

# Political Prerequisites For The Legal Establishment Of The Institution Of Youth Rights At The International And European Level

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This study aims to identify the policy requirements for the creation of a legal framework for youth rights at international and European levels, as the need to protect these rights within a formal structure is increasingly recognised. The main research question is the legal capacity of youth, and the type of political participation and framework required for the institutionalisation of youth rights within existing human rights protocols. Using qualitative methods such as qualitative content analysis (examination of policy documents, legislative texts, strategic plans, and other relevant legal and policy frameworks both at EU level and within Member States) and qualitative analyses (content analysis, thematic analysis, framework analysis), including content, thematic, and framework analysis, the aim is to identify challenges and perspectives in advocating for youth rights from stakeholders in youth NGOs, EU representatives, and human rights experts.

The analysis will examine how youth NGOs can shape policy and contribute to the systematic legal defense of youth rights. It is expected that the results of the study will include a comprehensive understanding of the overlap of youth rights with other policy areas and the need for a harmonised legislative method. European youth policy, for example, is already represented by organisations such as the European Youth Forum and has established effective cooperation with high level institutions such as the European Commission, the European Parliament and the Council of Europe.

The aim is to recommend strategies to gain the political support necessary for such legal recognition and enforcement of young people's rights. This study becomes relevant to the impact of the Covid-19 pandemic on European societies, as it emphasises the integral role of young people, who occupy a unique position between childhood and adulthood, in the crisis response of EU countries.

**Keywords: youth, youth rights, international level, European level, political engagement, legal framework, human rights, NGO, policy analysis, advocacy**

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## Introduction

This paper is relevant because it addresses the policy and legal frameworks needed to establish and enforce youth rights at the international and European level. Given the increasing recognition of the need for formalised youth rights, this research contributes new insights into the role of youth NGOs in shaping policy and promoting systemic legal protection for the rights of young people. The added value that the author brings to the field is a comprehensive analysis that includes perspectives

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from stakeholders such as youth NGOs, EU representatives, and human rights experts. The paper also examines successful cooperation models like the European Youth Forum and its influence on high level institutions such as the European Commission and the Council of Europe. In addition, the study discusses the important role of young people in the EU's response to crises, such as the COVID-19 pandemic, and recommends strategies for political support for the legal recognition and enforcement of youth rights.

Youth organisations and their representatives have already given themselves a political voice and their own political agenda in European countries as well as several countries in Africa, Asia and the Americas in recent years, since 1996, when the European Youth Forum, the main international non-profit association acting as an umbrella organisation and support group for national youth councils and international non-governmental youth organisations in Europe to fight for youth rights, was founded. Young people have become visible in political society and are demanding their rights for the future (environmental protection, the right to the internet, gender equality, etc.).

The study is particularly concerned with identifying the political conditions necessary for the legal establishment of the institution of youth rights at international and European levels. It aims to understand the legal capacity of youth for political participation and the framework conditions necessary for the institutionalisation of youth rights within existing human rights protocols. The study analyses the challenges faced by youth NGOs in advocating for youth rights and examines how these organizations can contribute to policymaking and the systematic legal defense of youth rights. The study also aims to recommend strategies to gain political support necessary for the formal recognition and enforcement of youth rights, especially given the impact of the COVID-19 pandemic on European societies and the significant role that young people have played in crisis response.

At the European level, political conferences, forums and various national youth festivals are organised annually. These projects include the "Youth Guarantee" (European Commission) program, which aims to ensure that young people receive a high-quality offer of employment, further education, a traineeship or internship within four months of becoming unemployed or leaving an educational institution, the "European Youth Portal" – a website that helps young people across Europe navigate the many opportunities offered by the EU in various fields, such as volunteering, work, education, culture and many others. Every two years the EU Commission, together with the Parliament, organises the "European Youth Week", which aims to celebrate youth events in all countries participating in the Erasmus program, and to present the various mobility opportunities offered to young people in the EU. One of the most important initiatives is also the European Youth Capital program – an initiative launched in 2009 by the European Youth Forum (European Youth Portal). Each year, one of the European cities chosen as European Youth Capital is given the opportunity to present innovative initiatives by and for young people.

It is also worth noting that, partly due to the role of youth in the fight against COVID-19 in Europe, the year 2022 has been named in honour of youth, to honour the generation most affected by the COVID-19 pandemic, to support the most vulnerable young people and to promote the opportunities the EU offers young people to inspire ideas and strengthen the European project (European Youth Portal, 2022). It is symbolic that the year 1979 was designated as the UN – International Day of the Child, following which the Convention on the Rights of the Child was

developed, and currently the UN Convention on the Rights of the Youth is being developed in Europe.

In addition, on 4 October, 2022, the Commission and the EU High Representative reported on the Action Plan for Youth (2022-2027), which aims to involve young people worldwide in the EU's external action (European Commission, 2022). The civic and political participation of young people is thus shaped by addressing the shrinking civic space and the role of the EU in developing a dialogue with partner countries on youth engagement that could be used NGOs, to bring about legal and systemic change. On 28 November 2022, the EU Council adopted conclusions aimed at supporting the involvement of youth worldwide in the policy-making process by expanding their participation and involvement in international forums and the allocation of necessary resources with a focus on activist protection, empowerment, health and mobility.

These aspects are therefore in line with the theme of my study, in particular the analysis of how youth NGOs can contribute to the policy and legal representation of young people's rights. The report's focus on the protection and empowerment of youth activists, skills development and the important role that young people play in politics reflects the study's focus on gaining political support for recognising and securing youth rights (Youth Action Plan: Council Engages Young People in Policy Making, 2022).

But even after and during the implementation of these certainly political events and programmes, European society was faced with legislative issues caused by the COVID-19 pandemic and its further consequences. European society was partly confronted with issues of uncertainty regarding the mechanisms and system of protecting the legal rights of a certain part of society – the youth, as this part of society, due to its age, was the most actively involved in saving and preserving the lives of the majority of citizens in EU countries during the pandemic and thus found itself in the most vulnerable position.

The COVID-19 pandemic has had a clear impact on young people. A study by the International Labour Organisation (ILO) has shown that "the impact of the pandemic on young people is systematic, profound and disproportionate." (United Nations, n.d.) For example, 23 per-cent of young people aged 18-24 who worked before the pandemic are currently unemployed, and those who are working have reported a reduction in working hours and income.

It is assumed that, from today's political perspective, it was not possible to define a set of legal norms that would protect young people in this situation, as this section of society is no longer "children" and not yet "adults" and are not fully covered by existing human rights mechanisms.

In our case, youth is a social group of people aged 18 to 35 years. We can turn to various approaches to define what "youth", as is described in the book "The International Law of Youth Rights" by editors Jorge Cardona, Giuseppe Porcaro, Jaakko Weuro, and Giorgio Zecca, as well as in a number of European legislative acts, and come to the conclusion that it has already become a recognised practice to consider youth as a social group of people at the age of 18, when they ceased to be children and are covered by the UN Convention on the Rights of the Child of 1989 and have not yet fully acquired civil rights.

For the purposes of our study, youth NGOs should be understood as non-governmental

organisations in the general sense, dealing with youth issues or youth policy at the core of their activities, or consist largely of representatives of young people aged 18 to 35 in representative positions. According to the UN ECOSOC, the main characteristics of NGOs are their independence from the state – they are not established on behalf of the state, and their financial independence – they carry out their activities with the help of membership fees or donations, sometimes also grants (ECOSOC Res 1996/31).

Thus, the European Youth Forum (YFJ) is the most important organisation consisting of more than 100 youth national councils and international youth organisations and is a reference example of a youth NGO in European countries. In our opinion, the YFJ is the main actor dealing with youth rights in Europe and influencing the political youth agenda at European and international level.

In my opinion, its influence is based on several factors:

- **Representation:** The YFJ represents a large and diverse group of young people in Europe, which gives a significant base for advocating for young people's rights.
- **Cooperation with EU and UN institutions:** YFJ actively works with European and UN institutions to ensure that young people's voices are heard in policymaking processes.
- **Advocacy:** Through its network, YFJ is able to coordinate the advocacy efforts of its member organisations and influence policy at both national and European level.
- **Policy-development:** YFJ participates in the development of policy at both national and European level.
- **Policy development:** YFJ is a channel for young people to influence the political agenda both in the EU and internationally.

In this way, YFJ acts as a channel for young people to influence the political agenda both in the EU and internationally, facilitating collective action by member organisations and advocating for policies that support and promote young people's rights.

Using the example of the activities of this organisation and the existing initiatives described above, as well as the practise of members of the YFJ – national youth councils and international organisations, we can analyse (comparison with the process of establishing the UN Committee on the Rights of Youth) whether these youth initiatives can be an agent of change, complementing a distinct type of human rights – to describe the political relations and relationships between European youth organisations and EU political institutions in terms of the willingness of European politicians to initiate the process of creating a new institute for youth rights on their own behalf or on the part of nation-states and EU countries as a whole.

The author's methodology involves a combination of theoretical analysis and empirical research. The theoretical part is likely to include a review of existing literature and legal documents to understand the current state of youth rights and existing mechanisms for their protection. This is very important to identify gaps in the existing system and to understand the contribution of non-governmental organisations. The empirical research component can include the collection of data on youth participation in various UN human rights processes and on recommendations made specifically for youth rights. This empirical data provides a sound understanding of the effectiveness

and limitations of existing institutional structures in addressing the needs and rights of youth.

The chosen methodology allows the author to combine a broad theoretical knowledge with concrete, real-world evidence, highlighting the importance and influence of youth and their organisations in shaping international human rights policy and provide sound arguments for the importance of legally enshrined youth rights.

### **Youth NGOs as political actors in defence of rights in the post-pandemic era**

At the outset, it should be briefly noted that the international system for the protection of human rights has all the signs of a politically moulded institution and is used by all countries in the world, today by 193 UN member states, so that states gradually or over a certain period of time assume obligations to implement the provisions on human rights provisions contained in the human rights treaties signed including through the provision of various human rights reports, which are of interest to us for this study.

The question of whether European youth NGOs can become fully fledged political actors in European countries depends on whether the states have the political will to go in this direction and whether youth NGOs themselves also have the political potential.

UN Member States have the right to express their views on the human rights situation in their country and grant their citizens (national and international NGOs) a similar right at the level of the UN Human Rights Council, which was established in 2006 and replaced the UN Commission on Human Rights, which had operated for 60 years and on the platform of others human rights committees.

The number of UN human rights documents signed does not directly reflect the qualitative level of the commitments made by a country, in particular the democracy of a country participating in a particular convention at the international level. In the field of European human rights, the situation is different and often directly characterises the country participating in the European Convention for the Protection of Human Rights and Fundamental Freedoms, so that both have a structured and effective system of judicial enforcement in the EU structure and at national level.

In the context of the European human rights system, the situation may be more indicative of the participating state's commitment to human rights. This is because the European system has a more structured and effective system of judicial enforcement at both regional and national levels. The European Convention on Human Rights, which is enforced by the European Court of Human Rights, offers individuals the opportunity to bring complaints of human rights violations before a court. This judicial review can be a strong incentive for countries to ensure that their domestic laws and practices comply with the Convention.

For example, if the ECHR finds a violation, the state is not only obliged to remedy the violation for the individual applicant but also to take general measures to prevent similar violations in the future. This includes amending the laws, policies, or practises that led to the violation.

Furthermore, states that are part of the European Union have additional human rights obligations under the EU Charter of Fundamental Rights. Compliance with their obligations is

monitored by the Court of Justice of the European Union, which can also influence the national laws of the member states.

The ECHR and EU systems differ from other international human rights enforcement mechanisms because they are backed by strong judicial systems that can directly influence national laws and carry considerable legal weight. This double layer of protection, combining regional and national human rights enforcement mechanisms, can often be a more accurate indicator of a state's qualitative adherence to human rights and can be seen as characteristic of democratic states that are subject to significant judicial scrutiny of their human rights practises.

From this point of view, youth NGOs can participate in this process at the UN level, i.e. NGOs can submit information that can be added to the "other stakeholders" report that will be considered during the review. The information they provide can be used by any of the States participating in the interactive discussion during the review in the Working Group time (OHCHR, n.d.).

In 2020, the author of this article developed and submitted the first Universal Periodic Review on the Rights of Youth in Belarus for the UN Human Rights Council for the first. In our opinion, this tool has more political significance and meaning for youth organisations operating in undemocratic countries, such as Belarus, but can also be seen as a first requirement in the process of human rights advocacy at international and European level. Most youth organisations and their representatives use the UN human rights instruments firstly to get noticed and secondly to see the effectiveness of this procedure.

The submission of alternative human rights reports or reports to various UN institutions by youth NGOs aims to clarify their position on human rights issues in the country, and is often also an opportunity to communicate new ideas and raise the issues of a separate category of citizens for the global bureaucratic system, such as the need to create a separate institute for youth rights.

We will not deal fully with issues and the entire history of the development of modern international law, and the sources of international law, as we will rely entirely on the authoritative works of such world-renowned scholars as Jan Brownlie and his book "Principles of Public International Law" and his follower James Crawford with the book "Brownlie's Principles of Public International Law" (2019), the well-known book by Martin Dixon "Textbook on International Law" (2013), and the textbooks on human rights by Rhona K. M. Smith "International Human Rights Law" (2021). These professors have also distinguished themselves as experts in practice, by appearing as experts on international law before the UN International Court of Justice, which may speak in favour of their credibility.

Our task in this study is to understand how modern international law can change with the help of political and advocacy campaigns on behalf of youth non-governmental organizations and whether this is possible, as well as whether there have been cases in history where states have shown bilateral political will in such initiatives.

In this article, we do not focus on the internal state politics of decision-making, but we are interested in how representatives of states position themselves at the international level (for example, Uzbekistan, in our opinion, is not the most democratic country in the world and ranks 149th on the list of democratic countries, but at the international level in the EU and the UN this

state is one of the pioneers in promoting the rights of young people).

The historical background shows us that relatively recently, in 2010, the last of the list of nine (ten – Russian-speaking scientists, the authors single out separately the UN Subcommittee against Torture) treaty bodies established within the UN - the Committee on Enforced Disappearances, that is, according to the practice of political changes - this is an insignificant period of time and the world community it does not cease to develop in the issue of protecting the rights of various little (insufficiently) protected groups.

It can therefore be said that the development of contemporary international law is an ongoing process (the debate on the need to reform the UN also confirms this fact), we can also make reference to two works that are of interest in our study, namely the book "The Making of International Law" (2007) by authors Alan Boyle and Christine Chinkin and the work "Non-Governmental Organizations and the United Nations Human Rights System" by Fiona McGaughey (2021).

Both works are of interest for the study of the mechanism of establishing new human rights institutions and the possibilities of NGOs to influence and shape international law. This explains their relevance to the topic of research on the legal establishment of institutions, such as the advocacy for youth rights at the international and European levels, and the role of NGOs in initiating processes in the UN system. By examining these works, one can understand historical precedents and methodologies that may be informative or applicable to the promotion of youth rights and the potential role that youth NGOs can assume in this domain.

Scholars Alan Boyle and Christine Chinkin have done a great job describing in Chapter 2 several situations when NGOs were the authors in the emergence of a new international law. Thus they considered "strategies for NGO participation in the development of international treaties, and also focused on whether they are independent participants in international law-making or whether they are more properly considered as additional actors in state-centred processes." [16] That is, they have also considered the origin of the political will of states in this matter.

In addition, we see relevant examples of how NGOs have already been one of the main initiators of new institutions of human rights protection in the history of international law, for example, the creation of the International Committee of the Red Cross (ICRC), having its origins in the works of Henri Dunant and his book "A Memory of Solferino" and the establishment of a special commission in Geneva. Furthermore, the authors show the history and practice of the creation of the Convention against Torture thanks to the world-famous organisation Amnesty International, thanks to the efforts of the aforementioned ICRC.

In the wake of the pandemic, the challenge of exclusion in education has become increasingly urgent, emphasising the need for substantial policy interventions. "Education in an Altered World: Pandemic, Crises and Young People Vulnerable to Educational Exclusion," edited by Proyer (2023), comprehensively addresses the multidimensional impact of crises on the accessibility and quality of education for young people. This source provides empirical evidence of the vital role that youth NGOs play in mitigating educational disruption in unprecedented times. This study can contribute to understanding of the scale and nature of the policy responses needed to combat educational exclusion in times of crisis, as well as the influence of young people on policy change in the world.

As an intermediate conclusion, we note that the practice of influencing and even forming institutions for the international protection of human rights exists, but in all the publications cited above, youth is not mentioned as one of the possible actors; however, neither is the opposite claimed, from which we can draw the logical conclusion that youth NGOs and their representatives also have a possible political right to initiate new processes in the UN system. Applying this to youth NGOs, we can conclude that such organisations can use soft power tactics such as campaigning, awareness raising and lobbying to influence public opinion and policy. They can build networks and partnerships with like-minded organisations and entities to influence international human rights institutions. Given the complex interdependencies between states, international organisations and non-state actors, the collective efforts of youth NGOs have the potential to bring about change - this can include initiating processes at the UN level to ensure the rights and participation of young people.

In the book "Non-Governmental Organisations and the United Nations Human Rights System" (2021), Fiona McGaughey asserts that between 1950 and 1971 some 30 NGOs were involved in the drafting of the Refugee Convention, and NGOs also participated in the drafting of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

Fiona McGaughey (2021) also refers to the work of Cynthia Price Cohen "The Role of Nongovernmental Organisations in the Drafting of the Convention on the Rights of the Child" (1990), which states that the original idea for the creation of the UN Convention on the Rights of the Child came from a non-governmental organisation - the Save the Children International Union.

The UN system itself can also be an independent actor in the process of shaping human rights, more precisely the permanent meetings of state representatives, NGO representatives and members of human rights committees, for example, the submission of a human rights report by the state to the UN every four years. In this issue we can only emphasise the limited procedure and mechanism of participation of new NGOs, as well as logistical and other financial problems for representatives of NGOs, especially youth NGOs, and the danger of participation in such events for various NGOs from non-democratic states, for example, the materials of the Belarusian National Youth Council RADA in Belarus have been classified as "extremist" and their dissemination can lead to criminal prosecution, and the authors of such alt-right organisations can be prosecuted (Belarusian Youth in Exile, 2023).

Despite all the challenges for youth activists and youth NGOs from totalitarian countries, according to the UN data, young people use the existing mechanisms to protect human rights, even if they do not consider them to be fully adequate for themselves. This is evident from the statistics of the UN's recommendations on youth rights (Youth in Exile: The Belarusian National Youth Council [RADA]).

Thus, only 1 per cent of the total recommendations made in each UN human rights process were youth-specific:

- **9 UN treaty bodies:** 1.5% (1,377 out of 93,009 recommendations)
- **Universal Periodic Review:** 1.11% (966 out of 86,762 recommendations)

- **Special procedures:** 0.64% (102 out of 16,003 recommendations)

It can be concluded that only 1.08 per cent of the recommendations concern youth or youth policy in general. These results may have various reasons, but from our own practise we can conclude that youth NGOs are unfortunately still not seen as a separate entity in the UN human rights system. Researcher Fiona McGaughey also points out the "weak" position of some NGOs when they do not provide their information in a coalition with other "adult" NGOs, which also appears as a form of discrimination (2021).

However, most researchers also fail to take into account the fact that youth NGOs in Europe were sufficiently established as political actors for the defence of rights during the pandemic period and now also been given a "voice" in the post-pandemic period, as the information in the next part of this article shows.

The following are examples and sources of information that prove this:

- **Political voice and agenda setting:** Youth organisations, historically since the establishment of the European Youth Forum in 1996, have gained a political voice and their own political agenda in European countries.
- **Systematic legal defense:** The study of the role of youth NGOs in shaping policy in Europe shows that these organisations have contributed significantly to the systematic legal defence of the rights of young people.
- **Targeted programmes for young people:** Initiatives like the "Youth Guarantee" programme ensure that young people receive offers of employment or further education within four months of becoming unemployed or completing formal education.
- **Recognition and celebratory events:** Europe's naming of the year 2022 in honour of youth shows recognition of the role of the young generation in the fight against COVID-19.
- **Policy influence and empowerment:** The establishment of the European Youth Capital programme and the European Youth Week illustrate the influence of youth NGOs in the policy-making process by highlighting youth initiatives and increasing their participation in the EU. (European Youth Forum, 2023)

These examples show how youth NGOs have established themselves as critical actors in the European political and policy landscape. They have succeeded in attracting attention, participating in decision-making, and influencing policies, particularly in the area of youth rights and empowerment, which has been recognised and acted upon by high-level European institutions. These efforts reflect the essential role that youth NGOs have played during the pandemic and suggest that their influence in shaping the post-pandemic recovery and policy environment continues.

### **Youth NGOs as a catalyst for building international institutions-for youth rights.**

While the results of youth NGOs in the field of human rights are rather statistical in nature, but nevertheless very useful for the purposes of our article, the situation in the field of international politics has not only changed over the past few years but has also taken on concrete features.

Thus, in 2022, a political institute for youth advocacy was created, the UN General Assembly decided to "establish a UN Youth Office as a special unit for youth within the Secretariat" [23], which was preceded by the work of a special envoy to the UN Youth Commission and the establishment of the UN Youth Office. This was preceded by the work of a Special Envoy on Youth, which was more symbolic in nature.

The intersectionality of education, race, and democratic engagement among European youth can be illustrated by drawing on the seminal work of Henry A. Giroux and Susan Searls Giroux in "Take Back Higher Education: Race, Youth, and the Crisis of Democracy in the Post-Civil Rights Era" (2004). Their examination of how institutional and systemic inequalities impact civic participation and educational opportunities for young people provides pertinent insights into the current climate in which youth NGOs operate. It reminds us how urgently these organisations not only need to engage in policy advocacy but also to work toward deeper democratisation of education.

It should be added that the Secretary-General's Envoy on Youth is an office created by former Secretary-General Ban Ki-moon in 2013, which will remain in existence and integrated into the UN Youth Office. This fact may indicate several things, first of all that states are able to create new institutions for the protection of human rights, in a relatively short period of time, and to emphasise individual human rights as the most endangered, i.e. to respond to changing circumstances. In the author's opinion, the same procedure can be applied to the creation of a new institution for the protection of youth rights - the creation of a new UN Committee on the Rights of Youth.

Reference can also be made to the work of Thomas Davis in the Routledge Handbook of NGOs and International Relations (2019) to discuss the role of non-governmental organisations in international politics, and in particular how youth NGOs can influence international relations and advocate for youth rights. Davis' book can provide a comprehensive overview of the functions and influence of NGOs on global political processes, which is of direct relevance to the study of youth rights. Drawing on existing literature, the author is able to show how youth NGOs operate within the broader spectrum of NGOs that Davis writes about and how they may face unique challenges or have particular strengths when advocating for youth rights internationally.

There is also a view in political science that "the UN Youth Office is not as revolutionary as it appears at first glance" (European Journal of International Law, 2022). As researcher Julian A. Hettihewa notes in his article "Looking Behind the UN Youth Office: Considering Structural Limitations of Youth Participation After the Party" that "young people are often unaware of their domestic counterparts or predecessors, as well as international partners (2022). It may well be that young people from the same state support opposing demands in the name of youth."

It seems to me that this is not only not fair, but also does not do justice to the reality of the year 2023 on its merits. In practise, one can only take an organisation such as the European Youth Forum, a platform, which represents more than 100 youth organisations and brings together millions of young people from all over Europe.

Over the past five years, the organisation's members have drafted and adopted a variety of resolutions and documents on youth rights, including issues such as the shrinking space for youth and youth organisations, support for youth activists, the rights of minorities and so on. The information can be found on the official YFJ website, and it at least questions or rather refutes the

above-mentioned opinion of Julian A. Hettihewa that young people do not have a common vision and opinion.

In examining the role of youth NGOs in shaping contemporary European youth policy, one can find historical parallels to the activism narrated in Lewis's "The Shadows of Youth: The Remarkable Journey of the Civil Rights Generation", in which young activists became full participants in the shaping of policy and the and the defence of civil rights (2010). This precedent emphasises the potential of today's youth NGOs to create political conditions conducive to the establishment of international youth rights institutions.

The European Youth Policy is already a well-established and respected institution, working in an effective and organised way with respected institutions such as the European Commission and the European Parliament, as well as the elected Youth Advisory Council of Europe, which since 2016 has been a non-governmental partner in the co-management structure that sets standards and priorities for the work of the Council of Europe's youth sector and makes recommendations on future priorities, programmes and budgets.

In considering the evolving landscape of youth rights in the European Union, it is important to understand the background to higher education and research policies that impact young people's mobility and social rights. The findings of Anagnostopoulou and Skiadas in "Higher Education and Research in the European Union: Mobility Schemes, Social Rights and Youth Policies", highlight the complexity of these issues and the significance of the EU's role in advocating for and implementing policies that support youth development and empowerment (2022). These findings emphasise the relevance of youth NGOs in influencing policies that affect a wide range of youth rights and facilitate their active participation in European civil societies.

In this article the author also refers to the opinion of a youth delegate from the Norwegian Youth Council who in 1982 feared the isolation of young people due to the creation of a separate institution for youth rights.

In my opinion, this may be important from the point of view of historical memory but can in no way be considered a relevant or pertinent commentary on the process of creating a new institution for youth rights. The world community, especially the generations of young people, is changing quite rapidly, not only in its ideology but also according to the challenges of the times. So far, at least in European countries, there has not been a broad debate on whether a specialised institute for youth rights is needed.

Further proof of this is that more than 100 national youth councils and international youth organisations, under the initiative of the representatives of Greece, Portugal, Egypt and El Salvador at the UN, held a discussion on the strategic planning for the UN Convention on the Rights of Youth in the framework of the European Youth Forum 2023 in Brussels (Belgium). The author was one of those who moderated this discussion and also witnessed an absolutely clear common position on the need for this convention.

In 2024 the main issues facing youth organisations in Europe are the lack of global awareness of what youth rights are, because until then for many in the UN it is the same as children's rights. There are also difficulties in finding entry points for strategic youth rights advocacy and finally,

the processes are difficult for youth organisations to access: lack of resources, lack of meaningful participatory processes, limited knowledge of the UN.

The concerns highlighted appear to be obstacles, both in terms of structure and perception, which could hinder the effective promotion of young people's rights:

- 1. Differentiation from children's rights:** Youth rights are often lumped together with children's rights, which can lead to a dilution of focus on the specific issues facing young adults, such as the transition to work, higher education, and political participation. Distinguishing youth rights emphasises the particular challenges faced by this population group, which are not adequately addressed in the context of children's rights.
- 2. Strategic starting points for advocacy:** Without clear opportunities to exert influence, it is difficult for youth organisations to make their voices heard. Finding effective starting points for advocacy means understanding the political processes and finding ways to engage with policy makers to shape the youth rights agenda.
- 3. Accessibility and resources:** Youth organisations may lack the financial means and institutional knowledge to navigate complex international systems such as the UN. They need access to information and funding to participate meaningfully in policy development and advocacy.
- 4. Participatory processes:** Involving young people in decision-making processes ensures that policies reflect their needs and viewpoints. However, if participatory mechanisms are weak or non-existent, youth perspectives can be left out, resulting in policies that do not adequately address their concerns.
- 5. Knowledge of the UN systems:** The bureaucratic structure of the UN can be challenging to navigate without the appropriate knowledge. Training and capacity-building initiatives for youth organisations can enable them to participate more effectively in UN policy-making processes.

Addressing these issues can strengthen the capacity of youth organisations to advocate for their rights, and thus ensure that their unique needs are taken into account in the formulation of international and European policies.

That is, there is a clear understanding and vision of needs and goals, but their fulfilment and implementation depends on the political will of the world political community - here we have only one newly created institution for the representation of youth rights - the UN Youth Office, but as the statistics show, young people already have a legal and political need to defend their rights at the international level, within the framework of the UN Committee on the Rights of Youth.

Without drawing a parallel, we would like to point out that the Committee on Enforced Disappearances was set up directly by the UN in the 1970s, after the widespread and systematic practise of enforced disappearances in Latin American countries was identified. In other words, the countries of the UN General Assembly took the political decision to enshrine the rights of a particular social group, in this case people affected by torture and disappearance, in a legal document - the Convention. However, as is customary in international politics, the focus on the definition of human rights or respect for fundamental freedoms, in terms of protecting the rights of certain groups of people in a particular region or even a particular country is beginning to take shape.

As Rhona K. M. Smit writes in her book "International Human Rights Law" on the international protection of human rights, the international system of human rights protection has already emerged, but the UN is also evolving and has developed a special programme, the "Technical Cooperation Programme", through which states can request expertise and assistance as well as measures to protect human rights, including youth (2022). This means that despite the stable UN system that has been established, states can create so-called "roadmaps" to address emerging issues.

Thus, after COVID19, special attention was paid to the most vulnerable population groups, The International Law Association notes that the United Nations raises the hopes of so many oppressed people of the world. Every year, thousands of individuals and groups turn to UN bodies for help. On their behalf a multitude of non-governmental organisations try to put their cases on the international agenda. When national institutions fail, when governments do not respond, millions of tortured, oppressed and starving people turn to the UN (2000).

It can therefore be assumed that the organisations of the independent sector (NGOs) also exert their political influence on the shaping of the new system of international law and human rights.

It should be noted that this idea is not new. As early as 1995, Secretary General Boutros Boutros-Ghali said at the Conference of Non-Governmental Organisations at Headquarters that "non-governmental organisations should lead the mobilisation, discussion and implementation of human rights".

Many scholars have also subsequently paid much attention to the fact that non-governmental and independent organisations can and do influence the formation of new political and legal institutions. For example, Leslie Johns in her book "Politics and International Law" describes that treaties are agreements between states, private actors - individuals, corporations and NGOs - can help states negotiate and implement treaties, but they cannot accede to treaties (2022).

As already mentioned, the drafting of an international UN convention on the rights of youth began at the European level in 2022, and youth organisations and expert communities from the field of non-profit sector - NGOs, such as the European Youth Forum and its member organisations - were involved in this process.

The UN Convention on the Rights of Youth is clearly a future international instrument, for the creation of which there must be political will in the form of a treaty. The youth consultation on the establishment of the UN Youth Office on 8 October 2022 and the discussion on how the UN Youth Office can improve the meaningful involvement of youth in the UN system and its main areas of work, and how to ensure the open and continuous participation of youth in the work of the UN Youth Office, can be seen as preparatory measures.

As a reminder, this discussion was organised following the adoption of UN General Assembly Resolution A/RES/76/306 in 2022 and thanks to the members of the UN Core Group on the Rights of Youth. In addition, political decisions are initially made at the level of political statements and declarations, which is why 2022 has been declared the Year of Youth in the countries of the European Union. EU countries wanted to emphasise the precarious financial and youth situation (in time for

COVID19) and emphasised that the European Year of Youth is a moment to move forward with confidence and hope in a post-pandemic perspective" (European Youth Portal).

It is also important that the European Parliament and the European Commission emphasise youth as a separate group. For example, in her 2021 State of the Union address European Commission President Ursula von der Leyen in her State of the Union address declared that 2022 should be the year dedicated to those who have done so much for others, and subsequently, in October 2021, the European Commission presented its official proposal to declare 2022 the European Year of Youth.

Other politicians, such as the Vice-President for the Promotion of our European Way of Life, Margaritis Schinas, issued statements in which they also supported this initiative and emphasised that European politicians "support young Europeans in the defence and promotion of freedom, values, opportunities and solidarity" (2021).

The outcome of all the discussions and declarations on 2022, the Year of Youth, has also led to the formation of several key priorities, one of which is to mainstream youth policy into all relevant European Union policies in line with the EU Youth Strategy 2019-2027 and to promote the integration of a youth perspective into policy-making at all levels.

In turn, the EU Youth Strategy makes it very clear (paragraph 2A) that "youth policy should be firmly linked to the international human rights framework" (2018). This shows us the integrity of the understanding of the human rights system in Europe, as well as the additional focus on youth rights through policy instruments.

But more importantly, the European Union's policy not only extends fundamental human freedoms, but also strengthens the rights of young people. Paragraph 2C of the strategy states that "all policies and activities concerning young people should support the right of young people to participate in the development, implementation and follow-up of policies affecting them through the meaningful involvement of young people and youth organisations". This study is not about a detailed and legal analysis of all norms in European Union policies, but we note that there is an existing interest in the youth agenda.

In the document, European politicians point out that young people and youth organisations can demand recognition of their rights as a separate social group - youth - as well as the right to participation and self-organisation. At the international level, within the framework of the UN, the world community has taken a different path, which can be clearly reflected in the diplomatic approach to the formation of new institutions of influence, so that the issues of youth and youth rights have been taken out of the sphere of "basic" UN bodies, such as the UN Human Rights Council and the Office of the UN High Commissioner for Human Rights, and delegated to a special mandate (assistant) of the UN Secretary-General - the UN Youth Envoy.

In her 2020 speech, Jayatma Wickramanayake, the UN Secretary-General's Envoy on Youth defined her mandate as "advocating for the rights of all young people to engage constructively in realising positive change" (United Nations Regional Centre for Preventive Diplomacy for Central Asia).

From a political perspective, it is important to note that the envoy herself says that her "job is to ensure that young people around the world are involved in the implementation of the strategy".

This refers to the UN Secretary-General's system-wide youth strategy "Youth 2030". But from a legal or rather human rights perspective, this mandate is of little relevance to local youth organisations fighting for their rights (2018).

In exploring the nuanced ways in which young adults navigate the social structures of modern European societies, "Rites Of Passage: Social Change And The Transition From Youth To Adulthood" by Irwin provides an invaluable perspective (1995). It sheds light on the evolving expectations of adulthood and the social factors that influence these transitions. It emphasises the necessity for youth NGOs to advocate for policies that take into account the changing contours of these rites of passage.

## Conclusion

From the information presented, it can be deduced that the international community could face various challenges in establishing a new institution for the protection of youth rights. These include the question of whether the legal and international expert bodies such as representatives of the UN, states, and international human rights organisations are willing to take on additional monitoring tasks to oversee the enforcement of a new human rights treaty on the rights of youth. Furthermore, UN member states will undoubtedly be confronted with a political question: are world leaders and elites ready to make political commitments to uphold the rights of young people and show the political resolve required to integrate new norms of international law into their national legislation? In my personal opinion, the above facts show that the establishment of such a human rights institution for the rights of young people is realistic at this stage only on the territory of the Council of Europe countries (with the exception of Belarus and Russia).

The preparatory legal and political conditions are already in place, but the ability of youth organizations and their representatives to effectively assert their rights at European and international level will be crucial. It is important that youth activists establish themselves as valued members of society who can articulate their viewpoints in a professional language that is also heard in bureaucratic structures. Another important factor is whether the democratic countries in Europe will support the global initiative put forth by colleagues from Greece, Portugal, Egypt, and El Salvador. The political conditions for the legal establishment of the institution of youth rights at international and European level depend on the willingness of legal professionals, representatives of the UN, states, and international human rights organisations to take on additional monitoring duties and ensure the implementation of a new human rights document for young people.

To summarise, the article is a comprehensive study of the political conditions required for the legal establishment of youth rights at international and European level. The results of the study highlight the importance of creating a formal framework for the protection of these rights, which is strongly influenced by the active participation of youth organisations.

### Key findings include:

- Since the establishment of the European Youth Forum in 1996, youth organisations have gained a political voice and agenda that increases the visibility and activism of young people in the

political landscape.

- The implementation of various EU initiatives such as the Youth Guarantee programme, the European Youth Portal, the European Youth Week and the European Youth Capital programme have helped to advocate for youth rights and improve access to employment, education and cultural opportunities, but further development is needed, for example, in the Eastern Partnership countries.
- The crucial contribution of young people in the fight against the COVID-19 crisis in Europe has been recognised, leading to 2022 being declared as the year of honouring youth. This recognition goes hand in hand with a commitment to support and empower the most vulnerable young people in the EU.
- The development of the UN Convention on the Rights of Young People is a milestone in the formalisation of the rights of young people and shows the evolution of these efforts since the introduction of the UN International Day for the Protection of Children and the Convention on the Rights of the Child.
- The EU's targeted measures to engage young people in external action and the adoption of the EU Council Conclusions represent concrete steps to increase the civic and political participation of young people around the world. The research emphasises the need to build political support for the recognition and protection of youth rights and reflects the complex interplay between young people's activism and legal advocacy for their rights.

To summarise, the current policy does indeed reveal challenges in creating a comprehensive set of legal norms that adequately protect young people. This difficulty stems from the fact that these people are in a transitional phase; they are no longer children but are not yet recognised as fully-fledged adults. Consequently, they fall into a gap within existing human rights mechanisms, which tend to focus on either children or adults, so that the unique needs and rights of young people are not adequately addressed.

Efforts are currently being made to close this gap, including the development of youth-specific initiatives and legal frameworks. The creation of a UN Convention on the Rights of Youth, for example, is a step toward formal legal recognition and protection of young people's rights. However, until such instruments are fully established and implemented, young people may find that their rights are not as fully protected by existing laws as those of children and adults.

This article can contribute to future research by providing a comprehensive overview of the role of the contemporary political landscape in shaping juvenile justice legislation. It lays the groundwork for further research on the challenges young people face in the transition from childhood to adulthood and the legal protections they need. The successes and challenges of existing advocacy efforts described in my paper can also guide future researchers and activists in developing effective strategies to promote youth rights. By highlighting the lack of precise legal standards for young people, this study also points to an important area for further scholarly work to fill this gap. Finally, this preliminary study of interagency cooperation and youth-centered initiatives can help assess the impact and effectiveness of international policy and youth engagement in democratic processes and serve as a rich source of information for scholars and policy makers alike.

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