

## INTRODUCTION

Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being," and which are "inherent in all human beings" regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others. They should not be taken away except as a result of due process based on specific circumstances; for example, human rights may include freedom from unlawful imprisonment, torture, and execution.

Young people do experience difficulties in the exercise of their rights by virtue of being young and there are gaps in the protection of the human rights of youth. There is a need for an international instrument on the human rights of youth. There is a need for urgency in moving the youth rights agenda forward, and maintaining momentum is of crucial importance. There is an urgent need for youth participation and leadership, and ensuring the full involvement of youth organisations. And youth engagement must be not simply through traditional methods, but must also use social media and available communication technology.

There should be a move away from a youth definition focusing purely on biological age, because "youth" is a culturally loaded concept, and will differ according to different communities, as well as in rural and urban contexts. The transition from child to adult occurs at different times in relation to different rights – for example in the justice system, in the labour market, in education, and in the family. Despite these diversity, there is a need for a life-cycle approach to human rights, that provides comprehensive protection of a person from childhood to old age, and the protection of youth must be part of this

There are barriers in the protection of the human rights of youth. young people experience difficulties in the exercise of their rights by virtue of being young, the following barriers are some of the barriers that caused these difficulties: cultural norms, weak institutions that do not have

youth friendly and specialised services; the absence of disaggregated data on youth; poverty among youth; lack of real engagement with youth; lack of intergenerational dialogue.

## RESEARCH METHODOLOGY

For the purpose of collecting all important data and information required for the establishment of this report, secondary data collection is chosen to gather all available information regarding to youth and human right. Different sources from different websites were used to extract and gather all factual information regarding to this report. A similar method were also used to gather all responses from the various stakeholders. The sources were carefully chosen in order to ensure the quality of the content, relevance, and ease of comprehension. The main reason for choosing secondary data collection method is based on a fact that varieties of sources are largely available in the internet.

## FACT SHEET

- ✚ About 73 million young people worldwide are looking for work, and in Europe the unemployment rate for those under 25 is 2.6 times higher than the rest of the population. Employment is also often more precarious for youth, with less guarantees. Youth do not receive equal pay for equal work. In some countries minimum salaries were lower for young people than the rest of the population, and there are issue of unpaid internships.
- ✚ The age of access to political rights, including voting and standing for political office, is discriminatory against young people. There are several countries in which individuals must be of a minimum age (between 30 and 50) to be elected to political office.
- ✚ In many countries when one reaches 15 years of age, education is no longer mandatory, and the ability to access the right to education faces more obstacles.
- ✚ 40 million children below the age of 15 suffer from abuse and neglect.

- ✦ Every city with a population greater than 250,000 reports gang activity.
- ✦ Approximately 27 million people are currently enslaved in the human trafficking trade around the world.
- ✦ More than 300,000 children under the age of 18 are being exploited as child soldiers in armed conflicts worldwide.
- ✦ Even though 2/3 of the world has abolished the death penalty, 1,591 people were knowingly executed in 2006 alone. The real figures of executions are likely much higher, 91% of these penalties took place in China, Iran, Pakistan, Iraq, Sudan, and the U.S.
- ✦ Millions of people are displaced in regions like Darfur where ethnic cleansing and violent conflict occurs. The displaced are forced to rely on humanitarian relief. Humanitarian workers are often kidnapped and attacked, and relief trucks are looted.
- ✦ Several governments monitor their citizens' Internet use and have censored or imprisoned them for freely expressing opinions online. People in China have been arrested and charged for using the Internet as a tool to spread human rights information.
- ✦ Armed conflict has killed 2 million children, disabled 4 to 5 million, left 12 million homeless, and orphaned more than 1 million in the past decade.
- ✦ There are approximately 246 million child laborers worldwide.
- ✦ Protestors of repressive governments across the Middle East and North Africa have been killed, beaten, and arrested by police in the streets for voicing their opinions of reforms.
- ✦ Throughout history, women have been denied the knowledge, means, and freedom to act in the best interest of themselves and their children.
- ✦ Although the Optional Protocol to the Convention on the Rights of the Child prohibits compulsory recruitment before the age of 18, many states allow voluntary military enlistment before that age.
- ✦ Young women have the highest unemployment rates, they have a greater likelihood of dropping-out of education, and are the least politically represented. In particular, issues such as forced marriage and female genital mutilation are also of great concern for young women. Furthermore, the freedom of movement for young women can be restricted, for example there is a country in which women under the age of 35 are not permitted to travel alone outside the country.

## **RESPONSES FROM VARIOUS STAKEHOLDERS**

### **INTERNATIONAL RESPONSES**

On 25 and 26 July 2013, Office of the High Commissioner for Human Right (OHCHR) organised a meeting of experts to analyse the human rights framework applicable to young people, and to formulate possible ways forward for the human rights of youth at an international level. Participants discussed ways to ensure the recognition of youth rights and their implementation at an international level. Many participants suggested that a binding legal instrument was needed to enable youth to fully realise their rights. They noted that such an instrument could be an important way forward to recognise youth as agents and rights holders, and could also empower the youth rights movement to pressure governments towards change through creating international standards. However, caution was urged in that any document must ensure that rights existing under other treaties, and particularly the Convention on the Rights of the Child, are not downgraded.

However, given the lack of consensus among participants, a step-by-step approach was advocated, that did not see a binding legal instrument as the only solution, but looked at intermediate options that could be achieved in the short or medium-term.

#### **Intermediate recommendations included:**

- a. Mainstreaming youth rights into the work of the treaty bodies and the special procedures. Participants suggested that this could take the form of a greater focus on youth in the reporting guidelines for treaty bodies and in the lists of issues sent to states, specific sections on youth in concluding observations and more General Comments that pay attention to youth rights and issues. A joint General Comment was also suggested.
- b. It was recommended that the Universal Periodic Review mechanism be used to highlight issues concerning youth rights.

c. Greater engagement with the Human Rights Council on the subject of the human rights of youth was recommended. In particular, participants suggested a move to engage an interested sponsor to formulate a resolution at the Human Rights Council calling for the preparation of a report on the gaps and strengths of the current human rights framework in relation to youth. Other participants proposed that the Council develops, via OHCHR and other partners, guidelines to help direct states in their human rights based approach to youth policies. In addition, the idea of a Special Rapporteur on Youth, as a special procedure of the Human Rights Council, was also raised.

d. In correlation with all these procedures, participants also highlighted the need for further research in the area of youth rights, noting the lack of specific data at a global level. An in depth study was advocated that would identify the gaps that exist in the current legal framework.

## **GOVERNMENT RESPONSES**

Reporting to United Nations (UN) Human Rights Monitoring Bodies. The UK continues to see the monitoring process carried out by expert UN treaty monitoring bodies<sup>15</sup> as an essential element in the promotion and protection of human rights throughout the world, and a catalyst for achieving positive change. The Government values the advice given by expert committees on the implementation of the instruments to which the UK is party and gives serious consideration to that advice in the development of human rights policy in the UK.

The UK also remains fully committed to the Universal Periodic Review (UPR) process, an essential mechanism for sharing best practice on human rights, and for promoting the continual improvement of human rights on the ground. In September 2014, Baroness Anelay (Minister of State for Human Rights at the FCO) visited the UN HQ in Geneva and co-hosted a panel discussion with Morocco on voluntary mid-term reports for the UPR. As part of the monitoring process, the UK Government is committed to constructive engagement with the National Human Rights

Institutions and interested NGOs. Since August 2013, the UK has completed the following milestones:

- ✚ May 2014: periodic report under the Convention on the Rights of the Child (CRC) and also the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
- ✚ May 2014: examination under the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography
- ✚ May 2014: follow up information under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- ✚ June 2014: periodic report under the International Covenant on Economic, Social and Cultural Rights
- ✚ June 2014: updated UN Core Document
- ✚ August 2014: mid-term report in the context of the Universal Periodic Review (UPR)

Australia's commitment to human rights is enduring: They were an original signatory to the Universal Declaration of Human Rights sixty years ago. They have been a leading proponent of its consistent and comprehensive implementation. Protection and promotion of the human rights encapsulated in the Declaration is vital to global efforts to achieve lasting peace and security, and freedom and dignity for all. Australia's commitment to the aims and purposes of the Universal Declaration of Human Rights reflects their national values and is an underlying principle of Australia's engagement with the international community.

Australia works with the Asia Pacific Forum of National Human Rights Institutions (APF), the International Coordinating Committee of NHRIs (ICC), governments, civil society and regional actors (including the Pacific Islands Forum) to encourage the formation, and build capacity, of National Human Rights Institutions in the region. The Australian Human Rights Commission is an independent statutory body that is responsible for the promotion and protection of human rights in Australia. Each state and mainland territory in Australia also has its own human rights body, usually termed anti-discrimination and/or equal opportunities commission.

## PRIVATE SECTOR RESPONSES

Private sector work include:

- ✚ Looking at the human rights responsibilities of businesses as part of the ongoing UN process
- ✚ Supporting workers' rights in global supply chains to reduce discrimination and allow them to negotiate better wages.
- ✚ Campaigning for transparency and accountability in extractive industry contracts and payments to governments.
- ✚ Examining the impact of mining in developing countries where our partner organisations work.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) form part of a global framework for preventing and addressing the risk of adverse impacts on human rights linked to business activity. From 2005 to 2011 aid agency CAFOD took part in the UN level process led by then Special Representative Professor John Ruggie which resulted in the Protect, Respect, Remedy Framework and the Guiding Principles on Business and Human Rights.<sup>1</sup> On June 16, 2011, the United Nations Human Rights Council unanimously endorsed the Guiding Principles. Businesses have the potential to impact on almost all human rights, including the right to water, land, rights in the workplace, and the rights of indigenous communities. The private sector is key to development, but clearly companies can have both positive and negative impacts on human rights.

When business-related abuses occur, it can be very difficult for poor citizens to defend their rights and bring successful legal actions against multinational companies. Globally there are now over 100,000 transnational companies with almost 900,000 foreign affiliates. As the operations of multinational companies come into contact with some of the poorest people in the world, there is a clear imbalance in terms of political influence, economic clout, access to information and to legal expertise. UN Special Representative John Ruggie identified the “governance gaps” which now exist because international human rights law has not caught up with investment agreements and globalised markets. The Protect, Respect, Remedy Framework and the Guiding Principles represent John Ruggie’s response to this challenge.

Companies can no longer ignore activists. As part of their due diligence, they must conduct human rights impact assessments, and to do so, they should undertake vigorous stakeholder consultation. International standards have emerged to require companies to talk to communities, but at times governments intervene and claim to speak on their behalf. In other cases, communities are not interested in engaging with companies. Companies also find it difficult to identify who can speak legitimately for a specific community.

In 2015, companies will increasingly be called on to make major business decisions only after undertaking rigorous due diligence, including by listening to affected communities and stakeholders and by speaking up for human rights defenders. Companies will be under increasing pressure to choose between their bottom-line imperatives and their commitment to respecting human rights for all.

## NGO RESPONSES

Traditionally, human rights NGOs have tended to feel that international humanitarian law was the province of the International Committee of the Red Cross and that it was complicated, containing as it does all sorts of strange and ambiguous (at least to human rights people) concepts such as “collateral damage” and “military necessity”, so that even something as apparently straightforward as the killing of civilians might, though regrettable, not constitute a violation of international humanitarian law. For human rights NGOs, there have been questions about how to interpret the law and whether there is a danger of lowering standards by applying international humanitarian law rather than human rights law.

However, the proliferation of armed conflicts — in particular internal armed conflicts — and the apparent convergence of human rights law and international humanitarian law has led certain human rights NGOs to reconsider their position. A basic principle for human rights NGOs is that it is unacceptable to ignore violations on the grounds that they occur during armed conflicts. How then can these organizations respond effectively to such violations? Does international humanitarian law provide a useful framework? These questions will be examined with respect to two issues: applicable standards and the accountability of non-State forces.



The increasing interest in international humanitarian law on the part of human rights NGOs highlights the problems with which they are wrestling: in particular, how to maintain or improve protection of human rights in armed conflicts and internal disturbances. It is in the nature of NGOs that there will be no unified response to these problems though a number of key points on which they agree emerge from their work and from their discussions. They are as follows.

1. International humanitarian law provides agreed standards specifically designed to address issues arising in armed conflict. On the basis of these, NGOs can hold governments and armed opposition groups alike accountable for their actions.
2. In the event of non-international armed conflict, NGOs can remind the warring parties of the provisions of Protocol II even where the State is not bound by that treaty or where it is not applicable (because a condition for its applicability is not met, e.g. control of territory), since the Protocol provides authoritative guidance regarding humane treatment. Moreover, at least part of its provisions belong to international customary law.
3. In addition to including violations committed by non-State entities in their reports on government violations, human rights NGOs need to engage non-State entities and to be able frankly to condemn violations committed by them. There are at least four possible bases for such action by human rights NGOs. Their use would depend on various factors, including the sensitive problem of possibly giving “recognition” to such groups, and the body of law which the individual NGO considers most appropriate or with which it feels most comfortable. These bases are:

## **MEDIA RESPONSES**

Working in public interest, a sensitised, independent and responsible media helps develop a real democratic and responsive society through public awareness for promoting a culture free of religious intolerance, sectarian and ethnic divide, insecurities, injustices, economic deprivation, discrimination against women, children, minorities, farmers, consumers and other disadvantaged factions of society.

The media puts international and national human rights standards to practice by telling people everywhere what democratic and basic rights they have and how to claim and defend them. Well-informed and vigilant people insist on the effective measures to enjoy their basic rights of equality of status, opportunity, equality before law, social, economic and political justice and freedom of thoughts, expression, belief and faith. The media, whether electronic, print or on-line, as a public interest entity helps people in attaining such rights by exposing all sorts of human rights violations.

Though media is doing its job of bringing to light any violation of human rights and individual freedom, yet it can focus and be sensitised on the rights of the people taking up the cause of “Protecting their Right to know”. Working in public interest, it is only a sensitized, independent and responsible media that can help develop a real democratic and responsive society through public awareness for promoting a culture free of religious intolerance, sectarian and ethnic divide, insecurities, injustices, economic deprivation, discrimination against women, children, minorities, farmers, consumers and other disadvantaged factions of society. Working journalists also need to ensure prompt, genuine and fair reporting on other thorny issues such as illiteracy, child labour, oppressive socio-cultural norms and lack of access to equal opportunities for all, besides environmental degradation.

Striving for prompt reporting and monitoring of the issues relating to democracy and human rights by enhancing extensive coverage on the two issues, the journalists are encouraged to raise voice against the atrocities and human right violations taking place anywhere. The newsmen reporting violations not only to their respective media -- be print, electronic or online -- should also report them to local administrations and the Human Rights Commissions for their onward submission to the high-ups to seek justice for victims. It would not be a bad idea for associations of journalists to collectively lobby with local leaders, parliamentarians and bureaucrats for assurances regarding effective implementation of human rights instruments and for adoption of any such covenants.

Since media are the eyes and ears of any democratic society, their existence becomes detrimental to the sustenance of all democratic societies. Unless a society knows what is happening to it and its members, the question of protecting or promoting rights does not emerge. Hence, it is in fulfilling this function that media justifies its existence. No doubt in India, media especially the

print, has played an important role in educating and informing citizens of their rights as well as the violations of such rights. One cannot forget that the origin of newspapers in India itself lay in challenging the denial of rights.

While media has played a significant role in the promoting the cause of human rights in India, it has largely been by the print medium. There is an increasing need for the various other media which have emerged post-independence to also engage with the discourse of human rights. This calls for a departure from our own obsession with print medium as the medium, with marginal inclusion of news-based television channels.

## YOUTH RESPONSES

The UN Commission on Human Rights,

1. requests on the basis of the report of the Advisory Group on Youth and the Secretary-General's comments and recommendations thereon, that the appropriate United Nations organs, specialized agencies and non-governmental organizations, as well as Governments, promote within their respective spheres of competence the following measures for the involvement of youth in human rights:

- ✚ Active participation of young people in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, including the organization of youth meetings on the national and regional levels and youth workshops in order to examine racial prejudice and to identify and evaluate manifestations or symptoms of racial prejudice, in particular as contained in textbooks and other publications and the mass communications media;
- ✚ Active promotion of the participation of young people, in particular young women and girls, in the development of society, in particular by ensuring to them equal rights and opportunities in education, in employment and in the other areas of economic, social and cultural life;
- ✚ Development of a special curriculum on human rights for use in the various educational systems, whether at the primary, secondary or technical level, and through the United

Nations University, and study of the possibility of the introduction of a special curriculum on human rights in universities, in accordance with Commission resolution 17;

- ✚ The use of mass media, particularly television, to propagate among youth respect for human rights in accordance with the principles of the Universal Declaration of Human Rights, the International Covenants on Human Rights, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples and other relevant United Nations instruments;
- ✚ Development of youth projects with the purpose of identifying and examining situations where the human rights of young people are being seriously restricted or violated;
- ✚ Study of the possibility of the appointment by youth organizations in each country of a youth correspondent with the United Nations for issues related to human rights;

2. Requests the Secretary-General to bring the present resolution to the notice of all Member States, the appropriate United Nations organs, the specialized agencies and the non-governmental organizations in consultative status concerned, asking them to submit information on steps taken in pursuance of paragraph 1 above;

3. Requests the Secretary-General to transmit the reports of the Ad Hoc Advisory Group on Youth on its second and third meetings and all other relevant documents to the Commission for its further consideration;

4. Decides to consider at its thirty-third session the question of the role of youth in the promotion and protection of human rights on the basis of a report by the Secretary-General summarizing the information submitted under paragraph 2 above, as well as of the documents submitted by the Secretary-General under paragraph 3 above.

In order for youth to contribute to the enjoyment of human rights and the establishment of world peace, the world community must provide the necessary means for educating youth in both practical skills and spiritual values. At the same time, to achieve this full enjoyment of human rights youth must also be at the forefront of efforts to promote social and economic progress and justice.

## CONCLUSION

The doctrine of human rights has been highly influential within international law, global and regional institutions. Actions by states and non-governmental organizations form a basis of public policy worldwide. The idea of human rights suggests that "if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." The strong claims made by the doctrine of human rights continue to provoke considerable scepticism and debates about the content, nature and justifications of human rights to this day.

The precise meaning of the term right is controversial and is the subject of continued philosophical debate; while there is consensus that human rights encompasses a wide variety of rights such as the right to a fair trial, protection against enslavement, prohibition of genocide, free speech, or a right to education, there is disagreement about which of these particular rights should be included within the general framework of human rights; some thinkers suggest that human rights should be a minimum requirement to avoid the worst-case abuses, while others see it as a higher standard.

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the atrocities of The Holocaust, culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948. Ancient peoples did not have the same modern-day conception of universal human rights.

The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval natural law tradition that became prominent during the Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and which featured prominently in the political discourse of the American Revolution and the French Revolution. From this foundation, the modern human rights arguments emerged over the latter half of the twentieth century, possibly as a reaction to slavery, torture, genocide, and war crimes, as a realization of inherent human vulnerability and as being a precondition for the possibility of a just society.

Protecting human rights is closely linked to advancing long-term, sustainable development. Rights are both part of the goal of development and instrumental to attaining other goals such as economic growth or democracy.

The links between rights and development are many and complex:

- ✚ Lack of rights leads to exclusion and marginalization of citizens, which lies at the root of much poverty, even in resource-rich environments.
- ✚ Lack of rights exacerbates conflict and leads to cycles of violence.
- ✚ Having rights means that people participate in making choices about their own lives, unleashing their own creative energies and strengthening social unity.
- ✚ Living within a rights-protecting culture allows people to develop to the maximum of their capabilities.

## **RESPONSES OF WORLD ASSEMBLY OF YOUTH**

- ✚ Decrease by 50% all forms of violence and related death rates among young people everywhere.
- ✚ Eradicate abuse exploitation, trafficking and all forms of violence and torture against young people.
- ✚ Encourage all members to promote the rule of law at their countries and ensure equal access to justice for all.
- ✚ Create awareness programmes, conferences and publications on dangers faced by young people in conflict zone areas.
- ✚ Ensure that youth and youth leaders play their role to avoid being coerced in conflicts.
- ✚ Ensure the rights to the highest attainable standard of physical and mental health and wellbeing among youth.
- ✚ Encourage all members to undertake reforms to give young women equal rights to economic resources, as well as to ownership and control over the other forms of property, financial services, inheritance, and natural resources.

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