

## **Opinion of the CDDH on Recommendation of the Parliamentary Assembly 2015(2013) - “Young people’s access to fundamental rights”**

### **CDDH : 78th meeting – 25/28 June 2013 CDDH(2013)R78**

1. The Steering Committee for Human Rights (CDDH) takes note with interest of this Recommendation.
2. The CDDH shares the view expressed in the Assembly recommendation that the preparation of a binding instrument in this field would be difficult.
3. The CDDH recalls that the European Convention on Human Rights and the European Social Charter apply to all individuals, including young people (see in this regard the research report “*Selected case-law of the European Court of Human Rights on Young People*” published by the Court in November 2012). At the same time, it considers that it is indeed extremely important to ensure adequate visibility and enforceability to the rights as set out in the Convention and in the European Social Charter amongst young people, and therefore supports the Assembly’s call for the elaboration of a non-binding instrument aiming at improving access of young people to fundamental rights. It expresses its availability to contribute to the elaboration of such instrument, by means of a consultation or of the participation of a CDDH representative in its elaboration by the competent Committee(s).
4. It is noted that some of the most recent documents elaborated by the CDDH, including the committee of Ministers’ recommendations on the human rights of members of armed forces and on measures to combat discrimination on grounds of sexual orientation or gender identity, contain provisions which are particularly relevant young people with respect to access to their rights without discrimination and to the prevention and redress of human rights violations. The CDDH, as well as the Gender Equality Commission (GEC) and the Committee on Bioethics (DH-BIO), will continue to pay attention to the situation of young people, and notably to the impact of current social and economic challenges on the enjoyment of their fundamental rights, in particular as regards employment, housing, health, education and non-discrimination.

#### **Recommendation 2015 (2013)<sup>1</sup>**

Final version

### **Young people's access to fundamental rights**

Parliamentary Assembly

1. The Parliamentary Assembly is firmly convinced that unhindered access of young people to fundamental rights is an essential element in building a culture of human rights, democracy and the rule of law, and is concerned that youth policies in the Council of Europe member States do not sufficiently safeguard these rights.
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.
3. Conscious of the challenge that the preparation of a binding instrument in this field will involve, the Assembly calls on the Committee of Ministers to prepare as a first step a recommendation on improving young people’s access to fundamental rights, instructing the European Steering Committee for Youth, the Advisory Council on Youth and the Steering Committee for Education Policy and Practice, in co-operation with the European Committee for Social Cohesion, to draft this recommendation. This should bring together and complete

the *acquis* of previous Committee of Ministers recommendations, also building on the following texts: key proposals put forward by youth sector representatives at the Conference of Ministers responsible for Youth held in St Petersburg from 24 to 25 September 2012; the text adopted by the Youth Assembly held in Strasbourg from 5 to 7 October 2012; and relevant resolutions and recommendations of the Parliamentary Assembly.

4. The Assembly welcomes the launch, in February 2013, of the Council of Europe campaign “Nurturing human rights” with a view to promoting rights and freedoms enshrined in the European Convention on Human Rights (ETS No. 5), with an emphasis on young people. It believes that the campaign should be further widened to encompass also the rights enshrined in the European Social Charter (revised) (ETS No. 163).

5. The Assembly also recommends that the Committee of Ministers take action to enhance member 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. To this end, the Assembly invites the Committee of Ministers to:

5.1. reinforce the cross-sectoral and rights-based approach to youth policy throughout the Organisation, asking different Council of Europe bodies to give careful consideration to young people’s rights in the development of standards, programmes and monitoring activities, and to explore measures to improve the access of young people to these rights;

5.2. instruct specifically the Steering Committee for Human Rights (CDDH) and its Gender Equality Commission to pay due attention in their work to the situation of young people in each and every Council of Europe member State;

1. *Assembly debate* on 24 April 2013 (15th Sitting) (see [Doc. 13156](#), report of the Committee on Culture, Science,

Education and Media, rapporteur: Mr Connarty; and [Doc.13180](#), opinion of the Committee on Social Affairs, Health and

Sustainable Development, rapporteur: Mr Volontè). *Text adopted by the Assembly* on 24 April 2013 (15th Sitting).

2

*Recommendation 2015 (2013)*

5.3. reinforce the programme of international reviews of national youth policies, under the responsibility of the European Steering Committee for Youth (CDEJ), paying particular attention to the establishment of mechanisms ensuring effective access of young people to their rights, and taking corrective action as necessary;

5.4. urge the Joint Council on Youth (DJS/CMJ), in co-operation with other sectors of the Council of Europe, to conduct a thorough study concerning young people’s access to rights, to identify difficulties and good practice in this area and to prepare a handbook of instruments, programmes and policies on youth rights;

5.5. instruct relevant bodies of the Council of Europe to intensify the promotion and implementation of the Revised European Charter on the Participation of Young People in Local and Regional Life;

5.6. make use of existing platforms, particularly the European Centre for Global Interdependence and Solidarity (North-South Centre), to promote, facilitate and improve co-operation between educational institutions, youth organisations and non-governmental organisations (NGOs) from the European Union/ European Economic Area (EU27/EEA) and other members of the Council of Europe and neighbouring countries, including southern Mediterranean countries;

5.7. initiate a project to develop transversal policies aimed at fostering intergenerational dialogue and supporting the effective exercise of social and economic rights by young people, in line with the results of the 2nd Council of Europe Conference of Ministers responsible for Social Cohesion “Building a secure future for all”, held on 11 and 12 October 2012 in Istanbul, and to invite the European Union to participate in such a project;

5.8. consider the appointment of an ombudsperson at the Council of Europe level to ensure that the rights of young people are respected and protected;

5.9. recommend to the governments of the member States of the Council of Europe to closely monitor the compliance with the basic rights of young people to freely express their political differences, including through non-violent protest, and to prevent subsequent detention for political reasons.