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Nothing about Us, without Us

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Youth
Empowerment
Mechanisms
in Rule of Law

**FRIEDRICH
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Executive Summary

Rule of law is the cornerstone of pluralistic, functional democracies, yet in the past years, many states in the OSCE region have faced rule of law backsliding. The worrying developments have reminded some policymakers of the need to continuously strengthen the rule of law. However, to make the rule of law resilient and sustainable, youth needs to be part of it. Young people often face challenges of trust in justice and institutions; some are even in conflict with the law, rather than being its upholders. Youth is underrepresented in decision-making processes and policy implementation, which results in these lacking a youth perspective. This paper aims to make the case for a more inclusive

approach when addressing rule of law challenges more effectively: through involving and empowering youth. We call on OSCE policymakers to step up the implementation of the OSCE's commitments to the role and inclusion of youth in its rule of law agenda in both international and national contexts. To this end, the paper presents five recommendations based on selected good practices across the OSCE region, applicable in the medium to long term. To fully explore the potential of young people in the rule of law field, we urge OSCE and national policymakers to support and engage the civil society, facilitate leadership development, and give the youth agency and independence.

Introduction

Youth contributes to about 1.2 billion of the world's population,¹ and is a growing segment of the census in many countries. Approximately 38 per cent of the population in the OSCE region is under the age of 30. With the ever-growing age gap, it is essential to include this major demographic group in the development and implementation of processes affecting its present and future. This is also embedded in the UN Youth2030 strategy² and related youth initiatives, such as United Nations Security Council Resolution 2250 that recognizes that "young people play an important and positive role in the maintenance and promotion of international peace and security".³ The OSCE places a special emphasis on the inclusion of youth in peace and security as well,⁴ including through the very programme in which this policy paper evolved.

Rule of Law (hereafter: RoL) is a cornerstone of pluralistic, functional democracies. In 1990, OSCE participating States defined rule of law as "not merely a formal legality which assures regularity and consistency in the achievement and enforcement of democratic order, but justice based on the recognition and full acceptance of the supreme value of the human personality and guaranteed by institutions providing a framework for its fullest expression".⁵ Despite that, RoL is often treated almost synonymously to "democracy", or being taken for granted, and its upholding often lacks sufficient emphasis among policy priorities. As a result, a number of OSCE participating States have faced RoL backsliding. According to the World Bank's Worldwide Governance Indicators, the RoL deteriorated in 17 European Union member states between 2009 and 2018.⁶ The World Justice Project (WJP) Rule of Law Index 2021 assessed that more countries declined than improved in overall RoL performance for the fourth consecutive year (95 countries experiencing decline and just 33 improvements), with Europe and North America as the regions with a particularly consistent downward trend in the global ranking.⁷ WJP experts indicated that the pandemic-induced delays and problems of access to justice have only added up to the already existing situation of weakened institutions, shrinking civil spaces, limited innovation and limited access needs.⁸

It is not enough for a singular government branch, often the judiciary, to uphold the RoL. This needs to be an inclusive and joint effort, encompassing all branches, stakeholders and society groups at the national as well as international level. Nevertheless, the voice of the youth is rarely heard in RoL-related decision-making. We believe that every person shall be included in the continuous process of building and strengthening the RoL, and especially the youth. Through this paper, we aim to suggest ways and means to empower the youth and increase its impact in the RoL field more effectively.

On methodology and process

To explore effective ways to increase youth involvement in strengthening the RoL and formulate related recommendations to be considered in the OSCE area, we looked at select case studies from a number of OSCE participating States. We chose examples that show three main mechanisms for support toward youth involvement in RoL issues and processes, namely:

- 1 United Nations, Department of Economic and Social Affairs, Population Division: International Youth Day, 12 August 2019 based on World Population Prospects 2019, https://www.un.org/development/desa/youth/wp-content/uploads/sites/21/2019/08/WYP2019_10-Key-Messages_GZ_8AUG19.pdf
- 2 United Nations, Youth2030 Strategy, <https://www.unyouth2030.com/>
- 3 United Nations Security Council Resolution 2250 (2015), <https://www.youth4peace.info/UNSCR2250/Introduction>
- 4 Organisation for Security and Co-operation in Europe, <https://www.osce.org/youth>
- 5 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE - <https://www.osce.org/files/f/documents/9/c/14304.pdf>
- 6 Daniel Kaufmann, Aart Kraay: Worldwide Governance Indicators, World Bank, 1996-2018 <https://info.worldbank.org/governance/wgi/Home/Reports>
- 7 Ian Bond, Agata Gostyrńska-Jakubowska: Democracy and the Rule of Law: Failing Partnership? <https://www.cer.eu/publications/archive/policy-brief/2020/democracy-and-rule-law-failing-partnership>
- 8 The World Justice Project (WJP) Rule of Law Index 2021 <https://worldjusticeproject.org/sites/default/files/documents/WJP-INDEX-21.pdf>
- 8 Hannah Norton: Amidst pandemic, rule of law deteriorates in over half the world, EURACTIV <https://www.euractiv.com/section/non-discrimination/news/amidst-pandemic-rule-of-law-deteriorates-in-over-half-the-world/>

- “institutional” mechanisms, or the involvement of youth in formal structures and institutions, including representative bodies, judiciary, access to the legal profession, youth/ student parliaments, or semi-governmental youth-focused organizations;
- civil society mechanisms, such as youth-led or youth-involving non-governmental organizations and movements, student unions or volunteering;
- the private sector, as in youth-led start-ups or social enterprises that contribute to strengthening RoL.

To identify and examine the good practices, we used desk research supported by semi-structured interviews with individual stakeholders – either representatives of selected case studies or relevant experts with an insight into the researched phenomena. All the case studies focused on organizations, institutions, companies, or projects that have (potentially) successfully contributed to the empowerment of youth to strengthen RoL in their respective countries or beyond. To ensure comparability between the selected cases, we established a “case template” to map them according to a set of guidelines and questions, yet employed a degree of flexibility in assessing the cases to reflect country specific context. The case studies set forth have been handpicked by the authors as examples of good practice they are personally familiar with, backed by the available literature and databases, which are flexible to implement within different frameworks. These mechanisms work and can be replicated throughout the OSCE region.

Support of Rule of Law remains out of reach for youth

According to the authors’ findings, creating meaningful space for youth’s civic participation is often in the hands of more senior generations, i.e. those in the position of power and responsibility that need to allow and engage youth in long-term decision-making. This is likely influenced by the specificity of the RoL that in its narrow sense relies predominantly on formal institutions with hierarchical structures, such as the legislative or the judicial branch. The formal

set-up of the RoL playing field exposes a power gap to the detriment of the youth, as years of work experience are deemed necessary to fulfill these roles.

Building and strengthening the RoL is a long, ongoing process that bears fruit in the long term, often delivering a systemic change in one or several generations. Given the current life expectancy average, the youth are bound to decisions and policies made today longer than senior generations, yet are disproportionately represented in the competent bodies. This lens is commonly applied to the environment and the climate crisis where today’s decisions enormously affect tomorrow’s youth. While, naturally, we operate with shorter periods when RoL is at stake, we suggest utilizing this perspective also in the RoL context. Future generations have a crucial yet unlocked potential in the RoL field as its defenders; however, their contributions are often overlooked due to the presumed lack of experience necessary to give informed and quality opinions.

Facilitating youth involvement in strengthening the rule of law

The authors provide five ways in which youth can be involved directly or indirectly in upholding and strengthening the rule of law through:

- including RoL issues in education, tailored to youth needs and priorities;
- professional inclusion of youth in RoL and empowerment of young professionals;
- providing support to grassroots initiatives led or supported by youth.

Foster civil society to build rule of law institutions

The potential of non-governmental initiatives and organizations is not fully explored in conventional policies. Based on the authors’ findings, often the informal structures enable the youth to drive the change and contribute to strengthening the RoL. Government-controlled initiatives that pretend to be independent are less likely to attract active and talented youth. They also have less impact on the society since youth is often not involved in the decision-making in an official capacity.

The path of many youth leaders engaged in RoL topics led through civil society platforms. These were often founded spontaneously yet bear a major impact, such as For a Decent Slovakia, a civil society youth-led movement that emerged after the murder of a Slovak journalist and his fiancée in 2018. The peaceful protests organized by a small group of young professionals, calling for respect of democratic values and the rule of law turned into the largest transformative movement in the country since the Velvet Revolution in 1989.⁹ Another smaller-scale example is *Better Attorneys Initiative*¹⁰ launched by young lawyers and law students in Slovakia as a reaction to a specific problem, the extension of the length of the compulsory apprenticeship from 3 to 5 years. Their agenda extended into the issue of the quality of education at law schools, and later on to broader RoL topics.

Give youth agency

Many RoL youth initiatives focus on youth as study subjects, making their voice “filtered” through senior generations, like *AllYouth Finland*.¹¹ Such direct youth involvement in decision-making processes through semi-formal groups has proven to be impactful in the work of IGOs¹² and foreign embassies¹³ in Bosnia and Herzegovina.

We particularly advise to involve youth in matters they find meaningful. Youth climate action and its relationship to RoL has gained significant momentum, especially after Swedish youth climate activist Greta Thunberg gained limelight with her *School Strike for Climate initiative*. This movement quickly spread across the whole of Nordic Europe, and the youth sees the initiative’s close connection to RoL as well, in terms of the protection of environmental human rights, access to justice and youth climate litigation, as well as institutions’ accountability to justice.

Support leadership development and social responsibility

It has never been easier for youth to be heard and make the case for their ideas, given the democratization and availability of media. Having an opinion and being able to use the available communication

tools does not suffice to be a leader. As attested by interviewed young leaders, it takes commitment to values and a strategy to effectively push for change. Both education, as well as the supportive attitude of senior leaders, can be helpful to endorse youth in their endeavor. Youth are eager to decide on matters that affect their daily lives. Giving them a chance to participate in the democratic process and make positive changes in their communities can support leadership development, influential participation, networking, and career opportunities (as demonstrated by the positive experience of *University Parliaments Finland*).

Empowerment translates into active youth contributing to change in all fields, including RoL. Informal educational programs, such as “*Leaders for Justice*” supported by Konrad Adenauer Foundation implemented in Romania¹⁴ as well as Bosnia and Herzegovina,¹⁵ give youth the opportunity to gain skills and deepen their knowledge on RoL issues, while simultaneously networking – providing them with the necessary tools to take on leadership positions and responsibilities. Participation in third sector leadership programs can also equip young RoL leaders with useful skills (e.g. many young RoL activists in Slovakia were able to develop their agenda thanks to participating in leadership programs such as *Socratic Institute*¹⁶, *Nexteria*¹⁷, or in the *Slovak Debate Association*¹⁸).

⁹ New York Times: Young Slovaks Show Extremism in Europe Can Be Defied, <https://www.nytimes.com/2018/03/23/opinion/slovakia-protest-democracy-corruption.html>

¹⁰ Za lepšiu advokáciu (“Better Attorneys Initiative”), <https://lepsiaadvokacia.sk/>

¹¹ AllYouth Finland, <https://www.allyouthstn.fi/in-english/>

¹² OSCE Mission to Bosnia and Herzegovina, Mission’s Youth Advisory Group, <https://www.osce.org/mission-to-bosnia-and-herzegovina/youth>

¹³ Matt Field, What I learned from my Youth Advisers, Foreign, Commonwealth & Development Office, <https://blogs.fcdo.gov.uk/mattfield/2021/09/10/what-i-learned-from-my-youth-advisers/>

¹⁴ Leaders for Justice, <https://lideripentrujustitie.ro/>

¹⁵ Leaders for Justice, <https://pravnik-online.info/v2/lider-ike-za-pravdu/>

¹⁶ Socratic Institute, <https://www.sokratovinstitut.sk/en>

¹⁷ Nexteria Leadership Academy, <https://nexteria.sk/nla/>

¹⁸ Slovenská debatná asociácia (Slovak Debate Association), <https://www.sda.sk/osda/>

Shared values foster cross-generational cooperation

Youth-led initiatives can utilize the expertise of their more experienced members or mentors, and at the same time inspire enthusiasm for their case among members of all generations. Young RoL leaders attest that shared values provide for effective, mutually enriching cooperation. Specifically, the democratic values of RoL and justice transcend not only different generations but also ideological positions, thus making a strong common cause, as the experience of For a Decent Slovakia movement demonstrates. Similarly, Let's Stop Corruption in Slovakia is running programs such as "Anti-Corruption Academy"¹⁹ or an anti-corruption festival²⁰ that builds the youth community and creates space for senior leaders to share their knowledge to motivate and empower youth leaders. Members of the European Law Students' Association's Slovak branch²¹ acknowledge the importance of such exchange as they connect their peers with law firms and judiciary institutions. This dialogue opens new perspectives for both sides and gives young lawyers agency in emerging areas of law.

Fair remuneration

While the salaries of experienced professionals who bear significant impact on the RoL (such as judges, prosecutors, or members of parliament) are relatively lucrative, this is not the case for young people at the beginning of their careers. In some OSCE participating States, the remuneration of certain positions such as legal trainees, trainee prosecutors, or judicial clerks is below the average salary. Similarly, the hard work of activists is often performed on a voluntary basis or for a very low salary. While idealism can take one a long way, it is difficult to make a living by trying to promote RoL principles, and many young professionals in this field might get discouraged to go the extra mile. In Slovakia, law students and civil society leaders confirm that remuneration is often a deal-breaker for youth who often opt for a private sector job rather than getting employed in the judiciary or in a government institution, starting from the bottom of a salary table.

The lack of resources in the public sector and com-

petition in the private one influence particularly the remuneration of interns, youth at the very start of their careers. Unpaid or poorly paid internships and traineeships are still widely used internationally, discouraging a large number of youth without financial backing or from lower-income countries from pursuing meaningful careers, also in the RoL field. We applaud the *UN Youth Envoy's Fellowship* initiative to end unpaid internships,²² but would welcome more initiatives embracing fair labour standards for youth interested in careers in the field of RoL.

Conclusion

The keys to a healthy democratic society are equal opportunities to engage and actively participate in all of its segments, as well as a proportional and fair representation of various groups of citizens. This includes RoL and youth mainstreaming. It is time to take action by involving youth in the RoL in ways that not only engage them but also ideally also give them an opportunity to impact and lead policies that concern them. We find a more nuanced approach to essential RoL, as it is not only formal institutions that can and should uphold the RoL. The role of the civil society, the private sector, the media or the education system is instrumental in our broader perspective on the RoL. We have presented a collection of good practices that involve and empower youth in strengthening RoL. We welcome the OSCE's commitment to the role and the inclusion of youth in its peace and security agenda, and call on policymakers to step up its implementation in both international and national contexts, making use of our suggestions stemming from good practices across the OSCE region.

¹⁹ Let's Stop Corruption Foundation, Anti-Corruption Academy, <https://komunita.zastavmekorupciu.sk/akademia/>

²⁰ Let's Stop Corruption Foundation, Pucung, an anti-corruption festival, <http://www.pucung.sk/>

²¹ European Law Students' Association (ELSA) Slovakia, <http://elsa.sk/>

²² United Nations, The Office of the Secretary-General's Envoy on Youth, <https://www.un.org/youthenvoy/2020/02/want-to-be-a-fellow-apply-now-no-more-unpaid-internships/>



How to involve youth in strengthening the rule of law?

Recommendations

Inspired by good practices, along with recognizing gaps in youth mainstreaming and inclusion, the authors offer the following recommendations for policy-makers to empower youth in strengthening the rule of law:

1. Foster a strong and vibrant civil society to build rule of law institutions by supporting the functioning of non-governmental platforms (in terms of legislation or financial support schemes), and engage with such platforms as partners to shape and implement policies.
2. Give the youth agency by implementing capacity-building and awareness-raising activities for young people that will equip them with rule of law knowledge. Provide opportunities to employ their newly-gained capacities in practice.
3. Support leadership development and social responsibility by investing in youth-led rule of law initiatives at the local, national and regional/international levels, enabling young people to actively shape their communities. Institutionalized mechanisms for young people to contribute to policy making on the rule of law and crime prevention are of particular importance.
4. Increase visibility of shared values by fostering cross-generational cooperation via mentoring and educational programmes, or sharing of good practices and exchange of experience among partners and stakeholders at both national and international levels.
5. Ensure fair remuneration for young professionals working in the field of rule of law to enable their adequate representation and inclusion.



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The goal of the FES Regional Office for Cooperation and Peace in Europe (FES ROCPE) of the Friedrich-Ebert-Stiftung in Vienna is to come to terms with the challenges to peace and security in Europe since the collapse of the Soviet Union a quarter of a century ago. These issues should be discussed primarily with the countries of Eastern Europe – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine – and with Russia, as well as with the countries of the EU and with the US. The security order of Europe, based until recently on the Helsinki Final Act (1975) and the Paris Charter (1990), is under threat. This is, among others, a result of different perceptions of the development of international relations and threats over the last 25 years, resulting in divergent interests among the various states.

For these reasons, ROCPE supports the revival of a peace and security dialogue and the development of new concepts in the spirit of a solution-oriented policy. The aim is to bring scholars and politicians from Eastern Europe, Russia, the EU and the US together to develop a common approach to tackle these challenges, to reduce tensions and to aim towards conflict resolution. It is our belief that organizations such as the FES have the responsibility to come up with new ideas and to integrate them into the political process in Europe.

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- Regional and international meetings for developing new concepts on cooperation and peace in Europe;
- A regional network of young professionals in the field of cooperation and peace in Europe;
- Cooperation with the OSCE in the three dimensions: the politico-military, the economic and the human.

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