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**A UNICEF CANADA SUBMISSION FOR ELECTORAL REFORM:
LOWERING THE FEDERAL VOTING AGE FROM 18 TO 16 YEARS**

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INTRODUCTION

Canada is a country justifiably proud of our democratic tradition. We are also a country that is proud to respect children's universal rights, including children's right to be heard. We can further strengthen democracy and children's rights in Canada by allowing citizens from age 16 to vote in federal elections.

Some industrialized countries such as Austria, Norway and Scotland are seeing the early benefits of lowering the national election age to 16 years. Canadians are also sensitive to the need to enfranchise young people; Private Member's Bill C-213, introduced by MP Don Davies, proposes to amend the *Canada Elections Act* to lower the age of eligibility from 18 to 16. In Newfoundland and New Brunswick, members of the legislatures are advocating for a voting age of 16.

UNICEF Canada believes that Canada should do the same. UNICEF Canada submits that a voting age of 16 years would be better aligned with children's rights under the Convention on the Rights of the Child and the evidence about their capacities to participate in the democratic process. It would also support the aim of electoral reform – to increase and fairly distribute democratic participation. It could improve political decisions, laws and policies that have a significant impact on children and youth today, and long into their future.

ABOUT UNICEF

As a UN agency, UNICEF is active in 190 countries and we have saved more children's lives than any other humanitarian organization. UNICEF Canada is a Canadian non-governmental organization (NGO) established 60 years ago and is the representative of UNICEF in Canada. We work tirelessly as part of the global UNICEF family to do whatever it takes to ensure that children and young people survive and thrive, and have every opportunity to reach their full potential. Our global reach, unparalleled influence with policymakers, and diverse partnerships make us an instrumental force in shaping a world where the rights of all children are realized.

UNICEF Canada builds awareness, raises funds, and mobilizes Canadians across the country to help save and protect the world's most vulnerable children. We promote public policy and practices in the best interests of children, informed by our global experience and international best practice, to contribute to the fulfillment of children's rights in Canada and around the world.

UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the United Nations Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF is entirely supported by voluntary donations and helps all children, regardless of race, religion or politics. The only organization named in the United Nations Convention on the Rights of the Child as a source of expertise for governments, UNICEF has exceptional access to those whose decisions impact children's survival and quality of life. We are the world's advocate for children and their rights. For more information about UNICEF, please visit www.unicef.ca.

OVERVIEW OF UNICEF CANADA'S POSITION

UNICEF Canada contends that children between the ages of 16 and 18 should have the right to vote in federal elections. This would better support children's rights defined in the Convention on the Rights of the Child, including their rights to have their best interests considered; to have their voices and opinions heard in decisions affecting them according to their evolving capacity; to non-discrimination; and to the aims of education. Minimum ages established in existing domestic legislation in other domains; the civic education curricula and extracurricular engagement of young people across Canada; and emerging international practice where youth under 18 have participated in the vote demonstrate that young people have an interest in the political process and the maturity to participate in political decisions. Yet as a large constituency – roughly a quarter of Canada's population – they are entirely unrepresented in important legal and policy decisions affecting their lives and their future. Lowering the voting age is likely to have a salutary effect on young people and on the democratic process – it is right in principle and practice – and an important consideration in Canada's electoral reform.

UNICEF Canada recommends lowering the federal voting age from 18 to 16 years. In tandem, consideration should be given to support the broader civic education of young people along with inclusive and accessible voter registration and polling processes.

Should additional consultation be required, we recommend that a clause be included to amend the *Canada Elections Act* mandating a study of this matter, to be concluded by December 2017, so that young people can be enfranchised citizens in the year of Canada's sesquicentennial anniversary.

Minimum Ages

While imposing a minimum age for certain rights and responsibilities is a means to balance children's rights or administrate them, careful consideration of age thresholds must be undertaken to ensure that decisions regarding ages of participation are informed by children's rights and corresponding evidence. The establishment of a minimum age threshold in laws, policies and regulations is an approach generally intended to protect young people from decision-making responsibilities or from participating in rights considered to be beyond their capacity or to place them or others at risk. Minimum age thresholds should align with the principles and rights enshrined in the Convention on the Rights of the Child including recognition of children's evolving capacities as well as considering their best interests, protection, education, freedom of expression, non-discrimination and other interdependent rights.

In Canada, age-based regimes exist in various domains, including health, child welfare and justice. Minimum ages aren't always established through a careful, strategic process considering the full scope of children's rights and available evidence. As a result, some age thresholds are arbitrary, based on a presumption of capacity in adulthood and incapacity in childhood.¹ While this approach may serve various interests, it doesn't always align with a due consideration of children's human rights, Canada's constitutional rights or evidence about what children and youth are capable of and what would be in their best interests - individually or as a group. The legal or authoritative power that allows adults to impose minimum ages on young people without prior consultation with them results in decisions that aren't always justifiable.² Social and cultural norms and beliefs often influence the ages at which certain behaviours are considered acceptable, regardless of evidentiary findings.³ These norms and beliefs evolve over time and should be regularly questioned.

When identified through an evidence-based and rights-informed process, minimum ages can serve a protective purpose and support children's rights.⁴ Evidence and rights analysis suggests that there is no protective benefit in preventing young people at age 16 and up from voting.⁵ Unlike strategically selected minimum ages that protect children from the risks of alcohol or driving, neither young people nor other groups face a risk if young people participate in the electoral process.

Maturity and Competency

The arguments used to deny children the right to vote from age 16 are not compelling enough to justify excluding them. The most commonly heard argument against lowering the voting age is that young people are not mature enough to participate in the electoral process.⁶ Young and inexperienced, they are regarded by some as incapable of understanding and making reasoned and informed decisions on political issues.⁷

This belief stands in contradiction to the evidence of competence that young people display in current civic education initiatives relative to adults. It also contradicts existing legislation that presumes capacity in young people. At the ages of 16 and 17, young people are trusted to make informed choices and display rational decision-making abilities in a range of serious decisions.⁸ In jurisdictions across Canada, young people 16 years of age are entrusted to start driving – an activity which affects others in the community in which they live, and requires decision-making abilities that can mean the difference between life and death. Also by 16 and 17 years of age many young people in Canada are expected to make important decisions that will affect the rest of their lives, such as what future career path to take, or whether to invest in post-secondary education.⁹ They have legal rights to make life-and-death medical decisions, join the armed forces and marry.

If Canada trusts that young people are mature and rational enough to take on responsibilities such as these, then young people are also arguably mature and rational enough to vote in federal elections. Yet the right to vote is exclusively denied to young people under the age of 18 years old. If the decision around the right to vote were framed differently, a number of other demographic groups may also be at risk of being denied their civil rights. For example, Canada does not deny incarcerated individuals the right to vote, even though a court of law has determined that these individuals have exhibited poor decision-making abilities, in committing their crimes. Likewise, adults with developmental disabilities or diminishing capacities are not required to prove competence or capacity for rational thought before being able to cast their vote. Young people are unfairly characterized as incapable of rational decision-making simply by virtue of their age.

One of the more simplistic arguments against giving young people the right to vote is that their so-called immaturity may cause them to cast their vote frivolously, or that they may make the 'wrong' decision in casting their vote.¹⁰ In principle, there is no such thing as a wrong decision when casting a vote and adults are just as likely to vote for a variety of reasons as a young person is. These kinds of arguments are less than persuasive to deny young people the right to vote.

Influence

An argument sometimes used to oppose lowering the voting age that is closely parallel to the argument around maturity suggests young people are too easily influenced to be entrusted with their own vote.¹¹ It's been suggested that young people will simply vote the same as their parents, as family is a powerful influence on voting choice.¹² Yet this argument can hold true at any age, not only for young voters.¹³ Furthermore, during the Scottish referendum vote in which 16 and 17 year olds were allowed to participate, it was found that up to 40% of young people voted differently than their parents.¹⁴ It was also found that they used a broader range of information sources to inform themselves before casting their vote than did other age groups.¹⁵ This suggests that the role of parental influence is overestimated by proponents of this argument.

Interest

A sentiment shared by some adults is that young people are ignorant of political affairs and have no interest in the political process or in voting.¹⁶ However, many industrialized nations are experiencing a decline in voter participation rates, suggesting that adults are disinterested in the political process themselves. Yet adults are not required to prove a sufficient level of political interest or knowledge before being allowed to cast a vote.

Research and examples from abroad indicate that young people are in fact willing and able to participate in politics.¹⁷ During the Scottish referendum, 75% of 16 and 17 year olds turned out to vote, compared to 54% of 18 to 24 years old, and 72% of 25 to 34 year olds.¹⁸ Furthermore, 16 and 17 year olds were found to have levels of political interest similar to adults, and consulted a wide range of sources for political information - not only social media, as some had feared.¹⁹ The turnout of young people at the ballots was so successful that there are now efforts to lower the voting age in Scottish national elections.²⁰

Similarly positive results were seen when Norway allowed 16 and 17 year olds to vote in local elections in 2011, with a higher turnout rate than older first-time voters.²¹ Likewise, a study in Austria (which lowered the voting age to 16 in 2007) found that citizens under 18 years old are just as motivated to take part in political life as older age groups.²² This is because political issues and decisions affect their lives – there is self-interest as well as civic interest among young people.

Civic Engagement

The interest and capacity of 16 and 17 year olds in other jurisdictions to participate in the electoral process indicates the potential for a lower voting age to increase electoral participation in Canada.²³ The main aim of the current electoral reform is to make the vote fairer and more participatory, which lowering the voting age would help achieve. Its stated primary goal is to “strengthen inclusion of all Canadians in a diverse society” and one of the five principles of the review is to “encourage greater engagement and participation in the democratic process, including by underrepresented groups.”

In the absence of justifiable arguments against lowering the voting age (due to misplaced concerns about capacity, influence and political interest), the arguments for lowering the voting age are more compelling. At a time when Canada seeks to re-invigorate our democratic

process, the reduction of the voting age would indeed be a progressive step in the right direction. Sixteen and 17 year olds are likely to still be living at home with their families and attending school. These are two factors have been shown to encourage voter turnout.²⁴ They may partly explain the high turnout of 16 and 17 year old first-time voters seen in Norway. Furthermore, studies suggest that the earlier one develops a habit of voting, the more likely they are to continue doing so.²⁵ Lowering the voting age may increase the likelihood of higher voter turnout in the long-term.

Lowering the voting age should be accompanied by broader efforts to educate young people about political issues and increase levels of political awareness.²⁶ Guidance and supervision is not a pre-condition for young people in the exercise of other serious decision-making rights responsibilities. However, appropriate education about civic responsibility and the democratic process should be an essential part of educational curriculum – an effort already supported by Elections Canada and most provincial and territorial governments through the education system. Canada already has a strong base of non-governmental organizations supporting credible civic education and participation among youth, including Samara, Civix and UNICEF Canada's Bring Your MP to School Day. They demonstrate the capacity of young people to engage with the democratic system and can support school-based education. This can help ensure that 16 and 17 year olds are able to vote in as autonomous a manner as possible.²⁷ Scotland made a concerted effort to increase political education in the school curriculum, and found that 16 and 17 year olds exhibited more confident attitudes in their understanding of politics, which increased their likelihood of participating in the Scottish referendum.²⁸

Some individuals studying the issue of voting age suggest that a lower age would have additional developmental benefits, such as increasing young people's sense of self-esteem and confidence.²⁹ Extending the right to young people to participate in this rite of passage, adults are demonstrating a willingness to respect their views, which in turn encourages the development of a young person's capacity and a confidence in their own abilities.³⁰

Children's Rights

Any decision regarding minimum ages must be in accordance with the Convention on the Rights of the Child, given Canada's obligations. UNICEF Canada believes that lowering the voting age to 16 years would give greater effect to the rights set out in the Convention than the current voting age of 18. In particular, children's right to be heard and to have their best interests considered would be well-served by lowering the voting age.

The Right to be Heard

Article 12 of the Convention on the Rights of the Child states that,

*States 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.*³¹

*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.*³²

The Committee on the Rights of the Child elaborates on this right in their General Comment No. 12, expressing the view that there is no minimum age threshold that activates the child's right to be heard:

21. The Committee emphasizes that article 12 imposes no age limit on the right of the child to express her or his views, and discourages States parties from introducing age limits either in law or in practice, which would restrict the child's right to be heard in all matters affecting her or him...³³

This principle, which highlights the role of the child as an active participant in the promotion, protection and monitoring of his or her rights, applies equally to all measures adopted by States to implement the Convention.³⁴

While this article is framed around the individual child, the point is that people under 18 have the right to express their views on matters affecting them and may do so even in courts of law. As a group, young people by age 16 generally have the capacity to express this right by voting in federal elections. As discussed above, Canadian law has already established that young people at the age of 16 years old are capable of forming rational and mature opinions, which the Convention states that they have a right to express freely.

Yet there are few alternatives for children and youth to be heard by decision-makers. A 2007 Senate Committee report, "Children: The Silenced Citizens" found that,

Children's voices rarely inform government decisions, yet they are one of the groups most affected by government action or inaction. Children are not merely underrepresented; they are almost not represented at all. The Convention on the Rights of the Child properly puts children at the centre, in the context of their family, their community, and their culture. Nevertheless, there is a real gap between rights rhetoric and the reality of children's lives in Canada – many people in Canada and elsewhere continue to resist full implementation of the Convention.³⁵

The United Nations Committee on the Rights of the Child rendered Concluding Observations to Canada in 2012 that corroborated a lack of adequate mechanisms facilitating youth participation in issues and processes that affect them.³⁶ They recommended that Canada strengthen the meaningful and empowered participation of children in decision-making processes.³⁷ While UNICEF Canada commends the Government of Canada's launch of the Prime Minister's Youth Advisory Council, which should serve an important purpose in informing government policy, it does not establish a right to be heard for all children, nor does it establish the right in law - the highest and most sustainable standard - in this case, in the *Canada Elections Act*.

Article 13 of the Convention on the Rights of the Child expands on the child's right to be heard and defines the instances when children's right to express themselves is subject to restrictions:

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. *The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*

(a) For respect of the rights or reputations of others; or

(b) For the protection of national security or of public order (ordre public), or of public health or morals.³⁸

Denying 16 and 17 year olds the right to vote has no impact on the respect or reputation of others; nor is it necessary for the protection of public order, health or morals. In contrast, from a children's rights perspective, the current voting age does not recognize the rights and capacity of young people to express their opinions. Creating an environment of respect for children to express their views contributes to the responsible exercise of their right to freedom of expression.³⁹

The Best Interests of the Child

Lowering the voting age to 16 years would be consistent with a fulsome consideration of the best interests of the child. Article 3 of the Convention on the Rights of the Child states,

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.⁴⁰

The best interests of the child, or children as a group, is a state where their interdependent rights are best supported – and more supported than the other available options.

As young people don't currently have the vote in Canada, they have little to no ability to influence the decisions being made by elected politicians that affect them today and into the future. Issues of concern to, or about, children and youth rarely feature in political campaigns, as those seeking political office aren't necessarily attuned to address issues that have no voice and constituencies who can't vote them into office. The inability to influence their elected representatives is a major reason why children's rights are not afforded the priority consideration they are due.⁴¹

Political representatives are obligated to respect, protect and fulfill children's rights, regardless of whether or not young people have the power to vote them into office. However, if political representatives wish to advance the best interests of the child, they would come to the conclusion that giving 16 and 17 year olds the right to vote is indeed in their best interests. The Committee on the Rights of the Child notes that the principle of the best interests of the child,

...requires active measures throughout Government, parliament and the judiciary. Every legislative, administrative and judicial body or institution is required to apply the best interests principle by systematically considering how children's rights and interests are or will be affected by their decisions and actions - by, for example, a proposed or existing law or policy or administrative action or court decision.⁴²

The Committee on the Rights of the Child, while not having formally declared a position on the voting age, has commended States that have lowered their voting ages to 16 years.⁴³ They

emphasize that children have a right to be involved in all matters that affect their lives, and this includes participation in democratic processes.⁴⁴ They expand on this view in their General Comment No. 5,

Opening government decision-making processes to children is a positive challenge which the Committee finds States are increasingly responding to. Given that few States as yet have reduced the voting age below 18, there is all the more reason to ensure respect for the views of unenfranchised children in Government and parliament. If consultation is to be meaningful, documents as well as processes need to be made accessible. But appearing to "listen" to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights...But article 12 requires consistent and ongoing arrangements. Involvement of and consultation with children must also avoid being tokenistic and aim to ascertain representative views...It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organizations (NGOs) or human rights institutions.⁴⁵

Children's rights and available evidence confirm that lowering the voting age to include 16 and 17 year olds:

- Will not harm children or obstruct the protection to which they are entitled;
- Can have positive effects on civic engagement and democratic participation; and
- Strengthens the capacity of a vulnerable yet large constituency to make their views on issues affecting them known and acted upon.

We conclude that lowering the voting age is in the best interests of the child. As such, there is no justification within the parameters of the Convention on the Rights of the Child to deny young people the right to vote, and every justification to lower the voting age to 16.

Implementation

Lowering the voting age should be complemented with youth-friendly education and polling measures. For 16 and 17 year olds, voter registration through the school system may be the most effective means.⁴⁶ Creating arrangements whereby 14 and 15 year olds may be registered in advance, so that they are on the voter list immediately upon reaching the age of 16, has been suggested in the Scottish context.⁴⁷

Specific measures should be considered to support the participation of different groups of children, such as those in care, those in custody, those with different abilities and special support needs, and those who are out-of-school or home-schooled.⁴⁸ Special consideration may be needed to protect the privacy of young people and their registration data.⁴⁹

All children should receive a basic education on civic rights and responsibilities in the context of voting.⁵⁰ It should extend beyond simply explaining the democratic process to encourage active discussion of political issues.⁵¹ Research from the Scottish experience of lowering the voting age found that discussing political issues in the classroom within the preceding three months significantly increased the likelihood that 16 and 17 year olds said they would vote in an election and that which party was elected made a difference in their lives; and whether they used a greater number of sources to gather information on political issues and took part in a form of

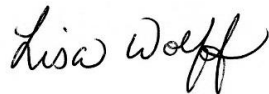
non-electoral political participation.⁵² While some provincial governments currently mandate courses in civics or political education, active classroom engagement on current political affairs is necessary to instil in young people the confidence to participate in the electoral process.⁵³ In turn, the prospect of actually voting would improve young people's interest in civic education curricula.

Support for extracurricular civic and rights education could also be expanded. For instance, UNICEF Canada's Bring Your MP to School Day initiative has proven to be a meaningful opportunity for young people to engage in a discussion with their Members of Parliament at school. To coincide with National Child Day on November 20th every year, UNICEF Canada encourages Members of Parliament to visit with schools and youth groups in their ridings, to listen to the ideas and opinions that children have and engage in lively discussion about current political issues. More information can be found at www.unicef.ca/ncd.

Conclusion

Canada should lower the voting age from 18 years to 16 years of age. Allowing young people to vote would support their various rights to development and protection. It would enable them to exercise their right to be heard and protect their democratic interests to the same degree as adults. It would contribute to fairer and more balanced political decision-making and shows promise to broaden democratic participation. Denying 16 and 17 year olds the right to vote serves no protective purpose. The risk to the adult population of expanding the right to vote to this age group is minimal. In contrast, it would be an important step towards improving levels of civic engagement across Canada, broadening the democratic foundation on which Canada was built.

Respectfully submitted on behalf of UNICEF Canada by:



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6 October 2016

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