**Uchwała nr 39**

**Rady Dialogu z Młodym Pokoleniem**

**z dnia 2 lutego 2021 r.**

**w sprawie projektu Zalecenia Komitetu Ministrów Rady Europy do państw członkowskich w sprawie ochrony młodzieżowego społeczeństwa obywatelskiego i młodych ludzi oraz wspierania ich udziału w procesach demokratycznych**

Na podstawie § 13 rozporządzenia Przewodniczącego Komitetu do spraw Pożytku Publicznego z dnia 10 września 2019 r. w sprawie Rady Dialogu z Młodym Pokoleniem (Dz. U. poz. 1743)oraz art. 411 ust. 2 ustawy z dnia 24 kwietnia 2003 r. o działalności pożytku publicznego i o wolontariacie (Dz. U. z 2019 r. poz. 688 i 1570), uchwala się stanowisko Rady Dialogu z Młodym Pokoleniem w sprawie w sprawie projektu *Zalecenia Komitetu Ministrów Rady Europy do państw członkowskich w sprawie ochrony młodzieżowego społeczeństwa obywatelskiego i młodych ludzi oraz wspierania ich udziału w procesach demokratycznych*.

§ 1

Rada Dialogu z Młodym Pokoleniem pozytywnie opiniuje projekt *Zalecenia Komitetu Ministrów Rady Europy do państw członkowskich w sprawie ochrony młodzieżowego społeczeństwa obywatelskiego i młodych ludzi oraz wspierania ich udziału w procesach demokratycznych* jednocześnie proponując poniższe zmiany.

§ 2

W rekomendacji nr 12 Rada Dialogu z Młodym Pokoleniem proponuje dodać zapis: *(for example by real participation in youth city councils, which should have more competences and play main role in the civil society at local and regional level, specially by creating and supervision of strategic and longterm documents and actions about youth policy).*

§ 3

W rekomendacji nr 19 Rada Dialogu z Młodym Pokoleniem proponuje dodać zapis: *(specially by youth non-governmental organizations).*

§ 4

W rekomendacji nr 25 pkt 1. Rada Dialogu z Młodym Pokoleniem proponuje dodać zapis: *by supporting the development of strategic and longterm activities in the area of strong national youth policy and also by supporting development of youth city councils.*

§ 5

W rekomendacji nr 25 pkt 2. Rada Dialogu z Młodym Pokoleniem proponuje dodać zapis: *(specially from rural and smaller cities area).*

§ 6

Proponowane brzmienie projektu *Zalecenia Komitetu Ministrów Rady Europy do państw członkowskich w sprawie ochrony młodzieżowego społeczeństwa obywatelskiego i młodych ludzi oraz wspierania ich udziału w procesach demokratycznych* stanowi załącznik do niniejszej uchwały.

§ 7

Uchwała wchodzi w życie z dniem podjęcia.

**Załącznik do uchwały nr … Rady Dialogu z Młodym Pokoleniem z dnia … 2021 r.**

Strasbourg, 14 January 2021 CMJ(2021)10

RESTRICTED

**JOINT COUNCIL ON YOUTH**

**(CMJ)**

**44th meeting**

Online meeting, 23-24 March 2021

**Draft recommendation CM/Rec(2021)..   
of the Committee of Ministers to member states on   
protecting youth civil society and young people,   
and supporting their participation in democratic processes**

**Draft 6**

**Agenda item 5.2.2**

Revised text proposed by the drafting group

after its 3rd meeting of 24-25 November 2020

for consideration by the Joint Council on Youth

**Draft recommendation CM/Rec(2021).. of the Committee of Ministers to member states on   
protecting youth civil society and young people, and supporting their participation in   
democratic processes**

Draft 6

**Preamble**

1. The Committee of Ministers, under the terms of Article 15.*b* of the Statute of the Council of Europe,
2. 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;
3. 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;
4. Having regard to the European Social Charter (adopted in 1961, ETS No. 35, revised in 1996, ETS No. 163, and subsequently amended and supplemented), as applied and interpreted by the European Committee of Social Rights;
5. 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 European Convention on Human Rights and of the member State’s adherence to the principles of democratic pluralism and commitment to human rights and the rule of law;
6. Having in mind [Recommendation CM/Rec(2018)11 on the need to strengthen the protection and the promotion of civil society space](https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016808fd8b9) in Europe in which the Committee of Ministers “expresses 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”;
7. Having regard to the decisions of the 129th session of the Committee of Ministers (Helsinki, 17 May 2019) on “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 by the Committee of Ministers on the occasion of the 70th anniversary of the Council of Europe in which the signatories recognise “the key role of civil society” and commit “to a meaningful and transparent dialogue with civil society at all levels of our engagement”;
8. Emphasising that exceptional measures taken by member States in times of crisis should not undermine the long-term interest in safeguarding Europe’s founding values of democracy, rule of law and human rights, for example as underlined by the Council of Europe Secretary General in her toolkit for member States issued during the Covid-19 sanitary crisis;[[1]](#footnote-1)
9. Recalling Resolution CM/Res(2020)2 of the Committee of Ministers on the Council of Europe youth sector strategy 2030, in particular priority 1 “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”;
10. Recalling the applicability of existing principles set out in relevant recommendations of the Committee of Ministers to the member States, in particular: Recommendation CM/Rec(2017)4 on youth work; Recommendation CM/Rec(2016)7 on young people’s access to rights; Recommendation CM/Rec(2015)3 on the access of young people from disadvantaged neighbourhoods to social rights; Recommendation [CM/Rec(2012)2](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2012)2) on the participation of children and young people under the age of 18; Recommendation [CM/Rec(2010)8](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2010)8) on youth information; Recommendation [CM/Rec(2010)7](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Rec(2010)7) on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education; Recommendation CM/Rec(2007)14 on the legal status of NGOs in Europe; Recommendation [Rec(2006)1](https://search.coe.int/cm/Pages/result_details.aspx?Reference=Rec(2006)1) on the role of national youth councils in youth policy development; Recommendation [Rec(2004)13](https://search.coe.int/cm/Pages/result_details.aspx?Reference=Rec(2004)13) on the participation of young people in local and regional life;
11. Recalling Parliamentary Assembly Recommendations 2134 (2018) on New restrictions on NGO activities in Council of Europe member States; 2086 (2016) on How can inappropriate restrictions on NGO activities in Europe be prevented?; 2085 (2016) on Strengthening the protection and role of human rights defenders in Council of Europe member States; 2015 (2013) on Young people’s access to fundamental rights;
12. Recalling the Congress of Local and Regional Authorities’ Recommendation 128 (2003) 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 (for example by real participation in youth city councils, which should have more competences and play main role in the civil society at local and regional level, specially by creating and supervision of strategic and longterm documents and actions about youth policy) , 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;
13. Recalling the Report on funding of associations, adopted by the European Commission for Democracy through Law (Venice Commission) at its 118th plenary session;
14. Recalling the Joint guidelines on freedom of association of the European Commission for Democracy through Law (Venice Commission) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR);
15. Having in mind the Council of Europe Guidelines for civil participation in political decision-making (CM(2017)83-final);
16. Firmly believing that the sustainability of any democratic society relies on the creativity, dynamism, social commitment and competences of its young people;
17. 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;
18. Recognising that youth civil society represents a vital platform for the democratic socialisation of all young people, enabling the civic awareness that initiates young people into active citizenship, developing their competences for civic engagement and their agency to address injustice;
19. Recognising the importance of the genuine and meaningful participation of young people in democratic life for building more democratic, peaceful and inclusive societies, (specially by youth non-governmental organizations) thus making young people agents of change;
20. Emphasising the importance of the Council of Europe youth sector’s co-management system as an example of meaningful youth participation;
21. Recognising that young people are often disengaged from traditional forms of democratic participation, and that their active citizenship is motivated by a widening range of issues manifested in a broad variety of forms and ways;
22. Recognising that young people and youth civil society are particularly vulnerable to many of the negative trends that characterise democratic backsliding which are posing a significant risk to the health of our democracies, such as cyber threats and the effects of disinformation;
23. Recognising that young people and youth civil society need a sustainable, enabling environment where each individual’s personal life is respected and their engagement and active participation in initiatives aiming at the revitalisation of pluralistic democracy are facilitated;
24. Considering that the unhindered and full access of young people to rights, including freedom of expression, assembly and association, is an essential element of a culture of human rights, democracy and rule of law, deeply concerned however that some legal and other measures can result in the erosion of these rights;
25. Recommends that the governments of the member States:
26. promote and apply the measures proposed in the appendix to this Recommendation which aim to identify and address threats to youth civil society, as well as to ensure that all young people and youth civil society can engage meaningfully with democratic political processes. Moreover, these measures aim to further the creation of an enabling environment for young people to set up, join and run youth civil society organisations, and to promote and support youth work, non-formal education and multi-sectoral co-operation, thus advancing active youth citizenship – by supporting the development of strategic and longterm activities in the area of strong national youth policy and also by supporting development of youth city councils
27. give due consideration to the specific needs and situations of all young people, including those from under-represented and marginalised groups (specially from rural and smaller cities area), as well as to the reasons for the disengagement of specific groups, in the implementation of these measures;
28. promote, review and share progress in the implementation of these measures, involving youth civil society and young people in the process;
29. translate and disseminate widely this Recommendation and its appendix (including in accessible 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;
30. examine, within the Committee of Ministers, the implementation by member States of this Recommendation five years after its adoption.

*Appendix to the Recommendation*

1. **Scope and purpose**
2. 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, for organisational sustainability, and for the exercise of their fundamental human rights, as well as to remove any barriers to achieving these.
3. The Recommendation aims to encourage member States to:

* ensure all young people can enjoy fully human, social, civil and political rights under national and international law by identifying and removing barriers to them, including in the digital space;
* expand and protect youth civic space to contribute 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, amongst others, 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;
* 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 youth participation in democratic life by making co-operation and consultations with young people and their organisations an integral part of policymaking, as well as to shift towards a multi-sectoral approach to engaging with young people meaningfully, exposing them to democratic experiences and allowing them to shape policy at the earliest stage, by means of innovative, inclusive and diverse tools.

1. 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. The definition of youth civil society should be broad and diverse enough to be inclusive of all youth civil society actors, from the least to the most organised ends of the spectrum.
2. **Principles**
3. The Recommendation builds on the existing principles enshrined in the instruments referred to in the preamble, as well as on the following:

* laws, policies and measures need to be in place to protect and expand the space for youth civil society in Europe;
* young people and youth civil society make essential contributions to the development and realisation of democracy and human rights;
* youth work contributes to critical youth citizenship and leads to an enabling environment for young people to engage with democratic life and build competences of democratic culture;
* the meaningful participation of young people in civic life and in policymaking empowers them to bring about change;
* the existence of democratic and independent civil society organisations representing a diverse range of views and interests is a manifestation of the right to freedom of association and expression;
* the safeguarding of the independence of youth civil society is important for the future of healthy democracies;
* young people and youth civil society require tailored support to be able to contribute to the revitalisation of pluralistic democracy and the building of peaceful and inclusive societies in Europe.

1. **Measures**

**With regard to creating a sustainable enabling environment for youth civil society**

1. Member States should:
2. Review their legal frameworks and update them accordingly to ensure an environment which allows for a strong and independent youth civil society, able to operate freely;
3. analyse progress, in concert with youth civil society, in creating the requisite conditions by using existing instruments or, where needed, defining new indicators and methods to collect relevant data and information; foster national and European independent youth research and share open source data to support it; share best practices amongst member States of how to enable and expand youth civil society and seek synergies with other existing mechanisms in the European sphere;
4. eliminate threats to the youth civil sector in its work regarding living together in peaceful and inclusive societies, as well to foster the Council of Europe’s core values of human rights, democracy and the rule of law to protect pluralistic democracy;
5. adopt, in accordance with relevant national legal frameworks, simple, flexible and broadly accessible public funding and reporting mechanisms for youth civil society;
6. eliminate undue legal and administrative burdens or hindrances to the receipt of funding by youth civil society from private and international donors for the financing of actions aimed at promoting and reinforcing the Council of Europe’s values, in accordance with Recommendation CM/Rec(2018)11;
7. ensure appropriate support for quality youth work that fosters critical youth citizenship and empowers young people from different backgrounds to tackle challenges that young people and youth civil society face in exercising their rights and building a democratic and just Europe;
8. endeavour to maintain, to as great an extent possible, an enabling environment for youth civil society in times of crisis.

**With regard to strengthening youth participation in democratic life**

1. Member States should:
2. support the development of active youth citizenship and invest in building young people’s competence for democratic culture, as well as trust in democratic institutions;
3. ensure public authorities have the mandate, capacity and means to consult young people on policy- and decision-making, including by using new, innovative and experimental, as well as traditional methods, and that they follow up on the implementation of resulting policies and decisions;
4. provide all young people with proper access to means of engagement with public authorities, including digital, ensuring these are available in minority languages and accessible to young migrants and refugees, as well as young people with disabilities, thereby avoiding reinforcing existing or creating new inequalities among young people from different backgrounds;
5. engage with young people and youth civil society to identify and address systemic and unforeseeable obstacles that prevent or restrict meaningful youth participation;
6. support youth work and non-formal learning, as well as co-operation with the formal education sector, to develop active citizenship, participation and social inclusion, ensuring all young people, especially those who are at risk and marginalised, have access to digital and media literacy and democratic education;
7. create participatory spaces or revitalise existing ones (including formal education spaces) where young people can practice, experience and reflect on, as well as learn the theory of democracy and participation, in the spirit of Recommendation CM/Rec(2010)7 of the Committee of Ministers to member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;
8. assign sufficient political weight to the youth voice in political processes by taking it into account in democratic processes, while respecting the plurality of views;
9. engage in open dialogue with young people and youth civil society and create the requisite conditions for the widest possible youth political participation, including by considering lowering age restrictions;
10. adopt a strategic approach to consultations and co-operation with young people and youth civil society across different sectors, creating multi-sectoral strategies for youth participation in democratic life;
11. create, in co-operation with young people, public deliberation platforms and processes at all levels and accessible to all young people, that allow for the representation of a plurality of views on issues, including and beyond youth policies;
12. ensure the introduction and development of e-governance contains direct channels of contact of public officials with young people and youth civil society;
13. promote and, as appropriate, introduce youth dialogue and co-management models into local, regional and national political frameworks.

**With regard to ensuring young people’s access to rights**

1. Member States should:
2. with regard to the rights enshrined in the European Convention on Human Rights, protect and promote the right to freedom of association and [peaceful] assembly (Article 11), to freedom of expression – including the right to represent pluralistic and marginalised views and engage critically as young citizens with a diversity 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 their social rights are fulfilled;
3. protect the rights of young people to engage in non-violent youth advocacy and to express freely their political preferences by allowing peaceful gatherings, demonstrations, and other public manifestations to be organised by youth civil society, and safeguard the right of young persons to express their views freely while protecting them from violence and preventing subsequent detention for political reasons;
4. promote the digital rights of all young people, ensure they have access to information, while protecting them from disinformation, manipulation and misuse of their data, particularly in the digital domain, by either public or private actors;
5. protect the political rights of young people and their privacy in the sphere of artificial intelligence development, including with regard to face recognition in public spaces;
6. promote and encourage self-expression and self-actualisation of young people and protect them from segregation, discredit or marginalisation based on those choices, reflecting the Council of Europe’s core values;
7. create the conditions necessary for young people’s and youth civil society’s pluralistic and marginalised views and positions to be represented in public deliberations, without fear of retribution.
8. The Committee of Ministers asks the Secretary General of the Council of Europe to bring this Recommendation to the attention of the governments of the States Parties to the European Cultural Convention (ETS No 18) that are not member States of the Council of Europe.

1. Respecting democracy, rule of law and human rights in the framework of the Covid-19 sanitary crisis, SG/Inf(2020)11. [↑](#footnote-ref-1)