

Expert meeting on the human rights of youth

Executive summary and outcomes

1. On 25 and 26 July 2013, OHCHR organised a meeting of experts¹ to analyse the human rights framework applicable to young people, and to formulate possible ways forward for the human rights of youth at an international level.
2. There was agreement that **young people do experience difficulties in the exercise of their rights by virtue of being young and that there are gaps in the protection of the human rights of youth. However, divergent views were expressed in regards to the need for an international instrument on the human rights of youth.**
3. Participants highlighted several mechanisms that could be used to promote the human rights of youth and ensure that these receive adequate attention at the international level. There was a clear message for a **need for urgency in moving the youth rights agenda forward**, and that maintaining momentum is of crucial importance. In any action, participants were united in emphasising the **need for youth participation and leadership**, and ensuring the full involvement of youth organisations. It was suggested that engagement must be not simply through traditional methods, but must use social media and available communication technology.
4. One of the debates that continued throughout the meeting was how best to define “youth” in any document or action. While the UN age-range of 15 to 24 years is often used, it was pointed out that this was originally chosen purely for statistical purposes, and that it is important to undertake an in depth analysis to devise a correct definition in moving forward, instead of simply accepting the status quo. There was general agreement that “youth” could be viewed as a **time of transition, from childhood to adulthood, from dependence to independence**, but opinions differed concerning when this may occur.
5. Some participants encouraged a move away from a definition focusing purely on **biological age**, suggesting that “youth” is a culturally loaded concept, and will differ according to different communities, as well as in rural and urban contexts. They also reflected that the **transition from child to adult** occurs at different times in relation to different rights – for example in the justice system, in the labour market, in education, and in the family. Despite these diverse opinions, there was consensus that there is a need for a **life-cycle**

¹ The meeting included members of the United Nations treaty bodies, regional organisations and monitoring mechanisms for the protection of the rights of youth, as well as a number of youth representatives and civil society organisations. The UN Secretary General Envoy on Youth, as well as UN-HABITAT, UNFPA and ILO also participated in the meeting.

approach to human rights, that provides comprehensive protection of a person from childhood to old age, and the protection of youth must be part of this.

Gaps in human rights protection for youth

6. Throughout the meeting, there was extensive discussion concerning the areas on which youth were particularly vulnerable to human rights violations. Some gaps in human rights protection for youth that were raised included:
 - a) **Multiple discrimination against youth:** Participants expressed concern that youth often suffered from multiple forms of discrimination, including on the basis of gender, immigration status, disability, and/or social status (see in this regard points c, h and i).
 - b) **Youth employment:** Participants noted that 73 million young people worldwide are looking for work, and in Europe the unemployment rate for those under 25 is 2.6 times higher than the rest of the population. **Employment is also often more precarious for youth, with less guarantees. Concern was raised that youth did not receive equal pay for equal work.** In particular, examples were given of **countries in which minimum salaries were lower for young people than the rest of the population, and the issue of unpaid internships was also raised.**
 - c) **Political rights:** The **age of access to political rights, including voting and standing for political office**, was highlighted as being **discriminatory** against young people. Examples were given of several countries in which individuals must be of a minimum age (between 30 and 50) to be elected to political office.
 - d) **Education:** The difficulties in accessing education faced by those aged 15 or more is similar to those faced by the 18 and over age group. For example, in many countries **when one reaches 15 years of age, education is no longer mandatory, and the ability to access the right to education faces more obstacles.** Participants also discussed the need for education and training to meet the needs of the workforce.
 - e) **Military service:** Although the Optional Protocol to the Convention on the Rights of the Child prohibits compulsory recruitment before the age of 18, many states allow voluntary military enlistment before that age. Participants noted the importance of **guaranteeing the right to conscientious objection.**
 - f) **Health and health services, especially for young women:** The **right to confidentiality for youth seeking services related to sexual and reproductive rights** was discussed, in addition to issues concerning sexually transmitted diseases and HIV/AIDS. This is particularly important as many states **allow marriage**, in contravention of the

Convention on the Rights of the Child, from age 15 or even earlier and have established the age of sexual consent at around 15 years.

- g) **Youth in conflict with the law:** Participants were concerned that the negative image of youth in society leads to policies that criminalise young people – for example zero tolerance policies, the criminalisation of drug use, and the restriction of movement. Imprisonment in adult institutions, and **lack of rehabilitation and reintegration for youth** were also considered.
- h) **Gender gap in youth rights:** It was noted that young women have the highest unemployment rates, have a greater likelihood of dropping-out of education, and are the least politically represented. In particular, issues such as forced marriage and female genital mutilation are also of great concern for young women. Furthermore, the freedom of movement for young women can be restricted, with the example given of one country in which women under the age of 35 are not permitted to travel alone outside the country.
- i) **LGBT rights:** Participants pointed out that the right to individual identity, including with regard to sexual orientation, is particularly important for youth.

Barriers in the protection of the human rights of youth

- 7. Participants reflected on whether young people are in a position to exercise their rights like other groups or whether there are **circumstances that make it advisable for a process of specification of youth rights to be initiated**. In particular they considered whether young people are in a situation of structural vulnerability in the exercise of their rights, derived either from their personal characteristics or from social, economic and/or political structures, which require the adoption of specific measures to counter their discrimination and to ensure equality in the exercise of their rights.
- 8. There was consensus that young people do indeed experience difficulties in the exercise of their rights by virtue of being young, and participants highlighted the **following barriers: cultural norms, weak institutions that do not have youth friendly and specialised services; the absence of disaggregated data on youth; poverty among youth; lack of real engagement with youth; lack of intergenerational dialogue**.

Recommendations

- 9. Participants discussed ways to ensure the recognition of youth rights and their implementation at an international level.
- 10. **Many participants suggested that a binding legal instrument was needed to enable youth to fully realise their rights**. They noted that such an instrument could be an important way forward to recognise youth as agents and rights holders, and could also empower the youth rights movement to

pressure governments towards change through creating international standards. However, **caution was urged** in that any document must ensure that rights existing under other treaties, and particularly the Convention on the Rights of the Child, are not downgraded.

11. However, given the lack of consensus among participants, **a step-by-step approach was advocated**, that did not see a binding legal instrument as the only solution, but looked at intermediate options that could be achieved in the short or medium-term.

12. Intermediate recommendations included:

- a. **Mainstreaming youth rights into the work of the treaty bodies and the special procedures.** Participants suggested that this could take the form of a greater focus on youth in the reporting guidelines for treaty bodies and in the lists of issues sent to states, specific sections on youth in concluding observations and more General Comments that pay attention to youth rights and issues. A joint General Comment was also suggested.
- b. It was recommended that the **Universal Periodic Review** mechanism be used to highlight issues concerning youth rights.
- c. Greater engagement with the Human Rights Council on the subject of the human rights of youth was recommended. In particular, participants suggested a move to engage an interested sponsor to formulate a **resolution at the Human Rights Council calling for the preparation of a report** on the gaps and strengths of the current human rights framework in relation to youth. Other participants proposed that the Council develops, via OHCHR and other partners, **guidelines to help direct states in their human rights based approach to youth policies**. In addition, the idea of a **Special Rapporteur on Youth**, as a special procedure of the Human Rights Council, was also raised.
- d. In correlation with all these procedures, participants also highlighted the need for further research in the area of youth rights, noting the lack of specific data at a global level. An **in depth study** was advocated that would identify the gaps that exist in the current legal framework.

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