



Youth Rights in the German-speaking Community

Shadow report on the state of youth rights in Europe

RdJ

The German-speaking Community is the smallest federate state of the Kingdom of Belgium. Its Parliament and Government are exclusively responsible for i.a. cultural, educational, social, local and youth matters, including its European and international aspects. In this regard, obligations deviated from International Human Rights Law are not exclusively competences of the German-speaking Community. We additionally would like to highlight the statute of the German-speaking Belgians as a recognized national minority, consisting of around 75.000 people. This fact requires and allows other forms of implementation of Human Rights Law, but also causes obstacles and logistical problems.

The Council of German-speaking Youth (RdJ) is a recognized consultative body on youth matters in the German-speaking Community. In the framework of International Human Rights Law, one of our main tasks as youth council is to increase youth participation in the German-speaking Community through participatory moments and active citizenship, in order to ameliorate the living conditions of all young people. We consider this participatory approach as one of the major tools of supporting the right of self determination, strengthening the freedom of speech and the freedom of assembly for all young people. We can observe the openness of all decision makers in providing and participating in open fora, for example in the framework of the structured dialogue. We can also attest the efforts of the authorities in removing barriers for the establishment of local and regional participative structures. An important example is the yearly youth parliament which often introduced issues later on dealt with by the ordinary parliamentarians. As far as we know, the representation of pupils in all secondary schools, following the National Report foreseen in every secondary school, has not yet been accomplished in all schools in the German-speaking Community. As additional step in achieving a higher level of participation, the RdJ chooses to open its highest decision making body for interventions of all young people of the Community. In executing its advisory and advocacy role, RdJ participates in several bodies on community and national level (f.ex.: youth welfare service; media; development cooperation, solidarity and integration; equal opportunities; family and intergenerational affairs). This participation allows a global view on the Human Rights situation in the German-speaking Community.

The National Commission for the Rights of the Child is responsible for the report on the status of the Rights of the Child. The German-speaking Community is like every other federated entity party to this commission. As the other 2 national youth councils, the RdJ can send a representative with advisory voice to these meetings. At this moment, the RdJ makes unfortunately no use of this possibility. Nevertheless, the RdJ noticed the concerns of the National Commission, expressed in the national report of 2008 regarding the absence of (1) an independent mechanism for the implementation of the convention on the Rights of the Child and (2) an institution dealing with the appeals of children and young people. In this regard, RdJ welcomes the decision of the Parliament of the German-speaking Community dating from May, 26th 2009 on the establishment of a position of "Ombudsperson of the German-

speaking Community”, who will, inter alia be entitled with the observation of the rights of the child and of legal provisions on equal opportunities. The concrete implementation of this decision will be subject of further observation. Also the presence of a coordinating minister within our community supports the adequate implementation of Human Rights Law.

In the field of the right of education, all young people of the German-speaking Community have access to the formal education system. Despite our minority status and according to Belgian constitutional law, German-speaking pupils can follow classes in their mother tongue until finalizing secondary school. However, in the field of Higher education, students are forced to study in another country or in another Belgian community – and thus another language (due to the Community’s size, only very few careers can be studied within the German-speaking Community). Studying in another language can form an obstacle in the first years of studying and is therefore a potential reason for failure. On the other hand, there is a huge potential for strengthening the competences of our students. The bilingualism that results from student’s mobility within Belgium is an important asset for our small community. We therefore consider previous orientation language tests an interesting tool for intercultural learning which are additionally facilitating first years in students life. Nevertheless, these tests should not prohibit German-speaking Belgians to study within their own country. As our students are forced to cross (language and state) borders, an adequate implementation of the Bologna process is of key importance in order to facilitate student’s mobility.

Despite the fact that Belgium has three official languages (Dutch, French, German), the German language is often less accessible or recognized in day to day practice on the federal level (as shown by the many language-related interventions of the German-speaking Community Senator in the Belgian Senate). In the field of civil servants, an amelioration of the possibilities for taking all kinds of entering tests in German would find our strongest support. We welcome the presence of paritarian (Flemish-French-speaking) structures on federal level which aim is to assure national stability in any field of action. On the other hand, this parity often causes a difficult accessibility for German-speakers to these functions. This limits the opportunities of German-speakers and sometimes causes a structural disadvantage of (young) people coming from our Community. Nevertheless we welcome the presence of a directly elected representative of the German-speaking Belgians in the European Parliament and a representative of the Parliament of the German-speaking Community (direct elected body) in the Federal Senate. However, a guaranteed, and directly elected, representative in the Federal Chamber (the more powerful House of the Belgian Parliament) is not assured yet. This clearly limits the possibility for German-speaking Belgians to defend their interests outside the competences of the German-speaking Community. Moreover, many public and private companies or institutions provide no or insufficient information in German.

In general, we did not observe major problems related to Human Rights in the German-speaking Community. On the contrary, we could observe the opening of youth work to non-organised youth. The P.R.I.M.A. consultation 2005-2006 defined the priorities of the Minister of Youth for the upcoming years, while the open youth work reaches non-organised young citizens. We also welcome the cooperation agreements assuring the implementation of Human Rights Law where the Community’s scale does not allow an own implementation system.