



Strasbourg, 30 January 2014

English only

Young People's Awareness of their access to rights

Results of a survey on youth access to human rights
carried out between October and December 2013

prepared by Chaim Gabriel Waibel (trainee)

Report

This report reflects the opinion of the author and in no way binds the Council of Europe

Table of Contents

Introduction	2
Chapter I – Contextualization of the questionnaire	3
Chapter II - The questionnaire’s statistical population	12
Chapter III - The data collected from answers to the questionnaire	14
<i>First section</i>	14
<i>Second section</i>	18
Conclusions	27
Appendix I: Questionnaire	30
Appendix II: Statistical Graphs	37
Appendix III: Body of Law	45
Appendix IV: Letter to the EYCs’ activities participants	50

Introduction

This report was drafted following a decision of the Youth Department of the Council of Europe in conjunction with the work of the Advisory Council on Youth on young people's access to rights, to develop a questionnaire on the topic of youth awareness and youth access to their fundamental rights. This document will contribute to the research already carried out to take stock of the situation of young people and their knowledge of and access to rights and to define guidelines and material for these young people.

The purpose of the first chapter of the document is to give a contextualisation of the questionnaire within those Council of Europe bodies that researched, published and implemented strategies and ideas on the topic of youth rights and young people's access to their rights.

Chapter II will describe the statistical population of the questionnaire, Chapter III will summarise the structure of the questionnaire and the collected answers. The last section is left for the conclusions on the results of the questionnaire in terms of both young people's awareness of their rights and young people's opinions about their own rights.

Sincere thanks to those participants in European Youth Centres' activities who took the time to reply to the questionnaire which made it possible to compile this report.

Chapter I – Contextualisation of the questionnaire

The Parliamentary Assembly, in its recommendation 1978(2011) “Towards a European framework convention on youth rights”¹ clearly stated the necessity for a European framework convention on youth rights. In reply to this recommendation, the Committee of Ministers of the Council of Europe (CM) adopted a reply on 28 March (at the 1138th meeting of the Ministers’ Deputies) which stated, “[...] in the present situation priority should be given to the effective implementation of existing instruments. The study recommended by the Assembly should therefore rather lay emphasis on the systematic encouragement of policies to improve the access of young people to their rights. These policies could include making more effective use of the tools the Council of Europe offers, and developing further activities and programmes that take into account the specific needs of young people as manifested in society. Recommendation 1978 (2011) could serve as an important reference document in this context.”²

The Joint Council on Youth, in its opinion on the Parliamentary Assembly Recommendation 1978(2011), stated that “Previous debates within the CDEJ and the Advisory Council on Youth (CCJ) have shown that among both governmental and non-governmental members of the CMJ there exists a wide variety of views regarding the necessity, the relevance and the feasibility of such an instrument. Among the representatives of the member states, for instance, “the general opinion was that in today’s society, in particular in times of economic difficulties, an increasing number of young people risked to be confronted with difficulties to access their rights and that something needed to be done in order to guarantee the implementation of the existing legal texts.”³

¹ Recommendation 1978(2011), online available at: <http://www.assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/EREC1978.htm> (last visited on the 24 January 2014).

² CM/AS(2012)Rec1978, Committee of Ministers reply to the Parliamentary Assembly Recommendation 1978(2011), para.3, online available at: <https://wcd.coe.int/ViewDoc.jsp?id=1927297&Site=CM> (last visited on the 24 January 2014).

³ DJS/CMJ(2011)10, Joint Council on Youth opinion to the Parliamentary Assembly Recommendation 1978(2011), para. 9.

The Advisory Council on Youth had hoped that focus would be placed on the elaboration of policies promoting the access of young people to their fundamental rights at the 9th Conference of Ministers responsible for youth, which was held in St Petersburg on 23-25 September 2012 on the invitation of the government of the Russian Federation⁴. The topic of the conference was “Young people’s access to rights: development of innovative youth policies”. Described as “a valuable forum for dialogue between the high officials of States and youth representatives” it was considered by the PACE Committee on Social Affairs, Health and Sustainable Development (Doc. 13180) that it was a missed opportunity to achieve a consensus on a full range of proposed actions aimed at enhancing young people’s access to fundamental rights⁵. The Parliamentary Assembly, at the end of April 2013, published Recommendation 2015(2013), where the necessity of a binding legal framework at the European level was reiterated⁶.

The conclusions of the Youth Event held prior to the Ministerial Conference in St Petersburg, defined five major areas of action, as described in appendix I of Document 13156 of the PACE Committee on Culture, Science, Education and Media,:

- a. Social inclusion of Young People;
- b. Democracy and Participation;
- c. Living together in diverse societies (against hate motivated violence, the effective implementation of Protocol no. 12⁷ against discrimination);
- d. Youth Mobility;
- e. Access to rights and youth information;
- f. Implementation and follow-up⁸.

⁴ For the agenda and the report of the conference please consider the following webpage:

http://www.coe.int/t/dg4/youth/ig_coop/ministers_conferences_en.asp (last visited on the 17th January 2014).

⁵ Committee Opinion - Doc. 13180, opinion of the Committee on Social Affairs, Health and Sustainable Development, rapporteur: Mr Volontè, 1. Bridging generations to assert youth rights: a vital need for European society.

⁶ “Young people’s access to fundamental rights”, Recommendation 2015(2013), para. 2 “The Assembly therefore reiterates its call for a binding legal framework at European level in order to secure young people’s access to fundamental rights, including socio-economic rights.”

⁷ Protocol 12 of the European Convention on Human Rights, is an anti-discriminatory treaty of the Council of Europe. Adopted in November 2000, it entered in force on April 2005, after ten ratifications. As of 2013 it has 18 member states and 19 signatories.

The topic of ‘Access to rights and youth information’ is interesting for the purpose of the questionnaire itself and helps understand the direction taken by the statutory bodies of the Council of Europe. Communication, information and participation are the pillars for the successful achievement of a better understanding and implementation of youth rights. The 2012 Youth Forum for Democracy proposed that existing instruments of the Council of Europe, such as Compass⁹ and Compasito¹⁰, should be introduced in formal education curricula of member States, which should on their part, provide qualitative and professional information on young people’s rights and make them accessible to all. In other words, one of the outcomes of the 2012 Youth Forum was the introduction of Human Rights Education in formal education curricula, with provisions to extend this learning subject to non-formal and training activities.

Another essential outcome of the Youth Forum for Democracy was the request to “the Council of Europe for a compilation of rights related to young people which are already provided by existing international legal documents such as the Convention on the Rights of the Child, the European Convention on Human Rights and the European Social Charter”¹¹.

Maria Paschou, at that time chair of the Advisory Council on Youth, met representatives of the ECHR and of the ESC to discuss the possibility of establishing a compilation of case-law on youth rights, and in November 2012 the European Court of Human Rights produced a “Selected case-law of the European Court of Human Rights on Young People”, a compilation of relevant case-law on young people between 18 and 35 years. The case-law that was presented in this document covers five main areas, which are: a. Access to a professional career; b. Conscientious objection; c. Expulsion of second-generation migrants; d. Forced labour; e. University studies.

⁸ Report - Document 13156 of the Committee on Culture, Science, Education and Media, Appendix I Conclusions of the Youth Even (St. Petersburg, 22-23 September 2012), pp. 8-10.

⁹ Compass is a manual for young people on Human Rights Education. It was launched in 2000 on the occasion of the 50th anniversary of the European Convention on Human Rights. The idea behind the manual is to put human rights at the center of youth work and to bring human rights education into the mainstream. (more at <http://eycb.coe.int/compass/> last visited on the 22 January 2014)

¹⁰ The idea behind Compasito is the same as Compass, but the manual is made for educators who wish to teach about human rights education to children. (more at <http://www.eycb.coe.int/compasito/default.htm> last visited on the 22 January 2014)

¹¹ Report - Document 13156 of the Committee on Culture, Science, Education and Media, Appendix I Conclusions of the Youth Even (St. Petersburg, 22-23 September 2012) “23. Access to rights and youth information”, p. 9

In March 2013 Ms Antonina Bejan, a trainee in the Youth Department of the Council of Europe, used this document as well as information received from the Department of the European Social Charter to draft a report on “Young people’s access to rights – the case-law of the ECHR and the Social Charter”.

In October 2013 Thomas Leys, on behalf of the Advisory Council on Youth, drafted “The Rights for Youth Agenda in the Council of Europe 2014-2015”, a paper that was discussed during the 30th meeting of the Advisory Council in 2013. The purpose of the document was to “identify some key areas in which the Council of Europe can, as an organisation, and the Youth Sector as its catalyst, in the next two years, make advancements by elaborating or exploring proposals to improve the access to rights for young people”¹². This document was also meant to address the different approaches that were suggested by both the Parliamentary Assembly and by the Committee of Ministers in the field of youth rights, in order to overcome the stalemate of effective and necessary action, more than ever crucial now because of the present economic and social crisis.

As a result of the analysis on several documents produced by the CM, the CMJ and the CCJ, four main actions were defined by Mr Leys:

- a. more co-operation between the Youth Sector and the other Directorates;
- b. using the European Social Charter to improve the access of rights for young people;
- c. instituting an ombudsperson for young people in the Council of Europe;
- d. considering legal instruments for the rights of young persons.

The overall idea that these documents presented is the need for a rights-based approach to youth policies and youth access to fundamental rights.

The Joint Council on Youth discussed the Committee of Ministers recommendations in the field of youth rights, namely on the “Development of innovative youth policies in Europe to facilitate young people’s access to rights - CMJ(2013)19” and on the “The access of young

¹² CCJ(2013)9 “The Rights for Youth Agenda in the Council of Europe 2014-2015”, paper prepared by the Advisory Council on Youth for discussion during the statutory meetings in Strasbourg on 14-16 October 2013, by Thomas Leys, p. 2.

people from disadvantaged neighbourhoods to social rights - CMJ(2013)20". The need was recognised for member states to develop youth policies "which mobilise energies and resources to facilitate and ensure all young people's access to rights with special emphasis on: [a.] discriminatory practices faced by many young people; "b. youth education and first employment"; [c.] insufficient capacity of social and health-care services to cater for the specific needs of young people; [d.] the negative consequences of precarious life situations on the well-being and safety of young people"; e. insufficient opportunities to participate in the life of the community; "[f.] legal and practical obstacles"; "[g.] insufficient or non-existent financial and political support for youth initiatives".¹³

During the 30th meeting of the Advisory Council on Youth, held in Strasbourg on 14 - 16 October 2013, Mr David Hayward, postgraduate law student at the University of Glasgow, presented a draft report on a study commissioned by the Council of Europe on a proposal by the Advisory Council on Youth on "Young Persons and the case-law of the European Convention on Human Rights and the European Social Charter", which was discussed under item 9a "Case-law of the ECHR and the ESC concerning young people". This document can be described as the first case-law analysis and description of a compilation prepared by the European Court of Human Rights where decisions concerning young people were listed. Mr Hayward's analysis, intended to be published as a first step towards a rights-based approach to youth policies within but not limited to the Council of Europe, is in line with and expression of the March 2013 Parliamentary Assembly Recommendation 2015(2013), the latest document where the Committee of Ministers was asked to "take action to enhance members States' capacity to evaluate young people's access to rights, prevent violations of these rights, provide adequate follow-up and redress, and consider innovative ways to empower young people in accessing their rights"¹⁴. In paragraph 5.4 of this Recommendation, the Parliamentary Assembly specifically requests the Joint Council on Youth (DJS/CMJ) "in cooperation with other sectors of the Council of Europe, to conduct a thorough study concerning young people's

¹³ CMJ(2013)20 Draft recommendation of the Committee of Ministers to the member states "Development of innovative youth policies in Europe to facilitate young people's access to rights", paper prepared by the Joint on Youth for discussion during the statutory meetings in Strasbourg on 14-16 October 2013, p. 3-4.

¹⁴ Recommendation 2015(2013), paragraph 5, online available at: <http://www.assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19709&Language=EN> (last visited on the 17th January 2014).

access to rights, to identify difficulties and good practices in this area and to prepare a handbook of instruments, programmes and policies on youth rights”.

It is within this context that the Youth Department of the Council of Europe decided to draft a questionnaire designed for a sample of young people - those involved in trainings and activities at the European Youth Centres in Strasbourg and Budapest. The main idea was to have an overall picture of what young people know about their rights and how to access them, and secondly to understand their own experience with Human Rights Education and collect their opinions about new sets of rights such as those related to new media.

This document will contribute to ongoing research and discussion about this particular topic.

The next step is the explanation on how to proceed within the Council of Europe. This will be discussed after the Committee of Ministers reply to the Parliamentary Assembly Recommendation 2015(2013) and the follow-up given by the Joint Council on Youth (CMJ), Budapest, 24-26 March 2014. The topic will be taken up at the CMJ's 30th meeting to be held in Budapest on 24-26 March 2014 under item 5 of the agenda “Follow up to Committee of Ministers reply to the Parliamentary Assembly's Recommendation 2015(2013) on “Young people's access to fundamental rights” (including the draft recommendation on the main theme of the 9th conference of youth ministers)”.

On 2 October 2013 the Committee on Migration, Refugees and Displaced Person organised a meeting on the topic “Unaccompanied migrant children: what rights at 18?”¹⁵, to discuss the peculiar situation in which young people who were protected until the age of 18, lose their rights after reaching the legal age. The meeting was attended by Sergio Belfor, then AC Vice-Chair. This problem affects each year an alarming and increasing number of young people whose right to life is doomed because of bureaucratic and legal reasons. Once the minor arrives in the host country the whole process of integration starts and, depending on the age she or he has, the years of integration in the hosting societies might represent already an ongoing process of his or her personality. This means, for example that, while being protected by social care

¹⁵ Motion for Resolution Doc. 12678 30 June 2011 presented by Ms Reps and others. Online available at: <http://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewPDF.asp?FileID=13075&lang=en> (last visited on the 17th January 2014).

services, young people could have studied and projected their lives in host countries where future job opportunities could have represented an perspective for their own life experiences. The age of 18 represents in many European countries a dilemma when referred to the academic background of young people, because many scholastic institutions do not release degrees at that age, meaning that young people who cannot enjoy all their rights cannot obtain those necessary papers for further studies or even for decent jobs. These considerations were presented by a former unaccompanied child migrant, Mr Thierno Diallo from Guinea Bissau, who left his country for Sierra Leone where he lost his mother during a bloody massacre in a stadium. He then travelled to France through Greece, where he spent some months in a detention centre. His testimony was touching not only for the pain he experienced during his migration, but also for the way the French state refused his protection after the age of 18: “When we turn 18 years old we are no longer entitled to social services, we don’t have a valid resident permit, the State loose contact with young people and we become unwelcome guests in France.”¹⁶ With these words, Mr Diallo presented to the European politicians, the policy advisors and to the other people attending the meeting, one of the many problems that some young people are facing.

This is only one of many examples where the absence of a proper set of laws specifically addressed to young people is affecting the well-being and the future of an increasing number of individuals.

In addition, even if the topic discussed during this meeting only affects a limited number of young people, it does raise an essential question in the field of youth rights, which is the definition of the age of youth for this particular category. Mr Diallo’s case provides a concrete example of how the future of some young people is undermined when the official age of adulthood can suddenly prevent the process of both integration and growth that childcare system provided by law. It is also related to the concept of mobility, and the fact that many Council of Europe member states have immigration laws that are not suitable for the particular timeframe in which young people find themselves.

¹⁶ Mr Thierno Diallo, young migrant who participated to the October 2013 PACE Committee on Migration, Refugees and Displaced Person meeting on “Unaccompanied migrant children: what rights at 18?” - 2 October 2013, Palais de l’Europe (room 8).

The compilation of “Relevant case-law of the European Court of Human Rights on Young People” defines young people as those aged between 18 and 35 years, therefore implying a relatively wide range of people, but also giving legitimacy to what Mr Hayward defined as young people - “a transitory period from childhood to adulthood, [and] the length of the passage varies on the particular circumstances”¹⁷, i.e. the length of this period depends “on the individual person in question”¹⁸. In the process of building a set of rights for young people common for the Council of Europe member states, it would be therefore necessary to create idealistically an environment where all young people are subjected to the same set of rights available, which are accessible and equal to all. Today, this concept seems far from being realised, , especially when it comes to rights that are directly affected by the present economic crisis. Nevertheless, the definition of a framework for youth rights is *per se* a crucial objective in order to narrow the distance between what is ideal and what is feasible.

As Mr Hayward described in his report, the case studies offered by the ECHR compilation on young people’s rights, can be divided between civil and political rights, and social rights. Political participation and conscientious objection are those civil and political rights that are strictly related to the legal age of 18. When it comes to political participation, different countries have different age limits for the election of politicians and governments, or there are even distinctions between the lower and upper chamber of parliaments in terms of age eligibility. Political participation can be analysed as a fundamental right related to freedom of speech and right to protest, as well as, migration-related laws that might compromise the ability to participate or vote, and sexual or ethical differences, which are contexts where the access and the equality of rights for, but not limited to, young people are often questioned.

In relation to religious beliefs and ethical reasons, conscientious objection is yet an issue that many case-laws of the ECHR provided to mainly affect young people, especially because many member states do not provide equal alternatives to military services or even penalise people who choose the civil option, in terms of a longer time needed to complete the service. Social rights include education, labour and employment, mobility and health. These are correlated

¹⁷ D. Hayward (2013), “Young Persons and the case-law of the European Convention on Human Rights and the European Social Charter”, a paper drafted for the Advisory Council on Youth, p. 5.

¹⁸ *Ibid.*

rights, meaning that for each specific context a particular set of rights for young people has to be defined. Briefly, a basic level of healthcare treatment should be provided to all young people in order to protect a category that is building its future together with an education that should provide freedom and availability of choice, in a way that prepares them for the job market both at home and abroad. As simplistic as the last phrase might sound, nowadays with the current economic and social crisis, these basic needs are far from being available at the European level. In addition, even if there are relevant differences between European states on social and economic levels, European institutions should provide its citizens with a set of rights that should be equal and equally accessible to everyone. The main bodies of law covering youth rights specifically, are the European Convention on Human Rights and the European Social Charter. Appendix III of this report provides those articles, which relate in part to the different case-laws discussed by Mr Hayward in his report, and are the main instruments young people could define as their own rights.

Chapter II - The questionnaire's statistical population

In the approach to the definition of the topic “fundamental rights for young people”, one of the main questions was how many young people are in fact aware of their rights and how to access these rights. The idea of the questionnaire developed from the consideration that probably even if the ECHR and the ESC are instruments of the international law system, young people in particular may not know how to express their rights and where to address or access them.

As many other individuals, young Europeans have an overall poor knowledge of international institutions and human rights law. On a national level there are several reasons why this phenomenon occurs: there can be political orientations that are not interested in European perspectives and human rights; on an educational level other values might be learnt, values that do not involve learning about the Council of Europe and other international institutions; there might be little coverage in national media on international organisation's activities and people might be sceptic about them. In fact, questioning an undefined number of young people about European institutions could have revealed an overall illiteracy about specific questions; therefore, it was decided to spread the questionnaire to a limited, defined and potentially aware population.

The people attending the training sessions, held at the European Youth Centres of Strasbourg and Budapest between November and December 2013, were selected to be the questionnaire's population. A document was created on a .doc file that was successively converted and uploaded as an online questionnaire. A letter was sent to each participant attending the EYCs' activities¹⁹ with the links to the original .doc document and to the online version.

The questionnaire reached the participants of the following activities:

The African Diaspora Youth Network in Europe (ADYNE) Study Session “We participate
--

¹⁹ Appendix IV.

therefore we are” EYCB, 20-26 October 2013.

Cooperation and Development Network Eastern Europe (CDN) Study Session “Navigating Out of the Web of Violence” EYCB, 20-27 Oct 2013.

Seminar with National Youth Councils on access to social rights and youth work, in cooperation with the European Youth Forum. EYCS, 28 Oct-1st Nov 2013.

No Hate Speech Movement, EYCS Conference 7-9 November 2013.

Training Course on the Management of Youth Organisation for Roma Youth Leaders EYCB, 16 – 24 Nov 2013.

The European Youth Forum (YFJ) expressed its interest in the questionnaire and offered to disseminate it among its members.

Regarding the reaction to the questionnaire,

- a. the overall participation was not excessively surprising: on a total amount of the potential people who received it, some 10% took action and replied;
- b. 25 people participated, 20 of which revealed their gender (10 males and 10 females);
- c. the average age is 27, the youngest participant was born in 1995 and the oldest in 1977;
- d. considering only the people who provided information on nationality (13 people), the population was divided between:



Poland	2
Estonia	1
Italy	1
Romania	2
France	1
Netherlands	1
United Kingdom	1
Spain	1
Lithuania	1
Finland	2

Chapter III - The data collected from answers to the questionnaire

The questionnaire was divided into two main sections. The first section was composed of seven multiple-choice questions related to the European Social Charter, the European Convention on Human Rights, and the Council of Europe decisional bodies. The second section was designed to understand what and if young people considered their youth rights, and what their relation is with Human Rights Education. This second section was structured to have open answers.

This distinction was necessary because having only questions based on merely factual knowledge might have prevented many persons approached from actually participating, and the results, if any, could have been a total failure in terms of their knowledge of the facts. Often articles and procedures within the two bodies of law used for the questionnaire, the European Social Charter and the European Convention on Human Rights, are not known by everyone. Therefore, it was decided to develop questions as simply as possible, in an attempt to guide the answers to the most logical ones. Not surprisingly, not all the answers were correct, even because often the correct answer was not the most direct. In the first section, it was not possible to leave an answer blank, therefore everyone replied to all the multiple-choice questions.

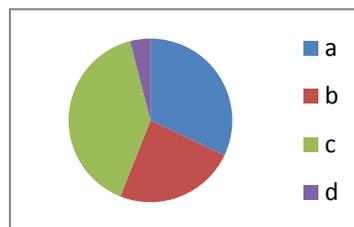
First section

- The average score between all the participants is of 3 right answers out of 7 questions (approximately 43%).
- Question number VII: “If the European Court of Human Rights judges in favour of your case against the State, it means that ...” collected the highest number of wrong answers (only 12% of the total answers were correct – 3 out of 25).
- Question number III “Which one of the following rights is NOT part of the European Social Charter?” and question number V “If you felt victim of a violation of human rights, in which case can you appeal to the European Court of Human Rights?”

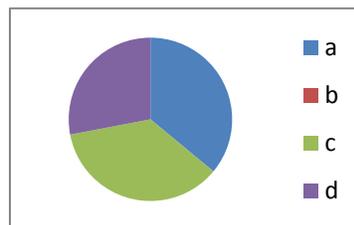
collected the highest number of correct answers (in both cases 68% of the answers were correct – 17 out of 25).

- In two cases, persons were not able to give more than 1 correct answer, whereas 5 persons were able to provide 4 or even more correct answers to the questionnaire.

In question number I, the majority of the people questioned were able to reply that the ESC provided for a total amount of weeks of annual paid holiday for a young worker aged less than 18 years is 4 weeks (ESC²⁰), despite the fact that there was an almost equal redistribution of answers between point (a), (b) and (c).

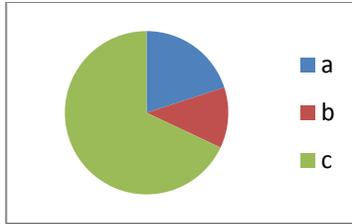


In question number II the majority of the participants did not provide the correct period of time for the European Court of Human Rights to get back to its applicants (at least 1 year), and the preferred answers were “2 weeks” and “6 months” (9 preferences for each question).

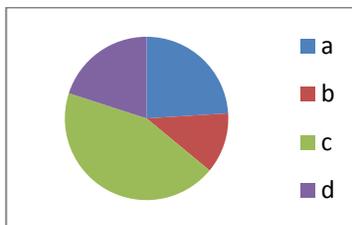


In question number III, 8 persons out of 25 replied that the European Social Charter also includes the following article: “With a view to ensuring the effective exercise of the right to be a worldwide citizen, [...] [signatory States] undertake appropriate measures for allowing and promoting children and young people access and use of new media [...], whereas the correct answer was (c). This correct answer was nevertheless chosen by the majority of the participants (68%).

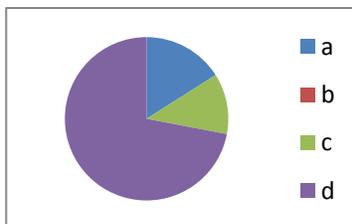
²⁰ European Social Charter, Art. 7, par. VIII “to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay”.



In the replies given to question number IV it is possible to identify an overall understanding of the international legal framework that focuses on “freedom of beliefs (in academic contexts²¹)”. The European Convention on Human Rights was recognised as the competent body by the majority of the participants.

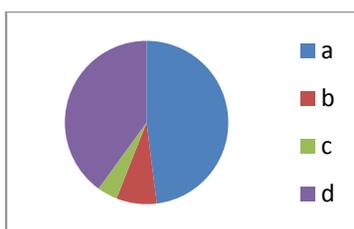


In question number V, which focused on the ECHR’s application criteria, it is interesting to note that, even though the correct answer was chosen by the majority of the participants (68%), a relevant number chose the answer that puts the ECHR’s final decision above the national States’ legal systems (a).

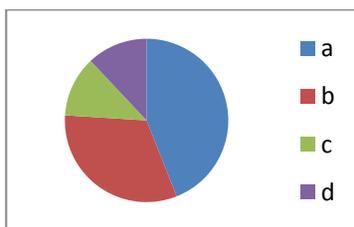


²¹ European Convention on Human Rights and Fundamental Freedoms, Protocol 1, Article 2: “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”, p. 32, online available at http://www.echr.coe.int/Documents/Convention_ENG.pdf (last visited on the 23 January 2014).

In question number VI, which focused on the ECHR’s application modalities, participants mainly replied with answers (a) and (d). Answer (a) was the correct one. Regarding the question “If you felt victim of or witnessed a violation of human rights, appealing to the European Court of Human Rights is possible when:”, the correct answer was when someone is directly involved in the violation (a), and not because your desire is to protect someone else’s rights (b, c). The European Court of Human Rights does not rely on the Universal Declaration of Human Rights nor does it rely on the Charter of Fundamental Rights (d).



Question number VII was focused on the Council of Europe’s decision-making body, the Committee of Ministers. Contrary to the answers chosen, it is precisely this organ that asks the State to change its laws where human rights have been violated (c). Surprisingly the participants to the EYCs activities were not able to give the correct answer in the majority of cases, as the main opinion was that the Court directly forces the State to change laws where human rights have been violated (a); or, following the EU common terminology, the second choice was on the non-compulsory character of the suggestions decided by the Court in terms of laws that violate human rights (b). Only 3 participants answered correctly to this question.



Considering the different ages of the participants, and the different understanding or interests they might have on particular issues and topics of the Council of Europe, the overall reaction to the questionnaire was positive enough to say that there was a good awareness of the modalities, and structure of human rights related to young people. Nevertheless, this statistical population, based on young people actively engaged in activities at the European Youth Centres of

Strasbourg and Budapest, can be used to assume that young people who never had a direct contact with the Council of Europe were probably not in a position to reply to the questions posed in the questionnaire.

The most glaring result was that the participants did not recognise the Committee of Ministers of the Council of Europe as the main decision-making body for the ECHR's decisions. Moreover, although it might be considered a minor issue, the fact that many participants thought that in the European Social Charter there is a specific reference to a right for children and young people to access and use new media technologies, should signal the urgent need to develop a set of clear indications of the regulations in force and how these can be accessed by young persons.

Second section

In the second section of the questionnaire, the participants were asked to express their opinions in three different main areas under the umbrella 'fundamental rights for young people'.

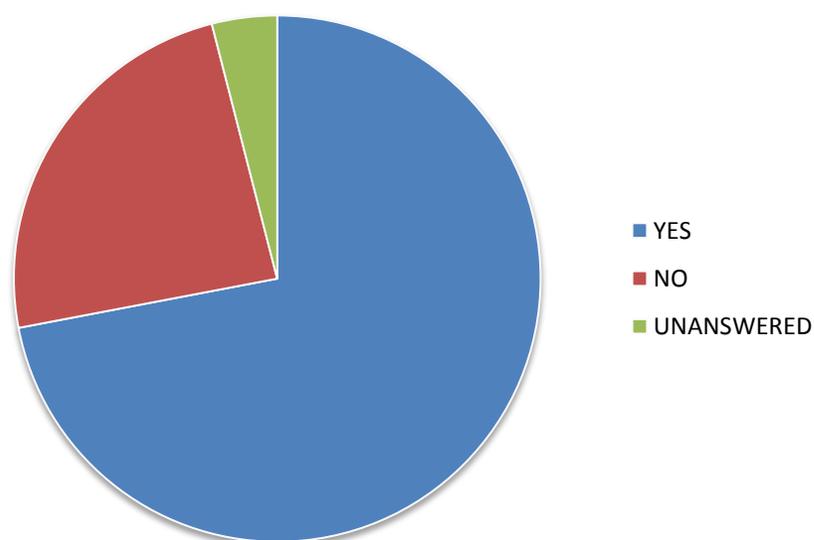
The first three questions were developed to understand if, in the opinion of the participants, there was a need to investigate, research and speak about youth rights, or if the concept of human rights *per se* already includes all human beings.

Question 1: "Given the fact that human rights are meant for all human beings with no discrimination, such as age, and that there is a specific set of laws focused on children and infants, in your opinion is it necessary to define a set of laws specifically for youth?" was useful to frame the overall participant's opinion on the questionnaire's topic. The way this question was drafted, meant that the participants could essentially express or not their agreement to the question, and therefore to the topic of the questionnaire. Out of 25 persons, 19 agreed that a "specific accent on youth is very important", that "it is very important to make specific laws for young people and children in order to be protected better, because of the precarity of this target group they need to be informed about their rights at school [...]", that "[...] it is needed to define a set of laws specifically for youth, since the youth as a specific category is quite often marginalised and not able and/or empowered to act for their rights". Some answers revealed agreement with the transitory phase that young people live in, as a reason why there should be a specific set of laws for young people. One answer in fact

underlined that “[...] at the age in which the youth are transiting into adulthood, they are more likely to be partially disregarded when policies are made and agreed on. A set of laws will not exclude or give the youth unnecessary privileges, but it will only protect their rights in the midst of all other laws, that aren’t tailored for their specific needs”. Another answer insisted on the same point, “[it is necessary to define a set of laws specifically for youth] it would be recommended to define a set of laws for youth as well. Most would consider this redundant, since youth can be classified as young adults, but in my opinion it is not as simple as that. Young humans are still growing up; they are not children anymore, but not adults. So different behaviours and social norms [should be] applied.” Another answer revealed a lacuna in the member states’ legal systems, saying, “It is indeed a necessary action to produce a set of laws specifically for youth since the legal systems in member states don’t make a distinction in terms of soft rights regarding youth. For example, children under 16 cannot have a paid job; they can only have a paid job if they are 16 or older. Youth and especially those under 18 years of age have a special status where they have more rights and therefore a set of laws specifically for youth is necessary.” One participant from Romania underlined the need to have the rules on youth participation changed: “In my point of view it is discrimination that youth do not have representatives in local, regional and national councils. Yes, it is true that a young person can make and join a political party, but it is quite impossible to enter or to be elected in a decision-making position at different levels before you are 30 years old. I think that youth shall be better included in politics, and this fact should be regulated by law. Youth average in a country like Romania is about 20% and we have at most 1% representations in decision-making positions at local, regional or national level”. On the other hand, 5 out of 25 persons replied negatively to the first question. The main observation made was about the fact that human rights are *per se* meant for all human beings without distinctions: “I believe in a simple principle – all human rights for all. If we start specialising, inventing special clauses, groups – then the principle of equality and inclusion is violated. Why youth and not old people? [...] every single person has the same civil, political, social and economic rights, and age is neither a privilege nor grounds for discrimination. [...] only those who need assistance to exercise their rights (due to mental and physical immaturity or disability) can be subject to special laws without providing them privileges but rather define responsibility by capable members of the society in ensuring them their rights – the same as for everyone”. On the same perspective, other answers stated that

“there is no need to define a new set [of rights] specifically for youth, but to emphasise that human rights appeal to people of all ages”, and that “the general law should protect all human beings, from the moment of their conception till they die.”

In addition to these opposing perspectives, one participant emphasised that “I do not believe the concept of youth rights has sufficient backing to stand on its own. A clear definition of youth is lacking, as well as a clear understanding of what their risks would be. A general transition period law or stronger protection of the unemployed or the homeless would address more issues that are urgent. The increasingly transcendence of the world with the virtual space suggest that a stronger definition for digital rights is needed”. It is interesting to note that this last answer underlies how essential it is to have a definition and a concrete framework on youth rights before analysing possible action plans. As mentioned, it is mandatory to discuss the issue of the definition of “young people” and come up with a solution. This answer also raises another topic that is included in the body of the questionnaire, which is digital rights or new media as a matter of human rights, especially when related to young people.



Once the distinction between those who agreed and those who did not was clear, the second question asked the participants to draft an ideal action plan in regards to youth policies. Question 2: “If you replied yes, what would your action plan be for youth policies? Would you include all the above listed topics or would you prefer to choose/prioritise only some of these areas of interests within your policy?”.

In the process of developing their own action plan for youth policies, the question asked the participants to prioritise, if necessary, the following main areas:

- a. Political rights for youth (expression, participation and inclusion).
- b. Youth mobility rights (for education and work).
- c. Youth rights on the access to open and free information (access and education to the World Wide Web for everyone).
- d. Youth rights for employment, entrepreneurship and vocational training.
- e. Youth rights for social rights such as access to health and housing.

Here it was not possible to define an overall inclination towards a particular action plan and in some cases; the idea of prioritising the proposed area was not accepted to be a solution at all because “youth across Europe have different issues that are unique to their country of origin/living. All and any other policies should be treated equally and should be pushed forward simultaneously.”, or “I would include all the topics as prioritisation varies from state to state thus the broad spectrum could be addressed in this way”. What was recognised is that all different areas of intervention should be covered in an ideal youth policy action plan, but, since the current socio-economic crisis is affecting young persons across Europe, the prioritisation of some areas is given by the urgency of the moment. Youth rights for employment, entrepreneurship and vocational training, and political rights for youth (expression, participation and inclusion) were the most relevant topics that participants felt should be given priority before any of the others. Social rights followed, with the need to provide young people with access to health and housing essential and necessary. The rights to mobility in the academic and work environment was almost on the same level as access to open and free information. This means that much has been done within the Council of Europe member states to provide easy mobility throughout member states. One of the participants stressed the need to provide youth rights especially for those who are more vulnerable, such as Roma young people. In another case, one of the participants questioned whether political rights for youth and youth rights on the access to open and free information are effectively human rights only for young people or whether they were in fact of direct interest to all human beings.

The third question was more a statement drafted to create a debate on the way societies are evolving and the way young people part of these societies can differ from state to state as well as from 20 years ago and now.

The following statement was inserted in the questionnaire as one of the questions to present an overall picture of what young people are dealing with today.

“The universality of the expression “Human Rights”, comprehending all human beings in its definition, might sometimes be too wide-ranging when minorities or specific social categories fought or are fighting for rights concerning their own specific contexts. This might be the example for minorities, women, children and LGBT rights. When it comes to youth and youth rights, the main question one should raise is if this category is well protected by common human rights, or if there is a need to demand and obtain more youth-related rights. Now that many European countries are experiencing an economic crisis, many young people aged between 18 and 30 years are unemployed (ca. 23.2%), and in some countries such as Greece, Spain or Italy, these percentages are even doubled. The question of youth employment both at national and international (youth mobility) level should be of interest to International Organisations and Institutions concerned with international law and human rights. The European Social Charter, defines five articles (art. 7, art. 9, art. 10, art. 11, and art. 17) that might be considered related more closely than others to youth: the right to protection, vocational guidance, health, legal and socio-economic protection. These rights deal with issues that affect both children and young persons in relation to their families and societies. Since societies are evolving, young peoples are more interested and able to travel and experience other countries and societies.”

The replies received expressed different point of views; many persons underlined how employment and social rights should be the first focus when dealing with youth policies. More than these perspectives, some participants asked for major measures to improve education tools and vocational trainings, human rights education and education to sustainable development and respect to the environment. Two participants manifested their interest for the condition of Roma young people. Digital human rights is a topic that was expressed by one of the participants with regard to employment and poverty “young people are not only more unemployed and poorer, they are also more entwined with the digital worlds and have a much

higher penetration rate concerning media literacy, which provided basic skills for the current labour market”.

The last answer is related to the next question of the questionnaire, focused on new media as a matter of human rights especially when related to young people, Question 4. “What is your opinion about the access to information and participation in the new media? Should internet access become a matter of human rights for youth and why?”

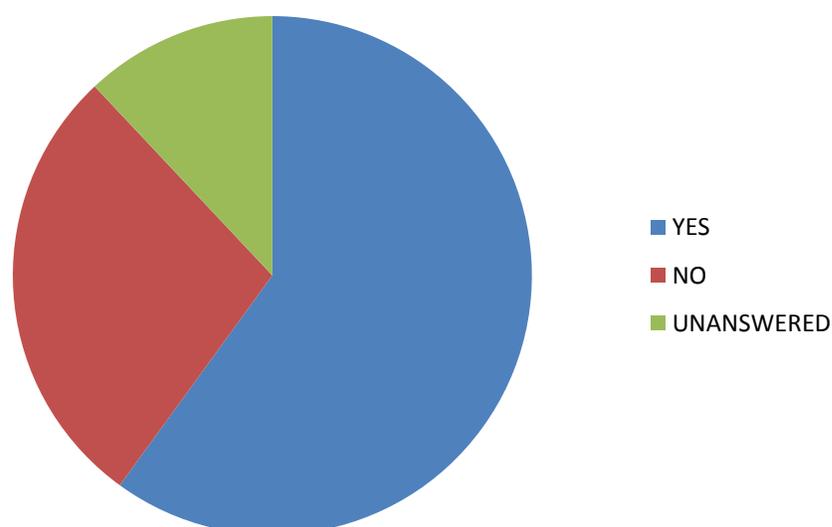
The second part of the question asked the participants to provide a yes/no answer from which to develop statements in support of their opinion. From the overall population of 25 young people, 15 persons were in favour to discuss new media as a matter of human rights, 7 were not and 3 persons did not reply.

This question was raised as an observation on how much internet had changed societies in the last few years. The way information can be obtained and shared cannot even be compared with other media technologies that changed or even evolved societies in the past. The fact that people who have no access to this kind of technology, also do not have access to an amount of knowledge which is global but not globally accessible, is creating discrepancies between people living in different socio-economic territories (but the same argument is valid for the youngster living on a farm a few kilometres away from the city centre and his friend submerged by high speed connection offers). Should internet be free and accessible to everyone? Should the digital divide in both the access and the use be overcome by law? Is internet actually so important to nowadays society that it should have been included in the main bodies of law concerning human rights?

As already pointed out, the majority of the participants expressed their agreement on this issue, saying that “internet should be considered as information, and the right to access information is a matter of human rights”, but also that “internet contains unsurmountable information about everything, information is power, opens up a lot of opportunities for young people”. When referring to the digital divide, the distinction between ‘access’ and ‘use’ has to be made to distinguish between the impossibility of using this media because of technical failures (bad signal, bad networking system, no computers....) or because of illiteracy. In addition, since governments and private companies understood the potential, also in economic terms, of a

positive and fast growing spread of this technological media in societies, the most emblematic divide that will still create discrepancies between societies and within different social classes, is the ability to be effectively able to use the media. Therefore many participants underlined the fact that having access to open and free internet is useless unless education is also provided in the package: “[...] it’s not only a question of access, it’s also a matter of how to use internet...we use increasingly this kind of communication for example, we use iPad at school instead of books for some classes--- it is the school that gives us these iPads (it was a pilot project)...”; and “As the new media became the fastest growing media, most easy to disseminate and impact youngsters, I feel that internet access should be a matter of human rights for youth, and not only internet access but also education about the internet, how to use it, etc. should be part of the curricular system of each country”.

Obviously not everyone supported this opinion to have internet recognised as a matter of human rights especially for young people. Several participants shared the idea that as the right to information and freedom of expression has already been instituted as a human right, internet can also be considered as already protected by human rights regulations. Other people considered information as a human right but not internet, because it is just an instrument, “is a means and not a goal”.

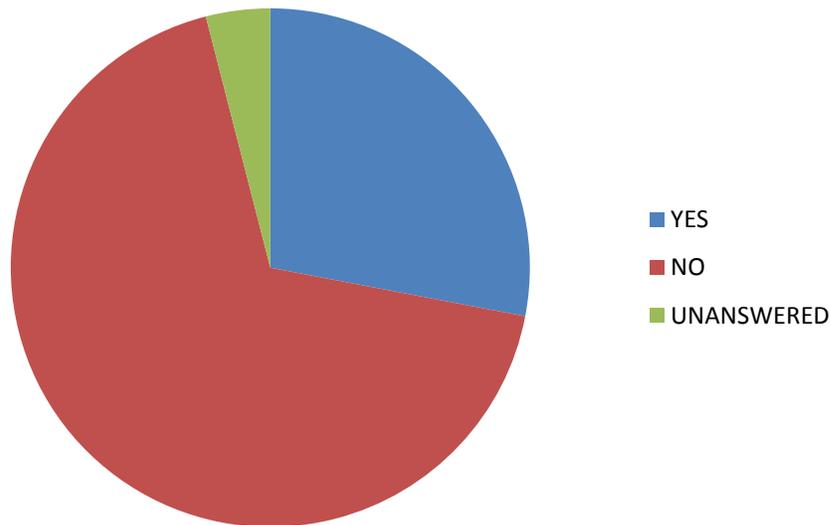


The last part of the questionnaire was related to the concept of Human Rights Education, and was divided between question number V and question number VI respectively focusing on the

definition itself of HRE and its usefulness, and on the participants' personal experiences and relation with Human Rights Education. It was very interesting to note how the participants received the question. Many of them tried to provide an official definition of Human Rights Education, whereas other tried to express in their own words what they thought the concept was. Question number V. "What is your definition of Human Rights Education and why is it important in your opinion that young people should have access to it?" had one answer given from one of the participants clearly stating that "Human Rights Education allows people to be aware of what they have, what they can [ask] to have and how to get it. Human Rights Education can also be a good tool to enhance social cohesion and respect amongst different societies and can be used as a common platform of values between different societies and cultures. This can be explained by the simple fact that one cannot argue that HRs can be judged as harmful in any given situation". This definition includes the participants' overall understanding of what HRE is. However, it does not include other aspects which participants felt should be included in their definitions. Human Rights Education is "access to freedom", "knowledge about the rights one might have", "[it] makes the youth not only aware of their own rights and the ways in which they can fight for them, but also of others' [...]", it is a fundamental instrument "necessary to participate in our society", "to be included in education curricula" "accessible to everyone" "so that each citizen (young or not) knows its rights and liberties. It is kind of sharing the same basic values whatever you come from, whatever your religion... (peace, non-discrimination, equality, justice, non-violence, tolerance and respect for human dignity). As I said, each pupil [should] have compulsory courses on HR, [to be] implemented in the education system not only [through teachers to students educative methods] but with the cooperation of [the] civil society. [So to become] a good citizen, to participate more on the daily life [of the society]".

Question number VI. "In relation to your personal experience, do you think that HRE has been covered and included enough in your formal or non-formal education and if not how would you have liked to be introduced to it?" pictured an overall situation where HRE was not part of the academic curricula of the countries the participants are from. Out of 25 persons, 17 did not received HRE during their school studies, 7 did and 1 could not answer.

What the answers collected for this question reveal is that non-formal education was the major means through which HRE was delivered to young people. Obviously, it was interesting to know if this subject was part of the basic education system since after a given age everyone is free to choose the direction of his or her studies. Many people clearly stated that it was not part of their education. And if it is true that training sessions, extracurricular activities and personal experiences provided enough HRE to the people who participated in the questionnaire, it is also true that this might be a particular statistical population whose main characteristic is to be involved in trainings offered by the Council of Europe. Therefore, it is reasonable to argue that, if extended to a broader share of young people making up European societies, the concept of HRE itself will be far from being easily understandable.



Conclusions

On the 21 January 2014 Mr Vit A. Schorm Chair of the Steering Committee for Human Rights, (CDDH) informed Ms Maria Paschou Chair of the Advisory Council on Youth of the interest that the CDDH had expressed “in cooperating for the elaboration of a non-binding instrument aimed at improving access of young people to fundamental rights”. This topic will be discussed during the next CDDH Bureau meeting in March 2014. The letter received by Ms Paschou is an important step within the Council of Europe because it reveals that the action to be taken to improve youth access to rights, as expressed in Mr Leys²² document i.e. : “(a) more co-operation between the Youth Sector and the other Directorates” is becoming a reality. This is important for the process of research and recognition on this topic and, as explained by the answers given to the questionnaire, the young people themselves are asking for this concept to become a reality.

From the several focus areas that were covered, the definitions given to Human Rights Education, other than being simply definitions, were sincere and positive feedbacks to a concept that has to be broadened on a European and global scale, because education is key to bringing about a change in the meaning of more inclusive, open-minded and peaceful societies.

Societies that are challenged by a continuous evolution of structures and mechanisms: communication and language, instruments and technologies will always influence other societies to be dependent upon them. It is important to make these instruments open to everyone and not to create individualistic or oligarchic spheres of power closed to specific socio economic contexts. Internet and modern technologies deriving from the web should become protected and labelled as “human rights” when the deprivation of these instruments becomes a matter of negation of fundamental rights. This is particularly true when these technologies are instruments for education and knowledge for those younger generations who will be living in digital-societies where the understanding of how the internet works will be an

²² CCJ(2013)9 “The Rights for Youth Agenda in the Council of Europe 2014-2015”, paper prepared by the Advisory Council on Youth for discussion during the statutory meetings in Strasbourg on 14-16 October 2013, by Thomas Leys, p. 2.

asset. In addition, preventing the use of these instruments might help overcome the risk of even more dramatic inequalities between societies and cultures around the world in the future.

Cultural factors were already discussed in the participants' answers when some of them underlined how the topic of Roma young people has been excluded in this questionnaire.

The answers collected by this questionnaire revealed that young people who participated in this activity are generally aware of their rights. The knowledge of the legal and procedural phases at the European Court of Human Rights seems to be the overall field where the majority of the participants replied positively. Few persons were able to reply to the answer regarding the role of the Committee of Ministers as the decision-making body for the European Court of Human Rights. At a first analysis, it looks like the participants of trainings and activities at the European Youth Centres of Strasbourg and Budapest should be better informed of the mechanisms that are at the core of the Council of Europe.

Moreover, the open-answer questions revealed an overall interest in the topic of Human Rights Education, a subject that, even if not included in the scholastic systems of the majority of the participants, is still recognised as an essential subject to be introduced in primary schools. Training and non-formal education seems to be the only contexts in which HRE can be learnt and these experiences are generally not available or exploited by all young people.

There were different positions on the steps to take to improve youth policies, but it is possible to argue that, because of the present economic crisis, priority is given to employment and political participation. What the participants focused on mostly was stability in these unstable societies, a job as the perspective of a future, independence, and the participation in new governments to replace those that failed to avoid the present situation.

On the side of the Council of Europe, the Committee of Ministers at its 1188th meeting held on 15 January 2014 drafted a reply to the Parliamentary Assembly Recommendation 2015(2013). The reply recalled that the ECHR and the ESC "apply to all individuals, including young people, and [the CM] believes that it is important that priority [has to] be given to ensuring that the rights set out in them are enforced". The document also included the CM consideration that a Council of Europe Ombudsperson is not required to be appointed "to ensure that the rights of

young people are respected and protected", nevertheless the CM "encourages member States to enhance the role of national ombudspersons in this regard".

The CM also advocated a cross-sectoral approach to youth policies and encouraged the development of cooperation between the Council of Europe's youth sector and the Organisation's other sectors and bodies with the European Union. It also took note of the interest expressed by the bodies consulted to take part in the drafting of a possible recommendation on young people's access to rights and encouraged the youth sector, in consultation with relevant bodies to submit proposals in this regard. Besides the bodies mentioned, the Reply recalled two projects: the CoE/EC Edgeryders project which had established a tool for communication and cooperation between young people and democratic institutions in Europe and the Nurturing Human Rights Campaign which was encouraged to be further widened to encompass the rights enshrined in the European Social Charter (revised) (ETS No. 163). In the Reply, the North-South Centre was also asked to continue to focus on young people's access to rights in accordance with its future mission under the Council of Europe's policy towards neighbouring regions.

Whereas Edgeryders is an online campaign launched in 2011 that became an online think tank platform for youth policies, Nurturing Human Rights is a campaign launched in 2012 by the Andorran Chairmanship of the Committee of Ministers of the Council of Europe in support of the values promoted by the convention.

It is possible therefore to argue that the Committee of Ministers positively reacted to the Parliamentary Assembly Recommendation 2015(2013) and that the topic "young people's access to fundamental rights" will be further developed and included in future actions and projects of the Council of Europe.

Appendix I: Questionnaire

I. According to the European Social Charter, how many weeks of annual paid holiday is a young worker aged less than 18 years entitled to?

5 weeks

3 weeks

4 weeks

0 week

II. If you found yourself in a situation where your national legal system was not able to protect you from a case or more cases of human rights violation, how long will it take before you get an answer from the ECHR?

2 weeks

2 years

6 months

At least 1 year

III. Which one of the following rights is NOT part of the European Social Charter?

“With a view to ensuring the effective exercise of the right to vocational training, [...] [signatory States] undertake special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment”.

“With a view to ensuring the effective exercise of the right to protection of health, [...] [signatory States] undertake [...] appropriate measures designed inter alia: [...] to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health [...]”.

“With a view to ensuring the effective exercise of the right to be a worldwide citizen, [...] [signatory States] undertake appropriate measures for allowing and promoting children and young people access and use of new media [...]”.

IV. If young persons are enrolled at a university where a professor is teaching subjects in a way that seriously conflict with their religious or philosophical convictions, which legal framework should they appeal to?

- European Social Charter
- Charter of Fundamental Rights of the European Union
- European Convention on Human Rights
- Universal Declaration of Human Rights

V. If you felt victim of a violation of human rights, in which case can you appeal to the European Court of Human Rights?

- In any case, even if your own State or the State you are living in is not bound by the Convention.
- Only if your own State or the State you are living in is bound by the Convention, in which case national law will be immediately influenced by the Court's final judgment.
- Only if your own State or the State you are living in is bound by the Convention, no matter if you have exhausted all the domestic remedies available in the State concerned or not.
- Only if your own State, or the State you are living in, is bound by the Convention and only after you have exhausted all remedies domestic in the State concerned.

VI. If you felt victim of or witnessed a violation of human rights, appealing to the European Court of Human Rights is possible when:

- You have been sentenced or treated by law with punishments that violate the articles of the European Convention of Human Rights.
- You are aware of a situation that is affecting other people's human rights and you are concerned about helping them.
- An international private company is mistreating its employees by exploiting them, thus violating the Convention's articles.
- You witnessed or experienced a violation of human rights which is not specifically included in the European Convention of Human Rights, but is covered by the Universal Declaration of Human Rights or the Charter of Fundamental Rights.

--

b. The universality of the expression “Human Rights”, comprehending all human beings in its definition, might sometimes be too wide-ranging when minorities or specific social categories fought or are fighting for rights concerning their own specific contexts. This might be the example for minorities, women’s, children’s and LGBT’s rights. When it comes to Youth and youth rights, the main question one should raise is if this category is well protected by common human rights, or if there is a necessity to demand and obtain more youth-related rights. Now that many European countries are experiencing the economic crisis, many young people aged between 18 and 30 years are unemployed (ca. 23.2%²³), and in some countries such as Greece, Spain or Italy, these percentages are even doubled. The question about youth employment both at national and international (*youth mobility*) level should be interesting International Organisations and Institutions, concerned with international laws and human rights. The European Social Charter, in respect of youth or young people rights, defines five articles (art. 7, art. 9, art. 10, art. 11, and art. 17) that might be considered as more than others closely related to youth: right to protection, vocational guidance, health, legal, socio-economic protection. These rights deal with issues that are affecting both children and young persons in relation to their families and societies. Since societies are evolving, young peoples are more interested and able to travel and experience other countries and societies.

In your opinion, is there a field of interest, an area in which you find yourself more engaged, and that the Council of Europe should be more focused on?

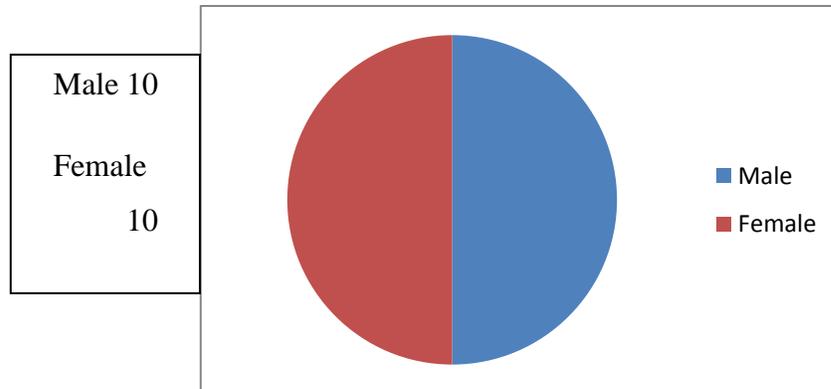
²³ Source: European Commission Eurostat (link available at: [http://epp.eurostat.ec.europa.eu/statistics_explained/index.php?title=File:Youth_unemployment,_2012Q4_\(%25\).png&filetimestamp=20130418091546](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php?title=File:Youth_unemployment,_2012Q4_(%25).png&filetimestamp=20130418091546) last visited on the 01 October 2013)

--

c. What is your opinion about the access to information and participation in the new media? Should internet access become a matter of human rights for youth and why?

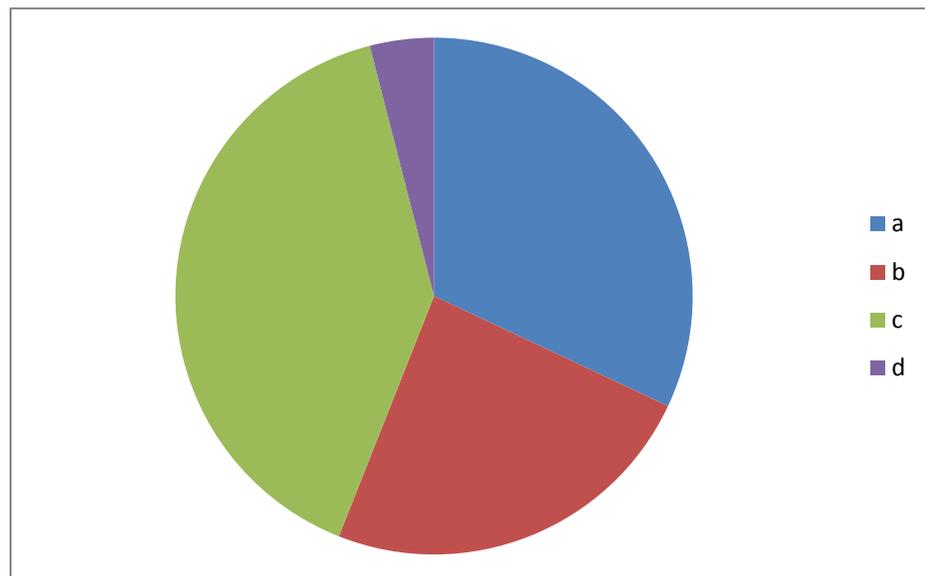
d. What is your definition of Human Rights Education and why is it important in your opinion that young people should have access to it?

Appendix II: Statistical Graphs



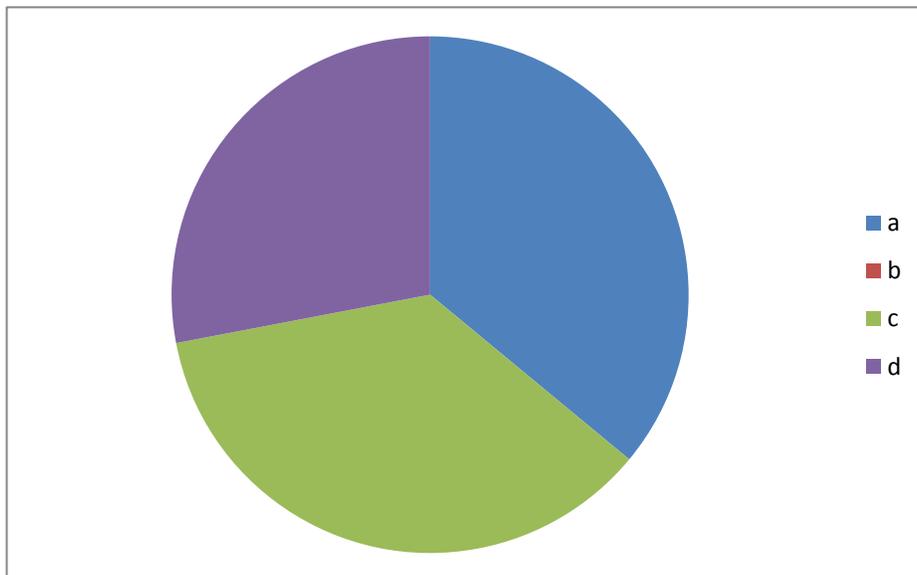
According to the European Social Charter, how many weeks of annual paid holiday is a young worker aged less than 18 years entitled to?

- a. 5 weeks
- b. 3 weeks
- c. 4 weeks
- d. 0 week



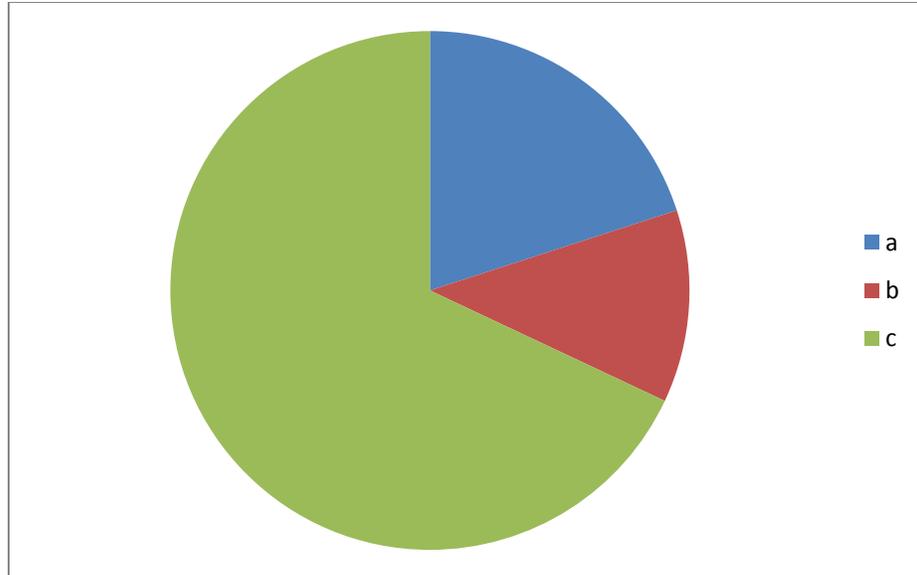
If you found yourself in a situation where your national legal system was not able to protect you from a case or more cases of human rights violation, how long will it take before you get an answer from the ECHR?

- a. 2 weeks
- b. 2 years
- c. 6 months
- d. At least 1 year



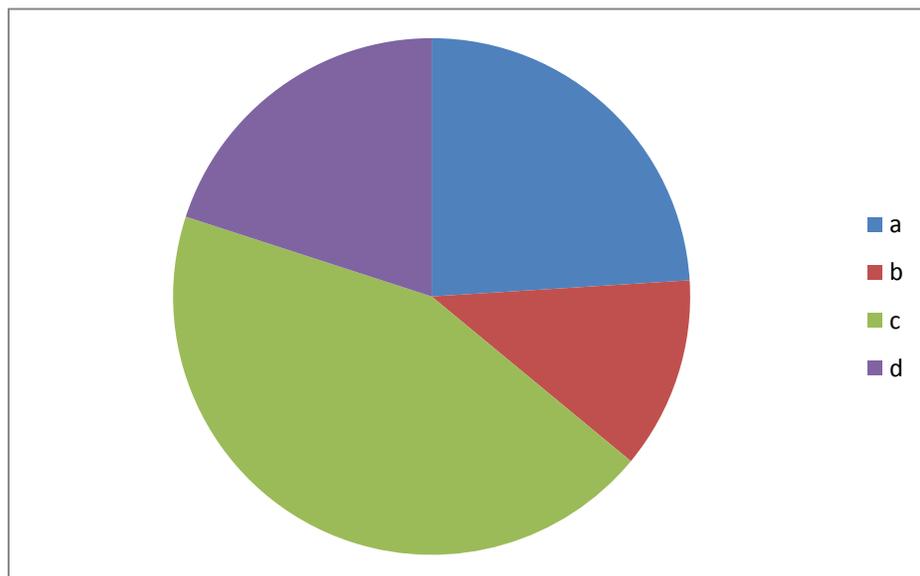
Which one of the following rights is NOT part of the European Social Charter?

- a. “With a view to ensuring the effective exercise of the right to vocational training, [...] [signatory States] undertake special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment”.
- b. “With a view to ensuring the effective exercise of the right to protection of health, [...] [signatory States] undertake [...] appropriate measures designed inter alia: [...] to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health [...]”.
- c. “With a view to ensuring the effective exercise of the right to be a worldwide citizen, [...] [signatory States] undertake appropriate measures for allowing and promoting children and young people access and use of new media [...]”.



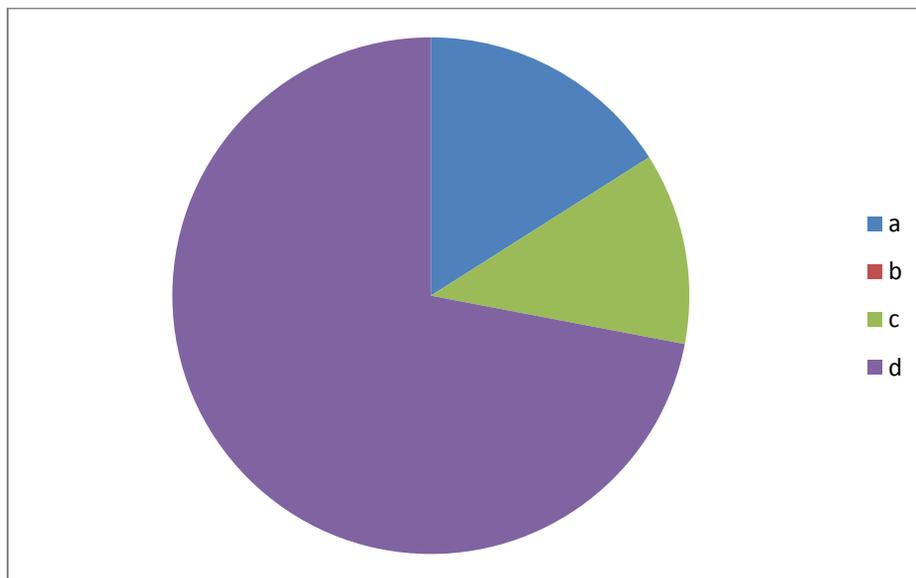
If young persons are enrolled at a university where a professor is teaching subjects in a way that seriously conflict with their religious or philosophical convictions, which legal framework should they appeal to?

- a European Social Charter
- b Charter of Fundamental Rights of the European Union
- c European Convention on Human Rights
- d Universal Declaration of Human Rights



If you felt victim of a violation of human rights, in which case can you appeal to the European Court of Human Rights?

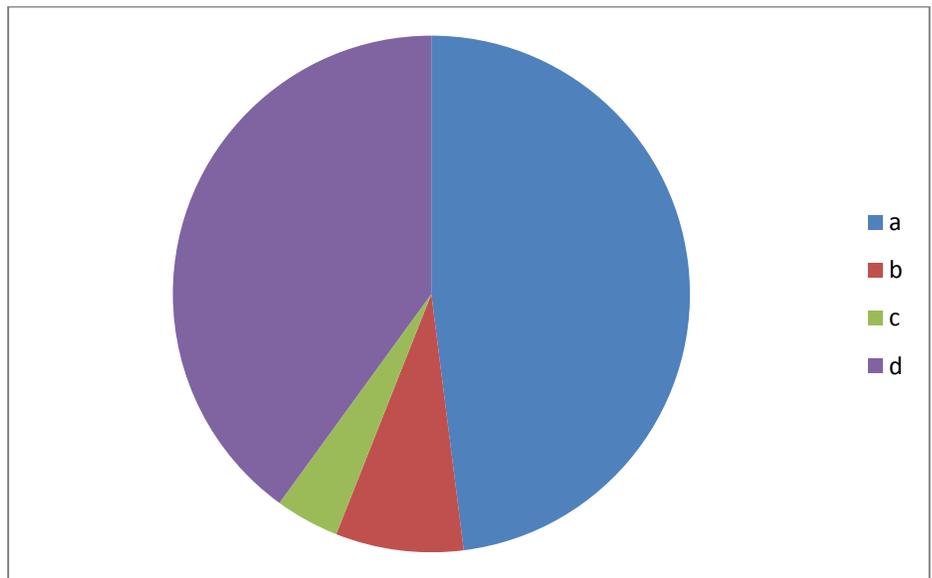
- a. In any case, even if your own State or the State you are living in is not bound by the Convention.
- b. Only if your own State or the State you are living in is bound by the Convention, in which case national law will be immediately influenced by the Court's final judgment.
- c. Only if your own State or the State you are living in is bound by the Convention, no matter if you have exhausted all the domestic remedies available in the State concerned or not.
- d. Only if your own State, or the State you are living in, is bound by the Convention and only after you have exhausted all remedies domestic in the State concerned.



If you felt victim of or witnessed a violation of human rights, appealing to the European Court of Human Rights is possible when:

- a. You have been sentenced or treated by law with punishments that violate the articles of the European Convention of Human Rights.

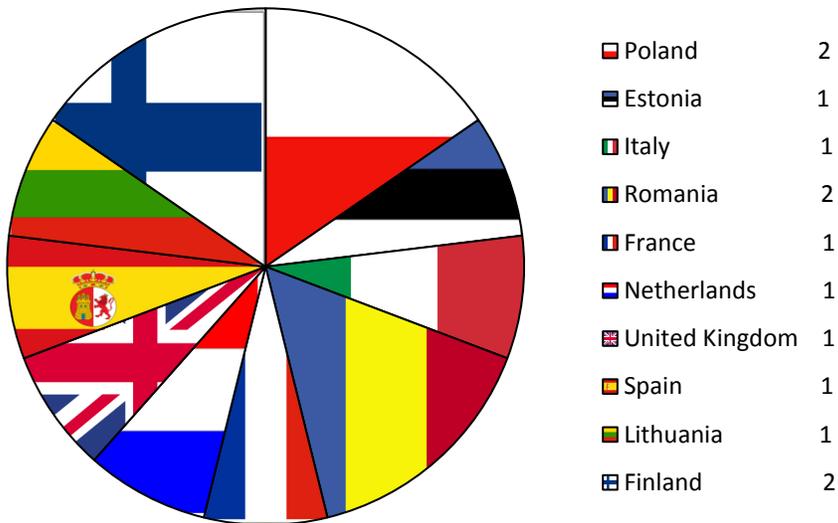
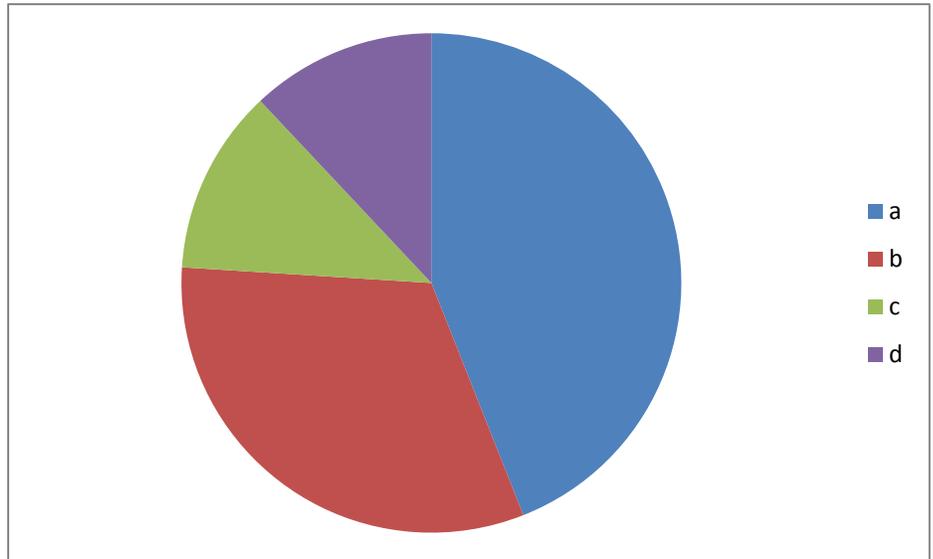
- b. You are aware of a situation that is affecting other people’s human rights and you are concerned about helping them.
- c. An international private company is mistreating its employees by exploiting them, thus violating the Convention’s articles.
- d. You witnessed or experienced a violation of human rights which is not specifically included in the European Convention of Human Rights, but is covered by the Universal Declaration of Human Rights or the Charter of Fundamental Rights.

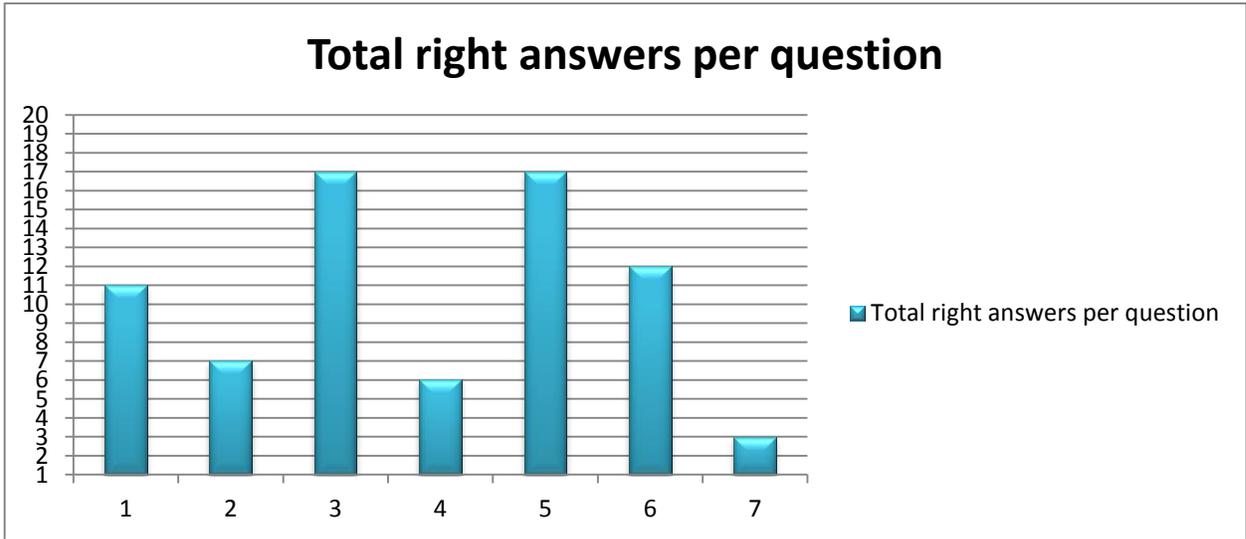
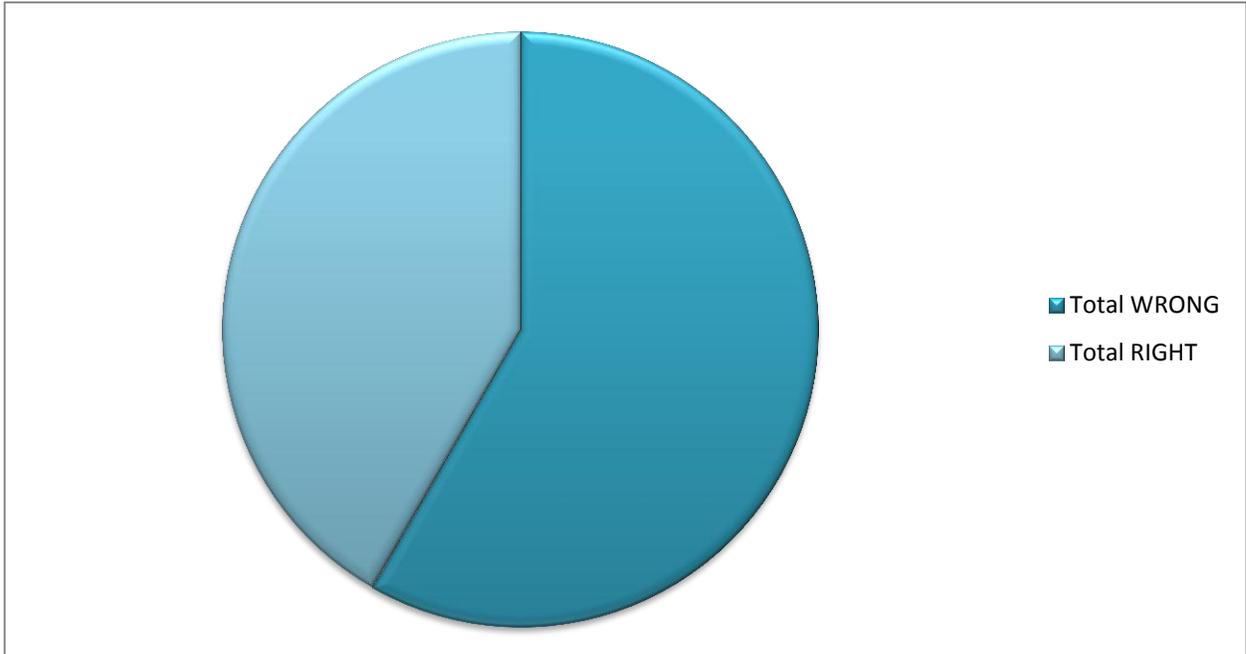


If the European Court of Human Rights judges in favour of your case against the State, it means that:

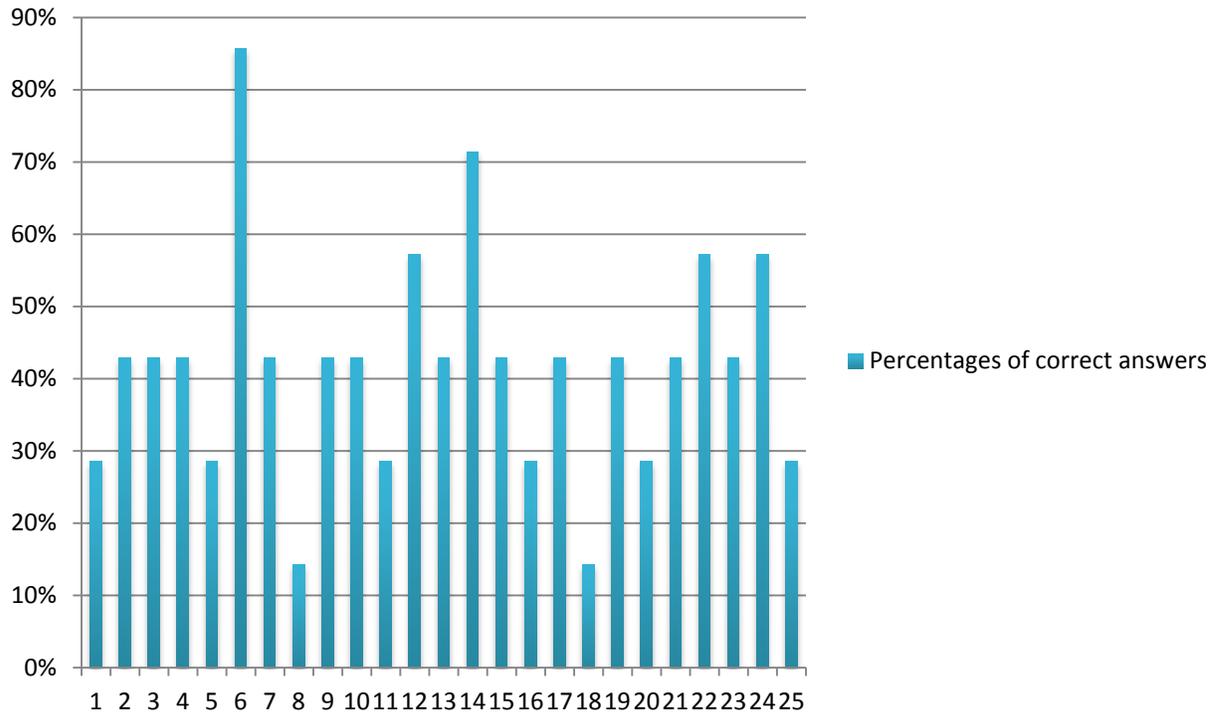
- a. The Court forces the State to change its own laws where human rights have been violated.
- b. The Court makes non-compulsory suggestions to the State to change its own laws where human rights have been violated.
- c. The Committee of Ministers of the Council of Europe asks the State to change its laws where human rights have been violated.

d. The Court will take action against the State, but there is no civic or monetary award for the private individual or the legal entity that appealed.

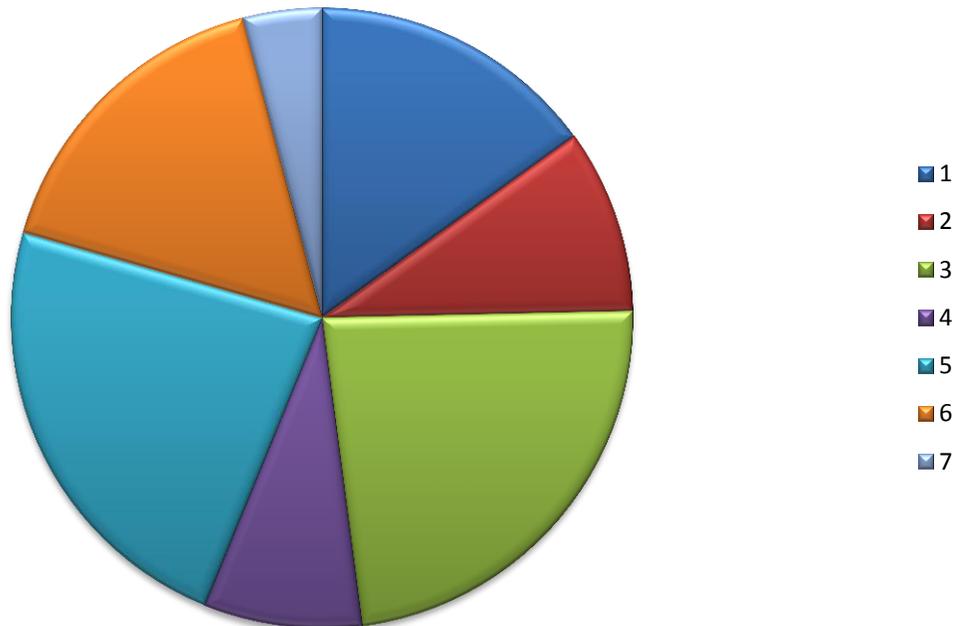




Percentages of correct answers



Total right answers per question



Appendix III: Body of Law

European Convention on Human Rights

Section I – Art. 2 Right to life

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

(a) in defence of any person from unlawful violence;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Section I – Art. 3 Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Section I – Art. 4 Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. For the purpose of this Article the term "forced or compulsory labour" shall not include:

(a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

(b) any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

(c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

(d) any work or service which forms part of normal civic obligations.

Section I – Art. 8 Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Section I – Art. 9 Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Section I – Art. 10 Freedom and Rights Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, or the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Section I – Art. 14 Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Protocol No. 1 Article 2 - Right to education

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

European Social Charter

Article 7 - The right of children and young persons to protection

Art. 7 Children and young persons have the right to a special protection against the physical and moral hazards to which they are exposed.

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- I. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
- II. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
- III. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
- IV. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
- V. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
- VI. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
- VII. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

- VIII. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
- IX. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
- X. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Article 9 - The right to vocational guidance

Art. 9. Everyone has the right to appropriate facilities for vocational guidance with a view to helping him choose an occupation suited to his personal aptitude and interests.

With a view to ensuring the effective exercise of the right to vocational guidance, the Parties undertake to provide or promote, as necessary, a service which will assist all persons, including the handicapped, to solve problems related to occupational choice and progress, with due regard to the individual's characteristics and their relation to occupational opportunity: this assistance should be available free of charge, both to young persons, including schoolchildren, and to adults.

Article 10 - The right to vocational training

Art. 10. Everyone has the right to appropriate facilities for vocational training.

With a view to ensuring the effective exercise of the right to vocational training, the Parties undertake:

1. to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organisations, and to grant facilities for access to higher technical and university education, based solely on individual aptitude;
2. to provide or promote a system of apprenticeship and other systematic arrangements for training young boys and girls in their various employments;
3. to provide or promote, as necessary:
 - a. adequate and readily available training facilities for adult workers;
 - b. special facilities for the retraining of adult workers needed as a result of technological development or new trends in employment;
4. to provide or promote, as necessary, special measures for the retraining and reintegration of the long-term unemployed;
5. to encourage the full utilisation of the facilities provided by appropriate measures such as:
 - a. reducing or abolishing any fees or charges;
 - b. granting financial assistance in appropriate cases;

c. including in the normal working hours time spent on supplementary training taken by the worker, at the request of his employer, during employment;

d. ensuring, through adequate supervision, in consultation with the employers' and workers' organisations, the efficiency of apprenticeship and other training arrangements for young workers, and the adequate protection of young workers generally.

Article 11 - The right to protection of health

Art. 11. Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable.

With a view to ensuring the effective exercise of the right to protection of health, the Parties undertake, either directly or in cooperation with public or private organisations, to take appropriate measures designed inter alia:

1. to remove as far as possible the causes of ill-health;
2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health.
3. to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

Article 17 - The right of children and young persons to social, legal and economic protection

Art. 17. Children and young persons have the right to appropriate social, legal and economic protection.

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b. to protect children and young persons against negligence, violence or exploitation;
- c. to provide protection and special aid from the state for children and young person temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Appendix IV: Letter to the EYCs' activities participants

Strasbourg
Thursday 14 November 2013



Dear Participants,

I hope you are enjoying / have enjoyed your activity at the European Youth Center.

Allow me to take this opportunity to ask you to fill in the attached questionnaire designed to assess young people's awareness of their access to rights and to return it to me as soon as possible.

As you might know, there is an ongoing debate within the Council of Europe and in youth circles (especially the European Youth Forum) on whether young people are aware of their rights and how to access them. The Youth Policy division and the Education Policy division are working on this issue, developing tools for Human Rights education and policies designed to further the cause of young people. Your experience and your knowledge will be incredibly valuable in helping us to understand where we should direct our efforts.

The questionnaire is divided into three sections. The first is focused on young people's awareness of their access to rights (7 questions); the second is focused on your opinions (4 questions); and the last presents the articles of the European Convention on Human Rights and European Social Charter which concern young people in particular.

The collected answers of the questionnaire will be organised and analysed in a report that will integrate the work, which has already been carried out by the Youth Department of the Council of Europe on the topic "young people's access to rights". The results will be available on the CoE Youth Department [website](#). If you have any questions or suggestions, please feel free to contact me.

The questionnaire is available at this [link](#), as a Word document that you would need to send back to me by [email](#), or at this [link](#) as an online form.

I sincerely thank you for your time,

Chaim Gabriel Waibel

Chaim Gabriel Waibel
Trainee at the Advisory Council on Youth
Directorate General II – Democracy
Youth Department/Service de la jeunesse
Directorate of Democratic Citizenship and Participation/
Direction de la citoyenneté démocratique et de la participation
Council of Europe/Conseil de l'Europe
67075 Strasbourg
France

Tel: +33 3 88 41 33 28
www.coe.int/youth
chaim.waibel@coe.int