

# YOUNG PEOPLE'S ACCESS TO RIGHTS



Legal instruments

Recommendation CM/Rec(2016)7  
and explanatory memorandum

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# YOUNG PEOPLE'S ACCESS TO RIGHTS

**Recommendation CM/Rec(2016)7**  
adopted by the Committee of Ministers  
of the Council of Europe  
on 28 September 2016  
and explanatory memorandum

French edition:  
*Accès des jeunes aux droits*  
*(Recommandation CM/Rec(2016)7*  
*et exposé des motifs)*  
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# Recommendation CM/Rec(2016)7

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## of the Committee of Ministers to member States on research on young people's access to rights

*(Adopted by the Committee of Ministers on 28 September 2016  
at the 1266th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;

Having regard to the European Convention on Human Rights (ETS No. 5) and the revised European Social Charter (ETS No. 163);

Taking into account the United Nations Convention on the Rights of the Child and its protocols;

Recalling Parliamentary Assembly Recommendation 2015 (2013) "Young people's access to fundamental rights" and Parliamentary Assembly Recommendation 1978 (2011) "Towards a European framework convention on youth rights", as well as Replies of the Committee of Ministers to these recommendations;

Recalling Resolution CM/Res(2008)23 of the Committee of Ministers on the youth policy of the Council of Europe;

Recalling Congress of Local and Regional Authorities' Resolution 386 (2015) on "Bringing down barriers to youth participation: adopting a lingua franca for local and regional authorities and young people", and Congress of Local and Regional Authorities' Recommendation 128 (2003) on "The revised European Charter on the Participation of Young People in Local and Regional Life";

Recalling the application of existing principles set out in relevant recommendations of the Committee of Ministers to member States, in particular Recommendation CM/Rec(2015)3 on the access of young people from disadvantaged neighbourhoods to social rights, Recommendation CM/Rec(2013)2 on ensuring full inclusion of children and young persons with disabilities into society, CM/Rec(2012)13 on ensuring quality education, Recommendation CM/Rec(2012)2 on the participation of children and young people under the age of 18, Recommendation CM/Rec(2010)8 on youth information, Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, Recommendation CM/Rec(2009)9 on the education and social inclusion of children and young people with autism spectrum disorders, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms and Recommendation Rec(2006)1 on the role of national youth councils in youth policy development;

Convinced of young people's considerable capacities and their fundamental role in the building of Europe, but deeply concerned by their deteriorating social situation in ageing societies affected by systematic economic and social difficulties and the democratic deficits resulting from the failure of member States to engage young people fully in democratic processes;

Acknowledging the work undertaken by the Council of Europe in the field of youth to support youth policies promoting human rights, social inclusion, intercultural dialogue, gender equality and the active participation of young people;

Emphasising the importance of the co-management principle and practice of the youth sector at the Council of Europe;

Bearing in mind in particular the outcomes of the previous Council of Europe Conferences of Ministers responsible for Youth – in Kyiv in 2008, entitled "The future of the Council of Europe youth policy: Agenda 2020", and in St Petersburg in 2012, entitled "Young people's access to rights: development of innovative youth policies" – as well as the conclusions of the youth event held prior to the latter of the two conferences;

Stressing again the fundamental role of young people and the work carried out by youth organisations in the development of our societies and underlining that young people's access to rights is a prerequisite for their personal development and their access to autonomy;

Considering that the unhindered and full access of young people to rights is an essential element of a culture of human rights, democracy and rule of law, and taking cognisance of the violations and denials of young people's rights identified in the review of the case law of the European Court of Human Rights and the decisions and conclusions of the European Committee of Social Rights, arising from their interpretation of the European Convention on Human Rights and the European Social Charter respectively, published by the Council of Europe in 2014 and by THESEUS, the children's rights case law database containing the Court's case law regarding children's rights;

Stressing that, as with all generations, young people are entitled to fully enjoy human rights and all other rights under national and international law, except where justified legal exceptions are made for the protection of minors,

I. Recommends that the governments of the member States improve young people's access to rights by:

1. addressing the discriminatory practices faced by many young people on the grounds explicitly outlined by Article 14 of the European Convention on Human Rights or any other form identified in the case law of the European Court of Human Rights.<sup>1</sup> Multifaceted identities and inter-sectionality of discrimination should be a particular focus;

2. removing any legal, administrative and practical obstacles to the right of young people to assemble peacefully and to freely form, join and be active in associations and trade unions;

3. establishing or developing youth policies at all levels to promote and facilitate all young people's access to rights more effectively, with special emphasis on the following issues:

- the barriers to accessing quality education;
- the difficulties encountered by many young people, on leaving education, to secure stable and meaningful employment with fair, just and favourable conditions of work or to obtain quality internships;
- the lack of appropriate support for continuing education and training, including during periods of unemployment;
- insufficient capacity of social and health-care services to cater for the specific needs of young people;

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1. See paragraph 23 of Explanatory Memorandum.

- the negative consequences of precarious life situations on the well-being and safety of young people;
  - insufficient opportunities for participation in the life of society, particularly with regard to decisions that concern young people directly, the lack of a systematic policy of encouragement and preparation for participation and the lack of mechanisms or structures allowing effective participation;
  - insufficient or non-existent financial and political support for youth initiatives and self-managed and independent youth organisations;
4. taking a co-ordinated approach to improving young people’s access to rights with co-operation across all relevant policy areas at international, national, regional and local levels. For this purpose, member States should take the following steps:
- undertake a critical and profound knowledge-based analysis of the problems faced by young people in accessing rights, including consideration of intergenerational solidarity on all policies with a long-term impact. This analysis should involve experts, policy makers, youth workers, representatives of youth organisations, trade unions and other civil society organisations. Where possible, disaggregated data should be analysed in order to identify the experiences of excluded or marginalised young people. Progress should be reviewed at regular intervals;
  - if necessary, carry out a review of existing and planned legislation, and introduce legislative measures that promote and guarantee access to rights and systematically remove any legal obstacles to young people accessing rights;
  - consider additional steps they can take to improve young people’s access to rights in consultation with youth policy stakeholders, including youth organisations and national youth councils;
  - if necessary, modify the structure and practice of institutions and services catering for young people, in order to support them more effectively in addressing equitably the needs of all groups of young people, in addition to improving the competencies and skills of staff working with young people in these institutions;
5. establishing strategies to improve young people’s access to rights that reflect the principles of the universality and indivisibility of human rights, non-discrimination and equal opportunities, gender equality, accountability, democracy, participation and intergenerational solidarity. These strategies

should recognise that youth work can make a particularly valuable contribution to facilitating young people's access to their rights;

6. taking into consideration the measures proposed in the appendix to this recommendation when formulating and implementing policies and programmes to promote and facilitate young people's access to rights and encouraging local and regional authorities to do the same;

7. ensuring that this recommendation, including its appendix, is translated and disseminated among competent authorities and stakeholders, with a view to raising awareness of the need to promote and protect young people's access to their rights.

II. Agrees to examine the follow-up given by member States to this recommendation five years after its adoption.

## **Appendix to Recommendation CM/Rec(2016)7**

### **1. Scope and purpose**

The recommendation aims to improve young people's access to rights rather than addressing the specific rights themselves. It focuses on improving access by taking steps to promote awareness of the rights that young people should be able to enjoy and what they can do if their rights are violated, and by removing legal, political and social barriers. It emphasises the importance of member States regularly monitoring and responding to rights infringements and ensuring adequate protection through legal provisions.

The recommendation applies to all young people who, by virtue of their age, face barriers to the full enjoyment of their human rights and fundamental freedoms and to their active participation in society. The definition of the age range covered by the terms "young people" or "youth" should reflect the legal and constitutional framework in each member State.

### **2. Principles**

The recommendation builds on the existing principles enshrined in the instruments referred to in the preamble. These principles include the following:

- young people's access to rights is an essential element for building a culture of human rights, democracy and rule of law in Europe today;

- youth organisations and youth work have a critical role to play in ensuring young people’s access to rights and supporting young people to be active citizens;
- access to rights requires young people, youth organisations and youth workers to be informed and educated about the rights that young people should enjoy and what can be done if these rights are violated;
- young people’s active and effective participation in the life of society and in decision making must be both protected and encouraged from an early age;
- young people should fully enjoy their rights and freedoms without discrimination on any grounds. In order to achieve this, special attention has to be paid to young people with fewer opportunities, including those who are affected by discrimination.

### **3. Measures**

In order to promote and facilitate young people’s access to rights, the governments of member States should undertake the following initiatives.

#### ***3.1. With regard to access to education:***

- invest in quality and inclusive education (formal and non-formal);
- ensure access to education for all, removing any barriers and putting in place mechanisms to support and encourage completion;
- address economic, geographical and physical barriers to accessing education and providing adequate student support services;
- increase efforts to recognise non-formal learning and youth work (Strasbourg process) and ensure compatibility with the standards and quality of vocational education and training (VET) as well as higher education and qualifications (Bologna process and Copenhagen process).

#### ***3.2. With regard to autonomy and social inclusion of young people:***

- establish or develop youth policies and youth work at all levels;
- facilitate smooth transitions from education to the labour market, ensuring that internships and apprenticeships, acknowledged as important steps in the transition process, are quality experiences that have a clear educational value and are decently remunerated and regulated;
- remove barriers depriving young people access to quality jobs, which can support a decent standard of living;

- establish tailor-made measures to ensure that young people have access to welfare benefits, to credit and to housing schemes;
- facilitate young people's access to social rights by strengthening the implementation of the European Social Charter's provisions;
- ensure policies reflect and address the special needs of young people living in rural areas and disadvantaged neighbourhoods, by improving access to education, employment, housing and transport.

### **3.3. *With regard to youth mobility:***

- continue promoting equal access to mobility for all young people, in particular volunteers, regardless of their country of origin, background or eventual disability, including through the wider use of existing European schemes, simplified visa procedures and access to mobility programmes;
- address the challenges young people face when moving to other countries for political or socio-economic reasons, ensuring that their access to rights is not compromised.

### **3.4. *With regard to active citizenship, democracy and participation:***

- establish mechanisms to support the meaningful participation of young people and youth organisations in policy development based, inter alia, on the principles of co-management, including, where possible, at local and regional levels where policy making is closest to young people;
- recognise and support youth-led, independent democratic organisations and national youth councils as channels of participation and involvement for all young people;
- facilitate opportunities for all young people to assemble, associate and express themselves freely, including through e-participation as a complementary tool;
- ensure that young people learn about participation and democracy and experience it in action, while at school;
- remove barriers which limit young people's democratic participation, for example by reviewing voting systems and including, where appropriate, lowering the voting age, and ensuring electoral rights are enjoyed by all eligible, whether by simply voting or by standing for election.

### **3.5. *With regard to living together in diverse societies:***

- address discrimination, intolerance and exclusion where they exist by using the expertise of youth organisations, by strengthening the participation and inclusion of marginalised youth and by broadening intercultural competencies and international understanding among young people and youth organisations;
- encourage and support young people and youth organisations to participate in building peaceful societies based on diversity, social cohesion and inclusion, in a spirit of respect, tolerance and mutual understanding;
- promote peace building and dialogue in conflict and post-conflict regions by using programmes and instruments available, including mass media, in order to facilitate the re-establishment of a peaceful environment;
- enable co-operation between governmental structures and youth organisations and remove bureaucratic and political barriers to the implementation of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;
- advance the effective implementation of Article 14 of the European Convention on Human Rights and other international instruments against discrimination and consider ratifying Protocol No. 12 of the European Convention on Human Rights;
- further promote the inclusion of young people with migrant backgrounds.

### **3.6. *With regard to access to information and protection:***

- develop and promote long-term strategies aimed at raising awareness of the rights of young people consistent with Article 42 of the United Nations Convention on the Rights of the Child;
- integrate education for democratic citizenship and human rights education, including children's rights education, into formal education curricula and non-formal learning;
- enhance professional capacities and facilitate access to rights among youth workers and others working directly with young people through training and practice exchanges, as well through the provision of adequate resources;
- undertake public information and education programmes to raise awareness of young people's access to rights among the general public, young people and professionals;

- provide effective mechanisms for informing and advising young people of their rights and the possibilities for seeking redress if these rights are violated or withheld. Such mechanisms must be accessible to all groups of young people, especially those who are at risk of being discriminated against or socially excluded and who have fewer opportunities. In addition, legal advice and representation should be provided to all young people who cannot afford it;
- establish, if it does not yet exist, an appropriate and independent human rights institution (in line with the Paris Principles), such as an ombudsperson, to ensure that young people’s access to rights is respected and protected;
- ratify the Revised European Social Charter and the Additional Protocol providing for a system of collective complaints (ETS No. 158);
- ratify the Third Optional Protocol to the United Nations Convention on the Rights of the Child on a Communications Procedure, which allows children and their representatives who claim that their rights have been violated to bring a communication or a complaint before the United Nations Committee on the Rights of the Child once they have exhausted all domestic remedies;
- promote regular case law compilations to provide decision makers with an increased understanding of violations of young people’s rights and the extent to which they are protected by the existing legal tools.

### ***3.7. With regard to access to health-care services:***

- provide comprehensive and age-appropriate health education (including education on sexual and reproductive health) as part of non-formal education and the school curricula;
- provide comprehensive and age-appropriate information about health services and support for young people;
- provide comprehensive and age-appropriate information on healthy lifestyles, including on physical activity and healthy eating;
- conduct awareness-raising campaigns directed at young people about health risks and their prevention, including information on how to access treatment and on guarantees of confidentiality;
- ensure health workers receive training on working with young people;
- provide holistic and preventative services to support young people’s emotional development and well-being;

- provide free, safe and personalised sexual and reproductive health services;
- ensure counselling is available, free of charge, for young people who need it, when they need it, and especially for victims of violence, exploitation and abuse;
- ensure easy and timely access to mental health services, such as those tackling eating disorders and addictions among young people;
- pay particular attention to the access to the above-mentioned health services for young people from vulnerable, victimised and minority groups (including refugees and migrants).

# Explanatory memorandum

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## I. Introduction

1. The Council of Europe is an essential contributor to the building of a Europe based on respect for human rights, democracy and the rule of law. A key achievement of the Council of Europe is the European Convention on Human Rights (ETS No. 5), the main instrument guaranteeing the protection of the founding values of our societies. The European Social Charter guarantees social and economic human rights. The case law of the European Convention on Human Rights and the European Social Charter continues to highlight areas in which member States have failed to guarantee access to rights by young people. To remain the successful champion of these values, the Council of Europe needs to continuously develop and implement its standards and instruments that promote and protect the rights of all people in Europe.

2. The youth sector of the Council of Europe is one of the political pillars which contribute to the prevention of human rights violations and the promotion of democratic, inclusive societies and the rule of law. The fundamental feature of the youth sector is its co-management system which, through its joint decision-making process between youth organisations and governments, ensures that programmes are grounded in the realities of young Europeans and national decision makers.

3. This explanatory memorandum provides some background information on Recommendation CM/Rec(2016)7 of the Committee of Ministers on young people's access to rights. It sets out why the recommendation is needed and the problems it seeks to address, including more detail on the difficulties and obstacles encountered by young people in accessing their rights. It outlines the process of drafting the recommendation, demonstrating the inclusive approach taken. The memorandum provides a rationale for the components of the recommendation and includes advice to support member States in implementing the full range of recommended measures.

## II. Why a recommendation on young people's access to rights?

4. Young people are entitled to enjoy full human rights and all other rights under national and international law. However, young people across Europe are increasingly experiencing challenges to accessing these rights, not least because they are particularly affected by economic, social and environmental problems, and by other difficulties facing many European societies.

5. Young people's access to rights is an essential element in building a culture based on the principles of human rights, democracy and the rule of law, and there is a concern that some member States do not sufficiently safeguard these rights for all young people.

6. Demographic changes and the current economic situation have put young Europeans in a difficult position, in which they are increasingly experiencing challenges to the full enjoyment of human rights and to a smooth transition to an autonomous life. Unemployment, precariousness, discrimination and social exclusion are a reality for many young people in Europe. Even those with good qualifications experience a difficult transition from education to the labour market. Young people are among the most vulnerable groups in society and the dire socio-economic situation in many Council of Europe member States presents huge barriers to their autonomy, to their personal development and to their full participation in society.

7. The risks of youth disengagement are considerable. The sustainability of society relies on the creativity, dynamism, social commitment and competences of young people, as well as on their confidence in the future. Government policies should support young people in realising their full potential as autonomous members of society, enabling them to develop life plans and exercise their right to democratic citizenship. Education and learning, both formal and non-formal, have a key role in equipping young people with the necessary knowledge, skills and attitudes for accessing and exercising their rights. For all policy areas affecting the lives of young people, a key issue is ensuring that young people know about their rights, the steps they can take if their access to rights is violated and how they might get some redress.

8. The Council of Europe has produced a number of tools and undertaken various public campaigns to support the work of member States in informing and educating children and young people about their rights and on how to access them, for example the No Hate Speech Movement campaign and the ENTER! project on the access of young people from disadvantaged neighbourhoods to social rights.

9. Young people are often thought of as an investment for the future, but in reality their development and well-being are also indispensable for the present. In order for young people to understand their rights, accept the accompanying responsibilities and be given opportunities to express themselves, their active and effective participation in the life of society and in decision making must be encouraged from an early age. They must be listened to and provided with the means to actively participate in decision making affecting their lives. Helping young people to become active citizens is a central element of youth policy and youth work. Young people themselves and youth organisations have an important role to play in achieving these aims and they should therefore be supported by public authorities at all levels.

### **III. General considerations**

10. This recommendation covers access to rights and does not focus on specific rights. Improving access to rights requires young people, youth organisations and youth workers to know about the rights that young people should be able to enjoy and what they can do if their rights are violated. Improving access also requires the removal of legal, political and social barriers, regular monitoring of rights violations with particular reference to the experiences of marginalised groups, and incorporating measures which improve the protection of rights for all young people through legislation, constitutions and other legal provisions.

11. As highlighted in the outcomes of the 8th Conference of Ministers responsible for Youth (Kyiv, 2008) – The future of the Council of Europe youth policy: Agenda 2020 – and in the conclusions of the youth event that informed that conference, ensuring young people’s full enjoyment of human rights and human dignity and encouraging their commitment in this regard should be regarded as one of the priorities for the Council of Europe’s youth policy.

12. There is much on which to build. One of the key reflections on the added value of this recommendation is the need for a youth-focused instrument which brings together relevant means from existing mechanisms and encourages effective implementation by member States, supported by the considerable body of work of the Council of Europe’s youth sector. Currently, within the Council of Europe there are several legal tools available with regard to access to youth rights but they are scattered among many different themes. There are also significant gaps arising from more recent developments (for example the increased use of internships as an important step in the transition process

from education to work), which the recommendation aims to address. Added value is also achieved with an examination of the means by which some of the most challenging barriers can be addressed, and by maximising how youth policy and youth work can contribute to realising young people's access to rights. More specifically, the work on drafting this recommendation has been informed by the draft declaration from the Conference of Ministers responsible for Youth held in St Petersburg in 2012 and the youth event that preceded it, and the work of an enlarged group mandated by the Joint Council on Youth (CMJ), convened in May 2014.

13. The objectives of this recommendation address some of the key priorities of the Council of Europe's youth sector, encouraging member States to develop and apply youth policies which support young people's access to rights. The Council of Europe recognises that it is important to do more to guarantee young people access to rights, especially during a period of transition when they are taking on new responsibilities and duties but are also subject to discrimination by virtue of their youth, for example in the labour market. While the European Convention on Human Rights and the European Social Charter apply to all individuals, including young people, the time is right for the Council of Europe to adopt a legal instrument dedicated to improving young people's access to rights which emphasises the role of youth policy and youth work in facilitating improved access.

14. Importantly, this recommendation calls on member States to adopt a human rights-based approach to ensuring young people's access to rights. A human rights-based approach empowers people to know and claim their rights and increases the ability of individuals and institutions to take responsibility for respecting, protecting and fulfilling rights. It stresses the universality and indivisibility of human rights: they are for all people everywhere and all rights – whether civil, cultural, economic, political or social – are equally important, and the denial of one right impedes the enjoyment of other rights. Equality and non-discrimination are other key principles in a human rights-based approach – all people are equal as human beings and no one should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, birth or any other status as established by human rights standards. Finally, a human rights-based approach promotes participation and inclusion with all people having the right to participate in and access information relating to decision-making processes that affect their lives.

15. This means giving young people greater opportunities to participate in shaping the decisions that impact on their human rights. It also means increasing the ability of those with responsibility for fulfilling young people's rights to recognise and know how to respect those rights, and make sure they can be held to account. A human rights-based approach is about ensuring that both the standards and the principles of human rights are integrated into policy making as well as the day-to-day running of organisations and institutions. This is a fundamental and non-negotiable aspect of the recommendation.

#### **IV. The drafting process**

16. On 15 January 2013 the Committee of Ministers assured the Parliamentary Assembly of its commitment to ensuring young people's access to rights, preventing violations of these rights, providing adequate follow-up and redress and considering innovative ways to empower young people in accessing these rights. In its reply to the Parliamentary Assembly, the Committee of Ministers noted:

“the interest shown by the bodies consulted: Steering Committee for Human Rights (CDDH), Gender Equality Commission (GEC), European Steering Committee for Youth (CDEJ), Advisory Council on Youth (CCJ), Joint Council on Youth (CMJ), Governmental Committee of the European Social Charter, European Centre for Global Interdependence and Solidarity (North-South Centre), European Committee for Social Cohesion (CDCS) and the Steering Committee on Educational Policy and Practice (CDPPE) in the drafting of a possible recommendation on young people's access to rights and their willingness to take part in the process. The Committee of Ministers would encourage the bodies of the youth sector, in consultation with other relevant bodies, to submit proposals in this regard within the framework of their terms of reference and budget for the 2014 2015 biennium.”<sup>1</sup>

17. Based on the information provided by the Secretariat, the Joint Council on Youth agreed to prepare a draft recommendation of the Committee of Ministers to member States on young people's access to rights. Following discussions with members of the European Steering Committee for Youth (CDEJ) and the Advisory Council on Youth (CCJ) on the added value, purpose, content and methodology of the draft recommendation, a working group was established in 2014 comprising two members of the CDEJ, two members of the CCJ, a representative of the European Youth Forum, two representatives

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1. Committee of Ministers' reply to Recommendation 2015(2013) of the Parliamentary Assembly on young people's access to fundamental rights.

from the Steering Committee for Human Rights (CDDH) and a representative from the European Youth Information and Counselling Agency (ERYICA).

18. The drafting group regularly reported back to the CMJ on progress in preparing the recommendation and received helpful advice from a number of government representatives. With assistance from the Council of Europe Secretariat, the group consulted widely on the preferred content of the recommendation with a number of Council of Europe administrative entities. These included: the Steering Committee for Human Rights (human rights intergovernmental co-operation); the Human Rights Law and Policy Division; the Children's Rights Division; the European Committee for Social Cohesion, Human Dignity and Equality (CDDECS); the Parliamentary Assembly; and the Congress of Local and Regional Authorities. A number of valuable suggestions and amendments received through this consultation process were incorporated into the recommendation and the drafting group was able to ensure that discussions were informed by the priorities of this wide range of prominent bodies. One such priority that the drafting group adopted is gender equality, in the belief that this – as an inalienable, integral and indivisible part of human rights and a requirement for the achievement of social justice – and the improvement of access of young people to rights are inextricably linked. The drafting group agreed that it is critical for young people to be exposed to an environment promoting gender awareness and equality in order to improve the access of young people to rights, and worked to ensure this principle was reflected in the final recommendation.

19. The drafting group accepted the terms of reference and worked throughout 2014 and 2015 to prepare the recommendation, taking into account existing tools and instruments, information available on young people's experiences (including the testimonies from young people themselves) and the capacities and abilities of member States to fulfil their responsibilities for respecting, promoting and protecting young people's access to rights.

20. The drafting group agreed early on in its deliberations to focus the draft recommendation on the implementation of innovative youth policies and the unique and valuable contribution that youth work makes to facilitating young people's access to rights. Consequently the recommendation emphasises the role of youth organisations and co-management between youth organisations and member States in empowering and supporting young people's meaningful participation in decision making. The group remained committed throughout the drafting process to maintaining its focus on addressing the subject of access to rights, rather than the rights themselves.

## V. The issues this recommendation is seeking to address

21. As already stated, young people continue to be adversely and disproportionately affected by the economic and social difficulties facing many member States.<sup>2</sup> As a consequence, the transition to autonomy for young people is increasingly precarious. Youth policies are particularly vulnerable to austerity programmes as they move down the list of priorities for state intervention and resource allocation. This recommendation responds to the impact of these changing circumstances and the resultant threats to young people's free access to rights. It emphasises the importance of safeguarding rights for all young people, particularly those with fewer opportunities to have their voices heard and reminds us that sustaining the sort of society we want to live in relies on the competences of young people, and their understanding and commitment to human rights, democracy and the rule of law.

22. The recommendation prioritises areas where we know that access to rights is particularly problematic for young people, as well as including some more functional measures. Member States are encouraged to undertake their own situational analysis and plan co-ordinated action to address the barriers experienced by young people or by particular groups of young people, in their own context.

23. The evidence, where available, notes rights violations where young people are discriminated against by virtue of their age (for example in the labour market), as well as forms of discrimination as set out in Article 14 of the European Convention on Human Rights (i.e. on grounds such as sex, race, colour, language, religion, political or other opinions, national or social origin, association with a national minority, property, birth or any other status) and the additional discriminatory practices faced by young people because of their age, ethnic origin, disability, socio-economic background, sexual orientation, gender identity and gender expression. Strengthening interventions to address discrimination and promote equal opportunities represents one of the central aims of this recommendation.

24. One other key issue identified is the lack of awareness among young people of their rights or the policies that are in place to safeguard them.<sup>3</sup> ERYICA has highlighted that young people are not well aware of their social and economic rights (for example, with regard to housing, employment and

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2. European Youth Forum (2014), Youth in the crisis: What went wrong? [www.youthforum.org](http://www.youthforum.org).

3. European Youth Forum (2012), Policy Paper on Youth Rights. [www.youthforum.org](http://www.youthforum.org).

social security).<sup>4</sup> Some young people, for example those living in rural areas or young people who are not in education or training, can find it particularly difficult to access information about rights. If young people do not know about their rights or what they can do if their rights are violated, then access is surely compromised. An adequate monitoring of young people's access to rights is essential.

25. Other particular concerns about young people's access to rights that were highlighted in the draft declaration of the 9th Conference of Ministers responsible for Youth are reflected in this recommendation. These include:

- the difficulties encountered by many young people, on leaving education, to secure stable and meaningful employment;
- insufficient capacity of social and health-care services to meet the needs of young people;
- insufficient opportunities for participation (particularly in decision making on policies that concern young people directly);
- legal and practical obstacles in several member States to the right to assemble peacefully and to freely form associations;
- insufficient support for youth initiatives and independent, self-managed youth organisations.

26. Finally, in terms of the priority areas that the recommendation seeks to address, the drafting group incorporated a number of new issues highlighted by the enlarged group appointed by the Joint Council on Youth, which met in May 2014, notably youth mobility and living in diverse societies.

## **VI. What does the recommendation include?**

27. Following a preamble, which sets out the rationale for the recommendation and highlights a number of relevant existing instruments, there are a total of eight recommendations. An appendix sets out the scope and purpose of the recommendation, the underpinning principles and lists a range of measures for member States to consider when reviewing the situation in their country and deciding on what new measures to adopt. These measures focus on addressing the issues identified as a priority:

- addressing discriminatory practice;

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4. ERYICA (2014), Compendium on national youth information and counselling services: <http://eryica.org/>.

- removing legal and practical obstacles to the right of young people to assemble peacefully and join associations;
- establishing or developing youth policies to promote and facilitate access;
- taking a co-ordinated approach to improving young people’s access to rights with co-operation across all relevant policy areas at a national, regional and local level;
- a range of measures to be considered by member States when formulating and implementing policies and programmes to promote and facilitate young people’s access to rights;
- ensuring that the recommendation is disseminated among competent authorities and stakeholders;
- monitoring implementation and follow-up of the recommendation by the Committee of Ministers.

28. The Council of Europe believes that young people should be able to enjoy their rights and freedoms without discrimination on any grounds, including age. The term “discrimination” is understood to include all forms of discrimination, irrespective of grounds, as explicitly outlined in Article 14 of the European Convention on Human Rights or any other form established by the case law of the European Court of Human Rights. The term “intersectionality” is used to describe intersections between forms or systems of discrimination. One example is black feminism, which argues that the experience of being a black woman cannot be understood in terms of being black and of being a woman, considered independently, but must include the interactions, which frequently reinforce each other.

29. Member States can make a real difference by actively promoting and protecting human rights and by introducing measures to promote gender equality and counter discrimination against minorities and other groups who may be treated unfairly. They also have a pivotal role to play in the development of multicultural communities through the integration of minorities, taking account of diverse needs and customs, cultures and lifestyles.<sup>5,6</sup>

30. Member States are strongly encouraged to take an inclusive, co-ordinated and focused approach to reviewing the problems faced by young people in accessing their rights. They are called upon to remove barriers and obstacles

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5. European Youth Forum (2012), Policy Paper on Youth Rights: [www.youthforum.org](http://www.youthforum.org).

6. European Youth Forum (2015), Inclusive Societies Resolution: [www.youthforum.org](http://www.youthforum.org).

in existing legal frameworks and to prioritise action to promote, support and protect access to rights throughout all relevant policy areas at national, regional and local levels. Most importantly, member States are tasked with doing all this in partnership with young people and youth organisations and across all relevant policy areas.

31. Another provision in the recommendation calls on member States to put in place strategies that reflect human rights principles while recognising that youth work can make a particularly valuable contribution to facilitating young people's access to rights. The Council of Europe's youth sector has a long history of working with member States and youth organisations to tackle discrimination and promote human rights. It has launched campaigns on issues such as hate speech,<sup>7</sup> the rights of Roma<sup>8</sup> and diversity, human rights and participation,<sup>9</sup> and developed youth policy and youth work responses to situations of exclusion, discrimination and violence affecting young people, particularly in multicultural disadvantaged neighbourhoods.<sup>10</sup> The tools and resources (including training materials, games and activities, and examples of good practice) developed under these programmes are a valuable resource for member States in taking forward this recommendation and informing young people of all backgrounds of their rights. The ENTER! project lent support to the implementation of Recommendation CM/Rec(2015)3 of the Committee of Ministers to member States on the access to social rights of young people from disadvantaged neighbourhoods. The resources are available on the websites referenced in the footnotes.

32. Further provision in this recommendation argues for the modification of the structure and practice of public institutions and services and for improvements to the competences and skills of staff, where necessary. By public institutions we mean places like schools, hospitals, libraries, parks, and even concert halls frequented by young people. Modifications could include a change to more youth-friendly, inclusive surroundings informed by discussions with young people themselves or they could mean changes to improve access for particular groups of young people, for example access ramps for young people with disabilities or changes to the timing of after-school activities to link with the availability of public transport so that young people living in rural areas can travel home more easily.

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7. Council of Europe, No Hate Speech Movement: [www.coe.int/en/web/no-hate-campaign](http://www.coe.int/en/web/no-hate-campaign).

8. Council of Europe, Dosta! Enough! [www.coe.int/en/web/portal/roma](http://www.coe.int/en/web/portal/roma).

9. Council of Europe, All Different – All Equal.

10. Council of Europe, ENTER! Project: [www.coe.int/en/web/enter/home](http://www.coe.int/en/web/enter/home).

33. The role of youth policies and youth work in expediting access to rights is emphasised throughout the text of the recommendation. The important role that youth work has to play in this regard is evident in the current and planned work programme of the Youth Department of the Council of Europe.<sup>11</sup> The priority is promoting a rights-based approach to youth policies built on the norms, standards and principles of the international human rights system in order for youth policies to address the real needs and rights of young people across different policy areas. Programme orientations include: young people's transitions to autonomy, young people's access to rights, increasing knowledge and capacity to combat discrimination, and the acquisition of competences through non-formal learning.

34. This recommendation calls on member States to establish or develop youth policies that more effectively facilitate young people's access to rights. In this regard, member States are invited to consider a series of specific measures to promote and facilitate young people's access to rights and encourage local and regional authorities to do the same. The measures are set out under the following headings:

- access to education;
- autonomy and social inclusion of young people;
- youth mobility;
- active citizenship, democracy and participation;
- living together in diverse societies;
- access to information and protection;
- access to health-care services.

35. These headings reflect the priority areas highlighted in the draft declaration from the Conference of Ministers responsible for Youth held in St Petersburg in 2012 and a small number of more recently identified concerns. In brief, the measures cover the following.

### **a. Access to education**

36. Young people experience a wide range of barriers to their full enjoyment of the right to education and challenges to the fulfilment of their educational potential. Too many young people are dropping out of education because of

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11. Priorities of the Council of Europe's Youth Sector 2016-2017 Guidelines.

economic and social pressures or the discrimination they face.<sup>12-13</sup> The measures proposed in the recommendation promote retention and re-engagement in learning, personal development and respect for diversity.

37. The measures under this category are concerned with ensuring access to quality education. Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education provides a definition of what is meant by quality education, which member States should use to inform their implementation of these measures. In brief, quality education is understood as an education that:

- enables access to learning for all pupils and students, particularly those in vulnerable or disadvantaged groups, adapted to their needs as appropriate;
- provides a secure and non-violent learning environment in which the rights of all are respected;
- develops each pupil's and student's personality, talents and mental and physical abilities to their fullest potential and encourages them to complete the educational programmes in which they enrol;
- promotes democracy, respect for human rights and social justice in a learning environment which recognises everyone's learning and social needs;
- enables pupils and students to develop appropriate competences, self-confidence and critical thinking to help them become responsible citizens and improve their employability;
- passes on universal and local cultural values to pupils and students while also equipping them to make their own decisions;
- certifies outcomes of formal and non-formal learning in a transparent way based on fair assessment enabling acquired knowledge and competences to be recognised for further study, employment and other purposes;
- relies on qualified teachers who are committed to continuous professional development;
- is free of corruption.

38. The work of the Council of Europe's youth sector over many years has illustrated the benefits of progressive and innovative youth policies and youth

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12. European Youth Forum (2013), Policy paper on quality education: [www.youthforum.org](http://www.youthforum.org).

13. Organising Bureau of European School Students (2013-2014), Education: We Have a Problem: [www.obessu.org/inclusion](http://www.obessu.org/inclusion).

work. Such policies are the cornerstone of this recommendation. Youth policy and youth work should be central elements of the strategies member States develop to improve young people's access to rights.

39. The recommendation acknowledges the value and importance of non-formal learning and of establishing common frameworks in terms of qualification and competences at both non-formal and formal levels. Progress here will serve to ease access to mobility and youth employment opportunities.<sup>14, 15</sup>

## **b. Autonomy and social inclusion of young people**

40. Young people are finding the transition from dependency to autonomy increasingly precarious. The transition from education to employment<sup>16</sup> is getting more and more difficult for young people to navigate. The rising costs of participating in higher education or further training, low pay and discrimination against young people in the labour market mean that many young people start off their autonomous lives with huge debts. Access to credit, housing and income support in many member States is often more difficult for young people. Member States will want to explore the use of income support schemes, housing facilities and financing systems for young people. There are noteworthy examples of what some European governments are doing in this regard, in partnership with youth organisations, under their plans to implement the European Commission's Youth Guarantee.<sup>17</sup>

41. With the growth in the use of unpaid internships and low-paid apprenticeships as first steps to accessing the labour market, young people who for one reason or another do not have available to them financial support from their families face particular challenges.<sup>18</sup> Internships provide an important step in

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14. Council of Europe Working Group on Non-formal Education and Social Cohesion (2002), A study on the links between formal and non-formal education: [www.coe.int/youth](http://www.coe.int/youth).

15. European Federation for Intercultural Learning (EFIL), A study on mobility of secondary school pupils and recognition of study periods spent abroad: [www.efil.afs.org](http://www.efil.afs.org).

16. Although the youth unemployment rate in a few member States has started to fall, overall 23% of young European job-seekers aged 15 to 24 could not find a job in January 2014. In 2012, 14.6 million young people across Europe were not in education, employment or training (NEETs), accounting for 15.9% of the entire population of those aged 15 to 29. Between 2007 and 2013, youth unemployment rates at least doubled in 12 countries of the European Union: Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Ireland, Italy, Latvia, Lithuania, Slovenia and Spain.

17. European Youth Forum (2014), Youth Organisations and the Youth Guarantee: [www.youthforum.org](http://www.youthforum.org).

18. European Youth Forum (2014), European Quality Charter on Internships and Apprenticeships: [www.youthforum.org](http://www.youthforum.org).

the transition process for some, but they should be properly compensated to protect equal opportunities and to support young people's right to autonomy and to a decent standard of living. Internships can be exploitative, with too many young people moving between several badly paid or unpaid internships. There is mounting evidence that internships outside formal education are frequently replacing quality employment for young people.<sup>19</sup> Ensuring young people have full access to rights in this area requires improved protection from bad practice such as the perpetuation of internships, as well as the application of quality standards and a system of certification to support the recognition of knowledge and skills acquired through internships and apprenticeships.

42. Young people face considerable discrimination in the labour market and are at risk of exploitation and denial of workers' collective rights by virtue of their age and what is judged to be a lack of experience.<sup>20</sup> Low pay and zero-hour contracts are now an all too common feature of labour markets across Europe with young people particularly affected.<sup>21</sup> Denial of welfare credit or housing support because of age exacerbates the problems some young people are facing as they try to earn enough to support a decent standard of living.

43. Policies need to reflect and address the special circumstances of young people in different contexts. Recent analysis emphasises that in designing policies it is crucial to recognise that young people are a very diverse group with different characteristics and often multiple needs. One solution will not be suitable for application across the board. For example, young people living in rural areas face particular barriers to accessing rights. Member States should take these into account when developing or establishing measures to safeguard young people's access to rights in the rural context. There will be implications for policies in areas such as education, employment, housing and transport, as well as for youth policies. Young people living in rural areas should not have to expect a lower level of public services and the related enjoyment of rights than those living in urban areas.

### **c. Youth mobility**

44. While more and more young people have taken advantage of the increased opportunities to travel for employment, study and volunteering

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19. *Ibid.*

20. *Ibid.*

21. European Youth Forum (2013), Quality Jobs for Young People: [www.youthforum.org](http://www.youthforum.org).

– within Europe, to Europe and from Europe to the rest of the world – there has also been an increase in the number of barriers to mobility, despite travel being vital for employability, development of skills and intercultural understanding. As the Committee of Ministers has previously noted, international student mobility is one of the core goals of the Bologna Process, which set up the European Higher Education Area (EHEA), and which constitutes an important tool for economic progress, social development and intercultural understanding.<sup>22</sup> Obstacles young people face in moving around Europe to study, volunteer and train include a lack of information, fear of problems with regard to recognition of qualifications, difficulties in getting visas and residence permits and a lack of financial resources. Young volunteers can lose access to social security protection and eligible young people can be unjustly denied mobility.<sup>23</sup>

45. Greater co-operation between member States regarding visa issues would help to reduce bureaucracy and thus make it easier for young people, regardless of their background, to move into and within Europe. The measures outlined in the recommendation include some very practical steps to ease the barriers young people face in moving around Europe. Simplified visa application procedures that can be completed online (thus reducing logistical costs as well as waiting times for visa applications) is one proposal; another is to improve access to mobility programmes, for example Erasmus+<sup>24</sup> and the Youth Card. By joining the Partial Agreement on Youth Mobility through the Youth Card, member States are making use of a tool that has high levels of credibility with young people and can connect young people to innovative practice for youth mobility and active citizenship in Europe.<sup>25</sup>

#### **d. Active citizenship, democracy and participation**

46. The active participation of young people in decisions is essential if we are to build more democratic, inclusive and prosperous societies. As the Council of Europe's Revised European Charter on the Participation of Young People in Local and Regional Life states, "Participation in the democratic life of any community is about more than voting or standing for election, although these

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22. Committee of Ministers' Reply to Recommendation 2066 (2015).

23. European Youth Forum (2014), Resolution on Easing Access to Visas for more Youth Mobility: [www.youthforum.org](http://www.youthforum.org).

24. [http://ec.europa.eu/programmes/erasmus-plus/index\\_en.htm](http://ec.europa.eu/programmes/erasmus-plus/index_en.htm).

25. Council of Europe (2011), Partial Agreement on Youth Mobility through the Youth Card within Council of Europe: [www.eyca.org/youth-mobility/partial-agreement](http://www.eyca.org/youth-mobility/partial-agreement).

are important elements. Participation and active citizenship is about having the right, the means, the space, and the opportunity and where necessary the support to participate in and influence decisions and engage in actions and activities so as to contribute to building a better society".<sup>26</sup>

47. When member States support and promote youth participation they also contribute to the social integration of young people, helping them to deal not only with the challenges and pressures of youth, but also with the challenges of a modern society where anonymity and individualism are often predominant. However, for youth participation in decision making at a national, regional and local level to be successful, lasting and meaningful requires more than the development or restructuring of political or administrative systems. Any policy or action designed to promote youth participation must ensure that the cultural environment is one of respect for young people and must also take into account the diverse needs, circumstances and aspirations of young people. *Have Your Say!* – the Council of Europe's manual on the Revised European Charter on the Participation of Young People in Local and Regional Life – contains useful advice on developing young people's participation at local level, especially between youth organisations and local authorities, as well as a number of educational activities that can be used as learning aids.<sup>27</sup>

48. As the Revised European Charter on the Participation of Young People in Local and Regional Life makes clear, it is essential that young people and youth organisations are involved as partners in determining and delivering the strategies member States adopt to improve access to rights. Young people also need to be fully involved in monitoring and evaluating the outcomes of the strategy along with those responsible for delivering it. Their contributions to the analysis of the problems that young people are facing will be unique and essential for shaping the most efficacious measures to include in the strategy. Young people's involvement will assist in strengthening the inclusion of stakeholders, in particular young people who are disengaged and, arguably, most in need of support to access their human rights. Furthermore, young people's involvement in monitoring and reviewing the strategy will

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26. Revised European Charter on the Participation of Young People in Local and Regional Life: [www.coe.int/youth](http://www.coe.int/youth).

27. Council of Europe (2008), *Have Your Say!* – A manual on the revised European Charter on the Participation of Young People in Local and Regional Life: [www.coe.int/youth](http://www.coe.int/youth).

be fundamental to understanding what has worked well and what further action is required.

49. The measures in this category that member States are called upon to execute include the facilitation of opportunities for all young people to assemble, associate and express themselves freely, including through e-participation as a complementary tool. Young people engage in different ways online and on social media and protecting freedom of expression through these media is an essential step in ensuring young people's access to rights. Other measures call on member States to safeguard young people's access to the right to participate by recognising and supporting youth-led, independent democratic organisations as a channel for the participation and involvement of all young people.

50. Barriers to young people's participation need to be addressed if member States are to tackle the broader democratic deficit and the growing inequalities in European society. Governments of member States are asked to remove barriers which limit young people's democratic participation and consider reviewing their voting systems if needed. The changing face of young people's political engagement, as outlined in the Congress's report on youth participation – "Bringing down barriers to youth participation: adopting a lingua franca for local and regional authorities and young people" – highlights the need to take measures to improve dialogue between young citizens and elected representatives. The report of the Congress proposes that local and regional authorities "adopt the new culture of communication being widely used by young people, thus enabling this group to participate effectively in policy and decision-making procedures, to bring their concerns and needs to the table, while using the tools which they favour".<sup>28</sup> Member States are asked to consider the reasons and arguments for lowering the voting age at local, regional and national levels as a means of increasing the democratic engagement of young people. It seems that this measure may contribute to a reversal of the decline in the numbers of young people who vote.<sup>29</sup>

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28. Congress of Local and Regional Authorities (2015), CG/2015(29)7PROV, Bringing down barriers to youth participation: adopting a lingua franca for local and regional authorities: [www.coe.int/Congress](http://www.coe.int/Congress).

29. Zeglovts (2011), *Vote at 16: turnout of the youngest voters – evidence from Austria*, paper presented at the ÖGPW (Österreichische Gesellschaft für Politikwissenschaft), 2 December 2011, Salzburg; Franklin M.N. (2004), *Voter turnout and the dynamics of electoral competition in established democracies since 1945*, Cambridge University Press; Bhakti Y., Hansen K.M. and Wass H. (2012), *The relationship between age and turnout: a roller-coaster ride*. *Electoral Studies* 31: 588-593.

## **e. Living together in diverse societies**

51. The Council of Europe plays an important role in combating discrimination, intolerance and exclusion by reaching out to youth organisations and civil society; by promoting peer and non-formal education; by strengthening the participation and inclusion of marginalised youth; by broadening intercultural competencies and international understanding among young people; and by harnessing young people's social and political creativity in Europe.

52. Young people have a vital role to play in building peaceful societies based on diversity and inclusion in a spirit of respect, tolerance and mutual understanding. The successes of the youth sector's All Different – All Equal campaign, the ENTER! project and the No Hate Speech Movement are testament to this. The objectives of campaigns like these should be the key components of any long-term policy promoting the common fundamental values of human rights, the rule of law and democracy and for building a more humane and inclusive Europe. Examples of young people-led contributions to a common vision and road map to prevent and counter conflict and violence and build sustainable peace, such as the Amman Youth Declaration on Youth, Peace and Security, highlight the real and potential benefits of young people's unique contribution to peace, justice and reconciliation. The important role that youth work also has to play in harnessing this commitment and energy is evidenced in numerous reviews of national youth policies conducted under the responsibility of the Joint Council on Youth (CMJ).<sup>30</sup>

## **f. Access to information and protection**

53. Young people should have access to sufficient information about their rights. Receiving good-quality information and education on human rights is a fundamental prerequisite if young people are to be enabled to actively claim their rights in line within the rights-based approach.

54. Member States should establish effective mechanisms to inform and educate young people (and those working with young people) of the rights concerning them and the possibilities to seek redress if these rights are violated or withheld. Such mechanisms, including complaints procedures, should be readily accessible to all groups of young people, especially those who are discriminated against or socially excluded. The Council of Europe has developed a number of resources to assist member States with their responsibilities in

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30. Council of Europe's international reviews of national youth policy: [www.coe.int/youth](http://www.coe.int/youth).

this regard. For example, *Compass*, the manual for human rights education with young people and *Compasito*, the manual for human rights education of children, are widely used all over Europe.<sup>31</sup> ERYICA's Toolkit on Young people's Access to Rights through Youth Information and Counselling provides member States with a wealth of useful materials and resources for informing young people about their rights in an appealing way.<sup>32</sup>

55. Another resource for member States implementing these measures is the report of the Council of Europe's project Learning the Key Principles and the Functioning of the Human Rights Protection System, which aims to enable European secondary school students to become familiar with the key principles of European law relating to human rights, to understand how the European Court of Human Rights functions, and to help students to understand the links with national law, as well as the impact for European societies. The case law of the Court and its landmark judgments are the main focus of the project and form a concrete basis for learning activities for the classroom, within the current national school programmes for Human Rights Education and Citizenship Education in member States. The objective of the project is to help young people to know their rights better. It is also to encourage them to practise the key societal values defended by these rights, such as tolerance, respect for others, fairness and protection against arbitrariness, in their everyday lives.<sup>33</sup>

56. An effective system for informing young people about human rights will enable co-operation between governmental structures and youth organisations and help remove bureaucratic and political barriers during the implementation of the Charter on Education for Democratic Citizenship and Human Rights Education.

57. Access to information is one of the keys to participation, and the right of young people to have access to information about opportunities and matters which concern them is increasingly recognised in official European and international documents.<sup>34</sup> In order to participate in activities and in the

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31. *Compass*: *Compasito*: [www.coe.int/fr/web/compass](http://www.coe.int/fr/web/compass).

32. ERYICA (2015), *Young People's Access to Rights through Youth Information and Counselling*: <http://eryica.org>.

33. *Freedom(s)*, Learning activities for secondary schools on the case law of the European Court of Human Rights.

34. For example, access to information is a key feature of both the Council of Europe's revised European Charter on the Participation of Young People in Local and Regional Life (2008) and the Committee of Ministers' Recommendation CM/Rec(2012)2 on participation of children and young people under the age of 18.

life of their community, or to benefit from services and opportunities aimed at them, young people need to know about them. Participating in activities and projects of interest to them and which they organise themselves is often a step in a process encouraging their deeper involvement in the community, including its political life. Local and regional authorities and other relevant actors should promote and assist the creation of adequate information services for young people, through existing structures such as schools, youth services and libraries. Specific measures should be taken to meet the information needs of groups of all young people, including, for example, those who have difficulty in accessing information because of language barriers or no access to the internet.

58. Member States should also establish more effective systems for protecting young people's access to rights. The rights-based approach on which the recommendation of the Committee of Ministers is based requires the provision of mechanisms for young people to seek redress if rights are violated or withheld. Young people need to know about these mechanisms and to have free access to use them with independent support as necessary. The recommendation proposes the establishment of independent human rights institutions in line with the Paris Principles<sup>35</sup> as an important mechanism for ensuring young people's access to rights is respected and protected.

## **g. Access to health and social care services**

59. Access to health and social care services, in particular (timely) access to mental health services, is increasingly problematic and uneven, particularly for young people from vulnerable groups. Austerity and the demands of meeting the health and care needs of the population are resulting in even less investment in mental health or social services for young people all over Europe. Access to this right may be dependent on whether a young person is working or living with their parents, for example, or on the level of confidentiality the service is able to guarantee, which is particularly important. The rules guiding eligibility are often unclear to those who might benefit from support or intervention. The difficulties that young people experience in accessing health and social care services means that today more and more young people are facing precarious lives.

60. Informing and educating young people about healthy lifestyles and the risks to health and their avoidance through the school curricula and other

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35. Adopted by the UN General Assembly in 1993: [www.ohchr.org](http://www.ohchr.org).

methods is a key preventative measure, as is the training of health workers who work with young people. A number of the measures proposed in the recommendation are concerned with raising awareness among young people of the primary health-care services that are available to them within the member States and how to go about accessing them.

## **VII. Conclusions**

61. As important as this legal instrument is, its results are just as important. Without concrete follow-up, strong communication and solid promotion, this recommendation of the Committee of Ministers may not reach its intended audience. Member States should institute a follow-up mechanism that strengthens accountability but also supports the progressive realisation of the measures within the recommendation through dialogue, learning, practice exchanges and other collaborations. A seminar to review progress after three years would provide an excellent opportunity for the European Steering Committee for Youth and the Advisory Council on Youth to take stock of progress and provide further support and direction to member States, as required.

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The recommendation aims to improve young people's access to rights rather than to address the specific rights themselves. It focuses on improving access by taking steps to promote awareness among young people of the rights they should enjoy and what they can do if their rights are violated, and by removing legal, political and social barriers. It emphasises how important it is for member States to regularly monitor and respond to the infringement of rights and ensure adequate protection through legal provisions.

The recommendation applies to all young people who, by virtue of their age, face barriers to the full enjoyment of their human rights and fundamental freedoms and to their active participation in society.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.



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