



## Submission to OHCHR report on Youth and Human Rights in accordance with Human Rights Council Resolution 35/14

### I. BACKGROUND

**IIMA - Istituto Internazionale Maria Ausiliatrice** is an international NGO in special consultative status with the Economic and Social Council. IIMA is present in 95 countries where it provides education to children, adolescents, and youth to build up strategies for youth empowerment and participation worldwide.

**VIDES International - International Volunteerism Organization for Women, Education, and Development** is an NGO in special consultative status with the Economic and Social Council, which works in 44 countries worldwide. It was founded in 1987 to promote youth volunteer service at the local and international levels for ensuring human rights, development, and democracy. Through its network of young volunteers worldwide, VIDES promotes best practices on active citizenship among youth.

Already for several years, IIMA and VIDES have been working for the empowerment of young people worldwide, not only by reporting existing protection gaps in the implementation of human rights with regard to youth but also by greatly valuing the crucial role of youth in the promotion of human rights for society at large. Accordingly, both NGOs have been active in calling the attention of the Human Rights Council and other UN human rights bodies on the specific situation of youth in order to ensure that the rights of youth are placed high on the list of priorities.<sup>1</sup>

The present joint contribution intends to respond to the call for inputs launched by the Office of the UN High Commissioner for Human Rights (OHCHR) in the framework of the preparation of a detailed study on Youth and Human Rights, as requested by Human Rights Council Resolution 35/14 (June 2017).

The data and information obtained for this contribution came from the advocacy work carried out by IIMA Human Rights Office and VIDES International in the framework of the UN in Geneva and in collaboration with members and partners on the ground. Additional information for this submission was also provided by the 18 members of IIMA and VIDES from the following countries: Europe (Belgium, France, Ireland, Italy and Portugal), America (Canada, United States of America, Haiti, Argentina, Brazil, Ecuador, Honduras, Mexico, Uruguay), Asia (Japan and India), and Africa (Gabon and Republic of Congo).

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<sup>1</sup> Further information on IIMA and VIDES work in promoting human rights is available at [www.iimageneva.org](http://www.iimageneva.org)

## II. SUBSTANTIAL INPUTS

### A. Preliminary Remarks: The Definition of youth

While the UN age-range of 15 to 24 years is often used for statistical purposes, this is not always appropriate to tackle the reality of youth worldwide and, more importantly, it is not consistent with the existing international legal framework, and in particular the Convention of the Rights of the Child (CRC) according to which “every human being below the age of eighteen years” is to be considered as a “child” and, as a result, benefits from the special protection ensured by the CRC.

Information provided by our members in 18 countries across Europe, America, Africa and Asia, shows how the terminology “youth” or “young people” is employed in national legal frameworks and/or in the common use to refer to people whose age range goes from 10 to 35, depending on the Country concerned. This inconsistency/ambiguity does not favor a common understanding and clear identification of the target group nor allow for an effective assessment of existing national policies. In fact, some of these national policies, while labeled as “youth policies” could, in reality, be addressed to children (0 – 18 years) instead of youth (over 18), or both.

While acknowledging that the definition of youth would be an interesting subject for further reflection at the international level, we would like to avoid theoretical speculations to draw the attention on a few key points which provide already a common basis for addressing the topic of youth and human rights:

1. The International Convention on the Rights of the Child (CRC), the most universally ratified treaty in history, defines a “child” as “every human being below the age of eighteen years”. Despite the fact that the use of the word “youth” may differ from one country to another, the fact remains that, thanks to the CRC, people under 18 already benefit from, or at least are recognized as having a right to a special protection in law and practice.
2. The transition from childhood to youth is particularly delicate and pertinent. Therefore, the effective implementation of children’s rights up to 18, in accordance with the Convention of the Rights of the Child, is a requirement for the full implementation of youth rights and the key condition to unlock youth’s potential to promote and protect the human rights of others.

In the light of the above, certain key questions remain unanswered, such as: What about people over 18? What about those people who are just over the definition of a “child” and therefore no longer benefit from CRC protection, but who still struggle to have their rights fully recognized, often due to the simple fact of being “young”? How to address existing protection gaps?

In accordance with the definition of the CRC, IIMA, and VIDES support the definition provided by the UN Security Council Resolution 2250 (December 2015) according to which “**the term youth is defined [...] as persons of the age of 18-29 years old**”<sup>2</sup>. Accordingly, the following sections of this submission apply to this specific target group.

### B. Global challenges faced by young people and examples of discrimination

According to the information received by our members in the field and without any pretensions to being exhaustive, the main challenges faced by young people can be typified as follows:

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<sup>2</sup> UN Security Council Resolution 2250 (2015) notes that “the term youth is defined in the context of this resolution as persons of the age of 18-29 years old”.

- i. Lack of recognition of young people as rights holders as such: youth are mostly assimilated to adults or children.
- ii. Lack of attention to the specific needs of young people despite the delicate transition they are experiencing from childhood to adulthood.
- iii. Lack of participation in the public and political life, and when formal participation is ensured, they lack real influence on decision-making processes.
- iv. Exposure to violence.
- v. Stereotyping youth as immature, insubordinate, irresponsible and incapable of real commitment.
- vi. Limited access to conditions allowing for the full enjoyment of youth rights (e.g. education opportunities and access to labor market).

These challenges result in different forms of discrimination against young people, which often combine with other discriminatory basis such as gender, race and ethnic origin, migrant status, disability, economic background etc.

By way of illustration, some of the discriminations experienced by young people today are the following:

#### **i. Right to Education**

Access to higher levels of education is often narrowed by the limited admission capacity of Universities/institutions of higher education and the financial situation of the families. Youth belonging to vulnerable and disadvantaged groups, such as the indigenous communities, the low-income families or those living in remote areas, are even more unlikely to meet the requirements to attend the University due to the additional costs incurred when they move to the cities and due to the low-quality education they received at school. In general, the young people's lack of access to higher levels of education prevents access to decent and highly qualified employment.

#### **ii. Right to Work and Social Protection**

Lack of previous work experience due to the young age constitutes a serious obstacle in entering the labor market since most employers are not willing to hire young employees and invest in their training. As a result, in order to acquire the minimum work experience requested, youth are obliged to accept unregulated internships, unpaid or undeclared work. Even when they are employed, more often, they take positions which do not correspond to their qualifications. Underemployment and lack of equal pay make it impossible for young people to receive sufficient income for sustenance. Those who cannot rely on financial support from their families or other sources are particularly affected. Finally, young women are even more discriminated when it comes to access to the labor market as well as to the working conditions and remuneration.

#### **iii. Right to Participation**

Despite the fact that most countries offer several formal spaces for youth participation, particularly through the provision of the right to vote, however, youth participation worldwide remains very limited at different levels. Firstly, only a relatively small proportion of young people are reached. In most cases, youth participation in formal institutional processes is mainly channeled through political parties or other specific groups or organizations. While youth-led organizations constitute a great added value for ensuring youth participation, they only represent a portion of the youth population. Those youth who are not affiliated with any political party or other organization are almost automatically excluded, except for the exercise of their right to vote.

Secondly, the 'quality' of the participation is also crucial. In most cases, young people are not truly educated to develop their critical thinking skills or, in fewer but significant cases, they are obliged to adopt a particular ideological affiliation in order to have access to better life opportunities. The increased use of the internet and the social media have certainly opened up a full range of

opportunities, destroying communication barriers and offering a new platform for sharing and participation. However, these tools are often used to influence the public opinion of the younger generations, without being accompanied by an equal development of the critical and independent thinking of these young actors.

Thirdly, whenever spaces for participation exist, the influence that youth participation exercises generally in the decision-making process is very limited. It is not sufficient to create formal or informal structures for youth to express their views. The issue of formal participation versus substantial, transformative participation remains critical. In fact, youth participation can produce positive outcomes only if youth are given the possibility to constructively influence and change the existing *status quo*, which means providing them the necessary space and allowing their views to be heard and taken into account when decisions are made by authorities concerned.

#### **iv. Rights to Freedom of Peaceful Assembly and Association**

Young activists are among the most vulnerable and, therefore, more highly exposed to violence and threats to their physical integrity, including by police forces. In her Report to the UN General Assembly (July 2017), Ms. Annalisa Ciampi, former Special *Rapporteur* on the rights to freedom of peaceful assembly and of association, echoed the concerns of the previous mandate holder while assessing the threats against groups most at risk when exercising their rights to freedom of peaceful assembly and association. According to the Special Rapporteur, youth are among those “*groups that were often relegated to the margins of society, both in their daily lives and in the exercise of those rights*”. In the report, she stressed on “*the link between the denial of those rights and the marginalization of such groups and how that marginalization exacerbated their inability to effectively exercise their rights.*”<sup>3</sup>

### **C. Policies and programs aimed at supporting young people to realize their rights.**

Although there are regional differences both in the development and implementation of policies and programs for youth, IIMA and VIDES members in the field, were quick to highlight also the existence of various national programs aimed at supporting youth, like for example those related to education, health, and employment. However, the following global challenges were detected as serious obstacles to the effectiveness of these programs despite the efforts of the country concerned:

- i. **Lack of sufficient advertisement.** Programs are not adequately advertised to the general public, thus young people are often not aware of existing programs.
- ii. **Implementation gaps.** National programs for youth are mainly implemented in urban areas in the Capitals, while they are only partially or not implemented at all in more peripheral and/or disadvantaged areas. In some Countries, these programs do not reach their beneficiaries mainly due to the corruption among government officials.
- iii. **Lack of involvement of youth organizations or youth-led structures.** In general, young beneficiaries are not involved in developing, implementing, monitoring and/or evaluating policies and programs on youth.

### **III. INTERNATIONAL MEASURES TO REALIZE YOUTH RIGHTS: KEY RECOMMENDATIONS**

In order to identify concrete measures, at the international level, to empower young people and promote the realization of their rights, we, IIMA and VIDES, submit the following recommendations:

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<sup>3</sup> UN Doc. A/72/135, § 35.

To the OHCHR

- 1. Provide guidelines and technical support to the Member States in designing and implementing their policies and programs on youth, with a clear focus on young people above 18.**

To the MEMBER STATES

- 2. Negotiate a legally binding international Treaty on the Rights of Young People.**
- 3. Systematically mainstream the implementation of the human rights of youth into Special Procedures, Treaty Bodies, and the Universal Periodic Review.**
- 4. In the framework of SDGs implementation, undertake all possible measures for the empowerment of young people especially in the exercise of their right to quality education and to decent work.**

To the HUMAN RIGHTS COUNCIL

- 5. Establish the mandate of a Special Rapporteur on youth and human rights so as to give dedicated attention to the challenges facing youth today.**
- 6. Call for a joint General Comment or joint Statement by Treaty bodies on youth rights.**
- 7. Continue to address the topic of youth and human rights in coordination with the United Nations High Commissioner for Human Rights and all stakeholders, such as relevant United Nations agencies, funds, and programs, National Human Rights Institutions and Civil Society, including youth themselves.**