



REIMAGINE JUSTICE FOR CHILDREN



TECHNICAL BRIEF

ACCESS TO JUSTICE FOR CHILD VICTIMS AND WITNESSES



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CONTENTS

INTRODUCTION	4
Who are child victims and witnesses?	4
WHY ACTION IS NEEDED?	5
Children experience and witness various forms of violence and crime	5
Lack of information	6
Barriers to disclosure and reporting	6
Lack of accessible and effective services and support	7
Other legal and practical barriers	8
INTERNATIONAL STANDARDS	11
Guiding principles	14
WHAT NEEDS TO BE DONE?	19
Legal and policy reform	20
Early identification and effective reporting mechanisms	24
Access to multidisciplinary services and support	26
Strengthen child protection systems	29
Invest in building professional capacity	29
Strengthen child participation and legal empowerment	30
Child- and victim-sensitive justice systems and proceedings	31
Reparations	34
CONCLUSION	35
RESOURCES	36
GLOSSARY	38
ENDNOTES	41

INTRODUCTION

Children come into contact with the law as victims or witnesses in civil, child protection and administrative proceedings, as well as alleged as, accused of or recognized as having infringed criminal law. They may also come into contact with customary or informal justice (CIJ) systems, which are estimated to handle between 80 and 90 per cent of cases at the community level.¹

Although the exact number of children who are victims or witnesses in judicial proceedings globally is unknown, the majority face significant barriers to accessing justice, often not receiving remedies for violations of their rights.² They may also lack adequate protection, support and assistance before, during and after judicial processes, which also affects their ability to access justice. Although they constitute the majority of children who need access to justice, they are even less likely than children in conflict with the law to access justice.

While the Reimagine Justice for Children Agenda prioritizes child survivors of sexual violence, abuse or exploitation, it does not exclude children who are victims and witnesses of other crimes or right violations, defined below.

WHO ARE CHILD VICTIMS AND WITNESSES?

A **child victim** is any child who has suffered harm as a result of crime, abuse, exploitation, neglect or violation of their rights, either individually or collectively.³ This harm can manifest in various forms, including physical or mental injury, emotional suffering, economic loss or significant impairment of their fundamental rights, whether through acts or omissions.⁴ Children may also be

indirect victims when harm committed against others, such as a parent or sibling, affects them. In such cases, the term “victim” can extend to the immediate family or dependents of the direct victim, as well as those who may have suffered harm in their efforts to assist the victim.⁵

Victims or survivors?⁶

The terms ‘victims’ and ‘survivors’ can have different meanings in different settings and languages, and those who have experienced harm may prefer one term over the other, or neither. The term ‘survivor’ is often considered more empowering, but children should be allowed to choose the identity that best represents their experience. It is also important to acknowledge that some victims do not survive.

A child may be recognised as a victim or witness regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted, and regardless of their familial relationship with the perpetrator.⁷

A **child witness** is a child who holds relevant information to or who provides testimony in legal proceedings. They may be called to testify about what they have observed or heard. This includes children who are victims themselves and those who are witnesses to crimes but not directly harmed.⁸ Child witnesses can be key in supporting the investigation or legal case. The gathering and use of information from child witnesses must be handled in a child-sensitive, trauma-informed and survivor-centred manner in order to be properly effective and protect the rights of children.⁹

WHY ACTION IS NEEDED?

Children – whether victims or witnesses – face unique challenges within the justice system. Strengthening justice system responses not only safeguards their well-being but also reinforces the rule of law, ensuring that justice is administered fairly and equitably. A robust, child-sensitive justice system that respects the rights of victims and witnesses builds public trust in legal processes, ensuring that all children are treated with dignity and respect, and promotes accountability, which is essential for respecting children's rights and achieving the Sustainable Development Goals.

CHILDREN EXPERIENCE AND WITNESS VARIOUS FORMS OF VIOLENCE AND CRIME

Violence and crime occurs in all contexts and a broad range of spaces, including homes, communities, schools, workplaces, detention centres, residential care and online spaces.¹⁰ While no child is immune from violence, certain groups – especially children with disabilities, in detention or placed in residential care – are at greater risk of experiencing or witnessing violence and crime. Several risk factors increase children's vulnerability,¹¹ including poverty, social exclusion and gender inequality. For children on the move, their journeys may be marked by high levels of abuse, trafficking and exploitation.¹²

While children may be victims or witnesses of forms of crime not related to violence, more often than not, children experience violence at the hands of someone they know, such as parents, caregivers, family members, teachers, peers or community members.¹³ It is estimated that

1.6 billion children (two out of three) regularly endure violent punishment by caregivers at home.¹⁴ Violent discipline is not only ineffective, both immediate and long-term, but also affects a child's development and well-being.¹⁵ Furthermore, witnessing domestic violence directed at a parent, sibling or other family members can profoundly affect children, even when they are not the direct victims of harm.¹⁶ Children who witness violence committed against a parent or sibling may experience emotional, psychological and behavioural consequences that can be as severe as those experienced by direct victims of abuse.¹⁷ Moreover, children who are exposed to domestic violence are at higher risk of becoming victims themselves.¹⁸ Despite the scale of violence experienced by children globally, many states still lack comprehensive legal frameworks that explicitly prohibit all forms of violence against children.¹⁹



Even in states where laws exist, enforcement is weak or inconsistent.²⁰ In some states, practices like corporal punishment or child marriage are legally sanctioned or culturally accepted, effectively condoning and perpetuating violence against children.

LACK OF INFORMATION

The complexity of legal or institutional processes can leave children and their families disempowered, making it difficult for them to navigate the justice system effectively.²¹ Most children are unaware of their right to seek a remedy – let alone how to claim it – or even of the full range of rights they hold.²² In many instances, children are not provided with adequate information to understand the legal proceedings or the steps involved in seeking justice. Children with disabilities may not be provided information in accessible formats as needed, such as Sign Language, Braille or large print text. Access to information about their rights and their specific case is often limited, leaving children without the knowledge necessary to effectively participate in judicial processes, where participation is allowed. Children in vulnerable situations or from marginalised communities have less information and awareness due to reduced access to information.²³ This exacerbates their difficulty in engaging with the justice system and asserting their rights.

BARRIERS TO DISCLOSURE AND REPORTING

The detection and investigation of harm often hinges on a child's disclosure of what they have experienced or witnessed. However, even when

children are informed about their rights and how to claim them, a variety of cultural, social and practical barriers may prevent them from reporting. This issue is compounded by the lack of accessible, effective reporting and complaint mechanisms in many states, which can leave children without viable avenues for seeking help.

Children may be reluctant to disclose formally to authorities or informally to other adults.²⁴ In some cases, children fear social ostracism for bringing harm to light and may hesitate to report without parental permission or because they are reluctant to “complain,” especially about family matters.²⁵ Children may also fear retaliation from the perpetrator(s), particularly if they are a family member or trusted individual.²⁶ In certain cultural contexts, it may be socially unacceptable for children to confide in an adult outside the home about problems they are experiencing within the family, leading children to rarely seek help beyond their immediate family circle.²⁷ The closer the relationship between the victim and the perpetrator, the less likely the child is to disclose, and the greater the likelihood of delayed disclosure.²⁸

In addition, children may worry about not being believed, being misunderstood or even being dismissed.²⁹ Some children may not recognise their experiences as violations of their rights, either due to a lack of awareness or because they have grown up in environments where certain behaviours – such as physical punishment or verbal abuse – have been normalised.³⁰ The social stigma or shame surrounding certain types of abuse, particularly in cases of sexual violence, can also deter children from reporting, as they may fear embarrassment or blame.³¹ For children with disabilities, internalised stigma about how they are treated based on their disability may play a role in such feelings.

Children on the move may fear that seeking a remedy for rights violations or accessing services could negatively affect the asylum-seeking procedure or lead them to be identified and arrested.³² Language and cultural barriers only worsen this issue, making it even more difficult for these children to understand the legal system and effectively interact with justice professionals.

Child victims of trafficking

Children who are victims of trafficking are often treated in ways that fail to recognise their status as victims, exacerbating their vulnerability and violating their rights. In some states, children who fall victim to trafficking are penalised or placed in “protective custody”. Penalising or detaining children who have been trafficked is incompatible with their status as victims³³ and undermines their ability to recover, reintegrate and seek justice.

LACK OF ACCESSIBLE AND EFFECTIVE SERVICES AND SUPPORT

The absence of comprehensive services and assistance for children who are victims or witnesses, coupled with the lack of coordination among key sectors (e.g., justice, law enforcement, social welfare, education and health), creates significant barriers.³⁴ When children do come into contact with the law as victims or witnesses, they need special protection, assistance and support to prevent further hardship and trauma that may result from their participation.³⁵ However, not all children in such circumstances have access to psychosocial support, counselling and mental health services. Support services that are tailored to children’s age, gender, ethnicity, disability, developmental needs and individual circumstances are often unavailable, not disability inclusive or inadequate.

Without proper support – including legal, psychological and social assistance – children involved in legal proceedings as victims or witnesses face a much higher risk of emotional harm.³⁶ This lack of support can lead to difficulties in communicating their experiences effectively, resulting in long-term negative effects on their mental and psychological well-being.³⁷ Inadequate support and assistance can exacerbate the trauma they have already suffered, making it more challenging for them to process their experiences and participate meaningfully and effectively in the legal process.³⁸

When children are not provided with the necessary support, they may struggle to articulate their accounts accurately, leading to potential misunderstandings and misinterpretations of their testimony.³⁹ This compromises the quality of the investigation, undermines access to justice and can ultimately prevent children from receiving appropriate redress for the harm they have experienced.

Lack of access to legal aid and representation

Another key barrier is the lack of access to legal aid and representation.⁴⁰ In common law countries, victims are generally not parties to criminal proceedings, whereas in civil law systems they are. Since victims are not parties to the proceedings in common law countries, they are usually not provided with legal assistance.⁴¹

In countries with inadequate legal aid systems, children often face significant disparities in the quality of legal support available to them. Many children may not be assigned an advocate trained in trauma-informed practices, nor one who fully understands the developmental and emotional needs of children who are victims or witnesses. Children from the most marginalised and vulnerable communities

are at greater risk of having no means to access legal support, including through legal aid programs aimed at indigent children.⁴² While some states provide access to legal representation or appoint legal guardians, in states where this is not available, a child's rights may be overlooked or inadequately addressed.⁴³ The issue is compounded where child protection systems are weak and social workers may be unavailable or untrained. In these circumstances, children's ability to access justice may be further constrained.

OTHER LEGAL AND PRACTICAL BARRIERS

Access to justice assumes that children who are victims can utilise non-judicial or judicial mechanisms, including the ability to initiate legal action when they suffer harm or their rights are violated.⁴⁴ However, this presumes the legal capacity of children, their ability to engage in the justice process and the role of parents or guardians in providing legal representation and other necessary assistance.⁴⁵

Legal capacity

Legal capacity refers to the ability and power to exercise rights and undertake obligations through one's own actions, without requiring the assistance or representation of a third party.⁴⁶

In most jurisdictions, children do not have the legal capacity to initiate proceedings independently and must rely on a parent, guardian or legal representative to act on their behalf.⁴⁷ Restrictive rules regarding legal standing – meaning the right of a party to bring legal action before a court – often prevent children from challenging violations of their

rights or seeking redress for harm they have experienced. Courts may dismiss children's claims on procedural grounds, such as when an adult representative has not been appointed or a child does not retain private legal counsel.⁴⁸

Child victims and witnesses in civil proceedings

Children may be involved in civil suits seeking remedies, such as financial compensation for the harm they have experienced. This may arise in cases where children are injured in car accidents, school incidents, medical malpractice or because of unsafe products, among others.

Parents or guardians are usually responsible for representing the child's interests, including instructing a lawyer on a child's opinion of his or her best interests.⁴⁹ The requirement for parental consent to initiate legal action limits children's access to remedies and hinders their right to participate in the justice system.⁵⁰ This is particularly concerning when they have been harmed by their parents.

Children who are victims or witnesses in judicial proceedings are often excluded from the process. Laws frequently fail to recognise the importance of children's meaningful participation, either by not allowing them to contribute to decisions that affect them or by underestimating their capacity to make informed decisions.⁵¹ In the criminal justice system, children are often considered the "forgotten party" and may be invisible in proceedings.⁵² Assumptions about their credibility, memory or ability to understand questions – combined with concerns about retraumatisation – often lead to their exclusion from key parts of the process.⁵³

Some countries establish a minimum age for children to testify in court, though these age thresholds vary. For example, in some jurisdictions, children as young as seven are considered capable of providing testimony, while in others, the age requirement may be higher. Depending on the jurisdiction and the nature of the case, children's participation in court hearings can be mandatory, optional or not regulated at all. In matters of separation and divorce, some legal systems set a specific age at which children are regarded as capable of expressing their views.⁵⁴ Yet, research shows that "in optimal conditions and when interviewed by well-trained professionals, even very young children can provide reliable witness accounts of personally-experienced events."⁵⁵

Victims and witnesses in custody and access proceedings

Children can be victims or witnesses in divorce or separation cases, especially when parental conflict results in harm. Such harm may arise from exposure to domestic violence, ongoing parental disputes or neglect during or after the separation process. In some situations, children may be called upon to testify in custody or access proceedings if their testimony is deemed relevant to determining their best interests. This may occur when the child's perspective is critical to deciding issues, such as with whom they will live, how visitation will occur or what actions should be taken when allegations of abuse or inappropriate parental behaviour are involved.

Despite the potential for children's voices to contribute meaningfully to the legal process, studies indicate that children are rarely heard in civil proceedings⁵⁶ and most states lack clear rules or guidelines outlining how professionals

should conduct hearings involving children.⁵⁷ This becomes especially problematic in cases where a child's custody is tied to domestic violence, particularly when the alleged perpetrator may be one of the parents. In such instances, the absence of standardised protocols can further undermine the child's right to participate safely and effectively.

JUSTICE PROCESSES AND SETTINGS ARE NOT CHILD-SENSITIVE

Justice processes and procedures are usually not designed for victims, especially for those who have experienced sexual violence. At the same time, justice systems are primarily designed for adults, making them intimidating, confusing and overwhelming for children. While some countries have incorporated child protection units and child-friendly courts into legislation, many still face challenges, including inadequate funding, insufficient staff and a lack of specialised training for law enforcement and judicial officials.

During the investigation phase

In many jurisdictions, not all professionals are trained in child-specific forensic interviewing techniques,⁵⁸ which are designed to collect accurate, reliable information while prioritising the child's well-being. Inadequate training or the use of unqualified individuals can result in repeated questioning and retraumatisation, distorting the child's testimony.⁵⁹ Furthermore, most states lack evidence-based protocols to guide the proper documentation of harm, further hindering the effectiveness of investigations. This compromises the quality of the investigation and may result in unjust outcomes, ultimately undermining the rule of law.

“Extreme care must be taken to avoid subjecting the child to further harm through the process of the investigation. Towards this end, all parties are obliged to invite and give due weight to the child’s views.”

– CRC Committee General Comment No. 13

During trial

Courtroom environments are also rarely child-friendly. While some states mandate child-friendly courts, implementation is inconsistent. Many courts lack designated child-friendly spaces or trained personnel to support child victims and witnesses.

Testifying in court is inherently stressful and intimidating for any witness, and even more so for children. The experience of testifying in front of a judge, opposing lawyer and even the alleged perpetrator(s) can have significant emotional and psychological consequences, especially without adequate support. However, when procedures are adapted to be more child-sensitive, research indicates that testifying does not typically cause significant harm or revictimise children.⁶⁰

In practice, safeguards to protect children who are victims or witnesses are often underutilised and left to judicial discretion.⁶¹ Not all states use alternative methods to obtain testimony, such as pre-recorded testimony or testimony through video link. These methods have been shown

to reduce the emotional strain on children and offer a more child-friendly approach to providing evidence. By allowing children to testify in a less intimidating, non-confrontational setting, they can avoid the trauma of facing the defendant directly. Similarly, video link testimony enables children to testify from a safe environment outside the courtroom, reducing the risk of psychological harm and intimidation by the accused or the legal proceedings themselves. This also supports children with disabilities when facilities and processes for in-person participation are not accessible or inclusive. Studies have shown that there is no clear evidence that using pre-recorded or live-link testimony significantly affects verdict outcomes.⁶²

Cross-examination of children

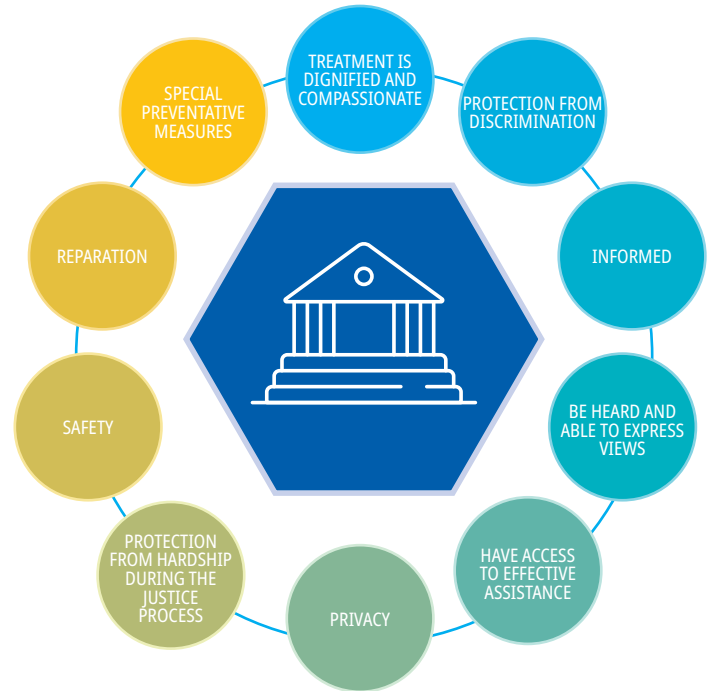
Cross-examination is one of the most stressful aspects of testifying in court, especially for children. During cross-examination, the opposing lawyer seeks to challenge the credibility or reliability of the child’s testimony. Aggressive or hostile questioning can exacerbate trauma, leading to inconsistencies in their testimony, which can then be used to discredit their account.⁶³ Moreover, cross-examination is also “not a reliable method of either testing truthfulness of what a child has previously said, or of obtaining from them further information that is accurate.”⁶⁴ In some states, a child’s video-recorded investigative interview is presented as evidence in court, allowing the child to avoid the stress of cross-examination.⁶⁵

INTERNATIONAL STANDARDS

Key international treaties

- United Nations *Convention on the Rights of the Child (CRC)*
- *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations *Convention against Transnational Organized Crime*
- United Nations *Convention on the Rights of Persons with Disabilities*
- ILO Convention No. 182 (1999) on the Worst Forms of Child Labour
- *Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (Lanzarote Convention)

Child victims and witnesses are first and foremost children and, as such, are entitled to all rights under the *United Nations Convention on the Rights of the Child* (CRC) and other relevant treaties. All decisions and actions regarding child victims and witnesses of crime must be guided by applicable human rights standards, with full respect for children's rights. Certain rights are, however, relevant to their treatment throughout the justice process. The UN Guidelines highlight 10 specific rights that are relevant to their treatment throughout the justice process. The *UN Committee on the Rights of the Child* (CRC Committee) emphasises that when children's rights are violated, states must ensure that effective, child-sensitive procedures are in place to protect and uphold them.⁶⁶



THE CRC AND CHILDREN WHO ARE VICTIMS

Article 39 of the CRC is the only provision that directly addresses child victims of crime. It applies not only to children who are victims but also to children who are alleged, accused or convicted of committing a crime while also being victims themselves.⁶⁷ The CRC Committee has interpreted the scope of Article 39 to include measures to respond to harm as a result of a range of human rights violations, including for child victims of crime, in relation to child labour or forced labour, refugee status, institutionalisation or involvement in judicial proceedings.⁶⁸

However, specific provisions and procedural guarantees for child victims are far less detailed in the CRC compared to those related to children in conflict with the law.⁶⁹ While the CRC does not include direct provisions for child witnesses, their treatment within the justice processes is supplemented by international and regional standards.

Article 39: Reintegration

States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of:

- any form of neglect, exploitation or abuse;
- torture or any other form of cruel, inhuman or degrading treatment or punishment; or
- armed conflicts.

Such recovery and reintegration shall take place in an environment that fosters the health, self-respect and dignity of the child.

Article 39 is further reinforced by the *Optional Protocol to the CRC on the sale of children, child prostitution and child pornography*. This protocol imposes similar obligations for rehabilitation and mandates that the practices it prohibits be criminalised.

ACCESS TO JUSTICE AND EFFECTIVE REMEDIES FOR VICTIMS AND WITNESSES

Every child has the right to access justice and an effective remedy. Access to justice refers to the ability for children to obtain a just and timely remedy for violations of children's rights,

through avenues adapted to children. The right to effective remedies refers to the process under which claims of children's rights violations are heard and decided by competent bodies. It also refers to the outcome of the process and the redress provided.

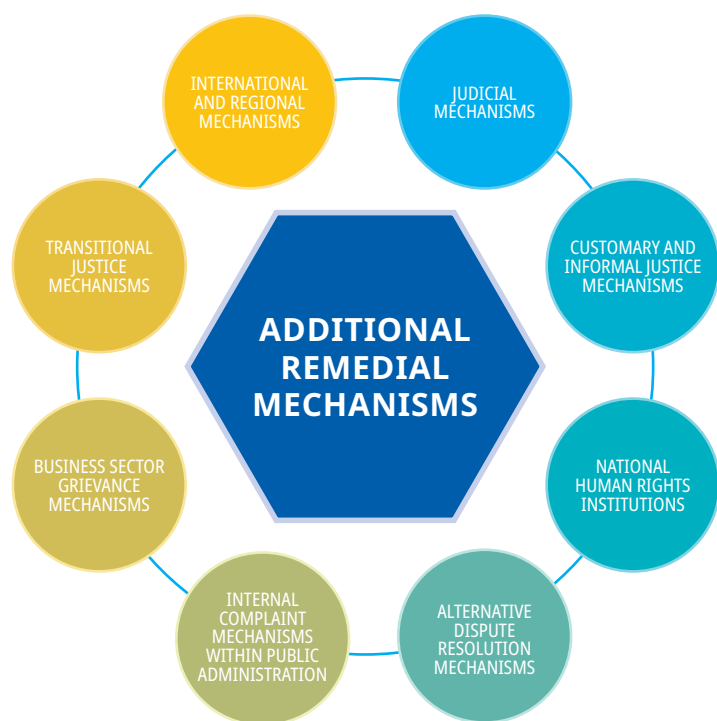
When children's rights are violated, they have the right to effective remedies, which involves **reparations** (i.e., measures that redress the harm done). The right to a remedy is implicit in the CRC and explicitly provided for in other major international human rights treaties.⁷⁰ Reparations include restitution, compensation, recovery and reintegration, satisfaction and guarantees of non-repetition of rights violations.

Satisfaction

Satisfaction refers to the experience and recognition by victims that justice has been achieved through the process, the execution of the decision, the end of the violation and the acknowledgement of the harm or damage suffered.

These measures aim to stop, prohibit or compensate for the violation, and to access measures that support their physical and psychological recovery, rehabilitation and reintegration, among others.⁷¹ Remedies must be adequate, effective, prompt and proportional to the severity of the violation.⁷² When determining the level or form of reparation, a child's vulnerability to the irreversible and lifelong effects of these violations of their rights should be taken into account.

The right to a remedy includes the right to recognition before the law, a fair hearing, appeals, equal and timely access to courts, effective judicial protection and other mechanisms for bringing about effective outcomes.⁷³



INTERNATIONAL AND REGIONAL GUIDELINES FOR CHILD VICTIMS AND WITNESSES

The international legal framework has been enhanced by the adoption of international and regional standards and norms dedicated to protecting children's rights and needs when they become involved with the justice process as victims and witnesses, regardless of the crime involved.

In 2005, UN Economic and Social Council (ECOSOC) adopted *Guidelines on Justice Matters involving Child Victims and Witnesses of Crime* (UN Guidelines)⁷⁴ in recognition that millions of children suffer harm and require protection from additional hardship when assisting in the criminal justice system, including when mistakenly viewed as offenders.⁷⁵ While there are no international standards that specifically govern children participating in civil and family law proceedings, the UN Guidelines state that they can be applied to civil and family law proceedings.⁷⁶

The UN Guidelines represent good practice⁷⁷ and are meant to provide a practical framework to assist states in enhancing protection and in the design, review and implementation of national laws, procedures and practices with the view to ensuring full respect for the rights of child victims and witnesses and to furthering the implementation of the CRC.⁷⁸ They apply to processes in customary and informal justice mechanisms (CIJ), including in relation to restorative justice and in civil proceedings.⁷⁹

Multidisciplinary cooperation

The UN Guidelines encourage multidisciplinary cooperation among entities that provide information and services to meet the individual needs of child victims and witnesses.⁸⁰ They recognise that coordinated multidisciplinary support helps ensure that a child is not subjected to excessive interventions⁸¹ and receives support according to their individual needs.

The CRC Committee encourages states parties and other relevant stakeholders to use the UN Guidelines to guide them in ensuring that children's rights to assistance and protection in legal proceedings are upheld.⁸² In addition, states can consult the *Model Law and Related Commentary on Justice in Matters involving Child Victims and Witnesses of Crime*. The Model Law and Commentary was drafted "with a view to allowing informal and customary justice systems to use and implement its principles and provisions."⁸³ Furthermore, the *UN Guidelines for the Alternative Care of Children*⁸⁴ are relevant where children have been, or are at risk of being, deprived of parental care, either because of the parent's interaction with the justice system, or the child's, including in the context of child protection proceedings. In the event that family separation cannot be avoided, family-based care, including kinship care, must be prioritised over residential care.

Regional framework: Council of Europe

The legal framework in Europe has been enhanced and interwoven with the adoption of standards dedicated to protecting children’s procedural rights when they are in contact with the law, regardless of the crime involved. In 2010, the Council of Europe adopted *Guidelines on Child-Friendly Justice* to help governments make sure that children, including child victims and witnesses, are treated properly by and within the justice system.⁸⁵

GUIDING PRINCIPLES

Based on the CRC, the work of the CRC Committee and the UN Guidelines, a number of cross-cutting principles are to be respected by all professionals working with child victims and witnesses.⁸⁶



THE BEST INTERESTS OF THE CHILD

The best interests of the child (Article 3) is to be a primary consideration in all actions and decisions concerning children. This includes decisions made by public or private social welfare institutions, courts of law, administrative authorities and legislative bodies.⁸⁷ The principle extends to all individuals and entities providing support to children who are victims and witnesses, including social workers, psychologists and other professionals.

Children on the move

While there is no right in international human rights law of a child to be admitted to any country (other than their own), there is a cluster of general and specific child-focused human rights that presuppose a right of access to a state’s territory – if only to determine a child’s best interests.⁸⁸ The CRC Committee has further clarified that access to the territory is a prerequisite to the determination of a child’s best interests.⁸⁹

It should guide all interactions and interventions involving children who are victims or witnesses, whether procedural or substantive, and across all stages of the justice process – from identification through to the conclusion of the case, and afterwards.⁹⁰ For instance, when a child is required to testify, the court must take the child’s best interests into account. Courts should clearly demonstrate that they have effectively considered the child’s best interests in their decisions.⁹¹ After the legal proceedings, the child’s best interests should remain a priority, particularly in relation to their emotional and psychological recovery, as well as their long-term safety and well-being.

Balancing the best interests of the child and the right to a fair and impartial trial

The principle of the best interests of the child should never be interpreted in a way that prejudices or undermines the rights of the accused. Instead, it must be carefully balanced with the rights to a fair and impartial trial.⁹² In cases where the decision involves balancing the child's right to protection against the rights of others, such as the accused, the court has an obligation to provide a clear and transparent explanation of how it prioritised the child's best interests in its ruling.

The judicial process must ensure that the child's needs and rights are given primary consideration, while also safeguarding the rights of other parties, including ensuring that the accused receives a fair trial. In situations where competing interests arise, the CRC Committee emphasises that all relevant elements must be carefully weighed to determine the solution that most effectively serves the best interests of the child.⁹³

RIGHT TO LIFE, SURVIVAL AND HARMONIOUS DEVELOPMENT

States parties shall ensure, to the maximum extent possible, the survival and development of the child. The UN Guidelines provide that the best interests of the child "include the rights to protection and to a chance for harmonious development".⁹⁴

Protection

Every child has the right to life and survival and to be shielded from any form of hardship, abuse or neglect, including physical, sexual, psychological, mental and emotional abuse or neglect.

Harmonious development

Every child has the right to a chance for harmonious development and to a standard of living adequate for physical, mental, spiritual, moral and social growth. In the case of a child who has been traumatised, every step should be taken to enable the child to enjoy healthy development and to have access to mental health and psychosocial support.⁹⁵

RIGHT TO BE TREATED WITH DIGNITY AND COMPASSION

Every child is a unique and valuable human being and, as such, their individual dignity, needs, interests and privacy should be respected and protected throughout the judicial process. Respect for dignity is a fundamental human right, which is central to the CRC and several other international legal instruments.⁹⁶ The right to be treated with dignity and compassion forms the foundation for a child-sensitive, trauma-informed approach to the treatment of child victims and witnesses from the moment they are identified, through the judicial process and beyond.⁹⁷

Capacity-building

The Optional Protocol⁹⁸ and standards set out in the UN Guidelines specifically prescribe training for those who work with child victims of crime (e.g., police and other law enforcement, judges and magistrates, prosecutors, lawyers, social workers, counsellors and other relevant professionals).⁹⁹ Those who interview children should be specifically trained to do so. The Guidelines recommend that the number of interviews should also be limited, including through the use of video recordings.¹⁰⁰

RIGHT TO NON-DISCRIMINATION

All rights enshrined in the CRC apply to every child without discrimination of any kind, regardless of the child's race, colour, sex, language, religion, national or social origin, property, disability, birth or other status (Article 2). This guarantees that children who are victims or witnesses in legal proceedings must be treated equally, ensuring they have the same access to justice, protection and support as any other child. Children from marginalised groups should receive the same protection, accommodations (where necessary) and opportunities to participate in legal proceedings. Children with disabilities must be provided with accessibility and reasonable accommodations to enable their participation.

The right to protection from discrimination also means that age should not be a barrier to a child's right to fully participate in the justice process, including in judicial proceedings.¹⁰¹ A child should be treated as a competent witness, and his or her testimony should not be deemed invalid or unreliable based solely on age.¹⁰² This principle also extends to ensuring that all children, including those who are not nationals of a state (e.g., asylum-seeking, refugee and migrant children), are provided recovery and rehabilitation services on the basis of non-discrimination.¹⁰³

RIGHT TO PARTICIPATION

The UN Guidelines contain several substantive provisions that are directly related to the rights of children who are victims and witnesses to participation.

UN Guidelines and the right to participation

- The right to be informed
- The right to be heard and express views and concerns
- The right to effective assistance
- The right to privacy
- The right to be protected from hardship during the justice process

RIGHT TO BE INFORMED

The right to participation implies that children are informed,¹⁰⁴ promptly and adequately, from their first contact with the justice process and throughout the entirety of that process. Information should be provided in a way that is understandable and appropriate to the child's age and maturity. The CRC Committee emphasises that children "should be enabled to access relevant information and effective remedies to claim their rights, including through child rights education, counselling or advice and support from community-based advisors, national human rights institutions and legal, paralegal and other services."¹⁰⁵ This should be provided in a language and format that children understand.

RIGHT TO BE HEARD

Children possess unique insights and valuable knowledge about their own experiences.¹⁰⁶ Article 12 of the CRC guarantees that every child has the "right to be heard in any judicial and

administrative procedures affecting them.” This right goes beyond giving a formal statement or serving as a witness. It includes the right of every child to express views and concerns about the impact of the harm they have suffered on the way proceedings are conducted, their needs and expectations and regarding interim care or other protection measures.¹⁰⁷

The CRC Committee has emphasised that child victims and witnesses “must be given an opportunity to fully exercise her or his right to freely express her or his view in accordance with [the UN Guidelines].”¹⁰⁸ The Committee stresses that efforts must be made to ensure child victims and witnesses are consulted on relevant matters concerning their involvement in the case and are enabled to express their views freely and in a format and manner that is appropriate to them.

The UN CRC Committee has further emphasised that all processes in which a child – whether a victim or witness – is involved should be conducted with respect for the child’s views and should be:¹⁰⁹

- transparent and informative;
- voluntary;
- respectful;
- relevant;
- child-friendly;
- supported by training;
- inclusive;
- safe and sensitive to risk; and
- accountable.

RIGHT TO PRIVACY

The UN Guidelines acknowledge that disclosing information about a child victim or witness can lead to harm, including endangering his or her safety, putting strain on relationships or leading to stigmatisation.¹¹⁰ Article 16 of the CRC affirms that every child has the right to be free from arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and to be free from unlawful attacks on his or her honour and reputation. Similarly, the Optional Protocol to the CRC emphasises the importance of protecting the privacy and identity of child victims and witnesses, requiring measures to prevent the dissemination of information that could lead to identification.¹¹¹

The UN Guidelines outline a range of protective measures, such as restricting the disclosure of information and taking steps to protect children from unnecessary exposure. For example, the public and media might be excluded from the courtroom to protect the child’s identity and minimise the risk of harm.¹¹²

DUE PROCESS AND RESPECT FOR RULE OF LAW

While the principle of rule of law is not explicitly outlined in the CRC, or set out in the UN Guidelines, it underpins the Convention. The CRC Committee, in discussing the right of children to be free from violence, emphasised that “the principle of rule of law should apply to children as it does to adults.”¹¹³

The rule of law refers to a governance principle where all persons, institutions and entities – public and private, including the state itself – are held accountable to laws that are publicly promulgated, equally enforced, independently

adjudicated and consistent with international human rights norms and standards.¹¹⁴

For children, this principle requires the establishment of child-friendly legal frameworks, ensuring access to justice for child victims and witnesses, providing specialised legal aid and promoting restorative justice practices that prioritise the child's best interests. Strengthening the rule of law in this context involves creating an environment where children are empowered to seek help, are aware of their rights and can trust the justice system to address their needs comprehensively. It also ensures that children receive support services, rehabilitation and restorative measures aimed at fostering healing, recovery and reintegration.

Special complaints mechanisms

Certain international instruments require the establishment of special complaints mechanisms. While family separation must be avoided (and, if not possible, family-based alternative care must be prioritised over the use of residential care), the *UN Guidelines for the Alternative Care of Children* provide that "children in care should have access to a known, effective and impartial mechanism whereby they can notify complaints or concerns regarding their treatment or conditions of placement."¹¹⁵ Similarly, while advocacy towards ending detention must continue, the *UN Rules for the Protection of Juveniles Deprived of Liberty* provide, among other things, that children in closed facilities of any kind "should have the opportunity of making requests or complaints to the director."¹¹⁶ It also provides the right to make complaints to administrative and judicial authorities and to be informed of the response without delay.¹¹⁷

VIOLENCE AGAINST CHILDREN

Violence refers to "all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" as set out in Article 19 of the CRC.¹¹⁸ In General Comment No. 13, the CRC Committee provides a non-exhaustive list of the forms of violence that apply to all children, in all settings and in transit between different places.

The CRC Committee also recognises institutional violations of rights that can occur when children need care and protection and are placed in residential care or when they are alleged as, accused of, or found to have committed a crime and deprived of liberty. Systems violations can also arise, including societal structures, laws and policies that fail to adequately safeguard children's rights.

The definition of violence is intentionally broad¹¹⁹ to capture "all forms of harm to children," rejecting narrow definitions¹²⁰ and acknowledging that experiences of violence often overlap. The CRC Committee has also emphasised that there are no exceptions to the prohibition of violence. It emphasises that "all forms of violence against children, however light, are unacceptable" and that the "frequency, severity of harm and intent to harm are not prerequisites for the definitions of violence."¹²¹ Consequently, the phrase "all forms of physical and mental violence" does not leave room for laws that legalise and condone certain forms of violence, such as corporal punishment or child marriage.

INSPIRE: Seven strategies for ending violence against children

INSPIRE is a set of seven evidence-based strategies for countries and communities working to eliminate violence against children. It serves as a technical package and handbook for selecting, implementing and monitoring effective policies, programmes and services to prevent and respond to violence against children. INSPIRE is an acronym, with each letter representing one of the strategies:

Implementation and enforcement of laws

Norms and values

Safe environments

Parent and caregiver support

Income and economic strengthening

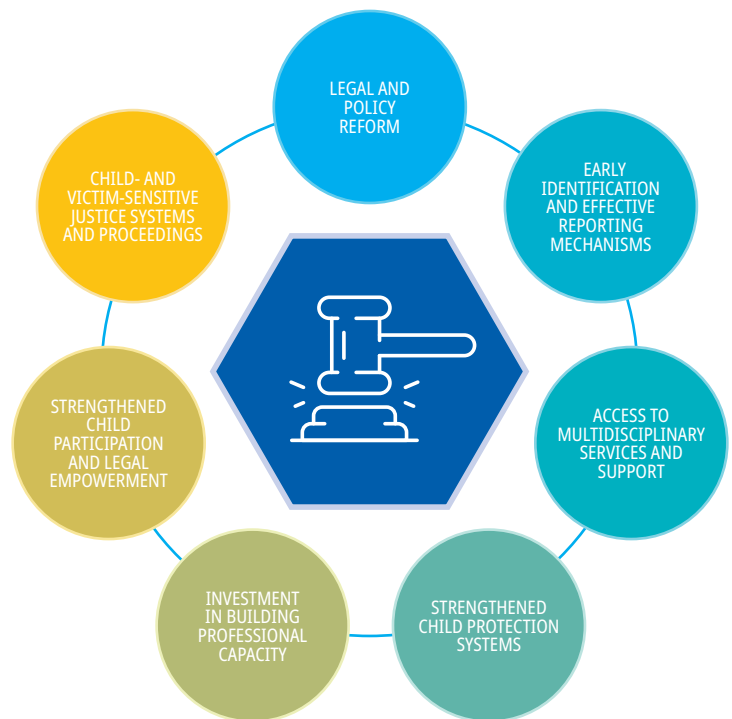
Response and support services

Education and life skills

Multisectoral action and coordination as well as monitoring and evaluation are two cross-cutting activities that help connect and strengthen the seven strategies and monitor the extent of their implementation and impact. The [INSPIRE Handbook](#) explains in detail how to choose and implement interventions that will fit individual needs and contexts.

WHAT NEEDS TO BE DONE?

A child-sensitive justice system respects the rights of victims and witnesses of crime throughout the entire justice process, including during the detection of the harm, the filing of complaints, investigation, prosecution (where relevant), trial and post-trial procedures. This applies regardless of whether the case is handled in a criminal justice system, for adults or children, before civil courts or in customary or informal justice systems. To better protect and safeguard the rights of child victims and witnesses, several key actions in the diagram shown must be taken, ensuring that both child- and gender-sensitive approaches are integrated at all stages.



LEGAL AND POLICY REFORM

Legislation plays a crucial role in both preventing harm and promoting respect for children’s rights. Effective legal and policy reforms are essential in creating a child-sensitive justice system that addresses the rights and needs of child victims and witnesses.

ENSHRINING LEGAL REPRESENTATION AND ACCESS TO LEGAL AID

Assistance for child victims and witnesses should include access to legal assistance, which should be enshrined in law. The right to be represented independently from parents should be guaranteed in law, especially in cases where parents, members of the family or other caregivers are alleged offenders. In cases where there are conflicting interests between parents and children, a guardian *ad litem* or other independent representative should be appointed to represent the views and interests of the child. It is common in several states for a guardian to be appointed to represent the interests of the child during litigation.

Guardian *ad litem*

A **guardian *ad litem*** is someone appointed by the court to represent and safeguard the child’s best interests in proceedings. A guardian can be a social worker, a legal officer, a child protection officer or even a relative. The existence, process and duties of a guardian will vary from State to State. The prompt appointment of a guardian is a key procedural safeguard to ensure respect for the best interests of the child, especially for those who are unaccompanied or separated.¹²²

A number of states provide various forms of representation, including direct legal representation. In **Australia**, the Family Law Act provides for what is known as an independent children’s lawyer to represent

and promote the best interests of a child in family law proceedings.¹²³ A set of [Guidelines for Independent Children’s Lawyers](#) were published by National Legal Aid, and endorsed by the federal circuit and family court. In the **Netherlands**, for example, the right to legal assistance is enshrined in the Constitution and is provided on the basis of non-discrimination, including for those who are non-resident. This Legal Help Desk (*Juridisch Loket*) is an accessible centre that provides advice.¹²⁴

Children’s right to be represented and access to legal aid should not depend on economic circumstances or the ability to pay. For example, in 2024, the Supreme Court National Legal Services Authority in **India** launched the [child-friendly legal services for children scheme](#). Most civil law countries recognise the right of child victims to legal assistance.¹²⁵ In **France**, for example, child victims and witnesses can access specialised lawyers and receive free and confidential information about their rights, obtain legal advice and receive support at contact points that have been established in several cities.¹²⁶

Paralegals

Good practices include the expansion of the provision of legal, paralegal and social support to children going through justice processes, including through decentralised, community-based, multi-disciplinary child-rights centres or legal clinics.¹²⁷ Building a movement for community-based paralegals across a number of cadres is important, but they must be sufficiently trained. The Legal Aid Act of **Tanzania**, for example, recognises paralegals, emphasising the need for training.¹²⁸ In the **United States**, the American Bar Association has accredited a healthcare professional certificate programme to individuals who have 4,000 hours of nursing experience.¹²⁹ Nurse paralegals are especially important in supporting child victims of violence, including sexual and gender-based violence. Teachers also play an important role. Good practices include the full legal recognition of paralegals. However, such recognition is far from universal.

RECOGNISE CHILDREN IN FAMILY VIOLENCE PROCESSES

An increasing number of states have reformed their laws to ensure that children who witness or are directly affected by intimate partner or family violence are recognised and receive the necessary support. For example, in the **Netherlands**, the law recognises violence in the presence of a child to be a form of child abuse, which provides clear grounds for ensuring that appropriate support measures are put in place. In **Australia**, all states and territories have legislation recognising that children who witness domestic violence are at risk and require protection. In **Portugal**, the Law on Domestic Violence recognises that children exposed to domestic violence are victims, and mandates that their welfare and safety be prioritised in judicial and child protection processes.

ENSHRINE THE RIGHT TO DIGNITY IN LAW

While state practice on recognising the right to dignity may vary, domestic legislation plays a crucial role in ensuring that every child is treated with dignity and compassion. Several countries have integrated the right to dignity into their legal frameworks, making it a general obligation to uphold children’s well-being and human rights.¹³⁰ In **Brazil**, the Law on the *Statute of the Child and Adolescent* recognises the right to be treated with dignity, providing a definition. The law states that this right consists of the inviolability of a child’s physical, mental and moral integrity. It emphasises the preservation of the child’s image, identity, autonomy, values, ideas and beliefs, personal spaces and objects. Furthermore, the law imposes a “duty of all to watch over the dignity of the child and adolescent, preserving them from any inhuman, violent, terrorising, vexing or coercive treatment.”

Victims Charter

In the **United Kingdom** (Northern Ireland), a dedicated guide and [charter for victims of crime](#) was developed as “a guide for young people by young people.” The guide provides accessible information tailored to young people, ensuring they understand their rights and the support available to them. It covers various aspects, including the judicial process, available support services and the importance of their well-being throughout the proceedings. An [animated video](#) explaining the Victim Charter is also available.

PROHIBIT AND CRIMINALISE ALL FORMS OF VIOLENCE IN ALL SETTINGS

States that criminalise violence across various contexts and settings are better positioned to protect children. Effective laws cover all settings and provide punishment under state, customary and religious law.¹³¹ One crucial strategy for preventing and responding to violence is the enactment of laws that protect children from violent discipline.¹³²

Legislating for the digital age

While the digital environment may provide ‘new opportunities’ for the realisation of children’s rights, it also presents risks, and may open up new ways to perpetrate violence against children by facilitating situations in which children experience violence and/or may be influenced to do harm to themselves or others. Strengthening [legislative frameworks to protect children from online sexual exploitation and abuse](#) is essential to ensure their safety in this evolving space to protect children from online sexual exploitation.

BAN CORPORAL PUNISHMENT

As of June 2025, only 68 states have fully prohibited corporal punishment. A growing number of states have repealed legislation that condones violence, including by prohibiting corporal punishment. In June 2025, **Thailand** became the most recent state to fully prohibit corporal punishment in all settings. Laws that ban violent punishment in all settings can “reduce both the violent punishment of children by adults, and the likelihood of violence between children.”¹³³

Once such laws are enacted, raising awareness about them is a key strategy.¹³⁴ Changes in law are often supported by national campaigns and other communication and learning initiatives that address and challenge social norms and behaviours that enable violence.

Case study: Lessons from banning corporal punishment in Sweden

In 1979, **Sweden** became the first country in the world to explicitly prohibit parents from using corporal punishment.¹³⁵ This prohibition was accompanied by a national education campaign.¹³⁶ The impact has been evident over decades, with the number of children who were subject to violent discipline at home decreasing from 90 to 10 per cent between 1979 and 2014.¹³⁷ Concurrently, public support for corporal punishment decreased from more than 50 per cent to less than 10 per cent in the same time period.¹³⁸

Colombia and **Mexico** launched a campaign to promote positive parenting practices and end corporal punishment following amendments to the law prohibiting corporal punishment in all settings. Similarly, **Peru**, after passing its 2015 law to prohibit corporal punishment, followed with a national campaign, “*Atrévete a criar con amor – Tus acciones dejan huella*” (“Dare to parent with love – your actions leave no trace”), supported by the Government of Sweden.¹³⁹

REPEAL LAWS THAT CONDONE VIOLENCE

The CRC Committee has stressed that definitions provided in law “must in no way erode the child’s absolute right to human dignity and physical and psychological integrity by describing some forms of violence as legally and/or socially acceptable.”¹⁴⁰ Recent examples include **Zambia**’s *Children’s Code Act 2022*, which repealed previous legal provisions that granted parents, teachers and caregivers the “right” to administer punishment. This law bans corporal punishment in a range of settings, including alternative care, day care, in schools, in penal institutions or as a sentence for a crime.¹⁴¹ Similarly, the **Republic of Korea** amended its Civil Act of 1958, repealing “the right [of adults] to take disciplinary action” against children.¹⁴² This amendment was supported by a government-led awareness-raising campaign on violent discipline.

Other countries, such as **Ethiopia**, **Morocco** and **Tunisia**, have also made progress by abolishing laws that preclude criminal responsibility where the perpetrator marries the victim.¹⁴³

CRIMINALISE CHILD SEXUAL ABUSE AND EXPLOITATION IN TRAVEL AND TOURISM

A key strategy is to develop laws that criminalise sexual abuse and exploitation and address the key risk factors that contribute to it.¹⁴⁴ Several states have introduced laws specifically targeting child sexual abuse and exploitation within the context of travel and tourism.

Canada, for instance, has passed laws that prohibit and criminalise any sexual activity with a child outside of the country. In the **United States**, laws have been used to prosecute individuals who commit sexual crimes against children abroad. Both countries provide public online notices of the consequences of engaging in sex with children abroad.¹⁴⁵ In **Gambia**, the *Tourism Offences Act of 2003* includes provisions for child sex trafficking, prescribing a penalty of 10 years’ imprisonment for tourists found guilty of such crimes. This law serves as an important acknowledgement of

the risks of child sex trafficking in the tourism sector and reflects the growing recognition of the need for legal protections against child sexual exploitation in travel-related contexts.¹⁴⁶

However, laws alone are not enough. They must be effectively translated into action to ensure real protection for children. In the **Dominican Republic**, a strong collaborative effort between the Attorney General’s office, the Tourist Police, the National Association of Restaurants and Hotels and civil society organisations has strengthened enforcement against sexual exploitation of children in travel and tourism. As part of this initiative, law enforcement, hotel staff, education and health professionals, journalists, children and parents receive training to recognise and report cases of child sexual exploitation.¹⁴⁷ This was accompanied by a public campaign called *No Hay Excusas* (No Excuses) to raise awareness and encourage reporting.

**REMOVE STATUTES OF LIMITATIONS
FOR SEXUAL CRIMES**

Some states have made legislative changes to remove statutes of limitations to ensure that sexual crimes against children are imprescriptible.¹⁴⁸ In other words, offenders can be prosecuted and punished no matter how much time has passed since the offence occurred.

Statutes of limitations

Statutes of limitations (SoL) refer to legal time limits within which victims can file lawsuits or criminal charges, and can further hinder justice for many children. Once these time limits expire, victims are often barred from seeking legal redress, effectively denying them access to justice and accountability. SoL should be removed for cases of child victims.

In 2019, **Belgium** amended its Code of Criminal Procedure, removing the statute of limitations set at 15 years from the victim’s 18th birthday. As a result, sexual crimes committed against children may now be prosecuted indefinitely.

In **South Africa**, the Constitutional Court overturned a 20-year statute of limitations for sexual offences, ruling that the previous statute of limitations was irrational, arbitrary, and that it violated the rights to human dignity and equality.¹⁴⁹ This landmark decision allows sexual offences to be prosecuted indefinitely, and survivors of childhood sexual violence can pursue civil remedies at any point in their lives. In 2021, **Colombia** eliminated the statute of limitations for sexual violence crimes against children.

In 2022, the **United States** passed the *Eliminating Limits to Justice for Child Sex Abuse Victims Act*, eliminating any statute of limitations to file civil suits relating to certain crimes against children such as forced labour, sex trafficking, sexual abuse or exploitation.

NATIONAL ACTION PLANS AND STRATEGIES

National action plans and strategies help states implement specific measures to ensure that children are protected. They also serve as useful frameworks for prevention, improved services, coordinated response and mechanisms for monitoring and evaluation. In **Honduras**, a National Plan was developed in 2021,¹⁵⁰ based on the findings from a national survey conducted on violence against children.¹⁵¹ Municipal governments and children’s councils have also been engaged to develop local action plans.¹⁵² **Australia** has developed a 10-year *National Plan to End Violence against Women and Children*.¹⁵³

International Statistical Classification on VAC

The scarcity of comprehensive data concerning VAC is undoubtedly amplifying the challenges in preventing and responding, as it reinforces the misconception that violence is a peripheral phenomenon. Adopted by the United Nations Statistical Commission in 2023, the International Classification on Violence Against Children (ICVAC) includes operational definitions of all forms of violence against children and covers interpersonal and collective violence, both in times of peace and during internal or international armed conflict. The classification provides states with a tool to capture and categorise incidents of violence and consequently assess the extent to which their national definitions and data collection efforts comply with internationally agreed standards.

EARLY IDENTIFICATION AND
EFFECTIVE REPORTING MECHANISMS

EARLY IDENTIFICATION

Identifying signs of abuse or violence at its early stages is crucial to protecting children. Various countries have implemented legislative frameworks and protocols to ensure that professionals in different sectors are trained to recognise, respond to and report suspected cases of child abuse and neglect. These training programmes and protocols are vital for recognising potential signs of violence and ensuring the first-line response is effective.

In the **Netherlands**, legislation mandates that professionals in sectors such as health care, education, child care, social support, youth care and the criminal justice system follow [a clear procedure](#) when they suspect domestic violence or child abuse. This process includes recognising warning signs (e.g., unexplained injuries, behavioural changes or withdrawal), conducting initial assessments, documenting their findings, engaging with the affected child and promptly reporting to appropriate authorities.

MANDATORY REPORTING

Mandatory reporting refers to laws and policies that mandate certain agencies and individuals report actual or suspected harm to the appropriate authorities. Mandatory reporting laws are based on the fact that many cases of violence against children occur in the private sphere and are unlikely to be brought to the attention of authorities, leaving children in situations of harm.¹⁵⁴

Only a few states impose a general legal obligation on citizens immediately upon discovery. These include countries such as **Belarus, Croatia, Denmark, Morocco, Portugal** and the **Russian Federation**, where mandatory reporting is a legal requirement.¹⁵⁵ In **South Africa**, the *Trafficking in Persons Act* places a duty on every person who knows, ought to have known or suspects that a child is a victim of trafficking to report it immediately for investigation.¹⁵⁶ In 2021, **Colombia** eliminated the statute of limitations for sexual violence crimes against children.

Purpose of mandatory reporting

- Increases the identification of cases
- Facilitates the provision of protection and assistance
- Prevents further violence against a child identified to be a victim
- Enables responses for the child, including for their care and protection
- Enables criminal justice responses to detect and prosecute perpetrators

The CRC Committee has emphasised that “the reporting of instances, suspicion or risk of violence should, at a minimum, be required by professionals working directly with children.”¹⁵⁷ Several states mandate certain agencies and/or persons in professions who interact regularly with children (e.g., teachers, social workers and health

care providers) to report actual or suspected harm.¹⁵⁸ For instance, in the **Philippines**, the head of a medical or similar institution is required to report cases of abuse within 48 hours.¹⁵⁹ The Child Act 2001 of **Malaysia** also endorses mandatory reporting by doctors and medical practitioners.¹⁶⁰

Most states in the Council of Europe have integrated the reporting of violence in national law, with consequences for failing to report. The Council of Europe has a [recommendation on mandatory reporting](#). This was informed by a [Working Group on the Responses to Violence against Children](#). In **France**, for example, professionals in contact with children, including civil servants in education, social workers, doctors and nurses are obliged to report incidents of violence. Failure to report can result in up to three years imprisonment or a fine. In some countries, such as the **United Kingdom**, legislation establishes consequences beyond those that are criminal in nature, including suspension from work.

Laws that establish reporting obligations should be incorporated into the relevant regulations and rules of professional conduct.¹⁶¹ They should also protect mandatory reporters from any reprisals or liability for reports made in good faith. States like **Germany** and the **Netherlands** have developed codes of conduct that oblige professionals to report violence against children. In both countries, professionals may suffer consequences such as the loss of professional licensing.

EFFECTIVE REPORTING MECHANISMS FOR CHILDREN

The CRC Committee and UN General Assembly¹⁶² strongly recommend that all states develop safe, well-publicised, confidential, effective and accessible support mechanisms for children, their representatives and others to report violence.¹⁶³ An effective reporting mechanism is essential to ensure that children who are victims or witnesses have a way to report what they witness or experience. These mechanisms should focus on providing assistance and support, ensuring

that children feel safe and empowered to report their experiences without fear of retaliation or further harm. This can include the use of 24-hour free hotlines and other digital channels.¹⁶⁴ When well-publicised and supported by the responsive and respectful action of authorities, reporting mechanisms help raise public awareness and can strengthen justice efforts. As emphasised by the CRC Committee, “reporting mechanisms must be coupled with, and should present themselves as, help-oriented services offering public health and social support, rather than as triggering responses which are primarily punitive.”

Several countries have reporting mechanisms that allow children to file complaints and report concerns to authorities in various ways. In **Paraguay**, the Children’s and Adolescents’ Code guarantees the right of a child to file complaints and receive timely responses from public officials and entities.¹⁶⁵ The Child Helpline in **Mongolia** offers multiple channels, including phone calls, Facebook chats and SMS text messaging. The national hotline in **Lao PDR** for victims and survivors of violence and human trafficking provides specialised services for children, including mental health and psychosocial support.¹⁶⁶

Hotlines have also been developed for specific forms of violence. For instance, **Italy** has established a specific hotline on cyberbullying and grooming,¹⁶⁷ while **Bosnia and Herzegovina** has a Safe Internet Center and a hotline specific to online and broader violence, including child sexual exploitation and abuse.

National human rights institutions

National human rights institutions (NHRIs), including ombudspersons for children, are in a unique position to promote access to justice for the most vulnerable children.¹⁶⁸ They also play an important role in independent monitoring,¹⁶⁹ especially of the situation of migrant children, children in alternative care and children deprived of liberty across all settings, who are

at heightened risk of violence and abuse.¹⁷⁰ The CRC Committee recommends that NHRIs be provided with a specific mandate to receive, investigate and address complaints of children in a child- and gender-sensitive manner.¹⁷¹ In **Kenya**, the National Commission for Human Rights is mandated to receive complaints, including from children, who can apply either independently or with the help of a guardian or legal representative.¹⁷² In the **Netherlands**, the Children's Ombudsperson provides a forum for children to receive advice if they feel their rights are violated. They can also start investigations or intervene by speaking with the person or entity alleged to be violating a child's rights.¹⁷³

INFORMATION AND SUPPORT

It is important to provide information, support and environments where children feel safe to disclose violence to trusted adults. This includes ensuring that the information is age-appropriate and presented in a language children can understand. Several countries produce child-friendly materials to help children submit reports and seek redress, including through judicial or non-judicial complaint mechanisms. These materials may be disseminated in police stations, hospitals, waiting rooms, schools, transport facilities, social services and other public offices and spaces frequented by children, as well as on the internet and mobile phones.

In **South Africa**, SMS-based initiatives have been used to inform children about the *Children's Rights Act and Domestic Violence Act*, explaining how victims may be able to avail themselves of their rights and access legal support.¹⁷⁴ **New Zealand** is a good practice example; the *Children, Young Persons and Their Families (Oranga Tamiki) Legislation Act* mandates the provision of information to children in a language they understand. This can include offering interpreters or using other communication support methods when the child's first language is not English.

Information checklist

The following information should be provided to child victims and witnesses in accessible formats as needed:

- Available and accessible health, psychological, social and other relevant services
- Available and accessible legal or other advice or representation
- Existing support mechanisms for the child to make a complaint and participate in the investigation
- Available and accessible compensation mechanisms
- Investigations and interviews that are conducted in a child-friendly and victim-sensitive manner
- Informed assent/consent of the child (and his or her parents if required by domestic law)
- Respect for the child's right to withdraw his or her statement
- Lack of consequence for giving or refusing to give a statement
- Judicial processes that take into account the possible role of the child and his or her parents or guardian in judicial proceedings

ACCESS TO MULTIDISCIPLINARY SERVICES AND SUPPORT

Access to services and support for victims or witnesses should never be dependent on a child's participation in judicial proceedings.¹⁷⁵ Whether a child is involved in the legal process or not, it is essential that responses prioritise protecting children from harm. Ensuring they receive the necessary services to meet their specific needs while avoiding retraumatisation is fundamental. Responses should recognise that no single sector alone can provide a comprehensive package of services that a child victim or witness may

need. As noted in the UN Model Strategies, an institutional, coordinated and integrated response pursued across all relevant sectors, including justice, law enforcement, social welfare, education and health is essential.¹⁷⁶

Victim and witness support services should be part of primary and secondary level services at the community level. Social welfare and health sectors should provide both immediate and long-term support to victims. Both sectors can also play a key role in providing counselling and therapeutic support and assistance. Health can provide more specialised care for particular types of violence, such as sexual abuse.

KEY ROLE OF SOCIAL WELFARE

Case management is a critical entry point to accessing relevant services. When supported by laws and policies establishing and resourcing a coordinated system, the social welfare sector and the social service workforce for child protection can play a leadership role, given their extensive involvement in case management, including assessment, planning of cases, referrals and monitoring.¹⁷⁷ This includes the enhancement of case management, processes for documenting information and safeguarding the privacy, confidentiality and development of referral pathways and protocols. In **New Zealand**, for example, the Ministry for Children coordinates multidisciplinary support.¹⁷⁸ A number of countries have social welfare agencies/ departments that employ social workers. In **Ecuador**, the Ministry of Economic Inclusion and Social Welfare employs a social service workforce that includes social workers.¹⁷⁹

The Family Justice Center in **Belgium** (Limburg) addresses family violence, undertakes multidisciplinary risk assessments and refers families to appropriate services.¹⁸⁰ In **Trinidad and**

Tobago, “the Family Court is a one-stop shop which offers a range of services within one building.”¹⁸¹ Referrals can be made for other services.

Electronic case management tool

In **Jordan**, an electronic tracking and case management tool was developed for cases of violence against women and children.¹⁸² Digital forms are provided to document cases from the point of identification throughout the case management process. The system also helps provide timely information for tracking VAC, including in relation to risk factors and patterns.

INTEGRATED, EVIDENCE-BASED, MULTIAGENCY, SPECIALISED AND CHILD-FRIENDLY ‘ONE-STOP’ SHOPS

One-stop centres or integrated, evidence-based, multiagency, specialised and child-friendly service models for child victims and witnesses have been established in some states. These approaches have proven effective in preventing harm and improving outcomes for children who are victims or witnesses.¹⁸³

The benefit of one-stop centres that integrate criminal investigation, is having all services in one coordinated space. A study across the **European Union** found that such models are a “sensible investment” for states, enhancing their compliance with investigative duties, as well as substantive and procedural obligations towards child victims and witnesses.¹⁸⁴ In **Bulgaria**, Child Advocacy Centres provide one-stop, integrated, comprehensive, and free support to children and families. Employing the Barnahus model, trained teams made up of psychologists, social workers, and lawyers provide specialised response services and coordinate with other relevant actors (e.g., child protection department, education, police, prosecutors and other judicial actors).

Barnahus model

The Barnahus model is an integrated, evidence-based, multiagency, specialised and child-friendly service model for the protection of child victims of sexual abuse and exploitation and other forms of violence. This model brings together all relevant justice, legal, medical and social professionals (i.e., judge, prosecutor, police, social workers and medical professionals such as psychologists and doctors) to obtain necessary information for the investigation and court proceedings, while ensuring that the child victim receives proper assistance and support.

The Barnahus model is recognised by the *Committee of the Parties to the Convention on the Protection of Children Against Exploitation* as an example of good practice for a child-friendly multidisciplinary response to violence. According to the 2023 mapping study, a total of 28 Council of Europe member states already have Barnahus and/or Barnahus-type services in place. Of the remaining 18 states, five are in the process of setting up such services and 11 have at least some other multidisciplinary services for child victims.¹⁸⁵

HEALTH-LED SYSTEMS

Health care is often the first – and sometimes only – encounter that children have with professionals when they are victims or witnesses of crime. Some states have put in place measures to prevent and respond to violence through health systems. In the **Philippines**, for example, 138 Women and Child Protection Units (WCPUs) have been established in health facilities. These units are multidisciplinary and composed of physicians, social workers, psychiatrists, psychologists, nurses, police and lawyers who work collaboratively to provide services to meet the needs of child victims. Permanent police officers are also assigned to the units. WCPUs have started

digitalising their services and providing them to the community at a decentralised level. In **Malawi**, different duty-bearers operate under one roof in hospital-based one-stop service centres.¹⁸⁶

Medical examinations in the case of sexual abuse are avoided

Medical examination, especially in the case of sexual abuse, can be a highly stressful experience for children. Medical approaches should be avoided and ordered only where it is absolutely necessary for the investigation of the case and in the best interests of the child. Where it is ordered, it should be minimally intrusive. In **Portugal**, laws for the protection of children and young people in danger provides a good practice example in ensuring child-sensitive medical examinations.¹⁸⁷ The law requires that examinations be ordered only where indispensable, in the interests of the child and carried out by a duly qualified medical professional.

LAW ENFORCEMENT

Other states have adopted a multisectoral approach through law enforcement. **Barbados** has established child protection units within the police force to handle cases involving child victims. These units are trained to interact with children in a way that reduces trauma during the reporting process. **New Zealand** offers an example of good practice via the *Puawaitahi*, a child protection multi-agency centre which provides a one-stop shop for assessing and responding to children. It is comprised of specialist child assessment and investigation services (Ministry of Children), health, police, MHPSS and prosecution.¹⁸⁸ In **Zimbabwe**, victim friendly units are available at every police station countryside.¹⁸⁹ In the **United States**, the Respect for Child Survivors Act became law in 2023, requiring that the Federal Bureau

of Investigation use a multidisciplinary team with respect to any investigation of child sexual exploitation or abuse, the production of related material or child trafficking.

STRENGTHEN CHILD PROTECTION SYSTEMS

States should ensure that they strengthen their child protection system to prevent family separation, and prioritise family-based care over the use of residential care when alternative care is necessary, including children on the move. Residential care has negative impacts on brain function, cognitive development and social-emotional well-being.¹⁹⁰ Family based care must be prioritised.

In **South Africa**, the Children’s Act prioritises kinship care as a first option when children cannot remain with their parents.¹⁹¹ Kinship care placements must be court-approved and carers can apply for foster care grants to support the child. In the **United Kingdom**, special guardianship orders can be granted to kinship carers, granting parental responsibility without severing the legal relationship between the child and birth parents.¹⁹²

INVEST IN BUILDING PROFESSIONAL CAPACITY

Effective handling of cases requires that all involved are aware of the unique needs of children who are victims or witnesses. Good practice demonstrates the importance of sustained and systematic training for law enforcement, judges, the social service workforce, including social workers and others. Training should be tailored to different cadres in recognition of their specific roles.

Empirically validated protocols for forensic interviews with children

The development and use of empirically validated and researched forensic child interview protocols is recommended to maximise the opportunities of investigative interviewers to gather reliable information in a child-friendly manner. The National Institute of Child Health and Human Development (NICHD) protocol is the most widely used, researched and validated protocol for forensic interviews with children.

CHILD-SENSITIVE INVESTIGATIONS AND INTERVIEWS

Those documenting and investigating harm must conduct interviews in a developmentally sensitive, unbiased manner that will support decisions made in criminal justice and child welfare systems.¹⁹³

Law enforcement and prosecutors should be trained to undertake interviews, examinations and other forms of investigation with child victims or witnesses. In **Burundi**, the *Constitution and the Protection of Victims and the Prevention and Punishment of Sexual and Gender-based Violence Act* require the government to establish training. The Burundi police force is trained in victim and witness protection to better understand the needs of children, including victims of sexual violence.¹⁹⁴

In **Chile**, the law requires professionals who take evidence from child victims in criminal cases to be specially trained as interviewers and intermediaries.¹⁹⁵ In **Bolivia**¹⁹⁶ and **Bulgaria**,¹⁹⁷ the training of law enforcement officials who come in contact with child victims and witnesses of crimes is also a requirement in law. In the **United States**, forensic interviewers in the Office for

Victim Assistance at the FBI are trained and follow a protocol for gathering statements of children that can be used in court. There is also training provided for law enforcement in countries in **South and Central America**.¹⁹⁸

Debates on dolls, body diagrams and drawings

Arguments in favour of using dolls are to facilitate communication among children as play-based methods align with their cognitive and emotional development, helping them recall and describe events more accurately, and children who are shy, nonverbal, or have language delays may find dolls a more comfortable medium for communication.

Criticisms include suggestibility, especially if practitioners are not trained, lack of standardisation and legal challenges. If these non-verbal tools are allowed, they must be used by trained professionals, not used to lead or pressure the child, and integrated into a broader, child-sensitive interview strategy and protocol.

In the **United Kingdom**, guidance and procedures were developed for Crown Prosecutors interviewing victims and witnesses. The Crown Prosecutors Service notes that, “although the guidance is advisory and does not constitute a legally enforceable code of conduct, significant departures from the guidance may have to be justified in court if relied upon by the defence to challenge part or all of the evidence of the witness.”¹⁹⁹ Public prosecutors in the **Netherlands** are trained on the impact of child abuse, including assessment of the case, collaboration between partners and the impact of sentencing.²⁰⁰

A specialist [child witness interview guide](#) has been developed in **New Zealand** from the point

the child is first interviewed to the conclusion of criminal proceedings. The Office of the Children’s Advocate in **Jamaica** has developed [child justice guidelines](#), which apply to child victims and witnesses. In **South Africa**, the Child Law Manual for Prosecutors was developed in 2001 and has been used as a basis for the training of prosecutors throughout the country.

STRENGTHEN CHILD PARTICIPATION AND LEGAL EMPOWERMENT

States should strengthen child participation in proceedings, removing arbitrary age restrictions in law or practice. Child rights law does not impose age limits on the right of the child to express his or her views, and states are discouraged from doing so.²⁰¹ While many jurisdictions do not recognise the right of children to appear in legal proceedings, good practice is the legal presumption of a child’s competency to testify.

For example, in the **United Kingdom**, the Youth Justice and Criminal Evidence Act recognises that “at every state in criminal proceedings, all persons (whatever their age) [can be] competent to give evidence.” Whether a child is competent to give evidence, therefore, does not depend on age, but whether he or she has the capacity to understand questions put to him or her as a witness and to give answers that can be understood.²⁰²

If a child is not able to understand questions or provide intelligible answers, his or her evidence is likely to be inadmissible.²⁰³ Alternatives to oaths, such as informal promises to tell the truth, provided in countries like **Canada**, protect children from possible contempt proceedings in the case of false testimony.

Case study: Canada²⁰⁴

In **Canada**, a host of procedural reforms have been introduced to protect child victims and witnesses. For instance, a child's competency is now presumed, and they are no longer required to undergo a competency inquiry prior to giving evidence. Evidence is receivable upon a "promise" to tell the truth based on social research that establishes that children are fully capable of giving honest and reliable evidence. Children may also testify with the assistance of support persons, screens, closed circuit television and pre-recorded audio statements.

In **Israel**, the Rights of Victims of an Offence Law allows child victims of sexual abuse and domestic violence the opportunity to be heard at several stages of proceedings.

CHILD- AND VICTIM-SENSITIVE JUSTICE SYSTEMS AND PROCEEDINGS

Preventing hardship – including secondary trauma and victimisation – at all stages of the justice process is a precondition to ensure that the best interests and dignity of child victims or witnesses are respected.²⁰⁵ Children are entitled to a heightened duty of care, which requires specific measures that take into account their development level and evolving capacities. This includes ensuring that procedures, courts and facilities where interviews and forensic examinations are conducted are child-friendly.

In 2015, **Algeria** enacted a child protection law that includes provisions ensuring that child victims of violence, abuse or exploitation are identified, protected and supported.²⁰⁶ This law also strengthens child-friendly procedures, measures to protect a child's identity, safe environments for testimony and legal and psychological support.

THE ASSISTANCE OF A SUPPORT PERSON IS PROVIDED

Measures to make it easier for a child to testify or give evidence should also be enshrined in law, including through child victim and witness specialists, support persons and guardians to protect a child's legal interests.²⁰⁷ In some states, a support person is designated by a competent authority. Support persons "accompany the child from the moment of his or her first contact with the justice system."²⁰⁸ In **Italy**, a child victim of sexual exploitation is to be assisted by a support person during all stages of proceedings. In **Switzerland**, this person must be of the same gender as the victim. In **Canada**, a Family Court Support Worker provides information to child victims of family violence about proceedings, helps prepare them for court and accompanies the victim to court proceedings, where appropriate.²⁰⁹

CERTAINTY ABOUT THE JUDICIAL PROCESS

When children are involved in judicial proceedings, they should receive regular updates, be consulted on decisions and be adequately prepared before hearings or trials.²¹⁰ In the **United States**, the Office for the Victims of Crimes at the Department of Justice has developed a series of resources for children who may have involvement with the justice system as a victim or witness of a crime. The materials are tailored according to age groups (2–6, 7–12 and 13–18).²¹¹ The materials provide children with age-appropriate information about how the justice system works, what their rights are and how they can cope with feelings they might have during the process. These materials are available in a number of languages, including English, Spanish, Chinese, Vietnamese and Haitian Creole.

Bulgaria, Costa Rica and **New Zealand** recognise the right of child victims to receive information concerning the proceedings and decisions directly from judges.²¹² Children in the **United Kingdom** can access age-appropriate information on what

it means to talk to a court. The materials are also available in different languages to reach migrant children. In **Canada** (British Columbia), a video and [guide](#) have been developed for use by Victim Service Workers and other professionals as part of the process of preparing a child to be a witness in criminal court proceedings. **New Zealand** has a guide for child witnesses, explaining what to expect in court through illustrations and practical advice. [National guidelines](#) for agencies working with child witnesses have also been developed. In **Namibia**, a [training manual](#) for professionals on how to work with children in a child-sensitive manner has been developed. The manual provides a comprehensive overview of the various stages of a child's cognitive, socio-emotional and sexual development, followed by the communication skills needed when working with children. It addresses the dynamics of child abuse, the process of disclosure and the dynamics of online exploitation. Detailed information on working with children in the judicial process – how to take statements from children and how to prepare them for their court appearance – is also provided.

What information needs to be conveyed to children?

- The availability and means of accessing relevant services and support
- What support mechanisms exist for making a complaint and or participating
- Procedures of the criminal justice process
- The role of child victims and witnesses during investigation and trial
- The importance, timing and manner of testimony
- Ways in which questioning will be conducted during the investigation and trial
- Specific places and times of hearings and other relevant events where the child is involved in judicial proceedings
- The availability of protective measures
- Mechanisms for review of decisions

DELAYS ARE AVOIDED AND PROCEEDINGS ARE EXPEDITED

A number of states have employed solutions to expedite proceedings involving children. In **Australia**, the Evidence Act of the State of Queensland specifies the need for a speedy process with respect to the interests of victims and witnesses, including children.²¹³ In the **United States**, policies allow for a court to give priority to cases involving children.

CONTACT WITH THE JUSTICE SYSTEM IS AVOIDED AND INTIMIDATION IS PREVENTED

Measures to protect children from risks and repercussions, such as revictimisation, reprisals, stigmatisation, physical, online, information and communications safety risks, are needed.

Procedural safeguards come in many forms. Measures to protect a child from safety risks before, during and after the justice process, include:

- avoiding direct contact between a child victim or witness and the accused at any point in the justice process;
- requesting restraining orders from a competent court as needed;
- instituting a pre-trial detention order setting “no contact” bail conditions;
- placing the accused under house arrest; and
- giving child victims and witnesses protection by the police or other relevant agencies, including by safeguarding their whereabouts from disclosure.²¹⁴

In the **United Kingdom**, the Criminal Justice Act 2003 introduced a procedure whereby the Director of Public Prosecutions may refer a matter involving a child witness directly to the Crown Court without a prior formal committal stage. This provision can be used “for the purpose of avoiding any prejudice to the welfare of the child” where a child would be called as a witness, and

when the Director of Public Prosecutions finds that the evidence is sufficient to commit the accused for trial.²¹⁵

Recorded interviews

Good practice includes recorded interviews that are admissible in court. Trained interviewers in **Finland** and **Norway** conduct electronic recorded interviews during the pre-trial investigation.²¹⁶ Defence lawyers are able to put forward their questions and children are not required to attend in person.

Testimonial aids, including technological means such as the use of video conferencing, which allows a child to testify from a remote location, are employed by a number of states. Visual contact between children and offenders is to be avoided and children should have opportunities to provide evidence through alternative means. States should ensure that recordings, for example, are legally admissible as evidence. In **Malaysia**, children can testify in criminal proceedings without physically being present in court. Special measures are available to safeguard child witnesses in legal proceedings, including by permitting testimonial aids such as screens, video conferencing or recorded statements to protect child witnesses from intimidation.²¹⁷ Child witnesses may also have a support person present during testimony. Courts are also required to maintain confidentiality of proceedings involving child witnesses.

Brazil, **Maldives** and **Japan** also permit child testimony based on a video-audio link system.²¹⁸ The **Philippines**, among other countries, uses alternative arrangements for giving testimony such as the use of screens, video-taped evidence and closed-circuit television to protect children from hostile, insensitive or repetitive questioning or interrogation. The Vulnerable Witnesses (Criminal Evidence) Act 2019 in **Scotland** introduced a presumption that children and

vulnerable witnesses in the most serious criminal cases should be able to have their evidence pre-recorded instead of testifying in court.

In **Zimbabwe**, Victim Friendly Courts have been established under the Judicial Service Commission as specialised units.²¹⁹ These courts have separation rooms where survivors give their testimonies and are protected from retraumatisation.

Some states, like **Canada**, the **United States** and the **United Kingdom**, allow for the use of victim impact statements. A victim impact statement is a written statement from a victim that describes the impact the victim of an offence has suffered;²²⁰ for children, this can include drawings, letters, poems, etc. The victim impact statement gives victims a voice and allows them to take part in the sentencing of the offender by explaining to the Court and the offender, in their own words, how the crime has affected them.

Communication with child victims and witnesses is facilitated through the use of intermediaries such as a parent, specially appointed public counsel, guardian *ad litem* or an expert, among others, designated by a court in some states. In **Ireland**, for example, the Criminal Evidence Act allows for questions to be put to a witness through an intermediary.²²¹ It provides that “questions put to a witness through an intermediary ... shall be either in the words of the questioner or so as to convey to the witness in a way which is appropriate to his age and mental condition the meaning of the questions being asked.”²²²

PROTECT PRIVACY AND SAFETY

The right to privacy and safety should be protected as a matter of primary importance and respected by everyone, including professionals at all levels. These rights should be applicable on the basis of non-discrimination, ensuring that sensitive information about children – including those on the move – cannot be used against them.

Restraining orders and protection programmes

Restraining orders, or personal protection orders, can be issued by courts in a number of states to protect a child from being harmed, harassed or in contact with a perpetrator. In **Singapore**, a “personal protection order” can be issued by the family court. Applications can be submitted online or in person. The **Netherlands** has recently adopted a new administrative intervention intended to improve the use of the temporary restraining orders for perpetrators of domestic violence and child abuse. The temporary restraining order (imposed by the mayor or by an assistant public prosecutor, employed by the police) is meant to apply in “crisis situations” and on the basis of well-founded reports about unsafe home situations before the situation escalates into a crisis.²²³ “The use of a temporary restraining order can contribute to a short period of peace, during which assistance can be provided to all involved, both victims and perpetrators, with the aim of creating sustainable safety.”²²⁴

Some states have developed witness protection programmes. In **India**, a witness protection scheme was formally introduced in 2008.

Prohibit dissemination of information to the public

When children testify, those proceedings should generally be closed to the public (i.e., on camera). States should enshrine in law the possibility to request a non-disclosure order, prohibiting any information from being shared in the public domain. Some states summarise news briefs to the public after the hearing.

A number of states have provisions allowing for the redaction or expungement of child victims, or witnesses’ names, addresses, school, information about the family or any other information that could reveal the identity of the child. Legislation in a number of states allows a judge to assign pseudonyms (e.g., Witness P001).

Several states prohibit the dissemination of information to the public. In some states, the media is prohibited from making use of information even when the information is leaked. In **Malaysia**, for example, the law places restrictions on media reporting and publication of names of the child, the school they attend or other particulars, including photos of the child or any other person, place or thing that may lead to the identification of a child.²²⁵ Those who contravene these rules are liable to a fine, to imprisonment for a term not exceeding five years or both.²²⁶

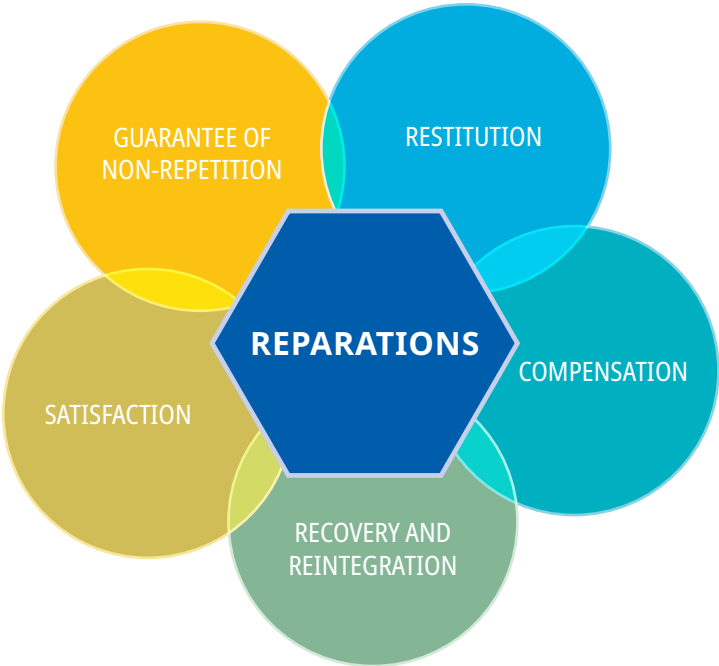
REPARATIONS

Good practices involve enshrining in law the ability of a child or their representative to seek a wide range of reparations, including to cease, prohibit and or compensate for the violation, or ensure measures to promote physical and psychological recovery, rehabilitation and reintegration.

The Constitution of **Malawi** enshrines the right to an effective remedy for violations of rights provided in national law.²²⁷ In **India**, a special court may order interim compensation to meet the needs of child victims of sexual offences.²²⁸ In **Portugal**, the law governing compensation of victims expressly allows for a child victim to “request for the grant of compensation [by] the state at any time up to a year after attaining the age of majority or being freed from the control of his/her parent(s) or guardian.”²²⁹ The Criminal Code of **Canada** allows a court to order convicted or discharged offenders to make restitution to victims, including in the case of bodily harm or threat to the offender’s child.²³⁰ In some states, laws have been extended to include compensation to any person living in the household. In the **Philippines**, the good practice of compensation guidelines for victims were approved in 2018. A memorandum of agreement between the Commission on Human Rights and the Department of Justice was signed in 2024,

establishing a referral system for human rights violations and facilitating compensation claims.²³¹

Empowering NHRIs with the authority to direct state agencies and others to pay compensation helps implement the right to reparation. In **India**, the National Human Rights Commission took notice of a newspaper story about a young boy who had been working at a roadside eatery and was tortured by two inebriated police constables. The Commission investigated the matter, concluding that the boy was beaten with footwear and a walking stick. The officers were suspended from duty and a criminal case was opened. The Commission also directed the Chief Secretary of State to pay compensation to the child victim and recommended that action be taken against the eatery owners for child labour.²³²



CONCLUSION

Protecting the rights and well-being of children who are victims or witnesses within justice systems demands a robust, multifaceted approach that aligns with the CRC and relevant UN Guidelines. Comprehensive legal and policy reforms are needed to enshrine children’s rights, prohibit all forms of violence and eliminate statutes of limitations. Enhancing early identification, through mandatory reporting laws and establishing accessible, child-friendly reporting mechanisms, is critical to ensuring timely intervention.

Responding to the needs of victims and witnesses through multisectoral services ensures holistic support that addresses children’s medical, psychological and social needs. Strengthening child-sensitive justice proceedings

through measures like pre-recorded testimony, video-link options and the use of support persons helps prevent retraumatisation and upholds children’s dignity.

By investing in specialised training for professionals and guaranteeing reparations, including compensation and rehabilitation, states can empower children to navigate justice processes with confidence. These concerted efforts not only protect child victims and witnesses from further harm but also reinforce the rule of law, build public trust in equitable justice systems and advance the global commitment to achieving the Sustainable Development Goals by ensuring that the rights of children are upheld and no child is left behind in the pursuit of justice and recovery.

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GLOSSARY

Access to justice: the ability to seek, individually or collectively, and obtain a just, equitable and timely remedy for violations of children’s rights through avenues adapted to children.²³³ It “comprises the right to be recognised before the law and to a fair hearing, right to appeal, equal and timely access to courts, effective judicial protection and other complaint mechanisms to bring an effective outcome.”²³⁴

Corporal punishment: any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting (e.g., smacking, slapping, spanking, etc.) children, with the hand or with an implement – a whip, stick, belt, shoe, wooden spoon, etc. – but it can also involve, for example, kicking, shaking, throwing children, scratching, pinching, biting, pulling hair, boxing ears, caning, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion.²³⁵

Mental violence: psychological maltreatment, mental abuse, verbal abuse and emotional abuse or neglect, and can include:

- all forms of persistent, harmful interactions with the child (e.g., conveying to a child that he or she is worthless, unloved, unwanted, endangered or only of value in meeting another’s needs);
- scaring, terrorising and threatening, exploiting and corrupting, spurning and rejecting, isolating, ignoring and favouritism;
- denying emotional responsiveness, or neglecting mental health, medical and educational needs;

- insults, name-calling, humiliation, belittling, ridiculing and hurting a child’s feelings;
- exposure to domestic violence;
- placement in solitary, isolated, humiliating or degrading conditions of detention; and
- psychological bullying and hazing by adults or other children, including through information and communication technologies (ICTs) such as mobile phones and the internet (i.e., cyberbullying).

Harmful practices: can include but are not limited to:

- corporal punishment or other cruel and degrading forms of punishment;
- physical bullying and hazing;
- forced sterilisation (particularly girls);
- violent and degrading initiation rites, force-feeding of girls, fattening and virginity testing;
- forced marriage and child marriage;
- “honour crimes” or acts of “retribution” violence (where disputes between different groups are taken out on children of the parties involved, or dowry-related death and violence);
- accusations of witchcraft and related harmful practices such as exorcism; and
- uvulectomy and teeth extraction.

Institutional and system violations of child rights: Authorities at all levels of the state responsible for the protection of children from all forms of violence may directly and indirectly cause harm by lacking effective means of implementation of obligations under the Convention. Such omissions include the failure to adopt or revise legislation and other provisions, inadequate implementation of laws and other regulations and insufficient provision of material, technical and human resources and capacities to identify, prevent and react to violence against children. It is also an omission when measures and programmes are not equipped with sufficient means to assess, monitor and evaluate progress or shortcomings of the activities to end violence against children. Also, in the commission of certain acts, professionals may abuse children's right to freedom from violence – for example, when they execute their responsibilities in a way that disregards the best interests, views or developmental objectives of the child.

Neglect or negligent treatment: failure to meet a child's physical and psychological needs, protect them from danger or obtain medical, birth registration or other services when those responsible for children's care have the means, knowledge and access to services to do so. This includes physical, psychological or emotional neglect, neglect of children's physical or mental health – including withholding essential medical care – and educational neglect and abandonment.

Online child sexual exploitation and abuse: child sexual exploitation and abuse that is facilitated by information and communication technologies.

Physical violence: fatal and non-fatal physical violence, including all corporal punishment and other forms of torture, cruel inhuman or degrading treatment, physical bullying and hazing. It further includes forced sterilisation,

violence in the guise of treatment and the deliberate infliction of disabilities on children for the purpose of exploiting them for begging on the streets or elsewhere.

Remedy: refers to both

- a process under which claims of children's rights violations are heard and decided by competent bodies; and
- the outcome of the process and the redress provided, including reparations and the cessation of the violation.

Reparations: measures to redress violations of children's rights by providing a range of material and symbolic benefits to victims, their families and the affected communities. This can include restitution, compensation, satisfaction and guarantee of non-repetition.

Restitution: aims to restore the victim, as much as possible, to the original situation before the violation occurred.²³⁶

Satisfaction: the experience and recognition by victims that justice has been achieved through the process, the execution of the decision, the end of the violation and the acknowledgement of the harm or damage suffered.

Self-harm: includes eating disorders, substance use and abuse, self-inflicted injuries, suicidal thoughts, suicide attempts and actual suicide.

Sexual abuse and exploitation: includes the inducement or coercion to engage in any unlawful or psychologically harmful sexual activity, including of a child; the use of children in commercial sexual exploitation; child prostitution, sexual slavery, sexual exploitation in travel and tourism, trafficking (within and between countries); and the sale of children for sexual purposes and forced marriage.

Torture/inhuman and degrading treatment or punishment:

violence in all its forms against children in order to extract a confession, to extrajudicially punish children for unlawful or unwanted behaviours or to force children to engage in activities against their will. These methods are typically applied by police, law-enforcement officers, staff of residential or other institutions and persons who have power over children, including non-state armed actors.

Trauma: UNICEF’s approach to Mental Health and Psychosocial Support (MHPSS) tends to use the term “emotional distress” more frequently than “trauma,” especially in the early stages of crisis response. This choice is intentional and grounded in both clinical and ethical considerations. This is to avoid over-pathologization. UNICEF does use trauma-related terminology in later stages or for children with persistent symptoms, those with pre-existing mental health conditions or cases involving severe or prolonged exposure to violence or abuse.

Victims: persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal laws operative within Member States, including criminal abuse of power.²³⁷ “Victim” may include their non-offending immediate caregiver and persons who have suffered harm in intervening, where appropriate.²³⁸

Violence among children: physical, psychological and sexual violence – often by bullying – exerted by children against other children, frequently in groups.

Violence in the mass media: mass media, especially tabloids and the “yellow press,” which tend to highlight shocking occurrences and, as a result, create a biased and stereotypical image of children or adolescents as violent or delinquent just because they may behave or dress in a different way.

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