews and inordinate delays in legal proceedings. States should ensure that this procedure is in full alignment with the child's rights, takes place in spaces adapted to children's needs and is carried out by personnel trained in forensic interviewing. Moreover, the narratives obtained from the children should be made accessible for interdisciplinary assessment and interventions to ensure the safety, appropriate recovery and social integration of children who are victims and witnesses without undue delay.[25]

7. Safe reporting

40. Children may be exposed to sanctions or reprisals for seeking a remedy, deterring them from reporting violations, including those occurring in their environment and in the circle of trust and those committed by public authorities. Negative past experiences with authorities, negative exposure in the media and low confidence in adults may also contribute to distrust towards the avenues available for seeking justice. To address this risk, States should establish mechanisms to protect children when there are credible threats of intimidation or reprisal. States should ensure the availability of independent, impartial and trusted mechanisms, regularly assessing their credibility and how children perceive and experience them.

C. Adaptation to children's rights and needs

41. Mechanisms providing access to justice and to an effective remedy are generally designed by and for adults, and they often inadequately align with the general principles set out in paragraph 19 above. States should adopt specific measures to ensure that mechanisms are adapted to children with diverse needs and characteristics and in diverse situations in a manner consistent with the child's sense of dignity and worth.

[25] Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, paras. 19 (e) and 34 (e).

1. Individual assessments

42. Individual assessments should identify the child's specific needs during and after the process. It should include considerations of the impact of the alleged violation on the full scope of the child's rights, individual circumstances, protection and support needs and potential conflicts of interests in the child's immediate environment. They should be conducted by multidisciplinary teams and inform tailored measures to ensure children's access to justice and to an effective remedy throughout and beyond the process.

2. Child-sensitive communication and interactions, including access to information

43. Children have the right to access to information regarding their rights, the mechanisms available to them, the process, their role, the role of others, the time frame, the possible and actual outcomes and how to challenge the decision. Information should be provided in plain language and in a manner that is age-appropriate, gender-sensitive, disability-inclusive, culturally relevant and trauma-informed by appropriately trained professionals. Audiovisual content, infographics, booklets, interactive guides and other materials, as well as in-person facilitation, are valuable tools to help children and their caregivers to comprehend the process.

44. The Committee underlines the essential role played by specialized professionals in facilitating communication for children belonging to certain groups, such as interpreters supporting children who use non-official languages and cultural mediators contributing to building trust in the system. Such professionals must be independent, impartial and trained to communicate with children and to faithfully convey information without judgment or personal opinions. It is also important to be mindful of possible mistrust between children and interpreters or mediators due to cultural dynamics. Trained intermediaries are equally instrumental in facilitating communication between children and mechanisms, especially for children with diverse communication needs, including children with disabilities and children who are non-verbal owing to their age or other reasons.

3. Legal assistance and legal aid

45. Children should have access to appropriate legal assistance adapted to their needs to enable them to understand, exercise and defend their rights. This includes services provided by lawyers and other professionals in judicial and non-judicial systems, including legal information and advice, assistance and representation in courts or proceedings, assistance in navigating rules and procedures and other legal services. They should be trained in children's rights, child development and effective communication with children in order to build trust with children, provide clear and relevant information, ensure privacy and confidentiality and apply adequate safeguards to protect children from harm. Lawyers should be appointed ex officio for legal proceedings involving children, with such representation remaining distinct from parental or institutional interests. Children should have the right, to the extent possible, to freely choose their lawyer or request a different one where they do not have confidence in the appointed lawyer. Children should not have the option of waiving access to a lawyer in order to avoid any external pressure on their right to be assisted. States need to ensure ethical and deontological safeguards to protect children.

46. Legal aid, encompassing free legal advice, assistance, representation, court proceedings and appeals, as well as associated costs, such as interpretation or expert assistance, is a fundamental component of equal access to justice and to an effective remedy. States should ensure the availability of legal aid at all stages of the judicial process. Legal aid should be delivered by competent, independent legal professionals in a manner that respects all children's rights and in particular enables their safe and effective participation. Legal aid should be accessible for all children, including those with disabilities, in alternative care, children in situations of migration and those deprived of their liberty. Children must be informed, in appropriate formats, of their right to legal aid and how to obtain it.

4. Multidisciplinary, coordinated and holistic interventions

47. Services are essential in creating an enabling environment for access to justice and to an effective remedy and in providing appropriate support to children before, during and after the judicial process. States should build the capacity of service providers across their jurisdiction to identify violations of children's rights and inform children about mechanisms

available to them to seek redress. Support services should have a sufficient budget, be widely accessible and carry out their interventions that are timely, continuous and appropriate, especially when taking place in the context of judicial proceedings.

48. States should ensure the provision of multidisciplinary, coordinated and holistic support services, including legal, social, medical and psychological services, taking into consideration the multidimensional impact of rights violations on children and their individual needs. These services should adopt children's rights-based approaches and be based on high quality standards, including ethical rules and safeguarding measures. They should operate through well-defined institutional workflows and protocols, including for collaborating with the judicial system, to promote integrated responses and prevent secondary victimization. In judicial proceedings, integrated models that combine forensic interviews, medical examinations, psychosocial support and legal assistance under one roof, such as the *barnahus* model, help to guarantee comprehensive support, effective communication and appropriate procedural accommodations. Such child-centred approaches can also encourage children to provide more detailed accounts, thereby strengthening justice outcomes.[26]

49. Every child seeking justice and an effective remedy should have the possibility to ask for the support of a trusted person or an appropriate professional throughout the process, irrespective of the presence of their parents or legal guardians.

5. Protection from harm

50. All procedures should be designed to protect children from harm, requiring the authorities to promptly identify risks and adopt immediate, proportionate and comprehensive safeguarding measures, ensure safe and meaningful participation and coordinate multidisciplinary interventions.

51. The requirement to hear children's views applies to all processes, including non-State-based justice processes, customary justice processes and alternative dispute resolution mechanisms that may have a less developed practice of allowing children to be heard than more formal avenues. Children should be consulted at every key step of the process in an appropriate manner, both on the matter itself and on how proceedings are conducted, including whether and how they wish to participate and how their views will be used and with whom they will be shared. If those views cannot be accommodated, the reasons should be explained to the child. Mechanisms should also enable children to express their feelings about the conclusion of the process.

52. When interviewing and engaging with children who are victims or witnesses of criminal offences, specialized professionals should use non-traumatizing, non-inquisitorial, non-contradictory and non-adversarial techniques that are designed as a dialogue with the child, rather than an interrogation. Interviews should be limited to the strictly necessary; direct contact and confrontations with perpetrators should not be allowed. Interviewing techniques can benefit from the use of available evidence-based protocols, avoiding secondary victimization and the contamination of the child's narrative. They should be based on an understanding of child development, including memory and suggestibility, use non-leading open-ended questions and age-appropriate language and employ relevant adaptations for non-verbal children, children with disabilities and children with other specific needs. In cases of sexual violence, medical and psychological examinations and interviews should be carried out by professionals specifically trained for interacting with children who are victims of such crimes.

6. Adapted spaces

53. Child-welcoming environments are key to building children's trust and confidence and reducing their level of anxiety, supporting them in freely expressing their views and facilitating disclosure. Interview rooms designed for children with the aim to support eliciting

[26] Ibid., para. 30 (d).

the child's narrative should preferably be integrated into the same location as interdisciplinary services for children who are victims.[27]

D. Effectiveness in achieving redress

54. Beyond procedures, the right to an effective remedy entails an outcome that provides redress or, in specific cases, the prevention of a violation that would result in foreseeable and irreparable harm. Reparations refers to measures to redress violations of children's rights by providing a range of material and symbolic benefits to victims, their families and affected communities. Reparations should be adequate, effective and prompt, taking into consideration the specificity of children and each individual child. States should refrain from introducing legal or other measures that restrict or prevent victims of rights violations from obtaining reparations or that shield institutions or personnel from accountability through effective remedies.

55. Reparation comprises restitution, compensation, rehabilitation, including recovery and reintegration, satisfaction and guarantees of non-repetition of violations.[28] Reparations may be individual or collective in nature. When determining the level or form of reparation, remedy mechanisms should recognize that children are often more vulnerable to the impact of violations of their rights than adults. In assessing such impact, mechanisms should take into account the age, maturity and evolving nature of children's development and capacities. Reparations should be timely to limit ongoing and future damage to the child or children affected.[29] They should also consider the impact of the violation on the child's parents, siblings and other persons close to the child and, as relevant, the community. The Committee recognizes that adults may seek reparations for violations that they experienced as children using various avenues, including judicial proceedings and non-judicial pathways, such as inquiry commissions and other transitional justice processes, in the case of large-scale violations. Financial forms of reparation alone often do not fully address the harm caused to the child and should be complemented with a comprehensive set of redress measures, but they should not be excluded solely on the basis of the fact that the victim is a child.

56. Children and their representatives should, as far as possible, participate meaningfully in the reparation process, including its design, implementation, evaluation and monitoring, as well as in determining the forms of redress. A participatory process that elicits children's expectations and fosters their agency and ownership is key to ensuring greater acceptance and commitment to the outcomes and has reparative value in itself.

57. Children should be promptly informed, in an appropriate manner, about the outcome and the reasons for the decision, including how their views were considered. Communications with the child about the outcome of the process should be guided by an assessment of the child's best interests, including the nature of the decision in relation to the child's expectations and any risks for the child's well-being and development associated with providing such information. Actors involved in providing an effective remedy can do so directly, by conveying their decisions in a child-adapted manner through specifically trained professionals or through other actors supporting the child. To this end, the Committee encourages States to adopt clear standards and guidance on informing children about decisions.

58. Many decisions, including those issued by the formal judicial system or by an international body, such as the decisions of the Committee taken under the Optional Protocol on a communications procedure, which are legally binding, are not adequately executed. States should take the measures necessary to ensure the adequate and timely execution of judgments. Furthermore, the possibility to issue precautionary and interim measures is essential to an effective remedy, especially when the consequences of the contested action

[27] Ibid. Examples of this are the European *barnahus* and the children's advocacy centres in the United States of America.

[28] General comment No. 21 (2017) on children in street situations, para. 22; and General Assembly resolution 60/147, para. 18.

[29] General comment No. 16 (2013), para. 31.

could lead to irreparable harm to the child[30] or create a situation that will become irreversible. Relevant entities, including public services and businesses, should comply with the decisions made by the complaint mechanisms that they have internally established. All remedy mechanisms should set out clear frameworks for the execution of their decisions, including explicit time frames, disciplinary sanctions for non-compliance and penalty payments. Oversight by courts through declaratory or supervisory orders with attached timelines, as well as monitoring, including by independent human rights institutions, civil society, child-led organizations and the media, are essential to promoting transparency and compliance and strengthening State accountability.

59. In relation to transnational violations of children's rights, including violations committed by transnational corporations, transboundary environmental harm, intercountry family or private disputes, such as intercountry adoption or international abduction, and violations in the digital environment, the Committee encourages States to ratify or accede to relevant private international law treaties and to cooperate in the implementation and enforcement of decisions made in another country, provided that they are based on due process and consistent with children's rights. In case of international crimes, States should also respect the competence and decision of international justice mechanisms and fully implement them. They should designate competent authorities and establish clear procedures for mutual legal assistance, including evidence preservation, precautionary and interim measures and coordination with international bodies.

1. Restitution

60. Restitution aims to restore the victim, as much as possible, to the original situation before the violation occurred.[31] This may include the reinstatement of a child who has, for example, been excluded from a process, social benefits or a facility, the re-establishment of missing identity elements, such as a birth certificate, nationality, family relations and information on family origins, or the annulment of decisions based on wrongful proceedings, if that is in the best interests of the child. However, in many cases, it may not be possible for the impact of the rights violation on children to be fully reversed, in particular when it affects their development, in which case States should ensure other forms of reparation.

2. Compensation

61. Compensation for the harm suffered consists of a financial form of reparation and should be appropriate and proportional to the gravity of the violation and the circumstances of each case. It should address the long-term psychological, social and developmental effects resulting from physical or mental harm, lost opportunities, material, moral and reputational damage, legal costs and fees for rehabilitation services.[32] Compensation should not be contingent upon the child's willingness or ability to testify or incriminate the accused in criminal proceedings.

62. Compensation schemes should ensure that children who are victims genuinely benefit from any compensation, including through arrangements such as trust funds. When the harm is caused by a parent, legal guardian or anyone controlling the child's financial resources, measures should prevent the perpetrator from acquiring access to the compensation.

63. States should ensure that compensation mechanisms do not impose undue burdens on claimants, such as overly complex procedures or excessive documentation. They should proactively inform children who are victims and their parents or legal guardians of the right to claim compensation and how to do so.

[30] *A.B.A. et al. v. Spain* (CRC/C/91/D/114/2020-CRC/C/91/D/116/2020-CRC/C/91/D/117/2020-CRC/C/91/D/118/2020), paras. 9.2 and 10.11.

[31] General Assembly resolution 60/147, para. 19.

[32] Ibid., para. 20.

64. States should take all measures necessary to ensure the enforcement of compensation decisions, including the early identification and freezing of defendants' assets,[33] establishing victim funds and having adequate social protection systems to offset income loss from non-execution.

65. Compensation is commonly used in customary justice systems to solve disputes. Compensation for violations of children's rights is only acceptable when it is part of a due process that is in compliance with international standards and that does not discriminate against or among children who are victims. Such systems should never be employed to secure a financial settlement aimed at avoiding formal proceedings, nor in circumstances that could pressure a child into accepting an unwanted outcome or result in further rights violations, such as the obligation to marry the perpetrator of a rape.

3. Rehabilitation, recovery and reintegration

66. Victims have a right to timely rehabilitation, including recovery and reintegration, to limit the long-term harm caused by rights violations. This primarily involves providing relevant services, including medical care, social reintegration and physical and psychological services, and addressing the conditions that perpetuate violations and hinder recovery, for example, by removing harmful online content linked to child abuse.

67. The right to rehabilitation should be guaranteed by law and supported by relevant institutions. States should designate a competent entity responsible for coordinating, monitoring and evaluating programmes for child victims. Rehabilitation services should be of high quality, accessible to victims free of charge and provide a comprehensive and integrated continuum of care and support before, during and after the process, as necessary.[34] Service delivery should be based on individualized assessments and provided as soon as a credible concern is raised, independently of other proceedings.

4. Satisfaction

68. Satisfaction refers to victims' sense and recognition that justice has been achieved through the process, the cessation of the violation and the acknowledgement of the harm or damage suffered. It recognizes that other forms of reparation may not suffice, particularly where full restoration cannot be achieved and when the violation has caused non-material damage to the child. Satisfaction also includes the right to challenge the outcomes of the process. Satisfaction measures, especially symbolic ones, should not serve to avoid other forms of accountability, including compensation and criminal responsibility.

69. Satisfaction can have a collective and societal dimension, when massive or systematic violations have affected a large number of children belonging to a certain group or within a given social and political context. Such situations may include grave violations during armed conflict or under a totalitarian regime, systematic placement and abuse in institutional care, widespread unlawful adoptions or pervasive incest, among other scenarios. In these cases, individual satisfaction is linked to collective forms of reparation and must be understood within this broader context.

70. During large-scale human rights violations, including in conflict situations, and in their aftermath, an effective remedy for children can contribute to healing wrongs, offering opportunities for a better future, promoting reconciliation and building sustainable peace. Transitional justice processes are essential in this respect and should be grounded in a children's rights-based approach and emphasize children's right to truth and reparations, ensuring children's meaningful participation in reconciliation and peacebuilding processes. However, truth commissions or public inquiries do not substitute for the State's obligation to collect evidence, to provide access to an effective remedy and to prosecute violations of children's rights. Transitional justice mechanisms should be complemented by formal judicial processes.

[33] CRC/C/156, para. 106.
[34] Ibid., para. 100 (a) and (b).

71. Avenues for satisfaction include the following:

(a) **Accountability for perpetrators**. Accountability for rights violations entails appropriate sanctions being imposed and effectively enforced against perpetrators, whether they are individuals, private entities, religious institutions, members of armed groups or public authorities, including the armed and security forces. Sanctions should be fair, effective, commensurate to the gravity of the violation and dissuasive, without discrimination. States should take measures to eliminate discriminatory practices, including lenient sanctions and impunity for violations against children from marginalized groups and for gender-based violations. For abuses caused by business sector activities, fines and compensation should be set at levels that reflect the financial interests and cost-benefit calculations by enterprises, ensuring that they serve as an effective deterrent against future abuses;

(b) **Recognition of the violation and harm incurred**. The recognition of the existence of a violation and resulting harm for the child, but also of its lifelong consequences, provides an endorsement of the children who are victims' narrative, especially when they have been silenced or faced disbelief. Recognition can result from judicial sentencing of the perpetrator or consist in a symbolic action, along with other forms of accountability. On a collective level, recognition contributes to building a common narrative, paving the way for acknowledgement and historical memory;

(c) **Truth and acknowledgement of responsibilities**. Especially in situations marked by secrecy and lack of information, such as disappearances, unlawful adoptions, identity-related issues or decision-making chains having led to violations, establishing the truth and recognizing responsibilities exposes the social norms and political, social and institutional dynamics that enabled the violations to occur. It allows victims to understand what happened, supports closure, helps societies to confront their past, recognizes intergenerational harm and informs structural measures to prevent future violations;

(d) **Apologies**. Apologies, both private and public, can also serve to bring satisfaction, as integral to the recognition of wrongs and the validation of victims' narratives, provided they are part of a range of other reparation measures and do not substitute for other forms of accountability, in particular by being used to avoid proceedings;

(e) **Memorials**. Memorials of massive rights violations, through official reports, inclusion in school curricula and dedicated ceremonies, institutions and memorials, helps to situate individual experiences in a collective narrative and can constitute a form of reparation for violations of children's rights;

(f) **Other restorative processes**. Children who are victims may define other ways of obtaining redress, based on their needs and their own understanding of justice, and States are encouraged to establish mechanisms and avenues that can accommodate other requests providing relief.

5. Guarantees of non-repetition

72. States should ensure the non-recurrence of violations. The Committee recalls the importance of addressing the broader conditions that affect children's rights and the obligation to prevent violations and to reduce risks for further victimization and harm. Reparations should include structural reforms that address the systems, laws, social norms and practices underpinning the violations with the aim of preventing future violations, both for the children directly affected and for others.

73. Litigation can lead to systemic change and improved State compliance with the Convention and other standards by exposing legal gaps, challenging practices that undermine children's rights and deterring further violations. Strategic litigation in particular consists of legal action seeking to bring about legal, political or social change beyond individual cases. Civil society, including lawyers, legal clinics and bar associations, as well as independent human rights institutions, play a key role in supporting strategic litigation. When children are directly involved, high ethical standards and appropriate safeguarding measures must be observed.

74. Measures aimed at realizing guarantees of non-repetition, such as therapy, care and support for perpetrators aimed at preventing future violations and protecting other children from harm, could also be relevant.

VI. Ensuring an enabling environment for realizing children's right to access to justice and to an effective remedy

75. States should identify and address social norms and behaviours that impede children's right to access to justice and to an effective remedy, in particular by reaffirming children as rights holders, combating stereotypes on children in general and children from specific groups, giving due weight to children's views and experiences and promoting positive child-rearing practices.

76. In line with article 5 of the Convention, parents or legal guardians have a duty to provide direction, guidance and support in the exercise by children of their right to access to justice and to an effective remedy in a manner consistent with their evolving capacities. This includes helping them to gain access to available mechanisms or acting on their behalf when appropriate, explaining the process, discussing benefits and risks, seeking the child's views and providing ongoing support during and after the process, with assistance from the State and other stakeholders as relevant. When parents or legal guardians are unable to fulfil this role, or there is a conflict of interest with the child, the State should assume this responsibility.

77. In order to create a supportive environment, States Parties should:

(a) Ratify or accede to the Optional Protocols to the Convention and other relevant international and regional treaties, in particular the Optional Protocol on a communications procedure, for the full recognition and fulfilment of children's right to access to justice and to an effective remedy;

(b) Promptly review and consider withdrawing reservations and interpretative declarations to the Convention and other relevant instruments, especially the ones affecting access to justice;

(c) Ensure that the Convention and the Optional Protocols thereto are given legal effect within their domestic legal systems and that the treaties' provisions prevail when in conflict with domestic legislation or common practice;

(d) Adopt a comprehensive legal framework in line with the Convention, which is the necessary underpinning for the realization of children's right to access to justice and to an effective remedy;

(e) Ensure that children's right to access to justice and to an effective remedy is explicitly recognized in domestic legislation. State-based procedures and remedy mechanisms should be clearly regulated through legislative and other provisions, guaranteeing compliance with international human rights standards and ensuring transparency and predictability;

(f) Allocate sufficient resources to uphold children's right to access to justice and to an effective remedy. National budgets should include provisions for the establishment and functioning of judicial and non-judicial mechanisms that are accessible to children, staffed by competent and well-remunerated professionals and supported by legal, social, psychological and other services. Resources should also cover free legal aid and interpretation services, as well as financial assistance to make access to justice affordable for all children and families;

(g) Guarantee the independence in law and practice of independent human rights institutions and similar bodies, such as children's ombudspersons, that play an important role in ensuring children's right to access to justice and to an effective remedy;

(h) Support the essential role that civil society organizations, including grass-roots and professional organizations, can play in supporting children's right to access to justice and to an effective remedy. The role of civil society may include monitoring and reporting violations, providing information, guidance and counselling to children and families, offering

legal and paralegal assistance through sociolegal defence centres, legal clinics or mobile services, establishing helplines or online reporting platforms and visiting closed facilities or any public or private institutions caring for children;

(i) Develop and strengthen children's awareness of their rights and education programmes for both children and adults, which should include practical information on remedy mechanisms available to children, how to access them and available support, in particular through inclusion in the school curriculum, communication and media campaigns and awareness-raising among professionals in contact with children and their caregivers;

(j) Ensure that all State officials and other professionals who receive and handle claims of violations of children's rights receive adequate and practical training on children's rights and how to communicate with children. This applies to all mechanisms providing access to justice and to an effective remedy;

(k) Monitor the implementation of the right to access to justice and to an effective remedy and support research on and the evaluation of remedies for violations of children's rights, including by collecting disaggregated data on violations, children's characteristics and situations, the mechanisms used and the outcomes.

VII. Dissemination

78. States Parties should ensure that the present general comment is widely disseminated to all relevant stakeholders, in particular parliaments and government authorities, members of the judiciary, business enterprises, the media, civil society, the public at large, educators, parents, caregivers and in particular children. It should be made available in multiple formats and languages, including age-appropriate versions.