



**Convention on the  
Rights of the Child**

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**Committee on the Rights of the Child**

**General comment No. 20 (2016) on the  
implementation of the rights of the child  
during adolescence**

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## I. Introduction

1. The Convention on the Rights of the Child defines a child as every human being below the age of 18 years unless under the law applicable to the child majority is attained earlier, and emphasizes that States should respect and ensure the rights embodied in the Convention to each child within their jurisdiction without discrimination of any kind. While the Convention recognizes the rights of all persons under 18 years, the implementation of rights should take account of children's development and their evolving capacities. Approaches adopted to ensure the realization of the rights of adolescents differ significantly from those adopted for younger children.

2. Adolescence is a life stage characterized by growing opportunities, capacities, aspirations, energy and creativity, but also significant vulnerability. Adolescents are agents of change and a key asset and resource with the potential to contribute positively to their families, communities and countries. Globally, adolescents engage positively in many spheres, including health and education campaigns, family support, peer education, community development initiatives, participatory budgeting and creative arts, and make contributions towards peace, human rights, environmental sustainability and climate justice. Many adolescents are at the cutting edge of the digital and social media environments, which form an increasingly central role in their education, culture and social networks, and hold potential in terms of political engagement and monitoring accountability.

3. The Committee observes that the potential of adolescents is widely compromised because States parties do not recognize or invest in the measures needed for them to enjoy their rights. Data disaggregated by age, sex and disability are not available in most countries to inform policy, identify gaps and support the allocation of appropriate resources for adolescents. Generic policies designed for children or young people often fail to address adolescents in all their diversity and are inadequate to guarantee the realization of their rights. The costs of inaction and failure are high: the foundations laid down during adolescence in terms of emotional security, health, sexuality, 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. In the present general comment, the Committee provides guidance to States on the measures necessary to ensure the realization of the rights of children during adolescence, cognizant also of the 2030 Agenda for Sustainable Development. It highlights the importance of a human rights-based approach that includes recognition and respect for the dignity and agency of adolescents; their empowerment, citizenship and active participation in their own lives; the promotion of optimum health, well-being and development; and a commitment to the promotion, protection and fulfilment of their human rights, without discrimination.

5. The Committee recognizes that adolescence is not easily defined, and that individual children reach maturity at different ages. Puberty occurs at different ages for boys and girls, and different brain functions mature at different times. The process of transitioning from childhood to adulthood is influenced by context and environment, as reflected in the wide variation in cultural expectations of adolescents in national legislations, which afford different thresholds for entry into adult activities, and across international bodies, which employ a variety of age ranges to define adolescence. The present general comment does not seek, therefore, to define adolescence, but instead focuses on the period of childhood from 10 years until the 18th birthday to facilitate consistency in data collection.<sup>1</sup>

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<sup>1</sup> See [www.who.int/maternal\\_child\\_adolescent/topics/adolescence/dev/en/](http://www.who.int/maternal_child_adolescent/topics/adolescence/dev/en/).

6. The Committee notes that several of its general comments have a particular resonance for adolescents, notably those relating to adolescent health and development, HIV/AIDS, eradicating practices that are harmful to women and children, unaccompanied and separated children and juvenile justice. The Committee emphasizes the particular significance for adolescents of the recommendations arising from the day of general discussion on digital media and children's rights. The present general comment has been developed to provide an overview on how the Convention in its entirety needs to be understood and implemented in respect of all adolescents and should be read together with other general comments and with documents arising from the day of general discussion.

## **II. Objectives**

7. The objectives of the present general comment are:

(a) To provide States with guidance on the legislation, policies and services needed to promote comprehensive adolescent development consistent with the realization of their rights;

(b) To raise awareness of the opportunities afforded by and challenges faced during adolescence;

(c) To enhance understanding of and respect for the evolving capacities of adolescents and the implications for the realization of their rights;

(d) To strengthen the case for greater visibility and awareness of adolescents and for investment to enable them to realize their rights throughout the course of their lives.

## **III. The case for a focus on adolescents**

8. The Committee draws States parties' attention to the powerful case for a focus on adolescents to promote the realization of their rights, strengthen their potential contribution to positive and progressive social transformation and overcome the challenges they face in the transition from childhood to adulthood in an increasingly globalized and complex world.

9. Adolescents are on a rapid curve of development. The significance of the developmental changes during adolescence has not yet been as widely understood as that which occurs in early years. Adolescence is a unique 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. Adolescents experience greater expectations surrounding their role in society and more significant peer relationships as they transition from a situation of dependency to one of greater autonomy.

10. As they move through their second decade, children begin to explore and forge their own individual and community identities on the basis of a complex interaction with their own family and cultural history, and experience the creation of an emergent sense of self, often expressed through language, arts and culture, both as individuals and through association with their peers. For many, that process takes place around and is significantly informed and influenced by their engagement with the digital environment. The process of construction and expression of identity is particularly complex for adolescents as they create a pathway between minority and mainstream cultures.

### **Recognizing adolescence as part of the life course**

11. In order to ensure the optimum development of every child throughout childhood, it is necessary to recognize the impact that each period of life has on subsequent stages. Adolescence is a valuable period of childhood in its own right but is also a critical period of transition and opportunity for improving life chances. Positive early childhood interventions and experiences facilitate optimal development as young children become adolescents.<sup>2</sup> However, any investment in young people risks being wasted if their rights throughout adolescence do not also receive adequate attention. Furthermore, positive and supportive opportunities during adolescence can be used to offset some of the consequences caused by harm suffered during early childhood, and build resilience to mitigate future damage. The Committee therefore underlines the importance of a life-course perspective.

### **Challenging environment**

12. Reaching adolescence can mean exposure to a range of risks, reinforced or exacerbated by the digital environment, including substance use and addiction, violence and abuse, sexual or economic exploitation, trafficking, migration, radicalization or recruitment into gangs or militias. As they approach adulthood, adolescents need suitable education and support to tackle local and global challenges, including poverty and inequality, discrimination, climate change and environmental degradation, urbanization and migration, ageing societies, pressure to perform in school 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 coexistence. Investment is needed in measures to strengthen the capacities of adolescents to overcome or mitigate those challenges, address the societal drivers serving to exclude and marginalize them and equip them to face challenging and changing social, economic and digital environments.

### **Period of health risks**

13. Although adolescence is generally characterized by relatively low mortality compared to other age groups, the risk of death and disease during the adolescent years is real, including from preventable causes such as childbirth, unsafe abortions, road traffic accidents, sexually transmitted infections, including HIV, interpersonal injuries, mental ill health and suicide, all of which are associated with certain behaviours and require cross-sectoral collaboration.

## **IV. General principles of the Convention**

14. The general principles of the Convention provide the lens through which the process of implementation should be viewed, and act as a guide for determining the measures needed to guarantee the realization of the rights of children during adolescence.

### **A. Right to development**

#### **Positive and holistic approach**

15. The Committee emphasizes the importance of valuing adolescence and its associated characteristics as a positive developmental stage of childhood. It regrets the widespread negative characterization of adolescence leading to narrow problem-focused interventions

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<sup>2</sup> See Committee on the Rights of the Child general comment No. 7 (2005) on implementing child rights in early childhood, para. 8.

and services, rather than a commitment to building optimum environments to guarantee the rights of adolescents and support the development of their physical, psychological, spiritual, social, emotional, cognitive, cultural and economic capacities.

16. States, together with non-State actors, through dialogue and engagement with adolescents themselves, should promote environments that acknowledge the intrinsic value of adolescence and introduce measures to help them to thrive, explore their emerging identities, beliefs, sexualities and opportunities, balance risk and safety, build capacity for making free, informed and positive decisions and life choices, and successfully navigate the transition into adulthood. An approach is required that builds on strengths and recognizes the contribution that adolescents can bring to their lives and those of others, while addressing the barriers that inhibit those opportunities.

17. Factors known to promote the resilience and healthy development of adolescents include: (a) strong relationships with and support from the key adults in their lives; (b) opportunities for participation and decision-making; (c) problem-solving and coping skills; (d) safe and healthy local environments; (e) respect for individuality; and (f) opportunities for building and sustaining friendships. The Committee emphasizes that opportunities for adolescents to build and benefit from such social assets will enhance their capacities to contribute to the realization of their rights, including by maintaining good physical and mental health, avoiding risky behaviour, recovering from adversity, succeeding in school, showing tolerance, creating friendships and exercising leadership.

#### **Respect for evolving capacities**

18. Article 5 of the Convention requires that parental direction and guidance be 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, understanding<sup>3</sup> and increasing levels of agency to take responsibility and exercise their rights. The Committee has argued that the more a child knows and understands, the more his or her parents will have to transform direction and guidance into reminders and gradually to an exchange on an equal footing.<sup>4</sup>

19. The Committee emphasizes that the right to exercise increasing levels of responsibility does not obviate States' obligations to guarantee protection.<sup>5</sup> Gradual emergence from the protection of the family or another care environment, together with relative inexperience and lack of power, can render adolescents vulnerable to violations of their rights. The Committee stresses that engaging adolescents in the identification of potential risks and the development and implementation of programmes to mitigate them will lead to more effective protection. By being guaranteed the right to be heard, to challenge rights violations and to seek redress, adolescents are enabled to exercise agency progressively in their own protection.

20. In seeking to provide an appropriate balance between respect for the evolving capacities of adolescents and appropriate levels of protection, consideration should be given to a range of factors affecting decision-making, including 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.

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<sup>3</sup> Ibid., para. 17.

<sup>4</sup> See general comment No. 12 (2009) on the right of the child to be heard, para. 84.

<sup>5</sup> See, e.g., articles 32-39 of the Convention.

## B. Non-discrimination

21. 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.<sup>6</sup> 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. Paradoxically, they are also often treated as incompetent and incapable of making decisions about their lives. The Committee urges States to ensure that all of the rights of every adolescent boy and girl are afforded equal respect and protection 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.<sup>7</sup> 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 that is legitimate under the Convention.<sup>8</sup>

## C. Best interests

22. The right of the child to have his or her best interests taken into account as a primary consideration is a substantive right, an interpretative legal principle and a rule of procedure, and it applies to children both as individuals and as a group.<sup>9</sup> All measures of implementation of the Convention, including legislation, policies, economic and social planning, decision-making and budgetary decisions, should follow procedures that ensure that the best interests of the child, including adolescents, are taken as a primary consideration in all actions concerning them. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee stresses that, when determining best interests, the child's views should be taken into account, consistent with their evolving capacities<sup>10</sup> and taking into consideration the child's characteristics. States parties need to ensure that appropriate weight is afforded to the views of adolescents as they acquire understanding and maturity.

## D. Right to be heard and to participation

23. In accordance with article 12 of the Convention, States parties should introduce measures to guarantee adolescents the right to express views on all matters of concern to them, in accordance with their age and maturity, and ensure they are given due weight, for example, in decisions relating to their education, health, sexuality, family life and judicial and administrative proceedings. States should ensure that adolescents are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programmes affecting their lives, at school and at the community, local, national and international levels.<sup>11</sup> The online environment provides significant emerging opportunities for strengthening and expanding their engagement. The measures should be accompanied by the introduction of safe and accessible complaint and redress mechanisms with the

<sup>6</sup> See [www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf](http://www2.ohchr.org/english/issues/women/rapporteur/docs/15YearReviewofVAWMandate.pdf).

<sup>7</sup> See general comment No. 5 (2003) on general measures of implementation of the Convention, para. 12.

<sup>8</sup> See Human Rights Committee general comment No. 18 (1989) on non-discrimination, para. 147.

<sup>9</sup> See Committee on the Rights of the Child general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, para. 6.

<sup>10</sup> See general comment No. 12, paras. 70-74, and No. 14, paras. 43-45.

<sup>11</sup> See general comment, No. 12, para. 27.

authority to adjudicate claims made by adolescents, and by access to subsidized or free legal services and other appropriate assistance.

24. The Committee emphasizes 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, and hold States accountable. States should adopt policies to increase opportunities for political participation, which is instrumental in the development of active citizenship. Adolescents can connect with peers, engage in political processes and increase their sense of agency to make informed decisions and choices, and therefore need to be supported in forming organizations through which they can participate in a variety of means, including digital media. If States decide to lower the voting age to under 18 years, they should invest in measures that support adolescents to understand, recognize and fulfil their role as active citizens, including through citizenship and human rights education and by identifying and addressing barriers to their engagement and participation.

25. The Committee notes that adults' understanding and awareness of adolescents' right to participation is important for adolescents' enjoyment of that right, and it encourages States to invest in training and awareness-raising, particularly for parents and caregivers, professionals working with and for adolescents, policymakers and decision makers. Support is needed to enable adults to become mentors and facilitators so that adolescents can take greater responsibility for their own lives and the lives of those around them.

## **V. Adolescents requiring particular attention**

26. Certain groups of adolescents may be particularly subject to multiple vulnerabilities and violations of their rights, including discrimination and social exclusion. All measures taken in respect of legislation, policies and programmes focused on adolescents should take into consideration intersecting violations of rights and the compounded negative effects on the adolescents concerned.

### **Girls**

27. During adolescence, gender inequalities become more significant. Manifestations of discrimination, inequality and stereotyping against girls often intensify, leading to more serious violations of their rights, including child and forced marriage, early pregnancy, female genital mutilation, gender-based physical, mental and sexual violence, abuse, exploitation and trafficking.<sup>12</sup> Cultural norms ascribing lower status to girls can increase the likelihood of confinement to the home, lack of access to secondary and tertiary education, limited opportunities for leisure, sport, recreation and income generation, lack of access to cultural life and the arts, burdensome domestic chores and childcare responsibilities. In many countries, girls report lower levels of health and life satisfaction indicators than boys, a difference that gradually increases with age.

28. States need to invest in proactive measures to promote the empowerment of girls, challenge patriarchal and other harmful gender norms and stereotyping and legal reforms in order to address direct and indirect discrimination against girls, in cooperation with all stakeholders, including civil society, women and men, traditional and religious leaders and adolescents themselves. Explicit measures are needed in all laws, policies and programmes to guarantee the rights of girls on an equal basis with boys.

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<sup>12</sup> See A/HRC/26/22, para. 21.



## Boys

29. Traditional concepts of masculinity and gender norms linked to violence and dominance can compromise boys' rights. These include the imposition of harmful initiation rites, exposure to violence, gangs, coercion into militia, extremist groups and trafficking. The denial of their vulnerability to physical and sexual abuse and exploitation also poses pervasive and significant barriers to boys gaining access to sexual and reproductive health information, goods and services, and a consequent lack of protective services.

30. The Committee urges States to introduce measures to address such rights violations, and encourages them to challenge negative perceptions of boys, promote positive masculinities, overcome cultural values based on machismo and promote greater recognition of the gender dimension of the abuses they experience. States should also recognize the importance of engaging with boys and men, as well as girls and women, in all measures introduced to achieve gender equality.

## Adolescents with disabilities

31. The Committee has previously highlighted the widespread prejudice, exclusion, social isolation and discrimination faced by many children with disabilities.<sup>13</sup> Adolescents with disabilities are, in many States, commonly excluded from opportunities available to other adolescents. They can be barred from participating in social, cultural and religious rites of passage. Significant numbers are denied access to secondary or tertiary education or vocational training, and consequent acquisition of the social, educational and economic skills necessary for future employment and freedom from poverty. They are widely denied access to sexual and reproductive health information and services and may be subjected to forced sterilization or contraception, which is in direct violation of their rights and can amount to torture or ill-treatment.<sup>14</sup> Adolescents with disabilities are disproportionately vulnerable to physical and sexual violence, as well as child or forced marriage, and are routinely denied access to justice or redress.<sup>15</sup>

32. States parties should introduce measures to overcome such barriers, guarantee equal respect for the rights of adolescents with disabilities, promote their full inclusion and facilitate effective transitions from adolescence to adulthood, consistent with article 23 of the Convention and the recommendations in general comment No. 9 (2006) on the rights of children with disabilities. Adolescents with disabilities should, in addition, be provided with opportunities for supported decision-making in order to facilitate their active participation in all matters concerning them.

## Lesbian, gay, bisexual, transgender and intersex adolescents

33. Adolescents who are lesbian, gay, bisexual, transgender and intersex commonly face persecution, including abuse and violence, stigmatization, discrimination, bullying, exclusion from education and training, as well as a lack of family and social support, or access to sexual and reproductive health services and information.<sup>16</sup> In extreme cases, they face sexual assault, rape and even death. These experiences have been linked to low self-esteem, higher rates of depression, suicide and homelessness.<sup>17</sup>

<sup>13</sup> See general comment No. 9 (2006) on the rights of children with disabilities, paras. 8-10.

<sup>14</sup> See A/HRC/22/53.

<sup>15</sup> See A/66/230, paras. 44-49.

<sup>16</sup> See statement dated 13 May 2015 by the Committee of the Rights of the Child and other United Nations and regional human rights mechanisms, available from [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15941&LangID=E).

<sup>17</sup> Ibid.

34. The Committee emphasizes the rights of all adolescents to freedom of expression and respect for their physical and psychological integrity, gender identity and emerging autonomy. It condemns the imposition of so-called “treatments” to try to change sexual orientation and forced surgeries or treatments on intersex adolescents. It urges States to eliminate such practices, repeal all laws criminalizing or otherwise discriminating against individuals on the basis of their sexual orientation, gender identity or intersex status and adopt laws prohibiting discrimination on those grounds. States should also take effective action to protect all lesbian, gay, bisexual, transgender and intersex adolescents from all forms of violence, discrimination or bullying by raising public awareness and implementing safety and support measures.

#### **Minority and indigenous adolescents**

35. The inadequate attention paid to and the insufficient respect shown for the cultures, values and world vision of adolescents from minority and indigenous groups can lead to discrimination, social exclusion, marginalization and non-inclusion in public spaces. This increases the vulnerability of minority and indigenous adolescents to poverty, social injustice, mental health issues, including disproportionately high suicide rates, poor educational outcomes and high levels of detention within the criminal justice system.

36. The Committee urges States parties to introduce measures to support adolescents from minority and indigenous communities so that they can enjoy their cultural identities and build on the strengths of their cultures to become active contributors to family and community life, paying particular attention to the rights of adolescent girls. In so doing, States should address the comprehensive recommendations contained in the Committee’s general comment No. 11 (2009) on indigenous children and their rights under the Convention.

## **VI. General measures of implementation**

37. In accordance with general comments No. 5 (2003) on general measures of implementation of the Convention (arts. 4, 42 and 44, para. 6) and No. 19 (2016) on public budgeting for the realization of children’s rights (art. 4), the Committee draws attention to States parties’ obligations to implement the following measures to establish the framework for the realization of the rights of children during adolescence. The experience and perspectives of adolescents themselves should be fully recognized and taken seriously in the development of all such measures, including:

(a) Comprehensive and multisectoral national strategies rooted in the Convention, with a dedicated focus on adolescents, to address the structural social and economic roots underlying the rights violations adolescents face and ensure a coordinated approach across government ministries;

(b) Monitoring implementation to ensure that the rights of adolescents are respected in legislation, policy and services;

(c) Collecting data disaggregated at a minimum by age, sex, disability, ethnicity and socioeconomic condition, to render the lives of adolescents visible, the Committee recommends that States agree on common indicators against which to monitor progress in the implementation of adolescents’ rights;

(d) Transparent budgetary commitments to ensure that adolescents are duly considered when balancing competing spending priorities and complying with the principles of sufficiency, effectiveness, efficiency and equality;

(e) Training for all professionals working with and for adolescents on the Convention and its associated obligations, with a focus on the competencies needed to work with adolescents in accordance with their evolving capacities;

(f) Dissemination of accessible information about children's rights and how to exercise them through, *inter alia*, the school curriculum, the media, including digital media, and public information materials, making particular efforts to reach out to adolescents in marginalized situations.

## VII. Definition of the child

38. The Convention prohibits any gender-based discrimination, and age limits should be equal for girls and boys.

39. States should review or introduce legislation recognizing the right of adolescents to take increasing responsibility for decisions affecting their lives. The Committee recommends that States introduce minimum legal age limits, consistent with the right to protection, the best interests principle and respect for the evolving capacities of adolescents. For example, age limits should recognize the right to make decisions in respect of health services or treatment, consent to adoption, change of name or applications to family courts. In all cases, the right of any child below that minimum age and able to demonstrate sufficient understanding to be entitled to give or refuse consent should be recognized. The voluntary and informed consent of the adolescent should be obtained whether or not the consent of a parent or guardian is required for any medical treatment or procedure. Consideration should also be given to the introduction of a legal presumption that adolescents are competent to seek and have access to preventive or time-sensitive sexual and reproductive health commodities and services. The Committee emphasizes that all adolescents have the right to have access to confidential medical counselling and advice without the consent of a parent or guardian, irrespective of age, if they so wish. This is distinct from the right to give medical consent and should not be subject to any age limit.<sup>18</sup>

40. The Committee reminds States parties of the obligation to recognize that persons up to the age of 18 years are entitled to continuing protection from all forms of exploitation and abuse. It reaffirms that the minimum age limit should be 18 years for marriage, recruitment into the armed forces, involvement in hazardous or exploitative work and the purchase and consumption of alcohol and tobacco, in view of the degree of associated risk and harm. States parties should take into account the need to balance protection and evolving capacities, and define an acceptable minimum age when determining the legal age for sexual consent. States should avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity.

## VIII. Civil rights and freedoms

### Birth registration

41. The lack of birth registration can result in significant additional complications during adolescence, such as the denial of basic services, the inability to prove nationality or receive an identification document, a heightened risk of being exploited or trafficked, a lack of necessary safeguards in the criminal justice and immigration systems and the underage conscription into the armed forces. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration.

<sup>18</sup> See general comment No. 12, para. 101.

**Freedom of expression**

42. Article 13 of the Convention affirms that children have the right to freedom of expression and that the exercise of that right may be subject only to the restrictions set out in article 13 (2). The obligation of parents and caregivers to provide appropriate guidance in accordance with the evolving capacities of adolescents should not interfere with adolescents' right to freedom of expression. Adolescents have the right to seek, receive and impart information and ideas and use the means of their dissemination, including spoken, written and sign language and such non-verbal expression as images and objects of art. Means of expression include, for example, books, newspapers, pamphlets, posters, banners, digital and audiovisual media, as well as dress and personal style.

**Freedom of religion**

43. The Committee urges States parties to withdraw any reservations to article 14 of the Convention, which highlights the right of the child to freedom of religion and recognizes the rights and duties of parents and guardians to provide direction to the child in a manner consistent with his or her evolving capacities (see also art. 5). 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. Freedom of religion should be respected in schools and other institutions, including with regard to choice over attendance in religious instruction classes, and discrimination on the grounds of religious beliefs should be prohibited.<sup>19</sup>

**Freedom of association**

44. Adolescents want and need to spend an increasing amount of 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 recognized within the school and learning environment, recreational and cultural activities and opportunities for social, civic, religious and political engagement.

45. States should guarantee that adolescents' right to freedom of association and peaceful assembly in all its forms is fully respected, consistent with the restrictions delineated in article 15 (2) of the Convention, including through the provision of safe spaces for both girls and boys. Legal recognition should be afforded to adolescents to establish their own associations, clubs, organizations, parliaments and forums, both in and out of school, form online networks, join political parties and join or form their own trade unions. Measures should also be introduced to protect adolescent human rights defenders, particularly girls, who often face gender-specific threats and violence.

**Privacy and confidentiality**

46. The right to privacy takes on increasing significance during adolescence. The Committee has repeatedly raised concerns about violations of privacy in respect of, for example, confidential medical advice; space for and belongings of adolescents in institutions; correspondence and other communications, either in the family or other forms of care; and exposure of those involved in criminal proceedings.<sup>20</sup> The right to privacy also

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<sup>19</sup> See, for example, CRC/C/15/Add.194, paras. 32 and 33, and CRC/C/15/Add.181, paras. 29 and 30.

<sup>20</sup> See United Nations Children's Fund (UNICEF), *Implementation Handbook on the Convention on the Rights of the Child* (2007), pp. 203-211. Available from [www.unicef.org/publications/files/Implementation\\_Handbook\\_for\\_the\\_Convention\\_on\\_the\\_Rights\\_of\\_the\\_Child\\_Part\\_1\\_of\\_3.pdf](http://www.unicef.org/publications/files/Implementation_Handbook_for_the_Convention_on_the_Rights_of_the_Child_Part_1_of_3.pdf).

entitles adolescents to have access to their records held by educational, health-care, childcare and protection services and justice systems. Such information should only be accessible in compliance with due process guarantees and to individuals authorized by law to receive and use it.<sup>21</sup> States should, through dialogue with adolescents, ascertain where breaches of privacy have taken place, including in relation to personal engagement in the digital environment and the use of data by commercial and other entities. States should also take all appropriate measures to strengthen and ensure respect for the confidentiality of data and the privacy of adolescents, consistent with their evolving capacities.

### **Right to information**

47. Access to information encompasses all forms of media but particular attention needs to be given to the digital environment, as adolescents increasingly use mobile technology and as social and digital media become the primary means through which they communicate and receive, create and disseminate information. Adolescents use the online environment, inter alia, to explore their identity, learn, participate, express opinions, play, socialize, engage politically and discover employment opportunities. In addition, the Internet provides opportunities for gaining access to online health information, protective support and sources of advice and counselling and can be utilized by States as a means of communicating and engaging with adolescents. The ability to access relevant information can have a significant positive impact on equality. The recommendations from the days of general discussion on the media in 1996 and 2014 have particular resonance for adolescents.<sup>22</sup> States should adopt measures to ensure that all adolescents have access, without discrimination, to different forms of media and support and promote equal access to digital citizenship, including through the promotion of accessible formats for adolescents with disabilities. Training and support should be provided as part of the basic education curriculum to ensure the development of adolescents' digital, information and media and social literacy skills.<sup>23</sup>

48. The digital environment can also expose adolescents to risks, such as online fraud, violence and hate speech, sexist speech against girls and lesbian, gay, bisexual, transgender and intersex adolescents, cyberbullying, grooming for sexual exploitation, trafficking and child pornography, over-sexualization and targeting by armed or extremist groups. This should not however restrict adolescents' access to the digital environment. Instead, their safety should be promoted through holistic strategies, including digital literacy with regard to online risks and strategies for keeping them safe, strengthened legislation and law enforcement mechanisms to tackle abuse online and fight 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, including through peer mentoring. Investment is needed in the development of technological solutions on prevention and protection and the availability of assistance and support. States are encouraged to require businesses to undertake child-rights due diligence with a view to identifying, preventing and mitigating the impact of risks on children's rights when using digital media and information and communications technology.

<sup>21</sup> See Human Rights Committee general comment No. 16 (1988) on the right to privacy, paras. 2-4.

<sup>22</sup> For 2014 discussion, see [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD\\_report.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD_report.pdf); for 1996 discussion, see [www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1996.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1996.pdf).

<sup>23</sup> See [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD\\_report.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2014/DGD_report.pdf), para. 95.

## **IX. Violence against children**

### **Protection from all forms of violence**

49. The Committee refers States parties to the recommendations in general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 18 (2014) on harmful practices for comprehensive legislative, administrative, social and educational measures to bring an end to all forms of violence, including a legal prohibition on corporal punishment in all settings, and to transform and bring an end to all harmful practices. States parties need to create more opportunities for scaling up institutional programmes on prevention and rehabilitation, and the social reintegration of adolescent victims. The Committee highlights the need to involve adolescents in the development of prevention strategies and protective responses to victims of violence.

## **X. Family environment and alternative care**

### **Support for parents and caregivers**

50. The role of parents and caregivers in providing security, emotional stability, encouragement and protection to children remains important throughout adolescence. The Committee emphasizes that States' obligations to render appropriate assistance to parents and caregivers, as outlined in articles 18 (2) and (3) of the Convention, and to assist parents in providing the support and living conditions necessary for optimum development consistent with article 27 (2), have equal application to parents of adolescents. Such support should respect the rights and evolving capacities of adolescents and the increasing contribution they make to their own lives. States should ensure that they do not, in the name of traditional values, tolerate or condone violence, reinforce unequal power relations within family settings and, therefore, deprive adolescents of the opportunity to exercise their basic rights.<sup>24</sup>

51. The Committee draws States parties' attention to the significance of a growing divide between the environments in which adolescents live, characterized by the digital era and globalization, and those in which their parents or caregivers grew up. Adolescents are exposed to and inevitably influenced by a global commercial world, unmediated or regulated by parental or community values, that can inhibit intergenerational understanding. This changing context poses challenges to the capacity of parents and caregivers to communicate effectively with adolescents and provide guidance and protection in a manner that takes into account the current realities of their lives. The Committee recommends that States 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.

### **Adolescents in alternative care**

52. There is significant evidence of poor outcomes for adolescents in large long-term institutions, as well as in other forms of alternative care, such as fostering and small group care, albeit to a much lesser degree. These adolescents experience lower educational attainment, dependency on social welfare and higher risk of homelessness, imprisonment, unwanted pregnancy, early parenthood, substance misuse, self-harm and suicide. Adolescents in alternative care are commonly required to leave once they reach 16-18 years of age and are particularly vulnerable to sexual abuse and exploitation, trafficking and violence as they lack support systems or protection and have been afforded no opportunities

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<sup>24</sup> See A/HRC/32/32.

to acquire the skills and capacities to protect themselves. Those with disabilities are often denied opportunities for community living and are transferred to adult institutions, where they are at increased risk of being subjected to continuing violations of their rights.

53. States should commit strongly to and invest more in supporting adolescents in alternative care. Preference for foster and small homes needs to be complemented with the measures necessary to tackle discrimination, ensure regular reviews of adolescents' individual situations, support their education, give them a real voice in the processes affecting them and avoid multiple moves. States are urged to ensure that institutionalization is used only as a measure of last resort and to ensure the appropriate protection of all children living in institutions, including through access to confidential complaints mechanisms and justice. States should also adopt measures to support the independence and improve the life chances of adolescents in alternative care and address the particular vulnerabilities and insecurities they face as they become old enough to leave such care.

54. Adolescents leaving alternative care require support in preparing for the transition, gaining access to employment, housing and psychological support, participating in rehabilitation with their families where that is in their best interest and gaining access to after-care services consistent with the Guidelines for the Alternative Care of Children.<sup>25</sup>

#### **Adolescent-headed families**

55. A significant number of adolescents are the primary caregivers of their families, either because they themselves are parents or because their parents have died or disappeared or are absent. Articles 24 and 27 of the Convention require that adolescent parents and caregivers be provided with basic knowledge of child health, nutrition and breastfeeding, and appropriate support to assist them in fulfilling their responsibilities towards the children they are responsible for and, when needed, material assistance with regard to nutrition, clothing and housing. Adolescent caregivers need extra support in order to enjoy their rights to education, play and participation. In particular, States should introduce social protection interventions at key stages of the life cycle and respond to the specific requirements of adolescent caregivers.

## **XI. Basic health and welfare**

### **Health care**

56. Health services are rarely designed to accommodate the specific health needs of adolescents, a problem that is compounded by the lack of demographic and epidemiological data and statistics disaggregated by age, sex and disability. When adolescents seek help, they often experience legal and financial barriers, discrimination, lack of confidentiality and respect, violence and abuse, stigma and judgmental attitudes from health-care personnel.

57. Adolescents' health outcomes are predominantly a consequence of social and economic determinants and structural inequalities, mediated by behaviour and activity, at the individual, peer, family, school, community and societal levels. Accordingly, States parties, in collaboration with adolescents, should undertake comprehensive multi-stakeholder reviews of the nature and extent of adolescent health problems and the barriers they face in gaining access to services, as a basis for future comprehensive health policies, programmes and public health strategies.

<sup>25</sup> General Assembly resolution 64/142, annex. See also Committee on the Rights of the Child general comment No. 9.

58. Mental health and psychosocial problems, such as suicide, self-harm, eating disorders and depression, are primary causes of ill health, morbidity and mortality among adolescents, particularly among those in vulnerable groups.<sup>26</sup> Such problems arise from a complex interplay of genetic, biological, personality and environmental causes and are compounded by, for example, experiences of conflict, displacement, discrimination, bullying and social exclusion, as well as pressures concerning body image and a culture of “perfection”. The factors known to promote resilience and healthy development and to protect against mental ill health include strong relationships with and support from key adults, positive role models, a suitable 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 emphasizes that States should adopt an approach based on public health and psychosocial support rather than overmedicalization and institutionalization. A comprehensive multisectoral response is needed, through integrated systems of adolescent mental health care that involve parents, peers, the wider family and schools and the provision of support and assistance through trained staff.<sup>27</sup>

59. The Committee urges States to adopt comprehensive gender and sexuality-sensitive sexual and reproductive health policies for adolescents, emphasizing that unequal access by adolescents to such information, commodities and services amounts to discrimination.<sup>28</sup> Lack of access to such services contributes to adolescent girls being the group most at risk of dying or suffering serious or lifelong injuries in pregnancy and childbirth. All adolescents should have access to free, confidential, adolescent-responsive and non-discriminatory sexual and reproductive health services, information and education, available both online and in person, including on family planning, contraception, including emergency contraception, prevention, care and treatment of sexually transmitted infections, counselling, pre-conception care, maternal health services and menstrual hygiene.

60. There should be no barriers to commodities, information and counselling on sexual and reproductive health and rights, such as requirements for third-party consent or authorization. In addition, particular efforts need to be made to overcome barriers of stigma and fear experienced by, for example, adolescent girls, girls with disabilities and lesbian, gay, bisexual, transgender and intersex adolescents, in gaining access to such services. The Committee urges States to decriminalize abortion to ensure that girls have access to safe abortion and post-abortion services, 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-related decisions.

61. Age-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents. Attention should be given to gender equality, sexual diversity, sexual and reproductive health rights, responsible parenthood and sexual behaviour and violence prevention, as well as to preventing early pregnancy and sexually transmitted infections. Information should be available in alternative formats to ensure accessibility to all adolescents, especially adolescents with disabilities.

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<sup>26</sup> See general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, para. 38.

<sup>27</sup> See A/HRC/32/32.

<sup>28</sup> See Committee on Economic, Social and Cultural Rights general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 29.



## **HIV/AIDS**

62. Adolescents are the only age group in which death due to AIDS is increasing.<sup>29</sup> Adolescents may face challenges in gaining access to antiretroviral treatment and remaining in treatment; the need to gain the consent of guardians in order to access HIV-related services, disclosure and stigma are some barriers. Adolescent girls are disproportionately affected, representing two thirds of new infections. Lesbian, gay, bisexual and 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.

63. The Committee encourages States to recognize adolescents' diverse realities and ensure that they have access to confidential HIV testing and counselling services and to evidence-based HIV prevention and treatment programmes provided by trained personnel who fully respect the rights of adolescents to privacy and non-discrimination. Health services should include HIV-related information, testing and diagnostics; information on contraception and the use of condoms; care and treatment, including antiretroviral and other medicines and related technologies for the care and treatment of HIV/AIDS; advice on suitable nutrition; spiritual and psychosocial support; and family, community and home-based care. Consideration should be given to reviewing HIV-specific legislation that criminalizes the unintentional transmission of HIV and the non-disclosure of one's HIV status.

### **Drug use among adolescents**

64. Adolescents are more likely to be initiated into drug use and can be at a higher risk of drug-related harm than adults, and drug use initiated in adolescence more often leads to dependence. Those identified at greatest risk of drug-related harm are adolescents in street situations, those excluded from school, those with histories of trauma, family breakdown or abuse, and those living in families coping with drug dependence. States parties have an obligation to protect adolescents from the illicit use of narcotic drugs and psychotropic substances. States parties should ensure adolescents' right to health in relation to the use of such substances, as well as tobacco, alcohol and solvents, and put in place prevention, harm-reduction and dependence treatment services, without discrimination and with sufficient budgetary allocation. Alternatives to punitive or repressive drug control policies in relation to adolescents are welcome.<sup>30</sup> Adolescents should also be provided with accurate and objective information based on scientific evidence aimed at preventing and minimizing harm from substance use.

### **Injuries and a safe environment**

65. 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 risk, States parties should develop multisectoral strategies that include legislation requiring the use of protective equipment, policies on driving while intoxicated and on licensing, programmes on education, skills development and behaviour change, adaptations to the environment, and the provision of care and rehabilitation services for those who suffer injuries.

### **Adequate standard of living**

66. The impact of poverty has profound implications during adolescence, sometimes leading to extreme stress and insecurity and to social and political exclusion. Strategies imposed on or adopted by adolescents to address economic hardship can include dropping

<sup>29</sup> See [http://apps.who.int/iris/bitstream/10665/112750/1/WHO\\_FWC\\_MCA\\_14.05\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/112750/1/WHO_FWC_MCA_14.05_eng.pdf?ua=1), p. 3.

<sup>30</sup> See A/HRC/32/32.

out of school, being involved in child or forced marriage, becoming involved in sexual exploitation, trafficking, hazardous or exploitative work or work that interferes with education, becoming members of a gang, being recruited into militias and migrating.

67. States are reminded of the right of every child to a suitable standard of living for physical, mental, spiritual, moral and social development, and are urged to introduce social protection floors that provide adolescents and their families with basic income security, protection against economic shocks and prolonged economic crises and access to social services.

## **XII. Education, leisure and cultural activities**

### **Education**

68. Guaranteeing the right to universal, quality and inclusive education and training is the single most important policy investment that States can make to ensure the immediate and long-term development of adolescents, and a growing body of evidence testifies to the positive impact of secondary education in particular.<sup>31</sup> States are encouraged to introduce widely available 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.

69. The Committee is deeply concerned at the challenges faced by many States to achieve equality in the enrolment of girls and boys and keep girls in school beyond primary education. Investment in girls' secondary education, a commitment necessary to comply with articles 2, 6 and 28 of the Convention, also serves to protect girls from child and forced marriage, sexual exploitation and early pregnancy, and contributes significantly towards the future economic potential of girls and their children. Investment should also be made in strategies that promote positive gender relations and social norms; address sexual and gender-based violence, including within schools; and promote positive role models, family support and the economic empowerment of women, to overcome the legal, political, cultural, economic and social barriers that represent barriers for girls. Furthermore, States should recognize that a growing number of boys are not enrolling and are not remaining in school, identify the causes and adopt appropriate measures to support boys' continued participation in education.

70. The Committee notes with concern the numbers of adolescents in marginalized situations who are not given the opportunity to make the transition to secondary education, such as adolescents living in poverty; lesbian, gay, bisexual, transgender and intersex adolescents; adolescents belonging to minorities; adolescents with psychosocial, sensory or physical disabilities; adolescents who are migrating; adolescents in situations of armed conflict or natural disasters; and adolescents in street situations or working. Proactive measures are necessary to end discrimination of marginalized groups in gaining access to education, including by establishing cash transfer programmes, respecting minority and indigenous cultures and children from all religious communities, promoting inclusive education for children with disabilities, combating bullying and discriminatory attitudes within the education system and providing education in refugee camps.

71. Efforts need to be made to consult adolescents 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 the following contributory factors: fees and associated costs; family poverty and lack of adequate social protection schemes, including adequate health insurance; lack of adequate and safe sanitation facilities for girls; exclusion of pregnant schoolgirls and adolescent mothers;

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<sup>31</sup> See [www.unicef.org/adolescence/files/SOWC\\_2011\\_Main\\_Report\\_EN\\_02092011.pdf](http://www.unicef.org/adolescence/files/SOWC_2011_Main_Report_EN_02092011.pdf).

persistent use of cruel, inhuman and degrading punishments; lack of effective measures to eliminate sexual harassment in school; sexual exploitation of girls; environments not conducive to girls' inclusion and safety; inappropriate teaching pedagogies; irrelevant or outdated curricula; failure to engage students in their own learning; and bullying. In addition, schools often lack the flexibility needed for adolescents to be able to combine work and/or family care responsibilities with their education, without which they may be unable to continue to meet the associated costs of schooling. Consistent with article 28 (1) (e) of the Convention and Sustainable Development Goal 4, States should introduce comprehensive and proactive measures to address all these factors and improve enrolment and attendance, reduce early school leaving and provide opportunities to complete education for those who have left.

72. The Committee draws attention to its general comment No. 1 (2001) on the aims of education, in which it asserts the need for education to be child-centred, child-friendly and empowering and emphasizes the importance of a more collaborative and participatory pedagogy.<sup>32</sup> Curricula for secondary education should be designed to equip adolescents for active participation, develop respect for human rights and fundamental freedoms, promote civic engagement and prepare adolescents to lead responsible lives in a free society. To develop adolescents' fullest potential and keep them in school, consideration should be given to how learning environments are designed, to ensure they capitalize on adolescents' capacity for learning, motivation to work with peers and empowerment, and focus on experiential learning, exploration and limit testing.

#### **Transitions from education to training and/or decent work**

73. Significant numbers of adolescents are not in education, training or employment, leading to disproportionate levels of unemployment, underemployment and exploitation as they move towards adulthood. The Committee urges States to support out-of-school adolescents in a manner appropriate to their age to facilitate the transition to decent work, including by ensuring consistency between education and labour laws, and to adopt policies to promote their future employment.<sup>33</sup> In line with article 28 (1) (d), States should make educational and vocational information and guidance available and accessible to adolescents.

74. Both formal and informal education and training need to be designed for the twenty-first century skills<sup>34</sup> required in the modern labour market, including integrating soft and transferrable skills into the curricula; expanding opportunities for experiential or practical learning; developing vocational training based on labour market demand; establishing public-private sector partnerships for entrepreneurship, internships and apprenticeships; and providing guidance on academic and vocational opportunities. States should also disseminate information on employment rights, including rights in relation to membership in trade unions and professional associations.

#### **Leisure, recreation and the arts**

75. Adolescents' right to rest and leisure and to engage and participate freely in play, recreational and artistic activities, both online and offline, are fundamental to their

<sup>32</sup> See Committee on the Rights of the Child general comment No. 1 (2001) on the aims of education, para. 2.

<sup>33</sup> Target 8.6 of the Sustainable Development Goals relates to "youth" (adolescents between 15 and 24 years of age). See General Assembly resolution 70/1.

<sup>34</sup> The term "twenty-first 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 programmes and contemporary careers and workplaces.

exploration of identity, enabling adolescents to explore their culture, forge new artistic forms, create relationships and evolve as human beings. Leisure, recreation and the arts give adolescents a sense of uniqueness that is fundamental to the rights to human dignity, optimum development, freedom of expression, participation and privacy. The Committee notes with regret that those rights are widely neglected in adolescence, especially for girls. Fear of and hostility towards adolescents in public spaces, and a lack of adolescent-friendly urban planning, educational and leisure infrastructure, can inhibit the freedom to engage in recreational activity and sports. The Committee draws the attention of States to the rights embodied in article 31 of the Convention and its recommendations in general comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts.

### **XIII. Special protection measures**

#### **Migration**

76. Growing numbers of adolescent girls and boys migrate, either within or outside their country of origin, in search of improved standards of living, education or family reunification. For many, migration offers significant social and economic opportunities. However, it also poses risks, including physical harm, psychological trauma, marginalization, discrimination, xenophobia and sexual and economic exploitation and, when crossing borders, immigration raids and detention.<sup>35</sup> Many adolescent migrants 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 gaining access to such services, including: demands for identity documents or social security numbers; harmful and inaccurate age-determination procedures; financial and linguistic barriers; and the risk that gaining access to services will result in detention or deportation.<sup>36</sup> The Committee refers States parties to its comprehensive recommendations elaborated in respect of migrant children.<sup>37</sup>

77. The Committee stresses that article 22 of the Convention recognizes that refugee and asylum-seeking children require special measures if they are to enjoy their rights and benefit from the additional safeguards given to them through the international refugee protection regime. Those adolescents should not be subjected to expedited removal procedures but rather be considered for entry into the territory and should not be returned or refused entry before a determination of their best interests has been made and a need for international protection has been established. In line with the obligation under article 2 to respect and ensure the rights of every child within their jurisdiction, irrespective of status, States should introduce age- and gender-sensitive legislation governing both unaccompanied and separated refugee and asylum-seeking adolescents, as well as migrants, underpinned by the best interests principle, prioritizing the assessment of protection needs over the determination of immigration status, prohibiting immigration-related detention and referring to the recommendations in general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, addressing the particular vulnerability of those adolescents.<sup>38</sup> States should also introduce measures to

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<sup>35</sup> See [www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2012/DGD2012ReportAndRecommendations.pdf).

<sup>36</sup> See Fundamental Rights Agency, "Apprehension of migrants in an irregular situation – fundamental rights considerations", 9 October 2012. Available from [https://fra.europa.eu/sites/default/files/fra-2013-apprehension-migrants-irregular-situation\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-2013-apprehension-migrants-irregular-situation_en.pdf).

<sup>37</sup> See footnote 35 above.

<sup>38</sup> See general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin.

address the factors driving adolescents to migrate and the vulnerabilities and rights violations faced by adolescents left behind when parents migrate, including dropping out of school, child labour, vulnerability to violence and criminal activities and burdensome domestic responsibilities.

### **Trafficking**

78. Many adolescents are at risk of being trafficked for economic reasons or for sexual exploitation. States are urged to establish a comprehensive and systematic mechanism for collecting data on the sale of, trafficking in and abduction of children, ensuring that the data is disaggregated and paying particular attention to children living in the most vulnerable situations. States should also invest in rehabilitation and reintegration services and psychosocial support for child victims. Attention should 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 to harmonize legislation accordingly.

### **Conflict and crisis**

79. Situations of armed conflict and humanitarian disasters result in the breakdown of social norms and family and community support structures. They force many displaced and crisis-affected adolescents to assume adult responsibilities and expose them to risks of sexual and gender-based violence, child and forced marriage and trafficking. Furthermore, adolescents in such situations are likely to be denied education, skills training, safe employment opportunities and access to appropriate sexual and reproductive health services and information, and to face isolation, discrimination and stigma, mental health and risk-taking behaviour.

80. The Committee is concerned about the failure of humanitarian programmes to address the specific needs and rights of adolescents. It urges States parties to ensure that adolescents are provided with systematic opportunities to play an active role in the development and design of protection systems and reconciliation and peacebuilding processes. Explicit investment in post-conflict and transition reconstruction should be seen as an opportunity for adolescents to contribute to the economic and social development, resilience-building and peaceful transition of the country. In addition, emergency preparedness programmes should address adolescents, recognizing both their vulnerability and right to protection, and their potential role in supporting communities and helping to mitigate risk.

### **Recruitment into armed forces and groups**

81. The Committee expresses deep concern about the fact that adolescent boys and girls are being recruited, including through the use of social media, by States' armed forces, armed groups and militias, and urges all States parties to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. It is also concerned about adolescents' vulnerability to being enticed by terrorist propaganda, extremist views and involvement in terrorist activities. Research with adolescents should be undertaken to explore the factors driving their engagement in such activities and States should take appropriate action in response to the findings, paying particular attention to measures promoting social integration.

82. States should ensure the recovery and gender-sensitive reintegration of adolescents who are recruited into armed forces and groups, including those in migration situations, and prohibit the recruitment or use of adolescents in all hostilities as well as peace or ceasefire

negotiations and agreements with armed groups.<sup>39</sup> States should support 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 conflict-related sexual violence, sexual exploitation and abuse and other human rights abuses against adolescents are promptly and duly addressed.

83. The Committee recognizes that, in many parts of the world, adolescents are recruited 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 such goals through legitimate activities. However, the climate of fear, insecurity, threat and violence posed by gang membership threatens the realization of the rights of adolescents and is a major factor contributing to adolescent migration. The Committee recommends that more emphasis be placed on the development of comprehensive public policies that address the root causes of juvenile violence and gangs, instead of aggressive law enforcement approaches. 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. The Committee urges States to give due consideration to adolescents forced to leave their country for reasons related to gang violence and to afford them refugee status.

#### **Child labour**

84. The Committee emphasizes that all adolescents have the right to be protected from economic exploitation and the worst forms of child labour, and urges States to implement the provisions of article 32 (2) of the Convention, as well as the International Labour Organization Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

85. The introduction to age-appropriate forms of work plays an important developmental role in the lives of adolescents, equipping them with skills and enabling them to learn responsibilities and, where necessary, to contribute to their families' economic well-being and support their access to education. Action against child labour should comprise comprehensive measures, including school-to-work transitions, social and economic development, poverty eradication programmes and universal and free access to quality, inclusive primary and secondary education. It should be underlined that adolescents, once they reach the national legal minimum working age, which should be aligned with international standards and with compulsory education, have the right to perform light work under appropriate conditions, with due respect accorded to their rights to education and to rest, leisure, play, recreational activities, cultural life and the arts.

86. The Committee recommends that States adopt a transitional approach towards achieving a balance between the positive role of work in adolescents' lives while ensuring their right to compulsory education, without discrimination. Schooling and the introduction to decent work should be coordinated to facilitate both in the lives of adolescents, according to their age and the effective mechanisms introduced to regulate such work, and give redress when adolescents are the victims of exploitation. The protection from hazardous work of all children under 18 years of age should be stipulated, with a clear list of specific harmful work. Efforts directed at preventing harmful work and working conditions should be made as a matter of priority, paying special attention to girls involved in domestic labour and other often "invisible" workers.

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<sup>39</sup> See A/68/267, paras. 81-87.

**Justice for adolescents**

87. Adolescents may come into contact with justice systems through conflict with the law, as victims or witnesses of crime or for other reasons, such as care, custody or protection. Measures are needed to reduce adolescents' vulnerability both as victims and perpetrators of crimes.

88. States parties are urged to introduce comprehensive juvenile justice policies that emphasize restorative justice, diversion from judicial proceedings, alternative measures to detention and preventive interventions, to tackle social factors and root causes, consistent with articles 37 and 40 of the Convention, and the United Nations Guidelines for the Prevention of Juvenile Delinquency. The focus should be on rehabilitation and reintegration, including for those adolescents involved in activities categorized as terrorism, in line with the recommendations in general comment No. 10 (2007) on children's rights in juvenile justice. Detention should be used only as a measure of last resort and for the shortest appropriate period of time, and adolescents should be detained separately from adults. The Committee emphasizes the imperative to ban the death penalty and prohibit life imprisonment for anyone convicted of a crime committed when under the age of 18 years. The Committee is seriously concerned at the number of States seeking to lower the age of criminal responsibility. It calls on States to maintain the age of criminal majority at 18 years.

**XIV. International cooperation**

89. The Committee stresses that implementation of the Convention is a cooperative exercise for the States parties, and highlights the need for international cooperation. The Committee encourages States parties to contribute and use, as appropriate, technical assistance from the United Nations and regional organizations in implementing the rights of adolescents.

**XV. Dissemination**

90. The Committee recommends that States disseminate widely the present general comment to all stakeholders, in particular parliament and all levels of government, including within ministries, departments and municipal/local authorities, and to all adolescents. The Committee also recommends that the present general comment be translated into all relevant languages, in adolescent-friendly versions and in formats accessible to adolescents with disabilities.

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