



Young people and the law

in Asia and the Pacific:

A review of laws and policies affecting
young people's access to sexual and
reproductive health and HIV services



UNAIDS



Youth LEAD

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Glossary of acronyms and terms

AFHS	Adolescent-friendly health services	MSM	“Men who have sex with men” or “males who have sex with males” (either term is intended to include adolescents)
ANC	Antenatal care	NACO	National AIDS Control Organization (India)
APN+	Asia-Pacific Network of People Living with HIV	NGO	Non-governmental organization
ARH	Adolescent reproductive health	NSP	Needle and syringe programme
ARSH	Adolescent reproductive and sexual health	OHCHR	Office of the High Commissioner for Human Rights
ART	Antiretroviral therapy	OST	Opioid substitution therapy
ARV	Antiretroviral	PDR	People’s Democratic Republic
ASEAN	Association of South East Asian Nations	PICTs	Pacific Island Countries and Territories
ASRH	Adolescent sexual and reproductive health	PLHIV	Person/people living with HIV
CBO	Community-based organization	PNG	Papua New Guinea
CEDAW	Convention on Elimination of all forms of Discrimination Against Women	PSI	Population Services International
CRC	Convention on the Rights of the Child	PWID	Person/people who inject(s) drugs
CRPD	Convention on the Rights of Persons with Disabilities	RA	Republic Act (Philippines)
DPRK	Democratic People’s Republic of Korea	RSH	Reproductive and sexual health
ESCAP	Economic and Social Commission for Asia and the Pacific	SAARC	South Asian Association for Regional Cooperation
FGD	Focus group discussion	SAR	Special Administrative Region (Hong Kong SAR China)
FHI	Family Health International	SRH	Sexual and reproductive health
FP	Family planning	SRHR	Sexual and reproductive health rights
ICCPR	International Covenant on Civil and Political Rights	STI	Sexually transmitted infection
ICESCR	International Covenant on Economic, Social and Cultural Rights	TG	Transgender
ICPD	International Conference on Population and Development	UDHR	Universal Declaration of Human Rights
IDLO	International Development Law Organization	UNAIDS	Joint United Nations Programme on HIV/AIDS
IDU/DU	Injecting drug user / Drug user	UNDP	United Nations Development Programme
IEC	Information, education and communication	UNESCO	United Nations Educational, Scientific and Cultural Organization
ILO	International Labour Organization	UNFPA	United Nations Population Fund
MARP	Most-at-risk population	UNICEF	United Nations Children’s Fund
MARYP	Most-at-risk young people	UNODC	United Nations Office on Drugs and Crime
MOEYS	Ministry of Education, Youth and Sports (Cambodia)	USA	United States of America
MOH	Ministry of Health	VCT	Voluntary Counselling and Testing
MOWA	Ministry of Women’s Affairs (Cambodia)	WHO	World Health Organization
		YP	Young people

Definitions of age groups

The report acknowledges that there are multiple understandings of the different phases of life, including definitions of 'adolescent', 'child' and 'young person', and that social and legal markers define adulthood at different points in different settings. The report uses the following age groups in its analysis:

Adolescent (UNICEF, state of the World's Children, 2011)ⁱ

Although there is no internationally-accepted definition of adolescence, the United Nations defines adolescents as individuals aged 10–19: in effect, those in the second decade of their lives.

Child (*UN Convention on the Rights of the Child, 1989*)

Person under 18 years of age, unless under domestic law the child reaches majority at an earlier age.

Young person (UNFPA definition)ⁱⁱ

Person aged 10 to 24 years.

Definitions of key terms

Child marriage (UNFPA, *Marrying too Young, 2012*)ⁱⁱⁱ

Used to describe a legal or customary union between two people, of whom one or both spouses is below the age of 18. While boys can be subjected to child marriage, the practice affects girls in greater numbers and with graver consequences. Child

'Evolving capacities of the child' and 'mature minor'

These two concepts are linked. The concepts recognize the developmental changes that children experience as they mature, including progress in cognitive abilities and capacity for self-determination. The concepts recognize that as children acquire enhanced capacities, there is less need for protection and a greater ability of the child to take responsibilities for decisions affecting their lives. The concepts acknowledge that different children achieve competencies at different ages.

The concept of 'evolving capacities' first emerged in international law through the Convention on the Rights of the Child (CRC).^{iv} Article Five of the CRC states that:

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article Twelve also addresses evolving capacities, stating that:

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules

mittee on the Rights of the Child explains
o the rights of children to make decisions

en's evolving capacities have a bearing on their
r health issues. It also notes that there are often
autonomous decision-making, with children who
nation often less able to exercise this autonomy.
e policies are in place and that children, parents
rights-based guidance on consent, assent and

*ights of the Child. A/RES/44/25. New York: UN.
3. General comment No. 15 (2013) on the right of the
ble standard of health (art. 24), CRC/C/GC/15.*

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