

Youth Partnership

Partnership between the European Commission
and the Council of Europe in the field of youth



Considerations on European citizenship and access to equal opportunities for young people in Europe¹

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Introduction

The EU Youth Strategy (Henceforth, EUYS) of the European Commission² involves eight domains, namely; (i) Education & training; (ii) Employment & entrepreneurship; (iii) Health & well-being; (iv) Participation; (v) Voluntary activities; (vi) Social inclusion; (vii) Youth & the world and; (viii) Creativity & culture. In this paper, we will not analyse in depth, any of the above domains. Instead, our aim is to identify the aspects regarding the promotion of equality among youth and as a consequence, to measure the levels of the European (Union) citizenship.

On grounds of methodology, we will, however, explore some aspects of the universes of *education, political and civic participation, and perceptions of the EU and Council of Europe (henceforth CoE) as key entities on promoting equal access to opportunities*. In order to do so, we conducted surveys in Portugal, Germany and Romania³. In the countries mentioned above, we approached two schools, each reflecting diametrically opposed social backgrounds. School A was attended by students from a high social background (Henceforth,

¹ This is a working paper. Please consider that further data will be analysed and compared in regard to the subject matters that we dealt with. We made our best to include key conclusions and to raise relevant questions but we are confident that the final version of the paper will consolidate all the data and promote both reflection and action. Particularly, the link between European citizenship, participation will be explored in the final version of the paper.

² Available on: http://ec.europa.eu/youth/policy/youth_strategy/index_en.htm

³ The surveys were presented in a paper format to the students of Portugal and Germany, although we suggested the digital format (through online surveys), considering that it could be more appealing to this age range, the schools preferred the paper format. For Romania the digital format was preferred instead and an online survey was set in the platform <https://surveyplanet.com/> for both schools. The professors asked the students to fill the surveys online but only two students, from the school from a high social background, which made impossible to consider the sample. However, the lack of interest in answering the survey by the Romanian students, on these topics, is a conclusion itself and should be considered in our analysis.

HSB) and School B was attended by students from a lower social background (Hereinafter, LSB). The crux of this social experiment was to deduce contrasting results⁴ while finding dissonances and symmetries. The age range covered was 16-18⁵ years old students since we wanted them to be close to the legal age to vote, especially considering the nature of our questions on political and civic participation. While the study which was carried out does not aim to explore this “idea of Europe” extensively or to offer an exhaustive sample, it hopes to offer data on the perception of European citizenship by these students and to raise some questions to reflect on and to encourage more significant surveys and studies on the matter. Our sample corresponds to 84 surveys⁶ for each school in Portugal and 41 for each school in Germany⁷. Therefore, the percentages and data should always be interpreted in relative terms. We considered it would still be very interesting to study both samples despite the different numbers at stake. Especially if the purpose here is not to reach exhaustive conclusions but to identify trends, encourage more and bigger surveys and studies and to reflect on different realities, as these two countries epitomise.

Indeed, it is only natural that our conclusions will touch on some of the key items of the categories of the EUYS, which can be meaningful and contribute to the enhancement of those policies from an institutional point of view. Naturally, we seek to contribute to the debate without biasing the prior investigation.

It is important to mention that although the Eurostat and Eurobarometer are excellent tools in various circumstances, they do not address the specific questions that we considered in the surveys or the hypothetical links that might be drawn from it. For instance, Eurostat indicates that in the 2014 European Parliament elections, 12 young MEPs (18-30 years) were elected⁸. Another one shows that 63% of young people (aged 15-30 years) declared they voted in either a local, regional, national or European election in the last three years⁹. Or, only 16% of young people have taken part in activities of a political organisation or political party or a local organisation aimed at improving their local community and/or local environment in

⁴ This was possible by approaching schools that confirmed that their attendance reflected those backgrounds but we further confirmed with indicators such as the level of education of parents/careers.

⁵ There was only one student from Germany who was 15.

⁶ Each survey has 26 questions on the mentioned topics.

⁷ We are trying to match the Portuguese sample for the final version of the paper to make the analysis less relative.

⁸ One in the UK, one in Spain, one in Italy, one in Romania, one in Germany, one in Belgium, one in the Netherlands, two in Denmark and three in Bulgaria. Numbers available at http://ec.europa.eu/youth/dashboard/index_en.htm.

⁹ Available here: http://ec.europa.eu/youth/dashboard/participation/elections/index_en.htm.

the last 12 months¹⁰. However, about 100 million young people live in the EU (35% of which hold a higher degree and the youth unemployment rate is above 20%)¹¹.

Yet, those indicators alone, while being extremely useful in understanding the panorama in terms of participation and the lack of connection young people have with the EU, do not elaborate on the mind-set that young people have on European institutions and their part as top builders and beneficiaries of those, not only as economic agents (as, in fact, the two objectives of the EUYS seem to propose: (i) to provide more and equal opportunities for young people in education and the job market; (ii) to encourage young people to actively participate in society).

Youth and equality within the legal framework of the EU

In order to address those issues, it is highly relevant to previously understand the legal concept of equality applicable to the youth in the *acquis communautaire* of the EU Law. The very first reference to *youth* is made in Article 6 TFEU, which states that youth is an area under the competence of the Union. The second is presented in Article 165, Paragraph 2 TFEU, which says that it is a goal of the Union to stimulate the participation of young people in the democratic life of Europe¹².

Equality, on the other hand, is mentioned over a hundred times in the Treaties (Art. 2, TEU; Art. 3, TEU in which inter-generational *solidarity* is stated; Art. 9, TEU on equality between citizens; Art. 8, TFEU on gender equality; Art. 17, TFEU, Art. 153, TFEU; Art. 157, TFEU on equal pay; etc). Not a single time does equality and youth appear together in an Article of the Treaties.

In the Charter of Fundamental Rights of the European Union (Henceforth, CFREU), Art. 32 prohibits child labour and protects young people at work, by providing them with special conditions. On equality, there is a whole chapter in the Charter (the third): Art. 20, equality before law; Art. 23, gender equality; besides the preamble allusion.

With all that in mind, we cannot highlight enough Art. 21 of non-discrimination. It is the only rule where we find a “crossed” reference between youth and equality. Thanks to the Charter, we can say without a doubt that the Union condemns any type of inequality in the

¹⁰ Also available here: http://ec.europa.eu/youth/library/publications/indicator-dashboard_en.pdf.

¹¹ Here: https://www.zv.uni-leipzig.de/fileadmin/user_upload/Studium/career-service/pdfs/European_Youth_Policy.pdf and here: <http://www.statista.com/statistics/253519/youth-unemployment-rate-in-the-european-union-and-the-euro-area/>

¹² Apart from that, young people are also mentioned in article 47, TFEU (exchange of young workers), art. 166 (mobility in professional education) and article 214, n° 5 (humanitarian assistance).

form of discrimination on the basis of age. It is a further element to praise the Charter. We, young people in the EU, have an inalienable right to equality¹³.

Nonetheless, having this right does not ensure we have effective policies¹⁴ in our favour. Especially in the recent years context of huge youth unemployment, it is easy to explain why young people receive copious and yet, ineffective attention in the economic arena instead of prioritising political participation.

In fact, the European integration has been built upon economic foundations (internal market, free movement etc.) before democracy (participatory budgeting, elections for EP and EC, citizenship, fundamental rights, etc).

The current state of the youth policies could potentially be a turning point in that “method”. Beyond and above figures, participation! That has not been the case so far concerning the Union priority policies reflected in the secondary law.

Whereas there is no Regulation exclusively dedicated to promoting active young people by enhancing participation in politics and civic engagement, youth unemployment takes advantage of the Regulation 1304/2013, for example.

Recitals 11, 12 and Article 1 advocate the creation of a Youth Employment Initiative (Henceforth, YEI) for the most affected regions and that it should be integrated into the European Social Fund in line with the Council’s Recommendation of 22nd April 2013, which advances that young people should receive a good-quality offer of either employment, continued education, an apprenticeship or traineeship within a period of four months of becoming unemployed or of leaving formal education.

Article 16 clarifies that the YEI targets all young people from the eligible regions under the age of 25, but Member States can voluntarily extend that limit up to 30. In order to be considered an eligible region, its unemployment rates must be above 25% for young people aged between 15-24 years or, if that rate increased more than 30% in the Member States where the rate was above 20% in 2012. The updating of measurement of the data is also established, in accordance with Reg. 1303/2013 (Art. 92, n. 5 and annexes).

Therefore, it is possible to prove the existence of a real system in favour of fighting youth unemployment.

¹³ *Ipsis verbis*: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited”.

¹⁴ It is unquestionable that lot of effort and funding has been put into address youth people claims and needs, the partnership between the CoE and the EU in the field of youth is a very good example of that. However, some of the challenges that Europe faces are unpredictable and, considering, further reflection, research and field work is needed to provide updated guidelines.

It is absolutely correct to understand this structure of youth employment increase as a valorous attempt to balance inequality. In the contemporary European society that we live in, we are financially indexed. Consequently, we must be monetarily equal to start being equal elsewhere. So combating social-economic inequality is just as meritorious.

The question to be asked is: is this the kind of equality we want? Is this all of it? We would pontificate that it is certainly not. It might be a condition, but it is not sufficient. Not only, the figures indicate that the mechanisms of youth employment induction have not yet reached their purposes¹⁵.

Hence, our claim in this research is to offer alternative focuses within the youth policy.

Indeed, the Court of Justice of the European Union (henceforth, CJEU) has already given signs to have noticed this shift when it considers youth as a relevant factor to ruling in the matter of the EU citizenship and expulsion order amidst a residence permit impasse. In the words of the Advocate General Maciej Szpunar in his Opinion delivered on 4th Feb. 2016 in the pending *Case C-304/14*:

[I]n assessing whether an expulsion measure is proportionate to the legitimate aim pursued, that being, in this case, the protection of public order or public security, account must be taken of the nature and seriousness of the offence, the duration of residence of the person concerned in the territory in question, his age, (164) state of health, family and economic situation, his social and cultural integration into the Member State of residence and the extent of his links with his country of origin. (...) 164 – In the case of a Union citizen who has lawfully spent most or even all of his childhood and youth in the host Member State, very good reasons would have to be put forward to justify the expulsion measure¹⁶.

The point we want to make with this is that the youth policy must go beyond employment strategies. Regulation 1288/2013 of the Erasmus+ Program is an excellent doorway for creating a sense of belonging to Europe (for the recently passed Umberto Eco, it meant a true sexual revolution¹⁷). It is great for improving mobility and economic freedoms as well. Promoting a sort of bond with Europe by giving appellative/compelling

¹⁵ If we consider the Employment rate of people aged 15-29 in 2013 the percentages, of most European countries are below 50%, and are especially worrying in the so called Southern countries (Greece, Italy, Spain, Portugal) and some Eastern countries as well (Croatia, Bulgaria and Romania, especially). Being in Europe today, 2015 edition, Eurostat, Figure 15, page 152.

¹⁶ See the judgment in *Tsakouridis* (C 145/09, EU:C:2010:708, paragraph 53) and, to that effect, inter alia, the judgment in *Maslovv.Austria* [GC], no. 1638/03, § 61 et seq, ECHR 2008.

¹⁷ As this article interestingly analysis: Umberto Eco: Paolo Pateli, "A Sexual Revolution can makes us all "European"" in <http://neweuropeans.org/umberto-eco-a-sexual-revolution-can-make-us-all-european/>.

programmes like Erasmus (which we all have benefited from somehow) is a solid, bold first step. At this point though, we can go for further steps.

Young EU citizen and students are well seen and that status avails them an array of benefits. How can they be seen as political influential actors?

Brief considerations on EU citizenship

Article 20 TFEU establishes the substance of European citizenship; as carved through the road of the European integration process:

Article 20 (ex Article 17 TEC)

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

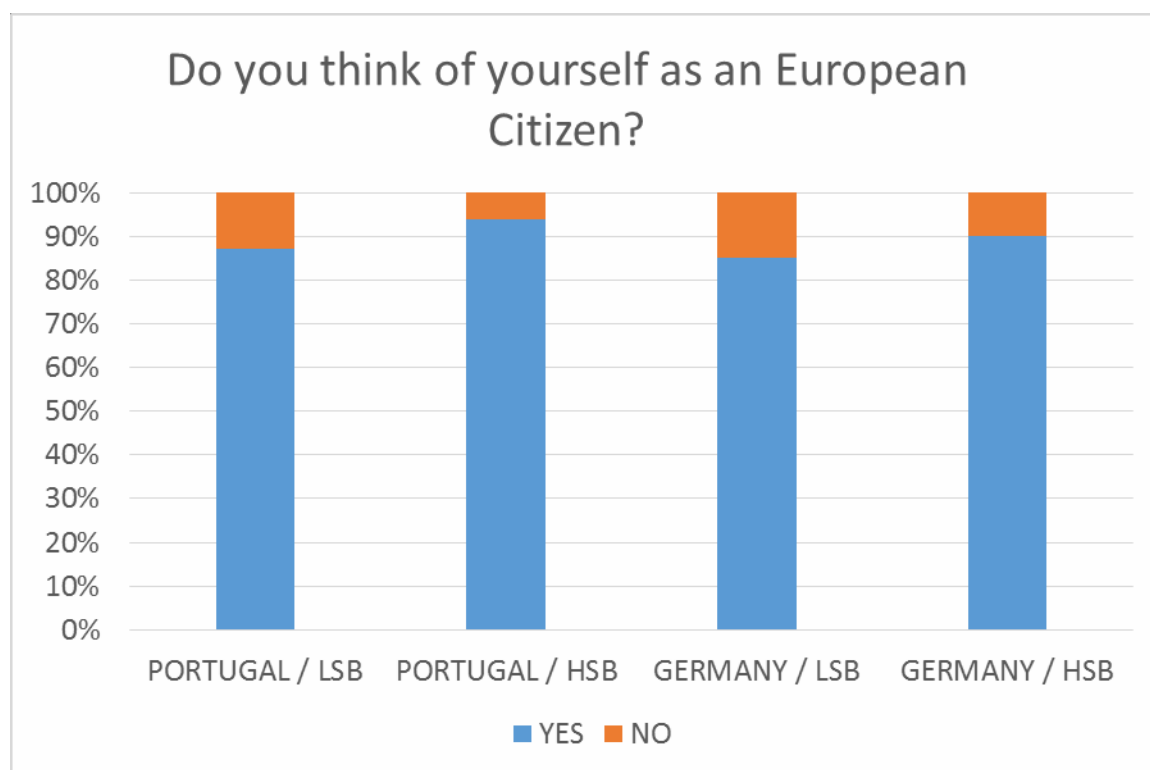
2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia:

- (a) the right to move and reside freely within the territory of the Member States;
- (b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;
- (c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- (d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.

These rights shall be exercised in accordance with the conditions and limits defined by the Treaties and by the measures adopted thereunder.

The Article is straightforward and seems to cover all the aspects that European citizenship entails. However, are these the characteristics that young people think of when they reflect on the subject? What are the contours of this legal framework in the minds of young people?

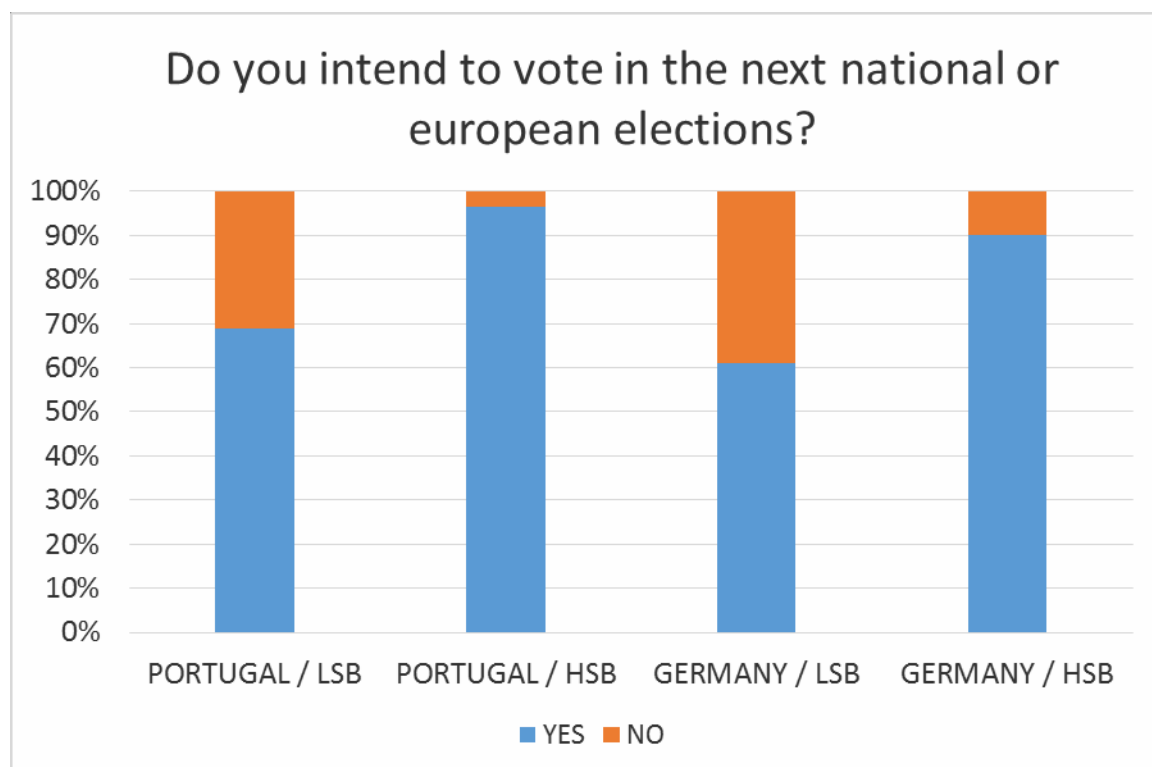
Interestingly enough, the vast majority of students covered by the surveys that we carried out consider themselves European citizens, regardless of their social background. It seems that the idea that they are part of something called Europe is perfectly established.



As we will be able to see, through the analysis of our data, this does not necessarily mean that they follow European politics with curiosity and interest. In fact, it is worrying that when the so called *democratic deficit* of the EU is so often discussed and reflected upon nowadays, there is, still, a general lack of interest towards European elections. We are all aware that young people are disengaged with the political sphere, not least the European one. They also mistrust politicians and fail to identify with the traditional participating methods¹⁸. Notwithstanding the fact that the voting process for elections in the European Parliament (Henceforth, EP) is replete with weaknesses, those are also a tool that we have at our disposal, which can be utilized to promulgate our claims, political affiliations and ideology and hopes in the (albeit, flawed) representative sphere of the EU. To understand the logic and the advantages of those would be an asset, and what we have noticed while carrying out the surveys was that most students, in Portugal, were not even aware of how these elections worked, how they would vote or would it mean.

¹⁸ As it was analysed and discussed particularly in the Symposium on Youth Participation in a Digitalized World, which took place from September 14 – 16 at the European Youth Centre Budapest, Hungary.

The graphs below show is that the majority¹⁹ of students that we approached intend to vote, both in the elections of their home country and the EP. It is interesting to see that students have gathered the resolve to participate in a representative system. Given the abstention levels in both countries²⁰ this shows that intention may not correspond to a consonant behaviour.



In Germany, the majority of students from both, LSB and HSB, opted to vote in both the elections of their own country and those of the EP. In Portugal, the results for the students from the school with a HSB show a slight majority that intends to vote in both (although close to the number of students that will vote only in the national elections). The vast majority of students from the LSB intend to vote only in the Portuguese elections. This shows that the Euroscepticism is likely more elevated in Portugal and that Portuguese students possibly think that their influence in the EU is, at best, negligible. This is certainly explained by several factors, such as the effects of the economic crisis (with particular impact on LSB

¹⁹ The percentage of students that intends to vote in the schools within a higher socioeconomic level is more pronounced than within the lower one, as the graph also shows.

²⁰ In 2014, 63% of young voters participated in the EE and 64% in the national ones. In Portugal, the percentages were 63% in the EE and 56% at the national level. EU Youth Report infographics for Germany and Portugal, data for 2014. Available at: http://ec.europa.eu/youth/policy/implementation/report-infographics_en.htm.

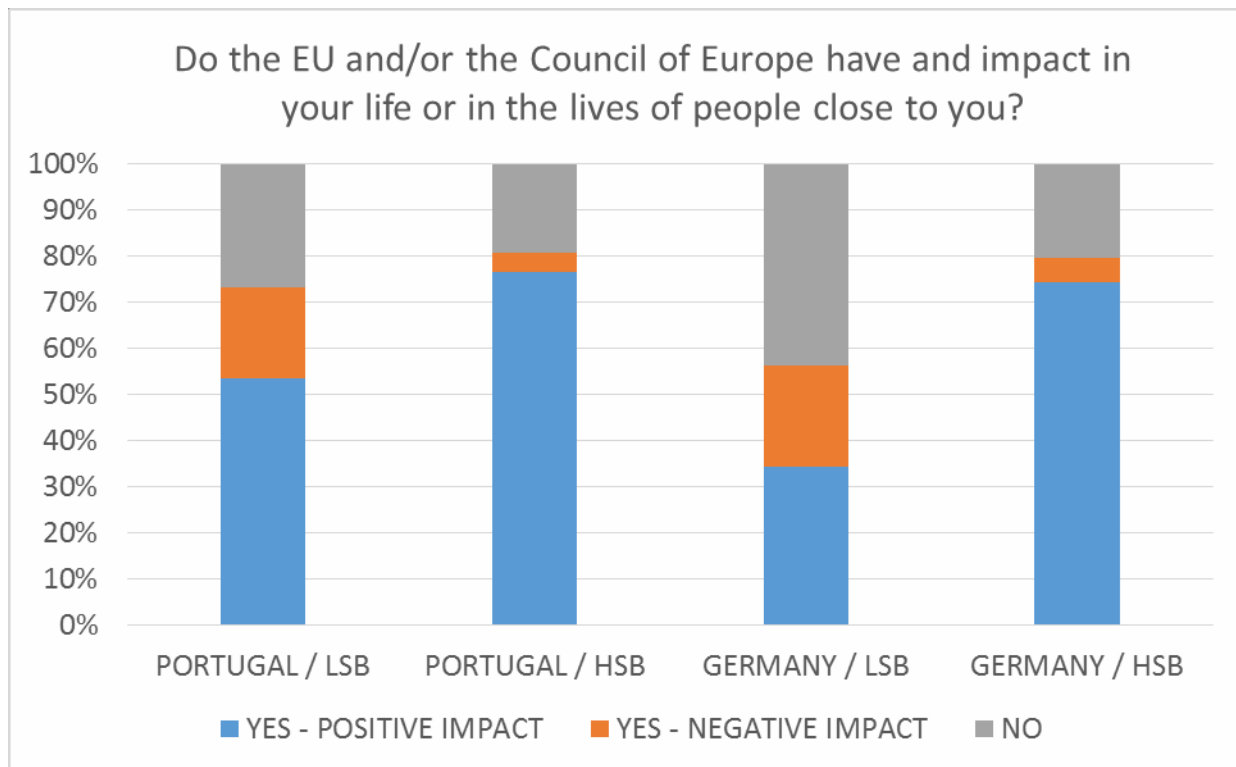
and structures) and less proximity with Europe in a way, due to the peripheral geographical nature of Portugal, as well the focus of the Portuguese media more on the economic sphere of Europe to the exclusion of other dimensions²¹.

This makes European citizenship, as a concept, more abstract and that it is certainly not ideal, especially when so many steps were given towards clarifying that European citizenship is supported by fundamental rights philosophy²², from which the access to equal opportunities is also a part of (as a dimension of the right to be treated equal). In fact, when asked if the EU and/or the CoE promote equal access to opportunities for young people effectively, 50% of LSB students and 94% of HSB students in Portugal said yes and in Germany percentages for the same answer were 49% (HSB) and 17% (LSB). It is only natural that the students with a higher social background, in both countries, can relate more to the opportunities that the CoE and the EU have to offer. Although natural, it is not ideal since it can contribute to the perpetuation of a cycle of lack of access to opportunities that, in turn, could result in political disengagement and mistrust towards the sponsor of those same opportunities.

This conclusion is reinforced by the responses given on the actions and institutional role of the EU and/or the CoE and their impact in the student's life or in the lives of the people that are close to them.

²¹ To the question: "If you follow the EE, can you name one of the agents involved, in the Portuguese LSB school, the students that answered this question often referred Angela Merkel and François Hollande than Portuguese politicians participating in those.

²² As the ECJ brilliantly acknowledge in its judgment *Grzelczyk* "Union citizenship is destined to be the fundamental status of nationals of the Member States, enabling those who find themselves in the same situation to enjoy the same treatment in law irrespective of their nationality, subject to such exceptions as are expressly provided for", in *Zambrano* "Moreover, like Catherine Zhu, Diego and Jessica cannot exercise their rights as Union citizens (specifically, their rights to move and to reside in any Member State) fully and effectively without the presence and support of their parents. Through operation of the same link that the Court accepted in Zhu and Chen (enabling a young child to exercise its citizenship rights effectively) it follows that Mr Ruiz Zambrano's situation is likewise not one that is 'purely internal' to the Member State.". Cfr: Case C-184/99, paragraph 31 and Case C-34/09 paragraph 96 respectively.



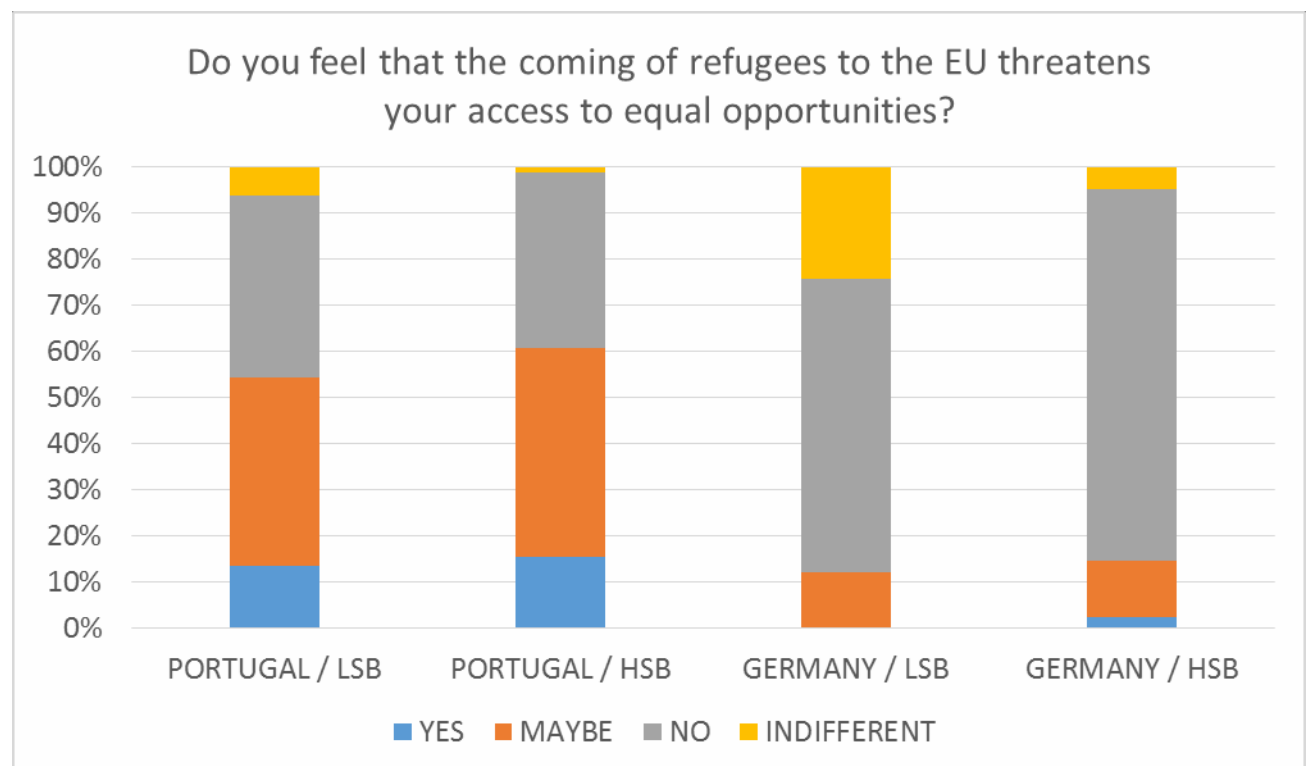
It is very interesting to notice that similarities are more visible comparing the social background of the students rather than the country of their origin. What is also clear is that despite the fact that students are from a high social background, the ones that for the major part also consider that the CoE and EU promote the equal access to opportunities, believe that those institutions have a positive effect in their lives and/or in the lives of their closest ones. As for the samples of the students coming from a LSB, it is interesting to see that the percentage of Portuguese students that consider the impact to be positive is above the German students from the same background, while the percentage that considers it to be negative is very similar.

To understand the contours of European citizenship and its perception in the mindset of young people, it is very important to analyze in which ways that impact translates into and what parts of their life are most affected by it. When this impact is absent, and the data shows that certainly is the case for many youngsters (especially in LSB), it is important to understand how to disseminate information and which dimensions of their life are more approachable and relate too. In our study, we approached students, so it is certainly important to understand what role the school may play in this regard. However, it would be extremely

important to study what would be the answers to the same questions from young people²³ that are not attending school. More interesting and rich research would be to compare both. Since the concept of European citizenship certainly has roots in the economic freedoms, the opinion on the impact may be very different if the surveys are conducted within a sample of employed youngsters, or in contrast, unemployed ones.

Refugees and equal access to opportunities within the EU

As the graph below reflects the perception of whether the coming of refugees to Europe threatens or may threaten the access to equal opportunities offered and promoted by the EU is absolutely contrasting depending on the country.



It is clear that the general trend in Portugal is towards apprehension and the majority of students feel that refugees may threaten their equal access to opportunities²⁴. It might be explicable to the lack of contact with the situation. Portugal, again to its peripheral

²³ Especially within the age range that we covered.

²⁴ Although 47% LSB students and 61% HSB consider that the EU is addressing the refugee crisis to the extent of its capabilities.

geographical nature and the fact that the most refugees do not recognize Portugal as an alternative,²⁵ so it has only welcomed a couple of refugee families. Portuguese youngsters did not face any of the aspects associated with the crisis and all the information is provided by the Media, it does not make part of their daily lives. It is very interesting, however, that the majority of the students that answer 'yes' comes from a HSB. The opinion here may potentially reflect a political inclination which is more conservative²⁶. Notwithstanding, the position here is similar between both social economic backgrounds but totally diverse between the countries.

In Germany, the vast majority in both schools say that they do not feel threatened by the influx of refugees, although Germany was the country which welcomed the most refugees out of all the 28 Member States (over 1 million to be exact). The students from a LSB feel more indifferent towards the issue²⁷. Although the response of the vast majority (LSB and HSB) is a blunt 'no', the German students were very critical of the role of the EU addressing this crisis. In the school with students from a HSB, 49% of them considered that the EU can do more while 21% considered that it is doing nothing to address this issue. The major part of LSB students consider that EU is doing nothing to address the issue or did not answer the question²⁸.

Key conclusions

In the preliminary analysis of the data, we found that similarities in the patterns of the answers are much more linked with the socio-economic background than the country of origin of the students. This pattern is the opposite when it comes to the question of whether refugees may threaten the access to equal opportunities.

It will be interesting to tackle the links and make cross references between the concrete answers, for example between the level of studies of the parents and the perception of the role of the EU, between students that have unemployed parents and what answer was given to the question on refugees and access to equal opportunities. It would also be very useful to have more countries participating in the studies to have more diverse samples. If you are interested, please join us!

²⁵ Despite the fact that there is a Platform of Portuguese NGO to support refugees with Arabic translation which shows good coordination.

²⁶ Although that was not specifically accessed by our survey.

²⁷ All the students in German schools had German nationality, it would have been interesting to access if the trend would be the same if they were not German.

²⁸ Only 14% think that the EU is acting within its capabilities.

Acknowledgments

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To complete these humble acknowledgments on my side (Sergio) I devote my most profound, loving and integral appreciativeness to my wife who makes the journey of facing the so many challenges to the European youth worthy living.