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# **ADOLESCENCE EDUCATION PROGRAMME: RETHINKING THE CRIMINAL JUSTICE SYSTEM THROUGH THE LENS OF PREVENTIVE EDUCATION**

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## **ABSTRACT**

Adolescence is the most critical phase of an individual's course of life that essentially determines how the fundamental structure of a person's mind will be shaped for his lifetime. An unregulated adolescence shaped by lack of proper care, discipline, distorted perception of reality and unhealthy environment manifests itself into a mind that often creates either perpetrators or victims within the adolescent phase or in future. In today's fast-moving world where information and content junks are rapidly overflowing around us, what needs to be taken care of is to regulate the mind of an adolescent which is most vulnerable and receptive to everything good and bad picked up from the growing environment.

Education being the greatest tool of regulating individual action helps in navigating through the path of choosing the right and healthy course of action. Quality education as an important facet of universal right to education promises a society which is not just perpetually progressive but also holistic and sustainable. Therefore, the time has come to stretch out the ambit of our criminal justice system to give primacy to factors that leads to creation of delinquent mindset itself and to incorporate adolescent education programme within the academic curriculum of school education system as a form of preventive mechanism under the direct supervision of the state machinery towards achieving the larger vision of state welfare and social justice.

**Keywords:** Adolescence, Adolescence Education, Quality Education, Criminal Justice System, Social Justice, School Education System

The recently released British web series "Adolescence" about a 13-year old boy who has been arrested for murdering one of his female classmates when she refuses his love confession for her, unfolding the dark reality of societal negligence towards teenage psychology garnered massive attention all over the internet. The series revolves around factors like difficult family dynamic, emotional distance from parents and unregulated use of technology affecting the child psychology to turn him into a juvenile. The web drama has acted as a wake-up call and conversation starter towards our collective ignorance from certain basic social issues that manifests itself as pressing concerns of interpersonal relationships, especially in the globalized world of today's time and it's unavoidable impact on the legal landscape across the globe around the world.

### **Phase of Adolescence and its effect on human psyche-**

Adolescence is the most vulnerable phase of a human being's trajectory of cognitive development. It's the stage where a child's first layer of complex moral and ethical stand points are established which ultimately plays significant role as to how his mind is going to be shaped as an adult in the future. World Health Organization (WHO) defines Adolescence as between the age of 10 to 19 years. It generally includes 3 stages of adolescent phase i.e. early adolescence (10-13 years), middle adolescence (14-16 years) and late adolescence (17-19 years).

During the early adolescence phase as the puberty hits, the physical body goes through series of hormonal changes. During this time complex or abstract thoughts rarely exists in children's mind. Their thinking capacity strictly departmentalizes actions and ideas into binary boxes of right and wrong, good or bad. Questions and curiosity on sexuality, attraction towards opposite gender, understanding own sexual preferences etc. begins to show up during this phase.

During mid Adolescence the mind is heavily vulnerable to Peer pressure, influence from outer world that often creates self-doubt, ego, comparative mindset in terms of beauty standards etc. The child demands more privacy and freedom from family leading to arguments, distance etc. The child gradually starts understanding abstract thoughts and often makes decision beings emotionally driven backed by impulsive mindset towards a particular belief or thought process. The child grows strong interest in romantic partnership and starts to think about career, long term future goals etc. in more concrete manner.

In late adolescence the mind starts to become relatively mature though still not capable to make firm decisions. During this time emotionally driven actions get to some extent cross-checked by rational and logical thoughts. In this phase the mind can better calculate pros and cons of making a particular choice due to better impulse control than the earlier stages as the body is in majority cases fully developed.

More than 22% of India's population is within the age group of 10-19 years i.e. around 33 crore young minds. This figure and numbers are not a small one when translated into human potential. It's a gigantic demographic force that will practically shape and build the essence of India as a nation.

### **High risk behaviors amongst adolescents-**

There are some high-risk behaviours that studies have revealed to be most frequently observed during adolescent phase of a human's life. Those high risk behaviours requires early detection and special attention to be devised by state machinery itself as part of its duty towards the citizens in light of social justice and public welfare.

- **Drug abuse amongst adolescence-**

Substance consumption and drug abuse is an increasing matter of concern especially amongst the youth of India. As per one report 13.1% of the people who consume or are victims of drug abuse in India, are below the age of 20 years. This shows the rampant spread of drug consumption which is not just a matter of medical concern but also a deeply entrenched socio-political-economic issue. From the social survey conducted by UNODC in the year 2018, it has been revealed that the period of early adolescence i.e. between the age of 12 to 14 to, the period of late adolescence i.e. between the age of 15 to 17 is the juncture period during which youth remains most vulnerable to come under the trap of substance consumption.

As per various studies, around the age of twelve years, the child starts to experiment with addictive substances like alcohol, cigarettes etc. mostly out of curiosity for the sake of experience and to understand the taste, feeling and its consequent effect onto the self. The influence of peers, substance consumption history of the nearest family members, influence of social media, television, films etc. often play a major role in instigating the minds of young adults to get addicted to the vicious cycle of addiction. What follows afterwards is a complex

ramification in terms of degradation of health, violent-unsociable-delinquent behaviour, lack of self-esteem, detachment from the real world, lack of focus leading to career degradation etc. The repel effect that early age substance addiction creates for an adolescence shows its ruining effect throughout a person's life or for a majority part of their productive age.

- **Risk of sexually transmitted diseases-**

As per the report published by the United Nations International Children's Emergency Fund report, amongst the list of countries that were most affected with human immunodeficiency virus (HIV) India has been ranked number 10th. India is home to third highest HIV-affected population in the world out of which nearly 35% of population belongs to the age group of 15 to 24 years. The risk of getting infected with HIV virus is mostly due to an acute lack of proper information and awareness amongst the youth regarding the cause and effect of the disease. Absence of proper sex education for the young population is one of the most vital causative factors that leads to unregulated sexual activities without proper preventive measures that ultimately leads them to get victimized by this fatal disease. In this age group the risk factors in this regard includes young children often getting persuaded to casual sexual activities or becoming victims of sexual violence and abuse.

- **Addiction to porn-**

The young adolescents without parent/teacher supervision often get addicted to pornographic contents. Especially in this age of digital accessibility pornographic addiction is rapidly increasing amongst youth. The cycle begins with casual viewing often due to peer pressure, out of curiosity along with the biological factor playing its role, which for some gradually ends up being a behavioral addiction. Pornographic contents by its very nature triggers the reward system of brain that releases pleasure hormones every time one consumes such contents which makes the viewer addicted to such consumption without understanding the need for control appropriate boundaries. In Indian family structure, talking about sex or sexual health is often considered as a taboo. The porn industry is itself a largely unregulated area of business that sells numbers of unethical and illegal contents like child pornography, sexual violence, rape and abuse in under the guise of porn etc. Addiction to porn in adolescent periods leads to create a distorted understanding of interpersonal relationship, radical perspective on sexuality and intimacy, sexism, lack of understanding on consent or healthy personal boundary, objectification of human body etc. creating an unhealthy mindset towards human sexuality

often backed by patriarchal influence that is largely targeted towards women and children. This ultimately results in criminal acts, violent behaviour, unhealthy intimate relationship dynamic with partners in future etc.

- **Radicalization of thought due to consumption of too much technology-**

In today's 21<sup>st</sup> century world where the line between digital space and real world is rapidly getting blurred, unregulated use of digital space and social media amongst the young adolescents is a matter of serious concern. The over-simplification of issues and incidents, the extreme radicalization of ideas and choices and the privacy concerns with respect to how selective algorithm of social media works to feed people what they already tending to believe or consume etc. are some of the very sensible areas of socio-legal aspects that needs careful scrutinization and dissection to filter out what contents can be consumed by the young minds and what should not be.

### **The Jurisprudential angle -**

The traditional theories of punishment which highlights different approaches to deal with crimes in society like retribution, prevention, expiation and reformation have certainly served some purposes towards regulating the same. The existing Criminal Justice System in India solely on the system and mechanism that follows post a criminal act. However, what still remains as an untouched area of socio-legal experiment is the active policy making towards help creating an informed and well-aware adulthood backed by moral and ethical standards to prevent germination of delinquent mentality itself. This method of educating the young adolescents to be aware, informed and empathetic cannot be achieved solely through the traditional learning of existing subjects of school curricula like mathematics, science, literature, history, geography etc. There has to be a systematic incorporation of well researched Adolescence Education Programme within the school curricula to set the stage for a healthy upbringing of the future adults. In this context; educating children about negative impact of technology, sexual health, knowledge on healthy boundaries within relationships etc. and active psychological support for children in school set up under Adolescence Education Programme is of paramount importance.

### **The Constitutional angle of need for compulsory adolescence education for all adolescents-**

The Constitution of India under 21 provides right to life and personal liberty. SC has time and again reiterated that right to lead a life with dignity is integral to right to life. Dignity comes from the ability to know our potential as human beings, to become more resilient through adversities of life and to understand factors that might affect our right to lead a physically and emotionally healthy life. Inherent dignity of a human being is deeply enclosed with the right to be aware about sexual health, romantic relationship dynamic, psychological manipulation regulation etc. In this regard, right to be informed about our own basic physiology, psychology, sexuality and how it dictates our life in future is one of the facets of right to life that will help in shaping the mind's of children to lead a dignified life in the future.

One of the fundamental aspects that makes a human being different from animal is his capacity to think logically. Exercising free will in right direction is part of right to liberty. But for that they must be informed and aware enough to be able to think logically, something which the state should take into its shoulder. Basic human behaviour which are not really going to stay personal or limited to the private life rather is going to affect the society at large in the future should be taken care of by the state itself. It is the right of the individuals and corresponding duty of the state itself.

#### **Art 21A: Right to Compulsory Education under Constitution-**

Apart from being a member state to the Universal Declaration of Human Rights and ICESCR India's participation in world conference on education for all in 1990 and subsequent ratification of United Nations Convention on Rights of the Child in 1992 contributed a gradual shift of nation's vision towards strengthening the legal machinery towards providing free and compulsory education to all children. In between these gradual gathering of focus towards prioritizing education, the two landmark judgments by the Indian apex Judiciary became the culminating point that led to the inclusion of right to primary education as one of the fundamental rights under the constitution of India.

In this landmark judgment of *Mohini Jain v Union of India* (1992) 3 SCC 666 Supreme Court recognized right to education as a fundamental right. The court observed that right to education directly flows from right to life itself since right to lead a meaningful life and thus a life with human dignity is only achievable through the means of education.

However, subsequently in the case of *J P Unnikrishnan v State of Andhra Pradesh* (1993) SCC

1 645 the Supreme Court narrowed down the scope of right to education as a fundamental right as was observed in Mohini Jain case. The Court propounded that right to primary education for children between age of six to fourteen years shall only be recognized as fundamental right.

On the premise of the above judgment of the Supreme Court, parliament in the year 2002 brought 86th amendment of the Constitution and inserted Right to elementary education as one of the Fundamental Rights guaranteed under Article 21A of the Constitution.

In the case of State of UP & Anr. Etc. v Ananda Kumar Yadav & Ors. (2017) the SC held that Right to Education under Article 21A means “Right to Quality Education” while dealing with the issue of regularization of contractual teachers (Siksha Mitras) across the state. Though in this case the Apex Court highlighted the need for no compromise attitude on quality education in the context of appointment of qualified teachers fulfilling the required criteria for the same, the ambit of ‘quality education’ can have a broader dimension touching upon the realm of multi-faceted socio-legal factors, societal requirements and visions. Quality teacher appointment, ensuring regular attendance, compliance of minimum academic standards as per the age and grade of the child, strict conducting of examination, higher pass rate etc. are the prima-facie factors in relation with quality education. However, as the measuring scale goes deeper there are more nuances to explore the scope of quality education as an integral part of right to free and compulsory education.

An informed and aware adolescence about sexual health, sex education, identification of danger within the peer group, identification of bad influence, psychological counselling after any kind of victimization, addressing trauma, learning to seek help, private defence, understanding healthy inter-personal relation within friend circle and outside of it, segregating consumable contents from social media from unhealthy toxic ones, learning romantic relationship dynamic, psychological manipulation regulation etc., is very much the need of the hour to regulate behaviours and to help in making informed decisions.

In today’s world where there is no limitation in terms of quantity of information around us with the rapid intervention of digital world into our most vulnerable and personal spaces, it should be of paramount consideration for the state machinery to dictate a broader framework of adolescence regulation through preventive learning and awareness education that will be applicable to all adolescents of the country. In today’s era of changing family dynamic like rapidly growing nuclear family, single parent family, live-in relationship, divorced separated

parents etc. and the traditional broken family dynamics like family involved with crimes, violent behaviour, domestic violence, radically patriarchal family structure, drug/substance addicted parents or family members, emotionally unavailable parents etc. often end up creating a highly volatile and vulnerable space at home that affects the child in multiple toxic ways than one. Some become perpetually insecure of their self-worth and others end up being violent or show up delinquent behaviour.

### **International perspective.**

The Universal Declaration of Human Rights is the first comprehensive legal framework which has expressly recognized right to education under its scope. The adoption of the Declaration was materialized by the United Nations General Assembly as Resolution 217A on 10th of December 1948.

The language in the article begins with the profound influence that education as a factor serves to contribute towards the all-round development of human personality and individual dignity. The State Parties unanimously agree that in order to substantiate due regard for Human Rights and to create a more tolerant and inclusive society, imparting education to all is of paramount importance.

The declaration recognizes that everyone has the right to education and education at elementary level shall be provided compulsorily and free of cost by all signatories to the declaration. The declaration holds the idea that the very objective of education should be aimed towards full development of human personality and strengthening of respect for Human Rights and Fundamental Freedom.

Adolescent education as a term was first used under a publication in the year 1992, of a package by UNESCO Principal Regional Office for Asia and the Pacific, on adolescent issues broadly containing four distinct chapters that dealt with the physical aspect, social aspect, sex roles and sexually transmitted diseases.

### **Quality education under sustainable education policy 2030-**

The global education development agenda enshrined under Goal 4 of Sustainable Development Goal of 2030 has been adopted by India since year 2015 in order to achieve its agenda of 'Quality Education' i.e. to 'ensure inclusive and equitable quality education and promote

lifelong learning opportunities for all' by 2030. Under this goal detailed targets have been set out for more concentrated approach towards addressing the practical issues concerning access to inclusive and qualitative education across nations.

Under the broader goal of quality education, target 4.7 highlights the role of education for development that is sustainable and to prepare the child as globally minded individual in order to aid in attaining sustainable lifestyles, universal human rights, gender equality, promotion of a culture of peace and non-violence etc.

In this context, inculcating sustainable values amongst the adolescent youth must be a part of long-term planning towards building a sustainable healthy society. In alignment with the framework and vision of Universal Declaration of Human Rights, so far as it highlights the objective of education as to create a more tolerant society running by the principle of human rights at its core and to facilitate full development of human personality, the idea of education that needs deeper scrutinization is which type of education do we need to provide in order to actualize the above objectives or visions? Is our current education system truly made for enabling the society to achieve those purpose? Is there no visible gap that can be addressed on policy making level to restructure the education system in tandem with the idea of sustainability or towards ensuring the all-round development of human personality?

### **National policy framework on Adolescence Education Programme-**

Keeping in view the increasing risk of unaware, uninformed and misinformed adolescence, Government of India has taken decision to introduce Adolescence Education Programme in all secondary and higher secondary schools.

CBSE has structured a teacher's workbook to substantiate adolescent education programme that will address multifaceted adolescent related issues and behavioral aspects that needs academic intervention from educators in the school premises. The workbook declares it's vision as to nurture aware, responsible and empowered adults.

The workbook highlights in detail about the high-risk factors attached to adolescent period, the potential threat of neglecting these issues on to the overall healthiness and well-being of the future of the country and stresses upon the proven role of educational intervention into the life of adolescents to monitor and regulate their behaviours and to teach life skills that are not only

age-appropriate learnings but also experimented to be highly effective in terms of managing adolescence health issues both physiological and psychological and to address risky behaviours that mostly young adults are prone to.

Adult Education programme was launched by the Govt of India in the year 2005 as an upscaling of National School AIDS Education Programme to make young adolescents informed about their sexual health, providing life-skills to ensure a healthy upbringing and holistic growth of the young minds. The Adolescence Education Program (AEP) aligns with the broader goals set under National Curriculum Framework 2005 launched by the Government in 2005.

The Curriculum framework recognizes the age of adolescent as the most critical phase of a human being's development as during this phase a man searches to identify its identity as a human being and the foundation of its moral and ethical understandings are established during this phase of growth. The body goes through hormonal changes leading to a significantly vulnerable space where the mind is most receptive and accommodative. The framework substantiates how during this time external support system plays a major role in Reinforcement of positive societal standards and value systems in to the minds of Adolescents. The framework suggests appropriate addressing towards the adolescence health-related issues, questions on sexuality, interpersonal relationship with peer groups including opposite genders, changing dynamics with parents and family members etc. through school curricula.

### **New Education Policy, 2020-**

The New National Education Policy, 2020 is the first education policy brought in the 21st century India that envisions to ensure highest-quality education for all learners irrespective of any sort of socio-economic or other discriminatory factors. The National Education Policy, 2020 enshrines that the aim of education should not be limited to cognitive development of students, but also be directed towards character development, shaping an all-round personality with healthy and holistic mindset, everything that the broader goal of Adolescence Education Programme stands for.

In the light of these legislative visions however, a structured syllabus specifically dedicated towards adult education programme is yet to be devised under the academic curriculum of school education.

**Adolescence Education Programme as long-term approach-**

As part of long-term approach towards preventing adolescent crime or minimizing the chance of crimes in society which gets its fuel from uninformed or misinformed idea of what is right and wrong, adolescence education programme will work as a long-term sustainable planning towards building a healthy and aware society, choosing young population as its key instrument. Being in alignment with the sustainable development goal agenda of 2030, in order to utilize education as a device to build a holistic and tolerant demographic force, adult education programme as a part of compulsory education within the school academic curriculum has to be systematically incorporated as a policy framework.

**Suggestions-**

With respect to establishment of compulsory Adolescence Education Programme in each and every school for all adolescent students across the country a systematic policy framework has to be devised backed by thorough research, suggestions and recommendations that must be sought for from multiple stakeholders across fields like legal experts, educators, scientists, medical professionals including experts from both physiological and mental field, psychotherapists, NGOs dealing with child rights etc. The researcher has put forward certain specific suggestions that could be taken into consideration by the policy-makers while formulating policies and programmes in this regard.

- **Formulation of a special body-**

The government should establish a specialized governing body under department of school and mass education, dedicated solely towards overseeing the management of Adolescent Education Programme in all schools across the country. The governing body will take all responsibility to monitor the performances on ground level, to manage resources and to continue academic and scientific research to provide appropriate education tailored as per the changing needs of the society.

- **Compulsory appointment of therapists/ psychologists in schools-**

The Government should make it mandatory to appoint therapists or clinical psychologists or professional counsellors to provide safe space for every child in the school. This will help the child to realize that even if they are fighting with any emotionally draining situation or dealing

with mental health issue or any sort of unwarranted incidents that they fear disclosing to parents, there is always a help ready at their school without judgment or fear and with guaranteed solutions. The fear of abandonment that grows due to lack of a guide or a mentor who can help the child walk through any sort of difficult situation, makes the child mentally weak, under-confident and intensifies the level of vulnerability which in many cases creates the space for delinquent activities.

- **Parent Counselling-**

Along with student counselling parent/guardian counselling should also be a part of Adolescence Education Programme curriculum to provide expert advice on particular subjects like monitoring towards safe use of technology and digital media by parents, understanding changing behaviour of the child that should not be overlooked, other various safety precautions and regulating mechanism with respect to adolescence behaviour when the child is at home.

- **Compulsory basic legal education-**

Making the young adults aware about their legally conferred rights, corresponding duties and possible remedies that can be sought for when there is a violation of any of the rights is of paramount necessity as far as holistic approach towards addressing adolescent issues by the state through education is concerned. Understanding basic legal rights must be considered as a part and parcel of quality education.

- **A structured and time appropriate syllabus-**

The structure of the curriculum should provide an all-round holistic education that will address personal, social, physical, psychological, behavioural, moral, practical issues and concerns that revolves around an adolescent's life experience with an ultimate aim to make aware, informed and sensible individuals for future. Apart from this; regular interactive-sessions, workshops, seminars, classroom role play, problem solving activities etc. should be conducted on regular basis as part of adolescence education curriculum to monitor its ground level results on behavioural patterns of students.

The future of any nation is shaped after its children. As India is gearing up to establish its global leadership in all facets of global life, being committed to the mission of sustainability and holistic development, the time has come to dig deeper into our own societal issues that needs

formal state intervention through target-oriented law making and policy formulation in order to restructure the existing socio-legal climate. In this context, exploring a new dimension of the criminal justice system i.e. the prevention of crime through education, with a focus on the young adult demography of the country, being most receptive to change, should be the call of the hour.

The remarkably audacious way in which the web series 'Adolescence' compels its viewer to feel all kinds of uneasiness in the body is not the seemingly cruel or violent scenes. It's the silent, slow and cold ones. The ones where both the parents of child feel gut wrenching guilt about what more they could have done to stop their child, where the therapist loses her calm with feeling of disgust, pity and helplessness, all at the same time after she realizes the nonrepairable damage that has already been done to the innocent mind of that 13 year old boy or where the father bawls out grief whispering a remorseful apology for his son while tucking in the teddy bear into sleep.

Cinemas like this are not region or country specific. They mirror the world we are living in, and question the societal structure that only focuses on penalizing the criminal and remains a silent spectator, indifferent and apathetic while a criminal is brick by brick being created under the veil of a broken social system until something unlawful is finally committed and therefore, is meant for the whole world to take notice of. In this increasingly globalized world of 21st century, the vision of shaping children as global citizens should begin from installing holistic, sustainable, informed, decision-making characters in them which could best be materialized within the four walls of a school premise since it's the only formally organized and recognized institutional space that secures its place next to one's home.

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