

Youth Citizenship Commission

***Old enough to make a mark?
Should the voting age be lowered to 16?***

*Youth Citizenship Commission response to
consultation submissions*

June 2009

This information is also available on the Youth Citizenship Commission's website

www.ycc.uk.net

Contents Page

Foreword	3
Professor Jonathan Tonge	3
Executive Summary.....	4
Introduction.....	5
Consultation responses – a summary	6
Should the voting age be lowered to 16?	6
Should the voting age be lowered to 16 in all elections?	7
Voter turnout – can it be improved and what measures can be taken?	7
Evidence from the consultation	8
Recommendations.....	9
Findings.....	10
Human rights	10
Public Opinion	13
Views of young people	14
National and international legal context.....	16
Appendix 1	18
Field research – Voting at the age of 16.....	18

Foreword

Professor Jonathan Tonge

Chair, Youth Citizenship Commission

The issue of whether to lower the voting age to 16 is the aspect of the Youth Citizenship Commission's remit that has attracted the most public attention and elicited strong views. We have carefully looked at a wide range of views on the subject and have considered the responses to our consultation document.

The Commission would like to thank all those who responded to our consultation. Many of these responses were of a high standard and show that there is a high level of enthusiasm for and commitment to debating this issue.

It was important to the Commission that our response to the consultation was made on an evidential basis. Arguments and feelings were strong on both sides. The majority of respondents favoured a change: 300 of the responses were in favour of lowering the voting age to 16. However, this is a relatively small and not necessarily representative sample of the population. A majority of 16 and 17 year olds were in favour of lowering the voting age in our segmented survey; whilst all categories from the age of 18 upwards were opposed to change.

We have found that there is a real evidence gap on this issue. Nevertheless, we make what we hope are constructive recommendations based on the evidence that we have, although we realise that these may not completely satisfy campaigners one way or the other on this issue.

Most importantly, we think that while enfranchisement of 16 and 17 year olds is a valid issue for consideration, it is not the key component of any strategy for better engagement of young people. These matters are dealt with in our main report.



Jonathan Tonge

Executive Summary

In looking for evidence on the issue of voting age in respect of:

- civic awareness, understanding and maturity of judgement of young people (linked to impact of citizenship education);
- whether the right to vote is needed to complete and carry forward a young person's citizenship education;
- impact on turnout and responsible voting of the new voters at next election after change and in the long term;
- impact on young people's perceptions and civic activity;
- administrative and handling issues to introduce the change (e.g. impact on schools);

we did not find significant evidence on which to base a recommendation either to lower or to retain the voting age as it stands. We do not believe evidence that would lead to a clear conclusion either way is available and is not likely to become so in the foreseeable future.

Public opinion is divided and does not assist us. Available studies and polls show that the majority of adults appear to be opposed to lowering the voting age. However, the opinions of young people are fairly evenly balanced, although a clear, but not overwhelming, majority of 16-18 year olds favour a change.

The gaps in evidence we have identified follow a similar analysis in the 2004 report by the Electoral Commission, *Age of Majority*. Given this and the divided state of public opinion, we conclude that the issue of whether or not to lower the voting age is one which should be decided by political processes. Therefore, we think that the **approach of using independent commissions to review this issue ought not to be used again.**

There are vigorous and strongly held views held on both sides of the issue. **Political parties need to find their own places in these arguments**, as it is accepted that they do on the associated issue of electoral systems. We note that **decisions on electoral systems in devolved administrations are for those governments to make.**

Finally, whilst we recognise the issue of whether or not to lower the voting age has considerable interest to those who have strong standpoints on one side or the other, we are of the view that **the issue is not the principal factor in encouraging young people's interest and involvement in politics and citizenship.** We address these important matters in our main report.

Introduction

This paper is the Youth Citizenship Commission's (YCC) response to the submissions made to the discussion paper *Old enough to make a mark? Should the voting age be lowered to 16?*

The remit of the Youth Citizenship Commission is to focus on young people aged 11-19 and to:

- examine what citizenship means to young people;
- consider how to increase young people's participation in politics; the development of citizenship amongst disadvantaged groups; how active citizenship can be promoted through volunteering and community engagement; and how the political system can reflect the communication preferences of young people; and
- lead a consultation with young people on whether the voting age should be lowered to 16.

The consultation closed on 20 January 2009 and 509 responses were received from 489 organisations, politicians and the general public; including young people. The majority of young people responded to the discussion paper through the Commission's website, www.ycc.uk.net. A summary of consultation responses was published on 15 April 2009 and is also available on this website.

Our response discusses some of the issues raised in the consultation submissions, looks at other relevant information and activities taking place relevant to a voting age of 16. The Commission's response has taken all of this information and opinion into account.

Consultation responses – a summary

Below is a short summary of the responses received through the discussion paper *Old enough to make a mark? Should the voting age be lowered to 16?* Eight questions were asked in the paper, but the responses can be categorised into three groups:

- should the voting age be lowered to 16?
- should the voting age be lowered to 16 in all elections?
- voter turnout – improvement and measures.

The YCC also considered the evidential basis of the responses that were received during the consultation.

Should the voting age be lowered to 16?

“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.”¹

64 per cent of respondents (314) supported the proposal to lower the voting age to 16. Those who supported the proposal generally provided more detailed comments and arguments than those who opposed lowering the age. While responses in support of the proposal offered many arguments in support of lowering the voting age, there was very little evidence provided in the responses about the benefits or effects of lowering the age to 16.

“Giving 16 and 17 year olds the right to vote will give them the independence 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.”²

32 per cent of respondents (158) were against lowering the voting age to 16. These responses were generally shorter and less detailed, as many respondents felt the remaining questions were irrelevant once they had argued why the voting age should not be lowered. However, some respondents raised important issues should the Government decide to lower the voting age.

“What is the point of voting at 16? There are no MPs under 30”³

¹ Childrens' Rights Alliance for England consultation response page 15; Get ready for Geneva children's rights investigation; male, 14.

² As above; female, 16.

³ Trafford Council response to consultation – based on audience response to Local Democracy Week Debate held on 14 October 2008.

Three per cent of respondents (16) remained neutral about whether the voting age should be changed or remain the same. These responses generally discussed the implications of any changes to the voting system and also other issues that may arise should the decision be made to lower the voting age to 16.

Should the voting age be lowered to 16 in all elections?

The majority of respondents who commented on these questions argued that the voting age should be lowered to 16; for a number of different reasons. These included the importance of consistency in all elections; the capacity of 16 and 17 year olds to vote in all elections; concerns about distinctions that could be drawn between local council and national elections and promotion of trust between young people and government.

Comments made by respondents who did not want the voting age lowered to 16 in all elections did not generally focus on the reasons why, but suggested that the voting age should be lowered to 17 or kept at 18 years of age.

Voter turnout – can it be improved and what measures can be taken?

A large number of respondents argued that giving 16 and 17 year olds a real and personal stake in citizenship through the eligibility to vote would give them the opportunity to turn their interest in politics into political participation.

“Young people are growing up faster, meaning childhood is shorter and we are more aware of how society and government work from a younger age.”⁴

Respondents who offered suggestions on measures that would improve voter turnout strongly advocated improved or more coordinated citizenship education in schools. Respondents also suggested that the Government needed to provide general infrastructure that would support young people to vote; suggested changes associated with the administration of voting; and suggested changes to security and legislation that might be made to improve the UK’s electoral process.

“16-18 year olds may be less likely to vote anyway because they have no interest. Very few young people will have a positive opinion at such a young age and will have little experience. They are not taught about these issues and will therefore have no inspiration or motivation”⁵

Some respondents (including some who agreed that lowering the voting age would encourage young people to vote) felt that the right to vote and the issue of voter turnout were separate issues, and turnout should not impact on the decision to lower the voting age to 16.

⁴ The Scout Association consultation response page 1; consultations with youth members; 15 year old scout.

⁵ Envision consultation response; Comment against lowering the voting age, Envision Graduate Advisory Panel, held November 8th 2008.

Evidence from the consultation

509 responses were received from 489 different organisations and individuals. Strong opinions were expressed both for and against lowering the voting age. The YCC acknowledges the effort and commitment that many organisations and individuals have on each side and believes that basing conclusions on the limited number of responses on each side is not a valid way of assessing evidence.

While a number of consultation responses were very detailed, well presented and thought out, the YCC believes there was no significant evidential basis on which the YCC could base conclusions.

CONFIDENTIAL

Recommendations

- 1. Schools should have a duty to ensure that all eligible pupils are offered supported opportunities to register to vote at school.**

Schools play an important part in young peoples' lives and we think that all schools should have a duty to ensure that all eligible pupils are offered supported opportunities to register to vote at school, as an integral part of schools' responsibilities for building citizenship in young people.

- 2. The UK government could consider whether the right to decide the voting age for elections to devolved bodies should be one for devolved governments.**

The Commission noted that electoral systems used for elections by the devolved legislatures (and by local authorities within Scotland, Wales and Northern Ireland) were different from those for Westminster. Given this recognised diversity in one aspect of the electoral process, the Westminster Parliament could debate the issue of lowering the voting age, and may wish to consider whether devolved arrangements in this field might extend to allowing devolved legislatures the powers to determine the appropriate voting age for their own elections and non-Westminster elections within their territories.

- 3. The Government (in conjunction with the devolved administrations) should consider reviewing as a whole the collection of age thresholds for different legal responsibilities, many of which represent important transition points in life, for coherence, justification, relevance and public acceptability.**

We also note that there are a number of different age eligibility thresholds which apply to young people for different sets of rights and responsibilities and for older people to gain entitlements or be required to withdraw from or be reassessed for activities. Some of these have changed over the years and some have been called in aid by advocates of lowering the voting age.

Findings

Human rights

A number of respondents to the consultation on votes at 16 argued that the voting age of 18 (or any voting age at all) is discriminatory; based on international human rights law.

The UK Government has ratified a number of treaties that protect the right to vote, and the rights of children and young people. The following declarations, treaties and cases were quoted by respondents as grounds for evidence of Government discrimination against young peoples' right to vote.

To be fully informed on these issues, the YCC has sought the Government's position on these international rights.

The Government's position

The Government considers that the current legislation retaining the voting age of 18 does not breach any of these ratified treaties.

UDHR – Universal Declaration of Human Rights

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 21 (3)

(3) 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.

Government Response

The Universal Declaration of Human Rights is a declaration only; it is given life through the International Covenant on Civil and Political Rights (ICCPR). It is not possible for the Government to be in breach of a declaration.

ICCPR – International Covenant on Civil and Political Rights

Article 2

1. *Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

2. *Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.*

3. *Each State Party to the present Covenant undertakes:*

(a) *To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;*

(b) *To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;*

(c) *To ensure that the competent authorities shall enforce such remedies when granted.*

Article 25(b)

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

(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.*

Government Response

The International Covenant of Civil and Political Rights prohibits unreasonable age restrictions on the right to vote. The Government considers the prevention of minors (those under the age of 18) from voting to be a reasonable restriction; therefore the Government argues that it is not in breach of this treaty.

UNCRC – United Nations Convention on the Rights of the Child

Article 12

1. *Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Government Response

Article 12 of the United Nations Convention on the Rights of the Child does not directly relate to the right to vote. However, the Government does not agree that having a restriction on the voting age is unreasonable. The Government considers it is not practical for children of all ages to vote and therefore the most appropriate age should be selected. The most appropriate age chosen by the Government is 18 years.

ECHR – European Convention on Human Rights

Article 14 - Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured 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.

Article 3 of the First Protocol– Right to free elections

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.

Government Response

Article 14 of the European Convention on Human Rights states that you cannot have discrimination in the protection of another right.

Interpretation of this right works in a three step process:

- Does the situation fall within the scope of the other right?
- Is there any discrimination taking place on the protection of that right?
- Is the discrimination justifiable?

The Government view, prima facie, is that an age restriction on the right to vote is absolutely justified. To be in breach of this treaty, the age that has been set would have to be unjustified (for example, if the voting age was higher than 18, that would be out of line with the general age that you are now considered to be an adult, 18 years). It is justifiable to have the voting age set at either 16 or 18, but the Government is not in breach of this convention by choosing the age of 18.

YCC comment

The YCC believes that the case for challenging the current voting age of 18 years on the grounds of human rights has not been established.

Public Opinion

Electoral Commission's review of lowering the voting age to 16

In 2004, the Electoral Commission recommended that the minimum age for all levels of voting at UK public elections should remain at 18 years, but that the minimum candidacy age should be reduced from 21 to 18.

The Commission conducted a 12 month review considering the age of electoral majority partly in response to increasing concerns about declining electoral participation and engagement amongst younger people but also as a result of a specific request by young people that the Commission seriously consider the arguments for lowering the voting age.

As part of this review, the Commission conducted a public opinion survey through ICM research in 2003. The random sample included 1089 adults aged 18 years and over and 245 interviews with 15-19 year olds.

Among a number of conclusions, the results showed that:

- The age at which it was thought that people should be able to vote was an average of 18.0 years. There was a very slight tendency for younger people to think that voting age should be lower
- Three quarters of the sample chose the status quo in a choice between a minimum legal age for voting of 16 years or 18 years. Overall, 78% said that the minimum voting age should remain at 18 years, with only one in five (22%) saying it should be lowered to 16 years
- Younger people disproportionately thought that the age should be lowered to 16 years (33% of those aged 18-24 compared to only 5% of those 65+)
- The older you became, the more likely you were to think the age should remain at 18 years and

- A minority of the population wanted the age lowered to 16 years. They thought that this age group were part of society and also had valid opinions at 16.
- The trends in public opinion noted by the Electoral Commission tended to be endorsed by our own commissioned research, as seen below.

Views of young people

Field research

Research undertaken by Jigsaw on behalf of the YCC between 24 January and 20 February 2009⁶ asked a sample of young people various questions around their involvement in society; how they felt about politics, their communities and themselves.

One question asked respondents to rate their answer to the following question on a 10 point scale:

Agreement with statement: People should be allowed to vote from when they are 16 years of age, not 18 as it is now

Out of a sample of 1114 young people aged between 11 and 25, a very slight majority (three percent) were in favour of lowering the voting age to 16. Male participants in the research were more in favour of lowering the voting age to 16 than female participants.

The majority of participants (of both sexes) aged between 11-18 were in favour of lowering the voting age to 16, while those aged between 19 and 25 were against lowering the voting age.

The results of this question, particularly in regard to those aged 19 to 25 being opposed to lowering the voting age, appear to be in line with other research or surveys conducted on public opinions on lowering the voting age.

The results of this question are found in appendix 1 (page 11). The full results of this research are discussed more broadly in the YCC's final report.

The YCC does not believe that the state of public opinion provides solid ground on which to base a decision.

Deliberative report

In 2008 the YCC commissioned a deliberative research project to take place during September and October of that year.

One of the main findings of this research that voting was not currently creating a sense of citizenship among those who participated in the project. Participants

⁶ Published on behalf of the Youth Citizenship Commission on 22 June 2009.

perceived voting to be a part of citizenship (mainly by adults and young people of voting age). However, it was the right to vote that was seen as the key to citizenship, not the act of voting itself.

None of the participants said they experienced a sense of citizenship from the act of voting.

Young people involved felt that voting actually reinforced the lack of engagement with formal politics – as voting gave no sense of reciprocity from the Government.

Others felt that abstaining from voting had more of an impact than actually voting. But even the act of abstaining reinforced these young peoples' feeling of disengagement and disconnection with formal politics due to the lack of recognition of the act of abstaining.

This research also found that the level of voting in national and local government elections was very low amongst young people - due to the complex range of barriers to political engagement discussed in the report. Low levels of adult voting were seen to support the belief that voting has little relevance and impact.

Also of relevance was an overarching feeling from participants that barriers to citizenship (relating to engagement with formal politics) would need to be overcome before the voting age should be lowered.

The YCC believes that these findings show that one of the issues for improving and encouraging citizenship is really about creating a sense of belonging in society, rather than focusing on the act of voting.

It is appropriate for the Commission to focus on initiatives and recommendations that will encourage this. In our view it is the Government's role to address whether the right to vote at a younger age is a valid issue on which to legislate.

British Youth Council and the Votes at 16 campaign

The British Youth Council (BYC) seeks to promote the active citizenship of young people, helping them to develop the skills and abilities to participate fully within decision-making organisations, the communities in which they live and society as a whole.

They are also a member of the Votes @ 16 coalition. The Coalition is made up of a wide range of youth and democracy organisations who all support lowering the voting age to 16 for all public elections in the UK.⁷

On Monday 24 November 2008 young people marched with BYC from Trafalgar Square to Downing Street calling for Votes at 16. This march supported the BYC's delivery of a petition to the Prime Minister made up of postcards from over 3000 young people from around the country. Each postcard was personally addressed to the Prime Minister, calling for the voting age to be lowered to 16.

⁷ More information can be found about the Votes @ 16 coalition at <http://www.votesat16.org.uk>.

The Chair of the BYC also wrote to the Prime Minister on 24 November 2008 following the petition. The letter sought a meeting with the Prime Minister to seek his views on lowering the voting age and other issues of importance to the BYC.

The BYC received a response from Jack Straw MP, Lord Chancellor and Secretary of State for Justice, welcoming BYC's work in encouraging young people to engage in the democratic process and explained the role of the YCC in considering the voting age issue. Also, as a result of his response, BYC then also met with Bridget Prentice MP, who has ministerial responsibility for youth engagement and democracy.

On Tuesday 20 January 2009, BYC responded to the Commission's consultation on whether the voting age in UK elections should be lowered to 16. A delegation from BYC met a representative from the Commission to submit their response at the Ministry of Justice, Westminster, London.

National and international legal context

United Kingdom

There are political differences on lowering the voting age to 16 throughout the United Kingdom.

The current government does not have a public position on lowering the voting age, while the Conservatives are against lowering the voting age. The only responses to the consultation from political parties were those received from Eleanor Laing, Conservative Member of Parliament.

In contrast, the Scottish Government and the Welsh Assembly have indicated that they favour lowering the voting age to 16 years.

The Scottish Government responded to the YCC's consultation, but the other devolved Governments did not.

Scottish Government's position on voting at 16

The Scottish Government supports lowering the voting age to 16 for all elections. It is Scottish Government policy (as set out in the SNP 2007 Manifesto) to reduce the voting age to 16 for all elections within the competence of the Government.

In 2008 Scottish Ministers introduced the Health Board (Membership and Elections) (Scotland) Bill to the Scottish Parliament. The Bill includes a provision to extend the voting franchise for the pilot health board elections to include those aged 16 and over. This bill has now been enacted and 16 and 17 year olds will have their first chance to vote in 2010.

In the longer term the Scottish Government would like to lower the voting age to 16 for all elections. At the moment, they are unable to do so because the franchise, including the franchise at Scottish local government elections, is a reserved matter under the Scotland Act 1998. The consultation submission received from the

Scottish Government argued that the UK Government should transfer legislative and executive responsibility to Scotland.

Countries with a voting age of 16 years

In 2007, the Austrian Government passed a bill which lowered the Austrian voting age from 18 to 16 years and this age group were first entitled to vote in snap elections held in Austria on 27 September 2008.

Austrians aged 16 and above have the right to vote in the European Elections on 7 June 2009. Austria is currently the only member of the European Union which gives 16 and 17 year olds the right to vote in all elections. Germany has lowered the voting age to 16 for local elections only. At present, no information or research about the effects of lowering the voting age are available from Austria or Germany.

Other countries that have lowered the voting age to 16 include Brazil, Cuba and Nicaragua (South Americas) the Isle of Man, Jersey and Guernsey.

Isle of Man

The Isle of Man lowered the voting age from 18 to 16 years in 2006. 689 young people aged 16 and 17 years registered to vote; this was around one-third of the number eligible to register and vote in this age group.

This figure can be compared to the overall registration rate for all eligible Isle of Man voters, which is around 80 per cent.

The most recent General Election for the Isle of Man was held in November 2006. At this election, 57.6 per cent of the 689 newly registered 16 and 17 year olds voted. While this level of turnout is consistent with other turnout figures, particularly in the United Kingdom, only 396 young people aged 16 and 17 (less than 1 in 4 of those eligible to register) actually participated in the election. Again, this figure can be compared with overall voter turnout in the Isle of Man – 64.8 per cent of registered electors (just over half of those eligible to register).

The Isle of Man does not have any further figures for eligible population, turnout or registration rates since 2006 – the year that the last census and General Election were held.

Appendix 1

Field research – Voting at the age of 16

Agreement with statement: People should be allowed to vote from when they are 16 years of age, not 18 as it is now

Base : All respondents

	Sex			Age				
	Total	Male	Female	11-13 years	14-15 years	16-18 years	19-21 years	22-25 years
Weighted Base	1114	546	568	223	145	244	225	278
Unweighted Base	1102	542	560	218	145	239	227	273
1 - Strongly disagree	13%	11%	14%	5%	11%	11%	16%	19%
2	6%	5%	6%	6%	3%	5%	6%	6%
3	7%	7%	6%	2%	6%	7%	6%	11%
4	7%	6%	8%	6%	7%	7%	9%	8%
5	11%	11%	10%	11%	11%	11%	11%	10%
6	6%	5%	7%	5%	5%	7%	7%	7%
7	7%	7%	7%	6%	6%	9%	4%	8%
8	10%	10%	10%	9%	10%	11%	9%	10%
9	8%	8%	7%	11%	8%	9%	6%	6%
10 - Strongly agree	15%	17%	12%	14%	20%	17%	15%	12%
STRONGLY AGREE (NET)	33%	35%	30%	34%	38%	37%	30%	28%
AGREE SLIGHTLY (NET)	13%	12%	14%	11%	11%	16%	11%	15%
DISAGREE SLIGHTLY (NET)	18%	18%	18%	17%	18%	17%	20%	17%
DISAGREE STRONGLY (NET)	25%	23%	27%	14%	20%	23%	28%	36%
DK/NA	12%	13%	12%	27%	14%	8%	11%	6%
Mean	5.76	6	5.53	6.42	6.25	6.08	5.42	5.1
Standard Error	0.1	0.14	0.14	0.23	0.28	0.2	0.22	0.19
Standard Deviation	3.12	3.12	3.1	2.91	3.15	3.03	3.19	3.11