

Human Rights Council resolution 35/14: OHCHR study on youth and human rights

EUROPEAN YOUTH FORUM SUBMISSION

1. Background

The European Youth Forum (YFJ) is a platform of 104 youth organisations in Europe, representing the interests and promoting the rights of young people in Europe. Youth rights and young people's access to rights have been long-standing priorities of the Youth Forum. Founded in 1996, the Youth Forum is a non-governmental organisation in consultative status with the United Nations Economic and Social Council since 1999.

Young people moving between two stages of life – childhood and adulthood – often face specific barriers in accessing their rights. This submission elaborates on such barriers, responding to the call for input released by OHCHR.¹ It is structured as follows, with recommendations to Member States and the UN Human Rights Council where relevant:

- Challenges and examples of discrimination faced by young people;
- Policies and programmes aimed at supporting young people to realise their rights;
- Youth organisations' involvement in developing, implementing, monitoring and evaluating policies and programmes on youth;
- Measures at international level to support the realisation of young people's rights.

2. Challenges and examples of discrimination faced by young people

Young people today face obstacles in accessing civil, political, social, economic and cultural rights. Over 1 in 4 young people in Europe are at risk of poverty or social exclusion.² Legal and policy approaches to young people rarely take a rights-based approach, often viewing youth as a problem that requires a solution.

Young people are often defined solely on the basis of their age, a perception that usually leads to a view of youth as a homogenous subset of society. To understand and analyse discrimination against young people it is critical to acknowledge that age is but one characteristic, and that it often intersects, adds to and multiplies discrimination based on other grounds. Jointly with structural and institutional barriers, this multiple discrimination prevents many young people from enjoying equal opportunities and substantive equality.³

Individual and structural discrimination

In a study on multiple discrimination and young people published by the European Youth Forum in 2015, 77% of respondents perceived being discriminated against.⁴ The top five grounds of discrimination were: gender (34% of respondents), being aged 18-24 years old (29.1%), sexual orientation and religion or belief (18.8% and 18.3%, respectively), and physical appearance (17%). One of the key areas in which respondents indicated age-based discrimination is when

¹ <http://www.ohchr.org/EN/Issues/Youth/Pages/CallInputsYouth.aspx>

² Excluding Youth: A Threat to Our Future, European Youth Forum, 2016.

<http://www.youthforum.org/assets/2016/05/Excluding-youth-a-threat-to-our-future.pdf>

³ Multiple discrimination and young people in Europe. European Youth Forum, 2015(a).

<http://www.youthforum.org/assets/2015/10/Multiple-discrimination-and-young-people-in-Europe.pdf>

⁴ European Youth Forum, 2015(a).

looking for a remunerated job (18.2%) and at the workplace (12.2%).⁵ While respondents cited examples of individual discrimination, some also gave evidence of discriminatory policies and practices at an institutional/structural level.

Age limits are an example of how structural discrimination often manifests itself. In a 2016 report Equinet, the European Network of Equality Bodies, found that age limits are employed as a mechanism to discriminate against people, for example in employment, legal capacity or voting.⁶ Furthermore, Equinet highlighted that the dominant issues are more structural than individual in nature, stating that, “The outcomes for young people in a number of fields across the Member States points to issues of structural discrimination.”⁷ Equality Bodies suggest that structural discrimination cannot be addressed by responding to individual cases, pointing to the need for more fundamental, structural changes.

Equality bodies found evidence of structural discrimination in the life outcomes of young people resulting from certain institutional practices and policies, whether aimed at the mainstream population or young people in particular. In the context of mainstream practices and policies, young people have significantly poorer outcomes in employment (recruitment, pay and conditions), unemployment and work in the shadow economy, policing, social protection access and rates, housing rental and access to clubs.⁸ Regarding systems that target young people specifically, “The experience of young people within institutions [such as educational institutions] can reflect inequalities in the status and standing, influence, and respect that are experienced by young people and can amount to forms of structural discrimination. Age specific issues [in education] were identified including age limits for compulsory education, lack of voice in decision-making, and age stereotyping.”⁹

Multiple discrimination

Young people are not exclusively defined by their age. Multiple discrimination comes into play when young people are discriminated against on the basis of several characteristics, as well as their age. These characteristics, real or perceived, may include gender, race, sexual orientation, gender identity, ethnic origin, disability, religious beliefs or social and educational background, among others.

Multiple discrimination plays a strong role in young people’s life and, unfortunately, the interconnectedness of the experience of discrimination based on more than one ground is often overlooked. Antidiscrimination laws and policies mainly conceive categories as tightly sealed off factors. Young people located at the intersection between different categories of identity and structures of oppression can be easily disregarded by the various policies and laws based on one ground only. For example, young women from a migrant background face some of the most precarious living and working conditions in Europe¹⁰, and young people with disabilities are often victims of misconceptions regarding their abilities.

A focus solely on age-based discrimination would paint an incomplete picture of young people’s reality; it can therefore be counterproductive to isolate age-based discrimination from other forms of discrimination faced by young people. Instead, what is necessary is an updating of legal provisions and anti-discrimination frameworks to move away from a siloed, single-grounds approach in order to acknowledge and respond to multiple discrimination.

⁵ Ibid

⁶ Opening up the issue. Equality Bodies combatting discrimination against and promoting equality for young people. Equinet, 2016. http://www.equineteurope.org/IMG/pdf/young_people_perspective_web.2.pdf

⁷ Ibid (p. 26)

⁸ ibid

⁹ ibid (pp26-27)

¹⁰ Eurostat, Migrants in Europe: A statistical portrait of the first and second generation, 2011.

Legal frameworks on anti-discrimination

The lack of legal frameworks prohibiting discrimination on the grounds of age in all areas of life, including employment, education, access to and supply of goods and services, as well as social protection, pose a significant barrier to fighting age-based discrimination. Article 14 of the European Convention of Human Rights (ECHR) does not explicitly mention age-based discrimination, although the European Court of Human Rights has included age under 'other status'. However, the ECHR alone is not sufficient to protect young people from discrimination, and though significantly lacking, EU law is more comprehensive than other frameworks at European level, leaving a gap which non-EU countries are exposed to in particular.

EU law currently only prohibits age-based discrimination in the field of employment, following the Employment Equality Directive (2000/78/EC). The current state of play in the EU has resulted in a hierarchy of rights, whereby some grounds enjoy greater protection from discrimination than others. Nonetheless, national law often goes beyond EU provisions, covering age-based discrimination beyond employment. In general, provisions on age-based discrimination are often covered in employment, education, social protection, accommodation and the wider spectrum of goods and services.¹¹

Even where national law prohibits age-based discrimination, better enforcement of existing legislation is necessary. While Equality Bodies are often mandated to address individual cases of discrimination, they have indicated an under-reporting of age-based discrimination.¹²

Examples of challenges and discrimination against young people in the exercise of their rights

Examples of discrimination that young people face mostly due to their age are provided below, with respect to the right to participation, the right to education, the right to employment and social protection, as well as in other areas. However multiple discrimination, as outlined above, is relevant in all areas and often results in even more adverse outcomes for young people.

Right to participation

- Underrepresentation of youth in decision-making bodies and processes at all levels (e.g. Municipal Assemblies, Local Councils, National Parliaments, European Parliament). Fewer than 2% of Parliamentarians worldwide are under the age of 30.¹³
- Voting age, which is set at 18 in most countries, meaning 16-17 year olds cannot take part in elections and thus have a say on who represents them politically.
- Age limits to run for public office, which are often higher than the legal voting age and which may vary depending on the role (e.g. Parliament, Senate, President).

Right to education

- Public spending cuts in education as a result of the economic and financial crisis, which have had a significantly negative impact on access to education, penalising disadvantaged groups of young people in particular.¹⁴ For example, EU Migrant

¹¹ Equinet, 2016

¹² *ibid*

¹³ <http://nottooyoungtorun.org/>

¹⁴ European Youth Forum, 2016.

Integration Indicators show that young people who are foreign-born are at greater risk of leaving education and training early.¹⁵

- Low levels of educational attainment for specific groups of young people: 25 per cent of Roma youth have no formal education, compared to 3% of non-Roma youth; more than 80% of Roma youth are early school leavers in a number of European countries.¹⁶
- Classroom and/or school segregation for specific groups of young people, such as Roma and young people with disabilities.¹⁷ Quality of education in such settings is often lacking compared to mainstream education. According to the World Health Organisation, children and young people with disabilities are less likely to start school or attend school than other children and have lower transition rates to higher levels of education and to employment.¹⁸
- Violence and bullying based on real or perceived sexual orientation or gender identity/expression has an adverse effect on LGBTQI young people's educational and employment outcomes.¹⁹

Right to employment and social protection

- Diminishing and near-disappearance of entry-level jobs, with few employers willing to take on young, inexperienced workers and build them up, investing in their development, skills, and further training.
- Proliferation of non-standard forms of employment such as zero hour contracts, undeclared work, underemployment and unpaid, unregulated internships,²⁰ This contributes to instability, low income, reduced or absent social protection, as well as erosion of skills, isolation, low self-esteem and participation.²¹
- Right to social security is not guaranteed in all employment opportunities. Non-standard forms of employment are often exempt from social security provisions, while self-employed workers also have little recourse to basic employment rights, such as paid sick leave, holiday and maternity leave. Self-employment is often seen as a possible solution for jobless youth, both within the EU²² and beyond.
- Youth minimum wages that are below the national minimum wage exist in a number of countries,²³ which only serve to legitimise age-based discrimination. As the ILO has pointed out, youth wages potentially conflict with the principle of equal pay for work of equal value and they defeat the purpose of the national minimum wage.²⁴
- Insufficient income leading to in-work poverty, experienced by 12% of young people in Europe, as compared to 9% of the overall population.²⁵
- Age or other requirements such as prior employment are an obstacle for young people in accessing unemployment benefits and/or minimum income schemes, resulting in a limbo status for graduates struggling to find employment.²⁶

¹⁵ Eurostat, Migrant Integration Statistics – Education, May 2017. http://ec.europa.eu/eurostat/statistics-explained/index.php/Migrant_integration_statistics_-_education

¹⁶ UNDP, Christian Bruggeman, Roma Education in Comparative Perspective, 2012.

¹⁷ Excluding Youth: A Threat to Our Future, European Youth Forum, 2016.

<http://www.youthforum.org/assets/2016/05/Excluding-youth-a-threat-to-our-future.pdf>

¹⁸ World Health Organisation, World Report on Disability, 2011.

¹⁹ Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression. Summary Report, UNESCO, 2016. <http://unesdoc.unesco.org/images/0024/002446/244652e.pdf>

²⁰ For further information on the quality of young people's employment please see: European Youth Forum, Quality Jobs for Young People, 2013.

²¹ EAPN, Youth poverty and social inclusion in Europe, 2014.

²² Euractiv, Henriette Jacobson, Self-employment seen as possible exit door for jobless youth, September 2015

²³ For example in Belgium, Czech Republic, France, Ireland, Netherlands, Portugal, United Kingdom, and Turkey. For further information, see: Excluding youth: A threat to our future. European Youth Forum, 2016.

<http://www.youthforum.org/assets/2016/05/Excluding-youth-a-threat-to-our-future.pdf>

²⁴ Ibid

²⁵ Excluding youth: a threat to our future. European Youth Forum, 2016.

²⁶ Ibid

- Access to care services has been cited as a barrier for young parents accessing employment and ensuring a work-life balance: 79% of young parents who use or would like to use childcare services reported that they have experienced some kind of obstacles in accessing these services, the most cited one being fees.²⁷
- The above, in combination with other factors have resulted in high rates of youth unemployment that are consistently above the average; according to Eurostat data youth unemployment is at 16.6%, more than double the overall unemployment rate for the EU. Further, longer transition periods to autonomy and increasingly common precarious forms of employment not only contribute to instability, low income, reduced or absent social protection, and erosion of skills, but also pose serious risks beyond the labour market, increasing isolation, low self-esteem and participation.²⁸

Discrimination in other areas

- Access to goods, services and social protection: exclusion due to age limits, which are often used to discriminate against young people.²⁹
- Healthcare: lack of tailored services, especially for trans and intersex young people, refugees and migrants (in particular undocumented migrants), as well as lack of data protection of young people in health care services of several countries.
- Right to self-determination and bodily integrity: often not guaranteed for trans and intersex young people.
- Housing: the European Observatory on Homelessness has described the increase in homeless youth across Europe as the most striking trend in homeless demographics.³⁰
- Housing: owners refusing to rent to young people below a specific age, or refusing to rent to students.
- Financial services: inability to access financial services due to lack of stable income or precarious working conditions.
- Conscientious objection: countries often do not adhere to judgements of the European Court of Human Rights relating to conscientious objection to military service. Violations include prosecution or harassment of conscientious objectors, as well as failure to provide a non-punitive and non-discriminative alternative service of purely civilian nature.³¹

²⁷ Ibid

²⁸ EAPN, Youth poverty and social inclusion in Europe, 2014.

²⁹ Equinet, 2016 (p7).

³⁰ Youth Rights! Right Now! Ending Youth Homelessness: A Human Rights Guide. FEANTSA et al, 2016.
<http://www.feantsa.org/en/report/2016/12/07/youth>

³¹ Annual Report: Conscientious Objection in Europe 2017. European Bureau for Conscientious Objection.
<http://www.ebco-beoc.org/sites/ebco-beoc.org/files/attachments/2017EBCOAnnualreport.pdf>

RECOMMENDATIONS TO MEMBER STATES

Participation

- Adopt measures to involve youth organisations or youth-led structures in the development, implementation, monitoring and evaluation of policies, programmes or strategies affecting young people's rights.
- Enact or amend national legislation to align the minimum voting age and the minimum age of eligibility to run for office.
- Lower the voting age to 16.
- Implement the recommendations included in the Report of the first session of the Forum on Human Rights, Democracy and the Rule of Law HRC 34/46, on the role of youth in public decision-making.³²

Education

- Develop and implement inclusive and non-discriminatory education policies to ensure that all children and young people are able to reach their full potential.
- Ensure adequate resources for educational policies that specifically target vulnerable groups, especially migrants, ethnic minorities such as Roma children and youth, young people with disabilities and young people from disadvantaged socio-economic background.
- End the practice of school segregation.

Employment and social protection

- Ensure access to social protection for all workers, regardless of form of employment.
- Enact or amend legislation to guarantee equal pay for equal work and access to a single, national minimum wage applicable to everyone regardless of age.
- Enact legislation regulating internships, outlining quality criteria and banning unpaid internships, to ensure fair access for all young people, regardless of their socioeconomic background.³³
- Develop and introduce universal care provisions to promote better work-life balance and to tackle gender-based discrimination in accessing the labour market.

Non-discrimination

- Enact legislation prohibiting discrimination on the grounds of age in all areas of life.
- Enact or amend existing anti-discrimination legislation in a manner such that discriminatory practices can be identified as practices based on more than one prohibited ground of discrimination or the effect of a combination of prohibited grounds.
- Provide straightforward, accessible mechanisms for reporting discrimination and seeking redress.

4. Policies and Programmes aimed at supporting young people to realise their rights

The European Youth Forum's Shadow Report on Youth Policy, published in 2015 following a survey of member organisations, includes recommendations for youth policy at national and European level.³⁴ Key recommendations for national-level youth policy include: the introduction of impact assessments for all policies that may impact young people, the need for national policies to be more consistently built on a rights-based approach, as well as the need for greater efforts to

³² <http://www.ohchr.org/EN/HRBodies/HRC/Democracy/Pages/ForumDemocracy.aspx>

³³ See the European Quality Charter on Internships and Apprenticeships:
http://www.youthforum.org/assets/2014/04/internship_charter_EN1.pdf

³⁴ Shadow Report on Youth Policy: A youth perspective. European Youth Forum, 2015(b).
<http://www.youthforum.org/assets/2015/10/Shadow-Report-on-Youth-Policy.pdf>

ensure validation and recognition of non-formal and informal learning. Key policies and programmes targeting at EU, Council of Europe and UN levels are outlined and assessed below.

European Union

Erasmus+

The Erasmus+ Programme is the EU Programme for Education, Training, Youth and Sport. It aims to provide to over 4 million Europeans the opportunity to gain competences and have a personal, socio-educational and professional development through studies, training, work experiences or volunteering abroad. It also fosters quality improvements, innovation, excellence and internationalisation of organisations active in education and training, youth and sport, and promotes initiatives that support policy reforms at all levels. The Programme supports projects that strengthen cross-sectorial cooperation, allowing for greater synergies across all fields of actions concerning young people, with a special focus on access to rights, autonomy, participation and the active citizenship of young people, notably those at risk of social exclusion. Among other things the Programme seeks to foster the inclusion and employability of young people with fewer opportunities, with particular emphasis on young people at risk of marginalisation and those with a migrant background, including newly arrived immigrants and young refugees.

The EU Youth Strategy

The EU Youth Strategy lays out a framework for European cooperation in the youth field in the period from 2010 to 2018, although youth policy is a national competence of Member States.³⁵ The Youth Strategy has two main objectives: 1) to provide more and equal opportunities for young people in education and the job market; 2) to encourage young people to actively participate in society. Furthermore, it proposes initiatives in eight fields of action.³⁶ The evaluation of the EU Youth Strategy has pointed to a need for fewer, more focused objectives and areas of action to be able to assess the impact of the Strategy.³⁷ So far the EU Youth Strategy has not served as a real strategic framework, defining the priorities in European youth field, but rather as a broad framework, outlining common objectives that every Member State should work towards.

The EU Youth Guarantee

The Youth Guarantee is a scheme that aims to ease the transition from education to employment by ensuring that all young people under the age of 25 get a good-quality offer of employment, training or further education, within 4 months of leaving formal education or becoming unemployed.³⁸

The implementation of the Youth Guarantee at national level has encountered a number of challenges, especially when it comes to reaching out to the most vulnerable young people. In many instances the only way for young people to access the scheme is by registering through public employment services, these are often far from young people's reality and needs. Moreover, offers under the Youth Guarantee sometimes lack quality, and too many young people

³⁵ Council Resolution on a renewed framework for European cooperation in the youth field, 2009: [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009G1219\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009G1219(01)&from=EN)

³⁶ The eight fields are: employment and entrepreneurship, social inclusion, participation, education and training, health and wellbeing, voluntary activities, youth and the world and creativity and culture.

³⁷ Evaluation of the EU Youth Strategy and the Council Recommendation on the mobility of young volunteers across the EU, Final Report, European Commission, p 111. https://ec.europa.eu/youth/sites/youth/files/youth-strategy-mobility-evaluation-2016_en.pdf

³⁸ Council of the European Union, Council Recommendation of 22 April 2013 on establishing a Youth Guarantee, 2013

are offered one-size-fits all solutions, hindering young people's chances to access real opportunities and not just short-term experiences.

Nonetheless, the Youth Guarantee is having a positive effect; according to a 2016 report by the European Commission, nine million young people had taken up an offer of a job or further training through the scheme.³⁹

Council of Europe

The Committee of Ministers of the Council of Europe has adopted two key recommendations relating to young people's rights: CM/Rec(2016)/7 on Young People's Access to Rights⁴⁰ and CM/Rec(2015)3 on Access of Young People from Disadvantaged Neighbourhoods to Social Rights.⁴¹ While the latter focuses on policies to prevent and eradicate the poverty, discrimination, violence and exclusion faced by young people from disadvantaged neighbourhoods, the former is wide-ranging and covers civil, political, economic, social and cultural rights. It provides guidance to States on improving access to education, autonomy and social inclusion of young people, mobility, active citizenship, democracy and participation, living together in diverse societies, access to information and protection as well as access to healthcare services.

The Committee of Ministers Recommendations on youth mark an important step in the right direction, however as they are not legally binding they will only have a significant, tangible impact and improve the lives of young people if Member States proceed to implementation. Further to the Recommendations, the Council of Europe's Youth Department is responsible for developing guidelines, programmes and legal instruments for better youth policies, while it also supports international youth activities that promote citizenship, mobility, human rights, democracy and cultural pluralism among young people.⁴²

United Nations

Adopted in 1996 and updated in 2007 by the UN General Assembly, the World Programme of Action for Youth (WPAY) outlines 15 priority areas of action.⁴³ It is intended to provide a policy framework and practical guidelines for national action and international support to improve the situation of young people. Every two years the Third Committee of the General Assembly and the Commission for Social Development of the Economic and Social Council negotiate resolutions on youth as a follow-up to the WPAY, however the process is often non-transparent and lacks meaningful involvement of youth representatives. While the WPAY has been the catalyst for youth policy at national level in a number of countries and inspired two regional legal frameworks on youth, the African Youth Charter and Iberoamerican Convention on Rights of Youth, monitoring and implementation is significantly lacking. Moreover, as the WPAY is not legally binding it has had little effect in practice.

In December 2015, the United Nations Security Council unanimously adopted resolution 2250 (UNSCR 2250) on Youth, Peace and Security. This resolution is the first fully dedicated to the important and positive role that young people play in the maintenance and promotion of international peace and security. UNSCR 2250 identifies five key pillars for action: participation, protection, prevention, partnerships, and disengagement and reintegration. The resolution urges Member States to give youth a greater voice in decision-making at the national, regional and international levels and to consider setting up mechanisms that would enable young people to participate meaningfully in peace processes.

³⁹ <http://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=2629&furtherNews=yes>

⁴⁰ <https://rm.coe.int/1680702b6e>

⁴¹ <https://rm.coe.int/168066671e>

⁴² <https://www.coe.int/en/web/youth>

⁴³ <http://www.un.org/esa/socdev/unyin/documents/wpays2010.pdf>

Data collection on youth

One of the key challenges in assessing the situation of young people globally, and often nationally, is the lack of comprehensive data, disaggregated by age. Such data is imperative in order to ensure evidence-based policy making. Beyond policies and programmes targeting young people specifically, societal progress is usually measured predominately by a country's Gross Domestic Product (GDP). Member States must make use of alternative measures of progress for evidence-based policy-making, such as the Social Progress Index⁴⁴ or the forthcoming Youth Progress Index,⁴⁵ which use non-economic, social and environmental indicators to measure progress in terms of real improvements in people's lives, from access to basic needs, wellbeing, and opportunities to fulfil their lives.

5. Youth organisations' involvement in developing, implementing, monitoring and evaluating policies and programmes on youth

Mechanisms for permanent, structured youth participation are necessary in order to realise young people's right to participation, ensuring youth are involved at all stages of policy-making on matters affecting them. Certain mechanisms exist at EU and Council of Europe levels, however youth participation at UN level is lacking significantly behind.

The European Youth Forum has developed standards and indicators for quality youth policy, a practical tool for assessing the state of youth policy.⁴⁶

European Union

The EU's Structured Dialogue with youth was established to contribute to democratic participation of young people through continuous cooperation between youth and decision-makers on policies that affect young people. Every 18 months youth together with European Commission and the trio Presidency countries of the Council of the EU decides on the topic for the cycle. That is followed by broad consultation with young people, meetings between young people and decision-makers, and recommendations adopted in a resolution of the Council of the EU.⁴⁷ The European Youth Forum and its members play an important role in the process, participating at all stages. During 2017-18, the Structured Dialogue has also been used to feed into the process of drafting the new EU Youth Strategy, to be adopted by the end of 2018 with effect in 2019.

Council of Europe

The Council of Europe's decision-making structure includes the Joint Council on Youth, which brings together representatives of governments and young people in a co-decision mechanism.⁴⁸ The Joint Council deals with all topics and policies directly affecting young people within the Council of Europe system. The youth representatives form the Advisory Council on Youth, to promote the interests of young people through a participatory decision-making structure.

United Nations

Young people do not currently have a sufficiently large role in shaping the agenda of the UN. Existing mechanisms, such as the UN youth delegate programme or the Major Group for Children

⁴⁴ <https://www.socialprogressindex.com/>

⁴⁵ <http://www.youthforum.org/youth-index/>

⁴⁶ 8 Standards for a quality youth policy. European Youth Forum, 2016. www.youthforum.org/8-standards

⁴⁷ Structured Dialogue, European Youth Forum: <http://www.youthforum.org/claims/the-structured-dialogue/>

⁴⁸ <https://www.coe.int/en/web/youth/joint-council-on-youth>

and Youth, do not provide for sufficiently structured, representative, sustainable and meaningful engagement of youth in decision-making processes. Improved mechanisms for youth participation and possibilities for youth to shape the agenda of the UN are needed to ensure the development of policies and programmes that contribute to the protection and fulfilment of the rights of young people, and to consolidate greater accountability.

RECOMMENDATIONS TO THE UN HUMAN RIGHTS COUNCIL

- Call for the creation of guidelines by OHCHR in cooperation with youth-focused UN stakeholders, to direct states in developing and implementing quality, rights-based youth policy.
- Develop and introduce mechanisms for permanent, structured youth participation in the work of the UN together with Member States and UN entities, aimed at involving youth-led organisations, particularly Regional Youth Platforms, as the democratic, legitimate and representative voices of young people.
- Consider and learn from existing practices such as the co-management system of the Council of Europe to involve young people in democratic co-decision procedures, where young people have the same rights and representation as other parties.
- Establish an annual Youth Forum as an integrated component of the Human Rights Council.
- Implement recommendations on the role of youth in shaping the agenda of the UN and regional organisations put forward in the Report of the first session of the Forum on Human Rights, Democracy and the Rule of Law HRC 34/46.⁴⁹

6. Measures at international level to support realisation of young people's rights

A 2013 Expert Meeting on the human rights of youth organised by OHCHR produced a number of recommendations.⁵⁰ The European Youth Forum and other stakeholders reiterated and elaborated on several recommendations at the Human Rights Council's panel discussion on youth and human rights held during its 33rd Session in 2016.⁵¹ It is a welcome development that a few recommendations are being implemented, most notably that at the request of the Council, OHCHR is conducting a detailed study on the enjoyment of human rights with regards to young people.

In general, efforts have focused on mainstreaming youth through the existing human rights frameworks and processes. However, youth receives limited attention in the international human rights system. Around 0.24% of all UPR recommendations in the 1st and 2nd cycle mention youth.⁵² Furthermore, based on the Universal Human Rights Index, only 103 concerns/observations and 196 recommendations mention youth, across the Treaty Bodies, Special Procedures and the UPR.⁵³

While the existing international human rights frameworks apply to everyone, including young people, it is evident that the issues, concerns and rights of young people are not being adequately addressed. There is a need for specific protection to tackle discrimination against young people and to remove the barriers that are stopping them from accessing their rights. As has been previously recommended, an international, legally binding instrument on youth rights

⁴⁹ Paragraphs 69-74 (p18), <http://www.ohchr.org/EN/HRBodies/HRC/Democracy/Pages/ForumDemocracy.aspx>

⁵⁰ Paragraphs 9-12, <http://www.ohchr.org/Documents/Issues/Youth/ExecutiveSummary.pdf>

⁵¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20564&LangID=E>

⁵² Based on UPR Info database, only 140 out of 57686 recommendations address youth; <https://www.upr-info.org/database/>

⁵³ <http://uhri.ohchr.org/> (Search on 10 January 2018)

has the potential to address the specific challenges young people face.⁵⁴ A binding instrument would provide a legal basis, and must be equipped with a monitoring mechanism to ensure follow-up and implementation. The need for such an instrument is developed in further detail in the Second Revised Edition of *The International Law of Youth Rights*.⁵⁵

Two regional instruments on youth already exist: the African Youth Charter⁵⁶ (AYC) and the Iberoamerican Convention on Rights of Youth⁵⁷ (ICRY), clarifying the international human rights frameworks with respect to young people. The AYC also introduces new rights, allowing youth to assert their human rights more effectively while also promoting the development and implementation of policies and programmes for young people.⁵⁸ Furthermore, the AYC provides for the participation of youth in national parliaments.

Children and youth

Recent years have seen an increasing tendency to group children and youth together in the context of human rights and the work of the UN. Approaches to ‘children and youth’ must be cautious not to overlook young people across the age spectrum. Viewing youth through a predominately child-rights prism risks distorting or altogether neglecting a number of key issues that young people face.

While the UN Convention on the Rights of the Child (CRC) covers children aged 0-17, there is no legally binding instrument at European or global level specifically addressing the rights of young people aged 18 and above. Given its scope the CRC cannot adequately address the rights of young people, both in terms of age and rights covered, for example when it comes to employment and social rights or participation.

A key issue is the lack of a single legal definition of youth in UN documents. While the age range of 15-24 is often used for statistical purposes, the age range of young people as 18 to 29, defined in UN Security Council Resolution 2250 on Youth, Peace and Security,⁵⁹ may be more appropriate. Youth is a period of transition from childhood to adulthood, a period that often extends beyond the age of 18-24 as previously discussed. The issues and rights of all young people must therefore not be diluted or overlooked when considering youth. Furthermore, in line with a rights-based approach, discussions about youth must include independent youth organisations or youth led-structures as the democratically legitimate representatives of young people.

Sustainable Development Goals

Young people played a crucial role in shaping the 2030 Agenda for Sustainable Development, which recognises them as “critical agents of change”. With the implementation of the Sustainable Development Goals (SDGs) well underway, young people’s participation and empowerment should be understood as both a means and an end in itself. However, many young people are still facing limited political inclusion and barriers in accessing their rights. Addressing the rights of young people in all their diversity and supporting their participation and empowerment in SDG implementation are complimentary and have to be recognised, first and foremost, as human rights imperatives. Applying a rights-based approach and strengthening links between human

⁵⁴ <http://www.ohchr.org/Documents/Issues/Youth/ExecutiveSummary.pdf>

⁵⁵ (Vol.1, pp xv-xxix) <http://www.brill.com/international-law-youth-rights>

⁵⁶ <https://www.au.int/web/en/treaties/african-youth-charter>

⁵⁷ [https://www.unicef.org/lac/lberoAmerican_Convention_on_the_Rights_of_Youth\(1\).pdf](https://www.unicef.org/lac/lberoAmerican_Convention_on_the_Rights_of_Youth(1).pdf)

⁵⁸ Promoting youth rights: how to harness the power of human rights instruments. European Youth Forum, 2017. www.youthforum.org/rights

⁵⁹ <https://www.un.org/press/en/2015/sc12149.doc.htm>

rights frameworks and the SDGs, as well as the respective review mechanisms and processes, is therefore key for the implementation of the Goals.

RECOMMENDATIONS TO THE UN HUMAN RIGHTS COUNCIL

- Lay the groundwork for negotiation of a legally binding International Convention on the Rights of Young People.
- Establish a special procedure on the human rights of young people, such as an Independent Expert or Special Rapporteur.
- Encourage UN Special Rapporteurs and Independent Experts to meet with representatives of youth organisations and/or youth-led structures during country visits.
- Mainstream youth rights in existing human rights mechanisms including the Universal Periodic Review and the work of the Treaty Bodies. In this context, Member States should involve youth-led organisations such as National Youth Councils in stakeholder consultations carried out during the preparation of national reports.