Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12629
06 June 2011

Towards a European framework convention on youth rights

Report[1]
Committee on Culture, Science and Education
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Summary

The period of transition between childhood and adulthood is a crucial time for the development of individuals as fulfilled and responsible members of society. Young people need to have the possibility of entering adult life and assuming an autonomous existence through the exercise of a number of rights, including democratic participation, the right to further education and training, the right to employment, housing and social protection, as well as access to information through the Internet and the right to a healthy environment.

Many of these rights are universal, but the particular situation of young people makes their enjoyment all the more important for this population category and represents an investment for Europe's future. Despite this generally accepted evidence, young people's access to their rights in today's Europe is complicated by many political, economic and social obstacles. Problems in accessing higher education and training, entering the job market and finding affordable housing are just a few of the difficulties faced. Participation of young people in decision-making at all levels is also essential for ensuring inclusive and open democracies in Europe and beyond.

The present report provides an overview of young people's access to their rights in Europe and the existing mechanisms for their implementation. Member states are invited to examine the possibility of drafting a framework convention on youth rights, using the ten principles set out in the present text as a guideline.

1. Reference to committee: Doc. 11984, Reference 3606 of 2 October 2009.

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A. Draft recommendation[2]

1. The Parliamentary Assembly has long given high priority to issues of youth rights and policies. In its Recommendation 1585 (2002) on youth policies in the Council of Europe, as well as in its Recommendation 1844 (2008) and Resolution 1630 (2008) on refreshing the youth agenda of the Council of Europe, the Assembly encouraged the Committee of Ministers to step up intergovernmental co-operation in youth matters and support the activities of the Council of Europe's youth sector. The resolution called upon "young people in general and on youth organisations in particular to insist on the possibilities that exist for interaction with the Council of Europe and in particular with the Parliamentary Assembly".

2. Other texts adopted by the Assembly concern specific aspects of youth policies, such as Recommendation 1552 (2002) on vocational training of young asylum seekers in host countries, Recommendation 1632 (2003) on teenagers in distress: a social and health-based approach to youth malaise, Recommendation 1717 (2005) on education for leisure activities, as well as a series of recommendations and resolutions concerning higher education and training. Most recently, Recommendation 1930 (2010) on prohibiting the marketing and use of the "Mosquito" youth dispersal device called on governments to ban the use of this high-frequency sound device used to chase young people from places where they might gather.

3. With respect to the present European context, the Assembly acknowledges that due to the demographic and cultural changes that have taken place in Europe over the last few years, young people across the continent face increasing difficulties in accessing and exercising their rights. Their autonomy is increasingly threatened as a consequence of economic, geographical and socio-cultural inequalities. Youth policies are also particularly vulnerable to economic recess, as they are often relegated to a secondary place in governmental priorities and resource allocation.

4. Young people have often been at the centre of action for democratic change and progress, as illustrated by the recent popular uprisings in Tunisia, Egypt and in other countries on the African continent. In the above-mentioned Recommendation 1585 (2002), the Assembly calls on the Committee of Ministers to re-launch the Euro-Arab youth dialogue, and work in this area has been brought forward by the Council of Europe's Centre for Global Interdependence and Solidarity ("North-South Centre"), in partnership with the European Commission and youth organisations, since the First Africa-Europe Youth Summit in 2007. Young people's energy and ideas should be used to the full by giving young people better access to personal autonomy and democratic participation, including voting rights.

5. It is therefore necessary to provide opportunities for youth to effectively benefit from their rights, while raising awareness of them in society and among young people themselves. Positive and tangible measures should be taken at national and international levels to help young people take advantage of existing possibilities and to build upon them, as well as to harmonise access to rights.

6. Many of the rights to which young people are entitled are covered by existing legislation, but a stronger legal basis allowing for systematic implementation and monitoring is needed to protect them. It is necessary to find direct, rapid and effective solutions. Young people all over Europe are expecting policymakers to produce concrete visible results, a change of reality that will make all the difference.

7. The Assembly is convinced that the transition period between childhood and adult life is crucial for the development and self-fulfilment of individuals and that the specific challenges of this period require specific solutions. Therefore, the Assembly adopts the principles in the Appendix to the present recommendation and calls on member states to:

7.1. take measures to facilitate access of young people to fundamental rights as enshrined in the European Convention on Human Rights and the revised European Social Charter, in particular opposing multiple discrimination against young people;

7.2. sign and ratify, if they have not yet done so, the Council of Europe Convention on the Promotion of a Transnational Long-Term Voluntary Service for Young People (ETS No. 175);

7.3. step up measures in their countries to implement:

7.3.1. the Council of Europe Revised European Charter on the participation of young people in local and regional life;

7.3.2. the Council of Europe Charter on Education for Democratic Citizenship;

2. Draft recommendation adopted unanimously by the committee on 12 May 2011.

7.3.3. the Committee of Ministers Recommendation Rec(2006)1 on the role of national youth councils in youth policy development and Recommendation CM/Rec(2010)8 on youth information;

7.4. prioritise measures allowing young people individual autonomy and full European citizenship by promoting their rights to:

7.4.1. take part in democratic processes and in cultural life;

7.4.2. participate in and contribute to intercultural dialogue, thereby enhancing the cohesion of multicultural societies;

7.4.3. free access to information and to the Internet;

7.4.4. non-discrimination;

7.5. consider adopting the new "youth centre label" for national youth centres, thereby ensuring that these centres become multipliers of the fundamental values upheld by the Council of Europe.

8. National parliaments have an essential responsibility. The Assembly therefore calls on the parliaments of member states to:

8.1. encourage and give added value to the participation of young parliamentarians in parliamentary work, enhancing their status and public awareness of their contribution, and submit the present recommendation to national youth parliaments, or their equivalents, and constituent organisations for their consideration and comments;

8.2. promote the participation of young people in democratic processes and in real decision-making, especially by offering opportunities for dialogue between the national representatives of youth associations and the relevant parliamentary committees, and encouraging the establishment of youth parliaments;

8.3. encourage the participation of young people in society by giving them better access to personal autonomy and democratic participation and by considering lowering the voting age;

8.4. follow closely the Council of Europe's "Youth Peace Ambassadors" project and respond positively to requests for support for projects which will be led by these young people at local levels.

9. The Assembly welcomes the Committee of Ministers' support for the activities of the Council of Europe's youth sector, including its unique model of co-management by representatives of governments and youth non-governmental organisations and current youth projects such as ENTER! and Youth Peace Ambassadors. It calls on the Committee of Ministers to:

9.1. continue its support for the work of the youth sector, as well as other Council of Europe activities such as Education for Democratic Citizenship and the work of the North-South Centre on global education and on Euro-African co-operation;

9.2. include the present recommendation and its appendix in the documents submitted to the participants in the Conference of Ministers of Youth to be held in 2012 on the themes of the social inclusion of young people, democracy, participation and living together in diverse societies;

9.3. instruct the co-management bodies of the Council of Europe's youth sector to compile a comprehensive handbook of instruments, programmes and policies for the use of young people, youth leaders and organisations, as well as policymakers, as a guide to youth rights;

9.4. step up Council of Europe co-operation with the European Union and its Flagship Initiative "Youth on the Move" beyond the successful Youth Partnership Joint Programme, and with the United Nations, in particular in the context of the International Year of Youth 2010-2011 and its follow-up;

9.5. instruct the relevant intergovernmental instances to study the possibility of drafting a framework convention on the rights of young people, based on the ten principles below, which include common indicators as tools for monitoring the implementation of youth rights.

10. Youth rights are those rights which enable young people to successfully make the transition between childhood and adulthood, to become informed, independent, autonomous, responsible and committed citizens at local, national and international levels. Ensuring young people's access to their rights is a means of

ensuring both cohesive, sustainable societies and is an investment in the future of European construction. An instrument for the implementation of youth rights should serve as a framework for modelling national youth policies and should be based on the following ten principles:

10.1. Definitions

10.1.1. What is missing at the moment is a clear and comprehensive definition of the meaning of youth. Member states should define the age groups concerned by their youth policies, which should be coherent with other legal provisions concerning young people and as far as possible correspond to those of other European countries. A framework convention on youth rights should seek to provide common definitions to facilitate the implementation of rights and the monitoring of their implementation through statistics.

10.2. Education and training

10.2.1. States should provide education that is universal, free and accessible. Beyond economic considerations, education should be valued as a means of self-fulfilment and of empowerment for young people. As well as equipping young people for employment, education should promote values. Education systems need to be reorganised to better correspond to rapid economic changes and the skills and sectors of the economy of the future. Moreover, educational policies should be characterised by flexibility and allow for vocational retraining and mobility

10.2.2. Member states should adopt measures which enable academic mobility of youth and establish validation procedures for recognition of academic achievements and professional qualifications across Europe. To this end, they should promote the effective use of the European Higher Education Area, Bologna Process implementation and other mechanisms for recognition of qualifications.

10.2.3. Non-formal education, intercultural learning and volunteer work should also be recognised as part of young people’s qualifications. Quality vocational training should be provided as an alternative or accompaniment to university education. Young people also need to be given opportunities to gain language proficiency throughout their education, especially when their mother tongue is other than that spoken in their community.

10.3. Employment

10.3.1. Employment is the primary means of ensuring young people’s autonomy. Across Europe, the highest unemployment rates are among young people. Member states should take concrete measures to favour the entry of young people into employment (active employment policies and encouragement of the recruitment of young people through tax and financial benefits granted to companies), thereby facilitating the transition between education establishments and the labour market and preventing the excessive use of non-paid work experience or low paid employment. Policies should aim to encourage businesses to accompany young people’s transition from precarious to stable jobs. National systems and bilateral agreements should ensure that gaps in social security protection systems and problems with labour market integration are identified and closed.

10.4. Housing

10.4.1. Young people have a right to decent, affordable housing of good quality to enable them to achieve a stable environment for their development as adults and their relations with the community. The ability to become independent by leaving one's parental home should promote access to housing of an adequate standard.

10.4.2. Member states should ensure that higher educational institutions provide affordable student lodgings, especially in areas with high rents; social housing should enable young people to live independently at the beginning of their professional career and states should insist on the implementation of percentage quotas for such housing in all regions. Secure and sustainable financial facilities should be made available to aid the granting of mortgages and loans to young individuals and families and ensure that low-interest opportunities are open to them.

10.5. Health and the right to a healthy environment

10.5.1. Health education must be taught at all educational levels. At the same time, prevention and protection policies against sexually transmitted diseases, undesired pregnancies, sexual abuse or violence, alcoholism, nicotine poisoning and drug abuse must be implemented. Sexual

and reproductive health education should be provided. Member states should conduct health-awareness campaigns directed at young people about health risks and their avoidance, including practical information such as on access to care and confidentiality.

10.5.2. Young people should be associated in environmental policies as they are directly concerned by their consequences, and are a more certain source of forward-thinking, idealistic and creative ideas concerning environment preservation and sustainable development. Young people can serve as highly efficient multipliers of good individual and group practices.

10.6. Participation

10.6.1. In order for young people to understand their rights, accept the accompanying responsibilities and be given opportunities to express themselves, full and effective participation of youth in the life of society and in decision-making must be encouraged from an early age. States should promote the implementation of the European Congress of Local and Regional Authorities' revised European Charter on the Participation of Young People in Local and Regional Life, and Recommendation Rec(2006)1 of the Committee of Ministers on the role of national youth councils in youth policy development. The Council of Europe's 2010 Charter on Education for Democratic Citizenship and Human Rights Education should also serve as a policy guideline for training youth leaders and for member states to foster the role of non-governmental organisations (NGOs) and youth organisations in education for democratic citizenship and human rights education.

10.6.2. Youth parliaments serve to emphasise the importance of developing the capacity of youth for the purpose of preparing them to assume responsibilities, to engage in dialogue, exchange ideas and introduce them to democratic processes. Young people should not, however, be relegated into youth parliamentary structures to the detriment of their participation in the core decision-making procedures.

10.6.3. It is important that young people participate in democracy by voting. Therefore, member states should consider lowering the voting age.

10.7. Culture and sport

10.7.1. Policies must ensure young people's access to cultural activities and exchanges, as well as the right to maintain cultural and personal identity; state spending on culture should not be sacrificed during periods of economic downturn. Universities should recognise the need for students' cultural development and cultural institutions should have the means to use modern, interactive methods of communication and awareness raising. Spaces for artistic creation need to be provided to young people for all cultural activities, including art and music.

10.7.2. Everyone should have the right to maintain their cultural heritage. School students speaking a minority language should be offered lessons in the language in question. Optional courses on minority language and culture should also be offered to students representing the majority population.

10.7.3. Particular attention should be paid to ensuring the right to freedom of expression of every young person without interference by public authorities and regardless of frontiers. Adequate measures should be adopted in order to facilitate the access of young people to the media and, in particular, to the Internet.

10.7.4. Sport is an important way for young people to explore and use their physical capacities, and a potential factor of greater social cohesion and integration. Sports facilities should be provided free of charge in all regions and in both rural and urban areas. Young people must be allowed to develop their personal abilities and identities as they wish.

10.8. Non-discrimination

10.8.1. Member states should ensure that young people are not discriminated against because of their age, for instance in assuming political or professional responsibilities. The specific problems of young people in vulnerable population groups such as Roma, migrants and refugees or other minority groups in society should also be addressed, as well as gender and racial discrimination and homophobia, to which young people are particularly exposed.

10.8.2. Positive measures adopted by member states in order to promote, in all areas of economic, social, political and cultural life, full and effective implementation of youth rights, taking due account of the specific conditions of young persons within the society and having regard to their particular needs in relation to their age, should not be considered to be discriminatory against the rest of the population.

10.9. Communication on youth policies

10.9.1. It is necessary to raise awareness of the existence and importance of youth rights by increasing, centralising and harmonising the information available to policy and decision-makers and to the general public. Youth policies in member states should be disseminated through the most up-to-date communication channels, and be made available in as many languages as are necessary to ensure they are understood by all. Young people should get their rights known. Their rights should be protected and implemented so they are able to act according to them.

10.10. Implementation

10.10.1. A European framework convention on youth rights would serve as a tool for the effective implementation of national and international provisions applicable to young people. The instrument should contain a set of common indicators, based on concrete statistics for the age groups concerned in each of the above areas. It should also provide guidelines for co-operation between member states in the same areas and common goals to be attained, and regular shared stocktaking exercises should be part of the follow-up to the convention. What is needed is better recognition and implementation of the rights of young people in Europe.

B. Explanatory memorandum by Ms Kovács, rapporteur

1. Introduction

1. The motion for a recommendation on a youth rights convention was tabled by Mr Antti Kaikkonen on 7 July 2009.[3] It specifically describes the period of transition from childhood to adulthood as a critical stage of life and social human development, characterised by specific needs which, according to the motion, necessitate a specific instrument. The challenges of globalisation, population ageing, education and employment, integration and combating discrimination are emphasised in the motion, as is the need to face these challenges by increased participation of young people in decision-making and in all activities and action aimed at building a better society.

2. Following my nomination as rapporteur, I carried out the work on the report with an "open mind" as to the suitability of a new European legal instrument as a response to the protection of the rights of youth across Europe.

3. During preparation of the report, I met on several occasions with international youth organisations through the Council of Europe's network of partner non-governmental organisations (NGOs), especially the European Youth Forum which provided specific written input. In-depth discussions were held with youth and government representatives in the Council of Europe's Advisory Council and Joint Council on Youth.

4. In August 2010, I participated in the United Nations World Youth Conference, which provided valuable insight into the situation of young people in and beyond Europe and youth policies that are implemented, as well as an opportunity to take stock of action by the European Union. I also participated in the European Youth Forum's General Assembly in Kyiv on 19 November 2010 and in the European Youth Parliament's annual forum in Athens in April 2011.

5. My objective in preparing the report was to propose solid and well-founded recommendations on what Europe's decision-makers at all levels can do to foster the recognition of a coherent corpus of youth rights, improve the effectiveness of their implementation by public authorities and encourage young people to fully make use of the opportunities offered to them.

6. In order to achieve this and to determine the suitability of a new legal framework, the report identifies key areas and examines whether existing measures provide adequate access to and protection of young people's rights in Europe. A parallel aim of the report is to draw attention to current challenges and encourage political support for youth, in line with the Parliamentary Assembly's constant active interest in youth issues and recognition of the specific challenges and problems faced by this group of society.

2. Scope of the report

7. Youth is a period of life in which personality, knowledge, self-esteem and self projection in the future are formed and consolidated. In a globalising, ageing society with generalised economic upheaval, young people's present and future are challenged socially, demographically, economically and democratically. They must be in a position to put into practice all the fundamental rights which they enjoy, and at the same time dispose of the right to be heard and to have a real influence on decisions which have an impact on their future. The enormous variety of life situations of young people across Europe implies that the real challenge lies in finding operable common denominators in order for solutions to be relevant.

8. Despite the fact that questions such as the establishment of an age for voting and standing for election and legal responsibility concern people below the age of 18, for the purposes of the report a threshold of 18 years has been used in order to avoid overlapping with issues pertaining to the rights of the child. This threshold is not to be seen as a rule to be strictly applied by member states for the implementation of the recommendations it contains, but primarily as a means to delimit the remit of the study.

9. The key areas considered in the report are:

– access to quality education and training, as well as to culture;

– employment, access to the labour market and social protection;

– access to housing;

3. See Assembly Doc. 11984.

– health services, sexual and reproductive health education and family planning, as well as the right to a healthy environment;

– full and effective participation in society and in decision-making;

– protection of vulnerable groups and the need to prevent multiple discrimination.

3. Is a convention necessary?

10. Several of the youth representative organisations working with the Council of Europe, in particular the European Youth Forum, are very much convinced that a convention on youth rights is essential. They feel that this would be the strongest arm to defend youth's place in society and they consider that only co-ordinated legislation would allow rigorous follow-up and monitoring mechanisms. As well as providing a tool for implementation of youth rights, a convention should be a forward-thinking text promoting innovative, progressive legislation within states rather than imposing specific measures. In this way, it would shape the tools for Europe's future challenges, as did the United Nations Convention on the Rights of the Child.

11. On the other hand, many government representatives are more cautious about the suitability of a convention, pointing out that legal instruments are legion, that implementation would be difficult and that most, if not all, of the rights concerned are already included in existing legislation. From this point of view, as far as Europe is concerned, the European Convention on Human Rights (ETS No. 5) and the revised European Social Charter (ETS No. 163), combined with other national and international provisions, can be seen as providing sufficient protection for young adults' political, civil, social and economic rights. This is also the approach of the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg, expressed during the meeting of the co-management bodies in March 2010.

12. It could indeed be said that most of what are called "youth rights" are not exclusive to youth. They are fundamental rights to which the principle of non-discrimination applies, meaning in particular that youth should be treated on an equal footing with other age groups. The implementation of the principle of non-discrimination may require positive measures to correct existing obstacles which *de facto* reduce the effectiveness of youth rights, in the same way as gender equality issues are addressed.

13. Approaching youth rights from this cross-sectoral perspective, thereby putting emphasis on existing frameworks for their protection, has the advantage of addressing specific issues according to a thematic approach. Reinforcing the mainstreaming of youth issues ensures coverage of their broad range, while drafting a sufficiently inclusive convention would be a complex affair. A further issue is the different level of procedural guarantees securing the respect of rights enshrined in existing texts. Bringing together the existing rights in a single text would not necessarily ensure enhanced judicial protection: it is difficult to foresee that the mechanisms provided for by the European Convention on Human Rights, or even the revised European Social Charter, could be extended to rights recognised in other international conventions.

14. On the other hand, drafting a convention would provide an opportunity to address questions of definition. The whole concept of "youth" is far from referring to the same categories in all different instances. In the Council of Europe youth sector, "youth" is situated between the ages of 18 and 30. The two existing inclusive, youth-specific instruments specifically addressing youth rights – the 2005 Ibero-American Convention on Rights of Youth and the 2006 African Youth Charter – respectively address young people between the ages of 15 and 24 and 15 to 35. The United Nations refers to young people between 15 and 24, and the "Youth in Action" programme has broadened the European Union's definition to 15 to 28 (previously 15 to 25). Other texts state or imply that young people under 18 should be included in the term as, for example, in many countries the age of criminal responsibility is lower. The Assembly's Political Affairs Committee has recently prepared a report on the expansion of democracy by lowering the voting age to 16.[4]

15. The lack of definition also makes it difficult to assess the real situation of young people. Official figures are given for children, but often not for the category of young adults. Among refugees and asylum seekers, for instance, actors in the field (for instance the Office of the United Nations High Commissioner for Refugees (UNHCR) and local NGOs) report high proportions of young people among problematic cases they deal with, but statistics do not distinguish them as a category, so the scale of problems affecting them is not easy to assess.

4. See Doc. 12546, rapporteur: Mr Miloš Aligrudić (Serbia, EPP/CD).

16. In the meantime, the Council of Europe has been proving for many years that the absence of legislation does not hinder the implementation of youth policies and programmes at national and international levels, in co-operation with member states and more recently with the European Union in the framework of the Youth Partnership Joint Programme. Perhaps proof that legislation is not essential. Nevertheless, it is undeniable that progress on the ground is sometimes slow and hard to measure.

4. Youth rights in danger?

4.1. Access to quality education and training, and to culture

17. As the recent sharp increase in university fees for students in the United Kingdom has shown, in the current economic context access to higher education regardless of their social background is not becoming easier for young people. In addition, although modern technology has increased the resources available on the Internet, it should not be taken for granted that all young people have the means and the know-how to readily avail themselves of these possibilities. The Assembly's Recommendation 1586 (2002) on the digital divide and education[5] begins with the statement that "Digitalisation introduces a new risk of dividing those who can afford access for the purposes of education and research from those who cannot".

18. This is corroborated by publications of the Organisation for Economic Co-operation and Development (OECD),[6] which highlight the need to use information and communications technology as a tool for improving teaching and learning processes, and at the same time stress the negative impact on national economies of reducing investment in education.

19. More efforts should be made towards the goal of providing education that is universal, free and accessible, regardless of race, nationality and social origin. Furthermore, beyond economic considerations education should be valued as a means of self-fulfilment and of empowerment for young people. As well as equipping young people for employment, education should promote values. The Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education, adopted on 11 May 2010 at the 120th Session of the Committee of Ministers, emphasises the need for youth leaders to be trained in these areas and for member states to foster the role of NGOs and youth organisations in education for democratic citizenship and human rights education. In turn, young people with access to information and training should be thus used as multipliers of value-based education.

20. Member states should adopt measures which enable academic mobility of youth and establish validation procedures which allow the academic achievements and professional qualifications of their respective national educational systems to be recognised across Europe. States should promote the effective use of the European Higher Education Area, Bologna Process implementation and other mechanisms for recognition of qualifications. Young people also need to be given opportunities to gain language proficiency throughout their education, especially where their mother tongue is that of a national minority or their national language is not widely spoken or understood in Europe.

21. The recognition of non-formal education and intercultural learning should be better ensured in both the public and private sectors, and experiences in volunteering and responsibilities at national and local levels should also be recognised.

22. Young people should have the right to recreation and leisure, to travel and gain first-hand experience of other national, regional or international communities, to promote cultural and educational exchanges in order to know one another, respect cultural diversity and create solidarity. Assembly Recommendation 1930 (2010) on prohibiting the marketing and use of the Mosquito youth dispersal device[7] calls on states to "promote, in consultation with youth forums at the local level, the development of indoor and outdoor facilities to increase opportunities for physical, intellectual and leisure recreation, including green areas, gymnasia, swimming pools, playing fields, libraries and multimedia libraries". Young people should not be punished for gathering in public spaces, but more possibilities should be offered in these spaces for physical and intellectual development.

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5. Doc. 9616, report of the Committee on Culture, Science and Education, rapporteur: Mrs Tytti Isohookana-Asunmaa (Finland, ALDE).
6. See the OECD's June 2010 publication "Assessing the Effects of ICT in Education: Indicators, Criteria and Benchmarks for International Comparisons"; the PISA project, which has carried out assessments of knowledge and competence in all member states over the last fifteen years; the new Assessment of Higher Education Learning Outcomes (AHELO) programme, which carries out direct evaluation of student performance.
7. Doc. 12186, rapporteur: Mr Piotr Wach (Poland, EPP/CD).

23. Youth is generally the most creative phase of the life cycle, when young people in full possession of their intellectual and physical capacities should have the opportunity to experiment new means of expression and action. State spending on cultural programmes, another area often threatened during periods of economic downturn, should nevertheless be used to ensure that young people are not only encouraged as learners and spectators of culture in all its manifestations, but are given chances to create and carry out their own cultural activities. University curricula and infrastructure should bear in mind the need for students' cultural development, and cultural institutions need to ensure outreach to young people through modern, interactive methods of communication and awareness-raising. Sufficient spaces for artistic creation need to be provided on a local and regional basis.

4.2. Employment, access to the labour market and social protection

24. Across Europe, the highest unemployment rates today are among young people, including those with a high level of qualification. It is extremely important to ensure jobs and autonomy for young adults as early as possible, as problems in accessing the employment market have a "snowball" effect on future employability.

25. The first goal of the European Union's "Europe 2020 strategy for jobs and smart, sustainable and inclusive growth":[8] 75% of the population aged 20 to 64 should be employed by 2020. However, Eurostat figures show that youth unemployment has been increasing in the euro area and the European Union since 2008 at a faster pace than the overall unemployment rate.[9] Young people are also more susceptible to accepting temporary employment (4 out of 10 people in the 15 to 24 age group, and 2 out of 10 among 25- to 29-year-olds, according to Eurostat).

26. The transition phase from education systems to the labour market is not linear. Entering the labour market is increasingly challenging and often involves several periods of navigation between studies, unemployment, non-paid work experience or low paid employment. Young people face severe challenges in securing their autonomy. Currently, many are forced to rely on parents or on social support systems to lead a fully integrated life. Gaps in social security protection systems and problems with labour market integration exist at all levels of qualification. National regimes and bilateral agreements should ensure these gaps are identified and closed.

4.3. Access to housing

27. Another factor contributing to lack of autonomy is the lack of access to housing for young individuals and families. Young people should have a right to decent housing of good quality to enable them to achieve a stable environment for their development as adults and their relations with the community. Member states should adopt measures to effectively mobilise public and private resources to facilitate access of youth to housing, giving priority to lower income brackets. Here, too, policies need to encompass diverse situations, and strive to cover the different contexts in which young people are at a disadvantage. For instance, higher educational institutions should be in a position to give young people access to affordable student lodgings, especially in large cities where rents are high; social housing should enable young people to live independently at the beginning of their professional career when their wages are low; states should insist on the implementation of percentage quotas for such housing in regions where local government is sometimes reluctant to devote valuable development space to lower-cost accommodation. Secure and sustainable financial facilities should be made available to aid the granting of mortgages and loans to young couples and families and ensure that low-interest opportunities are open to them.

28. According to the synthesis report of the country-specific studies on youth policies carried out by the Council of Europe between 1997 and 2001: "Housing is often not considered within the remit of 'youth policy', on the grounds that young people live with their parents until they achieve sufficient independence to move into independent living." The report goes on to state that young people who wish to leave home to achieve independence have lower capacity and opportunity to earn the resources in the labour market to allow them to do this within a free housing market, often resulting in frustration, sometimes even in family conflict. The

8. http://epp.eurostat.ec.europa.eu/portal/page/portal/europe_2020_indicators/headline_indicators.

9. "Youth unemployment increased by 3.9 percentage points between the first quarter of 2008 and the first quarter of 2009 in the euro area to reach 18.4%. In the European Union, the increase was 3.7 percentage points, leading to a rate of 18.3% in the first quarter of 2009. In the same period, the total rate increased by 1.6 percentage points in the euro area and 1.5 percentage points in the European Union. In the first quarter of 2009, 4.9 millions people aged 15 to 24 were unemployed, of which 3.1 million were living in the euro area. This is an increase of around 900 000 in the European Union and 600 000 in the euro area since the first quarter of 2008."
(http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Impact_of_the_economic_crisis_on_unemployment)

enormous variations in average ages for leaving the parental home[10] may be due in part to cultural differences, but lack of affordable housing and an absence of state support measures also have a great impact.

29. Housing problems may be aggravated by problems of young people's insecure employment contracts, and they may be victims of an accumulation of prejudices in access to housing, as well as being the subject of a general tendency to doubt that a young person is dependable and trustworthy.

4.4. Health services, sexual and reproductive health education and family planning, as well as the right to a healthy environment

30. Health education must be taught at all educational levels and responsible sexual conduct promoted, encouraging youth to fully accept and understand their specific identity. At the same time prevention and protection policies against sexually transmitted diseases, undesired pregnancies, sexual abuse or violence, alcoholism, nicotine poisoning and drug abuse must be implemented. Sexual and reproductive health education should be provided systematically.

31. Health awareness campaigns are all-important for young people, who should be well informed not only of health risks and their avoidance but also of practical aspects such as the existence and location of clinics and how confidentiality is ensured.

32. Young people in general are more aware of environmental issues, simply because the negative effects of human activity on the planet's resources have become increasingly a cause for concern. Young people should be associated in environmental policies as they are directly concerned by their consequences, and are a more certain source of forward-thinking, idealistic and creative ideas concerning environment preservation and sustainable development. Here, too, young people can serve as multipliers of good individual and group practices.

4.5. Full and effective participation of youth in society and in decision-making

33. Participation rights are insufficiently codified and protected. The participation of young people in political life and generally in decision-making processes is low, despite the existence and active work of youth organisations. Moreover, youth participation without real impact on decision-making is often used as "window-dressing" by politicians, who should take youth representatives more seriously and allow young people to contribute to shaping society. They should be equal partners for politically mature society development. The Parliamentary Assembly is the ideal forum for promoting the significant participation of youth parliaments in democratic structures.

34. Youth have the right to freedom of speech, expression, assembly and information, to have youth forums at their disposal and to create organisations and associations where their problems are analysed, with a view to presenting proposals for political initiatives to the relevant public authorities. The member states should commit to help youth organisations and associations to obtain resources for the financing of their activities, projects and programmes, while providing them with support to strengthen their independence and autonomy.

35. In order for young people to understand their rights, accept the accompanying responsibilities and be given opportunities to express themselves, participation must be encouraged from an early age in order for democratic processes to be a familiar part of the life of young adults.[11]

36. Youth parliaments are often a way to allow young people below voting age to acquaint themselves with democratic processes and at the same time be heard in specific areas concerning them. For example, the United Kingdom's youth parliament allows 600 elected children between the age of 11 and 18 to make their voices heard by local and national government, providers of services for young people and other agencies who have an interest in the views and needs of young people.

37. The European Youth Parliament "encourages independent thinking and socio-political initiative of young people and facilitates the learning of crucial social and professional skills". It consists of a network of 34 European associations and organisations in which thousands of young people are active in a voluntary

10. From the age of 22 for young women in Finland to 31.5 for young men in Bulgaria, according to Eurostat 2010 statistics for European Union member states.

11. See Recommendation 128 (2003) of the Congress of Local and Regional Authorities of the Council of Europe on the revised European Charter on the Participation of Young People in Local and Regional Life, and Recommendation Rec(2006)1 of the Committee of Ministers on the role of national youth councils in youth policy development.

capacity. National European youth parliament committees exist to promote the objectives of the European Youth Parliament also in their own countries. Youth parliaments serve to emphasise the importance of developing the capacity of youth for the purpose of preparing them to assume responsibilities, to dialogue, exchange ideas and to introduce them into the atmosphere where the different socio-political parliamentary trends of the countries are represented. Attention should be given, however, not to relegate young people into youth parliamentary structures to the detriment of their participation in the core decision-making processes.

4.6. Vulnerable groups and multiple discrimination

38. Social workers and non-governmental organisations agree, without necessarily producing concrete statistical evidence, that young people from vulnerable population groups such as Roma, migrants and refugees pose specific problems. Young people are also more at risk from gender and racial discrimination, and homophobia.

39. While refugee and displaced families, children and the elderly often have support either within their families or benefit from national or local measures, youth are more likely to be isolated and difficult to fit into existing support frameworks. Special attention is required for these young people, ranging from information and training to language learning and life skills. The Assembly Recommendation 1652 (2004) on education of refugees and internally displaced persons[12] addresses this need, asking states to "facilitate the provision of further education and vocational training for refugees and internally displaced persons (IDPs) so as to reduce their dependence and to enable them to lead a normal life" and "to take account of education already acquired by refugees and IDPs".

40. The above-mentioned Recommendation 1930 (2010) on prohibiting the marketing and use of the Mosquito youth dispersal device shows that young people are sometimes treated as second-class citizens: "They feel that the Mosquito device is used as a weapon against them regardless of their behaviour. They feel victimised and offended, and regard this treatment as clear discrimination against young people. They feel that they are being treated as potential troublemakers and delinquents and, consequently, their feeling of alienation deepens." All attempts to use this kind of mechanism should be firmly opposed by the authorities of member states as a violation of fundamental human rights.

5. Council of Europe responses

5.1. Unique, innovative structures in the Council of Europe's youth sector

41. The Council of Europe's commitment to fostering greater youth participation is demonstrated through its system of co-management, unique in Europe. The Advisory Council on Youth, made up of 30 representatives from youth NGOs and networks, joins the European Steering Committee for Youth, composed of representatives of ministries and organisations responsible for youth matters from the 49 States Parties to the European Cultural Convention, in a Joint Council on Youth (CDEJ). The Joint Council is a co-decision body which establishes the youth sector's priorities, objectives and budgets for adoption by the Committee of Ministers. The CDEJ also organises the Conferences of European Ministers with responsibility for youth matters and the drafting of youth policy laws and regulations in member states.

42. The European Youth Centres (EYCs) in Strasbourg and Budapest are international training and meeting centres for the implementation of the Council of Europe's youth policy. A new "youth centre label" is currently being developed, aimed at setting up a system of partnership with existing youth centres in member states whereby the Council of Europe's expertise and knowledge may be multiplied through national frameworks. The Council of Europe also has a specific category of staff employed as youth trainers, for whom one of the conditions for recruitment is to be aged under 25.

43. Council of Europe "Peace camps" are organised yearly, bringing together youth leaders from countries opposed by conflict in an effort to promote dialogue. The 2009 peace camp gathered 42 young people from conflict and post-conflict regions, including Israel and the territories under Palestinian Authority. In 2010 these countries were joined by young people from Armenia and Azerbaijan.

44. A new project for the creation of "Youth peace ambassadors" is currently under way, providing training for young people from conflict areas. Another project called "ENTER!" was launched in 2009 as part of the priority work on social cohesion and inclusion of young people. The project aims at developing youth policy responses to exclusion, discrimination and violence affecting young people.

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12. See also Doc. 9996, rapporteur: Mr Rafael Huseynov (Azerbaijan, ALDE).

5.2. The Congress of Local and Regional Authorities – a comprehensive, grass-roots charter for youth

45. The Congress's revised European Charter on the Participation of Young People in Local and Regional Life was adopted by the Committee of Ministers in Recommendation Rec(2004)13. It covers a wide range of subjects, based on the premise that as part of a global policy of citizens' participation in public life "the participation of young people is a determining factor in ensuring social cohesion and in making democracy work".

46. Local and regional authorities are convinced that all sectoral policies should have a youth dimension. It calls for the establishment of "youth consultative bodies such as municipal youth councils, youth parliaments or forums, allowing all young people, whether or not they belong to organisations or associations, to express their opinions and present proposals on the formulation and implementation of policies affecting them". The charter raises an interesting aspect of mobility taken in very concrete terms, asking local authorities to involve young people in the organisation of public transport at both local and regional level, as well as advocating specially adapted rates allowing disadvantaged young people to travel. This mobility is seen as indispensable for participation in social life and for being full citizens, especially for young people in rural areas.[13]

47. The Charter on the Participation of Young People in Local and Regional Life also outlines principles for policies on access to culture, encouraging local and regional authorities to "adopt, in association with young people and their organisations, policies designed to allow them to become cultural actors, with access to knowledge, the practice of culture and creative activity in places and using methods designed for that purpose."[14] In addition, a chapter entitled "A policy on sexuality" calls for young people's involvement in the provision of non-directive sex education in schools, the organisations and services offering information about relationships, sexual methods and family planning, and peer group work in this field.

6. Other international responses

6.1. European Union action

48. The European Union's renewed framework for European co-operation in the youth field 2010-2018 outlines aims and initiatives that member states and the European Commission undertake to pursue in the areas of: education and training; employment and entrepreneurship; health and well-being; participation; voluntary activities; social inclusion; youth and the world (including encouragement for young people to participate in "green volunteering" and "green" patterns of consumption and production); and creativity and culture. Priorities for European co-operation are established in a succession of three-year cycles: youth employment is the first of these priorities for the period January 2010 to June 2011.

49. The Youth in Action programme (2007-2013) promotes active involvement in the community and supports projects giving young people a greater sense of citizenship. Priorities here are to promote young people's active European citizenship, to develop solidarity and promote tolerance among young people in order to reinforce social cohesion, to foster mutual understanding between young people in different countries, to contribute to developing the quality of support systems for youth activities and the capabilities of civil society organisations in the youth field, and to promote European co-operation in the field. Within this programme, the European Voluntary Service allows young people to work as volunteers in other countries. European Union investment in these activities between 2007 and 2013 totals €900 million.

50. In this context, the European Commission funds various civil society projects, such as "YouthNetworks",[15] an online network based on the needs of international youth organisations, aiming to make youth work easier and more efficient, and "Pathways to Work: An Employment Upgrade Training Programme for Young Immigrants", which is a transnational project aiming to help young migrants to maximise their career potential in host countries.[16]

13. See section I.3. of the Charter, "Urban environment and habitat, housing policy, and transport".
14. The Committee on Culture, Science and Education is currently working on a report on the right to take part in cultural life, which will emphasise the need to promote young people's access to culture.
15. www.youthnetworks.eu/default.aspx.
16. http://pathwaystowork.eu/en/.

6.2. The United Nations

51. The United Nations declared 2010 the "International Year of Youth: Dialogue and Mutual Understanding". The main event of the year was the World Youth Conference in Mexico in August 2010, which I attended on behalf of the Assembly. For the United Nations, the conference marked a stocktaking phase of the level of fulfilment of the Millennium Development Goals. Declarations adopted by the Legislators' Forum and the Governmental Forum listed areas where renewed efforts should be made in favour of youth: the global nature of the United Nations membership showed that outside Europe, in many countries, many of young people's basic requirements are unmet, especially with regard to access to education and health services. The youth NGO Declaration at the Mexico Conference "Keep your promises and make them true!" is a telling call for better implementation of the resolutions made by international organisations and member states alike.

6.3. Inter-institutional co-operation

6.3.1. Co-operation with the European Union

52. In 1998, the Council of Europe and the European Commission concluded a Partnership Agreement to bring together the two institutions' experience in non-formal education, youth policy, youth research and youth work practice, in order to "promote active European citizenship and civil society by giving impetus to the training of youth leaders and youth workers working within a European dimension". Since 2005, the Framework Partnership Agreement has focused on:

– European citizenship;

– human rights education and intercultural dialogue;

– quality and recognition of youth work and training;

– better understanding and knowledge of youth;

– youth policy development.

A specific focus of the Youth Partnership joint programme is devoted to a geographical co-operation with eastern Europe, South-East Europe and the Caucasus, the Euro-Mediterranean and the African continent.

53. Another Joint Programme between the Council of Europe and the European Union ensures the functioning of the Council of Europe's network of schools of political studies, NGOs set up under the legislation of the country in which they are located in order to train future generations of political, economic, social and cultural leaders in countries in transition. The schools offer annual courses of seminars and conferences on topics such as European integration, democracy, human rights, the rule of law and globalisation, with the participation of national and international experts. Since their creation in 1992 a network of 16 schools covering the whole of eastern and South-East Europe and the Caucasus has been built up. The schools take part in the Summer University for Democracy, held in Strasbourg since 2006 and attended by over 650 participants and guest speakers.

6.3.2. Co-operation with the United Nations

54. On 14 March 2011, the Council of Europe invited representatives of international institutions and civil society organisations to discuss strategies to assist member states with the national implementation of regional and international texts on citizenship and human rights education. This fifth inter-institutional meeting launched an Inter-institutional Contact Group on Citizenship and Human Rights Education. The main objective of the contact group is to ensure systematic and sustainable co-ordination of inter-governmental initiatives in this field.

55. The contact group – which currently includes the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the European Commission, the Fundamental Rights Agency of the European Union and the Council of Europe – agreed on a number of concrete initiatives, including: 1) the mapping of relevant programmes; 2) development of a joint calendar of international events; and 3) a joint publication on key international texts. International civil society organisations – such as Human Rights Education Associates, Democracy and Human Rights Education in Europe, European Union of Students, and International Association for the Evaluation of Educational Achievement – will provide feedback and advice to the institutions through regular meetings and on-line platform.

7. Conclusions

56. Assembly Recommendation 1844 (2008) and Resolution 1630 (2008) on refreshing the Council of Europe's youth agenda, elaborated in consultation with the Joint Council on Youth, asked the Committee of Ministers, amongst others, to enhance the unique existing co-management system of the youth sector and to further promote the association of young people in Council of Europe activities in general. The reply by the Committee of Ministers to the recommendation contains several encouraging statements, and its provisions were taken into account in the Committee of Ministers Resolution CM/Res(2008)23 on the youth policy of the Council of Europe.

57. The Guanajuato Declaration made at the Mexico World Youth Conference in August 2010 states that the governments of United Nations member states will "consider discussing an international legal framework that recognises the specific rights of young people". Despite this rather noncommittal statement, the Assembly will survey and take into account follow-up to this resolution, especially during the International Year of Youth that started with the World Conference, and in the context of the implementation of the Millennium Development Goals.

58. Young people are key actors in the development of our societies and are capable of assuming their own rights and liberties autonomously. They are more informed than ever, but the information available does not automatically confer real empowerment and the means to make use of existing frameworks. It is necessary to raise awareness of the existence and importance of youth rights by increasing, centralising and harmonising the information available to policy and decision-makers and to the general public. Young people in the Council of Europe member states must receive further encouragement and means to fully assume their role as actors in, and between, their societies.

59. Despite the fact that many aspects of youth rights are enshrined in existing instruments, it is undeniable that gaps remain when it comes to the promotion of these rights and between theory and practice. Therefore, there is an urgent need for more effective implementation of existing international legislation and policies in order to ensure young people's access to rights and their empowerment through both "hard" and "soft-law" mechanisms.

60. A European framework convention on youth rights would increase awareness of youth rights across Europe and raise and harmonise implementation standards, providing for measures that are tailored to young adults' particular condition and needs. A new instrument should aim both to co-ordinate existing texts and fill lacunae with respect to specific areas not sufficiently covered. In doing so, the level of procedural guarantees offered by the existing instruments which enshrine fundamental rights also applicable to youth should not be lowered.

61. After reviewing the state of youth rights in Europe and the mechanisms for their implementation, I consider for the above reasons that the idea of a Council of Europe framework convention for the protection of youth rights should be examined more closely. This would provide a platform for the development of national policies and legislation and establish guidelines and indicators for the fulfilment of the enabling principles for full access of young people in Europe to their rights and thereby to autonomy and European citizenship, while respecting the liberty of states to devise their own tools for attaining this goal. The ten principles appended to the recommendation should serve as a guide for the content of a framework convention. At the same time, existing international instruments, programmes and policies should be put together in a coherent and comprehensive "handbook" for the use of young people as well as youth leaders and organisations.