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Children's rights at crossroads: how do children's rights hold up in the twenty-first century?*

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ABSTRACT

Building on the lessons learned over the past 35 years, this article reflects on how to uphold the rights and freedoms of all children in a time when the human rights narrative is constantly challenged, and the respect for the rights and freedoms of every human being, including children, is no longer self-evident. The paper identifies the persisting and increasing 'justice gap' experienced by children, which reflects a lack of accountability towards children as a major obstacle to the realisation of children's rights. With the UN Convention on the Rights of the Child having celebrated its 35th Anniversary in 2024, children's rights find themselves at a critical point. How do children's rights hold up in the twenty-first Century? It is argued in this article that the Optional Protocol to the CRC on a communications procedure and the upcoming General Comment of the UN Committee on the Rights of the Child on children's access to justice and effective remedies will contribute to addressing the 'justice gap' experienced by children.

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Children's rights; UN Convention on the Rights of the Child; accountability; access to justice; effective remedies; polycrisis

1. Introduction

In November 2024, the 35th anniversary of the United Nations (UN) Convention on the Rights of the Child (UNCRC, the Convention),[1] the most ratified human rights treaty in the world, invited reflection not only on the historical significance of this landmark document but also on the current state of children's rights globally. The UNCRC represents a commitment by states to uphold the rights and freedoms of children and acknowledge their inherent humanity and equal dignity. Children's rights find themselves at a critical

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[1]United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UNCRC).

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time when the human rights narrative is challenged,[2] and respect for the rights and freedoms of every human being, including children, is no longer self-evident. In today's world, it is crucial to explore ways to retain focus on children's rights and uphold the rights and freedoms of all children. Although relatively young and in many ways still underexplored, international children's rights law, as a field of international human rights law, has had a significant impact on children since its emergence in the twentieth Century.[3] Importantly, children's rights are an achievement that reflects humanity, equality, human dignity, sustainability and intergenerational equity.[4] The lessons learned over more than 35 years, and the many challenges that children are facing today, justify the question: How do children's rights hold up in the twenty-first century?

This article reflects on the contemporary significance of international children's rights as a distinct field of law and highlights several key challenges that have arisen in giving effect to the UNCRC, which require the attention of both practice and scholarship. These challenges converge to expose a significant problem affecting children's rights, namely a justice gap in relation to their realisation. This article argues that the 2011 Optional Protocol to the CRC on a communications procedure (OPIC)[5] and the Committee on the Rights of the Child's (CRC Committee) upcoming general comment on children's access to justice and effective remedies[6] are tools that promote the accountability necessary to overcome this justice gap experienced by children globally.

2. The significance of international children's rights as a field of law

International children's rights, as articulated in the UNCRC and its Optional Protocols[7] enshrine a broad spectrum of human rights and fundamental freedoms for children.[8] Over more than 35 years, the UNCRC has laid a legal, human rights foundation that has transformed how children are being viewed from a legal perspective, and how they are supposed to be treated.[9] In many jurisdictions, the Convention has become an important guiding framework for legislation, policies, and practices aimed at enhancing the well-being of children, children's development and respect for children as human beings.[10]

[2]Wendy Swartz and Ann Skelton, 'A Case for Enhanced Collaboration Between Experts and Diplomats in the United Nations to Enhance Girls' Rights' (2025) 30(3) The International Journal of Human Rights 506.

[3]Ursula Kilkelly and Ton Liefaard, 'International Children's Rights: Reflections on a Complex Dynamic, and Relatively Young Area of Law' in Ursula Kilkelly and Ton Liefaard (eds), *International Human Rights of Children* (Springer 2019).

[4]Committee on the Rights of the Child, 'General Comment No. 26 (2023) on children's rights and the environment with a special focus on climate change' UN Doc CRC/C/GC/26 (2023) para 11. The full text of the Committee's general comments can be accessed on the UN Treaty Bodies Database <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11> accessed 22 June 2026.

[5]Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure UNGA Res A/RES/66/138 (adopted on 19 December 2011, entered into force 14 April 2014).

[6]Committee on the Rights of the Child, 'Draft General Comment No. 27 on children's right to access to justice and to an effective remedy' UN Doc CRC/C/GC/27 (2025) <https://www.ohchr.org/en/calls-for-input/2025/call-submissions-draft-general-comment-no-27-childrens-right-access-justice> accessed 10 September 2025.

[7]Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict UNGA Res A/RES/54/263 (adopted 25 May 2000, entered into force 12 February 2002); Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography UNGA Res A/RES/54/263 (adopted 25 May 2000, entered into force 18 January 2002); OPIC (2011) (n 5).

[8]Jaap E. Doek, 'The CRC 20 Years: An overview of Some of the Major Achievements and Remaining Challenges' (2009) 33(11) Child Abuse & Neglect 771.

[9]Kilkelly and Liefaard (n 3).

[10]ibid; Karin Arts, 'Twenty-Five Years of the United Nations Convention on the Rights of the Child: Achievements and Challenges' (2015) 61(3) Netherlands International Law Review 267.

Children are human beings of equal dignity with others. Under the UNCRC framework, children are not merely passive recipients of care and special protection because of their vulnerability. Instead, they are active citizens in society. Like all other human beings, they have 'the right to possess rights'.[11] Today, the application of this human rights narrative to children finds support in a multilayered and dynamic legal framework that stretches from international to regional and domestic constitutional legal systems.[12] This narrative challenges existing narratives and legal concepts surrounding, affecting and even marginalising children, without, however, disregarding the need to accommodate the diverse contexts in which children live and grow up around the world.[13]

More than 35 years after the adoption of the UNCRC in November 1989, it can be concluded that the human rights narrative for children has inspired law reform, strategic or public interest litigation and the work of civil society, domestically, regionally and internationally.[14] Various countries have developed children's acts,[15] or codes on the rights of the child;[16] or they anchored children's rights in their constitutions or specific sectoral legislation on juvenile justice, family law and child protection.[17] There is a growing body of jurisprudence produced by constitutional, regional and international courts or quasi-judicial bodies, in which children's rights play a significant role. This jurisprudence has shaped international children's rights law and has had a domestic legal impact on matters concerning children.[18] The CRC has also stimulated additional standard-setting through international organisations (such as the United Nations),[19] and regional human rights organisations and supranational organisations (such as the European Union (EU), the Council of Europe (CoE), the Association of Southeast Asian Nations (ASEAN) and the South Asian Association for Regional Cooperation (SAARC)).[20] The UNCRC has also led to institutional reform, for example, within the judiciary,[21] and to the development of new institutions, such as National Human Rights Institutions

[11]Michael Freeman, 'Why It Remains Important to Take Children's Rights Seriously' (2007) 15(1) The International Journal of Children's Rights 5, 8 with reference to Hannah Arendt, *The Origins of Totalitarianism* (André Deutsch 1986).

[12]See *inter alia* Nicolás Espejo Yaksic and Domingo Lovera Parmo (eds), *La Constitucionalización de los derechos de las niñas, niños y adolescents en América Latina* (Tirant lo Blanch Mexico 2023); Julia Sloth-Nielsen, 'Children's Rights Jurisprudence in South Africa – a 20 Year Retrospective' (2019)52 De Jure Law Journal 501; Conor O'Mahony, 'Constitutional Protection of Children's Rights: Visibility, Agency and Enforceability' (2019) 19 Human Rights Law Review 401; Kilkelly and Liefaard (n 3).

[13]Arts (n 10).

[14]ibid.

[15]See, for example, the South African Child Justice Act 75 of 2008, and the Children's Act 38 of 2005 respectively.

[16]See, for example, the Georgia's Code on the Rights of the Child (2019) and the Children's Code Act of Zambia (2022).

[17]Arts (n 10) with reference to Julia Sloth-Nielen, 'A Developing Dialogue – Children's Law and Economics: Surveying Experiences from Southern and Eastern African Law Reform Processes' (2008) 12(3) Electronic Journal of Comparative Lw 1 <https://uwcscholar.uwc.ac.za/server/api/core/bitstreams/3f820726-728b-45d3-9ce9-37d57872cc4e/content> accessed 27 April 2026. On legislative reform see <http://www.childrensrightsreform.org/>.

[18]See, for example, Meda Couzens, *The UN Convention on the Rights of the Child and Domestic Courts* (Cambridge University Press 2025); Ton Liefaard and Jaap Doek, *Litigating the Rights of the Child* (Springer 2015); Arts (n 10); Ursula Kilkelly and Ton Liefaard, 'Legal implementation of the UNCRC: Lessons to be Learned from the Constitutional Experience of South Africa''(2019) 52 De Jure Law Journal 521; Sloth-Nielsen (n 12); Aoife Nolan and Ann Skelton, '"Turning the Rights Lens Inwards": The Case for Child Rights-Consistent Strategic Litigation Practice' (2022) 22(4) Human Rights Law Review 1; Espejo Yaksic and Lovera Parmo (n 12).

[19]This includes the adoption of OPIC and of the 26 general comments by the CRC Committee.

[20]Kilkelly and Liefaard (n 3).

[21]See examples in the context of juvenile justice presented in Franklin E. Zimring, Máximo Langer and David S, Tanenhaus, *Juvenile Justice in Global Perspective* (NYU Press 2015).

and Independent Children's Rights Institutions.[22] Moreover, children's rights have been considered in areas of law where they were once irrelevant, such as digital technologies,[23] biomedicine and bioethics[24] and the environment, including climate change.[25] Children's rights are also informing civil society advocacy on education, health, play, child labour, violence (including harmful cultural practices), deprivation of liberty and child participation.[26]

The UNCRC has contributed to a more comprehensive and sophisticated approach towards children's legal position in the domestic legal systems. It stimulated legal reform that has enabled children's increasingly effective participation in decision-making, including judicial decision-making. It generated legal innovation on issues such as extra-territorial jurisdiction, intergenerational equity[27] and the responsibilities of non-state actors for children's rights.[28]

Finally, it is worth mentioning that academic scholars have started to engage much more with children's rights as a field of international law.[29] In addition, children's rights are also studied from cross- and interdisciplinary and critical perspectives.[30] Academic attention to children's rights has also led to more attention to children's rights in undergraduate, graduate and postgraduate programmes in law and other disciplines taught in universities, although the spread of such programmes around the world is uneven.[31]

3. Global challenges affecting children's rights

Despite the significance of international children's rights as a field of law, many challenging realities remain for children around the world. From conflict zones to impoverished communities, countless children are denied their basic rights, despite the states' commitment to the UNCRC. The current geopolitical climate, marked by rising authoritarianism and systemic inequalities along with the climate crisis and shrinking civic spaces, poses a

[22]Agnes Lux and Brian Gran (eds), *The Roles of Independent Children's Rights Institutions in Advancing Human Rights of Children* (Emerald Publishing Limiter 2022).

[23]Eva Lievens and others, 'Children's Rights and Digital Technologies' in Ursula Kilkelly and Ton Liefaard (eds), *International Human Rights of Children* (Springer 2019).

[24]Kavot Zillén, Jameson Garland and Santa Slokenberga, 'The Rights of Children in Biomedicine : Challenges Posed by Scientific Advances and Uncertainties' (2017) <https://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-312943> accessed 10 September 2025; Ton Liefaard, Aart Hendriks and Daniella Zlotnik, 'From Law to Practice: Towards a Roadmap to Strengthen Children's Rights in the Era of Biomedicine' Committee on Bioethics of the Council of Europe (2017) < https://scholarlypublications.universiteitleiden.nl/handle/1887/54658?solr_nav%5Bid%5D= 6fcf2e7e44bce9c95c63&solr_nav%5Bpage%5D=0&solr_nav%5Boffset%5D=0> accessed 13 July 2026.

[25]Committee on the Rights of the Child, 'General Comment No. 26' (n 4).

[26]Examples include the 2006 UN Study on Violence against Children and its follow up, as well as the 2019 Global Study on Children Deprived of Liberty, which were largely advocated for by civil society organisations. A more recent example concerns the drafting of the Optional Protocol to the UNCRC on free pre-primary and secondary education, which is largely driven by Human Rights Watch, see Jonathan Todres, 'Considering a New Optional Protocol to the CRC on the Right to Education' (2025) 33 (2) The International Journal of Children's Rights 257.

[27]Committee on the Rights of the Child, 'General Comment No. 26' (n 4).

[28]Non-state actors include businesses, service providers, communities, families and also parents or other legal representatives of children. See Committee on the Rights of the Child, 'General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights' UN Doc CRC/C/GC/16 (2013).

[29]See for an overview Valeria Llobet and others, (eds), *Critical Children's Rights Studies* (Routledge 2025); see also Kilkelly and Liefaard (n 3).

[30]Llobet et al (n 29).

[31]See 'Introduction' in Karl Hanson, Ton Liefaard, Roberta Ruggiero, Elena Patrizi, Katrien Klep and Lucy Opoka (eds), *International Children's Rights Instruments* (Brill 2024).

significant threat to the rights enshrined in the Convention.[32] Below is a discussion of selected global challenges threatening children's rights today.

3.1. The 'polycrisis'

There is currently a convergence of multiple crises that disproportionately affect children. According to UNICEF, children are affected by a 'polycrisis'.[33] Children are confronted with armed conflict, the impact of environmental degradation and climate change, rising inequalities, and the aftermath of the COVID-19 pandemic.[34] Children are faced with multiple crises at the same time. Some crises are not new, but rather persistent or further amplified by the current global realities. Violence against children, marginalisation or discrimination,[35] and lack of access to basic rights are persistent challenges. Conflict and war, climate change, poverty and inequalities, and digital technologies, including artificial intelligence, are newer crises, exacerbated by new political realities.

There are so many wars and conflicts today, that 'one out of every five children worldwide [is] living in armed conflict zones'.[36] Some are extensively covered in media, while others take place in anonymity. In many of the conflict-affected countries such as Palestine (in particular in Gaza), Ukraine, Lebanon, Yemen, Syria, Afghanistan, Myanmar, Haiti, Somalia, Sudan, Mali, Niger, Burkina Faso and the Democratic Republic of the Congo,[37] children are not only facing the immediate and life threatening dangers of war and violence, but also long-term repercussions on their health, education, and psychological well-being.[38] Millions of children have reportedly been displaced, internally or externally, by armed conflict.[39]

Environmental degradation and the climate crisis pose another profound threat to children's rights.[40] As rising temperatures and extreme weather events become more frequent, the impact on children is increasingly dire. In many parts of the world, children are losing their homes, access to education, nutrition and an adequate standard of health due to environmental degradation. In Pacific Island nations, for instance, the existential threat posed by rising sea levels forces children to confront the loss of their cultural

[32]Ann Skelton, 'International Children's Rights in Polycrisis: Interconnected Pathways to Social Justice and a Sustainable Future' (Inaugural Lecture on the acceptance of her position as Chair in Children's Rights in a Sustainable World at Leiden University, 12 April 2024).
[33]UNICEF, *Prospects for Children in the Polycrisis. A 2023 Global Outlook* (UNICEF 2023); Skelton (n 32).
[34]For the impact of the pandemic on children's rights, see Alice Maclachlan, Christina McMellon and Joanna Inchley, 'Public Mental Health During the COVID-19 Pandemic: Impacts on Children's Rights' (2022) 27(9-10) The International Journal of Human Rights 1406.
[35]For example, the rights of girls continue to be ignored, denied or even eradicated around the world. See Melanie O'Brien and Javaid Rehman, 'Current Human Rights Concerns in Iran: Women's Rights and Arbitrary Executions' (*Opinio Juris*, 3 June 2025) <https://opiniojuris.org/2025/06/03/current-human-rights-concerns-in-iran-womens-rights-and-arbitrary-executions/> accessed 11 November 2025; Audrey Azoulay, 'Afghanistan: Four years on, 2.2 million girls still banned from school', (Statement by the Director-General of UNESCO, 14 August 2025) <https://www.unesco.org/en/articles/afghanistan-four-years-22-million-girls-still-banned-school> accessed 11 November 2025.
[36]Committee on the Rights of the Child, 'End the killing of children in armed conflict, UN committee urges' (2023) <https://www.ohchr.org/en/statements-and-speeches/2023/11/end-killing-children-armed-conflict-un-committee-urges> accessed 10 September 2025.
[37]ibid.
[38]ibid.
[39]Skelton (n 32).
[40]Committee on the Rights of the Child, 'General Comment No. 26' (n 4).

identities and future opportunities.[41] Similar challenges can be observed in the Caribbean, among others.[42]

Despite the significant advancements made under the UNCRC and the sustainable development agenda of the UN,[43] poverty and inequality remain among the most persistent barriers to the realisation of children's rights. Article 6 of the Convention obliges states to ensure the survival and development of children, yet millions continue to live in conditions of extreme deprivation. In 2023, the World Bank and UNICEF reported that globally, an estimated 333 million children remain trapped in extreme poverty, and this number has been exacerbated by the COVID-19 pandemic.[44] The pandemic has revealed and deepened existing inequalities, pushing millions into deeper poverty and reversing hard-won gains in education, health, and social services.[45] The relationship between poverty and systemic discrimination cannot be overstated. For instance, Indigenous children, including those from First Nations communities in Australia, continue to experience disproportionately high rates of poverty, poorer health outcomes, and limited access to quality education. These inequalities are not simply byproducts of economic conditions; they are deeply embedded in historical injustices and structural barriers that impede the realisation of children's rights.[46]

Advancement into the digital age creates new opportunities and risks that profoundly impact children's rights. The rapid proliferation of digital technologies has transformed how children access education, communicate, and engage with their communities and peers. This transformation, however, also exposes children to novel forms of exploitation, including cyberbullying, online grooming, and data privacy violations.[47]

The COVID-19 pandemic accelerated the digitalisation of education, illustrating the potential benefits of technology in bridging educational gaps. Yet, it also highlighted significant disparities in access to digital resources, particularly for children in low-income and rural areas, confirming the digital divide identified by UNICEF in 2017.[48] According to UNESCO, 1.5 billion students worldwide were affected by school closures during the pandemic, emphasising the urgent need for inclusive and equitable digital education.[49] These dual realities need to be carefully navigated.[50] On the one hand, digital tools can empower children by providing access to information, platforms for self-expression,

[41]UNICEF, 'UNICEF: Pacific Island children on the frontlines of the climate crisis' (2024) < https://www.unicef.org.au/media-release/unicef-pacific-island-children-on-the-frontlines-of-the-climate-crisis> accessed 20 June 2026.
[42]See, among others, *Climate Emergency and Human Rights*, Advisory Opinion AO-32/25, Inter-American Court of Human Rights (29 May 2025).
[43]See, in particular, Goals 1 and 10 of the UN General Assembly 'Transforming Our World: The 2030 Agenda for Sustainable Development', UNGA Res A/Res/70/1 (21 October 2015).
[44]Daylan Salmeron-Gomez and others, *Global Trends in Child Monetary Poverty According to International Poverty Lines* (World Bank and UNICEF 2023).
[45]See, for example, UNESCO, 'One year into COVID-19 education disruption: Where do we stand?' (19 March 2021) <https://www.unesco.org/en/articles/one-year-covid-19-education-disruption-where-do-we-stand> accessed on 10 September 2025.
[46]Australian Institute of Health and Welfare, 'Health and Wellbeing of First Nations people' (2 July 2024) <https://www.aihw.gov.au/reports/australias-health/indigenous-health-and-wellbeing> accessed 10 September 2025.
[47]Committee on the Rights of the Child, 'General Comment no. 25 (2021) on children's rights in relation to the digital environment' UN Doc CRC/C/GC/25 (2021).
[48]UNICEF, 'The State of the World's Children 2017. Children in a Digital World' (UNICEF2017) <https://www.unicef.org/reports/state-worlds-children-2017>accessed 10 September 2025.
[49]UNESCO, 'One Year into COVID-19 Education Disruption: Where Do We Stand?' (19 March 2021) < https://www.unesco.org/en/articles/one-year-covid-19-education-disruption-where-do-we-stand>accessed 10 September 2025.
[50]Eva Lievens and others, 'Children's Rights and Digital Technologies' in Ursula Kilkelly and Ton Liefaard (eds), *International Human Rights of Children* (Springer 2019).

and innovative educational opportunities. On the other hand, the lack of adequate safeguards can render children vulnerable to exploitation and abuse. Despite various attempts to regulate children's access to, use of or engagement with digital technologies,[51] striking the right balance between children's protection and empowerment remains a significant challenge, among others because of the major role played by non-state actors, in particular tech companies.

3.2. The increasingly complex and polarised global context

In addition to multiple crises, the global landscape in which children's rights are situated, including the geopolitical context in which children's rights must be operationalised, has become increasingly complex and polarised. International law is struggling to keep up and remain relevant. Political leaders pay lip service to international norms and standards, openly question or deliberately undermine their relevance.

At the national level, there are regressive legislative measures in various countries posing a significant threat to the protections enshrined in the UNCRC and the progress made over the past 35 years. In Peru, for example, recent legislative efforts to restrict the activities of civil society organisations - particularly those receiving foreign funding - could severely limit the capacity of NGOs to advocate for children's rights.[52] Georgia, in the Caucasus region, has moved in the same direction[53] and so has Venezuela, which imposes extensive reporting requirements on NGOs and threatens to criminalise non-compliance therewith.[54] In addition, the introduction of laws aimed at curbing the independence of the judiciary in Mexico raises concerns about the effectiveness of legal mechanisms to access justice for children.[55] In the United States, several states have enacted laws that restrict discussions around gender and sexual orientation in classrooms, adversely affecting LGBTQIA + youth and their right to education.[56] These local laws signal a troubling global shift away from inclusive practices and protections. There are similar concerns in African countries, such as Uganda and Ghana, and certain European countries, including Bulgaria and Hungary.[57]

The shrinking space for civil society organisations and the undermining of judiciary are related to the rise of authoritarianism. There is a backlash against human rights defenders, including those advocating for children, and against children themselves when they act as human rights defenders.[58] This has resulted in an environment of

[51]For the European Union, see European Commission, *New Better Internet for Kids Strategy (BIK+): Compendium of EU formal texts concerning children in the digital world: 2024 edition* (Publications Office of the European Union 2024). Australia has been the first country to ban social media use by children under the age of 16. For a critical view, see Amanda Third 'Instead of Banning Kids from Online Spaces, Here's What we Should Offer Them Instead' (*The Conversation,* 12 September 2024) <https://theconversation.com/instead-of-banning-kids-from-online-spaces-heres-what-we-should-offer-them-instead-238798> accessed 10 September 2025.

[52]Amnesty International, 'The State of the World's Human Rights', (April 2024) <https://www.amnesty.org/en/documents/pol10/7200/2024/en/> accessed 10 September 2025.

[53]See Committee on the Rights of the Child, 'Concluding Observation on the Combined Fifth and Sixth Periodic Reports of Georgia' UN Doc CRC/C/GEO/CO/5-6, para. 13 (30 May 2024).

[54]Amnesty International (n 52).

[55]ibid.

[56]ibid.

[57]ibid. See also Office of the High Commissioner for Human Rights (OHCHR), 'Concern at Hungary's new anti-LGBTIQ+ law' (21 March 2025) <https://www.ohchr.org/en/press-releases/2025/03/concern-hungarys-new-anti-lgbtiq-law> accessed 11 November 2025.

[58]Protect Defenders EU, 'Holding the Line. Protecting Human Rights Defenders in the Face of Global Backlash', (2023).

fear and hostility, which presents a formidable challenge to the implementation of the UNCRC. Additionally, the many funding cuts that were announced in 2025, among others by the United States, European countries and other major donors, have led to a much smaller and uncertain funding landscape at the cost of many programmes, implementation activities concerning children's rights as well as monitoring efforts by UN mechanisms, including the CRC Committee.[59]

Furthermore, there is deliberate resistance to human rights, including children's rights. Ann Skelton, the former chair of the CRC Committee, observes that 'there is a strange dissonance between the norm clarification world of the treaty bodies and special procedures, which is led by independent experts, and the norm clarification world of the Human Rights Council and General Assembly – which is led by States'[60] reflecting 'there is a perceptible regression on certain issues among the States'.[61] 'Civil and political rights of children are under attack', as 'States [are] seeking to subjugate children's rights within a priorisation of parental rights and the sanctity of "the family"', according to Skelton.[62] Some governments have established new geopolitical alignments challenging the progressive children's rights narrative under international law. As noted by Skelton, Russia and the US are invoking the protection of (narrowly understood) family values at the cost of recognising the rights for women and children, and they are joined by 'the Holy See, Islamic States, some states within the [European Union] and many African states'.[63] The CRC Committee has tried to counter this, among others, through a statement on article 5 of the UNCRC, which sets out the responsibilities, rights and duties of parents and extended family to guide children in the exercise of their rights in a manner respectful to children's evolving capacities.[64]

Another issue generated by the increasingly complex global landscape concerns the many challenging cross-border issues affecting children. One example is the plight of the children of Islamic State affiliated parents, who are stuck with their parents, mainly mothers, in very harsh conditions in camps in Northeast Syria. These children are effectively stranded and deprived of protection, legal and otherwise.[65] Without clear international frameworks for repatriation or long-term care, these 'unwanted' children are left in dangerous, liminal spaces, caught between humanitarian need and national security concerns. This exposes critical gaps in international law, which struggles to offer adequate protection to highly vulnerable children. It calls for urgent, coordinated global

[59]See, for example, The Alliance for Child Protection in Humanitarian Action, 'Global impact of funding cuts on children and their protection in humanitarian contexts', (2025); UNICEF, 'Global funding cuts could force 6 million more children out of school in the coming year – UNICEF' (UNICEF 3 September 2025) <https://www.unicef.org/lac/en/press-releases/global-funding-cuts-could-force-6-million-more-children-out-school> accessed 10 September 2025; International Service for Human Rights, 'Director's update: Addressing the human rights funding crisis' (5 November 2025) <https://ishr.ch/latest-updates/addressing-the-human-rights-funding-crisis/> accessed 11 November 2025; Ann Skelton, 'Cash Strapped! Can the Multi-Lateral Human Rights System Survive the UN Financial Crisis?' (2025) 43(4) Netherlands Quarterly of Human Rights 209.

[60]Skelton (n 32) 7.

[61]ibid 7.

[62]ibid 7.

[63]ibid 8.

[64]Committee on the Rights of the Child, 'Statement of the Committee on the Rights of the Child on article 5 of the Convention on the Rights of the Child' (11 October 2023) <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/statements/CRC-Article-5-statement.pdf> accessed 11 November 2025.

[65]Chrisje Sandelowsky-Bosman and Ton Liefaard, 'Children Trapped in Camps in Syria, Iraq and Turkey: Reflections on Jurisdiction and State Obligations under the United Nations Convention on the Rights of the Child' (2020) 38(2) Nordic Journal of Human Rights 141.

action, as well as legal innovation concerning international human rights norms and concepts. The two cases brought before the CRC Committee on children in Northeast Syria provide interesting examples of the Committee's novel, child rights-focused interpretation of existing legal concepts, such as extraterritorial jurisdiction.[66] Climate change cases dealt with by the CRC Committee further demonstrate that children's rights are inadequately protected in cross-border issues.[67] This requires legal rethinking and innovation in order to avoid children falling between the cracks of existing international law protections.

3.3. The 'justice gap': limited accountability and access to justice for children

A third pressing challenge that children's rights face is the 'justice gap'. This is connected to the previous two concerns – polycrisis and polarisation – but has autonomous significance. The justice gap leads to an absence of meaningful remedies for children's rights violations in their multiple forms. The justice gap arises from the systemic failures to hold governments, institutions and organisations – both state and non-state – accountable for violations of children's rights. For the purpose of defining the justice gap, the concept of 'violations of children's rights' should be understood broadly to include, alongside the technical meaning of breaching a legal standard, the disregarding of children's rights or a lack of progress in the realisation of children's rights. The justice gap is characterised by lack of responsiveness of duty bearers concerning their children's rights obligations, and lack of accessible legal and other mechanisms for children effectively to find redress when their rights are violated or threatened.[68]

Children in vulnerable circumstances or those living in marginalised communities, in particular, face substantial challenges in accessing and navigating remedial systems that are often not designed with their rights and specific needs in mind.[69] In many countries, the frameworks intended to protect children's rights are either inadequately enforced or deeply flawed, leaving children without meaningful avenues for redress.[70] A major consequence of the justice gap is that it perpetuates cycles of abuse, neglect, exploitation, discrimination and revictimisation, and sends a disheartening message to children: that their rights are neither recognised nor valued, and their voices are not heard.[71]

[66]In the cases concerning French and Finnish children in Syrian camps, the Committee found that the States, having the 'power and capability' to protect these children's rights, had a positive obligation to intervene, even though the camps were under the control of non-state armed groups. This interpretation pushes the bpundaries of extraterritorial jurisdiction by holding states accountable for their UNCER obligations beyond their borders. It shows the Committee's powerful role and bold stance in protecting children's rights, even in the most challenging of circumstances See *Communication L.H. et al v. France*, CRC/C/85/D/79/2019–CRC/C/85/D/109/2019, Committee on the Rights of the Child, 2 November 2020; commentary by Helen Duffy, 'Communication 79/2019 and 109/2019 et. al.' (Leiden Children's Rights Observatory, Case Note 2021/3, 18 February 2021). See also *Communication P.N. et al. v. Finland*, CRC/C/91/D/100/2019, Committee on the Rights of the Child, 20 October 2022; commentary by Eveliina Ignatius, 'Communication No. 100/2019: P.N. et al v. Finland' (Leiden Children's Rights Observatory, Case Note 2023/01, 12 January 2023).

[67]*Communication Chiara Sacchi et al. v. Argentina et al*., CRC/C/88/D/105/2019; CRC/C/88/d/106/2019 CRC/C/88/d/107/2019; CRC/C/88/D/108/2019, 22 September 2021.

[68]OHCHR and Centre for Economic and Social Rights 'Who will be Accountable? Human Rights and the Post-2015 Development Agenda' (2013).

[69]UNICEF, 'Children's Equitable Access to Justice, Central and Eastern Europe and Central Asia' (UNICEF 2015) <https://www.idlo.int/publications/childrens-equitable-access-justice-central-and-eastern-europe-and-central-asia> accessed 10 September 2025; Committee on the Rights of the Child, 'Draft General Comment No. 27' (n 6).

[70]UNICEF (n 69); Committee on the Rights of the Child, 'Draft General Comment No. 27' (n 6).

[71]Center on International Cooperation, 'The Task Force on Justice. Justice for all – Final Report' (2019) <https://www.sdg16.plus/justice/> accessed10 September 2025.

At the core of bridging this justice gap lies the concept of *accountability* together with the children's *right to access to justice*. Accountability is essential as it empowers children and their advocates to demand fair treatment, uphold their rights, foster trust in institutions and secure justice, both procedurally and substantively. It requires not only that violations are addressed when they occur but also that there are measures to prevent rights violations from happening.[72]

Accountability is a dynamic concept that revolves around three dimensions.[73] First, in the context of children's rights as a field of human rights, accountability refers to the obligation of governments, institutions, and other duty-bearers[74] to respect, protect, and fulfil children's rights as outlined under international, regional and domestic law. Accountability involves access to information, transparency and justification. It requires duty-bearers to demonstrate how they meet their legal obligations, including those under the UNCRC. This encompasses a range of actions, such as providing regular and public reporting on children's rights violations, establishing independent monitoring mechanisms, ensuring budget allocations that prioritise children's rights and interests, and enabling complaint and redress processes.[75]

Second, accountability includes the engagement with and active involvement of children in standard-setting, decisions and processes that impact their lives, both collectively and individually.[76] This approach reflects a form of accountability that has social and relational dimensions, which emphasises that accountability must be grounded in respectful and responsive relationships with children.[77]

The third dimension of accountability concerns the right of the child to access to justice and to effective remedies.[78] Access to justice can be defined as 'the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards, including the [UNCRC]',[79] which is of equal relevance to children as rights holders. As the CRC Committee has observed, '[f]or rights to have meaning, effective remedies must be available to redress violations'.[80] Children's access to justice

[72]ibid. Also, Dinah Shelton, *Remedies in International Human Rights Law* (Oxford University Press 2015).

[73]This conceptualisation of accountability in children's rights is part of the author's work together with Rehana Dole, LL.M., and ought to be considered in the context of the emerging scholarly and societal attention to children's access to justice and effective remedies (Rehana Dole and Ton Liefaard (2025) 'Accountability and Children's Rights: Unpacked in Light of Article 4 of the UN Convention on the Rights of the Child' (October 2025, in progress).

[74]OHCHR and Centre for Economic and Social Rights (n 68); Vanessa Sedletzki, 'Closing the Gap between Social and Formal Accountability Exploring the Role of Independent Human Rights Institutions for Children' in Ton Liefaard and J Sloth-Nielsen (eds) *The United Nations Convention on the Rights of the Child: Taking Stock After 25 Years and Looking ahead* (Brill/Nijhof 2016) 166.

[75]Committee on the Rights of the Child, 'General Comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child' UN Doc CRC/C/GC/5 (2003); Committee on the Rights of the Child, 'General Comment No. 19 (2016) on public budgeting for the realization of children's rights (art. 4)' UN Doc CRC/C/GC/19 (2016).

[76]Dole and Liefaard (n 73). See also Niruphama Ramakrishnan and Paul Mertenskoetter, 'Accountability for Children's Rights. A research mapping of local and informal accountability mechanisms' (UNICEF 2015) <https://iilj.org/wp-content/uploads/2016/08/Niruphama-Ramakrishnan-Paul-Mertenskötter-Accountability-for-Childrens-Rights-UNICEF-2015.pdf> accessed 13 July 2026.

[77]Sedletzki (n 74).

[78]Ton Liefaard, 'Access to Justice for Children: Towards a Specific Research and Implementation Agenda' (2019) 27 (2) The International Journal of Children's Rights 195.

[79]UN Human Rights Council, 'Access to justice for children, Report of the United Nations High Commissioner for Human Rights', A/HRC/25/35 (16 December 2013) para 4 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/189/80/PDF/G1318980.pdf?OpenElement> accessed 22 June 2026. Also, Committee on the Rights of the Child, 'Draft General Comment No. 27' (n 6).

[80]Committee on the Rights of the Child, 'General Comment No. 5' (n 75) para 24; UN Human Rights Committee, 'General Comment No. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant', CCPR/C/

enshrines the right to an effective remedy and encompasses 'equitable and just remedies'.[81] Accountability for children's rights means establishing mechanisms to address violations, provide remedies, and implement systemic changes to prevent future violations. The growing attention to children's access to justice over the past 10–15 years is a significant development in this regard. It recognises that children have the right to access to justice, and that they experience specific legal, practical, and socio-cultural challenges in accessing effective remedies for rights violations.

A key development in advancing accountability for children's rights and addressing the justice gap is the adoption of the Optional Protocol to the UN Convention on the Rights of the Child on a Communications Procedure (OPIC) in 2011. Under OPIC, children's *right* to access to justice is undeniable. Since the entry into force of this complaint mechanism for children in 2014, the CRC Committee has delivered procedural and substantive guidance on a wide variety of children's rights matters, ranging from migration, child protection and cross-border family disputes to juvenile justice, cultural identity rights and reproductive health rights. Over the past decade, OPIC has delivered tangible remedies, both at an individual and systemic level. It has enhanced the level of protection for children in particularly dire and challenging circumstances, either through substantive remedies or through novel and bold interpretations of complex legal concepts, such as extraterritorial jurisdiction.[82] By providing children the opportunity to bring complaints directly to the CRC Committee regarding violations of their rights, OPIC reiterates the importance of investing in effective domestic remedies and of accountability towards children as rights holders.[83]

A related development is the CRC Committee's decision to dedicate its next General Comment to children's access to justice and an effective remedy.[84] Through this General Comment, the Committee aims to clarify concepts and terminology in relation to children's right to an effective remedy and children's access to justice and to provide guidance on the empowerment of children as rights-holders and participants in justice processes.[85] The first draft, published in April 2025, suggests that the CRC Committee intends to take a broad approach to access to justice for children, and include therein judicial and non-judicial pathways. The Committee acknowledges the right to an effective remedy as a substantive, procedural and enabling right, affirming children's active role in seeking accountability and redress.[86] This upcoming General Comment is a valuable opportunity to further explore the meaning of children's access to justice and effective remedies, while providing concrete guidance for states and other social actors to ensure that children have access to just, timely, and equitable remedies for rights

21/ Rev.1/Add.13 (26 May 2004) para 15 < https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CCPR%2FC%2F21%2FRev.1%2FAdd.13&Lang=en> accessed 22 June 2026.

[81]Ton Liefaard, 'Children's Rights Remedies Under International Human Rights Law: How to Secure Children's Rights Compliant Outcomes in Access To Justice?' (2023) 56 De Jure Law Journal 486.

[82]Ton Liefaard, 'A Decade of the Optional Protocol to the CRC on a Communications Procedure: Progress, Challenges and the Pathways Ahead for Children's Access to Justice' (2024) 32 (1) International Journal of Children's Rights 1.

[83]ibid.

[84]Committee on the Rights of the Child, 'Draft General Comment No. 27' (n 6).

[85]Committee on the Rights of the Child, 'Concept Note: General Comment on Children's Rights to Access to Justice and Effective Remedies' (2024) <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/gcomments/gc27/gc27-concept-note.pdf> accessed 10 September 2025.

[86]Committee on the Rights of the Child, 'Draft General Comment No. 27' (n 6) para 9ff.

violations. Ideally, these remedies should be as close as possible to the places where children live and need access to justice. This aligns with OPIC's main ambition to promote domestic remedies and national solutions, while serving as a critical safety net at the international level.[87] By ratifying OPIC,[88] states commit to enhancing their domestic legal frameworks to improve local access to justice for children, reduce the reliance on international complaints, and create environments where children's rights are consistently upheld and accountability for children's rights is embraced.

4. Conclusion: towards a culture of accountability for children's rights

The 35th anniversary of the UNCRC and the current global and geo-political landscape prompt a critical reflection on the various achievements and challenges of children's rights as a field of international law. The main aim of international children's rights law is to secure respect and protection for children, as individuals and as a group of human beings entitled to be treated with equal respect for their inherent dignity. The UNCRC remains a living document that continues to evolve alongside our understanding of children's rights in an increasingly complex and challenging world. Children's rights are currently put to the test, and the outcome of this test is of intergenerational significance.

Accountability must be the cornerstone of our efforts to protect and promote children's rights, to ensure that children's rights can hold up in the twenty-first Century. Accountability is not only about responding to past injustices but also about establishing systems that prevent future violations, enhance a greater respect for the rights of *all* children, and build positive relationships with children as citizens.

Scholars, advocates, and policymakers have a crucial role in developing and sustaining a *culture of accountability* by ensuring that the rights and principles of the UNCRC are fully understood, promoted and realised in practice, and, where needed, further conceptualised and critiqued. To address children's rights challenges and ensure accountability, one must recognise the importance of collaboration between states, international organisations, civil society, communities, and academia. Academic collaboration within and across continents is essential. By fostering partnerships between universities, research institutions, and other relevant academic organisations, scholars can share knowledge and resources, and thus enhance the implementation of children's rights in an increasingly interconnected world.

This article is an open invitation to everyone interested to take part in a renewed global conversation about the rights of all our children, a conversation which builds on the core concepts of human rights, fosters accountability and extends a message of solidarity, internationally and across generations.

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[87]See the preamble of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure UNGA Res A/RES/66/138 (19 December 2011).

[88]So far, 53 states have ratified OPIC, see United Nations Treaty Collection <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&clang=_en> accessed 13 July 2026.

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