**Draft** **General Comment on the rights of adolescents**

**A Consultation at CATS**

July 2015

**What is a General Comment?**

A General Comment is a document produced by the UN Committee on the Rights of the Child to help governments understand what they need to do in order to make the rights of children real. They have produced 17 so far - on issues like violence, participation, health, early years, children with disabilities, and play. All General Comments are about 15-20 pages long.

The Committee has now decided to write a General Comment on the rights of adolescents - children aged between 10-18 years. The reason for this is that adolescents are often ignored by governments until they do something ‘wrong’! So governments get concerned about young people breaking the law, taking drugs, having sex, getting drunk, being violent or failing at school. But they are less concerned to make sure young people can participate in things that matter to them, have decent sports and recreation facilities, have access to good sexual and reproductive health services, are not discriminated against and so on.

This General Comment will set out why governments need to take adolescents more seriously, and lists **ALL** the things that governments need to do to make sure that **ALL** young people’s rights are respected.

The final General Comment will use the term ***‘Adolescents’***, because this is how the United Nations describes 10-18 year olds. Nothing we can do about that!!

But we know that most people of this age group prefer the term ‘***young people***’. So… for this version, that is the language we have used.

**How will the General Comment get written**

Every General Comment is produced slightly differently. But with this one, the process has been like this:

* A draft outline was written by a consultant
* The Committee reviewed it and made some comments
* A revised draft was posted on the website of the Office of the High Commissioner for Human Rights with a request for submissions
* 70 submissions were sent in and consultations with young people reviewed
* A first draft was written
* A group of experts from all over the world meet to review the draft
* Young people at CATS review the draft and make recommendations
* A second draft is produced for the Committee to review and accept

Once it is written, it is published and translated into 6 languages - English, French, Spanish, Russian, Chinese and Arabic. All governments are then expected to take in into account in their laws, polices and how they allocate money and resources.

**What does the draft General Comment say?**

The General Comment covers:

* The aims of the General Comment
* Why it is important to focus on adolescents
* A principled approach to respecting rights of adolescents
* Young people who are discriminated against
* What governments must do to make sure young people’s rights are respected
  + General measures like budgets, training and money
  + Measures to respect young people’s rights - e.g. rights to information,
  + Measures to protect young people’s rights - e.g. from violence or exploitation
  + Measures to provide for young people’s - e.g. health care and education

**So here is a summary of the current draft……..**

**Summary of General Comment on the rights of adolescents**

**Introduction**

All rights in the Convention on the Rights of the Child apply to all children. But the way they are put into effect must be different for children of different ages. For example, a 17 year old needs faces different threats of violence than a 2 year old, so the ways to provide protection need to be different. A 14 year old needs different spaces to play than a 5 year old. But government often fails to give enough attention to older children. This General Comment has been produced to address this failure.

**What does the General Comment aim to do?**

Provide guidance on laws, policies and services to ensure the rights of young people;

Highlight the difficulties they face and the strengths they have;

Raise awareness of young people’s abilities and the importance of involving them in decisions that affect them;

Make the case for more investment in young people to promote their rights now and in the future.

**Why focus on young people**.

1 **Young people’s brains are still developing:** Many changes are happening during the teenage years: rapid physical growth, puberty, and new abilities, strengths and skills. There is very recent research on brain development in adolescence which shows that:

1. Their brains are growing very fast! During teenage years they get much better at decision-making, memory, being self and socially aware, grappling with complex ideas, and recognising other people’s perspectives. So… they are more able to take responsibility for decision-making and for the exercise of their rights.
2. But…. teenagers tend to be more likely to take risks, be impulsive and be influenced by their friends. All this is an important part of growing up and moving beyond the family, but can mean that they tend to focus on the here and now and not the future.
3. Because impulsive behaviour is a natural part of being a teenager, it is not fair to treat them as though they were adults. For example, they should not be punished like adults for things where being impulsive is normal part of growing up. It is important to continue to provide them with protection, while at the same time respecting that they can take more and more responsibility to daily decisions in their own lives.
4. Friendships are really important for teenagers. Time spent with friends needs to be encouraged, at it help teenagers build confidence, learn to make relationships, negotiate and deal with conflict. The downside is that being bullied and excluded hurts much more for teenagers as social approval from friends matters such a lot.
5. Teenagers begin to define who they are for themselves and to move away from how their parents see them - through their music, hair, clothes, style, language, behaviour, social media, politics, or religion. This can be harder for young people caught between two cultures - young people from migrant or indigenous communities.
6. Teenagers start to get interested in sex - and their bodies are changing rapidly as they become sexually mature. This is obviously a healthy and normal process. But, young teenagers, particularly, can be vulnerable to sexual and emotional abuse, and are likely to lack the power or experience to negotiate or make informed choices.

All this means that adolescence is a very important period. Obviously, teenagers develop in different ways and at different ages, and this is influenced by where and how they live. They are all unique. But it is very clear that enough is known about how they develop to show that there is a need for better laws, policies and services to support them during this period. And these need to guarantee their rights to protection, while at the same time recognising their abilities to become more independent.

2A difficult world:as teenagers are growing up, they can face huge challenges - violence and abuse, sexual or economic exploitation, trafficking, migration, radicalisation, recruitment into gangs or militias, substance use and addiction, lack of or poor quality education. And on reaching adulthood, they are going to have to deal with growing problems of poverty and inequality, climate change, urbanization and migration, and many humanitarian crises. They need the skills to equip them to face and tackle these difficulties.

3 **Invisibility of adolescent rights:** Teenagers tend to be ignored by governments unless they are thought to create a problem. Not enough research is done to find out about their lives. Politicans don’t usually consult them on what is happening in their lives and what needs to change. And they rarely have advocates to argue on their behalf. But their rights will not be met unless more attention is paid to them and their particular needs.

4 **A window of opportunity:** What happens during adolescence will have implications for teenagers for the rest of their lives. The costs of failure are high. It is bad for individual young people, and bad for society as a whole, to fail them during this important period in their lives. Young people are a real asset to societies. There is lots of evidence that they contribute to their families, communities and countries – for example, young people are involved in participatory budgeting, cutting edge social media, environmental campaigns, family support, peer education, community development initiatives, peace movements and creative arts. But any investment in young people must be about their rights now not just an investment for the future.

**A principled approach to young people**

Governments need to take account of all the following principles when they make laws, polices and programmes for teenagers.

**Respect for young people’s abilities:** As children grow older, they are more and more able to begin to take responsibility for decisions that affect them. Governments must not only recognise this, but also make sure that young people have every opportunity possible to develop as well as possible. They must make sure that teenagers are not exposed too early to risks and harm. It is important to provide a balance between respect for teenagers capacity to become more responsible and their right to be provided with protection.

**A positive approach:** Too often, teenagers are seen as difficult, threatening, challenging, immoral or criminal. And governments only ‘notice’ them when they present a challenge, for example, law-breaking, drug-taking or having sex. This negative approach needs to be challenged. Governments should recognise and build the positive sides of adolescence and help young people to thrive. And to thrive they need: safety; supportive relationships with adults; respect; secure support and guidance; opportunities to develop.

**An overall vision for young people:** Governments tend to act in a piecemeal way towards teenagers - only responding as problems arise, and with different departments acting in isolation. They need to work together to build an overall commitment to the rights of young people and to involve young people themselves in the development of all laws and policies that affect them.

**Supporting the move from childhood to adolescence and beyond**: How children are treated at each stage of their lives will have implications for their futures. What happens to very young children will make a difference to how they develop as teenagers. So a positive early childhood is very important. But this will be wasted if teenagers do not get enough care and attention. And bad experiences during adolescence can affect their development as they grow older. Smoking, harmful alcohol use, unhealthy diets, physical inactivity and risky sex are likely to cause long term problems. So governments need to take a life long approach to policies and programmes that recognise the importance of each stage of life.

**Non-discrimination and inclusion for all adolescents:** No young person must be discriminated against on any grounds. Sometimes just being a teenager can mean young people are discriminated against - picked on by the police, locked up, or exploited. Governments must bring an end to these practices.

**Best interests of adolescents:** All actions that affect young people must take their best interests into account - whether they affect them as individuals or as a group. And when they are deciding what is in the best interests of a young person, they must make sure that the views of that young person are heard and taken into account.

**Participation:** Governments must listen to young people on all matters that affect them. And they must take their views seriously. This applies to all children, but will become more and more important as they grow older. Young people need to be involved in the development of ALL laws, policies and services that are relevant to them at local, national and global levels. This must include measures to address climate change, dealing with humanitarian crises and the new Sustainable Development Goals.

**Recognition of the role of parents and care givers:** Parents and families are still important for young people as they grow up. Young people need security, support, and protection. This gets harder in the world of social media and the Internet. Young people often have very different experiences from those of their parents - and this makes it hard for parents to understand what is happening to their children. Governments need to recognise the importance of parents in the lives of teenagers and help them to provide the care they need in the face of the growing inter-generational difference of experience.

**Balancing protection and participation:** The needs of teenagers to, for example, health care, protection, play and recreation, information, or for freedom of association are very different from those of much younger children. Although the rights are the same, the way they are implemented need to take account of age. During teenage years, the need to balance protection and participation becomes very important. They need more independence and freedom. But they also need protection from violence, abuse, exploitation, trafficking, drug abuse. Governments need to make sure that they recognise this balance in the policies that affect young people.

**Vulnerable young people**

Some young people have more difficulty than others in having their rights respected, just because of who they are:

* **Girls:** Discrimination against girlsoften gets worse as they reach adolescence. They might face child marriage, early pregnancy, gender-based sexual and physical violence, abuse and exploitation. They can be denied education, confined to the home, denied the chance to play or access to cultural life and the arts, be burdened with domestic chores and child care responsibilities. Governments must tackle discrimination and violence against girls and promote equality with boys.
* **Boys**: Boys have problems too. They might face harmful initiation rites or harsh punishments, be exposed to violence, coerced into gangs, militia, extremist groups or face trafficking. Governments must take to end these rights abuses, challenge negative views of boys, and recognise ways in which they are vulnerable.
* **Young people with disabilities**: Young people with disabilities face prejudice, social isolation and discrimination. Most do not have secondary education or training so face a future of poverty and unemployment. They face high levels of violence and abuse, are often denied any sex education, might be forcibly sterilised, and are rarely able to get married or have children. Action is needed to remove these barriers so that young people with disabilities have the same chances as all other young people.
* **Lesbian, gay, bisexual, transgender and intersex adolescents (LGBTI):** Lesbian, gay, bisexual, transgender or intersex young people often face discrimination, rejection, violence, bullying, isolation and even rape and death. Governments must take action to protect all these groups from harm and never coerce them to change their sexuality. All laws which make it a crime to be or discriminate against homosexuality must be abolished.
* **Indigenous young people:** Young people from indigenous groups are more likely to commit suicide, be imprisoned, lack education or be forced into boarding schools. They face discrimination, poverty, and are often denied the right to speak their own language. Governments must take action to protect right of these young people and address the prejudice and discrimination they face.

**Actions governments must take**

**General measures**

* **Broad strategies for young people** must be producedwhich address all the rights of all young people, and build environments in which they can grow up well. The strategies must involve all government departments including protection, health and nutrition, education, social protection, employment, housing, environment, transport and finance. And they must involve young people at all stages in their development. Governments need to make sure young people know about the strategy and are also involved in monitoring its implementation.
* **Budgets** need to be adequate to provide for services for young people and they must available for young people to know what is being spent on their behalf.
* **Monitoring progress** is necessary to make sure that government do what they say they are going to do. Government need to do their own monitoring but other agencies like children’s rights commissioners, parliamentary committees, and young people themselves also need to monitor whether governments are keeping their promises.
* **Information must be disaggregated** so it is possible to see how the rights of different groups of young people are being respected. Governments need to do research, including with young people, to find out what is happening in their lives.
* **Training** on the Convention on the Rights of the Child must be provided for all professionals working with and for adolescents, and especially on their rights to participate and take growing responsibility for their own lives.
* **Birth registration** becomes especially important for young people. Without official identification documents, they may be forced into marriage or work or be conscripted into the armed forces, before the age permitted in law. They may be prosecuted as adults or unable to claim social assistance or obtain a passport. There must be a national system of free universal birth registration.

**Specific actions governments must take**

**a) Respect for rights**

* **Right to information:** All young people must have information about their rights and how to exercise them
* **Access to media:** All young people must have access to the media, including Internet and social media.
* **Right to participation:** Governments must be required by law to consult with young people in all relevant laws, policies and programmes. Safe complaints mechanisms must also be available for all young people. And governments must ensure that young people have the information and space they need to express their views and have them taken seriously. Young people must given support to create child or youth clubs, youth parliaments, children’s unions, and online networks, where they can organise themselves and do the things they want to do. They must also be able to be heard on individual matters like health and education, and in any court hearings.
* **Agency and exercise of rights**: Governments must recognise young people’s capabilities and introduce laws which recognise their right to make relevant decisions about their own lives - for example legal age limits for consent to health treatment, sexual consent, access to confidential counselling and testing, freedom of religion, consent to adoption, applications to family courts, initiation rites or the right to vote.
* **Freedom of association**: Young people must have the right to meet with their friends, join political parties, unions, form their own associations and have safe places where they can meet up.
* **Privacy and confidentiality**: Young people must have privacy in medical treatment, letters, records held by health authorities, justice systems or social services. Governments should also encourage press and media to address the negative way young people are often reported on.

b) **Protection of rights**

* **Protective age limits:** Although young people need to have more and more opportunities to take decisions for themselves as they grow older, they are still entitled to be protected. Laws should not expose young people to adult responsibilities too early. This is not in their best interests. Government should therefore make sure that the law protects all young people by raising the minimum age to :
  + 16 for marriage for both boys and girls if parents’ consent and 18 without consent;
  + Gradual increase to 18 for criminal responsibility so young people are not exposed to adult law before they reach an age when they can fully understand the consequences of their actions;
  + 18 for military recruitment and training;
  + 18 for hazardous work (16 years for other forms of child work);
  + 18 for use of alcohol and tobacco.
* **Online protection**: The Internet offers huge opportunities for young people but can also expose them to risk and harm -for example, online pornography and fraud, cyberbullying, grooming for sexual exploitation and targeting by terrorist groups. Governments must introduce legislation to provide adequate protection, but recognise that the best way to protect is to help young people to protect themselves. Young people should be involved in the design of any protective programmes, including training in online safety for parents and professionals, technical solutions for prevention and protection, child friendly complaints mechanisms, and help-lines.
* **Protection from violence:** Young people must be guaranteed, through laws, training and services, the right to protection from all forms of violence and exploitation. Young people are particularly vulnerable to harmful practices, such as forced child marriages, female genital mutilation/cutting, harmful initiation rites, and ‘honour’ killings. All possible measures must be introduced to bring an end to these practices.
* **Adolescents without family protection:** Many young people are forced to grow up without protection of a familyand face real threats to their safety and development:
  + **Migration**: Growing numbers of young people migrate to find a better life. But migration can also bring real dangers, like discrimination, xenophobia, economic exploitation, immigration raids and detention. Many young people find themselves without education, housing, or health care. Governments must provide protection for unaccompanied migrants and asylum seekers that promotes their best interests.
  + **Trafficking**: Many young people are at risk of being trafficked, for labour, as well as sexual exploitation. Government must introduce measures to track these young people and make proper provision to protect them, as well as raising awareness about the risks. They should sign up to all the international provisions that exist to protect young people from trafficking.
  + **Conflict and crisis:** Young people areespecially vulnerable in situations of emergency or crisis. Many end up having to take on adults responsibilities. They may face sexual violence, forced and early marriage, trafficking, and lose the chance of education, skills training and employment. Despite this, not enough attention is paid to their rights when crises happen. Governments must do more to involve young people in developing protection systems, reconciliation and peace-building processes and post conflict reconstruction
  + **Adolescents in large institutions:** Lots of young people are forced to live in institutions in which many of their rights are violated. Even if they leave care once they get older, they are very vulnerable. They have no family to support them, and have often not learned the skills needed to get on in life. Governments must end the practice of putting children in large institutions. But for those that are living in them now, they must be provided with help towards independence to make sure they can survive once they leave.
* **Recruitment into conflict:** It should be a criminal offence to recruit young people into armed forces, terrorist groups and militia. Government must also help young people who are recruited to be released, recover and be reintegrated. Any sexual abuse and exploitation of young people forced into militia must be investigated and perpetrators punished. Research is needed with young people to find out what drives them to join terrorist groups.
* **Recruitment into gangs**: Young people in some parts of the world get drawn into gangs. These gangs can sometimes provide them with a source of livelihood, protection, and a sense of identity which might not be possible otherwise. But they also expose young people to violence, drugs and danger. Governments usually treat gang members as criminals. But they should respond more positively by understanding why young people join gangs providing help to leave the gangs, and be supported to get counselling, education work and housing.
* **Adolescents with adult responsibilities:** Lots of young people have to take on adult responsibilities like work, marriage, child bearing or looking after younger brothers and sisters. Whether this happens because of poverty, cultural traditions, inequality, discrimination or conflict, governments must take action to bring an end to situations which force young people into these roles. They must also take action to make sure that young people already carrying these responsibilities are protected and helped.
* **Illegal drugs and substances**: Teenagers often start exploring with both legal and illegal harmful substances: it is an age when they want to experiment with new things. Governments need to protect young people from harm and exploitation by companies producing legal drugs - for example, prohibiting direct targeting of alcohol and cigarettes to teenagers. Young people should also be provided with accurate information about substance abuse, including tobacco and alcohol. Governments should introduce youth-friendly drug dependence treatment and harm reduction services as well as life skills education. Rehabilitation services are needed for those already addicted to drugs.
* **Justice for adolescents**: Many young people are at risk of either getting involved in or being a victim of crime. Governments need to take action to reduce their vulnerability to criminal assaults and participation in crime, as well as their right to access to justice. Most young people involved in crime are from poor and disadvantaged families. They need help to find more positive ways of surviving, to help them avoid criminal activity. Governments should find ways of dealing with the causes of crime not just punishing young people. They should recognise that risk taking and impulsive behaviour is normal for young people and it is better to divert them away from crime than imposing harsh punishments. The death penalty and life sentences must be banned for everyone under 18 years.

**c) Fulfilment of rights**

* **Education:** Good quality primary and secondary education for all young people is vital. For girls, for example, staying in school can protect them from early marriage, pregnancy, or sexual exploitation. But too many young people, particularly those who are poor, girls, or those disabilities, drop out of school before reaching secondary level. Governments need to make a strong commitment to getting rid of the barriers that prevent any young people from getting a full education. This might include:
  + providing financial help
  + practical support for young people with disabilities
  + removing the barriers that stop young people with disabilities getting to school
  + awareness raising about the importance of school for girls
  + access to safe toilets and hygiene in schools
  + ending harsh physical punishments
  + introducing changes to old fashioned and boring teaching methods
  + making the curriculum more relevant and interesting
  + involving young people in their own learning and in the way the school is run
  + providing opportunities to learn through discovery and exploration, working together with their fellow students.
* **Transitions from education**: Young people must have opportunities for training and employment once they leave school. Governments should introduce support to help young people make the transition from school to work and to get the skills they need for work in the 21st century, as well as the skills to cope with working life, make effective choices and understand their rights in the field of work.
* **Play, recreation and the arts**: Governments must recognise the rights of young people to play, recreation, arts and culture which are important both for fun and enjoyment but also for their development. Many teenagers, especially girls, are denied these rights. People often object to them hanging around to meet their friends in public spaces. Governments should not only invest in making spaces available for young people to meet up, play sports and socialise but should also challenge negative attitudes towards young people.
* **Health services:** Health services are not usually designed for young people and too little effort is made to deal with their health needs, such as mental illness, sexual and reproductive health, substance use and accidents. They are often treated badly by doctors and nurses. Governments should work with young people to find out what health services they need and how to encourage young people to use them.
* **Health promotion:** Most illness and death among young people is preventable and caused by poverty, as well as their own behaviours and activities. Suicide, self harm, eating disorders and depression are the main causes of ill health among young people. Rather than a medical approach, governments should invest in measures that will promote better mental health. This might include support from key adults, an adequate standard of living, access to quality secondary education, freedom from violence, opportunities for influence and decision-making, and safe and healthy local environments.
* **Sexual and reproductive health:** Governments must introduce sexual and reproductive health information and services for all young people, including family planning, counselling, maternal care, menstrual hygiene, sexually transmitted infections, diagnosis and treatment, contraception and safe abortion where it is not against the law.Young people should not have to get permission from a parent or husband (if they are married young) to get such help. Governments are encouraged to de-criminalise abortion. Sexual and reproductive health education should be mandatory in the school curriculum.
* **HIV/AIDS:** Teenagers are the only age group where deaths from AIDS are going up. Young people are less likely than adults to get treatment, and if they do, they often face stigma and discrimination. Girls suffer worst, with two-thirds of new infections, mainly because of discrimination, sex with older men and partner violence. Gay and bisexual boys, and young people who are transgender, who sell sex or inject drugs are also more at risk. Governments must provide young people with access to HIV testing, prevention and treatment programmes, and sexual and reproductive health services. Young people must be involved in the development of these programmes.
* **Injuries/safe environment:** injuries and accidents are a leading cause of death and disability among young people from, for example, road traffic accidents, drowning, burns, falls and poisoning. Governments should reduce the risks of accidents through measures including laws requiring protective equipment, making the environment safer, drink-driving policies and licensing; and education to raise awareness of risks.

**International cooperation**

Governments should co-operate to share knowledge, research and resources to make sure that the rights of all young people in all countries are protected as fully as possible. International organisations such as the UN and the World Bank should also provide resources to promote the rights of young people.

**Dissemination**

The General Comment should be written in adolescent friendly language and circulated widely so that all young people know what it says and what action their government should be taking to protect their rights.