
Recommendation CM/Rec(2022)6 of the Committee of Ministers to member States on protecting youth civil society and young people, and supporting their participation in democratic processes

*(Adopted by the Committee of Ministers on 17 March 2022
at the 1429th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;

Considering that member States of the Council of Europe have committed themselves to ensuring the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention") to everyone within their jurisdiction, and recalling their obligation to refrain from human rights violations;

Having regard to the European Social Charter (adopted in 1961, ETS No. 35, and subsequently amended and supplemented by its additional protocols ETS Nos. 128 (1988), 142 (1991) and 158 (1995) and revised in 1996, ETS No. 163), as applied and interpreted by the European Committee of Social Rights;

Bearing in mind that the existence of civil society organisations expressing a diverse range of views and interests is a manifestation of the right to freedom of association under Article 11 of the Convention and the member States' adherence to the principles of democratic pluralism and commitment to human rights and the rule of law;

Having in mind Recommendation CM/Rec(2018)11 on the need to strengthen the protection and promotion of civil society space in Europe, in which the Committee of Ministers expressed "its deep concern at the shrinking space for civil society resulting, *inter alia*, from restrictive laws, policies and austerity measures taken recently by member States";

Having regard to the decisions of the 129th Session of the Committee of Ministers (Helsinki, 17 May 2019) in the document entitled "A shared responsibility for democratic security in Europe – The need to strengthen the protection and promotion of civil society space in Europe", and to the Declaration adopted by the Committee of Ministers on the occasion of the 70th anniversary of the Council of Europe, in which the signatories recognised "the key role of civil society" and committed themselves "to a meaningful and transparent dialogue with civil society at all levels";

Having regard to the toolkit for member States of the Secretary General of the Council of Europe, issued during the Covid-19 health crisis, which notes that exceptional measures taken by member States in times of crisis should not undermine the long-term interest in safeguarding the Council of Europe's founding values of democracy, rule of law and human rights;¹

¹ Respecting democracy, rule of law and human rights in the framework of the Covid-19 sanitary crisis, crisis – A toolkit for member States", information document SG/Inf(2020)11.

Recalling Resolution CM/Res(2020)2 on the Council of Europe youth sector strategy 2030, in particular the priority on “revitalising pluralistic democracy, with special emphasis on: increasing the capacity of youth civil society to advance participatory democracy and democratic citizenship within and beyond their memberships”;

Recalling the applicability of existing principles set out in relevant recommendations of the Committee of Ministers to the member States, in particular: Recommendations CM/Rec(2017)4 on youth work; CM/Rec(2016)7 on young people’s access to rights; CM/Rec(2015)3 on the access of young people from disadvantaged neighbourhoods to social rights; CM/Rec(2012)2 on the participation of children and young people under the age of 18; CM/Rec(2010)8 on youth information; CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education; CM/Rec(2007)14 on the legal status of non-governmental organisations in Europe; Rec(2006)1 on the role of national youth councils in youth policy development; and Rec(2004)13 on the participation of young people in local and regional life;

Bearing in mind relevant recommendations of the Parliamentary Assembly of the Council of Europe:

- Parliamentary Assembly Recommendation 2134 (2018) “New restrictions on NGO activities in Council of Europe member States”, as well as the reply to this recommendation adopted by the Committee of Ministers;
- Parliamentary Assembly Recommendation 2086 (2016) “How can inappropriate restrictions on NGO activities in Europe be prevented?” as well as the reply to this recommendation adopted by the Committee of Ministers;
- Parliamentary Assembly Recommendation 2085 (2016) “Strengthening the protection and role of human rights defenders in Council of Europe member States” as well as the reply to this recommendation adopted by the Committee of Ministers;
- Parliamentary Assembly Recommendation 2015 (2013) “Young people’s access to fundamental rights” as well as the reply to this recommendation adopted by the Committee of Ministers;

Recalling Recommendation 128 (2003) of the Congress of Local and Regional Authorities of the Council of Europe on the revised European Charter on the Participation of Young People in Local and Regional Life, and its emphasis on the “real and effective” or meaningful participation of young people, not just their “inclusion ... in consultative bodies without any real possibility to participate in the actual decision making”, as well as the reply of the Committee of Ministers to this recommendation;

Recalling the Report on funding of associations, adopted in 2019 by the European Commission for Democracy through Law (Venice Commission) at its 118th plenary session;

Recalling the Joint guidelines on freedom of association of the European Commission for Democracy through Law (Venice Commission) and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR);

Having in mind the Council of Europe Guidelines for civil participation in political decision making;

Convinced that young people and youth civil society make an essential contribution to the development and realisation of democracy and human rights, and to the functioning of democratic institutions;

Firmly believing that the sustainability of any democratic society relies on, *inter alia*, the creativity, dynamism, social commitment and competences of its young people;

Recognising that youth civil society provides a vital platform for the democratic socialisation of all young people, enabling the civic awareness that initiates young people into active citizenship and developing their competences for civic engagement and their ability to address injustice;

Recognising the importance of the genuine and meaningful participation of young people in democratic life, in particular through youth civil society, for building more democratic, peaceful and inclusive societies, and thus the importance of providing young people with opportunities to become agents of change;

Emphasising the significance of the Council of Europe youth sector’s co-management system as an example of meaningful youth participation;

Recognising that young people's active citizenship is motivated by an increasingly wide range of issues, manifested in an ever-widening variety of forms and ways, which can go beyond traditional forms of political participation;

Recognising that young people and youth civil society are particularly vulnerable to many of the negative trends that characterise democratic backsliding and that pose a significant risk to our democracies, including cyberthreats, and the spread and effects of disinformation;

Recognising that young people and youth civil society need a sustainable, safe and enabling environment in which each individual's private life is respected and their engagement and active participation in initiatives aiming to revitalise pluralistic democracy are facilitated;

Considering that the unhindered and full access of all young people to rights, including freedom of expression, assembly and association, is an essential element of human rights, democracy and the rule of law, but deeply concerned that restrictive laws and other measures limiting the operation of civil society can lead to the erosion of these rights,

Recommends that the governments of the member States:

1. promote and apply the measures proposed in the appendix to this recommendation, which aim to identify and address threats to youth civil society and to ensure that all young people and youth civil society can engage meaningfully with and in democratic political processes;
2. give due consideration, when implementing these measures, to the specific needs and situations of all young people, including those from under-represented and marginalised groups, and to the reasons for the disengagement of specific groups;
3. promote these measures, and review and share the progress made in their implementation, involving youth civil society and young people in the process;
4. translate and disseminate widely this recommendation and its appendix (including in accessible, youth-friendly formats) throughout the youth sector and among relevant national, regional and local authorities, professionals and other key stakeholders, in particular those working for and with young people and youth civil society;
5. review, within the Committee of Ministers, the implementation of this recommendation by member States five years after its adoption.

Appendix to Recommendation CM/Rec(2022)6

Scope and purpose

1. The recommendation aims to address the challenges facing young people and youth civil society in their quest for meaningful and genuine engagement in public life, organisational sustainability and the exercise of their fundamental human rights, and to remove any barriers to achieving these goals.
2. The recommendation aims to encourage member States to:
 - ensure that all young people, including those from marginalised and under-represented groups, can fully enjoy human, social, civil and political rights under national and international law, by identifying and removing barriers and enabling young people's access to these rights, including in – but not limited to – the digital space;
 - expand and protect the youth civic space as a contribution to a thriving democratic society in the short and long term;

- empower all young people and youth civil society to contribute to shaping society by, among other things, creating a sustainable and enabling environment through quality youth work, fostering critical youth citizenship, ensuring meaningful youth participation, providing support for organisational development and ensuring access to funding;
 - implement the gender equality principle and recognise diversity when providing young women and men with access to participation spaces in social, political and cultural life in general, and to leadership positions in particular;
 - design and implement open-government strategies and initiatives which are sensitive to the needs of young people and based on the principles of transparency, integrity, accountability and stakeholder participation;
 - establish policies and measures based on reliable information, comprehensive knowledge and research following an impartial, transparent, inclusive and participatory assessment of the state of youth civil society;
 - reinforce their commitment to meaningful and structural youth participation in democratic life by making co-operation and consultation with young people and their organisations an integral part of legislative processes and policy making, and shifting towards a multisectoral approach to engaging meaningfully with young people, involving them in democratic experiences and allowing them to shape policy from the earliest stages of its design by means of innovative, inclusive and diverse tools, drawing on best practices and including virtual approaches.
3. The definition of the age range covered by the terms “young people” or “youth” should reflect the legal and constitutional framework of each member State.

Principles

4. The recommendation builds on the existing principles enshrined in the instruments referred to in the preamble, as well as on the fact that tailored support is an important factor in order to support young people and youth civil society to be able to contribute to the revitalisation of pluralistic democracy and the building of peaceful and inclusive societies in Europe.

Measures

5. These measures aim to further the creation of an enabling and safe environment in which young people can set up, join and run youth civil society organisations, and to promote and support youth work, non-formal education and multisectoral co-operation, thus advancing active youth citizenship.

Creating an enabling and safe environment for a sustainable youth civil society

Member States should:

- review their legal frameworks and update them where needed to ensure an environment which allows for a strong and independent youth civil society that is able to operate freely;
- analyse, in co-operation with youth civil society, the progress made towards creating the requisite conditions for a sustainable enabling environment, by using existing instruments or, where needed, defining new indicators and methods for collecting relevant data and information;
- foster independent, scientifically reliable national and European research on youth, and share open-source data to support it;
- share best practices among member States on how to enable and expand youth civil society and seek synergies with other existing exchange mechanisms in the European sphere;

- eliminate threats to the work of youth civil society on living together in peaceful and inclusive societies, and on fostering the Council of Europe's core values of human rights, democracy and the rule of law in order to protect pluralistic democracy;
- adopt, where appropriate and in accordance with relevant national legal frameworks, simple, flexible and widely accessible public funding and reporting mechanisms for youth civil society;
- eliminate undue legal and administrative burdens or hindrances to the receipt of funding by youth civil society from private and international donors and develop national financial mechanisms for the financing of activities aimed at promoting and reinforcing the Council of Europe's values, in accordance with Recommendation CM/Rec(2018)11 and with national legislation;
- ensure appropriate support for quality youth work, including its digital dimension, that fosters critical youth citizenship and empowers young people from different backgrounds, including those from marginalised and under-represented groups, to tackle challenges that young people and youth civil society face in exercising their rights and building a democratic and just Europe;
- endeavour to maintain and support, to the greatest extent possible, an enabling environment for youth civil society in times of crisis.

Strengthening youth participation in democratic life

Member States should:

- support the development of active youth citizenship and invest in building young people's competences for democratic culture, as well as their trust in democratic institutions;
- ensure that public authorities at all levels – national, regional and local – have the mandate, capacity and means to consult and actively engage all young people in policy and decision making, including by using new, innovative and experimental methods alongside traditional ones, and that they follow up on the implementation of the resulting policies, legislation and decisions;
- provide all young people with proper access to means of engagement with public authorities, including digital means, ensuring that these are available in minority languages and accessible to young migrants and refugees, as well as to young people with disabilities, in order to avoid reinforcing existing inequalities or creating new ones among young people from different backgrounds;
- facilitate the access of all young people and youth civil society, including those from rural and remote areas, to digital tools and internet connections in order to promote equal opportunities for access and a higher quality of life in the framework of their human, cultural, social, political and economic development;
- engage with young people and youth civil society to identify and address systemic and unforeseeable obstacles that prevent or restrict meaningful youth participation;
- enable all young people to acquire the democratic competences necessary to participate actively and responsibly in democratic society, by supporting quality education for all, youth work, non-formal education and co-operation with the formal education sector, in order to develop active citizenship, participation and social inclusion, ensuring that all young people, especially those who are at risk and marginalised, have access to digital and media literacy and democratic education;
- ensure that public officials involved in youth policies at all levels of governance are provided with the relevant skills for engaging with young people;
- create participatory spaces or revitalise existing ones (including formal education spaces) where young people can practise, experience, reflect on and learn the theories of democracy and participation, in the spirit of Recommendation CM/Rec(2010)7;

- take into account the voice and opinions of young people in political processes, while respecting the plurality of views;
- engage in open and structured dialogue with young people and youth civil society and create the requisite conditions for the widest possible political participation by young people, for example by considering lowering age restrictions on the right to vote or by promoting new forms of digital participation;
- promote and, as appropriate, introduce youth dialogue and/or co-management models into local, regional and national political frameworks;
- adopt a strategic approach to consultations and co-operation with young people and youth civil society across different sectors, creating multisectoral strategies for youth participation in democratic life;
- make existing and future public consultation platforms and processes accessible to young people at all levels, in co-operation with them, allowing for the representation of a plurality of views on all issues, including youth policies; identify digital platforms used by young people and link them to the traditional public forums for policy making;
- put in place direct channels of contact between public officials and young people and youth civil society when introducing and developing e-governance.

Ensuring young people's access to rights

Member States should:

- with regard to the rights enshrined in the Convention, protect and promote the rights to freedom of association and (peaceful) assembly (Article 11); freedom of expression – including the right to represent pluralistic and marginalised views and engage critically as young citizens with a variety of issues – and information (Article 10); and the right to privacy (Article 8) for all young people, and lift any barriers to young people's access to civil and political rights, also by ensuring that their social rights are respected;
- protect the rights of young people to engage in youth advocacy and to freely express their political preferences by allowing the organisation of peaceful public gatherings and demonstrations by youth civil society; and safeguard the right of young people to express their views freely while protecting them from violence and preventing subsequent detention for political reasons;
- promote – also using online methods – the rights of all young people and ensure their access to information, while protecting them from disinformation, manipulation and misuse of their data by either public or private actors, particularly in the digital domain, by providing, among other things, training and counselling; and ensure that young people are not exposed to hate speech and other negative phenomena as a result of their views and/or engagement;
- protect the political and social rights of young people and their privacy in the sphere of artificial intelligence (AI) development, for example with regard to possible misuse of facial recognition technology in public spaces, such as AI-enabled mass surveillance;
- promote and encourage self-expression and the full development of young people's potential and protect them from segregation, discredit or marginalisation based on those choices, reflecting the Council of Europe's core values;
- create the necessary conditions for the representation of young people's and youth civil society's pluralistic and marginalised views and positions in public debate, without fear of retribution.