

Committee on the Rights of the Child – draft of general comment no. 27
children’s right to access to justice and to an effective remedy
Access to reparation for children affected by conflict-related sexual violence

Introduction

1. The Global Survivors Fund (GSF) submits this contribution to the draft of General Comment No. 27 of the Committee on the Rights of the Child on children’s right to access to justice and to an effective remedy. This submission builds upon our [previous contribution](#) to the Committee as part of this consultation process.
2. GSF commends the Committee for the development of such a comprehensive and insightful draft, which provides valuable guidance on ensuring access to justice and effective remedies for children. We welcome the incorporation by the Committee of several of the recommendations included in our earlier inputs to the General Comment. In particular, we strongly welcome the explicit recognition of children’s right to adequate, effective, and prompt reparation, as well as the acknowledgment of non-judicial mechanisms as essential pathways for securing reparation. We also appreciate the Committee’s attention to the legal, practical, structural and administrative barriers that hinder children’s access to justice and an effective remedy, as well as the enumeration of both individual and collective forms of reparation.

Recommendations

3. Building on the Committee’s current draft and GSF’s work, we make the following recommendations to strengthen the final text:
 - i. Include a broad definition of “victim”, explicitly encompassing all children affected by conflict-related sexual violence.
 - ii. Emphasise the need to prioritise State-led administrative reparation over judicial pathways.
 - iii. Recognise the need for meaningful child participation in justice and reparation processes.
 - iv. Recognise access to trauma-responsive education and medical support as core forms of reparation.
 - v. Promote access to legal identity and nationality for children born of conflict-related sexual violence.

i. Include a broad definition of “victim”, explicitly encompassing all children affected by conflict-related sexual violence

4. **Proposal:** the Committee should include a definition of children who qualify as *victims* in the context of access to justice and reparation. **GSF recommends that a definition of “victim” be added** to the “Terminology and Scope” section of the final text and that such definition adopts a broad understanding of children affected by conflict-related sexual violence.
5. This definition should encompass the following four categories, suggested by survivors themselves:¹

¹ ‘Kinshasa Declaration on the Rights to Reparation and Co-creation of Survivors and Victims of Conflict-Related Sexual and Gender-Based Violence’

- a. Children who were subjected to sexual violence,
 - b. Children born of rape,
 - c. Children who have witnessed sexual violence,
 - d. Children whose caregivers have suffered sexual violence.
6. **Rationale:** A clear and inclusive definition of *victim* is a fundamental precondition for ensuring access to justice and reparation. The absence of such a definition in the current draft risks excluding some children from entitlements and redress. Children affected by conflict-related sexual violence constitute a particularly diverse and often overlooked group. As outlined in our previous submission (paragraph 4), the proposed definition draws on different sources, including the Kinshasa Declaration², the jurisprudence of the International Criminal Court³, and its 2023 Policy on children⁴.

ii. *Emphasise the need to prioritise State-led administrative reparation over judicial pathways*

7. **Proposal:** We welcome the Committee's recognition in paragraph 11 of the draft, of the importance of non-judicial pathways for accessing reparation, alongside judicial mechanisms, and its acknowledgment that these "*could be more accessible to children*". However, the current formulation, particularly the statement that "*while non-judicial avenues could be more accessible to children, the ultimate responsibility to respect, protect and fulfil children's right to access to justice and to an effective remedy lies with the State*", may inadvertently imply that only judicial avenues satisfy this obligation. We therefore **invite the Committee to clarify that it is State's responsibility to provide both judicial and non-judicial avenues to access to justice and to an effective remedy to children.**
8. In addition, paragraph 12(g), which lists non-judicial avenues, does not explicitly mention administrative reparation. **GSF recommends that the Committee explicitly include it as distinct and essential non-judicial pathways in paragraphs 12(g) and 20.**
9. Moreover, paragraph 18(a)(i) states that certain violations, "*such as sexual abuse, should normally only be handled by the judicial system.*" This language risks excluding administrative remedies for victims of conflict-related sexual violence, even where such mechanisms may be the most accessible and appropriate for them. **GSF recommends that the Committee clarifies in paragraphs 18(a)(i) and 18(a)(iii) that serious violations affecting large number of children, including conflict-related sexual violence, should primarily be addressed through administrative reparation**, alongside judicial avenues, in order to ensure timely, safe, and effective redress. It is further recommended that the Committee **recalls that crimes under international law, including conflict-related sexual violence, should not be subject to statutes of limitations, in line with international standards.**
10. Finally, we welcome that paragraph 42 of the draft acknowledges that "*remedial mechanisms*

(2022) https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/GSF_Kinshasa_Declaration_EN_Nov2022_WEB_1_.pdf.

² Ibid.

³ ICC, Prosecutor v. Dominic Ongwen, 'Reparations Order', ICC-02/04-01/15 (28 February 2024), para 125, <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd18078e195.pdf>.

⁴ ICC, 'Office of The Prosecutor Policy on Children' (2023), p. 22, <https://www.icc-cpi.int/sites/default/files/2023-12/2023-policy-gender-en-web.pdf>.

(...) often inadequately address children's rights, needs and capacities". In light of this, and in line with the Committee's call for "comprehensive child protection and safeguarding measures", **GSF recommends that the Committee emphasise the prioritisation of administrative reparation programmes**, in particular in contexts where judicial mechanisms are inadequate or inaccessible to ensure prompt, adequate and effective reparation to children.

11. **Rationale:** Judicial proceedings often fail to include children, due to legal, procedural, financial, or other barriers, such as lack of legal capacity, fear of reprisal, or conflict with caregivers. Reparation that is accessible solely through courts imposes additional burdens on child victims, particularly those affected by trauma. In contrast, administrative reparation programmes are more accessible and responsive to the rights, needs, and evolving capacities of child victims. They offer flexible, safe, and child-sensitive alternatives. They typically ensure broader eligibility criteria, lower procedural hurdles, expedited processes, and can be designed with children themselves. Importantly, in cases of conflict-related sexual violence, child victims may not be able to identify or name the perpetrator and this should not prevent their access to reparation

iii. Recognise the need for meaningful child participation in justice and reparation processes

12. **Proposal:** GSF welcomes the Committee's strong emphasis on children's "right to be heard" (paragraph 15(d)) and the recognition of the value of children's views in shaping "the design, implementation and evaluation of interventions and mechanisms for access to justice, and for the determination of the forms of collective redress" (paragraph 15(d)(ii)), as well as "in determining the nature and forms of redress" (paragraph 54).
13. GSF further welcomes the Committee's call to ensure children's meaningful participation in transitional justice contexts (paragraph 64). However, elsewhere in the draft, children's involvement is often framed in more limited terms, primarily as "being listened to" or more broadly "involved", rather than ensuring their active and meaningful participation in the design and implementation of reparation.
14. **GSF recommends that the Committee strengthens the language on participation throughout the text.** In particular, paragraph 53 should be revised to read: "children and their representatives shall actively and meaningfully participate at all stages of the reparation process, including the design, implementation, evaluation and monitoring, including in determining the forms of redress". **Additionally, GSF recommends that the Committee recognises has reparative value in itself.**
15. **Rationale:** Children affected by conflict-related sexual violence are right-holders with the ability to shape the reparations that concern them. Their participation must be safe, voluntary, and informed, aligned with their evolving capacities and best interests, and never lead to harm, retraumatisation, or tokenism. In line with GSF's survivor-centred approach and unique co-creation methodology, we emphasise that the meaningful participation of children affected by conflict-related sexual violence can be transformative. It holds reparative value in itself: it helps restore a sense of agency, supports emotional healing, fosters trust in institutions, and contributes to the long-term resilience and reintegration of affected children. Furthermore, it

can help break intergenerational cycles of violence by encouraging civic engagement and recognising children as active members of society.

iv. Recognise access to trauma-responsive education and medical support as core forms of reparation

16. **Proposal:** GSF welcomes the inclusion in paragraph 52 of “*psychological and social support*” and “*educational grants*” among the examples of individual forms of redress. However, **GSF recommends that paragraph 52 be amended to explicitly add access to trauma-responsive and flexible education and medical support as essential forms of reparation for children.**
17. **Rationale:** reparation for children must be tailored to their specific needs and priorities to be effective. Alongside medical care, access to education is one of the most consistently requested form of reparation by survivors. Many children affected by conflict-related sexual violence lose years of schooling and face significant obstacles in returning to education due to trauma, health complications, stigma, and safety concerns. In this context, educational grants alone are insufficient. Education as a form of reparation, delivered in a flexible and trauma-responsive manner, offers a pathway from trauma to recovery, economic empowerment, social reintegration and recognition⁵. In addition to educational grants, education as reparation addresses the emotional and psychological impact of conflict and involves caregivers and communities in fostering a safe, inclusive environment. It also plays a crucial role in peacebuilding and preventing re-victimisation: children excluded from school being more vulnerable to social isolation, exploitation, and recruitment by armed groups. Investing in education breaks this cycle, reintegrating children into society and opening doors to economic opportunities that can secure a brighter future.

v. Promote access to legal identity and nationality for children born of conflict-related sexual violence

18. As highlighted in our previous joint [submission with the Working Group on Identity Rights](#), access to legal identity and nationality is often a precondition for children born of conflict-related sexual violence to be granted access to their right to justice and reparation. We therefore call upon the **Committee to explicitly recognise the need for States to address barriers to accessing legal identity and nationality** for children, in particular children born of conflict-related sexual violence, as a precondition to access to justice and an effective remedy.

⁵ GSF, ‘Access to reparation for children affected by conflict-related sexual violence in 7 questions’, (2025).

https://www.globalsurvivorsfund.org/fileadmin/uploads/gsf/Documents/Resources/Reports/Access_to_reparation_report_January2025.pdf

See also, GSF, ‘Reparative education as a path to healing in Nigeria’, 24 January 2025,

<https://www.globalsurvivorsfund.org/latest/articles/reparative-education-as-a-path-to-healing-in-nigeria/>