

Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill

Submission to the Justice Committee

20 October 2023

Mihi

*Tuia te rangi e tū iho nei
Tuia te papa e takoto ake nei
Tuia ngā kōrero
Tuia ngā wānanga
Kia mau, kia ita, kia kuru pounamu te rongo
mō te oranga o ngā mokopuna
Haumi e, hui e! Tāiki e!*

*E ngā mana, e ngā reo, e ngā iwi o ngā hau e
whā. E rau rangatira mā, e ngā mokopuna o
te motu whānui, tēnā koutou katoa.*

*Nei rā te mihi maioha ki a koutou ngā
mokopuna e pou kaha ana ki te whakaputa
ngā whakaaro kia hāpai ai i ēnei mahi o
Mana Mokopuna, kia mōhio, kia mārāma ai
tātou katoa kia kuru pounamu te rongo. Tēnā
koutou.*

*He taonga te mokopuna, kia tipu, kia rea. Nō
reira manaakitia ā tātou mokopuna.*

Nāku iti nei,



Kaikōmihana Matua mō ngā tamariki
Mana Mokopuna
Kaiwhakawā Frances Eivers
Ngati Maniapoto, Waikato

Acknowledgments

*Weave together the sky
Weave together the earth
Weave together the thoughts
Weave together the knowledge
Hold firm, be committed and steadfast so that
all children can live their best lives
Be united, draw together! Affirm!*

To all the peoples, speakers, and tribes across the four winds. To all the chiefly people, and to the mokopuna of Aotearoa, greetings to you all.

I acknowledge the children and young people who have shared their voice, thoughts, and knowledge to help support the Commission's work, to learn and understand so children and young people can live their best lives.

A child is a treasure, to be nurtured, to grow, to flourish. Therefore, take care of our mokopuna.

Yours humbly,



Chief Children's Commissioner
Children and Young People's Commission
Judge Frances Eivers

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Mana Mokopuna - Children and Young People's Commission

Mana Mokopuna - Children and Young People's Commission (Mana Mokopuna) is an Independent Crown Entity, led by the Chief Children's Commissioner. We advocate for the rights, interests, participation, and well-being of all children and young people (mokopuna) under 18 years of age in Aotearoa New Zealand, and young people aged 18-25 years if they are, or have been, in care or custody. We view mokopuna within the context of their families, whānau, hapū, iwi and communities.

We are committed to:

- giving effect to our obligations under Te Tiriti o Waitangi (Te Tiriti) and the Treaty of Waitangi (Treaty), recognising and respecting Māori participation, leadership and te ao Māori approaches in the performance of our functions
- advancing and monitoring the application of the United Nations Convention on the Rights of the Child (the Children's Convention), especially by Government.

The work of Mana Mokopuna is underpinned by:

- the Children's Convention:
- the child or young person within (without limitation) the context of their family, whānau, hapū, iwi, and communities:
- the diversity of children and young people in all its forms:
- the need for high aspirations for the well-being of all children and young people, including responsive systems and structures that support them:
- the need to give priority to the children and young people who are disadvantaged, and the issues affecting them:
- the need to hear from, and be informed by, children and young people:
- other international instruments relevant to, and that affect, children and young people.

Note the use of the word 'mokopuna'

Drawing from the wisdom of te ao Māori, Mana Mokopuna have adopted the term 'mokopuna' to describe all children and young people we advocate for, aged under 18 years of age in Aotearoa New Zealand. This acknowledges the special status held by mokopuna in their families, whānau, hapū and iwi and reflects that in all we do. Referring to the people we advocate for as mokopuna draws them closer to us and reminds us that who they are, and where they come from matters for their identity, belonging and wellbeing, at every stage of their lives.

Executive Summary

“ Climate change, housing crisis, voting age, mental health, queer rights, disability rights, etc are all issues that impact young people and Government is doing practically nothing.”

(Survey Participant, Mokopuna Voices Summary 2021)¹

1. Mana Mokopuna - Children and Young People's Commission welcomes the opportunity to submit on the Electoral (Lowering Voting Age for Local Elections and Polls) Legislation Bill (the Bill) and **endorses lowering the voting age to 16**.
2. Across a number of platforms, Mana Mokopuna has heard from mokopuna that lowering the voting age to 16 is important to them. We acknowledge and commend the work of the youth-led campaign—Make It 16—who have worked incredibly hard to uplift youth voices and advocate for government action to lower the voting age.
3. Alongside respecting the views of mokopuna to lower the voting age, the United Nations Committee on the Rights of the Child (the UN Committee) noted the inconsistency of the right in section 19 of the Bill of Rights Act 1990 to be free from discrimination on the basis of age. The UN Committee recommended that “the State party should take measures to ensure that if the voting age is lowered, this is **supported by active citizenship, human rights education**, and other measures including to prevent undue influence.”²
4. The Bill is likely to benefit the rights of all children by expanding voting eligibility to 16-18-year-olds. The Bill will also support equitable outcomes for mokopuna Māori specifically, as the Māori population is on average much younger than other non-Māori population groups.³ It is important for the Justice Committee to consider the articles and provisions of Te Tiriti o Waitangi (Te Tiriti) and the Treaty of Waitangi (the Treaty), particularly its good governance obligations under Articles 1 and 2.
5. There is also a considerable opportunity to support equitable outcomes for Pacific mokopuna. The Pacific population is the youngest population in Aotearoa with a median age of 23 years old.⁴
6. By lowering the voting age to 16, improving civics education and strengthening mokopuna voice at a central, local and community-level, the government can give effect to Article 12 of the Children's Convention and act on the voices and interests of mokopuna in Aotearoa.

Recommendations

Mana Mokopuna recommends:

7. The Local Electoral Act 2001 is **amended** to lower the voting age to 16 years old.
8. The Electoral Act 1993 is **amended** to lower the voting age to 16 years old.
9. Government investment in human rights and civics education to support children and young people to have their say, vote and learn about their right to be heard and involved in decision-making.

¹ Office of the Children's Commissioner. Mokopuna Voices Summary Report. (2021). Refer here: [Child and Youth Voices: What's important to me | Mana Mokopuna](#)

² CRC/C/NZL/CO/6 page 6, para 19. (e). (2023).

³ Stats NZ, 2020. Māori population estimates: At 30 June 2020. Refer here: [Māori population estimates: At 30 June 2020 | Stats NZ](#)

⁴ Ministry for Pacific Peoples, Pacific Aotearoa Status Report: A snapshot, p.21. (2020) Refer here: [Pacific-Peoples-in-Aotearoa-Report.pdf \(mpp.govt.nz\)](#)

Introduction

10. Mana Mokopuna is an Independent Crown Entity established under the Children and Young People's Act 2022, led by the Chief Children's Commissioner. We are the independent advocate for all 1.2 million mokopuna aged under 18 in Aotearoa and care-experienced mokopuna aged up to 25. Our purpose is to promote the rights, interests and well-being of children (under the age of 18) and custody- and care-experienced young people (aged 18-25). We advocate for their interests, ensure their rights are upheld, and help them have a say on issues that affect them.
11. The United Nations Convention on the Rights of the Child (the Children's Convention) provides a rights-based foundation for the work of Mana Mokopuna.⁵ This submission focuses on Article 12 of the Children's Convention, which acknowledges the right of every child to have a say and actively participate in their own lives, and in the matters that are important to them. This is further strengthened by Article 25 of the International Covenant on Civil and Political Rights (ICCPR). Every citizen's right to participate in the management of public affairs, the right to vote and be elected, and the right to access public service (irrespective of age), are all recognised and upheld by Article 25 of the ICCPR.⁶ Te Tiriti provides a further central underpinning for our work at Mana Mokopuna, and provides particular rights for mokopuna Māori.

Mokopuna are calling for the Government to lower the voting age

“ It affects the future generations so the ones that are actually going to live through it should have a say in who controls their future.”
(Mokopuna, Age 15, Children and young people's views in the lead up to the 2017 Election)⁷

12. The Aotearoa New Zealand youth-led Make It 16 campaign demonstrates the power and potential of mokopuna to engage and strengthen the democratic process, and to be enfranchised to have a direct influence through voting on matters affecting their lives. This is a clear example of active citizenship and asserts that mokopuna are defenders of their own rights and their voice and views are levers for systemic change.
13. In 2021, Mana Mokopuna heard from mokopuna about their frustration when the government promises to take action on particular issues, but it takes too long, or it fails to follow through on its promises.⁸
14. We urge the government to take action and ensure that the views of mokopuna are upheld in the development of legislation, policy and operational services. Grounded in Aotearoa New Zealand's local and international human rights obligations, and the direct views of mokopuna themselves, we advocate for the government to lower the voting age for both local and general elections, and that this is coupled with increased civics education for all mokopuna as part of the education curriculum.

⁵ Children and Young People's Commission Act 2022, s 21.

⁶ United Nations (General Assembly). (1966). International Covenant on Civil and Political Rights. *Treaty Series*, 999, 171.

⁷ Office of the Children's Commissioner, 2017. What's important to me: Children and young people's views in the lead up to the 2017 General Election. Refer here: [Child and Youth Voices: What's important to me | Mana Mokopuna](#)

⁸ Office of the Children's Commissioner, 2021. Mokopuna Voices Summary Report 2021. Refer here: [Mokopuna Voices Summary report 2021 | Mana Mokopuna](#)

Lowering the voting age can be a catalyst for better civics education

“ The school system is really easy to beat without learning, what I mean by this is that teachers are just teaching us stuff about the test so we get good scores but I don't think that I have learnt enough about the real world to become a productive citizen in the future.”

(Mokopuna, Age 14, Children and young people's views in the lead up to the 2017 Election)⁹

15. In a 2017 report published by the Office of the Children's Commissioner on the views of mokopuna leading up to the general elections, many mokopuna talked about wanting to have some kind of 'civics education' programme that sits alongside their right to vote. Young people told us that this programme should be available through schools or the community, and would help them feel confident and knowledgeable in their voting choices.¹⁰
16. States Parties to the UN Convention on the Rights of the Child have a duty under Article 42 to "undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike". Article 29 (right to education) specifies that among other things, the education of the child shall be directed to "the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations."¹¹ The UN Committee has also emphasised that active citizenship and human rights education is a key support mechanism to ensure that if the voting age is lowered, that mokopuna who can vote are able to determine, and prevent, undue influence.¹²

The Ministry of Education civics education guide states:

"There is **considerable variability** in the extent to which learning experiences at school promote active citizenship and support students to develop a robust understanding of political institutions, process, and systems".¹³

17. Lowering the voting age presents an opportunity to transform civics education and enable mokopuna to understand active citizenship, the history of Aotearoa New Zealand, Te Tiriti, their human rights and the sociopolitical issues which impact them and their lives.

Considerations for rangatahi Māori

“ To enable us to make an informed decision we need to be aware - uninformed decisions usually lead to ineffective outcomes.”

(Rangatahi Māori, 18-20 year old student, Mana Rangatahi)¹⁴

18. It is important to note that there is minimal research that explores the experiences of rangatahi Māori and their views on the voting age. We therefore encourage the Justice

⁹ Office of the Children's Commissioner, 2017. What's important to me: Children and young people's views in the lead up to the 2017 General Election. Refer here: [Child and Youth Voices: What's important to me | Mana Mokopuna](#)

¹⁰ Office of the Children's Commissioner (December 2017). What's important to me: Children and young people's views in the lead up to the 2017 General Election. Refer here: [Child and Youth Voices: What's important to me | Mana Mokopuna](#)

¹¹ UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577. (1989).

¹² CRC/C/NZL/CO/6 page 6, para 19. (e).

¹³ Ministry of Education 2020, School Leavers Kit, Civics and Citizenship Education (p. 6). Refer here: [Teaching-and-Learning-Guide.pdf \(tki.org.nz\)](#)

¹⁴ Tawhai, V. (2009). Mana Rangatahi. Refer here: <http://www.manu-ao.ac.nz/massey/fms/manu-ao/documents/Mana%20Rangatahi%20and%20the%20Electoral%20Referendum%20-%20Report%20to%20Participants.pdf>

Committee to specifically consult with rangatahi Māori to uphold the obligations of good governance under Article 1 of Te Tiriti and the Treaty, in connection with working in direct partnership with Māori to give effect to and realise their right to tino rangatiratanga (self-determination) under Article 2 of Te Tiriti. Improving civics education and strengthening mokopuna voice at a national, local and community level is a key opportunity in this Bill, and if legislated and implemented in ways that uphold mokopuna Māori rights, it can give effect to Te Tiriti and the Treaty.

19. There is likely to be an equitable outcome for mokopuna Māori if the voting age is lowered. For example Stats NZ¹⁵ noted that the median ages for Māori males and females were 25.1 and 27.1 years compared with national median ages of 36.4 and 38.5 years respectively.
20. In a 2009 research project, rangatahi Māori gave their views about the electoral system and a referendum occurring at the time.¹⁶ The research concluded that rangatahi want to feel informed, involved and empowered in decision-making. In order to improve their involvement, the research offered the following findings based on what rangatahi shared:
 - Education and schools play an important role in learning about electoral matters.
 - There is also a role across the media, digital technology and face-to-face interactions to also provide information and education about electoral matters.
 - Rangatahi Māori want to know and understand how Aotearoa New Zealand's unique electoral system works i.e. MMP, the Māori roll and citizenship.¹⁷
21. There has been further changes and development in the society that mokopuna Māori are immersed in, therefore their views are likely to have evolved between 2009 and 2023. However, we believe the 2009 research provides a helpful evidence-base to build from.

Global guidance – the experience of young people from Scotland

“ I think that sixteen is the point where we're transitioning. Certainly like, you know, we're in senior school, where we really have to start thinking about college and Uni and all those other... Having to think about all those other responsibilities, I think, in a sense makes you want to invest in your future. And I think having the lower voting age allows us to be able to voice our opinions.”

(Scottish Male, 16, How Young People in Scotland Experience the Right to Vote at 16)¹⁸

22. In Scotland, 16- and 17-year-olds have been afforded the right to vote in the Scottish Parliament and local council elections. These reforms were a result of the success following a one-off decision to include 16- and 17-year-olds in Scotland's 2014 independence referendum.¹⁹
23. By referring to the Scotland example of centering the views of young people as part of the Votes-at-16 reform, Mana Mokopuna seeks to highlight that lowering the voting age to 16 is possible here in Aotearoa New Zealand as well.

¹⁵Stats NZ, 2020. Māori population estimates: At 30 June 2020. Refer here: [Māori population estimates: At 30 June 2020 | Stats NZ](#)

¹⁶ Tawhai, V. (2009). Mana Rangatahi.

¹⁷ Tawhai, V. (2009). Mana Rangatahi. Refer here: <http://www.manu-ao.ac.nz/massey/fms/manu-ao/documents/Mana%20Rangatahi%20and%20the%20Electoral%20Referendum%20-%20Report%20to%20Participants.pdf>

¹⁸ Huebner, C. (2021). How young people in Scotland experience the right to vote at 16: Evidence on 'Votes-at-16' in Scotland from qualitative work with young people. *Parliamentary Affairs*, 74(3), 563-580. Refer here: <https://academic.oup.com/pa/article-abstract/74/3/563/6320902>

¹⁹ Huebner. How young people in Scotland experience the right to vote at 16. p.1. (2021). Refer here: <https://academic.oup.com/pa/article-pdf/74/3/563/39502440/gsab017.pdf>

24. A qualitative study on the experiences of young people in Scotland and their right to vote at 16 provides great insight into the views of young people who were able to vote in the Scottish Parliamentary Election and local council elections.²⁰ The key findings highlighted:
- The Votes-at-16 reform increased young people's confidence in youth voice.
 - Young people's involvement in the Votes-at-16 reform and their first-time vote constituted a mobilising 'life event'.
 - Some young people had experiences of injustice and disenfranchisement as they were not recognised as 'full citizens' and therefore could not vote in the UK General Elections nor partake in the Brexit referendum.
 - Schools play a key role in civic education which is integral for the success of 'Votes-at-16'.

Conclusion

“ I'd really like to vote honestly, if I am at the age where I can have sex and drive why shouldn't I partake in elections?”

(Young person, Make it 16 Website)²¹

25. Mana Mokopuna recommends lowering the voting age to 16 years of age, and the implementation of civics education at all levels and forms of schooling. It is an important step in upholding and advancing children's rights, ensuring their views and voices are heard and have an influence to shape change on matters affecting them, and meeting our international obligations. Lowering the voting age would provide more mokopuna with a meaningful say in decisions that will impact their daily lives and their futures here in Aotearoa New Zealand, recognising their status as citizens today as well as of the future.

²⁰ Huebner. How young people in Scotland experience the right to vote at 16. (2021).

²¹ Make it 16, Website Homepage. Refer here: [Lower the Voting Age | Make It 16](#)