

Strategy and External Affairs

Consultation on Scotland's Electoral Future

RESPONDENT INFORMATION FORM



Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Together (Scottish Alliance for Children's Rights)

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

Harris

Forename

Juliet

2. Postal Address

Princes House

5 Shandwick Place

Postcode EH2 4RG

Phone 0131 2293666

Email juliet@togetherscotland.org.uk

3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes **No**

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes **No**

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

CONSULTATION QUESTIONS

Additional notes

- Together (Scottish Alliance for Children’s Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 260 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. We also provide a focal point through which Scottish NGOs report to the UN Committee on the Rights of the Child.

The views expressed in this submission are based on the general principles of the UN Convention on the Rights of Child (UNCRC) and do not necessarily reflect the specific views of each member organisation.

- Ensuring that the provisions within the UNCRC are respected, protected and fulfilled in legislation, policy development and delivery at all levels of government demands a continuous process of impact assessment and evaluation.¹ A child rights impact assessment (CRIA) must be undertaken on the Scottish Government's proposals in *“Scotland’s Electoral Future Delivering Improvements in Participation and Administration.”*²

This will ensure that the proposals are fully assessed in terms of their impact on the rights of children and that the impact is predicted, monitored, and if necessary, avoided or mitigated. Undertaking a CRIA would be in line with the Scottish Government's commitment to children's rights as evident in Part 1 of the Children and Young People (Scotland) Act 2014. During Stage 3 of Parliamentary scrutiny of the Act, the Minister for Children and Young People, Aileen Campbell MSP, stated that:

*“the Scottish Government recognises the importance of assessing our decisions against the rights of children, and we are developing a children’s rights impact assessment for use across Government as a direct consequence of the duty in section 1(1).”*³

Together strongly recommends that the Scottish Government demonstrates this commitment by carrying out a full CRIA on the proposals outlined in the consultation document.

Question 1: Do you have any views about the introduction of alternative methods of voting such as by internet or telephone?

¹ UN Committee on the Rights of the Child (2013). *General Comment No. 5: General measures of implementation of the UNCRC* (pg 11)

² <http://www.scotland.gov.uk/Resource/0044/00448004.pdf>

³ Scottish Parliament (2014). *Official report: meeting of the Parliament. Wednesday 19th February. 27746.*

Would the introduction of any such new methods give rise to concerns about security or the wider integrity of the voting system?

If security and other concerns could be met, would you favour the piloting of new voting methods, for example, in a by-election?

Do you have any general comments or suggestions about ways to increase participation and turnout whether through changes to electoral processes or otherwise?

Comments

Question 2: [PILOT PROJECT QUESTION]

The Scottish Government welcomes your views about the potential for using a local government by-election to pilot a form of universal postal voting.

This pilot voting method would mean postal ballot forms being issued to all registered electors. Electors would then be able to opt to either return their voting form by post (prior to polling day) or to hand in the completed form to their local polling place on polling day.

Do you have any views on this proposal?

Comments

Question 3: Do you believe that young people in secondary and further education are sufficiently well educated about the political landscape and electoral process?

Do you have any views about how best to engage young people in local democracy? What more could be done?

Comments

- Article 13 of the UN Convention on the Rights of the Child (UNCRC) requires that children should have the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of any frontiers (both orally and in writing).
- Fulfilling the right to receive information on local issues and politics could help to engage young people in local democracy, and such information should be widely available, accessible, child-friendly and age appropriate. Article 5 of the UNCRC highlights the evolving capacities of the child, which must be considered in imparting information of all kinds.

- As highlighted in the consultation document, Education Scotland has produced a wide range of resources to help teachers develop political literacy amongst young people. The resources emphasise the importance of young people receiving information about political issues. Together recommends that greater awareness and wider use of such resources could help to achieve the aim of better engaging young people in local democracy.
- Article 12 of the UNCRC requires that State Parties 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, and the views of the child being given due weight in accordance with the age and maturity of the child. Consideration must be given to Article 12 when seeking to engage young people in local democracy. As outlined in General Comment no.9 to the UNCRC, if participation of children and young people is to be effective and meaningful, it needs to be understood as a process and not as an individual one-off event.⁴ Such a process should be ongoing and involve feedback and continuous dialogue; ensuring that young people feel respected and listened to and that engagement is truly meaningful is crucial to best engage young people in local democracy.

Achieving meaningful opportunities for the implementation of Article 12 will necessitate dismantling the legal, political, economic, social and cultural barriers that currently impede children's opportunity to be heard and their access to participation in all matters affecting them. As such, Article 2 and the right to non-discrimination must be taken into account and fully protected and fulfilled to ensure meaningful engagement opportunities in local democracy for all children.

- The Scottish Youth Parliament and Young Scot seek to support young people to develop their political awareness and literacy both through the provision of information and by enabling young people to participate in democracy. As recognised in the consultation document, much of the opportunity for children's participation takes place at the community level. Activities to raise awareness of these organisations at a local level may help encourage more young people to access the opportunities by both organisations and others like them.

Such opportunities are directed at young people and so consideration must be given to how best to involve younger children in local democracy. Together welcomes the recognition of the important role that can be played by local youth parliaments, municipal children's councils and ad hoc consultations where children can voice their views in decision-making processes. Together suggests that there could be more emphasis on making these opportunities widely and consistently accessible throughout Scotland, in both urban and rural areas.

- As included in the consultation document, reducing the voting age to 16 could encourage participation by young people in Scotland's democratic processes and help to give them a voice on matters that affect them. Political participation of children and young people represents a possible approach for more strongly incorporating their interests in political decisions and thus for counteracting the

⁴<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsglKirKQZLK2M58RF%2f5F0vHKTUsoHNPBW0noZpSp5d6MSKiT09ePYFY4cH5tmyyvg4tVAP%2fSH9%2bBtZWkhEtAmUXeyPIFduGREUMQJZh%2fHpLV> (pg 30)

marginalisation of this group of the population.

Question 4: Do you agree that the power to decide the franchise for Scottish elections should sit with the Scottish Parliament?

What are your views on extending the franchise for all Scottish elections to those aged 16 and 17 years who are eligible to be registered on the electoral register?

Comments

Article 12 of the UNCRC requires that State Parties 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. Political decisions can affect all members of society including children and this should be taken into account when considering the extension of the current voting franchise for all Scottish elections.

Article 12 of the UNCRC also requires that the views of children are given due weight in accordance with their age and maturity and Article 5 of the UNCRC recognises the evolving capacities of the child when providing appropriate direction and guidance in the exercise by the child of the rights enshrined in the UNCRC. Both Article 12 and 5 should be respected, protected and fulfilled in any deliberations including the minimum voting age.

Article 25 of the International Covenant for Civil and Political Rights (ICCPR) requires that every citizen shall have the right and the opportunity, without discrimination of any kind and without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives, and to vote, which shall be by universal and equal suffrage.⁵ General Comment no. 25 to the ICCPR clarifies that the right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions. This includes setting a minimum age for the right to vote.⁶ Together recommends that the Scottish Government take Article 25 and General Comment 25 of the ICCPR into consideration when assessing reasonable restrictions and the minimum age for the right to vote.

If the Scottish Government decides to lower the right to vote in Scotland to age 16, then this must be combined with awareness-raising activities and efforts to increase meaningful and effective participation and engagement in local democracy (see question 4). It must also involve child-friendly and age appropriate information and materials about politics, democracy and voting (see question 4).

Children (people under the age of 18) have the right to vote in a number of countries including Austria, Argentina, Brazil and in some states of Germany. Together recommends that the Scottish Government consider international experiences and decisions regarding a change to the voting age in its deliberations.

⁵ <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁶ http://ccprcentre.org/doc/ICCPR/General%20Comments/CCPR.C.21.Rev1.Add7_%28GC25%29_En.pdf

Question 5: Do you have any views about how best to engage people who are at present disinclined to vote?

What might be the best approach to remedying low voter turnout – geographic targeting at wards or constituencies with a history of low turnout or alternatively focusing on key social groups (e.g. students or those from ethnic minorities) whose participation rates are lower than average?

Comments

Question 6: Do you have any views on the ballot paper ordering of candidates' names?

Do you consider that listing candidates' names alphabetically by surname is discriminatory?

Comments

Question 7(a): [PILOT PROJECT QUESTION]

The Scottish Government welcomes your views about using a local government by-election to pilot an alternative method of ballot paper ordering of candidates' names.

This pilot voting method would mean a form of random ordering (including the potential use of public lottery as suggested by Gould) or a method of rotation, such as Robson Rotation, described on page 15.

Question 7(b):

Do you favour any of the alternative systems set out in the paper - or would you like any other system of ballot paper ordering to be considered for a future pilot exercise?

Comments

Question 8: Do you agree that a review should be carried out of the criteria for eligibility to stand in a local government election with the business connection to an area having clearer definitions provided?

Do you agree that, for purposes of being eligible to stand for election, a candidate's designated area to stand should also be the area in which they reside?

Comments

Question 9: Do you agree that the rules should be reviewed to provide clarity on which successful candidates who are employed by 'arms-length' bodies delivering council services would be required to resign from their employment in order to be a councillor at the relevant council?

Comments

Question 10: In accordance with the Electoral Commission's suggestion and in good time before the next set of Scottish council elections, the Scottish Government intends to consult political parties that contested the 2012 elections, the Crown Office and Procurator Fiscal Service, the Electoral Commission and any other interested stakeholders on the following issues:

- how candidate spending should be regulated and how candidates and agents should be supported to comply with the rules;
- introducing controls on the sources and reporting of donations;
- revising spending rules to include a specific list of items that count against the spending limits for candidates;
- whether candidate spending limits are set at the right level to facilitate campaigning;
- whether party campaign limits should be introduced for council elections;
- whether controls on general campaigning by non-party campaigners should apply at council elections?

Do you have any comments which would inform future work in this area?

Comments

Question 11: Do you agree that provisions should be introduced to allow Electoral Register Officers to request up-to-date signatures and inform a voter that their postal vote statement has been rejected?

Are there any legislative changes which the Scottish Government could introduce which would help a Returning Officer allow a vote rather than reject it?

Comments

Question 12: Do you have any views on the effectiveness of the Electoral Management Board since it came into being in 2008?

Do you have any views on the future of the Electoral Management Board?

Comments