

Office of the High Commissioner for Human Rights

Study on the implementation of human rights with regard to young people

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The Portuguese Ombudsman institution, in its capacity of national human rights institution fully in line with the Paris Principles and accredited with “A” status since 1999, hereby replies to the call for input received from the OHCHR concerning the development of a study on the implementation of human rights with regard to young people, pursuant to the Human Rights Council Resolution 35/14 on youth and human rights, of July 2017.

1 Main challenges faced by young people in your country;

Demographics

In the last decade, there was a decrease of the Portuguese population. The growth rate of Portuguese population remained negative in 2016.

This decrease was due, on the one hand, to the long-term effects of declining birth rates, but also to the impact of the economic crisis, which encouraged new flows of Portuguese migrants and reduced the number of immigrants in Portugal¹.

Consequently, there was also a decrease of the young Portuguese population. In 2016, the proportion of young adults (15-24 years of age) in the total population was of 10.6%.

As a result of the demographic changes in Portugal over last years, several equipment and services for the youngsters have been closed. For instance, recent reorganization of the school network resulted in the closure of some schools.

Education

Despite the improvement that the education sector has undergone in Portugal, relatively high retention rates and dropout rates remain a challenge, as identified by the Organisation for Economic Cooperation and Development (OECD).

¹ In *Revista de Estudos Demográficos*, no. 54, INE, 2015.

Although retention rates have decreased over the last 15 years, they are still significant: 10% in the third cycle and 15.7% in secondary education, in 2015/2016. Most of the times, retention is linked with socioeconomic inequalities and is a major cause for early school dropouts.

In 2016, early school-leaving rate was 14%. There are gender differences in early school leavers: 17% of boys and 11% of girls dropped out of school in 2016.

Employment

In 2015, the youth unemployment rate in Portugal reached 29%. The OCDE's Skills Strategy Diagnostic Report on Portugal (2015), refers that "*Portugal has the fourth highest youth unemployment rate among OECD countries and a large number of young people who are not employed or in education and training (NEET)*". In 2016, the youth unemployment rate decreased to 26,1% (OECD).

Levels of youth unemployment and the number of young people who are not in employment, education or training (NEETs) have increased during the economic crisis, affecting all layers of the economy and society. Although youth unemployment rates are slowly declining, they still remain high. The above mentioned report states that "*Skills challenges, a lack of job-specific experience, significant entry barriers to the labor market, and lower job protection have made youth in Portugal particularly vulnerable to economic shocks*".

Reducing youth unemployment and NEET rates is a key challenge for Portugal, as acknowledged by the OECD.

Housing

In urban centers young people are facing growing difficulty in living close to work, school, commerce and leisure activities.

Young people are also affected by the "touristification" of urban centers, especially in Lisbon and Oporto. The rising number of tourists that visits Portugal is definitively impacting on the increase of rents and on reduction of the number of houses available for long-term rentals.

The United Nations Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, has noted, further to her mission to Portugal in December 2016, that about 57% of the population between 18 and 34 years of age continued to live with their parents, mostly as a result of unemployment, low wages and short-term contracts².

²<http://www.housingrightswatch.org/sites/default/files/Mission%20to%20Portugal%20Report%20SR%20Adequate%20Housing.pdf>

2 Examples of discrimination against young people in the exercise of their rights;

Young people face obstacles when seeking to enter the labor market or to find stable employment. They often receive lower wages, are hired under precarious or probationary conditions and most frequently are the first ones to be laid off.

After entering the labor market, the working career of many young people is characterized by the alternation of inactivity, unemployment, casual labor, precarious and short-term employment, internships and training courses. Therefore, more young people face obstacles in developing professional and personal projects in the medium or long term.

Girls tend to leave the education system later than boys, with a higher degree of qualification, which means they increase their investment in school at the level of secondary, post-secondary and high education, when compared to boys. However, the recent trend of feminization in higher education has not been accompanied by equity in the process of professional integration, penalizing women in access to the labor market in a situation of job compression. There is a growing gender difference: if in 2001 the unemployed active population aged between 25 and 29 years was very equivalent between men and women graduates (respectively, 24% and 25.6%), in 2011 the difference was higher (34.2 % of female unemployed graduates, compared to 28% of men in this age group).

Despite all efforts to promote independent living and autonomy for people living with disabilities, as well as to design policies and programmers to promote their rights, there is still much to do to in this field. In fact, housing, housing-related facilities, neighborhoods, educational establishment, workplaces, public buildings, leisure equipment and transportations still need to be adjusted to such needs. Young people living with disabilities are affected by these circumstances in the exercise of their rights, as the Portuguese Ombudsman acknowledges on the basis of the complaints received.

In April 2017, the Portuguese Government, recognizing the situation of great vulnerability experienced by transgender and intersex people, especially youngsters, approved a proposal for a new gender identity law that expressly prohibits discrimination and establishes amendments to the procedure of gender change before the civil registry. The proposal is currently at the hearing stage on the Equality and Non-Discrimination Subcommittee, of the Portuguese Parliament.

3 Examples of policies and programmes aimed at supporting young people to realise their rights.

The Portuguese Constitution devotes Article 70 to youth, with the purpose of ensuring effective fulfilment of young people's economic, social and cultural rights and granting special protection in regard to education, vocational training, culture, access to first job, to work, to social security, to housing, to physical education, sport and the occupation of leisure time.

At the programmatic level, the Major Options Plan for 2016-2019, in line with the Government Program for the Legislative Term 2015-2019, sets out investment in youth as one of the 35 national priorities. The previous Government had developed the "White Paper on Youth", a compilation of contributions from entities involved in the youth sector for the definition of a joint strategy for supporting young people (Resolution of the Council of Ministers no. 11/2013, of March 5).

In 2017, the Government, in cooperation with the Portuguese Institute of Sports and Youth (the public institute whose mission is the implementation of an integrated and decentralized policy for youth and sport) launched a survey to obtain the opinion of young people priorities for the creation of a National Youth Plan. This Plan intends to become a political cross-sectoral coordination instrument, with the aim of implementing youth policies and reinforcing special protection of young people rights. For this purpose, a questionnaire for young people between the ages of 15 and 30 circulated recently.

The following national programmes and campaigns are some examples of mechanisms aimed at supporting young persons.

The *Garantia Jovem* (Youth Guarantee) Program is targeted at responding to the high rate of youth unemployment. Its objectives are (i) to increase qualifications of young people, (ii) to facilitate the entry into the labor market and (iii) to reduce youth unemployment. The Youth Guarantee Program is aimed at young people up to the age of 29 who are not integrated in the education system, in training or the labor market (Resolution of the Council of Ministers no. 104/2013, of December 31).

The *Emprende Já* (Engage Now) Program is aimed at supporting the establishment and development of companies and businesses as well as job creation for, and by young people.

The *Porta 65 Jovem* Program aims to regulate the incentives for young leaseholders, stimulating the rental market through the allocation of a monthly subsidy. There are also local subsidy programmes for young people in some municipalities.

The *Programa Nacional de Desporto para Todos* (Sports for All National Program) is oriented to support initiatives that promote sport practice at the recreational and

competitive level, contributing for full development of citizens and integration of young people.

The *Programa Ocupação de Tempos Livres* (Leisure Time Occupation Program) provides young people with experiences in the context of non-formal learning or in an active work environment, enabling them to develop skills and competences and contributing to a leisurely occupation in a healthy way (Ministry Implementing Order no. 205/2013, of June 19).

The *Programa Escolhas* (Program Choices) was created in 2001 by the Presidency of the Council of Ministers and is run by the High Commissioner for Migrations. The purpose of this program is to promote the social inclusion of children and young people of vulnerable socio-economic contexts, aiming at equal opportunities and strengthening social cohesion. The Program Choices covers 54 municipalities, mobilizing more than 840 partner entities including schools, several Commissions of Protection of Children and Young People at Risk, the Institute of Employment, immigrant associations and private institutions of social solidarity, among others.

The *70JÁ!* (70 NOW!) is an online and offline campaign targeting young people from 15 to 30 years old and intending to raise awareness on youth rights as well as to promote a rights-based approach on youth policy and youth work. This campaign has its roots on the article 70 of the Portuguese Constitution that specifically addresses youth rights. The 70 NOW! is run by the Committee 70JÁ!, involving public administration institutes, the Government and youth organizations.

The 2017 Young Participatory Budget (*Orçamento Participativo Jovem*) approved by Resolution of the Council of Ministers no. 130/2017, of September 13, was a participatory process in which citizens between the ages of 14 and 30 years old presented and decided on public investment projects. The results were made public on January 2018. At the local level, municipalities may also launch participatory budgets, sharing with citizens the power to decide on public investments and therefore reinforcing mechanisms for civic participation.

4 Information on how youth organizations or youth-led structures are involved in developing, implementing, monitoring and/or evaluating policies and programmes on youth;

Youth associations are entitled to be represented in national, regional or local advisory bodies with responsibilities in the field of youth policy definition and planning, as well as in the legally mandated bodies of co-management in the implementation of youth policies. Consequently, they are represented in the Consultative Council of the Portuguese Institute of Sports and Youth, in the National Youth Council and, at local level, in the Municipal Youth Councils.

Student associations have the right to express their opinion during the process of drafting legislation on education. Associations of students in higher education have the right to participate in consultative bodies, at national or regional level, with responsibilities for the definition and planning of the education system.

The National Youth Council (*Conselho Nacional de Juventude*) is a non-profit organization under private law that covers the most diverse youth associations dedicated to culture, environment, politics and school, among others issues. It is heard in the process of drafting legislation and defining policies that impact on young people (Law n.º 1/2006, January 13, that approved legal status of the National Youth Council).

The National Youth Council, without prejudice to the rights of participation individually recognized to youth organizations, holds a seat in:

- the Youth Advisory Council, which is a consultative body for the Government member responsible for youth affairs;
- the participation and concertation bodies where the interests of young people are globally represented, such as the Social Economic Council, the National Education Council and the National Council for the Promotion of the Rights and Protection of Children and Young People;
- the Consultative Council of the Portuguese Institute of Sports and Youth;

The National Youth Council also participates in working groups for drafting and monitoring sectoral programmes on the youth field (for instance, in the Coordination and Monitoring Committee for Youth Guarantee) and coordinates the Structured Dialogue in Portugal, a European-wide participation mechanism that enables mutual communication between young people and decision-makers in order to implement European Youth Policy priorities.

5 Measures that can be taken at international level to facilitate/support the realisation of young people's rights;

Due to its mainstreaming nature, the realization of young people's rights at the international level is guaranteed by the fulfillment of the obligations assumed by States before the international system for the protection and promotion of human rights.

6 Any other issue you would like to share with OHCHR.

The low level of political participation of young people is an issue that deserves some reflection on the part of both the civil society and political structures. Even though we have lack of official desegregated data on this subject, a study on political participation in Portugal developed along 2015 found that more than 57,3% of

young people between the ages of 15 and 24 show no interest in politics and have low levels of trust in political institutions³.

According to a survey conducted after the European elections of May 2014, young people are the age group that most abstain from voting. In Portugal, only 19% of those between 18 and 24 admitted to have voted, which corresponds to a rate lower than the European average of 28%.

The internet has a growing impact in an increasingly interconnected world. In Portugal, 99% of young people have access to internet. At the same time, the internet is a territory for new forms of violation of human rights such as the so-called “cyberbullying”. The level of anonymity offered by the internet and social media favors the diffusion of extreme views and comments, inciting to individual preying, racism, religious intolerance, xenophobia and hate speech. Young people are a group especially vulnerable to experience this mob-like phenomenon, which should be fought by raising awareness and disseminating information.

³ “*Emprego, Mobilidade, Política e Lazer: Situações e Atitudes dos Jovens Portugueses numa Perspetiva Comparada*”, Marina Costa Lobo and others, Institute of Social Sciences of the University of Lisbon, 2015.