



**Call for proposals and suggestions on the theme of "Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection" of the 3rd session of the Forum on Human Rights, Democracy and the Rule of Law**

**Proposal from the United Nations Children's Fund (UNICEF) and Child Rights Connect**

**May 2020**

Proposal to hold a panel on "Children's equitable access to justice: a key element to ensure equal access to justice for all"

All people are entitled to access to justice equally; however, children's rights in this area have been largely overlooked and rarely addressed in a comprehensive manner in global forums.

As recognised in the UN common approach to justice for children, there cannot be rule of law without access to justice for children, including for the most vulnerable ones. In particular, "ensuring that children are integrated in broader justice reform and have access to fair, transparent and child-sensitive justice systems through which they can enforce and protect their rights would result in stronger, better justice systems overall as well as better fulfilment of human rights standards and UN commitments".<sup>1</sup>

The 3rd session of the Forum on Human Rights, Democracy and the Rule of Law on "Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection" presents a unique opportunity to **hold a panel discussion to address at the international level what access to justice for children means and guide States on how to improve rule of law efforts in terms of justice for children.**

Rationale

As noted by the Committee on the Rights of the Child, 'for rights to have meaning, effective remedies must be available to redress violations.'<sup>2</sup> Accessing justice is an essential pre-requisite for the promotion and protection of all rights, including the rights of the child.

In accessing justice, **children are confronted with the same barriers as adults, as well as additional obstacles due to their status as children**, such as the lack of knowledge of their rights and the lack of legal capacity to initiate legal proceedings. Therefore, States should put in place concrete measures to ensure **the empowerment of all children** in accessing all the relevant information, support and mechanisms to obtain effective remedies for violations of their rights.

To achieve the full realisation of children's rights, access to justice for all children should be ensured at the national, regional and international levels.

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<sup>1</sup> UN common approach to justice for children (2008).

<sup>2</sup> General Comment No. 5 para 24.

Recent studies have shown that, while States almost universally recognise the right of children to bring a case in their own name, the ability of children to actually engage with legal systems is severely hampered around the world.<sup>3</sup> Only about 50 countries guarantee children's right to be heard in all legal settings.<sup>4</sup> In addition, many countries still lack specialized child justice systems.<sup>5</sup>

The 2014 HRC Annual Day on the Rights of the Child on access to justice for children and the related HRC Resolution on the Rights of the Child (A/HRC/RES/25/6) provided important recommendations to enable access to justice for children; however, since then, international norms and standards have progressed and important development have taken place. This includes for instance, the entry into force of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the development of relevant jurisprudence by the Committee on the Rights of the Child (CRC Committee); the issuance by the CRC Committee of General comment No. 24 (2019) on children's rights in the child justice system; and the adoption of the 2030 Agenda, including Goal 16 with a focus on providing access to justice for all.

At the same time, the recent large mobilisations of children worldwide on issues such as climate change and education demonstrate the need to boost access to justice for children human rights defenders facing threats or reprisals. The 2018 Day of General Discussion of the Committee on the Rights of the Child on "Protecting and Empowering Children as Human Rights Defenders" looked into this aspect and recommended States to ensure that "child human rights defenders can access child-friendly complaint mechanisms at the national and international levels to report and file complaints of human rights violations."<sup>6</sup>

Against this background, it is time for the international community:

- To take stock of the international legal and policy developments to further access to justice for children;
- Look at the level of implementation of child rights standards, in law and in practice, to ensure access to justice for children at the national level, including follow-up to the HRC Resolution on the Rights of the Child on access to justice (A/HRC/RES/25/6); and
- Exchange good practices and identify where technical assistance from the UN is needed.

Thus, we encourage the 3<sup>rd</sup> session of the Forum on Human Rights, Democracy and the Rule of Law to hold a panel on "**Children's equitable access to justice: a key element to ensure equal access to justice for all**".

Suggested panellists are:

- children,
- the UN Committee on the Rights of the Child,
- UNICEF,
- States,
- Children's Ombudspersons or National Human Rights Institutions, and
- Civil society.

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<sup>3</sup> [Rights, Remedies & Representation: Global Report on Access to Justice For Children](#) (2016), page 7, Child Rights International Network.

<sup>4</sup> *See id.*

<sup>5</sup> [Spotlighting the Invisible Justice for Children In Africa](#) (2018) Africa Child Policy Forum;

<sup>6</sup> [Day of General Discussion on Protecting and Empowering Children as Human Rights Defenders Outcome Report](#) (2018), Committee on the Rights of the Child.