

Youth Partnership

Partnership between the European Commission
and the Council of Europe in the field of Youth



Review of the documents on young people's access to rights and non-discrimination:

A Desk Research Study

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EXECUTIVE SUMMARY

The research data suggest the main experiences of discrimination reported by young people occur in the field of education and employment/occupation and that young people are more sensitised to discrimination and violation of human rights than older citizens of the EU. [Nowadays](#) the situation of young people and potential for realising their aspirations and enjoying a fruitful and fulfilled life is challenged by economic, social, environmental and health problems, and by COVID-19 pandemic. Young people are facing restrictions in access to education, high unemployment rates, scarcity of leisure and sport activities and forced dependency upon parental family. These are magnified by pre-existing social inequalities.

In such a context youth access to rights should be in focus both on a document-analysis level and studies of real-life situations of young people. Analyses presented in this paper aim at carrying out a literature review of the selected documents on young people's access to rights, including analysing how discriminatory practices faced by young people are addressed on the grounds explicitly outlined in [Art. 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (1950) or any other form identified in the case law of the [European Court of Human Rights](#). The key document examined in this paper – [CM/Rec\(2016\)7 Recommendation on young people's access to rights – provides](#) a framework that would eventually lead to fulfilment of youth rights, irrespective of their age, gender, disability, social, national, religious or minority status, political affiliation.

Desk analysis of more than 40 documents, several research studies and numerous online sources, indicates that development at the end of the last millennium brought new powers for combating discrimination on the grounds of race, ethnic origin, religion or beliefs, disability, age or sexual orientation, especially in the year 2000 when several important milestones were reached with regards to raising awareness on the importance of protecting human rights and tackling discrimination. Looking at the possible impact of the Recommendation on Young People's Access to Right on more recent policy documents, it can be said that the countries of the Council of Europe have not reached the milestone, as youth access to rights and the importance of tackling discrimination are not fully incorporated in all policy documents issued on the European level.

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1. INTRODUCTION

Analyses presented in this paper aim at carrying out a literature review of the selected documents on young people's access to rights, including analysing how discriminatory practices faced by young people are addressed on the grounds explicitly outlined in [Art. 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (1950) or any other form identified in the case law of the [European Court of Human Rights](#). The paper presents some preliminary analyses on the main themes addressed in the youth policy documents adopted after 2016, the year of adoption of the Recommendation on young people's access to rights. It will also provide some insights into developments in human rights protection and recognition of the young people as a distinctive group of actors. Consistent with principle aims of this paper is identifying the gaps in addressing the access to youth rights as a crucial component in establishing the righteous societies that enable young people to fulfil their aspirations and achieve well-being.

In general, we can say that approach to the rights has changed from protecting basic human rights as recognized by the [European Convention on Human Rights](#) signed in Rome in 1950 and strengthened by [Protocol No. 12](#), which reads: "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", to the access to rights as a mechanism that provides young people with the resources and services that can enhance their life quality.

Early documents on human rights do not recognise youth age as a basis for discrimination, and only last two decades identify the young people's vulnerability based on their age. In addition, there is still no specific framework or instrument setting out the particular rights of young people at a global level, apart from the 1989 United Nations [Convention on the Rights of the Child](#). In the lack of a dedicated instrument on youth rights, the existing human rights instruments that apply to everyone should be used to mainstream youth. Therefore, it is more than ever important that young people actively take part in the formulation, implementation and monitoring of policies that affect their life.

2. MAIN PRINCIPLES OF THE RECOMMENDATION ON YOUNG PEOPLE'S ACCESS TO RIGHTS AND THE REVIEW PROCESS

The main subject of analyses of this paper, the Council of Europe [CM/Rec\(2016\)7 Recommendation on young people's access to rights](#), states (p. 9) that "The recommendation

aims to improve young people's access to rights rather than addressing the specific rights themselves. It focuses on improving access by taking steps to promote awareness of the rights that young people should be able to enjoy and what they can do if their rights are violated, and by removing legal, political and social barriers. It emphasises the importance of member States regularly monitoring and responding to rights infringements and ensuring adequate protection through legal provisions." **It is the first youth policy document that is directly focusing on young people's access to rights, also including removing obstacles to exercising the rights and tackling discrimination:**

"Improving access also requires the removal of legal, political and social barriers, regular monitoring of rights violations with particular reference to the experiences of marginalised groups, and incorporating measures which improve the protection of rights for all young people through legislation, constitutions and other legal provisions" (p. 17).

Providing a framework that would eventually lead to fulfilment of youth rights, irrespective of their age, gender, disability, social, national, religious or minority status, political affiliation, etc., is the most important achievement of this Recommendation. It raises awareness of the youth vulnerability and of barriers that put young people in very different situation when they are trying to access their rights. Equally important, this recommendation advocates for rights-based approach as pertinent for ensuring young people's access to rights and recognizes empowering trait of access to rights:

„A human rights-based approach empowers people to know and claim their rights and increases the ability of individuals and institutions to take responsibility for respecting, protecting and fulfilling rights.“

A review of the Recommendation on the young people's access to rights is to be coordinated by the Council of Europe and to be undertaken respecting the 2018 [Guidelines on the implementation of Committee of Ministers' Recommendation on young people's access to rights](#). **These guidelines cover the following aspects: 1) a rights-based approach; 2) awareness raising of age-based discrimination; 3) the prioritisation and implementation of measures and activities and 4) a review of the implementation of the Recommendation (p1).** As regards the review of implementation of the Recommendation, the Guidelines prescribe reviewing and evaluation at local, regional and national level. The process should be led through coalitions of youth organisations with different stakeholders in the area of youth rights. The Council of Europe role is to review the process in order to identify potential implementation gaps and the review's results should be presented before the Joint Council on Youth every five years. Following the review, the Council of Europe should facilitate an exchange of practices and mutual learning between Member States in the implementation of the Recommendation. The paper is only a step in this review process and the next stages should include a broader range of stakeholders and a wider scope of analyses.

3. GENERAL POLICY FRAMEWORK OF ACCESS TO RIGHTS AND NON-DISCRIMINATION, AND MAIN MECHANISMS OF PROTECTING HUMAN RIGHTS AND TACKLING DISCRIMINATION

In the previous section, the leading principles of the [European Convention on Human Rights](#) were briefly described, and here we will elaborate on the other main documents and instruments in the area of human rights and non-discrimination, from the oldest to the newest ones. On the international scale, human rights are legally guaranteed by the [International Covenant on Civil and Political Rights](#) (1966) and the [International Covenant on Economic, Social and Cultural Rights](#) (1966), also expressed in the [Universal Declaration on Human Rights](#) (1995). The Council of Europe has further adopted other human rights treaties that deal with specific human rights issues or vulnerable groups, such as [European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment](#) (1987).

The [revised European Social Charter](#) (1996) has significantly contributed to supporting the fight against discrimination. Its Art. 20 fosters "the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex". The original charter was drawn up in 1992 but was significantly revised by further promoting the position of young people. It addresses the young people's rights by giving advice how to conduct policies affecting young people, while its second part provides information on the tools that could foster participation of young people and third part suggests how to assure institutional frameworks for youth participation.

Development at the end of the last millennium brought new powers for combating discrimination on the grounds of race, ethnic origin, religion or beliefs, disability, age or sexual orientation. These forms of discrimination were conferred under the substantive amendments to the [Treaty of Amsterdam](#) in 1997, together with the reinforcement of those regarding discrimination based on gender. As result of this process, the EU institutions passed [Council Directive establishing a general framework for equal treatment in employment and occupation](#), providing everyone in the EU (and the citizens and Third Country nationals) with a common minimum level of legal protection against discrimination. The protection from these discriminations has been reiterated by the [Lisbon Treaty](#), which entered into force in 2009.

Several mechanisms monitor execution of the European legislation and recommendations on human rights, and the Committee of Ministers provides recommendations to Member States on human rights issues. Member States have to be accountable for their actions: to show, explain and justify how they have fulfilled obligations regarding international commitments to human rights. In Europe there are different types of accountability mechanisms available, including: the [European Court of Human Rights](#), the [European Committee of Social Rights](#), the [Parliamentary Assembly of the Council of Europe](#),

the [European Parliament](#) and [the European Commission against Racism and Intolerance. Commissioner for Human Rights](#) is an independent institution, conducting country visits to help raise the standards of human rights protection in all Council of Europe member states, in accordance with the mandate.

[The European Union Agency for Fundamental Rights](#) (FRA) that was established in 2007 as a body of the European Union, built on the [European Monitoring Centre on Racism and Xenophobia](#), is the independent centre of reference for promoting and protecting human rights in the EU, particularly focusing on vulnerable groups, such as asylum-seekers, the Roma minority and Muslim people.

In the area of employment and labour market [the European Foundation for the Improvement of Living and Working Conditions](#) (Eurofound) is a tripartite European Union Agency, whose role is to provide knowledge to assist in the development of better social, employment and work-related policies. Efforts of protecting the young people's labour rights are also supported by [the European Youth Employment Initiative \(YEI\)](#) and the [Youth Guarantee](#).

The civic sector and youth workers are significantly supporting combating discrimination and fight for youth rights, with the relatively recent example of the 2019 [Equinet seminar on tackling youth age discrimination](#). The seminar resulted in the [Guidelines for cooperation between National Equality Bodies and Youth Organisations](#), which is a very valuable contribution because the equality bodies report low levels of casework in relation to young people. In general, **issues of discrimination against young people and inequality of young people tend to have a medium to low focus for a majority of equality bodies, often due to limitations in their mandate, under-reporting and lack of casework, and limited data**. This is coupled with a [low level of awareness among young people regarding their rights](#), existing protective mechanisms, which further diminishes the effectiveness of non-discrimination and pro-equality work.

4. SOME ASPECTS OF DISCRIMINATION AGAINST YOUNG PEOPLE AND YOUTH RECOGNITION OF DISCRIMINATION

Surveys and opinion polls

Identification of the low awareness on the rights and discrimination will serve us as an introduction to the section on some aspects of discrimination against young people. [Multiple discrimination of young people in Europe: Lessons Learnt by the Exploratory Survey on Multiple Discrimination Affecting Young People in Europe](#) published by the European Youth Forum (2014) shows that **the main experiences of discrimination reported by respondents occur in the field of education and employment/occupation** (both in the access to a remunerated job and at the workplace), but relevant cases of discrimination can also be found in the access to goods and services, including housing. An overview of results suggests that 53.8% of respondents experienced discrimination in the field of education; 50.5% in searching for a remunerated job; 42.4% at the workplace; 29.2% when looking for accommodation; 26.6% in healthcare; 26.0% in having their qualifications recognised; 24.9% in restaurants, cafés or pubs; 24.7% when trying to get bank services; 24% at the cinema, theatre or clubs; 19.3% in sport centres; 22.8% in shops, supermarkets or shopping centres and 15.8% in accessing justice or legal system. Another survey, conducted by the European Commission (2015), [Overview of youth discrimination in the European Union](#), presented the results that suggest that **LGBTIQ youth and youth from ethnic and racial minorities experience high levels of discrimination, bullying, harassment, violence and isolation in educational settings.**

[Special Eurobarometer 493: Discrimination in the EU \(2019\)](#) presented a range of data that provide arguments that **young people are more sensitised to discrimination and violation of human rights than older citizens of the EU**; 66% of those aged 15-24 say discrimination based on ethnic origin is widespread in their country, compared to 53% of those aged 55 and older (p. 34). The socio-demographic analysis shows some consistent patterns. It illustrates that respondents aged 15-24, those who completed education aged 20 or older, those who place themselves on the left of the political spectrum, those with friends in a minority groups and who consider themselves part of a minority group based on sexuality are more likely to think discrimination in each case is widespread in their country, and would feel comfortable having one of these groups in the highest elected political position, as a work colleagues or in a love relationship with one of their children (p. 61). The socio-demographic analysis (p. 72) indicates that respondents in the following groups are most likely to say a discrimination on the basis of sexual orientation is widespread, and that they would feel comfortable with a gay, lesbian or bisexual person as a colleague, as the highest elected political official in their country, or if one of their children was in a same-sex love relationship:

- Women;
- Respondents aged 15-24;

- Those who completed education aged 20 or older;
- Those living in towns rather than rural areas;
- Respondents who place themselves on the left of the political spectrum;
- Those who have friends in a minority group;
- Those who believe the LGBT people should have the same rights as heterosexuals.

Almost nine in ten respondents (89%) say they would feel comfortable if they had a young person as a work colleague, and large majorities in each country think the same way. Proportions range from 97% in the Netherlands and 96% in Greece, the United Kingdom and Sweden to 74% in Romania, 77% in Austria and 78% in Finland (p. 78).

The socio-demographic analysis (p. 112) shows respondents who think discrimination against disabled persons is widespread are most often found in the following groups:

- Women (47% vs 41% men);
- Those aged 15-24 (51%);
- The unemployed (51%);
- Those on the left of the political spectrum, particularly compared to those on the right (47% vs 40%);
- Those who have been discriminated against personally on one (53%) or more (64%) grounds;
- Respondents who have friends in a minority group. For example, those respondents who have friends with disability and friends that are part of a minority in terms of skin colour.

Respondents under the age 55, and particularly those aged 15-24 are the most likely to agree with statements on same sex marriage. For example, 77% of 15-24 year olds agree same sex marriages should be allowed throughout Europe, compared to 60% of those aged 55 or older (p. 125).

Respondents aged 15-24 are the most likely to say citizens in their country would feel comfortable with their children having Roma schoolmates, particularly compared to those aged 55 and older (44% vs 35%) (p. 138) and respondents aged 15-24 are the most likely to agree society could benefit from better integration of the Roma, particularly compared to those aged 55 and older (69% vs 55%) (p. 143).

Respondents aged 15-24 are more likely than older age groups to say they were discriminated against in public space (27%), at a cafe, restaurant, bar or nightclub (13%) or by school or university personnel (18%) – p. 157. Those aged 55 and older are more frequently than younger age groups reporting discrimination to the police (40%), while 15-24 year olds are more likely than older respondents to mention discrimination to a friend or family member (37%) – p. 161. When asked about concrete actions against discrimination in the last 12

months, a small proportion have taken personal actions to tackle discrimination and the respondents aged 15-24 are most likely to have taken action (p. 175).

Legal cases

There are several well-known cases from judicial practice that include discrimination on the base of age, like: *Deaconu v. Romania* ([Committee], no. 66299/12, 29 January 2019), where the applicants complained that they had suffered **discrimination on grounds of age** regarding the award of compensation for non-pecuniary damage in connection with their sister's death. Young members of families are also subject to violations of family law and inheritance matters, especially when it comes to the **children born to unmarried partners or children of same-sex couples**, as reflected in the following judgements: [Judgment final on 19/02/2013 \(the case of X and Others v. Austria\)](#), [Judgment final on 03/05/2011 \(the case of Sporer v. Austria\)](#), [Judgment final on 13/06/1979 \(the Case of Marckx v. Belgium\)](#), [Judgment final on 01/05/2000 \(the Case of Mazurek v. France\)](#), [Judgment final on 28/05/2009 \(the Case of Braurer v. Germany\)](#), [Judgment final on 03/03/2010 \(the Case of Zaunegger v. Germany\)](#), and [Judgment final on 03/10/2000 \(the Case of Camp and Bourimi v. the Netherlands\)](#).

Young members of Roma minority and their families often face discrimination and here only four such cases will be presented. A complete list of cases that have made Article 14 applications can be found in [HUDOC](#) inventory, and the most known in last decade encompass *Stoica v. Romania*, *D.H. and Others v. Czech Republic*, *Orsus v. Croatia* ([Judgment final on 16/03/2010](#)) and *Sampanis v. Greece* ([Judgment final on 29/04/2013](#)).

A section on the cases of discrimination against young people will be concluded with the lawsuits where young people won the legal battle against the state, like **discrimination in accessing schools purely on residential grounds** ([Judgment final on 23/07/1968](#)), in **fighting children's right not to follow religious classes at school** ([Judgment final on 22/11/2010](#)), and in **ensuring education respectful of the religious and philosophical convictions of parents and their children** ([Judgment final on 29/06/2007](#)). Although the cases listed above encompass a period before Recommendation on young people's access to rights was adopted, a variety of life arenas young people fail to realize their rights in front of national courts indicate there is a vast space for improvement in fulfilment of youth rights.

5. RELEVANT EUROPEAN POLICY DOCUMENTS ON DEVELOPMENT FROM GENERAL HUMAN RIGHTS TO RECOGNITION OF YOUTH RIGHTS PRIOR TO THE RECOMMENDATION ON YOUNG PEOPLE'S ACCESS TO RIGHTS

In the last twenty years a shift towards substantive equality has taken place in Europe, which seeks to remove the obstacles to the achievement of equal opportunity and equal outcomes for all young people. The principles of equality and non-discrimination are among the most fundamental elements of international human rights law. This principle can be found in most of the Council of Europe's and European Union's youth related policies, which will be presented by listing document supporting them, in chronological order. The oldest such document is the [Framework Convention for the Protection of National Minorities](#) (1995), which is the first legally binding multilateral instrument concerned with the protection of national minorities in general. The Convention sets out principles relating to persons belonging to national minorities in the sphere of public life, such as freedom of peaceful assembly, freedom of association, freedom of expression, freedom of thought, conscience and religion, and access to the media, as well as in the sphere of freedoms relating to language, education, transfrontier co-operation, etc.

Year 2000 has brought several important milestones in regards to rising awareness on importance of protecting human rights and tackling discrimination. It was recognized that education and training play a central role in promotion of international human rights values and principles. In 2000, the Directorate of Youth and Sport of the Council of Europe started the [Human Rights Education Youth Programme](#) with aim to "**mainstream human rights education in youth policy and youth work practice**". In order to support human rights education in formal and non-formal sector, a manual on human rights education – [Compass](#) – has been produced. The next milestone is the [2000/78EC Council Directive establishing a general framework for equal treatment in employment and occupation](#), which was significant in regards to at least two aspects relevant to the young people – tackling age and gender discrimination at work.

Despite important improvements in the fields of protecting human rights and fighting discrimination, **it was not until 2001** when the European Commission launched the [White Paper on Youth Policy](#) **that the youth rights were recognised as a distinct policy area.** In this document, the fight against racism and xenophobia plays a prominent role together with the mainstreaming of youth in other policy areas, predominantly concerning the fight against racism, xenophobia and other forms of discrimination as well as health and well-being. Following the White Paper, the European Council of March 2005 adopted [the Youth Pact](#) in 2005, as part of the [revised Lisbon Strategy](#), aiming at improving all young people's education, employment, vocational integration, mobility and social inclusion.

Acknowledging that **effective youth social inclusion is best achieved through practice and by participation mechanisms**, which allow young people to develop their own working methods, Council of Europe has brought the [Recommendation Rec \(2006\)14 of the Committee of Ministers to member states on citizenship and participation of young people in public life](#). This recommendation speaks about various elements of providing a framework and helpful tools for enabling young people to be active citizens as a priority in public youth policies, and, in that respect, provide them with learning opportunities, including in their native language as appropriate. Equally important are experiences that will increase their participation in public life, coupled with stimulating the effective implementation, by local and regional authorities, as underlined by the [Revised European Charter on the Participation of Young People in Local and Regional Life](#) (2015, first brought in 2009). The Charter recognizes that **all local and regional sectoral policies should have a youth dimension** and identifies consultation and co-operation with young people and their representatives as an essential principle in youth policy implementation.

In 2006 the Council of Europe in partnership with the European Commission and the European Youth Forum initiated a one-year European Youth Campaign for Diversity, Human Rights and Participation, entitled "[All Different – All Equal](#)". The EU declared 2007 the [Year of "Equal Opportunities for All"](#); 2008 the [Year of Intercultural Dialogue](#) and 2010 the Year Combating Poverty and Social Exclusion to respectively raise awareness on the need to enhance the principle of non-discrimination in practice, to foster intercultural dialogue and to promote social inclusion. Also the [Youth in Action Programme for the period 2007 to 2013](#), had among its objectives the promotion of the fundamental values of the EU among young people, in particular respect for human dignity, equality, respect for human rights, tolerance and non-discrimination.

Communication [promoting young people's full participation in education, employment and society](#) COM(2007) 498 recognizes that **education and occupational integration of young people** are major challenges all European citizens are facing. The socio-professional integration of young people involves a significant investment in young people's education and health, greater participation of young people in civic life and measures to ensure a smooth transition between education and employment. This communication also elaborates on the achievement of social inclusion and equal opportunities of minorities' young people.

A significant shift in recognising youth access to rights was made with the Council of the European Union [Resolution](#) (2008/C 141/01) [on the participation of young people with fewer opportunities](#). This Resolution emphasises in particular that **young people with fewer opportunities** should be given special attention at an early stage, in order for them to be better integrated in society. It also states that young people with fewer opportunities should be offered every opportunity (through special support or mentoring) to take part in actions open to all young people.

[Recommendation CM/Rec\(2008\)5 on policies for Roma and/or Travellers in Europe](#) is one of the pillars for better recognition and exercising of **the Roma rights in Europe**. It addresses [access to rights in indirect form – through demand for](#) fulfilling various aspects of human rights. The Recommendation identifies anti-Gypsism and violence against Roma as widespread in Europe and calls for rights-based, comprehensive, dynamic and integrated approach. An important step was made by the Council of Europe in 2008 with [the future of the Council of Europe youth policy: AGENDA 2020](#), providing the basis for commitment for active promotion of the development of youth policies which are likely to result in the successful integration of all young people into society. In this regard, the Member States agreed to pursue the objective of ensuring young people's access to quality education and training, to decent work and living conditions, as well as developing the conditions to enable them to contribute to the development of society.

European Commission COM/2008/0426 [Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation](#) has a key aim to implement the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It sets out a framework for the prohibition of discrimination on these grounds and establishes a uniform minimum level of protection within the European Union for people who have suffered such discrimination.

With regard to **young people below the age of 18 who are alleged to have or who have committed an offence**, the Council of Europe adopted the [Recommendation CM/Rec\(2008\)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures](#) that recommended that governments of the member states should: be guided in their legislation, policies and practice by the rules contained in the appendix to the recommendation; ensure that the recommendation and the accompanying commentary are translated and disseminated as widely as possible and more specifically among judicial authorities and the police; services entrusted with the execution of sanctions and measures addressing juvenile offenders; penitentiary, welfare and mental health institutions holding juvenile offenders and their staff as well as the media and the general public.

[Resolution 2009/C 311/01 on a renewed framework for European cooperation in the youth field \(2010-2018\)](#) in 2009 aimed at anchoring the European youth policy in the international system of human rights. This document sets up agenda of **promoting equal opportunities for the participation of all young people in all aspects of their everyday lives**. It includes effective implementation of gender equality and preventing all forms of gender-based violence, as well as promoting of living together in diverse societies.

[Children and Juvenile Justice: Proposals for Improvements](#) adopted by the Council of Europe in 2009 recognized there is no shortage of international standards, legal principles and detailed guidance to assist states seeking to reform their approach to juvenile justice. The

principle hindrance to young people's exercising their rights in this respect lies in inadequate implementation. Therefore, States should put in place systems that are effective and rights-based, and secure the well-being of children and young people in conflict with the law. The standards in the Proposals provide a comprehensive and objective set of benchmarks against which member States can measure themselves, and be measured, with regard to their juvenile justice system. The monitoring process makes it possible to raise awareness of good practices that exist across Council of Europe countries, and provides the opportunity for information on these practices to be shared.

[Recommendation CM/Rec\(2010\) of the Committee of Ministers to member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education](#) reflects the Council of Europe's understanding of the importance of **the role of education in the promotion of the Council's core values – democracy, human rights and the rule of law**, and in the prevention of human rights violations. The Charter explains that "one of the fundamental goals of all education for democratic citizenship and human rights education is not just equipping learners with knowledge, understanding and skills, but also empowering them with the readiness to take action in society in the defence and promotion of human rights, democracy and the rule of law." It also builds on the Council's development of a broad range of co-operation programmes in the field of citizenship and human rights education, both in formal and non-formal education since 1997.

Just a year before the Recommendation on the Young People's Access to Rights was adopted, the European Youth Work Convention was held. It resulted in the [Declaration of the 2nd European Youth Work Convention: Making a World of Difference](#). This Declaration incorporated many elements that are important in building the mosaic of youth rights, but did not fulfil a role of promoting access to rights to a wider extent. Still, it emphasised strongly and elaborated on the right of access to information, a starting point in efficient access to rights.

Adoption and implementation of public policies can be labelled as laggard as they include long-lasting processes and actors whose collaboration can be very complex and for many reasons – inefficient. Acknowledging these hindrances, it is not a surprise that the public policy sphere took 65 years after the European Convention for the Protection of Human Rights and Fundamental Freedoms to recognize importance of equal access to rights for all young people as a topic to be promoted in a more structured manner. From this perspective, [Recommendation CM/Rec\(2015\)3 on the access of young people from disadvantaged neighbourhoods to social rights presents a breakthrough as it](#) focuses on efforts the member States develop and implement sustainable, evidence-based public policies that take into consideration the specific situations and needs of young people from disadvantaged neighbourhoods. These policies should aim at preventing and eradicating the poverty, discrimination, violence and exclusion faced by such young people.

6. RECOGNITION OF YOUTH ACCESS TO RIGHTS AFTER ADOPTING THE RECOMMENDATION ON YOUNG PEOPLE'S ACCESS TO RIGHTS

The main aim of this paper – identification of the improvements in the policies addressing youth access to rights – has several limitations. A review of the documents can lead to some conclusions on the changes in the content of the policy papers and documents, leaving factors that contributed to those changes vague. In other words, positive developments attributed to the impact of the Recommendation on Young People's Access to Rights onto the landscape of youth policy should be taken with the reservation. There are many mediating factors that influenced changes in policies, from higher level of awareness about youth position in a society, to role of youth work and youth associations in advocating youth rights. Having these in mind, we can start with the first step in analysing impact of the Recommendation by stating the EU Youth Strategy (2018) [Engaging, Connecting and Empowering young people: a new EU Youth Strategy](#), based on the [Council Resolution COM/2018/269, as](#) the framework for EU youth policy cooperation for 2019-2027. The Resolution explicitly underlines importance of youth access to rights on multiple occasions:

„Today, young people across Europe are facing diverse challenges, such as difficulties in accessing their social rights, social exclusion and discrimination, as well as threats arising from fake news and propaganda.“

„[...] with the adequate provision of quality youth information services and platforms at all levels, including the European Youth Portal, and with the support of European-wide organisations, young people's equal access to quality information on their rights, opportunities, youth services and EU programmes for young people can be promoted“.

Tackling discrimination is also well-addressed, particularly through the following:

„Gender-based discrimination still affects many young people, especially young women. Equal opportunities and access to rights need to be ensured for young people of all genders including non-binary and LGBTQI+ (2) young people.“

„One third of young people in Europe are at risk of poverty and social exclusion. Many do not have access to their social rights. Many continue to face multiple discrimination, experience prejudice and hate crimes. New migratory phenomena brought several social and inclusion challenges. Therefore, it is crucial to work towards the fulfilment of the rights of all young people in Europe, including the most marginalised and excluded.“

„Special attention should be given to youth risking marginalisation based on potential sources of discrimination, such as their ethnic origin, sex, sexual orientation, disability, religion, belief or political opinion.“

Good intentions and a straightforward content of the EU Youth Strategy on youth access to rights and tackling discrimination are somehow diminished by omission of direct inclusion of the key words “access to rights” and “discrimination” in cross-sectoral areas that affect young people’s lives and point out challenges. Therefore, the next Strategies should with no doubt directly address these crucial components of youth well-being.

As an area of youth policy, gender equality relates to measures that aim to reduce gender-based discrimination, and ensure that young people of all genders enjoy the same rights and opportunities across all sectors of society, including participation in economic life, and political participation. Gender equality is an important policy goal of the Council of Europe. Priority areas of intervention are defined by the [Gender Equality Strategy 2018-2023](#) and this strategy recognizes gender equality as a transversal issue within youth policy, meaning that it cuts across all other domains of youth policy, such as health, education, and employment. Efforts to provide access to rights and reduce discrimination of non-binary and LGBTQI+ people are increasingly a policy focus, especially in the youth field. Gender mainstreaming or gender-sensitive approaches can therefore be systematically incorporated into all policies (including youth policy) at all levels and stages. In 2019, the Committee of Ministers adopted [Recommendation CM/Rec\(2019\) on preventing and combating sexism](#) that calls for specific action in respect of language and communications; internet and social media; media, advertising and other communication methods; workplace; public sector; justice sector; education; institutions; culture and sport and private sphere.

European Youth Forum, as a key partner of the Council of Europe in the field of youth, has also invested efforts in promoting youth access to rights and fight against discrimination in 2018 ([Regional Consultation on Youth and Human Rights Organised by the European Youth Forum and the Office of the UN High Commissioner for Human Rights, Report](#)). The consultation focused on the following topics important for enabling youth access to rights and tackling discrimination:

1. Identifying the key challenges that young people face in accessing their rights;
2. Providing examples of discrimination against young people in the exercise of their rights;
3. Discussing the impact of policies and programmes aimed at supporting young people to realise their rights;
4. Analysing youth participation regarding how youth organisations and youth-led structures are involved in developing, implementing, monitoring and/or evaluating policies and programmes on youth;
5. Recommending measures at international level to facilitate/support the realisation of young people’s rights;
6. Providing examples of discrimination against young people in the exercise of their rights.

European Youth Information and Counselling Agency has adopted the [European Youth Information Charter](#) in 2018 and access to rights was incorporated in the preamble by the following statement:

“Respect for democracy, human rights and fundamental freedoms implies the right of all young people to have access to comprehensive, objective, understandable and reliable information on all their questions and needs.”

while discrimination was addressed by emphasizing that

„Youth information services are open to all young people without any form of discrimination.”

Both the Council of Europe and the European Union have taken concrete decisions and actions to start working on inclusion and **integration of migrants and refugees**, including specific initiatives focused on young refugees. There is an ongoing reflection on how to promote a more co-ordinated and efficient integration of young migrants and refugees. Themes such as integration in the schooling system, access to labour market, inclusion and participation in public life, are amongst the key issues that are addressed by different stakeholders in order to contribute to a long-term integration of these young people. In 2018 the Council of the European Union adopted [Conclusions on youth work in the context of migration and refugee matters](#), which state that the “inclusive nature of youth work should be applied to support the inclusion of young third country nationals into the new hosting society, while respectfully being aware that their inclusion process starts from a different point than that of local young people.” Recommendation on the young people’s access to rights is directly mentioned as a reference, followed by elaborated statements on various areas of rights the young migrants and refugees have to be assured access to. Discrimination was also given a significant share of space, and there are elaborated principles on how to join two areas of interest of the review presented in this paper.

„Among the guiding principles of youth work are the importance of promoting European values, gender equality and combating all forms of discrimination, respecting the rights and observing the principles of the Charter of Fundamental Rights of the European Union, taking into account of possible differences in the living conditions, needs, aspirations, interest and attitudes of young people due to various factors and recognizing all young people as a resource to society. [...] Special attention should be given to young refugees and other third country nationals risking multiple marginalization based on their migrant background in combination with other possible sources of discrimination, such as their race, gender, sexual orientation, disabilities, religion, belief or political opinion.”

[Recommendation on the young people’s access to rights is also a reference point for the latest document adopted by the Council of Europe in regard to the young refugees. Recommendation CM/Rec\(2019\)4: Supporting young refugees in transition to adulthood](#)

acknowledges that „young refugees no longer have access to the same rights and opportunities as they had as children and that many of them, as adults, are likely to face an abrupt change in their ability to access services and support“. In this respect, obstacles to accomplishing the rights and securing grounds for anti-discrimination are identified as factors that have to be removed from the lives of young migrants and refugees. The Member States are urged to undertake the actions and provide financial and human resources and infrastructure that would enable access to rights to the young refugees and migrants.

Rights of Roma and travellers have gained more prominent space parallel to recognition of rights of migrants and refugees. [Recommendation CM/Rec\(2017\)10 on improving access to justice for Roma and Travellers in Europe](#) invites the member States to take all the steps necessary to facilitate equal access to justice for Roma and Travellers, with paying particular attention „to the situation of women and girls, young people, people with disabilities, and Roma and Travellers who might be vulnerable to intersectional forms of violence and discrimination, and at risk of poverty or social exclusion“. [Recommendation COM\(2020\) 621 on Roma equality, inclusion and participation goes beyond the access to rights and calls for creating opportunities for participation and fulfilling potentials of the young Roma.](#)

Council of Europe [Resolution CM/Res\(2020\)2 on the Council of Europe youth sector strategy 2030](#) (2020) states a more determined approach to promotion of the young people’s access to rights:

„Resolves that the Council of Europe youth sector should aim at enabling young people across Europe to actively uphold, defend, promote and benefit from the Council of Europe’s core values of human rights, democracy and the rule of law, notably by [...] strengthening young people’s access to rights, so that these young people and all forms of youth civil society can rely on an enabling environment for the full exercise of all their human rights and freedoms, including concrete policies, mechanisms and resources [...]“.

Discrimination is addressed by the Resolution by stressing out importance of a need to better equip stakeholders to engage in policies, programmes and projects in the area of access to rights and non-discrimination, as well as by underlying crucial momentum of allowing young people to exercise democratic citizenship:

„[...] better equipping stakeholders to tackle both the challenges of building inclusive societies through policies, programmes and projects that embrace diversity and of effectively monitoring and countering discrimination, violence and exclusion;

[...] allowing young people, including those experiencing any form of discrimination and exclusion, to benefit from opportunities that develop their commitment to and exercise of democratic citizenship“.

The situation of young people and potential for realising their aspirations and enjoying a fruitful and fulfilled life is challenged by economic, social, environmental and health problems, and nowadays, **in a time of COVID-19 pandemic, the rights of young people are jeopardised more than ever since the economic crisis that hit Europe in 2008.** Young people are facing restrictions in access to education, high unemployment rates (*Proposal for a Joint Employment Report, 2020*), scarcity of leisure and sport activities and forced dependency upon parental family. Stefanos Mastrotheodoros (2020) stresses out that „**the pandemic tends to magnify pre-existing social inequalities in resources** (such as good quality education, income, access to health care, access to other supporting services) resulting in an unequal impact on youth from different social strata“ (p. 6). Social distancing leading to self-isolation and withdrawal into private sphere weakens social ties and can result in reduced autonomy of young people, which then amplify individual's vulnerabilities. Adverse effects of pandemic on young people who are already vulnerable also reflects on mental health as there are evidences the adolescents with pre-existing vulnerabilities are prone to higher levels of stress from COVID-19 (Gotlib et al., 2020; Masten, 2020). **Among the youth whose individual well-being and social status are especially endangered by the pandemic are young people with marginalized identities and those experiencing homelessness, poverty, incarceration and foster care** (OECD, 2020b; UN DESA, 2020; Lavizzari, Escamilla, Roe and Petkovic, 2020).

Despite the insight that youth work actors invest vast efforts into providing youth services online during pandemic, the fact is that non-negligible share of young people throughout Europe does not have access to Internet (Ioannidis, 2020; Mastrotheodoros, 2020; OECD, 2020a). James O'Donovan and Manfred Zentner (2020) in their paper identify **a necessity to invent new ways to reach youth in order to “ensure equal opportunities (access to resources, access to rights)”** (p. 28) since public communication targeting young people during pandemic has not resulted in youth-friendly messages that are consistent with the needs of young people. And **the youth sector was left incapacitated due to the pandemic.** According to RAY-COR survey that was presented in a paper by Ewa Krzaklewska, Özgehan Şenyuva (2020), „more than half of the organizations (54%) reported that two thirds or more of their ongoing work was delayed or interrupted“ (p. 9) and “74% of organisations participating in the survey had to close their office temporarily“ (p. 10), which resulted in „70% of responding youth workers say they have lost access to more than one third of the young people they normally work with“ (p. 12).

The aforementioned challenges pose **a risk to autonomy, personal development and full participation of young people in society and threaten to further disengage them from society.** And those are reflected not only in lowering life and well-being prospects of young people, but of entire societies as well. **By withdrawing young people in their private spheres and by youth giving up their aspirations and dreams the societies are under threat of losing sustainability that is closely related to the youth creativity, dynamism and competences.** The 3rd European Youth Work Convention came as a closure of a year that was marked by COVID-19 pandemic and many hindrances that were put in front of young people who were

eager to fulfil their rights. Even more threats to their rights were experienced by young people who are coming from disadvantaged neighbourhoods, have a disability, belong to the minorities, migrants or refugees and do not possess adequate educational background and social capital to be aware of what is required to fulfil their rights. [Final declaration of the 3rd European Youth Work Convention: Signposts for the Future](#) – explicitly mentions access to rights and discrimination:

„Young people from particularly marginalised groups facing multiple discrimination are particularly stricken as social inequalities increase and social justice is further away. It is young people, however, who also display creativity and imagination, and demonstrate resilience, when facing uncertainties and disruption in their lives. They should be able to do so while having full access to exercise their rights. However, many young people are still denied their rights or remain unaware of them and, as a result, are unable to express their views and voice effectively. Those ‘active’ and ‘empowered’ young people who do articulate their needs, perspectives and convictions are, too often, overlooked or ignored by the societies and communities in which they live“.

Such a situation requires a very **strong commitment to enable infrastructure, financial and human resources for realisation of young people’s rights**. Governments on the local, regional, national and international level, as well as actors in youth work, should support young people to realise their full potential and to exercise their right to democratic citizenship. The equation is very simple and is underlined by a principle of mutual support – **if the wider society does not support young people the same young people will not support the society**. All of these are emphasized by the Recommendation on young people’s access to rights. **What is missing and should be put more in focus is a principle of establishing a framework for increasing quality of young people’s life**. Because it is not any more enough to fulfil the preconditions for youth access to rights, but **the access to rights has to lead to a higher life quality and well-being of young people irrespective of their sex, race, colour, disability, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status**.

It cannot be disputed that the end of the millennium has resulted in better recognition of importance of providing access to rights on an equal basis to all young people. Recommendation on the young people’s access to rights has undoubtedly contributed to this recognition. Despite this advancement, **the countries of the Council of Europe have not reached the milestone, as youth access to rights and importance of tackling discrimination are not fully incorporated in all policy documents issued on the European level**. Saying this, the stakeholders in the field, including policy makers, governments on the local, regional and national level, as well as international organisations, researchers, youth organisations and other practitioners in the field, have to **identify promotion of youth access to rights and tackling discrimination as a common objective**. While doing so, the stakeholders have to

acknowledge not a 'triangle' in the process, but a 'rectangle' – youth, policy, practice and research.

Accomplishments of youth potentials through access to rights and fighting discrimination can be done only if all stakeholders are committed to these goals and admit their responsibility for the actions. Not less important is already mentioned providing infrastructural and financial resources, as well as human resources and space that would facilitate youth access to rights. **Access to rights should be facilitated through language that is understandable to all stakeholders, including the young people, and it should be fostered by horizontal and vertical intersectoral cooperation.** Education for democratic citizenship is an especially important and inseparable part of the access to rights as **young people have to be aware of all the instruments, policies and services that can make their engagement in wider society easier, more productive and adjusted to their needs and aspirations.** Expectations of society from young people are huge and they come in an era when we are facing many economic, political, environmental and health uncertainties. In such a context we have to be aware that we cannot address our expectations if we do not invest significant efforts in promotion and assurance of youth access to rights, not only 'basic' human rights, but rights that could elevate quality of life of young people. Agenda that has come into force by the Recommendation on young people's access to rights could be made more sensible and attuned to the needs of young people and to prosperity of societies as a whole if another component is included – life quality. Because **only those who are provided quality life conditions and quality access to rights can fulfil their potentials in the highest sense and become motivated to engage in society and to contribute to its development.**

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