



Strasbourg, 16 October 2018

Guidelines on the implementation of Committee of Ministers' Recommendation CM/Rec(2016)7 on young people's access to rights

Adopted by the Joint Council on Youth (CMJ) on 16 October 2018

Introduction

The purpose of these guidelines is to support Council of Europe member states in their work with young people and their organisations to improve young people's access to rights through the implementation of the measures proposed in the Committee of Ministers' Recommendation on young people's access to rights (CM/Rec(2016)7).

The Recommendation recognises the unhindered and full access of young people to rights as an essential element of a culture of human rights, democracy and rule of law. It stresses that young people are entitled to fully enjoy human and all other rights under national and international law, *except where justified legal exceptions are made for the protection of minors*.

These guidelines were developed as a result of a seminar organised in 2017 on measures to implement and disseminate the Recommendation.

The guidelines are for use by member states' national, local and regional authorities, youth councils and civil society organisations working on youth policy and improving young people's access to rights. They are to be used in conjunction with the Recommendation and other documents such as national youth policies and the Council of Europe's youth policy. The guidelines do not replace the Recommendation and cannot be interpreted as giving priority to some recommendations over others. They seek to support and monitor the implementation of the Recommendation.

The guidelines cover the following aspects:

- a rights-based approach;
- awareness raising of age-based discrimination;
- the prioritisation and implementation of measures and activities;
- a review of the implementation of the Recommendation.

1. Adopting a rights-based approach

A rights-based approach to youth policy integrates the norms, standards and principles of the international human rights system into the development, implementation and evaluation of youth policy. Implementing a rights-based approach to youth policy means empowering young people to claim, exercise and defend their rights as well as to meet their responsibilities through their active participation in society. It also means encouraging mutually accountable partnerships between young people's organisations – as rights holders – and duty bearers.

Youth organisations should:

- 1.1. adopt rights-based approaches in their structures and activities;
- 1.2. advocate a rights-based approach to youth policies at all levels;
- 1.3. promote human rights education in their activities;
- 1.4. identify and seek the removal of obstacles to the right of young people to assemble peacefully and to freely join associations and trade unions.

National authorities should:

- 1.5. strive for a rights-based approach in their youth policies;
- 1.6. engage with youth organisations to identify and remove obstacles that directly or indirectly prevent the setting up of youth organisations, including cumbersome and lengthy registration procedures;
- 1.7. remove obstacles to activities, especially excessive administrative requirements;
- 1.8. ensure youth organisations' access to financial resources, both national and international, in accordance with national legislation.

2. Awareness raising of age-based discrimination

Public authorities, youth organisations and equality bodies should:

- 2.1. work together to raise awareness among young people of their rights;
- 2.2. actively work against the discrimination of young people on age or any other grounds, and towards ensuring the full inclusion of youth in society;
- 2.3. explore possibilities to address under-reporting to equality bodies of age-based discrimination of young people through measures which raise awareness of age discrimination, adopt more specific measures that record such reported cases.

Public authorities and youth organisations should:

- 2.4. review legislation and policies where a specific age limit is an obstacle to young people's access to rights, make adequate proposals to remove such limits where they are not justified;
- 2.5. identify and draw attention to discriminatory processes that young people face, especially with regard to intersectionality.

3. Prioritisation and implementation of measures and activities

- 3.1. Any process undertaken to prioritise measures to implement the Recommendation should be done in dialogue with young people – as rights holders – and with public authorities – as duty bearers. This dialogue should identify the priority measures and activities which can support young people's access to rights in a specific local, regional or national context, concerning notably:
 - access to education;
 - access to health care;
 - autonomy and social inclusion;
 - access to information and protection;
 - measures to promote active citizenship, democracy and participation;
 - youth mobility.
- 3.2. Knowledge-based analysis, research and evidence-finding, in close collaboration with experts, policymakers, youth workers, representatives of youth organisations, trade unions and other civil society organisations, can be used to identify priority measures and activities that are to be implemented in specific local, regional or national contexts.
- 3.3. Funding mechanisms should be made available to support the implementation of measures and activities that foster young people's access to rights.

4. Review of the implementation

At national or local level

- 4.1. Public authorities and youth organisations, in a process of open dialogue, should agree on a set of monitoring and evaluation indicators to be used at national, regional or local levels. Disaggregated data should be analysed systematically in order to identify the impact on young people with fewer opportunities.
- 4.2. A mechanism or process to review and evaluate young people's access to rights should be set up at local, regional or national level. Depending on the context, this review mechanism should meet every two to three years. The mechanisms could also analyse the impact on young people of new or updated legislation or policies.
- 4.3. Youth organisations should create coalitions with different stakeholders who research and review policy implementation, such as researchers from the youth, human rights and legal fields.
- 4.4. Youth and other civil society organisations should develop standard surveys to review implementation of the Recommendation. The data gathered from the surveys can be the basis for a report on the implementation.

At Council of Europe level

- 4.5. When reviewing implementation of the Recommendation, the Council of Europe should request information and feedback both from the (member states represented on the CDEJ) and from youth organisations, by means of a synthesised report based on the research and surveys proposed in these guidelines).
- 4.6. The Council of Europe should review the information submitted to identify potential implementation gaps. The review's findings should be presented to the Joint Council on Youth (CMJ) every five years. It is proposed that the first review focus on:
 - 4.6.1. addressing discriminatory practices faced by many young people on the grounds explicitly outlined in Article 14 of the European Convention on Human Rights or any other form identified in the case law of the European Court of Human Rights (article I.1. of the Recommendation);
 - 4.6.2. removing legal, administrative and practical obstacles to the right of young people to assemble peacefully and to freely form, join and be active in associations and trade unions (article I.2. of the Recommendation).
- 4.7. The Council of Europe should facilitate an exchange of practices and mutual learning between member states in the implementation of the Recommendation, including regular exchanges in the framework of the CDEJ and Joint Council on Youth and in the programme of support measures for youth policy development.
- 4.8. The Recommendation should be at the heart of the future 2030 strategy for the Council of Europe's youth policy.