

IBEROAMERICAN CONVENTION ON RIGHTS OF YOUTH

Preamble

The States Parties, aware of the extreme importance for humanity to count with such instruments as the “Universal Declaration of Human Rights”; the “International Covenant on Economic, Social and Cultural Rights”; the “International Covenant on Civil and Political Rights”; the “Convention on the Elimination of All Forms of Racial Discrimination”; the “Convention on the Elimination of all Forms of Discrimination against Women”; the “Convention on the Rights of the Child”; the “Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”; and other instruments approved by the United Nations and its specialised Organisations and by the systems of protection of the fundamental Rights of Europe and America, which recognise and guarantee the rights of every person to freedom, equality and dignity.

Considering that the mentioned instruments form part of the legal heritage of humanity, whose aim is to create a universal culture of respect of liberty, peace and human rights, and that the present Convention is integrated in them.

Taking into account that the United Nations and several regional organisations are promoting and supporting actions in favour of youth in order to guarantee their rights, respect and the promotion of their chances and perspectives of freedom and social progress to which they legitimately aspire, among which the World Programme of Action for Youth to the Year 2000 and Beyond, proclaimed by the General Assembly Resolution 50/81 of the United Nations, is to be pointed out.

Considering that the “Lisbon Declaration”, approved by the 1st World Conference of Ministers Responsible for Youth, celebrated in Lisbon, Portugal, in 1998, constitutes a frame for international cooperation in the field of youth policies, in which the Ministers encouraged and supported the actions of such institutions as the OIJ, undertaking to support the bilateral, sub-regional, regional and international exchange for better practices, at a national level, for the formulation, implementation and evaluation of youth policies.

Taking into account the conclusions of the World Youth Forum of the United Nations System, celebrated in Braga, Portugal, in 1998, as well as the Action Plan approved in the mentioned event.

Verifying that young people form a social sector of singular characteristics due to psycho-social, physical and identity factors which require a special attention because of being youth a period of life in which personality, acquisition of knowledge, self-esteem and projection of future are formed and consolidated.

Taking into account the verification of serious lacks and omissions among the youth in the Region which affect their comprehensive formation when they are limited or deprived of such rights as: education, employment, health, environment, participation in social and political life and decision taking processes, effective law guardianship, information, family, housing, sport, leisure and culture in general.

Considering that there must be a progress in explicitly recognising the rights of youth, in the promotion of bigger and better chances for youth and the consequent obligation of the States to guarantee and adopt such measures as may be necessary for the full exercise of these rights.

Recognising that these factors invite to specify the scope and application of the International Law instruments on Human Rights through declarations, laws and policies which specifically regulate and protect the right of youth and generating a more specific legal frame inspired in the principles and rights which protect human beings.

Taking into account that the Iberoamerican Ministers of Youth have been working for the elaboration of a Charter of Rights for Iberoamerican Youth, being the concept and methodology bases approved by the IX Iberoamerican Conference of Youth Ministers for the elaboration of a document which, under the perspective of overcoming prejudices and contemptuous, paternalist or merely utilitarian conceptions of youth, demands their condition as persons, full citizens, real and effective subjects of rights, guarantees equal rights of men and women, social and political participation, the passing of policies aiming the full exercise of their rights, satisfies their needs and recognises them as strategic characters of development.

Stating that, in addition to the instruments of International Law on Human Rights, the elaboration of an “Iberoamerican Convention on Youth Rights” is justified in the need of youth to count with the commitment and law bases which recognise, guarantee and protect their rights, ensuring so the continuity and future of our peoples.

Accordingly:

The States Parties approve, proclaim and undertake to fulfil and make fulfil the present Iberoamerican Convention on Rights of Youth with the spirit of recognising youth as subject of rights, strategic characters of development and people able of responsibly exercising the rights and freedoms set forth in this Convention; and so that all the countries of Iberoamerica, its peoples and institutions are involved in this document, make it effective in the daily practice and make possible that programmes which give life to what this Convention promotes regarding youth and its total fulfilment in justice, peace, solidarity and respect of Human Rights are carried out.

Preliminary Chapter

Article 1. Application scope.

1. The present convention considers included under the expressions “young” and “youth” all people, nationals or residents in any Iberoamerican country, with ages between 15 and 24 years. This population group is subject and holder of the rights recognised in this Convention, without prejudice to the rights which equally benefit minors by the application of the International Convention on the Rights of the Child.

Article 2. Youth and Human Rights

The States Parties recognise in this Convention the right of all youth to enjoy all Human Rights, and undertake to respect and guarantee youth the full enjoyment and exercise of their civil, political, economic, social and cultural rights.

Article 3. Contribution of youth to Human Rights

The States Parties to the present Convention undertake to develop policies and propose programmes which encourage and make permanent the contribution and commitment of youth with a peace culture and respect of Human Rights and to spread values of tolerance and justice.

Chapter I General Regulations

Article 4. Right to Peace.

This Convention proclaims the right to peace, a life without violence and fraternity and the duty of encouraging them through education and programmes and initiatives which conduct youth solidarity and cooperation energies. The States Parties shall promote peace culture, stimulate creativity, enterprising spirit, education in values inherent to the respect of Basic Human Rights, favouring, in any case, understanding, tolerance, friendship, solidarity, justice and democracy.

Article 5. Principle of non-discrimination.

The enjoyment of the rights and freedoms recognised to youth in the present Convention does not admit any kind of discrimination on the ground of race, colour, national origin, belonging to a national, ethnic or cultural minority, sex, sexual orientation, language, religion, opinion, social condition, physical abilities, disabilities, living place, economic resources or any other condition or personal or social circumstance of the young person which may be invoked to establish discriminations which affect the equality of rights and the chances to enjoy them.

Article 6. Right to gender equality.

This Convention recognises the equal rights of young women and men and declares the commitment of the States Parties of boosting policies and legal and budgetary measures which ensure equality between young women and men within the frame of equal chances and the exercise of rights.

Article 7. Prominence of the family

The States Parties recognise the importance of the family and the duties and responsibilities of parents, or their legal substitutes, of guiding their young children, minors, in the exercise of the rights recognised by this Convention.

Article 8. Adoption of inner law measures.

The States Parties recognise the rights provided in this convention and undertake to promote, protect and respect them and to adopt any legal, administrative or other measure, as well as to assign the resources which enable the enjoyment of the rights recognised by the Convention. They shall equally formulate and evaluate youth policies.

Chapter II Civil and Political Rights

Article 9. Right to life.

1. Every young person has the right to life and, therefore, all States Parties shall adopt such measures as may be necessary to guaranty the physical, moral and intellectual development which allow the incorporation of youth to the prominence of collective life with optimal maturity levels.

In any case, protection measures shall be adopted against aggressions which may be cause of detriment of the development of the above stated process.

2. No young person shall be sentenced to death. The States Parties which preserve death penalty shall guarantee that the latter shall not be applied to people who, at the time of the commission of the crime, were considered young in the terms of the present Convention.

Article 10. Right to personal integrity.

The States Parties shall adopt specific protection measures in favour of youth regarding their physical and mental integrity and security, as well as against torture and cruel, inhuman or degrading treatment.

Article 11. Right to protection against sexual abuse.

The States Parties shall take such measures as may be necessary to prevent from exploitation, abuse or sexual tourism or any other kind of violence or mistreatment of young people and shall promote the physical, psychological and economic recovery of victims.

Article 12. Right to conscientious objection.

1. Youth have the right to make conscientious objection towards obligatory military service.

2. The States Parties undertake to promote the pertinent legal measures to guarantee the exercise of this right and advance in the progressive elimination of the obligatory military service.

3. The States Parties undertake to assure youth under 18 years of age that they shall not be called up or involved, in any way, in military hostilities.

Article 13. Right to Justice

1. The States Parties recognise the right of youth to justice. This implies the right to report, audience, defence, fair and decent treatment, free justice, equal rights before law and all the guarantees of the corresponding procedure.

2. The States Parties shall take such measures as may be necessary to guarantee a legal procedure which takes into account the young condition, makes the exercise of this right real and includes all the guarantees of the corresponding procedure.

3. Youth charged with a criminal offence have the right to a decent treatment which stimulates their respect for human rights and takes account of their age and the need

to promote their re-socialisation through alternative measures to the application of the penalty.

4. In all cases in which young minors are in conflict with the law, the rules of the corresponding procedure and effective legal guardianship shall be applied according to the rules and principles recognised under the International Law on Human Rights.

5. The States Parties shall take measures to ensure that the youth who are imprisoned have space and decent human conditions in the penal institution.

Article 14. Right to individual identity and personality

1. All young people have the right to: have a nationality, not be deprived of it and acquire another one voluntarily, and to an individual identity, consisting in the building of the own personality attending to specificities and characteristics of sex, nationality, ethnic origin, filiation, sexual orientation, religious belief and culture.

2. The States Parties shall promote respect for the identity of youth and shall guarantee their free expression ensuring the eradication of situations which discriminate them in any of the aspects concerning their identity.

Article 15. Right to honour, intimacy and personal image.

1. Youth have the right to honour, personal and family intimacy and to their own image.

2. The States Parties shall adopt such measures as may be necessary and formulate proposals of high social impact to achieve the full effectiveness of these rights and prevent youth from any exploitation of their image or practices against their physical or mental condition which may deteriorate their personal dignity.

Article 16. Right to liberty and security of person.

1. The States Parties recognise youth, with the extension expressed in the International Covenant on Civil and Political Rights, the right to their liberty and its exercise, without being restricted or limited in the activities deriving from it and prohibiting any measure which may prejudice the liberty, integrity or physical or mental security of youth.

2. Consequent with the recognition and duty of protection of the right to liberty and security of youth, the States Parties guarantee that Youth shall not be arbitrarily arrested, detained, imprisoned or exiled.

Article 17. Freedom of thought, conscience and religion.

1. Youth have the right to freedom of thought, conscience and religion, being any kind of persecution or thought repression prohibited.

2. The States Parties undertake to promote such measures as may be necessary to guarantee the exercise of this right.

Article 18. Freedom of expression, assembly and association.

1. Youth have the right to freedom of opinion, expression, assembly and information, to have youth forums at their disposal and create organisations and associations where their problems are analysed and may present proposals of political initiatives before public authorities in charge of attending youth matters, with no kind of interference or limitation.

2. The States Parties undertake to promote such measures as may be necessary to enable them to obtain the existing resources for the financing of their activities, projects and programmes, respecting the independence and autonomy of youth organisations and associations.

Article 19. Right to form part of a family.

1. Youth have the right to form active part of a family which promotes relations where mutual affect, respect and responsibility prime among its members and to be protected against any kind of mistreatment or violence.

2. Minor young people have the right to a hearing in case of divorce or separation of their parents for the effects of attribution of the own guardianship, as well as, to make their will determining in the case of adoption.

3. The States Parties undertake to create and enable the educational, economic, social and cultural conditions which promote the values of the family, cohesion and strength of family life and healthy development of youth in it, through public policies and its corresponding financing.

Article 20. Right to found a family.

1. Youth have the right to freely choose a partner, to common life and to the constitution of marriage on the ground of equality among its members, as well as to a responsible maternity and paternity and the dissolution of the marriage according to the civil capacity established by the inner law of each country.

2. The States Parties shall promote all legal measures which guarantee the compatibility of work and family life and the responsible exercise of paternity and maternity and allow their continuous personal, educational, formation and vocational development.

Article 21. Youth participation.

1. Youth have the right to participation in politics.

2. The States Parties undertake to boost and strengthen social processes which generate forms and guaranties which make the participation of youth from all sectors of society effective in organisations which encourage their inclusion.

3. The States Parties shall promote measures which, in conformity with the inner law of each country, promote and encourage that youth exercise their right to register in political associations, to elect and be elected.

4. The States Parties undertake to promote that governmental and legislative institutions promote the participation of youth in the formulation of policies and laws concerning youth, drawing up the corresponding mechanisms to make effective the

analysis and discussion of youth initiatives through their organisations and associations.

Chapter III Economic, Social and Cultural Rights

Article 22. Right to education.

1. Youth have the right to education.
2. The States Parties recognise their obligation to guarantee a comprehensive, continuous, appropriate education of high quality.
3. The States Parties recognise that this right includes the freedom of choosing the educational centre and the active participation in its life.
4. The education shall promote the exercise of values, arts, science and technology in the transmission of teaching, interculturalism, respect of ethnic cultures and open access to new technologies and promote among the educated people the vocation for democracy, human rights, peace, solidarity, acceptance of diversity, tolerance and equal rights of men and women.
5. The States Parties recognise that education is a life-long learning process which includes elements from formal and non-formal education which contribute to the continuous and comprehensive development of youth.
6. The States Parties recognise that the right to education is opposite to any kind of discrimination and undertake to guarantee the universalisation of basic, compulsory and free education for all young people and, specifically, to enable and ensure the access and permanence in secondary education. The States Parties likewise undertake to stimulate the access to higher education, adopting the needed political and legislative measures to achieve so.
7. The States Parties undertake to promote the adoption of measures which enable the academic and scholar mobility of youth, and so agree to establish validation procedures which allow, when applicable, the equivalency of levels, academic degrees and professional qualifications of their respective national educational systems.

Article 23. Freedom to sexual education.

1. The States Parties recognise that the right to education also includes the right to sexual education as a source of personal, affective development and communicative expression, as well as to the information concerning reproduction and its consequences.
2. Sexual education shall be taught at all educational levels and shall promote a responsible conduct in the exercise of sexuality, aiming the personal full acceptance and identity of youth, as well as the prevention of sexual diseases, HIV (AIDS), undesired pregnancy and sexual abuse or violence.
3. The States Parties recognise the important role and responsibility which corresponds to the family regarding sexual education of youth.

4. The States Parties shall adopt and implement sexual education policies, establishing plans and programmes which assure information and the full and responsible exercise of this right.

Article 24. Right to culture and art.

1. Youth have the right to cultural life and free creation and artistic expression. The practice of these rights shall be connected to their comprehensive formation.

2. The States Parties undertake to stimulate and promote artistic and cultural creation of youth, promote, respect and protect autochthonous and national cultures, as well as to develop exchange programmes and other actions which promote a better cultural integration among youth of Iberoamerica.

Article 25. Right to health.

1. The States Parties recognise the right of youth to a comprehensive, high-quality health.

2. This right includes free primary health care, preventive education, nutrition, specialised health care and care of youth health, promotion of sexual and reproductive health, research on young age health problems, information and prevention of alcoholism, nicotine poisoning and the improper use of drugs.

3. They equally have right to confidentiality and respect from the health service staff members, particularly concerning their sexual and reproductive health.

4. The States Parties shall ensure the full effectiveness of this right, adopting and applying comprehensive health policies and policies which specifically aim the prevention of diseases, promotion of health and healthy life-styles among youth. Policies for the eradication of dealing and consume of drugs which damage health shall be boosted.

Article 26. Right to work.

1. Youth have the right to work and to a special protection of it.

2. The States Parties undertake to adopt such measures as may be necessary to generate the conditions which allow youth to qualify and access to employment or create options for it.

3. The States Parties shall adopt the needed legislative policies and measures which promote the stimulation of companies to promote activities of integration and qualification of youth for work.

Article 27. Right to conditions of work.

1. Youth have the right to equal opportunities and treatment concerning integration, remuneration, promotion and working conditions, to the existence of programmes which promote a first employment, vocational qualification and to a special attention to youth who are temporarily unemployed.

2. The States Parties recognise that working youth shall enjoy equal working and union rights as those recognised to all workers.
3. The States Parties recognise the right of youth to be protected against economic exploitation and any employment harmful to their health, education or physical or psychological development.
4. The work for youth with ages between 15 and 18 years shall be object of a special protection law according to the international working rules.
5. The States Parties shall adopt measures so that young minor women workers benefit from specific promotion additional measures which, in general, correspond to working legislation, Social Security and Social Assistance. In any case, they shall adopt in their favour special measures by developing Section 2, Article 10, of the International Covenant on Economic, Social and Cultural Rights. In the mentioned development, special attention shall be given to the application of Article 10, Covenant 102, of the International Labour Organisation.
6. The States Parties undertake to adopt the needed political and legislative measures to eradicate any kind of discrimination against young women in the working field.

Article 28. Right to social protection.

1. Youth have the right to social protection towards situations of illness, accident in the workplace, disability, widowhood or orphanage and any other situation meaning lack or decrease of means of subsistence or capacity to work.
2. The States Parties shall adopt such measures as may be necessary to achieve the full effectiveness of this right.

Article 29. Right to vocational training.

1. Youth have the right to a non-discriminatory access to initial, continuous, adequate, high-quality vocational and technical training which enables them to incorporate to work.
2. The States Parties shall adopt all needed measures to guarantee the non-discriminatory access to formal and non-formal vocational and technical training, recognising their professional and technical qualification in order to favour the incorporation of qualified youth to an employment.
3. The States Parties undertake to boost public policies with appropriate financing to enable the qualification of youth who suffer some disability so that they may incorporate to work.

Article 30. Right to housing.

1. Youth have the right to a decent housing of good quality which enables them to develop their life project and relations with the community.
2. The States Parties shall adopt all kind of measures to make effective the mobilisation of public and private resources aiming the easier access of youth to a

decent housing. These measures shall result in the promotion and construction of homes by the Public Administrations and the stimulation and support to those of private promotion. In any case, the offer of homes shall be done in reasonable terms for the personal or/and family means of youth, giving priority to those with lower economic income.

Housing policies of States Parties shall constitute a contributory factor for the optimum development and maturity of youth and their grounding of new families.

Article 31. Right to a healthy environment.

1. Youth have the right to live in a healthy and balanced environment.
2. The States Parties recognise the importance of protecting and using properly the natural resources in order to satisfy the current needs without endangering the requirements of future generations.
3. The States Parties undertake to encourage and promote awareness, responsibility, solidarity, participation and education and information regarding environment among youth.

Article 32. Right to leisure and recreation.

1. Youth have right to recreation and leisure, to travel and know other national, regional or international communities as a mechanism to promote cultural, educational, experience and leisure exchange in order to manage to know one another and the respect towards cultural diversity and solidarity.
2. The States Parties undertake to implement policies and programmes which promote the exercise of these rights and to adopt measures which enable the free movement of youth about their countries.

Article 33. Right to sport.

1. Youth have right to physical education and the practice of sports. The values of respect, becoming better, personally and collectively, team work and solidarity shall prevail in the promotion of sport. In any case, the States Parties undertake to promote the mentioned values as well as to eradicate violence associated to the practice of sport.
2. The States Parties undertake to promote, under equal opportunities, activities which contribute to the development of youth in the physical, intellectual and social levels, guaranteeing the needed human resources and infrastructures for the exercise of these rights.

Article 34. Right to development.

1. Youth have the right to social, economic, political and cultural development and to be considered priority subjects of the initiatives taken with that aim.
2. The States Parties undertake to adopt the appropriate measures to guarantee the assignation of the needed human, technical and economic resources for programmes which attend the promotion of youth, in rural and urban areas, the participation in the

discussion to elaborate development plans and their integration in the starting process of the corresponding national, regional and local actions.

Chapter IV Mechanisms for Promotion

Article 35. Youth National Organisations.

1. The States Parties undertake to create a permanent governmental organisation in charge of designing, coordinating and evaluating public youth policies.
2. The States Parties undertake to promote all legal measures, as well as any other one, aiming the promotion of organisation and consolidation of youth participation structures in the local, regional and national scope, as tools to promote the participation in associations, exchange, cooperation and representation before public authorities.
3. The States Parties undertake to provide national public youth organisations with the needed capacity and resources to carry out a monitoring of the degree of application of the rights recognised in the present Convention and in the respective national legislations and to elaborate and diffuse annual national reports about the evolution and progresses achieved in the matter.
4. The national authorities competent for public Youth policies shall submit the Secretary-General of the Iberoamerican Youth Organisation a biannual report on the progress made in achieving the observance of the provisions of the present Convention. The mentioned report shall be submitted to the Headquarters of the Secretary-General six months before the celebration of the Iberoamerican Conference of Youth Ministers.

Article 36. About the regional monitoring of the application of the Convention.

1. Within Iberoamerica and in conformity with this Convention, the Secretary-General of the Iberoamerican Youth Organisation (OIJ) is granted the mission of requesting the information considered appropriate concerning youth public policies, as well as knowing the reports elaborated from the obligation assumed by the States Parties in the present Convention and formulating the proposals considered appropriate to acquire the effective respect of the rights of youth.
2. The Secretary General of the Iberoamerican Youth Organisation (OIJ) shall transmit the results of the reports deriving from the application of the provisions of the Convention submitted by the national authorities in the form foreseen in the previous article to the Iberoamerican Conference of Youth Ministers.
3. The Conference of Ministers may dictate the rules or regulations governing the exercise of the mentioned powers.

Article 37. Diffusion of the Convention.

The States Parties undertake to make the principles and dispositions of the present Convention widely known by Youth, as well as by the whole society.

Chapter V

Interpretation rules.

The provisions for the implementation of the present Convention shall apply without prejudice of existing dispositions or rules which recognise or extend the rights of youth proclaimed in it or which may be included in the laws of a signing Iberoamerican State or in the international law in force regarding that State.

Final clauses

Article 39. Signature, ratification and accession.

1. The present Convention is open for signature by all Iberoamerican States.
2. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the Iberoamerican Youth Organisation.
3. The present Convention shall be open to accession by any Iberoamerican State. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Iberoamerican Youth Organisation.

Article 40. Validity.

1. The present Convention shall enter into force 30 days after the date of the deposit of the fifth ratification or accession instrument with the Secretary-General of the Iberoamerican Youth Organisation.
2. For each Iberoamerican State ratifying the Convention or acceding to it after the deposit of the fifth instrument of ratification or instrument of accession, the Convention shall enter into force 30 days after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 41. Amendments.

1. Any State Party may propose an amendment and file it with the Secretary-General of the Iberoamerican Youth Organisation, who shall thereupon communicate any proposed amendments to the rest of the States Parties with a request that they notify him whether they favour a Conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months after the date of such notification, at least one third of the States Parties favours such a conference, the Secretary-General shall convene the Conference.
2. An amendment shall come into force when it has been approved by a two-thirds majority of the States Parties.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 42. Reception and communication of declarations.

1. The Secretary-General of the Iberoamerican Youth Organisation shall receive and communicate all States Parties the reservations formulated by the States upon ratification or accession.

2. Reservations which are incompatible with the object and aim of the present Convention shall not be accepted.

3. Any reservation may be retired at any moment through a notification for the purpose and submitted to the Secretary-General of the Iberoamerican Youth Organisation, who shall thereupon inform all States. The mentioned notification shall become effective the date of reception by the Secretary-General.

Article 43. Denounce of the Convention.

Any State Party may denounce the present Convention through written communication to the Secretary-General of the Iberoamerican Youth Organisation. The denounce shall become effective one year after the Secretary-General receives it.

Article 44. Designation of the Depositary.

The Secretary-General of the Iberoamerican Youth Organisation is designated as depositary of the present Convention, whose texts in Spanish and Portuguese are equally authentic.

In witness whereof, the plenipotentiary undersigned, duly authorised by their respective governments, have signed the present Convention.