

36th SESSION

Social rights of young people: the role of local and regional authorities

Recommendation 433 (2019)¹

1. The fundamental social rights of the citizens of the member States of the Council of Europe are guaranteed by the European Social Charter (ETS No.163, hereafter the "Social Charter") which was opened to the signature of member States in 1961, subsequently coming into force in 1965, and was then revised in 1996.
2. The Social Charter is an essential guiding document, setting the ground rules on fundamental social and economic rights at the pan-European level. It guarantees a broad range of human rights related to employment, housing, health, education, social protection and welfare. It explicitly refers to young people as being entitled to social rights in terms of education and labour market integration, or benefits for the newly married.
3. In order to develop concrete guidelines to facilitate the implementation of the rights set out in the Social Charter, in particular with regard to young people, a series of texts were adopted by the Council of Europe during the last decade, which highlighted public authorities' responsibility in facilitating young people's access to fundamental rights.
4. The Committee of Ministers' Recommendation CM/Rec(2016)7 on "Young People's Access to Rights" adopted on 28 September 2016, as well as the recommendations of the Parliamentary Assembly of the Council of Europe on "Young people's access to fundamental rights" (2015(2013)), and "Towards a European framework convention on youth rights" (1978(2011)),² were occasions to underline that rather than adopting a specific treaty on the rights of young people, the aim should be to take measures in order to capitalise on the binding instruments, as enshrined in the European Convention on Human Rights and the revised Social Charter.
5. The implementation of the Social Charter and the case law of the European Committee of Social Rights provide a wide range of good practices concerning access to, and exercise of, young people's social rights and, consequently, constitute a source of inspiration for local and regional actions in this field.
6. Local and regional authorities, along with the social partners and civil society organisations, play a key part both in disseminating the Social Charter and in implementing it, with regards to young people's access and enjoyment of the social rights enshrined in it. This crucial role of local and regional authorities in making the Social Charter effective in legal terms (in line with the "social" responsibilities that form part of the core of each government level's respective autonomy) should be supported by national, European and international action plans and programmes.
7. The Congress of Local and Regional Authorities of the Council of Europe (hereafter "the Congress") – having drawn up resolutions and other instruments to strengthen the integration,

¹ Debated and adopted by the Congress on 3 April 2019, 2nd sitting (see Document [CG36\(2019\)12](#), explanatory memorandum), co-rapporteurs: Liisa ANSALA, Finland (L, ILDG) and Piero FASSINO, Italy (L, SOC).

² Parliamentary Assembly Recommendation 1978 (2011), "Towards a European framework convention on youth rights", served as an opportunity to confirm that it is not necessary to adopt a specific treaty on the rights of young people, but that we should instead capitalise on the binding instruments which already exist in the Organisation: its Principle 7.1 invites member states "to take measures to facilitate young people's access to fundamental rights as enshrined in the European Convention on Human Rights and the revised European Social Charter".

participation and commitment of young people at local and regional levels – intends to focus on the social rights of young people guaranteed by the Social Charter in order to ensure its implementation, and to give concrete expression to the rights of young people.

8. In light of the above, member States are recommended to:

a. sign and ratify the revised European Social Charter (ETS No. 163), for those Member States that have not yet done so, and to accept, in the spirit of the ‘Turin process’, the collective complaints procedure, as the implementation of the Charter and the case law of the European Committee of Social Rights offer a wide range of good practices concerning access to, and exercise of, the social rights of young people and, consequently, constitute a significant source of inspiration for local and regional actions in this field;

b. involve local and regional authorities in the preparation of annual national reports or in the preparation of observations on possible collective complaints that are submitted to the European Committee of Social Rights by the Governments of the States’ Parties, as well as in the follow up given to the committee’s conclusions and decisions. This involvement remains consistent with Article 4(6) of the European Charter of Local Self-Government, which provides consultation for local authorities “during the planning and decision-making processes for all matters of direct concern to them”. Indeed, the Social Charter, as the Council of Europe’s “flagship” treaty in the field of social rights, is also the driving force behind social inclusion and the active participation of young people in the life of the community;

c. develop national action plans for raising awareness of young people’s social rights in co-ordination with local and regional authorities, and in co-operation with youth leaders, the latter being voluntary or professional persons involved in work or action with and for young people in different contexts, for the dissemination of good practices at all levels of responsibility.