

ADVOCACY BRIEF

Children's right to participate in election processes

The right to vote



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Abbreviations

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| ACRWC | African Charter on the Rights and Welfare of the Child |
| CCPR | Covenant on Civil and Political Rights |
| CRC | Convention on the Rights of the Child |
| CRIN | Child Rights International Network |
| ESA region | Eastern and Southern African region |
| GC X | General Comment No. X (by the United Nations Committee of Experts on the Rights of the Child) |
| HRI | Human Rights Institution |
| IAWGCP | Inter-Agency Working Group on Children's Participation |
| NGO | Non-governmental organization |
| OHCHR | Office of the High Commission on Human Rights |
| SDG | Sustainable Development Goal |
| UDHR | Universal Declaration of Human Rights |

“Every day children like me are affected by the new laws and regulations that the government expects us to abide by, and if we break these laws we are treated as adults would be. We have to get an education, but we cannot affect what the education will give us, we cannot even choose what our subjects are until high school. Most adults would say we are "not intelligent enough" and "too easily influenced", but then again, so are you. Adults are susceptible to bribery and blackmail, peer pressure and prejudice, and some children are smarter than adults, all this is, is age discrimination. It's like stopping people from having a vote just because they are a girl or because of the pigment of their skin, you're going back to your old ways. At least give us a CHANCE to vote, you don't even have to count it, just let us get the feeling that we're doing something to help our country. We kids want to make a brighter future for our nation, but we aren't even getting the chance to do that, you're stopping us from helping our country to go forward. I'm not saying children are perfect, but adults aren't either, everyone has their flaws, I see people talking of children not knowing much about politics, so they wouldn't give a good vote, but who is to decide what a good or bad vote is? You can't decide what I do or don't like, I don't believe in god, but do I tell people that they shouldn't? NO! So why do you think you can tell us what we believe in? Who are you to tell ME that my ideas are unreasonable, and for people that think bribery would affect a child's voting, no one honourable would bribe children into voting for them, they wouldn't DESERVE a vote. GIVE CHILDREN A VOTE!”

(Child participant in an on-line debate: Should children be allowed to vote?

<http://www.debate.org/opinions/should-children-be-allowed-to-vote>)

Introduction and purpose of this advocacy brief

Children are rights-holders. The United Nations' *Convention on the Rights of the Child* (CRC), *Universal Declaration of Human Rights* (UDHR), and *Covenant on Civil and Political Rights* (CCPR), and the African Union's *African Charter on the Rights and Welfare of the Child* (ACRWC) recognize and protect not only children's socio-economic rights, but also their civil and political rights.

This means that children are entitled not only to have their rights realized, but also to participate in and influence political processes related to the realization of these rights. Participation, although not a term used in the above documents, is recognized by the United Nations Committee of Experts on the Rights of the Child as an ongoing process through which children exercise their civil and political rights. Participation is thus recognized as a right of all children.¹ Participation encapsulates the ongoing process surrounding policy and related decisions required for the realization of a particular right, for example, education policies, budgets, curriculum and monitoring of services, as well as holding government to account for the right to education.

The right to participate is grounded in Article 12 of the CRC, which affords every child the right to be heard in all matters that affect them, and have due weight given to their inputs, in accordance with their age and maturity. Article 12 is recognized as one of the fundamental principles of the CRC as it underpins children's status as rights-holders and not just beneficiaries of rights. Article 12 states:

The child holds rights which have an influence on her or his life, and not only rights derived from her or his vulnerability (protection) or dependency on adults (provision).

The Convention recognizes the child as a subject of rights, and the nearly universal

ratification of this international instrument by States [sic] parties emphasizes this status of the child, which is clearly expressed in article 12.²

The Committee emphasizes that Article 12 must be broadly interpreted to include all processes and decisions that affect a child. State parties must assume and assure that all children are able to express their views “in all matters affecting” them. It stresses that “**this basic condition has to be respected and understood broadly**” to include social and political processes in society and their communities.³ As such, the right to participate and be heard must include, but is not limited to, the right to participate in election processes, the outcomes of which certainly do affect children.

Despite this clear responsibility, the 2016 *African Report on Child Wellbeing* concludes that there is a striking absence across Africa of recognition of these rights, and of effective mechanisms and processes to facilitate the participation of children.⁴ This includes their participation in election proceedings. Across the world, most countries adopt a minimum voting age which excludes most children from voting. Only a few recognize the rights of children under the age of 18 to vote. Of the 27 countries that currently recognize the rights of some older children to vote, only two (Sudan and Seychelles) are in Africa.^{5 6}

Save the Children and MIET AFRICA have joined forces to advocate for stronger child-sensitive governance processes and systems across the Eastern and Southern African (ESA) region, including inclusive, child-sensitive, democratic election processes. This advocacy brief provides an overview of the rights and responsibilities of children and state parties in securing the meaningful participation of children in election proceedings. It makes recommendations for developing child-friendly election proceedings in the ESA region, drawing on relevant legal instruments, literature and stakeholder views from 2017 research in Zambia and Tanzania on children’s civil and political rights.

The legal framework

Children’s civil and political rights: do they include the right to participate in election proceedings?

The human rights treaties governing children’s civil and political rights are the same as those governing the rights of adults, with additional clarification and protection provided by child-specific instruments. The General Comments on these instruments published by the Committee on the Rights of the Child, such as General Comment No. 12 (referenced in the introduction), have been analyzed by child-rights advocates and political theorists such as the Child Rights International Network (CRIN), Bob Franklin and Bertrand Russell. The General Comments confirm that children, like their adult counterparts, have a right to participate in election proceedings. Indeed, it is clear from the literature that children’s participation in election proceedings is not only a legal imperative, but is also necessary for the realization of their other rights, and for achieving sustainable development.

The legal argument for children’s right to participate in election proceedings

The most compelling argument for affording children the right to vote is a legal one: the right to vote is not a qualified right—it is a fundamental universal right and the bedrock of rights-based democratic societies. Children’s exclusion from the right to vote denies their citizens’ rights and their right to be a citizen; the distinction between voters and non-voters based on age is arbitrary.⁷ “Not having the right to

vote excludes children from democratic processes and is a major reason why their rights continue to be unfulfilled."⁸ (author's emphasis)

Human and child-rights treaties recognize that children have civil and political rights, and that these include the right to participate in legal proceedings.

The CCPR provides the overarching legal framework for both adults and children. It recognizes and protects a suite of civil and political rights including, but not limited to, the right to vote. It decrees that:

- Every citizen shall have the right and opportunity to take part in the conduct of public affairs, to vote, and be elected at elections which shall be by universal and equal suffrage⁹
- Every person is entitled to freedom of thought¹⁰
- Every person is entitled to freedom of association¹¹

The scope and nature of these rights and associated government responsibilities are defined in General Comment No. 25 (GC 25) on the CCPR as:¹²

- Constituting the core of democratic government
- Universal, and thus to be equally enjoyed by all, including children
- Subject to a duty on state parties to respect and ensure the rights of all individuals, without unlawful distinctions; the rights may be limited only where such limitation is lawful, objective and reasonable

The Office of the High Commission on Human Rights (OHCHR) affirms that the right to vote is universal, and that all citizens have the right to participate in government and public affairs through casting votes or by being elected through free and fair elections held periodically.¹³

Bob Franklin, a political theorist and child-rights advocate, explains that the principle of universality demands that state parties recognize the right of children to participate in election proceedings. He cites the British philosopher Bertrand Russell, who declared, "***No political theory is adequate unless it is applicable to children as well as men and women.***"¹⁴ Franklin argues further that universality is the foundation of the call for free and fair elections which articulates a clearly-defined legal framework of principles, duties and responsibilities, and that these apply equally to children.

The right to participate in election proceedings includes more than the right to cast a vote; GC 25 recognizes that the right to vote is only one aspect of the much broader and more complex right to participate in the conduct of public affairs. The realization of these rights is impossible without ensuring freedom of expression, opinion, assembly and association. Informed, free and fair election processes are the bedrock of citizenship rights, and state parties are obligated to take all measures necessary to:

1. Secure the rights to freedom of expression, opinion, assembly and association
2. Overcome barriers such as language and poverty, and ensure that the rights are enjoyed by historically excluded/disenfranchised groups
3. Establish an independent electoral authority to oversee electoral processes so that barriers are overcome and to ensure free and fair processes

The CRC and the ACRWC recognize and reinforce that children are entitled to enjoy citizenship or political rights. These include, not only the right to be heard in all matters that affect them including elections, but a suite of supporting rights necessary for their meaningful participation in the conduct of public and social affairs. This suite of protected rights includes:

1. The right of to express their own views, to be heard in all matters affecting them, and to have their views given due weight in accordance with their age and maturity (evolving capacities)¹⁵
2. Freedom of expression: that is, the right to express their views without fear or prejudice¹⁶
3. Freedom of thought, conscience and religion: the right to hold their own views and practise their religion of choice, subject to their parents' right to guide them¹⁷
4. Freedom of association: the right to join groups or associations for expressing shared viewpoints¹⁸
5. Protection of privacy: the right to protection from interference with their privacy¹⁹
6. Access to information: children have a right to information and governments have a responsibility to ensure that children have access to socially and culturally relevant information through a diversity of sources, including the media²⁰

In addition to constituting an actionable right on its own, the right to vote is also a gateway right. The realization of this right determines the enjoyment or frustration of other rights. As noted by the CRIN, the exercise of children's civil and political rights in policy, budgetary, programming and monitoring processes is key to the effective realization of all other rights, including their socio-economic rights advanced through associated policy platforms, services and frameworks. It is a well-recognized principle that children's participation in designing, delivering and monitoring programmes results in more effective and responsive programmes with greater prospects of success and sustainability.²¹ Thus, children's participation in elections, where fundamental policy decisions are made regarding social and economic rights, are central to the construction of a child-rights-compliant society and government.²²

The development argument for children's right to participate in election proceedings

On 1 January 2016 the *2030 Agenda for Sustainable Development* came into force. The Agenda was adopted by world leaders who committed to direct collective—that is, government, business and civil society's—energies, resources and systems to advance 17 Sustainable Development Goals (SDGs). The goals are recognized as the foundation of achieving and sustaining social and economic development, and the elimination of poverty and inequality. The goals recognize that meaningful and sustained social and economic development depends on social transformation, which brings about an equalization in the power and participation of all, especially historically marginalized and disenfranchised communities, who carry a disproportionate burden of poverty. In short, sustainable development is dependent on the realization of the rights—not just social and economic, but also civil and political rights—of all, especially the historically marginalized and disenfranchised, including children and youth.

Therefore, the SDGs place as much importance on democratic processes as on substantive social and economic goals. Goal 16 is to: *“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”* The associated targets reflect the transformation required to achieve Goal 16 and related goals. Target 16.7 requires that governments *“Ensure responsive, inclusive, participatory and representative decision-making at all levels”*. The United Nations outcome document *The Future We Want*²³ recognizes that empowered, enfranchised and enabled people lie at the heart of sustainable development, and that this in turn requires effective, transparent, inclusive and democratic institutions at all levels of society.

The Future We Want is unequivocal in its recognition and requirement that *“broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. **Sustainable development requires the meaningful involvement and active participation of ... all major groups [including]: women, children and youth**”*, and to this end, *The Future*

We Want urges the development of processes that support these groups' active participation in, and contribution to, decision-making, planning and implementation of policies and programmes for sustainable development at all levels.²⁴ It further recognizes that making this a reality requires building an enabling and inclusive environment where citizenship rights of all, including children, are recognized, respected and promoted.

The Inter-Agency Working Group on Children's Participation (IAWGCP) defines citizenship as "the collection of rights and obligations that define the members of a community. These rights and obligations encompass legal empowerment and justice, political participation and decision-making, social engagement, economic rights and access to resources ... Citizenship rights are the instruments for active citizenship and must be learned" by children through participation in citizen's processes—such as elections.²⁵

State party responsibilities: respect, protect and promote children's civil and political rights, including participation in election proceedings

The legal and developmental recognition of the civil and political rights of children—including their right to participate in election processes—creates a clear and immediate responsibility on state parties to recognize, respect, protect and promote these rights through legislative, administrative, budgetary and related measures.

In addition to the duty to pass laws, develop programmes for education and awareness-raising, and establish processes for inclusive decision-making, state parties have specific duties to support the meaningful exercise of, and accountability for, the protection of civil and political rights. The duties are designed to support democratic and lawful election processes generally, and specifically to address the opportunities and risks unique to children. These duties include:

1. Establishing an Electoral Commission that ensures free, safe and fair elections for all, including children. GC 25 on the CCPR defines the commission's mandate as including:
 - a. Ensuring free, fair, inclusive and safe elections that comply with human rights standards (which includes children's rights and standards)
 - b. Setting standards for free, fair, inclusive and safe elections for political parties and the media (including for children)
 - c. Monitoring compliance by political parties and the media with prescribed standards (including those relating to children)
 - d. Educating rights-holders (including children), political parties and the media on the rights of all, including children, and how to comply with prescribed standards and ethics²⁶
2. Establishing independent Human Rights Institutions (HRIs) that mainstream the promotion and protection of children's rights, including their civil and political rights.²⁷ GC 2 specifically requires that HRIs should be legislatively mandated to promote and protect human rights protected by the CRC and all other relevant human rights instruments (such as the CCPR). The mandate should effectively cover all rights, including civil and political, economic, social and cultural rights. Where laws already exist, but do not mandate institutions adequately with regard to children's rights, the laws should be amended appropriately.²⁸

A key rationale provided by the Committee for mainstreaming children’s civil and political rights within HRIs’ mandate is that most children are disenfranchised. Because most children do not have the vote and are unable to play a meaningful role in the political processes that determine responses to human and children’s rights, it is critical that HRIs should ensure children’s meaningful and safe participation in political processes.

3. GC 12 defines the duties of state parties to ensure the right to be heard as consisting of two component parts that must be equally respected in all matters affecting children (including election processes). They must:
 - a. Ensure that all children, regardless of their age, have an opportunity to express their views meaningfully in community and societal processes such as election processes
 - b. Ensure that their views are given due weight, according to the age and maturity (evolving capacities) of the child²⁹
4. Through the mandates and activities of their electoral commissions and HRIs, and additional measures, state parties must ensure children’s meaningful and safe participation. Specifically, they must:
 - a. Recognize and protect children against the risk of harm, coercion to participate, or manipulation of their views and actions by adults involved in the decision-making process.³⁰ This implicitly requires that state parties act to protect children against harmful and manipulative practices by politicians during their participation in election processes through measures such as the development and adoption of a child-protection strategy to address the risks and damages specific to the relevant decision-making process, including elections.
 - b. Ensure that their involvement is not a once-off, token event, but that children participate meaningfully across the continuum of the ongoing decision-making process. In the context of election processes, this implies that children’s participation should be facilitated across an ongoing process that allows and enables children to participate fully.
 - c. Ensure that children have access to full, accessible, diversity-sensitive and age-appropriate information to enable them to know their rights and how to exercise them meaningfully and responsibly in election proceedings. This requires the provision of election and voter education by the electoral commission. In addition, GC 1 on the CRC Aims of Education makes it clear that formal education systems have a key role to play.³¹ GC 1 is clear that the purpose or aim of education is to educate and prepare children for their roles as active, engaged and responsible citizens in society. This in turn places a duty on formal education systems to teach children how democratic societies operate, what children’s civil and political rights are, and the mechanisms available in-country to exercise them.
 - d. Ensure that adults involved in election processes recognize, understand and engage in lawful, effective and meaningful child participation practices.
 - e. Ensure that election proceedings involving children include marginalized groups, such as children living rural areas, children out of formal schooling and children with disabilities, and are conducted in child-friendly environments.
 - f. Recognize and ensure that children are afforded differing levels of support and forms of involvement according to their age and evolving capacities.

State parties' recognition of children's right to participate in election proceedings

Do governments recognize children's right to participate in election proceedings?

As noted by the CRIN, the extent to which these rights are recognized and advanced is a clear indicator of the child-rights orientation of a country or region. Children enjoy these rights, not because they are “the future” or “the adults of tomorrow”, “but because they are human beings today. This means children, like all adults, must have their civil and political rights protected ... how a society views children's civil and political rights is a good gauge of how that society views children: as rights-holders, or merely an extension of their parents”.³²

World-wide, most countries adopt a minimum voting age that excludes most children from voting. Only a few recognize the rights of children under the age of 18 to vote.³³ As Table 1 below shows, of the 27 countries that currently recognize the rights of older children to vote, only two (Sudan and the Seychelles) are in Africa.

Table 1: Minimum voting ages for children³⁴

| Under 18 | Under 17 |
|--------------------------|---|
| Austria | East Timor |
| Bosnia and Herzegovinian | North Korea |
| Brazil | Sudan |
| Croatia (if employed) | Seychelles |
| Cuba | Israel (local elections) |
| Ecuador | Estonia (local elections) |
| Greece | Malta (local elections) |
| Guernsey | Belgium (public consultations at local/regional levels) |
| Isle of Man | Scotland (local and regional elections) |
| Jersey | Wales (local elections) |
| Nicaragua | |
| Philippines | |

| | |
|-------------------------------|--|
| Serbia | |
| Montenegro | |
| Slovenia | |
| Germany (local elections) | |
| Switzerland (local elections) | |

In addition, it is common practice in countries like Tanzania, Ghana³⁵ and India³⁶ to prohibit the participation of children in elections, primarily on the grounds of protecting children from exploitation.

Do political parties recognize children’s right to participate in election proceedings?

Based on the views shared by politicians in Tanzania, the answer is no. To the limited extent that children are involved, they are seen as voters in training—a right they only get to exercise once they are adults.

For the most part, political parties in Tanzania believe that the law precludes children from participating in political rallies, and therefore from participating in election processes. Children’s rights are addressed by political parties in their manifestos—especially the issues of education and health care. However, two of the opposition parties shared that they did not consult children in arriving at their party policy positions. A party representative interviewed acknowledged that they should do so, but admitted that they don’t. In his words: “Children do not participate directly; we speak on their behalf. To be honest, we do not engage children in formulating our positions. We should, but we don’t.”

Reasons given for not including children are:

1. The lack of effective and systematic mechanisms to reach children. The members of opposition parties interviewed said that the government has established formal structures like Children’s Councils, but the opposition parties are not invited to engage with children through these structures.
2. The limited democratic space in Tanzania is dominated by the ruling party, and its dominance over the Children’s Councils creates the danger of manipulation and exploitation of children, and the resulting limitations on information and dialogue undermine children’s meaningful participation in election processes.³⁷

Do electoral commissions and other oversight structures recognize children’s rights?

The United Republic of Tanzania’s National Electoral Commission does not recognize the right of children to participate in electoral proceedings. They do however provide voter education to schools.³⁸

In Zambia, the Electoral Code of Conduct makes no mention of children and their rights; there is no explicit recognition of their rights and government’s associated responsibilities vis-à-vis involving children in free and fair elections.

Do the media recognize children’s right to be involved in election proceedings?

As a rule, no.

The Media Council of Tanzania stated in an interview: “The media do not, as a rule, give children space to express their views, and do not significantly and substantively address child-rights issues during election periods.”

The Media Council monitors the media coverage of elections, but the involvement of children in elections is not an issue for them.

What do civil society organizations think?

Children’s rights organizations in Tanzania and Zambia that participated in the study acknowledged that children’s right to participate in election proceedings should be recognized, respected and protected in accordance with their evolving capacities, and should be regulated to ensure their safe and meaningful participation.

However, in the ESA region the socio-political context calls for caution in terms of the responsibilities placed on authorities to support the rights of children; the unregulated exercise of these rights, given the potentially volatile socio-political context, may present a very real threat to children’s safety and protection.

The ESA region has a large and growing youth population. As noted by a Tanzanian NGO, “This is also the age when children are willing to question the status quo in their numbers, and opposing viewpoints create a potential risk to political parties, and creates a dangerous environment for children.”

This does not mean, in the view of the NGO interviewed and the author, that the rights of children should not be recognized, but rather calls for a more regulated space. In the ESA region it would be unwise to simply lower the voting age without ensuring a nationally shared understanding of children’s civil and political rights, and education on the associated rights and responsibilities.

What do children think?

The Children’s Councils in Tanzania are child-led organizations established and supported by government to listen to children’s grievances and share these with relevant decision-makers. Children who participate in these councils shared their views in a focus-group discussion on children’s civil and political rights in the country.

Participants shared that children do not have the right to vote and do not participate in election processes at all. They observed that politicians do not recognize their rights; when they do talk about issues that affect children, such as health and education, they talk to the parents and not to the children themselves. Children do not attend political rallies and debates. In the words of one of the children: “***In their campaigns, politicians do not address children since they know [we] are not voters.***” This sentiment was shared by the others and captured eloquently by another participant:

“They [politicians] think we are small children and that we do not know about our rights and what is going on. Therefore, they ignore us and our rights. They put time and money to their voters.”

The children all agreed that they would like to change this. As one child put it: “***If we could, we would lower the voting age to 15 or 16 years.***”

Is it lawful to exclude children, based on their age or potential risks, from participating in election proceedings?

No, it is not.

GC 25 on the CCPR allows for limitation of children's right to vote, but not of their right to participate in broader political proceedings under very limited circumstances: any such limitation must be lawful, objective and reasonable.

Franklin argues that the imposition of age-limits on voting and the exclusion of children based on possible protection risks is neither lawful nor democratic (this conclusion is echoed, for example, in GC 12). According to Franklin:

In democratic societies the presumption must always be against exclusion and the burden of proof must rest with those who propose to disenfranchise. (Franklin, 2010)

Franklin goes on to argue that minimum voting ages are arbitrary. Unless they are consistent with **all rights** set out in the CRC, they are not valid and cannot justify the limitation of rights or meet the aforesaid burden of proof. This means that using age to exclude children from any of their rights potentially curbs children's development, freedoms, and even their protection (CRIN, n.d.). The legal basis for this is the principle of evolving capacities, as contained in the CRC.

In terms of the CRC (Article 5), the only lawful grounds for age-based differentiation of children's citizenship rights is the principle of the evolving capacities of the child. As children and get older acquire enhanced competencies, their capacity for making decisions that affect their lives increases exponentially. However, the rate of change differs depending on the social, physiological and cultural context of each child. This allows—and indeed requires—**“varying degrees of protection, participation and opportunity for autonomous decision-making in different contexts and across different areas of decision-making.”**³⁹ In practical terms this means that children's civil and political rights may be limited based on their age in order to protect them, but only to the extent required by their differing competencies and capacities. This in turn means that the setting of standard minimum ages that do not recognize children's different evolving capacities are arbitrary, unlawful and therefore not permissible in law.

How valid are the protection and related arguments used to justify the exclusion of children?

The common arguments raised against the recognition of children's election rights summarized by Wall include:⁴⁰

- The competency argument: A widely-held view among political theorists, such as Habermas and Barber, as well as among the public,⁴¹ is that children and youth lack the capacity for “political reason ... and the ability to weigh society-wide outcomes of decisions.”⁴²
- Further capacity concerns: It is also argued that children lack the necessary knowledge and understanding of political issues, systems and elections to be able to cast an informed vote.
- Lack of political independence: The argument is often made that children are strongly influenced by parents, teachers, the mass media and corporations—so much so that they lack the capacity to vote independently.

Wall, supported by the Committee on the Rights of Child's GC 12, asserts that these arguments are not reasonable, lawful or objective, and cannot justify the denial of children's right to vote in any rights-based democratic dispensation. In addition to being legally untenable, Wall and others note that it is factually incorrect to assume that children lack competence. According to GC 25: "Studies of children's parliaments demonstrate that quite young children are fully capable of debating and voting upon major political issues such as health provision, non-discrimination, educational infrastructure, child abuse, citizen birth certificates, violence in schools, gender equity, environmental protections, and much else."⁴³

In addition, all the above arguments are equally applicable to adults, and have in the past been used and discredited as arguments to exclude other groups, such as women and black people.

Most importantly, the arguments above all raise issues that can easily be resolved—and indeed, place an obligation on adults to do something to resolve the issues. These are not children's problems, but adult problems—they have a responsibility to ensure that the right is exercised properly and barriers overcome—as they do for of adult voters. Indeed, GC 12—and the overarching legal aim of education and the associated responsibilities documented in GC 1—place a clear responsibility on adults and education systems to build and support the evolution of capacities. Moreover, these documents explicitly prohibit the alternative position commonly taken, which is to deny the right altogether.

Implications: responsibilities on multiple role players in election

According to Franklin, the recognition of children's civil and political rights, including their right to participate in election proceedings, creates:

... a clear and immediate legal obligation of States' [sic] parties under the Convention. It is the right of every child without any discrimination. 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. It requires a preparedness to challenge assumptions about children's capacities, and to encourage the development of environments in which children can build and demonstrate capacities. It also requires a commitment to resources and training.⁴⁴

GC 12 recognizes that fulfilling these obligations will present a challenge for state parties, particularly given that, as observed by Franklin, "Most people seem to accept children's exclusion from voting as an article of ill-considered faith, a sort of self-evident common sense that requires little justification."

However, as noted further in GC 12, "It is an attainable goal if the strategies outlined in this General Comment are systematically implemented and a culture of respect for children and their views is built."

Recommendations for strengthening children’s participation in election processes

The following recommendations are aimed at overcoming these challenges and securing the rights of children to participate in election proceedings.

1. Adopt laws with general application that recognize, protect and clarify the political rights of children, including their right to participate in election proceedings, in order to recognize and advance the principles of participation in all matters affecting children, their evolving capacities, and their best interests.
2. Electoral Acts should be reviewed and revised where necessary to:
 - a. Recognize the rights of all children to participate in election proceedings, and where their capacities warrant it, to vote. Acts that have a blanket prohibition on the participation of children in election proceedings should be amended to allow their participation, subject to compliance by political parties, with appropriate protective practices and standards that balance children’s protection with their participatory rights.
 - b. Recognize, articulate and define the nature and scope of the rights of children with the right to vote, as well as those without it, to exercise their other political rights to participate in debates and the formulation of party policies, to association, to access, and to share their views with political parties.
 - c. Create a duty on political parties to adopt policies and practices that respect and promote children’s defined political and protection rights.
3. HRIs such as Human Rights Commissions and Electoral Commissions, should review their legislative and operational mandate and strengthen these to mainstream the recognition, protection and promotion of children’s rights—including their right to participate in election proceedings and associated enabling rights—into their core business, and work together in fulfilling their responsibilities. Electoral Commissions and Human Rights Commissions should ensure that they work together to recognize, advance, promote and protect children’s political rights in election processes through, inter alia:
 - a. Review and revision of laws establishing commissions to ensure that they mainstream children’s civil and political rights; where no legislative mandate exists, adopting laws establishing commissions with appropriate child-rights mandates
 - b. Educating children, political parties, communities and parents on children’s political rights and how these should be exercised, specifically their right to participate in election proceedings, such as political party policy development, rallies and debates
 - c. Formulating standards for political parties and the media for ensuring free, fair and safe participation of children in election proceedings that give effect to the principles of evolving capacities, the right to participate in matters that affect them, and the best interests of the child
 - d. Monitoring compliance with standards by political parties and the media

- e. Monitoring and strengthening the participation of children in election proceedings, and the integration of children's rights and issues in election platforms
4. Education systems and supporting laws, strategies and programmes should be reviewed and revised to mainstream children's civil and political rights, including their right to participate in election proceedings. Children should be educated and enabled through all aspects of the education system to learn, to access information, and to practise their rights as defined.
5. Develop a national children's participation framework that:
 - a. Recognizes children's civil and political rights, including their rights to receive information, to voice opinions, and to participate in election proceedings including debates, dialogues and formulation of policy positions
 - b. Identifies key role-players, including those involved in elections, HRIs and education systems, and their associated responsibilities in advancing these rights in a manner that is in the best interests of the child, recognizes and supports the evolving capacities of the child, and protects children against violence, abuse, exploitation and related dangers
6. The framework must spell out not only children's rights, but also adults' and children's responsibilities necessary to secure the safe and meaningful exercise of their rights in accordance with their specific evolving capacities. The framework should include a focused child protection strategy specific to election proceedings.

¹ UN Committee on the Rights of the Child (2009) General Comment No. 12: The right of the child to be heard (Article 12)

² Paragraph 18

³ Paragraph 25

⁴ The African Child Policy Forum(2016) *The African Report on Child Wellbeing 2016*. Addis Ababa: ACPF

⁵ Child Rights International Network (CRIN) (n.d.) The right to vote: <https://www.crin.org/en/home/what-we-do/policy/>; <http://www.debate.org/opinions/should-children-be-allowed-to-vote>

⁶ European Union Agency for Fundamental Rights (2017) Children's right to vote. Retrieved from <http://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/right-to-vote>

⁷ Franklin B (2010) CRIN. The right to vote: children's rights means citizen's rights: <https://www.crin.org/en/library/publications/right-vote-childrens-rights-means-citizens-rights>

⁸ CRIN (n.d.) The right to vote: <https://www.crin.org/en/home/what-we-do/policy/>; <http://www.debate.org/opinions/should-children-be-allowed-to-vote>

⁹ Article 25

¹⁰ Article 18

¹¹ Article 32

¹² CCPR (1996) General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art 25). CCPR/C/21/Rev.1/Add7

¹³ OHCHRHR (n.d.) Monitoring human rights in the context of elections. OHCHRHR.

¹⁴ Franklin B (2010) CRIN: The right to vote: children's rights means citizen's rights: <https://www.crin.org/en/library/publications/right-vote-childrens-rights-means-citizens-rights>

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- ¹⁵ Article 12 of the CRC; Article 7 of the ACRWC
- ¹⁶ Article 13 of the CRC; Article 7 of the ACRWC
- ¹⁷ Article 14 of the CRC; Article 9 of the ACRWC
- ¹⁸ Article 15 of the CRC; Article 8 of the ACRWC
- ¹⁹ Article 16 of the CRC; Article 10 of the ACRWC
- ²⁰ Article 17 of the CRC; Article 7 of the ACRWC
- ²¹ UNICEF (2001) Promoting children's participation in democratic decision-making. Innocenti Research Centre, Florence.
- ²² Save the Children (2013) Children's participation in the analysis, planning and design of programmes. London: Save the Children
- ²³ United Nations General Assembly (2012) Resolution 66/288: The future we want
- ²⁴ Paragraph 43
- ²⁵ Inter-Agency Working Group on Children's Participation (2008) Children as active citizens: 3. Bangkok: IAWGCP.
- ²⁶ General Comment 25, CCPR.
- ²⁷ UN Committee on the Rights of the Child (2002) General Comment No. 2. The role of independent human rights institutions in the promotion and protection of the rights of the child. CRC/GC/2002/2. Geneva: UNCRC
- ²⁸ Paragraph 8
- ²⁹ Paragraph 15
- ³⁰ Paragraph 132. GC 12
- ³¹ UN Committee on the Rights of the Child (2001) General Comment No. 1. Article 29(1): The aims of education.
- ³² CRIN (n.d.) Civil and political rights: [Crin.org/en/home/rights/themes/civil-and-political-rights](http://www.crin.org/en/home/rights/themes/civil-and-political-rights)
- ³³ Franklin B (2010) CRIN: The right to vote: children's rights means citizen's rights: <https://www.crin.org/en/library/publications/right-vote-childrens-rights-means-citizens-rights> & European Union Agency for Fundamental Rights (2017) Children's right to vote: <http://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/right-to-vote>
- ³⁴ European Union Agency for Fundamental Rights (2017) Children's right to vote.
- ³⁵ <http://www.crihana.org/news/2016/11/29/protecting-children-in-the-election-period>
- ³⁶ <http://www.newindianexpress.com/nation/2017/jan/28/children-cant-be-used-for-election-campaign-child-rights-panel-issues-stern-warning-1564491.html>
- ³⁷ Interview, opposition party, Tanzania, October 2017.
- ³⁸ Correspondence from the Commission, October 2017.
- ³⁹ Lansdown G (2005) *The evolving capacities of the child*. Florence, Italy: Save the Children and UNICEF.
- ⁴⁰ Wall J (2014) Why children and youth should have the right to vote: an argument for proxy-claim suffrage. *Children, Youth and Environments*, 24(1): 108–123.
- ⁴¹ <http://www.debate.org/opinions/should-children-be-allowed-to-vote>
- ⁴² Wall (2014), p. 110
- ⁴³ *Ibid.*, p. 111

⁴⁴ GC No. 12, paragraph 132