

Old Enough to Make a Mark? Should the voting age be lowered to 16?

Response by the Children's Rights Alliance for England

Introduction

The Children's Rights Alliance for England (CRAE) is a coalition of more than 380 voluntary and statutory organisations seeking the full implementation of the UN Convention on the Rights of the Child in England. Our vision is of a society where the human rights of all children are recognised and realised.

We welcome the establishment of the Youth Citizenship Commission and consultation document 'Old enough to make a mark?'.

Our predecessor organisation first called for Votes at 16 with the publication of a Children's Manifesto in the run up to the 1985 General Election.¹ That year we actively supported the first ever Private Members Bill which would have lowered the voting age to 16. Whilst it did not pass at the time it was widely supported and sparked a wide ranging debate on the place of young people in society.² Following the establishment of CRAE in 2000, we published the landmark pamphlet 'The REAL Democratic Deficit – why 16 and 17 year-olds should be allowed to vote'.³ In 2003 we were founding member of the Votes at 16 Coalition and have actively campaigned for voting age reform.

Our response to this consultation details why we believe the voting age should be lowered to 16. We are also members of the wider Votes at 16 coalition and urge the Commission to consider the coalition's response.

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¹ Children's Legal Centre (May 5 1985) *Children's Manifesto*

For further details of the Manifesto, and the significant publicity it generate, see: Veerman, P. E. (1992) *The Rights of the Child and the Changing Image of Childhood* Boston : Martinus Nijhoff Publishers

² Cited in Franklin, B. (1989) 'Children's rights: developments and prospects' *Children and Society* Vol. 3 (1) Pg. 56

³ Willow, C. (2000) *The REAL Democratic Deficit* London: CRAE

Executive Summary

“yes i am all for the Votes at 16 campaign, if you can join the army and risk you life for the country, get married, have sex, ... and the list goes on ... all at 16 then why can't you vote? its unfair age discrimination.”
Quote from a young person completing a survey on 'Freedom' (2008)

The Children's Rights Alliance for England believes that the voting age should be lowered to 16 in all UK public elections. We believe that the continued exclusion of 16 and 17 year-olds from voting infringes their human rights and is a form of unfair age discrimination.

The right to vote

- The right to participate in elections by universal and equal suffrage without distinction of any kind is protected by international law. Any restriction on the right to vote should meet international legal requirements. These include requirements for any such restrictions to be based upon objective and reasonable criteria (ICCPR); for enjoyment of the right to vote to be available without discrimination (ECHR); and for any restrictions to constitute a proportionate means of achieving a legitimate aim (ECHR). The exclusion of 16 and 17 year-olds from voting in the UK does not meet these requirements.
- If there is to be a minimum age for voting this should be set at as low a level as possible so as not to unjustifiably disenfranchise younger citizens.
- The test of capacity to vote in UK elections is manifestly low. It is demonstrably clear that the vast majority of 16 and 17 year-olds would be able to meet the current capacity criteria to vote.
- The current exclusion of 16 and 17 year-olds from the right to vote is out of step with the widely accepted principle in British law and policy that by the age of 16 individuals have sufficient understanding of the consequences of their decisions and sufficient maturity to act independently.
- 16 and 17 year-olds gain numerous legal opportunities and responsibilities but not the corresponding right to vote for their Government.
- Adults over 18 do not need to demonstrate a specific level of knowledge of political understanding to vote and neither should 16 and 17 year-olds be obliged to do so. However, young people have access to Citizenship Education which is improving.

Young people back Votes at 16

- Young people and young people-led organisations have consistently called for voting age reform
- A minority of young people oppose votes at 16 usually because they believe that they do not have the knowledge to vote. However, this is not an insurmountable barrier to voting and reflects dominant, negative media perceptions of young people.

The vote should be lowered in all elections

- Lowering the voting age in just local elections would cause confusion.
- It would suggest that either young people are not interested in some issues or that local elections were second rate. Neither statement is true.

Increasing turnout

- The decision whether to lower the voting age is a matter of principle that should not be determined by an assessment of whether it would lead to greater voter turnout. However, this may be a significant beneficial effect.
- It is not inherent that young people would not vote even if they had the opportunity. Changing the political culture in the UK and opening up new opportunities for engagement, could increase turnout.

1. Lowering the voting age to 16

This section of our response will specifically answer the following questions:

1. Do you think the voting age should be lowered?
2. Do you think the voting age should remain at 18?

This section will briefly set out international human rights law protecting the right to vote and the circumstances in which it may be curtailed. We will then argue that the current exclusion of 16 and 17 year-olds from the UK electorate runs contrary to those principles.

1.1. International human rights obligations and permissible restrictions on the right to vote

The right to vote is an inalienable human right that is well established under international law and rests upon a cornerstone of human rights – non-discrimination and equality.

Universal Declaration on Human Rights (UDHR)

- **Right to vote**

Article 21(3) of the UDHR states (our added emphasis):

The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

- **Applies to ‘all...without distinction’**

The declaration applies to all individuals - Article 2 of the UDHR states (our added emphasis): *“Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind such as ... birth or other status”.*

International Covenant on Civil and Political Rights (ICCPR)

- **Right to vote**

The ICCPR, ratified by the UK Government in 1966, states (Article 25, our added emphasis):

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;*
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
- (c) To have access, on general terms of equality, to public service in his country.*

- **Applies to all ‘without distinction’**

Article 2 of the ICCPR obliges States to respect the rights in the Covenant *“without distinction of any kind, such as... birth or other status”* (our added emphasis).

The Human Rights Committee (the independent body of experts which monitors implementation of the ICCPR) gave the following further guidance on the universality of Article 25 rights in a 1966 General Comment⁴:

*No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*⁵
(our added emphasis)

The Committee went on to make clear that any curtailment on the exercise of the right to vote protected by Article 25 must be based on "objective and reasonable criteria" (our added emphasis).⁶

European Convention on Human Rights (ECHR)

- **Right to vote**

The right to participate in elections is also guaranteed in regional human rights law, including the ECHR which states (Article 3 of Protocol 1, our added emphasis):

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.

This links to the preamble of the Convention which states that '*fundamental human rights and freedoms are best maintained by an effective political democracy*'. The UK Government ratified the Protocol in 1952 and it was introduced into domestic law by the Human Rights Act 1998.

The ECHR is a 'living instrument', to be interpreted in accordance with contemporary standards.⁷ The ECtHR has stated that whilst Article 3, Protocol 1 was originally interpreted as solely an institutional obligation on states to ensure elections, it has evolved to embrace concepts of universal suffrage and '*then, as a consequence, ... the concept of subjective rights of participation - the "right to vote" and the "right to stand for election to the legislature"*'.⁸

- **Applies to all 'without discrimination'**

Article 14 of the ECHR obliges states to ensure that all people can enjoy their rights and freedoms "*without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status*." (our added emphasis)

'Other status' in Article 14 has been interpreted by Strasbourg to include a whole range of personal characteristics, including for example ownership of a particular breed of dog.⁹

⁴ International human rights monitoring committees regularly publish 'General Comments'. These are their interpretation of the content of human rights provisions and give guidance to governments on implementing treaty provisions and reporting to the relevant Committee.

⁵ Human Rights Committee (1996) *General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service*

⁶ Human Rights Committee (1996) *General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service*

⁷ For further explanation see: Wadham, J. Mountfield, H. Edmundson, A. and Gallagher, C. (2007) *The Blackstone's Guide to The Human Rights Act 1999* Oxford: Oxford University Press

⁸ Mathieu-Mohin and Clerfayt v. Belgium (1987) Para 51

⁹ Bullock v. United Kingdom (1996) 21 EHRR CD 85

The level of scrutiny that the ECtHR will apply to any discriminatory measures reflects the social and legal importance placed upon the personal characteristic of the individual experiencing less favourable treatment. For example, discrimination on the grounds of sex, race and religion will be rigorously scrutinised and will require very weighty reasons if they are to be held justifiable. These are known as 'suspect grounds'.

To date, the ECtHR has not defined age as a suspect ground. However, as Karon Monaghan QC has commented:¹⁰

Just as it was increasingly recognised that negative distinctions based on the grounds connected with sexual orientation were morally repugnant, so, with increasing consensus internationally on the unacceptability of distinctions based on...age, it is likely that distinctions based on age...will soon be regarded as 'suspect'.

Denying the right to vote to 16 and 17 year-olds – some of whom are tax payers and members of the armed forces - constitutes less favourable treatment¹¹ because of their age.¹²

Under the 'margin of appreciation' doctrine, states are allowed a certain amount of freedom to evaluate their public policy decisions in relation to the right to vote, subject to review by the Strasbourg institutions. Commentators have argued that, following the case of *Hirst*¹³:

*It is clear that Strasbourg will now conduct a far more rigorous review of the justification advanced by states for interference with rights arising under this article, and the older authorities which demonstrate a more 'hands off' approach are not a reliable guide to its application.*¹⁴

The ECtHR has stated that restrictions on the right to vote:¹⁵

- should not curtail the rights in question to such an extent as to impair their very essence and deprive them of their effectiveness; and
- should be pursuing a legitimate aim; and
- that the means employed should not be disproportionate.

Restrictions cannot be based on generalisations, but must be based on specific evidence. The ECtHR has taken any such restrictions seriously and stated that '*any departure from the principle of universal suffrage undermines the democratic validity of the legislature thus elected and the laws it promulgates*'.¹⁶

In reaching its judgment in the case of *Hirst* that excluding convicted prisoners from voting violated the ECHR, the ECtHR found that the number of prisoners affected (stated by the UK Government to be 48,000) was 'significant'. In the last set of local elections on

¹⁰ See: Monaghan, K. (2007) *Equality Law* Oxford: Oxford University Press pp. 160-161

¹¹ For an overview of the definition of less favourable treatment and relevant case law on the deprivation of choice see: Monaghan, K. (2007) *Equality Law* Oxford: Oxford University Press pp. 290

¹² The ECtHR has stated that discrimination can occur when there is discriminatory treatment of those in a 'relevantly similar' situation and where there is no 'objective or reasonable justification' for the distinction. This does not mean that minors should always be treated as adults nor that adults should always be treated as minors. Indeed, discrimination can occur when states fail to treat differently people who are in significantly different situations without an objective or reasonable justification (see: *Thlimmenos v Greece* (2000) Para 44). States cannot treat everyone uniformly under a blanket policy. Less favourable treatment should be serving a legitimate aim and be proportionate.

For a discussion in relation to children see: Breen, C. (2006) *Age Discrimination and Children's Rights – Ensuring Equality and Acknowledging Difference* Boston: Martinus Nijhoff Publishers

¹³ *Hirst v UK (No. 2)* [2005] 74025/01

¹⁴ Wadham, J., Mounfield, H., Edmundson, A., Gallagher, C., *Blackstone's Guide to the Human Rights Act 1998* (4th ed.), para. 8.902.

¹⁵ *Mathieu-Mohin and Clerfayt v. Belgium* (1987) Para 52

¹⁶ *Hirst v UK (No. 2)* [2005] 74025/01 Para 62

Thursday 1 May 2008, 18 times that number (900,000) of 16 and 17 year-olds were denied the opportunity to vote.¹⁷

1.2. A minimum voting age

If there is to be a minimum age for voting¹⁸ this should be set at as low a level as possible so as not to unjustifiably disenfranchise younger citizens and deny them a basic human right. Any age restriction should be based on clear objective and reasonable criteria and provide a proportionate means for achieving legitimate aims.

The current Government has made few policy statements on voting age in general and certainly not any statement as to why 16 and 17 year-olds are denied the vote. Most of the statements that have been made have come from independent reviews (such as the YCC) or from Non Departmental Public Bodies such as the Electoral Commission.

One of the few policy statements the Government itself has made on voting age was that it believed it:¹⁹

“necessary to decide at what minimum age most people are sufficiently politically aware, mature, and independent to make up their minds and choose between the various candidates standing for election”.

This suggests that whether most people of a certain age have capacity to vote – i.e. the knowledge and awareness of the process and the ability to do so independently – should define the minimum age in the UK.²⁰

Arguments on limited capacity have been consistently used to limit the suffrage. For example, they were used against women before they finally won universal suffrage in 1928. Women were seen as too innocent and naïve for the world of politics; and it was argued that their husbands knew what was in their best interests. In 2000 we argued that such arguments are “*as wrong now as they were then*” when used in relation to young people.²¹ Opponents of voting age reform have claimed that comparing 16 and 17 year-olds with previously disenfranchised groups – such as women, black people and working class people – is “*deeply disingenuous (if not downright offensive)*” because “*the difference is that children grow up!*”²² These authors display an attitude towards children and childhood which we reject outright.

The UN Convention on the Rights of the Child was ratified with cross-party support by the UK Government in 1991. The Convention, for the first time in international law, established a direct relationship between under 18 year-olds and the state. It recognised children as citizens and challenged the presumption that parents have ownership rights over their children or that children are people in the making. In short, children are citizens now.

¹⁷ Analysis by the Children’s Rights Alliance for England, based on Office of National Statistics estimated resident population mid-2006 and estimates for projected change in age demographics. Figures do not account for population migration since 2006.

¹⁸ Many authors have rejected a need for a minimum age for voting. Whilst they differ from the status quo their perspective on the voting age is often insightful. See for example:

Holt, J. (1974) *Escape From Childhood – The Needs and Rights of Children* Harmondsworth: Penguin Books Pp. 118 – 13.

Harris, J. (1982) ‘The Political Status of Children’ in Graham, K. (ed.) *Contemporary Political Philosophy: Radical Studies* Cambridge: Cambridge University Press Pp. 35 – 55

Archard, D. (1993) *Children: Rights and Childhood* London: Routledge

Schrag, F. (2004) ‘children and Democracy: Theory and Policy’ *Politics, Philosophy and Economics* Vol. 3(3) Pp. 365-379

¹⁹ Children and Young People’s Unit (2002) *Yvote?/Ynot?*

²⁰ For international comparisons on the right to vote, including on age, see: Blais, A. Massicotte, L. Yoshinaka, A. (2001)

‘Deciding who has the right to vote: a comparative analysis of election laws’ *Electoral Studies* Vol. 20 Pp. 41-62.

²¹ See: Willow, C. (2000) *The REAL Democratic Deficit* London: CRAE

²² Cowley, P and Denver, D. (2004) ‘Votes at 16? The Case Against?’ *Representation* Vol. 41 (1) pp. 61

Evidence from young people consistently demonstrates that unfair age discrimination makes people feel negative about themselves and about their status in society, and impinges on their feelings of dignity.²³

1.3. The case for 16 as a minimum age

16 and 17 year-olds are capable of voting

There are currently a small number of restrictions on the right to vote in UK – see Annex A for a full overview. These relate to membership of legislatures, nationality and those found guilty of a crime. Other than the minimum age, the only other restrictions are based on capacity:

- An individual with permanent and irreversible lack of capacity to make a decision on voting is not permitted to register and is therefore denied a vote. The Electoral Commission states that to deny someone the vote “*it has to be beyond doubt that...he/she would never have the capacity to make a decision on whether to vote, who to vote for or who to appoint as a proxy and would not have any understanding, however basic or temporary, of the voting process*”.²⁴
- Individuals with fluctuating mental state, but who have the potential to have the competencies to vote, have a statutory right to register and vote.²⁵ Section 73 of the Electoral Administration Act 2006 abolished any common law restriction on individuals’ (over 18) right to vote on the basis of mental incapacity.²⁶ To further protect this right, section 29 of the Mental Capacity Act 2005 explicitly prohibits any individual from voting on behalf of an adult lacking capacity.
- Where the polling station Presiding Officer suspects on the day of voting that an individual may be incapable of voting, he or she should ask the individual a set of prescribed questions – reproduced in Annex A. If the individual is on the register, can verbally confirm that he or she is the individual on the register and has not already voted in that election, the Presiding Officer must issue a ballot paper.²⁷ This is the only test for the competence to vote.

Reflecting the seriousness of restricting universal suffrage, the test of capacity to vote is manifestly low. It is demonstrably clear that the vast majority of 16 and 17 year-olds would be able to meet the current capacity criteria to vote.

The current exclusion of 16 and 17 year-olds from the right to vote is out of step with the widely accepted principle in British law and policy that by the age of 16 individuals have sufficient understanding of the consequences of their decisions and sufficient maturity to act independently:

- Section 1(2) and Section 2(5) of the Mental Capacity Act 2005 states that individuals over 16 should be assumed to have capacity unless it is established otherwise.
- Section 8(1) of the Family Law Reform Act 1969 states that 16 and 17 year-olds are presumed capable of consenting to medical treatment. It is of course true that many

23 Garnelas, C. (2007) “*We are all equal and that’s the truth!*” - Children and young people talk about age discrimination and equality London: Children’s Rights Alliance for England

24 Personal communication from Iredia Oboh, Electoral Commission to CRAE 09 January 2009

25 For an overview see: Redley, M. (2008) ‘Citizens with learning disabilities and the right to vote’ *Disability & Society* Vol. 24 (4) pp. 375 – 384.

26 Common law was based on 18th century rulings barring “idiots” from the electoral registry (see: *Stove v Joliffe* [1874] LR9 CP 750). For an overview see: British Medical Association and Law Society (2004) *Assessment of Mental Capacity: Guidance for Doctors and Lawyers: The Law Society Books*

27 Electoral Commission (2007) *Handbook for polling station staff* Pp. 38

young people will have been exercising this capacity to consent to treatment for a number of years by the time they reach 16.

Opponents of Votes at 16 worry that young people are too impressionable. Our experience is that when young people are involved in a meaningful democratic process they respond with enthusiasm and responsibility. Evidence suggests that current voters can be easily impressionable on a whole range of issues. Why do wet polling days seem to favour some parties over others?²⁸ Why does the surname of a candidate, and therefore their position on a ballot paper, seem to affect voting?²⁹ Why does inclusion of candidates' photos seem to affect choices?³⁰ Individuals are affected by all sorts of factors. However, there is a lack of evidence that all 16 and 17 year-olds are inherently more impressionable in their voting habits than those over 18.

16 and 17 year-olds gain numerous legal opportunities and responsibilities but not the corresponding right to vote for their Government

At 16 years old individuals gain a wide range of enabling rights. At 16:

- You can register as a blood donor
- You can change your name by deed poll
- You are allowed to enter or live in a brothel
- You can leave home
- You can sell scrap metal
- You can act as a pilot of an aircraft, glider and hold a flight radiotelephony operator's license
- You can participate in lotteries and pools
- You can enter into a housing contract
- You can take part in public performances without a licence
- You can buy premium bonds and open an ISA
- You can consent to all sexual activity
- You can enter a bar on your own
- You can claim an Education Maintenance Allowance

Sixteen year-olds also gain the opportunity to take on considerable responsibilities which require making complex decisions:

- *16 year-olds are taxed but cannot vote*
Figures show that 548,000 16 and 17 year-olds are in some form of employment³¹
The Department for Work and Pensions estimates that in the past decade the total tax liability for 16 and 17 year-olds was £550 million. During 2005-06 alone it was approximately £47 million.³²
- *16 year-olds go to war but cannot vote*
On April 1 2007, there were 4,560 16 and 17 year-olds serving in the UK armed forces.³³ In 2006-07, 30 per cent of all new recruits were under 18.³⁴ It is Government policy that personnel under the age of 18 are not to be deployed on any operations

²⁸ Gomez, Brad T.; Hansford, Thomas G.; Krause, George A. (2007) "The Republicans Should Pray for Rain: Weather, Turnout, and Voting in U.S. Presidential Elections" *The Journal of Politics* Vol 69 (3) pp. 649-663(15)

²⁹ Rallings, C., Thrasher, M., & Gunter, C. (1998). "Patterns of voting choice in multi-member districts: the case of English local elections" *Electoral Studies* Vol. 17 (1) Pp. 111-28.

³⁰ See the forthcoming work by Robert Johns and Mark Shephard, University of Strathclyde

³¹ ONS (2008) *Labour market statistics Table 2 Employment by age (January – March 2008)*

³² Personal Correspondence to Children's Rights Alliance for England from Department of Work and Pensions (15th May 2008) based on 563,000 taxpayers aged 16 and 17 in Financial Year 05/06. Figures are based on analysis from Survey of Personal Incomes (2005-06). Note, this is a sample survey based on information held by HMRC tax offices on persons who could be liable to UK tax. It is carried out annually and covers the income assessable for tax in each tax year. The figures for the past decade are indicative as changes in sampling methodology can affect results.

³³ Ministry of Defence (2007) *UK Defence statistics 2007*. Table 2.8 Strength of UK regular forces by age and rank at 1 April each year

³⁴ Derek Twigg MP, 8 Oct 2007 Written Answer, House of Commons Hansard : Column 66W

that would see them engaged in hostilities.³⁵ However, eighteen 16 and 17 year olds have been deployed since 2003, including fifteen to Iraq.³⁶

- *16 year-olds can be company directors but cannot vote*
Section 157, The Companies Act (2006) introduced a new minimum age of 16 to be company directors. Current consultations will enable 16 year-olds to be trustees of charitable incorporated organisations.³⁷ 16 and 17 year-olds have the full legal responsibility of company directorship. For limited liability companies they are equally responsible to pay what they have already paid or agreed to pay towards settling its debts if the company goes bankrupt.
- *16 year-olds must be on the National Identity Register but cannot vote*
Section, 2(2)(a) of the Identity Cards Act 2006 requires all UK residents over the age of 16 to have their details entered on to a National Identity Register and to carry a card linking to this data. They have a duty to up-date information on the register and can face a fine of up to £1,000 for failing to do so.

As well as the responsibilities that young people undertake in their own lives, there are numerous examples of them having active involvement in the development of their local communities, demonstrated by the existence of over 600 local youth councils across the UK.

The effect of Citizenship Education

Citizenship education was introduced to secondary schools in 2002 as a statutory subject. Primary schools are also required to show, through inspection, how they are preparing learners for citizenship. It was introduced partly based on concerns that children need education about citizenship and to tackle disengagement from society,³⁸ and in the eyes of those advocating Citizenship Education, re-engaging young people in society was the primary driver for introducing the subject.³⁹

In 2003 The Electoral Commission suggested that the current electoral age –18 – should be retained. It was explicit that there was a strong case for voting age reform and the issue should be reviewed regularly. The Commission believed that the *“longer-term development of citizenship teaching across the UK, mainly in respect of improving social awareness and responsibility among the young”* could significantly strengthen the case for a lower voting age. The commission believed that Citizenship Education was in its infancy and that it was not yet universal or effective.⁴⁰

A 2007 Education and Skills Select Committee investigation into Citizenship Education concluded that whilst there had been significant progress in implementing the subject, challenges remain. The Committee concluded that it remained *“too early to say with any degree of confidence whether citizenship education is producing the wide range of impacts originally hoped for.”* It did find that *“while inspiring programmes exist, and progress is being made, the quality and extent of citizenship education is still inconsistent across the country.”*⁴¹ The Government has committed to further action to tackle these issues.⁴²

³⁵ UK Government (2007) *The Consolidated 3rd and 4th Periodic Report to UN Committee on the Rights of the Child*

³⁶ Adam Ingram MP, 1 February 2007, Written Answer, House of Commons Hansard Column 508W

³⁷ Office of the Third Sector (2008) *The Charitable Incorporated Organisation: Consultation on the new corporate form for charities*

³⁸ QCA (1998) *The Crick Report - Education for citizenship and the teaching of democracy in schools*

³⁹ Kiwan, D (2008) *Education for Inclusive Citizenship*. London: Routledge.

⁴⁰ Electoral Commission (2004) *Age of electoral majority: conclusions and recommendations*

⁴¹ House of Commons Education and Skills Committee (2007) *Citizenship Education Second Report of Session 2006–07*

⁴² HM Government (2007) *Citizenship Education: Government Response to the Committee's Second Report of Session 2006–07*

It is perhaps unsurprising that the newest addition to the National Curriculum faces challenges. As the Committee noted, it is not a discrete subject strand and there is 'light-touch' implementation.

However, it is undoubtedly true that more children and young people have access to learning about political affairs than ever before. More teaching resources have been created to support this, teachers are gaining more experience of teaching, discussing and debating these issues and almost certainly quality of the education will continue to improve rather than regress.

Longitudinal studies from NFER show that the majority of schools provide 'Citizenship-rich' delivery of Citizenship Education with students expressing high levels of efficacy, high levels of participation and citizenship education is viewed as a strong and central subject within the curriculum as a whole.⁴³ This is reflected in the dramatic rise in Citizenship qualifications. In 2008 there was a 22% increase of GCSE Short Course Citizenship Education entrants - this followed a significant increase in 2007.⁴⁴ This trend is widely expected to continue as a Full Course GCSE is rolled out.⁴⁵ The trend for Citizenship Education is positive and, if planned Government action is implemented, will continue to improve.

CRAE believes that there is normative value in children having good quality Citizenship Education. We note that the UN Convention on the Rights of the Child requires that the aims of education should be based on human rights values (article 29) and that children should be informed about their rights (article 42). Citizenship Education is one route for ensuring all children can claim these rights.

The question for YCC is whether Citizenship Education should have a significant influence on voting age reform. First and foremost we should remember that adults over 18 do not need to demonstrate a specific level of knowledge of political understanding to vote.⁴⁶ There is significant evidence that large numbers of voters with a low level of competence is not a problem for democracy.⁴⁷

Secondly, we should not overstate the affect of what Citizenship Education can achieve. It is one route for increasing political knowledge (and hopefully in turn efficacy) rather than the only route. As recent research from NFER states:⁴⁸

it is important to recognise that citizenship education in and beyond schools is just one possible vehicle for political socialisation and that any building of knowledge, skills and attitudes within the school setting will always be mediated and influenced by other vehicles and settings."

Citizenship Education is important because it can enable children to gain knowledge, skills, values and attitudes to fully participate in society. It is part of the solution to engaging young people in democratic processes. However, having these skills is not a pre-requisite to having the right to vote.

⁴³ Kerr, D. Lopes, J. Nelson, J. White, K. Cleaver, E. Benton, T. (2007) *VISION versus PRAGMATISM: Citizenship in the Secondary School Curriculum in England* Citizenship Education Longitudinal Study: Fifth Annual Report Department for Education and Skills / National Foundation for Educational Research

⁴⁴ Joint Qualification Council (2008) *ENTRY TRENDS 2008 – GCSE, Applied GCSE and Entry Level*

⁴⁵ See the draft OCR specification to be delivered from September 2009.

<http://www.ocr.org.uk/qualifications/gcsefor2009/citizenship/index.html>

⁴⁶ With the possible exception of those who wish to become British Citizens.

⁴⁷ Olsson, S. (2008) 'Children's Suffrage: A Critique of the Importance of Voters' Knowledge for the Well-Being of Democracy' *The International Journal of Children's Rights* Vol. 16 Pp. 55-76

⁴⁸ Benton, T. Cleaver, E. Featherstone, G. Kerr, D. Lopes, J. Whitby, K. (2008) *Young People's Civic Participation in and Beyond School: Attitudes, Intentions and Influences* Citizenship Education Longitudinal Study: Sixth Annual Report Pp. 43

The impact on the voting age population

Reducing the voting age may increase Black and Minority Ethnic (BME) participation in elections.

In the 2005 General Election turnout levels among BME groups were significantly lower than that of the white population (47% as opposed to 62%). As among the British population as a whole, abstention was highest among younger BME people but it appears that this 'young' group includes not only 18–24 year-olds but also 25–34 year-olds whose turnout was just as low.⁴⁹

The younger population (under 18) is increasingly more ethnically diverse.⁵⁰ By enabling more young people to vote we will be enabling a greater number of BME people to vote, going some way to addressing the under representation of minorities in the political system.⁵¹ It would also provide an opportunity to reduce the marginalisation of issues specific to these communities and increase political focus and activity in these areas.

Furthermore, Britain has an ageing population. In 2007, for the first time ever, the population of state pensionable age exceeded the number of children.

In 2006 (the most recent estimates available) there were 9.6 million people aged 65 or over in the UK.⁵² The population will gradually become older with the average (mean) age expected to rise from 39.6 years in 2006 to 42.6 years by 2031. The number of people of state pensionable age is projected to increase from 11.3 million in 2006 to almost 15 million by 2031. The numbers in the oldest age bands will increase the fastest, with those aged 75 and over rising by 76 per cent over the next twenty five years – from 4.7 million in 2006 to 8.2 million by 2031.⁵³

With such a demographic mix, there is less space at the table for younger people in decision making with a larger adult population dwarfing the child and youth minority. On current trends, younger voters (aged 18 to 24) will have even less of a say in national decision making. Lowering the voting age to 16 would help to redress this imbalance ensuring that the views and concerns of young people had more weight at the ballot box.

Protective rights should remain in place

We do not support a 'common age of majority' at 16. As the Commission notes, maturity is a process rather than an event. Different activities will need different minimum ages which strike a balance between acknowledging the specific vulnerabilities of children and young people and their evolving capacity for autonomous action. Furthermore, such a minimum age is likely to air on the side of caution restricting the freedoms of many individuals. Evidence suggests that the extent of protection offered by professionals exceeds what the children felt they need.⁵⁴

Currently 16 and 17 year-olds have important protective rights enshrined in both domestic and international law, concerning, for example, protection from abuse, exploitation, and the existence of a separate juvenile justice system.

⁴⁹ Electoral Commission (2005) *Election 2005: turnout* Pg. 25

⁵⁰ Personal Correspondence to Children's Rights Alliance for England from Office of National Statistics (21st May 2008) Figures are based on analysis from Population Estimates by Ethnic Group (October 2007 release) ONS Ethnic group by single year of age and sex. Figures were only available for England.

⁵¹ Khan, O. and Berkley, R. (2007) *Local decision-making and participation* Runnymede Trust; The Equalities Review (2007) *Fairness and Freedom: The Final Report of the Equalities Review*; Commission on Integration and Cohesion (2007) *Our Shared Future*

⁵² ONS (2008) *Estimated Resident Population Mid-2006 By Single Year Of Age And Sex On Boundaries As At 1 April 2006*

⁵³ ONS (2007) *Press Notice - UK population set to increase to 65 million over the next ten years*

⁵⁴ Marshall, K. (1997) *Children's Rights in the Balance – The Participation-Protection Debate*, Edinburgh: The Stationery Office

These rights must remain in place. Retaining such protective rights would not prevent young people from gaining participation rights, such as the right to vote. Parallels can be made with the protective legislation for other groups in society, for example, in sex, race and disability equality laws. Such protection does not remove or threaten the right to vote from these groups.

1.4. Conclusion

Whilst 16 and 17 year-olds are presumed to be legally capable; demonstrably match the current capacity level to vote of those aged 18; hold many of the same responsibilities and rights as those currently enfranchised and are the only generation in the UK to have experienced Citizenship Education, they are being denied the right to vote.

We believe this curtailment of the voting rights of 16 and 17 year-olds violates international law and is a form of unfair age discrimination. The Youth Citizenship Commission should not endorse such unfair treatment. It should recommend lowering the voting age to 16 in all UK public elections.

2. The views of young people

Even opponents of voting age reform believe that this is not an issue which can rest purely on public opinion.⁵⁵ Assessing such human rights issues on the strength of public opinion alone risks stagnating social justice and reform.

However, the UK Government has specific human rights obligations to individuals under 18. Article 12 of the UN Convention on the Rights of the Child gives children and young people the right to express and have their views taken seriously in all matters affecting them. It is important that an issue which has such impact on young people takes into account their views.

2.1. Young people back Votes at 16

Young people have consistently shown that they want the voting age reduced:

- The Electoral Commission's public consultation on the voting age in 2004 found that 72% of respondents favoured a voting age of 16. The consultation attracted huge participation, including nearly 8,000 young people⁵⁶
- The Yvote?/Ynot? Project in 2002, which consulted with more than 1,500 young people⁵⁷
- The British Youth Council consultation for the European youth white paper in 2000⁵⁸
- Save the Children UK consultation with over 500 under 18s in England in 1999⁵⁹
- The Children's Society research project carried out in 1999⁶⁰
- Funky Dragon ran a wide-ranging and very robust survey in 2007, which found that 80% of young people in Wales want Votes at 16⁶¹
- In 2008 the British Youth Council delivered over 3000 postcards from across the UK to Gordon Brown indicating that they wanted the voting age reduced.

Throughout 2007 and 2008 CRAE supported young people to undertake a nationwide children's rights investigation, discovering from their peers how well children and young people's human rights are respected, protected and realised in England. 1,708 children and young people participated in the Get ready for Geneva children's rights investigation, 1,362 via online surveys and 346 in focus group interviews.

The survey questions were designed by the children's rights investigators. Focus group interviews were carried out by the same investigators as a means of obtaining the views and experiences of children and young people identified by the UN Committee on the Rights of the Child in its 2002 examination of the UK as needing further protection of their rights. Following the completion of the investigation in January 2008, young Get ready for Geneva volunteers analysed their findings and produced their own report on the state of children's rights in England, along with a series of recommendations for action. A delegation of 12 children and young people then presented this evidence directly to the UN Committee on the Rights of the Child in June 2008.

The young people found that 60% of 16 and 17 year olds supported lowering the voting age to be lowered to 16. Support was stronger amongst young women than men and without any significant differences from different ethnic groups.⁶²

⁵⁵ Chan, T. W. and Clayton, M. (2006) 'Should the Voting Age be Lowered to Sixteen? Normative and Empirical Considerations' *Political Studies* Vol. 54 Pp. 533 – 358.

⁵⁶ Electoral Commission (2004) *Age of electoral majority Report and recommendations* Pg. 40

⁵⁷ CYPU (2002) *Young People and politics*

⁵⁸ British Youth Council (2000) *Listening to the Unheard*

⁵⁹ Save the Children (2003) *On the Right Track*

⁶⁰ The Children's Society (1999) *It's not fair! Young People's reflections on children's rights*

⁶¹ Funky Dragon (2007) *Our Rights Our Story* Pg. 75

<http://www.funkydragon.org/en/fe/page.asp?n1=1036>

⁶² Detailed in Davey, C. (2008) *What do they know? Investigating the human rights concerns of children and young people living in England*. Note – 142 young people completes the survey from which these figures are taken.

Quotes from young people who support votes at 16

i fill that from a young people and when you learn about parliament in school you should be able to vote.

Male 15

At this age you are perfectly capable of choosing a candidate and of taking an interest in politics. at 16/17 you are greatly affected by politics and so it is important that you are able to have a say in who you think should run the country.

Female 16

they are allowed to die for uk but not vote

Female 13

By the age of 16, people are mature enough to make an informed decision, while being young enough to be able to represent the younger members of society.

Male 14

I believe that one of the reasons that young people are negatively portrayed and stereotyped by the media etc., is because they do not have the right to vote. Also, I know many people, including myself, who are mature and experienced enough to vote, and have fully-formed political opinions.

Male 14

because evry ones has a right to an opinion

Male 14

well i think yes because some 16 and 17 year olds are very sensible and would like to have a say in what happens around them and i also think that if people are worried about teenagers voting for a joke i don't think they would as they probably couldn't be bothered to go to the polling station.

Female 12 (13 in 9 days)

They are very much effected by government and are just as, if not more, politically aware as most adults.

Male 16

Giving 16 and 17 year old the right to vote will give them the independance and freedom which they deserve. They should be able to have a say in something that will affect them and decide who will make decisions and act for them.

Female 16

Because it would give young people more of a say in how their country is run, which might get them interested in politics.

Female 17

16 year olds can get married, have sex, and pay taxes they should be allowed to vote

Female 17

Because a 16 year old is equally as capable (or not) as someone who is over the age of 18. 16 year olds are taxed, some are expected to work full time and become adults so why shouldn't they be able to vote.

Female 18

We all have a voice, and everyone talks about giving the impression that we are treated like adults. Adults vote, so why shouldn't the older teens vote?

Female 14

We pay national insurance, join the army, get married but cannot vote for the people ruling us doesn't seem fair

Male 16

at 16, you legally have to start paying taxes, so you should have the right to say where those taxes go and who chooses where they go, and most of all, to choose the people who lead the country.

Female 16

get the younger persons views

Male 15

because everyone should have the equal rights.

Female 14

if we pay N.I and Tax etc then why should we have the right to say where our money goes?!!!

Male 17

OF course, this stupid government will take our money, let us have children, will allow us to marry, and make u pay of optitions or dentists, yet they wont even let us decide who will have this money, who will govern us, Vote yes for Votes @16

Male 14

If I leave care next year and work full time have a flat, I should have the same right to vote as anyone in the same situation as me. If people my age could vote then they would only vote if they were interested.

Male 16

With teenagers having more independence, rights and responsibility in society than ever, a right to vote would be sensible and worthwhile. People that didn't take voting seriously wouldn't bother voting, so that wouldn't be a problem.

Male 16

Quotes taken from new analysis prepared specifically for the Youth Citizenship Commission from the Get ready for Geneva children's rights investigation. For details on methodology see: Davey, C. (2008) *What do they know? Investigating the human rights concerns of children and young people living in England.*

2.2. Youth-led organisations back Votes at 16

Organisations run by and for young people have been campaigning for the voting age to be reduced to 16. The British Youth Council has campaigned for two decades and it has been a leading campaign of members of the UK Youth Parliament since its establishment in 2000.

It is more common for child and youth-led organisations to have a limited lifetime.⁶³ However, all prominent child and youth-led organisations over the past decade have supported voting age reform. This has included: Article 12, The National Black Youth Forum, Article 12, Carnegie Young People Initiative, and the Care Leavers Association.

Support comes from organisations representing young people in all parts of the UK, including the English Secondary Students' Association, Funky Dragon (the National Assembly of Children and Young People in Wales), Northern Ireland Youth Forum and the Scottish Youth Parliament. The youth wings of political parties from across the spectrum are also on board, including LIBERAL YOUTH (Liberal Democrats), the Young Greens, Young Scots for Independence (Scottish National Party), Cymru X (Plaid Cymru), the Young Fabians, Compass Youth and London Young Labour. There is support from members of Conservative Future.

Some argue that if young people wanted the voting age reduced, more would be lobbying for change. However, the fact that young people do not make their views known to Government does not necessarily mean it is not an important issue for them. It is more likely to be a symptom of how excluded they are from traditional political processes. Unless we actively engage with young people to find out their views, we are in no position to guess what concerns them, or what they want changed in our society.

2.3. Understanding and explaining the minority view

Perhaps unsurprisingly – given that they are not a homogeneous group - there is not universal support from 16 and 17 year-olds for voting age reform. Clearly, the views of the minority should be taken as seriously as the majority who back reform. However, there are certainly grounds for challenging those views and keys to understanding why those views may sometimes be held.

Young people's lack of self-belief

The limited evidence available on why some young people do not back reform focuses on their perception that they and their peers lack the political awareness made them unsuitable as potential electors. One ethnographic study of young people's attitudes to politics which explored voting age reform noted that: "*many participants were clearly doubtful of the legitimacy of their own political opinions on the basis of their own (perceived) ignorance of politics*" (author's parenthesis).⁶⁴ Young people do not think that they are knowledgeable enough to vote.⁶⁵

This is reflected in our findings from the Get ready for Geneva project where those who either opposed lowering the voting age or 'I'm not sure' regularly cited concerns about young people's knowledge and maturity or cynicism with politicians or the political system.

⁶³ See forthcoming research by Tom Cockburn & Frances Cleaver for the Carnegie UK Trust.

⁶⁴ Fahmy, E. (2006) *Young Citizens – Young people's involvement in politics and decision making* Aldershot: Ashgate Publishing Pp. 142.

⁶⁵ Young people's perceptions of their own low level of knowledge, awareness and understanding were key to the barriers to participation in the Commission's own literature review. See: Youth Citizenship Commission (2008) *Youth Engagement – a literature review* Pp. 27 - 32

Quotes from young people who oppose or 'don't know' about votes at 16

<i>Because although some people are mature enough to vote at that age, some aren't and there is too much at risk to put the country into the hands of immature individuals.</i>	<i>If there was the right amount of guidance to how the voting system works and help in gaining a better understanding of political jargon then the answer to this question would be yes</i>
Female 14	Male 18
<i>i dont belive that at the age of 16/17 even the basics of the way the government is run and the different parties are understood maybe my opinion would change if it was a lesson taught and explained.</i>	<i>I don't kno enough about politics to answer</i>
Female 17	Female 15
<i>Some aren't mature enough or know enough.</i>	<i>most 16 and 17 year olds couldnt tell the difference between left and right parties if it hit them in the face, they're uneducated and have little life experience to be making this decision</i>
Female 17	Female 17
<i>Well I can't see a massive change if 16/17 year olds are allowed to vote.</i>	<i>..at my school we dont even look at politics until 6th form so most 16 year olds wouldnt really know what they were voting for. I think if the government were to lower the voting age they would have to teach politics as a core subject in high schools first</i>
Male 15	Male 15
<i>because i think that we are not educated enough on how to vote and what parties there are and what they do.</i>	<i>they need to know how they hould vote and more about the parties</i>
Female 16	Male 15
<i>Not everyone is responsible enough to, and not everyone has an interest in it, to take it seriously. Part of me would say yes, because how the country, and where we live, is run, does effect us. But if we were given the vote and then the only real outcome was to create the statistics that now even less people are voting, and that we, as young people, don't care and shouldn't have been given the vote, then it would be a bit of a waste of time.</i>	<i>They shouldn't have the right to vote, at least not yet. There needs to be better teaching of the voting system in secondary school before this can happen. Also, citizenship only begins in year 10, so year 11s could be voting before they've even finished their citizenship course. Lastly, 16 to 17 year olds would be targeted and possibly taken advantage of by politicians desperately seeking votes.</i>
Female 16	No information available

Quotes taken from new analysis prepared specifically for the Youth Citizenship Commission from the Get ready for Geneva children's rights investigation. For details on methodology see: Davey, C. (2008) *What do they know? Investigating the human rights concerns of children and young people living in England.*

Some available evidence does suggest that disproportionate levels of 16 and 17 year-olds are not interested, or knowledgeable, about politics and are more likely to report political non-partisanship than the population as a whole.^{66,67} Such data should be taken with a note of caution – UK evidence is often drawn from a cohort who did not experience Citizenship Education and certainly not good quality Citizenship Education. However, similar trends also found in other established democracies.⁶⁸

Young people's perception of lack of knowledge is not in and of itself an immutable barrier to voting.⁶⁹ Even for currently enfranchised voters, political knowledge can be

⁶⁶ Chan, T. W. and Clayton, M. (2006) 'Should the Voting Age be Lowered to Sixteen? Normative and Empirical Considerations' *Political Studies* Vol. 54 Pp. 533 – 358.

⁶⁷ C.f: Henn, M. Weinstein, M. Forrest, S. (2005) 'Uninterested youth? Young people's attitudes towards party politics in Britain' *Political Studies* Vol. 53 Pp. 556 – 578.

⁶⁸ Wattenberg, M. P. (2008) *Is voting for young people?* New York: Pearson Education Pp. 82; Jennings, M. K. (1996) 'Political knowledge over time and generations' *The Public Opinion Quarterly* Vol. 60 (2) Pp. 228 - 252

⁶⁹ However, evidence does suggest that availability of information increases the turnout of informed voters in elections. See: Larcinese, V. (2007) 'Does political knowledge increase turnout? Evidence from the 1997 British General Election' *Public Choice* Vol. 131 (3-4) Pp. 387-411

poor. Studies have shown that up to half the electorate does not know the correct answer to a question about politics.⁷⁰

This lack of self-belief is in some part a result of young people internalising negative media portrayals of 'youth'. The Commissions own deliberative research found that young people are overwhelmingly aware of a growing sense of adult negativity directed at them (reinforced by the media) and that they believed increased Government interventions to tackle youth 'problems' (sic) portrays young people as a 'problem generation'. The researchers conclude that *"the impact on young people's confidence and self-esteem is huge"*.⁷¹

One survey found that up to 98% of young people feel the media reports them as anti-social.⁷² This chimes with our forthcoming research which found significant trends of negative connotations of young people in national newspapers. They were regularly demonised or victimised as passive victims with relatively few positive representations of young citizens.⁷³ Sadly, this does not just affect young people but adults too. One prominent think tank has charted the growing 'paedophobia' (fear of youth) amongst adults in society.⁷⁴ In 2008 the UN Committee on the Rights of the Child criticised the *"general climate of intolerance and negative public attitudes towards children, especially adolescents"*.⁷⁵

The Government itself recognised this issue in July 2007. It noted that anti-social perceptions of young people *"have been an unintended consequence of Government policies to tackle some serious problems affecting the lives of some teenagers...[and it is]...important to be aware of the influence this has on popular perceptions"*.⁷⁶

2.4. Conclusion

It is clear that many young people would like the opportunity to vote and will continue to campaign for this. For those that actively reject the idea, they usually do not believe themselves to be knowledgeable enough. Yet young people are not alone in having poor political knowledge - adult's political knowledge can be just as poor.

Knowledge of political affairs does not deny adults the vote. Whilst this is not an ideal situation, it has not brought our democracy to its knees. It should not be used as a reason for denying 16 and 17 year-olds the right to vote. Furthermore, even if differences in knowledge are real, it is difficult to tell whether this is a result of their disenfranchisement so cannot also be a reason for their disenfranchisement.

What this highlights is the sad situation where young people have such negative self perceptions of themselves and their abilities to act. The challenge is how to re-engage them in political life so that they believe in themselves and their abilities. Reframing the political narrative of young people, and in turn the media image, will be key to re-engaging young people.

⁷⁰ This issue is overviewed by Olsson, S. (2008) 'Children's Suffrage: A Critique of the Importance of Voters' Knowledge for the Well-Being of Democracy' *The International Journal of Children's Rights* Vol. 16 Pp. 60

⁷¹ 2CV (2008) YCC Deliberative Research: Engaging Young People in Citizenship Qualitative research debrief

⁷² YouthNet and the British Youth Council (2006) *Respect? The Voice Behind the Hood*.

⁷³ The research, funded by the Equality and Human Rights Commission, looked at the first weeks coverage of children's equality and human rights issues in all national newspapers between Oct 2007 – March 2008. Detailed analysis is continuing with findings due to be published in Spring 09.

⁷⁴ IPPR (2007) *Freedoms Orphans*

⁷⁵ Committee on the Rights of the Child (2008) *Concluding observations on the United Kingdom of Great Britain and Northern Ireland*

⁷⁶ HM Treasury / Department for Education and Skills (2007) *Aiming Higher – a ten year strategy for positive activities* Pp. 4

3. Voting age at local, national and European elections

This section of our response will specifically answer the following questions:

3. Do you think the voting age should be lowered to 16 in all elections?
4. Do you think the voting age should only be lowered in local elections?

CRAE supports lowering the voting age to 16 in all local, national and European elections. It is paramount that there should be the same minimum age levels for all elections in the UK.

3.1. 16 and 17 year-olds are capable of voting in all elections

The process of voting in a local, European or national election is essentially the same. The voter must understand the parties' standing, make a decision to whom they would like to support and make the appropriate mark. If 16 and 17 year-olds are capable making these decisions in local elections, then they would also be capable of making those decisions in national and European elections.

3.2. Lowering in some but not all elections would be confusing

Lowering the voting age in some elections but not others would confuse the public, and young people in particular, about their rights as citizens. There would inevitably be confusion as to what age people would need to register to vote which could cause unnecessary administrative burdens.

3.3. 16 and 17 year-olds are interested in national and international issues

A partial enfranchisement of 16 and 17 year-olds would sustain the incorrect view that are *only* interested in local matters and not in national and international political affairs.

On the contrary, 16 and 17 year-olds are interested in just as broad and wide a range of issues as older people. Research has shown that many of young people's attitudes are very similar to those of older people.⁷⁷ Important issues to adults – such as health, education and crime - have been shown to be just as important to young people.⁷⁸

However, there are also issues which distinguish young people from adults. Issues that might seem unimportant to adults might be very important to young people such as national minimum wage or the education maintenance allowance. One benefit of lowering the voting age to 16 in all elections would be to bring these issues to the forefront of political parties' agendas through the ballot box.

3.4. Local government is not 'second-rate'

A move to enfranchise 16 and 17 year-olds only for local elections could also suggest that local government elections are 'second-rate' and not as important as national elections.

This would be out of sync with the Government's white papers on local government⁷⁹ and community empowerment.⁸⁰ Only recently the Central-Local Government Concordat reaffirmed the importance of local governance and established for the first

⁷⁷ Holland, J. and Thomson, R., (1999) *Respect. Youth Values: identity, diversity and social change*. ESRC Children 5-16 Research briefing

⁷⁸ Findings from the first ever nationwide study of the political attitudes of attainers – young people eligible to vote in an election for the first time – found that health and education were of most concern. Henn, M. Weinstein, M. Forrest, S. (2005) 'Uninterested youth? Young people's attitudes towards party politics in Britain' *Political Studies* Vol. 53 Pp. 556 – 578.

⁷⁹ Department for Communities and Local Government (2006) *Strong and Prosperous Communities - The Local Government White Paper*

⁸⁰ Department for Communities and Local Government (2008) *Communities in control: real people, real power*

time a “*presumption that powers are best exercised at the lowest effective and practical level*”.⁸¹ Such a presumption also flies against the principles and provisions of the 1985 European Charter of Local Self-Government.

Local government elections are as important as national elections, as they affect so many of the services used by citizens. This is reflected in their spending power - the Treasury estimates that local government expenditure in 07-08 will exceed £155 billion.⁸² This has increased by nearly 30 per cent since 2002-03 and is set to continue rising.⁸³ This figure is a significant slice of public sector expenditure.

Local authorities make significant laws for a local area. Existing powers⁸⁴ grant local authorities to create byelaws governing a wide set of issues ranging from transport to public space. Many of these are accompanied by a sanction or penalty for non-observance and, if validly made, have the force of law within the areas to which they apply. Offences against byelaws attract a penalty fine which can only be enforced through the Magistrates’ Courts.

Indeed, local authorities are gaining more law making powers. The Department for Communities and Local Government has recently completed a consultation on relinquishing the requirement on local authorities to seek Secretary of State approval for byelaws. Assuming that this is enacted (the powers already exist), local authorities will be able to issue and terminate byelaws without approval. Over 21 existing areas of policy will now be decided by local authorities themselves.⁸⁵ Local authorities are becoming more important rather than less so.

We believe that there would be unfortunate consequences from local elections having a ‘second-rate’ status. It could lead to a further decrease in interest in local elections by all sectors of society. There is already a significant gap between participation in local and national elections. When local elections are not held concurrently with a general election, turnout in England has generally fluctuated between 30 and 40 per cent compared to just over 60 per cent in general elections.⁸⁶ A ‘second rate’ status within society may lead those aged 18 and above to value local elections even less, further exacerbating the low levels of understanding they have in local democratic structures and therefore their willingness to participate in local governance more generally.⁸⁷

⁸¹ Department for Communities and Local Government and Local Government Agency (2007) *Central-Local Concordat* 12 December 2007

⁸² HM Treasury (2008) *Public Expenditure Statistical Analyses 2008*

⁸³ Figures analysed by CRAE based on Table 7.6 Local Authority current and capital expenditure on services in the United Kingdom by function, 2002-03 to 2007-08 from HM Treasury (2008) *Public Expenditure Statistical Analyses 2008* Actual percentage increase – 28.8%.

⁸⁴ Powers conferred through the Local Government Act 1972 and Part 6 of the Local Government and Public Involvement in Health Act 2007.

⁸⁵ Department for Communities and Local Government (2008) *Communities in control: real people, real power The making and enforcement of byelaws*

⁸⁶ Department for Communities and Local Government (2008) *Communities in Control Real people, Real power Evidence Annex* Pg 21

⁸⁷ Department for Communities and Local Government (2008) *Communities in Control Real people, Real power Evidence Annex* Pg 43

4. Improving turnout

This section of our response will answer the following questions:

5. Do you think lowering the voting age might encourage young people to take part in elections?
6. If the voting age were lowered, what measures should the Government take to ensure young people register and exercise their right to vote?
7. What more can be done to encourage new electors to vote?
8. What other issues may arise if the voting age is lowered to 16? What are the issues for:
 - Funding and administration of electoral registration?
 - Administration of elections?
 - Education, advice and information for young people?

The decision whether to lower the voting age is a matter of principle that should not be determined by an assessment of whether it would lead to greater voter turnout.

However, this may be a significant beneficial effect. Firstly, we need to better understand what the current reasons for low turnout. From this we will make a number of suggestions for the Commission to explore further in looking to improve turnout.

There is very little risk of voting age reform significantly depressing turnout. Analysis by the Electoral Reform Society shows that even if 16 and 17 year-olds voted in the same proportion as 18-24 year-olds, there would be less than a one per-cent effect on overall voting age population turnout. This drop may well disappear in rounding to the nearest whole number. It is much smaller than variations that occur for other reasons between elections.⁸⁸

4.1. Understanding low youth turnout

Low youth turnout is not inevitable

Evidence suggests that there is nothing inherent in the life stage of 'youth' which explains low turnout in elections. In an analysis of voting across the world it has been noted that "*not so long ago the participation rate of young people in parliamentary elections was quite healthy*".⁸⁹ The table below compares the 1974 General Election to the 2001 General Election, showing a stark decline in the percentage of individuals under 30 voting in comparison to those over 65.

Per cent casting a ballot by age in UK General Elections					
	<30	30-44	45-64	65+	Oldest/Youngest ratio
General Election 1974 ⁹⁰	82	88	92	89	1.1 : 1
General Election 2001	39	57	69	71	1.8 : 1

Source: Wattenberg, M. P. (2008) *Is voting for young people?* New York: Pearson Education pp. 104 – 107.

Low youth turnout has not been caused by lowering the voting age

It appears that individuals may actively choose to vote in the first few elections but that habit then takes over.⁹¹ Therefore, if individuals can vote earlier, they catch this habit earlier and are more likely to continue voting. This continued voting will, in the

⁸⁸ Baston, L. (2008) *Would lowering the voting age to 16 significantly reduce turnout?* Electoral Reform Society

⁸⁹ Wattenberg, M. P. (2008) *Is voting for young people?* New York: Pearson Education Pp. 125 - 126

⁹⁰ Note, data from 1974 are from reported turnout rather than actual turnout. Evidence suggests people over estimate their participation in elections however there is no evidence that there is a significant difference in over-reporting by age.

⁹¹ Franklin M. N. (2004) *Voter Turnout and the Dynamics of Electoral Competition in Established Democracies since 1945* Cambridge: Cambridge University Press

long run, increase turnout in elections. It has been suggested that the converse is true. That if young people are less likely to vote at a younger age, a habit of non-voting may be created and therefore, in the long run, depress turnout.⁹²

However, international analysis of young people's voting habits and the effects of lowering the voting age published in 2008 challenges this presumption. It is worth quoting in full:⁹³

Though this theory regarding turnout decline seems sound at first glance, it doesn't hold up too well empirically... it would be a mistake to blame the recent decline of turnout in many countries on the lowering of the voting age. The cross-national data do not support the notion of an immutable life cycle effect in which the turn out of newly enfranchised voters will necessarily be low [author's emphasis]. Indeed, in the early 1970s most countries had no real problem in getting young people to vote – even after many countries had lowered the voting age to 18...The central reason that so many of today's young adults fail to vote is not the age they are at but rather the lack of exposure to politics.

4.2. Understanding the challenge: changing the political culture in the UK

The first empirical, nationwide study of the political attitudes of attainers – those able to vote for the first time – makes clear why young people today are not voting. It found that:

[Attainers] do appear to be politically engaged. However, they are highly critical both of the way that the political system operates and of the way in which professional politicians and established parties conduct their business...At the heart of young people's declining election turnout and their apparent disenchantment with Westminster politics is a strong sense of political alienation rather than political apathy – the political system is failing to provide the stimuli necessary to encourage young people to take a greater role in political life...

The current blanket exclusion of 16 and 17 year-olds from expressing their political views through the ballot box has a pernicious impact on all young people's status in society. It perpetuates an impression to young people and to the rest of society that the views of young people are not valid and that young people are not 'real' citizens. This must be tackled if we are to restore young people's faith in formal political processes.

Article 12 of the UN Convention on the Rights of the Child gives children and young people the right to express and have their views taken seriously in all matters affecting them. In 2008 the UN Committee on the Rights of the Child undertook an independent analysis of implementation of children's participation rights in the UK. Whilst noting some positive developments, it noted that significant barriers to children's participation in decision making remain.

The Committee recommended that the Government:⁹⁴

- (a) *Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;*

⁹² Cowley, P and Denver, D. (2004) 'Votes at 16? The Case Against?' *Representation* Vol. 41 (1) pp. 57-62

⁹³ Wattenberg, M. P. (2008) *Is voting for young people?* New York: Pearson Education Pp. 125 - 126

⁹⁴ Committee on the Rights of the Child (2008) *Concluding observations on the United Kingdom of Great Britain and Northern Ireland*

- (b) *Support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;*
- (c) *Continue to collaborate with civil society organizations to increase opportunities for children's meaningful participation, including in the media.*

If young people feel valued by society and have a positive experience of participating in decision-making from an earlier age we believe that there will be a greater likelihood of them engaging in voting at the earliest opportunity.

There is a very limited British evidence base as to what participation interventions will have most impact on outcomes for children, including civic outcomes.⁹⁵ This is also reflected in international evidence.⁹⁶ However, evidence from adult engagement may indicate some common themes. One example is a major longitudinal study assessing the long-term impact of AmeriCorps (an American network of local, state, and national service programs that connects 70,000 Americans each year in community engagement activities). The study compared a nationally representative sample of more than 2,000 AmeriCorps members with similarly interested individuals not enrolled in AmeriCorps. It found that participation in all forms of AmeriCorps programs resulted in statistically significant positive impacts on members' connection to the community, knowledge about problems facing their community, participation in community-based activities and personal growth through service.

While AmeriCorps members increased their level of civic engagement on many of the outcome measures, scores for comparison group members typically showed little or no change during the same period.⁹⁷ Participating in community life seems to increase your likelihood of civic engagement.

Strengthening the legal basis for young people's participation

The Commission should consider how legislative change could embed participation of young people in decision-making. Legal reform clarifies the role and responsibility of participation to managers, practitioners, parents and carers and to children and young people themselves. Furthermore, rights are only effective when they can be exercised and enforced. While respect for children and young people's views will increase most dramatically and effectively through changing attitude, legislation can shape and lead these attitudes. As history has shown, for example with legislation outlawing discrimination against lesbians and gay men or public attitudes to smoking, legislation can direct public opinion and professional practice.

In many settings children do not have a legal right to participate in decision-making. The Commission should undertake a systematic investigation of current legal and policy barriers which prevent children and young people's participation in community decision-making. Blanket legal restrictions, such as the ban on individuals Under 18 becoming school governors, should be repealed.

⁹⁵ McNeish, D. and Newman, T. (2002) *Involving Children and Young People in Decision Making* in McNeish, D. Newman, T. and Roberts, H. (eds.) *What works for children? Effective services for children and families* Buckingham: Open University Press Pg. 187

⁹⁶ See: World Bank (2007) *World Development Report 2007* Washington DC Pp. 170; Gerrison, L. (2003) 'Youth Participation in Decision Making' in United Nations (2003) *World Youth Report 2003* New York

⁹⁷ Jastrzab, J. (2007) *Serving Country and Community: A Longitudinal Study of Service in AmeriCorps* Abt Associates Ltd

Other outcomes are also important to note. In this case there were no significant impacts on measures of educational outcomes. There was however a meaningful impact on employment outcomes with AmeriCorps participants significantly more likely to choose careers in public service compared to the comparison group. AmeriCorps members did experience statistically significant increases in their work skills compared to the comparison group. There was no major difference in these findings by sub groups, suggesting benefits were equitably distributed to all participants.

The development of a new Single Equality Act opens up a significant opportunity for legislative change. The most recent consultation on proposals for a Single Equality Bill included the provision for a single equality duty that will build on the current race, gender and disability duties and add provisions relating to sexual orientation, religion and belief, and age.⁹⁸ The Government has made a commitment that any new provisions will build on and level up protection from discrimination and the promotion of equality. The Disability Discrimination Act 1995 (as amended) places a duty on every public authority in carrying out its functions to have due regard to “*the need to encourage participation by disabled persons in public life*”.⁹⁹ Guidance highlights that ‘public life’ is a very broad term. It incorporates: residents associations; neighbourhood forums; citizens’ panels; public bodies’ market research focus groups; school councils; user groups for a service provided by a public authority; and local strategic partnerships. It also makes clear that appropriate support should be given to disabled people to enable them to play an active role, if they so choose, in public life.¹⁰⁰

The Commission should call for the new single equality duty to protect children from age discrimination and include provisions for public bodies to promote the participation of children and young people in public life. Such a move would ensure that participation of young people becomes ‘everybody’s business’ and help to spark a key change in opportunities for young peoples engagements.

4.3. Practical suggestions to increase registration and encourage participation

Clarifying who is responsible for encouraging participation

Section 69, Electoral Administration Act (2006) places a duty on local authority Electoral Registration Officers to take such steps as they think appropriate to encourage the participation by electors in the electoral process in the area for which they act. However, this duty applies only to individuals who are entitled to vote at an election – individuals registered on the electoral roll and of voting age (18) at the time of the election.¹⁰¹

There is currently no legal duty to actively encourage people to join the election role (other than undertake the annual canvas). This duty should be extended to ensure that local authorities promote participation in elections (regardless of eligibility to vote) and to make specific efforts to enable attainments to join the electoral roll.

Enable 15 year-olds to register in school

Non registration can be an enabling factor to not voting.¹⁰² An advantage of lowering the voting age to 16 would have the advantage of ensuring that the majority of attainments would be accessible through their schools. Indeed, with the education leaving age being raised to 18, if the voting age were to be lowered to 16, by 2015 all attainments could be accessed through their education or training provider.

We believe that schools should be seen as the natural place for young people to register to vote. Voter registration drives should be as natural part of leaving school as the school prom or returning to collect results. There should be a step change in registration with a specific focus with registering young people to vote. Registration rates amongst young people should be an indicator which could be used in Local Area Agreements.

⁹⁸ Department for Communities and Local Government (2007) *A Framework for Fairness – Consultation*

⁹⁹ Disability Discrimination Act 2005 Section 3 *creates new* Disability Discrimination Act 1995 Section 49(A)(1)(f)

¹⁰⁰ Disability Rights Commission (2005) *The Duty to Promote Disability Equality: Statutory Code of Practice*

¹⁰¹ The duty relates only to ‘electors;’ as defined by Section 1(1) of the Representation of the People Act 1983 (as amended by Representation of the People Act 2000, Section 1(1)),

¹⁰² Electoral Commission (2002) *Voter engagement and young people* Pp. 20

The YCC should consider the effect of automatic, individual registration at sixteen. It should consider what affect registering under 16s would have on the publication of electoral roll details.

Ensure young people meet politicians

Evidence consistently suggests that young people are very cynical about politicians:

- Young people do not feel that MPs are concerned with the issues that are important to them.¹⁰³
- Young people surveyed in 2000 said they saw politicians as “*remote, untrustworthy, self interested and unrepresentative of young people.*”¹⁰⁴
- A 2005 study of attainers (individuals who have the first opportunity to vote in an election) found that a majority of young people believed that those elected to parliament soon lose touch with people; political parties focus on bickering with each other and fail to address issues facing the country and those of concern to young people in particular.
- A national study of young people’s engagement in local government found that they described the types of people that they imagined might become involved with local politics as predominantly ‘*old*’ (usually defined as middle-aged and above), being ‘*professional*’, ‘*posh*,’ ‘*rich*’ or ‘*from the upper classes*’ and as having high levels of educational attainment and knowledge about politics.¹⁰⁵

The following quotes illustrate these perceptions further:

*“I don’t think MPs are doing enough to connect with young people. They should talk to us rather than about us.”*¹⁰⁶

*“They [politicians] can more or less do what they like to us because we have no power yet to do anything about it.”*¹⁰⁷

At the moment, any contact between young people and politicians is seen as a gift rather than a necessary part of the democratic process. MPs who visit schools, or invite young people to Westminster, currently do so out of their own goodwill rather than as a part of their democratic duty to young citizens.

Lowering the voting age to 16 could help to reinvigorate the ‘youth vote’ by forcing politicians to take young people’s issues and priorities seriously. Votes at 16 would also give out the very positive message that politicians do take young people seriously. This would help to increase levels of trust between young people and politicians.

However, it would also be important that young people have positive contact with politicians which counter some of these negative perceptions. More work needs to be done to make politicians seem more human and less distant from the day to day world, and language, of young people.

Reforming political parties

The Commission should consider what efforts could be made to make political parties themselves more attractive to young people and, in particular, ensure that they represent the views and interests of young people.

¹⁰³ Diplock, S., (2001) *None of the above. Non-voters and the 2001 election* Hansard Society

¹⁰⁴ British Youth Council (2000) *Listening to the Unheard*

¹⁰⁵ Molloy, D., White, C. and Hosfield, N. (2002) *Understanding Youth Participation in Local Government: A Qualitative Study*, London: DTLR

¹⁰⁶ Cited in Youth Voting Network (2003) *A Young Person’s Agenda for Democracy - one year on*

¹⁰⁷ Cited in White, C., et al (2000) *Political engagement and interest among young people* Joseph Rowntree Foundation

For example, a fund like the Union Modernisation Fund (UMF) is could provide financial assistance to political parties to support innovative projects which contribute to, or explore the potential for, children and young people's citizenship. By funding innovative modernisation projects, the fund could enhance the ability of political parties to connect with young people.

Annex A: Additional tables and data

Table 1: Restrictions on the right to vote. ¹⁰⁸		Type of elections			
		Local	National	Devolved Legislatures	European
A	Members of the House of Lords	✓	x	✓	✓
B	European Union citizens	✓	x	✓	✓
C	Citizens other than from the Irish Republic and Commonwealth countries ¹⁰⁹	x	x	x	x
D	Convicted persons detained in pursuance of their sentence ¹¹⁰	x	x	x	x
E	Anyone found guilty within the previous five years of corrupt or illegal practices in connection with an election	x	x	x	x
F	Individuals incapable of giving their name, confirming who they are and that they have not previously voted in the election	x	x	x	x
G	Anyone under 18 years-old on polling day.	x	x	x	x

x = Unable to vote ✓ = Able to vote

Questions to ascertain capacity

'Are you the person registered in the register of local government electors for this election for as follows? (you must then read out loud the whole entry from the register)'

If the answer is 'no', do not issue a ballot paper. If the answer is 'yes', then ask: 'Have you already voted, here or elsewhere, at this election for this *(district), *(county), *(London borough), *(county borough), otherwise than as a proxy for some other person?' *read out whichever is applicable

If the answer is 'yes' to this question then do not issue a ballot paper. If the person has answered 'yes' to the first question and 'no' to the second question then a ballot paper must be issued.

The Presiding Officer, regardless of any doubt they may have, must issue a ballot paper to anyone who has answered the questions correctly. If a person refuses to answer the questions, then a ballot paper cannot be issued. If that person returns later, then the Presiding Officer must again ask them the prescribed questions.

¹⁰⁸ Based partly on Sear, C. (2005) *Electoral franchise: who can vote?* House of Commons Library; See also: Lord Goldsmith Citizenship Review (2008) *Citizenship: Our Common Bond*

¹⁰⁹ For an overview see: Lord Goldsmith Citizenship Review (2008) *Citizenship: Our Common Bond* pp.47-55

¹¹⁰ In 2005 the ECtHR declared that the restriction of convicted prisoners to vote in the UK was incompatible with the ECHR. (see: Hirst) The Government has recently faced criticism from the Joint Committee on Human Rights for lack of action on remedying this breach (see: Joint Committee on Human Rights (2008) *Monitoring the Government's Response to Human Rights Judgments: Annual Report 2008 Thirty-first Report of Session 2007-08* pp. 22-27)