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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Realization of the right to work

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, prepared pursuant to Human Rights Council resolution 37/16, the United Nations High Commissioner for Human Rights examines the relationship between the realization of the right to work and the enjoyment of all human rights by young people. The report provides an overview of the barriers youth face in enjoying their rights to access and participate in the labour market. It highlights that to tackle those barriers States should put in place concerted legislative, policy and budgetary measures with a strong gender lens, not only in the area of the right to work, but also in the area of interrelated and interdependent rights, such as the right to social security, the right to education and the right to participate in public affairs. This approach fosters youth's empowerment and requires a fundamental shift to lay out the conditions for promoting young people as agents of their own future, change and progress.



I. Introduction

1. The present report has been prepared pursuant to Human Rights Council resolution 37/16, which requested the United Nations High Commissioner for Human Rights to prepare an analytical report on the relationship between the realization of the right to work and the enjoyment of all human rights by young people, with an emphasis on their empowerment, in accordance with States' respective obligations under international human rights law, and to indicate major challenges and best practices in that regard.

2. For the preparation of the report, and as requested by the Council, the Office of the High Commissioner for Human Rights (OHCHR) consulted States, United Nations agencies, funds and programmes, including the International Labour Organization (ILO), as well as the treaty bodies, the special procedures, civil society and national human rights institutions. A questionnaire was sent to relevant stakeholders, to which 32 responses were received as of the submission of the report.¹

3. The report builds upon previous reports of the High Commissioner on the right to work,² as well as on youth and human rights.³ The latter, in particular, highlights how youth experience violence, sexual violence, lack of access to sexual and reproductive health services, abuse as people on the move, and lack of political participation and education and work opportunities.

4. In the report, the High Commissioner provides an overview of the barriers youth face in enjoying their rights to access and participate in the labour market and highlights that targeted measures based on a human rights framework can overcome these barriers.

II. Youth and the right to work

A. Major challenges in accessing and participating in the labour market⁴

5. The transition from childhood to adulthood is a crucial life stage characterized by growing opportunities and capacities. Socioeconomic, legal and political environments in which young people live have a tremendous impact on the development of young people's full potential and the enjoyment of their rights.

6. Today, the world hosts the largest generation of young people in history.⁵ There are 1.2 billion young people between the ages of 15 and 24, most of whom live in developing countries.⁶ Countries with relatively young populations have the potential of a demographic dividend if these young people can have opportunities for education and productive engagement in the labour force. However, youth unemployment is a concern virtually everywhere in the world. According to a report by ILO, *Global Employment Trends for Youth 2017*, young people are three times more likely than adults to be unemployed and an estimated 70 million young people were unemployed in 2017.

¹ Responses to the questionnaire and other inputs are available at the following OHCHR web page: www.ohchr.org/EN/Issues/ESCR/Pages/YouthRightToWork.aspx.

² A/HRC/37/32, A/HRC/34/29 and A/HRC/31/32.

³ A/HRC/39/33.

⁴ Based on ILO, *World Employment and Social Outlook: Trends 2017* (Geneva, 2017).

⁵ There is no agreed definition of "youth". The United Nations has traditionally used the age range from 15 to 24 years, however, it is not used consistently. The Security Council, for example, defines "youth" as 18 to 29 years of age, others use the age range from 10 to 24 or 15 to 32. This lack of coherence can be problematic as the situation and the challenges faced by a 10-year-old are very different from those faced by a 29-year-old. For the purpose of the present report, youth does not include people younger than 15 years, and applies the most expansive understanding of the upper limit where that best serves the interest of human rights.

⁶ United Nations, Department of Economic and Social Affairs, *World Population Prospects: the 2017 Revision – Key Findings and Advance Tables* (New York, 2017), p. 10.

7. Young people today face a difficult and long process in entering the labour market. The global recession has left its mark and, after falling for some years, youth unemployment rates are once again on the rise. ILO estimates that the global youth unemployment rate was 13.1 per cent in 2017, and will rise in 2018.⁷

8. While finding employment is a major concern, the quality of jobs is just as salient a challenge. In emerging economies and developing countries, many young people who have found employment are unable to lift themselves and their families out of poverty. Often, their jobs are informal, and thus they have limited legal and social protection. Recent data suggest that 76 per cent of working youth are in informal jobs, compared with 57 per cent of working adults.⁸ In high-income and developed countries, there is a disproportionate presence of young people in temporary employment.

9. To increase their chances of employment and gain the necessary experience, young people often accept unpaid internships, which exclude de facto the most marginalized who cannot afford to work without remuneration. In this regard, various youth organizations, including the European Youth Forum, have called upon States to ban unpaid internships since they discriminate against young people from poorer sectors of society. Unpaid internships are effectively blocking some young people from entering certain careers, hampering social mobility and reinforcing existing inequalities.

10. Entrepreneurship has the potential to provide young people with real employment possibilities and opportunities, especially in sectors such as the digital economy. Globally, young people are 1.6 times more likely than older adults to become entrepreneurs.⁹ As young people face delayed entrance to the labour market, Governments are focusing on promoting youth entrepreneurship. However, Governments that focus excessively on encouraging youth entrepreneurship and fail to stimulate wider employment and job creation through broader and robust employment policies risk, in effect, to unfairly shift much of the responsibility for job creation onto young people.

11. Although young people are more likely than adults to start their own businesses, they face a host of special challenges that vary across countries and regions. The obstacles faced by those setting up and running a new business may be intensified for youth, whose age and inexperience can place them at a disadvantage. Young entrepreneurs must also deal with less-than-optimal labour market conditions, characterized in some cases by the widespread use of austerity measures and the effects of economic crises.¹⁰

12. A startling number of young people are not in education, employment or training. At the same time, obsolete education systems are inadequate in meeting the changing and multiple needs of today's labour market. Inappropriate training translates into limited job prospects for youth, even in situations of economic growth.

13. There is a widening gender gap in accessing labour markets and persistent gender discrimination in conditions of work. For example, the rates of women who are not in education, employment or training are much higher than men: 34.4 per cent globally, compared with 9.8 per cent for males. Young women comprise three out of every four young persons not in education, employment or training, and the disparity is greatest in emerging countries.¹¹

14. Young women face additional barriers in accessing and participating in the labour market, including higher school drop-out rates due to early marriage, pregnancy and sexual violence at school. Moreover, young women spend between 2 to 10 times more time on

⁷ See <https://data.worldbank.org/indicator/SL.UEM.1524.ZS>.

⁸ ILO, *Global Employment Trends for Youth 2018*. ILO uses the age range 15 to 24 years for youth.

⁹ Jacqui Kew and others, *Generation Entrepreneur? The State of Global Youth Entrepreneurship* (London, Youth Business International and Global Entrepreneurship Monitor, 2013).

¹⁰ Organization for Economic Cooperation and Development and European Commission, "Policy brief on youth entrepreneurship: entrepreneurial activities in Europe" (Luxembourg, Publications Office of the European Union, 2012), p. 20.

¹¹ ILO, *Global Employment Trends for Youth 2018*, p. 2.

unpaid care work than young men do.¹² Due to gendered social norms that view unpaid care work as a female prerogative, young women across different regions, socioeconomic classes and cultures spend an important part of their day on meeting the expectations of their domestic and reproductive roles. This trend starts usually in childhood. How societies address care has far-reaching implications for gender relations, power relations and inequalities, as well as the enjoyment of human rights.¹³

15. Good quality education remains a key step in increasing women's opportunities.¹⁴ However, it is not just the level of education achieved, but the quality and relevance of education and training that is important. Harmful stereotypes depict women as less interested or capable in certain subjects – for example, maths and science – and textbooks often show men in dominant roles and women in subservient and subordinate roles.

16. In the past several decades, more women than men have pursued higher education in some countries. However, this has not necessarily led to better labour market outcomes for women, as gender-based discriminatory practices influence their recruitment. Even where young women's education is higher than men's, they frequently experience discrimination. Evidence from ILO school-to-work transition surveys¹⁵ shows that in a number of countries young women have a more protracted and difficult transition to working life than young men. Women often have more limited access to information channels, technology and job search mechanisms than young men and, importantly, employers in a range of countries reveal a striking preference to hire young men rather than young women for a variety of reasons.

17. There are countries and regions in which unemployment is lower for young women than for young men, this often signals that women do not look for a job but leave the labour market discouraged. When they do find a job, it is often lower paid and in the informal economy, in unprotected low-skills arenas that imply greater job insecurity, as well as lack of access to training, social protection and other resources, making them comparatively more prone to poverty and marginalization.

B. Right to work

18. The realization of the right to decent work fosters autonomy and independence in young people, which can pave the way for the realization of other fundamental human rights. Given the obstacles and the discrimination youth face in entering the labour market and in the conditions of work, the normative content of the right to work can effectively guide States' policymaking to tackle these challenges and promote the rights of youth.

19. International human rights law has progressively recognized that work is not purely a means of generating income. The right to work implies just and favourable work conditions, and full and productive work should be promoted while respecting the fundamental political and economic freedoms of the individual. The development of workers' capacities for their personal fulfilment should be at the centre of any State's effort in this area. Work, as a human right, is essential for realizing other human rights, such as the right to an adequate standard of living, and is an inseparable and inherent part of human dignity.¹⁶

¹² Gaëlle Ferrant and others, "Unpaid care work: the missing link in the analysis of gender gaps in labour outcomes" (Paris, Organization for Economic Cooperation and Development, Development Centre, 2014).

¹³ A/68/293.

¹⁴ A/HRC/35/11.

¹⁵ For more information, please see ILO, "Youth employment: breaking gender barriers for women and men" (Geneva, 2007), and Sara Elder and Sriani Kring, *Young and Female – A Double Strike?* (Geneva, ILO, 2016).

¹⁶ Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work.

20. The right to work has been enshrined in various international human rights instruments,¹⁷ including the International Covenant on Economic, Social and Cultural Rights (arts. 6–8). ILO has produced a substantial body of international labour standards that reinforces the protection and understanding of the right to work. Of particular importance are the Employment Policy Convention, 1964 (No. 122), the Human Resources Development Convention, 1975 (No. 142), the Termination of Employment Convention, 1982 (No. 158) and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168).

21. The right to work is not an absolute right to obtain employment, nonetheless, it implies an immediate obligation on States to adopt policy, legislative and budgetary measures aimed at attaining full employment to the maximum of their available resources.¹⁸ In addressing widespread unemployment among young people, the right to work requires that States create favourable macroeconomic conditions for the realization of the right and adopt specific job promotion policies targeted at youth.

22. One measure to improve the availability of work for young people is to put in place specialized services for youth that assist them in identifying and securing available employment.¹⁹ These specialized services must promote equality and accessibility, contributing to making the labour market open to everyone without discrimination.

23. Freedom to work and to choose a profession²⁰ is an essential component of the right to work. For States, it involves prohibitions, such as the prohibition of forced labour, and positive duties, such as the adoption of measures conducive to freedom and opportunity. It entails the right to pursue professional options under equal conditions. As previously signalled, the use of unpaid internships could be an obstacle for the most disadvantaged youth to access certain career paths and could infringe upon this freedom component of the right to work. The Committee on Economic, Social and Cultural Rights, in its general comment No. 23 (2016) on the right to just and favourable conditions of work, confirms that an excessive use of unpaid internships as well as short-term contracts are not in line with the right to work (para. 47). Unpaid internships limit young people's freedom to choose and should be replaced by paid ones in order to give the opportunity even to the most marginalized to enter all kinds of career paths.

24. Equality and non-discrimination are fundamental human rights principles that apply to the realm of work. Ensuring equality and non-discrimination in access to work is crucial as the labour market mirrors prejudices and disadvantages that exist in society. Young people are not a homogenous group and States should adopt measures to combat discrimination against them based on age,²¹ but also on other prohibited grounds, such as ethnicity, gender, sexual orientation, disability and health status, that may intersect and amplify the discrimination they suffer.

25. Closing the gender gap in education and the labour market and addressing issues such as the unequal share of unpaid care work and harmful stereotypes are essential steps to counter discrimination and create equal opportunities for young women.²² For example, by developing education policies that erode gender stereotypes regarding the division of

¹⁷ Universal Declaration of Human Rights (arts. 23–24); the International Covenant on Civil and Political Rights (art. 8 (3) (a)); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (i)); the Convention on the Elimination of All Forms of Discrimination against Women (art. 11 (1) (a)); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (arts. 11, 25–26, 40, 52 and 54); and the Convention on the Rights of Persons with Disabilities (art. 27).

¹⁸ Committee on Economic, Social and Cultural Rights, general comment No. 18, para. 6.

¹⁹ *Ibid.*, paras. 12 and 26.

²⁰ Freedom to work is recognized in the Universal Declaration on Human Rights (art. 23) and the International Covenant on Economic, Social and Cultural Rights (art. 6).

²¹ Committee on Economic, Social and Cultural Rights, general comment No. 23, para. 12.

²² In A/HRC/38/24, OHCHR highlights the key lessons learned and promising practices to engage men and boys to promote and achieve gender equality and, in particular, an equal share of responsibility in domestic life, paras. 23–25.

labour, States would promote the concept of shared family responsibility for work in the home, particularly in relation to children and care of older persons.

26. In addition to changing the gender-based division of work, State policies directed at addressing women's unpaid work should be anchored in social protection and the recognition of the value of unpaid care work.²³

27. According to the Committee on Economic, Social and Cultural Rights, the right to work calls upon States to develop a comprehensive system of protection to ensure equal opportunities and treatment between men and women in relation to their right to work, including by ensuring equal pay for equal work.²⁴ In particular, the reproductive role of women should never constitute an obstacle to employment nor a justification for losing employment. For example, it would be important to transfer the coverage of paid maternity leave to the social security system or public funds, in order to combat the preferential recruitment of men on the basis of the perceived cost of recruiting women of childbearing age,²⁵ including young women.

28. According to article 7 of the Covenant on Economic, Social and Cultural Rights, decent work provides an income that allows workers to support themselves and their families. The prevalence of working poverty among youth, often trapped in low paid short-term contracts or in the informal sector, signals a persistent problem. Much more effort must be made to ensure decent work for youth that includes a fair wage, safe and healthy working conditions and access to adequate social security.

29. As outlined by the Committee on Economic, Social and Cultural Rights, all workers should be protected against age discrimination. Young workers should not be forced to accept a lower remuneration that does not reflect their skills, because they are young.²⁶ States should make sure that the minimum wages are sufficient to enable the workers and their families to enjoy other rights, such as social security, health care, education and an adequate standard of living, food, water and sanitation, housing, clothing and additional expenses, such as commuting costs.²⁷

30. The standard United Nations' definition of youth (between 15 and 24 years old) includes adolescents. States must adopt specific policies directed at protecting adolescents against all forms of labour and exploitation or violence that could interfere in their education, development and health. This includes minimum age requirements for entering into the labour market and the appropriate regulation of hours and conditions of work.

31. The Committee on the Rights of the Child emphasized that the right to exercise increasing levels of responsibility in line with adolescents' evolving capacities does not obviate States' obligations to guarantee protection. In fact, gradual emergence from the protection of the family, together with relative inexperience and a lack of power, can make adolescents vulnerable to violations of their rights. States have to provide a balance between respect for the evolving capacities of adolescents and appropriate levels of protection. This includes considering a range of factors affecting their decision-making, the level of risk involved, the potential for exploitation, grasping adolescent development, recognition that competence and understanding may develop at a different pace in different areas and recognition of individual experience and capacity.²⁸

²³ This approach has been framed by Diane Elson as the "triple R": recognize, reduce and redistribute. See Diane Elson, "The three Rs of unpaid work: recognition, reduction and redistribution", presented at the Expert Group Meeting on Unpaid Work, Economic Development and Human Well-Being, United Nations Development Programme in 2008.

²⁴ Committee on Economic, Social and Cultural Rights, general comment No. 18, para. 13.

²⁵ A/HRC/34/29, para. 29.

²⁶ Committee on Economic, Social and Cultural Rights, general comment No. 23, para. 47 (b).

²⁷ *Ibid.*, para. 18.

²⁸ Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, paras. 18–20.

III. Key rights underpinning realization of right to work

A. Right to social security

32. It is important to underscore the indissoluble link between the right to work and the right to social security as two sides of the same coin. As noted above, the right to work does not entail an absolute and unconditional right to obtain employment. It constitutes a recognition that, while States have a duty to adopt proactive employment policies, the provision of employment for each individual may go beyond their control. While unemployment and underemployment rates could be the result of a variety of factors and may not be directly attributable to the State, the failure to fulfil the right to work requires States' prompt action in ensuring the right to social security.

33. Social security is widely recognized as an essential tool for reducing and alleviating poverty and promoting social inclusion. The right to social security is recognized in numerous human rights instruments,²⁹ including the Universal Declaration of Human Rights (art. 22) and the International Covenant on Economic, Social and Cultural Rights (arts. 9–10).

34. The Committee on Economic, Social and Cultural Rights has identified unemployment as a contingency that should be covered by social security. The Committee states that, in addition to promoting full, productive and freely chosen employment, States parties must endeavour to provide benefits to cover the loss or lack of earnings due to the inability to obtain or maintain suitable employment.³⁰ The ILO Social Protection Floors Recommendation, 2012 (No. 202), a landmark recommendation that reaffirms social security as a fundamental human right for all persons and provides guidance on building comprehensive social security systems, takes a similar approach. Nationally adopted social protection floors should comprise, at a minimum, among other elements, basic income security for persons of active age who are unable to earn sufficient income, in particular in cases of sickness, unemployment, maternity and disability (para. 5 (c)).

35. According to the Committee on Economic, Social and Cultural Rights, a social security system should include non-contributory schemes, such as universal approaches, since it is unlikely that every person can be adequately covered by a contributory or an insurance-based system.³¹ This is very relevant for young people as they might not have been in a position to contribute yet to a social security system.

36. The interdependence of the right to work and the right to social security has multiple dimensions. Social security guarantees a minimum income and therefore gives the possibility to its beneficiaries to look for productive and freely chosen decent work, supporting labour market policies geared towards promoting employment. Conversely, the correlation between decent job and freedom of choice of employment requires that entitlements to unemployment benefits and employment services cannot be made conditional on the acceptance of any type of work. Similarly, the imposition of compulsory work as a condition for receiving unemployment benefits would not qualify as a decent job.

37. The failure to ensure the full realization of the right to work for reasons beyond the State's control – such as financial or economic crises – requires States to adopt appropriate measures to promote the creation of jobs and to take steps to extend social protection to those who are not able to obtain a decent job, including young people.³²

²⁹ Article 11 of the Convention on the Elimination of All forms of Discrimination against Women, article 26 of the Convention on the Rights of the Child, article 27 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and article 28 of the Convention on the Rights of Persons with Disabilities.

³⁰ Committee on Economic, Social and Cultural Rights, general comment No. 19 (2007) on the right to social security, para. 16. See also ILO Convention No. 168, art. 10 (1).

³¹ Committee on Economic, Social and Cultural Rights, general comment No. 19, para. 4 (b).

³² See ILO Convention No. 168, arts. 7–8 and 10.

38. Given the high rate of youth unemployment, social protection is crucial in mitigating the negative impacts of unemployment on youth, creating access to further education, facilitating their transition from school to work and improving their labour market opportunities, while securing a minimum enjoyment of their economic and social rights.³³ States should invest in social protection programmes that consider the specific needs of youth, paying particular attention to the situation of young women who encounter even more obstacles in the enjoyment of their rights due to gendered social and cultural norms, as outlined above. Human rights-based social protection systems can support youth in their search for a decent job and in achieving their full potential.

B. The right to education

39. The right to education is an empowering right that enables the realization of all other human rights. There is an important connection between the right to education and the right to work. Articles 23 and 26 (1) of the Universal Declaration of Human Rights and articles 6 (2) and 13 (2) of the International Covenant on Economic, Social and Cultural Rights link the right to work to the right to education and consider technical and vocational guidance and training as fundamental components of both rights.

40. Technical and vocational guidance and training aim to enhance personal development and meaningful participation of the individual in society. As such, they are critical components of one's education as a whole, and are crucial measures for creating equal conditions in the labour market. In fact, unequal access to opportunities for training and capacity-building results in inequalities in the labour market. Moreover, acquiring, developing and updating skills and knowledge are key parts of personal development and self-fulfilment throughout professional life, and all aspects are indispensable for the realization of the right to work.

41. Technical and vocational training should be promoted, together with equality and accessibility, for both those seeking work and those seeking to improve their skills in a trade or profession. For young people in particular, barriers to or the lack of education and guidance and technical-professional training reduce professional and job opportunities.

42. Given that the significant number of young people not in education, training or employment lead to disproportionate levels of unemployment and exploitation, States should step up their efforts in offering appropriate technical and professional training. Further guidance could be drawn from the Committee on the Rights of the Child, which stated in its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, that States need to put in place formal and informal education and training designed for the twenty-first-century skills necessary in the modern labour market.³⁴

43. In particular, the Committee recommended expanding experiential and practical learning, developing vocational training based on labour market demand, establishing public-private sector partnerships for apprenticeship and providing guidance on academic and vocational opportunities.³⁵ The failure to establish adequate technical and professional programmes for young people may constitute a violation of their right to work.

44. It is important to note that the objectives of the right to education go beyond the preparation for professional life.³⁶ Education should be directed towards the full

³³ See A/HRC/28/35.

³⁴ Committee on the Rights of the Child, general comment No. 20, paras. 73–74.

³⁵ *Ibid.*, para. 74.

³⁶ The right to education is enshrined in article 26 of the Universal Declaration of Human Rights; article 13 of the International Covenant on Economic, Social and Cultural Rights; article 29 of the Convention on the Rights of the Child; article 5 (e) (v) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 10 of the Convention on the Elimination of All Forms of Discrimination against Women; articles 30, 43 (1) (a), (b) and (c), and 45 (1) (a) and (b) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and article 24 of the Convention on the Rights of Persons with Disabilities.

development of the human personality and the sense of its dignity, and should strengthen the respect for human rights and fundamental freedoms. Moreover, education should enable all persons to participate effectively in a free society; promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups; and further the maintenance of peace.

45. The enjoyment of the right to education is therefore an important precondition for the meaningful exercise of most of the freedoms protected by human rights, as it supports the possibility of making informed choices in all areas of civil, political, economic, social and cultural life. Education enhances freedom of expression, assembly and manifestation, the right to vote, the right to participate in public affairs, the right to form a family and freely decide the number and spacing of their children, the right to participate in cultural life, the right to benefit from scientific progress and obviously the right to work.

46. For these reasons, States should invest in youth's education, making it available, relevant, appropriate and affordable. In the words of the Committee on Economic, Social and Cultural Rights, the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

47. The empowerment of youth does not come only from achieving their full employment but comes from States' concerted actions, even in the area of education, that allow youth to learn, discover and nurture their talent and skills in this crucial phase of life.

C. The right to participation

48. To enjoy their right to work, youth must be able to influence policymaking in key areas, such as education, social protection and job creation. While young people are often involved in social movements, activism or civic engagement, thanks in particular to the growing availability of online and social media outlets and other web-based tools, they are not adequately represented in national political institutions, such as parliaments. In one third of countries, laws stipulate a minimum age to run for parliament of 25 years or higher, creating a gap between the legal age of majority and voting age, on the one hand, and the age at which an individual can serve in elected office.³⁷ The lack of political representation of young people is also evident from the fact that individuals under the age of 35 are rarely found in formal political leadership positions.

49. Moreover, the lingering impacts of the global financial and economic crises, in particular high unemployment and cuts to social services such as education, have intensified the discontent and frustration among many young people.³⁸ When traditional institutions of governance and electoral processes fail to adequately address their concerns and provide them with opportunities for meaningful political participation, more young people are disengaging themselves from formal institutionalized processes. This has led many young people to turn to alternative methods of political participation, such as online mobilization to street demonstrations and flash mobs, which in some cases have become a catalyst for change.

50. Participation is a key human rights principle and a blueprint of democracy. It entails timely and meaningful consultation to legitimize the exercise of State power. As articulated in article 25 of the International Covenant on Civil and Political Rights, the right to participation encompasses the rights of the individual to vote and to be elected, to take part in the conduct of public affairs and to have access to public service. Other international human rights treaties contain similar provisions that complement the Covenant.³⁹

³⁷ United Nations Development Programme, *Enhancing Youth Political Participation throughout the Electoral Cycle* (New York, 2013), p. 13.

³⁸ See E/2013/82 on austerity measures and their disproportionate impact on women.

³⁹ The Universal Declaration of Human Rights (art. 21); the International Covenant on Economic, Social and Cultural Rights (art. 8); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (c)); the Convention on the Elimination of All Forms of Discrimination

51. Obstacles to equal political and public participation exist in many contexts. These barriers may include direct and indirect discrimination on grounds such as age, race, colour, descent, sex, language, religion, political or other opinion, national, ethnic or social origin, property, birth, disability, nationality or other status. Even where there is no formal discrimination in connection with political or public participation, inequalities in access to other human rights, such as the right to education, may impede the effective exercise of political participation rights.

52. Youth participation and representation in institutional political processes and policymaking is lower than that of other sectors of the population. A disconnect between young people and electoral politics can lead to a de-prioritization of their concerns by politicians and policymakers, including in the area of work, and can further fuel young people's frustration and disillusionment. Moreover, the lack of representation of this group in institutional political bodies, such as parliaments, weakens the legitimacy of such democratic institutions.

53. States should draw from the energy, creativity and talents of young people and create the conditions for their participation in public affairs to influence policies on education, work and social security, among others, that can properly address their issues. For example, States could adopt proactive measures to improve youth representation and the representation of young women in national parliaments and other decision-making bodies. This may be achieved in a number of ways; for instance, steps can be taken to establish quotas, to develop all-female candidate shortlists, and to ensure a more equal presence for women and lower socioeconomic groups in youth wings of political parties and youth representative bodies (such as youth parliaments and councils).

54. To promote youth's participation, States should ensure that effective citizenship education is provided at the primary, secondary and tertiary levels. Greater knowledge and the practice of democratic politics in supportive environments can foster civic and political engagement.

IV. International initiatives relevant to the enjoyment of the right to work and other human rights by young people

A. 2030 Agenda for Sustainable Development

55. The 2030 Agenda for Sustainable Development places full and productive employment and decent work for youth at the centre of the new development vision.⁴⁰ It emphasizes the catalytic power of youth employment in poverty alleviation, economic growth, and peace and prosperity for all. Targets under Goal 8 on decent work in particular, as well as several other goals, including Goal 4 on education, recognize the centrality of youth employment challenges, and open pathways for consistent and focalized action on decent jobs for youth, and youth development overall.

against Women (arts. 7–8); the Convention on the Rights of the Child (art. 15); and the Convention on the Rights of Persons with Disabilities (arts. 4 (3), 29 and 33 (3)).

⁴⁰ Key youth-specific targets include:

- 4.4: increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship;
- 4.6: ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy;
- 8.5: achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value;
- 8.6: reduce the proportion of youth not in employment, education or training;
- 8.b: develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization;
- 13.b: promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.

56. With regard to work, States have pledged in the Sustainable Development Goals to create conditions for sustainable, inclusive and sustained economic growth, shared prosperity and decent work and to work to build dynamic, sustainable, innovative and people-centred economies, promoting youth employment and women's economic empowerment, in particular decent work.⁴¹

57. In relation to education and its role in promoting the realization of the right to work by building a skilled workforce, targets 4.3 and 4.4 aim, respectively, to ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education and to increase the number of youth and adults who have relevant skills for employment, decent jobs and entrepreneurship.

58. As observed above, the widening gender gap that persists in education and in employment affects youth enormously. The achievement of Goal 5 on gender equality and women and girls' empowerment (particularly targets 5.4, 5.5 and 5.a) in the realization of the rights to education, health, social security, decent work and political participation would be essential in promoting youth's empowerment.

59. In considering the relationship between the realization of the right to work of youth and the implementation of relevant targets of the Sustainable Development Goals, it is important to recognize that these goals and targets, if implemented according to States' obligations under human rights law, can be a useful framework to guide and assess States' efforts in this area.

B. United Nations initiatives

60. To respond to the challenges faced by youth, the Secretary-General identified working with and for young people as one of the Organization's priorities. The recent United Nations Youth Strategy,⁴² designed in close collaboration with the Secretary-General's Envoy on Youth, confirms that the priority areas for youth are participation in public affairs, access to quality education and health and decent work. A tool launched for the implementation of the Youth Strategy is the new multi-stakeholders partnership platform called Generation Unlimited, which aims to ensure that every young person is in quality education, learning, training or employment by 2030. The partnership⁴³ platform focuses on three key areas: secondary-age education; skills for learning, employability and decent work; and empowerment.

61. On the issue of decent work, the ILO-led Global Initiative on Decent Jobs for Youth, the first comprehensive United Nations system-wide effort for the promotion of youth employment worldwide, was launched in New York in February 2016. It brings together the United Nations and other key global partners, including businesses, academic institutions and youth organizations to maximize the effectiveness of youth employment investments and assist Member States in delivering on the 2030 Agenda.⁴⁴

62. In December 2017, ILO produced the *Guide to International Labour Standards and Rights at Work concerning Young People*,⁴⁵ a tool that aims at helping decision makers and practitioners at national and local levels to appreciate the diverse dimensions of the youth

⁴¹ For more information see the OHCHR report on the relationship between the realization of the right to work and the implementation of relevant targets of the Sustainable Development Goals (A/HRC/37/32).

⁴² "Youth 2030, Working With and For Young People" (New York, September 2018).

⁴³ The partnership includes, among others, the President of Rwanda, the World Bank Group President, the High Representative of the Union for Foreign Affairs and Security Policy of the European Union, the Executive Director of the United Nations Children's Fund, the Secretary-General's Envoy on Youth, and the Chief Executive Officer of Unilever and a Goodwill Ambassador of the United Nations Children's Fund.

⁴⁴ See www.ilo.org/global/topics/youth-employment/databases-platforms/global-initiative-decent-jobs/lang--en/index.htm.

⁴⁵ See www.ilo.org/global/standards/information-resources-and-publications/publications/WCMS_613959/lang--en/index.htm.

employment challenge, and to devise and implement coherent and coordinated measures to address this challenge. The *Guide* also strives to provide young persons with the necessary information on their rights at work.

63. The key message of the 2030 Agenda reaffirms the responsibilities of all States and the international community to ensure that no one is left behind. New technological innovations underpinning the fourth industrial revolution, such as big data, three-dimensional printing, artificial intelligence and robotics, are having a transformative impact on the nature of work. In order to understand and to respond effectively to these new challenges, ILO has launched a Future of Work initiative.⁴⁶ While technologies are likely to lead to a reduction in routine jobs, digitalization also leads to the creation of new jobs, which in return can have a positive effect on economies, creating additional employment. Ensuring gender equality in economic benefits and decision-making processes associated with new opportunities will be essential, beginning with gender equality in the acquisition of new skills.

64. The Secretary-General's Envoy on Youth is an active member of the Solutions for Youth Employment initiative, a multi-stakeholder coalition among the public sector, the private sector, civil society actors, government officials, foundations, think tanks and young people, that aims at providing leadership and resources to increase the number of young people engaged in productive work. In this context, the Envoy on Youth promotes youth participation as a priority. A topic at the centre of the initiative is now youth and female participation in digital jobs.

65. The Envoy on Youth also works with youth directly. She recently launched Young Leaders for Sustainable Development Goals, a learning programme for young people from all regions that focuses on a range of sectors, including agriculture, finance and new technologies, such as artificial intelligence. The programme aims to strengthen youth's capacity and skills for innovation, creativity and entrepreneurship.

V. Good practices for the realization of the right to work of youth

66. In preparing this report, OHCHR consulted various stakeholders eliciting a large number of submissions, including examples of what could be considered as good practices, as requested by the Human Rights Council. Several representative examples are highlighted below.

67. A good practice⁴⁷ in this area should enhance youth's enjoyment of one or more elements of the right to work; pay particular attention to young women and youth belonging to marginalized groups; and be consistent with the enjoyment of all human rights in process and outcome. Practices that meet the above-mentioned criteria also enhance the availability, accessibility, acceptability and quality of decent work; the active and informed participation of youth in education and work policies, programmes and projects; and monitoring and accountability mechanisms that are effective, transparent and accessible. Submissions of good practices have been clustered thematically. It should be noted that submissions from States showed a wide range of relevant legislation and policies directed at protecting and fulfilling youth's right to decent work.

A. Investing in youth education and technical and vocational training

68. The Back to Education initiative of Ireland provides part-time courses for young adults aged more than 16 who have been out of formal education for two years and is aimed principally at those who have not completed formal school cycles. It gives individuals the

⁴⁶ See www.ilo.org/global/topics/future-of-work/WCMS_546802/lang--en/index.htm.

⁴⁷ The criteria developed by the then Special Rapporteur on the right of everyone to enjoy the highest attainable standard of physical and mental health on what constitutes a good practice are used and adapted to the right to work, see A/58/427, para. 45.

opportunity to combine a return to learning with family, work and other responsibilities. The Learning for Young Adults project in Slovenia has the same objectives. Turkey is promoting training on entrepreneurship and new technologies, especially for young engineer graduates, with the Supporting Young Information Technology Entrepreneurs project.

69. To ensure that even the most marginalized youth can attend higher education, many States grant scholarships, such as *Bécate* in Mexico. In 2017 alone, Ecuador granted 3,750 scholarships directed at students belonging to marginalized groups.

70. In the area of youth education, the National Youth programme of Croatia aims to prepare young people for active citizenship and non-violence, and improves their participation in political and public life. In addition, the programme awards scholarships for young researchers and postgraduate students to improve their competitiveness and opportunities in the labour market. Croatia highlighted that civil society organizations played a role in designing and implementing the National Youth programme, in particular youth associations. For example, youth was actively involved in developing measures for long-term unemployed young people, identifying groups at risk of social exclusion and initiatives for adequate support.

B. Promoting the transition from school to work

71. Various stakeholders have highlighted comprehensive programmes to facilitate the transition of young people from school to work, including the More and Better Jobs for Youth programme in Argentina, the Youth Employability programme in New Zealand, the Youth Employment project in Bosnia and Herzegovina and the Great Social Mission for Youth Employment in the Bolivarian Republic of Venezuela. The Youth reach programme in Ireland provides full-time education, training and practical experience for unemployed young adults between the ages of 15 and 20. The application of new technology is integrated into all aspects of the programme and there is a strong emphasis on core skills, literacy/numeracy, communications and information communications technology. Participants' needs, interests and capacities are taken into account as the programme offers the opportunity to identify and pursue viable professional options.

72. In the context of the National Youth programme, the Croatian Employment Service has adopted special measures for the recruitment of historically disadvantaged groups of young people, including youth with disabilities and young members of the Roma minority. Among those special measures are individual employment counselling, professional employment plans, workshops for active job search, employment clubs, career information and counselling centres and topic-related lectures.

73. The My First Job programme in Ecuador aims at placing students in apprenticeships in the public and private sectors in order to provide them with work experience. The Children and Youth Development Fund in Georgia supports youth in school-to-work transitions by promoting entrepreneurship and skills development, in particular for marginalized youth, including young persons with disabilities and those belonging to minority groups.

74. The First Challenge programme, part of the Youth Employment initiative, in Slovenia supports first-time jobseekers in gaining crucial work experience. The programme consists of 3 months on-the-job mentored training, followed by 12 months of subsidized employment. The Youth Guarantee programme strengthened the existing counselling services for young people by introducing an up-to-date web information platform for youth.

C. Closing the gender gap

75. Subsidies for women's self-employment are offered to young women graduates in Slovenia to create start-ups. They need to have been unemployed for at least three months and completed a mandatory entrepreneurship training financed by the Ministry of Economic Development and Technology.

76. The Empower Her initiative in Tunisia, funded by the World Bank, aims at reinforcing the economic independence of women, facilitating technological solutions for starting their own business. The initiative brings young, unemployed new technologies graduates together with rural women to create start-ups for applications that help provide services for women in the interior regions of Tunisia. The applications aim to help women sell their handicrafts by providing them with access to markets and materials. They can also provide high technology jobs and other opportunities for the young start-up entrepreneurs.

D. Creating decent jobs

77. Some States have opted to introduce economic incentives for private companies that hire unemployed young people, such as the Sustainable Employment for Young People programme in Slovenia, the Jobs Plus Youth programme in Ireland, the Contributions Act in Croatia (which rewards long-term contracts) and a programme in the Plurinational State of Bolivia that covers 45 per cent of the related labour costs. The programme reported a budget of \$40 million and facilitated the entry into the labour market of 1,224 young people in 2018.

78. Mauritius has implemented the Youth Employment programme, which provides placement and training for unemployed youth aged between 16 and 35. The programme aims at enabling unemployed youth to obtain training/placements for an initial period of one year with the possibility of permanent employment thereafter on condition of satisfactory performance. If the unemployed youth have not been able to secure a job after the one-year training under the Youth Employment Programme, they are allowed another year of placement under the same programme.

VI. Conclusions

79. Today, we have the largest generation of young people in history, with an enormous source of talent, creativity and energy. They possess great potential to drive social progress, inspire political change and move the world forward in achieving the 2030 Agenda and in promoting and protecting all human rights. At the same time, young people face tremendous challenges in enjoying their human rights. An alarming number are not in education, training or employment, leading to disproportionate levels of unemployment and exploitation. In particular, many young people go through a long and difficult process in transitioning from school to work and lack adequate educational opportunities to build their skills.

80. To tackle the barriers youth face in accessing and participating in the labour market, States should put in place concerted legislative, policy and budgetary measures with a strong gender lens, not only in the area of the right to work but also in the area of interrelated and interdependent rights, such as the right to social security, the right to education and the right to participate in public affairs. This approach fosters youth's empowerment and requires a fundamental shift to lay out the conditions for promoting young people as agents of their own future, change and progress.

81. **In particular, States should:**

(a) **Protect young people from all forms of labour exploitation and age-based discrimination in accessing and participating in the labour market. States should ensure young workers enjoy just and favourable conditions of work, including safe and healthy working conditions, a wage that would ensure an adequate standard of living and equal pay for work of equal value. States' regular work inspections and acquisition of data on youth employment, disaggregated by age and sex, could contribute to counter labour standards violations against young workers;**

(b) **Remove all barriers and ensure equality and non-discrimination in access to work, including by:**

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- (i) Discouraging unpaid internships as they can be an obstacle for youth, especially for the most disadvantaged, to access a specific career path;
 - (ii) Transferring the coverage of paid maternity leave to the social security system or public funds, in order to combat the preferential recruitment of young men on the basis of the perceived cost of recruiting young women;
 - (c) Adopt proactive job creation policies directed at youth and put in place specialized services for youth that assist them in identifying and securing available employment, including by providing access to information channels, technology and job search mechanisms;
 - (d) Invest in social protection programmes that mitigate the negative impact of unemployment on youth, while securing the enjoyment of at least the core content of their economic and social rights, including their rights to health, food, water and sanitation, education and housing. Consider the specific needs of young women, who bear a disproportionate share of unpaid care work and suffer from discrimination, fuelled by harmful stereotypes and gendered social norms. Human rights-based social protection systems together with education and technical and professional training can support youth in their search for decent jobs;
 - (e) Offer modern, relevant and up-to-date education and technical and professional training to promote personal and professional development and to counter gender inequality in education and in particular in the use of new technologies;
 - (f) Actively promote young people's right to participation and representation in institutional political processes and policymaking, by establishing quotas, so that youth, in particular young women, can influence policies on topical issues of their concern, including decent work. This would entail, among others, ensuring youth's active citizenship education and timely access to information.
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