

"Adolescent development and participation: Voting Rights for children and adolescents as a way to motivate young citizens to participate in society"

**Input paper for the
Second Substantive Session of the
Preparatory Committee of
the United Nations General Assembly Special Session on Children**

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Honorable Chairperson, dear Ladies and Gentlemen,

Participation Rights are not secondary

The Convention of the Rights of the Child defines four types of rights for children: survival rights, development rights, protection rights and participation rights.

Without neglecting the fight for the other rights, we must however not forget to strengthen participation rights and entitlements in the outcome document of the special session. Participation rights are of utmost importance for the children in developing and developed countries alike. Of course, it would not be in the interest of the children, if survival rights were played off against participation rights, or if children were even denied participation rights with the argument that first their protection rights have to be materialized.

As you probably know from the report of the secretary-general about the state of preparation for the special session, the civil society consultation in Europe is coordinated by [Euronet](#) ~~U~~
~~RONET~~.

In its most recent report, they highlight the word “invisibility” in describing the widespread discrimination of children as a body in Europe.

There are 90 million children living in the EU. Yet children as a group and adolescents up to 18 years are comparatively invisible as citizens or as subjects throughout the EU. They are excluded from the political decision-making processes which have an impact on them. They are not entitled to vote. They have little or no access to the media. They have only limited access to the courts. They are not members of powerful lobbies which campaign and lobby governments such as trade unions, the commercial sector or environment groups. Without access to these processes which are integral to the exercise of democratic rights, children and their experience remain hidden from the view. They are, in consequence, denied effective recognition as citizens. „The youth owns the future“ is a prominent saying. But do young people claim it for themselves? And does the society provide a voice for them-? Quote from the Euronet report. >>P>>P>>Politicians must recognize not only that policies on trade, growth, monetary union, consumer rights and labour movement have a direct impact on children’s lives but that children have a legitimate claim to have their interests in these matters taken seriously.<< (unquote)

Dear Ladies and Gentlemen, as they represent the next generation, children and adolescents have an inherent interest that mankind’s problems are to be solved. Children of today are a generation who will still live on earth at a time when the leaders of today will be gone. To render their interests more visible, we need to offer channels of youth participation for those who are able and willing to participate. We must think about strategies to increase the share of young people who is participating. In doing so, we must recognize that children’s interests and stakes cannot be subsumed totally within those of families. We need engagement for young people, with young people, but also – as far as possible – from young people.

Offering Channels for young people’s participation

Youth Participation must be understood in broader terms as participation in civil society. There are several forms of involvement possible:

- children and adolescents voting rights
- youth parliaments
- youth entitlements to speak or submit requests to political bodies or parliaments in all matters affecting the youth, esp. schools and education
- membership in youth organizations, youth networks or political or advocacy youth groups, led by young people themselves or by grown ups.

I will focus with children and adolescents voting rights because they are the most important step for more youth influence on politics and to make children’s interests more visible. The other topics are handled in different papers which I am happy to mail you. (contact: tremmel@srzg.de)

Children and Adolescents Voting Rights

In its most recent policy proposal, the NGO's in Euronet highlighted that the EU strategy to address discrimination against children is through democratic participation of children:

Quote from the Euronet report: >>The most striking and significant form of discrimination against children is their lack of any real opportunity for democratic participation within the EU. At a formal level, they are precluded from the right to vote in elections at either national or European level until they are 18 years old and are thus unable to exercise any role in formal representative democratic institutions. There is a growing movement from young people to lower their voting age. The perceived injustice of political inclusion was clearly articulated by the Belgian children consulted by Euronet who observed that a person of 40 years with an IQ of 60 has the right to vote, but a child of 16 years with an IQ of 120 does not. If age is considered to be an objective reason to exclude children from voting, then is not IQ also an objective reason? <<

In fact, as an NGO-representative, I want to bring forward to the assembly the proposal to ponder the idea of voting right for children and adolescents to end discrimination by age.

History of voting rights:In the history of voting rights, the portion of the people that has been excluded has always been diminishing. Take Germany as an example:

- before 1849: no voting rights for the people at all
- 1849-1918: **three class voting** in Prussia, discrimination by wealth
- 1867-1871: **General, equal, secret and direct voting rights for men** over 25 in the "Norddeutscher Bund" (North German Union)
- 1918: end of discrimination by gender: **suffrage of women** and men over 20 in the German republic
- 1972/75: lowering the age active/passive voting rights at the age 18
- 1996: in some *Länder* (states) lowering the age to 16 for local and state elections
- 2003: end of discrimination by age: Children and adolescents voting rights

Sorry, this was already the future and is not yet achieved. But it will come. And I hope Germany will be the first country to implement voting rights for minors. In the German constitution, the relevant article (Art. 20,2) reads: "**All government authority comes from the people**". It does not say „competent" or "adult" people.

Children and adolescents are the last minority which is excluded from the principle of ONE PERSON – ONE VOTE. But this fundamental principle of democracy will prevail in the end. The preclusion of a significant part of the people will not stand because there are no convincing arguments to uphold it. It is just a matter of time.

Detailed proposal how to implement children and adolescents voting rights

This voting right could be given on request for minors, not only for those from a certain age but for every age. **This** would factually mean the abolition of an inflexible age limit to voting rights. Today, in many countries everybody from a certain age on (like 18 years) gets automatically by mail the voting forms and cards for federal, state or municipal elections. This does not change. What would be new is that young people below this age can get the voting forms and cards, if they personally declare through their signature before the regular election committee their will to participate in elections. From this moment on, the young person receives the voting card just like an adult. When the young person certifies through the signature his or her entitlement to participate in elections from now on, no test whatsoever is done with him or her.

The child is excluded from postal or absentee voting until he or she [has reached](#) majority. The passive voting right is also linked to the full legal age in each country.

How many children would actually claim their right to vote?

Instead of using the term “Children” for everybody from birth to the age of 18, we have to very sharply look into age groups. So what about children from 0-4?

Would they actually vote? No. Why not? Because they cannot write or read or walk or even think of voting. Therefore in the proposed model they are technically not capable of voting.

Children from 5-13

Would they vote? Yes, possibly about 5 ~~%percent~~ of the 8 year-~~s~~-olds would vote, 15 percent of the 10 year-~~s~~-olds, 25 ~~%pereent~~ of the 13 year-olds. These figures differ of course from country to country and could be changed significantly through external factors, for instance more political education in schools etc.

Adolescents from 14-18

[Y](#)es, they would vote to a higher extent. The poll was at 50% in a recent German state election in Lower Saxony in the age group of 16-18 year-olds.

Arguments against voting rights and why most of them are wrong

I am not fanatically pursuing this idea. As a scientist I have vowed to accept the better argument without personal emotions. If anybody here gives me a better arguments, I am willing to change my opinion. And I expect the same willingness from anybody participating in an open discussion.

What arguments can be made against children and adolescents voting rights? Let me respectfully tackle the arguments which are or might be uttered against the proposal of children and adolescents voting rights. I want to carefully weigh every argument:

Arguments against children and adolescents voting rights:

1. Young people are not interested in voting rights.
2. Children are generally not mature enough to vote
3. Children are very easy to manipulate
4. Parents could coerce children to vote for the party the parents prefer
5. Extremist parties could get more votes from adolescents
6. There are no rights without duties
7. Children need special protection

Young people are not interested in voting rights

As it was said in the Euronet report: “There is a growing movement from young people to lower their voting age.” In Germany, there were even two attempts to carry this question to the Supreme Court during the last years. The second one from 1999, brought in action by three under-aged (13, 14 and a 16 years old) is still pending. They sued the government because it excluded them from the last general election against their expressed will. A growing minority of minors express their will to vote and criticize the government for disfranchising them. And in the UK, *Article 12*, a children and young people’s organization is actively campaigning for a reduction in the voting age.

A significant share of 16 or 17-year-olds is very interested in voting rights. And even if these were only 50% percent: The fact that only 50% of US citizens votes does not mean we can disfranchise the other 50%, right?

We have to offer fast-tracks for an active citizenship for the interested. And we have to take educational measures that more and more young people become interested in active citizenship. Entitling children and adolescents to voting rights would in fact spur education in schools about democracy. It would encourage them to develop skills to cope with the demands of adult life, such as decision-making and communication. This goal is also stated in [No.76](#) of the draft provisional outcome document.

Children are not mature enough to vote

Of course it is desirable that every person who casts a vote is mature and intelligent enough to vote. However this is not the case nowadays. In any case, it is contradictory – as the Euronet reports states – that adults with lower IQ than minors have the right to vote, whereas the more intelligent under-aged have not. If maturity and intelligence are to be the objective reason to exclude people from voting, then wouldn't it be logical to implement a test and exclude all those too immature or [unintelligentstupid](#) from voting. This is a form of democracy which is not further debated here and which I personally don't want. But it should be clear now that the mentioned argument against children and adolescents voting rights does not withstand critic. Even old people with Alzheimer are entitled to vote - and rightfully they are. In a democracy no one citizen should be disfranchised.

Very often the above mentioned argument is slightly changed into: The majority of 16 (12, 10, 8year-olds) is not mature enough to vote.

This must aim at younger children. Because who would seriously declare, that more than 50% of older minors, like 17 or 16year-olds are not mature enough. In many countries in the world, the legal voting age is 16. In Germany, it is 16 for state elections in one of the most populous German Länder (Lower Saxony), but not for the federal and European election. The first evaluation of these recently changed law showed very positive effects. No political party wants to change it back. Those facts show that possibly no one can scientifically prove if a 50%-majority of 16year-olds are not mature enough.

Let's talk of the younger minors, let's say the cohort of 12 year-olds. It is well debatable how capable to critical evaluation, reasoning and decision-making a 12 year old is. On Jan 25, 2001, Lionel Tate was convicted of first-degree murder by a county court in Florida. He faces a life in prison without the possibility of parole. He was twelve when he committed his crime. Obviously the jury believed that he was very capable to oversee the consequences of his actions. If you admit such a great extent of responsibility to an twelve-year old, you should consequently also admit that he is capable to understand the act of voting.

As [I](#) said before, there is an threshold because some people are technically not able to express their will to vote by signing before the election committee. Neuroscience tells us that most of them cannot yet understand complex correlations. The state of self-awareness (like recognizing yourself in a mirror) has yet to be developed. I don't want to go to deeper into this, I just want to make clear that I am well aware that a two-year child is approximately on the same level as chimpanzee.

However, there are always some very bright and intelligent children whose personal development goes faster than their age group's. I would assume the youngest voter could be about 5 years old.

Don't get me wrong, I am not saying that the majority of 10year-olds are capable of voting. My personal judgement – based on how I personally define maturity - is that 20 percent of the 10year-olds are capable. Now, why should then *everybody* be entitled to vote, why not making a age limit at maybe 11 or 12 or 13 or 16 years, [no matter howhowever](#) arbitrary this would be?

The reason is: When it comes to basic rights, one cannot argue with majorities or probabilities. We have several articles in the UN Convention on the Rights of the Child who show this:

Art. 13: The child shall have the right to freedom of expression.

This entitlement is executed only by a very small minority of 10-year old children, maybe 3%. Does the fact, that 97% of all 10-year-old children do not execute their legal right mean that those 3% who want to execute it are not entitled to it? Of course not, no one would argue with a general age limit in this case.

Or take Art. 15: Freedom of Association:

Does the fact that 99% of all 10-year-olds don't found a youth organization mean that the few 10-year-olds who want to do it are not allowed to do it. Of course not.

The fact whether or not the majority of an people executes an basic right is no argument to disfranchise a minority or even a single person of it.

Children are very easy to manipulate

The constitutions of most states mention that elections should be free and secret. What does this mean that they should be "free"? This provision does not mean that the voter cannot or should not be influenced. All politicians must in a democracy try to influence voters. Campaigners are doing the same, people talking at workplace about politics are doing it, spouses talking at home are doing it. That is what the political game is all about. One could argue that non-rational influence is bad, but only emotional. In fact, this was one of the major arguments in the debate about the suffrage of women: It was said that they would vote for the candidate which they liked better from their hearts whereas only men would be capable of cool reasoning about the better program. Today, it is widely accepted that people vote for politicians because they "like" them. This would not be different for kids.

Parents could coerce children to vote for the party the parents prefer

In some countries only 50% of the grown-ups are voting. However, indeed these people could be inclined to make the voting decisions for their children, like they make a lot of other decisions for them. There are studies that nine million women world-wide are forced to choose the party or politician their husband likes. We cannot exclude abuse of children voting rights through their families. However, does this mean to take a fundamental right away from a significant part of the people? No, the consequence must be that to do everything to reduce the probability of abuse. In the proposed model, several checks and barriers are installed in order to minimize abuse. First of all, the child must appear in person to register for voting. The parents cannot deputize. Secondly, minors are excluded from postal vote, they must cast their votes in person. Thirdly, as the child is (as every voter) alone in the polling booth, it is by no means sure that the children would vote along the lines that their parents prefer. As we know from psychological studies, children before adolescence accept the value set of their parents. In puberty, the picture changes, however. Some children might be even inclined to vote for the opposite direction. However, there is no way for parents to find out what their children have actually voted for and sanction a "wrong" vote.

But even if "abuse" was widespread: Is the threat of proxy votes really such a threat, a danger even for democracy. The idea of proxy votes for parents (although not feasible) is fairly intensely debated in for instance France and Germany. In the period between the First and Second World War fathers of four or more were given a second vote in the French protectorates of Tunisia and Morocco. I am not in favor for a proxy vote I just wanted to show that many peo-

ple don't see a danger at all if the children voted along the line of their parents, in other words: if families had more votes than singles.

If abuse would take place or not, it would not change much of the outcome. The composition of the parliament remained nearly unchanged.

Extremist parties could get more votes from adolescents

This is the only argument which proves to be valid against adolescents (not children) voting rights. From psychological and sociological studies we know that puberty often is a period of rebellion, of seeking, of uncertainty, of sexual hardship. Many adolescents tend to lean to the far-right or far-left. It is probable that centric parties would receive slightly less votes from the age group of the 13-21-aged than from the average.

However, I don't believe that this is a threat to democracy. The share of this age group is simply not big enough. The most likely outcome is that the composition of the parliament would change, but only slightly. Moreover, not always radical parties are bad parties. In history, the idea of democracy itself once was a radical idea. It is understandable that the adolescents want to change something, that they are impatient. As Cicero said once: "It is the young men, who shatter the states."

Finally, I feel uneasy by excluding people from an election just because I might not like what they are voting for. This is not the idea of democracy.

If children and adolescents voting rights were established, one could closely monitor the voting behavior. But even if this argument proves to be true, it does not outweigh all the others.

No rights without duties!

Legally, the freedom of speech or the freedom of association are unconditional. The freedom of speech is not conditioned on saying something intelligent, although this would be preferable. Again: If we want to impose new duties, this must be for everybody without age discrimination.

Children need special protection. They are no little grown-ups

This is of course a true sentence but not at all an argument against children voting rights. We must be aware that the age limits for protection rights are way different as for participation rights. This is the case everywhere in the world. Let's talk about age limits for protection rights first: In Germany, the right to drink in public or to smoke is granted by the age of 16, many movies are restricted to people older than 16 or 18. These age limits shall not be criticized because the acts of drinking, smoking or watching certain movies potentially harm young people. Nor shall the principle of different age-determinations in general be criticized.

The act of voting cannot be of harm for any child. This act belongs to participation rights, like the right to choose the religion (in Germany with 14) or the right of association or freedom of expression (no age limits).

It is a strange notion that someone could be better protected by disfranchising him or her. No protection right is taken away from children or adolescents if a new participation right was granted and the age limit for a participation right was lowered. There is no empirical evidence that lowering the age limit in Lower Saxony has made those young people less protected.

First development, then participation

It is true that adolescents development is a condition for being able to participate. But true is also that adolescents develop through participation. Providing opportunities for participation is instrumental in getting critical, engaged adults. If the child does not benefit from stimulation and growth opportunities at critical junctures, the consequences might be that he or she

will never really actualize his or her potential. The entitlement of a right does not mean that you have to execute this right constantly. Increasing the options of young people will help them to develop.

Passive Voting Rights

As said before, the passive voting right is still bound to the full legal age. This is due to the fact that minors should not be able to perform acts which might be negative for them. We think that a person who needs parental consent for a lot of actions is technically not able to perform in office as an under-age. The change of the passive voting rights is only possible if the majority age was changed, too. This does not apply for changing the active voting right which does not have to coincide with the full legal age.

Conclusion

Let me conclude by transferring you back to the state of the minds and the commonly shared beliefs one hundred years ago. If someone had made the proposal of entitling women to voting rights, the great majority had said with a stiff upper lip: "How absurd is this?" I assume that in a few years children and adolescents voting rights will be materialized in some UN member states and in a few decades we will look back to this stiff upper lip-attitude with some kind of indulgence.

More than any other step, children and adolescents voting rights would make children and their interest visible. It would increase their influence on politics on matters that affect them. Although the number of under-aged with an genuine interest in politics may be, at least in the beginning, not too high, politicians would start to woo this generation. It would improve the chances of the next generation that their special problems are being heard.

Generally, one should be less anxious in giving responsibility to young people. Until recently, youth was seen more as a problem than a resource. Youth was seen as state of deficiency. That youth-deficit approach has failed and created a lot of harm. The majority of youth is an indispensable resource for society and should be regarded as such. Society cannot afford to ignore their visions, their idealism, their energy and their enthusiasm any longer. Voting Rights are not only good for children, they are a way for society to realize and nurture the positive energy and creativity of young people.

Request to change to outcome document of the special session

The draft provisional outcome document emphasizes the status of children as subjects, not as objects. In order to make clear that this is not just an alibi, we must ensure the following:

The outcome document of the special session should include the entitlement for children and adolescents to vote.

The author and the NGO

Jorg Chet Tremmel is chairperson of the Foundation for the Rights of Future Generations, FRFG, a non profit and non-partisan organisation with the objective of sustainability and intergenerational justice. Deriving from a students initiative, this think-tank organises conferences, publishes books, brings forward lawsuits and campaigns in order to awake consciousness for the needs of future generations. FRFG has organized the European Youth Congress at the EXPO 2000 in Hanover, Germany, and was involved in organising the youth platform at the UN World Conference Urban 21 in Berlin, both in 2000.

In many areas, our society is living at the expense of its children. There are, for example, progressing destruction of the environment, which becomes evident in problems like the hole in the ozone layer, greenhouse effect, nuclear waste, extinction of species, desolation of the soil, overfishing of the seas and desforestation of the rain forest. But also the exceedingly growing national debts spoil the prospects of future generations seriously.

The “Essentials” which led to the establishment of FRFG are:

>>The effects of today’s politics violate the basic principle of generational justice: **NO** heritage will be left to future generations that enables them to shape their life according to their own wishes and conceptions, and which guarantees they will be able to have access to the same possibilities as we have today. Reverting to generational justice, the Brundtland commission defined ‘sustainable development’ as a ‘development that satisfies the present needs without risking that future generations cannot satisfy their own needs.’ Hans Jonas, the former propagator of future ethics, formulated a new ethic of responsibility as early as 1979: ‘Act in a way that makes sure your actions are consistent with the permanence of genuine human life on earth’. The motto of the FRFG summarizes these different definitions as follows: **‘The behaviour of the people living today must leave so much room to succeeding generations that these are still capable to act.’**<<