

Regional Consultation on Youth and Human Rights

Organised by the European Youth Forum and the Office of the UN High Commissioner for Human Rights

20-21 March 2018 | Brussels, Belgium

Report

BACKGROUND

In June 2017 the United Nations Human Rights Council adopted Resolution 35/14 on youth and human rights. The Resolution, among others, called on the Office of the UN High Commissioner for Human Rights (OHCHR) to “conduct a detailed study on the implementation of human rights with regard to young people, the identification of cases of discrimination against young people in the exercise of their human rights, and best practices in the full and effective enjoyment of human rights by young people, highlighting the contribution of empowered youth to the realization of human rights in society.” The Study will be submitted to the Council prior to its 39th session.

The Council requested that OHCHR take into account the views of States and relevant stakeholders, including civil society and representatives of youth organisations, among others, in the preparation of the study on youth and human rights. Given the above context the European Youth Forum and OHCHR jointly organised a Regional Consultation on Youth and Human Rights in March 2018, in order to consult representatives of youth organisations in Europe and feed into the Study.

OBJECTIVES

The consultation focused on the following topics:

1. **Identifying the key challenges** that young people face in accessing their rights
2. **Providing examples of discrimination** against young people in the exercise of their rights
3. **Discussing the impact of policies and programmes** aimed at supporting young people to realise their rights
4. **Analysing youth participation** regarding how youth organisations and youth-led structures are involved in developing, implementing, monitoring and/or evaluating policies and programmes on youth
5. **Recommending measures at international level** to facilitate/support the realisation of young people’s rights

In addition to the objectives above, participants explored links between youth rights and sustainable development, as well as links between youth rights and youth progress.

However as these topics go beyond the scope of the study OHCHR is preparing for the Human Rights Council, further information is not included in the present report.

PARTICIPANTS

The Regional Consultation brought together a diverse group of 22 young people, representing national and international youth organisations. The list of participants is available at the end of the report. The Consultation was facilitated by Milos Ristovski & Tanya Lyubimova from the Pool of Trainers of the European Youth Forum.

OPENING AND WELCOME ACTIVITIES

In preparation for the two-day Regional Consultation on Youth and Human Rights, participants discussed examples of programmes and policies supporting youth rights.

At national level, legislative frameworks targeting young people, as well as funding schemes and policies supporting the establishment of youth councils were mentioned as useful instruments. At European Union (EU) level, the EU Youth Strategy, the Youth Guarantee, the European Solidarity Corps and Erasmus+ were cited as key initiatives whose meaningful implementation at national level can support youth rights. Lastly, at international level, among others, the Universal Declaration of Human Rights, the United Nations Convention on the Rights of the Child (CRC), as well as UN Security Council Resolution 2250 on Youth, Peace and Security were identified as particularly relevant. In addition to frameworks, policies and programmes at UN level, the UN Secretary General's Envoy on Youth was also mentioned.

The discussion then moved on to examining anti-discrimination frameworks potentially targeting discrimination against young people. It was highlighted that while at national level there may be anti-discrimination laws, their implementation lacks meaningful monitoring. Other instruments were also mentioned, including Ombudsman offices and Equality Bodies. At international level, international Human Rights Conventions and their respective Treaty Bodies, United Nations Special Procedures, the Universal Periodic Review, the Sustainable Development Goals (SDGs), and the European Convention on Human Rights were among the key elements discussed.

Overall, however, participants questioned whether these policies, frameworks and bodies are sufficient to support youth rights, and noted that more must be done to ensure that young people are aware of these instruments, as well as of the rights they protect.

KEY CHALLENGES AND EXAMPLES OF DISCRIMINATION

On the first day of the event, participants discussed key challenges for young people's access to rights. The session was opened by welcoming remarks from Birgit Van Hout, Regional Representative for OHCHR Europe, Imma Guerras-Delgado, Child and Youth Rights Team Leader Youth Rights Advisor for OHCHR, and Ville Majamaa, Board Member of the European Youth Forum. This introductory session was followed by presentations from

Alice Barbieri, representing the Council of Europe's Advisory Council on Youth, and Ville Majamaa.

Participants identified obstacles young people face in accessing and exercising their rights. While the discussions among participants covered a wide range of challenges, the following key areas can be identified.

a. Right to participation

Participants highlighted the chronic under-representation of young people in decision-making processes as a key challenge. Participants recognised a general lack of political will to empower youth to get involved in political processes, including by supporting the active participation of young people from different socioeconomic backgrounds (e.g. Roma, persons with disabilities).

Fewer than 2% of parliamentarians worldwide are under the age of 30. With the exception of Malta, Estonia and Austria, in most European countries the voting age is set at 18, meaning that 16-17 year olds cannot take part in elections and therefore do not have a say on who represents them politically. Along these lines, age limits to run for public office are often higher than the legal voting age or may vary depending on the role (e.g. Parliament, Senate, President). These are discriminatory practices, based on the arbitrary assumption that young people, due to their age, do not possess the necessary competences to actively participate in political processes.

Regardless of whether appropriate laws are in place to allow for young people's meaningful participation in politics, the current widespread lack of quality citizenship education has the potential to severely hinder young people's prospects of political participation in democratic processes. Therefore, youth participation in decision-making processes should also be supported through investment in education. At the same time, efforts to increase young people's participation must go alongside more gender equality in representative bodies.

One speaker cited the shrinking space for civil society as a concern for youth organisations, particularly where the establishment or activity of such organisations is prohibited. Moreover, while questions are occasionally raised towards youth organisations regarding their representativity, it was noted that such criticism is unfair and is often intended to discredit the legitimacy of youth organisations by applying standards that even democratically elected governments cannot always meet. Participants nonetheless noted a need for youth organisations to work more towards inclusion of marginalised young people.

Lastly, participants identified the lack of functioning relationships between political parties and their youth wings as a challenge to participation: more mutual cooperation and support are needed to channel young people towards decision-making positions.

b. Right to employment and social protection

Participants underlined how, as a result of the financial and economic crisis, the youth unemployment rate in Europe is still too high. This has resulted in longer transition periods from education to the labour market, and in the proliferation of precarious and non-standard

forms of employment (e.g. platform economy; zero-hour contracts; etc), which often lack quality and access to social protection rights. One speaker remarked that the decrease in youth unemployment in Europe following the economic crisis is largely due to growth in precarious jobs.

The near-disappearance of entry-level jobs penalises young people and has resulted in the widespread practice of undertaking internships or apprenticeships. However, such training opportunities often do not comply with minimum quality standards and are unpaid, adding further difficulties to young people's path towards autonomy. The widespread use of unpaid internships in intergovernmental organisations promoting human rights, including the UN, was referenced. Another example of age-based discrimination faced by young people in accessing quality employment is the establishment of youth minimum wages - a discriminatory practice which goes against the principle of equal pay for equal work.

Precarious, low-quality employment has also a negative impact on young people's access to social protection, which was identified by both participants and guest speakers as a key issue. Minimum age or other requirements such as prior employment are an obstacle for young people in accessing unemployment benefits and/or minimum income schemes, leaving them in a limbo where protection is weak.

With almost 1 in 3 young people (aged 18-24) in the EU living at risk of poverty and social exclusion,¹ participants agreed that efforts to tackle youth unemployment must be paired with adequate income support and better access to services. Holistic and comprehensive strategies fostering young people's social and economic inclusion are currently lacking in Europe.

c. Right to education

Participants mentioned violence and bullying as a key issue for young people in education. This affects lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) youth in particular, as well as youth with disabilities and ethnic or religious minority youth, as they are often mistreated and suffer discrimination in schools and other educational settings, including from their own teachers who in many instances lack knowledge and training. As a contributing factor, a lack of data on bullying hinders support to measures to adequately tackle it.

The negative impact of austerity measures on public spending on quality and inclusive education was also highlighted. Cuts in investment in education by European governments have had a particularly negative impact on already disadvantaged groups, such as foreign-born young people, Roma youth, and children and young people with disabilities.

Lastly, as discussed under the right to participation, the current lack of quality citizenship education can severely hinder young people's prospects of political participation in democratic processes.

¹ Eurostat, Europe 2020 indicators - poverty and social exclusion. Available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Europe_2020_indicators_-_poverty_and_social_exclusion

d. Right to health

Participants cited access to healthcare as a key challenge for young people. Public spending on health is not perceived as a form of investment, therefore young people encounter obstacles in accessing health services, either because they do not exist or because they are expensive, inaccessible, unaffordable, and/or not sufficiently promoted.

Lack of mental health support services was also mentioned as a challenge affecting all young people, but with particularly negative consequences on more vulnerable groups, such as trans, non-binary and intersex youth.

e. Right to housing

Participants underlined that access to affordable housing is a key challenge for young people. On the one hand, young people often suffer discrimination on the basis of their age, as landlords do not consider them as “trusted” tenants. On the other hand, rising prices in the housing market, paired with increased difficulties in accessing stable and quality employment, result in young people not being able to afford to buy or even rent a property, and live independently.

Moreover, participants pointed out that obstacles significantly increase for vulnerable groups of young people, such as young people with disabilities. While affordability of housing remains a challenge, accessibility is also lacking, as not enough accessible houses are available, often resulting in young people with disability being institutionalised.

Participants stated that access to housing is insufficient for the full implementation of young people’s right to housing, as quality must also be guaranteed. In other words, everyone should have access to secure and adequate housing which can fulfil the purpose of a ‘home’. To this end, it was mentioned that initiatives such as the EU Youth Guarantee should entail a more holistic approach, pairing measures fostering employment with housing support for vulnerable young people.

Lastly, participants mentioned lack of flexibility in contracts, with long-term contracts being generally more available - a practice which penalises young people who might not be in a position to agree to long-term commitments.

f. Multiple discrimination

Multiple discrimination against young people was an underlying theme during the discussion on key challenges faced by young people. Participants agreed that, in many instances, young people are discriminated against not only on the basis of their age, but also due to other characteristics, including but not limited to gender, race, sexual orientation, gender identity, ethnic origin, disability, religious belief, or social and educational background.

An example of this is the discrimination that young people with disabilities face in accessing employment. While entering the labour market is difficult for all young people, as the number of entry-level positions is decreasing, the situation for youth with disabilities is made more

complicated by the fact that there are not enough accessible workplaces, which means that they cannot gain the experience required to get quality jobs. Moreover, hiring policies are not always as inclusive as they should be.

Moreover, other specific groups of young people (e.g. Roma, persons with disabilities, LGBTQI youth and youth of migrant background) tend to face discrimination in accessing employment. Prejudice and stereotypes often mean that young people belonging to such groups are forced to agree to low-paid and low-quality employment.

According to participants, to tackle multiple discrimination, it is necessary to invest in inclusive education, inclusive and accessible labour markets, and to implement effective anti-discrimination laws and policies.

g. Other challenges

- Gender inequality was cited as a key challenge by participants. More specifically, it was underlined that the gender pay gap is still high (16.2% in the European Union)²; that quotas would be necessary to ensure greater gender balance in representative bodies; and that lack of education on gender issues may foster discriminatory practices and promote stereotypes based on traditional gender roles. Lastly, participants agreed that lack of recognition of non-binary gender identity, with the exception of a few countries (e.g. Malta), perpetuates inequalities and increases the risk of harassment (both physical and psychological).
- The situation of young asylum seekers was also mentioned. It was highlighted that young asylum seekers often face rigorous age determination checks, which can lead to longer and more complicated processes to secure their refugee status. In other words, they are victims of multiple discrimination both due to their age and their status. This has negative consequences on their transition to adulthood, resulting in increased obstacles in accessing a wide range of rights, including education, health and employment, as well as increasing their risk of poverty and social exclusion.
- Participants recognised accessing and exercising the right to conscientious objection as a challenge, as many countries fail to provide a non-punitive, non-discriminative alternative to military service. In some countries (e.g. Turkey and Greece) fines are imposed against conscientious objectors, as their right to object to military service is not recognised. In other contexts, while young people do have the choice to opt out of military service and engage in social activities, this path is not supported through adequate salaries, nor are efforts made to tackle discrimination against LGBTQI youth and ensure gender equality between female and male conscientious objectors.
- The rise of extremist movements was also mentioned during the Regional Consultation as a challenge that presents specific risks for young people. Participants cited the increased risk of becoming victim of violent acts, hate speech and discrimination as a potential consequence affecting specific groups in particular (e.g. LGBTQI, Muslims, Roma).

² Eurostat, Gender pay gap statistics. Available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics

- Access to human rights mechanisms is also a challenge. This is because young people are not recognised as a specific group of rights holders, due to different definitions of “youth” or “young people”. Accessing human rights mechanisms also tends to be overly complicated, hindering the participation of young people and youth organisations.
- It was also noted that early and child marriages are a challenge for Roma youth in particular.
- In addition, concerns were expressed related to access to financial services, which is hindered by the precarious financial situation of young people.

RECOMMENDATIONS

Based on the challenges and examples of discrimination identified, participants worked to develop recommendations towards Member States as well as the Human Rights Council and other stakeholders within the UN system.

Recommendations to Member States

- In order to support the realisation of young people’s **right to work and social protection**, Member States should **ensure well-resourced, comprehensive social protection systems and strategies** that facilitate a smooth transition from education to employment. The development and implementation of income support schemes targeting young people can help guarantee a decent standard of living for youth, for example.
- Furthermore, Member States should ensure the right to quality jobs through the **regulation of non-standard and precarious forms of work**, including through the prohibition of unpaid internships. Moreover, Member States should **guarantee access to the national minimum wage regardless of age** to ensure young people can enjoy a life in dignity; the existence of ‘youth wages’ in several countries hinders this right.
- Participants developed a number of recommendations concerning the **right to education**. Member States should **ensure inclusive, quality education for all young people** regardless of status or background. To achieve this governments should work with educational institutions and authorities to develop policies and action plans to combat bullying, and measure progress through data collection.
- Additionally, educational curricula should reflect diverse identities, while teachers should receive mandatory training on how to foster inclusive educational environments. Marginalised young people were recognised as being at particularly risk of exclusion in education, notably LGBTQI youth, young people with disabilities, religious and other minority youth.

- The **right to health** was identified as a priority area. Member States should **invest in the development and provision of accessible health services** targeting young people, including mental and sexual health services, with funds earmarked specifically for youth. Health services should be free or affordable and cater to all young people; tailored support should be provided to marginalised groups such as trans, non-binary and intersex youth. Moreover, to promote sexual and reproductive health, Member States should promote the inclusion of comprehensive sexuality education within formal and non-formal education.
- On the **right to participation** several recommendations were put forward. Member States should **provide sustainable and sufficient funding to independent, democratic youth-led organisations**, and should **guarantee that youth-led organisations are involved at all stages of decision-making**. To ensure participatory decision-making, Member States should introduce co-management structures at all levels from local to international. Such structures could be modelled on existing co-management systems, such as the Joint Council on Youth in the Council of Europe.
- Furthermore, to promote youth participation Member States are encouraged to align the minimum voting age and the minimum age of eligibility to run for office, lower the voting age to 16, as well as to support and include citizenship education in formal and non-formal education.
- Participants underlined the need for Member States to **fully recognise and implement the right to conscientious objection** to military service within national legislative and administrative frameworks. Furthermore, Member States should **provide a non-discriminatory, non-punitive civil service** alternative to military service, and raise awareness about the possibility to undertake such service.
- Participants also identified the need for regular disaggregated **data collection on youth**. Data should analyse the overall situation of young people and their access to all human rights: civil, political, economic, social, cultural as well as environmental. In the process of developing a global Youth Progress Index³ it became clear that there is a lack of reporting or data collection in many areas, and age disaggregated data are often not available. Additionally, many indicators – such as those on minority groups, people with disabilities, LGBTQI, women and girls – are not being collected at all, or at least not in a standardised format covering a sufficient number of countries. Governments should therefore encourage data collection bodies to work closely with civil society organisations for more relevant, disaggregated and inclusive data.
- Member States should **involve independent youth organisations and youth-led structures within human rights processes**. This can be achieved by inviting youth

³ The Youth Progress Index has been jointly developed by the European Youth Forum, Deloitte, the Social Progress Imperative and the Office of Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe.

representatives to participate in consultations for the preparation of national reports for the Universal Periodic Review (UPR) and Treaty Bodies, for instance.

Recommendations to the Human Rights Council

- The most popular recommendation put forward during the event, supported by the overwhelming majority of participants, was for the Human Rights Council to **initiate the process of drafting and negotiating a legally binding, international convention on the rights of young people**, accompanied by a monitoring mechanism. It was further suggested that civil society and representatives of youth organisations in particular should be involved in such a process.
- Furthermore, the Council should recognise the distinction between child and youth rights, ensuring that further developments on children and youth recognise the separate but complementary roles of measures and frameworks aimed at children and young people.
- Many participants support the establishment of a **Special Procedure on the human rights of young people**, such as an Independent Expert or Special Rapporteur. It was noted that while the UN Secretary-General has appointed an Envoy on Youth, the Envoy's remit is very different from that of a Special Procedure mandated by the Human Rights Council. Additionally, the Envoy is not a permanent, institutionalised structure within the UN system, but rather decided on by the Secretary-General.
- In the context of mainstreaming youth rights through existing mechanisms, participants recommend that Member States **make youth-specific recommendations in the UPR**.

Recommendations to other stakeholders within the UN system

- OHCHR and other relevant UN system stakeholders should **provide technical assistance and capacity building opportunities to national and local authorities** on developing comprehensive, rights-based youth policy.
- OHCHR should **support youth organisations to improve their engagement with the UN human rights system** by providing technical assistance and capacity building opportunities targeting representatives of independent, youth-led organisations or structures. Such work could be undertaken in the context of OHCHR's work to engage with young people as a spotlight population, for example.
- OHCHR should **promote meaningful, sustainable and accessible youth participation in human rights mechanisms**. To achieve this, Special Procedure mandate holders should meet with representatives of youth organisations or youth-led structures during country visits. The UN Treaty Bodies could also promote mainstreaming of youth by addressing youth-specific questions and including issues relating to youth in their Concluding Observations to Member States.

- The UN General Assembly should explore the possibility of establishing a **UN body or agency dedicated to youth**. However, it was noted that this should not result in an isolated approach whereby all matters relating to young people are the sole responsibility of such a body or agency.

LIST OF PARTICIPANTS

Name	Organisation
Adeola Naomi Aderemi	Alliance of European Voluntary Service Organisations
Eman Borg	National Youth Council of Malta
Matthieu Chatelin	European Disability Forum (EDF) Youth Committee
Igor Ciurea	National Youth Council of Moldova
Nebojsa Djeric	NGO Center for Equal Rights, Serbia
Irakli Giorbelidze	National Council of Youth Organisations of Georgia
Kamil Goungor	European Network on Independent Living (ENIL) Youth Network
Danjel Hyseni	Roma Active Albania and TernYpe - International Roma Youth Network
Anusheh Javaid	International Federation of Medical Students' Associations (IFMSA)
Marine Kurtanidze	International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth and Student Organisation (IGLYO)
Martina Lucia Lanza	European Bureau of Conscientious Objectors (EBCO)
Florian Leduc	Kenstroll Breizh
Silja Markkula	Finnish Youth Co-operation Allianssi
Oksana Myronko	National Youth Council of Ukraine
Zuzana Pavelková	Federation of the Young European Greens (FYEG)
Niveta Ramakrishnan	National Youth Council of Ireland
Joszef Rostas	Phiren Amenca and European Roma Grassroots Organisation (ERGO) Network
Kyriaki Rousou	Erasmus Student Network (ESN)
Aygun Rzayeva	Belarussian Union of Youth and Children's Public Associations
Olga Sevcenco	World Organisation of Young Esperantists (TEJO)
Natascha Skjaldgaard	World Organisation of the Scout Movement (WOSM)
Biljana Vasilevska Trajkoska	National Youth Council of Macedonia-FYROM