

# PARENTAL CONSENT SURVEY



# The PACT

**Vision:** A PACT that creates solidarity across youth organizations to work strategically and collaboratively in the HIV response towards ensuring the health, well-being and human rights of all young people.

## WHAT IS THE PACT?

The PACT is a coalition of 25 youth-led and youth-serving organizations that, in partnership with UNAIDS, are seeking to connect and strengthen the HIV youth movement. One of The PACT's five goals is to remove laws that prevent young people from accessing sexual and reproductive health (SRH) and harm reduction services.

## WHAT ARE PARENTAL CONSENT LAWS?

Parental consent laws require young people under a certain age to have a parent's or guardian's consent before they can access health services. In some countries, these laws are applied only to certain services, such as HIV testing, emergency contraception or needle and syringe exchange programmes.

## HOW DO PARENTAL CONSENT LAWS VIOLATE THE RIGHTS OF YOUNG PEOPLE?

Article 12 of the Convention on the Rights of the Child gives young people the right to express their views and have them taken into consideration according to their *age and maturity*. Further, article 5 of the Convention says that guidance and direction provided to young people must be done in accordance with their evolving capacities. In other words, whilst a parental consent requirement might be appropriate for a 5-year-old, it might not be for a 15-year-old. Parental consent laws apply a blanket approach to all young people, without considering their individual ages, maturity and evolving capacities for making informed decisions relating to their own health.

## WHAT DID THE SURVEY TELL US?

In 2014, The PACT developed and implemented a survey for young people on parental consent laws to find out more about their opinions and personal experiences.

### Respondents

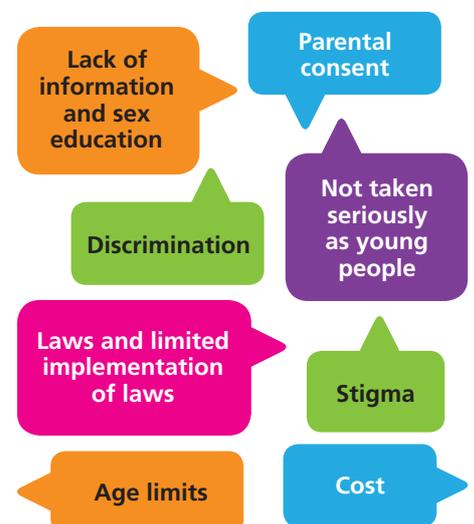
- 209 responses in a 6 week period
- Age range from 12 to 29, with just over half under the age of 25
- 116 female; 92 male and 1 other
- 22 did not know their HIV status; 167 negative; 15 positive and 5 preferred not to say

### Responses

#### Access to services

72% of respondents answered 'no' when asked whether laws requiring parental consent are a good way of ensuring that young people involve parents in decision-making about their SRH and/or harm reduction.

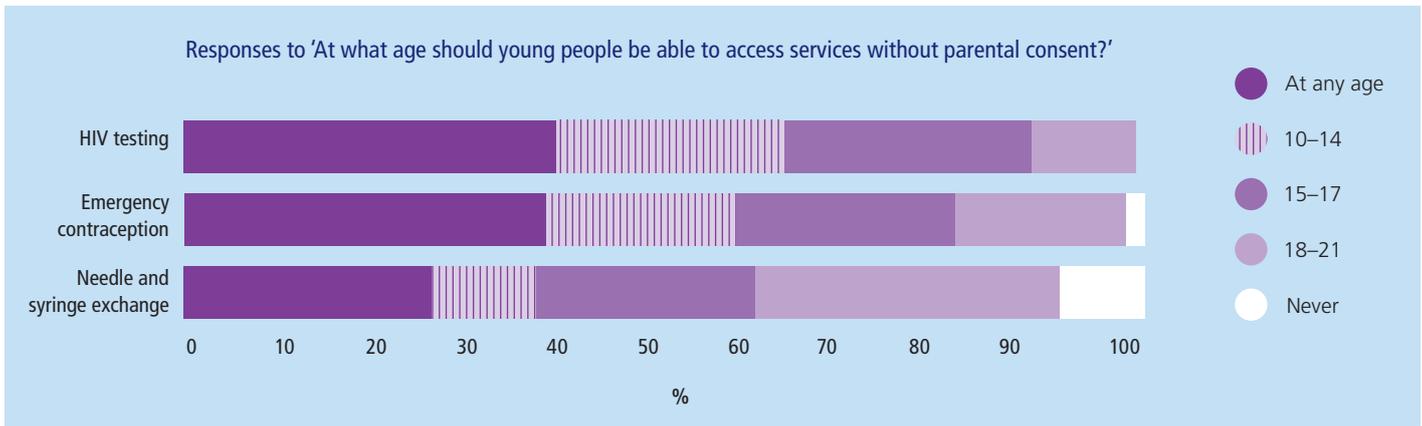
Some of the barriers that young people face in accessing SRH and/or harm reduction services were identified as:



## KEY MESSAGES

- ★ Young people have the right to have their views heard and taken into account in accordance with their evolving capacities, including in the context of health provision.
- ★ Young people do not always feel safe or comfortable involving their parents or guardians in decisions about their health because they do not feel supported or fear a negative reaction.
- ★ When parental consent laws exist, young people can be deterred from accessing SRH and/or harm reduction services.
- ★ Parents can play a positive role in young people's decision-making about their health if they listen, communicate and stay positive.
- ★ Being denied access to services makes young people feel disempowered, whilst young people who are able to access services feel in control, responsible and liberated.
- ★ Not all young people are aware of whether or not parental consent is required by law in their country; this can cause uncertainty about whether or not they are able to access services independently.





### Knowledge of the law

- 35% did not know whether or not their country has a law requiring parental consent for HIV testing.
- 30% did not know whether or not their country has a law requiring parental consent for emergency contraception.
- 65% did not know whether or not their country has a law requiring parental consent for needle and syringe exchange programmes.

### Support from parents

When asked the question: In what ways do you think young people should receive support from parents or other adults to access SRH and/or harm reduction services? respondents said:



### Personal experiences

- 38% said that they have not always been able to access SRH and/or harm reduction services without restrictions when they needed them.
- Respondents who reported being denied services used the following words to describe how they felt: discriminated, denied, low self-esteem, frustrated, mad.
- Respondents who reported being able to access services without restriction used the following words to describe how they felt: in control, happy, liberated, reassured, comfortable, responsible.

## RESOURCES FOR ADVOCATES

Language in international agreements and documents	
Source	What it says
<b>World Health Organization</b> Ensuring human rights in the provision of contraceptive information and services (2014)	<b>Summary recommendation 3.10</b> Recommend provision of sexual and reproductive health services, including contraceptive information and services, for adolescents without mandatory parental and guardian authorization/notification, in order to meet the educational and service needs of adolescents.
<b>Global Commission on HIV and the Law</b> Risks, Rights and Health (2012)	<b>Recommendation 5.4</b> Sexually active young people must have confidential and independent access to health services so as to protect themselves from HIV. Therefore, countries must reform laws to ensure that the age of consent for autonomous access to HIV and sexual and reproductive health services is equal to or lower than the age of consent for sexual relations. Young people who use drugs must also have legal and safe access to HIV and health services.
<b>Committee on the Rights of the Child</b> General Comment 4: Adolescent health and development in the context of the Convention on the Rights of the Child (2003)	<b>32.</b> Before parents give their consent, adolescents need to have a chance to express their views freely and their views should be given due weight, in accordance with article 12 of the Convention. However, if the adolescent is of sufficient maturity, informed consent shall be obtained from the adolescent her/himself, while informing the parents if that is in the "best interest of the child" (art. 3).

The survey is available in English, French, Spanish, Arabic and Russian.

## ACTION

Take The PACT's parental consent survey and send it on to 10 friends!

<http://fluidsurveys.com/surveys/ippf/pact-parental-consent-survey/>