



Strasbourg, 28 June 2016

ADVISORY COUNCIL ON YOUTH

**Comments of the Advisory Council on Youth (CCJ) on the
Committee on the Rights of the Child Draft General Comment on the
implementation of the rights of the child during adolescence**

1.

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 and **right 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 **and disability** 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.

For your information: Specific attention to disability in SDG-s are super new, relevant stakeholders only discussed this element last year and this year.

17.

States are urged to promote more positive dialogue and engagement with adolescents **and their independent organisations** 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.

21.

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.¹ 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 acknowledge intersectional identities of children and young people and should be celebrated for the added diversity and**

1

<http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf>
f.

richness they bring to the society and 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.² 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.³

24.

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, **national and international levels**. The online environment provides significant emerging opportunities for strengthening and expanding their engagement.

27.

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. **Young people must not be viewed only as a single, homogeneous subset of society defined exclusively by age. Intersectional identities of young people should be celebrated for the added diversity and richness they bring to the society. However it is also important to acknowledge, that it can result in multiple forms of discrimination and/or intersecting forms of oppression.**

32.

Adolescents with disabilities: The Committee has previously drawn attention to the widespread prejudice, social isolation **and exclusion** and discrimination faced by children with disabilities.⁴ 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.

34.

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 **and independent living** of adolescents with disabilities, in accordance with Article **19 and 23**.

² CRC General Comment No.5 General Measures of Implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, para 12,

³ HRC General Comment No. 18: Non-discrimination, 1989, HRI/GEN/1/Rev.6, para

147

⁴ CRC General Comment No.9, the Rights of Children with Disabilities, CRC/C/GC/9, paras 8-10,

After para 38 add a new paragraph that reads:

xx. “recognising the fact that we live in a post-colonial world that still has grave effects on adolescents based on ethnicity and origin. Racism and far right extremism constitute big threats against democratic values and the rights, well-being and the possibility to fully access the given rights to the adolescents who are subjects to this kind of stereotyping...”

40.

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:

(a) 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, **with an active involvement of adolescents and youth organisations.**

(f) 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.

Add a new sub paragraph that reads:

(g) ensure that the possibilities for the voices of adolescents and youth organisations are consequently taken into account in decisions that involve them, on all levels

54.

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 online hate speech** and cyberbullying, and to promote positive peer relationships.¹ States parties need to create more opportunities for scaling up institutional programmes on prevention, rehabilitation and social reintegration of adolescents at risk.

55-56.

Include rainbow families and their rights somehow in paragraphs 55 and 56.

57.

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.⁵ 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 **social exclusion and** 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.

61.

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 **inaccessible environments**, financial barriers, discrimination, lack of confidentiality and respect, stigma and judgemental attitudes from health care personnel.

65.

No prohibitions should exist in accessing services, such as requirements for parental or partner consent (see para 43). In addition, particular **measures and** efforts need to be made **to create support mechanism to dismantle barriers and** 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.

74.

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.⁶

It is recommended to include the use of personal assistance in the list of reasonable accommodations. This would not only improve the allocation of resources by increasing tailor

⁵ 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.

⁶ UNCPRD, Article 24, paras 2(b) and (c).

made assistance but also promote participation of disabled children and young people in education.

76.

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, **inaccessible teaching and learning environment to respond the needs of diverse learners**, 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.

77.

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.⁷ 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 **with diverse access and learning needs**, consideration must be given to the **inclusive** 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 and **innovative inclusive** teaching methods.

78.

Transitions from education into training and/or decent work: The Committee is concerned at the numbers of **all** adolescents not in education, training or employment leading to disproportionate levels of unemployment, under-employment, **social exclusion** 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 **inclusive** 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:⁸

⁷ CRC General Comment, No.1, The Aims of Education, CRC/GC/2001/1, April 2001, para 2.

⁸ The term 21st century 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.

(a) Integrate, where feasible, soft and transferrable skills into the curricula, including in programmes for marginalized adolescents, taking all measures to ensure that **all** young people who are out of school are also reached by such programmes;

(b) Expand opportunities for experiential or practical learning at local and national levels through civic engagement, **non-formal education** and other approaches for all adolescents, and for older adolescents, provide job-seeking skills;

(c) Ensure opportunities for vocational training based on labour market demand and establish public/private sector partnerships for entrepreneurship, financial services, internships and apprenticeships;

(d) 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;

(e) Identify and make use of avenues to disseminate information **in various accessible formats** on employment rights, including rights in relation to membership of trades unions and professional associations.

79.

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 **and children with disabilities**. Fear of and hostility towards adolescents in public spaces, as well as lack of child and adolescent-friendly and **accessible** 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.

81.

The Committee refers States parties to its comprehensive recommendations elaborated in respect of **all** migrant children.⁹ 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.¹⁰ 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.¹¹ States must also introduce measures both to

⁹ CRC, Day of General Discussion, Migrant children, 2014.

¹⁰ CRC General Comment 6, Treatment of unaccompanied and Separated Children Outside their Country of Origin, CRC/GC/2005/6, September 2005.

¹¹ 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).

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.

ⁱ CRC General Comment no.13+ 2001, CRC/C/GC/13, para 44(b).