

Abstract: The Role of Youth and their Struggles in Building a Resilient Rule of Law

The Rule of Law is one of the most important principles in building and maintaining a democratic society, which is oriented towards justice, human rights, and the validity of the law. However, a resilient Rule of Law is not a given in many countries. Often, the Rule of Law is threatened by autocratic regimes or hard to uphold due to natural crises such as the Covid 19 pandemic for instance. It, therefore, needs engaging thrivers that uphold the idea, value, and practice of the Rule of Law. Young people around the world stand up for laws to be fair, transparent, and accessible. Even though there has been an increase of international and national legal documents that recognise the importance of youth for the Rule of Law over the past 20 years, many young people do not see themselves as sufficiently supported in their role in advocating for more Rule of Law. This essay focuses on the role of youth in promoting the Rule of Law, and what legal instruments support their recognition as a crucial part in achieving legal goals of tomorrow by upholding the Rule of Law. Moreover, it addresses the challenges young people face in this regard and what could be done to support their engagement.

Biography:

The Role of Youth and their Struggles in Building a Resilient Rule of Law

1. Introduction

The earth has never been home to so many young people as of today.¹ According to a 2018 United Nations report, the number of young people aged 10 - 24 was 1.8 billion.² The Rule of Law is one of the most crucial principles of national and international law in the construction of a society that conforms to human rights. Battered by wars, climate crises or the corona pandemic, the Rule of Law faces challenges that young people also try to counteract. Nevertheless, young people discover themselves in a double role in society. On the one hand, they are seen as the greatest defenders of the Rule of Law but on the other hand, they are also seen as its greatest lawbreakers.³ However, the role of youth in building a resilient Rule of Law should not be underestimated. We should rather facilitate young people's access to justice and support their commitment to the Rule of Law.

2. The legal framework and influence of young people on the Rule of Law

There is no unified accepted definition of the Rule of Law.⁴ However, the concept of the Rule of Law is understood by the United Nations as a principle that binds states, individuals, institutions, public or private bodies, and organisations to independently decided and publicly promulgated law.⁵ It should be noted that these laws must be consistent with international human rights standards and norms. In this regard, the concept of the Rule of Law also encompasses concepts such as the avoidance of arbitrariness in judicial decisions, fairness in judicial proceedings, and legal transparency.⁶ Consequently, the Rule of Law is an important driver for upholding human rights and building a democratic and secure society. The term 'youth' is also not uniformly defined.⁷ Depending on the social, economic, or demographic

¹ United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 3.

² Ibidem, p. 3.

³ United Nations Office of Drugs and Crime. *Act 4 Rule of Law. Youth and the Rule of Law*. (2020). Accessed on 30.04.2023. <http://act4ruleoflaw.org/news/youth>

⁴ Noora Arajärvi, 'The Core Requirements of the International Rule of Law in the Practice of States' [2021] 13 Hague Journal on the Rule of Law. Accessed 09.05.2023.

<https://link.springer.com/article/10.1007/s40803-021-00152-8>

⁵ United Nations Security Council. *The rule of law and transnational justice in conflict in post-conflict societies*. (2004), p. 4.

⁶ United Nations and the Rule of Law. *What is the Rule of Law?* Accessed on 09.05.2023.

<https://www.un.org/ruleoflaw/what-is-the-rule-of-law-archived/>

⁷ United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 4.

situation, the age range changes. For statistical reasons, the United Nations defines youth as people between the ages of 15 and 24.⁸

History has shown that legal and political change towards more Rule of Law has often been driven by young people. Examples of this are the Arab Spring Uprisings in North Africa in 2010 which led to the overthrow of authoritarian regimes and resulted in democratic changes, or the Civil Rights Movement in the United States in the 1960s when Black Americans fought for legal equality and the end of racism.⁹

In 2015, the Doha Declaration stated, for the first time in an international declaration, that young people should be actively involved in preventing crime and promoting criminal justice starting thereby an increasing trend towards recognising the importance of youth for achieving legal goals. Further documents followed including the 2030 Agenda with the Sustainable Development Goals (SDGs) and the United Nations Youth Strategy of 2018. Among the 17 SDGs proclaimed by the 2030 Agenda, SDG 16 also includes the goal of establishing a consolidated Rule of Law.¹⁰ The aspiration for a social and sustainable world was accompanied by the recognition of the need for youth to be involved in the realisation of legal goals. Thus, only 2 months after the adoption of Agenda 2030 in September 2015, the United Nations recognised the positive contribution of youth to peace in UN Security Council Resolution 2250 in December of that same year.¹¹

At the regional level, there are an increasing number of documents that advocate supporting young people in their rights and recognising their significant role in building a resilient Rule of Law as well. Examples of this among others include the 2008 Ibero-American Convention on the Rights of Youth, which refers to youth as a 'primary subject' in Art. 34 No. 1, and the 2009 African Youth Charter, which advocates for youth empowerment through national programmes.¹² In fact, the African Youth Charter goes even one step further and not only

⁸ United Nations General Assembly. *Report of the Secretary-General. International Youth Year: Participation, Development, Peace*. 36th session. (19 June 1981), UN Doc. A/36/215, p. 15; United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 3.

⁹ Democracy Works Foundation. *Working Paper 14: African Youth Participation is crucial to building democratic societies*. (2022). Accessed on 09.05.2023.
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¹⁰ United Nations and the Rule of Law. *Sustainable Development Goal 16*. Accessed on 01.05.2023.
<https://www.un.org/ruleoflaw/sdg-16/>

¹¹ United Nations Security Council. Resolution 2250. (9 December 2015), UN Doc S/RES/2250.

¹² African Youth Charter, (adopted 2 July 2006, entered into force 08 August 2009), Art. 28, 11, 12, 13; United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 5.

recognises the importance of youth in strengthening the Rule of Law but also obliges young people in Art. 26 j) to defend it.

This growth in international and national documents goes hand in hand with the realisation that implementing the legal and social goals such as the Agenda 2030 are projects that can only be realised over time. Ultimately, it will be the youth of today who will as ‘agents of change’¹³ have to implement the Agenda 2030 goals of tomorrow. Recognition of the role of youth in political participation, respect for human rights, and adherence to the principles of the Rule of Law should therefore not be underestimated. In fact, the ‘investing in young people’s rights and empowering youth can lead to more equal societies and positive social change’, as stated by the High Commissioner for Human Rights.¹⁴

3. Struggles Youth encounter when engaging in the Rule of Law

Even though international and national documents refer to the importance of youth in establishing a resilient Rule of Law, young people still face numerous problems when it comes to the recognition of their role and their engagement in promoting the Rule of Law.

A conceptual problem in this regard is that young people find themselves in a dual position as mentioned in the introduction which consequently leads to a marginalisation of youth from the political decision-making process.¹⁵ Youth are often stigmatised as rebellious criminals even though the protest of most young people is peaceful. As a result, the potential and energy of young people in building and promoting the Rule of Law is misjudged.

Moreover, young people are nowadays confronted with a plethora of threats to the Rule of Law. War, climate change, demographic changes, new technologies and economic crises are just a few keywords for the security challenges of the 21st century.¹⁶ For young people to realise their full potential to address the challenges they face, access to justice must be facilitated.¹⁷ For instance, the Council of Europe reported in 2017 that it is repeatedly

¹³ United Nations General Assembly. Res. 70/1, *Transformation of our world: the Agenda 2030 for sustainable development* (25 September 2015), UN Doc. A/RES/70/1, Point 51; United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 6.

¹⁴ United Nations Human Rights Office of the High Commissioner. *Empowering young people to participate in the promotion of their rights*. (2020). Accessed on 05.05.2023
<https://www2.ohchr.org/english/OHCHRreport2020/empowering-young-people-to-participate-in-the-promotion-of-their-rights.html>

¹⁵ United Nations Office of Drugs and Crime. *Act 4 Rule of Law. Youth and the Rule of Law*. (2020). Accessed on 30.04.2023. <http://act4ruleoflaw.org/news/youth>

¹⁶ Report Council Europe. *State of Democracy, Human Rights and the Rule of Law. How strong are Europe’s checks and balances*. (2017). Accessed on 06.05.2023. p. 117.
<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

¹⁷ Ibidem, p. 117.

informed by young people about their desire to understand more about their own rights and their role in society.¹⁸

Another problem is, as already mentioned above, that young people still play a marginal role in decision-making processes. The United Nations conducted a survey in 2012 regarding the participation of youth in decision-making-processes with the result, that a majority of 13,000 young people from 186 countries felt that limited opportunities for young people in political decision-making processes were a major challenge to them.¹⁹ Following this observance, in 2018, only 1.65% of parliamentarians worldwide were in their 20s.²⁰ In the European Parliament, the number of parliamentarians under the age of 30 was just 13, with an average age of 52 in 2022.²¹ This shows that young people are generally underrepresented in parliament.²² An important driver of the Rule of Law is the enactment of fair and transparent law. Young people are a critical force in bringing about reform change for greater Rule of Law. Their views and goals for the future are crucial to ensure that goals such as the Agenda 2030 can be implemented in the future. Parliamentarism that bypasses young people is therefore counterproductive as it excludes the ideas, interests and desires of the generation that will have to live with the law that is shaping their future. We should thus rather make decisions with the youth and not about the youth. This problem is supported by the fact that in most national parliaments one can only be elected as a member of parliament at the age of 25 and young people are less likely to be found in political leadership positions.²³ Hence, national law often hinders young people to contribute to law-making processes.

4. Solutions to support Youth Empowerment in the Rule of Law

One conceptual approach to supporting young people in their engagement for the Rule of Law is to perceive them not as a problem but as a solution to strengthen the Rule of Law. Unfortunately, the rule of law is not a matter of course in many countries. The reaction to a weakening of the Rule of Law in states is mainly carried by protests of young people. In fact, a study on youth, peace, and security in 2018 came to the result that young people have a

¹⁸ Report Council Europe. *State of Democracy, Human Rights and the Rule of Law. How strong are Europe's checks and balances.* (2017). Accessed on 06.05.2023. p. 116.

<https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html>

¹⁹ United Nations Youth. *Report of the United Nations Inter-Agency on Youth Development.* (27 November 2013), p. 6.

²⁰ United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights.* Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 3.

²¹ European Parliamentary Research Service. *European Parliament: Facts and Figures.* (2022). Accessed on 07.05.2023. <https://epthinktank.eu/2022/03/11/european-parliament-facts-and-figures/>

²² United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights.* Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 8.

²³ United Nations Development Programme. *Enhancing Youth Political Participation throughout the Electoral Cycle.* (January 2013), p. 13.

positive effect and remarkable impact on sustaining peace and security nationally and internationally.²⁴ According to George-Konstantinos Charonis, Policy Officer on Youth Rights at the European Youth Forum, ‘young people have never been so politically active’.²⁵ Among others, are the current protest movements in Iran, or Sudan where especially young people protest against autocratic regimes.²⁶ In the USA, too, numerous young people are for instance among the demonstrators of the Black Lives Matter movement. In 2020, Unicef USA reported that children as young as 6 or 9 years old are already speaking out for human rights and more Rule of Law.²⁷

Consequently, for young people to have a better understanding of human rights and the Rule of Law, they need to understand how the Rule of Law works. Improved youth access to the Rule of Law is therefore seen in the field of education. National education systems play a key role in this regard as ‘they can prepare future generations to hold state institutions accountable to these principles and equip learners with the knowledge, values, attitudes and behaviours they need to take constructive and ethically responsible decisions in their daily lives that support justice and human rights’.²⁸ Hence, through educational programmes in and out of school and through the training of teachers, young people can learn what the Rule of Law is early on, what threats the Rule of Law faces and how young people can act against them.²⁹

There are already examples around the world of the integration of education programmes to support the Rule of Law in educational institutions. In Africa, for example, the Empowering Children and Youth as Peace Builders (ECaP) programme set up by World Vision in South and East Africa teaches young people aged 12-18 years how leaders can be self-reliant and

²⁴ United Nations General Assembly and Security Council. *Identical letters dated 2 March 2018 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council*. General Assembly 72nd session and Security Council 73rd session. (2 March 2018), UN Doc.

A/72/761-S/2018/86, p. 8, 13; United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 13.

²⁵ Organisation Internationale de Droit du Développement. *Human Rights, Democracy and the Rule of Law: The Role of Youth*. (2020). Accessed on 09.05.2023.

<https://www.idlo.int/fr/news/highlights/human-rights-democracy-and-rule-law-role-youth>

²⁶ Stanford News. *Protests in Iran are Part of a ‘long, almost Sisyphean, struggle’ for freedom and equality*, Stanford scholar says. (2022). Accessed on 09.05.2023.

<https://news.stanford.edu/2022/09/26/understanding-protests-iran/>; Foreign Policy Magazine. *Meet Iran’s Gen Z: the Driving Force behind the protests*. (2022). Accessed on 09.05.2023.

<https://foreignpolicy.com/2022/11/01/iran-protests-gen-z-mahsa-amini-social-media/>; The New York Times. *On Sudan’s Streets, Young Professionals Protest against an Autocrat*. (2019). Accessed on 09.05.2023.

<https://www.nytimes.com/2019/01/24/world/africa/sudan-protests-omar-hassan-al-bashir.html>

²⁷ Unicef USA. *Young Activists stand up for Justice and at Black Lives Matter Protests*. (2020). Accessed on 09.05.2023. <https://www.unicefusa.org/stories/young-activists-stand-justice-black-lives-matter-protests>

²⁸ United Nations Office on Drugs and Crime. *Strengthening the Rule of Law through Education. A guide for policymakers*. (2019).

https://www.unodc.org/documents/e4j/UNESCO/2795_18_Global_Citizenship_Education_for_the_Rule_of_Law_gris_complet.pdf. Accessed on 06.05.2023. p. 14.

²⁹ Ibidem, p. 10.

peaceful.³⁰ Another example is the education programme in Ontario, Canada, which teaches students about human rights.³¹ In the Asia-Pacific regions, too, there are various programmes to promote youth participation carried out by United Nations Human Rights for example.³² A good education in the Rule of Law can help young people develop a sense of the Rule of Law when dealing with problems such as pandemics or wars. However, this requires that young people relate to issues such as transparency of law and justice at an early age.

A second aspect of supporting young people in their commitment to the Rule of Law is to allow them to participate in the democratic process. Young people bring different perspectives, new knowledge and energy to the political decision-making process and can help to ensure that just law is formed and practiced within society. One possibility, therefore, is to establish youth councils or release laws that help young people to access their rights and engage in political decision-making processes easier.³³ Following this approach, the Council of Europe established the Committee of Ministers on youth issues in 2017 which provides for young people to understand their human rights, democracy and the dangers of extremism and populism.³⁴ Another opportunity to empower youth in participating in politics and law-making is that experienced politicians and lawyers mentor young people.³⁵

A third aspect in supporting youth empowerment for a more resilient Rule of Law could be in strengthening youth justice and adjusting the eligibility of members of national parliaments by amending the respective law. However, when lowering the voting age, young people must also be properly guided through educational programmes.³⁶

5. Conclusion

The Rule of Law encompasses a wealth of values and principles that are fundamental pillars of a consolidated and just democracy. Young people around the world are doing their part and are advocating for a resilient Rule of Law through protests and programmes. The

³⁰ United Nations Office of Drugs and Crime. *Strengthening the Rule of Law through Education*. (2019), p. 26.

³¹ *Ibidem*, p. 25.

³² United Nations Human Rights Office of the High Commissioner, *'Empowering young people to participate in the promotion of their rights'*, Accessed on 07.05.2023.
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³³ Council of Europe. *State of Democracy, Human Rights, and the Rule of Law 2018*. (2018), p. 103.

³⁴ *Ibidem*, p. 103.

³⁵ Organisation Internationale de Droit du Développement. *Human Rights, Democracy and the Rule of Law: The Role of Youth*. (2020). Accessed on 09.05.2023.
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³⁶ United Nations General Assembly. *Report of the United Nations High Commissioner for Human Rights. Youth and Human Rights*. Human Rights Council 39th session. (28 June 2018), UN Doc. A/HRC/39/33, p. 8.

establishment of a resilient Rule of Law is not born out of thin air. It needs people to stand up and speak out for it every day. If we do not educate young people about their rights and give them an understanding of the Rule of Law, then we run the risk of moving into the future with a disillusioned, unengaged generation. Documents such as the Doha Declaration or the African Youth Charter have shown us that the world has recognised that youth are key in achieving a resilient Rule of Law. However, further national, and international efforts are needed to promote youth engagement, because only with an understanding and engaged youth can the Rule of Law thrive in the future.

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