# UDC 341

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**Youth rights as a separate category of human rights and universal legal sources of their regulation (international legal aspect)**

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**Права молодежи как отдельная категория прав человека и универсальные правовые источники их регулирования (международно-правовой аспект)**

**Annotation**

*In the article, the author defines the role of sources of international legal regulation in the field of youth rights, and also analyzes approaches to the concept of “youth” at the international level and at the level of various states.*

**Key words:** *International law, youth policy, Convention on the Rights of the Child, United Nations.*

**Аннотация**

*В статье автор определяет роль источников международно-правового регулирования в области прав молодежи, а также анализирует подходы к понятию “молодежь” на международном уровне и на уровне различных государств.*

**Ключевые слова:** *Международное право, молодежная политика, Конвенция о правах ребенка, Организация Объединенных Наций.*

Currently, the international legal regulation of the rights and freedoms of young people in the world is conditioned by the needs of the development of modern society. Youth policy as an activity is most effectively implemented in such European countries as Germany, France, Great Britain and Sweden. It is also possible to note the achievements of youth programs implemented by the European Union and the Council of Europe.

At the national level, in various countries, including the Republic of Kazakhstan, modern youth lives in very difficult conditions of economic and social development of society. The problems of forming a democratic, rule-of-law state put in the first place the task of establishing the personality of a young person as a subject of creative activity.

In addition, social stratification is especially noticeable among young people. Young people are not able protect their rights, because, on the one hand, they do not have the opportunity to be acquainted with them, and on the other hand, they simply do not know about their existence. Thus, young people deprive themselves of participating in the formation of youth policy, assessing the acceptability of certain government decisions.

Based on this, focusing on the future, young people should form their life potential already in relation to the relations developing in the state. In this regard, the role and importance of the legal system that influences the younger generation of people are increasing. Many documents of an international legal nature note that it is necessary to raise the level of legal literacy, culture, and pay attention to the legal behavior of young people. As the youth will learn the legal foundations of society well, it will carry out the process of general socialization.

In Kazakhstan, 2019th year was declared as the Year of Youth. Moreover, among its main results, there was an increase in attention to youth problems within our country, which closely echoes the main idea of the International Year of Youth, announced by the UN in 1985. It was then that there was a need to develop an approach of international law to determining the place of youth in society and the principles of youth policy formation [1].

In connection with the amendments and additions, as of 01.08.2023, a lot of additional laws on youth policy in the Republic of Kazakhstan were introduced. Nevertheless, among them I would like to mention those that are aimed at youth resource centers (Article 23).

1. Youth resource centers are created to provide services for the support and development of youth and youth organizations.

2. Based on the needs and interests of young people, youth resource centers provide social services for young people.

3. Employees of youth resource centers must meet the standard qualification characteristics of specialists in working with youth.

4. Youth resource centers, together with local public health authorities of region, cities of federal subject significance and the capital, carry out information and explanatory, advisory work with young people on issues of reproductive health and family planning, the dangers of gambling addiction (ludomania).

5. Youth resource centers organize the work of youth labor groups [2]. Based on this, it follows that in each state a special role is allocated in relation to the state youth policy.

In 1999, the UN General Assembly, in Resolution “A/RES 54120”, supported the recommendation of the World Conference of Ministers of Youth Affairs (Lisbon, 1998) to proclaim August 12 as International Youth Day. With the adoption in 1995 of the “World Programme of Action for Youth until 2000 and Beyond” (hereinafter referred to as the World Programme of Action for Youth), youth issues were further developed in the UN structure. The World Programme of Action for Youth should form the basis for the development of youth policy in the countries of the world. It states the important role of the young generation not only as the main source of labor resources, but also as the main force of social, economic and political development. The expediency of eliminating the causes that in one way or another hinder the development of the youth of the planet is brought to the fore. In the implementation of the World Programme of Action for Youth, in order to promote and support youth and youth organizations, all stakeholders involved in the implementation of youth policy at the global, national and regional levels should be involved in order to achieve the effectiveness of the goals set.

Kazakhstan, as a part of the world community, has assumed obligations to follow such principles, primarily by implementing international norms into the domestic legal system.

However, today there is no clear concept of “youth” at the international level, the term “students” is often used instead. For several years (especially during the International Year of Youth declared by the UN), a group of people aged 15 to 24 was defined as youth. Therefore, “children” are people under the age of 14.

The term “youth” is associated with such phrases as “young man”, “girl”, “young people”, that is, a relatively independent group of people with inherent characteristics and properties is characterized. It should be noted that “youth” refers to all young people, both male and female; healthy people, people with physical and mental disabilities; students, working and unemployed; people in places of deprivation of liberty. That is, universality and non-alienability of rights and freedoms.

Human life, from the moment of birth until death, is divided into certain stages, depending on the biological and psychological state of a person: “childhood” – “adolescence” – “juvenescence” – “youth” – “maturity” – “old age”.

According to psychologists, the most dangerous period of a Person's life is considered the age from 17-18 years to 23-24 years, when an almost formed personality departs from parental care and faces the choice of a further way of life. At this critical moment in his life, a young man is influenced by external factors, he listens more and more, and imitates his peers from the street, absorbs both positive and negative aspects of life. Having embarked on an independent path of his life, a young man tries to try everything that was previously forbidden to him. This mainly happens at the first stages of independent life, although it is possible that this will become the meaning of his later life. The greatest danger for a young person is the lack of funds necessary for their own maintenance. The longer he cannot find a suitable job and is short of money, the more he is seized by an illegal thought that leads to the commission of a socially dangerous act.

That is why it is necessary to draw the attention of society and the state to the problems of youth, respecting their opinion and building all relationships based on trust and partnership, thereby we will involve the active part of society, youth, in all spheres of life.

Understanding Human rights and experience in this field is an important element for young people to prepare for life in a democratic society. This is part of social and political education, which includes mutual understanding between people and cultures [3].

Concepts related to Human Rights can and should be introduced into consciousness from a very young age. Young people should become familiar with the basic concepts of Human Rights, such as those that imply an understanding of philosophical, political and legal concepts. Young people should realize that natural human rights cannot be granted by anyone or anything, they arise together with a Person, are inherent in him by right from birth, and are closely interdependent, that the State should serve a Person and protect his natural and positive rights and freedoms, that in order to achieve true democracy, she needs to be actively involved in life Societies and States.

National concepts of youth policy have similar forms and methods of implementation, but despite this, two main strategies can be distinguished:

The first is based on the leading role of the state in the field of youth policy

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The second is based on the equality of the state and civil society structures in the field of youth policy

For example, the Kingdom of Spain, the international legal regulation of the rights of youth, in turn, allows for an increase in the age of youth from 14 to 34 years. Studies associate this with the rather prolonged unwillingness of young people to live separately from their parents and lead an independent economic life.

Moreover, in the United Kingdom of Great Britain and Northern Ireland, young people are considered as part of children from 13 to 25 years old, while also allowing for the possibility of increasing the age range to 29 years. Here we can draw a parallel with the Federal Republic of Germany, since between the ages of 19 and 29 young people are also called “young adults”. As for the studied social group in Singapore, in this country, people aged 15 to 29 years are referred to as young people. Paying attention to the legislation of the CIS member states, on the example of Belarus and Azerbaijan. Thus, according to the legislation of Belarus, young citizens mean the age range from 14 to 31 years. As for Azerbaijan and our country, the framework includes from 14 to 29 years, respectively. In the Russian legislation, the definition of youth could previously be found in the Decree of the Government of the Russian Federation "On the approval of the foundations of the youth policy of the Russian Federation for the period up to 2025". Thus, youth was understood as a socio-demographic group of people aged 14 to 30 years [4].

Currently, the Federal Law “On Youth Policy in the Russian Federation” is in force in Russia, according to which the age of youth has finally been raised to 35 years. In the Republic of Kazakhstan, according to the Law “On State Youth Policy”, citizens of the Republic of Kazakhstan from fourteen to thirty-five years old are considered to be young people. This was done to increase the availability of state support measures.

In addition to age restrictions, the concept of "youth" was also given. Based on the analysis of the above-mentioned provisions of the legislation of foreign countries, neighboring Russia and our country, it can be noted that the lower limits of the “youth age” are set at 12-14 years. The upper limit ends on average around 30 years. First of all, young people, already as the potential future of both the state and society as a whole, should have all the rights and freedoms provided for an ordinary person in full, including political, personal, socio-economic [5]. Age, in my opinion, should not be a discriminating factor, that is, a factor limiting direct rights and freedoms. The State is obliged to guarantee and protect them if necessary. The special situation of young people is precisely expressed in the difficulties that they have to experience and overcome.

The Office of the High Commissioner for Human Rights paid special attention to these issues and published a report on youth and human rights, in which it described the difficulties that young people face in realizing their rights in various spheres of life. The report was presented at the 39th session of the Human Rights Council as a result of the request of the Human Rights Council in resolution 35/14 to conduct a study on the realization of the rights of youth, practical actions to ensure these rights to the population group in question. The analysis revealed that young people feel restricted in their rights in many areas, which, in turn, give rise to problems, including social and legal ones. The report includes the following most significant points: a very small percentage of young people participate in political life, which is expressed in a small number of representatives in political institutions, imaginary access to vital areas, for example, to health care, including the right to health protection. Either young people do not have a sufficient understanding of their health, or the means to treat it, despite the recommendations for the protection of human rights, a number of States still do not ensure the full realization of the rights of youth. Young people with developmental characteristics, health-related features experience great difficulties not just in the realization of rights, but also in the right to their presence.

Along with the problems, recommendations were also given that can help improve the situation and increase the effectiveness of the exercise of rights. Among the measures highlighted were the creation of a special mechanism that could ensure the continued participation of young people in the work of the Human Rights Council. For example, such a mechanism could be a forum, in particular an annual one.

In addition, States can take additional measures at the national level, involving and resorting to the help of youth organizations or leaders. In addition, States may consider establishing monitoring and evaluation of existing programs and strategies. These actions can show whether there is a need to include young people in the consideration of legislative acts on various issues, as well as whether access to information is provided to young people on the implementation and protection of their rights. Thus, we can conclude about the special situation of young people as a separate legal and socio-demographic group. Young people are the key factor in the implementation of public policy. In addition, when faced with additional difficulties, condescending attitude, young people lose all desire for realization and only accumulate aggressive moods in themselves, which is negatively reflected in the realization of their rights and freedoms [6].

These problems will be solved only when the rights of young people are fully ensured, because this will contribute to the improvement of society as a whole, as well as significant positive changes in certain significant areas.

In conclusion, I would like to add that for any nation and state, it is very important to consider youth as a group occupying a special social and legal position, which has rights and freedoms, as well as the key factor in the development of the state in the context of its special international legal situation. “... This is the wealth, the most precious treasure is the interests of the nation, the future of the state. Their rights and interests are protected by their State. Since the current stage of development of society requires a definitely high level of legal education of the younger generation, it is precisely on the level of legal awareness of young people that the future management of society and the state depends. In this regard, the international and domestic regulation of the rights of youth, the study of its theoretical and practical foundations is of particular relevance” [7].

Without exception, Human rights are the basis of human existence and coexistence. Human rights are universal, indivisible and interdependent. And finally, Human Rights are what makes us human.

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