

Consultation for the OHCHR study on the implementation of human rights with regard to young people:

Written input of the International Labour Organization

1. Main challenges faced by young people and examples of discrimination against young people in the exercise of their rights

The current **youth employment challenge** has various dimensions. First, it pertains to young people's **access to jobs**: in 2017, an estimated 21.8 per cent of the world's young people (aged 15 – 24) are not in employment, education or training (NEET). Youth are more likely to be unemployed than adults around the world, with youth unemployment rates on average three times higher than rates for adults. Second, young people are excluded from **decent wages**: working poverty disproportionately affects youth, as 16.7 % of employed youth in emerging and developing countries in 2017 are living on income below the extreme poverty threshold (1.90 USD per day), compared to 10.6 % of employed adults who live in such a situation. Third, youth are often deprived of **fundamental rights at work**, face particularly **precarious working conditions** and are more likely to work informally (96.8% of youth vs. 90.2 % of adults in developing, and 83 % vs. 65.5 % in emerging countries).¹

2. Normative framework specifying young people's rights at work and rights to work, review mechanisms and examples of country-level implementation

The promotion of decent work for young people is a key concern for the ILO. In 2012 the ILC adopted the conclusions concerning "The youth employment crisis: A call for action", which stresses the importance of promoting pro-employment growth and decent work for young people by adopting a multi-pronged, rights-based approach to youth employment. The Call for Action also states that international labour standards play an important role in protecting the rights of young workers.

As the 2012 Call for Action, as well as the recent Guide to International Labour Standards and Rights at Work Concerning Young People (ILO 2017) explain in detail, several of the ILO's conventions and recommendations² pertain to young people as they seek to access and participate in the labour force.

2.1. Relevant normative framework

The 1998 ILO Declaration on Fundamental Principles and Rights at Work reaffirms the constitutional obligation of every ILO Member State to respect, promote and realize four fundamental principles and rights at work (FPRW), which are meant to protect young and adult workers. FPRW include

¹ ILO 2017: Global Employment Trends for Youth 2017

² Conventions and Protocols are treaties in international law which, once ratified by member States, create legal obligations as part of national law. They lay down basic principles, rights and obligations, and compliance with their provisions is supervised by the ILO on a regular basis. Recommendations are non-binding guidelines, which in many cases offer further guidance on the implementation of a Convention

- freedom of association and the effective recognition of the right to collective bargaining³
- the elimination of forced or compulsory labour⁴
- the abolition of child labour⁵
- the elimination of discrimination in respect of employment and occupation⁶

There are currently **over 1,392 ratifications of the eight fundamental conventions**, representing more than 93 per cent of the total possible number of ratifications. Following their ratification of fundamental conventions, the ILO advocates for States to adopt affirmative measures in their Constitution or labour legislation which are in accordance with the conventions' basic principles.

These include measures which

- ensure that young (rural) workers can form and join organizations to enable them to participate in economic and social development
- encourage and promote the development and use of machinery for voluntary, collective bargaining
- protect worker representatives, including young workers
- suppress forced or compulsory labour in all its forms
- combat trafficking in persons for labour and sexual exploitation
- ensure that children remain in education until at least the minimum age of employment and facilitate the transition of children from education to decent work
- protect all workers, including young workers, against direct and indirect discrimination on the basis of race, colour, sex, religion, political opinion, national extraction and social origin and additional grounds to be determined by the ratifying State

Examples of country-level measures taken – and hence important examples of protecting youth's human rights – can be found in the [Guide to International Labour Standards and Rights at Work Concerning Young People \(ILO 2017\)](#).

Promoting rural youth associations in Malawi and Tanzania: In 2011 the Food and Agriculture Organization (FAO) and the ILO collaborated to start a programme on decent rural employment in Malawi and Tanzania, which aimed to strengthen the role of young farmers in improving food security. An important component of the project was the promotion of youth entrepreneurship and the development of capacities of rural youth associations. In 2011 some 28 girls and 32 boys engaged in rural activities received trade union training.

Source: FAO, [Policy support on decent rural employment in Malawi and Tanzania, 2012](#).

Furthermore, various **technical conventions** specify the rights and labour standards to be adhered to for young workers, covering wages, the employment relationship, hours of work

³ [Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\); Right to Organise and Collective Bargaining Convention, 1949, \(No. 98\)](#)

⁴ [Forced Labour Convention, 1930 \(No. 29\); Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)

⁵ [Minimum Age Convention, 1951 \(No. 138\); Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)

⁶ [Equal Remuneration Convention, 1951 \(No. 100\); Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)

and weekly rest, termination of employment, home work and occupational health and safety. With regard to social protection, the ILO has developed a strategy on the extension of social protection which is two-dimensional and aims, first, at the rapid implementation of national social protection floors offering basic social security guarantees to ensure universal access to essential health care and income security, at least at a nationally defined minimum level (horizontal dimension), in line with the Social Protection Floors Recommendation, 2012 (No. 202). Secondly, the strategy aims at the progressive achievement of higher levels of protection (vertical dimension) within comprehensive social security systems, according to the Social Security (Minimum Standards) Convention, 1952 (No. 102).

Moreover, ILO's international labour standards establish **important benchmarks for effective and fair employment and labour market governance**, many of which take note of the specific vulnerabilities and **needs of youth** when accessing, and participating in, the labour market: The 2008 ILO Declaration on Social Justice for a Fair Globalization designates four priority Conventions that relate to tripartism, employment policy and labour inspection as “most significant from the viewpoint of governance” (also referred to as the “**Governance Conventions**”⁷).

One of the most important means through which decent participation of youth in the labour market can be ensured are proactive, inclusive **youth employment policies**. Following Employment Policy Convention No. 122, member States have an obligation to make ongoing efforts to promote and achieve full, productive and freely chosen employment through an active employment policy. It furthermore provides for consultations with the social partners and representatives of the persons affected by employment policies, which would also include young workers, with the objective of taking full account of their experience and views and securing their full cooperation in formulating and enlisting support for such policies. The Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), provides for specific measures to be adopted to support the employment of young workers having difficulties in finding lasting employment. Such measures include, *inter alia*, youth oriented vocational guidance and training programmes; employment services that take into account the needs of young people living in both urban and rural areas; assistance for the vocational mobility of young workers; and measures aimed at engaging youth in community-based programmes.

⁷ These are the Labour Inspection Convention, 1947 (No. 81); the Employment Policy Convention, 1964 (No. 122); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

Voluntary peer review of youth employment policies in the CIS and Georgia: In 2013, in response to a call to resolve the youth employment crisis in Eastern Europe and Central Asia, the ILO launched a project in the Commonwealth of Independent States (CIS) countries and Georgia, with a view to developing effective solutions to reduce youth unemployment. A regional Youth Employment Network, including representatives from Azerbaijan, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Russian Federation, Tajikistan, Turkmenistan and Uzbekistan, was established to address that challenge. In this context, voluntary peer reviews, in which countries assess one another's youth employment policies and share good practices, have been put into place.

Source: ILO, Voluntary peer review of youth employment policies.

In June 2017, the ILO member states adopted a new Recommendation number 205 (R205) on "Employment and Decent Work for Peace and Resilience", an innovative normative instrument providing guidance to member states, organizations and practitioners dealing with employment and decent work in fragile settings. The Recommendation updated the guidance of an earlier ILO Recommendation, particularly by widening the focus of the ILO's reconstruction and recovery work to include prevention and preparedness. Youth employment is a particular concern of the recommendation, which stresses the importance of providing income-generating opportunities to young people, through training, employment and labour market programmes. Furthermore, the R205 recommends specific youth employment components in disarmament, demobilization and reintegration (DDR) programmes.

Moreover, in 2016 the ILO also adopted a set of Guiding Principles on the access of refugees and other forcibly displaced persons to the labour market, which recommend for employment strategies to include measures specifically strengthening the inclusion of labour markets of youth and women from refugee and other forcibly displaced populations, including through access to education, life-long learning, childcare and after-school programmes. The Guiding Principles furthermore calls on members to promote equality of opportunity and treatment for all, in particular gender equality, recognizing the specific needs of women, youth and persons with disabilities, with regard to fundamental principles and rights at work, working conditions, access to quality public services, wages and the right to social security benefits for refugees and other forcibly displaced persons, and to educate refugees and other forcibly displaced persons about their labour rights and protections.

2.2. Review mechanisms

The main mechanism through which the ILO and its constituents aim to follow up on the implementation of the above-mentioned binding conventions with specific significance for youth is the Committee of Experts on the Application of Conventions and Recommendations. In supervising compliance with the conventions, the Committee pays special attention to youth.

The CEACR regularly tracks the progress made to protect young people's enjoyment of fundamental principles and rights at work. Moreover, the CEACR devotes special attention to the use of youth employment when supervising compliance with Convention No. 122 on Employment Policies. For instance, in its comments on Convention No. 122, the CEACR has requested governments to report on the impact of measures aimed at creating job

opportunities for young people, particularly for those with lower qualifications. Aware that in many countries young people are increasingly working under short-term or flexible employment contracts, the CEACR also requests governments to provide information on the efforts made to ensure lasting employment for young people.

3. Examples of policies and programmes aimed at supporting young people to realise their rights at work and rights to work

There are several examples of policies and programmes, both within the ILO and beyond, which aim to support young people to realise their rights.

3.1. Youth employment in the 2030 Agenda for Sustainable Development

In 2015 the United Nations adopted the 2030 Agenda for Sustainable Development. Under Goal 8, “Promote inclusive and sustainable economic growth, employment and decent work for all”, States are called on to make efforts to reduce youth unemployment and increase the participation of young people in education and training. Progress towards Sustainable Development Goal (SDG) 8 is to be measured by a set of global targets that reflect the labour market challenges of countries at different levels of development. Several priorities of the Decent Work Agenda are included as targets under SDG 8 (8.5, 8.6 and 8.b), while others are mentioned as targets under other Goals.⁸

3.2. Examples of ILO policies and programmes

Youth employment takes central stage in ILO’s technical cooperation which aims to assist ILO constituents in implementing the commitments made through the adoption and/or ratification of ILO’s normative framework. The ILO’s technical cooperation includes upstream efforts aimed at developing policies and building institutional capacities for decent youth employment as well as downstream projects of direct job creation and skills building for youth.

Implementation of youth rights to and at work relies on national capacities to act on these fronts and training (for the different stakeholders) is instrumental to that. In this spirit, the 2012 Call for Action on youth employment emphasized the need for increasing awareness about young workers’ rights, including through the integration of rights at work modules in the curricula of education and training institutions. Building on the potential of ILO’s tripartite structure, the ILO has developed the Rights@work for youth - Decent Work for young people toolkit. The aim of the learning package is to support trade unions, employment services, education and training institutions, as well as youth organizations, in their initiatives aimed at raising young people’s awareness of their rights at work. The toolkit therefore specifies young people’s rights at work in the areas of employment contracts, social security, conditions of work (including working hours, wages and leave), occupational safety and health (OSH) and ways to exercise rights at work. The toolkit has been adapted and translated in different language and disseminated, through “training of trainers” seminars, in several countries, most recently in Cambodia and Indonesia.

⁸ ILO 2017: Guide to International Labour Standards and Rights at Work concerning Young People.

Initiated in 2016, the ILO's flagship policy programme "Jobs for Peace and Resilience" aims at generating employment in fragile, conflict-affected and disaster-prone countries. Its ultimate objective is to create more and better jobs for inclusive growth and improved youth employment prospects in places where high unemployment and a lack of life perspectives exacerbate people's vulnerabilities and, ultimately, the risks of initial or renewed conflict escalation. Promoting employment in prevention of and recovery from crisis through the JPR programme thus has an important dividend on sustainable development.

Other recent efforts to scale up action for decent jobs for youth have included the Youth Employment Roadmap for North Africa, through which the ILO aims to support member states' decisive action on youth employment.

3.3. The Global Initiative on Decent Jobs for Youth

One important venue through which the ILO and international partners currently aim to address more effectively the youth employment challenge is the Global Initiative on Decent Jobs for Youth (DJ4Y)". DJ4Y is focused on expanding the evidence base about what works to support youth in eight thematic areas: Green Jobs for Youth, Digital Skills for Youth, Quality Apprenticeships, Youth Transitioning to the Formal Economy, Youth in the Rural Economy, Young Workers in Hazardous Occupations, Youth Entrepreneurship and Self-Employment and Youth in Fragile Situations.

To illustrate the Global Initiative's approach, under the latter theme of Youth in Fragile Situations, DJ4Y will

- **enhance the evidence base on what works in facilitating decent jobs for youth in fragile situations**, through synthesizing lessons learned, identify learning needs, enhance the evidence base on what works for decent jobs for youth in fragile situations, create a knowledge resource directory with technical and guidance notes on youth in fragile settings, and facilitating evidence take-up and improved programming and monitoring
- **promoting effective and promising interventions leading to more and better jobs for youth**, through support to interventions which strengthen the employability of young people, facilitate enterprise creation and growth and foster job creation
- **stimulate youth-targeted employment and enterprise development policies in fragile settings**, through identifying processes or policies that hinder decent work, together with policy solutions with direct job benefits for young people, and through integrating youth employment policies into national efforts for prevention, recovery and resilience

The strategy of Decent Jobs for Youth will be built on a multi-dimensional approach to ensure that young women and men in different contexts and situations, including in fragile states and states in protracted crisis, as well as among displaced populations, benefit from coordinated support. This reflects the universal nature of the Sustainable Development Goals.

4. The involvement of youth-led structures in developing, implementing and evaluating policies and programmes on youth and measures to be taken to support young people's rights

The Global Initiative on Decent Jobs for Youth will facilitate the involvement of youth organizations in relevant policy and planning discussions by pursuing active engagement with organizations that represent young people and their interests in rural and urban areas (see the Guiding Principles of the Initiative).

An important measure that can be taken at international level to facilitate/support the realisation of young people's rights is to scale up action which aim to enhance youth rights at work and rights to work. This could be through joining the Global Initiative's UN, private and civil society partners to deliver on and scale up the action envisaged in the eight thematic plans of the Global Initiative.