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THE STATE

OF YOUTH

RIGHTS IN

EUROPE

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with the support of:

the European Commission

the European Youth Foundation of the Council of Europe



Education and Culture DG



ISSN: 2032-9938



2010 European Youth Forum



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List of abbreviations

AEGEE

AEGEE Europe · European Students Forum

Alliansi

Finnish Youth Co-operation Allianssi

CJE

Spanish Youth Council

CNAJEP

Committee for the National and International Relations of Youth and Community Education Associations (France)

CNJ

Portuguese National Youth Council

CNTM

National Youth Council of Moldova

CoE

Council of Europe

CRC

Convention on the Rights of the Child

CRIJ

Council for International Youth Relations of the French-speaking Community of Belgium

CSAJ/SAJV

National Youth Council of Switzerland

CTR

Romanian Youth Council

CYC

Cyprus Youth Council

DNYC

Dutch National Youth Council

ENL

National Youth Council of Estonia

ESC

European Social Charter

EU

European Union

LIJOT

Lithuanian Youth Council

NAYORA

National Assembly of Youth Organisations of the Republic of Azerbaijan

NFE

Non-formal education

NGO

Non-governmental organisation

NYC

National Youth Council

OBESSU

Organising Bureau of European School Students Unions

RDJ

Council of German-speaking Youth (Belgium)

UN

United Nations

VJR

Flemish National Youth Council (Belgium)

YFJ

European Youth Forum

Editorial

Why Not Plan For the Next Seven Generations?

One day I was reading the newspaper and got extremely upset. There were two stories, telling different things, but being connected to the same topic. One of the articles was highlighting the rising unemployment among young people in Europe, the other was about a trade union in that troubled aviation industry, closing a deal with the employer guaranteeing the rights of the old workers and accepting lesser benefits for future employees. This was a concrete example of how we in Europe, in these turbulent times, are experiencing a situation in which one generation is protecting its interests with disregard to those who are not in the system – these outsiders are often young people and immigrants.

At the same time, our generation is less interested in politics and more content with letting others decide for us, often, as this report shows, because there is a feeling of not having the possibility to influence decisions. This is no wonder – politics seem distant and the cold fact is that the doors to power are often firmly closed. We need to think seriously if the problem is in the structures, or if we as young people are just not confident enough in demanding what we want. With a rights based approach to youth policy we do not propose a confrontation between generations. We propose a pact of intergenerational solidarity that will

benefit everybody. It is also fundamental to get one important message to go through: for the pact to become reality, politicians need to look further than the next election. Why not model our behavior after some Native American tribes that used to make decisions in the light of how they would affect the next seven generations?

The European Youth Forum is as a platform committed to addressing the most pressing needs of young people in today's societies. Developing youth policies through a constructive contribution can only be done if the facts of the situation of young people are gathered, analysed and presented. Our strength as a platform is exactly that. We have a committed membership reaching out to hundreds of millions, and we can communicate the realities of young people to decision makers. This report is much needed, and as the board member responsible for youth rights I want to thank, on behalf of the YFJ Board and the Secretariat, all those who have contributed to the compilation of the report. We hope that these findings will trigger a lively debate on how a rights based youth policy can be best developed and which instruments are needed to reach this end.

Johan Ekman
Board Member

1. INTRODUCTION

1.1 Young people in Europe

Young people may be in education, they may have a job or they may be unemployed. Many live with their families; others have left home and live alone, with a partner, or with friends. Some have children of their own.

Although the notion of “youth” does not lend itself to a unique or clear-cut definition, young people have specific needs and face similar challenges. They constitute a group of individuals located somewhere between childhood and adulthood; they form a distinct demographic group which should not be conceptualised using upper and lower age limits but rather as a life cycle where people undergo a process of transition; they attempt to enhance their educational and vocational credentials, gain a foothold in the labour market, establish their household and family, acquire a degree of financial independence and move away from the family home. In each of these spheres some young people are more vulnerable than others.

Despite being perhaps the highest-educated, technically-advanced, and most mobile generation ever, today’s young people do not necessarily share the same opportunities with the rest of society.

With increasing levels of participation in higher education, young people are spending longer periods dependent on the state or their families for financial support, and without earned incomes of their own. Still, when young people do enter the labour market, they may spend considerable

periods without a job or in low-waged or insecure employment. In an ageing society, the 15-29 age group is projected to represent 15.3% of EU's population in 2050, whereas it is currently 19.3%¹. Climate change and globalisation bring about additional challenges for young people. All these changes have made the transition to adulthood and autonomy become more complex and protracted.

1.2 Towards a rights-based future for young Europeans

Youth is a precious part of society, indispensable in order to achieve higher social goals, economic development and technological innovation. Acknowledgement of youth rights at the European level and worldwide, alongside with youth policy measures, are gaining momentum as a means to guarantee favourable conditions for young people to develop their skills, fulfil their potential, work and actively participate in society.

Following the poor attention given to youth rights in the implementation of the Universal Declaration of Human rights, the UN Convention on the Rights of the Child, International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights. Along with other international human rights instruments, such as the European

Convention on Human Rights and the European Social Charter, it has become apparent that strong legal documents that specifically guarantee the rights of young people are deemed essential.

Already, governments around the world have accepted responsibility for increasing the real opportunities available to young people striving to be healthy, educated, autonomous and active participants in their communities. The 1st World Conference of Ministers responsible for Youth held in Lisbon in 1998 adopted a declaration² aiming to promote social inclusion of young people and their effective participation in decision-making. Ten years later, during the 8th Council of Europe (CoE) Conference of Ministers responsible for Youth held in Kiev, the Agenda 2020³ for a strengthened youth sector within the CoE was adopted. At the EU level, the European Youth Pact⁴ was adopted by the Council in 2005 aiming to improve education, training, mobility, employment and social inclusion of young people. Another important soft law document, the Revised European Charter on the participation of young people in local and regional life⁵, adopted by the CoE Congress of Local and Regional Authorities in Europe, emphasises the importance of youth participation in building a better society. Likewise, in the international and regional environment there exist numerous papers, resolutions, declarations and recommendations which, while being

1. Data provided by Eurostat

2. www.un.org/events/youth98/docs/declarat.htm

3. youthministers2008.org/documents.phtml

4. eur-lex.europa.eu/

5. wcd.coe.int/

landmarks in youth policy-making, are of a declaratory nature and therefore without any direct legal effect.

However, some aspects of the rights of young people are specifically mentioned by the European Social Charter (ESC). Article 7 of the Revised European Social Charter is entitled “The rights of children and young people to protection”; this provision not only focuses on protection, therefore having a limited effect on achieving autonomy, but also addresses mainly employment conditions standards. Despite being a binding treaty, the ESC in practice has limited impact as the Committee of Ministers may only address recommendations in case a State Party does not comply with the Charter. Furthermore, States Parties can “opt out” from the collective complaints procedure⁶ by not ratifying the relevant protocol.

At the same time, the Charter of Fundamental Rights of the European Union – which, when the Lisbon Treaty entered into force on 1st December 2009, became a part of the EU primary law – only specifically addresses the rights of children⁷ and the rights of the elderly⁸. It only protects young people directly when referring to discrimination based on age in its article 21, and through the rest of the provisions indirectly, as they are applicable to all people living in the EU. Additionally, article 165 of

the Lisbon Treaty partially addresses youth issues, explicitly referring to education, sports and participation in democratic life in Europe.

At the national level, while legislative provisions applicable to young people exist in most countries⁹, not all countries have laws catering specifically for youth. Even though existing national legislation on youth organisations and representative bodies¹⁰ is of significant importance for the promotion of active youth participation, additional proactive legal measures should be envisaged.

At the international level the issue of a UN Charter of youth rights was raised during the UN World Youth Assembly in 1970. In Europe significant action was undertaken by non-governmental youth organisations to promote and protect youth rights, among which the Youth Rights Charter of the European Communities¹¹ and the Students Rights Charter¹² deserve to be mentioned. Among other processes, the Advisory Council on Youth¹³ has dedicated much of its work towards youth rights and continues to advocate for a better recognition and implementation of the rights of young people in Europe. Furthermore, the International Law of Youth Rights¹⁴ recognises youth efforts towards implementing youth rights in Europe.

6. Under a protocol opened for signature in 1995, which came into force in 1998, complaints of violations of the Charter may be lodged by the (a) European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe (UNICE) and International Organisation of Employers (IOE), (b) Non-governmental organisations (NGOs) with participative status with the Council of Europe which are on a list drawn up for this purpose by the Governmental Committee, (c) Employers' organisations and trade unions in the country concerned and in the case of states which have also agreed to this (d) National NGOs, with the European Committee of Social Rights.

7. Article 24 of the Charter of Fundamental Rights of the EU

8. Article 25 of the Charter of Fundamental Rights of the EU

9. For example relating to civil, criminal and family law, the law of succession etc.

10. Examples of this can be found in the Comparative study of youth policies and legislation in states party to the European Cultural Convention of the CoE by the European Steering Committee for inter-governmental co-operation in youth field (CDEJ), revised text as of 15 October 1998

11. Adopted by the Youth Forum of the European Communities in 1993

12. Adopted by the 53rd Board meeting of the European Students Union (ESU)

Two examples of documents adopted by regional stakeholders further affirm the need to better promote youth rights and responsibilities in a comprehensive document. The African Youth Charter, which was signed on 2nd July 2006 and entered into force on 8th August 2008, represents a concrete step towards the prioritisation of youth within the activities of the African Union. The Iberoamerican Convention on the Rights of Youth adopted by the Iberoamerican Community of Nations and which entered into force on 1st March 2008, lays out specific rights for young people between 15-24 years old and recognises them as strategic actors in development. There is currently no mechanism to monitor the Convention, but ratifying States are required to submit a report every two years to the Secretary General of the Ibero-American Youth Organisation. The involvement of Spain and Portugal – both of which are signatories of European documents concerning young people – in the process leading to the adoption of the Convention, ascertains that an additional legal instrument is needed.

1.3 Relevance of a new instrument enshrining standards for youth

Some may argue that youth rights, being a part of human rights, are already included in the scope of application of existing legal instruments. Hence, the need to adopt separate standards for youth might be challenged.

However, human rights instruments enshrining the rights of specific groups already exist; international and regional standards for women, children and persons with disabilities are very common. These instruments are based upon the acknowledgement that these distinct categories of the population bear needs that have not been effectively tackled by universal human rights documents.

At the same time, a portion of the young population are already covered by the Convention on the Rights of the Child (CRC). Nevertheless, this instrument not only has a limited application, as its scope encompasses people up to 18 years of age, but also does not entirely respond to the challenges faced by young people. In fact, the CRC's main concern being to "shield" children from certain social risks, it is highly protective in nature. A Convention on the Rights of Young People should endorse a more proactive approach; it should be a legal document recognising both rights and responsibilities, aiming at fulfilling autonomy for young people, and enabling them to actively participate in society.

13. The Advisory Council of Youth is the statutory body in the Directorate of Youth of Sport of the Council of Europe that, together with the Steering Committee on Youth, makes the Joint Council – the decision making body.
14. Martinus Nijhoff Publisher, 1995

1.4 The risk of multiple discrimination

Young people frequently face injustices on the grounds of their age mainly in the areas of information, inclusion, employment and mobility. Inequalities are particularly visible when young people are acceding to the labour market. Although the 2000 “Employment Equality” directive forbids discrimination based on age, unemployment rate of people under 25 reaches the double of that for the rest of the population¹⁵. Meanwhile, young people may be exposed to “multiple discrimination” because of their ethnic origins, convictions, religious beliefs, sex or gender, sexual preferences, physical and mental condition.

This means that effective approaches to tackling discrimination must take into account multiple identities, rather than categories such as age, ethnicity, or disability alone. When considering discrimination against young people with disabilities, for instance, it is important to assess whether men, women and members of minority groups experience different or additional discrimination.

Whatever the origins, the impacts of discrimination affecting young people are likely to be marginalisation, social exclusion, lack of access, an increased likelihood of poverty and lack of power. However, within human rights law and international treaties, young people are not always recognised as a separate group that experiences

discrimination. A special focus on their rights is therefore required.

1.5 Empowering young people to ensure peaceful societies

Youth throughout the world have been and continue to be affected by past events, including violent conflicts. At the same time, a significant number of hate crimes and acts of vandalism are carried out by young people. This behaviour could stem from a lack of prospect to fulfil their potentials. It is therefore believed that creating real opportunities and a future of hope and possibilities lays the foundation for a secure and peaceful society which breaks the cycle of frustration. Ensuring the involvement of young people in the political and socio-economic life of their societies and supporting youth organisations in their work for equality and social cohesion can bring social change as well as contribute to creating just and peaceful societies.

15. According to data provided by Eurostat, in September 2009, the youth unemployment rate (under-25s) was 20.1% in the euro area and 20.2% in the EU27 while the corresponding average numbers are 9.7% and 9.2% respectively.

1.6 Towards a Convention on the Rights of Young People

Bearing in mind and resuming all the aforementioned conditions, a Convention on the Rights of Young People in the framework of the Council of Europe seems essential for the following reasons:

1. Specificity of the age group

Young people are in a transition from a rather secure and standard environment to a world of choice and risk where they have to choose and plan their own orientation and social integration. Although they assume new responsibilities and duties, young people are not always guaranteed the same rights as adults. Difficulties in education, employment, housing and transport make it difficult for youth to fully participate in society and decide independently.

There are many examples that illustrate this situation: The age limit of child benefits and the end of compulsory education may be considered as key milestones to adulthood; a 16 year-old can be convicted for a crime but does not have the right to vote; while young adults are expected to make their own living, the labour market is highly discriminatory with regard to age.

2. No legal framework for youth

As already demonstrated, even though there are several policy frameworks dealing with young people in Europe, no legally

binding instrument exists. Hence, there is a need for an instrument to better promote youth rights and responsibilities on a comprehensive and systematic basis. This document should aim at ensuring that Council of Europe Member States comply with its standards and implement relevant policies. Furthermore, a legal framework is expected to legitimise and strengthen the role of youth organisations and youth work, which is considered an important step forward.

3. The role of the CoE as pioneer and defender of human rights

Over the past 60 years the Council of Europe has played an important role in creating and sustaining a Europe based on the values of human rights, democracy and the rule of law.

The European Convention on Human Rights¹⁶ represents a collective enforcement of human rights standards enhanced by the agreement of the Contracting States to be bound by the decisions of a supra-national court, the European Court of Human Rights in Strasbourg. This treaty constitutes an unprecedented accomplishment in international law placing rights above the laws and practice of a state.

However, besides the European Convention on Human Rights, the CoE has developed a considerable *acquis*, safeguarding human rights thematically through different structures. The European Social Charter and the relevant Committee deal with social rights such as trade union rights, child

16. conventions.coe.int/Treaty/en/Treaties/Html/005.htm
17. conventions.coe.int/Treaty/en/Treaties/Html/157.htm
18. conventions.coe.int/Treaty/EN/Treaties/Html/148.htm

employment, health protection, equality and opportunities for persons with disabilities. The Framework Convention for the Protection of National Minorities¹⁷ and the Charter for Regional or Minority Languages¹⁸ aim to protect the rights of national and linguistic minorities. The European Convention for the Prevention of Torture¹⁹ appoints independent experts to the Committee for the Prevention of Torture²⁰ in order to monitor the treatment of prisoners in places of detention. The European Commission against Racism and Intolerance²¹ was formed to combat all forms of racism and xenophobia. The Convention on Human Rights and Biomedicine²² is the first internationally binding agreement providing protection against the misuse of biological and medical techniques. Moreover, the Commissioner for Human Rights established in 1999, is an independent non-judicial institution mandated to promote the awareness of and respect for human rights.

Today, despite all the existing structures in the European architecture to enhance human rights and democracy, major challenges to the founding values of the CoE remain and justify the “raison d’être” of the Council of Europe as a defender of human rights. As a result, a Convention on the Rights of Young People seems to be naturally placed within the framework of the high engagement of the CoE in promoting rights and equal opportunities for everyone.

1.7 Rationale of YFJ's action

In the aftermath of the youth protests that rocked France in 2006, youth-related fields entered the political debate. Working conditions, education and social protection started gaining attention as areas with an important impact on youth that merit a specific stand in national and European policy-making. Meanwhile, the preparation of the Agenda 2020 was the occasion for a reflection on the CoE youth sector, as well as the YFJ priorities.

In this context, the YFJ, building up on its engagement in the promotion of youth rights, which dates back to the adoption of the Youth Rights Charter of the European Communities in the 1990s, emphasised the need for a rights-based youth policy. To this end, it launched a process with the objective to put youth rights on the European agenda, actively supporting the adoption of a European Convention on the Rights of Young People within the framework of the Council of Europe.

Thus, the primary goals are to raise awareness of youth issues and stress the need for an official recognition of youth as a transition phase and for comprehensive policies for young people. What the YFJ hopes for is that young people remain in the centre of the CoE concerns, hoping that the next Ministerial Conference will explicitly address youth challenges.

19. www.cpt.coe.int/en/documents/ecpt.htm

20. www.cpt.coe.int/en/about.htm

21. www.coe.int/t/dghl/monitoring/ecri/default_en.asp

22. conventions.coe.int/treaty/en/treaties/html/164.htm

1.8 A report on the state of youth rights from a youth perspective

This YFJ report comes as an effort to address the current situation of youth in Europe based on evidence. Its objective is in fact twofold.

First, this report is elaborated from a youth perspective; the ambition of the YFJ is therefore to enhance understanding of the challenges faced by young people, the way they see them.

Second, by collecting information from national and international organisations, this report sheds light on possible venues for improvement and can contribute to future comprehensive youth policies that take into consideration the real conditions of young people. The report further shows that there is a lack of research data in this area, which is something that needs to be improved.

At the same time this report does not only try to define problematic areas but also highlights good practices at the national level. In this context, it can also be used as a tool for change.

1.9 The consultation process

The YFJ sent electronically a call for input to the report to all its Member Organisations (i.e. National Youth Councils and International Youth NGOs). The main question that the organisations were

asked to answer was: “How do you, as a National Youth Council/ International Youth Organisation, perceive the state of youth rights in your country/ on the European level?”. A list of general questions to be used as guidelines for their input was also sent to YFJ members²³.

Nevertheless, as the YFJ did not wish to steer the contributions submitted by its members, this list was only indicative; organisations were encouraged to write freely about the situation in their own countries or field of concentration.

As a result, while some organisations complied with the indicative planning, others did not take it into consideration at all. Some organisations conducted group workshops, enabling them to come together and discuss relevant issues. Other inputs were drafted by individual contributors. Some members used information provided by previously published reports and/or official data, while others relied mostly on the observation method. Although members were asked to contribute with 1 or 2 A4 pages input, not everyone respected this limit.

Finally, 17 members responded to the call; 15 come from National Youth Councils and 2 from International Youth NGOs; 12 are from EU countries, among which 3 are from the different communities of the same state (Belgium).

As a result, the respondents have provided a basis, rich in content and varied in perspective, to feed into the report.

23. The full list of questions can be found in Annex

2. FINDINGS

Member Organisations' (MOs) concerns and ideas on youth rights have been grouped together into 11 categories to facilitate their analyses: autonomy, education and students rights, participation, decent employment and social protection, freedom of expression, juvenile justice and detention, non-discrimination and equal opportunities, mobility and transport, sexual and reproductive health, religion and conscientious objection and awareness of youth rights.

2.1 The right to autonomy

“Generally we believe the period of ‘being young’ has clearly become longer (...) Analogously, there is a trend for young people to remain (financially) dependent of their parents longer than before.” VJR

As it has already been analysed, autonomy is a very important concept for youth, that combines both rights and responsibilities. MOs have confirmed autonomy as a key challenge for young people. However, its fulfilment should not only rely on young people themselves. On the contrary, MOs argue that young adults should be provided with opportunities, mechanisms and safeguards that will enable them to fully develop their potential, become active parts of society and gradually less dependent on their family and/or the State.

Two MOs report an alarming situation for youth: in Finland $\frac{1}{4}$ of people between the age of 16 and 24 live below the poverty threshold with their income not exceeding 60% of the average national income. At the same time, the poverty rate among young people and children in Portugal is high and rising. Considering this data, youth autonomy is inevitably at stake. The factors that might influence it should therefore be identified first before undertaking measures to facilitate young people's development and independence, in cooperation with youth organisations.

As already seen, unemployment rates within the young population are extremely high all over Europe. In accordance with the 2009 report by Eurostat on the lifestyle of young people²⁴, with the exception of a few countries like Finland, France and the Netherlands, in most EU countries the average age of young people leaving the parental home is around or even over 30 years old. This report also addresses the difficulties faced by young people when entering the labour market and in finding stable employment. This data is confirmed by the information provided by our member organisations.

According to the ENL, "autonomy is very closely connected with competitive education, decent jobs and access to housing". For Allianssi, with homelessness being one of the major problems in Finland, the most crucial aspect is the latter. In Romania, unemployment and relying on parents support for longer periods – sometimes even

after making a family of their own – create major obstacles for youth autonomy. In Switzerland, stereotypes towards young people may make the search for housing and employment even more problematic. While, according to the MO contributions, youth homelessness does not exist as such in Mediterranean countries like Spain and Cyprus where there is a tendency to reside with parents until an advanced age, housing is still an issue in those countries as well. Study grants and study loans could be of use for temporary housing and financial independence during studies, as indicated by Allianssi. ENL further proposes for voluntary activities to be officially recognised as countable experience for first-job seekers. In their opinion, this would greatly facilitate young people's integration to the labour market. Further steps include: legislative measures, like tax incentives for the acquisition of a first house and the interdiction of precarious job contracts; flexible higher education system which allows students to combine studies with work in order to earn some resources and gain valuable professional experience; strengthening of youth entrepreneurship so as to promote self-employment opportunities.

2.2 The right to education

“These days, the issue which touches and moves European youth the most is education.”
AEGEE

All the contributing MOs argue for an accessible public education system and for an enhanced non-formal education. Additionally, AEGEE and OBESSU give more specific input on students rights.

Formal Education

As far as formal education is concerned, there are four main concerns identified by MOs: the access to education providing equal opportunities for all without discrimination, the linking of the educational system with the labour market, the early school drop out and failure rates and student rights.

1. Access to education and equal opportunities

In education, financial resources should not be an issue of marginalisation or unequal treatment. Despite the fact that compulsory education is largely available and free by law, high tuition fees for higher education may put in jeopardy the accessibility of the system and raise questions of inequality. While, according to CNJ costs for access to higher education in Portugal are among the highest in Europe, in France CNAJEP estimates that the existing low registration

fees boost university accessibility. AEGEE also agrees with the introduction of low fees from which disadvantaged groups can also benefit. Furthermore, it is believed that students who have to work in order to afford the costs of studying are less likely to participate in organisations or groups representing their interests and have therefore less chances to become active citizens of their society. CRIJ further argues that even in secondary education inequalities may arise when imposing fees for extra activities, therefore stigmatising students who cannot afford participating.

Additionally, language may hinder equal opportunities in education in multilingual communities. For example, RDJ notices a disadvantage for young people belonging to their minority group since there are not many possibilities to follow higher education studies in their mother tongue.

2. A strengthened relation between university and the labour market

Adapting their education system to the needs of the labour market is a challenge that all countries are facing in order to accomplish their scope of professional integration of young people. Meanwhile, without any doubt, internships are an important tool for youth to acquire experiences and build on their professional skills; however, as suggested by CNAJEP “an internship is supposed to associate practice with study, and not to replace a remunerated job”.

2a. Academic curriculum and professional guidance

According to CYC, the Cypriot public education system is packed with academic learning, leaving little space for personal development, practical skills and professional career guidance. The latter is particularly important in order to avoid future youth unemployment. In other words, an education system which is severely out of step with the labour market and only focuses on raising knowledge can become an additional burden for an already limited labour market. An example of this is the case of Spain, where according to the National Youth Policy Review published by the CoE²⁵, the system promotes the idea that manual work is clearly distinct from intellectual work whereas in Germany 2/3 of youth are formed from the beginning to become at least highly qualified workers at the end of the secondary cycle of education. In this example, the German system being based on employment market needs while the Spanish creates discrepancy between the request of the labour market and the offer of education system, therefore increasing social inequalities. In this direction, according to CNJ, Portugal has made significant efforts to take a stake on professional education.

2b. The transition from education to the labour market

First, almost all the NYCs mentioned that there are internship opportunities available in their countries. Moreover, in some cases, like Lithuania, universities are also responsible for finding an internship for graduating students. On the contrary, in Finland, students have to take action themselves in order to find an internship, whereas in Switzerland specialised counselling agencies exist.

Internships can be an integral part of an academic program, or offered on a voluntary basis; they can be remunerated or not; their duration varies, nevertheless they are always limited in time since they are not supposed to substitute paid work. In France, in particular, there is a proposal to ban internships that are not a compulsory part of an academic curriculum or occupational training.

3. Early school leaving and academic failure

Even though early school leaving is not always considered by MOs to be on the top of the priority areas in education, evidence from some countries demonstrates that this is still a major problem for them. For example in Portugal, the rate of early school leaving reaches 35.4% for people between 18-24 years old and school failure levels in secondary and higher education are still very high.

25. www.coe.int/t/dg4/youth/IG_Coop/youth_policy_reviews_en.asp

4. Students rights

“Education, and therefore student rights, is one of the main segments of the life of young people. Therefore the recognition of the status of school students and the adoption and proper implementation of their rights are of fundamental importance to successfully ensure that youth rights apply to all aspects of the life of youth and do not stop being valid at the door of the school.” OBESSU

According to the Declaration of Students Rights adopted by the OBESSU members in 2006²⁶, fundamental students rights include traditional rights like freedom of assembly, participation, gender equality, quality education the right to a flexible school and the right to information and guidance. OBESSU distinguishes between countries who have adopted legislation on students rights, like Denmark, Italy and the Netherlands, countries where in practice rights have a very limited impact, such as France and UK as well as countries where no official recognition of students rights exists, for example Ireland and Romania. In relation to the first group OBESSU acknowledges the need for better information on prescribed rights together with the adoption of mechanisms for their implementation. In addition, it is important to have legal instruments that do not permit

a weak interpretation of these rights. An illustrative example of the second group is the case of Serbia, where although formally students have the right to participate in decision-making, in practice they are denied the right to take part in the most important decisions in their schools. An even more alarming example concerns the third group where not even basic student rights are recognised. This is the case of Ireland where no school student representation is foreseen and students are denied the right to assemble freely.

Non-formal Education

“Young people in our country use ‘peer to peer’ education method. It is very productive for providing knowledge to them.” NAYORA

While non-formal education (NFE) is gaining attention as a means of strengthening young people’s skills and potential, obstacles to its official recognition as well as to its functioning still remain. Estonia and Romania do not recognise NFE at all, while Spain, Lithuania and Switzerland only partially acknowledge its social value. It should however be noted that in Switzerland mechanisms for certification exist²⁷. Azerbaijan also works hard towards a strengthened NFE. While in most countries youth NGOs are considered the main providers of non-formal education, in Lithuania only some schools of arts and sport as well as hobby

26. lightontherights.wetpaint.com/page/The+Declaration+of+School+Students+Rights
27. www.sozialzeitausweis.ch

clubs carried out by teachers at schools are recognised by local authorities. With the exception of Switzerland no particular legal framework for financial support for NFE initiatives exists.

2.3 The right to civic, political and social participation

“Even though §8 of the Youth Act obliges communities to include young people in the decision making process, a real co-decision making does not happen as most of the youth councils feel that they are listened to , but not heard.” Allianssi

With regard to the right to participation, two principal questions were raised by the questionnaire: first, whether channels for youth participation are available in practice and second which different levels of participation exist. As an answer to the latter question voting and eligibility, co-decision processes, volunteering, membership in youth organisations and councils, student representation and participation in atypical groups were mentioned by MOs.

Forms and level of youth participation

Active participation at national and regional levels is in general guaranteed by the MOs. However in some countries, like Portugal and Moldova, infrastructure for civic and social involvement remains fragile and the establishment of regional or municipal

youth councils is deemed essential for the effective involvement in youth issues.

There is a lack of comparative data about the level of participation of youth in various activities according to country, age group and other characteristics. However, evidence from the contributions show that there is a difference among countries and groups within the same country: in Portugal active participation of young migrants is considered to be a problematic area; in Romania only 2% of youth are members of NGOs and most of them come from urban areas; in Estonia opportunities depend on the financial resources of the municipality concerned.

MOs have also identified the need for financial support of youth organisations, and for better information on existing projects. Furthermore, the absence of real co-decision mechanisms was stressed by most organisations.

Perhaps the main concern of MOs is the impact of youth action; almost all of them feel that a framework for a structured dialogue is missing and as a result young people’s opinion is not taken into consideration.

Voting and political awareness

Political participation is often considered to be the cornerstone of active citizenship. The voting rate among young people is significantly lower than that for the rest of the population. CTR interprets this repulsion on behalf of young people as due to various factors: first, young people feel that they cannot influence political decisions in their country; second, political parties rarely address young people’s problems; last,

youth lack objective and unbiased information. In Azerbaijan, participation in election further varies according to the region. For Allianssi, political awareness in Finland depends on the level of education and is significantly lower for people with immigrant background. CSAJ/SAJV notes with regret that the average age of parliamentarians in Switzerland is 50 years old and affirms the need to increase political awareness. ENL shares this opinion.

In most cases, participation in political life is limited to voting, running for elections and participating in political parties; the MOs believe that alternatives should be explored.

While in all countries contributing to the shadow report the legal voting age is 18 years old, Allianssi and the Spanish Youth Council are in favour of lowering the age limit to 16.

Good practices from the MOs

In the field of active youth participation, MOs practices that could be used to set an example for future initiatives are exemplified below.

// The Campaign « I do care » undertaken by LiJOT, aiming to promote youth participation in national, regional and European elections.

// The project “Assessing the participation possibilities of young people” launched by Allianssi, in which young people are asked

to evaluate the basic services of their municipality.

// The yearly youth parliament organised by RDJ in Belgium.

// The project “Mission Siberia” by LiJOT, where young people go to Siberia and clean the cemeteries of people deported after World War II and which aims to promote patriotism. The projects DEMOPLAZAS and DEMOPLAZAS.COM by CJE where all people –without any discrimination of sex, age or origin - can explain their ideas, perceptions or problems in the frame of a Structured Dialogue.

// Valtikka.fi which promotes a wide range of tools for active youth citizenship.

// The nationwide shadow youth elections organised by Allianssi since 1995.

// Co-decision processes introduced both at municipal and national level in Lithuania with the objective to attain equal representation of youth and officials in most important youth related questions.

// The Swiss Youth Session²⁸ which offers young people between 14 and 21 an opportunity to discuss youth related issues three times a year

The right to decent employment and social protection

“Young people are facing a dramatic situation in terms of precarious work and living conditions. This precariousness translates into a complex problem composed of a variety of different elements: unemployment, temporary work, low salaries, over-qualification.” CJE

While some questions related to youth employment have already been addressed with regard to the right to autonomy, working conditions and social protection for youth are dealt with separately here.

Job insecurity in Europe is rife. According to data provided by Eurostat²⁹, young people are more often in temporary employment. In fact, in the EU, nearly 4 out of 10 employees aged 15 to 24 and 2 out of 10 of those aged 25 to 29 have a temporary contract. Further evidence of this situation comes from the contributions. CJE reports that the rate of young temporary workers reaches 45%, therefore 25% above the rest of the working population. For CJE “this translates into difficulties for life planning, emancipation, and lack of social protection in case of unemployment”.

In Portugal, where unemployment rates among young people are considerably higher than the average, precarious working conditions and long periods of job seeking have been reported. National employment

policies aim at creating tax incentives for companies to hire young unemployed people.

As youth employment becomes a more and more complex phenomenon, social protection is called to play an important role in combating social exclusion and achieving youth autonomy. ENL affirms a lack of supporting structures for students, like housing and allowances. In the case of Spain and Cyprus³⁰, social security malfunction is in practice replaced by family support. Usually there is a social security black-hole for first job seekers. For example in Finland, a person who is still in education can receive a grant and a housing assistance, can apply for a study loan and is also covered for health. On the contrary, after graduation and in order to become a part of social security scheme, he/she has to work and be insured for a certain period of time. A similar situation also exists in Lithuania.

CNAJEP mentions certain examples of policies and social security benefits targeting young people:

// the responsibility of the State to train or find employment for the 16-18 years old who dropped out of school.

// the possibility of a 10th month grant for students, combined with a reinforced attendance control.

30. as outlined by the National Youth Policy Reviews by the CoE, www.coe.int/t/dg4/youth/IG_Coop/youth_policy_reviews_en.asp

// the right to reorientation aiming to enable certain students to get out of the vicious circle of school failures.

// system of housing assistance with a wide scope of application among young people.

// assistance to young people in acquiring complementary health insurance.

// extension of RSA³¹ to young people under 25 who work.

// assistance for the 16-18 years old who dropped out of school and who make an effort to follow a rehabilitation path.

// minimum guarantee of resources for the 18-25 years old who are little qualified or long-term unemployed and who accept any training or job offer proposed by their referent.

// allocation mechanism for the 18-25 years old, enabling the young person who wishes to benefit from part of the public allowances currently allocated to his parents.

For the CYC, social protection for young people should not disregard the rights of young parents. Therefore, the need to extend parental leave rights and benefits and to introduce flexible working hours and telecommuting arrangements for young parents was identified. Public child care of

high quality is also considered essential for CYC so as not to be obligated to rely on grandparents or having to bear additional babysitting costs. Together with financial support, state policies should also include emotional and social skills support. The lack of child care for young families is also stressed by CSAJ/SAJV.

Last, CRIJ mentions the difficulties facing young people and their parents to pay for the expenses of medical treatments not covered by their health insurance like, dental care, or visits to the optician etc.

Freedom of expression

“Freedom of expression is one of the main principles of a democratic society.” ENL

In general, freedom of expression is guaranteed by State constitutions and national legislations. However, some member organisations argue that in reality the opportunities to practice this right are limited. ENL mentions that youth-related topics are less likely to be published in the media and that it has become the responsibility of young people themselves to actively ensure that their views are heard. CSAJ mentions that the political weight of youth and youth related policies could be better, as there is no ministry for Youth³² but Young People can make themselves be heard through NGOs, Media and various other ways. CTR believes that freedom of expression should also be accomplished in the consultation

31. Active Solidarity income

32. Youth is part of the Department of social security, which belongs to the ministry of internal affairs.

process with youth organisations, through a comprehensive framework for structured dialogue. In Azerbaijan, there are no social institutions that can monitor freedom of expression for young people and hence it was suggested that European cooperative initiatives should be put in place for a common reach of freedom of expression.

The right to non-discrimination and equal opportunities

“There are problems concerning the discrimination based on age in Lithuania. It starts from the attitude to young persons – older people do not see youth as equal citizens to them and it makes a lot of problems. Young people mostly are discriminated in the labour market because of low experience. Opinion of young people sometimes is not respected at schools and universities when it comes to some problem-solving and involving young people in decision-making processes.” LiJOT

Examples of discrimination or limited opportunities for certain categories of young people have already been discussed in this report, for instance, in the fields of participation and awareness. It should however be noted that most MOs share the opinion that discrimination towards young people most often occurs with regard to employment and housing. Furthermore, Allianssi refers to a 2007 survey according to which

discrimination is also common in customer service, counselling and student life. LiJOT further adds that a certain extent of discrimination based on age also takes place in decision making processes as young people’s opinion is rarely taken into consideration.

Some MOs also notice discrimination towards young women, young migrants and people coming from different backgrounds. For example, in the view of CRIJ, young migrants not only risk detention and deportation, but they also face problems in recognising their diplomas, entering university, etc.

Furthermore, young people coming from disadvantaged backgrounds are less likely to have access to initiatives like cultural events and trainings, and are often unable to afford the costs of sporting activities. As a result, they tend to become marginalised and unsociable.

RDJ also affirms a lack of equal opportunities since it is common that public institutions and private companies provide no or insufficient information in German. Moreover, in their point of view, a directly elected German-speaking representative in the Federal Chamber of Belgium should be guaranteed in order to better promote their interests outside the German-speaking Community.

Freedom of religion and belief and the right to conscientious objection

The right to choose one’s religion, to respect one’s religious beliefs, the right to religious education and the right to

conscientious objection have been dealt with by some MOs.

In Finland children and young people are given the possibility to decide on their religion. The possibility given to minority groups to study their own religion and the option to choose to study ethics instead of religion is a way to respect religious minorities and people not belonging to any religion. Normally it is parents who take these decisions but after 18 years old, the person can decide on his/her religious education on his/her own.

In Switzerland religious issues come under the competence of the different cantons; in practice this means that questions related to religion are treated differently in each area. For example, refusing to do activities due to religious beliefs could be translated in negative consequences for the young person.

The Spanish Constitution guarantees the right to become a conscientious objector but, ever since the compulsory military service has been abolished, its impact mainly concerns professional activities like doctors and chemists. In countries where compulsory military service still exists, like Estonia, Finland and Switzerland, young men are given the option of an alternative “civil service”.

Juvenile justice and detention

“It is important to underline that international norms prescribe that imprisonment should be the last resort measure, decided for the shortest period possible and that our society has to implement first measures not leading to a deprivation of freedom.” CRIJ

In Switzerland and the French speaking community of Belgium, there are concerns about the conditions of juvenile detention and the legal procedures applied to young people. While CSAJ/SAJV admits that there are alternatives to imprisonment for young people, it further stresses that there is no guarantee that young people in prison are kept separated from adults. Furthermore, it notes with regret the tendency to bring youth to justice under the legislation of adults.

CRIJ raises concerns about the increasing numbers of young people put in detention, although there is no official evidence of a rise in juvenile crimes. It further emphasises that juridical procedures should be improved, taking into consideration the interest of children and limiting their duration. In Estonia, the development plan to combat violence is considered as an important development in national policy, and contains a separate chapter for under-aged people.

The right to mobility

“Mobility poses problems especially to many young people in Europe who like to work, travel or study abroad.” CSAJ/SAJV

Topics related to free mobility and transport have been mentioned by the CYC and CSAJ/SAJV. In a Europe where mobility plays an increasingly important role, it is natural to deal with these issues separately.

CYC reports a poor public transportation network which not only affords limited opportunities to young citizens but in their opinion, it also increases the danger of street accidents. Therefore, improvement of public transport should be on the top of the agenda of the Cypriot community.

Noticing the serious obstacles and inequalities that a reduced mobility can cause to young people who want to travel, work or study abroad, CSAJ/SAJV goes a step forward proposing the introduction of a right to free mobility.

Sexual and reproductive health rights

“The few studies that address knowledge, attitudes, and perceptions of sexuality education by Cypriot youth overall documents low levels and serious gaps of knowledge around sexuality and sexual and reproductive health, high levels of homophobia, while sexuality education information received is evaluated by students as inadequate, outdated, and irrelevant to their needs.” CYC

Although the right to sexual education and access to sexual and reproductive health services has only been mentioned in the case of Cyprus, it could easily be argued that other European countries face similar challenges.

A comprehensive sexual education is not yet implemented in Cyprus and the existing sporadic initiatives and pilot projects are considered inadequate by the MOs.

Furthermore, there is a need for public youth-friendly sexual health and family planning services.

2.4 Awareness of youth rights

“There is a big gap between the law in books and the law in action, that is, between the consecrated rights in law and its observance in the daily life.” CNJ

Almost all MOs argue that additional structures aiming to raise awareness among young people are needed.

Although no subject in the formal education curriculum concerning specifically the rights of young people was found in the contributions, in some cases classes in human, civic and political rights are offered in school. For example in Spain this material is called “Education for Citizenship”, in Moldova “We and the Law” and in Romania “Civil Culture”. While these materials are considered important first steps in order to inform youth on fundamental rights and the available mechanisms to fulfil them in their countries, further activities both in and outside of the national educational system should be undertaken.

Meanwhile, a difference among categories of young people can be identified. First, organised youth tends to be better informed in comparison to young people not belonging in any organisational structure. This is a crucial problem in the case of Estonia where only 5% of young people are estimated to be part of organised groups. Second, young people in higher education are more aware of their rights than those

who are unemployed or people who finished secondary education, as demonstrated by NAYORA. Third, inequalities exist also in the field of access to information for the categories of the young population that are disadvantaged or marginalised, like young migrants in Finland. In the same context, in countries where ethnic or linguistic minorities exist, information is less accessible for the young members of the minority group³³.

An important source of information are the various NGOs active in the field of youth and especially the MOs who provide young people with information on their rights through campaigns, seminars, trainings or practical advice on the issues of employment, education and housing. In Switzerland, regional actors like the community or counselling agencies also play an important role in this regard. According to LiJOT, projects undertaken by youth organisations under the programme “Youth in Action” may also help to familiarise youth with their rights.

The internet, as well as European tools such as Eurodesk, were mentioned as tools with the potential of spreading the knowledge on youth rights.

At this point, the case of the Netherlands should be mentioned as a negative example: as reported by DNYC, according to a report of the European Commission³⁴, Dutch youth is the least aware of its rights in Europe. For our Dutch member, one of the main reasons is the lack of human rights education in the country.

33. Proof of this can be found for example in Youth Policy in Cyprus-Conclusions of the Council of Europe, an International Review (2007) http://www.coe.int/t/dg4/youth/Source/IG_Coop/YP_Cyprus_en.pdf

34. www.defenceforchildren.nl/images/20/982.pdf

MOs have also pointed out that awareness alone is insufficient, if it is not combined with mechanisms, structures and institutions that help encourage young people to claim and defend their rights in practice. An illustrative example of this is the case cited by CNTM where only a small portion of the young people illegally arrested and ill-treated during manifestations³⁵ filed complaints.

As a result, a real need for monitoring bodies that may also be competent for dealing with appeals was affirmed by DNYC and the German-speaking Youth Council of Belgium. Both these organisations proposed the creation of an ombudsperson responsible for children's and youth issues as a way to promote rights in their local societies.

35. According to CNTM : « On April 5, 2009 in Moldova were held parliamentary elections. On April 6, when the first data on the elections were made public, many young people came out in the center of Chisinau (the capital of Moldova) to manifest disagreement with the results ».

3. CONCLUSIONS

“Youth is the present and the future of Europe and therefore the needs of young people need to be taken into account now to ensure that they can play their role also in the future.” CSAJ

The ideas presented in this report by the YFJ and its MOs aim at outlining the landscape of youth rights in Europe. Furthermore, the purpose is to make some recommendations for future action in this field. The overall findings of the report show that there is a general lack of research in the area of youth rights. More efforts must be made to gather data on the state of the rights of young people in Europe in order to be properly able to address their needs.

3.1 Autonomy

The main challenges for youth autonomy are precarious working conditions, difficulties in housing and the resulting increased dependency on family. Key points in achieving youth autonomy include:

// A flexible education allowing students to combine their studies with professional income.

// Strengthening entrepreneurship as a means to increase their self-employment capacities and eliminate youth unemployment.

// employment capacities and eliminate youth unemployment.

Policies with an aim of facilitating youth inclusion in the labour market and decreasing job insecurity.

// Fairer conditions for housing, student housing, student grants and student loans

// Other active policies to encourage self-sufficient life-styles for young people.

young people can practice their democratic rights in a safe pedagogical environment.

While this is a challenge for all educational institutions, governments should adopt the Students' Rights Charter, as proposed by OBESSU, into national education law. The contribution of NFE to rights education and participative learning should be recognised by schools and decision makers.

A common mission should be developed for young learners together with young learners.

3.2 Formal and non-formal education

Formal education should be the space where young people can learn about their rights by actively exploring them and by participating in the whole educational process. This requires both that education is accessible for all and that education is organised in a participatory way.

Formal education should be accessible to all young people regardless of their socio-economic situation or other obstacles. School drop-outs and increased levels of failure remain an important problem in the field of education. Education systems need to be reorganised in line with the rapid economic changes and the skills and sectors of the economy of the future. Moreover, educational policies should be characterised by flexibility and allow for vocational retraining and mobility.

Education systems should be organised so that the learner can take responsibility and

3.3 Participation

Responsibility for active youth participation lies within State authorities, who provide young people with the necessary legal framework and structures for their involvement. NGOs, together with parents and schools, should encourage youth participation and finally young people themselves, who are asked to take a grasp of the opportunities offered to them. In order to foster a culture of democratic participation, young people need to be given the access to exercise the civil and political rights and duties recognised by democratic society.³⁶

In the view of MOs, a strong engagement for the creation of regional youth councils will contribute to youth participation at the decision making process. Meanwhile, mechanisms helping to guarantee that young people's voices are actually heard should be introduced. Political awareness and participation in elections remain at low

levels in most countries; enhanced political education and lowering the voting age seem appropriate measures in this regard. In addition, the creation of a framework for structured dialogue between stakeholders and young people not represented in any organisation have to be explored. Existing good practices at the national level could be used as an example, bearing in mind, however, that a good measure in one context may prove inappropriate in another.

3.4 Employment and social protection

Employment is always the best way towards achieving autonomy for young people. However, given that long-term unemployment and precarious working conditions are widely spread among young people, political measures are needed to combat their social exclusion. It is essential to reinforce active employment policies; promote young people's lifelong learning, professional mobility and development of their entrepreneurial competences. As affordable housing becomes more and more elusive for young people, policy initiatives should focus on supporting young people seeking independent living. Furthermore, social benefits in the areas of health care, child care, parenthood and unemployment should be guaranteed.

A successful transition from education into employment can be fostered by high quality internships. Internships must be a learning experience for young people in

order to assure their successful integration in the labour market. Measures should be put in place that ensure that internships are accessible and that they have an educational added value. In this frame, two different types of internships can be identified; internships as part of a formal education programme (an educational activity intended to acquire competencies, knowledge, skills and attitudes needed to obtain the qualification at the end of the formal programme) and Internships that take place outside formal education (the intern voluntarily develops on-the-job experience with the aim of acquiring competencies according to his/her formal education qualifications and/or needs; however, s/he does not hold the same status and responsibilities as an employee).

3.5 Freedom of expression

In order for freedom of expression not to remain a right in law only, channels for youth expression need to be introduced. Freedom of expression should be considered a cornerstone of democratic societies, in line with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights on article 11 of the Convention.

Although a balance should be found between the need to ensure freedom of expression and the protection of other rights, the limits posed to freedom of expression should undergo a strict test of justification and be consistent with the European

standards developed by the European Convention on Human Rights.

Notwithstanding freedom of expression, media should strive to fight against stereotypes and prejudices. To this aim, policy makers, media professionals and civil society organisations should cooperate with youth organisations in order to design and implement guidelines. These guidelines should aim at providing adequate coverage of equality and non-discrimination issues, organise specific training for journalists, condemn hate speech put forward by journalists and to act as a watchdog against racism, discrimination and other forms of intolerance.

3.6 Non-discrimination and equal opportunities

Young people often feel discriminated against in the fields of housing, services and studies. MOs report that the labour market is not only segmented in terms of age but also in terms of gender.

While Europe has witnessed a dramatic increase in mobility and migration and a corresponding increasing presence of minorities, challenges around promoting intercultural tolerance and equal opportunities arise.

Discrimination on the ground of age is still widespread in Europe³⁷. Furthermore, multiple discrimination³⁸ is a phenomenon bearing extremely negative consequences on the lives of young people and contributes

to the further social exclusion of the most vulnerable youth groups. While the same level of protection against all forms of discrimination at both national and European levels is certainly key to combating multiple discrimination, specific legislative and non-legislative policies are needed in order to tackle this phenomenon.

Ensuring equal opportunities in the labour market for young women is also crucial. Indeed, although girls on average reach higher level education than boys and have better school achievements, the gender gap in employment rates is still problematic³⁹. Therefore, labour policies should also look into the need to develop strategies supporting young women in the transition from education to the labour market.

3.7 Freedom of religion and belief and the right to conscientious objection

As freedom of religion is a fundamental right enshrined by the European Convention for the Protection of Human Rights and Fundamental Freedoms, special attention should be given to young people belonging to religious minorities. In this sense, freedom of religion includes the possibility to opt-out from religious teaching in public schools, the need to provide pupils from religious minorities with alternative curricula activities, the need to ensure adequate conditions for worship and freedom from

37. See for example the Special Eurobarometer 137 on discrimination in the EU in 2009 http://ec.europa.eu/public_opinion/archives/ebs/ebs_317_sum_en.pdf

38. See the YFJ Opinion Paper „Multiple discrimination as it affects the lives of young people“.

39. See in particular Eurostat 9/2008 which shows that the gender pay gap in employment rates decreased between 2000 and 2007 only in the age cohort 25-64

discrimination on the ground of religion and belief in all areas of life.

Freedom of belief includes also the right to conscientious objection, stemming from existing human rights standards such as article 9 of the ECHR, without any limitations. To this aim, alternatives to forced conscription should be made available to young people⁴⁰.

3.8 Juvenile justice and detention

The juvenile justice system needs to be clearly distinct from that for adults, providing for alternative detention methods and rapid procedures.

Legal standards on juvenile justice should be developed building on both article 37 of the Convention on the Right of the Child, article 10 (b) of the International Covenant on Civil and Political Rights (ICCPR) and articles 6 and 7 of the ECHR.

Detention of minors should be established only for the most serious crimes and life imprisonment for young people should be excluded as it is contrary to the principle of reintegration into society. To this aim, alternative schemes to imprisonment should also be encouraged for young people convicted for non-serious crimes.

3.9 Mobility

The right to mobility is one of the fundamental human rights that all countries have to guarantee. The lack of mobility due to the absence of a good transportation system is an unbearable situation for modern young Europeans. European instruments aimed at giving application to freedom of movement within Europe should to this aim be fully implemented⁴¹.

Given the opportunities brought by mobility to young people and its role in the development of youth autonomy, differences of treatment based on the ground of nationality and/or residence status cannot be justified. To this aim, visa policies should duly facilitate the mobility of young people for cultural and/or education purposes.

Existing instruments aimed at facilitating the mobility of third country nationals to the EU for studying, training, voluntary activities or school exchanges should not only be implemented but also potentially recast in the future with the aim of tackling the potential obstacles they pose to mobility⁴².

40. See O693:09 YFJ Policy Paper A further youth commitment to promote peace and non violence. Par. 2.1

41. In particular Directive 2004/58 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member State

42. Directive 2004/114 set outs conditions for third country nationals to move the EU for a period longer than 3 months for purposes of study, voluntary activities, unremunerated training or school exchange. Although the Directive aims at facilitating the entry of young third country nationals into the EU, it also set outs conditions which might in fact constitute a barrier to their mobility. For further information see YFJ document 0773:09 pag.7, question 1.4

3.10 Sexual and reproductive health

All young people should have information on and access to contraceptives and high quality and gender sensitive health care, as sexual and reproductive health and rights are a significant key to achieving gender equality and human rights. The availability, accessibility, affordability and quality of information and counselling services are therefore essential to the sexual and reproductive health of young people. There is a need for information and sexual education focused equally on both male and female anatomy, and comprehensive sexual education should be compulsory in all school curricula. Negative perceptions and discrimination against people suffering from HIV & Aids must also be urgently addressed. All young people have the right to confidentiality, and a life free from stigmatisation and discrimination whatever their particular situation.⁴³

3.11 Awareness

The existence of effective mechanisms aimed at ensuring youth rights is certainly essential. Legal protection against violations, including effective ways to redress them, is particularly needed. However, non-legislative policies are also important to effectively fulfil rights enshrined by law. Indeed, low level of awareness on specific

rights and on ways to enforce them may negatively affect the impact of legislation on the realities on the ground.

Policy makers should urgently tackle the general low level of awareness on human rights. Within the EU, for example, under-reporting is particularly widespread within ethnic and migrant communities, mostly because of lack of information on where to go to report cases of discrimination and/or lack of trust in public institutions⁴⁴.

Awareness of rights depends on various factors: level of education, active involvement in youth organisations and family background. YFJ advocates that public education systems should be a first compulsory step in raising awareness among all young people. Additionally, the role of youth organisations is emphasised. It should however be noted that there is a need for further surveys and studies in order to better understand existing inequalities in the way certain categories of young people receive information on their rights.

43. '0741-08 Policy Paper on Health and the Well-Being of 'Young People'', YFJ, November 2008; '0685-07 Policy Paper on Achieving Equality between Men & Women'', YFJ, November 2007

44. See EU-MIDIS, European Union Minorities and Discrimination Survey 2009. 3.1.1. General Opinons on discriminatoin and rights awareness, pag. 83

APPENDIX

How do you, as a National Youth Council perceive the state of youth rights in your country/ on the European level?

Young people face new challenges

First of all it is important to realise that there is no such thing as **'the young people'**. The homogenisation of the social group of children and youth does not correspond to the actual diversity amongst the living conditions of young people.

Generally we believe **the period of 'being young' has clearly become longer**: On one side, children start the adolescence phase sooner (easier access to an abundance of information, earlier contact with sexuality,...). On the other side, the post-adolescence phase is much longer. In this phase, young people encounter many **new questions and problems** of a rather practical type (housing, employment...). Analogously, there is a trend for young people to **remain (financially) dependent** of their parents longer than before. That is especially true amongst the middle class.

Finally **evolutions in our society** (new communication technologies,...) have put youth, their parents and society before new challenges.

Young people and their rights

We do **not** possess **research data** which prove whether or not young people are well-informed on their rights. Nonetheless, we have the impression that the information on the rights young people have and the awareness of it can and should improve a lot. Sometimes, young people themselves mention a **lack of information on rather practical matters** like housing, employment,... It is not clear whether their question for more information on their rights is also urgent.

We do experience a **lack of structures which clearly point out to young people which are their existing rights**, already described in the Declaration of human rights and the Convention on the Rights of the Child. Intermediaries (parents, teachers,...) also insufficiently and unclearly communicate about the rights young people have.

We can conclude young people get **little information** on their rights. That is caused mainly by a **lack of structures** which point out to young people which rights they possess, rather than by a lack of rights. We even didn't find an answer to the question which **rights are concretely missing for youth** in the current Universal Declaration of Human Rights and the Convention on the Rights of the Child. Deeper **research** into the subject is welcome.

How can we still better guarantee the rights of young people?

Some concrete ideas :

// **More** information on the rights young people have is necessary. This should happen through **structures accessible** for young people or through persons in the environment of young people like teachers, parents, ...

// The **existing legal frameworks** (Universal Declaration of Human Rights and Convention on the Rights of the Child) should be **implemented better**. In this sense an translation of the existing rights which are important for children and young people could be interesting. For example: developing a specific student status, the status of the young employee, the legal position of minors... can create much more extra legal protection and clarity on the rights a young person possesses in a certain position. This translation of existing rights looks more interesting than creating a new framework.

// The **existing legal frameworks** should be **used more intensively**. Advisory councils, like national youth councils and the European Youth Forum, could use the existing legal frameworks while advocating for a children and youth friendly policy. Referring more to specific articles of existing legal frameworks in our advocacy work would be an important step to a more rights-based youth policy.

AEGEE

How do we, as AEGEE, being an International Youth Organisation, perceive the state of youth rights on the European level?

These days, the issue which touches and moves European youth the most is education. Students strikes taking place in Austrian and German universities are the most prominent proof for that.

Participation in society is another right that is far from perfect – low voting rights amongst young voters as the most obvious feature here. However, another relevant aspect here is that with regard to European youth organisations – that they are run mainly by young people who can afford being active in such organisations, while disadvantaged young people often cannot or do not want to take part. This leads to them not representing themselves and being dependent on other representing them.

What are the main achievements, challenges, needs etc for youth rights to be fully implemented in your country?

Main achievements :

Main challenges are the not well-organised introduction of Bachelor/Master degrees e.g. in German universities. While Ba/Ma may have positive aspects, the way how they were introduced causes severe problems to current students, such as a workload that prevents them from doing a job

next to their studies. With tuition fees, especially potential students of not academic families are prevented from studying for the simple reason that they cannot afford it.

Moreover, students do not only lack the time to earn money which would allow them to study, but they also lack time to become active in students organisations and hence present their interests.

Main needs are :

// access to education. As can be seen with students strikes in Germany and Austria, the introduction of the Bachelor/Master degree has not been well organised, leading to revolts among students, especially as this introduction coincides with the introduction of tuition fees. Among European countries, an exchange of best practice should be developed on more issues related to education. Young people who are financially disadvantaged see tuition fees as a reason that prevents them from studying, especially when working in their leisure time is the only option to finance their studies. What is more, Ba/Ma students, especially those who have to work in their leisure time, do not find enough time to become active in society and to have their interests represented there.

// reduction of the high rate of unemployment amongst youth.

// real integration of disabled and disadvantaged young people in society.

What tools are there now and how aware are the young people of these?

Are any additional tools needed?

// programmes for inclusion of disadvantaged that can be realised by disadvantaged young people themselves (instead of having the social inclusion of disadvantaged only as a priority e.g. of Youth in Action – a programme that probably is mainly used for activities organised by students organisations that represent young people that are better of than others

// better (structured) dialogue between politicians and young people who are not represented in any organisation.

SPANISH YOUTH COUNCIL

The Spanish Youth Council (*Consejo de la Juventud de España, CJE*) is Spain's Platform of Youth organisations formally set up by law in 1983. Our main goal is to promote youth participation in the political, social, economic and cultural development of Spain within the global context, as provided by in article 48 of Spain's Constitution. Currently, there are 76 youth organisations involved in this joint project. First of all, we should claim that Human Rights of youngsters are respected in Spain. Even if economic crisis is harder on us than other age-groups, we should indicate that our rights are respected and more important everyday.

In Spain, Spanish Constitution guarantees young people's right to be involved and participate in political, economic, social and cultural life. Moreover, in response to this constitutional mandate, the Spanish youth has created its own channels of participation in civil society through associations and youth councils. These channels are taking an active part as much in the local level as in the national level.

While traditionally there has been no specific education in primary and secondary schools concerning the rights of young people, the implementation of the subject "Education for Citizenship" is an opportunity to give young people knowledge on their rights as citizens. "Education for Citizenship" has always been a top priority for the CJE.

There are several measures that should be taken in order to facilitate young people's autonomy, such as: the promotion, both from formal and non-formal educational systems, of Spanish young people entrepreneurial culture as a mean to increase their self-employment capacities; the implementation of social and structural changes such as the recognition of professional qualifications, the elimination of precarious contracts or more active policies for housing (promotion of renting instead of buying, more public funds for young people housing, ...) , all of them measures aiming to increase their job stability, and their career and human development.

Direct participation in the public sphere is ensured in Spain through our different election processes (at local, regional, national and European level). The voting age for Spanish young people is 18 years old. The Spanish Youth Council is in favour of reducing that limit age to 16. The Spanish Youth Council has made campaigns for the promotion of young people vote in the University. However the participation of young people in elections shows a not very high index of participation, as the following figures reflect:

2009 European Elections:

18-24 years	29%
25-39 years	36%
40-54 years	44%
55 years & more	50%

2004 National Elections:

18-24 years	38%
25-39 years	64%
40-54 years	77%
55 years & more	82%

Young people can also participate in public life through different organisations and associations. Therefore it seems fundamental to underline the importance of youth organisations represented in the Spanish Youth Council as an umbrella organisation of the Spanish Youth organisations.

Moreover, the Spanish Youth Council is also trying to reach those who are not member of youth organisations and promote their participation through projects such as DEMOPLAZAS and DEMOPLAZAS.COM, where all people –without any discrimination of sex, age or origin- can explain their ideas, perceptions or problems in the frame of a Structured Dialogue.

Concerning co-decision making there are no such concrete spaces in which youth has a specific and binding role, only those created by the Spanish Youth Institute (the governmental body in charge of Spanish youth policy). Therefore the CJE works for a greater involvement of young citizens in decision making from a local to a global level, through the promotion of the participation and revitalization of the associative youth work. Likewise, we claim the need to create new spaces for dialogue, co-management and public policies affecting youth on different levels.

Although non-formal education has been making progress for the last decades, its social recognition of the contribution that it makes to the development of active citizenship has not reached yet the status it deserves. CJE understands that non-formal education provides very important knowledge and skills for life. We believe that formal education as the only educational provider is not enough, and therefore we must work to strengthen non-formal education to become protagonist in the process of building citizenship.

Nowadays the Spanish Government is starting to work for the regularization of training and legislation in the field of leisure and informal education, such as claimed by the Spanish Youth Council, but there are still remaining challenges for the educational agents and for the society in general such as the recognition and enhancement of skills and competences acquired through non formal processes and the participatory involvement of the individual.

Concerning employment, Spanish young people are facing a dramatic situation in terms of precarious work and living conditions. This precariousness translates into a complex problem composed of a variety of different elements: unemployment, temporary work, low salaries, over-qualification. The total number of people who have lost their job has reached the figure of 4.123.300, of whom 1.541.600 are young people from 16 to 29, meaning an unemployment rate for this group of 29,39%. Together with the job destruction, the temporary rate of young workers

reaches a 45%, 25 points above the rest of the working population. Added to this, another 45% of those temporary contracts are less than 6 months long. This translates into difficulties for life planning, emancipation, and lack of social protection in case of unemployment.

Whereas it is because of the financial crisis that we are reaching, the extent of such an emergency, it is important to note that young people precariousness has become part of the Spanish economic system and the structure of the labour market since a very long time. Even in the “golden years” of the economic growth, young people were already suffering from economic exclusion in comparison with the rest of Spanish population.

In the present context, we denounce the extensively use of traineeships as under-cover work for young people. Traineeships programs were designed with the aim of give high education students the opportunity to practice in professional environments the contents they were taught for. However, nowadays traineeships have been extended to every productive sector and working field and, instead of being targeted for young people in the last years of their studies, are aimed to people with advanced degrees. Neither companies are paying contributions to the social security nor any other types of labour rights are guaranteed to trainees. Hence, it is urgent for the Spanish Government to tackle this problem and develop effective measures to solve it, as, for example, a young people working plan.

Freedom of expression is guaranteed by the Spanish constitution and monitored by the Constitutional Court. Furthermore, CJE as umbrella organisation for youth participation and dialogue, inform of youth organisations needs/demands to the administration.

Spanish legislation is one of the most advanced legislation concerning equality, though it is not very effective: very often young people suffer from discrimination because of their age. Age represents a handicap for having access to employment or housing mainly due to the hard youth employment situation explained above. In order to visualize this reality, the CJE publishes two periodic publications: the OBJOVI (Youth Observatory of Housing) and OBJOVEN (Youth Employment Observatory) which have become a national benchmark and reference. One of the OBJOVEN monographic was devoted to the even more exacerbated discrimination of young women in the labour market.

The right to become a conscientious objector is guaranteed by the Spanish Constitution, though it only refers to the Military Service. Until 2001 the Military Service was compulsory for Spanish young men. There was a strong movement of conscience objectors. Once the Military Service has been abolished there is no specific conscience objection for young people. It is more related to specific professions such as doctors or chemists.

COMMITTEE FOR THE NATIONAL AND INTERNATIONAL RELATIONS OF YOUTH AND COMMUNITY EDUCATION ASSOCIATIONS

Youth policies in France : a context undergoing a radical transformation

Youth policies in France are marked by noticeable evolutions :

// **The Green Paper on Youth Policies**⁴⁵, published on 7th July 2009. This text is the result of a consultation process to which CNAJEP and a certain number of its member organisations were associated. The Green Paper contains 57 proposals on topics like training, counselling, employment, resources, housing, health, commitment.

// **The speech «Act for youth»**⁴⁶ by President Sarkozy, on 29th September 2009. It speech proposes a set of measures inspired from the Green Paper: implementation of a public counselling service, fight against early school leaving, access to employment, assistance to financial autonomy, implementation of a civil service.

Youth rights: challenges

// **Rights and duties**

The link between rights and duties is in the core of the Green Paper on youth policies and of the Youth 'Pact' introduced by the Head of State. Although this equation rights/duties is the cornerstone of any social contract, the reading proposed raises a certain number of questions.

45. www.lagenerationactive.fr/

46. www.jeunesse-vie-associative.gouv.fr/

// Although the Green Paper insists on the accountability and duties incumbent to the different actors of youth policies to get mobilised for youth autonomy, it remains more evasive as regards the accountability of the « adults' society » towards young people, hence young people tend to be sent back to their own responsibility.

// Although the Green Paper establishes a certain number of rights for young people (see below), their access is conditioned by the fulfilment of 'reinforced' duties. This speech conveys a stigmatising (young people would be irresponsible and 'enjoying') and discriminatory image (young people would be submitted to bigger constraints).

Specific rights or common law ?

The Green Paper on youth policies highlights the need to '*grant the access of all young people to common law before considering specific devices*'.

We globally share this analysis. We believe it is important to ensure a global coherence between general public policies and specific policies. Since most of the difficulties young people encounter cannot be reduced to this generation, the answers should mostly be given in the framework of common law policies. The latter should however be completed by measures that take the specificities of this period of life into account.

Youth rights: the situation in France

This state of affairs is not comprehensive. It only presents a certain number of rights which are existing or on the way to be recognised (in the continuation of the Green Paper).

It would also be interesting to address the numerous obstacles met by young people in their full access and full exercise of these rights.

Citizenship

Voting right

18 years

Eligibility right

The Green Paper proposes to remove the age limits that are not justified, notably:

// Allow delegation eligibility from the age of 18 (and not 23 as is now the case).

// Allow eligibility to senatorial functions from the age of 18 (and not 30 as is now the case).

// Have the eligibility age to labour relations elections reduced from 21 to 18 years old.

// Reduce to 18 the eligibility age to the functions of judge at the bankruptcy court (presently set at 30 years old).

These provisions have not been taken back in the announcements by the Head of State.

Right to enlistment

The Green Paper set as an objective 'not to leave young people without employment and vocational training or civic commitment'. This proposal established the right of young people to training, employment and hiring.

However, the last civic dimension was not taken back in the speech by the Head of State.

Education/Training/Employment

Compulsory education

Until 16 years old

Right to training and employment

In his speech "*Agir pour la Jeunesse*", the Head of State proposed to create a right to training and employment for the 16/18 years old who dropped out of school. This new right will be written down in law. No young people, until he/she reaches 18 years, shall be left outside a training system, unless he/she already has a job. It is in a way the continuation, under a different form, of compulsory education. It will prevent any young minor to be without accompaniment/support if he/she drops out of school when he/she is 16. In compensation for the obligation of public authorities to offer a training and a job to young people who drop out, there will be an obligation for young people from 16 to 18 years to continue their training or, failing that, to prepare their entry in working life.

Access to studies

The low registration fees to university facilitate the access to studies.

Extension of the university calendar in the fields that need it

With the reform of LMD and the achievement plan in degrees, the length of the university year tends to increase. Consequently, when the training length justifies it, a tenth month of grant will be allocated. This mechanism will be combined with a reinforced attendance control.

Right to reorientation

In the continuation of the Green Paper that insists on the need to consider youth as the time of experimentation, the speech "Act for youth" proposes to test out a right to reorientation to enable certain students to get out of the vicious circle of failures, both on the secondary and higher levels.

NO extra curriculum internships

An internship being supposed to associate practice with study, and not to replace a remunerated job, the Head of State proposed to ban internships that would not be fully integrated in a training curriculum.

Health/Housing

Housing assistance

Availability of a housing assistance system that concerns a lot of young people at a relatively high level (an average of 140 EUR per month).

Improvement of young people's health cover

15% of the young people do not have access to a complementary health insurance. In this perspective, the assistance of young people in acquiring a complementary

health insurance will be doubled, rising from 100 to 200 EUR. 30 MEUR will be allocated to this in 2010.

Financial autonomy

Family allowances

Maintaining family allowances beyond the age of 18 represents an important redistributive effort for families, but it isn't directly of benefit to young people.

Extension of RSA to young people who work

Until very recently, the RSA (Active Solidarity Income) was not open to young people under 25, creating unfair situations for those who are placed in the same situation as employees older than 25. Hence, young people under 25 who really are integrated in active life (and fulfil the requirement of having worked for more than two years over a period of three years) will be entitled to the RSA under the same conditions as those above 25.

However, the conditions of the RSA extension risk to exclude the majority of young people under 25 and to leave them without safety nets.

Experimentation of new forms of assistance for young people

In 2010 and 2011, 50 MEUR will be made available to experiment three tools:

// For the 16-18 years old who dropped out of school, an intensive accompaniment, with personalised assistance for those who will make the effort of following a rehabilitation path.

// For the 18-25 years old, little qualified or long-term unemployed, an intensive accompaniment where the young person who accepts any training or job offer proposed by his/her referent will benefit from a minimum guarantee of resources.

// For the 18-25 years old, an allocation mechanism, enabling the young person who so wishes to benefit himself from one part of the public allowances currently allocated to his parents. In this context, the young person will have the possibility to finance pre-established expenses.

For further steps

CNAJEP Member organisations⁴⁷

ANACEJ (Association Nationale des Conseils d'Enfants et de Jeunes)

www.anacej.asso.fr

ANIMAFAC

www.animafac.net

ATD Quart Monde

www.atd-quartmonde.org

FAGE (Fédération des Associations Régionales Etudiantes)

www.fage.asso.fr

JOC (Jeunesse Ouvrière Chrétienne)

www.joc.asso.fr

MJF (Mouvement des Jeunes Femmes)

<http://mvtjeunesfemmes.free.fr>

MRJC (Mouvement Rural de Jeunesse Chrétienne)

www.mrjc.org

UNEF (Union Nationale des Etudiants de France)

www.unef.fr

UNHAJ (Union Nationale pour l'Habitat des Jeunes)

www.unhaj.org

Others

HALDE (Haute Autorité de Lutte contre les Discriminations et pour l'Égalité)

www.halde.fr

47. The data of all CNAJEP member associations are online on our website (www.cnajep.asso.fr), under « Nos membres ».

NATIONAL YOUTH COUNCIL OF MOLDOVA

On April 5, 2009 in Moldova were held parliamentary elections. On April 6, when the first data on the elections were made public, many young people came out in the center of Chisinau (the capital of Moldova) to manifest disagreement with the results.

According to information provided by several national and international NGOs, which have monitored and evaluated protests of 6-8 April 2009, about 700 youths were arrested, illegally detained, mistreated and abused by police forces. Meanwhile, only a very small number of those who have suffered (some tens of people) have filed formal complaints under the provisions of law or have been addressed to courts to defend their rights. These events clearly demonstrate that most young people in Moldova do not know their rights, nor legal mechanisms to claim them.

Meanwhile, even though in 1999 the Moldovan Parliament approved the Law on Youth, that was meant to protect the rights of young people and offer them a range of development opportunities, its provisions are not respected. Thus, the rights of young people to social housing, income tax exemption for a certain period, decent student dormitories etc, are ignored by the state.

Unfortunately, at the government level (both local and central) almost no decision are taking in order to organize different activities for youth to familiarize them

with their rights and methods of defense it. There is a single subject in the curriculum that is addressing this theme - We and the Law. Otherwise, every non-formal education activities that promote young people's rights are carried out by NGOs, which sometimes benefit on government support.

At the same time, an important reason of that situation is that in Moldova do not exist an unique national mechanism of youth participation in civic and political life. In period 2003 – 2005 the Ministry of Education and Youth in co-operation with UNICEF launched a project which aimed to create in each locality a Youth Council to assist the local administration in solving different youth problems. But the project failed after UNICEF withdrawal and it started to be implemented just by the Ministry.

As about political life, the only way of young people to involve in it is via youth organisations of the political parties. Which are not registered as separate organisations, being just a department of political parties. At the same time, according to the statistics, the voting rate of young people which have the right to vote (are aged above 18) is about 15%.

Even if there is no a national mechanism established, because of a strong lobby, the government structures are started to create consulting bodies beside different ministries and state institutions, which consists of the representatives of civil society institutions. For instance, National Youth Council of Moldova (CNTM) is one of

the main partners of the new-established Ministry of Youth and Sports in elaboration and implementation of the youth policies.

The most urgent steps that have to be done in order to improve the situation are as follows:

// A deep reform of the law on youth and a clear mechanism of monitoring the implementation process.

// A national program for promoting Human Rights among young people.

// A strong engagement and support from the government and donor institutions for creation of regional youth council (in each district) which will contribute a lot to youth participation at the decision making process.

COUNCIL FOR INTERNATIONAL YOUTH RELATIONS OF THE FRENCH SPEAKING COMMUNITY OF BELGIUM

Shouldn't Belgium, on the verge of taking the EU presidency, set an example in the defence of its citizens' rights? Especially the most vulnerable of them? It's not always easy to be a child in our small country. In comparison with young people living in other regions of the world, the situation of young people and children proves to be quite satisfying on the average, but a closer look shows serious failures.

Health, access to healing

Article 24 of the International Convention on the Rights of the Child recognizes “the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health”. Nonetheless, treatments are expensive and even if Belgium has a performing welfare system, the access remains difficult or even impossible for some categories of population. Parents who cannot afford to wait for re-funding or who cannot pay the balance then avoid going to the dentist, buying glasses or sending their children to speech therapy.

Access to culture and leisure activities

Article 31 recognizes the right of the child to leisure and to free participation in cultural life and arts, with equal opportunities for every child.

If health is already inaccessible for many of them, how many will then be deprived of this access to culture and leisure? Children living, temporarily or not, in a poor economic situation find themselves quickly marginalized, as they don't have access to many attractive but expensive initiatives, be it trainings or participation to various cultural events.

In our era of multiculturalism, socio-cultural and economical exclusion of children in situation of precariousness, tributary of the situation of their parents, does nothing but reinforce the breach between social classes among children and within society as a whole.

Many children are also deprived of sporting activities because of the cost they raise, which is not without consequences on their health, their socialisation and, in the end, on the growth of active citizens.

Though we rose in our manifesto in 2009 that financial obstacles could be partially removed by proactive policy making, some cultural, educative and social barriers remain that aren't reduced enough at school.

Access to education

Access to education is an uncontested right. The convention states that it is the role of the State to make education compulsory and free. But gratuity is far from being a reality: the activities organised by schools and the resulting costs are often a burden for a family budget. Children whose parents cannot ensure a full participation to these "extras" are, or at least feel, stigmatized. And we are fully aware of how damaging exclusion can be for self-esteem...

Equal opportunities as advocated through the convention is not always put into practice. Many discriminations are to be denounced every day in the reception made to difference, be it of cultural, economical, physical or psychological! Indeed, children bearing a handicap are not protected from being refused or set aside, by people or institutions who claim to be there to serve all children. Can we imagine a modern, multicultural and democratic society neglecting its own future through its very children?

Young migrants

Children of foreign nationality who are knocking at our doors, often in situation of great fragility, are sometimes victims of a system violating certain elementary human rights.

These, sometimes very young, children and teenagers then discover, during a chaotic and stressful migratory journey, a new culture and a territory where their dignity will once more be jeered. Compulsory attendance at school allows migrant children to follow the same classes as “regular” children. They however face problems of equivalency of diplomas, access to universities, attainment of diploma etc. Moreover, nothing forbids the State to deport these children though they sometimes have been living in Belgium for many years and know no other country.

In Belgium, minors with no regular situation can be placed in detention, which is already a violation of the human rights. Although the federal government has made a step in the right direction by reducing the amount of minors in detention, some unacceptable situations in the present structures are still to be found.

Ill-treatment

Children’s ill-treatment and abuse is a plague that doesn’t spare Belgium. The complexity of the protection and intervention system is such that it hinders many procedures though emergency would be needed. And, besides the most dramatic cases, the (sometimes comfortable) ignorance in which some of the actors are left (field actors or policy makers) allows and even bails for injuries to children’s

fundamental rights. From ill-treatment to good-treatment, there is a ditch still to be jumped over.

Detention of minors

We’ll also talk about the building of new places in juvenile detention centres and about the infernal circle that it generates. The minors having committed infractions end up more and more often in these institutions. We are really concerned about the exponential recourse to all forms of juvenile imprisonment in Belgium (85 places today, 240 foreseen for 2012), although there is no evidence in the official statistics of an increase in juvenile delinquency.

It is important to underline that international norms prescribe that imprisonment should be the last resort measure, decided for the shortest period possible and that our society has to implement first measures not leading to a deprivation of freedom.

Coordination

About the defence of the juridical rights of the children, real improvements are to be made in the coordination of the work of the various institutions, in the limitation of the length of certain procedures and in the priority that should always be given to the interest of the child.

CYPRUS YOUTH COUNCIL

How do you, as a National Youth Council/ International Youth Organisation, perceive the state of youth rights in your country/ on the European level?

What are the main achievements, challenges, needs etc for youth rights to be fully implemented in your country. What tools are there now and how aware are the young people of these? Are any additional tools needed?

Based on recommendations from Cyprus Youth Council (CYC) member organisations and relevant stakeholders, the CYC provides, below, a synthesis report. Recommendations for this report were provided by the Cyprus Family Planning Association “Youth for Youth” volunteers and the European Voluntarism for Youth in Cyprus. Issues raised by the CYC member organisations center around the issue of Comprehensive Sexuality Education (CSE), access to Sexual and Reproductive health services, social support policies through the states and schools, youth involvement, and public transportation.

1. Comprehensive Sexuality Education

Numerous scientifically peer reviewed studies provide evidence for the efficacy of Comprehensive Sexuality Education (CSE) programs in reducing risky behaviour and HIV transmission. Several documents issued by both academic experts as well as young activists themselves, call for the implementation of evidence-based CSE for all young people on an International (e.g. American Psychological Association Resolution in Favor of Empirically Supported Sexuality Education in 2005), European (e.g. the European Youth Charter on Sexual and Reproductive Health and Rights developed in 2008) and national level (e.g. positions issued by the Cyprus Family Planning Association and unanimously adopted in CYC general assemblies in 2007 and 2009). Despite all these, CSE is still not implemented in Cyprus.

Sexuality Education in Cyprus is limited to pilot sexuality education programs in 6 of about 70 public schools currently in operation throughout the island, since 2002, though references in occasional visits by health visitors, and sporadic guest lectures and workshops provided by the Cyprus Family Planning Association. Sexual and Reproductive Health and Rights (SRHR) issues are sporadically addressed throughout various courses in the school curriculum, such as biology, home economics, religious instruction, and optional courses such as family education and health education. No official empirical or other evaluations of the pilot sexuality education program or other

have been published so far, but the few studies that address knowledge attitudes, and perceptions of sexuality education by Cypriot youth overall documents low levels and serious gaps of knowledge around sexuality and sexual and reproductive health, high levels of homophobia, while sexuality education information received is evaluated by students as inadequate, outdated, and irrelevant to their needs (Kouta 2003; Kapsou, 2006; Youth Board, 2007; Lesta et al., 2008).

Therefore, young people in Cyprus identify an immediate need for evidence-based, value free CSE to be implemented from as early as kindergarten, to be monitored, and evaluated, in order to address young people's gaps in knowledge and to encourage tolerance in attitudes, consistent with human rights' standards as indicated by the United Nations and the European Union.

2. Access to Sexual and Reproductive Health Services

In Cyprus, contraceptive choice is mostly limited to the male condom, the synthetic oral contraceptive pill, and the Intra Uterine Device (IUD) and the Mirena®. Other options such as the mini-pill, injectable contraceptives, the diaphragm, and the female condom, are not available. In addition, sexual health services are mostly limited to the private sector, with no youth-friendly or youth-focused structures at place, apart from a part-time clinic operated with the help of volunteer gynaecologists by

the CFPA in Nicosia (the island's capital), which offers low-cost SRHR services with a youth-friendly approach and lower prices for individuals under 25 years old twice a week.

Family Planning services (contraception, abortion services) not offered in the public hospitals, though they are partly supported through State funding provided to the Cyprus Family Planning Association (CFPA). Internal public hospital regulations impose strict restrictions on sterilization services, and abortions are only performed for medical reasons, despite being legal in Cyprus. Sexual and reproductive health services, including abortion services, are usually provided through private clinics and physicians at a relatively high cost, without any minimum standards for the provision of pre- and post-abortion counselling by trained professionals. At the same time, lack of systems of documentation of sexual health data make empirical evaluation of any attempted interventions extremely challenging.

Thus, a need is identified for revision in the approach toward Sexual and Reproductive Health services through the State, in order to ensure universal access to services, high quality of not only medical, but also psychological and emotional services provided, in a youth-friendly manner and systems of accurate documentation of medical needs and services provided to be implemented.

3. New parents

A need is identified for ensuring economic and emotional support to newly parents by the State. Maternal leave is currently offered at a minimum (16 weeks), whereas the only option for paternal leave is an unpaid 3 month leave. Apart from the need for extending parental leave rights and benefits, the promotion of flexible working schedules and telecommuting arrangements for young parents is needed. Furthermore, a need is identified for securing the provision of adequate, affordable, and high-quality childcare, which is currently mostly provided by the private sector at a high cost, and often at hours that are not adequate to cover the parents' work schedule, forcing many young parents to either have to rely on grandparents or having to bear additional babysitting costs. Finally, State support should not be limited to financial support, but should also include emotional and social skills support, through good practices used in other European countries, such as the provision of antenatal and postnatal classes, group support sessions for parents, and professional support in developing parental skills.

4. School policies

The general perception by youth is that the public education system is too academic- and achievement-focused. Thus, enforcement of an adequate emotional support policy starting from kindergarten, and a greater emphasis on emotional (and not only academic) development in schools at all levels should be targeted, in order to facilitate the development of decision making skills, problem solving, personality development, and tolerance. Professional career guidance should be provided starting from a younger age, to empower young people with decision making skills for their future.

5. Youth Involvement

More information and support on youth programs is needed. In Cyprus, European youth programs seem to malfunction due to bureaucratic factors, with undesirable results such as the freezing of the Youth in Action Programme. Opportunities for Cypriot youngsters to empower their active citizenship in the field of the EU and the neighbouring countries are limited.

6. Public Transportation

The mobility of youngsters in Cyprus is extremely limited due to a virtually inexistent public transportation network. As a result, youngsters initiatives and opportunities are restricted and at the same time the danger for street accidents is increased since youngsters are trying to find alternative and in many cases dangerous ways for transportation. Not only is public transport largely unavailable, but also the need for designing and implementing an efficient public transportation network is not really recognized, and thus is not treated as a priority by decision makers in the process of infrastructure planning or budget allocations.

ESTONIAN NATIONAL YOUTH COUNCIL

The input can be found below structured by the questions given by the European Youth Forum.

1. Awareness

How aware are, in your assessment, young people in your country about their rights? Do they know which mechanisms that can be used by young people in your country to claim their rights? How is your country (on local and national levels) working on educating young people regarding their rights?

Young people can be roughly divided into two: organised youth is mostly aware of the different possibilities or know the sources of information; unorganised young people (not belonging to any organisation or group) are rather left aside. There is no actual statistic referring the percentage of how many youngsters are active in society but it is estimated that the number is around 5 percent. In conclusion, if young people know about their rights, it is not a problem to claim them. The question is, how to raise awareness among those who are not members of any organisation.

2. Autonomy

What is needed, in your view, to improve the chances of young people in your country to live an autonomous life?

Autonomy is very closely connected with competitive education, decent jobs and access to housing. More and more young people have access to proper education (however, early school-leaving is still an issue) but finding job is rather difficult. The employers request the previous working experience which, naturally, is problematic. Thus, voluntarism should be more recognised and given the official status. Secondly, housing issues have to be solved – some supporting structures are yet existing but the goal is not fulfilled.

3. Participation

In what ways are young people in your country participating in civic and political life? Whose responsibility is it that young people can and are participating in their societies? Has co-decision making been introduced at any level of your society? How was this carried out? What is the age limits for voting in your country? How many young people vote in elections? How is election information distributed to young people?

ENL believes that one of the most important issue is the (political) participation of young people at all levels. Basically, different possibilities have been made available for the youth (local and regional youth councils, high-school student unions as well as the state-level organs such as the advisory council to the minister of education and research). However, despite of the existing possibilities, the usage of them is rather low and that is closely connected with awareness. As a result, young people's opinion is not taken into consideration as it could. In addition, the structures vary quite a lot across Estonia referring directly to financial issues – the wealthier the municipality is, the more options are existing. In conclusion, there is a clear need for supporting structures and positive participation experiences from an early age. That can be achieved by raising the awareness of different participatory bodies both by the youth themselves and the public authorities.

COUNCIL OF GERMAN SPEAKING YOUTH

The German-speaking Community is the smallest federate state of the Kingdom of Belgium. Its Parliament and Government are exclusively responsible for i.a. cultural, educational, social, local and youth matters, including its European and international aspects. In this regard, obligations deviated from International Human Rights Law are not exclusively competences of the German-speaking Community. We additionally would like to highlight the statute of the German-speaking Belgians as a recognized national minority, consisting of around 75.000 people. This fact requires and allows other forms of implementation of Human Rights Law, but also causes obstacles and logistical problems.

The Council of German-speaking Youth (RdJ) is a recognized consultative body on youth matters in the German-speaking Community. In the framework of International Human Rights Law, one of our main tasks as youth council is to increase youth participation in the German-speaking Community through participatory moments and active citizenship, in order to ameliorate the living conditions of all young people. We consider this participatory approach as one of the major tools of supporting the right of self determination, strengthening the freedom of speech and the freedom of assembly for all young

people. We can observe the openness of all decision makers in providing and participating in open fora, for example in the framework of the structured dialogue. We can also attest the efforts of the authorities in removing barriers for the establishment of local and regional participative structures. An important example is the yearly youth parliament which often introduced issues later on dealt with by the ordinary parliamentarians. As far as we know, the representation of pupils in all secondary schools, following the National Report foreseen in every secondary school, has not yet been accomplished in all schools in the German-speaking Community. As additional step in achieving a higher level of participation, the RdJ chooses to open its highest decision making body for interventions of all young people of the Community. In executing its advisory and advocacy role, RdJ participates in several bodies on community and national level (f.ex. : youth welfare service; media; development cooperation, solidarity and integration; equal opportunities; family and intergenerational affairs). This participation allows a global view on the Human Rights situation in the German-speaking Community.

The National Commission for the Rights of the Child is responsible for the report on the status of the Rights of the Child. The German-speaking Community is like every other federated entity party to this commission. As the other 2 national youth councils, the RdJ can send a representative with advisory voice to these meetings. At this moment, the RdJ makes unfortunately

no use of this possibility. Nevertheless, the RdJ noticed the concerns of the National Commission, expressed in the national report of 2008 regarding the absence of (1) an independent mechanism for the implementation of the convention on the Rights of the Child and (2) an institution dealing with the appeals of children and young people. In this regard, RdJ welcomes the decision of the Parliament of the German-speaking Community dating from May, 26th 2009 on the establishment of a position of “Ombudsperson of the German-speaking Community”, who will, inter alia be entitled with the observation of the rights of the child and of legal provisions on equal opportunities. The concrete implementation of this decision will be subject of further observation. Also the presence of a coordinating minister within our community supports the adequate implementation of Human Rights Law.

In the field of the right of education, all young people of the German-speaking Community have access to the formal education system. Despite our minority status and according to Belgian constitutional law, German-speaking pupils can follow classes in their mother tongue until finalizing secondary school. However, in the field of Higher education, students are forced to study in another country or in another Belgian community – and thus another language (due to the Community’s size, only very few careers can be studied within the German-speaking Community). Studying in another language can form an obstacle in the first years of studying and

is therefore a potential reason for failure. On the other hand, there is a huge potential for strengthening the competences of our students. The bilingualism that results from student's mobility within Belgium is an important asset for our small community. We therefore consider previous orientation language tests an interesting tool for intercultural learning which are additionally facilitating first years in students life. Nevertheless, these tests should not prohibit German-speaking Belgians to study within their own country. As our students are forced to cross (language and state) borders, an adequate implementation of the Bologna process is of key importance in order to facilitate student's mobility.

Despite the fact that Belgium has three official languages (Dutch, French, German), the German language is often less accessible or recognized in day to day practice on the federal level (as shown by the many language-related interventions of the German-speaking Community Senator in the Belgian Senate). In the field of civil servants, an amelioration of the possibilities for taking all kinds of entering tests in German would find our strongest support. We welcome the presence of paritarian (Flemish-French-speaking) structures on federal level which aim is to assure national stability in any field of action. On the other hand, this parity often causes a difficult accessibility for German-speakers to these functions. This limits the opportunities of German-speakers and sometimes causes a structural disadvantage of (young) people coming from our Community. Nevertheless we welcome the presence of a directly elected

representative of the German-speaking Belgians in the European Parliament and a representative of the Parliament of the German-speaking Community (directly elected body) in the Federal Senate. However, a guaranteed, and directly elected, representative in the Federal Chamber (the more powerful House of the Belgian Parliament) is not assured yet. This clearly limits the possibility for German-speaking Belgians to defend their interests outside the competences of the German-speaking Community. Moreover, many public and private companies or institutions provide no or insufficient information in German.

In general, we did not observe major problems related to Human Rights in the German speaking Community. On the contrary, we could observe the opening of youth work to non-organised youth. The P.R.I.M.A. Consultation 2005 – 2006 defined the priorities of the Minister of Youth for the upcoming years, while the open youth work reaches non-organised young citizens. We also welcome the cooperation agreements assuring the implementation of Human Rights Law where the Community's scale does not allow an own implementation system.

DUTCH NATIONAL YOUTH COUNCIL

The Dutch National Youth Council is very much active in the field of international youth policy and youth rights. As a member of the Dutch Coalition for Children's Rights, the DNYC wrote chapter 6 (on participation) of the NGO report for the UN Children's Right Committee in 2008.⁴⁸ Input for this report was also gathered from our own Youth Research Panel on children's rights which served as an addendum to the NGO report.⁴⁹ The state of children's rights in other parts of the Kingdom were also considered.

Focus area's

One of the most crucial issues at this moment in the lack of a National Children's Ombudsman in the Netherlands. The UN Committee on the Right of the Child took note of this and recommended the government to step up the proceedings for setting up a Children's Ombudsman. Particularly since this issue was also mentioned in the last report of the Committee four years ago. Since then, a non-governmental bill proposing the establishment of such an Ombudsman was written by a member of parliament and received support from our minister for Youth and Family. Still, we need to closely monitor the actual

48. http://www.njr.nl/bestanden/file/JongerenrapportageEng_LowRes.pdf
49. http://www.njr.nl/bestanden/file/kinderrechtenLangEN_lowres.pdf

adoption of the bill and its subsequent implementation.

A second point of attention is the lack of structural financial support for youth organisation. Currently, by law funds are available only for certain university or school based organisations and political youth organizations. Many national youth organisations active in other (broader) sections of society are left behind, like several of our member organisations. The UN Committee on the Right of the Child in its report mentioned this bias and recommended the Dutch government to push for more structural support to youth organisations.

A last area of attention is the lack of human rights education in Dutch formal education. The government refuses to incorporate human rights education in the formal (high) school curriculum. As a result, the Dutch youth/children know their rights the least of all youth in Europe, according to a report of the European Commission.⁵⁰

50. <http://www.defenceforchildren.nl/images/20/982.pdf>

For all questions, please think of recommendations for possible improvement on all political levels.

1. Awareness

How aware are, in your assessment, young people in your country about their rights? Do they know which mechanisms that can be used by young people in your country to claim their rights? How is your country (on local and national levels) working on educating young people regarding their rights?

Young unorganized people (who do not belong to any formal non-governmental organisation) do not really know all their rights and the more important question is if they are really interested in that. Young organized people tend to know a bit more about their rights but generally speaking – there are no visible campaigns promoting this topic. There is only Eurodesk Lithuanian internet portal where young people can find more about the youth rights.

Of course – there is a need for deeper surveys in order to say if young Lithuanians are aware of their rights, we can make only hypothetical conclusions.

Talking more particularly about how young people are educated about their rights – first of all they get some knowledge at school when they study the Lithuanian Constitution – they raise awareness about

general and overall human rights but not young people rights. Secondly – youth organisations in Lithuania do a lot of activities on this topic, often they implement projects under the programme “Youth in Action”. State funding is more oriented to the civil society building.

All in all, the situation in Lithuania is that young unorganized people get less information about the youth rights topic, in general – all young people lack the information about the topic.

2. Autonomy

What is needed, in your view, to improve the chances of young people in your country to live an autonomous life?

First of all – the legal system in Lithuania has to be revisited, because it now has some obstacles for young people to become fully autonomous considering studies, work and housing as well as situation of young families. Secondly, all the stakeholder (on European as well as on national level) have to put efforts in order to promote and sustain possibilities for the autonomous life of youth. Thirdly, information is crucial – young people have to receive the information about all the possibilities connected to them.

3. Participation

In what ways are young people in your country participating in civic and political life? Whose responsibility is it that young people can and are participating in their societies? Has co-decision making been introduced at any level of your society? How was this carried out? What is the age limits for voting in your country? How many young people vote in elections? How is election information distributed to young people?

There are some traditional ways how young people involve themselves into the civil and political life. First of all – they participate in youth organisations or any other non-governmental organisations. Secondly, they implement some activities by joining non-formal groups of youth. They take part in projects and events and in this way learn how to be responsible for the home country.

Talking about the political life, there has to be mentioned that all young people in Lithuania get the right to vote in all the state elections from 18 years old. They as well can participate in the political life by joining political parties and running in the elections as candidates to the municipal or state parliament elections. On the other hand – young people are not more active voters than other age groups.

Talking about the responsibility of involvement of young people into civil life – the most significant role is played by Lithuanian Youth Council (LiJOT) as the only one platform for youth organisations in Lithuania and the main partner of state in the process of drafting and implementing youth policy in the state.

LiJOT implements several activities in order to show and promote active youth participation and civic values – for example, where is a campaign, organized by LiJOT, which is called “I do care” and the main aim of the campaign is to promote elections and show to young people that active participation in voting procedure is important. The campaign “I do Care” has been run in 2004 and 2008 before the Lithuanian Parliament elections, in 2005 and 2009 before the European Parliament elections and in 2007 before the local municipality elections. “I do care” is divided into two major parts. The campaign involves launching an internet website www.mannedzin.lt where all the relevant information about the institutions (the European Parliament and the President), voting procedures, promotional material of the campaign is based. The other part of the campaign involves gathering and training a team of around volunteers, who will break up into smaller groups and on a scheduler basis will visit different cities in Lithuania trying to establish a direct contact with young people in their natural leisure environment.

The other project is called “Mission Siberia” – young people go to Siberia and clean the cemeteries of Lithuanians who were deported to those lands by force after the II

World War by Russian occupants. In this way young people show their patriotism and dedication to their state.

Talking about the co-decision principle – it is introduced to all levels of the state – municipal and national level. There are structures on both levels called council for youth affairs where youth and officials are represented in equal parts and take the most important youth related questions.

4. Education employment and social rights

Is Non-formal Education, carried out by youth organisations, recognised in your country? How are the authorities/ NGOs/ young people working towards a smoother transition from education to employment? What kinds of internships are offered in your country? Do young people have the same access to social protection in your country?

The methods of non-formal education are widely adopted to the everyday work of YNGO's in Lithuania. Lithuanian Youth Council even adopted a position describing the term of non-formal education and claiming that youth NGO's are providers of it. Unfortunately, this topic is still an object for debates on the state level where officials and providers of non-formal education gather. The thing is that the only providers of NFE are recognized various schools of arts and sport as well as hobby clubs carried out by teachers at schools.

YNGO's are not seen as providing NFE, and this is a hot topic nowadays in Lithuania. Lithuanian Youth Council initiated the working group of government representatives, current providers of NFE and youth NGO's and this group is at the moment drafting the state concept of NFE. We believe that at last YNGO's will be accepted as providing NFE. But this is a long way to go still.

Talking about the topic of transition from education to labour market – this is an important and as well complicated question. Before the crisis where was not such a problem as almost all young people willing to work – had a job. Of course, if we ask if the job is decent – not so much. At the moment the problem of youth unemployment is crucial and important. On the other hand – there is a big public discussion about this topic and there are some intentions to make this transition smoother.

Next, internships are secured by the high school (colleges or universities), the duration depends on the subject and can last from some weeks to a semester. It means that the educational structure is responsible for ensuring the internship position to every student. And this is the only possibility to have internships in Lithuania. It means that after finishing the studies there is no such a tradition to have long lasting internships – young people expect to find a paid job right after finishing the studies.

Young people have the same social security as older. As long as young person is studying – necessary health security is free of charge for him/her. It is the same when young person starts to work and receives the social security card.

5. Whose responsibility is it to ensure freedom of expression for young people in the society? How can this be carried out more efficiently?

The freedom of expression is a fundamental right of every human-being. It is secured by the Lithuanian Constitution. So, this freedom for youth is secured by laws.

6. Discrimination

Describe cases of discrimination based on age in your country, if there are any, and how these issues are being handled in your country.

There are problems concerning the discrimination based on age in Lithuania. It starts from the attitude to young person – older people do not see youth as equal citizens to them and it makes a lot of problems. Young people mostly are discriminated in the labour market because of low experience. Opinion of young people sometimes is not respected at schools and universities when it come to some problem solving and involving young people into decision making processes. On the other hand, talking about Lithuanian Youth Council – were is a good cooperation with the government established and we do not feel any discrimination because of being young.

7. How are the needs of young people being considered in the justice system of your country? Can young people in your country refuse to engage in activities which are contrary to their conscience, religion or belief, without negative consequences?

Before giving a straight answer to this question it has to be mentioned that Lithuania is still a homogenous country with around 84% Lithuanians by nationality. Talking about religion – a number of catholics is even bigger. So, at the moment there are not so many young people refusing to do some kind of activities.

PORTUGUESE NATIONAL YOUTH COUNCIL

What is the situation of young people residing in Portugal? Mapping out the state-of-the-art of young people's rights is not easy due to several aspects, the heterogeneity embedded in the word "youth"; the diversity of paths each one of us trace and the big gap between the law in books and the law in action, that is, between the consecrated rights in law and its observance in the daily life. Nonetheless, it is possible to identify main features, steps forward and rearward, rupture and continuity in what regards the subject. Overall, in a legal perspective, we can state that young people residing in Portugal enjoy all rights consecrated in the law: the right to education, to employment, to housing, to family protection, to conciliation between personal and professional spheres, to health, to justice, to information, to free association and to civic and political participation, to non-discrimination, among others. Despite this, statistical data and empirical knowledge alert us to a preoccupying image of youth rights. Indeed, according to an OECD report (October 2008) and nationwide studies, children and young people (alongside with families with children) residing in Portugal are the population segment more at risk of poverty. In a country in which about 20% of the population lives under the poverty line, child and young adults poverty rate is high and rising. Considering these and other data, youth autonomy seems to be in jeopardy and though continues to be a challenge, a need still to be fulfilled. The real numbers appeal to a larger investment in youth so as their fundamental rights can be respected! This investment should also enable young

people to effectively become active citizens and allow their potential, knowledge dynamism and creativity to bring Portugal out of the crisis and to fully achieve the status of a Developed country.

The right to decent work and autonomy

At present, the unemployment rate on young people up to 24 years old is 19.2%, which is double the rate for the rest of the population. Transition between education and labour market is many times marked by long waiting times of seeking for a job and/or experiencing precariousness in working conditions. In order to mitigate these numbers some active employment policies have been adopted, namely tax benefits incentive to companies hiring young people. In line with this there is the stake on traineeships that can be trailed in companies, public administration, NGO and abroad with under the INOV Program. It is essential to reinforce these active employment policies; to promote young people's lifelong learning, professional mobility and the development of entrepreneurial competences. Besides these needs, it is also important the stake on youth work as well as on the rising of a wider and participated social dialogue process on youth autonomy, which must involve youth organisations. Young people residing in Portugal achieve their financial autonomy later and later. In Portugal, the brain drain reaches 100 young people on a monthly basis.

Enter the labour market, enjoy social protection and social security systems, being able to afford housing, set up a family and fully participate in the society are fundamental criteria and rights that must be ensured to each young person.

The right to education

In this field Portugal has traced significant steps in: pre-schooling education; diversifying the learning offer and taking a clear stake on professional education; decreasing early school leaving rates as well as school failure rates; increasing mandatory schooling years; strengthening student social support; introducing and enlarging foreign languages and new technologies studying. Nonetheless, Portugal continues performing poorly in many indicators compared with other EU countries. Early school leaving rate is at 35.4% for students between 18-24 years old and school failure levels in secondary and higher education are still very high. Additionally, costs for higher education access and frequency are among the highest in Europe. Economically active population qualifications are still low in relation to other European countries.

The access, frequency and success of a quality education must be guaranteed to all. A holistic approach to education must be adopted so as to value student's active participation, recognize and promote non-formal education and intercultural learning and take a stake on lifelong learning and mobility. That is to say, an Education for the citizens.

The right to civic and political participation

When compared to other European countries, civic and political participation levels of young people in Portugal are still low. In spite of this, thousands of young people daily devoted to volunteering, to youth organisations and to new forms of participation must not be overlooked. It is essential to emphasize the incentive and support to youth participation alongside with the integration and participation of all, especially of disadvantaged young people to whom specific actions should be undertaken. For example, numbers show that in Portugal individual and collective participation in young people descendent from immigrants or African Diaspora is still at unsatisfying levels.

Recently, a law was passed, making compulsory the establishment of Municipal Youth Councils. Efforts and incentives to civic and political participation need further development. Creation of Regional Youth Councils, bureaucratization of youth organisations setup and functioning processes, a stake on e-democracy and the introduction of electronic voting are ways forward in this regard.

More could be written about this complex and wide subject, but let us conclude stressing that, in a country where the use of antidepressives is very high and where 9% of young people until 30 years old suffer from depression, the right to health, namely to mental health, is of very high importance. The right to sexual and reproductive health; the right to leisure, culture and sports; the

right to live and contribute to an economically and environmentally sustainable society are fundamental rights likewise. Its observance must be ensured for all according to article XIII of the Constitution of the Portuguese Republic, which prohibits all kinds of discrimination; we are confident that the newly created Secretary of State for Equality will undertake major efforts in this regard. We believe only by this way all young people will take the lead role as changing agents that they can, want and aim to be.

ORGANISING BUREAU OF EUROPEAN SCHOOL STUDENT UNIONS

OBESSU — The Organising Bureau of European School Student Unions is a platform for cooperation between the national school student unions active in general secondary and secondary vocational education in Europe. It was founded in April 1975 in Dublin, Ireland and brings together member and observer organisations from more than 25 European countries. All member-organisations are independent, national, representative and democratic school student organisations.

The recognition of schools students rights at local, national and European level is a cornerstone of OBESSU's work. In 2006, OBESSU ratified its Declaration of School Student Rights that identifies 19 fundamental rights claimed for throughout Europe by all school student organisations. Amongst those rights are for instance the right to participation in the decision making processes, the right to assembly freely, the right to appeal and most importantly the right to quality education.

The picture of the recognition of school student rights in Europe is a very diverse and fragmented one. Three mains trends can be identified that we will detail further on in this contribution:

The (legally) lucky few

In very few countries (DK, IT, NL, NO), a large part of the rights laid in the Declaration of School Student Part are guaranteed by law. However practice shows that the information of students on their rights is scarcely done and that these rights are merely a reality on paper. In these countries, OBESSU and its members demand that the information be dramatically increased and coupled with the creation of tools for implementation of the existing rights.

Denmark is an example of a country where there is a high level of students rights included in the legislation concerning secondary schools. The legislation includes the right for students to be part of the planning of all lessons, the right to student representative bodies with in all schools and the right to participation of students in all boards and committees which concern them. In spite of the many rights included in the legislation there are still issues concerning the use of these rights. First of all, most students are no aware that they have these certain rights. For the students to access this knowledge they must read through heaps of legislative documents which few have the interest in doing. On this part of raising awareness spreading the knowledge, the school students' organisations play a critical role. We work to raise students' awareness of the rights they have and of their right to appeal if these rights are violated. Most legislation on the topics of school students rights is very open and written in weak formulations. An example of this is the Danish legislation on students

participation in committees in schools which states that students have the right to participate in all structures which "*In general have importance for the students*" This leaves it to the school head to determine what is of "general importance" and what is not. The school students of Denmark claims for better way of appeal and a more transparent system in order to fully enjoy the benefits of the rights they have.

Token rights

In some other countries (RS, FR, UK, BiH) a few of the fundamental rights of school students are formally respected, such as the right to assembly, or some for of participation. Nevertheless, these rights suffer from dire limitations in their implementation. When requesting more rights and/or a proper implementatin of the rights they are officially entitled to, students and their representatives are systematically told they should "be happy with what they already have".

This is for example the case of Serbia where the new Law on education, introduced in September 2009, gives more rights to secondary students. Students in this case are given the right to assembly as every school is obliged to have a students council. Moreover, for the first time students have been given the right to participate in the decision making processes. According to the Law, 2 representatives of the students have voting rights in the school board, the main decision making

body in school composed of 11 members, representatives of teachers, parents, local community. However, there are still some issue that students don't have the right to decide upon, such as finances and election of the headmaster. Students were given the right to sit in the school board and merely observe while the most important decisions were taken for them, denying them the right to be equal partners in the decision making processes.

Therefore the recognition of the status of school students and the adoption and proper implementation their rights are of fundamental importance to successfully ensure that youth rights apply to all aspects of the life of youth and do not stop being valid at the door of the school.

The rights blackholes

In a large part of the OBESSU membership countries (IE, RO, EE), however, the situation of school student rights remains a complete no mans land. Several school student organisations are not even recognised officially by the government and their efforts to organise activities and claim for the basic rights to assembly or to participation in the school councils meet a clear opposition from the school authorities.

The case of Ireland is particularly compelling in this regard. Not only is the Irish School Student Union (ISSU) not recognised by the ministry of Education, but no school student representation whatsoever is foreseen at any level of the Irish schooling system. Irish school students are denied the right to assemble freely, to demonstrate or voice their opinion concerning the subjects that concern them the most directly: their own education.

As OBESSU, we believe that Education, and therefore student rights, is one of the main segments of the life of young people.

NATIONAL YOUTH COUNCIL OF SWITZERLAND

This Shadow report was done by the International Commission of the Swiss National Youth Council (CSAJ/SAJV) and tries to give a picture of the current situation for Young People in Switzerland.

General Comments on the Declaration on Youth Rights⁵¹

We welcome the Establishment of this Declaration very much. Nevertheless we think that the document can only serve as an effective instrument, if it focus more on specific Youth related issues⁵², ensures concrete measures and tools for implementation and gives a more specific definition of Youth mainly regarding the age. Furthermore we would suggest emphasizing on the positive Role of Young People for the World today and tomorrow. This means not only should we provide Rights to protect them, but also call upon the Young People themselves to be proactive, take personal responsibility and fulfil their duties. The declaration should therefore give a framework to allow young people to live without discrimination.

We would further suggest to add newly “Right to Free Mobility” as a topic, as limited Mobility poses problems especially to many young people in Europe who like to work, travel or study abroad. In the preamble, it should also be emphasized that youth is the present and the future of

51. 0671-09A CoE Affairs, adopted at the youth event celebrating the 60th anniversary of the Council of Europe, Slovenia 2009

52. That means no repetition of Rights expressed in other existing Conventions, especially the Convention on the Rights of the Child

Europe and therefore the needs of young people need to be taken into account now to ensure that they can play their role also in the future.

Situation of Young People in Switzerland

It is important to stress that Switzerland has a federal system and is composed of 26 cantons with a large autonomy. As an example, education is regulated on a cantonal level, not on a federal.

1. Awareness

In general the Situation of Young People in Switzerland is pretty good. This is probably the reason why there seems to be no need or interest in information about Young People's Rights. Public discussions and open access to Information about Rights are guaranteed and easily accessible for everybody, but schools rarely offer civic education about Youth or Human Rights in general. On Community Level Information about political Rights is widely provided to Young People with reaching the age of 18⁵³. Information is strongly needed concerning employment, education and social rights, and is sometimes offered by private actors, media and regional counselling agencies.

2. Autonomy

We faced some difficulties in the discussion of autonomy as this concept isn't absolute. To a certain degree it is normal in a

young person's life not to be fully autonomous mainly for financial reason and it is also arguable if a young person at the age of 16 needs to live alone and not with his/her family. Therefore, this concept can also be used wrongly by taking the responsibility away from the parents. We think that the right to autonomy should be nuanced and maybe changed into "the right to access progressively to autonomy".

In Switzerland Young People who want to live an autonomous life face several problems. The housing is one big issue, especially in bigger (university) cities where space is rare and expensive. That makes it hard for Young People to find an affordable and decent home. Young People are often discriminated as well, because they are not trusted to be good residents. The fact that there is no minimum wage for Young apprentice and scholarships for students are not available for everybody⁵⁴ makes this housing situation even more difficult. For young families it is also difficult to find support in extra familial childcare. The occupational choice is still very much influenced by gender typical stereotypes.

3. Participation

According to Statistics from 2006⁵⁵ almost 57% of Young People (14-24) are active members in one or more organisations. In the Swiss National Youth Council there are approximately 80 Member Organisations, who represent about 500'000 Young People. There are several possibilities for Young People to participate in local Youth

53. Age Limit to attain full age

54. As scholarships and grants are also regulated on a cantonal level they are not the same throughout Switzerland

parliaments or Youth Councils and Youth organisations can in general be freely established, but there are no co-decision mechanisms throughout Switzerland. The Swiss National Youth Council also offers the project of a Youth Session⁵⁶ that is widely known and offers all interested Young People between 14 and 21 three times a year a platform on national level to discuss Youth related Policies and Issues. In Switzerland Youth Parties and Youth sections of political Parties are quite active and appear in public. Nevertheless in the national Parliament there aren't many young people represented. The average age of parliamentarian is approximately 50. The voting age in Switzerland is 18⁵⁷. Voter participation in Switzerland is generally low, but Young People (18-24) participate significantly less than older generations⁵⁸. Information about votes and elections are available in media as well as through new ICT's but still there's a need for more political education in schools.

On the question about who is responsible for the Participation of Young People in Society we have to answer that it lies within the Young People's Responsibility itself. The various forms of possible participation in Switzerland – especially the system of direct democracy - guarantee a wide range for every interested Young Person living in Switzerland to take action. Families and NGOs can have an influence on the young

people's engagement as well. In several schools students are encouraged to take part in a social project as part of their curricula but this still remains something of a rarity.

4. Education, Employment and Social Rights

The Recognition of Non-formal Education in Switzerland is ambivalent. There is a legal framework of supporting NFE Organisations financially⁵⁹ and tools like the "Sozialzeitausweis"⁶⁰ for certification exist, but the real reflection on the value of NFE has started only recently.

In Switzerland we have an official school attendance of 9 years⁶¹. The Transition to Employment can differentiate very much. There is a system of apprenticeship, which combines practical work experience with attendance of specific school and usually takes about 4 years. For a smoother transition to employment there are several information and counselling agencies, specialized for young People. Recent development show, that the system of apprenticeship loses its significance and value in contrast to higher education in universities and colleges of higher education. Very often those apprenticeships concern about jobs with lower incomes. The number of Young People with migrant background is higher in apprenticeship as in higher education, which creates a gap between the values

55. www.bfs.admin.ch/bfs/portal/de/index/themen/20/03/blank/key/03/03.Document.69059.xls

56. www.jugendsession.ch

57. There is one canton (Glarus) that has voting age 16 on canton and local level, in other Regions there are campaigns on this topic as well

58. 30-35% according to Congress Paper of the Swiss Graduate School of Public Administration, compared to around 45% of the whole population: see online:

www.infoklick.ch/media/bildung_und_entwicklung/projekte/sommerakademie/Doku_08/Ladner.pdf

59. The national law on youth exists since 1989.

60. www.sozialzeitausweis.ch

61. Usually from the age of 7 to 16.

of different kinds of work. The transition for graduates to employment is not so easy. There are a lot of internships offered to graduates, but they vary in length and compensation, including unpaid internships. When it comes to access to social protection the situation is pretty good in Switzerland, except for the “Sans-papier” who have an illegal status⁶². Schools and tuition take place in the local language, as the four national languages⁶³ are officially recognized.

5. Freedom of expression

The Freedom of expression is guaranteed by the Constitution in Switzerland and is also guaranteed in reality. The political weight of Youth and Youth related Policies could be better, as there is no ministry for Youth⁶⁴ but Young People can make themselves be heard through NGOs, Media and various other ways.

6. Discrimination

Young People don't face much discrimination based on age. Problems exist in the area of housing and maybe employment, where long time experience often poses a crucial factor of employability. Politically Young People are not always taken serious and don't participate too much in the decision making process. Another issue is that Young People from 16 are liable to prosecution but cannot take part in political decisions.

7. Needs of young people, etc.

From the age of 18 there's a general conscription for every Swiss Men to attend military service. Compensatory the young men can accomplish civilian service instead if they apply for it. As the relation between Religion and state is handled differently in each canton the consequences of refusing activities due to religious beliefs – such as girls and boys swimming together in school gymnastics – are treated differently as well.

Switzerland has quite a good system of alternatives to imprisonment for young people such as specific work and therapy institutions. Even though, there is no guarantee that young people live separately from adults in prison. Recently, there are also some tendencies to bring young people under the legislation of adults.

62. Children and young people being illegally in Switzerland have the right to go to school, but there's no right to social security.

63. German, French, Italian and Rhaeto-Romanic.

64. Youth is part of the Department of social security, which belongs to the ministry of internal affairs.

1. Awareness: How aware are, in your assessment, young people in your country about their rights? Do they know which mechanisms that can be used by young people in your country to claim their rights? How is your country (on local and national levels) working on educating young people regarding their rights?

A significant percentage of young people in Romania do have access to information about their civil and political rights via internet. The lack of awareness concerning the importance of these rights and the mechanisms they can use in order to defend their rights is due to lack of education on topic of civil and political rights. In most of the cases, young people do not have knowledge about the institutions and mechanisms they can appeal to in order to claim their rights and they are not encouraged and supported to struggle for their rights.

Concerning the formal education for young people on their rights, pupils study the subject of civil culture in 7th grade (13 years old) and in 9th grade (15 years old). They are only presented their political and civic rights and the public institutions, without equipping them with necessary knowledge and instruments to know how to claim their rights in a democratic society.

2. Autonomy: What is needed, in your view, to improve the chances of young people in your country to live an autonomous life?

The most stressing problem in this sense is youth unemployment. Statistics show that young people are one of the most vulnerable social group in times of economic crises and one of the most affected when it comes to unemployment.

Moreover, when talking about difficulties in becoming independent, we should also mention the possibility for young people to buy a house and live without their parents' support. In Romania a large majority of young people still live with their families until very late, even after having a family of their own. Another issue would be the underpaid salaries for young people which make it difficult for them to rent a place of their own and so they have to share a home with other 3-4 persons.

Key points in achieving youth autonomy on long and medium term.

// policies of facilitating youth inclusion on labour market earlier in life

// a better connectivity between university curricula and requests on the labour market

// fairer conditions of employment for young people would be

// legislative initiatives related to the acquisition of the 1st house

3. Participation: In what ways are young people in your country participating in civic and political life? Whose responsibility is it that young people can and are participating in their societies? Has co-decision making been introduced at any level of your society? How was this carried out? What is the age limits for voting in your country? How many young people vote in elections? How is election information distributed to young people?

Romanian young people show a very low interest in actively participating in civic and political life. There is a dramatic difference between rural and urban young people. Most of young people who are actively participating in social and political life of their community are activating in youth NGOs. Nonetheless, only 2% of young people are affiliated to an NGO and most of them are living in urban areas.

Participation of young people in decision making process is limited. The representatives of students participate at consultations when a new policy or law in education field is discussed, but a continuous structured dialogue is lacking. Only a small number of young people are consulted when policies in youth field are discussed which makes the sample not representative for youth's needs. Moreover, representative youth NGOs – as the Romania Youth Council – have to initiate strong advocacy

campaigns in order for their point of view would be taken into consideration by the national authorities.

It is both authorities and NGOs responsibility that young people participate at civic and political life. On the one hand, NGOs are responsible with offering additional knowledge and information to young people on this issue. Moreover, as main providers of non-formal education NGOs also try to equip young people with necessary competences and skills to actively participate in civic and political life. On the other hand, public institutions in youth field are responsible with creating the adequate legal framework for ensuring youth participation.

Concerning the voting issue – in Romania the limit age for voting is 18 years old. Youth participation in elections is very low, young people not being very much interested in political life (more than 50% of young people, as statistics show) and considering they cannot influence the political decision in a significant manner. Moreover, young people do not have unbiased and objective information about elections, especially in referenda.

Generally speaking we can also refer to the fact that political parties seldom address their initiatives to this specific target group – in this case young people – which also makes young people not being interested in discussed political subjects.

4. Education, employment and social rights: Is Non-formal Education, carried out by youth organisations, recognised in your country? How are the authorities/ NGOs/ young people working towards a smoother transition from education to employment? What kinds of internships are offered in your country? Do young people have the same access to social protection in your country?

In Romania NGOs are the main providers of non-formal education through the activities and projects they organise for young people. Non-formal education is gaining momentum among youth NGOs if we take into consideration the great number of proposals for Youth in Action projects. Still, in Romania non-formal education is neither recognised under a legal framework, nor is it foreseen to be recognised in the recent future. Moreover, there is still insufficient financial support at national or local level for non-formal youth initiatives, most of the grants that youth NGOs receive come from various European programmes.

5. Whose responsibility is it to ensure freedom of expression for young people in the society? How can this be carried out more efficiently?

We consider it is both the responsibility of public institutions and of representative youth NGOs. Public institutions are responsible for ensuring the legal framework and public consultations with young people so that their opinions can be heard and further on taken into consideration on issues that directly concern them. At the same time, public institutions should actively contribute to consolidating structured dialogue by permanently consult with the most representative youth NGOs on issues that have direct impact on young people. On the other hand, representative youth NGOs should permanently be in touch with both young people and public institutions, thus insuring a democratic participation.

Supporting youth organisations in order to carry out consultations and further activities to address young people needs would be an improvement in this sense. Also, the fact that youth organisations, and civil society in general, are still not seen as an important resource makes difficult to create sustainable coherent public policies that address real needs of the society.

6. Discrimination: Describe cases of discrimination based on age in your country, if there are any, and how these issues are being handled in your country.

In Romania discrimination based on age is not very clearly showed, nevertheless discrimination related to age is more obvious when talking about first job for young people. There is a general assumption that all young people are unprepared, regardless their educational background or professional experience. Due to this situation young people seldom get to be paid according to their real expertise; moreover there are some national laws that do not allow young people to reach upper hierarchical levels before a certain age (30-35 years old).

7. How are the needs of young people being considered in the justice system of your country? Can young people in your country refuse to engage in activities which are contrary to their conscience, religion or belief, without negative consequences?

Young people have the same civic and political rights as other social categories; the specific needs of young people are not the object of a distinct law. As in every democratic society, at least from a theoretical point of view young people are granted the right to freedom of choice, conscience and belief.

ROMANIAN YOUTH COUNCIL

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NAYORA

In Azerbaijan the level of awareness with regards to rights depends on the backgrounds of the young people in question. Young people over the age of 18, particularly those who are enrolled in higher education, are more aware of their rights. Young people under 18, by comparison, have a low level of awareness and young people who are unemployed are normally only partially aware. Young people active on a political and/or community level know that meetings between the national youth council and European youth councils should be organised to discuss the issue of youth rights on an international level. Most young people suggest developing new joint projects in the area. National youth councils are actively working to organise seminars on youth rights and to engage with government bodies on youth rights.

NAYORA are planning to begin human rights education in schools.

Azerbaijan is continuing to implement economic reforms. However, the economic policy still has to tackle many of the problems that young people encounter that prevent them from leading autonomous lives. The economic obstacles that young encounter need to be further discussed with the government. There was no coordinating body of youth and youth organisations between 1991 when Azerbaijan gained its independence and 1994 when the Ministry of Youth and Sport was created. NAYORA was then established in 1995. NAYORA immediately began to work on youth policy development and in 1997 the law on “youth policy” was passed by the Azerbaijani parliament. NAYORA actively participates in the policy

making process in Azerbaijan. Today there are over 300 youth NGOs in Azerbaijan and many of these are more active than the other 2000 NGOs around the country. Young people in general are not engaged in the political process, however, 65% of population belong to the age 0-35 age category meaning they have a strong potential to affect change. Although the voting age is 18, the required age to stand for election is 25, and 35 to run in the Presidential Election. The effective work of youth NGOs is a positive reflection of the development of civil society and every year the number of NGOs is increasing. For the last 10 years more than 50 NGOs have been established that specialise on election processes and monitoring processes. The majority of people working in these NGOs are under the age of 35.

Youth participation in elections depends according to the region. Some of the regions have strong media campaigns to encourage youth participation, when implemented correctly these campaigns are usually successful. However, other areas do not have the same policy and youth turnout is generally quite low.

After the fall of the Soviet Union Azerbaijan became exposed to the different education systems which existed in Europe and today youth organisations are benefiting from mutual cooperation in implementing non-formal education practices. The quality and quantity of non-formal education has greatly increased in the last 5 years. Peer education has been particularly successful.

After graduating students, depending on their areas of interest and expertise, can choose to apply for internships in either a government institution or an NGO. Azerbaijan does not discriminate with regards to access to social protection for young people.

There are about 3200–3300 newspapers printed in Azerbaijan every year.

NAYORA believes that it is responsibility of the state to maintain close relations with European countries and to attain European expectations with regards to economic and social development. Azerbaijan still does not have any social institution which reviews the levels of freedom of expression for people in the country.

With regards to discrimination, the state policy is to eliminate all forms of discrimination in all its forms. There is also a policy of tolerance and respect for all religions and national identities.

All the rights of young people are defended by the justice system of the country.

Everybody is free to choose their religion and all religions are equal before the state. Azerbaijan is a secularist country with a clear separation of religion and the state.

FINNISH YOUTH CO-OPERATION-ALLIANCE THE STATE OF YOUTH RIGHTS IN FINLAND

Young population in Finland

The number of children and young people (2008):

0-4 years	288,127
5-9 years	289,219
10-14 years	323,835
15-19 years	325,347
20-24 years	332,004
25-29 years	330,967

total 1,889,499

(Statistics Finland, Tilastokeskus)

Legislation and policy programmes involving youth

Finnish Youth Act

(youth: under 29 year olds)

http://www.minedu.fi/export/sites/default/OPM/Nuorisoluonnetta/nuorisopolitiikka/liitteet/HE_nuorisolaki_eng.pdf

Finnish Child Welfare Act

(anyone under 18 years of age is considered to be a child and anyone 18-20 years of age a young person)

<http://www.finlex.fi/en/laki/kaannokset/2007/en20070417.pdf>

The Finnish Government's Child and Youth Policy Programme 2007-2011

<http://www.minedu.fi/export/sites/default/OPM/Julkaisut/2008/liitteet/opm21.pdf?lang=fi>

Policy programme for the well-being of children, youth and families

http://www.minedu.fi/lapset_nuoret_perheet/?lang=en

Annual Youth Barometer is published every year, it is published together with the State Advisory Council for Youth Affairs and Finnish Youth Research Society

http://www.minedu.fi/OPM/Nuoriso/nuorisoasiain_neuvottelukunta/?lang=en

Awareness

— State Advisory Council for Civil Society in Finland: planning “basic rights campaign” for young people and immigrants.

In general young people are quite aware about their human and basic rights — but awareness among young people with immigrant background is weaker.

Autonomy and independence

To be able to live autonomously affordably is a very important goal in youth politics. At the moment there are quite many problems concerning youth and living: how to find enough affordable student rooms or flats in the bigger cities. When talking about youth and autonomous life, the question is of course economical, too. One very important issue is the student grant and the size/level of it. The student grant should be in the level which allows an autonomous life without being economically

dependent on parents/relatives. There have been some improvements in student grant during the last years. The problem is whether the grant rises while other expenses rise. This is very unclear and uncertain. The most common form of credit for young people is the student loan. 17 percent of young people have taken it.

Income in young households is lower than average and their income level has grown slower than in other age groups. The risk of poverty is greatest in youth. About one-fourth of those aged 16 to 24 are below the poverty threshold (with income below 60% of the median income). This figure has not changed significantly in the last ten years. Getting an apartment of their own can be difficult because of several sociopolitical factors, such as: housing units in Finland consist, to a large extent, of owner-occupied dwellings instead of rental apartments, the high price level of apartments and high levels of rent, high population density in only a few growth centers due to internal migration, personal factors including poverty, divorce, unemployment and drug and mental health problems. Homelessness is still a problem in Finland. There are many young people among the homeless, and their homelessness is often hidden which means they often live with their relatives or friends. The homelessness of young people is often the result of unsuccessful transition phases, especially in the transition to secondary level education and to job markets. Youth homelessness is typically preceded by the breaking of family ties and dropping out of school. During ten years’ time, the number

of young homeless people has diminished rather steadily from about 2,000 to more than 1,300.

Allianssi demands that:

We eradicate youth poverty

Participation

Finnish Youth Act: 8§ Young people's participation.

The Finnish Government's Child and Youth Policy Programme 2007-2011:
7.2 Systems for enabling children and young people to exert an influence and to be heard.

Even though the 8§ of Youth Act obliges communities to include young people in the decision making process a real co-decision making does not happen as most of youth councils feel that they are listened but not heard.

Young people's estimated turnout in parliamentary elections (average voter turnout in brackets)

1991	59%	(72,1%)
1999	53%	(68,3%)
2003	54%	(69,7%)
2007	56%	(67,9%)

Despite the low figures, voting is still the most popular means of influencing society. According to a study published by the University of Turku on the political awareness of Finnish citizens, the political awareness of upper secondary school students is

above the Finnish average whereas the political awareness of vocational students is below average. For young people with immigrant background the voting rate is lower than average.

Allianssi is strongly lobbying for lowering the age limit also to 16 in community elections.

Valtikka.fi is web based democracy project. It promotes a wide range of tools for youth participation and active citizenship. Valtikka aims at gathering together NGO's working with participation issues. Allianssi has organised nationwide youth elections (shadow elections) parallel to parliamentary elections since 1995, in cooperation with schools. During all elections Allianssi promotes for active voting (e.g. voting machine online) and supports young candidates by lobbying political parties to include young candidates. At the end of 2007 a project "Assessing the participation possibilities of young people" was launched, in which the young people are taken with to evaluate the basic services of their municipality as a part of evaluation of basic services. A practical tool for young people and youth councils (or other youth impact groups) was created, based on a dialogue between young people and decision makers. The method has been used in some communities but the work still needs a lot of support.

Allianssi demands that:

We lower the voting age to 16 in communal elections. We must take young people's participation seriously – we need genuine participation.

Education, employment and social rights

Young people can be divided into those who study full-time, those who work, and those who are unemployed. More than half of those aged 15 to 29 study in some type of educational institution. In practice, all young people in Finland finish comprehensive school. Young people in Finland are highly educated. Internships are an essential issue in creating a smoother transition from education to employment. They are a good way to get experiences and skills from working life. Students may be paid for their internships but it is not compulsory and it depends on one hand of the employer and on the other hand of the school or university. Most of the Finnish students work while studying (either part time working or between the academic years or both). The study grant system allows a certain income so that it doesn't reduce the grant. Nevertheless, the system is considered quite inflexible. Another problem is that students are being encouraged to finish their studies as fast as possible. While trying to proceed in their studies rapidly it is not possible to get enough relevant working experience. Internships are offered both in private and public sector, but also in non-profit organizations. Usually students have to be active to find an organization for an internship. The governments have started to reduce the number on people working in the ministries and other state organizations, so that it has also caused some problems for students get internships from the state/government. Internship periods

are a permanent part of the education programs of the universities of applied sciences. They're also a part of quite many programs in universities, either voluntary or compulsory. In the universities of applied sciences, the overall extent of the internship periods is approximately 30 ects. In universities the internship takes usually three months. A period of work experience is part of Finnish comprehensive school curriculum.

Non formal education: NGO Nuoret Akatemia (Youth Academy) provides Recreational Activity Study Book (www.nuortenakatemia.fi)

Youth unemployment rate has increased since the economic crises. In September 2009, the unemployment rate among young people aged 15 to 24 was 16.5 per cent, which was 3.9 percentage points higher than in the previous year's September (www.stat.fi). A 17-64 years old is allowed to get income-based daily benefit if he has been member of an unemployment fund and employed for at least 43 weeks during last 28 months. (If you have joined the fund while being a student, the period might be even seven years.) You can get the income-based daily allowance for maximum of 500 days. If you are not member of an unemployment fund, you can get daily benefit for not more than 500 days, as well.

Young people have access to social protection in different ways; An independently living young person who is studying in university or polytechnic will get study grant 298 eur/month. He/she will also have grant for (rental) residency depending on the size of the flat 26,90 – 201,60 eur/month, but

not more than 80% of the costs. A student can also get study loan which is guaranteed to 300 eur/month by government.

For the majority of young people, wellbeing has increased, but for a minority (15-20%) social problems are increasing. Social exclusion is essentially linked to dropping out of school since at least secondary level education is often a decisive factor in getting a job. Beside all the basic social protection and services there are many programmes and tools to prevent social exclusion.

It is important to notice equality also in basic services.

Allianssi demands that:

We must allocate additional resources to preventive work, student welfare services, and health services for young people. We must pay sufficient attention to young people in their transition from basic to upper secondary education and training. We must increase multi-professional cooperation in youth work.

Freedom of expression for young people

The Constitution of Finland

<http://www.finlex.fi/fi/laki/kaanokset/1999/en19990731.pdf>

Discrimination

Legislation about discrimination

	Legislation	Court	Authority	Board
Working life	Equality Act	Court	Occupational Safety and Health Administration	
Education	Equality Act	Court	Ombudsman of Ethnic Minorities	discrimination board (ethnic)
Services	Equality Act (ethnic)	Court	Ombudsman of Ethnic Minorities	discrimination board (ethnic)

Criminal Law: discrimination is forbidden (ethnic, national, ethnic, skin, language, gender, age, family relations, sexual orientation, health condition, religion, political opinions, political or labor union membership or other related details etc.)

Most of the age based discrimination is indirect so it is hard to recognize. Young people can also face multiple discrimination. According to survey made 2007 (IRCGallery) most of the young people feel that they have being discriminated in customer service and counseling situations. Young people say that discrimination by age is also common in schools and working life – they feel that they are treated as children. For young women discrimination is common in working life: they are potential mothers. Children and young people from different backgrounds have very different opportunities to take part to different hobbies and services.

Allianssi demands that:

We stop making young people feel guilty: youth is not a transition phase, but an inherently valuable period of life.

Justice system

A person falls under criminal liability after he/she turns 15.

The military service

There is a compulsory military service for men in Finland. The responsibility age starts from the beginning of the year when a man gets 18 years old. A person responsible for military service is allowed to access civil service because of reasons of conscience or conviction. In civil service the person is not forced to use gun. Also women can go to military service. If a man is not relieved from the service, for example

for health reasons, and he refuses to go to military or civil service, he will be sentenced to prison.

Religion

Normally parents make decisions of their children's religious position. A fifteen-year old child is allowed to join or separate a religious community with his/her parents' written admittance. A twelve-year old can get related to or resign from a religious group only with his/her own written admittance. Religion is being taught in Finnish comprehensive schools and high schools (mainly Evangelic-Lutheran religion). The religion studies are un-confessional. Also minority religions are taught for the members of the smaller religious groups. Those who are not members of a religious community will study ethics instead of religion. They are also liberated from taking part in possible religious events during school period (for example Christmas service). In comprehensive school the parents are primarily allowed to decide which religion (or ethics) their children will study. Practically this means that the pupil automatically takes part in the religion classes of his/her own religion. In high school a student studies his/her own religion. If the student is not member of a religious society, he studies ethics. If the student starts high school being already 18 years-old, he can decide whether he studies religion or ethics. If a pupil or student refuses to take part in religious or ethics studies, the negative consequence might be that he/she will not be able to graduate, because the studies are compulsory.

“THE DECLARATION OF STUDENT RIGHTS”

(Adopted in July 2006 by the General Assembly of OBESSU held in Ohrid, Macedonia)

Article 1

The right to Association

1.1 The right to associate at any level of education must be guaranteed by legislation.

1.2 In every school there should be a legally recognized student council, which has been democratically elected by the school students. All students have the right to run for elections.

1.3 School students and school student associations should have the right to establish national school student organisations.

1.4 Finances, facilities and support should be provided by the school, as well as by the local and central authorities in question in order for school student associations and organisations to function properly. However, this shall never restrict the autonomy of the associations.

1.5 School student organisations at all levels of education should have the possibility to perform their activities during schooldays.

1.6 School students must have the right to assemble, strike, demonstrate and express their opinion both inside and outside the school. They must be able to do so freely and without sanctions.

Article 2

The right to Participation

2.1 School students must be involved in the decision-making processes in all matters of concerning the school. This must be guaranteed by legislation.

2.2 The power of decision making must not be concentrated in the hands of single individuals; decision making bodies at all levels must be representative and democratic.

2.3 There must be an organ of collective decision making such as a school board when the decision making process of a school is concerned.

2.4 School students must have influence on the content of the lectures, the methods of teaching, the curricula and books.

2.5 Students should be guaranteed proper, transparent evaluation of their work. Students have the right to a global and continuous evaluation. Furthermore, school students should be given the opportunity to evaluate the teaching.

2.6 School students must have equal influence as teachers have in the school decision-making processes.

2.7 School students have to be guaranteed sufficient time for learning.

Article 3

The right to Appeal

3.1 School students should have the right to appeal against unfair treatment and have the right to demand disciplinary actions in case of such violations. The appeal should be handled by an impartial structure.

3.2 Any appeal through internal or external channels should not cause any harm to the school student(s) appealing.

Article 4

Civil Rights

4.1 Civil Rights must apply to all school students.

4.2 Education must be based upon mutual respect, understanding, democracy and tolerance and equality. School systems will promote the fight against discrimination in all forms, fascism and xenophobia. School students have the right to a safe learning environment.

4.3 Privacy of information concerning individual school students must be respected and used only with the student's explicit prior consent.

4.4 All school students must have access to an ombudsperson responsible for education.

4.5 School students must be protected from all kinds of exploitation

Article 5

The right to Quality Education

5.1 School students must have the right to high quality impartial education.

5.2 There should be quality assessment at all levels of education.

5.3 There should be no fees of any kind. School students should get their public secondary education funded by the state.

5.4 Vocational training should enable students to find a job responding to their qualifications and interests. Social partners should be consulted in the decision-making process concerning vocational training. Vocational training should leave flexibility in the later choice of careers.

5.5 Secondary education in general should provide students with the practical skills and preparation in order to enable them to bring the theory that they learn into practice in their further education and future (working) lives.

5.6 Schools should provide the adequate materials and technologies necessary for the studies.

5.7 Every type of education at secondary level should contain general education.

5.8 Schools must provide special measures to compensate in any specific deficits due to shortcomings in the upbringing and previous education of school students. They should also be provided free of charge.

5.9 All parts of the secondary school systems are of equal importance and should have the same rights and the same status.

5.10 At the beginning of a school year the school board must give proof of validity that new books must be used in the classes. The use of books must not be changed for reasons of economy but for educational reasons.

5.11 School students must have adequate and flexible timetables and study schedules throughout their education.

Article 6

Training

6.1 Vocational training should enable students to find a job responding to their qualifications and interests. Social partners should be consulted in the decision-making process concerning vocational training. Vocational training should leave flexibility in the later choice of careers.

6.2 The school is responsible for the periods of training in external companies and guarantees that they have a real formative objective. The students have the right to be informed at the beginning of the school year about the activities they are going to do and about the way in which they will be evaluated.

6.3 Students have the right to have a course regarding the legislation regulation the rights in the working environment and about safety on the working place.

6.4 Students doing practical work experience are not to be considered replacements for employed workers.

Article 7

The right to Access to Education

7.1 There should be no technical, financial or sociocultural barriers to secondary education.

7.2 Entry to any type of higher education should be available to all who have completed secondary education. Higher education entrance criteria should be flexible and be aimed at encouraging access.

7.3 School students should not be required to specialize before they are fully aware of the importance and impact of their choice.

7.4 Facilities must be provided for disabled people enabling them to receive education on an equal basis with non-disabled students.

7.5 Any break during a study career must be allowed without loss of any achieved study credits and without loss of the right to continue education.

Article 8

The right to maintain Cultural and Personal Identity

8.1 Every one should have the right to maintain their cultural heritage. School students speaking a minority language should be offered lessons in the language in question. Optional courses on minority language and culture should also be offered to students representing the majority population

8.2 The school must respect the individuality of school students. Equality in education shall not mean uniformity: students have to be allowed to develop their personal abilities and identities towards the direction they want to.

Article 9

The right to gender Equality

9.1 Discrepancy in skills between school students because of a gender specific socialization should be compensated by

means of education. Schools will actively work for gender equality in society.

9.2 In order to achieve education promoting gender equality, sexes must not be presented in stereotypes in the educational process.

9.3 The staff at secondary schools must be hired due to competence and ability, with no regard to gender, religion, origin, sexual orientation and so on. In order to offer school students a representative vision of our diverse societies.

Article 10

The right to a flexible school

10.1 The authorities in question should give the school a flexible framework still defining general guidelines and minimum requirements.

10.2 Education and learning should not be regarded as occurring only during the years in school. The school system should adapt itself to serve the principle of continuous education. Students must be taught abilities and given facilities to actively seek information themselves and not only to receive knowledge passively through the teaching process.

10.3 School students must have the right to receive education in the required form

when they are absent from school due to illness or any other legitimate reasons.

Article 11

The right to a proper school environment

11.1 School students should have the right to be educated in an adequate (learning) environment. Legislation securing a good work environment should be applied to schools too.

11.2 The social function of the schools should be taken into account and cared for.

11.3 School students must have the right to a free insurance during school time and activities done within the educational programme. They must also have the right to free medical assistance when they get involved into an accident during school activities, this including practical work as a part of the education curriculum.

Article 12

The right to Information and Guidance

12.1 School students have the right to be adequately informed about their rights and possibilities as well as about the educational and participatory structures.

12.2 All school students must be provided with proper guidance and orientation in all matters of their own concern. Social and psychological help should be provided within the schools.

12.3 School students should be informed about everything that is of relevance for their education and its procedures. Plans for each subject in the curriculum should be presented to the school students before the beginning of each term.

12.4 School students have the right to access all kinds of information and knowledge without censorship or other limitations.

Article 13

Internal regulations

13.1 In every school there shall be a set of internal regulations. The school board or the school community will decide upon the content of these rules. In unclear cases, the school board, not the headmaster or teachers, shall do the interpretation of the regulations.

13.2 At the start of each school year, a written copy of these regulations will be distributed among all the students. Any changes made by the school board or the school community during the year will be handed out in the same way.

Article 14

The right to Global and Society Education

14.1 School students have the right to receive education in areas that are of importance for understanding the world we live in, such as:

// Intercultural education

// Sex education

// Education promoting democratic participation in society

// Environmental education

// Tolerance and solidarity

// Social skills

// Diversity of gender and sexuality

SAFEGUARD AND SUPERVISION

To safeguard that once adopted the contents of this charter are properly used and that the legislation concerning the school student rights is being followed, it is of the greatest importance that there are supervising authorities at every level that are competent to take disciplinary actions against the party which is in violation.

YOUTH RIGHTS CHARTER OF THE EUROPEAN COMMUNITIES

(adopted by the Youth Forum of the European Communities, 1993, Brussels, Belgium)

Introduction

The adoption of a Youth Rights Charter at European Community level is both necessary and inevitable.

The confidence of this assertion comes from a growing recognition throughout the Community of the needs and aspirations of a generation which represents the Community's future. As the European Commission has itself noted – identifying that of the 340 million people in the EC, 130 million are under 25: “It is on these young people that the future the Community will depend”.

The Youth Forum of the European Community is the recognised political representative of those young people and it is out of its pioneering youth rights work that this document has emerged.

The publication of the Charter forms part of the Youth Forum's ongoing work towards the development of a coherent policy for young people at EC and the broader Council of Europe level.

Inspired by a Youth Forum conference in February 1990, addressed by Jacques Delors, President of the Commission of the European Communities, this document represents the culmination of a year of research and consultation among young people and youth organisations, and of discussion and debate with politicians, the Commission and the legal profession.

It aims to set in statue – in the form of political directives or statutory regulations – the rights and standards which young people need in order to fully realise their potential in an emerging Europe.

For quite clearly, young people do not enjoy the same rights as those in an older age group. Many forms of legislation discriminate quite blatantly against young people. More often, however, the discrimination is less obvious: young people being denied access to jobs...

Article 1

Under the present Charter, the terms “youth” and “young people” shall be considered to comprise all persons between the ages of 15 and 25.

Article 2

The signatory States commit themselves to recognise the rights and liberties as defined in the present Charter to all young people who fall under their jurisdiction.

Article 3

The enjoyment of the rights and liberties which the signatory States commit themselves to recognise under the present Charter has to be ensured, without any distinction whatsoever, based notably on gender, sexual orientation, race, colour, language, religion, political or other opinions, nationality, national or social origin, belonging to a national or ethnic minority, physical or other aptitudes, wealth, birth or any other situation.

Article 4

Young people have the right to appropriate professional training which responds to their aspirations and which respects their freedom of choice.

In view of the recognition of this right, the signatory States will duly take into account the capacities of each beneficiary, in order to reduce the social and cultural inequalities among young people.

Article 5

The signatory States commit themselves to ensure to young people a free and good quality education at all levels, including at university level.

Article 6

The signatory States commit themselves to guarantee to young people adequate information and advice in order to facilitate their free choice of the type of vocational training or education which suits them most.

Article 7

The right of young people to work should be guaranteed, under reserve of article 23.

In view thereof, the signatory States will notably take all necessary measures to allow the creation of stable jobs, in the

framework of an employment policy which is specifically designed for young people.

Particular attention has to be paid to non-qualified young people. In this respect, the need exists to turn atypical jobs into stable ones and to encourage companies to contribute to integration/training programmes for the least qualified.

More generally, young people should benefit from concrete and effective measures aimed at their harmonious integration into social and active life.

Article 8

Without prejudice to the provisions of articles 4 and 5, the signatory States commit themselves to provide all adequate aid to young unemployed, long-term unemployed or those threatened with unemployment.

Article 9

Young people should be protected against all forms of labour which are potentially threatening their health, their education or their physical or moral development.

The signatory States will recognise and promote the taking of training leave during working hours, by means of appropriate measures.

Article 10

Young people who do not have access to a suitable job, have the right to a sufficient minimum income in order to allow them to live a dignified and decent life.

This income has to be paid at regular intervals and over a sufficiently long period of time in order to ensure indispensable security for the beneficiary to follow a training course and to be able to find a job or a new job.

Article 11

Young people have the right to quality health treatment, irrespective of their income or social situation.

In this respect, all young people have the right to adequate social security protection.

Article 12

The signatory states should guarantee to young people access to decent and quality housing.

Access to social housing should be given with priority to young people with low income and the rent should be adapted accordingly.

Article 13

Young people have the right to live in a clean and health environment, as well as the right to inform themselves and to be informed by the public authorities with regard to the evolution of the state of the environment.

Article 14

The signatory States recognise that all appropriate measures should be taken in order to ensure the effective participation of young people in political, economic, social and cultural life, in the framework of structures like partnerships at schools and enterprises, or through youth organisations or any other platform.

In view thereof, young people will more particularly have the right:

a) to choose their own forms of organisation with a view to defending their interests in the best possible way, and to establish links of cooperation among themselves or with other areas, irrespective of borders.

b) to create places where they can express themselves and learn about democracy, national and international youth organisations having to be recognised as privileged training places.

c) to participate, on a level of equality, in the development of policies which affect them, especially by becoming active partners in the co-management of their

interests in all areas which influence their lives, like school, the workplace, public life at all levels (local, regional, national or Community level).

Article 15

The signatory States will do their utmost to accord to young foreign migrants, who are legitimately on their territory, the same rights and obligations as their own young citizens.

Article 16

The signatory States commit themselves to recognise the freedom of movement in and between all EC countries to their citizens and to the citizens of non-EC states who are legitimately on their territory, whether these citizens have been authorised to establish their residence in one of the signatory states or not.

Article 17

The signatory states commit themselves to recognise that all non-EC citizens who have have legitimately resided in an EC country for at least five years , have to enjoy, in that country, the right to vote, at least in the local elections.

Article 18

The signatory States commit themselves to recognise the rights for young migrants to choose the nationality of those country which they live, following five years of continuous and legitimate residence.

Article 19

The signatory States commit themselves to ensure the continuous training of trainers and decision makers who deal with young people.

Article 20

The law has to guarantee to young people the respect of their private and family life, as well as the inviolability of their residence and correspondence.

Article 21

The integrity of young people is guaranteed against all treatment which threatens to affect their healthy and normal physical, intellectual, moral, spiritual and social development in free and dignified circumstances.

Article 22

No young person should be submitted to torture nor to inhuman or degrading sanctions or treatments, even id these sanctions or treatments were to be inflicted by members of the family.

Young people have to benefit form special protection against the treatments mentioned in the previous paragraph, taking into account their specific condition.

Article 23

The signatory States will ban, without delay and permanently, work for young people under the age of 16.

Article 24

Young people have the right to be raised in their family of origin.

Article 25

The placement of young people in care is a serious measure which affects their right to a family life. The public authorities will only exceptionally impose such a measure, if all the measures of support to the family and the other accompanying measures appear to be ineffective.

Article 26

In no way should minors be imprisoned.

Article 27

The signatory states will create as many specialised pedagogical institutions as necessary.

The placement of young people into those institutions can only be imposed by the competent authorities, which are legally established, and only for purposes of care, protection or treatment aimed at facilitating the social reintegration of the young person in care.

Article 28

All young people placed into a pedagogical institution under Article 27, have the right to a regular review by an independent committee of the legitimacy of their placement, notably in order to verify whether the circumstances which motivated the placement continue to exist.

Article 29

Young people have the right to social security.

Article 30

Young people have the right to conscientious objection against military service.

The conscientious objector has to have the choice between various alternative services, which should not contain any heavier obligations than military service.

Article 31

The signatory States commit themselves to provide sufficient structural and financial measures in order to develop genuine policies of solidarity with and in favour of young people.

These policies have to contain specific measures in favour of disadvantaged groups in order to ensure equal opportunities for them.

Article 32

Young people have the right of free access to pluralist and reliable information, with full respect of ethical considerations.

This right comprises the right to free, independent, clear, easy, accessible and qualitative information, provided in one's own language.

Article 33

The signatory States commit themselves to provide logistical and financial support to critical information.

Article 34

The signatory States commit themselves to put at the disposal of young people a list of all their rights, in a clear way which is comprehensible to young people.

Article 35

The signatory states will appoint a mediator responsibly for providing information to young people about the legal problems with which they are faced.

Article 36

All young people whose rights and liberties, recognised in the present Charter, have been violated, shall have the right to an effective recourse before a national or supranational authority. To this effect, young people will have the right to benefit from free legal advice and to get free representation by a solicitor of their choice.

