

AFTrain'25

Yusuf Ziya Öner Science High School Model United Nations Conference

CoE

Agenda Item:
Protection of Political
Rights in Europe

Under Secretary General:
Mustafa Aslan

Academic Assistant:
Mehmet Emre Uyanık

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1. Letter from the Secretariat

Distinguished delegates,

It is with profound honor and an enduring sense of purpose that we extend our warmest welcome to you all for AFTRAIN'25. As the Secretaries General, we are genuinely honored to see this conference once again gather bright young minds who share a belief in dialogue, diplomacy, and cooperation.

First and foremost, gratitude must be extended to our dedicated academic and organization teams. Without their unwavering efforts, the vision we aim to share with our generation would have never come to life.

We live in a time when global knots grow more complex every day, yet it is also a time filled with opportunities. The work you will do here represents what diplomacy truly means, the ability to seek solutions, wind up those complications and connect them across tough conditions.

On behalf of the Secretariat, we wish you an inspiring and memorable experience. Let us bow our heads, the king is back!

Kind regards,

Kaan Muştu & Ömer T. Demirel

Co-Secretaries-General

2. Letter from the Under Secretary General

Dear Participants,

First of all, I would like to welcome you all to the AFTRAIN CoE committee. I am Mustafa Aslan, I'm a senior at Bahçeşehir Aspendos Campus, and I am honored to serve as the Under Secretary General of the committee.

I have been attending Model United Nations conferences in Antalya and many other cities for the last three years and this is my 26th conference.

I would like to thank the executive team, especially the most handsome academician of society Hüseyin Demirel. And I would like to express my sincere gratitude to my academic assistant Mehmet Emre Uyanık, with whom I have served on many committees.

Since I enjoy trying new things, I wanted to make a committee that was both beginner-level and perhaps even unprecedented in Antalya, or maybe even Türkiye.. However, this is not something you should be hesitant or afraid of. We have tailored all the guides and committee procedures to your level.

Besides these, if you have any questions about the committee, please contact me from my contact information below, even for the tiniest thing you want to ask.

We have added all the necessary information in the committee to the study guide as an academic team.

I wish you all success in advance.

Under Secretary General, Mustafa ASLAN

aslanmustafa0770@gmail.com

3. Letter from the Academic Assistant

Fellow Delegates,

To begin with my letter I would like to welcome you all for our committee and introduce myself. I am Mehmet Emre Uyanık and I am serving as the Academic Assistant of this outrageous committee, Council of Europe.

It is my utmost pleasure to serve as an Academic Assistant at such a conference so I would like to deliver my special thanks to the executive team of this amazing conference for giving me this chance and also my dear friend, the Under Secretary General of this committee, Mustafa Aslan for inviting me to prepare this committee. It felt like we were strolling down our memory lanes when we were working together to make this committee happen

Furthermore I truly believe that this committee is going to be so beneficial and helpful for you to take another step in the way of achieving your goals in your MUN careers. Yet the only thing we expect from you all is to read this study guide and carefully work about your countries' study guide in order to achieve a flawless flow for the debates in our committee.

Lastly I want to say that you can reach out to me, via my phone number, without a second of hesitation if you have any kind of questions whether about the procedure of the committee or the study guide.

I wish success to you all!

Mehmet Emre UYANIK
Academic Assistant
+ 0552 461 58 33

4. *Introductions*

4.1. *The Committee*

The *Council of Europe* is Europe's oldest and largest intergovernmental organisation. It was created after the Second World War in 1949, in order to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress. Its headquarters are in Strassburg/France and its working languages are English and French. The Council of Europe protects and promotes three *core values*: *human rights*, democracy and the rule of law. It is, therefore, often called Europe's "human rights watchdog".

The establishment of democratic structures based on the rule of law as well as the political culture that goes with it is a time-consuming process which requires patience. Often, it takes more than a single generation to familiarise people thoroughly with the values behind these structures and the behavioural patterns which sustain them. For this reason, the Council of Europe is considered to be Europe's "School of Democracy".

It is the aim of the Council of Europe to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage. The conclusion of conventions and agreements constitutes one of the most effective means of achieving this aim, with a view to fostering international co-operation, establishing common European standards and harmonising the legislation of European states. Any European State may become a member of the Council of Europe as long as it accepts the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms.

The Statute of the Council of Europe, signed in London on 5 May 1949, is the agreement that declares the establishment of The Council of Europe. It declares the aim of the Organisation states in its articles such as:

Article 1.b:

"This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms".

Article 15.a of the Statute adds that:

"On the recommendation of the Consultative Assembly [now the Parliamentary Assembly] or on its own initiative, the Committee of Ministers shall consider the action required to further the aims of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to members by the Secretary General".

The Committee of Ministers is the organ which acts on behalf of the Council of Europe. Each member shall be entitled to one representative on the Committee of Ministers, the Minister for Foreign Affairs or its Representative. On the recommendation of the Parliamentary Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements.

Beside the Committee of Ministers as the decision-making body, the Council of Europe has several consultative *bodies* at its disposal: The *Parliamentary Assembly* is seen as the organisation's "engine". Its delegates come from all member states and are elected members of parliament in their respective countries. The delegates in the *Congress of Local and Regional Authorities* come from all member states and are elected members of local or regional political bodies there. The *Conference of International Non-Governmental Organisations* unites more than 400 internationally operating non-governmental organisations from all areas of civil society. The *Commissioner for Human Rights* works independently towards protecting human rights and raising public awareness for them in all member states. Led by a Secretary General, a *Secretariat*, made up of more than 2.500 in part highly specialised professionals from all member states, coordinates all activities of the organisation.

The Parliamentary Assembly(PACE) is the deliberative organ of the Council of Europe. It shall debate matters within its competence under the Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers. At the same time you delegates are going to act as the representative delegates in the Parliamentary Assembly for our committee. In other words our committee is actually the Parliamentary Assembly organ of the Council of Europe.

5. *Historical Background of The Council of Europe*

"We must re-create the European family in a regional structure called, it may be, the United States of Europe. And the first practical step would be to form a Council of Europe."

In his famous speech at the University of Zurich on 19 September 1946, Winston Churchill called on Europe to unite. With the Second World War barely in the past, he made an eloquent plea for reconciliation and urged the European family to establish a "Council of Europe".

His words helped to generate the impetus which inspired staunch Europeans from some 20 countries to meet in The Hague two years later and give Europe an organisation dedicated to

achieving "greater unity between its members". This was the Strasbourg-based Council of Europe, brought into being by a treaty signed in London on 5 May 1949 by 10 founding states (Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the United Kingdom). It had a decision-making body, the Committee of Ministers, which consisted of government representatives, and a "deliberative" assembly of parliamentarians from all the member states. Motivated by the will to maintain peace in Europe, the Council of Europe's main objective is to unite European states around the fundamental values of democracy, the rule of law and human rights. However, the Council of Europe's field of action is very broad, as its Statute excludes only one area, that of defence, which is covered by the North Atlantic Treaty signed a month earlier, on 4 April 1949, between the United States and its allies in Western Europe. The Council of Europe is also a lawmaker: it draws up European conventions for adoption by the Committee of Ministers, and later signature and ratification by the member states.

At first sight, one might think that the Council of Europe was exactly what Churchill had in mind in 1946: a European organisation bringing the European family together and enabling its members to co-operate in many different areas. However, in reality, the Council of Europe cannot be seen simply as the implementation of a project dreamt up by Winston Churchill. In its structure, modus operandi and membership, it was essentially the fruit of a compromise between differing visions of Europe: between the intergovernmental Europe envisaged by the United Kingdom, and the more federalist version favoured (chiefly) by France and Italy; between a political Europe based on a European organisation, and an economic Europe resting on a large common market; and, finally, between a Europe based on a shared culture and shared basic values, and a Europe defined solely in terms of geography.

To be particularly interested in the history of the Council of Europe is to shed light on this Greater Europe, which perhaps embodies another way of "thinking Europe", to use Edgar Morin's expression, a Europe that represents less an economic market than a community of fundamental values, founded on human rights, democracy and the rule of law - an objective that today seems more than ever to bring the EU and the Council of Europe closer together.

The Hague Congress, May 1948

The impetus which led to the Council of Europe came from various sections of the European Movement, which came together in 1946-47 and proposed that all proponents of European unity meet at a major congress in The Hague from 7 to 10 May 1948. This was the congress which turned plans for unity into something more practical by suggesting that a European organisation be set up to realise them.

There were numerous pro-Europe groupings, but just two main tendencies - two visions of European unity. The Federalists, mainly French, Italian and Belgian, wanted a supranational organisation with strong political powers (which meant at least partial surrender of national sovereignty). This was the aim, for example, of the Union of European Federalists (UEF),

founded on 15 December 1946, with Hendrik Brugmans (Netherlands) as its president and French writer Alexandre Marc as its secretary general. The Unionists, on the other hand, preferred confederal union to federation, rejected radical change and relied on intergovernmental co-operation among sovereign states to defuse national enmities. Mostly British, they were represented in the UK by the United Europe Movement, founded on 14 May 1947 by Winston Churchill, leader of the opposition since July 1945, and his son-in-law, Duncan Sandys.

Just before the Hague Congress, the leaders of the two groups decided to establish an International Co-ordinating Committee of Movements for European Unity (Comité international de coordination des mouvements pour l'unité européenne (CICMUE)) to ensure that disagreement on methods did not jeopardise the shared aim of uniting Europe. At its constituent meeting on 13 and 14 December 1947, CICMUE decided to act on a proposal put forward by the Federalists in August, at the UEF Congress in Montreux, and convene a full-scale "Estates General of Europe", attended by all pro-Europe activists. Three working committees - Political, Economic and Cultural - were set up to prepare the Hague Congress and produce reports for discussion. The Unionists were responsible for co-ordinating the Political Committee, which dealt with institutional issues, and so were decisively involved from the start in planning the projected European organisation. Adopting Winston Churchill's term, Sandys submitted a preliminary draft report calling for the setting-up of a "Council of Europe".

The Hague Congress was held from 7 to 10 May 1948 in the "Ridderzaal" (Knights' Hall) of the Netherlands' Parliament. Churchill was honorary president, and some 740 delegates attended from 18 European countries. France and the UK sent the largest delegations (some 150 members each), and Belgium, the Netherlands, Italy, Germany and Switzerland came next, with several dozen each. At the end of the Hague Convention the actual task of organising Europe was left to national governments, which began negotiating in the winter of 1948-49.

The Treaty of London, 5 May 1949

In July 1948, the pro-Europeans sent the Political Resolution adopted in The Hague to the 16 OEEC member states. To win support for a European assembly, they also sent a memorandum to the foreign ministers of the five Brussels Treaty states. Georges Bidault, French Foreign Minister, and Paul-Henri Spaak, Belgian Prime Minister, were immediately in favour, but negotiations within the five states on setting up the Council of Europe proved long and arduous: they were initiated in London by a Standing Committee in September 1948, then taken further by a study committee in Paris, and concluded only at the London Conference in spring 1949,¹⁰

The Treaty of London, which officially established the Council of Europe and its Statute (European Treaty Series - ETS No. 1) was signed on 5 May 1949 by 10 states -Belgium, Denmark, France, Ireland, Italy, Luxembourg, the Netherlands, Norway, Sweden and the UK. The preamble to the Statute of the Council of Europe was akin to that of a European constitution: it listed the basic values of Europeans, including "individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy", while Article 1 declared that the Council of Europe's aim was "to achieve a greater unity between its members". The organisation was given wide-ranging powers, covering action in the economic, social, cultural, scientific, legal and administrative spheres. Defence, however, was excluded. The UK had insisted on this from the outset, but the recent signing of the North Atlantic Treaty by the US and the Western European allies, on 4 April 1949, gave it extra significance, since defence was now strictly the preserve of the Atlantic Alliance. The Statute also regulated admission to the Council of Europe and member states' obligations. There were three conditions for membership - the rule of law, respect for human rights and respect for fundamental freedoms (Article 3). The Committee of Ministers could invite states to join (Article 4) or become associate members (Article 5), but could also suspend the representation of any state which seriously violated its obligations or request it to withdraw. Otherwise, the Statute contained various provisions on the Council of Europe's institutions and their modus operandi. The organisation was based in Strasbourg and had two official languages - English and French.

As agreed in London, the Council of Europe was given a Committee of Ministers, a decision-making body comprising government representatives, and a "deliberative" Consultative Assembly, comprising national parliamentarians from the member states. The Committee of Ministers was the Council of Europe's executive body and empowered to act on its behalf (Article 13). It normally did this by unanimously adopting recommendations to governments or decisions on "important" matters, such as amendment of the Statute.

The Consultative Assembly's statutory position was weaker than that of the Committee of Ministers. As the Council of Europe's deliberative body, it was to discuss "matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers" (Article 22). Its freedom to select questions for discussion was limited by the fact that its agenda required the Committee's approval (Article 23). Moreover, its annual ordinary session was held after that of the Committee, which had sole power to convene extraordinary sessions. Supervision by national governments was also an important part of the procedure for appointment of its members.

6. *Political Rights*

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of Human Rights and Fundamental Freedoms; Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights.

6.1. *Freedom of Expression*

Freedom of expression protects everyone's right to seek out information, form their own opinions, and share ideas freely through conversation, social media, books, radio, TV, and all other media. It's so important, it's listed as a human right in Article 19 of the International Covenant on Civil and Political Rights.

Freedom of expression is the right to pursue, hold, and share information, ideas, and opinions. Article 19 of the International Covenant on Civil and Political Rights describes it this way:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. This article does not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

Freedom of expression is a human right, everyone is entitled to free expression. As the preamble of the Universal Declaration of Human Rights describes, human rights are established "without distinction of any kind," meaning all people – regardless of race, color, sex, language, religion, politics, nationality, or another status – are entitled to human rights. Like all human rights, freedom of expression is universal, indivisible, and interdependent on other rights.

Freedom of expression does not equal freedom from social consequences. While Article 19 wants to protect information and ideas from state censorship, it doesn't protect people from the reactions of others. It's not a human rights violation when an opinion upsets a person's friends, family, private businesses, or other non-state entities. Actions, including speech, always have consequences.

Freedom of expression is often assumed to mean sharing your opinion out loud, but its scope applies to communications like writing and reading, too. As the world becomes more

connected thanks to technology, the right to freely express information, thoughts, and ideas has evolved.

Some examples of the right to freedom of expression:

#1. Criticizing the government

Criticizing government policies, actions, and politicians is one of the most vital uses of freedom of expression. In a world where human rights are respected, everyone should have the ability to share information and their opinions on the systems and laws that govern their lives. Unfortunately, many governments violate Article 19 when criticized. They use vague laws to justify their actions.

#2. Posting on social media

Social media platforms are fairly new in humanity's history, but people have the same right to freedom of expression as they do through older forms of media. While private social media companies can establish terms of service, governments and state actors should not punish people for the information, ideas, opinions, thoughts, or art they share on platforms.

#3. Listening to the radio and watching TV

Radio and TV have existed for a long time, and sharing freely through these media forms falls within freedom of expression. Radio, especially traditional radio, remains one of the world's most important forms of communication. According to Statista, radio listeners are expected to top 3.2 billion by 2029. Thanks to radio and TV, people can follow the news, hear expert analysis, get exposed to new ideas and art, and much more.

Does freedom of expression protect everyone's right to say whatever they want all the time? Are any ideas or opinions too offensive or too dangerous to share? Freedom of expression can be limited, meaning not every restriction is a human rights violation. Article 19 of the International Covenant lays out the situations in which governments can restrict free expression:

It [free expression] may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) *For respect of the rights or reputations of others;*
- (b) *For the protection of national security or of public order (ordre public), or of public health or morals.*

For example, Article 19 does not protect a person's right to defame another person. Defamation is false information that hurts someone's reputation. According to Cornell Law School's definition, it includes libel (written statements) and slander (spoken statements). To avoid violating human rights, governments must meet a high bar when restricting expression, but they must also be able to limit hateful and inciteful speech, which is why Article 19 provides some wiggle room.

The exercise of the freedoms that the freedom of expression provides, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

6.2. Right of Assembly

Everyone has the rights to freedom of peaceful assembly and association, which are essential components of democracy. The right of peaceful assembly includes the right to hold meetings, sit-ins, strikes, rallies, events or protests, both offline and online. The right to freedom of association involves the right of individuals to interact and organize among themselves to collectively express, promote, pursue and defend common interests. This includes the right to form trade unions. Freedom of peaceful assembly and of association serve as a vehicle for the exercise of many other rights guaranteed under international law, including the rights to freedom of expression and to take part in the conduct of public affairs. The right to freedom of peaceful assembly and association is protected by article 20 of the Universal Declaration of Human Rights.

The freedom of assembly also entails certain obligations. According to section 14 of the Act concerning Assemblies and Processions in Germany, anyone who organises a public outdoor assembly has the obligation to notify the local authority in charge of approving public assemblies at least 48 hours before the assembly is publicly announced. This notification requirement aims to ensure that the public authorities can provide the necessary protection for the assembly (e.g. against counter-demonstrations). Furthermore, such a timely notification should enable the authority in charge of approving public assemblies to mitigate possible impacts on others, for example by making suitable traffic control arrangements.

Under article 4 of the ICCPR, countries may take measures derogating from certain of their obligations under the Covenant, including the right to freedom of assembly and association 'in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed'. Such measures may only be taken 'to the extent strictly required by

the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin'.

In addition, under article 21 freedom of assembly may be subject to restrictions imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others. Article 22(2) makes similar provision in relation to freedom of association.

Article 8(1)(a) of ICESCR allows the right of persons to form and join trade unions to be restricted as prescribed by law and as necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others.

In all cases, restrictions must be provided for by legislation (or imposed in conformity with legislation), must be necessary to achieve the desired purpose and must be proportionate to the need on which the limitation is based. The phrase 'necessary in a democratic society' incorporates the notion of proportionality.

6.3. Right to Free Elections

Everyone has the right to elect the government of his/her country by secret vote. Without this right there can be no free and fair elections. It guarantees the citizens' free expression, the proper representativeness of elected representatives and the legitimacy of the legislative and executive bodies, and by the same token enhances the people's confidence in the institutions.

Free elections need to satisfy three criteria:

- a. they should be held at periodic intervals
- b. the voting procedure should be secret
- c. people's right to vote freely (without coercion) must be observed

This right has two aspects: the right to vote (active aspect) and the right to stand for election (passive aspect).

Voting and Elections Rights

- Every adult citizen has the right to vote in elections, on a non-discriminatory basis.
- Every adult citizen has the right to access to an effective, impartial and non-discriminatory procedure for the registration of voters.

- No eligible citizen shall be denied the right to vote or disqualified from registration as a voter, otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with the State's obligations under international law.

Right to Stand for Elections

- Everyone has the right to take part in the government of their country and shall have an equal opportunity to become a candidate for election. The criteria for participation in government shall be determined in accordance with national constitutions and laws and shall not be inconsistent with the State's international obligations.
- Everyone has the right to join, or together with others to establish, a political party or organization for the purpose of competing in an election.

The right to free election is not absolute. Some limitations may be imposed, but these must pursue a legitimate aim (there is no predetermined list) and be proportionate (not more than necessary to achieve the aim pursued). For example, fixing a minimum age to ensure that individuals taking part in the electoral process are sufficiently mature is a restriction, but it is justified.

6.4. *Youth Participation in Politics*

There are various ways in which adolescents participate in politics. In democracies, participation is not only about voting. There are some indicators showing the youth's social responsibilities. These indicators are being knowledgeable about the political process and understanding it, thinking techniques, skill of using information technology, participation in media, interaction and discussion skills, and participation in voluntary activities

Youth participation is very important for modern societies as well. This is because; social exclusion and youth participation are considered to be two opposing concepts, and it is emphasized that social inclusion policies cannot be successful unless they ensure youth participation. Social inclusion refers to ensuring the participation of individuals who have difficulty in participating due to reasons such as poverty, lack of education, religion, language, and race in social life. Hence, young people are also considered to be among disadvantaged groups contained in social inclusion.

Another factor influential on youth participation is interest. Level of interest in participation and models of participation may vary by gender, educational level, and the place of residence.

To increase interest in politics and participation among young people, it is necessary to inform them at local and national levels, make politicians accountable about young people and open to representation, and operate participation channels for young people. Interest and knowledge are two highly important factors influential on participation. This is because; lack of knowledge and political apathy affect youth participation and are considered to be the basic indicators of low participation rates in elections. To increase participation, it is necessary to attract the attention of youth to politics and diversify the ways of participation.

Youth should reach a stronger position through organization. However, such organization mostly takes place informally or over the Internet. It is clearly seen that organization can effectively be achieved over the Internet. It is reported by Milner in the research entitled “The Informed Political Participation of Young Canadians and Americans” dealing with the US youth’s levels of participation and interest that the Internet can be used as an effective means of organization among the young people with a high level of interest though it is not as effective as traditional methods for the 15-25 age group young people with a low level of interest (Milner, 2008: 1-39). Hence, the Internet should not be ignored as it can be an effective means of participation and organization among young people. For instance, it is considerable that young people are organized and protest certain social, political, and economic events over the Internet. This is because; the forums, thought communities, and blogs created over the Internet can direct youth to active participation.

People under the age of 35 are rarely found in formal political leadership positions. In a third of countries, eligibility for the national parliament starts at 25 years or higher and it is common practice to refer to politicians as ‘young’ if they are below 35-40 years of age. Youth is not represented adequately in formal political institutions and processes such as Parliaments, political parties, elections, and public administrations. The situation is even more difficult for both young women as well as women at mid-level and decision-making/leadership positions.

In order to respond to the needs of young people, and to guarantee that their basic human rights are recognized and enforced, young people’s active and meaningful participation in their societies and in democratic practices and processes is of crucial importance. Meaningful youth participation and leadership require that young people and young people-led organizations have opportunities, capacities, and benefit from an enabling environment and relevant evidence-based programmes and policies at all levels. Realizing young people’s right to participate and be included in democratic processes and practices is also vital to ensure the achievement of internationally agreed development goals and to refresh the development agenda.

7. *Political Right Violations*

Understanding human rights violations requires a background on human rights. The International Bill of Human Rights (which consists of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) lays out your “negative” and “positive” rights. Civil and political rights are considered “negative,” while economic, social and cultural rights are “positive.”

What does “negative” and “positive” mean when it comes to rights? Negative rights are a right to non-interference, meaning the State (and others) must not take certain actions against you. Most negative rights protect your individual freedoms, like the right to free expression, the right to freedom from discrimination, and the right to equality before the law. Interference and discrimination, like racism, excessive censorship and enslavement, violate your negative rights. Positive rights require States to provide certain services, goods, and treatment, like food, healthcare, safe housing and decent work. Your rights are violated when the State fails to either directly provide these essentials or ensure provision through another entity. Don’t get caught up with finding distinctions between these rights; they all matter. As the UN says, “the enjoyment of all human rights is interlinked.”

Below are several examples upon the human right violations which happened past years in some european countries given for you to understand the human right violations (we are not going to discuss upon specifically these examples):

Clearer rules for selecting national minority MPs;

The European Court of Human Rights found that Romania’s election authorities had overlooked a representative of the Italian minority for a seat in parliament even though nationwide he was the community’s favourite. The judgment prompted Romania to bring in clearer rules about how parliamentary seats should be allocated to winning organisations representing national minorities.

Protections against the arbitrary exclusion of voters in elections;

The European Court of Human Rights found that Georgia breached a political party’s right to stand for election by disenfranchising 60,000 voters it might have relied upon for support. The court’s judgment in the Georgian Labour Party’s case led Georgia to change its election law, setting out clear criteria which must be met for the electoral authorities to annul results.

An election candidate’s unfair disqualification leads to new rules on property declarations; Election authorities prevented Gagik Sarukhanyan from standing for parliament because he had failed to declare property he owned. The European court found that this had violated Gagik’s electoral rights, because he had had good reason to believe his declaration was

correct. Armenia responded by removing the requirement for election candidates to declare such information before registration.

Free speech ruling leads to checks on Liechtenstein prince's power; Liechtenstein's prince said he would bar Herbert Wille from holding public office because of opinions the legal expert had expressed. The European court ruled that this violated Dr Wille's free speech. Liechtenstein responded by making sure that individuals can make complaints in their own country about alleged violations of the ECHR, including against the prince himself.

As it can be seen in the examples, some kind of human rights violation may occur in every country. Yet it is important to combat those human right violations, sometimes even by making changes in the country's laws.

8. *Questions to be Considered*

- *How can the participation of young people in political and similar issues be increased among member countries?*
- *What can the Council of Europe do to ensure or protect the fairness and impartiality of elections in member states?*
- *How can countries balance state security with the right to peaceful assembly during protests?*
- *What can the Council of Europe recommend to protect the right to freedom of expression*

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