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Committee on the Rights of the Child  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
CH-1211 Geneva 10, Switzerland  
[crc@ohchr.org](mailto:crc@ohchr.org)

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

Dear Committee members,

The [World Federation of the Deaf](#) (WFD) and [World Federation of the Deaf Youth Section](#) (WFDYS) present their compliments to the Committee on the Rights of the Child and are pleased to make this joint submission on the Advance Unedited draft General Comment on the implementation of the rights of the child during adolescence.

This submission provides comment and makes recommendations regarding deaf adolescents to assist the Committee elaborate its General Comment.

### **Background and context**

The current draft contains paragraphs 32-34 specific to adolescents with disabilities as well as some references throughout the text (para 65 (SRH services), 74 (transition to secondary education), 94 (dissemination of the General Comments in accessible formats for people with disabilities) which the Organisations submit could be strengthened to better reflect the rights of adolescents with disabilities and targeted measures required by States.

The draft General Comment, does not seek to define adolescence, but focuses on the period of childhood from 10 -17 years of age (until the 18th birthday). Accordingly this submission deals with this age span.

Proposed amendments to the current draft text are indicated by square brackets and underline text.

### **General comment**

The Organisations agree with much of the General Comment and its characterisation of the perceptions around adolescence transitional stage of physical and psychological human development. We agree there is a need to urge States to promote more positive dialogue and engagement with adolescents themselves. WFDYS is particularly keen to point out the capacities, energy and talents of adolescents, including deaf adolescents, to make positive contributions to the local and global community, and the need for the General Comment to promote their rights and emerging capacities.

The General Comment should strongly recommend national youth policies for adolescents which enable and empower them to participate in all areas of life, and exercise emerging political, economic, social, recreational and cultural rights. Youth policies should consider the need of adolescents to have places or spaces to meet up and associate in healthy ways, to enhance their skills and knowledge through evidence-based practices. Youth policies must be inclusive; they need to reach out and engage and support young people in all walks of life, including those that are marginalised or discriminated against. This is to ensure that policies “do not harm” or further disadvantage certain groups. To promote the comprehensive adolescent development with the realization of their rights, the youth policies and strategies are needed in areas such as education, training, recreation, health, housing and justice. Good practice approaches to the policy making process could include:

- Openness, transparency, collaboration and inclusivity with adolescents
- Effective management of the process to include clarity about roles, responsibilities and accountability of adolescents
- Simplicity of design to not pressuring or requiring a lot from the adolescents and to avoid burdening them
- An evidence based approach to decision making that seeks to be fair and objective but also imaginative, responsive and reflexive.

The Organisations would like the lived experience and priorities of adolescents with disabilities to be better reflected and integrated into the General Comment. Our proposed amendments to achieve this are set out below.

### **Proposed amendments**

The **Introduction** to the General Comment should be amended refer to ‘adolescents, including adolescents with disabilities’.

Para 6: after ‘this Convention’ [insert: ‘and, where relevant, the Convention on the Rights of Persons with Disabilities [and other UN Conventions]’.]

The **Objectives** of the General Comment should be amended as follows:

- Highlight both the opportunities afforded by and challenges faced during adolescence including by adolescents with disabilities;
- Enhance understanding of and respect for the evolving capacities of [insert: all] adolescents, and the implications for the realisation of their rights;
- Strengthen the case for greater visibility and awareness of [insert: all] adolescents and the case for investment to enable them to realise their rights throughout the life course.

and additional objectives should be added as follows:

- Ensure that issues relating to adolescents with disabilities are appropriately explored and addressed; and
- Ensure that the interaction between Convention on the Rights of the Child and Convention on the Rights of Persons with Disabilities as it relates to adolescents is explained and addressed.

References to the CRC throughout the General Comment should also address corresponding Articles of the CRPD.

### **Comments on specific paragraphs.**

Para 10: At the end of the final sentence (“The process of construction of identity is particularly complex for adolescents brokering a pathway between minority and mainstream cultures.”) insert additional text as follows:

- It can also be complex and challenging for children with disabilities. For deaf children, this period is a critical time of expanding their linguistic skills as sign language users and strengthening their understanding of their deaf cultural identity (a right recognised in CRPD Art 30(4)) usually as a minority group in a largely hearing world.

Para 11: This paragraph (e.g. after footnote 4) should acknowledge that not all children have positive early life experiences, and that many children with disabilities globally, including deaf children, may not receive the early intervention that they need to maximise their social, cognitive and linguistic development and emergent cultural and linguistic identity during childhood years. Acquiring these may then extend into period of adolescence, leaving them ‘behind’ their peers in development, but necessitating the investment by States during the period of adolescence into services that ensure that they are not ‘left behind’ but gain ground lost to ensure they reach their fullest potential.

Para 13: Amend the following sentences:

- “Furthermore, as they approach adulthood, adolescents need to be equipped to tackle local and global challenges, including poverty and inequality, [insert: discrimination,] climate change and environmental degradation...”.

- “Growing up in [Insert: diverse communities, including those which include people with disabilities and which are] more heterogeneous and multi-ethnic societies, as a consequence of increased global migration, also requires greater capacities for understanding, tolerance and co-existence”.

Para 17: After the sentence “Factors known to promote resilience and healthy development of adolescents include: strong relationships with, and support from key adults in their lives” [insert: including strong adult role models with disabilities for adolescents with disabilities;]

Para 18: Add at the end: “This includes ensuring all children have the opportunity to express ideas and make decisions. Adolescents with disabilities may be subject to higher levels of paternalism than their peers without disability, and less opportunities to exercise emergent decision making capacities because of stigma and prejudice about their capacities. States must raise awareness on the rights of adolescents with disabilities and provide them with age and disability appropriate support to express their views, in line with CRPD Art 7 and CRC Art 12.”

Para 21: After: “At the same time, and paradoxically, they are also often treated as in need of protection, or incompetent and incapable of making decisions about their lives” [add: this can be particularly so for adolescents with disabilities”]. At the end of the para [add: This includes ensuring adolescents with disabilities are provided with disability and age appropriate resources to realise their rights on an equal basis with other adolescents, in line with CRPD Art 7.]

Para 24: Amend the sentence: “States must introduce measures [insert: including disability and age appropriate supports, for example, qualified sign interpreters for deaf adolescents] to enable them to exercise fully this right, for example, in individual decisions relating to education, health, family life, judicial and administrative proceedings and through the introduction of safe and accessible mechanisms for complaint and redress.”

Para 25: Amend the sentence: “Through [insert: accessible] digital media, adolescents [insert: including those with disabilities] can connect with peers, engage in political processes, and increase their sense of agency to make informed decisions and choices.”

Para 33: After ‘... freedom from poverty.” add [Adolescents with disabilities are often likely to be among the poorest members of the population. They are less likely to attend school, access medical services, or have their voices heard in society. Their disabilities also place them at a higher risk of physical abuse, and often exclude them from receiving proper nutrition or humanitarian assistance in emergencies.<sup>1</sup>]

Para 34: at the end of the final sentence [add: CRC, and Art 7 CRPD].

Para 40: amend para (a) as follows:

- (a) Comprehensive national strategies rooted in the Convention, which include a dedicated focus on [insert: all] adolescents [insert: including those from vulnerable or marginalised groups addressed in Part V above], address the structural social and economic roots underlying the rights violations they face, and ensure a co-ordinated approach across government ministries.

Para 43: After the first sentence [add: The Committee notes that children with disabilities have a right to bodily integrity provided for in Article 17 of the CRPD and should not be subject to unnecessary medical treatments.]

Para 46: Amend the first sentence: “The Committee reminds States of their obligation to ensure that all children [add: including children with disabilities] are registered at birth,”

Para 50: Add at the end of the para: “These associations may also be disability specific clubs and associations for the promotion of positive engagement by adolescents with disabilities- e.g. States are encouraged to promote adolescent deaf clubs and sporting associations for the forming of linguistic and cultural identity of deaf adolescents, in line with Art 30(4) CRPD.”

Para 52: As penultimate sentence,[add: It is imperative for States to facilitate and mandate online environments and social media be accessible, and all information and communications be available in

<sup>1</sup> <http://www.unicef.org/disabilities/>

accessible formats, including sign languages and captioned multimedia, so adolescents with disabilities can participate on an equal basis with others.]

Para 55: Amend first sentence as follows: The role of parents in providing security, emotional stability, encouragement and protection to their children [add: and fostering the increasing linguistic development and cultural identity of deaf children<sup>2</sup>] remains critically important throughout adolescence.

Para 61: At the end of the sentence: Health services are rarely designed to accommodate the specific health needs of adolescents. This failure is compounded by lack of demographic and epidemiological data and health service statistics disaggregated by age and sex [add: and disability].

At the end of the paragraph [add: barriers are particularly significant for adolescents with disabilities who may face transport, physical and communication barriers to accessing health services on an equal basis with others, and may lack authority to e.g. book qualified sign language interpreters for appointments.]

Para 63: Amend the first sentence:

The Committee affirms that the factors known to promote resilience and healthy development and protect against mental ill-health, include strong relationships with, and support from key adults in their lives, [including role models and mentors] an adequate standard of living, [add: access to linguistic and cultural identity (particularly for deaf adolescents)] access to quality secondary education [add: including instruction sign languages for deaf youth, and accessible methods for adolescents with other disabilities], 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. [add: There is evidence that full access to a signed language can have a positive effect on a deaf child's mental health and development.<sup>3</sup>]

Para 64: Amend: "The Committee also urges States to adopt or integrate a comprehensive gender-sensitive [add: and disability-inclusive, accessible] sexual and reproductive health policy for adolescents, emphasising that unequal access by adolescents to such information and services amounts to discrimination"

Para 74: amend last sentence as follows: "and that [add: fully accessible schooling options – including bilingual education directly in sign language for deaf children- and] reasonable accommodation [delete: is, substitute: must be] provided to achieve that goal."

Para 79. Before the last sentence insert: 'This is particularly important for adolescents who are deaf, to have safe spaces to meet and further their cultural and linguistic identity, including through social and sporting outlets'.

Para 80: amend sentence as follows: "Many are denied access to education, housing, health, [add: disability specific supports, sign interpreters,] recreation, participation, protection and social security."

Amend final sentence as follows: "...financial and linguistic [add: and communication] barriers;"

Para 81: Amend sentence as follows: "States must introduce age [disability,] and gender sensitive legislation governing both unaccompanied migrants and asylum seekers that is underpinned by the best interests principle..."

Para 82: amend sentence as follows: "States are urged to establish a comprehensive and systematic mechanism for data collection on the sale, trafficking and abduction of children, as well as ensuring that the data are disaggregated [add: by at least age, sex and disability status], with particular attention to children living in the most vulnerable situations."

Para 83: at the end of this sentence add: In situations of emergency or crisis deaf adolescents may face significant communication barriers which impact their safety, and adolescents with disabilities may be left behind when evacuating or overlooked by humanitarian workers.

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<sup>2</sup> CRPD Art 30(4)

<sup>3</sup> In a study by Dammeyer (2010), the psychosocial development of Deaf children was examined. He found that while psychosocial difficulty in children with a hearing loss was 3.7 times greater than a comparative group of hearing children, if there was evidence of good sign language skills, this psychosocial difficulty was not evident.

Para 91: Add after final sentence: Adolescents with disabilities face significant physical, attitudinal, policy and communication barriers to accessing justice. The Committee recommends that these barriers must be addressed by the State in line with CRPD Articles 12, 13 and 14, and that age appropriate supports be provided to adolescents with disabilities to exercise their legal rights, and to address evidentiary rules that impede their capacity to participate in legal proceedings. Failure to do so increases their vulnerability to exploitation and abuse.

Para 94: at the end of the sentence for emphasis, add 'including in sign languages'.

We trust that these comments will be useful to the Committee in elaborating its General Comment. Please feel free to contact us should you require further information or clarification.

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**Contact details:**

Ms Elena Down  
Human Rights Officer  
World Federation of the Deaf  
[elena.down@wfd.fi](mailto:elena.down@wfd.fi), [info@wfd.fi](mailto:info@wfd.fi)

**Authorised by:**



Mr Colin Allen  
WFD President



Ms Cecilia Hanhikoski  
WFDYS President

*The **World Federation of the Deaf (WFD)** is an international non-governmental organisation representing and promoting approximately 70 million deaf people's human rights worldwide. The WFD is a federation of deaf organisations from 132 nations; its mission is to promote the human rights of deaf people and full, quality and equal access to all spheres of life, including self-determination, sign language, education, employment, and community life. WFD has consultative status in the United Nations and is a member of International Disability Alliance (IDA).*

*The **World Federation of the Deaf Youth Section (WFDYS)** is focused on improving the human rights of deaf children and youth across the world. The WFDYS was established in Vienna, Austria in 1995 and is a section of the World Federation of the Deaf.*