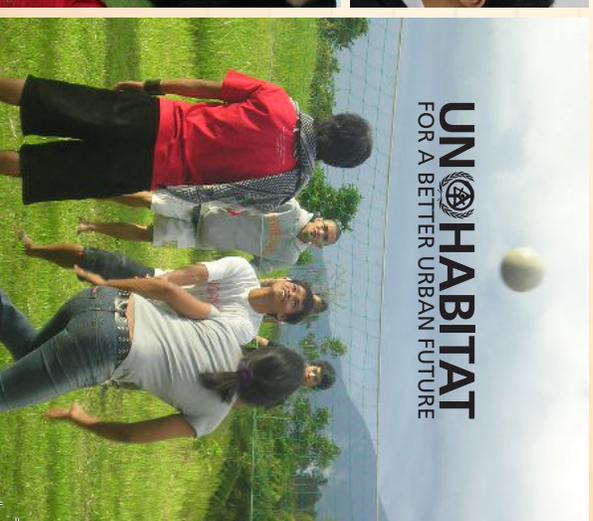




# YOUTH LAW & LEGISLATIVE FRAMEWORKS EFFECTING URBAN YOUTH



UN HABITAT  
FOR A BETTER URBAN FUTURE



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# TABLE OF CONTENTS

<b>1. INTRODUCTION</b>	<b>1</b>
<b>2. DEFINITION OF 'YOUTH'</b>	<b>2</b>
<b>3. ISSUES AFFECTING THE URBAN YOUTH</b>	<b>3</b>
<b>4. INTERNATIONAL &amp; REGIONAL LEGISLATIVE FRAMEWORK</b>	<b>13</b>
a. Charter of The United Nations ('UN Charter')	14
b. Universal Declaration on Human Rights ('UDHR')	14
c. Regional charters	33
d. Soft-law instruments	35
<b>5. COUNTRIES WITH YOUTH LAW &amp; LEGISLATIVE FRAMEWORK</b>	<b>53</b>
a. Americas	53
i. North America	53
ii. Central America	55
iii. South America	63
b. Caribbean	68
c. Europe	70
i. Western Europe & Nordic Countries	70
ii. Eastern & Central Europe	74
iii. Asia	86
i. Central Asia	86
ii. South Asia	94
iii. South-East Asia	95
iv. East Asia	98
e. Middle East	101
f. Africa	103
g. Oceania	110
i. Melanesia	110
ii. Micronesia	112
<b>6. CONCLUSION &amp; RECOMMENDATIONS</b>	<b>113</b>
<b>7. BIBLIOGRAPHY</b>	<b>122</b>







# 1. INTRODUCTION

This paper will examine youth law and legislative framework affecting urban youth at the international, regional, national and local levels. Section 2 will establish the definition of who comprises youth demographic. Section 3 will set out the statistics on youth. Section 4 will provide a backdrop of the issues affecting the urban youth. Section 5 will provide an overview of the legislative framework, containing the legal instruments at the international and regional levels and soft-law instruments, including the Sustainable Development Goals under the 2030 Agenda for Sustainable Development, as part of the global normative framework. Section 6 will examine the countries in the Americas, the Caribbean, Europe, Asia, Middle East, Africa and Oceania that have youth laws and legislative frameworks. This section will also examine the implementation and enforcement of these laws and Frameworks in these regions. The final section will conclude with an assessment of youth law and legislative framework at the international level, which currently consists of what is called a “*dispersed model*” of youth-related laws and

policies in the larger “*universe of human rights law and policies*” without its own “*galaxy*” and “*sun*” of laws and policies. Therefore, this paper recommends a “*Big Bang*” approach for creating a legislative youth “*galaxy*” with a dedicated International Convention on Youth Rights and Responsibilities as the “*sun*”, a unique yet all-encompassing source of normative energy and authority that will serve as a model law for guidance at national levels, including related policy templates and youth-related policy frameworks in every region. At the same time, based on the assessment of youth-related norms and policies in the 2030 Agenda for Sustainable Development and of youth perspectives in the evolving New Urban Agenda to be adopted by Habitat III, there is an unprecedented strategic opportunity to place the empowerment, rights and roles of young women and men in the implementation of the Sustainable Development Goals in the urban context. A vision for the realization of the full potential of youth empowerment and rights for sustainable development in urban areas is set out.



## 2. DEFINITION OF 'YOUTH'

There are approximately 1.2 billion youth aged 15-24 years globally accounting for one out of every six people worldwide. Youth population is growing fastest in the developing world, especially in the slums and informal settlement of developing world cities. Most of these are urban youth who live in towns and cities of the developing world, which is responsible for nearly 90% of the urban population growth.<sup>1</sup>

The UN has defined 'youth' as "anyone between the ages of 15 and 24" without prejudice to the definitions provided by Member States<sup>2</sup>. It must be noted that the very concept of the 'youth' is fluid because today's youth live different lives compared to youth of previous generations. Youth now lead a more urban existence than previous generations of youth. In general, they have better access to education and health services and better exposure to the world and different sets of values.<sup>3</sup>

The definition of the 'youth' varies across different countries and cultures, which is essential for understanding the implications and limitations of existing national and global policies and frameworks. National definitions of youth are significant, which means that national policies promoting the inclusion of youth are instructive for global policies. These national definitions will be further examined in section 7 concerning countries that have youth laws and legislative frameworks in place. Arguably, the stage of youth can be defined as the developmental stage of life or transition between childhood, adolescence and adulthood. Unlike the Convention on the Rights of the Child (CRC), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international conventions targeting specific populations in the world, there is still no universal/international convention that exists to specifically protect the rights of youth.

1 *Gala, Karkara, and Ragan (n 3) p. 1*

2 *UN, Economic and Social Council (2012). Youth Social Policy and Development Division Frequently Asked Questions. [http://undesa.spd.org/youth/faqsdsp.html]*

3 *UN Asia-Pacific Interagency Group on Youth, Investing in Youth Policy. [http://www.investinginyouthpolicy.com]*



### 3. ISSUES AFFECTING URBAN YOUTH

To understand youth laws and legislative frameworks affecting the urban youth, it is necessary to understand that there are many issues affecting the urban youth of today, given that they are generally marginalized and excluded.<sup>4</sup> Youth face daunting challenges as many of them live in poor social, economic, environmental and conditions with limited access to education, training and employment. Moreover, demographic,

geographic, political and socio-economic conditions vary across the world ranging from high unemployment rates in developed countries to deficient education in developing countries. They are under-represented in the current policymaking sphere, which is symptomatic from the distrust and discontent they feel towards their national governments and the multilateral system overall. They generally feel that their interests are not acknowledged, known, and addressed.

<sup>4</sup> Annual Report 2014 (International Development Law Organization (IDLO)), p. 5



According to the Global Youth Wellbeing Index, which was released by the Center for Strategic and International Studies (CSIS) and the International Youth Foundation (IYF), youth face a global crisis of overall well-being and feel excluded from economic opportunities and spheres of power.<sup>5</sup> They are facing the highest unemployment rate in history, i.e. 12.7%, which is more than double of the population as a whole.<sup>6</sup> Given the widening disparity between the social classes and growing income inequality, it is understandable that with higher unemployment rates and insecure economic foundations, youth are more likely to rely on their governments and require additional social, economic and political investments.<sup>7</sup> It is also important to note the influence of youth unemployment on the increasing rates of violence, community disintegration and other forms of social unrest.<sup>8</sup>

Current events and emerging trends of the 21st century show that societies have failed to offer youth equal opportunities, which compels them to create platforms for themselves. This has important ramifications: by empowering youth to transcend the boundaries of traditional “youth” platforms and, instead, create a larger space for their participation in the very foundations of the multilateral system, the international community can shape the world that is inclusive and beneficial for all.

The definition of youth is certainly important from a gender perspective. In many regions, youth initiatives and platforms

remain dominated by young men due to the social and cultural definition of who constitutes youth. In many parts of Africa, Western Asia and the Middle East, girls are considered youth very briefly between the stages of puberty, marriage and motherhood. By contrast, in many urban settings, marriage is not considered a limiting factor in demarcating youth and women, even if they bear children, are considered young much longer.<sup>9</sup> Moreover, because young women occupy a bulk of the informal, unpaid labour force, the education, skill building and economic opportunities they have access to is scarce compared to their male counterparts.<sup>10</sup>

This has significant implications on the treatment of young women because it reinforces the lack of investment in the education of girls. It leads to increased familial burdens and responsibilities on younger women, which further reduces their economic and political incentives. Thereby, this adds “another layer of structural, cultural, socio-political, and historical dominance”.<sup>11</sup> This differentiation is also significant from the point of view of examining the needs of young women and potential avenues for their greater inclusion in the national and multilateral system.

Furthermore, youth generally have a higher level of awareness and cognizance of the current environments they are living in than previous generations of youth. Many of the difficulties that youth experience are at the local level, which may not be easily understood by third parties without it being explicitly communicated to them.<sup>12</sup> For example, youth are

5 Goldin, N. et al. (2014). *The Global Youth Wellbeing Index*. Center for International Studies, International Youth Foundation, Hilton Worldwide. [<http://www.youthindex.org/reports/globalyouthwellbeingindex.pdf>]

6 Boss, S. (28 March 2012). *A Call to Action: Challenges Facing Global Youth*. *Eduropa*. [<http://www.eduroipa.org/blog/global-education-youth-challenges-suzle-boss/>]

7 Goldin, N. et. al. (n 8)

8 Beleva, I. (1997). ‘Long Term Unemployment as Social Exclusion’ in: N. Genov, Ed. *Bulgaria 1997, Human Development Report*. Sofia: UNDP, 1997, pp. 29-36. [<http://www.unesco.org/most/186dc0c3.html>]

9 Dalsgaard, A.H. & Tranberg, K. (2008) *Youth and the City in the Global South in Tracking Globalization*. Bloomington: Indiana University Press.

10 Standing, Guy (2011). *The Precariat*. London: Bloomsbury Academic

11 ILO (2008). *Youth employment: Breaking gender barriers for young women and men*. [[http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_097919.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_097919.pdf)]

12 *ibid*



riddled with multiple frustrations, including inaccessibility of educational opportunities, high unemployment<sup>13</sup>, poor working environments, and inadequate job benefits, all of which are known to increase the rates of violence. Out of the entire global population, a large proportion live in poverty and violence. In addition, 300,000 child soldiers are directly involved in various conflicts globally and further complicates the possibility of

achieving achieve peace and sustainable development.<sup>14</sup>

It has been said that “an educated citizenry is a vital requisite for our survival as a free people” and that healthy democracies rely heavily on an educated populace.<sup>15</sup> The economic benefits of increased education for youth among other sections of the population include faster economic growth, greater innovation and flexibility, lower unemployment rates, higher job satisfaction, higher productivity, and greater individual earnings.<sup>16</sup> Social

<sup>13</sup> Youth are said to have accounted for more than 40% of the unemployed (see UN-Habitat, “Youth 21: Building an Architecture for Youth Engagement in the UN System”), In Europe, almost one in four youth are out of a job. In North Africa and the Middle East, youth unemployment rate is 30%, which is the highest in the world. (See UN News Centre, “Creation of Sustainable Jobs at Centre of UN Youth Forum” (4 May 2012). [<http://www.un.org/apps/news/story.asp?NewsID=41924&Cr=youth&Cr1=employment>]

<sup>14</sup> MercyCorps (2015). Youth & Consequences: Unemployment, Injustice and Violence. [[http://www.mercycorps.org/sites/default/files/MercyCorps\\_YouthConsequenceReport\\_2015.pdf](http://www.mercycorps.org/sites/default/files/MercyCorps_YouthConsequenceReport_2015.pdf)]

<sup>15</sup> University of Virginia. [<http://rotonda.upress.virginia.edu/index.html>]

<sup>16</sup> Grove, J. (2 Nov 2013) Higher Education: It's good for you (and society). Times Higher Education World University Rankings. [online] [<https://>

benefits include greater life expectancy, decreased violence, and happier and healthier citizens who are more engaged in the community.<sup>17</sup> In addition, significant progress has been made in most regions.

Despite these benefits and significant progress, most governments have reduced their expenditure on education and health.<sup>18</sup> Forty-six UN Member States have undertaken these sorts of regressive measures.<sup>19</sup>

This is especially prominent in developing countries with a youth-dominated population, where over **98%** of the world's non-literate populations live.<sup>20</sup> Regions such as Sub-Saharan Africa, and South and West Asia have youth literacy rates below **80%**. In some Pacific and Asian countries, secondary enrolment levels are low at **25%** and **16%**, respectively.

The persisting disparities in the access and quality of education are contingent upon crucial factors, such as ethnicity, income, gender and location.<sup>21</sup>

[www.timeshighereducation.co.uk/news/higher-education-its-good-for-you-and-society/2008](http://www.timeshighereducation.co.uk/news/higher-education-its-good-for-you-and-society/2008)

- 17 Behrman, J. & Stacey, N. (Eds.). (1997). *The Social Benefits of Education* (Ann Arbor: University of Michigan Press)
- 18 AEGEE-Europe | European Students' Forum. (2014). *Position Paper in Youth Participation in Democratic Processes*. [<http://www.aegee.org/position-paper-in-youth-participation-in-democratic-processes/>]
- 19 Center on Budget and Policy Priorities. (2015). *An Update on State Budget Cuts*. [<http://www.cbpp.org/research/an-update-on-state-budget-cuts/>]
- 20 UN. (2012). *Education First: An Initiative of the United Nations Secretary General*.
- 21 UN Habitat. "Youth 21: Building an Architecture for Youth Engagement in the UN System".

More recently, there has been a revival of the *'youth bulge'* theory, which was first introduced in the 1970s and which specifically targets the autonomies, rights and lives of youth, especially those from less developed nations.<sup>22</sup> According to the *'youth bulge'* theory, as this generation of youth enter the workforce, they will either help their nations move forward as demographic *'dividends'* under the right social, economic, environmental and political conditions or the lack of opportunity will result in a drastic growth of unemployment rates, with a huge number of unemployed youth, particularly men, committing violent and socially destructive acts.<sup>23</sup>

This theory also disproportionately impacts young women as it seeks to promote government control on youth's fertility and reproductive decision-making.<sup>24</sup> While the increasing recognition of the negative impact of youth exclusion and the increased acceptance of the *'youth bulge'* theory have encouraged governments to focus on much needed job creation and economic opportunities for youth, it does not formulate these policies based on the fundamental rights of youth. In effect, it is treating the symptoms without addressing the causes and results in temporary measures, which only address the consequences instead of restructuring the system.<sup>25</sup>

- 22 Development, Concepts and Doctrine Centre. (2010) *Strategic Trends Programme: Global Strategic Trends Out to 2040*. [[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/337171/GST4\\_v9\\_Feb10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/337171/GST4_v9_Feb10.pdf)]
- 23 Nandigiri, R. Standpoint: *The politics of being "young": is a "youth" category really necessary for "development"?* In *Feminist Africa*. [[http://ajl.ac.za/sites/ajl.ac.za/files/9\\_standpoint\\_the\\_politics\\_of\\_being\\_young.pdf](http://ajl.ac.za/sites/ajl.ac.za/files/9_standpoint_the_politics_of_being_young.pdf)]
- 24 *Ibid.*

- 25 Walkenda, M. (20 October 2013) *Yes, to mainstreaming youths into politics and economy: CapitalFM*. [online] [<http://www.capitalfm.co.ke/eblog/2013/10/20/yes-to-mainstreaming-youths-into-politics-and-economy/>]



Moreover, when youth are excluded from the formulation and implementation of policy, their needs become overlooked or misconstrued. This has consequences ranging from the development of ineffective policy to more serious societal consequences, such as the global epidemic of youth unemployment and its influence on multinational policy and economy, for example, in Europe. Excluding youth from policy-making processes and power structures creates significant tensions in society and can manifest in forms that represent a serious threat to the social fabric, such as crime and violence. In worst cases, a poor economic and social environment creates conditions where manipulative leaders recruit or force

youth without opportunity into armed conflicts nationally and regionally.<sup>26</sup>

Engaging youth in international organizations would enable them to value human rights and the dynamics of governance, which are important pillars in international democracies.<sup>27</sup> Therefore, involving them in policy and decision-making and consequently in the legislative processes would provide a sense of inclusion. In this way, when governments engaging youth

<sup>26</sup> *Ibid.*

<sup>27</sup> United Nations, *Meetings Coverage and Press Releases, Inclusive Development Critical for Preventing Conflict, Speakers Emphasize*, as Security Council Debates Maintenance of International Peace, Security, SC/7361 Meeting, 19 January 2015. [<https://www.un.org/press/en/2015/sc11740.doc.html>]



are able to formulate policies and legislation that cater to youth and their interests and aspirations, it decreases the likelihood of youth to engage in violence and other forms of destructive acts.<sup>28</sup> Youth inclusion takes multiple forms, including economic empowerment, employment, consultative frameworks and educational empowerment. This is evidenced by studies conducted by the European Students' Forum, AEGEE-Europe and CPPF (2004).<sup>29</sup>

Yet, youth continues to be sidelined in key decision-making areas: The required minimum age to serve as an elected/appointed official is restrictive of youth and only purports to exclude them from decision-making bodies.

*The turnout of voters in the age group, 18-25, is very low due to global trends that do not provide a participatory framework of youth at all levels and due to the growing distrust and frustration among youth towards organized politics and their country's governments.*<sup>30</sup>

The disengagement of youth in various decision-making processes stems from both a societal and organizational skepticism of youth's ability to understand the various issues that affect their livelihoods and their inability to formulate

<sup>28</sup> Robinson, J., & Green, G. (2011). *Introduction to community development*. Los Angeles: SAGE.

<sup>29</sup> SSRC (2015). *CPF Forum on Cross-Regional Trends & Impact in the Middle East and North Africa: youth Dimension*. New York, pp. 1-17.

<sup>30</sup> French, M., Bhattacharya, S., & Olenik, C. (2014). *Youth Engagement in Development: Effective Approaches and Action-Oriented Recommendations for the Field*. JBS International, Inc., pp. 1-24.



solutions to these dilemmas, which is both unfounded and dangerous to the full realization of sustainable development.

The prevailing global economic and financial crisis have severely impacted the youth the most in terms of their access to health, education and training, and employment. Youth are considered

makers on global issues are incumbents or were once political representatives in their home countries.<sup>32</sup>

Furthermore, one has to take into account the influence of access to information technology on global and national politics. The use of modern information technology and the nature of online communications has enabled youth to voice their interests, aspirations, frustrations and other feelings and opinions as well as to transcend the boundaries between them, governments and other forms of authority. The invention of Google by Larry Page and Sergey Brin and of Facebook by Mark Zuckerberg are examples of social media in which the youth have made a vital contribution in transforming the world and proven to be “great equalizers” in enabling the average citizens to influence policy at a global level.<sup>33</sup>

Facebook’s influence has been well-documented and acknowledged in the 2008 US Presidential election, where President Barack Obama used the platform to demonstrate his youth and connect with young voters, thereby gaining him nearly 70% of voters under 25 voting for him. Facebook was also key in the communication strategy for the 2011 Arab Spring uprisings in Tunisia, Egypt, Libya and Syria. Therefore, it provided a means of communicating anonymously with security as well as providing an insight into the conflict for international media and policy makers.<sup>34</sup>



at the bottom list of priorities when it comes to consideration for job opportunities and the first to be dismissed, thereby exacerbating the increasing youth unemployment rate.<sup>31</sup> At the political level, national political structures provide a clear route to global institutions, which means that most policy

<sup>31</sup> *Ibid.*

<sup>32</sup> United Nations Development Programme (“UNDP”), *World Conference on Youth Inclusive Participation at all Levels (2014)*, pp. 1-4 [[http://wcy2014.com/pdf/f2-issue-brief\\_youth\\_participation\\_final.pdf](http://wcy2014.com/pdf/f2-issue-brief_youth_participation_final.pdf)]

<sup>33</sup> Wagner, K. (2014) *8 ways Facebook changed the world*. Mashable [<http://mashable.com/2014/02/04/facebook-changed-the-world/>]

<sup>34</sup> UN. *The World We Want: (2015) Dialogues on Implementation of the Post-2015 Development Agenda*. [<https://www.worldwewant2015.org/stemapi>]

Moreover, the multilateral system, comprising the UN, the international financial institutions (‘IFIs’) and the World Trade Organization (‘WTO’), has become increasingly aware of the importance of the virtual world and has started using ICT to create spaces for youth engagement. A noteworthy example is the way the UN Secretariat directly reached out to youth over the heads of Member States to seek their views on the Sustainable Development Goals (‘SDGs’) under the 2030 Agenda for Sustainable Development and for “*The World We Want*” campaign.<sup>35</sup>

Most media outlets in many countries are controlled by the states, thereby limiting youth’s freedom of expression. According to a study conducted in 2013, Freedom House found that state governments partly control media outlets in Africa and the Middle East, which makes it difficult for youth to conduct activities and/or speak up against their governments.<sup>36</sup> Moreover, media has an increasing influence on countries, including their economies, politics and cultures—while serving as a powerful outlet for youth express their opinions. For example, the transnational non-state actors like ISIS and Boko Haram have used the internet and social media to recruit the excluded and frustrated youth to attain their goal of terrorism. Therefore, this lack of accountability poses serious challenges in the international community.<sup>37</sup>

In addition, access to the internet is not distributed equally between and within countries.<sup>38</sup>

Only **32%** of youth use the internet in the developing countries, given that internet access is interlinked with financial ability, geography and government will.<sup>39</sup>

For example, in Pakistan, a strong ICT strategy was used in aiming at economic growth, which resulted in government policies increasing the internet usage from 0.1% of the population in 2000 to 17.6% of the population in 2011. By contrast, North Korea limits internet access due to the potential political and social ramifications resulting from global accessibility.<sup>40</sup>

Those in powerful positions would naturally want to maintain and consolidate those positions, which means that involving youth in policy-making and decision making would render an opportunity cost for adult leaders. Given that most state institutions and international organizations do not have adequate capacity building mechanisms, there are relatively few structures at the national and international levels to instill leadership skills in youth.<sup>41</sup>

<sup>35</sup> Tools for Closing the Global Digital Divide and Beyond’, *Harvard Human Rights Journal*. [<http://harvardhrj.com/wp-content/uploads/2009/09/185-220.pdf>]

<sup>36</sup> Rodriguez, S. (2013) 60% of the world’s population still won’t have internet by the end of 2014. *Los Angeles Times*. [online] [<http://www.latimes.com/business/technology/la-fi-tr-60-world-population-3-billion-internet-2014-20140507-story.html>]

<sup>37</sup> K. Ko et al (2009) ‘The Internet dilemma and control policy: political and economic implications of the internet in North Korea’, *The Korean Journal of Defense Analysis*, Volume 21, pp. 279-295. [[http://www.academia.edu/10879474/The\\_Internet\\_dilemma\\_and\\_control\\_policy\\_-\\_political\\_and\\_economic\\_implications\\_of\\_the\\_Internet\\_in\\_North\\_Korea](http://www.academia.edu/10879474/The_Internet_dilemma_and_control_policy_-_political_and_economic_implications_of_the_Internet_in_North_Korea)]

<sup>38</sup> United Nations. (2015). *Youth, Political Participation and Decision-Making*. United Nations Youth, pp. 1-8. [<http://www.un.org/esai/soedev/documents/youthfactsheets/youth-political-participation.pdf>]

<sup>35</sup> *Ibid.*

<sup>36</sup> Freedom House. (2013) *Freedom of the Press 2013: Middle East Volatility Amid Global Decline*. [<https://www.freedomhouse.org/sites/default/files/FOT%202013%20Full%20Report.pdf>]

<sup>37</sup> Hullin, A. & Stone, M. (Eds.) *The Online Media Self-Regulation Handbook*. OSCE Representative on Freedom of the Media. [<http://www.osce.org/fom/99560?download=true>]

<sup>38</sup> Ali, H.A. ‘The Power of Social Media in Developing Nations: New

There is insufficient strong political will and infrastructure to support youth engagement in the political process in most countries.<sup>42</sup> This is especially evident in less developed countries (LDCs) where many governing classes are family dynasties.

For example, in Togo, Faure Grassingbe is the 6th President while his father is the incumbent President. In the Democratic Republic of Congo, Joseph Kabila is the President who succeeded his father since 2001. These trends seem to be emulated in other developing countries with populations dominated by youth.<sup>43</sup> In countries like the US, politics are increasingly being privatized, requiring tens of millions if not billions to run.<sup>44</sup> Moreover, economic malpractices such as corruption come in the way of youth's ability to expand beyond their local and domestic zones.<sup>45</sup>

In addition, poverty, insecurity, war, occupation and other forms of social and political unrest make it difficult for youth to have access to basic healthcare and facilities. This problem is further compounded by the existence of fatal diseases and lack of resources to support good mental health. In developing countries, this problem is even more acute given that they face economic hardship, political turmoil, higher unemployment rates and worse health infrastructure.<sup>46</sup> In particular, diseases like HIV/AIDS is the leading cause of death among youth in

African countries and the second leading cause of death among youth in the entire world.<sup>47</sup>

These types of diseases are also stigmatized in such countries, rendering youth susceptible and more likely to engage in violence and other forms of social unrest.<sup>48</sup> Moreover, despite progress in the quality of reproductive and maternal health, young women and girls are still afforded less health services and encounter physical and sexual abuse, which increases the rates of infection and mental illness among them.<sup>49</sup>

Thus, youth health is not adequately addressed, which is evidenced by studies conducted by the World Health Organization (WHO) in 2014 finding that only **25%** of countries have addressed the mental health of youth and **75%** addressed sexual and reproductive health, policies and services.<sup>50</sup>

Another dimension of the issues the youth are challenged with is related to the access to land, given the rising population of youth and urbanization. In particular, it is predicted that by 2030, 60% of the urban population will be under 18, where most of them will be living in slums and informal settlements. However,

42 *Ibid.*

43 Songwe, V. (2015). *From father to son: Africa's leadership transitions and lessons*. The Brookings Institution. [http://www.brookings.edu/blog/africa-in-focus/posts/2015/05/07-africa-leadership-transitions-songwe]

44 Steinhilber, P. & Yoon, R. (1 July 2013). *Cost to win congressional election skyrockets*. CNN. [http://edition.cnn.com/2013/07/11/politics/congress-election-costs/]

45 UNDP. (2014) *Youth Strategy 2014-2017*. [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Youth/UNDP\_Youth-Strategy-2014-17\_Web.pdf]

46 UN. (2003) *Youth & Health Issues: World Youth Report*. [http://www.un.org/esa/socdev/unj/youth/documents/rch04.pdf]

47 Odule, T. (2014). *Health groups say AIDS No. 1 killer of adolescents in Africa*. Yahoo News [online] [http://news.yahoo.com/groups-aids-number-1-killer-adolescents-africa-131521292.html]

48 UNICEF. (2012) *HIV and Adolescents*. [http://data.unicef.org/hiv-aids/adolescents-young-people/]

49 World Health Organization. (2014) *Sexual Violence in The Global Campaign for Violence Prevention*. [http://www.who.int/violence\_injury\_prevention/violence/global\_campaign/en/chap6.pdf]

50 World Health Organization. (2014) *WHO calls for stronger focus on adolescent health*. [http://www.who.int/mediacentre/news/release/2014/focus-adolescent-health/en/]

the issue of access to land, particularly in the urban context, has not been actively discussed, raising important questions regarding the relationship between youth and land in the city, how youth access land, how do public policies incorporate youth, and whether youth are less concerned about the private proprietary space and more about public space. Improving land governance is important to the realization of various development outcomes and to prevent the marginalization of youth. Youth are still not sufficiently involved in the governance processes, particularly on access to land.<sup>51</sup> The issue is land is consequently also about a young person's *right to the city*.

Traditionally, the access to land is linked with the access to the "soil", "ground" or owning a property. Access to land is beyond the access to land alone. It also encompasses the resources and infrastructure, such as housing, food, transportation, recreation, economy, and access by ownership/occupation. Other related issues concern some aspect of land, such as climate change, natural disasters, rapid urbanization, food security, energy sources, poverty, job opportunities, and governance. The land dimensions are related to tenure insecurity, unsustainable land use, unequal urban expansion, weak institutions for conflict resolution and so on. Consequently, the access to land impacts upon various types of human rights of youth.<sup>52</sup>

The economic rights include land for livelihoods, workplace, economic assets, income generation, renting, markets/shopping, accessing services and skills training. Social rights include land for shelter and family life, education recreation, open spaces, and parks and health. Cultural rights include land and public space for community events, religious practices, entertainment, and cultural/art events. Civil and political rights relate to land allocated for youth projects, information and media. Hence, reasons undermining access to land are complex and arise from circumstances not only because of poor land regularization or high property costs.<sup>53</sup>

<sup>51</sup> de La Sola, S. Junqueira, A. Montiel, T. and Scarpellini, Jf. *Youth and*

*Land: A young look over the democratic management and the right to the city*. (UN Human Settlements Programme (UN-HABITAT) & Global Land Tool Network (GLTN), 2015)

<sup>52</sup> *Ibid*.

<sup>53</sup> *Ibid*.



## 4. INTERNATIONAL & REGIONAL LEGISLATIVE FRAMEWORK

There are various sources that form the “*International Law of Youth Rights*”, which is defined as the “*area of international law dealing with the rights of youth*”. This definition contains two concepts. Firstly, Article 38(1) of the Statute of the International Court of Justice codifies the classical definition of “*International Law*” as comprising (a) conventions (treaties), (b) international custom; and (c) general principles of law. This means that various sources selected for this compilation of international law are presented in a legal context and are based on jurisprudential methodology in order to provide an interpretation of the *de lege*

*lata* (i.e. the legal norms that are currently in force). Secondly, the concept of “*youth rights*” does not have a fixed definition, given that the concept of the “*youth*” is perceived as a fluid period of transition from childhood to adulthood. “*Youth rights*” are not only to be understood as solely the rights of youth but also as rights of youth within the framework of international human rights law. Hence, the human-rights based approach provides a foundation for “*youth rights*”.<sup>54</sup>

<sup>54</sup> Angel, William A. (ed.), *The International Law of Youth Rights - Volume 2 - Second Revised Edition*, (Brill Nijhoff, Leiden & Boston, 2015), pp.



In addition, sources of the “*International Law of Youth Rights*” can be found in universal human rights instruments. These instruments are usually divided into “*core human rights treaties*” and other human rights instruments, international labour standards (“*ILS*”) established by the International Labour Organization (“*ILO*”), regional charters on youth, and soft-law instruments that form part of the global normative framework. Unlike the universal human rights instruments, the *ILS* established by the *ILO* and regional charters that are legally binding, the soft-law instruments are not legally binding. To date, there is no universal/international convention that specifically and solely protects the rights of youth.

### a. Charter of the United Nations (‘UN Charter’) <sup>55</sup>

The UN Charter was signed on 26 June 1945 in San Francisco, California at the conclusion of the UN Conference on International Organizations. It came into force on 24 October 1945 and is the foundational document of the UN. All Member States are bound by the UN Charter. Its **preamble** consists of two main parts. The first part contains a general call for the maintenance of peace and international security and respect for human rights; the second part is a declaration that the Member States have agreed to the UN Charter. It is notably the first international document that protects and promotes human rights; however, it does not specifically refer to youth.

### b. Universal Declaration on Human Rights (‘UDHR’) <sup>56</sup>

The UDHR contains rights that apply universally to everyone, including youth. These rights are inalienable and interdependent. It is a milestone document in the history of human rights. It was drafted by representatives with different legal and cultural backgrounds from all regions of the world. It was proclaimed by the UN General Assembly in Paris on 10 December 1948 under General Assembly resolution 217 A as a common standard of achievements for all peoples and all nations.<sup>57</sup>

The Preamble of the UDHR states that “*recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*”. It provides that “*human rights should be protected by the rule of law*” and that “*the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom*”. It further stipulates that the General Assembly proclaims the UDHR “*as a common standard of achievement of all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration in mind, shall strive by teaching and education to promote respect for their rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the*

<sup>54</sup> 943-944

<sup>55</sup> <http://www.un.org/en/charter-united-nations/>

<sup>56</sup> <http://www.un.org/en/universal-declaration-human-rights/>

<sup>57</sup> *Ibid.*

peoples of Member States themselves and among the peoples of territories under their jurisdiction.”<sup>58</sup>

**Article 1 provides that “all human beings are born free and equal in dignity and rights.”**

Article 2 provides that everyone is entitled to all the rights and freedoms under the UDHR irrespective of any grounds, “such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Article 29 imposes “duties to the community in which alone the free and full development of his personality is possible”. However, Article 29(2) imposes limitations to rights and freedoms that may be prescribed by law, morality, public order and the general welfare in a democratic society.<sup>59</sup>

Other rights protected under the UDHR are the following: right to life, liberty and security of person (Article 3), prohibition of slavery or servitude (Article 4), prohibition of torture or cruel, inhuman and degrading treatment or punishment (Article 5), right to recognition everywhere as a person before the law (Article 6), right to equality before the law and right to non-discrimination and equal protection of the law (Article 7), right to an effective remedy by competent national tribunals for acts violating fundamental rights granted by the constitution or law (Article 8), prohibition of arbitrary arrest, detention or exile (Article 9), right to a fair and public hearing by an independent and impartial tribunal (Article 10), right to be presumed innocent until proven guilty according to law in a public trial (Article

<sup>58</sup> *Ibid*

<sup>59</sup> *Cala, Karkara, and Ragan (n 3) p. 28*

11), freedom from arbitrary interference with privacy, family, home or correspondence and from attacks upon honour and reputation and right to protection of the law against such interference or attacks (Article 12), freedom of movement (Article 13), right to seek and to enjoy in other countries asylum from persecution (Article 14), right to a nationality (Article 15), right to marry and found a family along with equal rights to marriage, during marriage and at its dissolution (Article 16), right to own property alone and in association with others (Article 17), freedom of thought, conscience and religion (Article 18), freedom of expression and opinion (Article 19), freedom of peaceful assembly and association (Article 20), right to take part in the government of one’s country, directly or through freely chosen representatives and right of equal access to public service in his country (Article 21), right to social security and to realization of economic, social and cultural rights indispensable for his dignity and free development of his personality (Article 22), right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment, right to equal pay for equal work, right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection, and right to form and to join trade unions for the protection of his interests (Article 23), right to rest and leisure (Article 24), right to a standard of living adequate for the health and well-being of himself and of his family and right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control (Article 25), right to education (Article 26), right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits and



right to protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (Article 27), and right to a social and international order for the realization of the rights and freedoms under the UDHR (Article 28).

## Universal human rights instruments

### i. Core human rights treaties

Out of the nine “*core human rights treaties*”, six of the treaties contain provisions that apply to youth given that youth are part of the subjects that these instruments seek to protect. These instruments are the International Covenant on Civil and Political Rights (‘ICCPR’), the International Covenant on Economic, Social and Cultural Rights (‘ICESCR’), the Convention on the Rights of the Child (‘CRC’), the Convention on the Elimination of All Forms of Discrimination against Women (‘CEDAW’), the Convention on the Elimination of All Forms of Racial Discrimination (‘CERD’), and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (‘ICRMW’). The interpretation of these documents is further developed and supplemented by the General Comments (‘GCs’) issued by the treaty-based bodies of these instruments. However, the GCs are not legally binding even though they are apposite to how they interpret the conventions.<sup>60</sup>

### 1. International Covenant on Civil and Political Rights (‘ICCPR’)<sup>61</sup>

The ICCPR is an international treaty that was adopted by the UN General Assembly on 16 December 1966. It came into force on 23 March 1976. It contains an important set of civil and political rights, which State Parties to the ICCPR are under an obligation to respect and promote. The ICCPR is monitored by the UN Human Rights Committee (‘CCPR’) (i.e. a separate body to the UN Human Rights Council), which reviews regular reports of States Parties on how the rights are being implemented pursuant to the ICCPR. States Parties must report initially one year after acceding to the ICCPR and subsequently whenever the Committee requests, which is usually every four years. The Committee usually meets in Geneva and holds three sessions per year.<sup>62</sup>

In its Preamble, the ICCPR refers to the principles of the UN Charter to recognize the “*inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*”. It further recognizes that “*these rights derive from the inherent dignity of the human person*”. In addition, the Preamble refers to the UDHR in stating that “*the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights*”. It also imposes a responsibility on individuals to strive for the promotion and protection of the rights protected under the ICCPR.<sup>63</sup>

<sup>60</sup> Angel (n 57) p. 945

<sup>61</sup> [\[http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx\]](http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx)

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

The civil and political rights protected under the ICCPR are as follows: right to self-determination (Article 1), right to life (Article 6), prohibition of torture, inhuman or degrading treatment (Article 7), prohibition of slavery, slave-trade, servitude, and forced/compulsory labour (Article 8), right to liberty and security of person (Article 9), treatment with humanity and respect for the inherent dignity of the human person for those deprived of their liberty (Article 10), prohibition of imprisonment merely on the ground of the inability to fulfill a contractual obligation (Article 11), right to liberty of movement and freedom to choose residence (Article 12), equality before courts and tribunals (Article 14), right to recognition everywhere before the law (Article 16), prohibition of arbitrary or unlawful interference with privacy, family, home or correspondence and unlawful attacks on honour and reputation (Article 17), freedom of thought, conscience and religion (Article 18), right to hold opinions without interference and to freedom of expression (Article 19), right of peaceful assembly (Article 21), and freedom of association (Article 22).<sup>64</sup>

Part II consists of provisions that impose obligations on States Parties to the ICCPR to respect and promote the human rights of their citizens. Article 2 provides that States Parties are under an obligation to respect and ensure the protection of these rights under the ICCPR irrespective of any grounds, “such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. It further provides that States Parties should take “necessary steps” in accordance with the constitutional processes and the provisions of the ICCPR to adopt laws or other measures as may be necessary to give effect to the provisions of the ICCPR. Article 2(3) goes on to provide that individuals have a right to

an effective remedy in the event of their rights or freedoms being violated and that their right should be determined by “competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy”.<sup>65</sup>

Article 3 imposes a duty on States to “ensure the equal right of men and women to the enjoyment of all civil and political rights” under the ICCPR. Article 4 provides that where there is a “public emergency which threatens the life of the nation and the existence of which is officially proclaimed”, States Parties are permitted to take measures to derogate from their obligations under the ICCPR “to the extent strictly required by the exigencies of the situation” and provided that these measures do not violate international law and do not lead to discrimination on any ground.<sup>66</sup>

Article 23 highlights the important role that the family plays. Like the UDHR, it states that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

**It protects the right of men and women of marriageable age to marry and found a family and imposes an obligation on States Parties to take appropriate steps to ensure equality of rights and responsibilities of spouses on marriage, during marriage and at its dissolution.**

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>64</sup> *Ibid.*



Other rights include the rights to take part in the conduct of public affairs, directly or through freely chosen representatives (Article 25(a)), to vote and be elected at genuine periodic elections (Article 25(b)), to equal access to public service in their countries (Article 25(c)), to equality before the law, non-discrimination and equal protection before the law (Article 26), and of ethnic, religious and linguistic minorities to enjoy their own culture, profess and practice their own religion, or to use their own language (Article 27).<sup>67</sup>

## 2. **International Covenant on Economic, Social and Cultural Rights ('ICESCR')**<sup>68</sup>

The ICESCR is an international treaty adopted by the UN General Assembly on 16 December 1966. It came into force on 3 January 1976. It obliges States Parties to respect the economic, social and cultural rights (ESCR) of all their citizens. It is monitored

by the UN Committee on Economic, Social and Cultural Rights (CESCR). Unlike other human rights monitoring bodies, the Committee was not established by the ICESCR. Instead, it was established by the Economic and Social Council following the failure of previous treaty monitoring bodies.<sup>69</sup> All States Parties are required to submit regular reports to the Committee outlining the legislative, judicial, policy and other measures they have taken to implement the rights affirmed in the ICESCR. The first report is due within two years of ratifying the ICESCR. Thereafter, reports are due every five years subsequently. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".<sup>70</sup>

The Preamble of the ICESCR refers to the UN Charter by recognizing the "*inherent dignity and... the equal and inalienable rights of all members of the human family*" as "*the foundation of freedom, justice and peace in the world*" and that these rights "*derive from the inherent dignity of the human person*". It also refers to the UDHR in recognizing that the "*ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights*". It provides that States have an obligation under the UN Charter to promote universal respect for and observance of human rights and freedoms. It further states that individuals have duties to other individuals and to the community to which they belong in assuming their responsibility to strive for the promotion and observance of rights recognized in the ICESCR.<sup>71</sup>

<sup>69</sup> [<https://web.archive.org/web/20080501050654/http://www.unhcr.ch/html/menu6/2/fs16.htm#6j>]

<sup>70</sup> (n 71)

<sup>71</sup> *ibid.*

<sup>67</sup> *ibid.*

<sup>68</sup> [<http://www.refworld.org/docid/3aebf36c0.html>]



Part II contains provisions that impose obligations on States Parties to the ICESCR. Article 2 obliges States Parties to undertake steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights in the ICESCR by all appropriate means, including the adoption of legislative measures. States Parties are further obliged to guarantee that the rights in the ICESCR must be exercised without any kind of discrimination. Article 2(3) further provides that developing countries are permitted to determine to what extent they would guarantee

economic rights under the ICESCR to non-nationals with “due regard to human rights and their national economy”. Article 3 provides that States Parties must undertake to ensure the equal right of men and women to enjoy all ESCR. Article 4 provides that the enjoyment of these rights are subject to limitations that are “determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society”.<sup>72</sup>

A comprehensive set of ESCR under the ICESCR comprises the following: right to self-determination (Article 1), right to work

<sup>72</sup> *Ibid.*



(Article 6), right to enjoyment of just and favourable conditions of work, which ensures minimum remuneration for all workers with fair wages and equal remuneration for work of equal value without distinction of any kind and with equal pay for equal work, decent living for themselves and their families in accordance with the ICESCR, safe and healthy working conditions, equal opportunity for promotion in employment to an appropriate higher level (Article 7), right to form trade unions and to join trade unions of one's choice, subject to the rules of the organization concerned, for the promotion of one's economic and social interests and right to strike (Article 8), right to social security (Article 9)<sup>73</sup>, right to an adequate standard

<sup>73</sup> *ibid.*

of living for individuals and their families (Article 11(1), right to be free from hunger (Article 11(2)), right to enjoyment of the highest attainable standard of physical and mental health (Article 12), right to education (Article 13), and rights to take part in cultural life, to enjoy the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author (Article 15).<sup>74</sup>

Article 10 contains provisions on the protection of the family, mothers, children and young persons. In particular, Article 10(1) states: "*[t]he widest possible protection and assistance should*

<sup>74</sup> *ibid.*

be accorded to the family which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.” It further states in Article 10(2) that “[s]pecial protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.” Regarding children and young persons, Article 10(3) stipulates the following:

*“Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”<sup>75</sup>*

### 3. **Convention on the Rights of the Child** *(‘CRC’)<sup>76</sup>*

The CRC is an international treaty that protects the civil, political, economic, social, health and cultural rights of children. It came into force on 2 September 1990 after it was ratified by various countries. The compliance by countries of the CRC is monitored and reviewed by the UN Committee on the Rights of the Child.<sup>77</sup>

The Preamble of the CRC recognizes “the inherent dignity and of the equal and inalienable rights of all members of the

<sup>75</sup> *ibid.*

<sup>76</sup> <http://www.ohchr.org/EV/ProfessionalInterest/Pages/CRC.aspx>

<sup>77</sup> *ibid.*

human family” as “the foundation of freedom, justice and peace in the world” in accordance with the UN Charter. It refers to the UDHR in stating that “childhood is entitled to special care and assistance.” It states that “the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community”. It further recognizes that “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”. It also considers that “the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity”. It particularly refers to the Geneva Declaration of the Rights of the Child of 1924, which states that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”. It takes due account of “the importance of the traditions and cultural values of each people for the protection and harmonious development of the child” and recognizes “the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries.”<sup>78</sup>

Article 1 defines a “child” as any human being below the age of 18 unless the majority age is attained earlier under a state’s own domestic legislation. Article 2 imposes obligations on States Parties to respect and ensure the realization of rights under the CRC without discrimination on any grounds. It also

<sup>78</sup> *ibid.*



obliges States Parties to take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs in the child's parents, legal guardians, or family members. Article 3 requires that the “*best interests of the child shall be a primary consideration*” in all actions concerning children on the part of States Parties and the relevant authorities within the jurisdiction. Article 4 requires States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights under the CRC. The realization of ESCR is contingent on the maximum extent of resources available in the States within the framework of

international co-operation. Article 5 requires States Parties to respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community under local custom, legal guardians or other persons legally responsible for the child.<sup>79</sup>

Furthermore, the CRC contains the following sets of rights protecting children: right to life (Article 6), right to registration for a child, right to acquire nationality and, as far as possible, right to know and be cared for by his/her parents (Article 7), right to preserve his/her identity (Article 8), right to express their views

<sup>79</sup> *Ibid.*



freely in all matters affecting them where their views are given due weight in accordance with their age and maturity (Article 12), freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), freedom of association and freedom of peaceful assembly (Article 15), prohibition of arbitrary or unlawful interference with his/her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation (Article 16), right to enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health (Article 24), right to a periodic review of the treatment provided to the child and all other circumstances relevant to his/her placement (Article 25),

right to benefit from social security, including social insurance (Article 26), right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27), right to education (Article 28), right, in community with other members of his or her group, to enjoy his/her own culture, to profess and practise his or her own religion, or to use his/her own language for children belonging to ethnic, religious or linguistic minorities or persons of indigenous origin (Article 30), right to rest and leisure, to engage in play and recreational activities in line with the child's age and to participate freely in cultural life and the arts (Article 31), right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development (Article 32), right of a mentally or physically disabled child to enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community (Article 33), prohibition of torture or other cruel, inhuman or degrading treatment or punishment, unlawful or

arbitrary deprivation of liberty and rights to prompt access to legal and other appropriate assistance, to challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action (Article 37), and right of children alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth (Article 40).<sup>80</sup>

Under Article 9, States Parties are obliged to ensure that a child should not be separated from his/her parents against their will unless competent authorities subject to judicial review determine in accordance with applicable law and procedures

<sup>80</sup> *Ibid.*





that such separation is necessary for the “best interests of the child”. Article 11 imposes a duty on States to take measures to combat the illicit transfer and non-return of children abroad.<sup>81</sup> While recognizing the important role of mass media, Article 17 imposes a duty on States to ensure that children have “access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical

<sup>81</sup> *Ibid.*

and mental health.” Article 18 recognizes the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or legal guardians, in certain cases, have the primary responsibility for the upbringing and development of the child. The basic concern should be the “best interests of the child”. Under Article 19, States must take “all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or

*negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child".* Article 20 requires that the State must provide special protection and assistance to children temporarily or permanently deprived from their family environments. Article 21 requires the "best interests of the child" to be the "paramount consideration" when recognizing and/or permitting the system of adoption.<sup>82</sup>

Under Article 22, States Parties must take appropriate measures to ensure that a child seeking refugee status or a who is a refugee should receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights under the CRC and in other international human rights and humanitarian instruments to which States are Parties. Moreover, under Article 33, States must take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. Article 34 requires States to protect children from all forms of sexual exploitation and sexual abuse. Article 35 requires States to take measures to prevent the abduction/sale of or traffic in children for any purpose or in any form. Article 36 requires States Parties to protect children from all forms of exploitation prejudicial to any aspects of children's welfare. Article 38 requires States to respect and ensure respect for rules of international humanitarian law applicable to them in armed conflicts, which are relevant to children. Article 39 imposes a duty on States Parties to take all appropriate measures to promote physical and psychological recovery and social reintegration of child victims.<sup>83</sup>

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*

#### 4. Convention on the Elimination of All Forms of Discrimination against Women ('CEDAW')<sup>84</sup>

The CEDAW is an international treaty that was adopted by the UN General Assembly on 18 December 1979. It entered into force on 3 September 1981. It symbolizes 30 years of efforts by the UN Commission on the Status of Women, which was established in 1946 to monitor the situation of women and to promote women's rights. The spirit of CEDAW is founded upon the goals of the UN, namely the affirmation of faith in fundamental human rights, dignity and worth of the human being, and the equal rights of men and women. The implementation of CEDAW is monitored by the Committee on the Elimination of All Forms of Discrimination against Women.<sup>85</sup>

Like other international legal instruments, the Preamble of CEDAW refers to the UN Charter in reaffirming faith in fundamental human rights, dignity and worth of the human person, and equal rights of men and women. It refers to the UDHR on the inadmissibility of discrimination and that "all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex". It notes that States Parties to the international covenants/legal instruments on human rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights. Despite the existence of these instruments, it recognizes that extensive discrimination against women still exists. It states that "discrimination against women violates the principles

<sup>84</sup> <http://www.un.org/womenwatch/daw/cedaw/text/convention.htm>

<sup>85</sup> *Ibid.*

*of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity". It also states that "the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields". It acknowledges that "the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole".*

***It further states that "a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women".<sup>86</sup>***

Article 1 defines "discrimination against women" as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political,

<sup>86</sup> *Ibid.*



*economic, social, cultural, civil or any other field". Under Article 2, States Parties are under a duty to take various measures to end discrimination against women in all forms, including incorporating the principle of equality between men and women in their legal systems, abolishing all discriminatory laws, adopting appropriate ones prohibiting discrimination against women, establishing tribunals and other public institutions to ensure the effective protection of women against discrimination, and ensuring elimination of all acts of discrimination against*

women by persons, organizations or enterprises. Article 3 requires States Parties to take all appropriate measures, including legislation, to ensure the full development and advancement of women for guaranteeing them equal access to human rights and fundamental freedoms as men. Article 4 provides that the adoption of temporary special measures by States Parties aimed at accelerating de facto equality between men and women does not amount to discrimination against women. Article 5 requires that States Parties must take appropriate measures to modify social and cultural patterns of conduct of men and women to eliminate prejudices and customary and all other practices based on the idea of inferiority or superiority of either sexes or on stereotyped roles of men and women. States Parties must also ensure that family education includes a proper understanding of maternity as a social function and recognition of the common responsibility of men and women in the upbringing and development of their children, given that the interest of children is “*the primordial consideration*” in all cases. Article 6 requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.<sup>87</sup>

CEDAW contains a comprehensive set of rights as follows: right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies (Article 7(a)), right to participate in the formulation and implementation of government policy and to hold public office and perform all public functions at all levels of government (Article 7(b)), right to participate in non-governmental organizations and associations concerned with the public and political life of the country

<sup>87</sup> *Ibid.*

(Article 7(c)), right to change/retain nationality (Article 9), equal rights in the field of education (Article 10), right to work as an inalienable right of all human beings (Article 11(1)(a)), right to same employment opportunities, including application of same criteria for selection in matters of employment (Article 11(1)(b)), right to free choice of profession and employment, right to promotion, job security and all benefits and conditions of service, and right to receive vocational training and retraining (Article 11(1)(c)), right to equal remuneration and to equality of treatment in respect of work of equal value and in evaluation of the quality of work (Article 11(1)(d)), right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, and right to paid leave (Article 11(1)(e)), right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction (Article 11(1)(f)), right to access health care services, including those related to family planning (Article 12(1)), right to family benefits (Article 13(a)), right to bank loans, mortgages and other forms of financial credit (Article 13(b)), right to participate in recreational activities, sports and all aspects of cultural life (Article 13(c)), right to equality and all aspects of cultural life (Article 13(c)), right to equality before the law (Article 15(1)), right to legal capacity and same opportunities to exercise that capacity (Article 15(2)), rights to conclude contracts and administer property (Article 15(2)), right to movement of persons and freedom to choose residence and domicile (Article 15(4)), right to marriage (Article 16(1)(a)), right to freely choose a spouse and to enter into marriage only with their free and full consent (Article 16(1)(b)), rights and responsibilities during marriage and at its dissolution (Article 16(1)(c)), rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children, given



that their interests should be paramount (Article 16(1)(d)), rights and responsibilities regarding guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation (Article 16(1)(f)), personal rights as husband and wife, including right to choose a family name, a profession and occupation (Article 16(1)(g)), and same rights for both spouses regarding ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration (Article 16(1)(h)).<sup>88</sup>

<sup>88</sup> *Ibid.*

In the field of education, Article 10 requires States Parties to take all appropriate measures to eliminate discrimination against women, including same conditions for career and vocational guidance, access to studies and achievement of diplomas in educational establishments of all categories, access to same curricula, examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality. Article 11(2) requires States Parties to take appropriate measures to prohibit dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals based on marital status, to introduce maternity leave with

pay or with comparable social benefits without loss of former employment, seniority or social allowances, to encourage provision of necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life and to provide special protection to women during pregnancy in types of work proved to be harmful to them.<sup>89</sup>

### 5. Convention on the Elimination of All Forms of Racial Discrimination ('CERD')<sup>90</sup>

The CERD is an international convention that commits Member States to the elimination of racial discrimination and the promotion of understanding among all races. It came into force on 4 January 1969. The structure of the CERD mirrors that of the UDHR, ICCPR, and ICESCR with a Preamble that mentions the ILO Convention No. 111 on Discrimination (Employment and Occupation) Convention and Convention against Discrimination in Education. The Preamble refers to the UN Charter in stating the principles of equality and dignity inherent in all human beings and the universal respect and adherence to human rights and fundamental freedoms for all. It states that human beings are equal before the law and entitled to equal protection of the law against any discrimination and against any incitement to discrimination. It further states that “*any doctrine of superiority based on racial discrimination is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere*”. It reaffirms that “*discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and*

*is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State*”. It further provides that “*the existence of racial barriers is repugnant to the ideals of any human society*”.<sup>91</sup>

Articles 1-7 that imposes duties on State parties to commit to the elimination of all forms of racial discrimination and to promote understanding among all races. Article 1 defines “*racial discrimination*” as “*any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life*”. Articles 8 - 16 governs reporting and monitoring of the CERD by the Committee on the Elimination of Racial Discrimination and the steps taken by the parties in implementing the CERD.<sup>92</sup>

Article 5 of CERD provides the following sets of rights: right to equal treatment before the tribunals and all other organs administering justice, right to security of person and protection by the State against violence or bodily harm, right to participate in elections (both voting and standing) based on universal and equal suffrage, to take part in the Government and in the conduct of public affairs at any level and to have equal access to public service, freedom of movement and residence within the border of the State, right to leave any country, including one’s own, and to return to one’s country, right to nationality, right to marriage and choice of spouse, right to own property alone and in association with others, right to inherit, freedom of thought, conscience and religion, freedom of opinion and

<sup>89</sup> *Ibid.*

<sup>90</sup> <http://www.ohchr.org/EV/ProfessionalInterest/Pages/CERD.aspx>

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

expression, freedom of peaceful assembly and association, right to work, right to free choice of employment, right to just and favourable conditions of work, right to protection against unemployment, right to equal pay for equal work, right to just and favourable remuneration, right to form and join trade unions, right to housing, right to public health, medical care, social security and social services, right to education and training, right to equal participation in cultural activities, and right of access to any place or service intended for use by the general public.<sup>93</sup>

## 6. *Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* ('ICRMW')<sup>94</sup>

The ICRMW is an international treaty that governs the protection of migrant workers and families. It entered into force on 1 July 2003. Its implementation and compliance by Member States are monitored by the Committee on Migrant Workers ('CMW'). Under the Preamble, the main objective of the ICRMW is to promote the respect for migrants' human rights. Migrants are not only workers, but they are also human beings. The ICRMW does not create new rights for migrants. Instead, it aims to guarantee equality of treatment and same working conditions, including in cases of temporary work, for migrants and nationals. It is based on the basic notion that all migrants should have access to a minimum degree of protection. It recognizes that legal migrants have the legitimacy to claim more rights than illegal immigrants even though their fundamental rights must be respected.<sup>95</sup>

Rights protected by the ICRMW include: right to non-discrimination (Article 7), freedom to leave any State, including their State of origin (Article 8), right to life (Article 9), prohibition of torture or inhuman, cruel or degrading treatment or punishment (Article 10), prohibition of slavery or servitude (Article 11(1)), prohibition of forced or compulsory labour (Article 11(2)), freedom of thought, conscience and religion (Article 12(1)), right to hold opinions without interference (Article 13(1)), freedom of expression (Article 13(2)), prohibition of arbitrary or unlawful interference with his/her privacy, family, correspondence or other communications, or unlawful attacks on his/her honour and reputation (Article 14), prohibition of arbitrary deprivation of property (Article 15), right to liberty and security of person (Article 16(1)), right to protection by the State against violence, physical injury, threats and intimidation (Article 16(2)), right to be treated with respect for the inherent dignity of the human person and their cultural identity (Article 17(1)), right to equality before courts and tribunals (Article 18(1)), right to be presumed innocent until proven guilty (Article 18(2)), and prohibition of imprisonment merely on the ground of failure to fulfil a contractual obligation (Article 20).<sup>96</sup>

### ii. **Other human rights treaties**

Other human rights treaties that relate to youth include the Convention against Discrimination in Education ('CADE') and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages.<sup>97</sup>

<sup>93</sup> *Ibid.*

<sup>94</sup> [<http://www2.ohchr.org/english/bodies/cmwf/cmwf.htm>]

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*

<sup>97</sup> *Angel (n 57) p. 945*

### 1. Convention against Discrimination in Education ('CADE')<sup>98</sup>

The Convention against Discrimination in Education ('CADE') was adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization ('UNESCO') on 14 December 1960 in Paris, France. It came into force on 22 May 1962. It is the first convention in the field of the right to education. Thus, it serves the same end as the ICESCR, i.e. the promotion and development of the right to education without discrimination/exclusion. It aims to combat segregation in the field of education. It seeks to ensure the free choice of religious education and private school, right to use or teach their own languages for national minorities. It prohibits any reservation. It also enshrines principles of non-discrimination and equality of educational opportunities into international norms.<sup>99</sup>

### 2. Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages<sup>100</sup>

The Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages is an international treaty regulating the standards of marriage. It entered into force on 9 December 1964. In conformity with the UN Charter, this Convention has established that men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are equally entitled to equal rights as to marriage, during marriage and at dissolution. It also stipulates that marriages should only be

entered into with the free and full consent of the intending spouses.<sup>101</sup>

### 3. International Labour Standards ('ILS') established by the International Labour Organization ('ILO')

The ILS established by the ILO form part of the sources of the "*International Law of Youth Rights*". In particular, the Minimum Age Convention 1973, the Elimination of the Worst Forms of Child Labour Convention 1999 and the Employment Policy Convention are important ILO conventions that relate to youth and form part of the other international human rights instruments. The ILO Committee of Experts is the main body of the ILO that supervises the implementation of these conventions by ratifying Member States on an annual basis. In 2005, the International Labour Conference identified a list of 32 different ILO conventions that are relevant for work and youth. It also identified ILO Recommendations relating to the implementation of these Conventions and in other ways relevant to youth. The ILS represent the most clearly codified body of the "*International Law on Youth Rights*".<sup>102</sup>

#### a. ILO Convention No. 138 on Minimum Age, 1973<sup>103</sup>

The ILO Convention No. 138 on Minimum Age, 1973 concerns the minimum age for admission into employment. It entered into force on 19 June 1976. It requires ratifying states to pursue a national policy designed to ensure the effective abolition of child labour and to progressively raise the minimum age for

<sup>98</sup> [\[http://www.unesco.org/education/pdf/DISCRI\\_E.PDF\]](http://www.unesco.org/education/pdf/DISCRI_E.PDF)

<sup>99</sup> *Ibid.*

<sup>100</sup> [\[http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx\]](http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx)

<sup>101</sup> *Ibid.*

<sup>102</sup> Angel (n 57) p. 945

<sup>103</sup> [\[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:p12100\\_ILO\\_CODE:C138\]](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:p12100_ILO_CODE:C138)

admission into employment work. This Convention replaced previous other ILO Conventions in the area of child labour. It permits countries to specify a minimum age for labour with a minimum of 15 years. A declaration of 14 years is allowed for a specified period of time. Laws may be put in place to allow light work for children aged 13-15 provided that it does not harm their health or school work. The minimum age of 18 years is specified for work, which “*is likely to jeopardize the health, safety or morals of young persons*”. Definitions of the type of work and derogations are only possible after tripartite consultations provided they exist in the country in question.<sup>104</sup>

**b. ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999<sup>105</sup>**

The ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 is one of the 8 fundamental ILO conventions. It obliges countries to commit themselves to take immediate action to prohibit and eliminate the worst forms of child labour. It came into force on 19 November 2000. The ILO's International Programme on the Elimination of Child Labour (‘IPEC’) is responsible for assisting countries in monitoring compliance with the ILO Convention No. 182. One of the methods that IPEC uses is the Time-Bound Programme (‘TBP’) approach for the eradication of the worst forms of child labour by strengthening national capacities to address child labour problems and by creating a worldwide movement to combat child labour.<sup>106</sup>

<sup>104</sup> *Ibid.*

<sup>105</sup> [[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_ILLO\\_CODE:C182](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILLO_CODE:C182)]

<sup>106</sup> *Ibid.*; [<http://www.ilo.org/ippec/programm/lang--en/index.html>]; See also



**c. ILO Convention No. 122 concerning Employment Policy, 1964<sup>107</sup>**

Under the ILO Convention No. 122 concerning Employment Policy, 1964, the ratifying States must pursue an active policy to promote full, productive and freely chosen employment. It remains the primary mechanism for guiding the ILO's approach to policy coordination and cooperation at the national level. It is supplemented by the ILO Employment Policy Recommendation, 1964 (No. 122) and the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), which provide the policy approaches to support the Member States' efforts to design and implement effective employment policies and programmes.<sup>108</sup>

<sup>107</sup> *ILO International Programme on the Elimination of Child Labour (‘IPEC’), IPEC action against child labour 2012-2013 - Progress and future priorities*, (ILO, 2014)

<sup>107</sup> [[http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312267](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO:12100:P12100_INSTRUMENT_ID:312267)]

<sup>108</sup> *Ibid.*; see also ILO, Report IV - Employment policies for social justice and

## c. Regional charters

The regional charters that are specific to youth are the Ibero-American Convention on the Rights of Youth (‘ICRY’) and the African Youth Charter (‘AYC’).

### 1. Convention on the Rights of Youth (‘ICRY’)<sup>109</sup>

In 2005, Member States of the Ibero-American Youth Organization (‘IYO’) adopted and signed the Convention on the Rights of Youth (‘ICRY’) (also known as the ‘Ibero-American Charter’).<sup>110</sup> The ICRY came into force in 2008. So far, it has been ratified by Bolivia, Costa Rica, Dominican Republic, Ecuador, Honduras, Spain and Uruguay. However, Cuba, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal and Venezuela have signed it even though they have not ratified it. Andorra, Argentina, Brazil, Chile, Colombia and El Salvador have not signed it. The ICRY explicitly acknowledges the World Programme of Action of Youth (‘WPAY’), the BYAP and the LDYPP as important amendments.

In its Preamble, the ICRY justifies its existence on the need for youth to enjoy a commitment that specifically recognizes, guarantees and protects their rights as expressed in the UDHR, the CRC, the ICCPR and the ICESCR. This instrument contains the same set of rights as the international instruments along with the responsibilities of youth to foster a culture of respect and tolerance. In Article 3, State Parties have the responsibility

to “undertake to develop policies and propose programmes that encourage and perpetuate the contribution and commitment of youth with a culture of peace and respect for human rights.”<sup>111</sup>

In order to realize the potential of youth as human rights subjects, the ICRY states that they should be considered priority subjects in initiatives undertaken to realize their rights to cultural, economic, political and social development.<sup>112</sup>

In this light, States Parties are obliged to “adopt the appropriate measures to guarantee [...] the participation [of youth] in the discussions leading to development plans and their integration in the implementation of the corresponding national, regional and local actions.”<sup>113</sup>

Moreover, the ICRY is divided into the following sections: preliminary chapter; general regulations; civil and political rights; economic, social and cultural rights; and mechanisms for promotion. The preliminary chapter comprises Articles 1-3 concerning the application scope of ICRY, youth and human rights, and contribution of youth to human rights. Chapter I regarding General Regulations contains Articles 4-8 providing for the rights to peace, non-discrimination and gender equality, prominence of the family, and adoption of inner law measures. Chapter II on civil and political rights contain Articles 9-21 providing the rights to life, personal integrity, protection against

<sup>109</sup> a fair globalization - Recurrent Item Report on Employment, 2010 - International Labour Conference - 99th Session 2010 [www.laconvencion.org]

<sup>110</sup> The term ‘Ibero-America’ refers to a group of countries in Latin America and of the Iberian Peninsula, namely, Andorra, Portugal and Spain. See Organización Iberoamericana de Jóvenes [www.oj.org]

<sup>111</sup> Article 3, ICRY [www.laconvencion.org]

<sup>112</sup> Article 2, ICRY [www.laconvencion.org]

<sup>113</sup> Article 34, ICRY [www.laconvencion.org]

sexual abuse, conscientious objection, justice, individual identity and personality, honour, intimacy and personal image, liberty and security of person, freedom of thought, conscience and religion, freedom of expression, assembly and association, rights to form part of a family and to found a family, and youth participation. Chapter III on economic, social and cultural rights contain Articles 22-34 that protect the rights to education, sexual education, culture and art, health, work, conditions of work, social protection, vocational training, housing, healthy environment, leisure and recreation, sport, and development. Chapter IV on mechanisms for protection concerns youth national organizations and regional monitoring of the application of the ICRY.<sup>114</sup> In addition, the ICRY has created the Ibero-American Tracking System, which is an accountability mechanism through which States parties have to present biannual reports on their compliance with the obligations acquired under the ICRY. The Secretariat of the IYO subsequently analyzes these reports and establishes a dialogue with State Parties in order to further their compliance with the ICRY.<sup>115</sup>

## 2. African Youth Charter ('AYC')

In 2006, Member States of the African Union ('AU') adopted the African Youth Charter ('AYC'), which constitutes a legally binding framework for African governments to develop youth policies. It seeks to provide a platform for youth to assert their rights and responsibilities towards the development of the African continent. It acknowledges the international instruments and addresses the same issues and rights. Moreover, it distinctly sets out responsibilities of youth towards their families, their

society, the state and international community. The duties and responsibilities of youth indicate that the AYC acknowledges youth as valuable resources for the advancement of society in general.<sup>116</sup> In particular, Article 26 provides that youth have a duty to "become the custodians of their own development", to "have full respect for parents and elders and assist them anytime in cases of need"; to "partake fully in citizenship duties including voting, decision making and governance"; to "engage in peer-to-peer education to promote youth development"; to "promote tolerance, understanding, dialogue, consultation and respect for others"; and to "defend democracy, the rule of law and all human rights and fundamental freedoms."<sup>117</sup> On this basis, the AYC seems to acknowledge the role of youth as being beyond the confines of being beneficiaries of governmental action. They seem to be viewed as key stakeholders and partners in the development process as well as active citizens who are the last line of defence of democracy, the rule of law, human rights and fundamental freedoms. Given that they are the preservers of the African cultural heritage, they hold in their aspirations and legacies of past and future generations. The rights of youth in Articles 2-24 include the rights to non-discrimination, freedom of movement, freedom of expression, freedom of association, freedom of thought, conscience and religion, and protection of private life.<sup>118</sup>

<sup>116</sup> *Ibid.*, p. 17

<sup>117</sup> Article 26(a), (c), (d), (e), (f) and (g) AYC [<http://www.africa-union.org/root/au/conferences/mail/inst/charter%20english.pdf>]

<sup>118</sup> [<http://www.africa-union.org/root/au/conferences/mail/inst/charter%20english.pdf>]

<sup>114</sup> (n 112)

<sup>115</sup> *Gala, Karkara and Ragan (n 3)*, p. 16

## d. Soft-law instruments

### 1. Braga Declaration on Youth ('BDY')

In 1998, the Braga Youth Action Plan (also known as the Braga Declaration on Youth ('BDY')) was issued as the outcome document of the third World Youth Forum in Portugal, which focused on youth participation, youth policies and youth rights. This development emerged at a time when youth, as an age cohort, felt that they were fluid and indeterminate and not sufficiently protected by human rights legal instruments. Moreover, as a result of the meeting at the World Youth Forum in line with the recommendation of the UNEconomic Commission for Africa (ECA), the idea for an AVC was endorsed.<sup>119</sup> In particular, at the opening of the World Conference of Ministers Responsible for youth, the former UN Secretary-General, Kofi Annan, stated the following: "No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime. Youth must be included from birth. A society that cuts itself off from its youth severs its lifeline; it is condemned to bleed to death."<sup>120</sup>

The BYAP was designed to empower youth to participate in human development. It recognizes youth "not only as future leaders, but as actors of society today, with a direct stake in the development process" and as "both creators and beneficiaries of development". In order to attain an effective realization and promotion of the human rights of youth, the BYAP contains a list of thirty policy recommendations. These policy recommendations concern areas, including the formulation and implementation of integrated cross-sectorial youth policies; the enhancement of cooperation of youth-led organizations at the national level; the role of youth in poverty eradication and development; the

strengthening of youth participation; the relationship between youth-led organizations and the UN; the provision of education, employment and health services. Furthermore, it contains a section dedicated to the issue of the role of youth in the promotion of human rights although it does not relate to youth-specific human rights.<sup>121</sup>

In later paragraphs, the BYAP addresses the issue of human rights of youth tangentially. In particular, it calls on the UN to provide assistance to youth-led and youth-servicing organizations in order to develop a compendium of existing youth rights included in reports adopted by the UN General Assembly and international human rights instruments. It also recommends the appointment of a UN Special Rapporteur on Youth Rights who should be a young independent expert not older than 35 years old, experienced with human rights issues and youth organizations. Participating governments pledged to take action in different realms, including national youth policies, participation, development, peace, education, employment, health, and drug and substance abuse.<sup>122</sup>

Although the BYAP and the Lisbon Declaration on Youth Policies and Programmes ('LDYPP') were not implemented, they sowed the seeds for what later became the revision of the World Programme of Action on Youth ('WPA'Y) in 2000. It contributed to the creation of the momentum required for bolder initiatives and new governance structures<sup>123</sup>. Outside the UN system, the BYAP and the LDYPP are significant efforts that have contributed to establishing a normative framework for human rights of youth in Africa, Europe and Ibero-America.<sup>124</sup>

<sup>121</sup> World Forum of the United Nations System, "Braga Youth Action Plan,"

[\[http://www.un.org/events/youth98/forum98/bragayp.html\]](http://www.un.org/events/youth98/forum98/bragayp.html)

<sup>122</sup> *Ibid.*

<sup>123</sup> Cala, Karkara, and Ragan (n 3), p. 15

<sup>124</sup> *Ibid.*

<sup>119</sup> Cala, Karkara and Ragan, (n 3), p. 12

<sup>120</sup> [\[http://www.un.org/events/youth98/speeches/youth2.html\]](http://www.un.org/events/youth98/speeches/youth2.html)



## 2. World Programme of Action on Youth ('WPAY')

The United Nations adopted the *World Program of Action on Youth to the Year 2000 and Beyond* in 1995. It aims to more effectively address the problems of youth and to increase opportunities for their participation in society. Youth have been increasingly seen as critical players in national development and global stability. To this effect, the UN has reaffirmed its commitment through UN General Assembly resolution 58/133, which reiterates the “importance of the full and effective participation of youth and youth organizations at the local, national, regional, and international levels in promoting and implementing the World Programme of Action and in evaluating the progress achieved and the obstacles encountered in its

implementation.”<sup>125</sup> In addition, the WPAY provides a policy framework and practical guidelines for national action and international support to improve the situation of youth. Under the WPAY, key priority areas include education, employment, hunger and poverty, health, environment, drug abuse, juvenile delinquency, leisure-time activities, girls and young women, full and effective participation of youth in the life of society and in decision-making, globalization, information and communications technology, HIV/AIDS, armed conflict and inter-generational issues.<sup>126</sup>

<sup>125</sup> UN, Inter-Agency Network for Youth Development, *Youth Participation*, <http://www.un.org/esa/socdev/documents/youth/fact-sheets/youth-participation.pdf>

<sup>126</sup> Cala, Kakara, and Ragan (n 3) p. 15

### 3. UN Resolutions & Millenium Development Goals

The global normative framework has been seeking to address the human rights of youth as a critical part of the international human rights and development agenda. However, there is yet to be a “*pivotal global meeting on youth in the same scale as the breakthrough meetings that so advanced relevant concerns relating to women, elderly, indigenous peoples in the past.*”<sup>127</sup> Since the meetings in Braga and Lisbon, the UN General Assembly proclaimed the year starting on 12 August 2010 to be the second International Year of Youth (IYY).<sup>128</sup> In this context, it adopted the outcome document of its high-level meeting on youth, encouraging Member States to “*further develop and improve the existing international framework on youth [...] In order to fully address all current challenges affecting youth*”; recognizing the “*need for further efforts to promote the interests of youth, including the full enjoyment of their human rights, inter alia, by supporting youth in developing their potential and talents and tackling obstacles facing youth*”; reaffirming its “*determination to give priority attention to the promotion of youth and their interests and to address the challenges that hinder youth development*”; calling “*for increased participation of youth and youth-led organisations in the formulation of, as appropriate, local, national, regional and international development strategies and policies*”; and reiterating that “*the full and effective participation of youth and youth-led organisations in relevant decision-making processes through appropriate channels is key to, inter alia, achieving the internationally agreed development goals.*”<sup>129</sup>

<sup>127</sup> UN-Habitat, “Youth 21: Building an Architecture for Youth Engagement in the UN System”.

<sup>128</sup> UN General Assembly, A/Res/64/134. [<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/469/87/PDF/N0946987.pdf?OpenElement>]

<sup>129</sup> UN General Assembly, A/Res/65/312. [<http://daccess-dds-ny.un.org/doc/>

In a report concerning the implementation of Resolution 64/134, the UN Secretary-General recognized the second IYY as a success in highlighting the youth’s role in achieving the development agenda of the Millenium Development Goals (‘MDGs’). In his recommendations, the UN Secretary-General suggested that Member States should consider the possibility of undertaking “*measures in partnership with relevant stakeholders [presumably, including youth and youth-led organisations] to develop a youth-centred global development agenda.*”<sup>130</sup> On this basis, the Secretary-General issued his agenda for his second term in office, commencing January 2012. It was a five-year plan, which outlined concrete actions to respond to what he viewed as current generational imperatives, including the need to work with and for women and youth. In that, the Secretary-General pledged his commitment to “*address the needs of the largest generation of youth the world has ever known by deepening youth focus of existing programmes of employment, entrepreneurship, political inclusion, citizenship and protection of rights, and education, including on reproductive health.*” In order to do this, he proposed the development and implementation of an action plan, the creation of a young volunteer programme under UN Volunteers, and the appointment of a new Special Adviser on Youth.<sup>131</sup> His commitment was reinforced and reiterated in other occasions, including at the forty-fifth session of the Commission on Population and Development, where he stated: “*Youth are more than a demographic force; they are a force for progress.*”<sup>132</sup>

<sup>130</sup> UNDOC/GEN/N11/432/09/PDF/N11/432/09.pdf?OpenElement]

<sup>131</sup> UN General Assembly, A/66/129. [<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/411/94/PDF/N11/411/94.pdf?OpenElement>]

<sup>132</sup> [[http://www.un.org/sg/priorities/sg\\_agenda\\_2012.pdf](http://www.un.org/sg/priorities/sg_agenda_2012.pdf)] [<http://www.un.org/News/Press/docs/2012/pop1001.doc.html>]

Moreover, other UN bodies have made vital contributions. For example, in its Resolution, the Commission of Population and Development urged governments and Member States to protect “the human rights of adolescents and youth to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health”, to enact and enforce “complaint and reporting mechanisms for the redress of violations of [the] human rights” of adolescents and youth; to take action “to remove the obstacles to the full realization of the rights of adolescents and youth living under foreign occupation”, and to “promote and protect effectively the human rights and fundamental freedoms of all migrants, especially youth.”<sup>133</sup>

#### 4. Youth-21 Initiative

UN-Habitat is another UN body that has made significant contributions in this area. Through its Youth-21 initiative, it has focused on how to enable the realization of youth rights within the UN system by specifically providing them a “seat at the table” and a voice in decisions affecting them. The report, *Youth 21: Building an Architecture for Youth Engagement in the UN System*, illustrated two ways of engaging youth, which were the appointment by the UN Secretary General of a Special Envoy position in early 2013 and the creation of a Permanent Forum on Youth, which is similar to the Permanent Forum on Indigenous Issues. Member States such as Norway strongly supported these developments.<sup>134</sup>



<sup>133</sup> UN Commission on Population and Development, Res/2012/1.

<sup>134</sup> Norwegian White Paper on UN policies, September 2012

UN Secretary General Ban Ki-Moon appointed the first ever Envoy on Youth to the Secretary General Mr. Ahmad Alhindawi in January of 2013.

### 5. Brundtland Commission Report

In 1987, the Brundtland Commission Report (also known as *Our Common Future*), signaled to the world the urgency and importance of making progress towards sustainable economic development without depleting natural resources that would harm the environment. This report was published by an international group of politicians, civil servants and experts on the environment and development. It defined sustainable development as: “[Development that] meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>135</sup>

It focused on needs and interests of humans and securing a global equity for future generations by redistributing resources towards poorer nations to encourage their economic growth. It suggested that social equity, economic growth and environmental maintenance can be achieved together at the same time. It also envisioned that each country is capable of reaching its full economic potential and enhancing its resource base. However, it acknowledged that in order to achieve equity and sustainable growth, technological and social change would be needed. The environment, the economy, and society were highlighted as three fundamental intersecting dimensions of sustainable development.<sup>136</sup>

<sup>135</sup> A/42/427. *Our Common Future, From One World, Our Common Future: Report of the World Commission on Environment and Development* [<http://www.un-documents.net/ocf-ou.html>]; Action > The Brundtland Report [[http://www.sustainable-environment.org.uk/Action/Brundtland\\_Report.php](http://www.sustainable-environment.org.uk/Action/Brundtland_Report.php)]; The Association for Global New Thought, *Our Common Future: Brundtland Report OVERVIEW* [<http://www.agnt.org/brundtland-summary/>]

<sup>136</sup> *Ibid*

### 6. UN Conference on Environment and Development 1992 (‘UNCED’) (‘Earth Summit’)

The UN Conference on Environment and Development (‘UNCED’) (also known as the ‘Earth Summit’) was held in Rio de Janeiro, Brazil 3-14 June 1992, which was 5 years after the release of the Brundtland Commission Report. It was the largest environmental conference ever held on an international scale. The objectives of the Earth Summit were to build upon the hopes and achievements of the Brundtland Commission Report in order to respond to pressing global environmental problems. Major outcomes of the Earth Summit included the Convention on Biological Diversity (‘CBD’), the Framework Convention on Climate Change (‘FCCC’), the Principles of Forest Management (‘PFM’), the Rio Declaration on Environment and Development (‘RDED’), and Agenda 21.<sup>137</sup>

In particular, Agenda 21 is an international plan of action to sustainable development. It outlines key policies for achieving sustainable development that meets the needs of the poor and recognizes the limits of development to meet global needs. It forms the basis of sustainable development strategies. It is in Agenda 21 that the very concept of sustainable development incorporated the generation and dimension of youth. It does so in its chapter concerning strengthening the role of major groups, which include youth.<sup>138</sup>

In particular, Chapter 25 of Agenda 21 is titled “*Children and Youth in Sustainable Development*”. Paragraph 25.1 states the following: “*Youth comprise nearly 30 per cent of the world’s*

<sup>137</sup> Action > Rio Earth Summit [[http://www.sustainable-environment.org.uk/Action/Earth\\_Summit.php](http://www.sustainable-environment.org.uk/Action/Earth_Summit.php)]

<sup>138</sup> Saundry, Peter (ed.), *Cleveland, C and Kubszowski, I, United Nations Conference on Environment and Development (UNCED)*, Rio de Janeiro, Brazil [<http://www.eoearth.org/view/article/156773/>]

population. The involvement of today's youth in environment and development decision-making and in the implementation of programmes is critical to the long-term success of Agenda 21." Part A of Chapter 25 is dedicated to "[a]dvancing the role of youth and actively involving them in the protection of the environment and the promotion of economic and social development". This part provides the following in terms of basis for action and objectives:

#### **"Basis for action**

25.2 *It is imperative that youth from all parts of the world participate actively in all relevant levels of decision-making processes because it affects their lives today and has implications for their futures. In addition to their intellectual contribution and their ability to mobilize support, they bring unique perspectives that need to be taken into account.*

25.3 *Numerous actions and recommendations within the international community have been proposed to ensure that youth are provided a secure and healthy future, including an environment of quality, improved standards of living and access to education and employment. These issues need to be addressed in development planning.*

#### **Objectives**

25.4 *Each country should, in consultation with its youth communities, establish a process to promote dialogue between youth community and Government at all levels and to establish mechanisms that permit youth access to information and provide them with the opportunity*

*to present their perspectives on government decisions, including the implementation of Agenda 21.*

25.5 *Each country, by the year 2000, should ensure that more than 50 per cent of its youth, gender balanced, are enrolled in or have access to appropriate secondary education or equivalent educational or vocational training programmes by increasing participation and access rates on an annual basis.*

25.6 *Each country should undertake initiatives aimed at reducing current levels of youth unemployment, particularly where they are disproportionately high in comparison to the overall unemployment rate.*

25.7 *Each country and the United Nations should support the promotion and creation of mechanisms to involve youth representation in all United Nations processes in order to influence those processes.*

25.8 *Each country should combat human rights abuses against youth, particularly young women and girls, and should consider providing all youth with legal protection, skills, opportunities and the support necessary for them to fulfil their personal, economic and social aspirations and potentials.*<sup>139</sup>

<sup>139</sup> United Nations Sustainable Development, United Nations Conference on Environment & Development, Rio de Janeiro, Brazil, 3 to 14 June 1992, AGENDA 21 [<http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>]

## 7. UN Conference on Sustainable Development ('Rio+20')

The outcome document of the UN Conference on Sustainable Development ('Rio+20') held in Rio de Janeiro on 20-22 June 2012, *The Future We Want*, sets out a mandate to establish an Open Working Group to develop a set of Sustainable Development Goals ('SDGs') for consideration and appropriate action by the General Assembly at its 68th session. It provided the mandate that the SDGs should be coherent with and integrated into the UN Development Agenda beyond 2015. Poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the main objectives of and are essential for sustainable development. Individual people are integral to the efforts in sustainable development.<sup>140</sup>

In this regard, Rio+20 implied that change begins by acknowledging the importance of youth engagement and participation in decision-making processes and that their "contribution [...] is vital to the achievement of sustainable development."<sup>141</sup> Thus, Agenda 21 of the Rio+20 signaled the start of the journey involving youth in working towards attaining sustainable development. Its objectives for countries included the following: establishing a process to promote dialogue between youth community and Government at all levels; establishing mechanisms that permit youth access to

information and providing them with the opportunity to present their perspectives on government decisions, including the implementation of Agenda 21; ensuring that more than 50% of its gender balanced youth are enrolled in or have access to appropriate secondary education or equivalent educational or vocational training programmes by increasing participation and access rates on an annual basis; undertaking initiatives aimed at reducing current levels of youth unemployment, particularly where they are disproportionately high in comparison to the overall unemployment rate; support the promotion and creation of mechanisms to involve youth representation in all UN processes in order to influence those processes; combating human rights abuses against youth, particularly young women and girls; and providing all youth with legal protection, skills, opportunities and the support necessary for them to fulfill their personal, economic and social aspirations and potentials.<sup>142</sup>

## 8. Sustainable Development Goals ('SDGs') under the 2030 Agenda on Sustainable Development

The Sustainable Development Goals ('SDGs') under the 2030 Agenda for Sustainable Development officially came into force on 1 January 2016 after world leaders adopted it in September 2015 at a historical UN summit. The 2030 Agenda is the first universal development agenda. It calls for action by all countries to promote prosperity while protecting the planet. It is a historic agenda for people, planet, peace, prosperity and partnership. The international community vowed to eradicate poverty and reduce inequalities, protect and promote human rights, and create peaceful and just societies free from violence and fear

<sup>140</sup> Sustainable Development Knowledge Platform, *Open Working Group proposal for Sustainable Development Goals* - [<http://sustainabledevelopment.un.org/focus/sdgs.html>]

<sup>141</sup> UN Convention on Sustainable Development 2012, "The Future We Want", Para. 50, [<http://www.unscsd2012.org/content/documents/7227THE%20FUTURE%20WE%20WANT%20-%20FINAL20DOCUMENT.pdf>]

<sup>142</sup> [<http://www.unep.org/Documents/Multilingual/default.asp?DocumentID=52&ArticleID=73&en>]



that would “leave no one behind” and “reach the farthest the first”. It pledged to provide the means for implementation of the Agenda through a revitalized Global Partnership for Sustainable Development based on a spirit of solidarity, focused on the needs of the poorest and most vulnerable and with the participation of all countries, peoples and stakeholders. Paragraph 10 of the 2030 Agenda states that the Agenda is guided by the purposes and principles of the UN Charter, including full respect for international law. It is based on the UDHR, international human

rights treaties, the Millennium Declaration, and the 2005 World Summit Outcome and informed by other instruments such as the Declaration on the Right to Development. Paragraph 11 reaffirms the outcomes of the previous UN conferences and summits that have formed the basis for sustainable development and backdrop to the 2030 Agenda.<sup>143</sup>

<sup>143</sup> [\[http://www.un.org/sustainabledevelopment/development-agenda/\]](http://www.un.org/sustainabledevelopment/development-agenda/); UN General Assembly, A/RES/70/1, [\[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&lang=E\]](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&lang=E)

Specific references to youth have been made in the section, “*Our World Today*”. In particular, paragraph 14 states: “[u]nemployment, particularly youth unemployment, is a major concern.” Under the “*New Agenda*” section, Member States undertake to “*implement the Agenda for the full benefit for all - for today’s generation and for future generations*” while vowing to implement the Agenda consistent with rights and obligations of Member States under international law. Paragraph 20 affirms the commitment to ending all forms of discrimination and violence against women, to achieve gender equality and women’s empowerment for all women and girls, and engaging men and boys in the project. In paragraph 23, they affirm that people who are vulnerable must be empowered and those “*whose needs are reflected in the Agenda include all children and youth, disabled people, people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced people and address the special needs of people living in areas of complex humanitarian emergencies and those affected by terrorism*”.<sup>144</sup>

Paragraph 25 commits to providing inclusive and equitable quality education at all levels and that all peoples irrespective of sex, age, race and ethnicities and persons with disability, migrants, indigenous peoples, children and youth, especially those in vulnerable situations, must have access to lifelong learning opportunities to acquire the knowledge and skills needed to exploit opportunities and participate fully in society. It further goes on to commit to “*provide our children and youth with a nurturing environment for the full realization of their rights and capabilities, helping our countries to reap the demographic dividend including through safe schools, cohesive communities and families*”. Paragraph 27 commits

<sup>144</sup> *Ibid.*

to building sustainable, strong, people-centered economies promoting youth employment and women’s economic empowerment, in particular decent work for all. Paragraph 37 states that sports is an important enabler and contributor to sustainable development, peace, tolerance and respect and “*the contribution it makes to the empowerment of women and youth, individuals and communities as well as to health, education and social inclusion objectives*”.<sup>145</sup>

In the indicators concerning monitoring and following up of implementation part of the 2030 Agenda, it is important to consider the sex disaggregated data and youth intersectionality with other vectors mentioned therein. Youth were highly involved and were consulted in the shaping of the 2030 Agenda. Therefore, they must be involved in the implementation, follow-up and review processes, monitoring and accountability building of youth dimensions of the 2030 Agenda and the sustainable development dimensions of youth Agenda. This must inform the global, regional and national processes and outcomes. While some reflect youth empowerment angle, it is necessary that these are further refined to strengthen guidance to Member States on their national indicators framework, particularly in youth bulge countries.

The SDGs build on the success of the MDGs and aim to go further to end all forms of poverty. They recognize that ending poverty must go hand-in-hand with strategies that build economic growth and addresses a range of social needs including education, health, social protection, income inequality, and job opportunities, while tackling climate change and environmental protection. While the SDGs are not legally binding, governments are expected to take ownership and

<sup>145</sup> *Ibid.*

establish, follow-up and review national frameworks and mechanisms for the achievement of the SDGs and hold themselves accountable to the people. The 2030 Agenda contains 17 SDGs and 169 targets that accompany the SDGs. These SDGs and accompanying targets are applicable to all, people-centered, and to be applied in an integrated manner. They are action oriented, global and universally applicable. They take into account different national realities, capacities and levels of development and respect national priorities and policies. Apart from building upon the foundation set by the MDGs, they seek to respond to new challenges. These SDGs amount to an integrated and indivisible set of global priorities for sustainable development. The goals and targets integrate economic, social and environmental aspects and recognize their inter-linkages in achieving sustainable development in all its dimensions.<sup>146</sup>

The 17 SDGs are the following: (i) ending poverty in all its forms everywhere; (ii) ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture; (iii) ensuring healthy lives and promoting well-being for all at all ages; (iv) ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all; (v) achieving gender equality and empowering all women and girls; (vi) ensuring availability and sustainable management of water and sanitation for all; (vii) ensuring access to affordable, reliable, sustainable and modern energy for all; (viii) promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; (ix) building resilient infrastructure, promote inclusive and sustainable industrialization and fostering innovation; (x) reducing inequality within and among countries; (xi) making cities and human settlements

inclusive, safe, resilient and sustainable; (xii) ensuring sustainable consumption and production patterns; (xiii) taking urgent action to combat climate change and its impacts; (xiv) conserving and sustainably using the oceans, seas and marine resources for sustainable development; (xv) protecting, restoring and promoting sustainable use of terrestrial ecosystems, sustainably managing forests, combating desertification, and halting and reversing land degradation and halting biodiversity loss; (xvi) promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels; and (xvii) strengthening the means of implementation and revitalizing the Global Partnership for Sustainable Development.<sup>147</sup>

In addition, these SDGs are accompanied by targets that are relevant and applicable to youth. For the first goal of ending poverty in all its forms everywhere, the following targets apply to all, including youth:

*“1.1 by 2030, eradicate extreme poverty for all people everywhere, currently measured as people living on less than \$1.25 a day.*

*1.2 by 2030, reduce at least by half the **proportion of men, women and children of all ages living in poverty** in all its dimensions according to national definitions.*

*1.3 implement nationally appropriate social protection systems and measures **for all**, including floors, and by 2030 achieve substantial coverage of **the poor and the vulnerable**.*

*1.4 by 2030 ensure that **all men and women, particularly the poor and the vulnerable**, have equal rights to economic resources, as well as access to basic services,*

<sup>146</sup> *Ibid.*

<sup>147</sup> *Ibid.*



ownership, and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services including microfinance.

1.5 by 2030 build the resilience of **the poor and those in vulnerable situations**, and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.”

148

148 Sustainable Development Knowledge Platform, Open Working

Under the second goal, i.e. ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture, the following targets are apposite to youth:

“2.1 by 2030 end hunger and ensure access by **all people, in particular the poor and people in vulnerable situations** including infants, to safe, nutritious and sufficient food all year round.

Group proposal for Sustainable Development Goals - [http://sustainabledevelopment.un.org/focussdgs.html]





*financial services, markets, and opportunities for value addition and non-farm employment...*<sup>149</sup>

The third goal, i.e. ensuring healthy lives and promoting well-being for all at all ages, also contains targets that apply to youth, given that it concerns health related issues and maternal mortality rates and that a significant portion of youth face challenges related to access to health, diseases, sexual and reproductive health, and drug abuse and other forms of anti-social behaviour. The relevant targets are:

*“3.1 by 2030 reduce the global maternal mortality ratio to less than 70 per 1000,000 live births.*

*...3.3 by 2030 end the epidemics of AIDS, tuberculosis, malaria, and neglected tropical diseases and combat hepatitis, water-borne diseases, and other communicable diseases.*

*3.4 by 2030 reduce by one-third pre-mature mortality from non-communicable diseases (‘NCDs’) through prevention and treatment, and promote mental health and wellbeing.*

*3.5 strengthen prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.*

*3.6 by 2020 halve global deaths and injuries from road traffic accidents.*

*3.7 by 2030 ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.*

*3.8 achieve universal health coverage (‘UHC’), including financial risk protection, access to quality essential health care*

*2.2 by 2030 end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons.*

*2.3 by 2030 double the agricultural productivity and the incomes of small-scale food producers, particularly women, indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge,*

<sup>149</sup> *ibid.*

services, and access to safe, effective, quality and affordable essential medicines and vaccines for all.

3.9 by 2030 substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water, and soil pollution and contamination.

3.a strengthen implementation of the Framework Convention on Tobacco Control in all countries as appropriate.

3.b support research and development of vaccines and medicines for the communicable and non-communicable diseases that primarily affect developing countries; provide access to affordable essential medicines and vaccines, in accordance with the Doha Declaration which affirms the right of developing countries to use to the full the provisions in TRIPS agreement regarding flexibilities to protect public health and, in particular, provide access to medicines for all.

3.c increase substantially health financing and the recruitment, development and training and retention of the health workforce in developing countries, especially in LDCs and SIDS....<sup>150</sup>

Goal 4 - i.e. ensuring inclusive and equitable quality education and promoting life-long opportunities for all - contains targets that are not only applicable to youth but also refer to youth explicitly. These targets are significant, given that education forms the foundation for the future of youth. The relevant targets are the following:

"4.1 by 2030, ensure that **all girls and boys** complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes.

4.2 by 2030 ensure that **all girls and boys** have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

4.3 by 2030, ensure equal access **for all women and men** to affordable quality, technical, vocational and tertiary education, including university.

4.4 by 2030, increase by x% the number of **youth** and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

4.5 by 2030, eliminate **gender disparities** in education and ensure equal access to all levels of education and vocational training for **the vulnerable, including persons with disabilities, indigenous peoples, and children** in vulnerable situations.

4.6 by 2030 ensure that **all youth** and at least x% of adults, both men and women, achieve literacy and numeracy.

4.7 by 2030 ensure **all learners** acquire knowledge and skills to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of cultures' contribution to sustainable development.

4.a build and upgrade education facilities that are child, **disability and gender sensitive** and provide safe, non-violent, inclusive and effective learning environments for all.

4.b by 2020 expand by x% globally the number of **scholarships** for developing countries in particular LDCs, SIDS and African countries to enrol in higher education, including vocational training, ICT, technical, engineering and scientific

<sup>150</sup> *Ibid.*

*programmes in developed countries and other developing countries...*<sup>151</sup>

The fifth goal - i.e. achieving gender equality and empowering all women and girls - also contains targets that are apposite to youth, given that young women and girls face discrimination, violence and other forms of injustice. The relevant targets are the following:

- “5.1 end all forms of discrimination against **all women and girls** everywhere.
  - 5.2 eliminate all forms of violence against **all women and girls** in public and private spheres, including trafficking and sexual and other types of exploitation.
  - 5.3 eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations.
  - 5.4 recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies, and the promotion of shared responsibility within the household and the family as nationally appropriate.
  - 5.5 ensure **women’s** full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic, and public life.
  - 5.6 ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences.
- 5a undertake reforms to give **women** equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance, and natural resources in accordance with national laws.
  - 5b enhance the use of enabling technologies, in particular ICT, to promote **women’s** empowerment.
  - 5c adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of **all women and girls** at all levels.”<sup>152</sup>
- The sixth goal - i.e. ensuring availability and sustainable management of water and sanitation for all - contains the following targets relevant to youth:
- “6.1 by 2030, achieve universal and equitable access to safe and affordable drinking water for **all**.
  - 6.2 by 2030, achieve access to adequate and equitable sanitation and hygiene for **all**, and end open defecation, paying special attention to the needs of **women and girls and those in vulnerable situations**.
  - 6.3 by 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater, and increasing recycling and safe reuse by x% globally.
  - 6b support and strengthen the participation of **local communities** for improving water and sanitation management.”<sup>153</sup>

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>151</sup> *Ibid.*



The targets of the seventh goal - i.e. ensuring access to affordable, reliable, sustainable and modern energy for all - applies to all. Relevant ones include the following:

*“7.1 by 2030 ensure universal access to affordable, reliable, and modern energy services...*

*7.b by 2030 expand infrastructure and upgrade technology for supplying modern and sustainable energy services for all in developing countries, particularly LDCs and SIDS.”*

<sup>154</sup>

<sup>154</sup> *Ibid.*

Goal 8 - i.e. promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all - contains targets that are both relevant to youth and specifically mention youth as follows:

*“...8.5 by 2030 achieve full and productive employment and decent work for all women and men, including for youth and persons with disabilities, and equal pay for work of equal value.*

*8.6 by 2020 substantially reduce the proportion of youth not in employment, education or training...*





... 8.8 protect labour rights and promote safe and secure working environments of **all workers, including migrant workers, particularly women migrants, and those in precarious employment...**

... 8.b by 2020 develop and operationalize a global strategy for **youth employment** and implement the ILO Global Jobs Pact.<sup>155</sup>

The tenth goal - i.e. reducing inequality within and among countries - contains targets that apply to youth among various groups as follows:

"... 10.2 by 2030 empower and promote the social, economic and political inclusion of **all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status...**

<sup>155</sup> *Ibid.*



... 10.7 facilitate orderly, safe, regular and responsible migration and mobility of **people**, including through implementation of planned and well-managed migration policies...<sup>156</sup>

Goal 11 - i.e. making cities and human settlements inclusive, safe, resilient and sustainable - contains applicable targets for youth as follows:

*"11.1 by 2030, ensure access for all to adequate, safe and affordable housing and basic services, and upgrade slums...*

*... 11.4 strengthen efforts to protect and safeguard the world's cultural and natural heritage.*

*11.5 by 2030 significantly reduce the number of deaths and the number of **affected people** and decrease by y% the economic losses relative to GDP caused by disasters, including water-related disasters, with the focus on protecting the poor and people in vulnerable situations...*

*... 11.7 by 2030, provide universal access to safe, inclusive and accessible, green and public spaces, particularly for women and children, older **persons and persons with disabilities**...*<sup>157</sup>

Interlinked with this SDG, the Third UN Conference on Housing and Sustainable Development will be held in Quito, Ecuador in October 2016, which will adopt a New Urban agenda in the context of the 2030 Agenda, SDGs, targets, and indicators. There are 10 Policy Units and thematic areas of Habitat III, all of which must be youth mainstreamed. The negotiations to be held in the next few months on the Draft Outcome must

<sup>156</sup> *ibid.*  
<sup>157</sup> *ibid.*

reflect the needs, interests, role and agency of youth in all their dimensions.

Goal 13 - i.e. taking urgent action to combat climate change and its impacts - refers to youth in one its targets as follows:

*"... 13.b Promote mechanisms for raising capacities for effective climate change related planning and management, in LDCs, including focusing on women, **youth**, local and marginalized communities."* In addition, some of the targets of the sixteenth goal - i.e. promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels - are also applicable to youth. These include the following: *"16.1 significantly reduce all forms of violence and related death rates everywhere... 16.3 promote the rule of law at the national and international levels, and ensure equal access to justice for **all**... 16.8 by 2030 provide legal identity for all including birth registration..."*<sup>158</sup>

<sup>158</sup> *ibid.*





## 5. COUNTRIES WITH YOUTH LAW & LEGISLATIVE FRAMEWORK

In this section, youth law and legislative framework will be examined in various countries. The regions covered in this section are as follows: Americas, the Caribbean, Europe, Asia, Middle East, Africa, and Oceania.

### a. Americas

#### i. North America

##### 1. Mexico <sup>159</sup>

Unlike the US and Canada, Mexico is the only country in North America that does have youth laws and legislative framework in place. The public institutions concerning youth include the Mexican Institute of Youth (IMJUVE), which is the main federal governmental agency responsible for youth. It was established by the Law of the Mexican Institute of Youth (2006). Its main responsibilities include defining and implementing youth policy, proposing special programmes to the Federal Executive concerning indigenous youth, and promoting coordination among different departments and agencies in the area of youth. The law also mandates a Monitoring Board for Projects and Programmes, composed of ten Mexican youth, who will monitor projects and make recommendations.<sup>160</sup>

In 2013, according to the Commonwealth Youth Programme,

Mexico's rank is 30 out of 170 countries in youth Development Index.<sup>161</sup>

In **2015**, youth literacy rates of both sexes (**15-24**) is **99.04%**. The young male literacy rate is **98.87%** and the young female literacy rate is **99.21%**.

In 2012, the net enrolment of youth in secondary school is 67.88%, where the net enrolment rate of the male youth is 66.42% and of the female youth is 69.38%. In 2013, it was found that the prevalence of HIV was estimated at 0.1%. The age of heterosexual marriage for young men and women is 18 without parental consent. By contrast, for marriages that require consent, the age is 16 is for young men and 14 for young women. Homosexual acts are illegal in Mexico. In terms of corruption perception, Mexico ranks 35 (i.e. 103 out of 177 countries) according to Transparency International. It ranks 45.04 (i.e. 152 out of 180 countries) on freedom of the press according to Reporters Without Borders. In 2013, the overall youth unemployment rate in Mexico was 5%. The unemployment rate was higher for the female youth (i.e. 11%) than for the male youth (i.e. 8.5%). In addition, the minimum

<sup>159</sup> <http://www.youthpolicy.org/factsheets/country/mexico/>  
<sup>160</sup> (n 162)

<sup>161</sup> <http://www.youthdevelopmentindex.org/cms/cms-youth/images/197918019952385f3219c75.pdf>



age of candidacy is 21 in the Lower House and 25 in the Upper House. The minimum age of criminal responsibility is 11. The majority age is 18. The voting age is 18.<sup>162</sup>

According to the National Youth Programme 2014-2018, youth are defined as those between the ages of 12 and 29 years under the Law of the Mexican Institute of Youth (2006). In April 2014, Mexico's National Youth Programme 2014-2018<sup>163</sup> was released after a comprehensive consultation through public forums, an online survey, mobile consultation units, a video submission contest, roundtable discussions with stakeholders and online discussion boards. The programme identifies four main objectives: i.e. prosperity (education, employment & housing), welfare (physical, emotional and social development), participation and inclusion. The programme includes several success indicators, containing both a baseline measurement from 2013 and a goal for 2018. It renewed the previous programme of 2008-2012.

Furthermore, public institutions concerning youth include the Mexican Institute of Youth (IMJUVE), which is the main federal governmental agency responsible for youth. It was established by the Law of the Mexican Institute of Youth (2006). Its main responsibilities include defining and implementing youth policy, proposing special programmes to the Federal Executive concerning indigenous youth, and promoting coordination among different departments and agencies in the area of youth. The law also mandates a Monitoring Board for Projects and Programmes, composed of ten Mexican youth, who will monitor projects and make recommendations.<sup>164</sup>

<sup>162</sup> (n 162)

<sup>163</sup> [[http://www.youthpolicy.org/wp-content/uploads/library/Mexico\\_2014\\_National\\_Youth\\_Programme.pdf](http://www.youthpolicy.org/wp-content/uploads/library/Mexico_2014_National_Youth_Programme.pdf)]

<sup>164</sup> [<http://www.youthpolicy.org/factsheets/country/mexico/>]



Mexico has no national and/or regional youth councils and no apparent permanent structures for youth involvement in decision-making. However, youth participation was emphasized in the consultation processes in the development of the National Youth Programme 2014-2018. National consultations took place for the first time in the development of a youth policy. The Law of the Mexican Institute of Youth (2006) also mandates a Monitoring Board for Projects and Programmes, comprised of ten youth selected by IMJUVE involved in monitoring and providing feedback. The IMJUVE budget for 2013 was MXN 340.8 million (USD 25.5 million).

.....  
According to the World Bank, Mexico spent **21.59%** of its government expenditure on education provision in 2007, and **5.28%** of its GDP in 2010.<sup>165</sup>

.....  
According to the National Youth Programme 2008-2012, although there are no accurate estimates concerning the needs of the youth in the area of justice, the issues that youth face the most relate to drugs and alcohol (70.9%), family relationships and family (1.7%) and violence (15.8%). The likelihood of being a victim of crime is greater between 20 and 29 years old: 6% of youth been a victim in the past year. Violence is the leading cause of why youth leave Mexico. One out of 10 homes suffer domestic violence and victims are most commonly children. However, according to the Survey on Domestic Violence (INEGI, 1999), only 14 of every 100 households seek help from the authorities.<sup>166</sup>

<sup>165</sup> *ibid.*

<sup>166</sup> *ibid.*





Moreover, youth participation rates in the political arena is attributed to disinterest. For example, in 2005, according to the National Youth Survey (ENJ 2005), less than 2% of youth between 12 and 29 participated in any political organization. However, this discourse limits its participation to political parties. Instead, decreasing interest in elections and solidarity action reflects youth overlooking politics and their ignorance of their rights and the resources at their disposal to influence the decisions and processes.<sup>167</sup>

## ii. Central America

### 1. Belize<sup>168</sup>

According to the Belize National Youth Development Policy, youth are defined as an individual between the ages of 15 and 29 years old, “*who has passed through the dependent stage of childhood and transitioning from adolescence to adulthood*”. The minimum age for marriages that do not require parental consent is 18 for both young men and women. However, in order to get parental consent, the minimum age for marriages for both young men and women is 14. Homosexual acts are illegal in Belize. The minimum age for candidacy is 18 in both the Upper and Lower Houses. 9 is the minimum age for criminal responsibility. Between the ages of 9 and 12, the State must prove criminal liability of the accused in that age range. Belize ranks 0.72 (38 out of 170 countries) in youth Development Index in 2013. The net enrolment rate in secondary school is 72.36%. The rate of prevalence of HIV is 0.6% for both male and female youth.

<sup>167</sup> *ibid.*

<sup>168</sup> *ibid.*

The overall unemployment rate in **2013** was around **15%** and the **unemployment rate** was **higher** for the **female youth** (i.e. **42%**) than for the **male youth** (i.e. **22%**).<sup>169</sup>



Belize’s national youth development policy has three primary goals that focus on empowering and supporting youth to achieve optimal well-being; ensuring policies and frameworks are “*multi-sectoral, coordinated, cohesive and resourced*”, and creating an “*optimal ecology*” of home, school and community that allows youth to grow up to be “*healthy, caring and responsible*”. The policy also describes the creation of a National Youth Commission, which would be an autonomous body that would enhance coordination between different ministries, departments, and civil society, private sector and youth. It also describes the development of a National Plan of Action comprised of key standards and indicators. However, at the time of this publication, no plan had been released.<sup>170</sup>

The Ministry of Education, Youth and Sport is the national agency responsible for youth. Within the Ministry, the Department of Youth Services lists three core units that are aligned with the Pan-Commonwealth Youth for the Future initiative: i.e. Governance (aims to increase youth participation and leadership capacity, including coordinating the establishment of the national youth development policy); Enterprise (supports and fosters job creation, youth entrepreneurship and productivity); and Sexual Reproductive Health (promotes positive choices in sexual behaviour).<sup>171</sup>

<sup>169</sup> [<http://www.youthpolicy.org/factsheets/country/belize/>]

<sup>170</sup> *ibid.*

<sup>171</sup> *ibid.*



In June 2012, Youth-IN reported that the Department of Youth Services held a meeting of student council representatives nation-wide to begin the development of a National Youth Council of Belize. In February 2013, as reported by Plus TV, Minister of State for Youth and Sports Herman Longsworth reiterated that a youth council “*will be formed*” and would be responsible for holding the government accountable on youth issues. However, there has been no indication so far that a youth council has been created.<sup>172</sup>

## 2. Costa Rica<sup>173</sup>

In Costa Rica, the General Law on Young Persons (2002) defines youth as those aged between 12 and 35. The minimum age of marriage is 18 for both young men and women if they wish to marry without parental consent. For marriages requiring parental consent, the minimum age is 15 for both young men and women. 12 is the minimum age of criminal responsibility in Costa Rica. 18 is the majority age and the minimum age for compulsory voting.

Costa Rica ranks **0.74** (i.e. **29 out of 170 countries**) in the **Youth Development Index**. Its overall literacy rate of youth is **99.32%**.

The net enrolment rate for secondary school is 72.91%. The prevalence of HIV has been estimated at 0.1%. The overall youth unemployment rate in 2013 was around 7% with the female youth unemployment rate (i.e. 25%) being higher than the male youth unemployment rate (i.e. 15%).<sup>174</sup>

<sup>172</sup> *Ibid.*

<sup>173</sup> [<http://www.youthpolicy.org/factsheets/country/costa-rica/>]  
<sup>174</sup> *Ibid.*

The principles of Costa Rica’s youth are established in the General Law on Young Persons (2002), which is complemented by the ICRY, given that they both underpin the human rights approach that is central to Costa Rica’s youth policy. Priorities of the national youth policy (2010) are to enable youth to fully participate in public life and engage as citizens. It recognizes youth as rights-holders irrespective of any grounds, including socio-economic conditions, ethnic or religious affiliations, or sexual orientation. Non-discrimination and social equality of all youth is promoted. The action plan (2006) focuses on the rights to health, housing, education, work, culture, sport and recreation, political participation, personal integrity and non-violence. On corruption perception, Costa Rica ranks 54 (i.e. 47 out of 177 countries). On press freedom, it ranks 12.23 (i.e. 21 out of 180 countries).<sup>175</sup>

The main public institution for youth is the Ministry of Culture and Youth, which oversees youth policies and programming. The Deputy Minister of Youth coordinates the national system of youth, which comprises a network of organizations and institutions. He/she also conveys youth issues to the rest of the Cabinet and citizens. Numerous other state agencies in the fields of health, housing, banking and education are also involved in the implementation of youth.<sup>176</sup>

Costa Rica has a National Council of Young Persons, which is a representative body of youth organizations that is consulted in the making of youth policy, contributes to decision-making, and engages with implementation. Youth are also involved in the local development and implementation of youth policies through the Cantonal Committees of Young Persons. In 2013, the Council carried out a comprehensive Youth Survey that

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

provides statistics on education, work, family life, health and perceptions of rights among youth.<sup>177</sup>

### 3. El Salvador<sup>178</sup>

In El Salvador, the national youth policy defines youth as those between 15-24 years. However, this definition of youth is currently targeted at “*the entire population that currently is under 30 years of age.*” The minimum age of marriage without parental consent is 18 for both the young male and female population. But, in order to require consent for marriage, the minimum age would be 15 for the male youth and 14 for the female youth. There is no legislation concerning same-sex marriages. The minimum age of candidacy in the Lower House is 25. However, no data exists on the minimum candidacy age in the Upper House. The minimum age of criminal responsibility is 12 in El Salvador. 18 is the majority age and the minimum age for voting.

.....

**According to the youth Development Index, El Salvador ranks 0.68 (i.e. 69 out of 170 countries) in 2013. The literacy rate overall is 97.53%.**

.....

The net enrolment rate for secondary school is 61.60%. The prevalence of HIV is 0.2% for the male youth and 0.3% for the female youth. The overall youth unemployment rate in 2013 was 6.1%. The unemployment rate for the female youth (i.e. 11%) was lower than for the male youth (i.e. 13%).<sup>179</sup>

<sup>177</sup> *ibid.*

<sup>178</sup> [<http://www.youthpolicy.org/factsheets/country/el-salvador/>]

<sup>179</sup> *ibid.*

The national youth policy (2011-2024) offers long, medium and short-term goals. It details six priority areas of intervention: education (access, quality & building future human capital); employment, productive development & entrepreneurship; healthcare, risky practices & promotion of healthy lifestyles; culture, entertainment & sport; prevention of violence, public safety & peaceful culture; youth participation & citizenship. The Action Plan outlines short-term strategic programmes. A General Law of Youth (2013) guarantees the “*fundamental rights of youth*”, and focuses on “*political, social, cultural and economic participation of youth in terms of equity and solidarity.*”<sup>180</sup>

Under the national youth policy of El Salvador (2011), the National Institute of Youth is in charge of youth affairs. Under the General Law of Youth (2013), the National Institute of Youth is responsible for design, delivery and evaluation of “*youth policies in the context of the public agenda.*” Across government, youth policy is supported by an Inter-ministerial Commission on Youth and a national network of youth organizations, NGOs and experts. The National Council of Youth (CONAPEJ) is a regionally elected advisory body within the National Institute of Youth. The objective of the CONAPEJ is to “*propose, evaluate, land/ promote*” public policy. According to the National Institute of Youth, eight youth from across El Salvador are elected. The national youth policy establishes a National Network of Youth Organizations to “*represent the opinion of organized youth*” connecting regional, national and thematic youth organizations.<sup>181</sup>

<sup>180</sup> *ibid.*

<sup>181</sup> *ibid.*

#### 4. Guatemala<sup>182</sup>

In Guatemala, the national youth policy (2012) provides many differing definitions of youth within current legislation. However, it focuses on those aged 13-30 years. The minimum age for marriage without parental consent is 18 for both male and female youth. For marriages requiring parental consent, the age is 14 for female youth and 16 for male youth. The minimum candidacy age is 18 in the Lower House. Under the Childhood and Youth Protection Law of Guatemala (2003), the minimum age of criminal responsibility is 13. The majority age and minimum age for voting is 18.

**In the Youth Development Index, Guatemala ranks 0.35 (i.e. 150 out of 170 countries). Its literacy rate is 95.37%.**

Its net enrolment rate in secondary school is 46.43%. Its prevalence of HIV is 0.3% for both the young male and female population. The overall youth unemployment rate in Guatemala is 3%. The unemployment rate is higher for the female youth (i.e. 9%) than for the male youth (i.e. 3%).<sup>183</sup>

The national youth policy (2012-2020) replaces the previous national youth policy (2010-2015). Its vision is to “empower youth and build an inclusive, prosperous, democratic and equitable” country. The policy serves to “guide the activities, resources and efforts of the public sector, private agencies and youth organisations” affecting youth in Guatemala. It focuses on ten priority areas: Education, Work and Productivity;

Health; Recreation, Culture & Sport; Violence Prevention; Housing; Environment; Gender Equality; Multiculturalism, and; Participation & Citizenship. A 2012-2016 action plan exists which sets the strategic framework for policy actions. It is not available online.<sup>184</sup>

The National Youth Council (CONJUVE) is the “governing body of public youth policies”. It coordinates youth affairs across government, national and international institutions and youth organizations. A “Youth Cabinet” consists of representatives from each ministry for the purposes of improved inter-ministerial coordination. Networks of regional and municipal youth offices exist for improved coordination of youth policy. The national youth policy (2010-2015) provides a “Secretary of Youth”. However, the presence and role of this post is still ambiguous. Although the governmental ministry CONJUVE is named the “National Youth Council”, it is not clear what representative function it has. It is also not clear to what extent youth are involved beyond the “development of youth networks”. A “Youth Advisory Committee” is detailed in the national youth policy (2012-2020) as a space for youth and national youth organizations to engage in dialogue with the “Youth Cabinet” on the implementation of youth policies. Participation is one of the ten strategic priorities of the policy.<sup>185</sup>

#### 5. Honduras<sup>186</sup>

According to Honduras’ National Youth Policy, youth are defined as those between the ages of 12 and 30 years. The minimum age for marriage without parental consent for both the male and female population is 21. The marriageable age requiring

<sup>184</sup> *Ibid.*

<sup>185</sup> *Ibid.*

<sup>186</sup> [<http://www.youthpolicy.org/factsheets/country/honduras/>]

<sup>182</sup> [<http://www.youthpolicy.org/factsheets/country/guatemala/>]

<sup>183</sup> *Ibid.*

parental consent for both sexes is 18<sup>187</sup>. However, according to the US Department of State (2012), females can marry as young as 16. There is no specific legislation regarding same-sex marriages in Honduras. The minimum candidacy age in the Lower House of Parliament is 21. Pursuant to the Code of Children and Adolescents of Honduras (1996), the minimum age of criminal responsibility is 12. The majority age is 21. Honduras has a compulsory voting system and the minimum age of voting is 18.

Honduras ranks **0.67** (i.e. **70 out of 170 countries**) on the **Youth Development Index**<sup>188</sup>. The overall literacy rate is **97.17%** with the **female literacy rate (98.15%)** being higher than the **male literacy rate (96.23%)**<sup>189</sup>.

The prevalence of HIV among both the male and female youth aged 15-24 is 0.2%<sup>190</sup>.

Furthermore, the National Youth Policy (2007) (translated from Spanish) states the following: “The country ranks third among Latin American countries with higher educational inequality. In the urban areas there is an illiteracy rate of 9.5%, with 6.8 average years of schooling, while in the rural areas illiteracy reaches 26.5% [...]”

<sup>187</sup> UNSD [http://unstats.un.org/unsd/demographic/products/indwmi/June%202013/3a.xls]

<sup>188</sup> Youth Development Index [http://www.youthdevelopmentindex.org/views/index.php#OVERI]

<sup>189</sup> UNESCO [http://www.unis.unesco.org/DataCenter/Pages/country-profile.aspx?code=HND&region=co]

<sup>190</sup> World Bank [http://data.worldbank.org/country/honduras]

*The country has a small proportion of youth who frequently use the Internet (16.2%) . 60% of people who migrate are aged between 20 and 34 years. These youth are involved in internal and international migration. Their Preferred destinations are the United States - for 42.8% of males and 31.6% of women, Guatemala, El Salvador and Nicaragua [...]”*

The UNDP Human Development Report: Honduras 2008/2009 - *From social exclusion to a youth citizenship* illustrates the challenges that youth of Honduras face. The main reason why many young Hondurans choose to migrate internationally is because they want to escape the precarious conditions in Honduras, namely high unemployment rates and lack of job opportunities. Given the irregular migratory conditions in a foreign land, many young Honduran migrants are faced with a lack of citizenship, which consequently means a limited set of civil and political rights, including the high possible risk of deportation. Moreover, these young Hondurans also face health risks, such as early pregnancy, HIV/AIDS and violence. These risks together hinder the practice of youth citizen participation.<sup>191</sup>

The National Youth Policy of Honduras was adopted in 2007, which covers the period 2007-2021. In this policy, there are six strategic guidelines, which are: (i) empowering youth and citizen engagement; (ii) digital inclusion and multilingual communication; (iii) social inclusion through sport and recreation; (iv) economic rights through decent work and rural development; (v) access to sexual and reproductive health services; and (vi) access to justice and building a culture of peace. The National Youth Policy is supported and complemented by the Comprehensive Youth Development Framework Act (No.

<sup>191</sup> United Nations Development Programme (UNDP), Human Development Report Honduras 2008/2009 - *From social exclusion to a youth citizenship* (2009)



260-2005) (also known as the 'Youth Law'), which identifies a "national youth system" composed of the National Youth Institute, the National Commission of Youth, national youth sector councils and municipal level offices. The National Youth Institute is the governing body of youth policy. It reports to the President and provides intersectoral coordination. Its responsibilities include monitoring and evaluating laws and policies that may limit the rights of youth, and promoting joint initiatives in social policy. The Institute also plays a role in the National Youth Commission, which coordinates the link between government and civil society. Its role is derived from Youth Law. There is no singular national youth council in Honduras. Instead, there are regional/municipal level councils or councils representing specific youth sectors. Under Youth Law (No. 260-2005), representatives from various youth groups participate in the National Youth Commission and participated in the consultation for the formation of the national youth policy as described in the policy itself.<sup>192</sup>

## 6. Nicaragua<sup>193</sup>

In Nicaragua, youth are defined as those between 18 and 30 years under the National Youth Policy (2004). The minimum marriageable age without parental consent is 21 for males and 18 for females. The minimum marriageable age requiring parental consent is 15 for males and 14 for females. No specific legislation regarding same-sex marriages exist. Homosexuality is legal in Honduras. The minimum candidacy age in the Lower House of Parliament is 21. Under the Childhood and Adolescents Code of Nicaragua (1998), the minimum age of criminal responsibility is 13. Between the ages of 13 and 18, children are subject to educational measures. However, those

between 15 and 18 may be imprisoned. The minimum voting age is 16. The majority age is 18<sup>194</sup>.

**On the Youth Development Index,**  
Nicaragua ranks **0.62** (i.e. **91 out of 170 countries**)<sup>195</sup>. The overall literacy rate is **91.62%** with the **female literacy rate** being higher (i.e. **93.61%**) than the **male literacy rate** (i.e. **89.65%**)<sup>196</sup>.

The overall net enrolment rate is 45.44% with the female net enrolment rate (i.e. 48.54%) being higher than the male net enrolment rate (i.e. 42.42%)<sup>197</sup>. The prevalence of HIV is 0.1% for both male and female youth aged 15-24.

Furthermore, 40% of young Nicaraguans are unemployed or work in the informal sector while 50% live in poverty. Almost a million adolescents and young adults, which is close to half of the total population of young Nicaraguans, are disadvantaged in terms of education, health, employment and living conditions. Despite these challenges and setbacks, youth certainly have high expectations in terms of development, progress and hope given that the comparisons between 2001, 2005 and 2009 show that poverty is decreasing for youth. The current generation of youth have more opportunities for growth. For example,

<sup>194</sup> CRC/C/NIC/4, Committee on the Rights of the Child, UN Child Rights Periodic Report - Nicaragua (2008)

<sup>195</sup> Nicaragua [http://www.youthdevelopmentindex.org/Views/index.php/NOVER/]

<sup>196</sup> UNESCO [http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HN&region=co]

<sup>197</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3AVER\_23]

<sup>192</sup> [http://www.youthpolicy.org/factsheets/country/honduras/]

<sup>193</sup> [http://www.youthpolicy.org/factsheets/country/nicaragua/]

young Nicaraguans enjoy increased access to technology and, on average, have received nine years of education, which is a marked contrast to their parents who only received eight years. In addition, many young people face domestic violence even though many value family as a fundamental unit for a support space. Adolescent girls are the victims of almost half of the reported cases of femicide. The rate of teenage pregnancies is high and many of these pregnancies result from domestic violence.

Despite the overall reduction in the birthrate, women aged 10-19 contributed to **27.5%** of all births in 2009, which is one of the highest adolescent fertility rates in the world.<sup>198</sup>

Nicaragua adopted the National Youth Policy in 2004. It is valid for the period 2005-2015. The National Youth Policy aims “to improve the quality of life of youth, social inclusion, the acquisition of their emancipation, the development of potential and contribution to the advancement of the country.” The policy has priority areas under six key objectives, namely Employability, Education, Health, Participation, Culture & Sports, and Prevention of Violence. The guiding principles of the policy are youth participation, gender equality, equity & rights, and inter-generational relations. The 2014 policy is closely integrated with the National Development Plan 2012-2016, which focuses on economic development, employment, enterprise and technology. It contains specific policies for youth focusing on social mobility, employment & enterprise, and rights

& responsibilities.<sup>199</sup>

In 2013, the Ministry of Youth was created. According to an article on 21 February 2013, it absorbed responsibility for youth affairs from Youth Institute (‘INJUVE’). Its functions include recreation, culture, education, health, entrepreneurship and youth participation. Under the 2003 Law, the National Commission on Youth (‘CNJ’) was established as an inter-agency body. It is responsible for the implementation of the National Youth Policy. However, the current status of the CNJ is not known. The National Youth Council of Nicaragua (‘CJN’) is the representative body for the Nicaraguan youth. Under Article 23 of the Law No. 392, the CJN was established in 1992. Its mandate is to work with the municipal and regional councils and to represent NGOs working with youth. Representatives from the council are also members of the National Commission on Youth, which was consulted in the creation of the National Youth Policy. There is currently limited information about the CNJ’s current activities.<sup>200</sup>

## 7. Panama<sup>201</sup>

In Panama, youth are defined as those between the ages of 15 and 29 under the Public Policy for Youth of Panama (2004). The minimum age of marriage requiring parental consent is 16 for males and 14 for females. The minimum marriageable age without parental consent is 18 for both sexes. The minimum candidacy age in the Lower House of Parliament is 21. The minimum age of criminal responsibility is 12<sup>202</sup>. Under the Civil Code (1916), the majority age is 18. Panama has a compulsory voting system, imposing 18 as the minimum voting age.

<sup>199</sup> <http://www.youthpolicy.org/factsheets/country/nicaragua/>  
<sup>200</sup> *ibid.*

<sup>201</sup> <http://www.youthpolicy.org/factsheets/country/panama/>

<sup>202</sup> CRC/C/PAN/COJ-4, Committee on the Rights of the Child, UN Child Rights Periodic Report - Panama (2011)

<sup>198</sup> UNDP [http://www.undp.org/content/undp/en/home/presscenter/articles/2011/11/2007-Infome-nacional-de-desarrollo-humano-2011-Has-juventudes-construyendo-nicaragua-1-\(2011\)](http://www.undp.org/content/undp/en/home/presscenter/articles/2011/11/2007-Infome-nacional-de-desarrollo-humano-2011-Has-juventudes-construyendo-nicaragua-1-(2011))

According to the **Youth Development Index**, it ranks **0.69** (i.e. **65 out of 170 countries**). The overall literacy rate is **98.13%**, where the **male literacy rate (98.26%)** is higher than the **female literacy rate (98%)**<sup>203</sup>.

The overall net enrolment rate for secondary schools is 76.39%, where the rate is higher for females (i.e. 79.32%) than males (i.e. 73.57%)<sup>204</sup>. The prevalence of HIV is higher for male youth aged 15-24 (0.4%) than for female youth aged 15-24 (0.3%)<sup>205</sup>.

Youth of Panama have expressed concerns about the lack of spaces for youth participation and the disappearance and/or reduction of youth associations, organizations and government programs as they have become inactive, abandoned, in crisis or have changed their goals or priorities. Moreover, these challenges are further exacerbated by the unresolved tensions and conflicts resulting from criminal activities and risky behaviours resulting in unwanted pregnancies, domestic violence, gangs, single mothers or a rupture from the school system ('drop-outs'), unemployment, and employment in the informal sector. Youth also face challenges relating to health, such as HIV/AIDS and consumption of highly destructive drugs, and negative stereotypes in the media.<sup>206</sup>

The Public Policy for Youth of Panama (2004) is designed as a tool for youth to realize their potential and become responsible citizens. It aims to affirm the rights of youth who are vulnerable, marginalized or subject to discrimination. The policy is based on six principles including: (i) a holistic perspective of youth development; (ii) participation of youth in society; (iii) decision-making & policy implementation; (iv) inclusion of vulnerable & marginalized groups; (v) taking a cross-sectoral approach to youth policy. It focuses on 12 areas, namely Life & liberty; Safety & justice; Participation; Health; Education & scientific & technological development; Family; Equality & non-discrimination; Work; Housing & access to assets; Environment; Art & culture; Sports & recreation.<sup>207</sup>

The Ministry of Social Development ('MSD') is responsible for youth policy in Panama. The MSD works with the National Youth Council and coordinates the National Youth Service. The National Youth Service focuses on two services, namely literacy classes and working with the social actions of government agencies and NGOs. Through these services, an estimated 841,000 youth have become young volunteers throughout Panama. The National Youth Council of Panama ('CONAJUPA') is active on Facebook even though there is very little information about its current activities and work. In its report of 2014, the UNDP has recommended that the CONAJUPA must be reactivated as an organ of youth representation. It also recommended that the Public Policy Youth Council ('CPOP') should be rebuilt as a body for information and advice and as a liaison between government institutions and organizations working with youth. To date, there is no additional information regarding the CPOP.<sup>208</sup>

<sup>203</sup> UNESCO [http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HN&D&region=]

<sup>204</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

<sup>205</sup> World Bank [http://data.worldbank.org/country/panama]

<sup>206</sup> UNDP National Human Development Report: Panama 2014

<sup>207</sup> [http://www.youthpolicy.org/factsheets/country/panama/]

<sup>208</sup> *ibid.*

### iii. South America

#### 1. Brazil<sup>209</sup>

In Brazil, youth are defined as those between the ages of 15 and 29 under the Youth Statute (2013). The minimum marriageable age without parental consent is 18 for both males and females. The minimum age of marriage requiring parental consent is 16 for both males and females. Civil unions and partnerships are legal in Brazil. The minimum age of candidacy in the Lower House of Parliament is 21 and 35 in the Upper House of Parliament. Under the Statute of the Child and Adolescent of Brazil (1990), the minimum age of criminal responsibility is 18. The Statute confirms the provision of the Brazilian Constitution that requires that minors under 18 are not criminally chargeable. Under the Civil Code (2002), the majority age is 18. Brazil has a system of compulsory voting, which has set the minimum voting age as 30. For those aged 16-18 and over 70 years, voting is optional.

**In the Youth Development Index, Brazil ranks 0.64 (i.e. 85 out of 170 countries).**

The overall literacy rate is **98.91%**, where the **female literacy rate (99.22%)** is slightly higher than for **males (98.60%)**.<sup>210</sup>

The prevalence of HIV is higher for males aged 15-24 (0.4%) than for females in the same age group (0.2%)<sup>211</sup>. Moreover, Brazil has about 50 million youth aged 15-29 years who are

determined to fight for their rights and occupy a prominent place in the development process of the country. Despite this progress, challenges remain in terms of lack of access to basic rights to health, education, work, and culture. Juvenile demands have only been recently entered into the public policy agenda. It gained momentum in 2006 with the implementation of the National Youth Policy.<sup>212</sup>

In Brazil, youth also face challenges regarding the access to land. Sao Paulo has been one of the cities where civil society has been playing an important role in organizing itself the most after the state of Brazilian re-democratization and where many important national social movements were born, including the national movement for urban reform<sup>213</sup>. However, territorial and social inequalities still persist. The city's population is 11,244,369 people out of which 25.83% are youth. 99.1% of the city is urban whereas the remaining 0.9% is rural. The city of Sao Paulo coexists with other areas that encounter the problem of a lack of access. For example, there are 236 public cultural facilities in 96 districts, out of which 24 districts lack facilities. The other 6 districts contain 83 facilities and 28 facilities are concentrated in one district. Inequality increases in the case of sports facilities. There are 56 districts with no facility and a single district concentrating 31 out of the 459 available facilities for public use. Mobility is another issue, given that the average time spent on community into the city is two hours and the ones who take longer live in the peripheries. Thus, youth form an important part of the population, especially in areas that

<sup>209</sup> <http://www.youthpolicy.org/factsheets/country/brazil/>

<sup>210</sup> UNESCO, <http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regionco>

<sup>211</sup> World Bank <http://data.worldbank.org/country/brazil>

<sup>212</sup> *Guide to Public Youth (2013) (in Portuguese)* (cited in <http://www.youthpolicy.org/factsheets/country/brazil/>)

<sup>213</sup> AVRITZER, 2008 (cited in de La Sala, S, Junqueira, A, Montiel, T, and Scarpellini, JF, *Youth and Land: A young look over the democratic management and the right to the city*, UN Human Settlements Programme (UN-HABITAT) & Global Land Tool Network (GLTN), 2015)

face social vulnerability. Access to land is linked to the rural struggle. It is widely perceived in this region that access to land means access to public space. It is only after scratching the surface that it is discovered that it means the right to the city. Thus, all these issues are connected to the wider issue of the process of urbanization itself.<sup>214</sup>

The housing issue also affects other services, such as education, work and purchase of consumer goods. Without housing, there is “*lack of address*” to access other services. According to many homeless families, having a house and an address symbolizes dignity and a “*prerequisite*” for other rights. Due to intensive exploitation of land and buildings, many families sell their houses and move to the periphery of the city. Others cannot buy or keep their houses in the neighbourhoods in which they live or want to live. Therefore, this impacts upon existing policies. The *Minha Casa Minha Vida*, the main Brazilian federal government housing program, sometimes cannot be implemented in Sao Paulo because of the cost of land. Given high land prices, it is not possible to build housing units according to maximum prices set by the program. This also means that many youth cannot afford to buy a property even though access to land and, consequently, properties, is not just contingent upon financial conditions. In fact, it is also the nature of the transitional life stage that many youth are in which prevents them from buying properties. Other social factors also play a role, such as the influence of different forms of prejudice - be it generational, racial, gender, etc. Rental guarantees are higher for youth than for adults as many property owners prefer elders and/or families with children as they usually associate youth with disorder, lack

of trust, and other forms of anti-social behaviour. In addition, it is not only difficult for youth to access credit but the housing policies do not really consider youth.<sup>215</sup>

In 2010, the new National Youth Policy was adopted. In the same year, the Constitution of Brazil was amended to include and protect youth in “*The Family, Child, Adolescent, Youth and Elderly*” chapter. The National Youth Policy contains details of case-studies of all major youth programming. Youth Statute (2013) contains principles and guidelines for public policies on youth, youth rights and the legal establishment of a National System of Youth and Youth Councils. According to the National Youth Secretariat (SNU), a ten-year National Youth Plan is awaiting a vote in the House of Representatives. One of the major priorities of the SNU is “inclusion”. Specific programs have been established, such as the National Youth Inclusion Programme, which promotes “*education, professional development and digital inclusion*”.<sup>216</sup>

The National Youth Secretariat (‘SNU’) is responsible for coordination of youth programming and policy. Its mandate is to “*formulate, coordinate, integrate and articulate public policies for youth*”. The SNU facilitates the Inter-ministerial Committee for Youth Policy, which is the “*permanent body for management and monitoring of public policies of the Federal Government for youth*” and the National Youth Council. Under the Youth Statute (2013), the National System of Youth is entrusted with the task to “*formulate and coordinate the implementation of National Youth Policy*.” The National Youth Council’s mandate is to “*... formulate and propose guidelines for government action aimed at promoting public policy youth policies to develop*

<sup>214</sup> de La Sola, S, Junqueira, A, Montiel, T, and Scarpelini, JF, *Youth and*

*Land: A young look over the democratic management and the right to the city*, (UN-Human Settlements Programme (UN-HABITAT) & Global Land Tool Network (GLTN), 2015)

<sup>215</sup> *Ibid.*

<sup>216</sup> (n 211)

studies and research on the socioeconomic reality of youth and promote exchanges between national and international youth organizations.” It has 60 members, 20 government representatives, and 40 from civil society. The Youth Statute (2013) allows for the creation of youth councils and participation and representation of youth through government agencies.<sup>217</sup>

## 2. Colombia<sup>218</sup>

In Colombia, youth are defined as those between the ages of 14 and 26 under the National Youth Policy (2005). The minimum marriageable age without parental consent is 18 for both males and females. The minimum marriageable age requiring parental consent is 14 for both sexes. In Colombia, both civil unions and partnerships are legal. A constitutional court had ruled, recognizing same-sex couples and gave a legislation deadline before all marriage rights would be automatically granted. This deadline lapsed in 2013. The minimum candidacy age is 25 in the Lower House of Parliament and 30 in the Upper House of Parliament. Under the Juvenile Penal Code of Colombia (2006), the minimum age of criminal responsibility is 14. The majority age is 18. The minimum voting age is 18.

### According to the Youth Development

**Index, Colombia is ranked 0.67 (i.e. 74 out of 170 countries).** The overall literacy rate is **98.66%** with the **female literacy rate (99.10%)** being higher than for males (**98.23%**).



The overall net enrolment rate in secondary schools is 73.61%, where the rate for females (76.56%) exceeds those for males (70.77%). The prevalence of HIV for males aged 15-24 is 0.3%, which is higher than for females in the same age group (0.2%).<sup>219</sup>

The National Youth Policy (2005) forms the basis of the Ten-Year Plan for Youth (2005-2015). It “sets out the commitments and tasks of the National Government” and reflects current priorities. The National Youth Policy (2005) has three main objectives, namely youth participation in public life; access to good public services; and broadening of social, economic and cultural opportunities. The Youth Citizenship Act (2013) provides an “institutional framework” covering citizenship, domestic and internationally recognized human rights, public policies affecting youth and youth participation in the “social, economic, cultural and democratic life of the country”. According to the National Youth Policy (2005), the National System of Youth (SNJ) “is the set of institutions, organizations, entities and individuals that... work with and for the benefit of youth.” Colombia Youth is the governing body of the SNJ. It is “designed to ensure the full exercise of youth citizenship”. It works with civil society, youth organizations and institutions and liaises with national and local governments to support the coordination, implementation, and monitoring of policies affecting youth.<sup>220</sup>

The Youth Citizenship Act (2013) establishes district, municipal and departmental (regional) youth councils. It further provides that the national youth council should be created within 150 days following the election of Departmental Youth Councils. Youth councils on the district, municipal and departmental levels

<sup>217</sup> *Ibid.*

<sup>218</sup> <http://www.youthpolicy.org/factsheets/country/colombia/>

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.*



seen to have been created. However, no youth council seems to have been created at the national level so far. Colombia Youth is also tasked with engaging with youth organizations in relation to youth and public policy.<sup>221</sup>

### 3. Ecuador<sup>222</sup>

In Ecuador, under both the National Youth Policy (2012) and Youth Law (2011), youth are defined in the age group of 18-29 years old. The minimum marriageable age without the requirement of parental consent for both sexes is 18. There is no minimum age for opposite sex marriage requiring parental consent. Civil unions/partnerships are legal. The minimum candidacy age in the Lower House of Parliament is 30. Under the Code of Children and Adolescents of Ecuador (2003), the minimum age of criminal responsibility is 12. Adolescents (i.e. aged 12-18 years) are not imputable under the criminal law even though they are liable for their actions. The majority age is 18<sup>223</sup>. The minimum voting age is 16. Compulsory voting is from 18-65 years. Voting is voluntary from 16-18 years and over 65 years.

#### According to the Youth Development

**Index, Ecuador ranks 0.44 (i.e. 131 out of 170 countries).**<sup>224</sup> The overall literacy rate is **98.83%** with the rate being higher for **females (i.e. 98.82%)** than **males (98.83%)** aged 15-24<sup>225</sup>.

<sup>221</sup> *Ibid.*

<sup>222</sup> <http://www.youthpolicy.org/factsheets/country/ecuador/>

<sup>223</sup> CRC/C/1/Add.44, Child Rights Periodic Report (1996)

<sup>224</sup> (n 224)

<sup>225</sup> UNESCO <http://www.us.unesco.org/DataCentre/Pages/country-profile.aspx?code=HMD&regioncol>

The overall net enrolment rate for secondary schools is 74.03% with the rate being for females (74.99%) than for males (73.10%)<sup>226</sup>.

Moreover, 27.7% of Ecuador's population is occupied by its youth. Youth are becoming more significant and are demanding more political will or the development of public policies aimed at youth. Labour market access for large youth groups is hindered by poor or inadequate education and skills and lack of work experience. In particular, youth in poverty and among minorities, such as indigenous peoples, Afro-descendants, disabled, women and sexual minorities, are discriminated against in the labour market.

The problems affecting youth, such as demand for skilled labour, impact of trade liberalization, widening wage gap between skilled and unskilled, and labour relations becoming casual, have not been addressed adequately by public institutions related to youth, employment policies or the labour market.

The weakness of institutions and lack of coordination between all of them are contributing factors for a lack of policies, programs and projects for youth.<sup>227</sup> These problems are further compounded by lack of access to decent work, given that most young people are in low-skilled jobs with temporary,

<sup>226</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_23)

<sup>227</sup> *Policies, Programmes and Projects for the Promotion of Labour Participation of Youth in Ecuador (2005)* (original in Spanish) (cited in <http://www.youthpolicy.org/factsheets/country/ecuador/>)

precarious and unstable employment conditions. In 2010, youth unemployment rate for those aged 15-29 was 9.8%. However, their under-employment rate was 54.9%. Many youth have migrated from Ecuador in search of better opportunities. These youth represent 57.7% of migrants according to the latest living conditions survey by the Ecuadorian Institute of Statistics.<sup>228</sup>

The Ecuadorian Youth Law (2011) aims to protect the rights of youth aged 18-29. It also aims to ensure the full development of youth as strategic actors in the country. The law is founded on the principles of equality, non-discrimination, participation, favourable treatment, responsibility (state, society and family). The National Youth Policy (2012) focuses on nine policy areas including education, work, health, housing, culture, and participation. Each of these areas are associated with indicators and performance measures. Article 39 of the Ecuadorian Constitution (2008) states that the government will guarantee and promote youth's rights (for example, health, housing, freedom of expression and association) through policies, programmes, institutions and resources. The National Plan for Good Living - 2013-2017 aims to reserve the growing trend of youth unemployment.<sup>229</sup>

The Ministry of Economic and Social Inclusion ('MIES') led the inter-ministerial committee that formulated the National Youth Policy (2012). Although it focuses on the whole life cycle, the MIES has the primary responsibility for youth and youth policy. The Minister of MIES is president of the National Council for Children and Adolescents (to become National Council for Equality between Generations). The National Council for

Children and Adolescents is an inter-ministerial and inter-agency body, which ensures that youth obtains the rights enshrined in the constitution.<sup>230</sup>

The Ecuadorian Youth Law (2011) stipulates that “youth are entitled to participate in all matters which interests or affect them, especially in the design and evaluation of policies, actions and programmes” directly or through constituted organizations. The National Youth Policy (2012) aims to promote and strengthen the right of participation and public and political representation of youth. However, Ecuador does not have a national youth organization or association that acts as a sort of platform for youth involvement in decision-making.<sup>231</sup>

#### 4. Venezuela<sup>232</sup>

In Venezuela, youth are defined as those aged 15-30 years under the 2009 national youth law. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age not requiring parental consent is 16 for males and 14 for females. Under the Civil Code (1982), a minor cannot marry without parental consent. No specific legislation exists regarding same-sex marriage. Homosexuality is deemed legal in Venezuela. The minimum age of criminal responsibility is 12. According to the Penal Code of Venezuela (2000), from 12 to 15 years old, the state must prove criminal responsibility. A child below the age of 10 cannot be held legally responsible for their actions. According to the Civil Code (1982), the majority age is 18. The voting age is 18.

<sup>228</sup> ILO, *Youth Employment and Migration - Country Brief: Ecuador* (2013)

<sup>229</sup> *in 224)*

<sup>230</sup> *ibid.*

<sup>231</sup> *ibid.*

<sup>232</sup> <http://www.youthpolicy.org/factsheets/country/Venezuela/>



**The Youth Development Index ranks Venezuela 0.66 (i.e. 78 out of 170 countries).**<sup>233</sup> The overall literacy rate is **98.90%** with the rate being higher for females aged 15-24 (i.e. **99.04%**) than for males in the same age group (i.e. **98.76%**).<sup>234</sup>



The overall net enrolment rate for secondary schools is 74.34% with the rate for females (i.e. 77.61%) exceeding that for males (i.e. 71.20%).<sup>235</sup> The prevalence of HIV is higher for males (i.e. 0.3%) than for females (i.e. 0.2%) aged 15-24.<sup>236</sup>

Venezuela's national youth law came into force in 2009. Its youth policy was launched in 2013. Its national youth policy is contained in Mission: Young People of the Homeland (2013), which aims to foster full development, mobilization and social inclusion of youth in areas of culture, science, sports and production. It has four objectives, namely educational, occupational, social, political and cultural inclusion; mobilize training in recreation, culture and sports sectors; support youth-driven projects, of social and economic value, which aid in national development; and reduce risk factors that can hinder the capacities and potential of youth.<sup>237</sup>

The Minister of Popular Power for Youth is the governmental body responsible for youth in Venezuela. It seeks to promote the comprehensive development of youth through effective

<sup>233</sup> *Ibid.*

<sup>234</sup> UNESCO [http://www.us.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol]

<sup>235</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?ID=UNESCO&series%3ANER\_23]

<sup>236</sup> World Bank [http://data.worldbank.org/country/Venezuela/] <sup>237</sup> (n 234)



coordination with other governmental organs. Within the Ministry, the National Institute of Popular Power for Youth was created through the 2009 youth law. It is the policy arm of the ministry responsible for the stewardship, formulation, and evaluation of policies that affect youth. It is advised by an inter-agency council to ensure coordination of policies.<sup>238</sup>

The 2009 national youth law provides a description for a national youth council (i.e. National Council of Popular Power for Youth).

The council would have the authority to represent youth in the design, monitoring and evaluation of policies, plans and programmes. It is under the duty to report irregularities in the delivery of public services that may threaten the rights of the youth. While state- and city-level youth councils have been created, for example, Tachira and Catiá, it is unclear if a national-level youth council has been created.<sup>239</sup>

## b. Caribbean

### 1. Dominican Republic<sup>240</sup>

In the Dominican Republic, the Ministry of Youth defines youth as those aged 15 to 35. The National Youth Law (2000) refers to youth aged 10 to 35. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. There is no specific law for same-sex marriages. Homosexual acts are legal. The minimum candidacy age both the Upper and Lower Houses of Parliament is 25. The minimum age of criminal responsibility is 13 pursuant to the Code of Children and Adolescents of Dominican Republic (2003). Under the Code for the Protection of the Rights of Children and Adolescents (2003), the majority

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.* <sup>240</sup> [http://www.youthpolicy.org/factsheets/country/dominican-republic/]

age is 18. The voting age is 18 although individuals who are married under 18 are also eligible to vote. Voting is compulsory in the Dominican Republic.

**The Youth Development Index ranks the Dominican Republic 0.69 (i.e. 66 out of 170 countries). Its overall literacy rate is 97.93%, where the rate for females (i.e. 98.61%) is higher than for males (i.e. 97.26%) aged 15-24<sup>241</sup>.**

The overall net enrolment rate for secondary schools is 62.09%, where the rate is higher for females (i.e. 66.50%) than for males (i.e. 57.80%)<sup>242</sup>. The prevalence of HIV for both sexes aged 15-24 is 0.2%<sup>243</sup>.

Problems persist for youth of the Dominican Republic. These problems include high rates of unemployment, school and university drop-out, social inequality and political violence.<sup>244</sup> In particular, the main reasons for leaving school tend to be earning money, early marriage or pregnancy, and a perceived irrelevance of the education. The Ministry of Education is seeking to tackle these issues to attain an overall improvement and progress in the education system.<sup>245</sup> Youth also face issues related to,

including multiple sex partners, unsafe sexual practices, teen pregnancies, and use of drugs and alcohol<sup>246</sup>.

The Dominican Republic formally approved a national youth policy in January 1998 and enacted a General Youth Law (Ley 49-00) in August 2000. Youth law is monitored by regular youth policy reports. According to a report by the RED Nacional de Accion Juvenil (2011), the General Youth Law is the main legislative tool and framework for youth. It was introduced in order to promote the comprehensive development of youth. The national youth policy of 1998-2009 outlined policies in seven priority areas, namely health, culture, education, training, community participation, legislation, and sports and recreation. It sets out strategies for achieving the goals of policies. It refers to the national public policy for the development of the Dominican Youth (2008-2015).<sup>247</sup>

The aim of the Ministry of Youth ('MJ') was established under the General Youth Law (Ley 49-00) (2000). The MJ seeks to promote the development of youth aged 15-35 through effective coordination and involvement of youth in decision-making. It is also responsible for defining, monitoring and evaluating national-level youth policies, cooperation and coordinating the work of other government agencies addressing youth issues, and coordinating youth activities at the provincial and local level. In March 2014, the MJ announced that 11 municipal youth councils had been established despite the law providing for 154. The General Youth Law (Ley 49-00) (2000) provides for the creation of municipal, regional and national youth councils. The National Program for the Formation of Youth Councils ('PNCCJ') aims to strengthen the development, implementation

241 UNESCO [http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol]

242 UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

243 World Bank [http://data.worldbank.org/country/dominican-republic/]

244 RED Nacional de Accion Juvenil's Report on Youth Policies (2011) (original in Spanish) (Cited in [http://www.youthpolicy.org/factsheets/country/dominican-republic/])

245 World Bank, Children and Youth Report on Improving Employability for At-Risk Youth (2006)

246 USAID, USAID/Dominican Republic Cross-Sectoral At-Risk Youth Assessment - Final Report (2010)

247 (n 242)

and monitoring of youth policy through coordination between the national, regional and municipal levels. Youth councils serve as consultative and advisory boards for government and private sector organizations.<sup>248</sup>

## c. Europe

### i. Western Europe & Nordic Countries

#### 1. Finland<sup>249</sup>

Under the Youth Act (2006) and Youth Decree (2006), youth are defined as those under 29 years of age. The minimum marriageable age without parental consent is 18 for both sexes. There is no data for the minimum marriageable age requiring parental consent. Civil unions/partnerships are legal. The minimum candidacy age is 18 in the Lower House of Parliament. Under the Criminal Code of Finland (2012), the minimum age of criminal responsibility is 15. The majority age is 18. The minimum age of voting is 18.

### The Youth Development Index ranks Finland as **0.75** (i.e. **22 out of 170 countries**).

There is no data on literacy rates. Nor there is any data on the prevalence of HIV.<sup>250</sup> The overall net enrolment rate for secondary school is 92.38% with the rate being higher for females (i.e. 92.68%) than for males (i.e. 92.09%).<sup>251</sup>

<sup>248</sup> *ibid.*

<sup>249</sup> [<http://www.youthpolicy.org/factsheets/country/finland/>]

<sup>250</sup> *ibid.*

<sup>251</sup> UN Data of UNESCO [<http://data.un.org/Data>].

Youth policy of Finland is based on The Youth Act (72/2006), Youth Decree (2006) and a 2012-2015 youth programme. Youth Act (72/2006) seeks to: “*support youth’s growth and independence, to promote youth’s active citizenship and empowerment and to improve youth’s growth and living conditions.*” Under the Youth Act, the Ministry of Education and Culture has the responsibility for youth work and youth policy. The government is under a duty to adopt a youth policy development programme every four years. The Decree on Youth Work and Youth Policy (2006) sets the scope for the programme and other responsibilities of the Ministry responsible for youth policy. The current Child and Youth Policy Programme 2012-2015 includes nine strategic goals relating to active citizenship, employment, non-discrimination, gender equality, education and health. In collaboration with other ministries, the Ministry of Education and Culture prepared the Child and Youth Policy Programme 2012-2015 under the Youth Act and the Decree on Youth Work and Youth Policy (2006). The Youth Division of the Department for Cultural, Sport and Youth Policy of the Ministry of Education and Culture is responsible for youth policy in Finland. The Ministry of Education and Culture is also obliged to appoint the Advisory Council for Youth Affairs, which is an expert body for youth work and policy that is responsible for the annual evaluation of youth policy programme.<sup>252</sup> Furthermore, Part 3 of the Youth Act concerns local youth work and youth policy. It states that “*youth work and youth policy are part of the local authority’s responsibilities. The implementation of youth work shall be the responsibility of local authorities, youth associations and other organizations doing youth work. Youth services may also be produced by local authorities in cooperation.*” In addition, the Constitution of Finland contains

<sup>252</sup> [agpxz7d=UNESCO&f=series%3ANIER\\_23](http://www.youthpolicy.org/factsheets/country/finland/)

<sup>252</sup> (n 251)

provisions concerning youth. Section 14 provides electoral and participatory rights for youth, which means that a young person aged 18 is legally an adult and has the right to vote and stand in national and local elections. A young person aged 18 who is an immigrant residing permanently in Finland has the right to vote in local elections and local referendums. Section 6 provides the right to equality in that youth are allowed to influence matters regarding themselves to a degree corresponding to their level of development.<sup>253</sup>

The Finnish Youth Cooperation (*Allianss*) is the umbrella organization for national youth organizations in Finland. Its purpose is “to encourage youth to become *responsible members of society and help them participate in decision-making processes and international activities*.” It lobbies decision-makers, youth workers and youth organizations. It also provides services directly to youth, such as the European Youth Card. It has an annual budget of EUR 3 million (USD 4.1 million) with 70% provided from the Ministry of Education and Culture.<sup>254</sup> The Finnish regional administration comprises five provinces and 19 regions. Youth work and the coordination of youth policies at the regional level are the responsibility of provincial state offices under the guidance of the Ministry of Education and Culture. Their duties relate to youth’s employment, for example, youth workshops, income, housing, education and training, health and leisure activities. They conduct the regional monitoring, evaluation and development of youth’s growth and living conditions. Provincial youth services are also responsible for evaluation of basic municipal youth services. Centers for Economic Development, Transport and the Environment (‘ELY’)

operate in close collaboration with local authorities and local state authorities. Reform Project for Regional Administration (‘ALKU-hanke’) was completed by 2010. It sought to create a system of State regional administration, which builds on citizens’ and customers’ needs and works in an effective and productive way.<sup>255</sup>

## 2. Germany<sup>256</sup>

Under the Social Code - Volume 8 (1991) on child and youth welfare services, youth are defined as those between 14 and 26 years. Both the Federal Child and Youth Plan (‘KJP’) and the Youth Strategy 2015-2018 allow projects to include young persons from 12 up to 26 years of age. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. Civil unions and partnerships are legal. The minimum candidacy age is 18 for both the Lower and Upper Houses of Parliament. Under the Youth Court Act of Germany (1953), the minimum age of criminal responsibility is 14. The majority age is 18 under the Civil Code (2012). The voting age is 18.

### Germany ranks **0.8 (i.e. 4 out of 170 countries)** on the **Youth Development Index**.

There is no data on literacy rates and the net enrolment rate for secondary schools. The prevalence of HIV is 0.1% for both sexes aged 15-24.<sup>257</sup>

<sup>253</sup> Myllyniemi, Sami, Council of Europe & European Union, Country Sheet

on Youth Policy in Finland (2011), p. 8

<sup>254</sup> *ibid.*

<sup>255</sup> Myllyniemi (n 255)

<sup>256</sup> <http://www.youthpolicy.org/factsheets/country/germany/>

<sup>257</sup> *ibid.*

Germany's youth legislation rests upon its Social Code - Volume 8, which specifically addresses child and youth welfare along with the 2011 Protection of the Young People Act. An English overview highlights the importance of the Social Code to the youth policy system of Germany. Based on the legislation, youth policy is currently being implemented at the federal level through the Federal Child and Youth Plan ('KJJP').<sup>258</sup>

Moreover, Germany just concluded a large-scale participative process to design a new federal youth policy framework for 2015-2018, "*Acting for a youth-adequate society*", which was released in July 2015. In May 2014, new guidelines and principles were published as an outcome of the discussion process that started in 2011 with a governmental concept paper. The guidelines for a new youth policy provide that the new youth policy would refer to all adolescents and young adults, have preventive and balancing effects, promote suitable methods and structures, involve all relevant stakeholders from the start, and uncover the potential of youth in and for society.

The principles of a new youth policy specify that "*a new youth policy shapes the future and opens up new prospects for society*" and that it must perceive the phase of youth holistically.

A new youth policy would focus on the interests and needs of youth, promote sustainable youth participation, call for space and time for personal development, be designed and implemented as a common task, promote reforms of existing public policies, and have a European dimension.<sup>259</sup>

### 3. Sweden<sup>260</sup>

In Sweden, youth are defined as those between the ages of 13 and 25 under Youth Law (2004). This definition is maintained under the updated Youth Act (2015). The minimum marriageable age without parental consent is 18 for both sexes. There is no data for the minimum marriageable age requiring parental consent. Same-sex marriage is legal in Sweden and the minimum marriageable age for same-sex marriages is 18. The minimum candidacy age is 18 for the Lower House of Parliament. Under the Penal Code (1999), the minimum age of criminal responsibility is 15. Special provisions are contained in the Young Offenders Act (1964) for crimes committed by those under 21 years. The Youth Law (2004) imposes 18 as the majority age. 18 is the voting age as well. Sweden ranks 0.72 (i.e. 45 out of 170 countries) according to the Youth Development Index. There is no data on literacy rates and the rate of HIV prevalence.<sup>261</sup> However, the overall net enrolment rate is 92.76% with the male rate (i.e. 92.88%) being higher than the female rate (i.e. 92.63%).<sup>262</sup>

The Youth Law reinforces the systems of coordination between policy areas to ensure the objectives of the national youth policy is achieved. The updated Youth Act provides a new youth policy framework and action plan for 2014-2017. The Swedish Government's Youth Policy Fact (2009) notes that there is no single youth policy document that exists. However, the youth perspective is "*mainstreamed in relevant policy areas*". Targeted areas include education, employment, culture and leisure, participation, health and security. Policy is supported by evidence with an annual review and analysis of "*80 indicators of development*".<sup>263</sup>

<sup>260</sup> [<http://www.youthpolicy.org/factsheets/country/sweden/>]  
<sup>261</sup> (n 258)

<sup>262</sup> UN Data of UNESCO [[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANIER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANIER_23)]

<sup>263</sup> (n 262)

<sup>258</sup> *ibid.*

<sup>259</sup> *ibid.*

The Ministry of Education and Research is obliged to coordinate youth policy and youth organizations. It is also obliged to cooperate on youth issues. The Swedish Agency for Youth and Civil Society is the government agency that 'works to ensure that young people have access to influence and welfare'. The Agency produces reports, which inform the development of youth policy. These include an annual compilation of 80 indicators of youth development, an annual analysis of a priority topic, and a study of youth attitudes and values conducted every four years. The National Council of Swedish Youth Organizations ('LSU') is an umbrella organization of 81 national youth organizations in Sweden that aims "to collectively improve the conditions for youths' organizations". Through their national and international programmes, LSU aims to "ensure that young people are involved in decision-making, in Sweden and the world". LSU is a full member of the European Youth Forum. Its main findings include the Swedish Inheritance Fund and Sida. They also receive a grant from the government and members pay an annual fee.<sup>264</sup>

#### 4. Switzerland<sup>265</sup>

Switzerland has many definitions of youth. The Youth Law (2011) defines childhood and youth as Kindergarten age to 30 years. The Youth Policy Strategy (2008) identifies youth promotion measures in cantons as being aimed at youth aged 16-25 years. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. The minimum candidacy age is 18 for the Lower House of Parliament. Under the Federal Law Governing the Criminal Status of Minors (2003), the minimum age of criminal responsibility is 10. Under the Civil Code (1907), the majority age is 18. The voting age is overall

18. However, the canton of Schaffhausen requires compulsory voting at the federal, cantonal and municipal elections.

According to the **Youth Development Index**, Switzerland ranks **0.8** (i.e. **7 out of 170 countries**). There is no data on literacy rates.<sup>266</sup>

The overall net enrolment rate for secondary school is 81.02% for both sexes with the rate being higher for males (i.e. 82.19%) than females (i.e. 79.80%).<sup>267</sup>

The Child and Youth Promotion Act (2011) seeks to promote work with youth and to ensure that they are encouraged in their physical and mental well-being and that they are able to develop into responsible adults who are integrated into the community. According to the Child and Youth Policy in Switzerland (2013), the law is described as a "policy of protection, promotion and participation." Under the Youth Policy Strategy (2008), eight cantons have independent youth laws and a further nine cantons have youth-specific provisions in other acts. The Strategy includes information on the development and challenges of youth policy, a situational analysis and measures for evaluation. It also highlights that while the federal government has a role to play in youth policy, primary responsibility for implementation lies with the cantons and municipalities.<sup>268</sup>

The Family, Generations and Society Domain of the Federal Social Insurance Office is responsible for youth affairs. Its main activities

<sup>264</sup> *Ibid.*

<sup>265</sup> [<http://www.youthpolicy.org/factsheets/country/switzerland/>]

<sup>266</sup> *Ibid.*

<sup>267</sup> UN Data of UNESCO [[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANWER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANWER_23)]

<sup>268</sup> (n. 267)



include coordination of the “*Youth and Violence*” prevention programme, provision of financial support to organizations working with youth, and as an organizing partner of the annual Federal Youth Session. The Swiss National Youth Council (‘SNYC’) is an umbrella organization of 65 youth organizations. They seek “*to generate possibilities for youth to participate in society as a whole and to develop into socially conscious, active citizens.*” It coordinates projects including a training programme on physical and mental health, a project supporting migrant minors, and the “*Youth Rep*” scheme, which sends three young representatives to the UN. It also engages in political advocacy work on policy positions determined by members.<sup>269</sup>

## ii. Eastern & Central Europe

### 1. Belarus<sup>270</sup>

Under Belarus’ Law on Youth (2009), youth are defined as those between 14 and 31 years of age. The minimum marriageable age without parental consent is 18 for both sexes. Civil registration offices may reduce marriageable age in special circumstances by no more than 3 years. In those cases, parental consent is not required. There is no specific law for same-sex marriages. Homosexuality is legal in Belarus. The minimum age of candidacy is 21 in the Lower House of Parliament and 30 in the Upper House of Parliament. Under the Penal Code of Belarus (1999), the minimum age of criminal responsibility is 16 even though it provides an extensive list of exceptions for which 14 year olds are liable. The majority and voting age is 18.

According to **the Youth Development Index**, Belarus ranks **0.47** (i.e. **124 out of 170 countries**).<sup>271</sup> The overall literacy rate is **99.84%** for both sexes with the **female rate** (i.e. **99.86%**) being slightly higher than the **male rate** (i.e. **99.82%**) in the age group of 15-24.<sup>272</sup>

The overall net enrolment rate for secondary school is 95.61% for both sexes with the female rate (i.e. 95.83%) being slightly higher than the male rate (i.e. 95.40%).<sup>273</sup> The rate of prevalence of HIV is 0.3% for males aged 15-24 and 0.5% for females aged 15-24.<sup>274</sup> Belarus exists under a consolidated authoritarian regime, which is repressive to independent civil society. Its national democratic governance rating remains unchanged at 6.75<sup>275</sup>. In 2012, Belarusian activists and civil society organizations faced repression from the authorities. The NGOs faced legal harassment, which resulted in the closure of the offices of two prominent human rights organizations.<sup>276</sup> In addition, Belarus has a high rate of youth crime. In 2002, 8.9% of all convicted criminals were minors.

<sup>271</sup> *Ibid.*

<sup>272</sup> UNESCO [http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=IN&regioncol]

<sup>273</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

<sup>274</sup> World Bank [http://data.worldbank.org/country/dominican-republic/] (n 272)

<sup>276</sup> Freedom House [http://freedomhouse.org/reportations-transit/2013/belarus#\_Uv4NfZKLQE]

<sup>269</sup> *Ibid.*

<sup>270</sup> [http://www.youthpolicy.org/factsheets/country/belarus/]

The rise in youth crime rates is attributed to a deep crisis in the family unit as many adults are failing to perform their parental duties.

It is also attributed to a growing inequality in wealth distribution. Gang crime and recidivism are part of youth crime. Around 90% of youth report being members of some informal youth group, most of which have nothing to do with crime. However, when dominated by individuals with criminal backgrounds, some of these groups begin to encourage criminal activity among their members. Anti-social youth groups also promote heavy drinking, drug abuse and other deviant behaviours.<sup>277</sup>

The state law on youth policy (2009) provides the contours of youth policy. Its aims are to support comprehensive education, to support spiritual, moral, and physical development, creation of conditions for free and effective participation in political, social, economic and cultural development, to provide social, material, legal and other support, and to extend opportunities for choosing one's life path. The Constitution guarantees these aims as rights and emphasizes on the role of the state to provide conditions for these to be achieved. According to the 2011 briefing, from 2006 to 2010, a state youth program called "Youth of Belarus" was implemented. This program has not been mentioned on the official website on youth policy of the Ministry of Education.<sup>278</sup>

The Ministry of Education is responsible for youth affairs. In particular, it is in charge for the following areas: civic and patriotic education of youth, healthy lifestyles, support for young families,

youth in education and for talented youth, promotion of the right to work and the rights of youth to associate, promotion of socially significant initiatives of youth, and international youth cooperation. The Department of Youth Affairs in the Ministry of Education was abolished by the Presidential decree in 2004. The Belarusian Committee of Youth Organizations ('BCYO') is the state recognized National Youth Council ('NYC'). However, it is not active. The Belarusian Republican Youth Union ('BRYU') receives 98% of the 2014 state budget for youth. The Belarusian National Youth Council - RADA is the first post-independence NYC and member of the European Youth Forum. Crackdowns on civil society, especially after the 2010 elections, caused it to go underground. Now RADA includes 20+ initiatives and is part of the Alternative Youth Policy Platform. Neither of them cooperate with the state.<sup>279</sup>

## 2. Bulgaria<sup>280</sup>

Youth are defined as those aged 15-29 years according to "international and European standards for youth work" under the National Youth Strategy (2010-2020). The minimum marriageable age without parental consent for both sexes is 18. The minimum marriageable age requiring parental consent for both sexes is 16. There is no specific legislation for same-sex marriages. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Penal Code of Bulgaria (2005), the minimum age of criminal responsibility is 14. The majority age and voting age are 18. The Youth Development Index ranks Bulgaria as 0.69 (i.e. 62 out of 170 countries).<sup>281</sup> The overall literacy rate is 98.00% with the male rate (i.e. 98.21%) being higher than the female rate (i.e. 97.78%)<sup>282</sup>. The overall net

<sup>279</sup> *Ibid.*

<sup>280</sup> <http://www.youthpolicy.org/factsheets/country/bulgaria/>

<sup>281</sup> *Ibid.*

<sup>282</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile>.

<sup>277</sup> UNDP, *Belarus: Addressing Imbalances in the Economy and Society - National Human Development Report 2004-2005* (2005)

<sup>278</sup> (n 272)

enrolment rate is 85.29% with the rate being higher for males (i.e. 86.06%) than for females (i.e. 84.47%)<sup>283</sup>. In addition, youth unemployment is a major challenge in Bulgaria. Youth unemployment is owed to structural constraints, which include insufficient qualifications, skills, experience and social capital. Youth also suffered a major blow from the recession as well as the economic crisis.<sup>284</sup>

Bulgaria's youth law was adopted in 2012. The youth law (2012) "*determines the main principles, management and financing of the activities conducted for implementation of the state youth policy.*" It covers youth work, youth organizations, volunteering, youth policy and information. The National Youth Strategy (2010-2020) outlines the situation for youth and has nine strategic aims, including economic activity and career development; improving the access to information and quality services; promoting healthy lifestyle; social exclusion; volunteering; participation; rural development; intercultural dialogue; and crime prevention. The youth policy aims to be the "... *establishment of favourable conditions to complete personal growth of youth and their participation in social and economic life.*"<sup>285</sup>

The Youth Directorate of the Ministry of Education, Youth and Sports is responsible for the implementation of the national youth policy and youth programmes. Since 2012, the Ministry of Education, Youth and Sports has been in charge of youth policy. Inter-ministerial working groups are established around different issues, including youth employment, professional qualifications,

and the EU Structured Dialogue process. Under the youth law, the dialogue with youth at national, regional, district and local level on matters affecting them is not structured yet unlike the established European models of representation through national, regional and local youth councils. The 'Implementation and Monitoring' section (2.9) notes that participation in public policy "could be structured through youth councils". Although the membership of the Bulgarian National Youth Council in the European Youth Forum was terminated in 2002 due to inactivity, subsequent attempts have been made to establish a national youth council.<sup>286</sup>

### 3. Estonia<sup>287</sup>

Youth are defined as those aged 7-26 under the Estonian Youth Work Act (2010) and 2006-2013 Youth Work Strategy. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 15 for both sexes. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Penal Code of Estonia (2001), the minimum age of criminal responsibility is 14. The majority and voting ages are 18.

### The Youth Development Index

ranks Estonia as 0.7 (i.e. **52 out of 170 countries**).<sup>288</sup> The overall literacy rate is **99.97%** for both sexes aged 15-24, with the rate for **females** (i.e. **99.97%**) being higher than for **males** (i.e. **99.96%**)<sup>289</sup>.

<sup>283</sup> [asp?code=IND&regionof](http://data.un.org/Data.aspx?code=IND&regionof)

<sup>283</sup> UN Data of UNESCO [[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)]

<sup>284</sup> Dimitrov, Yordan, *Youth Unemployment in Bulgaria*, (Friedrich Ebert Stiftung, 2012)

<sup>285</sup> (n 282)

<sup>286</sup> *Ibid.*

<sup>287</sup> [<http://www.youthpolicy.org/factsheets/country/estonia/>]

<sup>288</sup> *Ibid.*

<sup>289</sup> UNESCO [<http://www.us-unesco.org/DataCentre/Pages/country-profile>]

The overall net enrolment rate for secondary schools is 90.65% with the rate being higher for females (i.e. 90.94%) than for males (i.e. 90.38%)<sup>290</sup>. The rate of HIV prevalence is 0.8% for males aged 15-24 and 0.5% for females aged 15-24<sup>291</sup>.

According to the Estonian Youth Work Strategy 2006-2013, youth policy is all “*coordinated and purposeful activities concerning the life of a young person*”. Thus, the Youth Work Strategy integrates the general area of youth policy with the narrow area of youth work, setting goals, measures and indicators of efficiency. Indicators include the number of youth participation in councils, the accessibility of hobby education, the range and accessibility of youth information and the size of youth research network. The Youth Work Act (2010) provides the legal basis for youth work, which is defined as “*the creation of conditions to promote the diverse development of young persons*”. It sets out which institutions are responsible for youth work, its financing and the liability of those who work with youth.<sup>292</sup>

As argued in Youth and Public Policy in Estonia (2012), the creation of one central coordinating unit (for example, a Ministry of Youth) was not the goal of youth Work Strategy. Instead, it was an integrated youth policy based on information exchange between various actors. This exchange is coordinated by the Youth Affairs office in cooperation with the Estonian Youth Work Centre (EYWC). Both offices are set within the Ministry of Education and Research, which is identified in the strategy as the ministry responsible for its implementation. The Estonian National Youth Council (ENL) is the representative body for

youth and an umbrella organization for non-profit groups that deal with youth or perform youth work. As per the Youth Work Strategy, the ENL delegates representatives from youth associations to the Council of Youth Policies, a governmental-civil society council that advises the Ministry of Education and Research, which is responsible for the implementation of the strategy. ENL advocates for youth interests in legislation and better financing for youth organizations.<sup>293</sup>

#### 4. Kosovo<sup>294</sup>

Under the Law on Empowerment and Participation of Youth (2009), youth are defined as those aged 15-24 years. The minimum marriageable age without parental consent is 18. Under the Family Law (2004), a court may grant an application to marriage for minors aged 16-18. There is no data for marriage with parental consent. There is no specific legislation governing same-sex marriages. The minimum candidacy age for the Lower House of Parliament is 18. Under the Juvenile Justice Code of Kosovo (2012), the minimum age of criminal responsibility is 14. The majority age is 18 under the Family Law (2004). The voting age is 18. There is no data on the statistics concerning the situation of youth, particularly the ranking of Kosovo on the Youth Development Index, the literacy rates, net enrolment rate for secondary school, and HIV prevalence rate.<sup>295</sup> Kosovo's population is increasingly dominated by youth. Men and women below 25 years old represent 49% of the population, whereas 19.1% of youth are between 15 and 24 years old.<sup>296</sup> The youth of Kosovo also face significant challenges, including high unemployment rates and poverty.<sup>297</sup>

<sup>290</sup> [asp?code=HND&regioncol](http://data.un.org/Data.aspx?code=HND&regioncol)

<sup>291</sup> UN Data of UNESCO [\[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231\]](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)

<sup>292</sup> World Bank [\[http://data.worldbank.org/country/estonia/\]](http://data.worldbank.org/country/estonia/)

<sup>293</sup> (n 289)

<sup>294</sup> (n 289)

<sup>295</sup> [\[http://www.youthpolicy.org/factsheets/country/kosovo/\]](http://www.youthpolicy.org/factsheets/country/kosovo/)

<sup>296</sup> *ibid.*

<sup>297</sup> Youth Strategy 2013-2017 (Prishtina, February 2013)

<sup>298</sup> Hoxha, Ilir, *Reviews on Youth Policies and Youth Work in the Countries*

The Law on Empowerment and Participation of Youth (2009) defines the rights, responsibilities and obligations of governmental authorities and youth organizations in Kosovo. Youth Strategy 2013-2017 and Action Plan 2013-2015 has a vision for youth “... to become active, healthy, educated citizens, who enjoy a good and qualitative life and prepare to face all challenges of life as responsible members of local, regional, European and world community.”

The Youth Strategy focuses on youth participation, non-formal education, employment and entrepreneurship, education, health, security, sports, culture, recreation, and social integration.<sup>298</sup>

It also treats integrated approaches for social, economic and political participation of youth in society in decision-making processes, formal and non-formal education in accordance with the demands of labour market, health services for youth, higher security, employment and recreational activities for them.<sup>299</sup>

The Youth Department of the Ministry of Culture, Youth and Sport is responsible for youth affairs and policy in Kosovo. It is under the duty to implement the Youth Strategy and Action Plan, conduct analysis of youth sector, develop programs for identified groups of youth, coordinate with departments, municipalities and organizations to develop and implement policies, support the formation of clubs and associations for youth, encourage financial and other support for youth sector,

and provide information for youth about services and programs. The Central Youth Action Council of Kosovo (CYAC) seeks to “...advance the rights of young people and to ensure that strong collective voice of young people heard to policy and decision makers at all levels.” The CYAC’s activities include research, representation to government, participation in youth policy design and implementation, awareness campaigns, and youth exchanges. In 2013, the CYAC received support from the Organization for Security and Co-Operation in Europe (OSCE) to aid their participation in policy- and decision-making locally and nationally.<sup>300</sup>

## 5. Latvia<sup>301</sup>

The National Youth Policy (2009) of Latvia defines youth as those aged 13-25. The minimum marriageable age without parental consent for both sexes is 18. The minimum marriageable age requiring parental consent for both sexes is 16. There is no specific legislation that governs same-sex marriages even though homosexuality is legal in Latvia. The minimum candidacy age is 21 in the Lower House of Parliament. Under the Criminal Law of Latvia (1998), the minimum age of criminal responsibility is 14. Under the Civil Law of Latvia (1997), the majority age is 18. The voting age is 18.

**The Youth Development Index** ranks Latvia **0.7** (i.e. **50 out of 170 countries**).<sup>302</sup> Its

overall literacy rate is **99.83%** with the **female rate** (i.e. **99.87%**) being slightly higher than the **male rate** (i.e. **99.79%**).<sup>303</sup>

<sup>298</sup> of South East Europe, Eastern Europe and Caucasus - Kosovo -, Council of Europe & European Union, 2011)

<sup>299</sup> (n 296)

<sup>299</sup> (n 298)

<sup>300</sup> (n 296)

<sup>301</sup> <http://www.youthpolicy.org/factsheets/country/latvia/>

<sup>302</sup> *ibid.*

<sup>303</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile>.

Its overall net enrolment rate for secondary schools is 83.60% with the female rate (i.e. 84.37%) being higher than the male rate (82.86%)<sup>304</sup>.

Latvia's Youth Act (2008) seeks to improve the quality of life of youth by promoting their priorities and encouraging patriotism and participation. It also aims to support those working with youth. The basic youth principles include participation, equal opportunity, addressing youth issues, integration, mobility and international cooperation. The Youth Policy Guidelines 2009-2018 aim to facilitate the implementation and coordination of youth policy by identifying areas of action and creating a vision for the improvement of youths' quality of life. The guidelines also provide the key challenges for youth and policy objectives and targets for the decade. The National Youth Policy Programme 2009-2013 outlines measures to achieve the aims of the Youth Act.<sup>305</sup>

The Sports and Youth Department within the Ministry of Education and Science has the primary responsibility for youth policy and issues. Its major tasks include promoting cooperation and implementing youth measures, organizing trainings for youth workers, and enabling access to information. Municipalities are responsible for implementing youth policy through the creation of local youth policy planning documents. A Youth Advisory Council exists to promote a coherent youth policy and encourage youth participation in decision-making and public life. The Latvian Youth Council ('LYC') was founded in 1992. Its mission is to represent the interests of youth and to improve the quality of their lives. The LYC promotes the importance

of youth organizations and encourages the development of cooperation and public participation in political processes. Its objectives include advocating for youth policy based on youth's needs, promoting youth participation in decision-making, and supporting the development of youth organizations by increasing access to information and government funding.<sup>306</sup> Besides the national level and outside the privileged areas of Riga and other major cities, youth policy delivery is inadequate in Latvia. The concentration of resources is still high along with considerable availability of youth activities. The centre of youth policy-making seems to overestimate the actual capacities of municipalities.<sup>307</sup>

## 6. Lithuania<sup>308</sup>

Lithuania's Youth Policy Law (2003) defines youth as those between 14 and 29 years. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 15 for both sexes. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament. Under the Criminal Code of Lithuania (2010), the minimum age of criminal responsibility is 14. Children aged 14-16 are only liable for specific crimes. Under 14 years, "reformative sanctions" may be applied. The Civil Code of the Republic of Lithuania (2000) imposes 18 as the majority age. The voting age is 18.

[aspx?code=HND&region=lv](http://data.unesco.org/Data.aspx?code=HND&region=lv)

<sup>304</sup> UN Data of UNESCO ([http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231))

<sup>305</sup> (n 303)

<sup>306</sup> *Ibid.*

<sup>307</sup> Council of Europe, *Youth policy in Latvia* (2008)

<sup>308</sup> (<http://www.youthpolicy.org/factsheets/country/lithuania/>)



**The Youth Development Index** ranks Lithuania 0.67 (i.e. **75 out of 170 countries**).<sup>309</sup> The overall literacy rate is **99.91%** for both sexes aged 15-24 with the **female rate (i.e. 99.92%)** being slightly higher than the **male rate (i.e. 99.90%)**.<sup>310</sup>



The overall net enrolment rate for secondary schools is 96.82% with the male rate (i.e. 97.18%) being slightly higher than the female rate (i.e. 96.45%).<sup>311</sup> Youth face daunting challenges, such as lack of opportunities, unemployment, inability to compete in the labour market, and issues related to economic, physical and psychological security.<sup>312</sup>

The Youth Policy Law (2003) contains four general provisions of youth rights, namely enjoyment of all youth rights and freedoms, equal rights and protection from discrimination, a proper social environment, and an all-round education. The National Youth Policy Development programme for 2011-2019 aims to create conditions that meet youth needs in order to become active youth citizens. According to youth policy section of the Ministry of Social Security and Labour, the programme has five focus areas, namely social security, education and health care; developing youth who are capable of being an active part

of diverse society; systems of youth work and youth employment; fostering youth organizations; and inter-institutional and cross-sectoral cooperation in developing youth policy.<sup>313</sup>

The Department for Youth Affairs ('DYA') within the Ministry of Social Security and Labour is responsible for youth affairs, including policies, programmes, youth research and coordination of activities across state and municipal institutions. The Commission for Youth and Sport Affairs is a parliamentary committee that analyzes, scrutinizes and provides advice for the implementation of the state youth policy. The Council on Youth Affairs is an advisory body under the DYA on youth issues. It comprises government and youth organization representatives. The Lithuanian Youth Council ('LijOT') was formed in 1992. It is an umbrella organization with 64 members representing more than 200,000 youth in Lithuania. The LijOT "seeks favorable changes for young people by serving as a platform for dialogue, Lithuanian youth organization interests and initiatives." It is also a full member of the European Youth Forum and the Baltic Youth Forum. As the national agency, it coordinates EURODESK Lithuania and supports Lithuanian engagement in the EU Structured Dialogue process.<sup>314</sup>

## 7. Moldova<sup>315</sup>

Moldova's National Youth Law defines youth as "young people, citizens of the Republic of Moldova, aged 16 to 30". A 2011 review of youth policy states that the official statistics of the Republic of Moldova define youth as those aged 15-29. The minimum marriageable age without parental consent for

<sup>309</sup> *Ibid.*

<sup>310</sup> UNESCO [<http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HN&D&region=01>]

<sup>311</sup> UN Data of UNESCO [[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)]

<sup>312</sup> UNDP Opportunities for Youth and Human Development - Human Development Report (2011)

<sup>313</sup> (n 310)

<sup>314</sup> *Ibid.*

<sup>315</sup> [<http://www.youthpolicy.org/factsheets/country/moldova/>]



both sexes is 18. There is no data for marriage with parental consent. Nor is there any specific legislation governing same-sex marriages. Homosexuality is legal in Moldova. The minimum candidacy age is 18 in the Lower House of Parliament. Under the Criminal Code of Moldova (2009), the minimum age of criminal responsibility is 14. Between the ages of 14 and 16, children are criminally liable only in cases of murder and other serious offences. The majority and voting ages are 18.

**The Youth Development Index ranks Moldova as 0.73 (i.e. 36 out of 170 countries).**<sup>316</sup> The overall literacy rate is **100%** for both sexes aged 15-24 in Moldova<sup>317</sup>.

The overall net enrolment rate for secondary schools is 77.91% with the female rate (i.e. 78.33%) being slightly higher than the male rate (i.e. 77.50%)<sup>318</sup>. The prevalence of HIV is 0.5% for males aged 15-24 and 0.4% for females aged 15-24<sup>319</sup>.

According to the 2011 review, the aim of Moldova's youth policy efforts is to ensure the social, economic, political and juridical social guarantees for the development of a developed personality. The main objectives in this area are to improve (self-) employment; increase access to education, health and personal development services; develop institutional capacity for work

with youth; stimulate involvement of youth in decision-making by creating local youth councils and other forms of participation; facilitate access to information, services and leisure. The Youth Strategy 2009-2013 established the following priorities: i.e. access to information and services; participation in public life and active citizenship; employment; and institutional capacity development.<sup>320</sup>

According to the 2011 review, the Ministry for Youth and Sport is responsible for the legal framework for youth, national and international programs, monitoring sectoral developments, assessing youth programs, running youth projects, supporting youth NGOs including grants, monitoring the use of state funds for youth, coordination with youth organizations, and counseling youth. The 2011 review also states that local departments for education, youth and sports implement youth policy locally with NGOs and youth councils. The National Youth Council of Moldova ('CNTM') currently has 37 member organizations. Its three main roles are to act as the forum for the representation of youth civil society, the space for dialogue and cooperation among youth organizations, and an intermediary between national and international organizations/institutions that are comprised of youth or work with youth.<sup>321</sup>

Furthermore, according to the 2011 review, youth work has focused increasingly on youth participation, youth autonomy, promotion and improving non-formal education, building new skills and competences via training sessions. The basic principles for youth policy and work in Moldova include respect and promotion of human rights, participation of youth in development, promotion and implementation of policies and

<sup>316</sup> *Ibid.*

<sup>317</sup> UNESCO [http://www.unis.unesco.org/DataCenter/Pages/country-profile.aspx?code=HND&regionco]

<sup>318</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_231]

<sup>319</sup> World Bank [http://data.worldbank.org/country/moldova/]

<sup>320</sup> *Ibid.*

<sup>321</sup> *Ibid.*

programs oriented towards the development of all aspects of youth's life, free access of each young person to information and social services, and creation of adequate conditions for harmonious development and full affirmation of youth. The Government engages with multiple stakeholders, including the World Bank, UNICEF, and European youth agenda in order to implement different programs in the area of youth policy framework.<sup>322</sup>

## 8. Republic of Serbia<sup>323</sup>

In the Republic of Serbia, youth are defined as those aged 15-30 years under the Youth Law (2011). The minimum marriageable age without parental consent for both sexes is 18. The minimum marriageable age requiring parental consent is 16 for both sexes. There is no specific legislation governing same-sex marriages in Serbia. Under the Criminal Code of Serbia (2005), the minimum age of criminal responsibility is 14. The majority age is 18 pursuant to the Charter on Human and Minority Rights and Civil Liberties (2003). The voting age is 18.

**The Youth Development Index** ranks Serbia as **0.7** (i.e. **55 out of 170 countries**).<sup>324</sup> The overall literacy rate is **98.50%** with the **male rate** (i.e. **98.59%**) being slightly higher than the **female rate** (i.e. **98.40%**) for those aged 15-24.<sup>325</sup>

The overall net enrolment rate for secondary schools is 90.44% for both sexes aged 15-24 with the female rate (i.e. 91.37%) being higher than the male rate (i.e. 89.56%)<sup>326</sup>. The HIV prevalence rate is 0.1% for both sexes aged 15-24<sup>327</sup>. Moreover, the youth of Serbia have faced daunting challenges, given the post-communist and post-conflict transition that the country has undergone. Youth continue to be excluded from decision-making processes and are not given a voice in decisions that affect their lives. Although the government and media consider youth as a resource, youth do not perceive themselves as a resource, which can be explained by the inter-sectoral laws and regulations that do not treat youth as a resource or tool for future prosperity.<sup>328</sup>

The Youth Law (2011) regulated activities involving youth, their needs and interests. The National Youth Strategy (2008) is “[...] the first step towards a systematic solution to the problem of youth status and...[supporting] young people in the different spheres of social life... The Strategy should determine the attitude of the state towards young people, a possible role of youth in society, and the modes of establishing a partnership relation.” This strategy identifies opportunities, responsibilities, and institutional mechanisms for youth. It is supported by the Action Plan for the Implementation of the National Youth Strategy 2009-2014 and by guidelines for the implementation at the local level (2012). Consultations are currently under way for the process of amending the Youth Law.<sup>329</sup>

<sup>322</sup> Burina, Mariana, *Reviews on Youth Policies and Youth Work in the Countries of South East Europe, Eastern Europe & Caucasus - Republic of Moldova*, (Council of Europe & European Union, 2011)

<sup>323</sup> <http://www.youthpolicy.org/factsheets/country/serbia/>

<sup>324</sup> *ibid.*

<sup>325</sup> UNESCO <http://www.us.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol>

<sup>326</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&series%3ANER_231)

<sup>327</sup> World Bank <http://data.worldbank.org/country/serbia/>

<sup>328</sup> Azanjac, T, Bradic, D, Krivokapic, D, Sporeri, M, and Stojic, T, *Youth and Public Policy in Serbia*, (Youth Policy Review Series, Demokratia & Dialog e.V., 2012)

<sup>329</sup> (n. 325)

### The Youth Development Index ranks

Romania at **0.73** (i.e. **34 out of 170 countries**).<sup>332</sup> The overall literacy rate is **99.29%** for both sexes aged 15-24<sup>333</sup>.



The net enrolment rate for secondary schools is 80.01% with the female rate (i.e. 80.70%) exceeding the male rate (i.e. 79.35%)<sup>334</sup>. The HIV prevalence rate is 0.1% for both sexes aged 15-24<sup>335</sup>.

Youth still face challenging issues in Romania. According to a European recommendation, 49.1% of children in Romania were at risk of poverty and social exclusion in 2011, which exceeds the whole population of 40.3%. According to the first European Youth Trends report commissioned by the Youth Directorate at the Council of Europe in 1998, it is currently accepted that early exposure to welfare deficit is the main risk factor of exclusion whose effects can hardly be repaired at later stages in life.<sup>336</sup> In addition, according to the 2012 briefing, the Ministry of Labour, Family and Social Protection carried out policies specifically addressing youth, such as “An *inclusive labour market in the rural area*”, which targets youth in rural areas where unemployment and education drop-out levels are high. In particular, almost 20% of the school-aged youth (i.e. 16-19) from rural areas have dropped out of higher secondary school.

<sup>332</sup> *Ibid.*

<sup>333</sup> UNESCO [http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=IN&region=oc]

<sup>334</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANIER\_23]

<sup>335</sup> World Bank [http://data.worldbank.org/country/romania/]

<sup>336</sup> UNICEF, Center for Urban and Regional Sociology & Institute of Education Sciences, State of adolescents in Romania, (2013)

The Department of Youth of the Ministry of Youth and Sport is responsible for youth affairs and policy in Serbia. It works in multiple areas, including the development and implementation of youth policy, strategy and programs, encouraging youth participation, supporting volunteering, cooperation with youth organizations, supporting youth groups and events at the national and international levels, monitoring the role of youth in Serbia, and promoting the development of youth policy, offices and work at the regional and local levels. The Serbian Youth Umbrella Organization (KOMOS) is “...the highest representative body of the young people in Serbia whose mission is to represent the interests of youth by developing a partnership with the state, inter-agency and international cooperation, encouraging the active participation of young people and organizational development of its members.” Projects have included mobilizing youth votes, training on youth policy and advocacy, awareness campaigns, youth research and participation at events. KOMOS is a member of the European Youth Forum.<sup>330</sup>

## 9. Romania<sup>331</sup>

In Romania, the 2006 youth law defines youth as those aged 14-35. It also identifies different age groups 14/15-19, 20-24, 25-29, and 30-34/35 to target policies better. The minimum marriageable age with and without parental consent for both sexes is 18. There is no legislation for same-sex marriages. Homosexuality is legal in Romania. The minimum candidacy age for the Lower House of Parliament is 23 and 33 for the Upper House of Parliament. Under the Criminal Code of Romania (2005), the minimum age of criminal responsibility is 14. The majority age is 18 under the Civil Code (2004). The voting age is 18.

<sup>330</sup> *Ibid.*

<sup>331</sup> [http://www.youthpolicy.org/factsheets/country/romania/]



One of the causes of the school drop-outs is the difficult access to educational institutions, such as **15 km**, the average distance to their school premises.<sup>337</sup>

The 2006 youth law first created a legal framework for youth policy in Romania. A draft National Youth Strategy 2014-2020 was launched for public debate in the summer of 2013. However, it is not clear whether it has been finalized and approved. The draft National Youth Strategy focuses on four key pillars, namely culture and informal education, employment and entrepreneurship, participation and volunteering, and health, sport and recreation. Key objectives of the policy include programmes to decrease youth unemployment, especially in rural areas, and promoting healthy lifestyles. A section focusing on the socially marginalized youth recognizes the need to better understand the conditions that influence social exclusion.<sup>338</sup>

In 2013, the government founded the Ministry of Youth and Sports. The Directorate for Youth Programmes and Projects works with actors in the youth field to organize, implement, and monitor government policies. It includes a Department for Camps and Recreation, which coordinates activities of leisure centres and youth tourism, and a Department of Programmes and Activities for Students, promoting students' participation in cultural and civic activities as well as combating the marginalization of students. The Romanian Youth Council ('CTR') is the government's main partner in the youth field. It

advised the drafting of the youth strategy and provides training and support to its members. However, the CTR's governance structure is unclear. Two other representative structures are the Consultative Council on Youth Issues ('CCPT'), a government consultative body that includes representatives from youth NGOs, unions, local student councils, and the Youth Participation in Local Government ('PAL-TIN'), a network of local youth organizations.<sup>339</sup>

### 10. Slovenia<sup>340</sup>

In Slovenia, youth are defined as "young people and young adults of both genders aged between 15 and a completed 29 years" pursuant to the Slovenia Youth Sector Act (2010). The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 15 for both sexes. Civil unions/partnerships are legal. The minimum candidacy age is 18 for both Lower and Upper Houses of Parliament. Under the Criminal Code of Slovenia (2008), the minimum age of criminal responsibility is 14. The majority and voting ages are 18.

According to the **Youth Development Index**, Slovenia is ranked at **0.79** (i.e. **10 out of 170 countries**).<sup>341</sup> The overall literacy rate is **99.86%** with the **female rate** (i.e. **99.91%**) than the **male rate** (i.e. **99.81%**).<sup>342</sup>

<sup>339</sup> *Ibid.*

<sup>340</sup> <http://www.youthpolicy.org/factsheets/country/slovenia/>

<sup>341</sup> *Ibid.*

<sup>342</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HN&regioncol>

<sup>337</sup> National Report: First cooperation cycle of the EU Youth Strategy, 2010-2012 - Romania

<sup>338</sup> (n 333)

The overall net enrolment rate for secondary schools is 93.30% with the female rate (i.e. 93.83%) exceeding the male rate (i.e. 92.79%)<sup>343</sup>.

The Youth Sector Act (2010) defines the youth sector, the status of youth organizations, national awards, the role of the National Programme for Youth and the activities of youth centers. It is the first time the law was enacted concerning youth sector as only the Youth Council Act existed previously. It provides the basis for the first National Youth Programme 2013-2022.<sup>344</sup> The National Youth Programme 2013-2022 is the thematic guide to policy and programmes in Slovenia. It focuses on five key areas, such as employment and entrepreneurship, housing, health and wellness, society and youth sector, culture, creativity, heritage and the media. According to the Programme for Young People page on the Ministry's website, youth work is an important work area of youth programme. Youth and NGOs conducting youth work programmes on non-formal education and training in youth work, voluntary youth work, information and advice for youth, participation, active citizenship, human rights, international youth work, mobility and research can access financing.<sup>345</sup>

The Office of the Republic of Slovenia for Youth of the Ministry of Education, Science and Sport "*monitors the situation of the young people and implements the measures in the field of non-formal education, leisure time and participation of young people in society*", with activities on policy, education,

culture, international cooperation, research, youth organizations, information and counseling and inclusion. A Council of the Government for Youth advises the government and suggests new initiatives or changes to policy. The National Youth Council of Slovenia ('MSS') was established in 1990. It acts as a non-partisan umbrella supporting national youth organizations to promote youth autonomy and integration into democratic society. Its priorities are participation, autonomy, information, youth work and international cooperation. It conducts educational, promotional and cultural activities and issues publications and policy papers. MSS operates under the Youth Councils Act (2000), which requires the government to consult on new youth legislation. It is a member of the European Youth Forum.<sup>346</sup>

## 11. Ukraine<sup>347</sup>

In Ukraine, youth are defined as those aged 14-35 under youth development law (1993)<sup>348</sup>. This definition is similar to European trends according to the 2013 review.<sup>349</sup> The minimum marriageable age without parental consent is 18 for males and 16 for females. The minimum marriageable age requiring parental consent is 15 for both sexes. However, marriage without parental consent is possible at 16 for women upon the court's agreement. There is no specific legislation governing same-sex marriages. Homosexuality is legal. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Criminal Code of Ukraine (2001), the minimum age of criminal responsibility is 14. Between the ages of 14 and 16, children only criminally

<sup>343</sup> UN Data of UNESCO ([http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANFR\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANFR_231))

<sup>344</sup> Zgonc, Andraz, Country Sheet on Youth Policy in Slovenia, (Council of Europe & European Union, 2011)

<sup>345</sup> (n 342)

<sup>346</sup> *Ibid.*

<sup>347</sup> (<http://www.youthpolicy.org/factsheets/country/ukraine/>)

<sup>348</sup> *Ibid.*

<sup>349</sup> Krzaklewska, Ewa, and Williamson, Howard, Youth policy in Ukraine - Conclusions of the Council of Europe International Review Team (Council of Europe, 2013)

liable for specific crimes, including murder, rape, and bodily harm. The majority and voting ages are 18.

lifestyles, employment, housing, participation and access to European programmes.<sup>354</sup>

According to the **Youth Development Index**, Ukraine ranks **0.73** (i.e. **35 out of 170 countries**).<sup>350</sup> Its overall literacy rate is **99.76%** with the **female rate** (i.e. **99.81%**) being slightly higher than the **male rate** (i.e. **99.72%**) in the age group 15-24.<sup>351</sup>

The overall net enrolment rate is 85.65% with the rate for males (i.e. 85.49%) exceeding the rate for females (i.e. 85.82%).<sup>352</sup> The HIV prevalence rate is 0.1% for males aged 15-24 and 0.4% for females aged 15-24.<sup>353</sup>

The Youth Development Law (1993) outlines the contours of the implementation of youth policy and includes key organizational, socio-economic, legal and political principles for the socialization of young citizens of Ukraine. The 2013 youth policy strategy, which was adopted by the decree of the Ukrainian President, states that its main objective is to establish an enabling environment for the '*intellectual, moral and physical*' development of youth. It also seeks to ensure the participation of youth in the development and implementation of youth policy from national through local levels and to increase the labour market competitiveness of Ukrainian youth. The priorities of youth strategy are affordable education, healthy

<sup>350</sup> (n 349)  
<sup>351</sup> UNESCO [http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&region=]

<sup>352</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

<sup>353</sup> World Bank [http://data.worldbank.org/country/Ukraine/

The Ministry of Youth and Sports has the responsibility for youth policy. According to the Decree 390 of the President of Ukraine of 2013, the Ministry's youth-related tasks include the development of measures to promote healthy lifestyles, youth employment, conditions for the intellectual and creative self-development of youth, social development of children and youth, humanistic values and patriotism among youth. It is also in charge of state support to youth and children's associations and for promoting volunteering. The Ukrainian Youth Forum was established in 1995. It is a member of the European Youth Forum. It serves as a platform for representing the interests of the Ukrainian youth through youth and children's organizations to national authorities and internationally. According to the 2013 Council of Europe Review of Youth Policy, the YVF included 16 all-Ukraine children's and youth organizations. It is active in healthy lifestyles, technology, innovation, business development, ecology and democratic development of the state.<sup>355</sup>

## d. Asia

### i. Central Asia

#### 1. Azerbaijan<sup>356</sup>

In Azerbaijan, the Law on Youth Policy of the Republic of Azerbaijan (2002) defines youth as those aged 14-29. This age range is also applicable to the implementation of the state programme Azerbaijani Youth in 2011-2015. The minimum marriageable age requiring parental consent is 18 for males

<sup>354</sup> (n 349)

<sup>355</sup> *ibid.*

<sup>356</sup> [http://www.youthpolicy.org/factsheets/country/azerbaijan/

and 17 for females. There is no data for marriages without parental consent. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament. Under the Criminal Code, 14 is the minimum age of criminal responsibility. At 16, children are subject to criminal liability even though from the age of 14 onwards they can be criminally liable for certain serious offences.

### The Youth Development Index ranks

Azerbaijan as **0.69** (i.e. **60 out of 170 countries**).<sup>357</sup> The overall literacy rate is **99.94%** with the **male rate** (i.e. **99.95%**) slightly exceeding the female rate (i.e. **99.92%**).<sup>358</sup>

The overall net enrolment rate for secondary schools is 86.82% with the male rate (i.e. 87.62%) slightly exceeding the female rate (i.e. 85.92%).<sup>359</sup> The HIV prevalence rate is 0.1% for both sexes.<sup>360</sup>

The Law on Youth Policy of the Republic of Azerbaijan (2002) states that the main purpose of youth policy is to support the development of youth, “to assist in realization of their abilities and competences, settlement of their social problems and guarantee of protection of their rights”. There are six areas

of focus: i.e. (i) moral-spiritual education and participation in cultural life; (ii) support to talented youth; (iii) health and physical development; (iv) employment; (v) support to young families; and (vi) support to youth organizations. Under the youth state programme 2011-2015, the Ministry is in charge of the coordination of the activities within the programme, through the creation of a Coordination Council, which is to include representatives from relevant governmental agencies and organizations. The National Assembly of Youth Organizations of the Republic of Azerbaijan (“MAYORA”) is an umbrella organization of youth associations in Azerbaijan. It was established in 1995 by 11 youth organizations. Since then, it has grown to 93 youth organizations. Its objectives include coordinating the activities of youth member organizations, increasing the participation of youth in decision-making, representing the interests of youth organizations at the regional and international level, and facilitating the exchange of knowledge, ideas and experience.<sup>361</sup>

<sup>357</sup> *Ibid.*

<sup>358</sup> UNESCO [http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regionco]

<sup>359</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

<sup>360</sup> World Bank [http://data.worldbank.org/country/azerbaijan/]

<sup>361</sup> (n 358)

## 2. Kazakhstan<sup>362</sup>

In Kazakhstan, the national youth policy (2004) defines youth as those aged 14-29. The national youth policy (2013) does not specify a particular age group. The minimum marriageable age without parental consent is 18 for males and 17 for females. The minimum marriageable age requiring parental consent is 16 for both sexes. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament and 30 for the Upper House of Parliament. Under the Criminal Code of Kazakhstan (1997), the minimum age of criminal responsibility is 14. The majority age is 18 under the Code of the Republic of Kazakhstan on Marriage and Family. The voting age is 18.

### According to the Youth Development

**Index, Kazakhstan is ranked as 0.74 (i.e. 27 out of 170 countries).**<sup>363</sup> The overall literacy rate is **99.84%** with the **female rate (i.e. 99.87%)** slightly exceeding the **male rate (i.e. 99.81%)**<sup>364</sup>.

The overall net enrolment rate for secondary school is 86.31% with the male rate (i.e. 86.90%) being higher than the female rate (i.e. 85.70%)<sup>365</sup>.

There is a 2004 youth policy/law, a 2013 national youth policy, and a 2012 implementation report. In 2013, the new national

youth policy (2013) was approved. It replaced the previous

national youth policy (2004). An action plan is in the process of being developed. However, the Implementation Plan (2012) exists. The youth policy focuses on six problem areas, namely the pressures of globalization on traditional values system, non-dominant status of labour values, paternalism and social infantilism, the cult of consumption, risk youth radicalization environment, and marginalization of youth. Action points are specified in connection with patriotism, unity of the nation, ICT, tolerance, education, industry, science and innovation, family, health and fitness, economy, environmental ethics and law abiding. In 2012, the President of the Republic of Kazakhstan launched the Strategy Kazakhstan - 2050 plan in which youth are mentioned.<sup>366</sup>

The youth programmes are under the charge of the Ministry of Education and Science. A Committee on Youth Policy supports the development of youth policy. According to the Implementation Plan (2012), the Committee on Youth Policy “consists of representatives of government agencies, national youth organizations, scientific, creative and talented young people, business and the media.” A separate agency for youth policy had been suggested. The advisory Coordination Council for Development of Youth Organizations aims to “identify priorities and effective activities form a system policy for youth organizations”. According to the Eurasian National University, the Republic Youth Forum, which was organized by the Ministry of Education and Science and the Kazakhstan Youth Congress took place in 2012 with the purpose of bringing “together young people for consolidation and intercultural dialogue among young people.” The Congress of Youth of Kazakhstan is a “coordinating body of 105 out of 157 youth organizations

<sup>362</sup> <http://www.youthpolicy.org/factsheets/country/kazakhstan/>

<sup>363</sup> *Ibid.*

<sup>364</sup> UNESCO <http://www.uis.unesco.org/Data-Centre/Pages/country-profile.aspx?code=HND&region=01>

<sup>365</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANFR\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANFR_231)

<sup>366</sup> (n 364)

in Kazakhstan.” However, there is no independent national youth council.<sup>367</sup>

### 3. Kyrgyzstan<sup>368</sup>

In Kyrgyzstan, youth are defined as those aged 14-28 under the Law of the Kyrgyz Republic on Youth Policy (2009). The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Penal Code of Kyrgyzstan (1997), the minimum age of criminal responsibility is 14. The majority age is 16. The voting age is 18.

#### According to the Youth Development Index, Kyrgyzstan ranks **0.75** (i.e. **18 out of 170 countries**).<sup>369</sup> The overall literacy rate is

**99.75%** for both sexes aged 15-24 with the female rate (i.e. **99.80%**) outweighing the male rate (i.e. **99.69%**).<sup>370</sup>

The overall net enrolment rate for secondary schools is 80.37% for both sexes aged 15-24 with the male rate (i.e. 80.79%) outweighing the female rate (i.e. 79.95%).<sup>371</sup> The HIV prevalence

<sup>367</sup> *Ibid.*

<sup>368</sup> <http://www.youthpolicy.org/factsheets/country/kyrgyzstan/>

<sup>369</sup> *Ibid.*

<sup>370</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&region=cl>

<sup>371</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)

rate for males (i.e. 0.3%) aged 15-24 exceeds that for females (i.e. 0.1%).<sup>372</sup>

Furthermore, youth's political involvement is usually associated with youth wings of political parties. But, as the Rights of Young People in the Kyrgyz Republic cited in Youth and Public Policy in Kyrgyzstan found, independent elements of youth activism do exist. It stated the following:

*“After the mass protests leading to the ouster of then-president Baykeev in April 2010, some youth observed the emergence of two major groups - those who rode the revolutionary wave and those activists who had entered the public arena long before the storming of the Government House’ in central Bishkek implying that a strain of political opportunism exists among young people just as it does among their elders. While some youth NGOs receive support from domestic sources, many rely on grants from international donors.”<sup>373</sup>*

Changes made the country's election law in June 2010 introduce a youth quota in parliament, requiring that no less than 15% of every party's candidates be younger than 36. Although youth activists have pointed out that many parties viewed this as a formality and put young candidates at the bottom of their party lists, the requirement raised the number of young politicians in the national legislature to 10%. Provincial level Youth Ministry officials have also initiated ‘young liaisons’ from each city neighbourhood to support the work of the mayoral Committee

<sup>372</sup> World Bank <http://data.worldbank.org/country/kyrgyzstan/>

<sup>373</sup> Esengul, C. Mamev, B. Yel'mova-Trilling, N. Youth and Public Policy in Kyrgyzstan, (Demokratie & Dialog e.V., 2012)

for Youth Affairs<sup>374</sup>. The national youth law (2009) sought to address these concerns. However, in response to the April 2010 uprisings, the formation of the Ministry of Youth Affairs (now the Ministry of Labour, Migration and Youth) similarly lacked the coordination and strategy of previous youth policies. The report identified factors compounding the effectiveness of youth policies and Ministries as follows:

*“...Foundational youth policy documents adopted since 2009 contain contradictions and lack concreteness; responsibility for implementation continues to be diffuse; data collection and procedures for evaluating and monitoring policy are extremely weak; policy coherence, cross-sectoral cooperation, and creative approaches to engaging young people are also missing. Overall, Kyrgyzstan’s youth policy fails to focus on young people’s needs or future roles in society.”*

Furthermore, this report concluded that Kyrgyzstan’s approach to forming a Youth Ministry along with the latest wave of national youth policies indicate that the country’s leadership has not learned from past mistakes. Despite vocal official commitments to youth, youth policy still persists to be a low priority for the government.<sup>375</sup>

The Kyrgyzstan Constitution guarantees free public school education through 11th grade and makes it mandatory through 9th grade. The Law On Education (1992), which was amended in 1997 and 2003, reiterates these provisions and guarantees all citizens an equal right to education. The Law on Kyrgyz Republic on Youth Policy highlights six priority areas for youth, namely spiritual, moral, civic and patriotic development of youth; state support for young families; protection of health

and promotion of healthy lifestyles for youth; state support for education, culture, leisure, science, technology, and art; provision of economic independence, vocational guidance and labour rights for youth; and support of young citizens in difficult conditions through social services and rehabilitation.<sup>376</sup>

In December 2011, the Ministry of Youth Affairs, which was established in 2010 in response to youth involvement in a popular uprising against the government, was merged with another government department to form the Ministry of Youth, Labour and Employment. In 2013, in a review of the Kyrgyz Government structure, it became the Ministry of Labour, Migration and Youth. Although the national youth policy explicitly prioritizes commitment to youth participation, there is no national youth council or forum that exists in Kyrgyzstan. The number of youth organizations is increasing. Yet, youth involvement in decision-making remains limited.<sup>377</sup>

#### 4. Tajikistan<sup>378</sup>

Tajikistan’s national youth law, The Youth and Youth Policy (2004), defines youth as those aged 14–30. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 17 for both sexes. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament and 35 for the Upper House of Parliament. Under the Criminal Code of Tajikistan (1998), the minimum age of criminal responsibility is 14. From 14 years of age onwards, a child will be considered criminally liable for serious crimes. For minor crimes, the age of criminal liability

<sup>376</sup> *Ibid.*

<sup>377</sup> *Ibid.*

<sup>378</sup> <http://www.youthpolicy.org/factsheets/country/tajikistan/>

<sup>374</sup> Provided in more detail in Section 6.3 of the Youth Policy Review

<sup>375</sup> (n 370)

is 16. The Criminal Code has set the majority age at 18. The voting age is 18.

### The Youth Development Index ranks

Tajikistan as **0.52** (i.e. **114 out of 170 countries**).<sup>379</sup> The overall literacy rate is **99.88%** with the **female rate** (i.e. **99.89%**) being more than the **male rate** (i.e. **99.86%**).<sup>380</sup>

The overall net enrolment rate for secondary schools<sup>381</sup>. The HIV prevalence rate is 0.1% for both sexes aged 15-24.<sup>382</sup>

The national youth law (2004) provides the parameters of youth policy, namely its principles and measures, bodies responsible for implementation, employment, education and health rights. It also provides that funding should be allocated for the implementation of youth policy. The main priorities of the national youth policy (2006) are: ensuring rights and freedoms of youth; guarantees on education, labour and employment; creating conditions for professional, spiritual and physical development; supporting young talent; social protection; prevention of religious extremism, and; the promotion of youth organizations. The Youth Programme (2012) is a practical guide on the implementation of a social development programme

for the youth. It is aimed at authorized government bodies responsible for youth.<sup>383</sup>

The national youth policy (2006) assigns the Committee of Youth Affairs to be the government agency responsible for the implementation of the policy along with the other ministries, agency and local authorities. According to a 2010 book on Tajikistan's youth policy, the main objectives of the committee are also to provide legal and normative assistance in the formation of state policy, developing measures to evaluate the implementation of youth policy, and to cooperate with international and foreign youth organizations. There is no national level youth council. Instead, various initiatives exist to create provincial or local level councils with foreign or international assistance. For example, in 2012, the United Nations Democracy Fund ('UNDEF') provided funding to create a youth council in the Gorno-Badkhashan Autonomous Oblast ('GBAO') and the US-based National Endowment for Democracy has pledged funding for the establishment of various local youth councils.<sup>384</sup>

## 5. Turkmenistan<sup>385</sup>

Turkmenistan's national youth policy (2013) defines youth as citizens between 14 and 30 years. The minimum marriageable age without parental consent is 16 for both sexes. There is no data on marriages with parental consent. Male homosexual acts are illegal whereas female homosexual acts are legal. The minimum candidacy age is 25 for the Lower House of Parliament. The minimum age of criminal responsibility is 14. Under the

<sup>379</sup> *Ibid.*

<sup>380</sup> UNESCO [http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regionco]

<sup>381</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\_23]

<sup>382</sup> World Bank [http://data.worldbank.org/country/tajikistan/]

<sup>383</sup> *Ibid.*

<sup>384</sup> *Ibid.*

<sup>385</sup> [http://www.youthpolicy.org/factsheets/country/turkmenistan/]

Law on Guarantees of the Rights of the Child (2002), the majority age is 18. The voting age is 18. There is no data on the ranking of Turkmenistan on the Youth Development Index, net enrolment rate for secondary school and HIV prevalence rate.<sup>386</sup> The overall literacy rate is 99.84% with the female rate (i.e. 99.91%) exceeding the male rate (i.e. 99.76%) aged 15-24<sup>387</sup>.

Among the main aims of the national youth policy ('NYP') (2013) is the "*creation of legal, social, economic and organizational conditions and guarantees for development and realization of the potential of Turkmenistan's youth in personality, society and State.*" The NYP has 15 key policy areas including participation, rights and freedoms, education, health, sports and healthy lifestyles, creative activity, vulnerable youth, young families, talented youth, physical and spiritual development, labour and youth employment, youth entrepreneurship, cultural entertainment, recreation, youth associations and international youth cooperation. The Law on Guarantees of the Rights of the Child (2002) provides the rights of children up to 18 in line with the UN Convention on the Rights of the Child.<sup>388</sup>

The Maktumkuli Union of Youth of Turkmenistan ('MUYT') is responsible for the implementation of the NYP (2013).<sup>389</sup> It is a "*government-financed organization*"<sup>390</sup>. It is also described as a membership organization that includes youth organizations. It is not clear whether it is a ministry or youth representation

structure. Youth participation in the political life of Turkmenistan mainly occurs through the MUYT<sup>391</sup>. The MUYT consists of youth organizations and school departments. It has over 600,000 members<sup>392</sup>. However, it remains a government-financed organization. The NYP (2013) initiates a bi-annual youth consultation event and the establishment of a formal National Youth Forum.<sup>393</sup>

## 6. Uzbekistan<sup>394</sup>

In Uzbekistan, the definition of youth is not within a specific age range under the Youth Policy Law (1991). But, the Youth Policy Law applies to "*citizens aged 14*" and refers to an upper age of 30 years for specific programmes. The minimum marriageable age without parental consent is 17 for both sexes. However, there is no data for marriages requiring parental consent. Male homosexual acts are illegal whereas female homosexual acts are legal. The minimum candidacy age is 25 for both the Lower and Upper Houses of Parliament. The Criminal Code of Uzbekistan (1994) imposes the minimum age of criminal responsibility as 13. Children of 13 may be prosecuted only for aggravated intentional homicide, 14 for serious offences, and 16 for all other offences. Under the Civil Code (1997), the majority age is 18. The voting age is 18.

<sup>386</sup> *Ibid.*

<sup>387</sup> UNESCO [<http://www.us.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regionco>]

<sup>388</sup> (n 387)

<sup>389</sup> UNICEF Country Paper, National Institute of Statistics and Prognoses of Turkmenistan - The Youth of Turkmenistan in Transition Period: From Risk to Opportunities and Participation (1999)

<sup>390</sup> Central Asia Online (cited in [<http://www.youthpolicy.org/factsheets/country/turkmenistan/>])

<sup>391</sup> UNICEF Country Paper (n 391)

<sup>392</sup> Central Asia Online (cited in [<http://www.youthpolicy.org/factsheets/country/turkmenistan/>])

<sup>393</sup> (n 387)

<sup>394</sup> [<http://www.youthpolicy.org/factsheets/country/uzbekistan/>]

According to the **Youth Development Index**, Uzbekistan ranks **0.45** (i.e. **128 out of 170 countries**).<sup>395</sup> Its overall literacy rate is **99.95%** for those aged 15-24 with the females rate (i.e. **100%**) exceeding the male rate (i.e. **99.90%**).<sup>396</sup> The HIV prevalence rate is 0.1% for both sexes aged 15-24.<sup>397</sup>

Furthermore, youth make up a considerable part of Uzbek society. In particular, there are more than 10 million youth up to the age of 18 or about 40% of the Uzbek population and more than 17 million people at the age of up to 30 or 64% of the population. The youth of Uzbekistan certainly do have aspirations in their education and career. In particular, every second young Uzbek would like to raise his/her educational level. 81.6% of them are students of schools, lycums and colleges. 55.4% of them are students of higher educational institutions. 61.5% of them have secondary specialized education. 47.7% of them have secondary education. 70.1% of youth select for themselves the higher education as a desirable educational level. 10.9% of Uzbek youth encounter difficulties in their career growth. More than 90% of young men appreciate a policy of the government on developing spirituality and morality in the upcoming generations.<sup>398</sup>

According to the Youth Policy Article (2011), the Law on State Youth Policy (1991) “fixes the purposes and tasks of a youth policy, provides the legal and social protection of young people, and the youth’s direct participation in formation and implementation of society development policy and programmes.” The Youth Policy Law (1991) is not a comprehensive policy programme for young people. But, it refers to youth entrepreneurship, youth funds, youth organizations, and youth social services. In addition, policy priorities have included education, youth social services, youth unemployment and support of young families. According to the reports of the Uzbekistan National News Agency in February 2014, the President introduced “additional measures in the realization of state youth policy”. The Law on State Youth Policy (1991) provides that the “implementation of the state youth policy/lies with the State Council of the Republic of Uzbekistan for Youth and other specific executive bodies”. However, no State Council nor Ministry or Department responsible for youth affairs can be found in the Uzbekistan Government Portal.<sup>399</sup> The youth policy is founded on principles of general involvement of youth in the formation processes of the constitutional state and the fair civil society, establishment of youth’s recognized public status, comprehensive support of its legal, social, political and ideological rights, and development of various public formal and informal associations and organizations.<sup>400</sup>

The Kamolot Youth Movement (“KYM”) is an NGO that brings together 15,000 organizations and 5.5 million youth between 14-30. The Uzbekistan National News Agency has stated that elections take place for specific roles and that it is involved in the “realization of the state youth policy”. It is not clear how representative the KYM is. According to UzNews, KYM

<sup>395</sup> *ibid.*

<sup>396</sup> UNESCO [http://www.us.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol]

<sup>397</sup> World Bank [http://data.worldbank.org/country/uzbekistan/]

<sup>398</sup> Ashurov, Zular, ‘The Youth Policy of Uzbekistan in the Period of the Global Financial and Economic Crisis: Overview and Results’, (PhD thesis, Tashkent State University of Economics, Uzbekistan, 2011)

<sup>399</sup> (n. 396)

<sup>400</sup> Ashurov (n. 400)

has encountered problems, which became widely known among Uzbek youth and has been accused of corruption and embezzlement.<sup>401</sup>

## ii. South Asia

### 1. Nepal<sup>402</sup>

Nepal's 2010 National Youth Policy defines youth as “women, men and third gender” persons aged 16-40 years old<sup>403</sup>. This definition was very controversial with civil society members advocating for lowering the upper age, for example, 29<sup>404</sup>. The minimum marriageable age without parental consent is 20 for both sexes. The minimum marriageable age requiring parental consent is 18 for both sexes. There is no specific legislation governing same-sex marriages in Nepal. The minimum candidacy age is 25 for the Lower House of Parliament. But, no minimum candidacy age is stated for the Upper House of Parliament. Under the Children's Act of Nepal (1992), the minimum age of criminal responsibility is 10. The majority and voting age is 18.

**The Youth Development Index** ranks Nepal as **0.39** (i.e. **142 out of 170 countries**). Its overall literacy rate is **86.90%** for those aged 15-24 with the **male rate** (i.e. **91.06%**) exceeding the **female rate** (i.e. **83.08%**).<sup>405</sup>

<sup>401</sup> (n 396)

<sup>402</sup> <http://www.youthpolicy.org/factsheets/country/nepal/>

<sup>403</sup> *ibid.*

<sup>404</sup> Gupta, P, Katiwal, S. and Kumar, R. 'National Youth Policy, 2010 - Evolution, Definition and Implementation' (2011)

<sup>405</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncoj>

The overall net enrolment rate for secondary schools is 59.81% with the female rate (i.e. 61.15%) being higher than the male rate (i.e. 58.51%)<sup>406</sup>. The HIV prevalence rate is 0.1% for both sexes aged 15-24<sup>407</sup>.

Nepal's national youth policy (2010) aims “to make qualitative the role of youth and capacity inherent in them for building prosperous, modern and just Nepal, while integrating the youths in the mainstream of national development, through meaningful participation, capacity and leadership development.” It lists 16 working policies that “shall be adopted in harmony with the sectoral policies of the state”. It includes education, health and family welfare, control of trafficking in and sale of human beings, and participation of youth in peace-building and conflict resolution. The policy is developed in the context of the Interim Constitution of Nepal 2063 (2007), which provides that the state “shall pursue a special policy to mobilize youth human resources for the development of the country”.<sup>408</sup>

The Ministry of Youth and Sports (‘MoYS’) is responsible for monitoring and evaluating the implementation of the national youth policy. The MoYS was formed in 2009. A 2011 youth survey conducted by the British Council Nepal showed that a majority of the youth population surveyed was not aware of the Ministry of Youth and Sports. The report recommends the creation of district level offices may help to address this problem. According to the youth policy, “an autonomous and executive national youth council shall be formed”, consisting of “representatives of the concerned bodies [...] youth organisations and office-bearers” appointed by the government. The National Youth

<sup>406</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_23/](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_23/)

<sup>407</sup> World Bank <http://data.worldbank.org/country/nepal/>

<sup>408</sup> (n 404)

Council's aims include employment training and campaigning against discriminatory acts in society. The Youth NGO Federation Nepal is a non-profit, national umbrella organization of youth NGOs. It is also “*autonomous and politically impartial*” and lists MoYS as a partner/supporting organization.<sup>409</sup> MoYS launched programs for youth welfare, including the Local Youth Partnership Program of 2009/2010. The Ministry of

Finance allocates a portion of the annual budget to youth development activities, such as the Youth Self Employment Program, the Grand Youth Sports Competition, and the Youth Mobilization Program.<sup>410</sup>

### iii. South-East Asia

#### 1. Malaysia<sup>411</sup>

In Malaysia, youth are defined in the age range of 15-40 under the 1997 National Youth Development Policy. The Policy specifies that youth development programs and activities shall be focused on youth aged 18-25. The minimum marriageable age without parental consent is 18 for males and 16 for females. The minimum marriageable age requiring parental consent is 18 for males and 16 for females. Without parental consent, the minimum marriageable age for male and female non-Muslims is higher at 21 years of age. Homosexuality is illegal in Malaysia. The minimum candidacy age is 21 for the Lower House of Parliament and 30 for the Upper House of Parliament. Under the Penal Code of Malaysia (2006), 10 is the minimum age of criminal responsibility. The majority and voting age is 18.

**The Youth Development Index ranks Malaysia as 0.7 (i.e. 52 out of 170 countries).**  
<sup>412</sup> The overall literacy rate is **98.42%** for those aged 15-24 with the **female rate (i.e. 98.50%)** being higher than **male rate (i.e. 98.42%)**<sup>413</sup>.

The overall net enrolment rate for secondary schools is 66.32% with the male rate (i.e. 67.09%) being higher than the female rate (i.e. 65.60%)<sup>414</sup>. The HIV prevalence rate is higher for males aged 15-24 (i.e. 0.2%) than for females in the same age group (i.e. 0.1%)<sup>415</sup>.

The national youth policy (1997) is under review. It seeks “to establish a holistic and harmonious Malaysian youth force imbued with strong spiritual and moral values.” Its strategies include developing a knowledge base on youth and focus on skill development. The Youth Societies and Youth Development Act 2007 (Act 668) defines the National Youth Consultative Council, chaired by the Minister of Youth and Sport. The National Youth Consultative Council is made up of state representatives, ministries and major national youth societies. It is a forum for both government and NGOs to meet and discuss issues relating to youth development. The Act also contains provisions applicable to registered youth societies and the framework for the Malaysian Institute for Research in Youth Development, including its functions, powers, and funding.<sup>416</sup>

<sup>409</sup> *Ibid.*  
<sup>410</sup> YouthSave Research Brief No. 12-15, *Youth-Related Policies* (April 2012)  
<sup>411</sup> <http://www.youthpolicy.org/factsheets/country/malaysia/>

<sup>412</sup> *Ibid.*  
<sup>413</sup> UNESCO <http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol>  
<sup>414</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANVER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANVER_23)  
<sup>415</sup> World Bank <http://data.worldbank.org/country/malaysia/>  
<sup>416</sup> (n 413)

The Ministry of Youth and Sports (MOYS) was established in 1964. The Ministry seeks “to champion the empowerment of a superior youth and sports development and inculcate sports culture within the society by the year 2015.” It is responsible for the development and implementation of Malaysia’s national youth policy. The Malaysian Youth Council (MYC) was formed in 1948. It is a non-governmental voluntary organization that is the sole coordinating body for youth and student organizations in Malaysia. It participates in the National Youth Consultative Council, which is a forum for governmental and non-governmental actors to meet and discuss issues relating to youth development. It plays an active role in the implementation and monitoring of the national youth policy.<sup>417</sup> Malaysia’s development plan, also known as the Vision 2020, aims to develop all aspects of the country, including national unity, social cohesion, economy, social justice, political stability, system of government, quality of life, social and spiritual values and national pride and confidence. The development process of the National Youth Development Policy was comprehensive involving all of the major national youth development organizations that, in turn, engage youth groups throughout the country in discussions.<sup>418</sup>

## 2. Thailand<sup>419</sup>

In Thailand, youth are defined as those aged 18-25 under the Youth Development Act (2007) and Youth Development Plan (2012). The minimum marriageable age without parental consent is 20 for both sexes. The minimum marriageable age requiring parental consent is 17 for both sexes. Opposite sex

marriages require parental consent for minors aged 17-20 years. There is no specific legislation regarding same-sex marriages. However, homosexuality is legal in Thailand. The minimum candidacy age is 25 for the Lower House of Parliament and 40 for the Upper House of Parliament. Under the Penal Code of Thailand (1956), the minimum age of criminal responsibility is 7. 20 is the majority age under the Civil and Commercial Code (2008). The voting age is 18.

According to **the Youth Development Index**, Thailand ranks **0.66** (i.e. **77 out of 170 countries**).<sup>420</sup> Its overall literacy rate is **98.24%** for those aged 15-24, with the **male rate** (i.e. **98.30%**) being marginally higher than the **female rate** (i.e. **98.17%**).<sup>421</sup>

The overall net enrolment rate for secondary schools is 79.47%, where the female rate (i.e. 81.72%) is higher than the male rate (i.e. 77.29%).<sup>422</sup> The HIV prevalence rate is 0.3% for both sexes aged 15-24.<sup>423</sup>

Youth Development Act (2007) protects the rights of youth to basic education, health care, play and participation in cultural and social life. It provides the mandate of the work of a national commission on youth and measures to promote implementation, including child and youth councils and promotion of youth NGOs. The Youth Development Plan for

<sup>417</sup> *Ibid.*

<sup>418</sup> UN Economic and Social Commission for Asia and the Pacific (UN ESCAP), *Youth in Malaysia: A Review of the Youth Situation and National Policies and Programmes (2002)*

<sup>419</sup> <http://www.youthpolicy.org/factsheets/country/thailand/>

<sup>420</sup> *Ibid.*

<sup>421</sup> UNESCO <http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=IND&regioncol>

<sup>422</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANWER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANWER_23)

<sup>423</sup> World Bank <http://data.worldbank.org/country/thailand/>

2012-2016 was developed under the Act. Its aim is that youth “lead secured, happy, healthy and creative lives”. The plan includes 17 indicators, such as a requirement that 80% of youth councils function in a standardized way. It also provides four strategies, for example, increase life immunity of children and youth, associated objectives, measures, and the ministries responsible for attaining them.<sup>424</sup>

The Office of Promotion and Protection of Children, Youth, the Elderly and Vulnerable Groups (‘OPP’) is the governmental body responsible for youth. It is the author of the 2007 Youth Development Act and the 2012 Youth Development Plan. Within the office is the Bureau of Youth Promotion and Protection, which is in charge of promoting measures that protect and uphold youth’s rights. The 2007 Act also obliges the creation of a national commission. Members include the Prime Minister and young representatives elected by the Child and Youth Council of Thailand. There are two prominent representation structures in Thailand.<sup>425</sup> The first is a National Children and Youth Council, which was set up by the OPP in 2009.<sup>426</sup> There are 954 councils mainly at district and provincial levels.<sup>427</sup> The second is the National Council for Child and Youth Development (‘NCYD’), which coordinates youth groups, schools and ministries according to the 2008 profile.<sup>428</sup>

<sup>424</sup> (n 421)

<sup>425</sup> *ibid*

<sup>426</sup> UNICEF, *Situation Analysis of Children and Women in Thailand (2011)*  
<sup>427</sup> Department of International Organizations, Ministry of Foreign Affairs, Thailand - Thailand’s Implementation of the United Nations Resolution 641/134 - Proclamation of 2010 as the International Year of Youth: Dialogue and Mutual Understanding

<sup>428</sup> Thairry, Srisak, ‘Dreaming Big in Thailand’ (National Council for Child and Youth Development, 2008)

### 3. Vietnam<sup>429</sup>

Youth are defined as those aged 16-30 years under Vietnam’s Youth Law, which is appended to its 2011 Youth Development Strategy. The minimum marriageable age without parental consent is 20 for males and 18 for females. There is no data for marriageable ages with parental consent. There is no specific legislation that regulates same-sex marriages. Homosexual acts are legal. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Penal Code of Vietnam (1999), the minimum age of criminal responsibility is 14. Between the ages of 14 and 16, children shall bear penal liability for very serious crimes internationally committed. The Law on Child Protection, Care and Education (2004), Vietnam Plus (31 July 2013) imposes 16 as the majority age. The voting age is 18.

#### The Youth Development Index ranks

Vietnam as **0.63** (i.e. **56 out of 170 countries**).<sup>430</sup> The overall literacy rate is **98.06%** with the **male rate at 98.15%** and the **female rate at 97.96%**.<sup>431</sup>

The HIV prevalence rate is 0.1% for both sexes aged 15-24.<sup>432</sup> Vietnam’s youth also encounter significant challenges, including high school drop-outs<sup>433</sup>, health risks like drug abuse, HIV/

<sup>429</sup> <http://www.youthpolicy.org/factsheets/country/vietnam/>

<sup>430</sup> *ibid*

<sup>431</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol>

<sup>432</sup> World Bank <http://data.worldbank.org/country/vietnam/>

<sup>433</sup> Survey Assessment of Vietnamese Youth (‘SAVY’), (World Health Organization & UNICEF, 2003)

AIDS, unwanted pregnancies and abortions, traffic accidents, migration, and unemployment<sup>434</sup>.

The Youth Law (2005) provides the legal framework for the rights of youth. It obliges the State to develop policies for youth in areas, such as education, employment, health and recreation. The law directly informs the Vietnamese Youth Development Strategy 2011–2020. Its goals include developing a highly patriotic generation and creating a young workforce that meets the needs of modernization. The Strategy contains measurable key targets, namely (i) 100% of young men and women in uniformed services annually; (ii) 600,000 new jobs created for youth each year and unemployment rate to be reduced to more than 7% for urban youth and less than 6% for rural youth; (iii) by 2020, 80% of young people to complete senior secondary education and 70% of the young workforce being skilled workers.<sup>435</sup>

Under the 2011 youth strategy, the Ministry of Home Affairs is responsible for being the lead agency in implementing the strategy. It ensures relevant agencies incorporate the youth strategy's objectives in the design of programmes and plans. It is required to conduct a mid-term review of the strategy's implementation by 2015, and a final review by 2020. The National Committee on Youth of Vietnam is comprised of representatives from relevant ministries and departments; to advise the prime minister on issues relating to youth and to coordinate their operations. Under the 2005 Youth Law, there are two key youth organizations, namely the Vietnam Youth Federation (VYF) and the Ho Chi Minh Communist Youth

Union. The VYF has a broad based membership of youth and youth organizations. It is named the "Vietnam Youth League" in the youth law. It aims to organize its members "to actively participate in national industrialization and modernization". The Ho Chi Minh Communist Youth Union is the youth wing of the Communist Party of Vietnam. Under the youth law, it is obliged to make proposals to the government on how to best address the needs of youth along with other organizations.<sup>436</sup>

#### iv. East Asia

##### 1. Japan<sup>437</sup>

According to Japan's National Youth Development Policy (2008) and the White Paper on Children and Young People 2013, youth are defined those between the ages of 0 and 30. The National Youth Development Policy further defines youth as follows:

*"Youth refers to the period when, in accordance with their mental and physical development, youngsters grow from being children to being adolescents. In this period, while experiencing various troubles and emotional conflicts, adolescents establish their livelihood bases as the standard-bearers of society, contribute to society through their participation in public affairs, and widen the scope of their activities both domestically and internationally in accordance with their skills, aptitude and so on."*

The minimum marriageable age without parental consent is 20 for both sexes. The minimum marriageable age requiring parental consent is 18 for males and 16 for females. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament and

<sup>434</sup> World Bank, "Spotlight: Vietnamese youth: Managing prosperity", World Development Report: Development and the Next Generation (2007)

<sup>435</sup> (n 431)

<sup>436</sup> *Ibid.*

<sup>437</sup> [<http://www.youthpolicy.org/factsheets/country/japan/>]

30 for the Upper House of Parliament. The minimum age of criminal responsibility is 14. The majority age is 20 under the Civil Code (2006). The voting age is 20.

### The Youth Development Index ranks Japan **0.79** (i.e. **9 out of 170 countries**).

<sup>438</sup> The overall net enrolment rate for secondary schools is **99.14%** with the **female rate** (i.e. **99.53%**) being higher than the **male rate** (i.e. **98.78%**).<sup>439</sup>

It is also important to note that Japanese society and international community has undergone significant changes and developments. In particular, the birthrate has decreased. Populations are aging along with the advancement of information society, the increase of nuclear families, the disparities between cities and non-metropolitan regions, the diversification of employment patterns, and globalization of the economy.<sup>440</sup>

The Vision for Children and Young People (2010) outlines the 2009 Act on the Promotion of Development and Support for Children and Young People. It replaces the National Youth Development Policy (2008). Principles include treating youth as partners with adults and providing support to youth to become proactive members of society. Emphasis is placed on promoting happy and active living, supporting youth facing difficulties, and developing systems to implement measures at the local

level. Some basic measures include supporting self-development of youth, for example, basic life skills; supporting the social development and participation through programmes like citizenship education; improving counselling systems to ensure the health and safety of youth; and encouraging vocational independence and employment.<sup>441</sup>

Within the Cabinet Office, the Director-General for Policies on Cohesive Society states the “*Healthily upbringing of the youth, including promotion of international youth exchange*” as one of its responsibilities. The 2008 youth policy has the “*Headquarters for Youth Development*” as its author. The Vision for Children and Young People (2010) is written by the “*Headquarters for Promotion of Development and Support for Children and Young People*”. Japan does not have a national youth council. Youth involvement in civil society is segmented by sectors. For example, the Japan Youth Ecology League is one of the largest nation-wide networks of youth groups engaging in environmental activities. ASEAN Youth Network in Japan is also comprised of youth and student organizations in Japan, representing youth from the various ASEAN countries.<sup>442</sup>

## 2. South Korea<sup>443</sup>

The youth law (2008) of South Korea define youth as those between the ages of 9 and 24 years. The minimum marriageable age without parental consent is 20 for both sexes. The minimum marriageable age requiring parental consent is 18 for both sexes. There is no specific legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament. Under the Criminal Code (2005), the minimum age

<sup>438</sup> *Ibid.*

<sup>439</sup> UNESCO [http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol]

<sup>440</sup> National Youth Development Policy (2008), Headquarters for Youth Development, Japan (2008)

<sup>441</sup> (n. 439)

<sup>442</sup> *Ibid.*

<sup>443</sup> [http://www.youthpolicy.org/factsheets/country/south-korea/]

of criminal responsibility is 14. The Civil Code (2011) imposes 19 as the majority age. The voting age is 19.

According to the **Youth Development Index**, South Korea is ranked **0.81** (i.e. **3 out of 170 countries**).<sup>444</sup> Its overall net enrolment rate for secondary schools is **95.98%** with the

**male rate** (i.e. **96.37%**) being higher than the **female rate** (i.e. **95.55%**).<sup>445</sup>

The youth law (2008) contains the legal and social provisions for young people, youth organizations, youth centres, activities and welfare, youth leaders and funding. The vision of the national youth policy is to enable “*dreaming youth, family with hope, land a bright future of society*”. Its goal is “*to reinforce the competence of the youth and to build health and sound environment for the youth*”. Its three main functions are promoting diverse hands-on youth activities, expanding and improving youth welfare outcomes, and providing sound environment for youth. It outlines specific measures to strengthen youth policy, youth participation, youth welfare and safety and protecting youth from violence.<sup>446</sup>

Since 2010, the Ministry of Gender Equality and Family is responsible for youth affairs. It purports to foster welfare and protection of youth. According to the 2007 report, a National Youth Commission was established in 2006 under the Office of the Prime Minister. A 5-year plan for 2008-2012 was

developed and implemented at national and local government levels. However, the National Youth Commission could not be located on the government organizational chart. The National Council of Youth Organizations in Korea (NCYOK) is a membership organization founded in 1965. The work of NCYOK entails informal exchange, mutual cooperation among youth organizations and joint research on youth, connecting the government, schools, social organizations and international youth organizations in striving to promote organizational activities for youth and youth leaders. The NCYOK represents the Korean youth at the Asian Youth Council and international youth events.<sup>447</sup>

### 3. Taiwan<sup>448</sup>

Taiwan’s 2007 Youth Policy Launching and Promotion Act defines youth as those aged 12-24. The minimum marriageable age without parental consent is 18 for both sexes. Under the Civil Code (2012), females under 18 require parental consent to marry as minors “*must have the consent of his statutory agent*” to process a marriage. There is no specific legislation governing same-sex marriages. Homosexual acts are legal. The minimum candidacy age is 23 for the Lower House of the Parliament is 23. The minimum age of criminal responsibility is 14. Article 18 of the Criminal Law of Taiwan stipulates that children who have not attained the age of 14 will not be punished for their acts. The majority age is 18 under the Protection of Children and Youths Welfare and Rights Act (2011). The Constitution of the Republic of China (Taiwan) imposes the voting age as 20.<sup>449</sup>

<sup>444</sup> *Ibid.*

<sup>445</sup> UN Data of UNESCO [[http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)]

<sup>446</sup> (n 445)

<sup>447</sup> *Ibid.*

<sup>448</sup> [<http://www.youthpolicy.org/factsheets/country/taiwan/>]

<sup>449</sup> *Ibid.*

The objective of Taiwan's national youth policy focuses on developing the potential of youth, supporting career development, encouraging an understanding of Taiwan and involvement of public affairs. The strategy seeks to mainstream youth. Implementation principles include encouraging youth to participate in public forums and hold forums to allow youth to participate in decision-making, establishing integrative mechanisms for youth policies like seeking collaboration with non-governmental affairs to develop youth, and reinforcing inter-departmental collaboration and the development of youth organizations. The Protection of Children and Youths Welfare and Rights Act (2011) regulates the welfare and health for children and adolescents aged 18 years and younger.<sup>450</sup>

The Youth Development Administration (YDA) of the Ministry of Education is the main agency responsible for youth. The overall policy of the YDA is to establish "multiple learning platforms" and encourage youth to generate "innovation and reform". Its three main tasks are to promote career counseling and enhance employability, to encourage participation in volunteer services and involvement in public affairs, and to reinforce diverse learning and extend international perspectives of young people. Taiwan does not have a national youth council. Instead, it has government-initiated activities that encourage participation of the youth/youth. The Youth Policy Union, which is part of the Youth Development Administration, organizes events such as the Youth Policy Forum held in September 2013. According to an Executive Yuan website press release, the forum joins researchers and youth within government to discuss policy recommendations. When speaking about the forum in 2012, Premier Jiang Yi-huah claimed that "[o]ver 80 percent of the policy recommendations proposed [...] were adopted."<sup>451</sup>

<sup>450</sup> *Ibid.*  
<sup>451</sup> *Ibid.*

## e. Middle East

### 1. Turkey<sup>452</sup>

In Turkey, the national youth policy (2013) is focused on youth aged 14-29. Youth are recognized as a heterogeneous group with different needs. A quarter of the Turkish population is aged 15-29 according to the 2011 census. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. There is no legislation regulating same-sex marriages. Homosexual acts are legal. The minimum candidacy age is 30 for the Lower House of Parliament. Under the Penal Code of Turkey (2004), the minimum age of criminal responsibility is 12. The majority age is 18 under the Child Protection Law (2005). The voting age is 18.

### According to the Youth Development

**Index, Turkey ranks 0.69 (i.e. 64 out of 170 countries).**<sup>453</sup> Its overall literacy rate is **99.25%** with the **male rate (i.e. 99.68%)** being higher than the **female rate (i.e. 98.81%)**.<sup>454</sup>

The overall net enrolment rate for secondary schools is 82.11% with the male rate (i.e. 83.78%) exceeding the female rate (i.e. 80.39%).<sup>455</sup>

50.5% of the Turkish population is below the age of 30. By the end of 2011, youth between 14 and 29 years amounted to

<sup>452</sup> <http://www.youthpolicy.org/factsheets/country/turkey/>

<sup>453</sup> *Ibid.*

<sup>454</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=IND&regioncode>

<sup>455</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANIER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANIER_23)



around 20 million out of the whole Turkish population. It has the highest population of youth in Europe.<sup>456</sup> The most common form of political participation among the Turkish youth appears to be voting. 80% of youth tend to vote. However, not many youth seem interested in politics, which consequently means that their political participation is low. In that, only 3.7% of youth are members of political parties. Only 10% discuss the subject of politics with their friends and peers. Only 3% of them are members of any political, social or cultural associations. Around 59% of youth do not participate in any club and/or organization.<sup>457</sup>

The national youth policy (2013) comprises 13 themes, including education, employment, entrepreneurship, participation, civic consciousness, and culture. Each theme includes a set of targets and defines the group of stakeholders that should be involved in its implementation. However, it does not provide concrete measures that should be taken. Nor does it define the financial resources that are needed or that should be allocated. Although there is no separate youth law in Turkey, Article 58 of the Turkish Constitution specifically provides for youth in that the state should ensure both training and development of youth and protect them from addiction and other vices.<sup>458</sup> Youth rights and services are covered in different laws of Turkey even though they contradict each other with respect to the definition of youth<sup>459</sup>. According to the Turkish legislative framework, youth are considered a human resource that needs to be trained in

a way to ensure the “*integrity of the state and as a group in society that needs to be protected against bad habits*”<sup>460</sup>.

In 2011, the Ministry of Youth and Sports of Turkey was founded. It is the central governmental authority for youth. It plans, implements and monitors all youth services except for formal education. It organizes various youth activities, such as youth centers and camps and an annual youth week. As part of its strategic plan (2013), the Ministry also carries out studies on youth and seeks to develop mechanisms for the participation of youth in all areas of social life. To date, Turkey does not have a national youth council. This has been recognized as a shortcoming of the Turkish youth sector by the national youth policy (2013). Hence, the national youth policy supports “*the participation of non-governmental organizations in the field of youth in policy-making processes*”. An article by the European Youth Forum (2014) reports two initiatives by the Ministry and civil society to establish a youth council.<sup>461</sup> Furthermore, youth policy envisages the provision of opportunities and a ground where youth can realize their true potentials as individuals who have international and humanitarian values, respect for the environment, a sense of social belonging, who participate actively in social life, make use of fundamental rights and liberties efficiently and who are committed to national and moral values, informed, self-confident, active and enterprising and at a level to be able to compete with their peers in the international arena.<sup>462</sup>

<sup>456</sup> The National Youth and Sports Policy Document (2013)

<sup>457</sup> Goksel, Asuman, *Studies on Youth Policies in the Mediterranean Partner Countries - Turkey* (European Union, 2009)

<sup>458</sup> (n 454)

<sup>459</sup> UNDP Human Development Report - Youth in Turkey (2008)

<sup>460</sup> Youth Partnership, Council of Europe & European Commission, *Country Sheet on Youth Policy Turkey* (2010)

<sup>461</sup> (n 454)

<sup>462</sup> The National Youth and Sports Policy Document (2013)



## f. Africa

### 1. Algeria<sup>463</sup>

An international study by Euromed on youth policy in Algeria (2009) defines youth as those aged 15-29 years old. However, it provides different definitions among government institutions. It acknowledges that in Algeria, “most policy makers refer to youth as those under the age of 30”. The minimum marriageable age without parental consent is 19 for both sexes. There is no data for marriageable age requiring parental consent. Homosexuality is illegal in Algeria. The minimum candidacy age for the Lower House of Parliament is 28 and 40 for the Upper House of Parliament. Under the Penal Code of Algeria (2007), the minimum age of criminal responsibility is 13. Only protective or re-education measures may be applied to a minor under 13. The majority age is 19 and voting age is 18.

#### According to the Youth Development

**Index, Algeria ranks 0.51** (i.e. **116 out of 170 countries**).<sup>464</sup> The overall literacy rate is 95.59% with the **male rate** (i.e. **95.65%**) being slightly higher than the **female rate** (i.e. **95.52%**) aged 15-24<sup>465</sup>. The HIV prevalence rate is 0.1% for both sexes aged 15-24<sup>466</sup>.



Algeria has no youth policies. But, it has various regulations and programmes that concern youth. Article 53 of the Constitution

<sup>463</sup> <http://www.youthpolicy.org/factsheets/country/algeria/>

<sup>464</sup> *ibid.*

<sup>465</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&region/>

<sup>466</sup> World Bank <http://data.worldbank.org/country/algeria/>

of the People's Democratic Republic of Algeria provides the right to universal free education up to the age of 16. The National Service Code of 1974 (originally in French) states that two years of national service is mandatory for all males over the age of 19. In 2002, this decreased to 18 months. Since December 2011, all men over 30 have been exempt from military service. The Ministry of Youth and Sport has Directorates in each of the provinces that are responsible for local youth centers, youth hostels, village halls, youth camps, and sport facilities. The Ministry of Employment and Social Security and the Ministry of National Solidarity both offer programmes and incentives supporting the hiring of school and university graduates. The Ministry of Youth and Sports was established in 1965. It is headed by a Cabinet Minister and supported by the “Secretary of State in charge of youth”. A “Higher Council of Youth” work together with youth Ministry. However, there are no further details found on the council.<sup>467</sup> There is a common perception in Algeria that the Ministry of Youth and Sport focuses mainly on sports rather than youth<sup>468</sup>.

## 2. Democratic Republic of Congo/ Congo-Kinshasa<sup>469</sup>

According to the national youth policy (2009) of the Democratic Republic of Congo (‘DRC’), youth are defined as those aged 15-35. The minimum age of marriage without parental consent is 18 for males and 15 for females. There is no data on marriages requiring parental consent. There is no legislation governing same-sex marriages. Homosexual acts are legal. The minimum candidacy age is 25 for the Lower House of Parliament and 30 for the Upper House of Parliament. The minimum age of

<sup>467</sup> (n 465)

<sup>468</sup> Barroo, Kamal, *Studies on Youth Policies in the Mediterranean Partner Countries - Algeria* (Euromed Youth III Programme, European Union)

<sup>469</sup> <http://www.youthpolicy.org/factsheets/country/congo-kinshasa/>



criminal responsibility is 16. Under the Family Code (2003), the majority age is 18. The voting age is 18.

### According to the Youth Development

**Index, the DRC ranks 0.17 (i.e. 170 out of 170 countries).**<sup>470</sup> The overall literacy rate is **68.71% with the male rate (i.e. 79.95%)** being higher than the **female rate (i.e. 57.45%)** for those aged 15-24<sup>471</sup>.

The HIV prevalence rate is 0.3% for males aged 15-24 and 0.5% for females in the same age group<sup>472</sup>.

Furthermore, set against the context of a humanitarian crisis and armed conflicts in the DRC, the DRC has a young population of over 68% of people aged below the age of 25, most of whom live in rural areas, namely 60%. The median age decreased from 21 in 1984 to 15.5 in 2009. This reflects a high degree of dependence of those responsible for creating the inability of workers to save and causes a lot of pressure on social and health infrastructure and the environment. In addition, youth of the DRC encounter multiple challenges, including job insecurity and an unemployment rate at 90%, especially among young women in the informal sector. Most households cannot provide the minimum food, health care and schooling for their children. Many of them engage in agriculture and depend on hunting, gathering, animal husbandry and fisheries for subsistence. The state is not engaged at all in providing basic social services.

<sup>470</sup> *Ibid.*

<sup>471</sup> UNESCO [<http://www.usis.unesco.org/DataCenter/Pages/country-profile.aspx?code=HND&region=coj>]

<sup>472</sup> World Bank [<http://data.worldbank.org/country/congo-kinshasa/>]

thereby placing all the responsibility and pressure on the parents to ensure education and medical care. Poverty is a critical determinant of sex, early pregnancies and the spread of HIV/AIDS and other sexually transmitted diseases.<sup>473</sup>

The national youth policy (2009) seeks to develop patriotic, responsible, competitive and educated youth citizens. It covers fifteen areas, including education, HIV/AIDS, employment, sports, rural development and gender. It stresses on its transversal and decentralized framework where the responsibility for its implementation lies with the various ministries, for example, education and social protection. But, it is coordinated by the Ministry of Youth and Sports. The stakeholders of the policy include an inter-ministerial steering committee, which is a high-level political structure responsible for monitoring and evaluation, and a technical committee consisting of representatives from ministries, development partners and NGOs that are involved in operations and service-delivery to youth. The Ministry of Youth and Sports coordinates youth activities and the implementation of youth policy. Under Order No. 07/018 (2007), the Ministry's powers in the area of youth include civil education, coaching youth sport talent, organizing and managing vocational and agricultural training of youth, and the promotion of the social life of youth. However, its roles are more generally focused on sports. According to the Ministerial Order MIS/CAB/2011/024/99 (1999), the National Youth Council ('CNJ') coordinates activities of all youth. It advises on youth policy to the Ministry of Youth and Sports as a member of the Board. The CNJ is not present online. The national youth policy (2009) stipulates that the CNJ informs youth about its implementation and evaluation and promotes youth ownership in the process. It also states that all

<sup>473</sup> DRC National Youth Policy (2009) (original in French)

CNU member organizations must have democratic structures with elected officials.<sup>474</sup>

### 3. Liberia<sup>475</sup>

Under Liberia's Revised National Youth Policy (2012-2017), youth are defined as those aged 15-35. It is recognized that this definition of youth is based on a cultural and social construct. The minimum age of marriage without parental consent is 21 for males and 18 for females. The minimum marriageable age requiring parental consent is 16. Homosexual acts are illegal. The minimum candidacy age is 25 for the Lower House of Parliament and 30 for the Upper House of Parliament. Under the Penal Law of Liberia (1976), the minimum age of criminal responsibility is 16. The majority and voting ages are 18.

#### According to the Youth Development

**Index, Liberia ranks 0.53 (i.e. 111 out of 170 countries).**<sup>476</sup> Its overall literacy rate is **54.47%** with the **male rate** (i.e. **64.66%**) being higher than the **female rate** (i.e. **43.79%**).<sup>477</sup>

The HIV prevalence rate is 0.2% for males aged 15-24 and 0.4% for females in the same age group<sup>478</sup>. Youth aged 15-34 are 25% of the total rural population and 33% of the urban population. Except for those under 5, virtually all children and youth were severely impacted upon by the civil conflict.

<sup>474</sup> (n 477)

<sup>475</sup> [<http://www.youthpolicy.org/factsheets/country/iberia/>]

<sup>476</sup> *ibid.*

<sup>477</sup> UNESCO [<http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&region=oj>]

<sup>478</sup> World Bank [<http://data.worldbank.org/country/iberia/>]

Many of them are ex-combatants who are still struggling to properly re-integrate into society. The Liberian youth also face challenges related to education, unemployment, economic fragility and poverty. In particular, there is a lack of relevant formal education and inadequate short-term training programs in Liberia, which do not provide a proper platform for earning sustainable livelihoods.<sup>479</sup>

Liberia's Youth Policy 2012-2017 was renamed the Liberia Youth Act, which was passed by the House of Parliament on 5 September 2013. Since then, it was sent to the Senate. Key areas of intervention concern employment, education, sexual and reproductive health, justice and governance, and youth in peace-building processes. A 2009 USAID youth fragility assessment described the National Youth Policy Action Plan ('NYPAP'), which was the principle policy document from 2009-2012. Its aims include developing effective coordination for youth development. The Ministry of Youth and Sports ('MOYS') was established in 1982.<sup>480</sup> The priorities of the MOYS are youth training, empowerment, and employment for youth<sup>481</sup>. The National Youth Policy Implementation Committee advises the MOYS and provides input from various stakeholders. The MOYS is criticized for lacking capacity with only 25 professional staff to address the needs of around 1 million youth.<sup>482</sup> The Federation of Liberian Youth ('FLY') is a "broad-based democratic, pluralistic,

<sup>479</sup> Allemanno, E. Wood, JCM and Walker, G., *Liberia Youth Fragility Assessment* (USAID, April 2009)

<sup>480</sup> (n 477)

<sup>481</sup> Ministry of Youth and Sports, Liberia, *Statement by Honorable Eugene Lenn Nagbe, Minister-Designate, Ministry of Youth and Sports At Confirmation Hearings Before the Senate Standing Committee on Youth & Sports, The Honorable Liberian Senate, Capitol Building, Monrovia, Liberia, Monday March 25, 2013*, [<http://www.moys.gov.lr/content.php?sub=48&related=9&res=48&hid=481>]

<sup>482</sup> Allemanno, Wood, and Walker (n 481)

*nongovernmental and nonpartisan youth organisation*". It was enacted into law as FLY in 1978. It became inactive during the civil conflict. Thus, it was re-organized in 2002. In June 2013, FLY helped to conduct a nation-wide consultation to revise youth policy.<sup>483</sup>

#### 4. Libya<sup>484</sup>

Libya has no specific age range to define youth because it has no youth policy and youth programming. According to Islamic law in Libya, marriage requires parental consent and the minimum age for that is 18. Homosexual acts are illegal. The minimum candidacy age is 21 for the Lower House of Parliament. The minimum age of criminal responsibility is 14.<sup>485</sup> The majority age is 18<sup>486</sup>. The voting age is 18<sup>487</sup>.

The overall literacy rate is **99.95%** with the rate being slightly higher for **males (i.e. 99.97%)** than for **females (99.93%)** aged 15-24<sup>488</sup>.

Youth still face political marginalization among different forms of marginalization in Libya. Women still face barriers to participate politically even though they benefitted from the 2011 revolution. There has been improved social cohesion. Youth are not equipped with sufficient information in enabling them to participate politically and socially. Civil society emerged

more after the revolution when it was pretty much non-existent before the revolution.<sup>489</sup> Youth unemployment was at a high rate of around 30% after the revolution, given that many of youth are not sufficiently prepared to meet the demands of the labour market in a globalized world<sup>490</sup>.

After the 2011 revolution in Libya, the then National Transitional Council (now defunct since 2012 with power transferred to the democratically elected General National Congress) issued a Constitutional Declaration. Article 5 of the Constitutional Declaration concerns youth and states that "[t]he State shall take care of children, youth and the handicapped".<sup>491</sup> Education and employment have topped the agenda after the revolution in that they need to focus on the aspects of quality, competencies, higher performance and student-led learning<sup>492</sup>. The Ministry of Youth and Sports is in charge of youth affairs. It was established under the transitional government in 2011. It is "working on the foundation of service for all young men and women to free Libya". The Libyan Youth Forum (LYF) aims to "establish a national/international forum with a view to build one safe and prosperous nation for all Libyans". It acts as a "coalition between the Libyan Youth Movement, Libya Hurra Live Stream and the Libyan Link whom had collectively over 150,000 thousand supporters during the revolution." It also "coordinate[s] the efforts of youth groups in support of Libya" and advocates for recommendations devised by the Libyan youth to be taken into account by decision-makers.<sup>493</sup>

483 (n 480)

484 <http://www.youthpolity.org/factsheets/country/libya/>

485 *ibid.*

486 CRC/C/28/Add.6, Committee on the Rights of the Child - Consideration of Reports Submitted by States Parties Under Article 44 of the Convention (1996)

487 (n 486)

488 UNESCO <http://www.unesco.org/DataCenter/Pages/country-profile.aspx?code=HND&regioncol>

489 The British Council, *The Revolutionary Promise: Youth Perceptions in*

*Egypt, Libya and Tunisia -*

490 Braun, Gerald and Jones, Adele M.E., *Libya - Building the Future with*

*Youth - Challenges for Education and Employability* (GIZ, 2013)

491 (n 486)

492 Libya Herald, <http://www.libyaherald.com/2013/09/22/nominations-for-constitutional-commission/>; Braun, Gerald and Jones, Adele M.E. (n

492

493 (n 486)

## 5. Somalia<sup>494</sup>

In Somalia, there is no specific age range to define youth<sup>495</sup>. The minimum marriageable age without parental consent is 18 for both sexes. There is no data for the marriageable age for males requiring parental consent. The minimum marriageable age for females requiring parental consent is 16. Homosexual acts are illegal and consequently punishable by death in the southern parts of Somalia. The minimum candidacy age is 25 for the Lower House of Parliament. Under the Penal Code (1962), the minimum age of criminal responsibility is 14.<sup>496</sup> The HIV prevalence rate is 0.2% for both sexes aged 15-24.<sup>497</sup> Most of the Somali youth are under the age of 30 and have faced blocked transitions to adulthood due to multiple social, economic and political exclusions that are related to clan and cultural affiliations, gender, age, illiteracy, and poverty. They have been reinforced by dominant social attitudes and prejudicial cultural practices and perpetuated by violence. These exclusions have consequently limited capabilities and opportunities, and constricts the contributions of youth to peacebuilding and development. They also dampen the natural energy and enthusiasm of youth, thereby undermining their potential for positive advancement.

.....  
In particular, Somalia has one of the highest unemployment rates in the world - i.e. **67%** among youth aged 14-29 and overall **54%** among those aged 15 to 64.

<sup>494</sup> <http://www.youthpolio.org/factsheets/country/somalia/>

<sup>495</sup> UNDP Somalia Human Development Report - Empowering Youth for Peace and Development (2012)

<sup>496</sup> (n 496)

<sup>497</sup> World Bank <http://data.worldbank.org/country/somalia/>

The majority of unpaid family workers were young women who were mostly forced to take traditional occupations due to entrenched/ingrained traditional gender roles. An estimated 66% of labour force participation rate for youth reflects the lost opportunities for many who might otherwise attend school and acquire skills and education that could raise their future productivity and potential earnings. These problems are further compounded by a lack of employment opportunities.<sup>498</sup>

Given the on-going conflict in Somalia since the 1990s, there have been a series of national policies. Youth policies exist in the autonomous regions of Somaliland (2010) and Puntland (2008) but, no youth policy exists at the overall national level. Youth programmes are mostly supported by donors. They focus mainly on protection, basic education, and psycho-social work and operate in discrete sectors. There is a Somali Youth Charter, which was developed by youth groups involved in the production of the UNDP's Human Development Report 2012. It seeks to provide principles for the design of youth programmes, including policy and institutional reform, social empowerment, economic empowerment, political empowerment, peace-building and greening human development.<sup>499</sup> The Federal Government of Somalia, which was installed in 2012, was the first formal parliament after 8 years of the Transitional Federal Government ('TFG')<sup>500</sup>. The parliament was fully appointed according to a formula designed by the UN-backed peace process<sup>501</sup>. The January 2014 Cabinet of Ministers included a Minister of Sports and Youth even though there is not enough information on the functions and responsibilities of the ministry along with its

<sup>498</sup> UNDP (2012) (n 497)

<sup>499</sup> *Ibid.*

<sup>500</sup> (n 496)

<sup>501</sup> Q&A: Somalia presidential election (BBC, 2012) <http://www.bbc.com/news/world-africa-1954195211>



sub-committee<sup>502</sup>. The newly created UN Youth Strategy for Somalia provides an enthusiastic future for youth engagement and empowerment, where youth are recognized as agents of peacebuilding.<sup>503</sup>

## 6. South Africa<sup>504</sup>

The youth of South Africa are defined as those aged 14-35 under the National Youth Policy, the National Youth Commission Act and its Integrated Development Strategy (Draft 1, 2). The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 18 for males and 15 for females. 18 is the minimum marriageable age for same-sex marriages for both sexes. The minimum candidacy age is 18 for both the Lower and Upper Houses of Parliament. Under the Child Justice Act (2008), the minimum age of criminal responsibility is 10. From 10 to 14 years old, the state must prove criminal capacity. The majority and voting ages are 18.

### According to the Youth Development

**Index, South Africa is ranked 0.58 (i.e. 100 out of 170 countries).**<sup>505</sup> The overall literacy rate is **99.02% with the female rate (i.e. 99.39%) being higher than the male rate (i.e. 98.65%) for those aged 15-24**<sup>506</sup>.

502 SOMALIA PM Said, "Cabinet will work tirelessly for the people of Somalia" (Midhino, 2014) <http://www.midhino.com/2014/01/11/71-somalia-pm-said-cabinet-will-work-tirelessly-people-of-somalia/>

503 UN Youth Strategy for Somalia, <http://libebla.wising.com/ef8ba4f-8ca55deae3ef3d77fbba6f854877daccskkqyd=D6f091C1786E098D3829&disposition=0&alloworigin=1>

504 <http://www.youthpolicy.org/factsheets/country/south-africa/>

505 *ibid.*

506 UNESCO <http://www.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol>

The overall net enrolment rate for secondary schools is 68.77% with the female rate (i.e. 64.57%) being higher than the male rate (i.e. 57.96%)<sup>507</sup>. The HIV prevalence rate is much higher for females (i.e. 13.1%) than males (i.e. 4.0%) aged 15-24<sup>508</sup>.

In South Africa, the demand for youth work in the public sector is increasing. There are institutions for higher learning that offer education and training for youth workers. However, the qualification is just academic since this field is not yet recognized as a profession. There is no uniform curriculum due to a lack of uniform unit standards. As a result, those doing youth work do not have similar qualifications and competencies. There is a shortage of skilled personnel and financial resources as well as discrepancies in practice and education and training. Hence, youth-serving organizations are not well-equipped with resources to facilitate total development of youth and improving the skills and capabilities of youth workers. More research is also needed in the area of youth work.<sup>509</sup> These problems are further compounded by a lack of coordination and collaboration between civil society youth organizations, which have weakened youth sector.<sup>510</sup>

The National Youth Commission Act (NYCA) (1996) established the NYC as the statutory body responsible for youth policy. It was replaced by the National Youth Development Agency (NYDA), which was established by the Act No. 54 of 2008. The Integrated Youth Development Strategy ('YDS') (draft 1, 2) seeks to streamline youth economic development, integrating policies such as the National Industrial Policy Framework ('NIPF') with the

507 UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_23](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_23)

508 World Bank <http://data.worldbank.org/country/south-africa/>

509 South Africa's National Youth Policy (2009)

510 South African Youth Council, *Towards a Coordinated and Integrated Youth Development* (2010)

National Youth Policy. It is also linked with the National Youth Service Policy Framework, which promotes youth volunteering as a way for youth to contribute to development, build skills and develop abilities. Both the NYP and YDS (draft 1, 2) are influenced by the National Youth Development Policy Framework 2002-2007. In 2009, South Africa also ratified the AYC.<sup>511</sup>

The NYDA is the main government agency concerning youth. It advocates for the mainstreaming of youth development in all government spheres at the policy level, and delivers services; implementing and facilitating youth development programmes. The National Youth Policy provides that the Youth Desk in The Presidency coordinates youth development. However, it is not listed on the website of The Presidency. The South African Youth Council ('SAYC') was founded in 1997. It is an autonomous, non-partisan umbrella association for youth organizations.<sup>512</sup> It is governed by a National Executive Committee that consists of Provincial Chairpersons and Secretaries. SAYC represents youth in forums including the National Economic Development and Labour Council ('NEDLAC'), the South African National AIDS Council ('SANAC'), and the National Skills Authority ('NSA').<sup>513</sup>

## 7. Zimbabwe<sup>514</sup>

Zimbabwe's definition of youth is within the age range of 15 and 35 under the 2013 national youth policy, the new Constitution and the AYC. The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. Male homosexual acts are illegal whereas female homosexual

acts are legal. However, there is no legislation regulating same-sex marriages. The minimum candidacy age is 21 for the Lower House of Parliament and 40 for the Upper House of Parliament. Under the Criminal Law of Zimbabwe (2005), the minimum age of criminal responsibility is 7. From 7 to 14 years old, the state must prove criminal capacity. Under the Children's Act (2002), the majority age is 18. The voting age is 18.

### The Youth Development Index ranks

Zimbabwe **0.46** (i.e. **127 out of 170 countries**).<sup>515</sup> The overall literacy rate is **91.73%** with the **female rate** (i.e. **93.49%**) being higher than the **male rate** (i.e. **89.96%**) in the age group of 15-24.<sup>516</sup>

The overall net enrolment rate for secondary schools is 35.40% with the male rate (i.e. 36.74%) being higher than the female rate (i.e. 34.06%).<sup>517</sup> The HIV prevalence rate is higher for females (i.e. 6.6%) than for males (i.e. 4.1%).<sup>518</sup>

The political situation in Zimbabwe has been very polarized. Notably, youth organizations are perceived as threatening to the ruling political party. Thus, the surveillance of youth organizations and control mechanisms have been established through legislation and regulations of existing laws to control the freedom of speech and assembly. Many CSOs have been concerned about the government's plans to revive the

<sup>511</sup> (n 505)

<sup>512</sup> *Ibid.*

<sup>513</sup> South African Youth Council, *Towards a Coordinated and Integrated Youth Development* (2010)

<sup>514</sup> <http://www.youthpolicy.org/factsheets/country/zimbabwe/>

<sup>515</sup> *Ibid.*

<sup>516</sup> UNESCO <http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HN&region=coj>

<sup>517</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&series=3ANIER\\_23](http://data.un.org/Data.aspx?d=UNESCO&series=3ANIER_23)

<sup>518</sup> World Bank <http://data.worldbank.org/country/zimbabwe/>

controversial National Youth Service (NYS), which have been marked by militaristic and partisan attitudes. Youth militias were active in the 2008 electoral violence. Both the CSOs and youth engaged in a forum leading to the 2013 referendum on Zimbabwe's new constitution and expressed that there is "no representative body for youth. The draft fails to institute representation of young women; the failure to mention youth in the bill of rights."<sup>519</sup>

The revised version of youth policy emphasizes more on mainstreaming youth through all ministries. Its guidelines are based on existing national and international frameworks, namely the AYC and the WPAY. Other youth legislation includes the Decent Work Country Programme for Zimbabwe (DWCP), which was launched in 2013 by the Ministry of Labour and Social Services and the Social Partners. It aims to combat the high levels of youth unemployment through initiatives like the Skills for Youth Employment and Rural Development programme. The Department of Youth of the Ministry of Youth, Indigenization and Economic Empowerment is in charge of "mainstreaming youth in all national development policies and programmes" and to oversee the implementation of the national youth policy. Its three main areas of responsibility are vocational skills training, programming and National Youth Service. The Zimbabwe Youth Council (ZYC) assists the government in devising youth policies and supervises their implementation. It also supports youth organizations and clubs across the country. It is a quasi-governmental organization administered by the Ministry of Youth, Indigenization and Economic Empowerment. It consists of 15 board members, of which seven are elected by registered Youth Associations and the remainder are appointed by the Minister. It is responsible for registering youth organizations,

clubs and trusts. The National Association of Youth Organizations is an umbrella body currently comprising 83 youth organizations. It promotes the role of youth in community and development process.<sup>520</sup>

## g. Oceania

### i. Melanesia

#### 1. Papua New Guinea<sup>521</sup>

In Papua New Guinea, youth are defined between the ages of 12 and 25 under the National Youth Policy of Papua New Guinea 2007-2017. However, the policy welcomes individuals over 25 to participate in youth programming. Culturally, the age of youth is defined by roles, health and involvement in the community. This has important policy and development implications because it has meant that adults (particularly older men) claim to be youth in an attempt to represent youth in power structures and activities. This can be a hindrance for youth's voices to be heard and for adequate gender perspectives to be taken into account in decision-making forums.<sup>522</sup> The minimum marriageable age without parental consent is 18 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. Under statutory marriage, individuals must be over 21. However, in customary law, emphasis is placed on physical maturity. Homosexual acts between males are illegal. Whereas, homosexual acts are legal between females. There is no legislation governing same-sex marriages. The minimum candidacy age is 25 for the Lower House of Parliament.

<sup>520</sup> (n 515)

<sup>521</sup> <http://www.youthpolicy.org/factsheets/country/papua-new-guinea/>

<sup>522</sup> Chapter 5, Port Moresby, Papua New Guinea - Urban Youth in the Pacific - (2011)

<sup>519</sup> Jensen, Christina Dahl, *Youth's possibilities for influence in Zimbabwe*

(Danish Youth Council, 2010)

### According to the Youth Development

**Index**, Papua New Guinea ranks **0.49** (i.e. **122 out of 170 countries**).<sup>523</sup> Its overall literacy rate is **72.35%** for those aged 15-24, with the rate for **females** (i.e. **78.79%**) exceeding the rate for **males** (i.e. **66.30%**).<sup>524</sup>

The HIV prevalence rate is higher for females (i.e. 0.2%) than for males (i.e. 0.1%) aged 15-24.<sup>525</sup>

The National Youth Policy identifies key policy areas, including improving the quality of youth's lives, accessing integrated education, nurturing sustained livelihoods, promoting healthy lifestyles, and building stronger communities. Initiatives include youth-led enterprises and counseling through "youth-friendly" service centers. In his endorsement of the policy in February 2008, former Prime Minister Grand Chief Sir Michael Somare announced that the policy would require PGK 21 million (i.e. USD 7.6 million in February 2008) over ten years for its implementation.<sup>526</sup> Parliament approved National Youth Development Authority Act 2013, which replaced the previous National Youth Commission Act 1999. The 2013 Act is intended to reform youth work delivery mechanisms and to complement the 2007-2017 youth policy.<sup>527</sup>

The National Youth Commission (NYC) is the central government agency responsible for youth development in Papua New Guinea

<sup>523</sup> (n 522)

<sup>524</sup> UNESCO [http://www.uis.unesco.org/DataCentre/Pages/country-profile.aspx?code=HND&regioncol]

<sup>525</sup> World Bank [http://data.worldbank.org/country/papua-new-guinea/]

<sup>526</sup> (n 522)

<sup>527</sup> FijiOne [http://fiji.one.vivipng-parliament-approves-youth-bill]

and is part of the Ministry for Religion, Youth and Community Development. Established in 1980, its focus is on three core ideas, namely "mobilization", "participation" and "productiveness" of youth. Its Policy, Development, Coordination & Research Division is responsible for the coordination and development of the national youth policy. The Division assists provinces in the development of five-year youth plans.<sup>528</sup> The NYC has been criticized by some stakeholders for its poor transition from policy development to implementation. Implementation has been weak due to a lack of political will from government resulting in a lack of resources and insufficient coordination and personnel capacity even when funding is available. For example, the NYC has funding for the establishment of Youth Friendly Service Centers throughout Papua New Guinea. However, to date, there have been only two established with a third under construction as of June 2010. For some other key proposed programmes, there is no budget available for implementation. In addition, the Annual Work Plans and Action Plans are not always measurable and/or are partial outputs rather than outcomes or results for youth in their lives.<sup>529</sup> According to the Pacific Youth Council, a regional organization of youth councils in the Pacific, Papua New Guinea had a national youth council in 1985, which participated in a series of meetings leading to the formation of the regional council in 1996. Papua New Guinea has a position on the Secretariat Committee from 2000 to 2006. However, the current list of national youth council members does not include Papua New Guinea. Nor is there any current online presence for a Papua New Guinea youth council.<sup>530</sup>

<sup>528</sup> *Ibid.*

<sup>529</sup> Chapter 5, Port Moresby, (2011) (n 523)

<sup>530</sup> FijiOne (n 528)

## ii. Micronesia

### 1. Kiribati<sup>531</sup>

In Kiribati, the national youth policy refers to youth as those within the age group of 15-29. However, it recognizes additional definitions that are both legal and societal. The minimum marriageable age without parental consent is 21 for both sexes. The minimum marriageable age requiring parental consent is 16 for both sexes. Homosexual acts are illegal. The minimum candidacy age is 21 for the Lower House of Parliament. Under the Penal Code of Kiribati (1977), the minimum age of criminal responsibility is 10. From 10 to 14 years old, the state must prove criminal liability. A child below 10 cannot be held criminally liable for their actions. The voting age is 18.<sup>532</sup>

The overall net enrolment rate for secondary schools is **69.76%** with the **female rate (i.e. 73.36%)** being higher than the **male rate (i.e. 66.36%)**.<sup>533</sup>

Despite the improvement in the educational attainment from 23.85% of the population 15 years and older with secondary/higher level education in 1996 to 50.55% in 2005, there are still many who do not attend school for various reasons, particularly from age 13 years and more so for boys. Unemployment still persists for youth along with discrimination against girls as in schools once they become engaged, married or pregnant.<sup>534</sup>

<sup>531</sup> <http://www.youthpolicy.org/factsheets/country/kiribati/>

<sup>532</sup> *Ibid.*

<sup>533</sup> UN Data of UNESCO [http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER\\_231](http://data.un.org/Data.aspx?d=UNESCO&f=series%3ANER_231)

<sup>534</sup> Kiribati's National Youth Policy 2011-2015

The national youth policy contains the main legislative and policy frameworks forming part of the policy's underlying rationale. In that it refers to the Constitution of the Republic of Kiribati (1980) as the “*supreme law of the country*”. In Chapter II, the Constitution guarantees the respect of “*fundamental rights and freedoms of the individual*”. These rights and responsibilities are applicable to everyone, including youth. The legal rights of youth are also defined in various parts of domestic legislation, including the revised Employment Ordinance (1977) that protects the rights of young workers. The National Education Policy (1999-2012) further supports the rationale for youth as well as the Youth Employment National Action Plan (2009-2012) and the Kiribati National Disability Policy (2010-2013).<sup>535</sup>

The Youth Unit of the Ministry of Internal and Social Affairs (MISA) is responsible for youth affairs and activities. It is staffed by one Senior Youth Development Officer and two Youth Officers. Between 2007 and 2010, the Ministry for Education, Youth and Sport was responsible for youth affairs. The national youth policy provides that the Youth Unit of MISA coordinates, monitors and oversees implementation of the National Youth Policy and its accompanying Plan of Action. The Kiribati National Youth Council (‘KNYC’) is an umbrella organization for youth organizations in Kiribati. Its mission statement is “*more visibility, commitment and impact for the youth in Kiribati*”. The national youth policy states that the KNYC is a stakeholder in the performance report section covering policy implementation, particularly sharing annual reports with youth stakeholders and youth themselves through the National Youth Council.<sup>536</sup>

<sup>535</sup> (n 532)

<sup>536</sup> *Ibid.*



## 6. CONCLUSION & RECOMMENDATIONS

This study examined the various issues that youth face across the economic, social and political spheres around the world. The issues include high unemployment rates, lack of access to education, training, skills development, essential infrastructure and services, productive assets and resources in both cities and rural areas, especially in developing countries, the 'double-edged' sword of ICT, general exclusion, lack of participation in the decision-making and political processes, violence, drug

abuse, and other forms of anti-social behaviour. These issues form an important sub-text to understanding youth law and legislative framework affecting the urban youth.

The other important context is that youth are not a heterogeneous group. They exist and operate in the multiple intersectionalities of their identity. They often face compounded and multiple discrimination as youth as well as belonging to poverty-ridden



rural areas or urban areas, to particular races, religions, ethnic minorities and to a particular gender. Young women and the LGBT particularly face special challenges. Disabled young women and men face multiple hurdles and vulnerabilities. In addition, cultural and religious norms, traditions and customs often militate against youth rights being recognized, protected and promoted especially as far as the three vectors of youth empowerment are concerned, namely (i) physical integrity, safety and security and freedom from violence; (ii) voice, participation and leadership in decision-making; and (iii) freedom of choice and provision of social and economic opportunities and rights. Often, on the one hand, religious teaching and its interpretation are used to stifle youth's voice and role. Yet, on the other hand, they are used to radicalize youth and justify their taking to arms and militate against the established order. Equally, positive religious and cultural orientation can motivate youth towards constructive and productive engagement with the society, economy and politics.



The existing “*International Law of Youth Rights*” is a commendable departure point for providing some legitimacy for youth rights. It is, however, a “*dispersed model*” in the larger “*universe of human rights law and policies*”, often invisible and inferred rather than visible and explicit. At the international level, not a single human rights instrument specifically and solely protects the rights of youth. The soft-law instruments provide a wide definition of youth. This “*dispersed model*” contains a wide range of sources of law reflected in the universal human rights treaties and conventions. Thus, besides the UDHR and the UN Charter, there are “*core human rights treaties*” that apply to all, including youth, which are the ICCPR, the ICESCR, the CRC, the CEDAW, the ICERD, and the ICRMW. Other human rights treaties that also apply to youth include the CADE, the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages, ILO Convention No. 138 on Minimum Age, 1973, ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 and ILO Convention No. 122 concerning Employment Policy, 1964. It is difficult to use these as guidance for policies, awareness and claiming of rights by youth and for their enforcement in practice due to the lack of youth-related specific focus.

The regional charters that specifically protect the rights of youth are only in a few regions and sub-regions at a time of intense political and economic regionalization, where the AYC and the ICRY are the only exceptional stars in the regional youth law universe. Other regions like Europe, Asia, North America, Oceania and Middle East do not have charters that protect the rights of youth.

There is a significant opportunity for generation of soft-law and political-normative commitments at the international level, building on the 2030 Agenda on Sustainable Development, its SDGs, and the forthcoming adoption of the New Urban Agenda, which must put youth as a major beneficiary and driver. The other soft-law instruments that concern youth comprise the BDY, the WYAP, Rio+20 outcome document, the Earth Summit, the Brundlandt Report, and UN Resolutions. These instruments are instructive and informative in further understanding the challenges that youth face as well as the goals that countries and the international community have to work towards in realizing the human rights of youth in an integrated and holistic way.

Furthermore, as the paper examined, only 51 countries of different regions have national youth law and legislative framework in place. These countries are from the Americas, Caribbean, Europe, Asia, Africa, Middle East, and Oceania. The national youth laws of these countries are comprehensive and laudable starting points. They form a solid basis for the national youth policies of these countries as well as assigning the powers of the national government bodies that are in charge of youth affairs and implementing youth law and policies in practice.

Moreover, there is no Model Law on youth rights and responsibilities that countries can follow and use as a template for them. Hence, there is a wide range of definitions of youth, differing scope and depth of coverage of rights and responsibilities and lack of standardization. Variations are naturally based on social, cultural and political constructs of the countries and societies concerned.

Notably, most countries - both developed and developing - have not established youth laws and legislation. Gaps in



implementation and enforcement still persist nationally, regionally and internationally. They are mirrored in the struggles that youth face on a daily basis in countries across the world along with their disaffection and disconnect with the existing order everywhere. The prospects for realizing the demographic dividend from the largest youth generation in history will be greatly enhanced if a concerted effort is made to establish a comprehensive and integrated framework of laws and policies at all levels and covering all sectors.

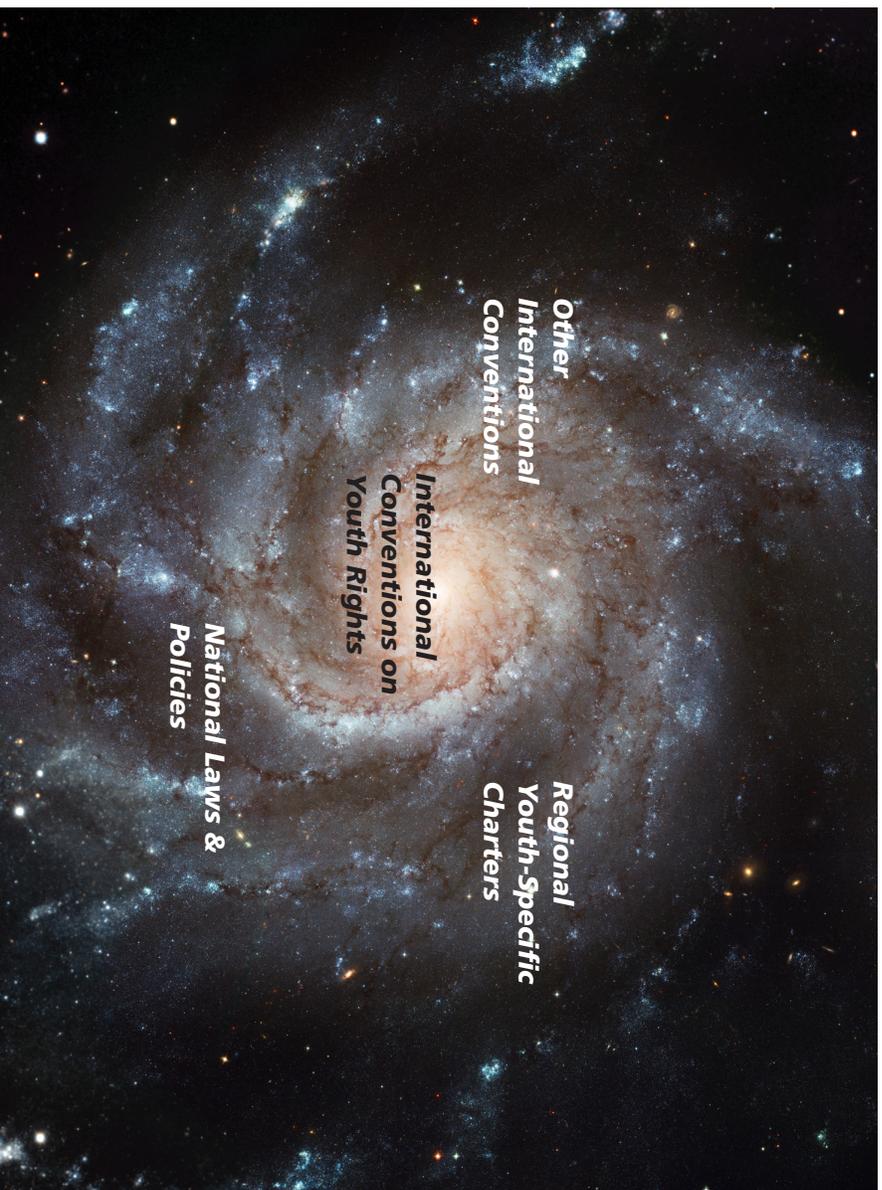
Although the international, regional and national legislative frameworks examined in this study have contributed to the advancement of the legal framework on youth, they are not sufficient on their own. Existing legal and normative frameworks at the global level are too fragmented and dispersed. Youth rights and empowerment are not sufficiently, specifically, comprehensively and historically covered in one instrument.



### The Dispersed Model of Youth Law and Legislation in the Human Rights Universe



## New Galaxy of Youth Law, Legislation and Policy



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Hence, an international convention on the rights of youth is imperative. It should integrate all key issues, rights and responsibilities affecting youth and involving their agency. This 'Big Bang' approach to establishing a 'Galaxy of Youth Law' in the wider 'Universe' of human rights instruments requires the formulation and adoption of an International Convention on Youth Rights and Responsibilities as a single, unified and universal source of youth-related legal framework.

All regional and sub-regional groupings should adopt regional frameworks as the planets and draw inspiration from this source. The Galaxy should include a Model National and City Law so that all countries and cities can use it as a template to adapt and adopt national laws, legislative frameworks and policies more widely across different continents, regions and social/cultural spectrums.

In this new Convention, the "youth" should be defined widely but clearly, namely the age group of 14-30. They should have a distinct identity of their own, given that they are not only enablers and beneficiaries of sustainable development - economic, social and environmental, peace and security, human rights and humanitarian response and resilience building - in the present here and now, but also key agents and accelerators of the many transformations we need and seek on the way.

This convention should contain a wide set of rights, particularly civil, political, economic, social and cultural, which should model the core human rights treaties like the ICCPR and ICESCR. It should draw upon the soft-law instruments, namely the SDGs of the 2030 Agenda on Sustainable Development and the Declarations like the WPAY and BDY. The rights should be both individual and collective in nature in that youth know and

realize their rights as individuals as well as their duties to their societies, families, governments and the rest of the international community. This convention should incorporate gender equality, women's empowerment and non-discrimination. Member States should have responsibilities as 'duty-bearers' in taking measures to protect and promote the rights of youth.

There should be complaints mechanisms at the national and regional levels in addressing the violations of the rights of youth. The Convention should be done within the shortest time-frame possible. At the global level, there should be a treaty monitoring body similar to the treaty monitoring bodies of the core human rights treaties to monitor the compliance and implementation of the convention once the Member States would have ratified the convention. The decision to have such a convention would be taken by the UN General Assembly and the Human Rights Council.

As a result, creating new legislative mechanisms provide respective UN Member States, regions, and the international community an opportunity to articulate and formalize youth rights, even if such rights have already been implied through practice.

By understanding what countries recognize as youth rights, then, allows youth and their advocates to ascertain possible gaps that hinder their full protection and development.

UN-Habitat has been at the forefront of mobilizing the UN system around youth agenda and in engaging with youth

constituency. The Youth 21 Initiative and the One Stop Youth Centres represent ways in which youth are empowered and engaged decision-making and the urbanization processes that shape their lives. Therefore, it should take the lead in advocacy and contribution to the *'Big Bang'* process of *'Galaxy'* formation. In designing this convention, more inputs should be obtained from different international organizations besides UN-Habitat, such as United Nations Population Fund ('UNFPA'), United Nations Children's Fund ('UNICEF'), UN Women, United Nations High Commissioner for Refugees ('UNHCR'), International Organization for Migration ('IOM'), the World Bank, and the International Development Law Organization ('IDLO').

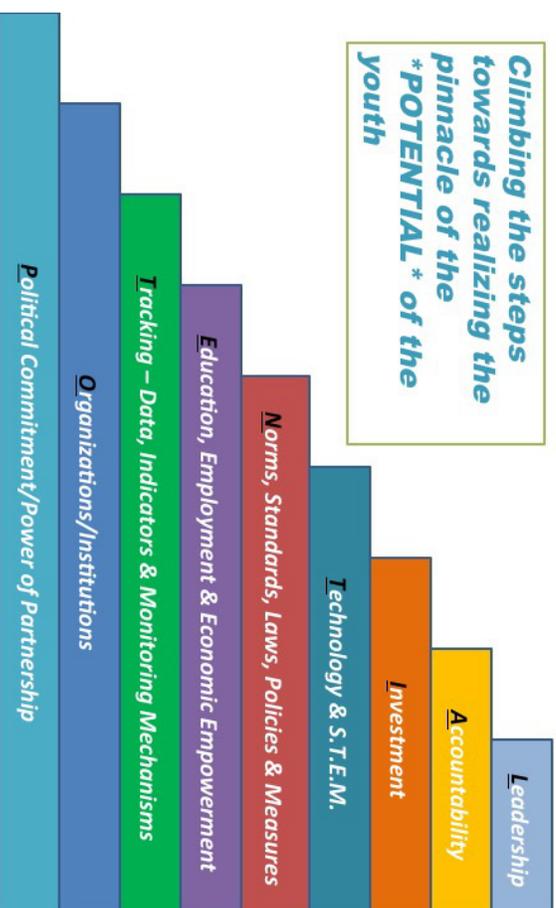
The UN Inter-Agency Network on Youth & Development ('IANYD') should be the crucible for developing the concept and proposals for such a convention. It should also drive a global consultative process through youth networks using *inter alia*, the social media and different inter-governmental processes to create a 'crescendo' of ideas and mandates. Some "youth champion Member States" should become the ones to campaign for such a convention within the UN General Assembly and be drawn from all regions and represent a diversity of experiences. The new Secretary General should prioritize this as one of his or her deliverables as he or she takes office in 2017. A strengthened UN System Wide Action Plan ('UNSWAP') on youth development and empowerment related accountability should drive the contribution and mainstreaming of youth perspectives in the work, outcomes and impact of UN entities. It should complement, supplement and support the Member States at all levels, including in ways that they contribute to development of legal frameworks and youth mainstreaming of the legal instruments they support towards the realization of youth empowerment and rights.

Furthermore, the regions that have not yet adopted regional charters should consider adopting regional instruments to protect and promote the rights of youth. They should consider establishing regional bodies that monitor and ensure compliance of these charters. There is also a need for a common template or model law and policy at national and city level for youth empowerment and development. This work could be undertaken under the auspices of UN-Habitat. The countries that have adopted youth laws should continue to strengthen, implement, and enforce them. They should mainstream youth rights across different sectors, such as health, education, employment, justice, environment, technology, economic, technology, political and social. There should be elements of social protection for youth as part of the laws and policies of these countries, thereby prioritizing youth at the forefront of national and regional agendas. The good practices need to be emulated, scaled up and replicated in other countries.

It is also important to consider the important role and potential of local governments in adopting and implementing legislation, policies and measures on youth. This is because the local level is the critical defining point at which the impact of the national and international legislative framework is made. It is the level at which compliance with the laws are measured and assessed and where consultative mechanisms can be established for youth. In this way, there needs to be better collaboration between the UN, governments, youth, civil society and all other key stakeholders in working towards the realization of the rights of youth in the new *'Galaxy'* of Youth Law, Legislation and Policy.



## Harnessing the POTENTIAL of Youth Law and Policy for Sustainable Development



While the time horizon over which this process will occur is difficult to assess, there is value in raising awareness on youth rights—that youth have inherent vulnerabilities, interests and contributions that must be recognized and protected—and leverage their potential to achieve the Sustainable Development Goals.

We need to set our sights on a new youth strategy by the international community to adopt and implement a Comprehensive Framework for the Realization of the Full Potential of Youth Empowerment and Human Rights. It would

take advantage of the (i) new political vision for “transforming our world” and commitment embodied in the 2030 Agenda for Sustainable Development to leave no one behind, which means leaving no youth behind; (ii) the ambitious and multi-sectoral economic and social resolve as well as new determination for ecological sustainability of the SDGs; and (iii) the recognition of the indispensability of realizing the demographic dividend of the largest generation of youth in the history of humankind in the 2030 Agenda. This strategy would have the following nine vectors of the implementation of such a framework, which is drawn from the letters of the word, POTENTIAL:





A - Accountability of all actors, institutions and stakeholders, and an “*All of government*”, “*All of society*”, “*All of community*”, “*All of private sector*”, “*All of Civil Society*”, and “*All of Academia*” approach

L - Leadership, voice and participation of youth in all aspects and levels of decision-making that affects them, especially at local government level as the nucleus of governance - “*nothing about us without us*” - and that is the heart of sustainable development and inter-generational equity

P - Political commitment, Power of Partnerships - governments, private sector, civil society with youth and for youth empowerment

O - Organizations and institutions of, by and for youth development created, strengthened, resourced and capacitated

T - Tracking through systematic age disaggregated data, indicators to measure progress, establishment of monitoring mechanisms

E - Education, Employment and Economic Empowerment and skills development value chain prioritized for youth by all actors

N - Norms, standards, laws protecting and promoting youth rights and development and policies and special measures to implement them to be set and implemented rigorously with a sense of urgency and “*youth mainstreaming*” of all key sectors.

T - Technological and scientific education and training and empowerment of youth, including in ICT, prioritized and used as a co-deliverer and co-beneficiary of the demographic dividend

I - Investment of political, social, financial, and capital significantly increased on an unprecedented scale and scope from all sources and in all aspects of youth empowerment agenda and its implementation



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