|  |  |  |
| --- | --- | --- |
|  |  | CRC/C/GC/20 |
|  | **ADVANCE UNEDITED VERSION** | Distr.: Restricted22 April 2016Original: English |

 Draft General Comment on the implementation of the rights of the child during adolescence

 I Introduction

1. The Convention on the Rights of the Child (hereinafter ‘the Convention’) defines a child as *‘every human being below the age of eighteen years unless, under law applicable to the child, majority is attained earlier’*, and emphasises that States shall respect and ensure the rights embodied in the Convention *‘to each child within their jurisdiction without discrimination of any kind.’* Accordingly, all Convention rights apply equally to all children under 18 years, irrespective of age. No explicit distinction is made under international human rights law between children of different ages. However, the Committee stresses that the implementation of rights must take account of children’s development and their evolving capacities. Approaches required to ensure the realisation of rights of adolescents differ significantly from those required for younger children.
2. Adolescence is a period characterised both by rapidly growing opportunities, capacities, aspiration, energy and creativity, and also significant vulnerability. Adolescents are agents of change, and a key asset and resource, with potential to contribute positively to their families, communities and countries. Globally, adolescents engage positively in many spheres including participatory budgeting, environmental campaigns, family support, peer education, community development initiatives and creative arts, as well as contributions towards peace, security, environmental sustainability and climate justice. They are at the cutting edge of the digital and social media environments which form an increasingly central role in their education, culture, social networks, and potential for political engagement and monitoring accountability.
3. Nevertheless, in its examinations of States parties’ reports, the Committee observes that the potential of adolescents is widely compromised by the failure to recognise or invest in the measures needed to enable them to enjoy their rights. Furthermore, they are only minimally referenced in the post 2015 Agenda despite their critical role in the attainment of the Sustainable Development Goals (SDGs). A significant lack of age and sex disaggregated data is available in most countries to inform policy, identify gaps, and support allocation of appropriate resources for adolescents. Generic policies designed for children or for youth tend not to address adolescents, and are inadequate to guarantee realisation of their rights. The costs of failure are high. The foundations laid down during this period, in terms of emotional security, health, education, skills, resilience and understanding of rights will have profound implications, not only for their individual optimum development, but also for present and future social and economic development.
4. This General Comment has been framed to provide guidance to States on the measures necessary to ensure the realisation of the rights of children during adolescence, cognisant also of the 2030 Agenda for Sustainable Development. It highlights the importance of a human rights-based approach: recognition and respect for their dignity and agency; empowerment, citizenship and active participation in their own lives; promotion of optimum health, well-being and development; and commitment to the rights of every adolescent without discrimination.
5. The Committee recognises that adolescence does not allow for easy definition, with maturation taking place at different ages for individual children. Adolescence is a period of transition in which the beginning and end are not clearly identifiable, puberty occurs at different ages for boys and girls, and different brain functions mature at different times. Furthermore, the transition from childhood to adulthood is not only a biological but also a social process influenced by the context in which children live. This is reflected in the wide variation in cultural expectations of adolescents, in national legislations affording very different thresholds for transition into adult activities, and across international bodies, where a variety of age ranges are employed to define adolescence. Furthermore, different life experiences have profound impact on adolescent development. This General Comment, therefore, does not seek to define adolescence, but does focus on the period of childhood from 10 -17 (until the 18th birthday). This age range is broadly similar to the definition of adolescence employed by WHO as being 10-19th birthday, and therefore facilitates consistency in data collection.[[1]](#endnote-2)
6. While all the Committee’s General Comments apply to all children, the Committee recognises that several have a particular resonance for adolescents, notably those relating to adolescent health and development, HIV/AIDS, unaccompanied and separated children and juvenile justice.[[2]](#endnote-3) This General Comment is not intended to replace their detailed provisions but has been developed to provide an overview on how the Convention, in its entirety, needs to be understood and implemented in respect of adolescents. It also acknowledges the particular significance for adolescents of the recommendations of the Day of General Discussion on Digital Media and Children’s Rights.

 II Objectives

1. The objectives of the General Comment are to:
* Provide States with guidance on the legislation, policies and services needed to promote comprehensive adolescent development consistent with the realisation of their rights;
* Highlight both the opportunities afforded by and challenges faced during adolescence;
* Enhance understanding of and respect for the evolving capacities of adolescents, and the implications for the realisation of their rights;
* Strengthen the case for greater visibility and awareness of adolescents and the case for investment to enable them to realise their rights throughout the life course.

 III The case for a focus on adolescence

1. The Committee draws States parties’ attention to the case for a focus on adolescents and the realisation of their rights, in light of both the challenges associated with the transitions from childhood to adulthood in an increasingly globalised and complex world and the need to capitalise on adolescents’ potential to contribute to positive social transformation.
2. **Adolescents are on a rapid curve of development:** While importance of the rapid development that occurs in early years has gained widespread acceptance, and its implications increasingly used to inform policy, the Committee is concerned that the significance of the developmental changes during adolescence has not yet been as widely understood. Adolescence is a unique, significant and defining stage of human development, characterized by rapid brain development and physical growth, enhanced cognitive ability, the onset of puberty and sexual awareness, and newly emerging abilities, strengths and skills. It is associated with growing expectations for their role in society, and heightened significance of peer relationships, a necessary dimension of the transition from dependency to greater autonomy. [[3]](#endnote-4)
3. As they move through the second decade, young people begin to forge their own individual and community identity, based on a complex integration of their own familial and cultural history, and creation of an emergent sense of self, often expressed through language, arts and culture, both as individuals and through association with their peers. For growing numbers of adolescents this process takes place, and is significantly informed and influenced by their engagement within social media. The process of construction of identity is particularly complex for adolescents brokering a pathway between minority and mainstream cultures.
4. **Importance of recognition of the life course:** Compliance with the obligation to ensure the optimum development of every child throughout childhood requires recognition of the impact of each period of life on subsequent stages. Adolescence is a valuable period of childhood in its own right but it is also a critical period of transition and opportunity for improving life chances. Early childhood interventions and positive early childhood experiences facilitate optimal development as young children transition through to adolescence.[[4]](#endnote-5) However, this investment is at risk of being wasted if their rights during early, middle and late stages of their adolescence do not also receive adequate attention. Furthermore, positive and supportive opportunities during adolescence can serve to overcome some of the consequences of early childhood harm and build resilience to mitigate future harm. Experiences during adolescence have profound impact on immediate and subsequent development. The Committee therefore underlines the importance of a life-course perspective.
5. States, together with non-State actors, should promote environments that both acknowledge the intrinsic value of adolescence, but also enable adolescents to achieve a positive transition between childhood and adulthood. Measures are needed to support them to thrive, explore their emerging identities, beliefs, sexualities and opportunities, balance risk and safety, build capacity for making positive decisions and life choices, and to successfully navigate the transition into a sustainable livelihood and productive work.
6. **The challenging environment:** Reaching adolescence can mean exposure to a range of risks, reinforced by the digital world and social media, and which include, inter alia, violence and abuse, sexual or economic exploitation, trafficking, migration, radicalisation, recruitment into gangs or militias, substance use and addiction. Furthermore, as they approach adulthood, adolescents need to be equipped to tackle local and global challenges, including poverty and inequality, climate change and environmental degradation, urbanization and migration, aging societies, the rising costs of healthcare, and escalating humanitarian and security crises. Growing up in more heterogeneous and multi-ethnic societies, as a consequence of increased global migration, also requires greater capacities for understanding, tolerance and co-existence. Investment must be made in policies to strengthen the capacities of adolescents to overcome or mitigate these challenges. Urgent attention is also needed to address the societal drivers serving to exclude and marginalise adolescents, and to equip them to face challenging and changing social, economic and digital environments.
7. **A period of health risks:** Although adolescence is inherently characterised by relatively low mortality compared to other age groups, there is risk of death and disease during the adolescent years from preventable causes such as childbirth, road traffic accidents, HIV, interpersonal injuries and suicide, all health risks associated with behaviours, and requiring cross-sectoral collaboration.[[5]](#endnote-6)

 IV A principled approach to adolescence

1. The Committee has identified the following key principles to inform States parties’ responses to all measures impacting directly and indirectly on the rights of children during adolescence. They provide the lens through which the process of implementation must be applied, as well as a guide to determine the measures needed to guarantee their realisation.
2. **A positive and holistic approach:** The Committee emphasises the importance of valuing adolescence, and its associated characteristics, as a positive developmental stage of childhood. It regrets the widespread negative characterisation of adolescence leading to narrow problem-focused interventions and services, rather than a commitment to building optimum environments to guarantee their rights and support the development of their physical, psychological, spiritual, social, emotional, cognitive and cultural capacities.
3. States are urged to promote more positive dialogue and engagement with adolescents themselves. An assets-based approach is required, building on strengths, and recognising the contribution that adolescents can bring to their lives and those of others, while addressing the barriers that inhibit those opportunities. Factors known to promote resilience and healthy development of adolescents include: strong relationships with, and support from key adults in their lives; opportunities for influence and decision-making; problem solving and coping skills; safe and healthy local environments; respect for individuality; and opportunities for building and sustaining friendships. The Committee emphasises that opportunities for adolescents to build these social assets will enhance their capacities to contribute to the realisation of their rights including through avoidance of risk-taking behaviour, recovery from adversity, success in school, maintenance of good physical and mental health, tolerance, friendships, and exercise of leadership.
4. **Respect for evolving capacities:** Article 5 requires that parental direction and guidance, in the exercise by the child of his or her rights, is provided in a manner consistent with the evolving capacities of the child. The Committee defines evolving capacities as an enabling principle that addresses the process of maturation and learning through which children progressively acquire competencies and understanding.[[6]](#endnote-7) With evolving capacities, children acquire increasing levels of agency to take responsibility and exercise their rights. The Committee has argued that *‘the more the child knows and understands, the more the parents ....will have to transform direction and guidance into reminders and gradually to an exchange on an equal footing’.*[[7]](#endnote-8)
5. The Committee emphasises that the right to exercise increasing levels of responsibility does not obviate States’ obligations to guarantee protection.[[8]](#endnote-9) Gradual emergence from the protective environment of the family, together with relative inexperience and lack of power can render adolescents vulnerable to violations of their rights to protection, for example, from sexual exploitation and trafficking. However, the Committee stresses that respecting adolescents’ participation rights is integral to, and serves to strengthen protection. Engaging adolescents in both identification of potential risks, and the development and implementation of programmes to mitigate them, will lead to more effective protection. Furthermore, by guaranteeing them the right to be heard, to challenge rights violations and to seek redress, adolescents are enabled to exercise agency in their own protection.
6. In seeking to provide an appropriate balance between both respect for the emerging autonomy of adolescents and appropriate levels of protection, consideration must be given to a range of factors affecting decision-making: the level of risk involved; the potential for exploitation; understanding of adolescent development; recognition that competence and understanding do not necessarily develop equally across all fields at the same pace; and recognition of individual experience and capacity.
7. **Non-discrimination and inclusion for all adolescents:** The Committee has identified multiple forms of discrimination, many of which have particular implications in adolescence and necessitate an intersectional analysis and targeted holistic measures.[[9]](#endnote-10) Adolescence itself can be a source of discrimination. During this period, adolescents may be treated as dangerous or hostile, incarcerated, exploited, or exposed to violence as a direct consequence of their status. At the same time, and paradoxically, they are also often treated as in need of protection, or incompetent and incapable of making decisions about their lives. The Committee urges States to take all appropriate measures to ensure that all rights of every adolescent are afforded equal priority in line with Article 2, and that comprehensive and appropriate affirmative action measures are introduced in order to diminish or eliminate conditions that result in direct or indirect discrimination against any group of adolescents on any grounds.[[10]](#endnote-11) States are reminded that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Convention.[[11]](#endnote-12)
8. **Best interests of adolescents:** The Committee has underlined that the best interests of the child is a substantive right, an interpretative legal principle and a rule of procedure.[[12]](#endnote-13) It is a principle that applies to children both as individuals and as a group. All measures of implementation of the Convention, including legislation, policies, economic and social planning, decision-making and budgetary decisions must follow procedures that ensure that the best interests of the child, including adolescents, are a primary consideration.
9. The Committee emphasises that the best interests of adolescents must be implemented in a manner compliant with the Convention rights, and cannot be used to justify actions inconsistent with those rights. In General Comments 12 and 14, the Committee stresses that when determining best interests, the child’s views must be taken into account, consistent with their evolving capacities.[[13]](#endnote-14) States parties need to ensure that appropriate weight is afforded to the views of adolescents as they acquire understanding and maturity.
10. **Active participation:** Every child capable of forming a view is entitled to express those views on all matters of concern to them and have them given due weight in accordance with age and maturity. The weight afforded to their views will gradually acquire greater significance throughout adolescence. States must introduce measures to enable them to exercise fully this right, for example, in individual decisions relating to education, health, family life, judicial and administrative proceedings and through the introduction of safe and accessible mechanisms for complaint and redress. In addition, States must ensure that children, including adolescents, as a group are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programmes affecting their lives, at school, community, local, and national levels.[[14]](#endnote-15) The online environment provides significant emerging opportunities for strengthening and expanding their engagement.
11. Adolescence is a key period in children’s understanding of themselves as members of larger communities, with rights and responsibilities to larger political, national or social units. The Committee emphasises the importance of participation as a means of political and civil engagement, through which adolescents can negotiate and advocate for the realization of their rights, as well as hold States accountable. Through digital media, adolescents can connect with peers, engage in political processes, and increase their sense of agency to make informed decisions and choices. States should invest in measures supporting them to understand, recognise and fulfil their role as active citizens in accordance with Articles 12, 13, 14 and 15, including through civic education and by identifying and addressing barriers to their engagement and participation.
12. In order to ensure meaningful participation, adolescents must have access to information in age-appropriate and accessible formats, space to express views, appropriate consideration of their views and feedback on subsequent action or decisions. The Committee notes that lack of understanding and awareness on the part of adults can serve as major barriers to the right to participation and encourages States to invest in training and awareness, particularly for policy and decision makers. Support is needed to enable adults to become mentors and facilitators for adolescents in taking greater levels of responsibility for their own lives and the lives of those around them.

 V Characteristics of adolescents requiring particular attention to realise their rights

1. For certain groups of children, including the following, characteristics inherent to their identity can result in discrimination or social exclusion during adolescence. Cross-cutting consideration of their rights must inform all measures undertaken in respect of legislation, policies and programmes focused on adolescents.
2. **Girls:** It is during adolescence that gender inequalities become more significant. Discrimination, inequality and stereotyping against girls often intensifies as they reach adolescence leading to greater violation of their rights, including forced marriage, unwanted pregnancies, gender-based physical, mental and sexual violence, abuse and exploitation and trafficking.[[15]](#endnote-16) Cultural norms ascribing lower status to girls begin to take greater effect, leading to increased likelihood of confinement to the home, lack of access to secondary education, limited opportunities for development, leisure, recreation and income generation, access to cultural life and the arts, burdensome domestic chores, and child care responsibilities. In many countries, girls report lower levels of health and life satisfaction than boys, a difference that gradually increases with age.
3. States need to invest in pro-active measures to challenge patriarchal gender norms and stereotyping, as well as legal reforms to address both direct and indirect discrimination against girls, in cooperation with all stakeholders, including civil society, men and women, traditional and religious leaders and boys and girls themselves. Explicit measures are also needed in all policies and programmes to guarantee the rights of girls on an equal basis with boys.
4. **Boys:** Traditional concepts of masculinity and gender norms linked to violence and dominance can also compromise boys’ rights. Pressures to take on, for example, exploitative labour, imposition of harmful initiation rites, exposure to violence, gangs, coercion into militia, extremist groups and trafficking, are pervasive, alongside denial of the vulnerability of boys to physical and sexual abuse and exploitation, and a consequent lack of protective services.
5. The Committee urges the introduction of measures to address these rights violations, while also encouraging States to challenge negative perceptions of boys, overcome machismo cultural values, and promote greater recognition of the gender dimension of the abuses they experience. Recognition must also be afforded to the importance of engagement with boys and men, as well as girls and women, in all measures introduced to achieve gender equality.
6. **Adolescents with disabilities:** The Committee has previously drawn attention to the widespread prejudice, social isolation and discrimination faced by children with disabilities.[[16]](#endnote-17) It also notes that adolescence itself can be a contributing factor to disability, with adolescent boys, in particular, at increased risk of acquiring an impairment through accidents, sports, violence or warfare.
7. Adolescence is a critical period of preparation for successful adulthood, but adolescents with disabilities are almost universally excluded from the activities that facilitate that transition[[17]](#endnote-18). They commonly face social sanctions barring them from participating in social, cultural and religious rites of passage. Very significant numbers are denied access to secondary or tertiary education or vocational training, and thereby the acquisition of the necessary social, educational and economic skills for future employment and freedom from poverty. They are widely denied access to sexual and reproductive health information and services, and may be subject to forced sterilisation or contraception, in direct violation of Article 23.1(c) of the Convention on the Rights of Persons with Disabilities and which can amount to torture or ill-treatment[[18]](#endnote-19). Children, including adolescents, with disabilities also experience a disproportionate level of physical and sexual violence and are widely denied access to justice.[[19]](#endnote-20)
8. The Committee also encourages States parties to introduce measures to facilitate effective transitions from adolescence to adulthood, as well as to remove the barriers, consistent with the recommendations in General Comment 9, and promote the full inclusion of adolescents with disabilities, in accordance with Article 23.
9. **Lesbian, gay, bisexual, transgender and intersex adolescents (LGBTI):** The Committee is concerned that LGBTI adolescents, and others targeted because of their sexual orientation or gender identity, commonly face persecution that can include abuse and violence, stigmatisation, discrimination, bullying, as well as lack of family and social support, or access to sexual health information.[[20]](#endnote-21) In extreme cases, they can face sexual assault, rape and even death. These experiences have been linked to higher rates of depression, suicide and homelessness.[[21]](#endnote-22)
10. The Committee strongly endorses the rights of adolescents to freedom of expression and respect for their emerging autonomy, and deplores the imposition of treatments to try to change sexual orientation and gender identity, and that transgender identity and same-sex attraction are often pathologized as psychiatric disorders. It urges States to eliminate such practices, and to repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation or gender identity. Measures are also needed to ensure that adolescents who belong to LGBTI groups or from LGBTI families are not subjected to any forms of violence, discrimination or bullying by raising public awareness and by putting in place safety and support measures for adolescents in need of protection.
11. **Indigenous adolescents:** The Committee notes that references to indigenous children in Articles 17, 29 and 30 of the Convention reflect the recognition that they require special measures in order to enjoy their rights. It has highlighted a number of concerns relating to indigenous children including disproportionately high suicide rates, high levels of incarceration within the criminal justice system, education curricula which fail to portray their history or culture in fair, accurate and informative ways, placement in boarding schools or residential care facilities which commonly fail to respect their cultural traditions, and vulnerability to armed conflict.[[22]](#endnote-23) Overall, indigenous adolescents experience widespread discrimination, poverty, and denial of their language and traditions.
12. The Committee therefore urges States to address the comprehensive recommendations in General Comment No.11 and in so doing remove the multiple barriers that impede the realisation of rights of indigenous adolescents. In particular, it draws attention to the need for disaggregated data collection in order to identify gaps and barriers to the enjoyment of their rights and support the implementation of appropriate positive measures through legislation, resource allocation, policies and programmes.

 VI General measures of implementation

1. Article 4 recognises that with regard to economic, social and cultural rights, States parties shall undertake measures to the maximum extent of their available resources. The Committee emphasises that they have the specific and continuing obligation to *‘strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances’.*[[23]](#endnote-24)
2. In accordance with General Comment No. 5, the Committee draws attention to States parties obligations to implement the following measures to establish the framework for the realisation of the rights of children during adolescence. The experience and perspectives of adolescents themselves must be recognised as central to the development of all these measures:
3. Comprehensive national strategies rooted in the Convention, which include a dedicated focus on adolescents, address the structural social and economic roots underlying the rights violations they face, and ensure a co-ordinated approach across government ministries.
4. Monitoring implementation to ensure that the rights of adolescents are respected in legislation, policy and services.
5. Disaggregated data to render the lives of adolescents visible. The Committee urges States to agree on a common definition of adolescence, together with indicators against which to monitor progress in the implementation of the Convention.
6. Transparent budgetary commitments to ensure that the best interests of children, including adolescents, are a primary consideration when balancing competing spending priorities, as well as complying with principles of sufficiency, effectiveness, efficiency and equity.
7. Training for professionals working with and for children, including adolescents, on the Convention and its associated obligations, which also focuses on the competencies needed to work with adolescents in accordance with their evolving capacities.
8. Dissemination of accessible information about the rights in the Convention and how to exercise them, through inter alia, the school curriculum, dissemination in the media, including digital media, production of public information materials, and with particular efforts to reach out to adolescents in marginalised situations.

 VII Definition of the child

1. In line with Article 5, and consistent with continuing rights to protection, States must review or introduce relevant legislation recognising the right of adolescents to take increasing responsibility for, and to be involved to the maximum extent possible, in decisions affecting their lives, consistent with their evolving capacities. In so doing, the Convention prohibits any discrimination on grounds of sex.
2. Accordingly, the Committee encourages States to introduce minimum legal age limits, at which the right to consent transfers from the parent to the adolescent, in respect of, for example, consent to adoption, change of name, applications to family courts, or initiation rites. It notes that the age of voting does not have to be linked with the age of majority. The lowering of the voting age can increase opportunities for political participation which are instrumental in the development of citizenship.
3. In respect of consent to health services, the Committee recommends that States introduce a minimum age at which children have the right to consent to or refuse services. In addition, it would welcome recognition that any child below that minimum age, and able to demonstrate sufficient understanding, can also give or refuse consent. In all cases, whether or not the consent of the parent or guardian is required for a medical treatment or procedure, the voluntary and informed assent of the adolescent should be obtained. Consideration should also be given to the introduction of a legal presumption of competence that an adolescent seeking preventive or time-sensitive sexual and reproductive health goods and services has the requisite capacity to access such goods and services. Furthermore, the Committee refers States parties to the obligation to ensure that children, including adolescents, have access to confidential medical counselling and advice without parental consent, irrespective of age, where this is needed for the child’s safety or well-being. The right to counselling and advice is distinct from the right to give medical consent and should not be subject to any age limit.[[24]](#endnote-25)
4. However, the Committee also reminds States parties of the obligation to recognise that children, including adolescents up to the age of 18 years, are entitled to continuing protection from all forms of exploitation and abuse. In view of the degree of risk and harm associated with the following activities, it therefore recommends that the minimum age limit should be 18 years for marriage, recruitment into armed forces, hazardous or exploitative work, sale of alcohol and tobacco.

 VIII Civil rights and freedoms

1. **Birth registration:** Lack of birth registration results in additional complications during adolescence. Without official identification documents, adolescents may be compelled to enter into marriage or the non-formal labour market, or be conscripted into the armed forces, before the age permitted in law. They may also be denied access to health, education, social assistance, nationality or access to a passport. In addition, without documentation, they can be at heightened risk of human trafficking, sexual and economic exploitation, or statelessness. Vulnerability to these violations is increased during conflict or humanitarian emergencies, when adolescents without birth certificates may be denied family reunification, or basic relief services. Unregistered adolescents may be prosecuted as adults due to their inability to prove their age.
2. The Committee reminds States of their obligation to ensure that all children are registered at birth, and the need for a system of national, compulsory, accessible and free birth registration of all children, as part of a comprehensive, rights-based civil registration and vital statistics system. Adolescents who have not been registered at birth or immediately after should be provided with free late birth registration and documentation, and civil registration and vital statistics systems should ensure the preservation of documents and records in case of emergencies.
3. **Freedom of religion:** Article 14 highlights the right of the child to freedom of religion. It recognises the rights and duties of parents or legal guardians to provide direction to the child, but requires that it is provided appropriately and in a manner consistent with his or her evolving capacities. Article 5 affirms that parental direction must be provided in the exercise by the child of his or her right. In other words, it is the child who exercises the right to freedom of religion, not the parent, and the parental role necessarily diminishes as the child acquires an increasingly active role in exercising choice throughout adolescence.
4. The Committee is concerned at the number of States parties that have entered reservations concerning article 14, and urges the withdrawal of these reservations. The Committee has also strongly affirmed that *‘children do not lose their human rights by virtue of passing through the school gates.’*[[25]](#endnote-26) States must therefore ensure that freedom of religion is respected in schools and other institutions where children, including adolescents, are placed, including with regard to choice over attendance in religious instruction classes, wearing of certain clothing or religious symbols, or discrimination on grounds of religious beliefs.[[26]](#endnote-27)
5. **Freedom of association:** Adolescents want and need to spend increasing time with their peers. The associated benefits are not merely social but also contribute towards competencies that are foundational for successful relationships, employment and community participation, building, inter alia, emotional literacy, a sense of belonging, skills such as conflict resolution, and strengthened trust and intimacy. Association with peers is a major building block in adolescent development, the value of which should be recognised within the school and learning environment, social, recreational and cultural opportunities and opportunities for social, civic, religious and political engagement.
6. States must guarantee adolescents freedom of association, including through provision of safe spaces, particularly for girls, and ensure that their right to freedom of association and peaceful assembly is fully respected, consistent with the restrictions delineated in Article 15, para 2. Legal recognition must be afforded to adolescents to establish their own associations, clubs, parliaments and forums, both in and out of school, form online networks, join political parties, and join or form their own trade unions.
7. **Privacy and confidentiality:** The right to privacy takes on increasing significance in adolescence. The Committee has repeatedly raised concerns about violations of privacy for children in respect of: confidential advice concerning medical treatment; space for and belongings of adolescents in institutions; correspondence and other communications either in the family or other forms of care; or exposure of those involved in criminal proceedings.[[27]](#endnote-28) The right to privacy also entitles children, including adolescents, to have access to records on themselves held by education, health, social services or justice systems, and to protection from such information being accessible to anyone unauthorised by law to receive, process or use it.[[28]](#endnote-29) The Committee emphasises the obligations on States, through dialogue with adolescents, to ascertain where breaches of privacy take place, including in adolescents’ use of information and communication technologies, and to take all appropriate legal and other measures to strengthen and ensure respect for their privacy and confidentiality, consistent with their age and maturity.
8. **Right to information and access to media:** The recommendations from the Day of General Discussion on the media in 1996 and 2014 have particular resonance for adolescents. In particular, they are now growing up in a digital environment with growing levels of usage of mobile technology, with social/digital media increasingly the primary means through which they communicate and receive, create and disseminate information. They use the online environment, inter alia, to learn, participate, express opinions, play, socialize, engage politically and explore employment opportunities. In addition, the Internet provides opportunities for accessing, for example, online health information, protective support, and sources of advice and counselling. It is a tool for development and future employment. The ability to access relevant information can have a significant positive impact on equity for children, and States must adopt measures to ensure that all adolescents have access, without discrimination, to different forms of media, and utilise the Internet as a means of communicating and engaging with adolescents. Efforts must be made to support and promote equity of access in digital citizenship and to provide training and support as part of the basic education curricula to ensure the development of their digital and social literacy skills. [[29]](#endnote-30) In addition, States are encouraged to require businesses to undertake child-rights due diligence with a view to identifying, preventing and mitigating their impact on children’s rights when using digital media and ICTs.
9. While the digital environment offers huge opportunities for adolescents, it can also expose adolescents to online fraud, severe and growing incidence of cyberbullying, grooming for sexual exploitation, and targeting by armed groups. However, it is not only unrealistic to seek to restrict adolescents’ access to the digital environment, but may also serve to violate their rights, for example, to information, to freedom of expression and association, and to culture and the arts. Instead, their safety should be promoted through holistic strategies including digital literacy to educate them with regard to online risks, and strategies for keeping safe, strengthened legislation and law enforcement mechanisms to tackle abuse online and remove impunity, and training parents and professionals who work with children. States are urged to ensure the active engagement of adolescents in the design and implementation of initiatives aimed at fostering online safety".Peer mentoring should be supported to promote children’s safe access and use of ICTs, online resources, innovation and participation. States, including through international cooperation, need to invest in the development of technological solutions for prevention and protection, as well as the availability of assistance and support, including child friendly complaints mechanisms, help-lines and compensation for victims.

 IX Violence against children

1. **Protection from all forms of violence:** The Committee reminds States parties that Article 19 guarantees all children, including adolescents, protection from violence, abuse and exploitation. Comprehensive legislative, administrative, social and educational measures are needed in accordance with General Comment 13 to bring an end to all forms of violence, including a legal prohibition on corporal punishment in all settings. Adolescents can be particularly vulnerable to harmful norms and practices, such as, inter alia, forced marriages, female genital mutilation, harmful initiation rites, ‘honour’ killings, harmful gender stereotypes, and deliberate discriminatory practices. The Committee refers States parties to the recommendations in General Comments 13 and 18 for action to transform and bring an end to these practices. In particular, it highlights the need to involve adolescents in the development of both prevention and protective responses to victims of violence. Specific strategies are required to engage with adolescents in developing programmes to combat bullying, including cyberbullying, and to promote positive peer relationships.[[30]](#endnote-31) States parties need to create more opportunities for scaling up institutional programmes on prevention, rehabilitation and social reintegration of adolescents at risk.

 X Family environment and alternative care

1. **Support for parents and care givers:** The role of parents in providing security, emotional stability, encouragement and protection to their children remains critically important throughout adolescence. The Committee emphasises that States’ obligations to render appropriate assistance to parents and caregivers as outlined in Articles 18, paras 2 and 3, and to assist parents in providing the support and living conditions necessary for optimum development consistent with Article 27, para 2, have equal application to parents of adolescents. However, such support must take account of the emerging autonomy of adolescents and the increasing contribution that they are making to their own lives.
2. The Committee also draw States parties’ attention to the significance of growing divide between the environments in which adolescents are now living, and those in which their parents or caregivers grew up. Young lives now are increasingly defined by the dominance of the Internet, social media, and globalization. They are exposed to and inevitably influenced by a global commercial world unmediated or regulated by parental or community values which can also inhibit intergenerational understanding, imposing challenges on the capacity of parents and other caregivers to communicate effectively with adolescents and to provide guidance and protection relevant to the current realities of their lives. States are also encouraged to undertake research with adolescents and their parents and caregivers into the nature of guidance, assistance, training and support needed to help address the intergenerational divergence of experience.
3. **Adolescents in alternative care:** A broad body of evidence now exists documenting the serious adverse outcomes, socially, educationally, medically and psychologically, for young children living in large, long term institutions.[[31]](#endnote-32) Adolescence brings different potential risks and harms. Those with disabilities are often denied opportunities for community living and are simply transferred into adult institutions, where they are at increased risk of continuing violation of their rights. Others are forced to leave institutional care once they reach 16-18 years, and are particularly vulnerable to sexual abuse and exploitation, trafficking, homelessness and violence as they lack support systems or protection, and have been afforded no opportunities to acquire the skills and capacities to protect themselves. Many adolescents are deprived of liberty in institutions as a punitive response to behavioural problems.
4. The Committee has consistently expressed concern that placement of children of any age in large institutions is rarely in their best interests, exposing them to risks of poor quality care, neglect and potential violence.[[32]](#endnote-33) It urges States to ensure that institutionalisation is only used as a measure of last resort, and to undertake urgent programmes of de-institutionalisation while ensuring the appropriate protection of those adolescents currently living in institutions, including in respect of access to justice. The Committee also draws States attention to the significant evidence of poor outcomes for adolescents in other forms of alternative care, including fostering and small children’s homes, in respect of educational attainment, dependency on social welfare, and higher risk of homelessness, imprisonment, early parenthood, substance misuse, suicide and self-harm.
5. States must recognize the equal rights of children, including adolescents, in all forms of alternative care, and adopt measures to improve their life chances and address the particular vulnerabilities and insecurities they face as they approach care-leaving age, including preparation for leaving care, and provide access to after-care services consistent with the Guidelines for the Alternative Care of Children.[[33]](#endnote-34)
6. **Adolescent-headed families:** The Committee draws attention to the very significant numbers of adolescents who are primary caregivers of their families, either because they themselves are parents, or because of parental death, disappearance or absenteeism. The Committee affirms that the provisions of Articles 24 and 27, requiring States to provide parents or caregivers with basic knowledge of child health and nutrition, as well as appropriate measures to assist parents to fulfil their responsibilities towards their children, and where necessary provide material assistance, with particular regard to nutrition, clothing and housing, apply equally to adolescents who are themselves caregivers. Furthermore, adolescents who are caregivers need extra support to ensure that they have equal access to education, play and participation. In particular, States should introduce social protection interventions at key stages across the life-cycle that contribute towards breaking the intergenerational transmission of poverty and respond to the specific needs of adolescent caregivers.

 XI Basic health and welfare

1. **Health care:** Health services are rarely designed to accommodate the specific health needs of adolescents. This failure is compounded by lack of demographic and epidemiological data and health service statistics disaggregated by age and sex. In addition, the Committee is concerned that when adolescents do seek help, they often experience financial barriers, discrimination, lack of confidentiality and respect, stigma and judgemental attitudes from health care personnel.
2. Illness and death among adolescents are largely preventable, and their health outcomes are predominantly a consequence of social and economic determinants, mediated by behaviour and activity, at the individual, peer, family, school, community, and societal levels. Accordingly, the strategies required to improve health outcomes lie beyond health services alone. States, in collaboration with adolescents, must undertake comprehensive reviews of the nature and extent of adolescent health problems as a basis for future health policies, programmes and public health strategies to ensure adolescents’ right to the highest attainable standard of health.
3. As the Committee has noted previously, mental health and psychosocial problems, including suicide, self-harm, eating disorders and depression, are primary causes of ill health, morbidity and mortality among adolescents.[[34]](#endnote-35) The Committee affirms that the factors known to promote resilience and healthy development and protect against mental ill-health, include strong relationships with, and support from key adults in their lives, an adequate standard of living, access to quality secondary education, freedom from violence and discrimination, opportunities for influence and decision-making, mental health awareness, problem solving and coping skills, and safe and healthy local environments. The Committee emphasises that States should adopt an approach based on public health and psychosocial support rather than over-medicalization and institutionalization. A comprehensive multi-sectoral response is needed, through integrated systems of adolescent mental health care that involve parents, peers, the wider family and schools, and provision of support and assistance through trained staff.
4. The Committee also urges States to adopt or integrate a comprehensive gender-sensitive sexual and reproductive health policy for adolescents, emphasising that unequal access by adolescents to such information and services amounts to discrimination.[[35]](#endnote-36) It draws attention to the fact that lack of access to these services contribute to adolescent girls being the most at-risk group of dying or suffering serious or lifelong injuries in pregnancy and childbirth. All adolescents must have access to confidential adolescent-responsive and non-discriminatory reproductive and sexual health information and services, available both on and off-line, including family planning, contraception, counselling, pre-conception care, maternal care, menstrual hygiene, sexually transmitted infections, diagnosis and treatment, and contraception, as well as safe abortion services.
5. No prohibitions should exist in accessing services, such as requirements for parental or partner consent (see para 43). In addition, particular efforts need to be made to overcome barriers of stigma and fear experienced by, for example, adolescent girls, those with disabilities and LGBTI adolescents, in accessing such services. Furthermore, the Committee urges States to decriminalize abortion, ensure that girls have access to safe abortion, review legislation with a view to guaranteeing the best interests of pregnant adolescents, and ensure that their views are always heard and respected in abortion decisions.
6. Age-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards, should be part of the mandatory school curriculum, with special attention given to relationships, responsible parenthood and sexual behaviour, and preventing early pregnancy and sexually transmitted infections.
7. **HIV/AIDS:** The Committee notes with concern that adolescents are the only age group among whom death due to AIDS is increasing.[[36]](#endnote-37) AIDS is the leading cause of death among adolescents in Africa, and the second most common cause of death among adolescents globally. Adolescents, generally, are less likely than adults to receive treatment, while many perinatally-infected adolescents may have been on antiretroviral treatment (ART) for many years, sometimes with poor regimes or interrupted therapy. There are many challenges in accessing ART and remaining in care, including consent as a barrier to HIV services, disclosure, stigma and adherence support. Adolescent girls are disproportionately affected, representing two-thirds of new infections. Gender-based inequality, age-disparate sex and intimate partner violence are three factors putting girls at increased risk of acquiring HIV. Worldwide, adolescents in key population groups, including gay and bisexual boys, transgender adolescents, adolescents who exchange sex for money, goods or favours and adolescents who inject drugs, are also at a higher risk of HIV infection. These marginalized groups face discrimination and human rights violations, and are often excluded from services.
8. The Committee encourages States to address adolescents’ diverse realities and ensure that they all have access to HIV testing and counselling, evidence-based HIV prevention and treatment programmes, and sexual and reproductive health services. States should involve adolescents in the development, implementation and evaluation of programmes for testing, treatment, care and prevention. Health services should employ trained personnel who fully respect the rights of adolescents to privacy and non-discrimination in offering HIV related information, testing, sexual and reproductive health services, contraception, condoms and HIV-related care and treatment including antiretroviral and other medicines, diagnostics and related technologies for the care of HIV/AIDS, related opportunistic infections and other conditions, good nutrition, and social, spiritual, and psychological support, as well as family, community and home-based care. The Committee encourages technical cooperation between States and, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and UNICEF.
9. **Injuries/safe environment:** Unintended injuries or injuries due to violence are a leading cause of death and disability among adolescents. Most of the unintentional injuries result from road traffic crashes, drowning, burns, falls and poisoning. To reduce the risk, States parties should develop multisectoral strategies that include, inter alia, legislation with enforcement requiring protective equipment, driving-under-influence policies and licensing; education, skills development and behaviour change programmes; adaptations within the environment, as well as ensuring care and rehabilitation services for those already injured.
10. **An adequate standard of living**: The impact of poverty has profound implications during adolescence, leading to risks of extreme stress and insecurity, as well as social and political exclusion. Enforced or adopted strategies by adolescents to address economic hardship can include school drop-out, early marriage, sexual exploitation, hazardous or exploitative work, or work interfering with education, gang membership, trafficking, recruitment into militia, or migration. However, unless investment is also made in child-sensitive social protection measures, efforts to prevent these strategies risk further impoverishing adolescents and jeopardising their well-being.
11. States are reminded of the right of every child to a standard of living adequate for physical, mental, spiritual, moral and social development, and are therefore urged to introduce social protection floors that provide adolescents and their families with basic income security, protection against economic shocks and access to health care and other social services. In addition, creation of safe and decent employment opportunities for adolescents leaving school is a vital strategy for mitigating these risks.
12. **Drug use among adolescents:** Adolescence is a period of risk-taking and experimentation with greater likelihood of initiation into drug use. Adolescents are often at higher risk of drug related harms than older counterparts, and substance use initiated in adolescence more often leads to dependence. Those identified at greatest risk of drug-related harms are those who are street involved, excluded from school, with histories of trauma, family breakdown or abuse, and those living in families coping with drug dependence. They also face added barriers in accessing available services. In line with article 33, together with, article 24 and the general principles, States parties have a clear obligation to protect adolescents from the illicit use of narcotic drugs and psychotropic substances. The WHO Framework Convention on Tobacco Control now represents a ‘relevant international treaty’ for the purposes of article 33. Alcohol and solvents remain outside the scope of article 33 but States parties nonetheless have an obligation to ensure adolescents’ right to health in relation to the use of these substances. States parties need to put in place prevention, harm reduction and dependence treatment services, without discrimination, and with sufficient budgetary allocation for progressive realisation. Adolescents should also be provided with accurate and objective information based on scientific evidence aimed at prevention and minimising substance use harms. The Committee also stresses that drug use among adolescents does not negate their participation rights under article 12.

 XII Education, leisure and cultural activities

1. **Education:** The Committee stresses that guaranteeing the right to quality, inclusive education and training is the single most important policy investment that States can make to ensure immediate and long term development of all adolescents. A growing body of evidence testifies to the positive impact of secondary education in particular.[[37]](#endnote-38) States are therefore urged to introduce compulsory free secondary education for all as a matter of urgency, and to make higher education accessible to all on the basis of capacity by every appropriate means.
2. The Committee notes with concern the numbers of adolescents in marginalised situations who are excluded from the opportunity to make the transition to secondary education, including inter alia, adolescents living in poverty, those from ethnic and language minorities, with mental or physical disabilities, who are migrating, in situations of armed conflict or natural disasters, in street situations or those who are working. Proactive measures are necessary to end discrimination of marginalized groups in accessing education, including through cash transfer programmes, respect for minority and indigenous cultures and children from all religious communities, provision of education in refugee camps, and combatting bullying and discriminatory attitudes. The Committee also draws States’ attention to Article 24 of the Convention on the Rights of Persons with Disabilities requiring that persons with disabilities ‘can access an inclusive, quality and free primary and secondary education on an equal basis with others’, and that reasonable accommodation is provided to achieve that goal.[[38]](#endnote-39)
3. The Committee is deeply concerned at the failure of many States to achieve equality in enrolment of boys and girls. Investment in girls’ secondary education is not only an obligation under Articles 2, 6 and 28, but it also serves to protect girls from forced marriage, sexual exploitation and early pregnancies, as well as contributing significantly towards girls’, and their subsequent children’s future economic potential. However, the Committee recognises that provision of education alone is insufficient to achieve real change. Investment must also be made in strategies, including promotion of positive gender relations and social norms, addressing sexual and gender-based violence, role models, family support and economic empowerment of women, to overcome the cultural, economic and social barriers that impede access for girls. States must also recognise the growing phenomenon of lower enrolment and retention of boys and identify the causes and adopt appropriate measures to support their continued participation in education.
4. Efforts need to be made to consult with adolescents themselves on the barriers impeding their continued participation in school, given the high levels of early school leaving while still illiterate or without obtaining qualifications. The Committee has observed, with concern, the following contributory factors, inter alia, fees and associated costs; family poverty and lack of adequate social protection schemes to support them, including adequate health insurance; lack of adequate and safe sanitation facilities for girls; exclusion of pregnant schoolgirls and adolescent mothers; persistent use of cruel, inhuman and degrading punishments; lack of effective measures to eliminate sexual harassment in school; sexual exploitation of girls, including demands for sex in return for good grades; failure to employ appropriate teaching pedagogies; irrelevant or out-dated curricula; lack of active engagement of students in their own learning; environments not conducive to girls’ inclusion and safety. In addition, schools often fail to adopt the flexibility needed for adolescents to be able to combine work with their education, without which they may be unable to continue to meet the associated costs of schooling. Consistent with Article 28, para 1(e), and SDG Goal 4, States must introduce comprehensive and pro-active measures to address all these factors and both improve attendance and reduce early school leaving.
5. The Committee draws attention to its General Comment on Article 29, the aims of education, which asserts the need for education to be ‘child-centred, child-friendly and empowering’ and emphasizes the importance of a more collaborative and participatory pedagogy.[[39]](#endnote-40) Curricula for secondary education must be designed to equip adolescents for active participation in the world of 21st century, develop respect for human rights and fundamental freedoms, promote civic engagement, and prepare for responsible life in a free society. Furthermore, in order to develop the fullest potential of adolescents, consideration must be given to the design of learning environments which capitalise on their capacity for learning, motivation to work with peers, and focus on experiential learning, exploration and limit testing. In this regard, it reminds States parties of the obligation in Article 28.3 to promote international cooperation in facilitating access to scientific and technical knowledge and modern teaching methods.
6. **Transitions from education into training and/or decent work**: The Committee is concerned at the numbers of adolescents not in education, training or employment leading to disproportionate levels of unemployment, under-employment and exploitation as they move towards adulthood. It urges States to introduce the measures necessary to support out-of-school adolescents to secure decent work and facilitate the school-to-work transition including consistency between education and labour laws. In line with Article 28, para 1 (d), and in order to afford opportunities for an adequate standard of living, States should introduce policies to promote employment opportunities for all adolescents. In so doing, both formal and informal education and training needs to be designed for the skills required in modern labour market, including through measures to:[[40]](#endnote-41)
7. Integrate, where feasible, soft and transferrable skills into the curricula, including in programmes for marginalized adolescents, taking all measures to ensure that young people who are out of school are also reached by such programmes;
8. Expand opportunities for experiential or practical learning at local and national levels through civic engagement and other approaches for all adolescents, and for older adolescents, provide job-seeking skills;
9. Ensure opportunities for vocational training based on labour market demand and establish public/private sector partnerships for entrepreneurship, financial services, internships and apprenticeships;
10. Develop or support programmes aiming to provide the skills to cope with challenges, make effective life choices and progress in modern economies through guidance on academic and vocational opportunities;
11. Identify and make use of avenues to disseminate information on employment rights, including rights in relation to membership of trades unions and professional associations.
12. Leisure, recreation and the arts: The rights embodied in Article 31 apply to all children, including adolescents. Leisure, recreation, creativity and the arts, both on and off-line, are fundamental to adolescents’ exploration of identity, enabling them to explore their culture, forge new artistic forms, create relationships, and evolve as human beings. They afford them a sense of uniqueness fundamental to human dignity, optimum development, freedom of expression, participation and privacy. The Committee notes with regret that these rights are widely neglected in adolescence, especially for girls. Fear of and hostility towards adolescents in public spaces, as well as lack of child and adolescent-friendly urban planning can inhibit their freedom to engage in recreational activity. The Committee draws attention to its recommendations in General Comment 17, including the recommendation to introduce a principle of sufficiency in respect of the time and space to exercise these rights, ensuring that this principle extends to adolescents, in particular through the provision of safe spaces where they can meet and connect with their peers. States must also invest in measures to challenge pervasive negative attitudes towards adolescents leading to restrictions on the rights embodied in Article 31.

 XIII Special protection measures

1. Migration: Growing numbers of adolescent girls and boys migrate, either within or outside their country of origin, in search of survival, security, reunification, improved standards of living, education or protection from abuse. For many, migration offers significant social, economic and protection opportunities. However, as the Committee has highlighted in its Day of General Discussion on [the rights of all children in the context of international migration](http://ohchr.org/EN/HRBodies/CRC/Pages/Discussion2012.aspx), it also poses risks including marginalisation, discrimination, xenophobia and economic exploitation, as well as, when crossing borders, immigration raids and detention.[[41]](#endnote-42) Many are denied access to education, housing, health, recreation, participation, protection and social security. Even where rights to services are protected by laws and policies, adolescents may face administrative and other obstacles in accessing such services, including: demands for identity documents or social security numbers; harmful and inaccurate age determination procedures; financial and linguistic barriers; and risks that accessing services will result in detention.[[42]](#endnote-43)
2. The Committee refers States parties to its comprehensive recommendations elaborated in respect of migrant children.[[43]](#endnote-44) With particular reference to adolescents, and in line with the obligation under Article 2 to respect the rights of every child within their jurisdiction, States must introduce age and gender sensitive legislation governing both unaccompanied migrants and asylum seekers that is underpinned by the best interests principle, prohibits immigration-related detention and refers to the recommendations in General Comment 6, addressing the particular vulnerability of these adolescents.[[44]](#endnote-45) The Committee urges States parties to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the 1951 Refugee Convention, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[[45]](#endnote-46) States must also introduce measures both to address the factors driving adolescents to migrate as well as the vulnerabilities and rights violations faced by adolescents left behind when parents migrate, including school drop-out, child labour, vulnerability to violence and criminal activities and burdensome domestic responsibilities.
3. Trafficking: Many adolescents are at risk of trafficking for economic or sexual exploitation. States are urged to establish a comprehensive and systematic mechanism for data collection on the sale, trafficking and abduction of children, as well as ensuring that the data are disaggregated, with particular attention to children living in the most vulnerable situations. Attention must be paid to the gender-based dimensions of vulnerability and exploitation. Awareness-raising activities, including through social media, need to be conducted in order to make parents and children aware of the dangers of both domestic and international trafficking. States are urged to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Palermo Protocol to the Transnational Organized Crime Convention and to harmonize legislation accordingly.
4. Conflict and crisis: The Committee notes that adolescents are vulnerable in situations of armed conflict and humanitarian disasters. The associated breakdown of social norms and family and community support structures forces many displaced and crisis–affected adolescents to assume adult responsibilities, and exposes them to risks of sexual and gender-based violence, forced marriage and trafficking. Furthermore, they are likely to be denied education, skills training and safe employment opportunities, and access to appropriate sexual and reproductive health services, as well as facing isolation, discrimination and stigma, mental health and risk-taking behaviour.
5. The Committee is concerned about the failure of humanitarian programmes to address the specific needs and rights of adolescents. It urges States to ensure that adolescents are provided with systematic opportunities to play an active role in the development and design of protection systems as well as reconciliation and peace-building processes. Explicit investment in post-conflict and transition reconstruction should address not only the demobilization and rehabilitation of those associated with fighting forces, but also be utilized as an opportunity for adolescents to contribute towards economic and social development, resilience-building and peaceful transition of the country. In addition, emergency-preparedness programmes must address adolescents, recognizing both their vulnerability and right to protection, and their potential role in supporting communities and helping to mitigate risk.
6. Recruitment into armed forces and groups: The Committee expresses its deep concern that adolescent girls and boys are being recruited, including through the use of social media, by States armed forces, armed groups and militia and urges all State parties to ratify the Optional Protocol on the Involvement of Children in Armed Conflict. States should raise the age of military recruitment and training by armed forces, non-State armed groups and security companies to 18 years, explicitly prohibit and criminalize the recruitment and use of children under 18 years of age in hostilities and take all necessary measures for the release of children associated with State and non-State armed groups.
7. States should ensure recovery and gender-sensitive reintegration of adolescents who are recruited and include the prohibition of recruitment of adolescents and their use in hostilities in all peace or ceasefire negotiations and agreements with armed groups, in line with the operational guidelines on addressing children’s issues in peace agreements.[[46]](#endnote-47) Support should be afforded to opportunities for adolescent participation in peace movements and peer-to-peer approaches to non-violent conflict resolution, rooted in local communities to ensure the sustainability and cultural appropriateness of interventions. The Committee urges States parties to take firm measures to ensure that cases of sexual violence, sexual exploitation and abuse, and other human rights abuses against adolescents are promptly investigated and that the perpetrators are prosecuted and punished. The Committee further recommends that research with adolescents should be undertaken to explore the factors driving their engagement in such activities including, inter alia, poverty, unemployment, social exclusion, insecurity and lack of civic engagement, and take appropriate action in response to the findings.
8. The Committee also recognises the problem, in many parts of the world, of recruitment of adolescents into gangs and pandillas, which often provide social support, a source of livelihood, protection, and a sense of identity in the absence of opportunities to achieve these goals through legitimate activities. It is concerned that the climate of fear, insecurity, threat and violence posed by gang membership threatens the realisation of the rights of adolescents, and is a major contributory factor in adolescent migration. The Committee notes that States commonly respond to gang membership through aggressive law enforcement approaches, and recommends that more emphasis be placed on the development of comprehensive public policies, addressing the root causes of juvenile violence and gangs. Investment is needed in prevention activities for at-risk adolescents, interventions to encourage adolescents to leave gangs, rehabilitation and reintegration of gang members, restorative justice, and the creation of municipal alliances against crime and violence, with an emphasis on the school, the family and social inclusion measures. Consideration could also be given to the possibility of affording refugee status to adolescents fleeing gang violence.
9. Child labour: The Committee emphasises that adolescents, even when they have reached the minimum working age, have a right to protection from the worst forms of child labour and urges States to take urgent action to implement the provisions of ILO Conventions 138 and 182.
10. However, it also recognises that introduction to appropriate forms of work plays an important developmental role in the lives of millions of adolescents, equipping them with skills, enabling them to contribute to their families’ economic well-being, and supporting their access to education. Furthermore the Committee notes that legal rules banning all children, including adolescents, from engagement in hazardous forms of work, should be accompanied by associated support for school-to-work transitions, social and economic development, poverty eradication programmes and universal access to quality primary and secondary education. It should be underlined that adolescents as from the national legal minimum age (14, 15 of 16 years depending on the national law) have the right to work under appropriate conditions, as long as it is not a worst form of child labour and does not interfere with compulsory education.
11. Accordingly, the Committee recommends that States adopt a transitional approach towards achieving a balance which acknowledges the positive role of work in adolescents’ lives while promoting their safety and education. This approach should be developed in collaboration with adolescents and other key stakeholders to reflect children's best interests within the prevailing economic opportunities and limitations.  Schooling and introduction to appropriate forms of work should be coordinated to facilitate both in the lives of adolescents. Social protection policies should guarantee a standard of living adequate to adolescents' development, and effective mechanisms be introduced for regulation of their work and redress when they are victims of exploitation. The protection of all children below 18 from hazardous work must be stipulated with a clear list of specific occupations and tasks requiring more maturity, but general bans on work for adolescent who have reached the minimum working age, which must be above compulsory school age, are counterproductive. Priority effort should be directed toward preventing harmful work and working conditions, with special attention to girls involved in domestic labour and other often "invisible" workers.
12. Justice for adolescents: Adolescents can be in contact with justice systems through conflict with the law, as victims and witnesses of crime, or for other reasons such as care, custody or protection. Measures are needed to reduce both their vulnerability to criminal assaults and participation in crime, as well as their need for access to justice.
13. The Committee emphasises that the rights to protection in respect of juvenile justice apply equally to adolescents, all the way up to 18 years. States are urged to introduce comprehensive juvenile justice policies with an emphasis on restorative justice, diversion from judicial proceedings, alternative measures to detention, and preventive interventions to tackle the social factors and root causes, consistent with Articles 37 and 40, and the Riyadh Guidelines. The focus must be on rehabilitation and reintegration, including for those adolescents involved in conflict, and activities categorised as terrorism, in line with recommendations in General Comment 10, the Beijing Rules, and the UN Rules for the Protection of Juveniles Deprived of their Liberty and United Nations Guidelines on Justice in matters involving child victims and witnesses of crime (2005). Restriction of liberty must always be a last resort and for the shortest possible time. Detention should be avoided at all costs. The Committee emphasises the imperative to prohibit life imprisonment and to introduce and enforce a ban on the death penalty for anyone convicted of a crime committed under the age of 18. The Committee is concerned at the number of States seeking to lower the age of criminal responsibility and encourages a progressive commitment to raising the age of criminal responsibility towards 18 years.

 XIV International cooperation

1. The Committee draws attention to Article 4, which stresses that implementation of the Convention is a cooperative exercise for the States of the world, and highlights the need for international cooperation. The Committee, therefore, encourages States to provide and use, as appropriate, technical assistance including from UNICEF, OHCHR and other United Nations related agencies, in the process of implementing the Convention in respect of adolescents. The Committee also encourages bodies such as the World Bank, International Monetary Fund, and World Trade Organisation to ensure that their activities related to international cooperation and economic development give primary consideration to the best interests of children, including adolescents, and promote the full implementation of the Convention.

 XIV Dissemination

1. The Committee recommends widespread dissemination of this General Comment to all adolescents in all situations, as well as its translation into relevant language, adolescent friendly versions, and formats accessible to adolescents with disabilities.

 References

1. http://www.who.int/maternal\_child\_adolescent/topics/adolescence/dev/en/. [↑](#endnote-ref-2)
2. General Comment No.3, HIV/AIDS and the rights of the child; General Comment No.4, Adolescent health and development; General Comment No 6, Treatment of unaccompanied and separated children; and General Comment No.10, Children’s rights in juvenile justice. [↑](#endnote-ref-3)
3. McNeely C and Bose K in Human Rights and Adolescence, ed. Bhabha J., Penn Press, Philadelphia, 2015. [↑](#endnote-ref-4)
4. CRC General Comment No.7, Implementing Rights in Early Childhood, CRC/C/GC/7 November 2005, para 8. [↑](#endnote-ref-5)
5. World Health Statistics, WHO, 2014. [↑](#endnote-ref-6)
6. CRC General Comment No.7, Implementing Rights in Early Childhood, CRC/C/GC/7 November 2005, para 17. [↑](#endnote-ref-7)
7. CRC General Comment No.12, The Right of the Child to be Heard, CRC/C/GC/12, July 2009, para 84. [↑](#endnote-ref-8)
8. For example, Articles 32-39. [↑](#endnote-ref-9)
9. <http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf>. [↑](#endnote-ref-10)
10. CRC General Comment No.5 General Measures of Implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, para 12, [↑](#endnote-ref-11)
11. HRC General Comment No. 18: Non-discrimination, 1989, HRI/GEN/1/Rev.6, para 147 [↑](#endnote-ref-12)
12. CRC General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art.3, para 1), , CRC/C/GC/14, May 2013, para 6. [↑](#endnote-ref-13)
13. CRC General Comment No.12, The Right of the Child to be Heard, paras 70-74, CRC/C/GC/12, July 2009 and CRC General Comment No.14 on the right of the child to have his or her best interests taken as a primary consideration (art.3, para 1), CRC/C/GC/14, May 2013, paras 43-45. [↑](#endnote-ref-14)
14. CRC General Comment, No.12, The Right of the Child to be Heard, CRC/C/GC/12, July 2009, para 27. [↑](#endnote-ref-15)
15. Office of the High Commission on Human Rights Report 26/22, Section V, para 21 [↑](#endnote-ref-16)
16. CRC General Comment No.9, the Rights of Children with Disabilities, CRC/C/GC/9, paras 8-10, [↑](#endnote-ref-17)
17. Despouy L. Human Rights and Disability. United Nations Economic and Social Council, Doc.

 E/CCN.4/Sub.2/1991/31. NY: United Nations. [↑](#endnote-ref-18)
18. Juan Méndez, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: torture and ill treatment in health-care settings*, U.N. Doc. A/HRC/22/53 (Feb. 1, 2013). [↑](#endnote-ref-19)
19. UN General Assembly, Status of the Convention on the Rights of the Child A/66/230, August 2011, paras 44-49. [↑](#endnote-ref-20)
20. See statement by CRC and other UN and regional human rights mechanisms, "Discriminated and made vulnerable: Young LGBT and intersex people need recognition and protection of their rights", 13 May 2015. [↑](#endnote-ref-21)
21. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E>. [↑](#endnote-ref-22)
22. See Concluding observations on 4th periodic report of Australia, paras CRC/C/AUS/CO/4. [↑](#endnote-ref-23)
23. Committee on Economic, Social and Cultural Rights, General comment No. 3: The Nature of States parties’ obligations, (art. 2, para. 1, of the Covenant), para 11. [↑](#endnote-ref-24)
24. CRC General Comment No.12 the Right of the Child to be Heard, CRC/C/GC/12, July 2009, para 101. [↑](#endnote-ref-25)
25. CRC General Comment no.1 2001, CRC/GC/2001/1, para 8. [↑](#endnote-ref-26)
26. See, for example, Poland CRC/C/15/Add.194, paras 32 and 33; Tunisia, CRC/C/15/Add.181, paras 29 and 30. [↑](#endnote-ref-27)
27. Hodgkin R and Newell P, (2007) Implementation Handbook on the Convention on the Rights of the Child, p203-211. [↑](#endnote-ref-28)
28. Human Rights Committee, General Comment No.16, The Right to Privacy, HRI/GEN/1/rev.8, 1988, paras 2-4. [↑](#endnote-ref-29)
29. CRC Day of General Discussion, 2014, para. 95. [↑](#endnote-ref-30)
30. CRC General Comment no.13+ 2001, CRC/C/GC/13, para 44(b). [↑](#endnote-ref-31)
31. See, for example, Groce N (2005) Summary Report , Violence against Children with Disabilities, UN Secretary General’s Study on Violence against Children Thematic Group on Violence against Children with Disabilities, UNICEF, New York; and Human Rights Watch. 2001. Easy Targets: Violence against Children Worldwide. New York: Human Rights Watch. [↑](#endnote-ref-32)
32. CRC General Comment No.9, The Rights of Children with Disabilities, CRC/C/GC/9, para 47. [↑](#endnote-ref-33)
33. See Guidelines for Alternative Care, better Care network, and CRC GC No.9 Children with Disabilities, CRC/C/GC/9, February 2007. [↑](#endnote-ref-34)
34. CRC General Comment No.15, the Right to Heath, CRC/C/GC/15, April 2013, para 38. [↑](#endnote-ref-35)
35. CESR, General Comment 20, Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/20, 2 July 2009, para 29. [↑](#endnote-ref-36)
36. WHO Health for the World’s Adolescents: a Second Chance in the Second Decade, 2014. [↑](#endnote-ref-37)
37. UNICEF State of the World’s Children, 2011. [↑](#endnote-ref-38)
38. UNCPRD, Article 24, paras 2(b) and (c). [↑](#endnote-ref-39)
39. CRC General Comment, No.1, The Aims of Education, CRC/GC/2001/1, April 2001, para 2. [↑](#endnote-ref-40)
40. The term 21stcentury skills refers to a broad set of knowledge, skills, work habits, and character traits that are believed—by educators, school reformers, college professors, employers, and others—to be critically important to success in today’s world, particularly in collegiate programs and contemporary careers and workplaces.  [↑](#endnote-ref-41)
41. <http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRe>commendations.pdf. [↑](#endnote-ref-42)
42. Fundamental Rights Agency (2012) “Apprehension of migrants in an irregular situation – fundamental rights considerations”, 9 October 2012. [↑](#endnote-ref-43)
43. CRC, Day of General Discussion, Migrant children, 2014. [↑](#endnote-ref-44)
44. CRC General Comment 6, Treatment of unaccompanied and Separated Children Outside their Country of Origin, CRC/GC/2005/6, September 2005. [↑](#endnote-ref-45)
45. also relevant are: the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) and the Protocol against the Smuggling of Migrants by Land, Sea, and Air , supplementing the United Nations Convention against Transnational Organized Crime (2000). [↑](#endnote-ref-46)
46. Report of the Special Representative of the Secretary-General for Children and Armed Conflict, A/68/267, paras. 81–87.

 [↑](#endnote-ref-47)