

# Response to the call for input by OHCHR for the study on youth and human rights

Submitted by the Fair Internship Initiative

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The following contribution is submitted by the Fair Internships Initiative on behalf of the Global Interns Coalition in response to the call for input by the OHCHR, as part of the consultative process envisaged for the completion of the study on youth and human rights, to be submitted to the Council prior to its thirty-ninth session.

Given the global mandate of the submitting youth organizations, the present contribution is not limited to a specific country, but will instead - given the wide geographic entity of the problem - provide a global overview.

## 1. Introduction: Unpaid internships as a human rights problem

### *A global issue*

One of the greatest challenge experienced by young people is securing decent, stable and fairly remunerated employment. Although specific challenges may vary across regions, the problem is consistently felt by young generations across the globe, with the ensuing risk of economic emargination, poverty, psychological disorders, increased inequality and radicalization. The International Labour Organization estimates that in 2017 global youth unemployment raised to surpass 13%. With 70.9 million unemployed youth in 2017, the number is expected to rise by 134,000 in 2018. This is largely due to the persisting youth unemployment rates in high and least developed countries, coupled with deterioration of youth employment prospects in the slowing-down economies of the emerging countries.<sup>1</sup>

Faced with such dramatic labour market conditions, competition for jobs has drastically increased in the past few decades. As a consequence, requirements and expectations of employers in terms of skills set and experience have also increased, while the large number of labour supply has contributed to the sharp worsening in the conditions of employment. In many sectors, "the situation has reached the point where many entry-level jobs no longer exist because all the work is being done by overqualified interns".<sup>2</sup>

In order to gain the necessary experience to compete in these new, far stricter terms, an unprecedented number of young people is taking up internships, traineeships or stages. The phenomenon has increased exponentially over the past three decades: while in the 1980s, around 10% of college students in the United States took part in an internship before graduation, by the mid-2000s, this share had increased to over 80%.<sup>3</sup> In Germany, 80% of university graduates complete a traineeship before graduation.<sup>4</sup> No exact figures exist for "on the market" internships, namely those outside of a formal training structure and - for this reason - those most at risk of abuses. However, anecdotal evidence seems to show that numbers in that case are also increasing and could be even higher.<sup>5</sup> Figures are similar in most developed countries, although they tend to be lower in least developed countries. In spite of the obvious difference across labour markets, there is no doubt about the global scale of the problem.

### *Concerns raised by (unpaid) internships*

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<sup>1</sup> ILO, [Global Employment Trends for Youth 2017](#)

<sup>2</sup> The Guardian, "[Work for free – or not at all: the bitter choice for young graduates](#),"

<sup>3</sup> The Washington Post "[Five myths about interns](#)" (2011, 9 May).

<sup>4</sup> N. Saniter and T. Siedler, "Door opener or waste of time? The effects of student internships on labor market outcomes," *IZA Discussion Paper* (2014, No. 8141).

<sup>5</sup> A. Holford, "Access to and returns from unpaid graduate internships," *IZA Discussion Paper* (2017, No. 10845).

While this trend may be initially seen as a positive development, the rapid rise of “traineeships”, “internships” or “*stages*” has raised concerns about the conditions under which they take place, particularly when they are unpaid.<sup>6</sup> Institutions, youth advocacy groups, media and academic researchers have in numerous occasions underlined the negative effects of unpaid internships on social mobility,<sup>7</sup> on the effective exercise of the rights to just and favorable conditions of work and to protection from discrimination.<sup>8</sup>

In fact, as internships (often more than one) have increasingly become a prerequisite for young people to escape the “experience trap”, the unpaid nature of many internships creates a nearly insurmountable barrier for socially, economically and geographically disadvantaged youth who are unable to afford long-term unpaid periods, often in a different location than their usual residence. This is even more discriminatory with respect to young people living in rural areas, remote locations and in developing countries. As highlighted in the 2016 “UN World Youth Report”, unpaid internships may run the risk of turning into a poverty trap and exacerbate social inequality by barring access to those with insufficient means to afford them.<sup>9</sup>

According to the UN World Youth Report, “lack of compensation makes internships de facto exclusive [...] effectively institutionalizing socioeconomic disparities....Far from better preparing young people for economic life, unpaid internships have the potential to leave youth in an economically more vulnerable position.” On the opposite, people with higher social and economic status are not only disproportionately more favoured in accessing unpaid training opportunities (and therefore better career prospects) but are also significantly more insulated from their negative effects (debt, low quality internships, etc.).<sup>10</sup>

With an estimated 60% of internships being unpaid in Europe alone (where internships are comparatively more regulated), it is clear that the phenomenon has two critical implications for young people’s human rights:

1. It discriminates against the most vulnerable and disadvantaged groups of young people, as they are barred from accessing opportunities that would help them accessing decent economic opportunities, on the basis of their socio-economic, geographic and often ethnic, gender or disability background. Moreover, young people with modest means that nevertheless manage to access such opportunities will be considerably more affected by the negative consequences associated with unpaid internships than their wealthier or otherwise more privileged counterparts.
2. It disregards the principle of “equal remuneration for work of equal value” (enshrined in article 23 of the Universal Declaration of Human Rights) as in a large number of cases - especially in absence of a clear regulatory framework - interns are expected to perform duties comparable to those of normal employees.<sup>11</sup>

#### *International human rights instruments*

In spite of the highly disruptive impact of such arrangements for young people trying to accessing the labour market and the striking scale of the phenomenon, there are still little national and international regulatory instruments to address the problem. Among the latter it is worth recalling:

- [E/C.12/GC/23](#) General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights):
  - 47(b) “All workers should be protected against age discrimination. Young workers should not suffer wage discrimination, for example, being forced to accept low wages that do not reflect their skills. An excessive use of unpaid internships and training programmes, as well as of short-term and fixed-term contracts that negatively affect job security, career

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<sup>6</sup> ILO and European Commission, “[Developing quality traineeships for young people](#)”, 2017

<sup>7</sup> A. Holford, 2017.

<sup>8</sup> See for instance the [op-ed by Darren Walker, President of the Ford Foundation, on the New York Times](#).

<sup>9</sup> Accessible at this link:

[http://www.unworldyouthreport.org/images/docs/un\\_world\\_youth\\_report\\_youth\\_civic\\_engagement.pdf](http://www.unworldyouthreport.org/images/docs/un_world_youth_report_youth_civic_engagement.pdf)

<sup>10</sup> ILO and European Commission, 2017.

<sup>11</sup> ILO and European Commission, 2017.

prospects and social security benefits, is not in line with the right to just and favourable conditions of work.”

- 47(j) “Unpaid workers, such as workers in the home or in family enterprises, volunteer workers and unpaid interns, have remained beyond the coverage of ILO conventions and national legislation. They have a right to just and favourable conditions of work and should be protected by laws and policies on occupational safety and health, rest and leisure, and reasonable limitations on working hours, as well as social security.”
- [A/HRC/RES/31/15](#) Resolution adopted by the Human Rights Council on 23 March 2016 - 31/15. The right to work:
  - “14. Expresses deep concern that, in 2015, approximately 71.3 million young people were unemployed and that the global youth unemployment rate is around 13.1 percent, while the global employment rate for young women is 15 percentage points lower than that for young men, resolves in that regard to pay particular attention to the realization of the right to work for young people, bearing in mind the fundamental importance of equal opportunities, education and vocational training in the context of realizing that right, and emphasizes that full and productive employment for young people plays an important role in their empowerment and can contribute, inter alia, to the prevention of extremism, terrorism and social, economic and political instability;
  - 15. Stresses that technical and vocational education and guidance are necessary measures for the realization of the right to work for all.”

More broadly, the 2030 Agenda for Sustainable Development entails, among the targets of its Goals:

- The promotion of social, economic and political inclusion irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status (target 10.2);
- Equal opportunity and the reduction of inequalities of outcome, including the elimination of discriminatory laws, policies and practices and the promotion of appropriate legislation, policies and action in this regard (target 10.3);
- The adoption of policies, especially fiscal, wage and social protection policies to progressively achieve greater equality (target 10.4);
- Enhanced representation and voice for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions (target 10.6).
- Decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value (target 8.5).

Most regrettably, however, the principles enshrined in these non-binding international instruments have remained so far largely unattended.

## 2. Examples of discrimination against young people

The Fair Internship Initiative has collected for the past 3 years statistical and qualitative data on unpaid internships. Data collection on the effects of discrimination is, by its very nature, very difficult as young people who could *not* engage in an internship are a far less identifiable group and they lack therefore the sufficient “voice” to express their concerns. Nevertheless, the Initiative has been able to interview a number of students and prospective applicants who ultimately did not apply as they would not have been able to sustain the related expenditures (all responses are documented and authentic, additional evidence can be provided upon request). Below are some examples:

- *La dificultad principal es el alto costo para mantenerse en las ciudades que ofrecen las prácticas y que estas no están remuneradas.* (the main difficulty are the high living expenses in cities that offer unpaid internships)
- I wasn’t able to apply because I didn’t have enough money to pay my stay in Brussels.

- *Si bien la experiencia vale, poder vivirla también tiene un gran costo. Soy colombiana, abogada y quería hacer mis estudios en postgrado fuera del país, para ello tuve que ahorrar un tiempo y hasta pedir un crédito para llegar a Madrid y hacer mi Master en lo que me gusta, protección de los derechos humanos. No obstante, al momento de elegir la práctica tuve muchos inconvenientes, pues si bien muchas oficinas me interesaban, no tenía el dinero para costear mis gastos en las diferentes ciudades pues son las más costosas. Estos impedimentos se podrían subsanar si las prácticas tuvieran alguna remuneración o ayuda. Y habría que pensar en que es una posible discriminación para hacer las prácticas a las personas que no tengan las capacidades económicas para mantenerse durante las prácticas en dichas instituciones.* (While the experience is valuable, being able to afford it has a great cost. I am Colombian, lawyer, and I wanted to do my post-graduate studies outside of my country, for which I had to spare time and even ask for a loan to be in Madrid and to do my Master in what I am interested in, namely Human Rights protection. However, at the time of choosing an internship, I had many difficulties as - although I was interested in many offices - I had no money to cover my expenditures in those very expensive cities. This could be prevented if those internships had some economic support or remuneration. And it should be considered that it represents a possible discrimination against those who do not have the economic resources to support themselves during the internship in those institutions).
- I couldn't afford by myself all life expenses in a city like Geneva.
- I could not because of the money. It's a pity that I will not be able to apply for an internship due to the high expense it means living in a city like Geneva or Brussels, without any economical support, or not enough. It should depend on the qualification of the person who apply for.
- I was interested to apply to OHCHR but I could not, because the internship was unpaid and the city is one of the most expensive city in the world.

It is however easier to collect testimonies from current or former interns. Data collected show that for interns with modest means, interning without or with insufficient financial support, face considerable material deprivation, psychological discomfort, health problems and family tensions. The Fair Internship Initiative has collected several hundreds of such testimonies, some of which are presented below:

- "Without any financial allowance, I couldn't afford to get sick or to pay for the medication."
- "My mother's retirement fund was completely wiped out so I could spend the summer interning at UNHQ."
- I took out a loan. The internship has created conflicts with members of my family, because of money.
- I have lived and had to sustain myself on less than half the poverty line amount to during a previous internship.
- I had no sleep because I was either interning or working to cover my expenses, so i was working about 80-100 hours a week one paid and the other non-paid.
- Working without pay is very difficult for my family who supports me all the way from my home country, a continent away.
- No money for health insurance or to save for emergency. Caused high levels of stress and anxiety
- There was a time when I could not pay the transport fees anymore and they did not want to know anything they wanted me there while paying for transport to come to the internship
- The fact that life in Switzerland is unexpectedly expensive has put a strain on my relationship with my family, who simply could not support me after 6 months.
- I am in massive debt. More than I would be in if I had not done the internship.
- My family struggles to find money for my living expenses, and we are now in debt.
- Cannot afford social life due to financial constraints. Reduce spending on food (even cannot afford lunch in cafeteria). Funding without family support not possible, as internship costs me all savings I had.
- I almost never ate out and would sometimes ration food for the week to make sure I stayed within budget.
- Had to spend all my savings plus work on weekends and now that internship is over I am struggling to get back on my feet without my savings

- I ate less quantity and less quality foods due to saving money. I did not see a doctor for moderate medical needs (only serious concerns) due to no comprehensive health insurance. I struggled to find affordable warm clothes to protect myself from the cold in the winter. Due to a shortage of funds, I put myself in debt, which I will not be able to start paying off until I graduate and get a job. This is on top of my existing student loan. Taking an unpaid internship will continue to affect my life for many years.
- I had to leave the country and return home to payback the loan.

Testimonies concord with quantitative data findings, according to which more than 75% of interns would not have been able to support themselves, had it not been for the financial contribution of their families. This implies that those unable to count on family support are in most cases discriminated against. Many interns underscored in their replies the fact that they were, unlike others, lucky enough to count on that support and stressed the lack of diversity that this situation generates:

- I needed help from my family to get extra cash by the end of the month and buy groceries. Otherwise, it would be impossible to survive here.
- I am lucky enough that my parents can support me without any problems
- Only through an Aunt was I able to complete the internship, and she could barely afford to help me, which caused some strain, especially as my mother lives on an exceptionally low-income which affected their relationship.
- I clearly needed the support of my parents to afford a living.
- I know many highly qualified people in my country for whom it would not have been an option.
- We were all more or less the same: rich non-disable, non-LGBT people studying in Europe.
- I am privileged enough to be able to have my family pay for me to be here. It is a privileged person's internship and it's not fair.

Further examples can be easily found in the media, below are some examples:

- "It is not a free choice when a young person, who wants to dedicate their career to human rights, has to apply for an unpaid internship," Human Rights Watch Intern Report (<https://www.rt.com/uk/326803-hrw-interns-report-unpaid/>)
- "[It] made me very angry. I arrived an intern, had to sign an agreement to say I was a volunteer, and then was referred to as an intern for the rest of my time at HRW. The word 'volunteer' in the Agreement was clearly a way for HRW to avoid the legal consequences of the country's national laws." Human Rights Watch Intern Report (<https://www.rt.com/uk/326803-hrw-interns-report-unpaid/>)

### **3. Policies and programmes aimed at supporting young people to realise their rights**

In order to prevent the above-mentioned violations and abuses, it is crucial that internships are designed in a way that make them accessible to all and provides young people with meaningful tasks, appropriate supervision, adequate social and labour rights, including basic financial support. On the latter point, a recent set of guidelines published by the International Labour Organization and the European Commission clearly indicate that "Appropriate compensation makes traineeship positions accessible to all young people, particularly those with an unfavourable socioeconomic background."<sup>12</sup>

National regulatory frameworks are only recently starting to address this issue, with new rules being gradually adopted regarding the minimum compensation that interns, especially those completing "open-market internships". This is the case, for instance, in France, Germany, Italy and Bulgaria, while certain criteria should apply in United Kingdom, Australia and Canada. Moreover, a number of companies and organizations, both profit and non-profit, have spontaneously decided to change their policy and offer financial support to their interns, recognizing it both as ethically important, as well as beneficial (ability to draw from a wider pool of competences, better framing of the programme, less reputational risks, higher commitment by interns, etc.). These include examples such as the "[We Pay Our Interns Initiative](#)", various for-profit business, large foundations, as well as a number of international organizations (ILO, FAO, ICRC,

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<sup>12</sup> ILO and European Commission, "[Developing quality traineeships for young people](#)", 2017

UNOPS, IOM, WIPO, WTO, World Bank, European Commission, ADB, IATA, IAEA and, more recently, UNICEF). However, these remain still a minority.

In terms of regulatory practices, a good quality standard is represented by the [European Quality Charter on Internships and Apprenticeships](#) produced by the European Youth Forum.

#### **4. Youth organisations or youth-led structures involved in developing, implementing, monitoring and/or evaluating policies and programmes**

A number of Youth Organizations exist that are actively involved in advocating, developing good practices, offering policy support, performing data collection and monitoring internship practices. The organization authoring the present contribution, the Fair Internship Initiative, has been one of the most active ones in the past 3 years. Most organizations are coalized under the umbrella organization "[Global Intern Coalition](#)", which comprises the following organizations:

1. [Fair Internship Initiative](#)
2. [European Youth Forum](#)
3. [InternsGoPro](#)
4. [Brussels Interns NGO](#)
5. [Canadian Interns Association](#)
6. [Pay Our Interns](#)
7. [Intern Labour Rights](#)
8. [Repubblica degli Stagisti](#)
9. [Interns Australia](#)
10. [Apply for Fairness](#)
11. [Generation Praktikum](#)
12. [Geneva Interns Association](#)
13. [EUInterns4Interns](#)
14. [Pay my internship](#)
15. [Stutern](#)

A plethora of less-formalized youth groups exists in a large number of other countries.

Many trade unions, especially those with a youth wing, have been and are active on this front as well. These include ETUC, ITUC, PSI, and others.

#### **5. Measures at international level would support the realisation of young people's rights**

There are a number of measures which could be taken at the international level, including by OHCHR, to address the above-mentioned human rights violations and cases of discrimination. These include:

- **Leading by example.** By far the most immediate and effective measure is to implement the changes we want to see starting from ourselves. This is all the more relevant in the case of an international organization that champions Human Rights as part of the United Nations system. OHCHR should lead - based on its mandate - a UN system-wide change to its internship policy.
- **Promoting a strong and targeted international normative framework.** Building on its unique normative function, OHCHR could reinforce international legal instruments related to non-discrimination in terms of access to training and economic opportunities for young people. Other important normative steps at the international level would include the adoption of specific international labour standards in this regard by the International Labour Organization.
- **Leverage through partnerships with the private sector and other organizations.** International organizations operate through a wide network of partnerships, among which there are highly relevant ones such as the Business and Human Rights platform. These should be leveraged to mainstream within the private sector and in other partnering organizations the concepts of non-discrimination, equality of opportunities and equal pay for work of equal value for all young people, irrespective of their economic, social, geographic and other backgrounds.