

This guidance is intended for any organization or entity planning to organize local, national, regional, or global consultations to support the development of the Committee on the Rights of the Child's draft general comment No. 27 on children's rights to access to justice and effective remedies.

Consultations should conclude by December 2024, and key outcomes should be submitted **by 31 December 2024** via an **online form** available on the CRC webpage at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/draft-general-comment-no-27-childrens-rights-access>. A Word version of the form is also available on the webpage for reference. As a large amount of contributions are expected, organizations are asked to submit specific and targeted recommendations resulting from the consultations, keeping in mind the objective of informing the drafting of the general comment.

- The consultation framework suggested below includes (1) a set of general questions and (2) a set of questions in relation to avenues/mechanisms available to provide an effective remedy under the geographic scope of the consultation.
- 'Avenue/mechanism-specific' questions can be discussed for each kind of avenues/mechanisms listed below or, in the alternative, a comparative discussion can be held for the different kinds of avenues/mechanisms. In the online form, you will only be able to submit one consolidated response.
- Feel free to select only some of the questions and adapt the questions to your geographical context. There is no expectation that you will address all questions. This will depend on the nature of selected participants and the time allocated for the consultation.
- The questions below can be used in key informant interviews or consultations at the local, national, regional, or global levels. In regional or global consultations, participants will be able to compare their country's experiences.
- Key informants and participants in consultations are expected to be professionals working in the different avenues/mechanisms; service providers; staff from the relevant ministries; civil society organizations, academics, and any other relevant actor.
- If questions below are considered too detailed for regional or global consultations, these discussions could more generally discuss **obstacles** to children accessing justice (legal, social/cultural, financial, practical); the groups most **discriminated** against; **good practices and recommendations**.

General questions

Legal and policy framework (please share key provisions)

- Is the right of children to adequate, effective, prompt and appropriate remedies provided by law? Are some children excluded from this provision?
- Does the law provide for, or recognize, non-judicial remedy mechanisms? Are these mechanisms directly accessible to children?
- Is the right for children to take legal action on their own behalf provided by law? through a parent or guardian? through a chosen or appointed legal representative?
- Is the right of children to be heard in all proceedings which affect them, if they so desire, in a manner adapted to their age, maturity and best interests provided by law, whether judicial or administrative proceedings, or any other type of remedy provided for by legislation?

Budgeting

- Are human and financial resources allocated to children's access to justice sufficient? Is children's access to justice considered in the national budget?
- Are children generally included in the overall national investments in access to justice and rule of law?

Monitoring and oversight

- Is data on children's access to justice and effective remedies available and disaggregated? Please share.
- How does the State monitor children's access to justice and right to remedy?
- Does the State provide effective oversight of informal justice systems where they exist?

Services and programmes

- Please describe the services and programmes providing information, advice and legal, social or paralegal assistance to children seeking a remedy (socio-legal defense centers, legal clinics, 'barefoot lawyers', community paralegal groups, etc.)
- Please describe child rights education programmes in the country, including in schools, and whether the teaching includes information on the right to remedy.

Avenue/mechanism-specific questions

You can discuss the following questions for each kind of avenues/mechanisms listed below or, in the alternative, compare the situation in the different kinds of avenues that are relevant. In the online form, you will only be able to submit one consolidated response.

1. Grievance mechanisms within the governmental administration/ministries
2. National Human Rights Institutions, Ombudspersons, Independent Children's Rights Institutions, or similar mechanisms
3. Judicial system: administrative matters
4. Judicial system: civil matters
5. Judicial system: criminal matters
6. Alternative dispute resolution such as mediation or arbitration
7. Customary, tribal, indigenous, religious or informal community-based justice system
8. Other relevant mechanisms identified in the call for submissions on the CRC webpage

Type of cases

- What is the type of cases considered by the avenue(s)/mechanism(s)?

Normative base – please share key legal provisions and policies

- Is the right for children to (1) initiate and (2) participate in these proceedings established by law or other norms?
- May children initiate and/or participate on their own behalf or only through an adult (or both)? Do they need parental consent?
- Standing: Is there an age limit to (1) initiate and (2) participate, and if so, what is the age?

Representation

- If the child cannot personally bring the matter to the attention of this body or procedure, who can do this on behalf of the child?
- If children cannot be heard in person, who can represent the views or interests of the child (e.g., a relative, guardian, teacher, child protection official)?
- Is the child entitled to a lawyer?
- Does the person or agency representing the child have an obligation to consult the child concerned and take the child's views into account?

<p>Acceptability and trust</p> <ul style="list-style-type: none"> • Is it considered culturally and socially acceptable for children to resort to this avenue? • Does resorting to this avenue involve the possibility of a negative impact on the child (such as reprisals or exclusion)? • Is this avenue generally trusted by the population?
<p>Procedural safeguards and child-sensitive measures</p> <ul style="list-style-type: none"> • Are procedures adapted to children? (see examples of such measures below) • Are the professionals involved trained or specialized in children's rights? Is training sufficient/adequate? • Is free legal aid and representation available and accessible for all children, including in their own name, without discrimination?
<p>Information and support</p> <ul style="list-style-type: none"> • Is the information on this avenue/mechanism child-friendly, translated in the various national languages and made available in all areas of the countries, including remote areas and closed facilities? • What type of support is available (legal, social, paralegal, support person, other) and is it available to all children? • What is the quality of such support and is it adapted to children? • How are children informed of the outcome of the procedure?
<p>Remedies and reparations</p> <ul style="list-style-type: none"> • What are the remedies available to children? • Are the remedies generally effective when it comes to children? • What are the reparations available to children?
<p>Outreach and non-discrimination</p> <ul style="list-style-type: none"> • Does the avenue/mechanism and associated services take into account the particular situations of vulnerability faced by certain children and tailor their outreach and responses accordingly (e.g., helplines, the use of mobile teams/home visits, flexible hours, gender-sensitive staff assignment, language/translation resources, and accessibility for children with disabilities)? • Are any groups of children left out or discriminated against in this mechanism? • What are the costs involved in accessing this avenue, and other barriers not already mentioned (e.g., geographical location)?

Examples of child-friendly measures, as per the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, and the Council of Europe Guidelines on Child-friendly Justice. These principles are considered relevant to children's access to justice in general, even if some measures listed may be specific to criminal proceedings:

- Children's cases are prioritized, and deadlines and restricted timelines applied
- Direct contact between the child and the alleged perpetrator is prevented before, during and after hearings (e.g. with live video links, screens to shield the child from the defendant, excluding the defendant from the courtroom during child testimony (while still being able to hear) or allowing children in civil proceedings to be heard at home, or in school or any other appropriate setting)
- Procedures to set forth the child's right to a best interests' determination at all stages of the proceedings are adequately followed
- Children are accompanied by a trained support person during the entire justice process
- Children receive social, psychological, medical and other support as needed
- Children are not questioned more than twice, and video recordings are admissible as evidence in criminal and civil courts (video recordings should be standard practice in criminal proceedings but can be optional in civil proceedings)
- Cross-examination of children in criminal settings is regulated
- Children in vulnerable situations, including children with disabilities and children belonging to minority groups, are provided with the necessary accommodations, translators, interpreters, communication aids and support to allow them to participate in justice processes on an equal footing