

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL  
SCIENCE, LAW, AND  
INTERNATIONAL STUDIES

**Master's degree in  
Human Rights and Multi-level Governance**



VOTING RIGHTS AND YOUTH  
PARTICIPATION  
INTERNATIONAL STANDARDS AND HUMAN  
RIGHTS LAW IN ITALY, AUSTRIA, AND THE UK

*Supervisor:* Prof. SARA PENNICINO

*Candidate:* ERICA TORRESAN  
Matriculation No. 1225862

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## Acronyms

ACHR	American Convention on Human Rights
ASEAN	Association of South-East Asian Nations
AU	African Union
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CoE	Council of Europe
CRC	Convention on the Rights of the Child
CRIN	Child Rights International Network (NGO)
CRPD	Convention on the Rights of Persons with Disabilities
CSCE	Conference for Security and Co-operation in Europe
CSOs	Civil Society Organizations
DCMS	Department for Digital, Culture, Media and Sport (in the UK)
ECHR	European Convention for the protection of Human Rights and fundamental freedoms
ECtHR	European Court of Human Rights
EDI	Electoral Democracy Index (V-Dem)
EMBs	Electoral Management Bodies
EOS	Elections and Obligations Standards (The Carter Center)
EP	European Parliament
EU	European Union
GA	General Assembly
GIRFEC	Getting It Right For Every Child (Scotland approach for youth policies)
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
IFES	International Foundation for Electoral Systems
IGOs	Inter-Governmental Organizations
International IDEA	International Institute for Democracy and Electoral Assistance

IPU	Inter-Parliamentary Union
MPs	Members of the Parliament
NGOs	Non-Governmental Organizations
OAS	Organization of American States
OAU	Organization of African Unity
ODIHR	Office for Democratic Institutions and Human Rights
OHCHR	Office of the High Commissioner for Human Rights
OIJ	Organisation Iberoamericana de Juventud (International Youth Organization for Ibero-America)
OSCE	Organization for Security and Co-operation in Europe
PDI	Participatory Democracy Index (V-Dem)
SDG	Sustainable Development Goal
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNICEF	United Nations Children's Fund (United Nations International Children's Emergency Fund)
UNSC	United Nations Security Council
V-Dem	Varieties of Democracy
WPAY	World Programme of Action on Youth

## Introduction

*“Participation in a democracy is a vital part of empowering young people to become active and responsible citizens”<sup>1</sup>*

Democracy cannot exist without participation, it would lose the roots of its functioning, the foundation. Nonetheless participation in democracy is not always open to everyone, in particular in those formal political processes that determine the political class which make decisions, impacting on the life of everyone. In particular one of the less present groups is youth. The category of youth does not have well-defined limits because it implies a group whose composition changes over time due to age and comprises different social and political sensitivities. They are demanding more space in the public context and more attention to their needs and voices, engaging in non-formal forms of participation such as protests and manifestations. The question to which this thesis will try to answer is whether at international level, in international standards or human rights law, there are provisions that oblige States to involve young people in democratic life at institutional level. A corollary question is how these provisions are implemented at national level and what States do for youth participation in political democratic processes.

The thesis is divided into four chapters. The first chapter will describe the two definitions of democracy in the context of participation: direct and representative democracy. It will analyse the theories around these concepts, the historical and contemporary forms but also the critics for both systems. In contemporary democracy both forms of democratic participation, direct and representative, are used in order to consider the views of the people and they are both linked to suffrage and voting behaviours. Thus, as a consequence, the evolution of suffrage over time is described to understand where we are today and how we arrived at the inclusion of more and more parts of the society, including young people.

In the second chapter we will shift to the international legal framework. The focus will be on the right to participate in public space and elections in the different contexts and how they frame youth participation. We will briefly explore the international UN level

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<sup>1</sup> See European Commission, ‘General Context - Scotland’, Youthwiki, accessed 2 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/51-general-context>.



with the ICCPR and the CRC, but also GA resolutions and other documents and UN-related reports. Then the chapter will enter into the different geographical areas and their international organizations. Each of these areas includes some forms of approach to youth participation, in a general decision-making process or in elections more specifically. Towards the end of the second chapter, it will be underlined the role of some non-governmental organizations (NGOs) in the collection of international rules on participation in elections and in sometimes providing for reports on the importance of youth involvement as voters. Finally, it will see how a State can implement international obligations at national level and how it can regulate youth participation through youth policies and laws.

The third chapter will enter in the details of what is youth participation. It will outline the youth category which does not have a unique definition. Then, it will define youth participation and explain the importance of such participation. The characteristics of a meaningful participation through the theory of Hart's "ladder of children's participation" will be clarified and it will enter into the details of the various forms of engagement in public life, formal and informal. It will outline the different types of obstacles that young people face in having access to political processes or in electoral participation. Finally, we will see some strategies that international organizations have developed to increase the number of young people engaged at all levels with the aim of having not only a formal representation but a true one. Some of them are currently applied by States in their national frameworks.

The last chapter will see how three States in the European context deal with youth participation in the decision-making and formal processes. The chapter will briefly outline some characteristics of each country: its form of government with the institutions that can be elected, the centre-periphery relations, the direct forms of participation and the demographic situation. In the second part of each case study, youth policies and youth representative bodies will be described as part of their commitment to a more inclusive democracy. In the final part of each case, the situation on voting and eligibility age will be analysed, with reference, when possible, to turnout results.

On the basis of the discussion and analysis carried on in the different chapters, some concluding remarks will be outlined to answer the research question.

## Chapter I – Participation in democracy: direct and representative democracy

*“Democracy is the worst form of government, except for all the others”*

*Winston Churchill*

Participation is the core of democratic life. The engagement of the people, young and old, male and female, is fundamental in order to have a well-functioning democracy. The term democracy is often accompanied by adjectives that define the meanings of this word in line with different contexts or opinions. In the context of participation, democracy can be defined as direct, where everyone can and should participate in the decision-making process, or representative, where the decision-making is entrusted to some representatives chosen through the electoral process. Thus, in this chapter we will analyse what entails each of these definitions of democracy, and from which historical context and theoretical ideas they come in order to understand these two perspectives of participation in political processes which can be applied to youth engagement in democratic life and elections. Indeed, notwithstanding the fact that representative democracy is formally and traditionally opposed to direct democracy, in contemporary context they can be mixed to have a regime that takes into account its citizens not only in the electoral period but in every moment, being accountable and responsive to them and their needs.

The chapter will be structured as followed. In the first part it will analyse the concept of direct democracy with some historical conceptions and examples on one side and current developments on the other. In the second paragraph the same will be done with the concept of representative democracy. From these two historical and conceptual descriptions, voting behavior will emerge as fundamental: in direct democracy because it is linked to the tool of referendum, while in representative democracy it is one of the essential elements of the democratic functioning. Thus, the concept of suffrage will be presented: it will be defined two aspects, active and passive, and there will be a focus on its evolution and expansion over time until nowadays and the inclusion of young people.

The discussion in the chapter will be accompanied with some graphs taken by the V-Dem

website<sup>2</sup>, using their dataset<sup>3</sup>. For both representative and direct democracy, there will be a map of the situation in 2020 where lighter blue is low level and darker blue is high level of the respective index; a graph showing the trend of that index from 1900 and 2020 in the several continents; and another graph in the same period with the trend in the three countries of interest, Italy, Austria and the United Kingdom compared to the world and the European continent.

## 1. Direct democracy

In the current political and cultural context, the ideal of direct democracy seems to be put forward as a form of legitimation of power<sup>4</sup>. Direct democracy is a synonym of participatory democracy and entails several tools of popular engagement.

### 1.1 Definition, origins and theories

Direct democracy is a political system in which people can participate directly in the decision-making processes that affect their life<sup>5</sup>. It is an unmediated form of democracy which in its most extreme theories directly involves citizens in the exercise of political power.

#### 1.1.1 Direct democracy in ancient Athens

The ideal type of direct democracy is the regime practiced in Athens between fifth and fourth century B.C. It was considered the model of true and complete democracy<sup>6</sup> and a political system in which the people, gathered in assembly, directly exercise the

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<sup>2</sup> See V-Dem Institute, 'Variable Graph', Varieties of Democracy. Global Standards, Local Knowledge, accessed 24 January 2022, [https://www.v-dem.net/data\\_analysis/VariableGraph/](https://www.v-dem.net/data_analysis/VariableGraph/).

<sup>3</sup> V-Dem adopts a multidimensional and disaggregated method acknowledging the complexity of the concept of democracy as a system of rule that goes beyond the presence of elections. It uses five high-level principles of democracy: electoral, liberal, participatory, deliberative and egalitarian. For each of these, the project collects data and measures different components such as free and fair elections, civil liberties, judicial independence, executive constraints, gender equality and so on. Each component is disaggregated into indicators. All these pieces of information are based on factual events, official documents such as constitutions and government records, and assessments by certified academic and country experts on issues related to actual practices and in compliance with *de jure* rules. V-Dem Institute, 'The V-Dem Project. About the Project and Methodology', Varieties of Democracy. Global Standards, Local Knowledge, accessed 24 January 2022, <https://www.v-dem.net/project.html>.

<sup>4</sup> See Paolo Bellini, 'Direct Democracy and Representative Democracy', *Philosophy and Public Issues (New Series)* 9, no. 1 (2019): 92.

<sup>5</sup> See Gregory H. Fox, 'Right to Democracy. International Protection', *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2008, para. 10.

<sup>6</sup> See Bellini, 'Direct Democracy and Representative Democracy', 96.

legislative, executive and judicial functions, as described by Aristotle in his *Politics*<sup>7</sup>.

Only those who enjoy the right to citizenship can participate. In Athens at the time of Pericles this right was possessed by relatively few: adult males, with an age eligible for military service, having both parents Athenians and born free. These conditions were restrictive considering that the ratio of free men to slaves was one to four, that the city was devoted to trade and thus had many contacts with the outside world. Citizens usually coincides with warriors<sup>8</sup>. Thus, obviously, slaves and women were excluded, considered as insignificant and non-existent individuals in political society even if still indispensable for the functioning of the system<sup>9</sup>.

Even though in Athens political rights and citizenship was broadened when it became a maritime power<sup>10</sup>, the perception that this *polis* has adopted a form of government where the people actually exercised their sovereign prerogatives is the outcome of a process of idealization<sup>11</sup>. The description of direct democracy from ancient philosophers was mainly negative<sup>12</sup>. For example, according to Aristotle, polity (*politeia*) was the good form of government run by many and democracy was its degeneration because it is the government by the masses that could lead to disorder and lawlessness<sup>13</sup>. Nonetheless the ideal of direct democracy was adapted in the modern age by Rousseau's theories published in *The Social Contract*<sup>14</sup>.

#### 1.1.2 Rousseau's theory on democracy and Switzerland 'rural democracy'

In 1762 Rousseau published *The Social Contract* in which he devalued the representative system present in England<sup>15</sup>. Democracy in his view should coincide with the will of the people and its sovereignty. The social contract is a social pact that establishes the equality

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<sup>7</sup> See Bellini, 91.

<sup>8</sup> See Luciano Canfora, *Democracy in Europe: A History of an Ideology*, The Making of Europe (Malden, MA: Blackwell Publishing, 2006), 22–23.

<sup>9</sup> See Canfora, 25.

<sup>10</sup> See Canfora, 26.

<sup>11</sup> See Bellini, 'Direct Democracy and Representative Democracy', 96.

<sup>12</sup> See Victor Ehrenberg, 'Origins of Democracy', *Historia: Zeitschrift Für Alte Geschichte* 1, no. 4 (1950): 528.

<sup>13</sup> See Justin Orlando Frosini, 'Forms of State and Forms of Government', in *Introduction to Italian Public Law* (Milano: Giuffrè, 2008), 32.

<sup>14</sup> See Bellini, 'Direct Democracy and Representative Democracy', 96.

<sup>15</sup> See Canfora, *Democracy in Europe*, 65.

of citizens, subject to the authority of laws created by themselves<sup>16</sup>. The premise is that men are equal and through the social contract each man alienates his rights to the whole community. The act of association creates a moral and collective body which takes the name of the State.

Sovereignty is inalienable and ‘cannot be represented for the same reason that it cannot be transferred’<sup>17</sup>. It consists in the exercise of the general will that regards the common interest and public utility, not the sum of many particular wills<sup>18</sup>. The State has a governing body established by the sovereign people. This body is made up of officers, not representatives, that the people can remove when it pleases<sup>19</sup>. The example he had in mind was the Republic of Geneva government<sup>20</sup>. Nowadays the major example of direct democracy is Switzerland<sup>21</sup>, which adopts consistently various tools of popular participation such as referendums.

The Swiss cantons became democratic in the sixteenth century<sup>22</sup>. The functioning of the cantons was ruled by regular popular assemblies in which citizens voted on issues of common concern and elected their authorities by showing hands<sup>23</sup>. The articulation of medieval freedom and popular assemblies is to be seen as a preliminary step in the evolution and formation of modern Switzerland democracy<sup>24</sup>. Furthermore, the ideal of direct democracy emerged several times during the ages within different contexts.

### 1.1.3 Examples of direct democracy in history

One of the first attempts of establishing direct democracy can be recalled to the French Revolution and the period of Robespierre’s Terror. He championed the creation of an equalitarian republic in which people exercised sovereignty directly. In this republic the

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<sup>16</sup> See Salvo Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, Politeia. Scienza e Pensiero 3 (Firenze, 1995), 10–12.

<sup>17</sup> See Canfora, *Democracy in Europe*, 66.

<sup>18</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 16.

<sup>19</sup> See Mastellone, 15.

<sup>20</sup> See Mastellone, 10.

<sup>21</sup> See Anke S. Kessler, ‘Representative versus Direct Democracy: The Role of Informational Asymmetries’, *Public Choice* 122, no. 1/2 (2005): 9; International IDEA, *Direct Democracy: The International IDEA Handbook* (Stockholm: International IDEA, 2008), 26–33.

<sup>22</sup> See Jussi Kurunmäki and Irène Herrmann, ‘Birthplaces of Democracy: The Rhetoric of Democratic Tradition in Switzerland and Sweden’, in *Democracy in Modern Europe. A Conceptual History*, European Conceptual History (New York/Oxford: Berghahn Books, 2018), 88.

<sup>23</sup> See Kurunmäki and Herrmann, 91.

<sup>24</sup> See Kurunmäki and Herrmann, 93.

sovereign people was identified with the universality of citizens and the right to equality preceded every other right<sup>25</sup>. The Constitution of 1793 which provided for such form of government was never put into practice and Robespierre was responsible of the period of Terror. The idea of direct democracy was considered utopian because, according to Kant<sup>26</sup>, where everybody has the chance to deliberate, democracy became a despotic government<sup>27</sup>.

Another historical example of direct democracy, more modern, was the conciliar democracy or republic of *soviets*<sup>28</sup> linked to socialist and communist ideologies. Since the nineteenth century, workers created associations and unions to obtain protection from oppressive exploitation<sup>29</sup>. According to workers' thinkers, representative democracy was a bourgeois system, while in a municipal union system with direct democracy, everyone ruled, and association members in primary assemblies could discuss laws<sup>30</sup>. The soviets were workers' assemblies in the different factories and municipalities of the Russian empire. According to Gramsci, the Soviet revolution was not a coup by a minority organized into a party, the Bolshevik Communist Party, for the conquest of power but a revolution by the masses who governed through councils and committees where the proletariat could express its demands. Thus, the formation of institutions of direct proletarian democracy was supported by many communist intellectuals<sup>31</sup>. After the advent of Stalin, this system proved to be a totalitarian regime ruled by a party but actually in the hands of its secretary-general.

A more recent example emerges from the protest movements in the 1960s, in particular 68-movements. They challenged the main values and the institutional order of established parliamentary democracies, leading to a widening of the definition of democracy<sup>32</sup>. The critique and the mobilization process aimed at modifying the notion of democracy as a political system confined to elections. Students' movements and others asked for

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<sup>25</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 25.

<sup>26</sup> In his *Perpetual Peace* (1795)

<sup>27</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 26–28.

<sup>28</sup> See Canfora, *Democracy in Europe*, 150.

<sup>29</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 88.

<sup>30</sup> See Mastellone, 93.

<sup>31</sup> See Mastellone, 257.

<sup>32</sup> See Ingrid Gilcher-Holtey, 'Political Participation and Democratization in the 1960s: The Concept of Participatory Democracy and Its Repercussions', in *Democracy in Modern Europe. A Conceptual History*, European Conceptual History (New York/Oxford: Berghahn Books, 2018), 257.

participatory democracy, ‘a social system of individual participation governed by two central aims: individuals should have a share in those social decisions determining the quality and direction of life; and society should be organized to encourage independence in men and provide the media for their common participation’<sup>33</sup>. In this system, political participation in the decision-making processes was a tool to achieve social democracy. It was implemented in some universities in Germany with the objective of extend it to other institutions in society<sup>34</sup>. The leading ideas were self-organization, autogestion and counter-institutions which embrace models of direct democracy<sup>35</sup>. After the demobilization of the 68-movements, new movements arose dealing with problems of everyday life: quality of life, gender equality, individual self-realization, political participation, human rights. In the 1970s this form of direct democracy was tested again in theatres and universities, without long-lasting success<sup>36</sup>. Nonetheless the idea of participatory democracy outlived the demobilization process of 68-movement, and many contemporary protests adopt this view in order to change the world without taking political power<sup>37</sup>.

#### 1.1.4 Issues on direct democracy

In the examples made in the previous paragraph, ‘pure’ direct democracy does not work properly or often degenerates into something else. Indeed, this form of government and power legitimization has some dark sides for individual freedom, efficiency of the system and balanced relation between power and knowledge. It eliminates the idea of representation and directly brings the constituent power onto the political scene. This threatens the stability of constituted powers because they always must consult on each matter the people which expresses its incontestable view even when they do not have enough knowledge to decide. Therefore, this triggers potential totalitarian dynamics that tend to compress individual freedoms<sup>38</sup>.

According to many philosophers and thinkers, direct democracy was applicable only in

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<sup>33</sup> See Gilcher-Holtey, 258.

<sup>34</sup> See Gilcher-Holtey, 260.

<sup>35</sup> See Gilcher-Holtey, 261–63.

<sup>36</sup> See Gilcher-Holtey, 268–69.

<sup>37</sup> See Gilcher-Holtey, 272–73.

<sup>38</sup> See Bellini, ‘Direct Democracy and Representative Democracy’, 96–97.

small States<sup>39</sup>. In large States and modern conditions, it would be impossible to have a ‘pure’ participatory democracy<sup>40</sup>. Nonetheless some forms and mechanisms of direct democracy are present in contemporary political systems as complementary to representative democracy and its institutions<sup>41</sup>.

## 1.2 Contemporary direct democracy mechanisms

Direct democracy takes many forms and shows many variations<sup>42</sup>. These mechanisms can be classified as bottom-up tools initiated by citizens, top-down votes initiated by governments and other participatory consultative instruments<sup>43</sup>. In this part we will analyse three main tools: referendums, citizens’ initiatives, and agenda initiatives<sup>44</sup>.

### 1.2.1 Referendums

A referendum is a direct vote by the electorate of a country to advise or decide on a specific issue and it is linked to voting behaviour. A synonym of referendum is plebiscite which has acquired a negative connotation because it was used by dictatorial regimes<sup>45</sup> and thus this term is not used any more<sup>46</sup>.

Referendums can be called either by political authorities or by several citizens. Political authorities can call referendums indirectly or directly. In the former case, they deal with subjects that according to the Constitution or ordinary legislation require a referendum. Thus, it is mandatory. In the latter case, they are not obliged to hold a referendum but choose to do so for political or other reasons<sup>47</sup>. Mandatory referendums<sup>48</sup> are held on predetermined situations and subjects, issues of major political significance, such as constitutional amendments, the adoption of international treaties, and the transfer of

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<sup>39</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 5.

<sup>40</sup> See Gilcher-Holtey, ‘Political Participation and Democratization in the 1960s: The Concept of Participatory Democracy and Its Repercussions’, 270.

<sup>41</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 19; more in Bruno S. Frey, ‘Direct Democracy: Politico-Economic Lessons from Swiss Experience’, *The American Economic Review* 84, no. 2 (1994): 338–42.

<sup>42</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 12.

<sup>43</sup> See International IDEA, *Global Passport to Modern Direct Democracy* (Stockholm: International IDEA, 2017), 6–7.

<sup>44</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 12.

<sup>45</sup> For example, Hitler’s nazist regime and Mussolini’s fascist one.

<sup>46</sup> See Yves Beigbeder, ‘Referendum’, *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2011, para. 1.

<sup>47</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 41–42.

<sup>48</sup> See Beigbeder, ‘Referendum’, para. 11.



authority to international or supranational bodies<sup>49</sup>.

Optional referendums<sup>50</sup>, instead, can cover different subjects and in some jurisdictions, they are regulated by law. The motivations for holding this type of referendum are many. A first reason is to use it as a mediation device between competing factions. A second one is to avoid electoral repercussions of a divisive issue and to depoliticize it. In other cases, political authorities seek to demonstrate popular support for the president, the government, or a specific political decision. In some countries, referendums serve as a way of protecting the legislative minority from decisions taken by the majority<sup>51</sup>.

Referendums were first introduced after the French Revolution in the 1790s, when Napoleon I used plebiscites to obtain popular approval, but it was also used during the Italian unification. Other examples were the post-WWI peace treaties plebiscites<sup>52</sup>. Mandatory referendums on constitutional changes were introduced in Switzerland in 1848 and since then they have been adopted in many countries throughout the world. In recent years, referendum is used as either a consultative or constitutional device and its usage has become more frequent in many jurisdictions<sup>53</sup>, even in post-conflict situations and in constitution-making processes<sup>54</sup>.

Citizen-demanded referendum is a bottom-up form, an optional referendum initiated or triggered by some citizens referring to existing laws or political or legislative proposals. One version is to allow repeal of an existing law or parts thereof, which is called abrogative referendum. The other is the rejective referendum and allows citizens to demand a popular vote on a new piece of legislation that is not yet in force<sup>55</sup>. These forms of referendum should be considered legally binding for their own nature<sup>56</sup>. These two types of popular referendum are present in a smaller number of countries across the world.

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<sup>49</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 60–61.

<sup>50</sup> See Beigbeder, ‘Referendum’, para. 14.

<sup>51</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 49–50.

<sup>52</sup> See Beigbeder, ‘Referendum’, paras 19–20.

<sup>53</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 42.

<sup>54</sup> See more in Stephen Tierney, ‘Reflections on Referendums’, *International IDEA Discussion Paper*, no. 5/2018 (2018); Anna Dziedzic, ‘Consultation, Deliberation and Decision-Making: Direct Public Participation in Constitution-Building’, *Constitutional INSIGHTS*, 2020.

<sup>55</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 14.

<sup>56</sup> See International IDEA, 80.

For example, in Europe, abrogative referendum is found only in Italy since 1970<sup>57</sup>.

Referendum is a good tool to further develop democracy by granting control of public decisions to the people based on political equality. But it involves both democratic opportunities and dangers that should be carefully assessed before including this instrument into the constitutional framework<sup>58</sup>.

### 1.2.2 Citizens' initiatives

Citizens' initiative or popular initiative is when citizens present a political proposal, for example a draft legislation, and register public support by obtaining a required number of signatures, forcing a popular vote on the issue. They can be either direct or indirect. In a direct initiative the referendum will take place without any further intervention by the authorities, while an indirect one involves a procedure whereby the legislative authorities may either adopt the proposed legislation or present an alternative proposal to the popular vote<sup>59</sup>.

Citizens' initiative can put political issues on the agenda, encourage public debate and issues can be finally decided by a popular vote. In this way a broader range of problems can be discussed, outside of the tendencies towards closure of the political agenda. The issues subject to popular initiative can be limited in three ways: restrictions on constitutional amendments, issues of integrity of the State, and limitations relating to ordinary legislation and other political decisions<sup>60</sup>.

The use of this instrument varies among countries, it is established mostly in Europe and Latin America and in any case, it is less frequent than referendums. Citizens' initiative can contribute to the quality of democracy<sup>61</sup> by providing supplementary channels of political articulation and control with a focus on political issues. This process is supportive of democracy, since proponents can put forward ideas, attract political input and political support from below and induce participation of citizens in the legislative

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<sup>57</sup> See International IDEA, 62.

<sup>58</sup> See International IDEA, 74.

<sup>59</sup> See International IDEA, 61–62.

<sup>60</sup> See International IDEA, 67.

<sup>61</sup> See more in Brigitte Geissel, 'Should Participatory Opportunities Be a Component of Democratic Quality? The Role of Citizen Views in Resolving a Conceptual Controversy', *International Political Science Review* 35, no. 5 (2016): 656–65.

process<sup>62</sup>. In any case it should bring cooperative interactions with the governmental institutions<sup>63</sup>.

### 1.2.3 Agenda initiatives

Agenda initiative is a mechanism of direct democracy in between petitions, usually less formal, and citizens' initiatives, which always require a referendum vote. It enables citizens to submit a proposal which must be considered by the legislature but is not necessarily put to a vote of the electorate. The proposal can be a revision of a law, the introduction of a new law, or an amendment to the constitution. Differently from the popular initiative, the legislative body retains full decision-making power, thus it is a 'limited' direct democracy procedure. An agenda initiative committee can be created to interact with the legislative body and follow up on the agenda initiative. This kind of procedure surfaced for the first time after WWI and WWII. After 1989, agenda initiatives have been established in several countries around the globe, but it is more known in Europe and Latin America<sup>64</sup>.

As a direct democracy mechanism, agenda initiative offers a functional means for citizens and legislators to share power. The most significant part for the success of the initiative is the collection of signatures in support of the idea. When it fails to achieve the goal, citizens are inclined to try other ways of influencing the legislative process<sup>65</sup>. Furthermore, a direct impact on legislation can be exercised by bodies that represent the interests and the needs of a group. For example, in some countries, there are youth councils or assemblies which has the task of influence the decision-making process with their ideas.

### 1.2.4 Some concerns on direct democracy mechanisms

Since direct democracy tools can have an impact on representative democracy, some concerns are raised, in addition to the one related to authoritarian derivations<sup>66</sup>. The first concern is linked to citizen information and competence. Direct democracy tools require

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<sup>62</sup> See International IDEA, *Direct Democracy: The International IDEA Handbook*, 78.

<sup>63</sup> See International IDEA, 79.

<sup>64</sup> See International IDEA, 84–85.

<sup>65</sup> See International IDEA, 92–93.

<sup>66</sup> See International IDEA, 24.

that citizens have a relatively high level of knowledge of complex issues, and they may not always have the capacity or information to make well-informed decisions. Thus, the referendum or initiative campaign is pivotal to have a good outcome<sup>67</sup>.

A second concern regards minority rights. If on one side direct democracy instruments can empower minorities, on the other hand referendums and initiatives could threaten civil rights of vulnerable minorities or exacerbate racial or ethnic tensions in some societies. Therefore, the requirement of double or super majorities is aimed at protecting them<sup>68</sup>.

### 1.3 Current state of direct democracy

Mechanisms of direct democracy have been used with varying frequency around the world but in recent decades they have become an increasingly important tool and their use is growing worldwide<sup>69</sup>.

V-Dem defined the participatory aspect emphasizing the active participation by citizens in all political processes, electoral and non-electoral. Direct rule is preferred to delegating authority, whenever practicable. It takes suffrage for granted and underlines engagement in civil society organizations (CSOs), direct popular vote, and subnational elected bodies<sup>70</sup>. In this paragraph we will consider the Participatory Democracy Index (PDI) to have an overview of the current situation.

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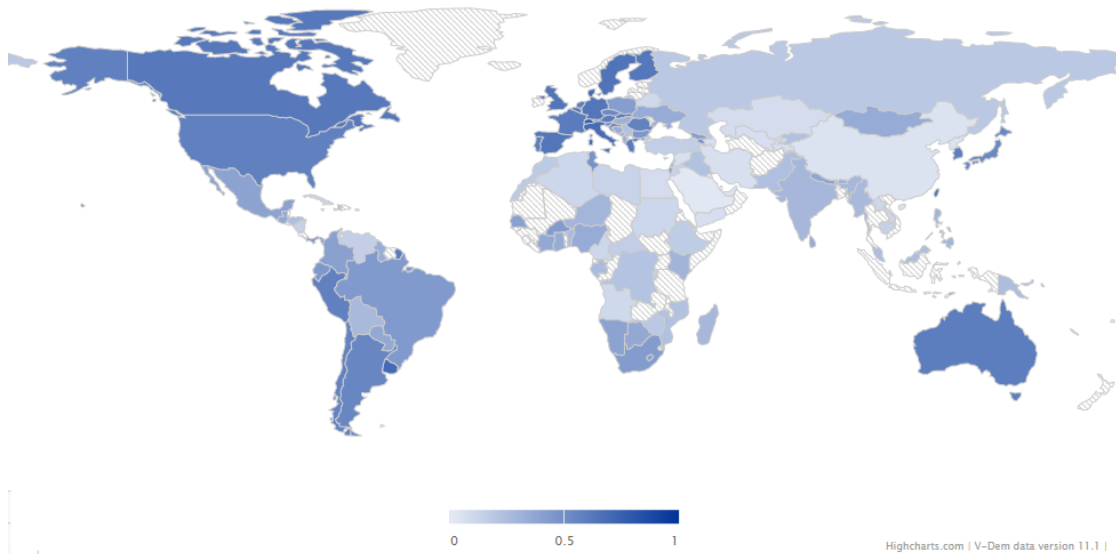
<sup>67</sup> See International IDEA, 22.

<sup>68</sup> See International IDEA, 23.

<sup>69</sup> See David Altman, 'The Potential of Direct Democracy: A Global Measure (1900-2014)', *Soc Indic Res* 133 (2017): 1223.

<sup>70</sup> V-Dem Institute, 'Map Graph', Varieties of Democracy. Global Standards, Local Knowledge, accessed 24 January 2022, [https://www.v-dem.net/data\\_analysis/MapGraph/](https://www.v-dem.net/data_analysis/MapGraph/) Choose among the indicators: Participatory Democracy Index (2020).

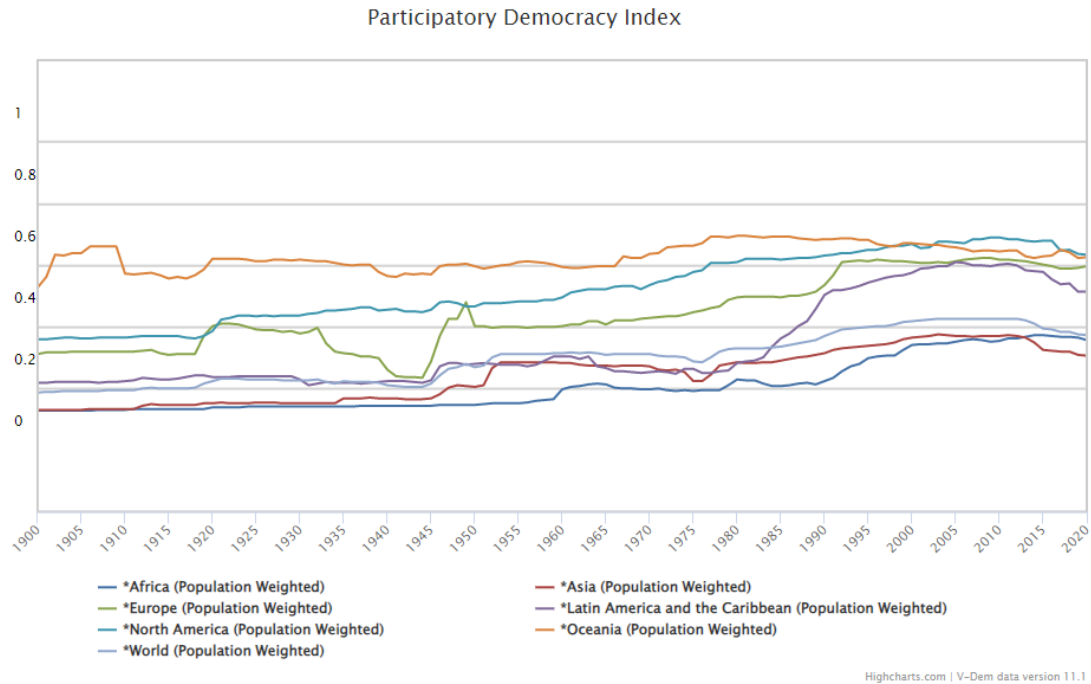
Participatory Democracy Index (2020)



*Figure 1: PDI in 2020 in the world.*

*From V-Dem Institute [https://www.v-dem.net/data\\_analysis/MapGraph/](https://www.v-dem.net/data_analysis/MapGraph/)*

The map shows that the areas in which there are instruments of participatory democracy, and a good level of direct democracy are North America, Europe, Oceania and Latin America. In the rest of the world the chart has a lighter colour, thus a lower level. In these areas some countries emerged such as Japan and Tunisia as countertendency.



*Figure 2: PDI from 1900 to 2020. Trend in six continental areas and in the world.  
From V-Dem Institute [https://www.v-dem.net/data\\_analysis/VariableGraph/](https://www.v-dem.net/data_analysis/VariableGraph/)*

As we can see, in all the geographical areas the level of direct democracy at the beginning of the twentieth century was not so high, apart from Oceania. Now it has increased in all the continents but while in Europe, North America, Latin America and the Caribbean it has achieved at least a sufficient level, in Africa and Asia the level of PDI is still very low. In Asia, instead, it is decreasing. Europe has two low peaks in the period of the two World Wars and after both the wars a steep increase, more important after 1945. In the other continents the curve has a slow but continuous increasing trend.

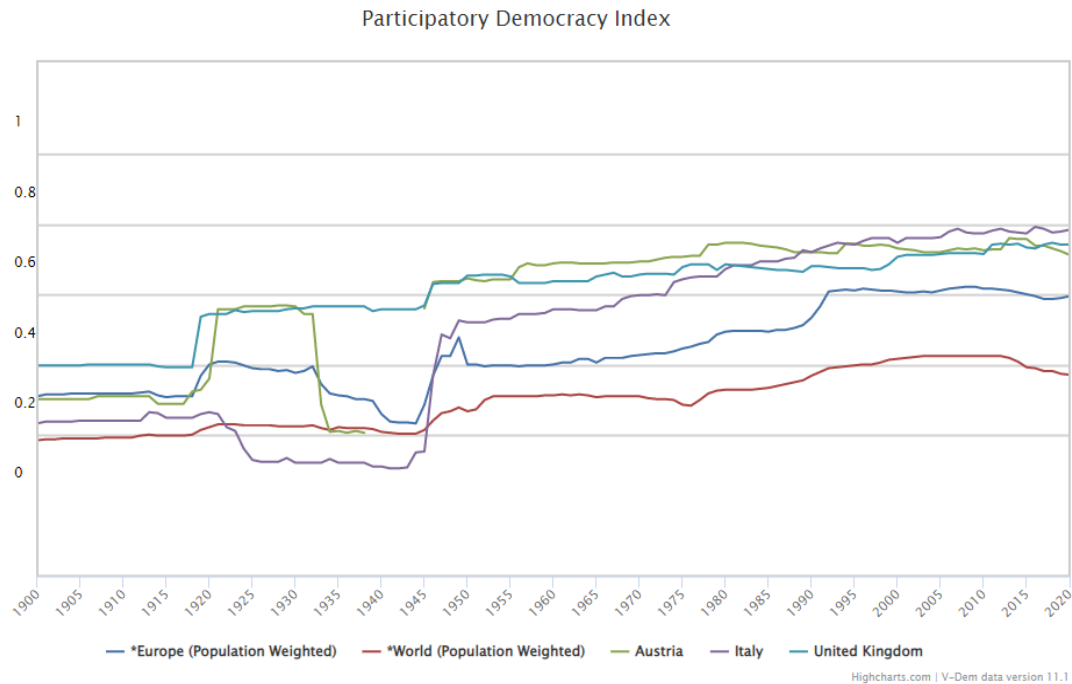


Figure 3: PDI from 1900 to 2020. Trend in Austria, Italy and the United Kingdom.  
From V-Dem Institute [https://www.v-dem.net/data\\_analysis/VariableGraph/](https://www.v-dem.net/data_analysis/VariableGraph/)

Italy, the United Kingdom and Austria have a high level of participatory democracy. While the UK has an always growing line, the other two countries have a period of low direct democracy performance: Austria<sup>71</sup> between 1935 and 1945 and Italy from the 1920s to 1945. In both cases this low level coincides with the period of the Nazi influence and the fascist regime which gain power through elections or in any case legally. Thus, instruments of direct democracy can lead to authoritarian regimes and were often used for their legitimation. Therefore, the democratic system fell under the dictatorship. It is to note the fact that Austria before 1935 had a high level of participatory democracy, like that of the United Kingdom. As we have seen for Europe, after WWII both in Austria and Italy the level of direct democracy steeply increased. Nonetheless, the types of direct democracy mechanisms used in these three countries are different as for their frequency or effectiveness.

## 2. Representative democracy

Most, if not all, contemporary democracies are representative political systems<sup>72</sup>. In a

<sup>71</sup>Austria in the period between 1938 and 1945 was annexed to Germany

<sup>72</sup> See Bellini, 'Direct Democracy and Representative Democracy', 92.

‘pure’ representative democracy, electors never ultimately exercise the legislative action, nor the executive directly. Those powers, instead, are entrusted to representatives of the sovereign people who are periodically renewed or replaced through elections<sup>73</sup>.

## 2.1 Definition, origins, and theories

Representative democracy coincides with the international legal procedural view of democracy, focused on elections and associated rights of political participation<sup>74</sup>. The political power receives its legitimacy from the people who are exclusive holders of sovereignty, but it is transferred through the electoral procedure to a political class who will exercise it<sup>75</sup>. This is summarized by the definition of democracy from Schumpeter, according to which democracy is that ‘institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote’. The procedural definition concerns only the way in which the government is chosen through the electoral process<sup>76</sup>. In this process all the people who are entitled to vote can participate. States provide for different requirements that regulate this form of participation and, as we will see in the following chapters, one of the most important is age requirements which impact on youth engagement.

As direct democracy, representative democracy has a long story and emerged for the first time during the Enlightenment period.

### 2.1.1 Montesquieu and the democratic republic

In September 1748 Montesquieu published *L’Esprit des Lois* in which he described three species of government: republican, monarchical, and despotic. In the republican form the body, or part of the people, possessed the supreme power, in the monarchy there is a single person who rules following fixed and established laws, while in a despotic government a single person directs everything by his own will and caprice. According to Montesquieu, it is not so much important who has the power but how that power is exercised. A government is to be considered despotic when powers are not separated. The three powers, executive, judicial and legislative, must be exercised by different bodies,

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<sup>73</sup> See Bellini, 93.

<sup>74</sup> See Fox, ‘Right to Democracy. International Protection’, para. 8.

<sup>75</sup> See Bellini, ‘Direct Democracy and Representative Democracy’, 93.

<sup>76</sup> See Fox, ‘Right to Democracy. International Protection’, para. 8.



as it was in England at that time<sup>77</sup>. In a democratic republican government, the people are sovereign through their votes which represent their own will. The people have to do by themselves what they can do well but when they are unable to do so they must entrust ministers to act on their behalf<sup>78</sup>. A democratic government has to be based on this power and it should be built on the principle of ‘virtue’ and regulated by moderate equality<sup>79</sup>. This democracy is feasible if it avoids internal imperfection, in particular two extremes: ‘the spirit of inequality, which leads to aristocracy or monarchy, and the spirit of extreme equality, which leads to despotic power’. Following the rules of separation of powers and entrusting legislative power to an elected assembly, democracy is possible in modern times, even in large States<sup>80</sup>.

Thus, according to Montesquieu, three were the fundamental democratic principles: the people have the sovereign power, the people have the right to vote, and the people appoint their rulers<sup>81</sup>. To this, he also added the principle of separation of powers.

#### 2.1.2 Examples of representative democracy in history

The model of representative democracy of Montesquieu was adopted both in the United States after the Declaration of Independence<sup>82</sup> and in France after the French Revolution. The presidential system of government adopted in the U.S. was interpreted as a democracy by Bentham. He links the representative democratic system to the utility of the greatest number and observing the American model, he concludes that the only species of government which can have for its object and effect the greatest happiness of the greatest number, is a representative democracy. According to him, it is the only type of democracy that can be adopted anywhere<sup>83</sup>.

In France, instead, the situation was different because several Constitutions were approved and changed after the Revolution, some inspired by the model of Montesquieu, others more in line with Rousseau’s theories<sup>84</sup>. The outcome of this disorder was the rise

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<sup>77</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 3.

<sup>78</sup> See Mastellone, 4.

<sup>79</sup> See Mastellone, 5.

<sup>80</sup> See Mastellone, 7.

<sup>81</sup> See Mastellone, XXV.

<sup>82</sup> See Mastellone, 19.

<sup>83</sup> See Mastellone, 45.

<sup>84</sup> See Mastellone, 28.

of Napoleon. Nonetheless, discussions on democracy were raised not only in France but also in other countries such as Italy. In the period between 1796-99, such discussions were divided between direct and representative democracy. Italian Jacobins thought that the State had to be representative as this is the only way of creating modern democracy. In such a system the representatives of the people, who constitute the legislative body and have the responsibility for making laws, are active officials and trustees fit to discern the general will. They are not the general will but interpret it, as the outcome of the appropriate concurrence of the plurality of the particular wills of the citizens<sup>85</sup>.

Fifty years later, the French debate on political representation intensified. Moderates criticized Rousseau for the abstract idea of popular sovereignty. According to them, it did not permit plurality of political opinions and excluded their representation in Parliament. At the same time, it meant negating the separation of powers and it was a despotic system because a minority imposed itself over the nation in the name of the people. On the other side, radical democrats insisted on direct democracy because based on civil equality, everyone should be able to participate in public life. The answer of supporters of representative democracy was that the people could not be continually gathered in squares and thus the solution was to democratically elect some delegates to deal with administrative problems, make laws and work in public institutions. Combining the representative principle with popular democratic one, the people could elect their own representatives directly, but, while they use power, these delegates had to remember that their authority depends on the people<sup>86</sup>. At that time, some considerations on universal suffrage were already made. This will be discussed in the last part of the chapter.

After the collapse of the Paris Commune, the fear of a 'red' revolution spread in Europe and hostility to democracy became more explicit. But the European republican Left kept on promoting democratic government and split into two political solutions: on one side proletarian democracy, on the other representative democracy. In the latter view, representative institutions could create a democratic State with social aims<sup>87</sup>. One of the intellectuals that support it was Mazzini. He rejected the proletarian republic and believed that in order to see moral, intellectual and economic conditions improved, it was

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<sup>85</sup> See Mastellone, 34.

<sup>86</sup> See Mastellone, 70.

<sup>87</sup> See Mastellone, 120.

necessary 'a political system where the workers can express their needs, tendencies and desires, presently disposed to men of other classes and with different interests, through their own representatives'. The democratic representative republic was capable of conciliating the working class with the middle class<sup>88</sup>.

In the late nineteenth century and early twentieth, throughout Europe liberal democracies adopted representative practice. In addition to the principles of free initiative, free education and free competition, democracy was moving to the consensus of citizens and their civic participation. Political representative democracy favoured co-operatives and workers' co-operatives, where moderating the excesses of capitalism. Therefore, social rights were essential: the right to vote extended to all, the right to public education, the right to social assistance and even the right to the choice of occupation, The parties could compete and move towards a form of polyarchy. Socialist opposition had the right to sit in Parliament and to discuss government's policy<sup>89</sup>. In parliamentary regimes, public institutions allowed people to participate in the formation of political bodies and to take part in civic life. A mixed system of liberalism and democracy as representation assured social and political activities. The directives of democratic development were the extension of the right to vote to all citizens on coming of age, recognition of the political role of parties, and State intervention in all questions of general interest<sup>90</sup>.

### 2.1.3 Critics to representative democracy

Both the Right and the Left deplored the ills and drawbacks of parliamentarianism and representative democracy. One of the problems identified was that popular will could not govern because it was always a minority who had the actual power and decided<sup>91</sup>. The political democracy was accused of not facing the fundamental problems of civil society, local autonomies, industrial disputes, unemployment and old age<sup>92</sup>. In other words, it was accused of not working for the public interest. This distrust in democracy and the anti-democratic approach of many intellectuals justified the decisions of authoritarian leaders

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<sup>88</sup> See Mastellone, 125.

<sup>89</sup> See Mastellone, 165.

<sup>90</sup> See Mastellone, 173.

<sup>91</sup> See Mastellone, 188.

<sup>92</sup> See Mastellone, 173.

to take the power and govern by themselves without respecting democratic rules<sup>93</sup>.

Nonetheless, faith in parliamentary democracy was still present<sup>94</sup>. At the beginning of the twentieth century, Bryce identified two dangers of representative democracy of that time. On one side, the strengthening of executive power against parliamentary one, on the other, having an inefficient executive power. The solution was the political alternation between majority and opposition. In its view, even if imperfect, democracy was the least bad form of government, because if on one side it failed to give some expected benefits, it has maintained public order while securing the liberty of individual citizens<sup>95</sup>. According to Kelsen, the democratic State forbade the intolerable domination of one man over another. In this system the majority principle is fundamental, and the social order accepts the decisions of the majority. This did not prevent the minority from becoming a majority and making its convictions prevail<sup>96</sup>.

Critics and anti-democratic approaches did not prevent representative democracy from becoming the most used political regime. In order to avoid some drawbacks, different forms of government were built and applied depending on the context.

## 2.2 Contemporary forms of representative democracy

In contemporary representative democracy the principle of separation of powers remains pivotal. In addition, two are the fundamental relations that need to be settled: the one between the executive and the legislative power and the one between the electorate and the institutions. Based on how these relations are handled, three models or forms of government are identified: parliamentary, semi-presidential and presidential<sup>97</sup>. This is relevant because on the basis of which institutions people can vote, it is possible to understand where young people can directly or indirectly influence the decisions. This is valid also because in some circumstances age requirements, both for voting and for eligibility, change on the basis of the institution that is to be elected.

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<sup>93</sup> See Mastellone, 243.

<sup>94</sup> See Mastellone, 247.

<sup>95</sup> See Mastellone, 218.

<sup>96</sup> See Mastellone, 247.

<sup>97</sup> See Bellini, 'Direct Democracy and Representative Democracy', 92.

### 2.2.1 Forms of government

The first form is parliamentary. In this case, the government depends on the Parliament, where the representatives elected by the people sit<sup>98</sup>. Indeed, there is a relationship of confidence between the executive and the Parliament. The electorate elects only the representatives in the Parliament while the Head of Government is the expression of the majority present in the assembly. The government does not have a fixed term, it depends on how strong the majority remains over time. On the other hand, the Head of State can be determined either on a hereditary basis in the monarchies with a for-life term or with election by the Parliament in republics<sup>99</sup>. The model of parliamentary democracy is United Kingdom<sup>100</sup> but many other countries have adopted this form of government, such as Italy and Germany.

The second form of government is presidentialism. The Head of Government and Head of State is the President<sup>101</sup>. He is directly elected by the electorate, governs by appointing the minister but does not depend on the Parliament<sup>102</sup>. In some cases, the President is indirectly elected through a committee<sup>103</sup>, as is the case of the US, where the Electoral College elects the Head of State and Government on the basis of the electorate preferences. The term of the President is a fixed term and usually it can be renewed only once, but this depends on the context<sup>104</sup>. The Parliament, elected by the people, is only in charge of control and carrying out the legislative function<sup>105</sup> but there is no relationship of confidence between Parliament and the executive. They interact in other ways: the President has the power to veto legislation while the Parliament can impeach the President<sup>106</sup>. The model of presidentialism is the United States<sup>107</sup>, which has been a presidential federal State since 1787. This form of government was then imitated by or exported in several countries in Central and South America, Asia and Africa. Due to different social and political contexts, the system has been adapted and it gave to the

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<sup>98</sup> See Bellini, 92.

<sup>99</sup> See Frosini, 'Forms of State and Forms of Government', 42.

<sup>100</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 278.

<sup>101</sup> See Frosini, 'Forms of State and Forms of Government', 49.

<sup>102</sup> See Bellini, 'Direct Democracy and Representative Democracy', 92.

<sup>103</sup> See Frosini, 'Forms of State and Forms of Government', 49.

<sup>104</sup> See Frosini, 50.

<sup>105</sup> See Bellini, 'Direct Democracy and Representative Democracy', 92.

<sup>106</sup> See Frosini, 'Forms of State and Forms of Government', 49.

<sup>107</sup> See more in Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 19.

President such powers that this type of regimes moves frequently towards authoritarian presidentialism<sup>108</sup>.

The third form of government is semi-presidentialism. It combines elements of the presidential and of the parliamentary forms of government. The President of the Republic is directly elected by the people and has specific prerogatives related to the exercise of the executive power. The electorate vote also for the Parliament. The Head of Government is appointed by the President, but he is also the expression of the majority in Parliament and should obtain the vote of confidence<sup>109</sup>. Semi-presidential systems can be sub-classify into three categories: the first where the Prime Minister prevails; the second where there is a diarchy between the competences of the Head of Government and the President of the Republic; and the third where the President has always a central role<sup>110</sup>. The model of this form of government is France after 1958, also called the fifth Republic<sup>111</sup>. Another example was the Weimar Republic of 1919, but it is also the political regime of many other countries for instance Austria and Ireland<sup>112</sup>.

### 2.2.2 Elections

Elections are the trademark of representative democracy<sup>113</sup>. They can be held at supra-national, national, regional or local level. In all these cases, the people carry out a dual function: it legitimizes the political constitutional order at the origin, while at the same time, through the electoral mechanisms delegating its representatives to form the government. The electoral mechanism of representation transfers any potential violent conflict between majority and minority to the assembly. Minorities have the possibility of being represented, through the constitution of parliamentary groups and parties capable of expressing dissent against the majority<sup>114</sup>. Thus, representative democracy should include all liberties and rights that make elections meaningful such as freedom of

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<sup>108</sup> See Frosini, 'Forms of State and Forms of Government', 49.

<sup>109</sup> See in Frosini, 52; Bellini, 'Direct Democracy and Representative Democracy', 92.

<sup>110</sup> See Frosini, 'Forms of State and Forms of Government', 53.

<sup>111</sup> See more in Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 283 ff; Canfora, *Democracy in Europe*, 212 ff.

<sup>112</sup> See Frosini, 'Forms of State and Forms of Government', 53.

<sup>113</sup> See Thomas Kräuchi and Anna Lüthmann, 'Elections and Democratization', *Policy Brief V-Dem Institute* 15 (2017): 1.

<sup>114</sup> See Bellini, 'Direct Democracy and Representative Democracy', 94.

association, freedom of expression and suffrage<sup>115</sup>. Free and fair elections standard contain all the international accepted rules on this<sup>116</sup>. A conception of democracy that includes these aspects is Dahl's 'polyarchy'. V-Dem Institute has created an index based on the definition of Dahl that is composed by data on elected officials, free and fair elections, associational autonomy, freedom of expression and alternative sources of information, and inclusive citizenship<sup>117</sup>.

The fact that elections are conducted according to the rules and respect all the international human rights standards is not enough for having a good representative democracy. Rule of law and institutional checks and balances are important for a stable system. But in a political system also mutual trust and respect are pivotal. Electors should feel a form of respect towards the elected, based on a rational examination of their conduct. At the same time, since at the electoral date, citizens are not completely informed about the political views of candidates<sup>118</sup>, elected officials should respect their electors, by being responsible, responsive, and accountable to them. They should promote the common good and bear widely shared values. In the last period these feeling of trust<sup>119</sup> and respect for the political elite and the representatives is shading and decreasing<sup>120</sup>, especially among young people and this crisis impacts on their participation in formal political processes and elections.

### 2.3 Current state of representative democracy

As we have seen, within several Western political systems there is a socially widespread and substantial lack of confidence in the political class, in the governments expressed by it and, sometimes, in the democratic institutions themselves<sup>121</sup>. This lack of trust is mirrored also by a lowering turnout level, especially among young people. This could have an impact in the long-term stability of democracies.

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<sup>115</sup> See Jan Teorell, Michael Coppedge, and Staffan Lindberg, 'Measuring Polyarchy across the Globe, 1900-2017', *St Comp Int Dev* 54 (2019): 75.

<sup>116</sup> See Fox, 'Right to Democracy. International Protection', para. 9.

<sup>117</sup> See Teorell, Coppedge, and Lindberg, 'Measuring Polyarchy across the Globe, 1900-2017', 75.

<sup>118</sup> See Kessler, 'Representative versus Direct Democracy: The Role of Informational Asymmetries', 28.

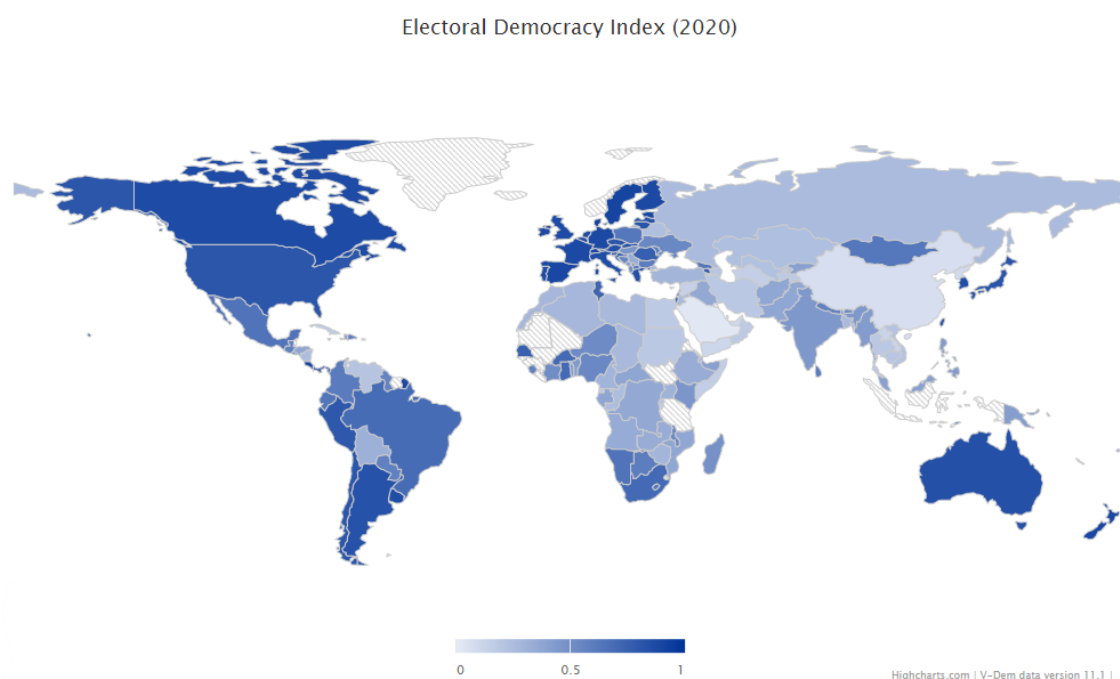
<sup>119</sup> See more in Nicholas Kerr and Anna Lührmann, 'Public Trust in Elections: The Role of Election Administration Autonomy and Media Freedom', *Working Paper V-Dem Institute*, 2016, 36 (2016).

<sup>120</sup> See Bellini, 'Direct Democracy and Representative Democracy', 95.

<sup>121</sup> See Bellini, 95.

According to the V-Dem approach, electoral democracy aims to achieve responsiveness and accountability between leaders and citizens through the mechanism of competitive elections. To reach this, suffrage should be extensive, elections should be clean and not marred by fraud or systematic irregularities, the chief executive of the country is selected directly or indirectly through elections, and political and civil society organizations should be free to operate. Thus, indices composing the Electoral Democracy Index are freedom of association, suffrage, clean elections, and elected executive<sup>122</sup>.

In the following charts, the V-Dem Electoral Democracy Index (EDI) status and trend is briefly analysed in order to have a general overview on the situation in the world, even if it does not intend at all to be exhaustive.



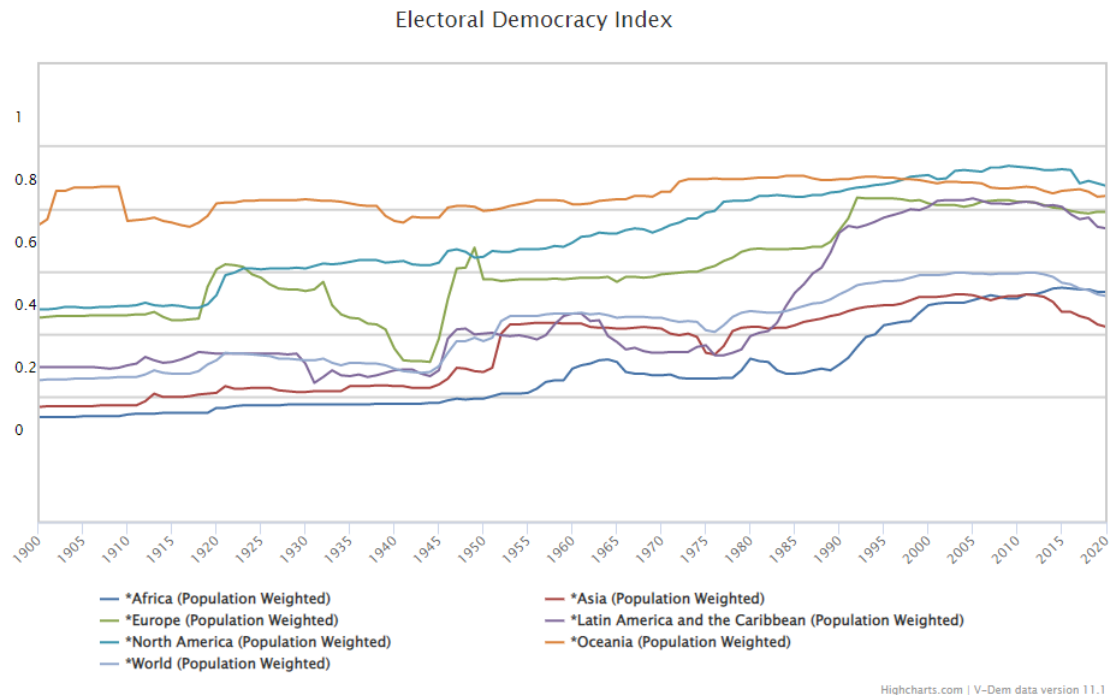
*Figure 4: EDI in 2020 in the world.*  
From V-Dem Institute [https://www.v-dem.net/data\\_analysis/MapGraph/](https://www.v-dem.net/data_analysis/MapGraph/)

This map shows how the level of electoral democracy is distributed in several parts of the world. EDI is higher in North America and some parts of Central and South America, in Europe and Oceania. Generally, in Africa and Asia the score is lower, apart from Japan, South Korea, Mongolia, the South African region and Tunisia.

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<sup>122</sup> V-Dem Institute, ‘Variable Graph’ Choose Electoral Democracy Index.





*Figure 5: EDI from 1900 to 2020. Trend in six continental areas and in the world.  
From V-Dem Institute [https://www.v-dem.net/data\\_analysis/VariableGraph/](https://www.v-dem.net/data_analysis/VariableGraph/)*

In this graph it is possible to see the evolution of EDI in all the continents. The level of electoral democracy has increased in all the areas of the world, in particular in North America, Oceania, Europe and Latin America and the Caribbean. Africa and Asia have a lower level, even if it is higher than the other index, PDI. This is probably due to the fact that electoral democracy is in line with the procedural view of democracy widely accepted in the international community context<sup>123</sup> and thus more implemented. In the line of Europe there are three peaks, that can be attributed to three fundamental moments: in 1919 after WWI, in 1945 after WWII and in 1989 after the fall of the Berlin Wall. These three moments led to a process of democratization and one of the first aspects of democratization are elections with all the processes connected to them.

<sup>123</sup> See Fox, ‘Right to Democracy. International Protection’, para. 8.

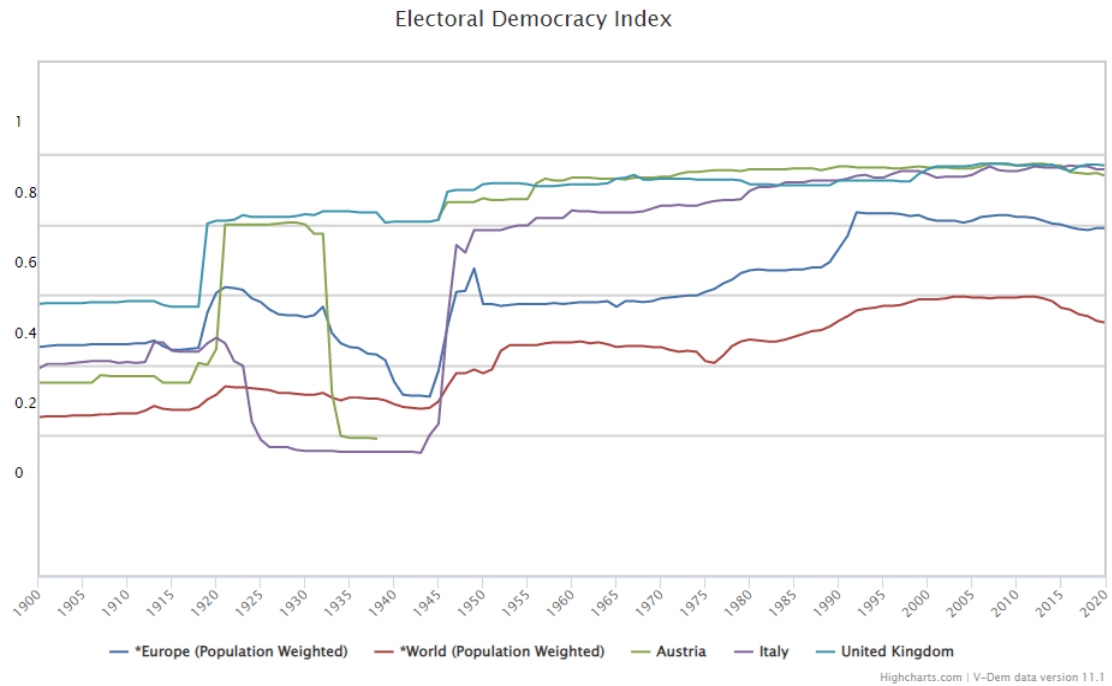


Figure 6: EDI from 1900 to 2020. Trend in Austria, Italy and the United Kingdom.  
 From V-Dem Institute [https://www.v-dem.net/data\\_analysis/VariableGraph/](https://www.v-dem.net/data_analysis/VariableGraph/)

In Italy, Austria and the UK, the level of EDI is high, near to 1 and has been quite stable in the last few years. As in the case of participatory democracy, during the period of the dictatorships the level of EDI was really low, near to 0, in Italy and Austria. This is because when freedoms and rights are violated, democracy does not exist, in any form. Elections are possible only when some rights are protected. One of the fundamental rights for a functioning democracy is suffrage, active and passive.

### 3. Suffrage

Suffrage is the ability to exercise vote<sup>124</sup> into electoral procedures or, in other words, the enjoyment of both the right to vote and right to stand for elections. The first coincides with active suffrage, the latter with passive suffrage. Active suffrage can be exercised also for some direct democracy mechanisms, in particular referendums. According to Montesquieu ‘the law which determines the manner of giving suffrage is fundamental in a democracy’<sup>125</sup>. Since the theorization of representative democracy and the efforts to

<sup>124</sup> See Matthew C. Wilson and Vanessa A. Boese, ‘Empirical Dimensions of Electoral Democracy’, *Working Paper V-Dem Institute*, 2020, 109 (2020): 4.

<sup>125</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 4.

actualize it in a concrete political system, the issue of suffrage was at stake. It results in an evolution of franchise rights that can be divided into four phases on the basis of who enjoy this right: only people with a determined level of wealth and/or education; all males above a certain age; all men and women above a certain age; inclusion of other previously excluded categories such as people with disabilities, prisoners and expansion of these rights to younger people. The achievement of each phase was not homogenous in the different countries: every context had its own development and its own sensitive categories. For example, in the US universal suffrage was conceded in 1920 but Afro-Americans did not have access to suffrage until 1960s. Today in most countries suffrage is universal. In the following few pages, we will see the evolution of suffrage, with some examples and how nowadays the expansion of right to vote and to stand for elections are linked to international standards and human rights law and jurisprudence.

### 3.1 Limited suffrage

Limited suffrage is when the right to vote or to stand for elections are restricted to people which have determined characteristics, usually a particular level of alphabetization and wealth.

Even if the American Revolution's aim was to allow every citizen to vote, *de facto* not the whole people could elect its representatives but only a group of them, similarly to what happened in the British State<sup>126</sup>. On the other side of the Atlantic Ocean, in France the Constitution of 1791<sup>127</sup> distinguished citizens on active and passive, according to a property qualification. It excluded also who did not pay direct contribution and who had criminal records<sup>128</sup>. Only active citizens, who were half of the total, had the right to vote and barely over one hundred thousand people were eligible for election, a minority compared to the entire population<sup>129</sup>. It adopted a bicameral system and interestingly the upper Chamber was composed of citizens over the age of forty, as it is in some contemporary democracies, for example in Italy. After the fall of Robespierre, who tried to adopt a Constitution with quasi-universal male suffrage in 1795, a new Constitution was approved and the right to vote was granted to everyone capable of signing their

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<sup>126</sup> See Mastellone, 21.

<sup>127</sup> See more in Canfora, *Democracy in Europe*, 67 ff.

<sup>128</sup> See Canfora, 67.

<sup>129</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 23.

names, reducing the number of passive citizens, excluded from voting, to little more than one million<sup>130</sup>. After the fall of Napoleon I, England imposed on France a highly conservative constitutional monarchy with limited suffrage<sup>131</sup>. The right to vote was conditional upon a contribution of three hundreds francs and demanded not less than one thousand francs from those seeking election<sup>132</sup>. The electorate in the 1818 elections numbered eighty-eight thousand people<sup>133</sup>. In 1830 it was less than a thirtieth of the adult male population<sup>134</sup>. Until 1848 all French Constitutions contained severe restrictions on the right to vote<sup>135</sup>. The adoption of an electoral system based on wealth was shadowed by the buying and selling of votes<sup>136</sup>.

In England, where a limited suffrage was already present, the demand for extension of the right to vote was so powerful that in 1832 a Reform Bill was passed: it did not implement universal suffrage, but it marked the breaking of the wealthy classes' parliamentary monopoly<sup>137</sup>.

Limited suffrage was adopted in many democratic States and in particular in new-born nations. For example, in Italy until 1880 only 2 per cent of the kingdom's population had the right to vote, in 1882 it was 10 per cent<sup>138</sup>. This changed partially only in 1912 with Giolitti's reform.

### 3.2 Universal male suffrage

Even if the idea of universal manhood suffrage was present since the beginning of the nineteenth century, it was applied in political systems only at the end of the century or in some cases at the beginning of the twentieth century. Universal and equal suffrage was fundamental for the complexity of modern society. Since the nation State in Europe recognized common language, traditions, customs and will for the homeland, it had to become the State of the people. To do so, shifting from limited to universal suffrage could

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<sup>130</sup> See Mastellone, 27.

<sup>131</sup> See Canfora, *Democracy in Europe*, 56.

<sup>132</sup> See Canfora, 56.

<sup>133</sup> See Canfora, 59.

<sup>134</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 50.

<sup>135</sup> See Mastellone, 67.

<sup>136</sup> See Canfora, *Democracy in Europe*, 68.

<sup>137</sup> See Canfora, 70–71.

<sup>138</sup> See Canfora, 96.

led to the involvement of the population and to the improvement of the masses' conditions<sup>139</sup>. On the other hand, many opposed the universal male suffrage because they believed it would cause economic, political and social disorders, it could impact the composition of the Parliament by introducing socialist and other parties and it could not improve national political institutions<sup>140</sup>.

The first demands for universal suffrage coincided with industrial development, the growth of factories and a new social class of workers. In the first half of the nineteenth century, England was the first country in Europe to tackle these problems<sup>141</sup>. In 1836 Lovett and Hetherington founded the London Working Men's Association to seek by every legal means to place all classes of society in possession of equal political and social rights. Electoral problems had to be linked with those of the trade unions, the right to vote with the right to better wages. With other leaders in 1837 they drew up the *People's Charter*<sup>142</sup>, in six points. Among the others, they asked for universal male suffrage, secret ballot, removal of the property qualification for membership in Parliament and payment of the members. This *Charter* led to the creation of the Chartist movement<sup>143</sup>. In 1839 they presented a petition to the Parliament that was rejected because it did not believe that the new electoral measures would solve problems regarding production and wages. Another electoral reform was adopted in 1867, thirty years later<sup>144</sup>. Similar movements arose in France and Germany<sup>145</sup>.

The first experiment in holding an election by universal male suffrage in Europe was in 1848 in France with some nine million people entitled to vote. The age to elect was 21, while the age to be elected 25. On April 23, 1848, elections were held and 84 per cent of the electorate voted, about eight million people<sup>146</sup>. But the experiment lasted for a short time because election for the president of the Republic gave full powers to Louis Napoleon<sup>147</sup> who was preparing his 'empire'<sup>148</sup>. Universal male suffrage remained in place

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<sup>139</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 136.

<sup>140</sup> See Mastellone, 156–57.

<sup>141</sup> See Mastellone, 64.

<sup>142</sup> See Canfora, *Democracy in Europe*, 73.

<sup>143</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 67–68.

<sup>144</sup> See Mastellone, 69.

<sup>145</sup> See Canfora, *Democracy in Europe*, 75.

<sup>146</sup> See Canfora, 76–77.

<sup>147</sup> See Canfora, 79.

<sup>148</sup> See Canfora, 81 ff.

but was steered by Napoleon III as he wanted<sup>149</sup>.

Other countries adopted universal male suffrage between the nineteenth and the twentieth century. For example, in Germany since 1871 men above 25 years old were entitled to vote<sup>150</sup>. Nonetheless, the voting system guaranteed the domination of some classes over the others, for example in Germany *Junkers* and the military caste over socialist party. The only way to make universal suffrage effective was adopting proportional representation and thus giving due weight to the socialist or popular party. Proportional constituencies were adopted for example in Austria in 1906 while universal male suffrage was granted in 1907<sup>151</sup>.

In Britain, the development of universal male suffrage was slow but progressive. In 1867 a second Reform Bill was passed to lower the level of wealth required to vote. In 1872 secret ballot was introduced with the Ballot Act and only in 1895 near-universal male suffrage was achieved<sup>152</sup>. Finally, Britain enacted the Representation of the People Act of 1918 extending the suffrage to all males<sup>153</sup>. But the electoral system was constructed to balance the possible modernization forces of labour parties as to maintain conservative policies<sup>154</sup>.

Another different situation was that of Italy. Giolitti's reform of 1912 extended the right to vote with a partly restricted suffrage. The minimum voting age was 30, without other restrictions, and anyone between 21- and 30-year-olds had the right to vote if they possessed educational qualifications or honours or were in military service. In this way only 23 per cent of the population had the right to vote. Benedetto Croce said that the aim of this reform was to approach universal suffrage<sup>155</sup>. Universal male suffrage was then adopted in December, 1918<sup>156</sup> together with the shift from single-member constituencies

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<sup>149</sup> See Canfora, 101.

<sup>150</sup> See Canfora, 112.

<sup>151</sup> See Canfora, 103.

<sup>152</sup> See Canfora, 101.

<sup>153</sup> See Marcus Llanque, 'The Edges of Democracy: German, British and American Debates on the Dictatorial Challenges to Democracy in the Interwar Years', in *Democracy in Modern Europe. A Conceptual History*, European Conceptual History (New York/Oxford: Berghahn Books, 2018), 182.

<sup>154</sup> See Canfora, *Democracy in Europe*, 102.

<sup>155</sup> See Canfora, 96.

<sup>156</sup> See Canfora, 146.

to proportional constituencies<sup>157</sup>. Votes went to socialists and people's parties in a climate of rebellion after WWI and the difficulty of the conservative political class to dialogue with these mass parties helped the creation of the Fascist regime.

Each State had a different path towards universal male suffrage but in most cases was achieved after WWI. The further expansion of the right to vote to women was not immediate.

### 3.3 Universal suffrage and female right to vote

An obstacle to women's right to vote was the role that society attach to them: being mothers or taking care of the home, staying in the private sphere, separated and subordinated to the male-inhabited and male-defined public sphere. Women were relegated to their gender role that do not recognize them as full citizens, and thus not entitled to voting and other rights<sup>158</sup>. Even though in some cases women with a noble status or which pay taxes had some rights in elections, when suffrage started to be discussed in order to allow more men to have the right to vote, women were often deprived of their previous limited voting rights<sup>159</sup>. The strategy of many movements for extension of suffrage to males was to achieve universal male suffrage. In this context women's right to vote was a secondary issue or even a dangerous objective<sup>160</sup>, because according to a sexist view, women were not able to decide without being influenced by someone, being the priest, the husband or the father. According to this perspective, female suffrage was unnecessary because women were to be represented by men. At the same time granting suffrage to women could create social instability and undermine family harmony<sup>161</sup>. Fortunately, some aspects have changed this patriarchal perspective.

First of all, since women could not rely on the political-party structure system, after 1848 women's societies spread in Europe. At the beginning, these associations prioritized access to education, employment and professional development rather than suffrage. Unsatisfied by these 'bourgeois associations', suffragist organizations proliferated at the

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<sup>157</sup> See Canfora, 110. Proportional constituencies were abolished with Acerbo law in 1924 by Mussolini government.

<sup>158</sup> See Ruth Rubio-Marin, 'The Achievement of Female Suffrage in Europe: On Women's Citizenship', *International Journal Constitutional Law* 12, no. 1 (2014): 3.

<sup>159</sup> See Rubio-Marin, 6.

<sup>160</sup> See Rubio-Marin, 8.

<sup>161</sup> See Rubio-Marin, 13.

beginning of the twentieth century forming a suffragist movement with international ambitions. It was the first international mobilization in the fight for women's rights and it started in the US<sup>162</sup>. For example, they aimed at active participation of women in civil life in France and at the extension of vote to women in Britain<sup>163</sup>. Such suffragist movements spread all over Europe. They were a great initiative, but they were divided and had different objectives. Therefore, this was one of the causes that delayed the achievement of female suffrage<sup>164</sup>.

Another important aspect that changed the perspective was the role of women during the wars. Indeed, during WWI and WWII all citizens of both sexes had to participate in the war effort: men called at the front and women replaced men in commercial and industrial work. By doing this, States recognized that men were equal because they were all conscripted to serve the homeland. Secondly and most importantly, by allowing women to participate actively in the social and economic life of the country, the State recognized that sexual and role distinctions in an advanced society were unfounded<sup>165</sup>.

Since every context was different the adoption of universal suffrage for both men and women was not homogenous. Some States adopted universal suffrage for the first time right after WWI such as Russia in 1917 and the United States<sup>166</sup> in 1920. In other contexts, the road was longer and in several cases before giving universal suffrage, States granted limited female suffrage to women with property as in the case of the UK in 1918, or to unmarried or economically active women in Finland, Iceland and Sweden. These women were actually considered closer to men<sup>167</sup>. Universal suffrage arrived only later: in England it was achieved in 1928<sup>168</sup>, in France in 1944<sup>169</sup>, in Belgium<sup>170</sup> and Italy in 1945, in Switzerland in 1971<sup>171</sup>. Other countries such as New Zealand and Australia adopted

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<sup>162</sup> See Rubio-Marin, 9.

<sup>163</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 91.

<sup>164</sup> See Rubio-Marin, 'The Achievement of Female Suffrage in Europe: On Women's Citizenship', 10.

<sup>165</sup> See Mastellone, *A History of Democracy in Europe. From Montesquieu to 1989*, 204.

<sup>166</sup> More in Sebastian Braun and Michael Kvasnicka, 'Men, Women, and the Ballot: Gender Imbalances and Suffrage Extensions in the United States', *Explorations in Economic History* 50 (2013): 405–26.

<sup>167</sup> See Rubio-Marin, 'The Achievement of Female Suffrage in Europe: On Women's Citizenship', 16.

<sup>168</sup> Rubio-Marin, 4.

<sup>169</sup> Rubio-Marin, 3.

<sup>170</sup> See Rubio-Marin, 8.

<sup>171</sup> See Kurunmäki and Herrmann, 'Birthplaces of Democracy: The Rhetoric of Democratic Tradition in Switzerland and Sweden', 95.



universal suffrage since the beginning of the twentieth century<sup>172</sup>. By the end of that century female suffrage had become part of the definition of what a modern democracy is<sup>173</sup>. Female suffrage changed fundamentally the role and understanding of women in societies<sup>174</sup>. This evolution is important also for young people engagement because in this respect young women can face ‘double discrimination’ due to their young age and being female.

### 3.4 Extension of universal suffrage

From this fast overview we have understood that at the beginning of the last century the majority of countries had limited suffrage, then many States adopted universal male suffrage in the first decades, and nowadays the majority of the countries has universal suffrage. Some restrictions to suffrage were, and sometimes are, considered legitimate such as those based on age, residence, conviction for a crime or legal incompetence. The adoption of international human rights treaties and the development of the free and fair elections standard change the consideration of these aspects, leaving in any case some discretion to the States, but within stricter limits.

Based on free and fair elections standard, suffrage has to be universal and equal, and elections have to be periodic, genuine and held by secret ballot<sup>175</sup>. Starting from the provisions of international human rights treaties, some categories previously excluded cannot be deprived of their right to vote with blanket provisions. For example, people with disabilities, in particular mental ones, in accordance with art. 29 of the CRPD have the right to participate in political and public life and so a case-by-case assessment needs to be made for what concern suffrage. Similarly, prisoners cannot be excluded from political rights without a legitimate reason<sup>176</sup>. Of course, it is up to the States to implement such international provisions and jurisprudence.

Another example of extension of suffrage is the right to vote and to be elected given to European Union citizens in local elections in the town where they reside, even if they do

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<sup>172</sup> See Rubio-Marin, ‘The Achievement of Female Suffrage in Europe: On Women’s Citizenship’, 14.

<sup>173</sup> See Rubio-Marin, 18.

<sup>174</sup> See Braun and Kvasnicka, ‘Men, Women, and the Ballot: Gender Imbalances and Suffrage Extensions in the United States’, 406.

<sup>175</sup> Election monitoring §19

<sup>176</sup> For example, in the case-law Grand Chamber, *Hirst vs. United Kingdom* (European Court of Human Rights 2005).

not have the citizenship of that country. This is an interesting example because citizenship usually is a fundamental requirement for right to vote<sup>177</sup>.

The last example of expanding suffrage is the main theme of this thesis. In some countries age requirements have been lowered both in active and passive suffrage. For example, in Austria they have set voting age at 16 years old and eligibility age at 18 years old. This is a matter of including people who contribute actively to the society and making elections more representative<sup>178</sup>. This shift is compatible with the rise of representative democracy and the human rights movement which resulted in women being given the rights to vote and be elected by the middle of twentieth century. Although the UDHR affirmed 'universal and equal suffrage' as a basic human right, it excluded children and young people on the basis of age. Thus, in the second half of the twentieth century, a youth rights movement grew, and young people fought to make decisions autonomously or to have the legal minimum ages at which rights are acquired lowered. As a consequence, many countries lowered the majority and the voting age from 21 to 18 years. Since then, there has been movements to lower the voting age still further and some countries have done so as in the case of Austria.

The process of expansion of voting and eligibility rights to young people and the push for a greater involvement of young people in political life and institutions passed through the adoption of international human rights treaties and the creation of international standards which recognize a role for youth which constitutes half of the world population.

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<sup>177</sup> See OSCE, *Election Observation Handbook*, 6th ed. (Warsaw: OSCE/ODIHR, 2010), 58.

<sup>178</sup> See Yvonne Goudie, Chiara Chianese, and Genet Menelik, 'Youth and Elections', ACE project, n.d., <https://aceproject.org/ace-en/topics/yt/>.

## Chapter II – Right to participate in elections: international legal framework

*“Voting is the foundation stone for political action”*

*Martin Luther King Jr.*

Elections are considered a key element of democratic governance<sup>179</sup> in contemporary representative democracy. Since the interest in democracy and elections raised by the expansion of democratization at the end of the Cold War<sup>180</sup> and the development of impartial monitoring and assessing of elections by international organizations in many countries<sup>181</sup>, the international community has developed a series of international standards concerning elections, democracy and individuals’ participation. These standards comprise mainly the free and fair elections standard and the international human rights law established both at UN and regional level. Human rights in elections includes many political and civil rights, not only the right to vote and to stand for elections but also a series of collateral rights, fundamental for democratic functioning, such as right to freedom of opinion, of association, and of expression.

This chapter aimed to understand whether at international or regional level, there is a kind of obligation for States to include young people in elections and in political and public decision-making processes. In order to do so, we will explore the international UN level and the different geographical and legal contexts which deals with democracy and human rights, in Europe, in America and in Africa. In some cases, some organizations have adopted youth-specific documents.

The chapter will start introducing some main principles of the free and fair elections standard. Since this standard is made up of several different rights, it would be impossible to cover it in few pages and at the same time, it will be not useful for the aim of this research. Thus, after a brief introduction, the following pages will focus on the right to participation in elections, in particular both active and passive suffrage. It will go through the frameworks developed in different international organizations: United Nations, Organization for Security and Co-operation in Europe, European Union, Council of

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<sup>179</sup> See Christina Binder and Christian Pippan, ‘International Election Monitoring’, *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2018, para. 1.

<sup>180</sup> See Binder and Pippan, para. 1.

<sup>181</sup> See Fox, ‘Right to Democracy. International Protection’, para. 2.

Europe, Organization of American States, International Youth Organization for Ibero-America, African Union. In the last paragraph we will see how these international documents can and should be implemented at national level in order to improve young people's participation.

### 1. Right to participate in elections: an introduction

The general framework in which participatory rights are included is free and fair elections standard. Over the years within the development of the international human rights framework<sup>182</sup> some principles related to elections emerge and become fundamental for monitoring the legitimacy of governments, while respecting the principle of self-determination<sup>183</sup>. In this standard three main components are identifiable: elections, suffrage and results. First of all, elections should be periodic, genuine, free and fair. Each of these adjectives has its own meaning. Periodic means that democratic elections should be held at regular intervals and this interval should not be unduly long. At the same time, they should be genuine: the context should respect fundamental freedoms, and political pluralism should exist, that is there should be a real choice between political alternatives for voters. Free elections imply the enjoyment of political fundamental rights such as freedom of expression, association, peaceful assembly and movement, and voters should be free from intimidation and violence. Equal conditions for voters and candidates are ensured in fair elections. Thus, who wish to run for office should be able to do so and who has the right to vote can exercise it freely. Fairness includes also equal treatment in media, campaign finance and other aspects of the electoral process<sup>184</sup>.

On the other side, the characteristics of suffrage are three: universal, equal and held by secret ballot. Universal means that all eligible citizens should be given the right to vote and to stand for office. These rights can be limited only by law and restrictions should be reasonable and justified. Many people, once excluded, now have acquired the right to vote on the basis of the principle of universal suffrage, such as women, minorities, people with disabilities and also young people can be included. Equal suffrage, instead, entails

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<sup>182</sup>See Judith G. Kelley, 'The Rise of a New Norm', in *Monitoring Democracy: When International Election Observation Works, and Why It Often Fails*, Course Book ed. (Princeton: Princeton University Press, 2012), 21.

<sup>183</sup> See Kelley, 21.

<sup>184</sup>See OSCE, *Election Observation Handbook*, 22.

that each citizen's vote should have the same value according to the logic 'one person, one vote'. This principle has an impact on the electoral system adopted and its characteristics. For example, in a proportional representation system, the number of representatives in each district should be proportionate to the size of the electorate. The last characteristic is the secrecy of the vote. It implies that the ballot is marked in the privacy of a voting booth. Thus, it cannot be seen before it is cast and cannot be later connected in any way with a particular voter<sup>185</sup>. Under this provision open voting cannot be allowed. On the same basis, proxy voting<sup>186</sup> is problematic, because in this practice a voter delegates to another voter to cast his or her ballot, violating the secrecy of the vote. Nonetheless it is a quite common and accepted practice in some Western countries such as the Netherlands<sup>187</sup> and the United Kingdom.

The last aspect of free and fair elections standard regards results, in particular honest counting and reporting. This principle implies that election management bodies (EMBs) and their officials should conduct counting and tabulation procedures impartially, efficiently and accurately. Counting should be transparent, and results should be publicly reported in a timely manner. In this way it can enhance public confidence in the process<sup>188</sup> that is needed in particular among young people.

In few words, these are the main characteristics of free and fair elections standards that guide the assessment of these democratic processes. Now the focus of the chapter will shift to the right to participate in elections at international level. In international law it is possible to identify two main areas: treaties' law which derives from international conventions and customary law which derives from both *opinio iuris* and State practice. Treaties' law will be explored in detail in the next paragraphs. For what concern customary law, it is relevant because although the treaties bind most of the members of the international community, some States are not part of these conventions. Understanding whether the right to participate in elections is part of customary

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<sup>185</sup> See OSCE, 23.

<sup>186</sup> See OSCE/ODIHR, *Guidelines for Reviewing a Legal Framework for Elections*, 2nd ed. (Warsaw: OSCE/ODIHR, 2013), 59; Venice Commission, 'Code of Good Practice in Electoral Matters', 2002, paras 38–40.

<sup>187</sup> See ODIHR, 'ODIHR Needs Assessment Mission Report. The Netherlands Parliamentary Elections 17 March 2021' (OSCE/ODIHR, 15 February 2021), 6.

<sup>188</sup> See OSCE, *Election Observation Handbook*, 23.

international law is important because in that case the obligations linked to this right are extendible to States that are not part of such conventions<sup>189</sup>.

According to some legal scholars adhering to the democratic governance school, there is a customary right to participate in democratic elections. They support that the electoral guarantees contained in the ICCPR and the UDHR, together with the authority of the declaration and the widespread ratification of the Covenant, are the backbone of a customary principle. Nonetheless, there are notable exceptions to the ratification such as China, the most populous State in the world and some abstaining countries are located mainly in East and South-East Asia, demonstrating a regional concentration. These two aspects limit the application of *opinio iuris*. At the same time, many States that have ratified the ICCPR do not actually practice electoral democracy and thus right to participate in elections. In the end, a mere ratification and commitment to ICCPR and in particular art. 25 do not indicate a State practice, and thus it is not sufficient to establish a customary principle to democracy<sup>190</sup>.

Contrary to international treaty instruments, customary international law does not contain a strict human right to participate in democratic elections but a principle of democratic teleology, an obligation to democratization. This is a complex, long-term and open-ended process and one of the steps is the introduction of electoral institutions at a certain moment but not necessarily as the first step<sup>191</sup>. Thus, it is possible to conclude that elections are relevant in the international customary law because they are one of the stages to complete the process of democratization, in which States develop towards democracy and its consolidation, avoiding setbacks. But in this moment, there is not a right to participate in elections at the level of international customary law<sup>192</sup>, neither in general nor for young people.

## 2. United Nations: treaties, General Comments and other documents

The Organization of United Nations is the international organization to which almost

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<sup>189</sup> See Niels Petersen, 'Right to Participate in Elections, International Protection', *Max Planck Encyclopedia of Public International Law (MPEPIL)*, 2019, para. 17.

<sup>190</sup> See Petersen, para. 19.

<sup>191</sup> See Petersen, para. 20.

<sup>192</sup> See Petersen, para. 22.

every country in the world is member. For this reason, its legal framework is pivotal to understand how elections and rights linked to them are considered worldwide. The legal framework of the UN includes declarations showing political commitments, treaties bringing legal obligations for those who ratify them, and other papers, being resolutions, plan of action or others. The adoption of such wide range of legal and less legal documents has to be added to the several activities that the United Nations and all its complex machinery and bodies carry on on the matter of democracy such as electoral observation.

2.1 The right to participate in public affairs, voting rights and the right of equal access to public service (art. 25 ICCPR)

Art. 25 ICCPR is the basis for the right to participate in elections. It is an articulated provision regarding different aspects of participation in democratic life. Its meaning is well-explained by the General Comment no. 25 issued in 1996. In this paragraph we will see how the United Nations have ‘produced’ this right.

2.1.1 The Declaration and the Covenant

Shortly after the signature of the United Nations Charter that gave birth to the United Nations in 1945, the General Assembly approved the Universal Declaration of Human Rights (UDHR). The UDHR elaborates on the Charter with a compelling moral and political force. Art. 21<sup>193</sup> regards elections and right to take part in the government. It states that participation can be direct or through freely chosen representatives and that the authority of the government should be based on the will of the people expressed through elections, held in a free and fair manner. Thus, it entails the two forms of democracy that we have seen in the previous chapter. Moreover, the UDHR sets out many other rights linked to electoral process<sup>194</sup> such as freedom of expression<sup>195</sup>, association and peaceful assembly<sup>196</sup>.

The UDHR was not sufficient to grant a clear obligation on States to act accordingly. Thus, in 1966 its provisions have been reiterated and expanded into two International

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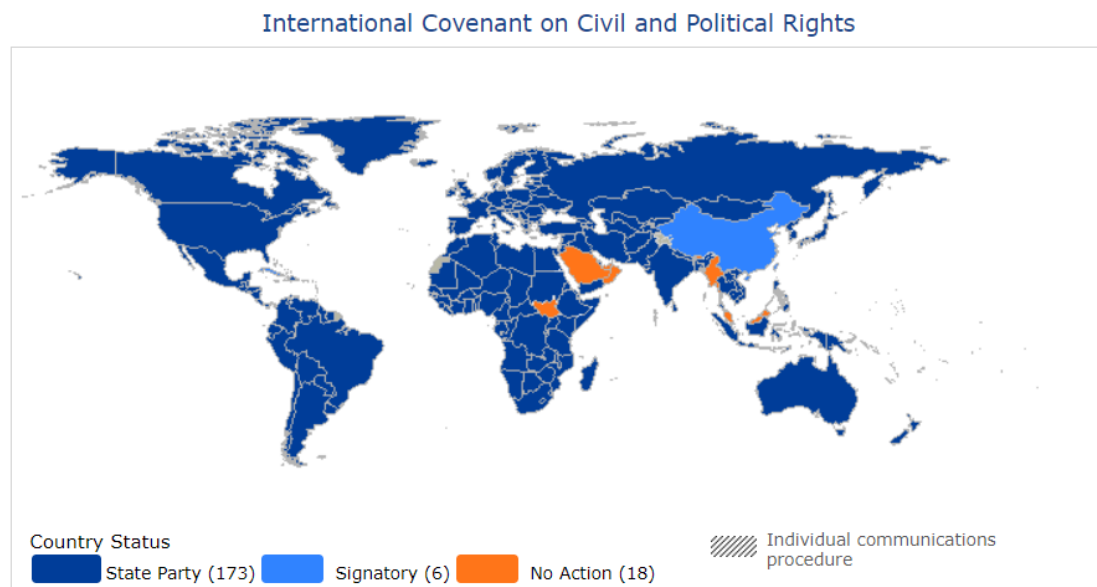
<sup>193</sup> United Nations General Assembly, ‘Universal Declaration of Human Rights’, 10 December 1948 art. 21.

<sup>194</sup> See OSCE, *Election Observation Handbook*, 20.

<sup>195</sup> United Nations General Assembly, ‘UDHR’ art. 19.

<sup>196</sup> United Nations General Assembly art. 20.

Covenants, the first on civil and political rights, the second on economic, social and cultural rights. Right to participate in elections is enshrined in art. 25<sup>197</sup> of the International Covenant on Civil and Political Rights. This international treaty creates legal obligations for States that have ratified it<sup>198</sup>. Art. 25 ICCPR reprises the wording of art. 21 UDHR but adds some relevant aspects. For example, the principle of non-discrimination enshrined in art. 2 ICCPR limits the discretion of States in restricting right to participation. At the same time, it explicitly expresses a clear right to vote and to be elected at free and fair elections, while in the UDHR there is only a general right to take part in government. To help States complying with the obligations of this article, in 1996 the Human Rights Committee, that is the treaty body linked to ICCPR, issued General Comment no. 25.



*Figure 7: ICCPR Status of Ratification*  
<https://indicators.ohchr.org/>

### 2.1.2 General Comment no. 25

Art. 25 ICCPR does not refer only to elections but to all the forms of participation in public affairs. This right has become known as the ‘right of rights’ and it is a necessary condition for the creation of an environment conducive to protection and promotion of human rights. Indeed, it extends beyond the immediate electoral context to encompass

<sup>197</sup> United Nations, ‘International Covenant on Civil and Political Rights (ICCPR)’, 1966 art. 25.

<sup>198</sup> See OSCE, *Election Observation Handbook*, 20.



non-electoral activities. Contrary to other rights of the ICCPR, art. 25 is addressed to ‘citizens’ and not to ‘individuals within the territory and subject to the jurisdiction of the State’. In any case, States should define citizenship respecting the principle of non-discrimination and thus their discretion is not illimited. It is an individual right and violations can be complained to the Human Rights Committee under the first Optional Protocol of the ICCPR.

The article is divided into three paragraphs. The first paragraph relates to the participation in public life in general. Conduct of public affairs is a broad concept because it includes the exercise of legislative, executive and administrative powers. The allocation of these powers and the means for participation should be established by the Constitution and other laws<sup>199</sup>. The second paragraph spells out the way in which participation is exercised directly: on one side by voting and deciding on public issues, on the other by exercising the power as members of the legislative or executive bodies. Paragraph (b) sets out also the requirements for participation whose processes must follow the rules of the free and fair elections standard. The last paragraph of art. 25 ICCPR deals with the right and opportunity of citizens to have access on terms of equality to public service positions. This regards mainly criteria and processes of handling public offices, that should follow principles such as merit and equal opportunity<sup>200</sup>.

Rights protected by art. 25 ICCPR can be limited but only on the basis of objective and reasonable criteria established by law. On the other side right to participate in public affairs is intrinsically linked to other human rights such as freedom from discrimination, freedom of opinion and expression, freedom of association and of peaceful assembly regarding for example the creation of political party, and freedom of movement<sup>201</sup>. This concept is linked to the interdependency and indivisibility of human rights declared in the 1993 Vienna Declaration<sup>202</sup>.

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<sup>199</sup> See Human Rights Committee, ‘General Comment No. 25’ (United Nations, 1996), para. 5; See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 2021, 11.

<sup>200</sup> See Human Rights Committee, ‘General Comment No. 25’, para. 23; See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 10.

<sup>201</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 11; Human Rights Committee, ‘General Comment No. 25’, paras 25–26.

<sup>202</sup> See World Conference on Human Rights, ‘Vienna Declaration and Programme of Action’, 25 June 1993, para. 5.

Obligations linked to this article covers many areas of life, concerning implementation of policy at all levels, from international to national, from regional to local. General Comment no. 25 lists a series of obligations related to art. 25 ICCPR. For example, the obligation to adopt legislative and other measures to ensure that citizens have effective opportunity to enjoy these rights and guarantee the exercise of other correlated rights<sup>203</sup> together with the provision of art. 2 ICCPR on non-discrimination can be interpreted as a push towards a wider inclusion of parts of society that despite having a significant role in society do not play any role in the public decision-making.

### 2.1.3 Right to vote and to be elected under art. 25 ICCPR

Right to vote is a fundamental guarantee of art. 25 ICCPR. It refers to both elections and referendums<sup>204</sup>. Therefore, it is a right at the core of any democratic process, either representative or direct, based on the will of the people. This right must be established by law and may be subject only to reasonable restrictions<sup>205</sup>. From the work of the Human Right Committee in the reporting procedure<sup>206</sup> it is possible to raise some points.

A reasonable restriction is, for example, setting a minimum age limit to avoid ‘immature’ and too young people to participate, even if such limitations should be reasonable, justifiable and non-discriminatory. On the other side, restricting the right to vote on the grounds of physical disability or imposing literacy, educational or property requirements is not in line with art. 25 ICCPR. At the same time, it is not enough to set out a right to vote but people should enjoy it effectively. Thus, all the people entitled should be able to exercise their right and the State has an obligation to provide for positive measures to overcome difficulties such as illiteracy, poverty, impediments to the freedom of movement. If these difficulties are not addressed the problem will result in *de facto* disenfranchisement of many people<sup>207</sup> and young people are among those most affected by this. Thus, a series of enabling measures is needed for particular categories such as

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<sup>203</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 11–12; Human Rights Committee, ‘General Comment No. 25’.

<sup>204</sup> See Beigbeder, ‘Referendum’, para. 2.

<sup>205</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 18; see also Petersen, ‘Right to Participate in Elections, International Protection’, para. 5.

<sup>206</sup> See United Nations, ‘International Covenant on Civil and Political Rights (ICCPR)’ art. 40.

<sup>207</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 18.

persons with disabilities, linguistic minorities, minority groups, but also IDPs<sup>208</sup> and homeless persons. Each of this category can face different difficulties: access to information and to the polling stations, residency requirements, discrimination, lack of documentation, language and other barriers.

On the other hand, the right to stand for elections facilitates democratic governance based on the free will of the people through freely elected representatives. This right may not be unreasonably restricted, and requirements should not be discriminatory<sup>209</sup>. For instance, reasonable restrictions are age requirements as in the case of voting, while unreasonable is requiring candidates to be members of parties. In other cases, the threshold between reasonable and unreasonable depends on the context<sup>210</sup>: for example, in some cases official language knowledge or residency<sup>211</sup> can be justifiable requirements while in other not. Furthermore, rights to stand for office and voting rights can be restricted for individuals who are convicted of a criminal offence, as long as the restriction is proportionate to the offence and the sentence and do not provide for a blanket ban<sup>212</sup>. The decision over these limitations to right to stand must be set out in the national legal framework<sup>213</sup> that should respect general international principles.

## 2.2 Other international human rights treaties and the CRC

In addition to the ICCPR, in the last decades the United Nations approved many other international treaties that deal with either a specific issue of concern for human rights or a particularly vulnerable category of people. These conventions deal also with the right to participate in elections. This right is present in several of these conventions: for example, art. 5 of the 1965 International Convention on the Elimination of all forms of Racial Discrimination (ICERD), art. 7 of the 1979 Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) or art. 29 of the Convention on the Rights of Persons with Disabilities (CRPD). All these three treaties can be relevant in

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<sup>208</sup> See UNHCR/OCHA, 'Guiding Principles on Internal Displacement' (United Nations, 2004), 11–12 principle 22; OSCE/ODIHR, *Guidelines for Reviewing a Legal Framework for Elections*, 21.

<sup>209</sup> See Human Rights Committee, 'General Comment No. 25', para. 15.

<sup>210</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 22.

<sup>211</sup> See Petersen, 'Right to Participate in Elections, International Protection', para. 5.

<sup>212</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 36; Petersen, 'Right to Participate in Elections, International Protection', para. 5.

<sup>213</sup> See Centre for Civil and Political Rights, *The Right to Participate in Public Affairs*, 21.

case of ‘double discriminations’ against young people because the category of youth is not homogenous, as we will see in the next chapter, and their participation is hampered by intersectional discrimination, when a young individual has a disability, is also a woman or is a member of a national minority in the country. For what concern young people in general if they are aged over 18 years the ‘competent’ treaty is the ICCPR while in the case of under-18s the relevant Convention is the Convention on the Rights of the Child adopted in 1989. The application of these two treaties together can bring interesting results for the participation of young people in elections and other decision-making processes.

### 2.2.1 Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child was approved in 1989 and is the only international human rights treaty ratified by all countries apart one. In this legal document there is not a clear provision which gives a right to vote or to stand for child, under-18-year-olds. This because the main emphasis of this treaty is on the protection of children<sup>214</sup>. Indeed, in many cases right to vote is acquired at 18, together with a series of rights, duties and responsibilities. Nonetheless some articles can be relevant for the participation of children, that are at least 15<sup>215</sup>, in public and political life. For example, art. 12<sup>216</sup> provides to child capable of forming his or her own views the right to express them freely in all matters affecting him, giving due weight to his or her opinions in accordance with his or her age and maturity. This is the key that oblige States to include children in decisions that regards their life and thus also in democratic life when they are mature enough, usually from 15. As in the ICCPR, also children are entitled to right to freedom of expression (art. 13)<sup>217</sup>, freedom of thought, conscience and religion (art. 14)<sup>218</sup>, and freedom of association (art. 15)<sup>219</sup> that are all compatible with participation in political and public life.

The Committee on the Rights of the Child released in 2016 General Comment no. 20 on

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<sup>214</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ International Legal Framework.

<sup>215</sup> See Goudie, Chianese, and Menelik Key concepts.

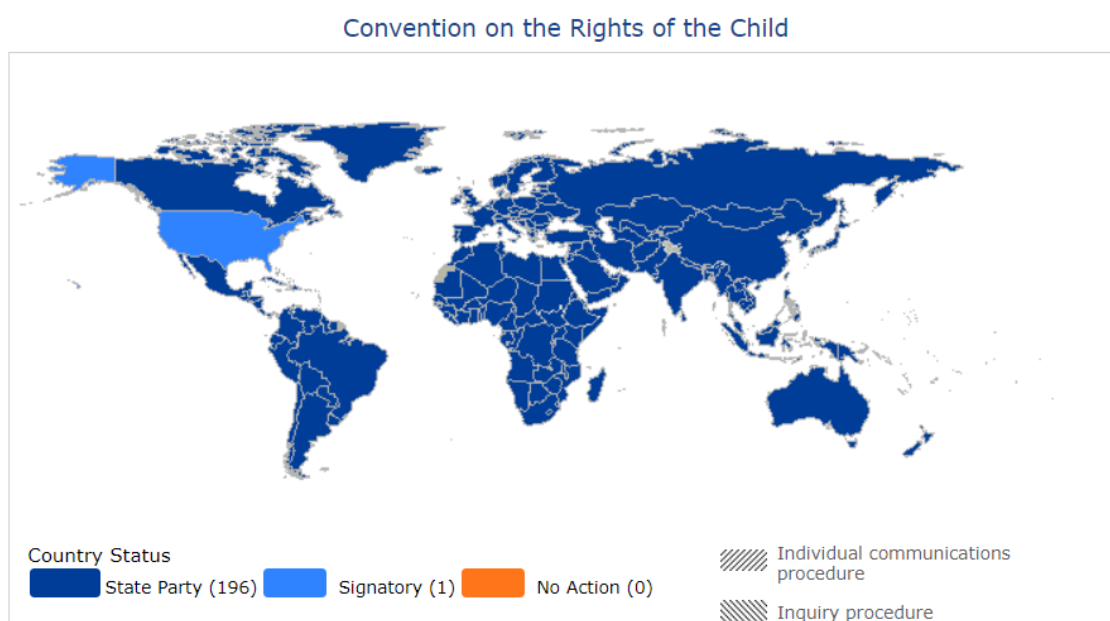
<sup>216</sup> United Nations, ‘Convention on the Rights of the Child (CRC)’, 1989 art. 12.

<sup>217</sup> United Nations art. 13.

<sup>218</sup> United Nations art. 14.

<sup>219</sup> United Nations art. 15.

the implementation of the rights of the child during adolescence. It builds on the definitions outlined in the CRC and advocates for specific minimum ages as well as for the removal of other age limits entirely. While it does not mention age limits for voting and candidature, it does emphasize the realization of the rights of youth given their evolving capacities as they transition to adulthood<sup>220</sup> and the importance of participation as a mean of political and civic engagement through which adolescents can negotiate and advocate for the realization of their rights. Thus, States should adopt policies to increase opportunities for political participation, instrumental for active citizenship. In case countries decide to lower the voting age to under-18-year-olds, they should contemporarily address the barriers to their engagement and invest in measures that support adolescents to understand, recognize and fulfil their role<sup>221</sup>. The CRC, in particular art. 12, is one of the bases for youth participation in elections.



*Figure 8: CRC Status of Ratification*  
<https://indicators.ohchr.org/>

### 2.3 Other UN documents and initiatives

In the UN, the interest in youth participation was present since the first International

<sup>220</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' International legal framework.

<sup>221</sup> See Committee on the Rights of the Child, 'General Comment No. 20 on the Implementation of the Rights of the Child during Adolescence' (United Nations, 2016), para. 24.

Youth Year in 1985. In addition to the CRC, there have been a number of declarations targeting youth that put at the centre the participation of children in decisions about their own lives. Since then, the UN has called for governments to invest in the potential of young people. For example, in 1996 the UN General Assembly adopted the World Programme of Action on Youth (WPAY). This document highlighted 15 priority areas of action and, among the others, the full and effective participation of youth in the life of society and in decision-making. This program included many actions such as the promotion of young people’s social and political participation, the involvement of young people in international forums also considering the inclusion of youth representatives in the national delegation to the GA, the increased promotion of youth associations and the cooperation with other institutions in order also to contribute to the national policy-making<sup>222</sup>. Furthermore, in 1998 at the World Conference of Ministers Responsible for Youth in Lisbon the government representatives committed to ensuring active participation of youth in decision-making processes in all fields at national, regional and international levels<sup>223</sup>.

In 2015 the General Assembly approved the 2030 Agenda for Sustainable Development. This agenda names youth as critical agents of change and in SDG 16 on Peace, Justice and Strong Institutions specifies the commitment to ‘promote peaceful and inclusive societies, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels’. To achieve this, youth should be politically empowered and have a voice<sup>224</sup>. Indeed, among its targets, 6.7 states to ‘ensure responsive, inclusive, participatory and representative decision-making at all levels’<sup>225</sup>. Furthermore, the UN has also approved a resolution on Youth, Peace and Security asking for active participation of young people in peace-building activities<sup>226</sup>. Thus, the work of United Nations is aiming to participatory and representative decision-making in every field of

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<sup>222</sup> See Alexander Kauschanski, ‘The Power of Youth: Instruments for Effective Youth Participation’ (UNICEF, 2020), 10.

<sup>223</sup> See Kauschanski, 11.

<sup>224</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Context.

<sup>225</sup> See Department of Economic and Social Affairs (United Nations), ‘SDG 16 “Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels”’, accessed 25 January 2022, <https://sdgs.un.org/goals/goal16>.

<sup>226</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Context; see also UN Security Council, ‘Resolution 2250 on Youth, Peace and Security’ (United Nations, 2015).

interest, including voices and opinions of young people.

### 3. European regional framework: OSCE, EU and CoE

The international law and human rights framework developed by the United Nations system is not the only one regulating elections and the right to participate in public affairs. Each region has its own system which comes from the main international one but in some cases, it develops new inputs that in the long term can influence the main legal order. One of the most complete and protective systems is the European one where there are at least three international organizations dealing with democracy and elections: the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Council of Europe (CoE) with its advisory body on constitutional matters, the Venice Commission. In each organization young people cover a fundamental role, either in its activities or in its documents and initiatives.

#### 3.1 The OSCE and the Office for Democratic Institutions and Human Rights (ODIHR)

The Organization for Security and Cooperation in Europe (OSCE) is the world's largest regional security organization. It has fifty-seven participating States from North America, Europe and Asia<sup>227</sup>. OSCE is the successor of the Conference on Security and Co-operation in Europe (CSCE) that changed its name in 1994 as part of institutionalization process. With the Helsinki Final Act in 1975, CSCE participating States accepted a series of commitments linked to politico-military, economic and environmental and human rights issues and until 1990 the organization functioned as a series of meetings and conferences that built on those commitments. After 1990 a new course started in order to answer to new challenges<sup>228</sup>.

Two are the fundamental documents that set the work of CSCE/OSCE: the Charter of Paris for a New Europe and the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Copenhagen Document), both issued in 1990. The Charter conceded a right to every citizen to participate in free and fair elections, while

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<sup>227</sup> See OSCE, 'Who We Are', OSCE. Organization for Security and Co-operation in Europe, accessed 9 February 2022, <https://www.osce.org/who-we-are>.

<sup>228</sup> See OSCE, 'History', OSCE. Organization for Security and Co-operation in Europe, accessed 9 February 2022, <https://www.osce.org/history>.

participating States declared they would promote democracy as the only admissible form of government<sup>229</sup>. The Copenhagen Document contained many commitments to a broad range of civil and political rights, rule of law issues and non-discrimination provisions, in particular guaranteeing universal and equal suffrage but also collateral rights such as freedom of expression<sup>230</sup>.

Paragraph 8 of the Copenhagen Document states the importance of electoral observers, both foreign and domestic, for the enhancement of the process. The document includes a sort of standing invitation, from all participating States to other participating States and appropriate private institutions and organizations to observe national elections<sup>231</sup>. Nonetheless, in practice OSCE waits for an invitation to conduct election observation in participating States, because of the sensitivity of the electoral process for the sovereignty of a country. In 1994 in Budapest<sup>232</sup> CSCE became OSCE, and the role of the Office for Democratic Institutions and Human Rights was strengthened. This office was born with the name of the Office for Free Elections in 1990 and became ODIHR in 1992<sup>233</sup>. Its main tasks are support in democratization and electoral assistance<sup>234</sup>. Between 1991 and 2004, OSCE was the most active organization in electoral observation, both because of the post-communist transitions in Eastern Europe and a strong commitment<sup>235</sup> to democracy promotion<sup>236</sup>.

From its work OSCE/ODIHR provides for Guidelines<sup>237</sup> on different electoral matters such as right to vote and to be elected, electoral system, legal framework and so on. These Guidelines bring from the direct experience of the organization but also from the work of other international organizations such as those in the United Nations system, and the

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<sup>229</sup> See Petersen, 'Right to Participate in Elections, International Protection', para. 15; CSCE, 'Charter of Paris for a New Europe', 1990 Human Rights, Democracy and Rule of Law.

<sup>230</sup> See OSCE, *Election Observation Handbook*, 18; Conference for the Security and Cooperation in Europe, 'Document of the Copenhagen Meeting of the Conference on the Human Dimension in the CSCE', 1990, paras 6–7.

<sup>231</sup> See OSCE, *Election Observation Handbook*, 18; Conference for the Security and Cooperation in Europe, 'Document of the Copenhagen Meeting of the Conference on the Human Dimension in the CSCE', para. 8.

<sup>232</sup> See CSCE, 'Budapest Document 1994. Towards a Genuine Partnership in a New Era', 1994, chap. VII.

<sup>233</sup> See Binder and Pippan, 'International Election Monitoring', para. 13.

<sup>234</sup> See Petersen, 'Right to Participate in Elections, International Protection', para. 15.

<sup>235</sup> See Binder and Pippan, 'International Election Monitoring', para. 13.

<sup>236</sup> See Kelley, 'The Rise of a New Norm', 34–35.

<sup>237</sup> See more in OSCE/ODIHR, *Guidelines for Reviewing a Legal Framework for Elections*.



Council of Europe with the Venice Commission in an open environment that led to the development of political rights and good practices fundamental for the functioning of democracy.

These activities and their result interact with the OSCE's commitment to promote the role and inclusion of youth in the security and peace agenda present in the founding document, the Helsinki Final Act. Presence of youth in the implementation of OSCE activities is important to ensure a peaceful society. OSCE Participating States have declared in more than one occasion the importance of youth inclusion in the realization of OSCE's goals, through a series of documents such as the 2018 Milan Ministerial Council 'Declaration on the Role of Youth in Contributing to Peace and Security Efforts'<sup>238</sup>. Even if these considerations are not directly related to participation in elections, they show a contextual environment where youth participation is encouraged in any field, also through regional commitments.

### 3.2 The European Union: treaties, the Charter and the European Union Youth Strategy

The European Union is an international and supranational organization made of twenty-seven European member States. At the beginning it was only an economic community, but it aims to become a political union even if with all its shortcomings. Thus, democracy is one of the core elements of this organization. Since 2009 when the Treaty of Lisbon entered into force, two are the fundamental treaties: the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Particularly relevant is art. 6(1) TEU<sup>239</sup> which states that basis of the Union are the principles of liberty, democracy, respect for human rights and fundamental freedoms, and rule of law. Art. 7 TEU<sup>240</sup> provides for mechanisms that address breaches of art. 6 TEU with different outcomes from sanctions to suspension and voting rights revocation. These measures have never been taken. In addition, since 1993 the Union had defined some criteria, the so-called Copenhagen criteria, for new memberships. These requirements include stable institutions for guaranteeing democracy, the rule of law, human rights, the protection of

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<sup>238</sup> See OSCE, 'Youth', OSCE - Organization for Security and Co-operation in Europe, accessed 4 March 2022, <https://www.osce.org/youth>.

<sup>239</sup> See European Union, 'Treaty on European Union (TEU)', 2007 art. 6(1).

<sup>240</sup> See European Union art. 7.

minority rights, a functioning market economy and an administration capable of respecting the obligations<sup>241</sup>.

Not only democracy is one of the European Union's main pillars, but the organization adopts itself a democratic representation: art. 10(1) TEU<sup>242</sup> states that 'the functioning of the Union shall be founded on representative democracy'. Indeed, it is the only international organization with a Parliament directly elected by the people since 1979. In addition to representation, within the Union there are also forms of direct democracy such as agenda initiative<sup>243</sup> and petition<sup>244</sup>

As many other regional organizations, also the European Union has adopted a Charter on Fundamental Rights in 2000. This convention has acquired legal value with the Treaty of Lisbon in 2007<sup>245</sup>. Being one of the most recent Charter in a geographical area with a great commitment to human rights, the European Charter of Fundamental Rights include both 'traditional' rights and rights that are not present in other treaties such as the right to environmental protection (art. 37) and protection of personal data (art. 8). For our aim particular attention should be paid to citizens' rights under Chapter V of the Charter. Under art. 9 TEU, 'every national of a Member State shall be a citizen of the Union'. This European citizenship is additional to and does not replace the national one<sup>246</sup>. The Charter gives citizens the right to vote and to stand as a candidate at elections of the European Parliament (art. 39), but the same rights are granted also for municipal elections in the Member State of residency (art. 40)<sup>247</sup>. Thus, European Union citizenship gives rights in another Member State to participate in municipal elections on the basis of residency. European citizenship entails also other advantages such as diplomatic protection by another European Union country<sup>248</sup>.

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<sup>241</sup> See Fox, 'Right to Democracy. International Protection', paras 24–25.

<sup>242</sup> European Union, 'Treaty on European Union (TEU)' art. 10(1).

<sup>243</sup> See European Union art. 11.4; European Union, 'Treaty on the Functioning of the European Union (TFEU)', 2007 art. 24.

<sup>244</sup> European Union, 'Treaty on the Functioning of the European Union (TFEU)' art. 20(2)(d).

<sup>245</sup> See European Union, 'Treaty on European Union (TEU)' art. 6(1).

<sup>246</sup> See European Union art. 9; European Union, 'Treaty on the Functioning of the European Union (TFEU)' art. 20(1).

<sup>247</sup> See European Union, 'European Union Charter of Fundamental Rights', 2000 art. 40; European Union, 'Treaty on the Functioning of the European Union (TFEU)' art. 20(2)(b).

<sup>248</sup> European Union, 'Treaty on the Functioning of the European Union (TFEU)' art. 20(2)(c).

Also European Union gives a great importance to the role of youth and their rights in democracy. In 2018 the Council of the European Union adopted the European Union Youth Strategy 2019-2027<sup>249</sup>. The EU recognizes the fundamental role of youth in European society enrichment and development. The aim is to tackle challenges that youth is facing all over Europe through the cooperation with Member States, the Council of Europe, local and regional authorities, youth organizations and young people in general. Participation is one of the guiding principles of the strategy, while engagement is a core area of intervention. In particular, the European Union Council invites Member States and the European Commission to encourage and promote inclusive democratic participation of all young people in society and democratic processes and to support youth representations at local, regional and national level, recognizing youth right to participate. The Strategy outlines some European Youth Goals. No. 9 concerns space and participation for all and deals with the under-representation of young people in decision-making processes. One of the targets of this goal, indeed, aims at increasing youth participation and equal representation in the electoral process as well as in elected bodies and other decision-making organs at all levels of society. Furthermore, the EU has proclaimed 2022 the European Youth Year.

### 3.3 The Council of Europe, ECHR and other resolutions

Another intergovernmental organization in Europe is the Council of Europe, the continent's leading organization on human rights. It was founded in 1949 and it is made of forty-seven European States. They have all signed up the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Convention was designed to protect human rights, democracy and the rule of law<sup>250</sup>. In this fundamental Convention<sup>251</sup> a right to participate in elections has not been directly included. Only art. 3 Protocol no. 1 (1952) to the ECHR<sup>252</sup> requires States Parties to hold

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<sup>249</sup> See Council of the European Union, 'Resolution of the Council of the European Union and the Representatives of the Governments of the Member States Meeting within the Council on a Framework for European Cooperation in the Youth Field: The European Union Youth Strategy 2019-2027' (European Union, 2018).

<sup>250</sup> See Council of Europe, 'Council of Europe in Brief. Who We Are', Council of Europe, accessed 10 February 2022, <https://www.coe.int/en/web/about-us/who-we-are>.

<sup>251</sup> See Council of Europe, 'European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)', 1950.

<sup>252</sup> Council of Europe, 'Protocol I to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)', 1952 art. 3.

elections that concerns only legislature. The European Court of Human Rights (ECtHR) has clarified the article and expanded its meaning beyond the letter of the provision.

### 3.3.1 Art. 3 Protocol no. 1 ECHR

Through its jurisprudence the Court extended the term of ‘legislature’ as to comprises national Parliaments and all the other institutions with legislative functions such as regional council or the European Parliament. On the contrary, it does not refer to local authorities with executive powers, and referendums do not in principle fall under the scope of the article unless they are an essential part of the democratic system<sup>253</sup>. Despite its wording, art. 3 Protocol no. 1 ECHR is not just an institutional guarantee but rather an individual right. This right is not absolute, thus implied some restrictions leaving to State Parties a wide, but not unlimited, margin of appreciation<sup>254</sup>. The jurisprudence defined the limits to the discretion of States both for right to vote and right to stand for elections.

For what concern active suffrage, it is valid the principle of proportionality. Thus, it is possible to fix a minimum age to ensure individuals taking part in the electoral process are sufficiently mature, thus too young people cannot vote. At the same time, the restrictions cannot have the effect of prohibiting certain individuals or groups from taking part in the political life of the country<sup>255</sup>. The loss of civic rights and right to vote must pursue a legitimate aim<sup>256</sup>. This is more visible in the case of persons with mental disabilities or prisoners. For example, when a person is placed under partial guardianship an indiscriminate removal of voting rights without an individualized judicial evaluation could not be considered proportionate<sup>257</sup>. In the case of prisoners, restrictions on electoral rights could be imposed on an individual who has abused a public position or whose conduct threatens to undermine the rule of law or democratic foundations. The deprivation of the right to vote to a prisoners cannot be a blanket ban applied automatically but there must be a direct link between the sanction and the circumstance of the individual concerned, between the withdrawal of voting rights and the offence

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<sup>253</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, paras 11–12.

<sup>254</sup> See Petersen, para. 13.

<sup>255</sup> See European Court of Human Rights, *Guide on Article 3 of Protocol No. 1 to the European Convention on Human Rights* (Council of Europe, 2021), paras 18–19.

<sup>256</sup> See European Court of Human Rights, para. 21.

<sup>257</sup> See European Court of Human Rights, para. 23.

committed. To this end a good legislation should adjust the duration of the measure to the specific feature of each case, depending on the sentence imposed<sup>258</sup>. Residence requirements are compatible with art. 3 Protocol no. 1 ECHR. In the current circumstances States did not have an obligation to grant non-residents unrestricted access to franchise, even if there is a trend in this direction<sup>259</sup>.

For what regards right to stand for elections, States enjoy a broader margin of appreciation because the proportionality test is more limited. In any case prohibition of discrimination is the most important feature, while several considerations have a role in limiting the right to stand. For example, historical and political factors specific to each State can restrict passive suffrage<sup>260</sup>, but also official language knowledge in some cases is a justifiable requirement.

Both the right to vote and the right to stand for elections are subject to other conditions. To exercise active suffrage people should be listed in the electoral registers. This is a pre-condition for enabling voters to use their right to vote and there are different typical problems such as incomplete or inaccurate voter registers<sup>261</sup>. A fair exercise of the right to vote is fundamental for an effective right to stand. On the other side, candidates should be serious, and States can adopt different measures to discourage frivolous candidates and avoid excessive fragmentation of the political landscape. There are two main strategies: the collection of signatures<sup>262</sup> and the deposit<sup>263</sup>. The principles of proportionality and legitimacy of the aim are the bases for the assessment of the State action and its compatibility with universal suffrage. For what concern deposit, it must not be excessive in order to balance between deterring frivolous candidate and allowing the registration of serious candidates. Thus, it should not constitute an insurmountable administrative or financial barrier or an interference with the principle of pluralism<sup>264</sup>. These pre-conditions for exercising the right to stand have a higher detrimental impact on young candidates

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<sup>258</sup> See European Court of Human Rights, paras 25–29.

<sup>259</sup> See European Court of Human Rights, para. 37.

<sup>260</sup> See European Court of Human Rights, para. 55 ff.

<sup>261</sup> See Venice Commission and Michael Krennerich, ‘Report on Electoral Law and Electoral Administration in Europe’ (Venice Commission, 2006), para. 62.

<sup>262</sup> See more in Venice Commission and Krennerich, paras 80–84.

<sup>263</sup> See more in Venice Commission and Krennerich, paras 85–86.

<sup>264</sup> See European Court of Human Rights, *Guide on Article 3 of Protocol No. 1 to the European Convention on Human Rights*, paras 60–64.

than on adults.

### 3.3.2 The European Commission for Democracy through Law (Venice Commission)

The European Commission for Democracy through Law – better known as Venice Commission – is the Council of Europe’s advisory body on constitutional matters. Its role is to provide legal advice to its member States, in particular help States wishing to bring their legal and institutional structures into line with European standards and international experience in the field of democracy, human rights and the rule of law. It has sixty-two member States, the forty-seven CoE members and fifteen other countries from different geographical areas. It cooperates with other international organization such as the European Union, OSCE/ODIHR and the OAS. The Venice Commission is composed of individual members with expertise in public or international law acting in their individual capacity. It works in three main areas: democratic institutions and fundamental rights, constitutional justice and ordinary justice, elections, referendums and political parties. Based on its work, it shares standards and best practices adopted in the countries of the Council of Europe<sup>265</sup>.

These standards draw a direction of what is accepted and/or acceptable in terms of limitations on rights and what could be done in the national framework to improve the democratic system. We will focus on right to vote and to stand for elections. In the 2002 ‘Code of Good Practice in Electoral Matters’, the Commission states that people should vote directly at least one chamber of the national Parliament, sub-national legislative bodies and local councils<sup>266</sup> and that universal suffrage means in principle that all human beings have both right to vote and right to stand, thus also young people. But these rights might be subject to limitations. The first restriction concerns age. The national framework should set a minimum age to vote and to be elected. Active suffrage must be acquired at the latest at the age of majority when a person also acquires obligations of civil nature<sup>267</sup>, while passive suffrage should preferably be acquired at the same age but in any case, not later than 25, except for some specific offices such as the upper house of the Parliament

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<sup>265</sup> See Council of Europe, ‘Venice Commission. For Democracy through Law’, Council of Europe, accessed 10 February 2022, [https://www.venice.coe.int/WebForms/pages/?p=01\\_Presentation&lang=EN](https://www.venice.coe.int/WebForms/pages/?p=01_Presentation&lang=EN).

<sup>266</sup> See Venice Commission, ‘Code of Good Practice in Electoral Matters’, para. 56.

<sup>267</sup> See Venice Commission, para. 6.a.

and the Head of State. Nonetheless, in deciding over age limits, legislation should balance between protection and participation rights for what concerns under-18s<sup>268</sup>. In this sense, those who advocate for lower voting age accept 16 as a consistent age requirement.

The Venice Commission also gives some inputs on equality of suffrage in particular for two categories: national minorities and women. It states that guaranteeing reserved seats to national minorities do not infringe the principle of equality, while requiring a minimum percentage of women among candidates should not be considered contrary to the principle of equal suffrage, if these rules have a constitutional basis<sup>269</sup>. Affirmative actions can be a good solution not only for women and national minorities but also for young people. Indeed, despite not being so much used, in some countries there are youth quotas in Parliaments<sup>270</sup>.

From the good practices identified by the Venice Commission, States enjoy a wide margin of appreciation for what concern the limitation of suffrage if they act within the non-discrimination principle. For example, there is not a consolidated good practice in lowering the voting age under majority, but States are free to decide to do so as Austria did.

### 3.3.3 Resolutions of the CoE Parliamentary Assembly on youth participation

Notwithstanding the limited legal provision that push for the involvement of younger generations in the work of the ECtHR and the Venice Commission, the Council of Europe through its political body, the Parliamentary Assembly, has adopted a series of documents on the matter of youth participation in elections<sup>271</sup>. In 2008 the Parliamentary Assembly approved a recommendation called ‘Refreshing the youth agenda of the Council of Europe’<sup>272</sup> that aimed to review the position of the Council of Europe on youth questions, updating its previous agenda. It revealed the need for youth policies established at local,

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<sup>268</sup> See Venice Commission et al., ‘Report on the Protection of Children’s Rights: International Standards and Domestic Constitutions’ (Venice Commission, 2014), para. 18.

<sup>269</sup> See Venice Commission, ‘Code of Good Practice in Electoral Matters’, paras 22–24.

<sup>270</sup> See more in Inter-Parliamentary Union, ‘Youth Participation in National Parliaments’ (Inter-Parliamentary Union, 2021), 42–45.

<sup>271</sup> See André Schneider, ‘Refreshing the Youth Agenda of the Council of Europe. Report’ (CoE Parliamentary Assembly, 2008), para. 13.

<sup>272</sup> See Parliamentary Assembly, ‘Refreshing the Youth Agenda of the Council of Europe. Recommendation 1844’ (CoE Parliamentary Assembly, 2008).

regional and national levels, complemented by action at the European level<sup>273</sup>. Even if it concerned co-operation between youth organizations and governments<sup>274</sup>, there is not a specific provision for youth participation in elections, but only general participatory structures for youth involvement at all levels<sup>275</sup>.

In 2011 the Committee on Political Affairs and Democracy of the CoE Assembly discussed a draft resolution that invited Member States to create the necessary preconditions for the participation of young people, in particular for the promotion of right to vote to 16- and 17-year-olds who already have responsibilities within the society<sup>276</sup>.

Furthermore, in the same year, the CoE Assembly issued recommendation no. 1978 called ‘Towards a European framework convention on youth rights’. In this document the importance of an active role of young people even in elections through their voting rights was underlined<sup>277</sup>. National parliaments of Member States are called to ‘encourage and give added value to the participation of young parliamentarians in parliamentary work’ and to ‘promote the participation of young people in democratic processes and in real decision-making’<sup>278</sup>. In the Appendix, the resolution said that since it is important that young people participate in democracy by voting, Member States should consider lowering the voting age<sup>279</sup>. Thus, the push for a concrete participation in elections, based on voting rights is present in this document. The recommendation called to implement the 2003 Revised European Charter on the Participation of Young People in Local and Regional Life and the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education. Furthermore, this year, in January 2022, another resolution on the matter of child’s right to be heard and his participation as

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<sup>273</sup> Parliamentary Assembly, para. 6.

<sup>274</sup> See Parliamentary Assembly, para. 9.5.

<sup>275</sup> See Schneider, ‘Refreshing the Youth Agenda of the Council of Europe. Report’, para. 7.1.6.

<sup>276</sup> See Committee on Political Affairs and Democracy, ‘Expansion of Democracy by Lowering the Voting Age to 16’, Parliamentary Assembly of the CoE, 2011, <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=13110&lang=en>.

<sup>277</sup> See Parliamentary Assembly, ‘Towards a European Framework Convention on Youth Rights. Recommendation 1978’ (CoE Parliamentary Assembly, 2011), para. 4.

<sup>278</sup> See Parliamentary Assembly, para. 8.

<sup>279</sup> See Parliamentary Assembly, ‘Towards a European Framework Convention on Youth Rights. Recommendation 1978’.



foundation for democratic societies was discussed<sup>280</sup>. Attention for youth participation is clearly important at European level and sometimes it is declined also by these organizations as engagement in elections.

#### 4. Other regional frameworks

Outside Europe there are other regional legal frameworks dealing with human rights, suffrage rights and interested somehow to youth participation. This paragraph will cover the Inter-American system and the African Union. The other two major regional frameworks, Arab and ASEAN, are more recent and thus less developed even if both have a Declaration or a Charter on Human Rights which expresses a vague right to participation in elections: art. 24<sup>281</sup> of the 2004 Arab Charter on Human Rights adopted by the League of Arab States and art. 25<sup>282</sup> of the 2012 ASEAN Declaration of Human Rights.

In addition to these big organizations, there are many other sub-regional or international organizations which can play a significant role in the emergence of youth participation as a right as the International Youth Organization for Ibero-America (OIJ). Even if the three case-studies are three European countries and the legal framework applicable will be the one explained in the previous paragraphs, these non-European frameworks are relevant to understand how youth participation is considered globally and regionally.

##### 4.1 Americas: the Organization of American States (OAS) and the International Youth Organization for Ibero-America (OIJ)

In the American continent two IGOs are relevant for this discussion. The first one is the major intergovernmental organization operating in the area, the Organization of American States, while the second is an organization which targets specifically youth, the International Youth Organization for Ibero-America, which gathered mainly Latin America and the Iberian peninsula.

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<sup>280</sup> See Parliamentary Assembly, 'The Right to Be Heard: Child Participation, a Foundation for Democratic Societies. Resolution 2414 (Provisional Version)' (CoE Parliamentary Assembly, 2022).

<sup>281</sup> See League of Arab States, 'Arab Charter on Human Rights', 2004 art. 24.

<sup>282</sup> See ASEAN, 'ASEAN Human Rights Declaration', 2012 art. 25.

#### 4.1.1 The OAS Charter, the American Convention on Human Rights and the Inter-American Democratic Charter

The Organization of American States (OAS) has a range of institutional safeguards to guarantee democratic elections. The Charter of the OAS<sup>283</sup> has among its purposes the promotion and consolidation of representative democracy (art. 2(b)) and any member States should be politically organized on the basis of an effective exercise of representative democracy (art. 3(d))<sup>284</sup>. As other organizations, the OAS approved in 1969 the American Convention on Human Rights. Art. 23 ACHR recognizes to every citizen the right to participate in government and elections. Even though the wording of art. 23 ACHR is nearly the same of art. 25 ICCPR, the exception clause in the ACHR is narrower and enumerates the criteria on the basis of which voting rights may be restrained<sup>285</sup> such as age, residency, mental capacity<sup>286</sup>. According to the research done, youth participation is less emphasized in this framework. Nonetheless some countries parts of this organization such as Brazil and Argentina have adopted a minimum voting age of 16<sup>287</sup>.

In 2001 the OAS issued the Inter-American Democratic Charter. Even if it is not directly binding, it provided for a concretization of the OAS Charter provisions<sup>288</sup>. This Democratic Charter proclaims democracy an internationally guaranteed right and OAS is the only regional organization<sup>289</sup> to do so<sup>290</sup> while at international level, the right to democracy is still an uncertain right<sup>291</sup>. In addition, the Democratic Charter (arts. 17 – 22) broadened art. 9 OAS Charter providing suspension of a Member State upon “an unconstitutional alteration of the constitutional regime that seriously impairs the democratic order”<sup>292</sup>. At the same time, in arts 23-25 the Inter-American Democratic

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<sup>283</sup> See Organization of American States, ‘Charter of the Organization of American States’, 1948. Version as amended by protocols. Last amendment in 1993.

<sup>284</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, para. 8; Binder and Pippan, ‘International Election Monitoring’, para. 13.

<sup>285</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, para. 7.

<sup>286</sup> See Organization of American States, ‘American Convention on Human Rights (ACHR)’, 1969 art. 23.2.

<sup>287</sup> See Child Rights International Network - CRIN, ‘Countries Where under 18s Can Vote’, 2018.

<sup>288</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, para. 9.

<sup>289</sup> Other organizations such as the Inter-Parliamentary Union and the Commonwealth recognized forms of right to democracy. See more in Fox, ‘Right to Democracy. International Protection’, para. 4.

<sup>290</sup> See Fox, para. 28.

<sup>291</sup> See more in Fox, paras 4, 35–37.

<sup>292</sup> See Fox, para. 28.

Charter contains provisions regarding election monitoring<sup>293</sup>. Indeed, OAS is responsible for election monitoring and contributed to democratic norms through a series of instruments addressing extra-constitutional events in its Member States<sup>294</sup>.

#### 4.1.2 The International Youth Organization for Ibero-America (OIJ) and the Convention on Youth Rights

Alongside the conventions we have seen, there are other regional documents and policies which advocate for youth participation in decision-making. In this area, it operates an international transcontinental organization fully dedicated to youth: International Youth Organization for Ibero-America. This Iberoamerican Organization is an international regional organization founded in 1996<sup>295</sup> and made up of twenty-one iberoamerican countries that decide policies on youth matters. It is part of the Ibero-American system<sup>296</sup> which includes all the countries which speak Spanish or Portuguese. Thus, it covers Spain, Portugal and Andorra in Europe and the entire Latin and Central America. It is the only organization fully dedicated to young people in the world<sup>297</sup>.

This organization adopted in 2005 the Ibero-American Convention on Rights of Youth which enter into force in 2008. It was ratified by seven countries: Bolivia, Costa Rica, Ecuador, Spain, Honduras, Dominican Republic and Uruguay<sup>298</sup>. This treaty is unique in its content and its aim. In art. 1<sup>299</sup> it defines the application scope: the terms ‘young’ and ‘youth’ in the Convention include ‘all the people, national or residents in any Iberoamerican country, with ages between 15 and 24 years’. This is interesting because they delineate youth in a precise age period, and this is a part of the population that share

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<sup>293</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, para. 9; Organization of American States, ‘Inter-American Democratic Charter’, 2001.

<sup>294</sup> See Fox, ‘Right to Democracy. International Protection’, para. 28; Binder and Pippan, ‘International Election Monitoring’, para. 13. See more in Kelley, ‘The Rise of a New Norm’.

<sup>295</sup> See Union of International Associations, ‘Ibero-American Youth Organization’, Global Civil Society Database, accessed 18 February 2022, <https://uia.org/s/or/en/1100014556>.

<sup>296</sup> See Ibero-American General Secretariat, ‘Ibero-American Organizations’, Secretaria General Ibero-American/Secretaria-Geral Ibero-Americana, accessed 18 February 2022, <https://www.segib.org/en/ibero-american-organizations/>.

<sup>297</sup> See Organisation Iberoamericana de Juventud, ‘OIJ - Somos’, OIJ., accessed 18 February 2022, <https://oij.org/somos/>.

<sup>298</sup> See Organisation Iberoamericana de Juventud, ‘TIDJ’, OIJ., accessed 18 February 2022, <https://oij.org/tidj/>.

<sup>299</sup> See Organisation Iberoamericana de Juventud, ‘Ibero-American Convention on Rights of Youth’, 2005 art. 1.

some characteristics as we will see in the next chapter. Among the other rights protected by this treaty which blend provisions from other UN international treaties, art. 21 covers youth participation. At comma 1, it states that youth have the right to participate in politics, while at comma 3 it says that ‘States Parties shall promote measures which, in conformity with the inner law of each country, promote and encourage that youth exercise their right [...] to elect and be elected’<sup>300</sup>. Even if this Convention has a really restricted geographical application, this treaty shows that there is an increasing interest in making youth participation a right.

#### 4.3 Africa: the AU Constitutive Act, the African Charter on Human and Peoples’ Rights and the African Charter on Democracy, Elections and Governance

In 2000 African Union (AU) followed the Organization of African Unity (OAU) and in its Constitutive Act it established among its objective and principles the promotion and respect for democratic principles and institutions, popular participation, good governance, the rule of law and human rights<sup>301</sup>. Under art. 30 AU Constitutive Act<sup>302</sup>, ‘governments which shall have come to power through unconstitutional means’ are suspended from participation in the activities of the Union. On this basis regimes coming to power through military coups have not been recognized at AU events<sup>303</sup>.

The AU inherited from the OAU the African Charter on Human and Peoples’ Rights approved in 1981. This Charter does not expressly mention a right to participate in election but art. 13<sup>304</sup> grants to every citizen the right ‘to participate freely in the government of his country, either directly or through freely chosen representatives’. According to the African Commission on Human and Peoples’ Rights, this participation may not be implemented without elections<sup>305</sup>. In 2002 the AU approved the African Union ‘Declaration on the Principles Governing Democratic Elections in Africa’ where among

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<sup>300</sup> Organisation Iberoamericana de Juventud art. 21.3.

<sup>301</sup> See African Union, ‘Constitutive Act of the African Union’, 2000 art. 3(g) and art. 4(m); Fox, ‘Right to Democracy. International Protection’, para. 30; Petersen, ‘Right to Participate in Elections, International Protection’, para. 16.

<sup>302</sup> African Union, ‘Constitutive Act of the African Union’ art. 30.

<sup>303</sup> See Fox, ‘Right to Democracy. International Protection’, para. 30; Petersen, ‘Right to Participate in Elections, International Protection’, para. 16.

<sup>304</sup> Organization of African Unity/African Union, ‘African (Banjul) Charter on Human and Peoples’ Rights’, 1981 art. 13.

<sup>305</sup> See Petersen, ‘Right to Participate in Elections, International Protection’, para. 16.

other rights for elections it clearly states right to vote and be voted in elections<sup>306</sup>. Furthermore, this Declaration constitutes one of the bases for election observation<sup>307</sup> in AU member States<sup>308</sup>, updating the pre-existing framework.

Another interesting document is the 2007 ‘African Charter on Democracy, Elections and Governance’. Here the concept of participation is used in many parts. It should be effective for citizens in democratic and development processes and in governance of public affairs<sup>309</sup> and it should be popular, thanks to universal suffrage, being an inalienable right of the people<sup>310</sup>. In the following articles, participation is attached to ethnic, cultural and religious diversity<sup>311</sup> and to women in decision-making and electoral processes, in order to ensure gender parity in representation at all levels<sup>312</sup>, including legislatures. State Parties also take the duty to promote participation of social groups in the governance process. Among these groups, they recognized people with disabilities and youth<sup>313</sup>. Indeed, in 2006 African Union has adopted the African Youth Charter. It provides for a continental framework which underlines the rights, duties and freedoms of youth<sup>314</sup>. Art. 11 states the right of every young person to participate in all spheres of society. Member States should guarantee the participation of youth in Parliament and other decision-making bodies in accordance with the prescribed laws and they should facilitate the creation or the strengthening of platforms for youth participation in decision-making at local, national, regional, and continental levels of governance<sup>315</sup>. The emphasis on youth participation in this continent is probably due also to the fact that the majority of the population is young.

## 5. NGOs: election observation, electoral assistance and guidelines

In addition to intergovernmental organizations, a range of international non-governmental

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<sup>306</sup> See African Union, ‘African Union Declaration on the Principles Governing Democratic Elections in Africa’, 2002, chap. IV Elections: Rights and Obligations, <https://www.ohchr.org/EN/Issues/RuleOfLaw/CompilationDemocracy/Pages/AHG.aspx>, 2.

<sup>307</sup> See more in Binder and Pippin, ‘International Election Monitoring’, para. 13; Kelley, ‘The Rise of a New Norm’.

<sup>308</sup> See African Union, ‘AHG/Decl.1 (XXXVIII)’, chap. V. Election Observation and Monitoring.

<sup>309</sup> African Union, ‘African Charter on Democracy, Elections and Governance’, 2007 art. 3.7.

<sup>310</sup> African Union art. 4.2.

<sup>311</sup> African Union art. 8.3.

<sup>312</sup> African Union art. 29.

<sup>313</sup> African Union art. 31.

<sup>314</sup> See African Union commission, ‘African Youth Charter’ (African Union, 2006).

<sup>315</sup> See African Union commission art. 11.

organizations (NGOs) provide for guidelines on participation in elections thanks to the experience in activities such as electoral observation and electoral assistance. Among the others<sup>316</sup> there is The Carter Center.

The Carter Center was founded in 1982 by former President of the US Jimmy Carter and his wife Rosalynn in partnership with Emory University. It has three main pillars: prevention and resolution of conflicts, improvement of health conditions and enhancement of freedom and democracy<sup>317</sup>. In this last area, the activities of the Center spread from observing democracy to develop guidelines for election observation, from countering digital threats to democracy to providing for standards on democratic elections. In 2010 it launched the *Election Obligation and Standards Database* which consolidates more than one hundred and fifty sources of international law related to human rights and elections. On the basis of this database, it produced the *Elections Obligations and Standards (EOS) Manual*<sup>318</sup>. In this manual, for example, it provides for a series of requirements that need to be checked in assessing right to vote and right to be elected in a particular country. For instance, restrictions based on surpassing the legal age of majority are reasonable for right to vote and right to stand<sup>319</sup>. Even if these are not new legal provision this gives a more comprehensive view on the international standards and good practices on right to participate in elections and confirm the idea that who is 18 should have at least the right to vote, and preferably also the right to stand, as outlined by the Venice Commission.

Another interesting organization in this field is the International Institute for Democracy and Electoral Assistance (International IDEA). It was founded in 1995 as a hybrid organization comprised of governmental and non-governmental. Its objectives are to develop and promote rules and guidelines on the organization, conduct and accountability of democratic elections and to provide knowledge on democratic-related issues<sup>320</sup>. It aims

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<sup>316</sup> See Binder and Pippan, 'International Election Monitoring', para. 14.

<sup>317</sup> See The Carter Center, 'Our Mission', The Carter Center. Waging Peace. Fighting Disease. Building Hope., accessed 10 February 2022, <https://www.cartercenter.org/about/index.html>.

<sup>318</sup> See The Carter Center, 'Democracy Program', The Carter Center. Waging Peace. Fighting Disease. Building Hope., accessed 10 February 2022, <https://www.cartercenter.org/peace/democracy/index.html>.

<sup>319</sup> See The Carter Center, 'Right and Opportunity to Vote', EOS. Election obligation and standards database, accessed 10 February 2022, <https://eos.cartercenter.org/obligations/12>; The Carter Center, 'Election Obligations and Standards', 2010, 21–22.

<sup>320</sup> See Binder and Pippan, 'International Election Monitoring', para. 14.

to create an expanding body of comparative knowledge on democracy, exploring the challenges to democratization posed by undemocratic regimes. This knowledge is available to actors across the political and institutional spectrum and facilitates inclusive processes in which political will for change can emerge<sup>321</sup>. With all the data collected, the organization has created a database and a series of tools that can be used for research on democracy<sup>322</sup>.

From this knowledge International IDEA has also produced guidelines and reports on different matters. For example, in 2002 it provides for regional guidelines applicable to the OSCE region which collected all the relevant rules for elections<sup>323</sup>. In 2008 it published a handbook on 'Direct Democracy'<sup>324</sup> which present some comparative information on the tools of direct participation but also provide for good practices for example in correctly informing citizens on the issues at stake when they have to vote for a referendum<sup>325</sup>. It has provided also for several report on the issue of young voter participation. In *Youth Voter Participation* it says that the young people should vote to enhance a substantive representation of their interests and to exercise their political influence. Furthermore, their political integration and capacity of impact on decision-making processes promote trust in democracy and its processes<sup>326</sup>.

Both these organization are part of the ACE Electoral Knowledge Network<sup>327</sup>. This is an online community and knowledge repository that provides comprehensive information and customized advice to electoral management bodies, political parties, civil society organizations and researchers<sup>328</sup>. It collects information on several issues and topics. In particular one of the pages of this website is related to youth and elections and covers

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<sup>321</sup> See International IDEA, 'Mission and Values', International IDEA, accessed 9 February 2022, <https://www.idea.int/about-us/mission-values>.

<sup>322</sup> Explore them at International IDEA, 'Data and Tools', International IDEA, accessed 9 February 2022, <https://www.idea.int/data-tools>.

<sup>323</sup> See more in International IDEA, *International Electoral Standards. Guidelines for Reviewing the Legal Framework of Elections*, Guidelines Series, 2002 A new edition was published in 2013 by OSCE.

<sup>324</sup> International IDEA, *Direct Democracy: The International IDEA Handbook*.

<sup>325</sup> See International IDEA, 156.

<sup>326</sup> See International IDEA, *Youth Voter Participation. Involving Today's Young in Tomorrow's Democracy* (Stockholm: International IDEA, 1999), 13–14.

<sup>327</sup> The Electoral Knowledge Network, 'ACE - Home', ACE project, n.d., <https://aceproject.org/>.

<sup>328</sup> See The Carter Center, 'Democracy Program'.

many of the aspects with which we deal in this discussion<sup>329</sup>.

The activities that NGOs and other organizations carry on on democracy are relevant for the development of electoral rights, the spread of good practices and the creation of a more inclusive societies and democratic processes, within the context of the international legal framework provided by human rights and other international treaties. In this chapter we have seen many provisions linked to different geographical areas and as in all these international organizations the interest in youth participation is at the centre of the agenda for development. All these provisions need to be converted in national law.

## 6. The application of human rights law in national law

When a Convention provide for an obligation States Party should comply with it. In their national legal framework, they can adopt different measures and acts to implement obligations. At the same time, they can pass laws or make policies that comply with recommendations or other non-mandatory suggestions, as in case of youth participation.

### 6.1 General Comment no. 31<sup>330</sup> on the nature of legal obligations (art. 2 ICCPR)

All the obligations that stem from the Covenant, so also those under art. 25 ICCPR, do have consequences at national level. Obligations from the Covenant are *erga omnes* obligations, that is every State Party has a legal interest in the performance by every other States Parties. This means that other State Parties can draw the attention to possible breaches of the Covenant by another State Party<sup>331</sup>. Art. 2 ICCPR imposed a general obligation to respect the Covenant rights and to ensure them to all individuals in their territory and subject to their jurisdiction<sup>332</sup>. The obligations of the Covenant are binding on every State Party as a whole, thus every branch of government at whatever level, being it national, regional or local, triggers the responsibility of the country. Thus, States cannot invoke internal law or constitutional law to justify a failure to perform the obligations under the treaty. This is valid also for federal States<sup>333</sup>. At the same time, art. 2.2 ICCPR requires State Parties to take the necessary steps to give effect to the rights in the domestic

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<sup>329</sup> See more in Goudie, Chianese, and Menelik, 'Youth and Elections'.

<sup>330</sup> It replaced Human Rights Committee, 'General Comment No. 3' (United Nations, 1981).

<sup>331</sup> See Human Rights Committee, 'General Comment No. 31' (United Nations, 2004), para. 2.

<sup>332</sup> See Human Rights Committee, para. 3.

<sup>333</sup> See Human Rights Committee, para. 4.



order and in accordance with their domestic constitutional processes. If necessary, laws and practices need to be changed to ensure conformity with the Covenant<sup>334</sup>. Since the Covenant did not become in most cases part of the domestic legal order, States oversee the setting of the rules and implement the obligations under the Covenant. This can be extended also to other obligations. Therefore, the constitutional and domestic provisions are important for the enjoyment of right to participate in elections, also for young people. Indeed, it is constitutional and domestic provisions that define age requirements.

At the same time, constitutional and national legal frameworks remain some of the strongest tools to develop and mandate youth-friendly electoral policies and practices. All involved actors such as political parties and EMBs need to have a clear understanding of international electoral standards and legal frameworks in order to develop youth-sensitive policies that address barriers and enable youth to participate in political life<sup>335</sup>.

## 6.2 National sources and youth participation

The highest source of law in a national system is the Constitution. It was usually written in closed-door meetings by mostly male and elder legislators. Now the approach to the drafting of a Constitution tends to be more open and transparent, involving as much as possible all citizens including historically excluded groups. Therefore, this resulted in the incorporation of special provisions to foster youth political participation. An example is Tunisia constitution-making process and art. 8 of its Constitution that recognizes a role for youth in building the nation<sup>336</sup>.

Another tool at national level are the youth policies and strategies. The increasing interest for youth participation at the international level culminated in the 2030 Agenda for Sustainable Development gave rise to a number of events, declarations, and calls for actions to enhance the quality of youth participation in decision-making processes. In 2016 one hundred twenty-seven countries has a national youth policy. These policies provide for an operational framework to develop concrete actions in order to facilitate youth meaningful participation. At the same time, the implementation faces many

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<sup>334</sup> See Human Rights Committee, para. 13.

<sup>335</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Overview.

<sup>336</sup> See Goudie, Chianese, and Menelik National legal framework.

challenges due to lack of resources, horizontal accountability or political incentives. Thus, having a national policy does not guarantee effective youth participation but it is still a starting point<sup>337</sup>.

The national level has an important role in fostering youth participation, but it is the combination of all the levels of governance, from the international to the regional, from national to local, that put at the centre of the agenda, youth participation as fundamental for the development of inclusive, peaceful and democratic societies. In the next chapter we will see what youth participation is, how it is articulated, and which are the initiatives that can foster their involvement in decision-making processes and elections.

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<sup>337</sup> See Goudie, Chianese, and Menelik National legal framework.

### Chapter III – Youth participation in elections

*“The creativity, ideals and courage of the youth of the world should be mobilized to  
[...] ensure a better future for all”  
Principle 21, Rio Declaration 1992*

Young people are usually considered the future of a country. Such consideration creates a fake conviction that who is not an adult cannot decide on important matters because he has not enough knowledge. This approach mirrors a paternalistic perspective: it is better that older people take decisions for all because they are wiser than young people. But in the last decades this perspective has subject a shift. Right to participation in public affairs has become a fundamental right protected by art. 25 ICCPR and by other international conventions. It should be granted to everyone without discrimination<sup>338</sup> based on sex, ethnicity, national or social origin, property, birth or even age. Furthermore, as we have seen in the previous chapter, the CRC, and in particular art. 12 about the right to be heard, made the participation of children in decisions about their own lives an internationally recognized right<sup>339</sup>. This participation can be extended to the political sphere where it is fundamental for a functioning democracy. At the same time, we have seen that many international organizations have widened their interest in youth participation in decision-making processes, more or less explicitly. The commitment of the international community to youth participation is evident in its resolutions, action plans and charters, in particular at regional level. Thus, participation of young people in elections is vital for “inclusive, participatory and representative decision-making”<sup>340</sup>.

In the first chapter we have seen the traditional forms of participation in democracy, through representatives and directly. In the second we have explored the international framework linked to human rights and democracy and we have discovered how the commitment to youth participation is present at several levels, in different geographical areas. This chapter will delve into youth participation in a democratic context and how the national legal framework can be modified to support a major involvement and

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<sup>338</sup> See United Nations, ‘International Covenant on Civil and Political Rights (ICCPR)’ art. 2.

<sup>339</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Context.

<sup>340</sup> See Department of Economic and Social Affairs (United Nations), ‘SDG 16 “Promote Peaceful and Inclusive Societies for Sustainable Development, Provide Access to Justice for All and Build Effective, Accountable and Inclusive Institutions at All Levels”’ target 16.7.

engagement of young people, especially in elections. The chapter will start focusing on the definition of youth and the importance of youth participation, presenting its several forms, both formal and informal. Then it will explore some of the obstacles that hinder involvement. In the fourth paragraph it will focus on the general situation of voting and standing for elections and the strategies that can be implemented at national level to overcome them. Finally, it will describe other type of initiatives and measures both at national and international level to foster youth political participation.

## 1. Importance of youth participation

Before entering into the details of youth participation and its importance, it is relevant to clarify some aspects relative to youth. The creation of this distinct category is a contemporary phenomenon. It has two important characteristics: heterogeneity and dynamism. Indeed, it is not static because there are always people joining the cohort or leaving it, as long as people age<sup>341</sup>. There is not a universal consensus about who qualifies as youth. For statistical purposes the UN defines youth as people between 15 and 24 years old, while in the UNSC Resolution 2250 on Youth, Peace and Security the range considered is 18-29. In many countries, then, people below the age of 35 who are active in politics are still considered young. For the purpose of this thesis, we will use the interval 16-24 years old<sup>342</sup> in discussing about voting behaviours, while 18-29 years old about eligibility, because the under-30s in representative institutions and in general in politics are still considered young.

The second characteristic is heterogeneity: youth is not a homogenous group that shares the same social aspects. Within youth, diversity is key: it includes diversity in terms of gender, ethnicity, socio-economic background, education, abilities, political views, identification with and membership of a minority group, such as LGBTQI, displaced persons or other minorities. On this basis, intersectionality plays a role. Indeed, young people face numerous barriers to participating in development and political processes that affect their lives and intersectionality acknowledges the interplay of these barriers. Discriminations and disadvantages based on age, ethnicity, class and gender create a

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<sup>341</sup> See Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 10.

<sup>342</sup> When a different interval will be used, it will be specified.

series of systemic inequalities where age intersects with other aspects that can cause marginalization such as socio-economic status or disability. Thus, young people can face multiple inequalities<sup>343</sup> in their attempts to participate in the political sphere. For example, young women face a “double discrimination” based on their age and gender. For this reason, there is the need for targeted strategies for young women and other intersectional categories<sup>344</sup>. At the same time, in their diversity, youth will be receptive to different approaches on learning about democracy and electoral processes but also different ideas and political parties<sup>345</sup>.

Youth is not only delineated by age, but it is also a socio-cultural term that is defined in some cultures as a life phase marked at the beginning and end by certain biological or socio-cultural experiences. For example, in Europe the period when a person is considered to be ‘young’ depends on the national context, the socio-economic development and time. Common to all countries is that the period of youth is marked by important life changes: from being in education to having a full-time job, from living in the parental home to setting up one’s own household, and from being financially dependent to managing one’s own money<sup>346</sup>. This can be contextually relevant for the access to the political sphere. Indeed, for example, in some countries over-16s are allowed to vote if they are married as in Hungary<sup>347</sup> or if they are employed as in Slovenia<sup>348</sup>.

According to UN data, in 2020 the youth population under 25 constituted more than 40 per cent of the world population, with some differences among the continents: in Europe they were 26 per cent, while in Africa under 25 people represented almost 60 per cent. People aged between 15- and 24-year-olds are 15 per cent of the world population, in Europe they constitute the 10 per cent, while in Africa almost 20 per cent<sup>349</sup>. Despite their large and growing numbers, youth are underrepresented in decision-making bodies and

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<sup>343</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Context and Key Concepts.

<sup>344</sup> See Goudie, Chianese, and Menelik Key Concepts.

<sup>345</sup> See Goudie, Chianese, and Menelik Overview.

<sup>346</sup> See European Commission et al., *Situation of Young People in the European Union: Commission Staff Working Document* (Publications Office, 2018), 7, <https://doi.org/10.2766/300578>.

<sup>347</sup> See ODIHR, ‘Hungary, Parliamentary Elections. OSCE/ODIHR Limited Election Observation Mission Final Report’ (OSCE/ODIHR, 2014), 10.

<sup>348</sup> See Child Rights International Network - CRIN, ‘Countries Where under 18s Can Vote’.

<sup>349</sup> See Population Division (UN), ‘World Population Prospects 2019’ (Department of Economic and Social Affairs (United Nations), 2019).

electoral processes<sup>350</sup>. Nonetheless, never before so many young people have been involved in movements for change both taking to the streets and using online social networks<sup>351</sup> to connect, express their voices and campaign. They protest against inequalities, they fight for sustainable development, and they demand political representation and a say in government's policy. They fight for a better future for current and next generations<sup>352</sup>, and they are naturally more future-oriented or willing to adopt a longer-term perspective than other older generations. Since they are often excluded from formal political processes, the 2030 Agenda for Sustainable Development underlined at target 16.7 the need for 'a more inclusive and representative decision-making at all levels'. Indeed, participation of all citizens in formal political processes is fundamental for representative democracy and if a part is deprived of the right to vote, the representativeness and legitimacy<sup>353</sup> of processes are undermined<sup>354</sup>.

It is, thus, important<sup>355</sup> that young people are engaged in formal political processes and have a say in formulating today's, and tomorrow's politics. Such inclusion is not only fundamental for political and democratic rights but also crucial for building stable and peaceful societies<sup>356</sup> and developing policies that respond to the specific needs of younger generations. They must know their rights and they must receive the necessary knowledge and capacity to participate in a meaningful way at all levels. It is not sufficient to give them right to vote and to run for public office but also provide them with proper voter and citizen education<sup>357</sup>. Furthermore, young people who votes are likely to develop a habit of voting from the beginning and thus voting is part of political socialization<sup>358</sup>.

Youth participation is relevant both in established democracies and in new and emerging

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<sup>350</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Context.

<sup>351</sup> See more in European Commission et al., *Situation of Young People in the European Union: Commission Staff Working Document*, 89–92.

<sup>352</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Context.

<sup>353</sup> See United Nations Department of Economic and Social Affairs, 'Youth Civic Engagement. United Nations World Youth Report' (United Nations, 2016), 64.

<sup>354</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Overview.

<sup>355</sup> See more in International IDEA, *Youth Voter Participation. Involving Today's Young in Tomorrow's Democracy*, 13–14.

<sup>356</sup> See more in Youth4Peace, 'Welcome to Youth4Peace', Youth4Peace, accessed 20 February 2022, <https://www.youth4peace.info/>.

<sup>357</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' The importance of youth participation in formal political processes.

<sup>358</sup> See International IDEA, *Youth Voter Participation. Involving Today's Young in Tomorrow's Democracy*, 14.

democracies. Young people's active contributions can bring democratic values to life leading to the overturning of authoritarian practices. In many countries they have led protests against authoritarian regimes, and due to their role, they have the right to be included in the new formal decisions-making procedures. If not, this can destabilize democratization processes and create conflicts in the society<sup>359</sup>.

## 2. Youth participation: a broad introduction

Participation means that all citizens should be involved in decision-making processes that affect them, including direct and indirect ways of engagement. Influence in this sense can be exercised as individuals, members of networks and associations or through political institutions. Thus, youth participation is the active involvement of young people in decision-making processes and institutions that affect their environment, their lives within it and their future<sup>360</sup>.

The UN, IGOs, international NGOs and other CSOs have raised awareness about youth participation and the importance of collaborate with young people, in particular with those on the margins of society. They are considered a critical force for making elections more inclusive. As agencies have become more focused on gender equality and women's empowerment, on empowerment of people with disabilities and other marginalized groups in society, they are also giving increasing attention to youth empowerment<sup>361</sup>. Many structures and processes claiming to be for the benefit of youth merely give the illusion of meaningful participation. There are several theoretical models of youth participation. In the next part we will cover Roger Hart's 'Ladder of Children's Participation' which depicts participation as a continuum<sup>362</sup>.

### 2.1 Hart's 'Ladder of Children's Participation' and ten guiding principles on meaningful youth participation

The model of the 'ladder of children's participation', identified by Roger Hart, was first published in *Children's Participation: From Tokenism to Citizenship* in 1992 by the

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<sup>359</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' The importance of youth participation in formal political processes.

<sup>360</sup> See Goudie, Chianese, and Menelik Meaningful Youth Participation Approaches.

<sup>361</sup> See Goudie, Chianese, and Menelik Context.

<sup>362</sup> See Goudie, Chianese, and Menelik A continuum of youth participation.

International Child Development Centre of UNICEF. It applied the conceptual framework of Sherry Arnstein's 'Ladder of Citizen Participation' to the participation of youth in adult projects, programs and activities. The Hart model became influential and widely applied in the fields of child development, civic participation and democratic decision-making<sup>363</sup>. In this model children encompasses all legal minors from pre-school-age children to adolescents. Hart presented the typology of children's participation as a metaphorical 'ladder' with each ascending rung representing increasing levels of child agency, control or power. These 'rungs' of the ladder represent a continuum of power that ascends from non-participation to degrees of participation, with increasing levels of agency.

The first rung is manipulation. It occurs when children and youth do not understand the issues motivating a participatory process or their role in that process. For example, adults collect children's ideas but then the process of analysis is not shared and transparent. Thus, children do not have idea of how their opinions will be used. The second rung is decoration. In this case children and youth are put on public display during an event, performance, or other activities organized for a specific purpose, but they do not understand the meaning or intent of their involvement and have no say in the organizing of the occasion. Young people are there because of refreshments rather than for the cause, but contrary to manipulation the cause is not pretended to be inspired by children. The third rung is tokenism. It occurs when children are apparently given a voice, but in fact they have little or no choice about the subject or the style of communicating it and little or no opportunity to formulate their own opinions. For instance, adults select children to sit on a panel with little substantive preparation on the subject or without consulting their peers who they represent. This kind of project is not truly an example of participation.

After these three types of 'façade' participation, there are some more meaningful form of involvement. The fourth rung is called 'assigned but informed'. In this kind of participation young people have a significant role: they understand the aims and the objectives of the project, they know who made the decisions and why, and they volunteer for the project after it was made clear to them. The fifth rung is when children are

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<sup>363</sup> See Roger Hart, 'Ladder of Children's Participation', *Organizing Engagement*, n.d., <https://organizingengagement.org/models/ladder-of-childrens-participation/>.



consulted and informed. They are consulted by adults in an integral manner. The project is designed and run by adults, but children understand the process and their opinions are treated seriously. The sixth rung concerns adult-initiated participatory processes in which decisions are shared with children. In this case, decision-making authority or management is shared with children. An example can be a youth newspaper, where the project is initiated by adults but every aspect of the operations within the newspaper are managed by young people.

For the last two types of involvement Hart suggested that it is difficult to find examples because adults are usually not good at responding to young people's own initiatives. The seventh rung is 'child-initiated and directed' participation. Children and youth conceptualize and carry out complex projects by working cooperatively in groups. Adults may observe and assist children and do not interfere with process or play a directive or managerial role. The eight rung of the ladder concerns child-initiated participation that include shared decisions with adults. Children involved in this type of process are primarily teenagers and they share decision-making authority, management or power with adult partners and allies which have a marginal role in the process. An advantage of this form of participation is that it empowers young people to have a significant impact on policies and decisions or outcomes usually under exclusive control and direction of adults in legislative and political processes<sup>364</sup>.

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<sup>364</sup> See more in Roger Hart and UNICEF, 'Children's Participation: From Tokenism to Citizenship', *Innocenti Essays No. 4*, 1992.

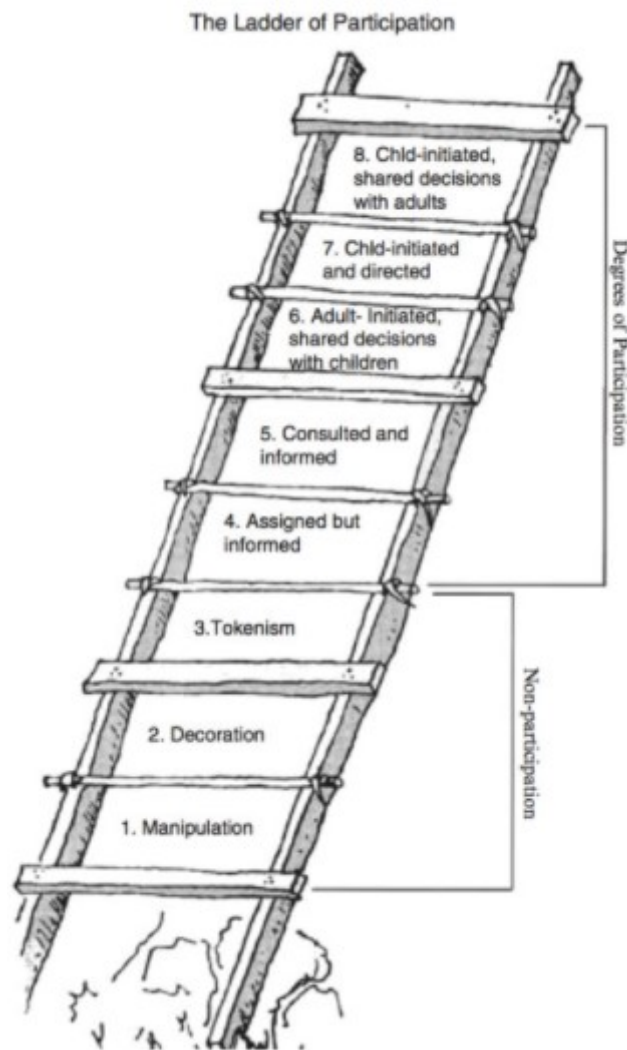


Figure 9: Roger Hart's original 1992 illustration of the Ladder of Children's Participation. From *Children's Participation: From Tokenism to Citizenship* <https://organizingengagement.org/models/ladder-of-childrens-participation/>

In order to be meaningful and effective, youth political participation should respond to the core principle “*nothing about us without us*”<sup>365</sup>. It should be grounded on a rights-based approach and avoid tokenistic activities. It has been identified ten guiding principles<sup>366</sup> that are in line with Hart’s ladder of participation. The first principle is genuine participation which means that youth is engaged for the right reasons and is approached as partners, recognizing a right to participate and valuing young people’s contributions. Secondly, it should be respectful and rights-based, recognizing that young

<sup>365</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Guiding Principles. This was also the motto of the CRPD.

<sup>366</sup> See Goudie, Chianese, and Menelik Guiding Principles.

people are active agents of change and strengthening their role in governance processes on the basis of right to be heard. The process will thus be owned and led by youth. Thirdly, transparency about the purposes of youth engagement is fundamental.

In every democratic process accountability is pivotal, so youth participation should be accountable through mechanisms that ensure follow-up and implementation of youth decisions, with an active role of young people in monitoring. Obviously, activities for youth participation need to be as youth-driven as possible. Thus, engagement should be youth-friendly, relevant and purposeful according to the needs and interests of young people. It is, then, important that all young people are able to participate, regardless of age, background, religion, gender, ethnicity, sexual orientation, ability, geography and mental health. In order to be so inclusive, it requires the removal of all the barriers, including economic ones.

Youth participation cannot use only traditional tools, established processes and structures but need to be flexible and open to innovation in order to reach new ideas. To strengthen youth agency and enhance responsiveness and collaboration, capacity development of young people, youth organizations, networks and movements should be provided. Furthermore, sustainability is a key word in this field. Sustainable should be not only the financial resources, but also the work that is done. Sustainability is linked also to intergenerational collaboration with the support of older adults who establish a receptive environment, valuing and prioritizing youth. Thus, decision makers should seek youth involvement and leadership in addressing challenges, but they need to remember to continually recruit young people, since they out-grow their membership quickly. Finally, youth participation should be voluntary and safe. Safety regards in particular engagement of minors and involves the compliance with international and national standards on working with children, in particular the principles of the best interest of the child and do no harm, ensuring a child-safe-environment<sup>367</sup>. On the basis of these guidelines, participation can take several forms.

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<sup>367</sup> See more in UNDP and Restless Development, 'Guiding Principles for Supporting Young People as Critical Agents of Change in the 2030 Agenda' (Inter-Agency Network on Youth Development, 2017).

## 2.2 Formal and informal forms of participation

Participation includes a wide range of activities, and we can distinguish between formal and informal political participation. The trend among youth is towards increased informal participation, outside the structural and institutional political sphere, and decreased formal participation. Since they are dissatisfied by old-style politics, but they do care about environment, civil rights or other civic issues, they are involved in so-called ‘participatory politics’ with grass-roots, interactive and peer-based activism. They express their dissatisfaction through protests and demonstrations<sup>368</sup> but also through online activism<sup>369</sup>. They use social media and technology in general to spread their demands and reach the interested decision-makers<sup>370</sup>. Both formal and informal forms are beneficial for a resilient democracy, but it is important to bridge the gap between the two<sup>371</sup>.

Formal participation deals with formal political and electoral processes and it is framed within the entire electoral cycle<sup>372</sup>, made of three phases continuously repeating in a cycle: pre-electoral, electoral and post-electoral periods<sup>373</sup>. Formal participatory behaviours include voting, being a member of a political party and joining youth wings<sup>374</sup>, standing as a candidate at an election for a political position, being part of election administration as polling official or of a CSO, and observing elections<sup>375</sup>. In paragraph four, we will analyse in more details two forms of formal engagement: voting and standing as a candidate for what regards youth participation.

Instead, for what concern political parties, in the past activism in these organizations was the main channel for political engagement but nowadays they are facing difficulties in attracting new party members, in particular young people. Particularly worrying the situation in Europe where only 7 per cent of young people are members of a political

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<sup>368</sup> See United Nations Department of Economic and Social Affairs, ‘Youth Civic Engagement. United Nations World Youth Report’, 64.

<sup>369</sup> See more in United Nations Department of Economic and Social Affairs, 67.

<sup>370</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Context.

<sup>371</sup> See Goudie, Chianese, and Menelik Informal participation.

<sup>372</sup> See UNDP and Anna Lührmann, *Enhancing Youth Political Participation throughout the Electoral Cycle. A Good Practice Guide* (United Nations, 2013), 12.

<sup>373</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Key Concepts.

<sup>374</sup> See more about this in Goudie, Chianese, and Menelik Youth and Political Parties.

<sup>375</sup> See more in Goudie, Chianese, and Menelik Election Management and Voting Processes.

party<sup>376</sup>. Political parties need to be more inclusive especially to youth<sup>377</sup> in order to maintain their pivotal role in representative democracy.

On the other side, informal participation includes ‘bottom-up’ activities such as signing a petition but also other social behaviours such as boycotting products for political reasons, volunteering for a social cause, joining an organization that fight for a particular issue. This kind of involvement is increased due to the presence of social networks and media. Young people are often driving forces behind reform movements and protests and tend to get involved in civic-service-oriented activities<sup>378</sup>.

In between these two forms of engagement, in some countries they have created structures and institutions that enable youth both to learn about, to provide inputs and to influence policy-making processes, depending on the political and cultural context. For example, they have created national youth councils, youth parliaments at local, regional and international level, monitoring and participatory planning such as budgeting and budget advocacy<sup>379</sup>.

Notwithstanding all these possibilities of involvement, youth participation is hindered by several obstacles. In the next paragraph some of them will be enumerated and briefly described.

### 3. Obstacles to youth participation

Young people can face many obstacles that led to disempowerment and disengagement. In many cases, they tend to believe that their voices are not going to be heard or that they will not be taken seriously. On the other side, politicians may lose interest in responding to the aspirations of young people if they cannot win their votes. The problem becomes circular as in this way youth are excluded from decision-making and debates about key socio-economic and political issues, even when they are sensitive to those themes<sup>380</sup>.

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<sup>376</sup> See European Commission et al., *Situation of Young People in the European Union: Commission Staff Working Document*, 88.

<sup>377</sup> See more Goudie, Chianese, and Menelik, ‘Youth and Elections’ Youth and Political Parties.

<sup>378</sup> See Goudie, Chianese, and Menelik Informal participation.

<sup>379</sup> See Goudie, Chianese, and Menelik Participation beyond formal electoral processes; See more in Goudie, Chianese, and Menelik Election Management and Voting Processes.

<sup>380</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ The importance of youth participation in formal political processes.

Significant obstacles<sup>381</sup> occur at different levels and in different areas. They can be divided into structural, individual and organizational obstacles<sup>382</sup>.

### 3.1 Structural obstacles

Structural obstacles deal with rules and societal concerns on youth participation. In particular, it is possible to identify five issues. First, the age requirements to vote or run for office are set at two different ages: in most countries the minimum voting age is set for national elections at 18, disenfranchising younger citizen, while the minimum age for eligibility to run for office is higher than the age to vote. Secondly, the age restriction in campaigning used in some countries can penalize political parties who use minors for campaigning. The aim is to protect youth, but it should be considered also the need to encourage their participation. Thirdly, the increased costs for candidate nominations and campaigning make difficult for youth to start a political career, especially when there is a lack of regulations in this sense and political parties do not support young candidates.

A fourth issue concerns the role of social and cultural traditions. In most societies, politics is the field of older, male and wealthy citizens. This traditional view of politics, of the 'old is gold' syndrome, hinders the possibility of young people to participate in decision-making and be represented. Finally, for the same reason young women face additional obstacles compared to men because they are discriminated also on the basis of gender. Male domination in the area of politics is still real and more has to be done in this sense<sup>383</sup>. In the fourth paragraph we will see how some of these obstacles can be faced.

### 3.2 Individual obstacles

Another type of obstacles is due to individual conditions that depend on the society or the perception of it. Distrust in political institutions, for example EMBs and political parties, is a growing phenomenon. For instance, the lack of confidence and trust in EMBs is caused by the disagreement of stakeholders on the composition of these bodies. On the other side, the failure of political parties and politics in general to successfully include

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<sup>381</sup> For another perspective see United Nations Major Group for Children and Youth, 'Principles and Barriers for Meaningful Youth Engagement' (United Nations Major Group for Children and Youth, 2017).

<sup>382</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Obstacles to Youth Participation.

<sup>383</sup> See Goudie, Chianese, and Menelik Obstacles at structural level.

young people can lead to distrust<sup>384</sup>, disengagement and marginalization<sup>385</sup>. Furthermore, the global financial and economic crisis had a disproportionate effect on youth. Difficult employment and working conditions characterized by precarious, part-time, short-term, temporary and often low-paid jobs has created social and economic exclusion<sup>386</sup>. It has intensified a feeling of disconnection between young people and traditional governance institutions. In addition, lack of access to and knowledge about political processes and the difficulties in understanding the complexities of democratic societies obstacle the perception of elections as tools to express concerns, demand change and hold governments accountable<sup>387</sup>. This led to disengagement from institutionalized processes and widespread apathy<sup>388</sup> among young voters<sup>389</sup>.

All these barriers can be linked to low voter turnout<sup>390</sup> that is particularly concentrated among youth<sup>391</sup>, limiting their influence on formal politics. The extension of franchise and age of eligibility for public office is one of the tools to counter low voter turnout among young people. Together with this measure, useful could be a more effective civic education to empower young people or the creation of an enabling environment where youth can express their voice<sup>392</sup>.

### 3.3 Organizational obstacles

Some barriers are due to inadequate or ineffective youth policies promoted by EMBs, political parties and Parliaments. A first aspect is linked to data collection on the situation of youth political participation. Data are often limited and not disaggregated for youth but grouped with other underrepresented groups. In this way the phenomenon of youth disengagement is not fully understood in its complexity and effective actions to empower youth participation in formal processes are not implemented.

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<sup>384</sup> See more in Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 41–42.

<sup>385</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Overview.

<sup>386</sup> See Goudie, Chianese, and Menelik Obstacles at individual level.

<sup>387</sup> See Goudie, Chianese, and Menelik Obstacles at individual level.

<sup>388</sup> See also Canfora, *Democracy in Europe*, 122.

<sup>389</sup> See United Nations Department of Economic and Social Affairs, 'Youth Civic Engagement. United Nations World Youth Report', 64.

<sup>390</sup> This is seen as a general measure of the health of a democracy.

<sup>391</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Youth and Formal Political Processes.

<sup>392</sup> See Goudie, Chianese, and Menelik Context.

Furthermore, youth in EMBs and political parties has a low representation. In particular, political parties, which are the gatekeepers of elected positions in Parliament and decide who will be in the candidate lists, do not favour young candidates placing them in low positions, with low possibilities of getting elected. In addition, in some countries, voter registration can be complex, and the costs related to obtaining the necessary documentation to get enrolled constitute serious barriers for young people. Lastly, the delay of elections for any reason can result in a lack of interest for the political affairs and the democratic process, in particular for young and first-time voters<sup>393</sup>.

#### 4.4. Other obstacles and barriers

As we have seen in the previous chapter, participation in public affairs and in elections is not only linked to the right to participate but also to a series of collateral rights such as freedom of expression, freedom of movement, freedom of association and freedom of peaceful assembly. The restrictions of these rights can affect the participation of citizens and in particular youth that often uses informal methods of participation. Indeed, the limitation of access to information and the cut off of internet services which include social media where young people tend to be very active, disproportionately impact youth participation<sup>394</sup>. At the same time in a post-conflict or transitioning context the limitation of these rights together with the presence of election-related violence can hinder a full engagement of both women and young people in the process<sup>395</sup>.

Another obstacle to youth participation are myths and prejudices on this generation. They are portrayed in opposite ways, as perpetrators or victims of violence, as apathetic and indifferent to politics or as engaged. Some aspects of these negative assumptions are grounded on reality but on the whole, they are misleading<sup>396</sup>. These stereotypes hinder the understanding of a complex and multi-faceted reality<sup>397</sup> and lead to discrimination. Three are the main prejudices. First, youth are considered apathetic about and disengaged from politics, so they do not bother voting. Interpreting a low turnout as apathy did not consider

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<sup>393</sup> See Goudie, Chianese, and Menelik Obstacles at the organizational level.

<sup>394</sup> See Goudie, Chianese, and Menelik Legislation that affects the environment for youth political participation.

<sup>395</sup> See Goudie, Chianese, and Menelik Election-related violence.

<sup>396</sup> See Goudie, Chianese, and Menelik Myths about Youth and their Political Participation.

<sup>397</sup> See Goudie, Chianese, and Menelik Context.



the obstacles identified in the previous paragraphs and most of all the feeling of disconnection from a process that seems to be not effective for meaningful political engagement. The second prejudice concerns the lack of maturity, experience and knowledge. It implies that young people are not capable or clever enough to make informed decisions, for example in voting, and are easily manipulated by parents, friends, or other adults. This perspective can be countered by saying that also people over the minimum voting age could lack these qualities and be influenced by others. A third prejudice consider youth to be ‘anti-state’, propense for violence and extremism<sup>398</sup>. In any society young people are powerful challengers of the *status quo*. The majority of young men and women do so through peaceful protest, social critique, cultural expression, and online mobilization and organization. However, it is true that in some countries this resulted in the involvement in extremist groups<sup>399</sup> but the key drivers of this behaviour are discrimination and corruption<sup>400</sup>, not the young age.

The consequences of negative stereotypes contribute to the marginalization and stigmatization of youth by framing young people as a problem to be solved or even an actual threat<sup>401</sup>. Nonetheless, the perceptions over youth are shifting, from ‘a problem to be solved’ to a strategic agent in development because young people can play multiple roles, from beneficiaries to leaders, for the development of democratic societies<sup>402</sup>, and they can articulate hopes and aspirations, and provide for assets and resources<sup>403</sup>.

Many of these youth-specific obstacles to voting and political participation can be countered using different actions: some of them will be explored below<sup>404</sup>.

#### 4. Youth participation as voting and standing for elections

Formal youth political participation is low and with declining levels of engagement in

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<sup>398</sup> See Goudie, Chianese, and Menelik Myths about Youth and their Political Participation.

<sup>399</sup> See more in United Nations Department of Economic and Social Affairs, ‘Youth Civic Engagement. United Nations World Youth Report’, 66.

<sup>400</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Do young people have a propensity for violence and extremism?

<sup>401</sup> See Goudie, Chianese, and Menelik Do young people have a propensity for violence and extremism?

<sup>402</sup> See Goudie, Chianese, and Menelik Context.

<sup>403</sup> See Goudie, Chianese, and Menelik Do young people have a propensity for violence and extremism?

<sup>404</sup> See Goudie, Chianese, and Menelik Overview.

electoral processes<sup>405</sup>, in particular voting and becoming candidates. This is a concern for young people and for the wider society because a strong youth engagement in this sense has an instrumental and intrinsic value for everyone<sup>406</sup>. In this paragraph the first part will describe the situation on youth participation in the world, while the second part will explore some strategies and actions States can implement to foster youth participation in elections.

#### 4.1 Some data about youth participation in voting and standing for elections

In general, the percentage of young people who vote is lower than the one of older people<sup>407</sup>, even it differs continent by continent. According to different statistics<sup>408</sup> in the European Union only 40 per cent of eligible voters between 16- or 18- and 24-year-olds vote, in Africa only 55 per cent of under 35 population, in some Asian countries only a third of under-30s, and between 30 and 40 per cent under-30s in Latin America<sup>409</sup>. On the other side, youth representation in institutional political processes and policy-making, in particular Parliaments, is relatively low due to the fact that legislation fixed age to run for national elections on average at 22 years, even when the voting age is 18<sup>410</sup>, creating a gap between the legal age of majority on one hand, and the age at which an individual can serve in elected office<sup>411</sup>.

At the same time, the situation in Parliaments is not good. Only 2.6 per cent of MPs are under-30s and this can compromise the legitimacy and the effectiveness of the institution<sup>412</sup>. According to the IPU's 2021 report<sup>413</sup> based on data from 2020<sup>414</sup>, around 25 per cent of the world's single of lower houses of Parliament and 73 per cent of upper

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<sup>405</sup> See United Nations Department of Economic and Social Affairs, 'Youth Civic Engagement. United Nations World Youth Report', 64.

<sup>406</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Youth Participation in Political Processes.

<sup>407</sup> See United Nations Department of Economic and Social Affairs, 'Youth Civic Engagement. United Nations World Youth Report', 64.

<sup>408</sup> The 2015 European Youth Forum Report for EU, the 2015 AfroBarometer for Africa, the 2014 Asia Barometer Survey for Asia and the 2013 FLACSO Chile and International IDEA report for Latin America.

<sup>409</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' young people and voting.

<sup>410</sup> See Goudie, Chianese, and Menelik Young people in political decision-making positions.

<sup>411</sup> See Goudie, Chianese, and Menelik National Legal Framework.

<sup>412</sup> See Inter-Parliamentary Union, 'Youth Empowerment', Inter-Parliamentary Union. For democracy. For everyone, accessed 20 February 2022, <https://www.ipu.org/our-impact/youth-empowerment>.

<sup>413</sup> See more data in Inter-Parliamentary Union, 'Youth Participation in National Parliaments'.

<sup>414</sup> See Inter-Parliamentary Union, 'Youth Participation in National Parliaments', Inter-Parliamentary Union. For democracy. For everyone, accessed 20 February 2022, <https://www.ipu.org/youth2021>.

houses do not have MPs aged under-30s. Europe and the Americas have higher shares of young MPs than any other region. The Nordic countries and South America have the highest proportion of under-30 MPs<sup>415</sup>. Even if male MPs outnumber female counterparts there are also encouraging signs. For instance, the gender imbalance is less pronounced among younger MPs where the male/female ratio is 60/40. At the same time, the share of young parliamentarians has continued to increase from previous 2018 data, showing a positive trend in this sense. This happened as a consequence of youth policies such as youth quotas, lower eligibility ages and proportional representation<sup>416</sup>.

Focusing on the European Union context, even though young people's interest for political and civic issues revives, electoral voter turnout amongst them continues to decline especially in EP elections. If on one side, over half of young Europeans aged between 15- and 24-year-olds declared to be interested in politics in 2016, with an increasing share since 2010<sup>417</sup>, they tend to express this interest in other ways because they are not attracted by the choices on offer at elections<sup>418</sup>. On average, 74 per cent of young Europeans reported having participated in elections at the local, regional, national or European level during the three years preceding 2016 but while in some countries the turnout is very high, in other less than half of the youth population entitled to vote did so<sup>419</sup>. According to data, since 2011 European Union has faced a general decrease in the electoral turnout among young people<sup>420</sup>, in particular at the EP elections<sup>421</sup> where voter turnout among people aged 16-24 is almost 28 per cent, a very low level<sup>422</sup>. Furthermore, the proportion of young representatives in EP is really small, around 2 per cent in 2014 (under-30s). Thus, young people participate limitedly both as active and as passive

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<sup>415</sup> See Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 7.

<sup>416</sup> See Inter-Parliamentary Union, 'Data on Youth Participation', Inter-Parliamentary Union. For democracy. For everyone, accessed 20 February 2022, <https://www.ipu.org/our-impact/youth-empowerment/data-youth-participation>.

<sup>417</sup> See European Commission et al., *Situation of Young People in the European Union: Commission Staff Working Document*, 82.

<sup>418</sup> See European Commission et al., 9–10.

<sup>419</sup> See European Commission et al., 86.

<sup>420</sup> See European Commission et al., 86.

<sup>421</sup> See more in International IDEA and Cristina Ares, 'Engaging Young People and Women in European Parliament Elections', *International IDEA Discussion Paper 3* (2019): 13–17.

<sup>422</sup> See International IDEA and Ares, 18.

electorate at EU level<sup>423</sup>.

However, these contradictory trends for representative democracy means that something is changing but that some policies may help the process. Youth participation can be supported by well-crafted legislation that targets structural interventions fostering inclusivity for young people or by legal and voluntary quotas. At the same time, the eligibility ages at which youth can vote and run for political office influence youth engagement in the electoral cycle<sup>424</sup>.

## 4.2 Strategies and actions fostering youth participation

The national legal framework is important for a meaningful youth participation. Governments and Parliaments can introduce different measures and strategies<sup>425</sup> to do this. It is possible to identify three types of policies: the first addresses the age requirements, the second impacts directly on the number of young people involved, and the third focus on the context.

### 4.2.1 Age requirements: lowering the age

Age requirements are one of the factors limiting the participation of young people in elections, in order to vote or be elected. Two policies to include youth that already contribute to the social life of the country with their work, their opinions and their actions imply the lowering of age requirements both for voting and for eligibility.

Most countries have a minimum voting age of 18 years, but in many countries debates about reducing the voting age to 17 or 16 are ongoing and some States have already passed laws to lower the voting age<sup>426</sup>. For example, in Austria and Brazil it is 16 years, while in Indonesia 17. The debates on lowering voting age revolve around non-electoral rights and responsibilities, international comparisons, political awareness and interest

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<sup>423</sup> See European Commission et al., *Situation of Young People in the European Union: Commission Staff Working Document*, 88.

<sup>424</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Overview.

<sup>425</sup> See more on initiatives to promote voter turnout in Andrew Ellis et al., *Engaging the Electorate: Initiatives to Promote Voter Turnout from around the World. Including Voter Turnout Data from National Elections Worldwide 1945-2006* (Stockholm: International IDEA, 2006), 20–60.

<sup>426</sup> On this see also International IDEA, *Youth Voter Participation. Involving Today's Young in Tomorrow's Democracy*, 53.

among the young, and the issue of maturity. Lowering voting age to 16 could increase the political participation of youth. Somehow, young people already participate in political debates on social media and events, they can work, rent houses, join the armed forces, and in some countries, have to pay taxes. The most important argument in favour of lowering voting age is that given their contribution in society they should have the right to vote and hold representatives accountable for decisions affecting their daily lives. Lowering voting age has to be done in combination with a stronger civic and voter education to foster awareness among youth. On the other side, a counter-argument is that people below 18 lack the maturity to understand complex political processes and thus they would be influenced in their voting decisions by their parents. This argument is debatable because the link between age and maturity is complex<sup>427</sup>. Another school of thought believes that there should be no fixed minimum age and that the individual should decide when he or she is ready to vote, based on the assumption that if you are interested enough, you are mature enough<sup>428</sup>. This is a controversial perspective that considers any arbitrary age restrictions as a limit that ignore a wide range of skills and competences possessed by children<sup>429</sup>. Nonetheless, most supporters of lowering voting age agree that a fixed age of 16 or 17 for voting is consistent.

Under-18s are protected by the CRC and in particular the legal minimum age legislation<sup>430</sup>. In addition to rights to protection, welfare and education, children also have civil and political rights, enshrined in international law<sup>431</sup>. Thus, in setting age limits, States have to balance protection with empowerment and rights. A holistic children's rights approach, indeed, demands implementation of Convention rights which advocate

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<sup>427</sup> See two different articles concerned with maturity and voting behaviours in young people. For lack of empirical validity of little maturity among under-16s see Dieter Stiers, Marc Hooghe, and Silke Goubin, 'Are 16-Year-Olds Able to Cast a Congruent Vote? Evidence from a "Voting at 16" Initiative in the City of Ghent (Belgium)', *Electoral Studies* 63 (1 February 2020): 102107, <https://doi.org/10.1016/j.electstud.2019.102107>; for lack of evidence of improvement of maturity due to earlier voting age see Johannes Bergh, 'Does Voting Rights Affect the Political Maturity of 16- and 17-Year-Olds? Findings from the 2011 Norwegian Voting-Age Trial', *Electoral Studies* 32, no. 1 (1 March 2013): 90–100, <https://doi.org/10.1016/j.electstud.2012.11.001>.

<sup>428</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Lowering the Voting Age.

<sup>429</sup> See CRIN, 'Civil and Political Rights', Child Rights International Network, accessed 19 February 2022, <https://home.crin.org/issues/civil-and-political-rights?rq=voting>; See more in CRIN, 'Children's Right to Vote - a Manifesto', Medium, 2018, <https://medium.com/and-beyond/childrens-right-to-vote-a-manifesto-a06c4996035e>.

<sup>430</sup> See more in Ellen Ehmke and Alex Farrow, 'Age Matters! Exploring Age-Related Legislation Affecting Children, Adolescents and Youth', *Youth Policy Working Paper* 4 (2016).

<sup>431</sup> See CRIN, 'Civil and Political Rights'.

the exercise of children's participation in decision-making on an equal basis with those which seek to protect children from harm<sup>432</sup>. Restrictions on the right to vote are compatible with international law if based on objective and reasonable criteria. All countries have limited voting and eligibility on the basis of age<sup>433</sup>. In fact, no country allows people under-16 to vote<sup>434</sup>.

At the same time, several countries have made attempts to lower voting age to 16 or 17. They have usually opted for an incremental approach, introducing the new legislation in one local district, before expanding to the other districts and then to the entire country. Among the States who have tried this road there are Germany, Norway, Austria and the United States, but only Austria has extended it to national elections. In other States such as Hungary and Slovenia, voting age is set at 16 or 17 years under the condition of being employed or married. In most cases, the attempts have not been successful, also because of considerable resistance to this policy among the public and politicians. Since it is a recent phenomenon there are limited data on the consequences of lowering voting age, but it seems that voting at 16 and 17 is habit-forming<sup>435</sup> and thus these young voters may become more politically active older people than those who started voting at 18<sup>436</sup>.

If on one side there is voting, on the other there is eligibility to run for office and being elected in formal political institutions. Youth representation in legislatures and Parliaments is low: if under-30s in the global population is 50 per cent, only 2.6 per cent of parliamentarians are under 30. One of the main factors is the gap, often significantly high, between minimum voting age and minimum age at which young people can run as political candidates. This age varies widely and the average global minimum age to stand as a candidate is slightly more than 22 years, almost four years older than the average voting age that is 18. Thus, on average citizens must wait several years after gaining the right to vote before being eligible to run for Parliament's seats. For this reason, especially in countries with a large youth population, there are enormous gaps between the youth

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<sup>432</sup> See Venice Commission et al., 'Report on the Protection of Children's Rights: International Standards and Domestic Constitutions', para. 18.

<sup>433</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Lowering the Voting Age.

<sup>434</sup> See CRIN, 'Civil and Political Rights'.

<sup>435</sup> See more in Andrew Ellis, 'Tuning in to Democracy: Challenges of Young People's Participation' (International IDEA, 2007), 2.

<sup>436</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Lowering the Voting Age.

electorate and the political leaders. This distance has many consequences. First of all, youth votes will not lead towards a higher representation of young people. Thus, the lack of trust on the political and institutional system widens because the perception that participation does not make any difference arises.

Many countries recognize that age gaps are a barrier to better youth participation and so are discussing on reducing age requirements for eligibility<sup>437</sup>. Among the arguments in favour, it is possible to identify two main arguments. First of all, a lower age for eligibility can lead to greater diversity, more choice for voters, fresher ideas and perspectives. Secondly, in this way, equal representation rights are granted to young people who are expected to assume adult responsibilities at voting age that usually coincides with majority and consequently a greater youth participation. As in the case of lowering voting age, arguments against this initiative are immaturity and lack of experience of such young candidates on one side, and the incapability of withstanding the pressures of the political environment on the other<sup>438</sup>.

When the voting age is set at 18 or above, international documents and guidelines<sup>439</sup> suggested that the minimum age of eligibility to run for office should be aligned to the minimum voting age. In case of voting age below 18, this measure would be controversial and excessive<sup>440</sup>.

#### 4.2.2 Quotas and compulsory voting

Other measures are those which impact directly on the number of people involved through quotas or through compulsory voting.

As we have seen above youth are grossly underrepresented in Parliaments and governments across the globe. Thus, in order to increase participation, many countries have introduced quotas for youth. Quotas<sup>441</sup> can be of three types: reserved seats, legal

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<sup>437</sup> See some examples in Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 35–37.

<sup>438</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Lowering the Age of Eligibility to Run for Office.

<sup>439</sup> See UNDP and Lührmann, *Enhancing Youth Political Participation throughout the Electoral Cycle. A Good Practice Guide*, 22.

<sup>440</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' National legal framework; See Venice Commission, 'Code of Good Practice in Electoral Matters', para. 6.a.

<sup>441</sup> See more in Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 42–45.

candidate quotas or voluntary political party quotas. In the first case, a law or the Constitution reserved some seats for youth in legislative bodies to promote inclusion. To be effective they need to consider the percentage of youth in the country and the intersectional nature of all population groups to provide adequate representation. This type of quota needs to be assessed carefully because it may only be appropriate with certain types of electoral systems. Furthermore, reserved seats should avoid the creation of a ‘pool’ quota of marginalized or specialized groups with women, youth and people with disabilities competing for the same seats. The second type of quota obliged political parties to fill their candidate lists with a minimum number of young people. The impact of this affirmative action depends on the position in which young people are placed on the lists and the type of electoral system. Youth candidates can be elected if they are placed in electable positions. Because of this, legal candidates’ quotas can work better in ‘closed list’ proportionality electoral systems than in ‘open list’ ones<sup>442</sup>. The third type of quota is not set by legislation. In absence of a legal provision for youth quotas, political parties can opt to introduce voluntary quotas as part of their internal regulations. Despite the voluntary nature, this measure can be successful to include underrepresented parts of the population as women and youth<sup>443</sup>.

Compulsory voting is a direct and controversial measure that ensure high turnout<sup>444</sup>. Those in favour of this measure claim that voting is a public duty and that who do not vote benefit from the democratic regime without contributing to its ‘maintenance’. On the other side, those against regard compulsory voting as an infringement of personal liberty, because they do not have the right to decide whether or not to vote. In any case it is possible to express a similar political message to abstention by casting an invalid ballot. Compulsory voting is effective in ensuring a high turnout among people and in particular among youth<sup>445</sup>, but at the same time it does not mean that this voting would be meaningful participation.

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<sup>442</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Quotas for Youth.

<sup>443</sup> See Goudie, Chianese, and Menelik Youth and Political Parties - Youth quotas.

<sup>444</sup> See Goudie, Chianese, and Menelik Compulsory Voting.

<sup>445</sup> See International IDEA, *Youth Voter Participation. Involving Today’s Young in Tomorrow’s Democracy*, 53.



### 4.2.3 Contextual-based policies

In addition to the measures that directly address youth, national governments and Parliaments can address context-specific legal barriers that hinder the possibility of youth to participate. Two main areas of intervention are the political finance legislation and the choice of electoral system.

The political finance legislation<sup>446</sup> concerns money in the political field. Money can impact participation when costs for nomination fees and campaigning are high, when access to campaign financing by marginalized groups is disproportionately difficult due to cultural and social barriers and when there is no legal framework to control donations for, expenditures of and corruption in political parties. The first step is a legislation that provides for a mechanism of control of finances of parties, examining financial reports and addressing violations. Then, proper regulations for donations and campaign expenditures should be put in place. Once this monitoring system is working, States can introduce subsidies to level the playing field for young people, encouraging political pluralism. Earmarking State subsidies for specific activities or target groups are not new and are used also to promote representation of underrepresented groups in political institutions<sup>447</sup>. In this way, government can also support participation of youth from marginalized groups and young women, who might otherwise be disadvantaged in settings that favour wealthy, mature, male candidates and political elites<sup>448</sup>.

On the other side, the choice of the electoral system<sup>449</sup> has an impact on the representation in Parliament. As in the case of women, youth tend to have greater chance of being elected by being placed on a party list as part of a team of candidates under a proportional electoral system than to be nominated as individual candidates in a majority, winner-takes-all system. Usually, older experienced men are considered better suited for political leadership, when patriarchal norms are still prevalent in society. This reflects the ‘old is gold’ syndrome<sup>450</sup>. In a majoritarian system, parties may be more inclined to choose this kind of candidates which have more chance of being elected. In a proportional system,

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<sup>446</sup> See Inter-Parliamentary Union, ‘Youth Participation in National Parliaments’, 39.

<sup>447</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Political Finance Legislation.

<sup>448</sup> See Goudie, Chianese, and Menelik Overview.

<sup>449</sup> See Inter-Parliamentary Union, ‘Youth Participation in National Parliaments’, 38.

<sup>450</sup> See more in Inter-Parliamentary Union, 41.

political parties tend to adopt a different winning strategy. They nominate a representative team of candidates including women and youth. In this way they can attract additional votes from different groups, without losing conservative voters. The impact on youth representation in Parliament depends on the position of young candidates in the list. Even in ‘closed list’ proportionality system, if they are placed in too low positions, it is likely that they will not be elected<sup>451</sup>. These considerations are general, and each context is different. Indeed, the electoral system should take into account many other factors and should have a clear understanding of the issues and the likely impact in that particular society<sup>452</sup>.

In reforming the system, it is important to remember that the inclusion of youth in political processes, including in formal ones, is a complex and multidimensional challenge. It needs to be addressed using several tools, depending on the context. Some measures can be successful in one country and not in another, because even if societies shared the same problem of youth disengagement in politics, effective and efficient solutions depend on different conditions, proper of each society.

## 5. Other initiatives to support youth participation

To support youth inclusion, participation and representation in electoral and political processes, many are the initiatives and actions that can be implemented both at national and international levels, from youth policies to youth-related caucuses, from youth Parliaments to digital modernization<sup>453</sup>, from campaigns to youth forums.

At national level, for example, Election Management Bodies (EMBs) could employ young people across all levels of their organization, improving the knowledge about the needs of young voters. At the same time, they could support youth-focused and youth-led organizations and partner with civil society organizations (CSOs) and other electoral stakeholders that empower youth<sup>454</sup>. At the same time, since they are a key electoral gateway, political parties can adopt codes of conduct to foster youth networks or create

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<sup>451</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Quotas for Youth.

<sup>452</sup> See Goudie, Chianese, and Menelik Choice of Electoral System.

<sup>453</sup> See more in Inter-Parliamentary Union, ‘Youth Participation in National Parliaments’, 46–52.

<sup>454</sup> See Goudie, Chianese, and Menelik, ‘Youth and Elections’ Overview.

youth wings<sup>455</sup> that can give a voice and provide connections for young people entering the political and electoral cycle. Meaningful youth participation in political parties<sup>456</sup> is essential for healthy and inclusive representation models in the future<sup>457</sup>. Furthermore, at national level many States, as we will see in the next chapter, creates youth councils or parliaments to include the perspective of young people into the decision-making process as an alternative to other measures such as quotas. Youth councils and Parliaments, especially at local level but also at national level, can have an impact in the decisions and inform the final outcome.

In addition to these national initiatives, many international organizations advocate for youth empowerment in democracy.

A first example is the Inter-Parliamentary Union (IPU), a global organization of national parliaments<sup>458</sup>. In the last decade IPU has been empowering young politicians to strengthen and rejuvenate democracies, making them more representative of all generations. In 2010 it has adopted a resolution on Youth Participation in the Democratic Process<sup>459</sup> and in 2013 it was created the Forum on Young Parliamentarians to bring youth into the political process. In 2018, the IPU became the first international organization to introduce incentives to encourage more young parliamentarians to attend its meetings<sup>460</sup>. The Forum of Young Parliamentarians was set up to boost the participation of young people in Parliaments and to help ensure young MPs play a full part in the work of Parliaments, because democracies are stronger if these institutions are representative of all groups and voices in society. Another aim of this Forum is to make sure that the youth voice is heard in global political decision-making and ensure the presence of a youth perspective in the work of the organization and in outside organizations. The Forum meets twice a year during the Assemblies of IPU and is steered by a board of twelve people,

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<sup>455</sup> See more in Inter-Parliamentary Union, 'Youth Participation in National Parliaments', 45.

<sup>456</sup> See more about this in Goudie, Chianese, and Menelik, 'Youth and Elections' Youth and Political Parties.

<sup>457</sup> See Goudie, Chianese, and Menelik Overview.

<sup>458</sup> See Inter-Parliamentary Union, 'About Us', Inter-Parliamentary Union. For democracy. For everyone, accessed 20 February 2022, <https://www.ipu.org/about-us>.

<sup>459</sup> See more in IPU Assembly, 'Youth Participation in the Democratic Process' (Inter-Parliamentary Union, 2010), <http://archive.ipu.org/conf-e/122/122.pdf>.

<sup>460</sup> See Inter-Parliamentary Union, 'Youth Empowerment'.

with an equal gender and geopolitical representation<sup>461</sup>.

Another organization that for over thirty years has promoted youth participation in democratic processes worldwide is International Foundation for Electoral Systems (IFES). With its initiatives seek to increase the participation, influence and representation of citizens in political processes and governance structures, with an inclusive perspective for traditionally underrepresented groups. Their approach to young people is that they are a diverse group who hold unique beliefs and experiences. With its programs engages youth as active participants in the electoral process<sup>462</sup>.

Also, the UN has an inclusive and participatory perspective on all parts of society, including youth. The Major Group for Children and Youth is the UN General Assembly-mandated and self-organized mechanism for young people to meaningfully engage in certain UN processes. It was created after the first United Nations Conference on Environment and Development in 1992. Its mandate was then strengthened by other GA resolutions, lastly by the 2030 Agenda for Sustainable Development<sup>463</sup>. Another initiative at global level is the 2016 UN Not Too Young to Run campaign<sup>464</sup>. It is a global advocacy platform through which they raise awareness on youth rights to run for elected office, advocate for and inspire young people to run for elections and put pressure on governments to lower the candidacy age in line with voting age<sup>465</sup>.

In addition, the Office of the High Commissioner for Human Rights (OHCHR) has initiated in 2016 the United Nations Forum on Human Rights, Democracy and the Rule

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<sup>461</sup> See Inter-Parliamentary Union, 'Forum of Young Parliamentarians', Inter-Parliamentary Union. For democracy. For everyone, accessed 20 February 2022, <https://www.ipu.org/about-ipu/structure-and-governance/governing-council/forum-young-parliamentarians>.

<sup>462</sup> See International Foundation for Electoral Systems, 'Participation and Inclusion', International Foundation for Electoral Systems, accessed 20 February 2022, <https://www.ifes.org/issues/participation-and-inclusion>; International Foundation for Electoral Systems, 'Youth Engagement', International Foundation for Electoral Systems, accessed 20 February 2022, <https://www.ifes.org/issues/youth-engagement>.

<sup>463</sup> See UN Major Group for Children and Youth, 'Mandate and Governance', UN Major Group for Children and Youth, accessed 20 February 2022, <https://www.unmgcy.org/mandate-and-governance>; UN Major Group for Children and Youth, 'About Us', UN Major Group for Children and Youth, accessed 20 February 2022, <https://www.unmgcy.org/about-overview>.

<sup>464</sup> See Office of the Secretary-General's Envoy on Youth, 'Launching Global Campaign Promoting Right of Young People to Run for Public Office', United Nations, 2016, <https://www.un.org/youthenvoy/2016/11/launching-global-campaign-promoting-rights-young-people-run-public-office/>.

<sup>465</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Lowering the Age of Eligibility to Run for Office.

of Law. The theme of the first session was dedicated to youth and the title was “Widening the Democratic Space: the role of youth in public decision-making”. The six hundred participants were Member States, United Nations bodies and specialized agencies, regional and intergovernmental organizations, including youth advocates and representatives of youth organizations from all regions. The Forum received inputs from many organizations, such as Amnesty International, European Youth Forum, the Inter-Parliamentary Union, Child Rights international Network (CRIN) and Save the Children<sup>466</sup>. At the end of the session a report with some recommendations was issued. For instance, it recommends that States ensure full and effective participation of youth in public affairs. In particular States should consider adopting or amending national legislation to align minimum voting age and the minimum age of eligibility to run for office or introducing quotas with the aim of increasing youth participation and gender balance. Furthermore, countries can also establish accessible and inclusive structures such as local youth councils, youth parliaments or consultative mechanisms to foster participation<sup>467</sup>.

Forums linked with youth participation were organized also in regional contexts such as the section on Youth for Democracy of the Council of Europe’s World Forum for Democracy<sup>468</sup>, or the 2020 Connecting Youth Democracy Leaders organized by Community of Democracies organization<sup>469</sup>, within its Youth Forum<sup>470</sup>. An important forum is the European Youth Forum funded by the Council of Europe, the European Union and the European Youth Foundation. This is the platform of youth organizations in Europe which bring together tens of millions of young people from all over Europe. As other youth forums, it works to empower young people to participate actively in society to improve their own lives by representing and advocating their needs and interests and those of their organizations. According to their view, in this special political

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<sup>466</sup> See OHCHR, ‘United Nations Forum on Human Rights, Democracy and the Rule of Law’, United Nations Human Rights Office of the High Commissioner, 2016, <https://www.ohchr.org/EN/HRBodies/HRC/Democracy/Pages/Session1.aspx>.

<sup>467</sup> See Ahmad Alhendawi and Daniar Mukashew, ‘Report of the Chair (A/HRC/34/46)’ (OHCHR, 2016).

<sup>468</sup> See Council of Europe, ‘Youth for Democracy’, World Forum for Democracy, accessed 20 February 2022, <https://www.coe.int/en/web/world-forum-democracy/youth-for-democracy>.

<sup>469</sup> See more in Community of Democracies, ‘About the CoD’, Community of Democracies, accessed 20 February 2022, <https://community-democracies.org/values/organization/>.

<sup>470</sup> See Community of Democracies, ‘Connecting Youth Democracy Leaders. Community of Democracies’ Youth Forum’, Community of Democracies, accessed 20 February 2022, <https://community-democracies.org/cod-youth-forum/>.

context, youth can be powerful catalysts for positive change and contribute to innovative solutions to Europe's challenges<sup>471</sup>. Since 2022 is the European Youth Year, the European Youth Forum is working towards positive policy changes. Among the others, they advocate for voting at 16 and boosting youth participation in decision-making processes in order to put young people at the centre of decision-making<sup>472</sup>.

Youth political participation is multi-faceted. The focus on elections does not diminish the complexity of the issue because even in this fundamental process of representative democracy many are the obstacles to a meaningful participation. In the next chapter we will analyse three European countries which have adopted some forms of youth participation. Two are the ways in which they are including youth in decision-making processes: the first focused on requirements through the reduction of voting and/or eligibility age, the second the creation of bodies at different levels that can impact somehow on policy- and decision-making.

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<sup>471</sup> See European Youth Forum, 'About the European Youth Forum', European Youth Forum, accessed 20 February 2022, <https://www.youthforum.org/about>.

<sup>472</sup> See European Youth Forum, '#OurYear', European Youth Forum, accessed 20 February 2022, <https://www.youthforum.org/topics/european-year-of-youth>.

## Chapter IV – Case studies on youth participation: Italy, Austria and the UK

*“Each State Party [...] undertakes to take the necessary steps, in accordance with its constitutional processes [...], to adopt [...] laws or other measures as may be necessary to give effect to the rights recognized”*

*Art. 2.2 ICPPR (1966)*

Each State is free to adopt laws and measures to implement rights and other international provisions that need an adaptation in the national framework. This is true also for youth participation in elections and in general in decision-making processes. The Convention on the Rights of the Child together with other provisions seen in the second and third chapter gives paramount importance to the engagement of young people in the society. In this chapter we will see how three countries which belong to the same geographical area have applied international good practices and obligations for what concern youth participation in public space, including politics. These three countries are Italy, Austria and the UK. Even if they have some characteristics in common because they are all part of the same continent, Europe, they are member States of the UN, the OSCE and the CoE and they were all member States of the EU until 2020, when the UK completed the process of recession, national policies adopt different perspectives on youth participation.

For each of these countries, a ‘profile’ will be created. The profile will include a description of the form of government, the centre-periphery relations that are relevant for the implementation of policies and the participation of youth in elections, and the direct form of participation in democracy present in the framework. Then it will highlight the ratification of international human rights treaties and the engagement in international organizations. To conclude the ‘profile’, it will be done a demographic description of the country, divided per age. In particular it will focus on the young population: under-24-year-olds, young people between 16- and 24-year-olds, and those between 25- and 29-year-olds. These three ranges have been chosen because the first includes the youngest part of the population that is often excluded from decision-making, the second is the age range used by the UN to indicate young people and usually it includes people that have the minimum voting age, while the third represents a portion of the population that is considered young in politics. This last range can represent largely the young people that become members of the Parliament, even if in some countries minimum eligibility age is

18. The second part of each country case study will go through the main youth policies that aimed to increase participation and the main youth bodies that have a role in decision-making at some level, such as youth Parliaments, youth councils and youth forums. In the last part participation in elections will be covered. It will be tackled the minimum voting and eligibility age with, when possible, some voter turnout data.

## 1. The case study of Italy

The first country to be analysed is Italy, in which right to vote is gained at 18 years old, but in the last years the Parliament is moving towards lowering the age for both voting and eligibility.

### 1.1 Context of Italy

Italy is ‘a democratic Republic’ where the sovereignty belongs to the people and ‘shall be exercised by the people in the forms and within the limits of [the] Constitution’<sup>473</sup>. The actual Constitution entered into force on January 1, 1948, but during these almost seventy-five years it has been subject to numerous amendments. In particular a very recent one is relevant for our discussion on voting age. The Constitution has created a representative parliamentary democracy, which means that at national level citizens can elect only their representatives in Parliament, which is made up of two Chambers: the Chamber of Deputies and the Senate of the Republic. On the other side, the other two major institutions have different procedures: the President of the Republic is elected by a special Assembly composed of the whole Parliament together with some regional representatives<sup>474</sup>, while the Government is appointed by the President of the Republic and it must receive the confidence of both the Houses of Parliament, thus it must reflect a majority present in the assembly<sup>475</sup>.

The Italian Republic has different levels of sub-national governance. The lowest level is represented by municipalities and metropolitan cities, then there are the provinces, while the highest sub-national level are the regions. Each of these entities is autonomous with

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<sup>473</sup> See Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ (Senato della Repubblica, 2018) art. 1.

<sup>474</sup> See Parlamento italiano art. 83.

<sup>475</sup> See Parlamento italiano art. 92-94.



their own statutes, powers and functions in accordance with the principles laid down in the Constitution<sup>476</sup> that provides for a division of competences at art. 117. Italian regions are twenty, of which five have a special status and their statutes are adopted by constitutional law<sup>477</sup>. Regions as sub-national entities have been regulated for the first time in the 1970s. The constitutional chapter which regulates the sub-national entities and their relations with the State level is Title V that was modified completely by two constitutional laws in 1999<sup>478</sup> and 2001<sup>479</sup>. With this constitutional reform the form of government in the majority of the regions became a presidential system, with the direct election of the President of the Region which is also the Chair of the Regional Government<sup>480</sup>. Thus, in Italy there are four types of elections: for the municipality with the election of the mayor and the municipal council, for the Regional president and the Regional Council, for the national Parliament and finally for the European Parliament. On the other side, the legislative and governmental bodies of the provinces are elected through a second-degree type of election<sup>481</sup>.

In addition to elections, the Italian Constitution provides also for at least two types of direct participation: referendum and agenda initiative. In Italy two types of referendum are possible. The first is abrogative referendum introduced by art. 75 Const. It may be held ‘to repeal, in whole or in part, a law, when so requested by five hundred thousand voters [...]’<sup>482</sup>. The laws may not be regulating taxes, budget, amnesty or pardon, or ratifying an international treaty<sup>483</sup>. The result of the referendum is considered valid ‘if the majority of those eligible has voted and a majority of valid votes has been achieved’<sup>484</sup>.

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<sup>476</sup> See Parlamento italiano art. 114.

<sup>477</sup> See Parlamento italiano art. 116.

<sup>478</sup> Italian Parliament, ‘Legge Costituzionale 22 Novembre 1999, n. 1. Disposizioni Concernenti l’elezione Diretta Del Presidente Della Giunta Regionale e l’autonomia Statutaria Delle Regioni’, 1999, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge.costituzionale:1999-11-22;1> Entered in force in January 6th 2000.

<sup>479</sup> Italian Parliament, ‘Legge Costituzionale 18 Ottobre 2001, n. 3. Modifiche al Titolo V Della Parte Seconda Della Costituzione’, 2001, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge.costituzionale:2001-10-18;3> Entered into force in November 8th 2001.

<sup>480</sup> A different system is in place in Valle d’Aosta and Trentino-Alto Adige, two of the five regions with the special status.

<sup>481</sup> Italian Parliament, ‘Legge 7 Aprile 2014 n. 56. Disposizioni Sulle Città Metropolitane, Sulle Province, Sulle Unioni e Fusioni Di Comuni’, 2014, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2014-04-07;56!vig=> Entered into force in April 8th, 2014.

<sup>482</sup> Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ art. 75.

<sup>483</sup> Parlamento italiano art. 75.

<sup>484</sup> Parlamento italiano art. 75.

Thus, there is a quorum to be respected and in many of the almost seventy cases in which an abrogative referendum was held the quorum was not achieved<sup>485</sup>. The other type of referendum is constitutional referendum introduced by art. 138 Const.<sup>486</sup> An already adopted constitutional law ‘can be submitted to referendum if, within three months of its publication, such request is made by [...] five hundred thousand voters [...]’<sup>487</sup>. In this case there is not quorum required. If the constitutional law was adopted in the second vote in both Houses with a two-thirds majority of the members, the referendum shall not be held<sup>488</sup>. There have been four constitutional referendums<sup>489</sup>, the last one in September 2020 for the reduction of the number of MPs from almost one thousand to six hundred.

The second type of direct democracy participation present in Italy is agenda initiative. Art. 71 Const. says ‘the people may initiate legislation by proposing a bill drawn up in sections and signed by at least fifty thousand voters’<sup>490</sup>. Nonetheless, it is not guaranteed that the Parliament consider these proposals<sup>491</sup>. Indeed, from 1979 among the two hundred and sixty-two proposals, less than half have been discussed and only three have become laws<sup>492</sup>. In Parliaments there are already some drafts to reform this article of the Constitution in order to make compulsory the exam of the proposals and at the same time introduce a stronger type of initiative, the popular initiative, which can be approved by referendum<sup>493</sup>.

At international level, it is part to several UN international Conventions in particular all the relevant treaties nominated in the second chapter<sup>494</sup>: ICCPR (1978), ICERD (1976),

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<sup>485</sup> See Redazione Altalex, ‘Il Referendum Abrogativo’, Altalex, 2020, <https://www.altalex.com/guide/referendum-abrogativo>.

<sup>486</sup> Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ art. 138.

<sup>487</sup> Parlamento italiano art. 138.

<sup>488</sup> Parlamento italiano art. 138.

<sup>489</sup> See Redazione Altalex, ‘Referendum Costituzionale’, Altalex, 2020, <https://www.altalex.com/guide/referendum-costituzionale>.

<sup>490</sup> Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ art. 71.

<sup>491</sup> See Dipartimento per le Riforme Istituzionali, ‘L’iniziativa Legislativa Popolare - Art. 71 Della Costituzione’, Dipartimento per le Riforme Istituzionali, accessed 23 February 2022, <https://www.riformeistituzionali.gov.it/it/liniziativa-legislativa-popolare-art71-della-costituzione/>.

<sup>492</sup> See IN cammino, ‘7,5 Milioni Di Firme Buttate. È Ora Che Le Proposte Degli Italiani Continuo Davvero’, IN cammino, n.d., <https://www.italiaincammino.it/leggi-iniziativa-popolare/>; Luca Passarini, ‘L’iniziativa Legislativa Popolare’, Studio Cataldi. Il diritto quotidiano, 2019, <https://www.studiocataldi.it/articoli/33709-iniziativa-legislativa-popolare.asp>.

<sup>493</sup> See Luca Passarini, ‘L’iniziativa Legislativa Popolare’; Camera dei deputati, ‘Lavori Preparatori Dei Progetti Di Legge’, Camera dei deputati, 2019, <https://www.camera.it/leg18/126?tab=2&leg=18&idDocumento=1173&sede=&tipo=>.

<sup>494</sup> Within brackets the year of ratification.

CEDAW (1985), CRC (1991) and CRPD (2009)<sup>495</sup>. Thus, all the international obligations stemming from these international Conventions are mandatory for Italy. Furthermore, it is part of other international organizations in Europe. It is one of the founding members of the today European Union in 1950, the Council of Europe in 1949<sup>496</sup> and it has participated in the OSCE and its predecessor CSCE since 1975<sup>497</sup>. Thus, it is part of the ECHR and other CoE Conventions, it participates in the activities of the OSCE for democracy in the world and it follows the rules of the European Union, in particular on right to vote and to be elected for residents.

To complete the Italian context, some data on the population are needed. In 2021 the Italian population was about sixty million of which under-24s were around thirteen and a half million. While in the age range 25-29 there are slightly less than three million people, about 5 per cent of the population<sup>498</sup>, in the age range 16-24 there are more than five million individuals, more than 8 per cent. In one of the next paragraphs, we will see how much these parts of the population are included in the decision-making processes at national level, through elections.

## 1.2 Policies for youth and youth bodies

The Italian Republic develops youth policies at different levels and in different fields, such as education, employment or culture. Since the definition of youth in Italy is not regulated by law, it depends on the legislation and the field of application. For example, ISTAT, the National Statistics Institute, set up the information system on youth with data in the age range from 15 to 34, while the Department for Youth Policies and the Universal Civic Service's initiatives target the age group 14-28 or 14-35<sup>499</sup>. The organizational

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<sup>495</sup> See United Nations Human Rights Office of the High Commissioner, 'Status of Ratification Interactive Dashboard', United Nations Human Rights Office of the High Commissioner, accessed 24 February 2022, <https://indicators.ohchr.org/> Select Italy from the list on the left.

<sup>496</sup> See Council of Europe, 'Map & Members', Council of Europe, accessed 24 February 2022, <https://www.coe.int/en/web/tbilisi/the-coe/objectives-and-missions>.

<sup>497</sup> See Ministero degli Affari Esteri e della Cooperazione Internazionale, 'L'Italia e l'OSCE', Ministero degli Affari Esteri e della Cooperazione Internazionale, accessed 24 February 2022, [https://www.esteri.it/it/politica-estera-e-cooperazione-allo-sviluppo/organizzazioni\\_internazionali/osce/l-italia-e-l-osce/](https://www.esteri.it/it/politica-estera-e-cooperazione-allo-sviluppo/organizzazioni_internazionali/osce/l-italia-e-l-osce/).

<sup>498</sup> Elaboration based on the data in Istat, 'Geodemo', Geodemo, accessed 24 February 2022, <https://demo.istat.it/popres/>.

<sup>499</sup> See European Commission, 'Target Population of Youth Policy - Italy', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/11-target-population-of-youth-policy>.

system is a multi-level governance one, where decisions arise from the collaboration of many actors at different levels that influence each other. In particular dialogue on youth happens within the ‘Unified Conference’ (*Conferenza Unificata*) that includes the national government, the Regions, the National Association of the Italian Municipalities (*Associazione Nazionale dei Comuni Italiani – ANCI*) and the Union of the Italian Provinces (*Unione delle Province d’Italia – UPI*). Youth policies are based on the principle of concurrent jurisdiction and subsidiarity. Therefore, State and Regions draft the legislation while local authorities together with the third sector and youth organizations are actively involved in its bottom-up design and implementation. At the central level, it is the Department for Youth Policies and the Universal Civic Service of the Presidency of the Council of Ministers that deals with the promotion and connections of the Government actions to ensure the implementation of youth policies<sup>500</sup>.

Art. 31 Const. states that the Italian Republic shall protect young people by adopting necessary provisions<sup>501</sup>, and legislative powers on youth matters are distributed among the central level and the Regions<sup>502</sup>. While at national level a framework law on youth has not been adopted yet, most of the Regions have provided for a legislation on youth policies<sup>503</sup>, the last one being Lombardy in 2021<sup>504</sup>. A bottom-up approach is a distinctive feature of the Italian youth legislation. In general, each law recognized the role of youth in the society and pledged to work for improving their conditions, for example in employment or education and their participation to public life through active citizenship<sup>505</sup>. Some of them also create Youth Forums, Committees or Councils<sup>506</sup>. For example, Latium with Regional law 20/2007 has established the creation of the Municipal Councils of Young People, between 15- and 25-year-olds, in order to contribute to the implementation of the CoE *Revised Charter on the Participation of Young People in*

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<sup>500</sup> European Commission, ‘Youth Policy Governance - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/1-youth-policy-governance>.

<sup>501</sup> Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ art. 31.

<sup>502</sup> See Parlamento italiano art. 117; European Commission, ‘National Youth Law - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/12-national-youth-law>.

<sup>503</sup> See European Commission, ‘National Youth Law - Italy’.

<sup>504</sup> See more in Damiano Bolognini Cobianchi, ‘Legge Giovani, La Giunta Di Regione Lombardia Ha Approvato Il PDL’, Lombardia Notizie Online, 2021, <https://www.lombardianotizie.online/legge-giovani/>.

<sup>505</sup> See more on the several regional law in European Commission, ‘National Youth Law - Italy’.

<sup>506</sup> See more in European Commission, ‘Youth Representation Bodies - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/53-youth-representation-bodies>.

### *Local and Regional Life*<sup>507</sup>.

In accordance with the European Youth Strategy, every EU national government set youth policies and its priorities. In Italy the youth strategy in the last years concerns social inclusion, participation and support to youth autonomy and is implemented by the Department for Youth Policies and the Universal Civic Service. At the same time, this Department avails of a yearly Fund for Youth Policies aimed at promoting youth rights and implementing the annual strategy<sup>508</sup>. The development of the national youth strategy is supported by other Departments and Ministries, such as the Department of Equal Opportunities or the Ministry of Education<sup>509</sup>. Another important body is the Youth National Agency which aims to promote active citizenship among youth<sup>510</sup>.

In addition to the policies on youth and the institutions that work for their implementation, there is the National Youth Council. It is an advisory and representative body of young people set up in 2019 with law no. 145/2018<sup>511</sup> and it is a member of the European Youth Forum<sup>512</sup>. According to its statute, it is an independent and democratic association that promotes the rights and interests of young people to the public authority such as the Council of Ministers and it is consulted at the request of the Ministers competent on political matters that have an impact on the younger generations<sup>513</sup>.

Furthermore, other advisory bodies linked to education have a role in the national and provincial policies: at national level there is the National Council of University Students that work with the Ministry of Education, University and Research, while each province has a Provincial Student Council (*Consulta Provinciale degli Studenti*). Finally, *ANCI Giovani* (Youth ANCI) is the national council of young under-35 local administrators which promotes the meeting and exchange of opinions and the different local experiences

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<sup>507</sup> See European Commission, 'National Youth Law - Italy'.

<sup>508</sup> See European Commission, 'National Youth Strategy - Italy', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/13-national-youth-strategy>.

<sup>509</sup> See European Commission, 'Youth Policy Governance - Italy'.

<sup>510</sup> See Governo italiano, 'Chi Siamo', Agenzia Nazionale per i Giovani, accessed 24 February 2022, <https://agenziagiovani.it/chi-siamo/>.

<sup>511</sup> Art. 1 paragraphs 470 to 477

<sup>512</sup> See Consiglio Nazionale dei Giovani, 'Il Consiglio', Consiglio Nazionale dei Giovani, accessed 24 February 2022, <https://consiglionazionalegiovani.it/il-consiglio/>.

<sup>513</sup> See European Commission, 'Youth Representation Bodies - Italy'.

in order to create a network of new local ruling class<sup>514</sup>.

### 1.3 Youth participation in elections

In a democracy youth can be engaged in several forms such as civic commitment and participation in civil society but the most relevant form of participation for this research is the political one, in particular in the formal structures of representative democracy as a voter and/or as a candidate for elections<sup>515</sup>.

Right to participation of all citizens is enshrined in art. 3 Const. introducing formal and substantive equality and the duty to remove obstacles which constrain the freedom and equality of citizens and impede the effective participation of all ‘workers’ in the political, economic and social organization of the country<sup>516</sup>. Among the forms of participation there is voting. Art. 48 Const.<sup>517</sup> grants universal active suffrage to all citizens of age and defines the right to vote as a civic duty but in case of abstention there are not sanctions<sup>518</sup>. Thus, all Italian citizens who have reached the age of 18, or better majority age are automatically registered in the voters’ lists. This age limit applies to all elections, national, regional, local, European and referendum<sup>519</sup>. Until 2021 for the Senate the voting age was 25 years, but last year with the constitutional law no. 1/2021<sup>520</sup> the voting age for the Senate was lowered to majority age, 18.

Since Italian poll turnout figures for last political elections of 2018 are aggregated, the only official data regarding youth participation in voting are those of the Eurobarometer, relative to the 2019 EP elections. According to these data, 43.60 per cent of youth between 18- and 24-year-olds have voted in the European elections, slightly more than the EU

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<sup>514</sup> See European Commission Other bodies.

<sup>515</sup> See European Commission, ‘Participation - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/5-participation>.

<sup>516</sup> See Parlamento italiano, ‘Constitution of the Italian Republic. Edizione in Lingua Inglese’ art. 3.

<sup>517</sup> See Parlamento italiano art. 48.

<sup>518</sup> See European Commission, ‘General Context - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/51-general-context>.

<sup>519</sup> See European Commission, ‘Youth Participation in Representative Democracy - Italy’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/italy/52-youth-participation-in-representative-democracy>.

<sup>520</sup> See Italian Parliament, ‘Legge Costituzionale 18 Ottobre 2021, n. 1 Modifica Dell’articolo 58 Della Costituzione, in Materia Di Elettoreto per l’elezione Del Senato Della Repubblica’, 2021, <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge.costituzionale:2021-10-18;1>.

average of 41.50 per cent<sup>521</sup>.

For what concern the right to stand for elections, there are different eligibility ages depending on the institution: at the regional, provincial and municipal level it is 18<sup>522</sup>, at national level for being elected in the Chamber of Deputies the age is 25<sup>523</sup>, for the Senate is 40<sup>524</sup>. There are no quotas or specific arrangements in favour of young candidates<sup>525</sup>. According to data updated in February 2021 the percentage of young people between 25- and 29-year-olds in the Chamber of Deputies is slightly more than 1 per cent. According to a survey of the Department for Youth Policies relative to data of 2019, at regional level under-29s constitute almost 2 per cent of Regional Councils, while at provincial level they are almost 6 per cent<sup>526</sup>. Considering that the youth population between 18- and 24-year-olds is more than 4 million and that between 24- and 29-year-olds is about 3 million, they constitute around 10 per cent and the representation of youth in the major institutions is really low.

Watching into the lists of law proposals concerning the amendment of the Constitution, there are many constitutional law proposals in order to lower the voting age to 16 or 17, at local level<sup>527</sup>, or to lower the eligibility age to 25 years for the Senate<sup>528</sup> or to 18 for the Chamber<sup>529</sup>.

## 2. The case of Austria

The second case is the Federal Republic of Austria which has already lowered both the

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<sup>521</sup> See Directorate-General for Communication. Public Opinion Monitoring Unit and Philipp Schulmeister, 'Review of European and National Election Results' (European Union, 2019), 39.

<sup>522</sup> See Italian Parliament, 'Testo Unico Enti Locali - D.Lgs. n. 267/2000 Parte I, Titolo III', Altalex, accessed 25 February 2022, <https://www.altalex.com/documents/news/2014/08/19/ordinamento-istituzionale-organi#titolo> art. 55.

<sup>523</sup> Parlamento italiano, 'Constitution of the Italian Republic. Edizione in Lingua Inglese' art. 56.

<sup>524</sup> See Parlamento italiano art. 58.

<sup>525</sup> See European Commission, 'Youth Participation in Representative Democracy - Italy'.

<sup>526</sup> See European Commission.

<sup>527</sup> See for example Soverini, Serracchiani, and others, 'Lavori Preparatori Dei Progetti Di Legge. Atto Camera: 2967', Camera dei deputati, 2021, <https://www.camera.it/leg18/126?tab=2&leg=18&idDocumento=2967&sede=&tipo=>.

<sup>528</sup> See for example, Ceccanti, Marco Di Maio, and others, 'Lavori Preparatori Dei Progetti Di Legge. Atto Camera: 224', Camera dei deputati, 2018, <https://www.camera.it/leg18/126?tab=3&leg=18&idDocumento=224&sede=&tipo=>.

<sup>529</sup> See for example, Meloni, Cirielli, and others, 'Lavori Preparatori Dei Progetti Di Legge. Atto Camera: 295', Camera dei deputati, 2018, <https://www.camera.it/leg18/126?tab=2&leg=18&idDocumento=295&sede=&tipo=>.

voting and the eligibility age to respectively 16 and 18.

## 2.1 Context of Austria

Austria is a democratic republic<sup>530</sup>. It has a semi-presidential form of government, where both the Federal President<sup>531</sup> and the National Council<sup>532</sup>, one of the Chambers of the Parliament, are directly elected by the people. The Federal Government is chaired by the Federal Chancellor<sup>533</sup>, it is appointed by the Federal President<sup>534</sup> and it is expression of the political majority present in the Council. The Parliament or Federal Assembly is made up of two Chambers, the National Council and the Federal Council. This Chamber, contrary to the National Council, is not directly elected by popular vote but represents the Federal Provinces and its members are elected by the Provincial Parliaments<sup>535</sup>. Since it is directly linked to Provinces, the composition of the Federal Council changes after each Provincial Parliament or Diet election and has not a proper legislative period as the National Council five years<sup>536</sup>.

Austria is a federal State even if it has a more centralized form of federalism than other federal States such as Germany<sup>537</sup>. It has two types of sub-national entities, the Federal Provinces and municipalities. Austria has nine Federal Provinces<sup>538</sup> and each of them has a Provincial Parliament elected by universal suffrage<sup>539</sup> and a Land Government elected by its respective Diet<sup>540</sup>. The division of competences between federal and provincial level is well-defined in the Constitution by art. 10 and following<sup>541</sup> and each province have adopted a statute or ‘constitution’<sup>542</sup> and thus enjoy a quite-wide autonomy within the

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<sup>530</sup> See Austria, ‘Federal Constitutional Law and Its Amendments’, 1920 art. 1.

<sup>531</sup> See Austria, art. 60.

<sup>532</sup> See Austria, art. 26.

<sup>533</sup> See Austria, art. 69.

<sup>534</sup> See Austria, art. 70.

<sup>535</sup> See Austria, art. 35.

<sup>536</sup> See Parliament of Austria, ‘Beteiligung Der BürgerInnen’, Republic of Austria Parliament, accessed 26 February 2022, <https://www.parlament.gv.at/PERK/BET/>.

<sup>537</sup> See European Commission, ‘General Context - Austria’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/51-general-context>.

<sup>538</sup> See Austria, ‘Federal Constitutional Law and Its Amendments’ art. 2; Parliament of Austria, ‘The Federal State of Austria’, Republic of Austria Parliament, accessed 26 February 2022, <https://www.parlament.gv.at/ENGL/PERK/BOE/>.

<sup>539</sup> See Austria, ‘Federal Constitutional Law and Its Amendments’, art. 95.

<sup>540</sup> See Austria, art. 101.

<sup>541</sup> See more in Austria, art. 10 ff.

<sup>542</sup> See Austria, art. 99.



limits of the federal constitutional provisions on division of competences. Every province is divided into municipalities<sup>543</sup> which adopts a form of government with a municipal council directly elected by voters, a city council and a mayor elected by the municipal council<sup>544</sup>.

In addition to representative democracy forms of participation at local, provincial and national level, also Austria has adopted some direct democracy forms of participation. The first is the popular initiative. According to art. 41 Const.<sup>545</sup>, every motion presented by at least one hundred thousand voters or by one sixth each of the voters in three provinces, shall be submitted to the National Council for action. This motion can be put forward in the form of a draft law and must concern matter to be settled by federal law<sup>546</sup>. The second form of direct participation is referendum, that in Austria takes two forms: *Volksabstimmung* and *Volksbefragung*. It is possible to identify two types of *Volksabstimmung*: for the definitive approval of a law before the authentication by the Federal President but after it was passed by the National Council, and for the dismissal of the Federal President. In this second case, the referendum is demanded by the Federal Assembly as outlined at art. 60.6 Const.<sup>547</sup>. In the first case, if the law is a National Council enactment, it is the National Council or the majority of its members that asked to hold the referendum<sup>548</sup>. On the other side, if the law concerns a partial revision of the Federal Constitution, it is enough that one third of the members of the National or Federal Council demands to have a referendum. In case of a total revision of the Federal Constitution, referendum is mandatory<sup>549</sup>. In each of these cases, the result of the referendum is legally binding<sup>550</sup>. In addition to these two forms, Austria has provided also for a consultative form of referendum, called *Volksbefragung*, in which the consultation is held before the law is passed. Contrary to the previous form, it has not legally binding effect and aims to

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<sup>543</sup> See Austria, art. 116.

<sup>544</sup> See Austria, art. 117.

<sup>545</sup> See Austria, art. 41.2.

<sup>546</sup> See more about popular initiatives at Österreich government, ‘Volksbegehren’, Oesterreich.gv.at, n.d., [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/buergerbeteiligung\\_\\_\\_direkte\\_demokratie/2.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/buergerbeteiligung___direkte_demokratie/2.html).

<sup>547</sup> See Austria, ‘Federal Constitutional Law and Its Amendments’, art. 60.6.

<sup>548</sup> See Austria, art. 43.

<sup>549</sup> See Austria art. 44.3.

<sup>550</sup> See Österreich government, ‘Volksabstimmung’, Oesterreich.gv.at, accessed 26 February 2022, [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/buergerbeteiligung\\_\\_\\_direkte\\_demokratie/Seite.320411.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/buergerbeteiligung___direkte_demokratie/Seite.320411.html).

understand the opinion of the Austrian population before final decisions are made<sup>551</sup>. In addition to these forms, Austria republic provides for many other forms of citizens participation to parliamentary life such as parliamentary petitions<sup>552</sup>.

At international level, as in the case of Italy, this country is part to many conventions and IGOs. At UN level, it ratified all the Conventions seen in the second chapter<sup>553</sup>: ICERD (1972), ICCPR (1978), CEDAW (1982), CRC (1992), CRPD (2008)<sup>554</sup>. Thus, all the international obligations stemming from these conventions should be respected by Austria. Furthermore, it is part of the three main organizations in Europe. It entered in the CoE in 1956<sup>555</sup>, it became an EU member State in 1995<sup>556</sup> and started participating in the OSCE and its predecessor since the 1970s. Thus, as Italy, it is part of the ECHR and other CoE Conventions, it participates in the activities of the OSCE for democracy in the world, such as electoral observation and it follows the rules of the European Union, in particular on right to vote and to be elected for residents.

To complete the profile of this country, some data on population are relevant. Austrian inhabitants are around nine million and under-24s are less more than 2 million, more than 20 per cent of the population. If we consider young people between 16- and 24-year-olds, they are almost nine hundred thousand, around 10 per cent of the population, while people between 25 and 29 are almost six hundred thousand<sup>557</sup>. Austria policies did not adopt a common and unique definition of youth. Some laws aimed at youth protection define the age range between 14 and 18 years. In the Austrian Youth Strategy, the target group is 14- and 24-year-olds group. Finally in other regulations on the assessment of impacts on young people ‘children’ are those who are not yet 18 while ‘young adults’ are all people

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<sup>551</sup> See Österreich government, ‘Volksbefragung’, Oesterreich.gv.at, accessed 26 February 2022, [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/buergerbeteiligung\\_\\_\\_direkte\\_demokratie/Seite.320410.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/buergerbeteiligung___direkte_demokratie/Seite.320410.html).

<sup>552</sup> See more at Parliament of Austria, ‘Beteiligung Der BürgerInnen’.

<sup>553</sup> Within brackets the year of ratification.

<sup>554</sup> See United Nations Human Rights Office of the High Commissioner, ‘Status of Ratification Interactive Dashboard’, United Nations Human Rights Office of the High Commissioner, accessed 24 February 2022, <https://indicators.ohchr.org/> Select Austria from the list on the left.

<sup>555</sup> See Council of Europe, ‘Map & Members’.

<sup>556</sup> See European Union - Directorate-General for Communication, ‘Austria’, European Union - country profiles, accessed 26 February 2022, [https://european-union.europa.eu/principles-countries-history/country-profiles/austria\\_en](https://european-union.europa.eu/principles-countries-history/country-profiles/austria_en).

<sup>557</sup> Elaboration based on data taken by Austria Statistics, ‘Dataset: Population at the Beginning of the Year since 2002 (2021)’, STATcube, accessed 26 February 2022, <https://statcube.at/statistik.at/ext/statcube/jsf/tableView/tableView.xhtml>.

who have reached the age of 18 but not 30<sup>558</sup>. In the next paragraphs youth policies in particular linked to political participation will be described.

## 2.2 Policies for youth and youth bodies

Young people's participation at all levels of politics and society is regarded as crucial in Austria<sup>559</sup>. Due to the federal structure, youth policy-making is responsibility of both the federal and the provincial level. The areas of action are assigned by the division of competences provided in art. 10-15 Const. For example, at provincial level, they took decisions linked to youth promotion and youth work outside school sector, while at federal level they discuss international agendas on youth or youth research and welfare<sup>560</sup>. Since it has a cross-sectorial nature, in every legislative project, all Ministries consider young people's position as part of the Youth Check<sup>561</sup>. In addition, private associations and NGOs have a strong influence in youth policies and thus are partially funded by the federal or provincial authorities<sup>562</sup>.

As seen in the previous paragraphs the age targets of youth laws in Austria are different. This is also due to the fact that it does not exist a single youth law but several laws with different aims and age targets. In accordance with art. 12 CRC<sup>563</sup>, the regulations provide not only for protective provisions but also for right of co- and self-determination graded by age. In addition to laws that aimed to protect youth and promote their education and work such as the Federal Youth Promotion Act or the nine provincial youth protection laws, Austria has also passed in 2000 the Federal Youth Representation Act<sup>564</sup> which ensure the representation of young people's concerns before the political decision-makers

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<sup>558</sup> See European Commission, 'Youth Policy Governance - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/1-youth-policy-governance>.

<sup>559</sup> See European Commission, 'Participation - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/5-participation>.

<sup>560</sup> See European Commission, 'Youth Policy Governance - Austria'.

<sup>561</sup> See European Commission, 'Youth Policy Decision-Making - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/14-youth-policy-decision-making>.

<sup>562</sup> See European Commission, 'Overview - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/overview>.

<sup>563</sup> See Venice Commission et al., 'Report on the Protection of Children's Rights: International Standards and Domestic Constitutions', para. 101.

<sup>564</sup> Austrian Parliament, 'Gesamte Rechtsvorschrift Für Bundes-Jugendvertretungsgesetz (Nr. 127/2000) ', 2000, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20001059>.

on a federal level. To this end, it has legally established the Austrian Federal Youth Council (Bundes-Jugendvertretung<sup>565</sup>) which represent the interests and political lobby for people up to 30 years of age. Thus, it is the statutory representative body for young people in Austria, comprised of Austrian children's and youth organization and member of the European Youth Forum<sup>566</sup>. It has many tasks such as the promotion of greater involvement in political decision-making processes and the representation of youth interests at national, European and international level<sup>567</sup>.

In response to European political commitment for youth, Austrian republic has adopted the Austrian Youth Strategy<sup>568</sup>, an ongoing process to strengthen and develop youth policy. An essential feature is the active involvement of young people at all levels in order to adopt their perspectives and respond to changing challenges. The current strategy works into four fields of action: employment and learning, participation and initiative, quality of life and spirit of cooperation, media and information. At the federal level, the main actor shaping, coordinating and guiding youth policies is the Department for Families and Youth at the Federal Chancellery through the Competence Centre Youth. Then, the implementation is interdepartmental and interdisciplinary; thus, all Ministries have their own youth policy campaigns. At the same time, also Provincial Youth Departments can participate in the execution of the Youth Strategy and youth policies in general. All these actors meet together in the National Working Group on Youth Dialogue and Youth Participation in order to implement the youth dialogue. In this working group it also participates the Federal Youth Council, the Federal Network of Open Youth Work and the Federal Network Austrian Youth Information Centres. These institutions together with the Youth Competence Centre and the Provincial Youth Departments act as a National Agency for Youth<sup>569</sup>, working on issues that are important for young people.

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<sup>565</sup> See Bundes Jugend Vertretung, 'Über Die BJV', Bundes Jugend Vertretung, n.d., <https://bjv.at/ueber-die-bjv/>.

<sup>566</sup> See European Commission, 'Youth Representation Bodies - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/53-youth-representation-bodies>.

<sup>567</sup> See European Commission, 'National Youth Law - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/12-national-youth-law>.

<sup>568</sup> See more in Bundeskanzleramt, 'Oesterreichische Jugendstrategie', Bundeskanzleramt, accessed 27 February 2022, <https://www.bundeskanzleramt.gv.at/agenda/jugend/oesterreichische-jugendstrategie.html>.

<sup>569</sup> See more in European Commission, 'Youth Policy Decision-Making - Austria'.

One of the areas of action included in the 2020 Austrian Youth Strategy is participation. It comprises not only participation in elections but also other social activities such as volunteering where more than 40 per cent of young people aged 15-29 are engaged. The starting point is the fact that a thriving democracy needs ambitious people who want to take the initiative and participate but it also needs the conditions to support such initiative<sup>570</sup>. It is essential to understand whether existing forms of participation meet the needs of youth and how barriers can be lowered especially for disadvantaged groups. In this area two main Ministries influences youth policies: the Federal Ministry of Education, Science and Research, for example, with the introduction of civic education and education for sustainable development in schools and the Federal Ministry of Arts, Culture, Civil Service and Sport with for instance the active involvement of youth in the design of sports policy measures<sup>571</sup>.

In addition to the Austrian Federal Youth Council, there are also other youth representation bodies. The first example is the Youth Parliament, which exist both at national and sometimes also local level. At national level, it has the aim of making democratic processes more comprehensible for young people, giving them a deeper understanding of parliamentary procedures. This body has not a direct impact on decision-making. There is also a local version, in particular in the municipality of Villach (Carinthia) young people aged 14- to 19-year-olds can stand as candidates for the local Youth Council. Contrary to the national form, this Council has the right to speak in the Municipal Council and is consulted in an advisory capacity on issues relevant to young people. In the local youth Parliament called ‘Word Up’<sup>572</sup>, present in some districts of Vienna, young people can make requests and demands to the district Council<sup>573</sup>.

If at national level there is the Austrian Federal Youth Council, in some provinces such as Styria and Salzburg and in some municipalities, youth councils exist to consult and advise the regional governments and the youth departments. They consist of representatives of youth organizations. Lastly, there are also some representative bodies

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<sup>570</sup> See European Commission, ‘Participation - Austria’.

<sup>571</sup> See European Commission, ‘National Youth Strategy - Austria’, Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/13-national-youth-strategy>.

<sup>572</sup> See Verein Wiener Jugendzentren, ‘Word Up! Jugendparlamente’, Jugendzentren, n.d., <https://www.jugendzentren.at/themen-projekte/word-up/>.

<sup>573</sup> See more in European Commission, ‘Youth Representation Bodies - Austria’.

of students to advocate for their interests<sup>574</sup>.

### 2.3 Youth participation in elections

As we have seen in the previous paragraph, Austria takes into high consideration young people's participation. In order to increase the opportunities for young people to actively participate in society, the country has implemented a number of measures, in particular with reference to voting and eligibility age.

Austria held five types of elections: to determine the membership of the National Council, the Provincial Councils, Municipal Councils and the European Parliament and to directly elect the Federal President<sup>575</sup>. Since voting is not compulsory, the Austrian Parliament adopts a different strategy to increase turnout among young people: in 2007 as part of a wider electoral reform, the National Council lowered voting age from 18 to 16. It was the first country in Europe to adopt such voting age in the entire national territory<sup>576</sup>. To support this change, the Council considered the fact that at this age young people have already reached the age of criminal responsibility and extended legal capacity, they deal with life planning such as educational path and professional future, and some are engaged in professional life<sup>577</sup>. Voting rights are enshrined in several articles of the Austrian Federal Constitution. Art. 26.1<sup>578</sup> defines electorate for National Council, art. 60.1<sup>579</sup> for Federal President, art. 95.1<sup>580</sup> for Provincial Parliaments, art. 117.1-2<sup>581</sup> for Municipal Councils, art. 23a.1<sup>582</sup> for European Parliament, art. 46.2<sup>583</sup> for referendum and other direct consultations. In all these cases the voting age is 16. Even if in theory both Provinces and Municipalities can decide over voting age<sup>584</sup>, actually art. 95.2<sup>585</sup> for

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<sup>574</sup> See more in European Commission.

<sup>575</sup> See European Commission, 'General Context - Austria'.

<sup>576</sup> See European Commission, 'National Youth Strategy - Austria'.

<sup>577</sup> See European Commission, 'Youth Participation in Representative Democracy - Austria', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/austria/52-youth-participation-in-representative-democracy>; European Commission, 'General Context - Austria'.

<sup>578</sup> See Austria, 'Federal Constitutional Law and Its Amendments' art. 26.1.

<sup>579</sup> See Austria art. 60.1.

<sup>580</sup> See Austria art. 95.1.

<sup>581</sup> See Austria art. 117.1-2.

<sup>582</sup> See Austria art. 23a.1.

<sup>583</sup> See Austria art. 46.2.

<sup>584</sup> See European Commission, 'General Context - Austria'.

<sup>585</sup> See Austria, 'Federal Constitutional Law and Its Amendments' art. 95.2.

Provinces and art. 117.2<sup>586</sup> for Municipalities provide for the principle of homogeneity, according to which they are prohibited from drawing more narrow rules for voting rights than federal provisions<sup>587</sup>.

According to some studies, early inclusion in institutionalised participation systems such as elections with lower voting age generally results in a stronger desire to participate in political decision-making processes<sup>588</sup>. For example, a report<sup>589</sup> commissioned by the Austrian Parliamentary Directorate on first-time voters at the 2017 National Council elections shows that first-time voters were, in general, more interested in politics and thanks to their parents, more involved in political discussions and projects. Both political knowledge and political interest are driving forces of voter turnout. Thus, this study concludes that lowering voting age had positive effects, in particular first-time voters aged 16- and 17-year-olds were well prepared to participate in elections and a high turnout may lead to long-term positive effects on general voter turnout<sup>590</sup>.

Even in this case there are not official data collection on the turnout of young people election but there are evaluations provided by research institutes. A part of these data is not reliable because reported voter turnout tends to be higher than the actual one because of overreporting due to social desirability of voting and overrepresentation of politically interested people in the research target<sup>591</sup>. According to Eurobarometer on 2019 European Parliament Elections, Austria has a record high turnout due to an increase in turnout among young people. Among people aged under-25 there was an increase of 19 per cent<sup>592</sup>, with a turnout for people between 16- and 24-year-olds of 47.50 per cent against

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<sup>586</sup> See Austria art. 117.2.

<sup>587</sup> See European Commission, 'Youth Participation in Representative Democracy - Austria'.

<sup>588</sup> See European Commission, 'National Youth Strategy - Austria'.

<sup>589</sup> See more in Sylvyva Kritzinger, Markus Wagner, and Josef Glavanovits, 'Wählen Mit 16 – ErstwählerInnen Bei Der Nationalratswahl 2017' (Wien: Universitaet Wien, 2018), [https://www.parlament.gv.at/ZUSD/PDF/Endbericht\\_NRW\\_2017\\_final.pdf](https://www.parlament.gv.at/ZUSD/PDF/Endbericht_NRW_2017_final.pdf).

<sup>590</sup> See European Commission, 'Youth Participation in Representative Democracy - Austria'; See more in Eva Zeglovits and Julian Aichholzer, 'Are People More Inclined to Vote at 16 than at 18? Evidence for the First-Time Voting Boost among 16- to 25-Year-Olds in Austria', *Journal of Elections, Public Opinion and Parties* 24, no. 3 (2014): 351–61.

<sup>591</sup> See European Commission, 'Youth Participation in Representative Democracy - Austria'; See more in Kritzinger, Wagner, and Glavanovits, 'Wählen Mit 16 – ErstwählerInnen Bei Der Nationalratswahl 2017'.

<sup>592</sup> See European Commission, 'Youth Participation in Representative Democracy - Austria'.

a European average of 41.50 per cent<sup>593</sup>.

With the electoral reform passed in 2007, the National Council also lowered eligibility age from 19 to 18 for all the elections<sup>594</sup> apart from Federal President ones where the minimum eligibility age is 35 years old (art. 60.3 Const.<sup>595</sup>). There is a distinction between voting and eligibility age due also to majority age, since only when a person turns 18, he or she gains full legal capacity<sup>596</sup>. Data on the age distribution in the National Council showed which proportion of young people is present in the major national representative and legislative institution. Young people between 20-29 are 1,1 million, about 11 per cent. Among the National Council members, in the same age range there are 10 Parliamentarians, more than 5 per cent of the entire Assembly<sup>597</sup>. Thus, even if the eligibility age is lower than in other cases, the direct representation of youth population in the National Council is low.

### 3. Case of the UK

The last case is the UK, which is particular, because it has three big, devolved administrations which can adopt different rules in youth policies from the central government.

#### 3.1 Context of the UK

The United Kingdom is a constitutional monarchy. Differently from the two previous examples, the United Kingdom ‘Constitution’ is composed of laws and rules that create institutions of the State, regulate the relationships between those institutions, or regulate the relationship between the State and the individual. All these rules are not codified in a

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<sup>593</sup> See Directorate-General for Communication. Public Opinion Monitoring Unit and Schulmeister, ‘Review of European and National Election Results’, 39.

<sup>594</sup> National Council (art. 26.4 Const.), European Parliament (art. 23a.3 Const.), Provincial Parliaments and local councils. See more in Österreich government, ‘Right to Vote’, Oesterreich.gv.at, accessed 27 February 2022, [https://www.oesterreich.gv.at/en/themen/leben\\_in\\_oesterreich/wahlen/1/Seite.320210.html](https://www.oesterreich.gv.at/en/themen/leben_in_oesterreich/wahlen/1/Seite.320210.html).

<sup>595</sup> See Austria, ‘Federal Constitutional Law and Its Amendments’ art. 60.3.

<sup>596</sup> See more in Österreich government, ‘Übersicht Der Geschäftsfähigkeit von Kindern Und Jugendlichen’, Oesterreich.gv.at, accessed 27 February 2022, <https://www.oesterreich.gv.at/themen/jugendliche/jugendrechte/8/Seite.1740386.html>.

<sup>597</sup> See data from Parliament of Austria, ‘Altersstruktur Im Nationalrat Am 15.03.2018’, Parlament Republik Österreich, 2018, [https://www.parlament.gv.at/SERV/STAT/PERSSTAT/ALTER/altersstruktur\\_NR\\_XXVI\\_20180315.shtml](https://www.parlament.gv.at/SERV/STAT/PERSSTAT/ALTER/altersstruktur_NR_XXVI_20180315.shtml).



single, written document and constitutional laws do not have special legal status, but they are simple laws<sup>598</sup>. The United Kingdom has a parliamentary form of government with a hereditary Monarch as Head of State, an executive that is nominated by the Monarch on the basis of the result of elections and Parliament composition, and a bicameral Parliament. The lower Chamber is the House of Commons which members are directly elected by the electorate, and they represent the people of the United Kingdom in all matters. The upper Chamber is the House of Lords and is composed of Life Peers, Hereditary Peers and Lords Spiritual. Life Peers are appointed for life by the Head of State, while the Hereditary Peers are Lords who hold office for life and the Lords Spiritual are the representatives of the Church of England, such as the Archbishops of Canterbury and York and other important Bishops. This Chamber has a particular composition, and they represent the aristocracy and the Church, but they do not have power to veto legislation approved by the House of Commons, apart from those aimed to extend the life of a Parliament beyond five years<sup>599</sup>.

The UK is made up of four nations or constituent parts: England, Wales, Scotland and Northern Ireland. Three of these four regions in the late 1990s started a process of devolution. Up until that moment the UK was a unitary State. Devolution is the transfer of certain powers from the central UK government to nations and regions within the United Kingdom and it can involve the establishment of legislative assemblies or Parliaments and government or executives within these sub-state territories. It comprises several different institutional arrangements and powers. Thus, it is often called asymmetrical because it is not the same for all regions and nations<sup>600</sup>. The process of devolution started in Scotland and Wales in 1997 with the results of two referendums, while in Northern Ireland it was part of the Belfast (Good Friday) Agreement supported also in this case by voters in a referendum in 1998. Following this public endorsement, the UK Westminster Parliament passed three acts: the Scotland Act 1998, the Northern Ireland Act 1998, and the Government of Wales Act 1998. These three acts established

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<sup>598</sup> See Political and Constitutional Reform Committee, 'The UK Constitution. A Summary, with Options for Reform' (House of Commons, 2015), 5, <https://www.parliament.uk/globalassets/documents/commons-committees/political-and-constitutional-reform/The-UK-Constitution.pdf>.

<sup>599</sup> See Political and Constitutional Reform Committee, 10–13.

<sup>600</sup> See The Constitution Society, 'Devolution', The Constitution Society, accessed 28 February 2022, <https://consoc.org.uk/the-constitution-explained/devolution/>.

three devolved legislatures with some powers previously held by the UK central Parliament. In any case, the Parliament remains sovereign and has the power to amend the devolution acts or to legislate on anything that has been devolved, always consulting the devolved legislative bodies. On this matter, there are some agreements between the three devolved authorities and the central government. First, Scotland, Wales and Northern Ireland are each represented in the central Government by a territorial Secretary of State. Secondly, a Memorandum of Understanding between the UK government and the devolved administrations about the relations between these entities was agreed in 2001 and then updated in 2013<sup>601</sup>. In addition to the four ‘nations’, local authorities such as counties, districts, boroughs or cities<sup>602</sup> have their own directly elected institutions and, in some cases, due to a form of devolution as in the case of London and other ten English cities and regions, they usually have also directly elected mayors and varying powers<sup>603</sup>.

Some words on the development of devolution in Scotland, Wales and Northern Ireland are relevant for the following paragraphs since some of the policies on youth are decided from devolved authorities. In Scotland the Scotland Act 1998 provided for a Scottish government of ministers and a Scottish Parliament. This assembly has primary legislative powers in those matters that are not reserved to the UK by the Act. The Scotland Act was then updated in 2016 after the 2014 Scottish Independence Referendum. The Scotland Act 2016 provided for a range of further powers to the Scottish Parliament<sup>604</sup>. For what concern Wales, the Government of Wales Act 1998 established the National Assembly for Wales giving to this institution both legislative and executive powers. In 2006 a new devolution Act led to the creation of a separate legislature, the National Assembly for Wales, and executive, the Welsh Assembly Government. Further updates were made with the Wales Act 2014 and the Wales Act 2017. This last law put in place a reserved powers model of devolution for Wales and devolve further powers in areas such as elections<sup>605</sup>.

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<sup>601</sup> See Government UK, ‘Devolution of Powers to Scotland, Wales and Northern Ireland’, GOV.UK, 2019, <https://www.gov.uk/guidance/devolution-of-powers-to-scotland-wales-and-northern-ireland>.

<sup>602</sup> A hint on the several forms of local authorities in European Commission, ‘General Context - England’, Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/51-general-context>.

<sup>603</sup> See The Constitution Society, ‘Devolution’; See Political and Constitutional Reform Committee, ‘The UK Constitution. A Summary, with Options for Reform’, 14.

<sup>604</sup> See Government UK, ‘Devolution Settlement: Scotland’, GOV.UK, 2019, <https://www.gov.uk/guidance/devolution-settlement-scotland>.

<sup>605</sup> See Government UK, ‘Devolution Settlement: Wales’, GOV.UK, 2019, <https://www.gov.uk/guidance/devolution-settlement-wales>.

Finally, Northern Ireland devolution was set by the Belfast or Good Friday Agreement in 1998. This Agreement, the subsequent Northern Ireland Act 1998 and their amendments form the basis of the constitutional structure of this constituent part. They established a directly elected assembly, the Northern Ireland Assembly, and an executive chosen from the Assembly. Furthermore, the Act distinguishes three types of matters in which the Assembly can legislate. Transferred matters are those on which the Assembly has full legislative powers, and they include for example local government and equal opportunities. Then, excepted matters are those on which the central government of the UK retains the responsibility for matters of national importance such as the Constitution and elections. Last category are the reserved matters where the legislative authority generally rests with Westminster but on which the Northern Ireland Assembly can legislate with the consent of the central government<sup>606</sup>.

In addition to elections, the UK adopts the referendum as a tool of direct democracy. Since the primacy of the Parliament, in the UK there are not citizens' initiatives or other forms of direct participation. Nonetheless, the tool of referendum was used several times in the 1970s and then since the end of the 1990s this practice was revived. As we have seen, referendums were used to seek approval for the new devolved institutions in Ireland, Scotland and Wales but also in London. At the same time, it was an attempt to counter declining electoral turnout and perceived public disillusionment with politics. Two last important referendums were held in the last decade: the first one in 2014 in Scotland for the independence from the UK, and the second one in 2016 for Brexit, that is the exit from the EU. In the first one the result was to remain within the Kingdom, while in the latter the option 'leave' won<sup>607</sup>.

As in the other two cases, also the UK has ratified many international conventions and has accessed to several IGOs. It has ratified several UN human rights Conventions<sup>608</sup> such as ICERD (1969), ICCPR (1976), CEDAW (1986), CRC (1991) and CRPD (2009)<sup>609</sup>.

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<sup>606</sup> See Government UK, 'Devolution Settlement: Northern Ireland', GOV.UK, 2019, <https://www.gov.uk/guidance/devolution-settlement-northern-ireland>.

<sup>607</sup> See The Constitution Society, 'Direct Democracy', The Constitution Society, accessed 28 February 2022, <https://consoc.org.uk/the-constitution-explained/direct-democracy/>.

<sup>608</sup> Within brackets the year of ratification.

<sup>609</sup> See United Nations Human Rights Office of the High Commissioner, 'Status of Ratification Interactive Dashboard', United Nations Human Rights Office of the High Commissioner, accessed 24 February 2022,

For what concern international organizations, the UK is part of many international organizations. In particular among the major European IGOs, the UK is currently part of both the Council of Europe since 1949<sup>610</sup> and the OSCE. It was also part of the EU from 1973 until 2020. After the withdrawal, the UK and the EU has made an agreement, the EU-UK Trade and Cooperation Agreement, which regulates since 2021 the relationships between the organization and the UK from trade in goods and services to transports, from social security coordination to thematic cooperation and participation in Union programmes<sup>611</sup>.

To complete the UK context, some data on the population in particular youth will be described. In 2020 the estimated total population of the United Kingdom was sixty-seven million, of which fifty-six and a half million in England, three million and one hundred thousand in Wales, five million and four hundred thousand in Scotland and one million and nine hundred thousand in Northern Ireland. Under-24s constitute twenty-four million, 36 per cent of the entire population. Young people between 16- and 24-year-olds are seven million, 10 per cent, of which five million in England, three hundred thousand in Wales, half a million in Scotland and two hundred thousand in Northern Ireland. The population between 25- and 29-year-olds is almost four and a half million in the entire country, almost 7 per cent, with more or less the same proportion in the different areas<sup>612</sup>.

### 3.2 Policies for youth and youth bodies

In the UK the government has pursued a policy of decentralization in youth-related matters. In this way decision-making happens at local level, introducing both flexibility and lack of national standards<sup>613</sup>. Indeed, in many cases youth policy is a devolved matter.

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<https://indicators.ohchr.org/> Select United Kingdom of Great Britain and Northern Ireland from the list on the left.

<sup>610</sup> See Council of Europe, 'Map & Members'.

<sup>611</sup> See European Commission, 'The EU-UK Trade and Cooperation Agreement', European Commission, 2021, [https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement\\_en](https://ec.europa.eu/info/strategy/relations-non-eu-countries/relations-united-kingdom/eu-uk-trade-and-cooperation-agreement_en).

<sup>612</sup> Elaboration based on the dataset in Neil Park, 'Estimates of the Population for the UK, England and Wales, Scotland and Northern Ireland', Office for National Statistics, 2021, <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>.

<sup>613</sup> See European Commission, 'Youth Policy Governance - England', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/1-youth-policy-governance>.

Thus, we will describe youth policies as they are implemented in the four constituent parts.

### 3.2.1 The UK and England: youth policies and bodies

The first area to consider is England where the decisions are taken by the central government of the UK. The target population of youth policies changed according to the departments that implement such actions both at national and local level<sup>614</sup>. As in other cases there is not a single youth law but several Acts. The majority of these Acts aimed to safeguard and protect children, such as the Children Acts of 1989 and 2004, and the actions of the authorities should comply with the CRC, also through the work of the Children's Commissioner. As a cross-governmental area<sup>615</sup>, youth policy and strategy include several departments, but it is led by the Department for Digital, Culture, Media and Sport (DCMS) and its Office for Civil Service. Its responsibilities mainly relate to provide high quality opportunities for young people to build networks outside of school, to ensure that young people's voices are heard, and to advocate the value of youth services<sup>616</sup>. At the same time local authorities work to have a strategic dialogue with young people. Indeed, as part of its commitment to the CRC, in particular art. 12 on right to be heard, the government and the local authorities try to consult young people by involving them in local democratic processes and decision-making and recognizing their positive contribution to society.

Some initiatives have been launched in this sense. In 2017 the Government started a five-year Democratic Engagement Plan, a strategy to increase democratic engagement across all groups and thus also youth<sup>617</sup>. In 2018, the DCMS published a Civil Society Strategy<sup>618</sup>

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<sup>614</sup> See European Commission, 'Target Population of Youth Policy - England', Youthwiki, accessed 24 February 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/12-national-youth-law>.

<sup>615</sup> See more initiatives in European Commission, 'Cross-Sectoral Approach with Other Ministries - England', Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/15-cross-sectoral-approach-with-other-ministries>.

<sup>616</sup> See European Commission, 'General Context - England'.

<sup>617</sup> See European Commission, 'Participation - England', Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/5-participation>.

<sup>618</sup> See more in Government UK, 'Civil Society Strategy: Building a Future That Works for Everyone', GOV.UK, 2018, <https://www.gov.uk/government/publications/civil-society-strategy-building-a-future-that-works-for-everyone>.

which emphasized the value of youth participation in politics and civil society and a commitment to increase meaningful youth participation in policy-designing. In this occasion it created the Youth Steering Group in cooperation with the British Youth Council<sup>619</sup>, an umbrella organization which works for the involvement of young people in democracy and give under-26s opportunities to influence policies that affect them locally, nationally and internationally. Furthermore, since 2018 the Government has promoted the National Democracy Week to raise awareness about the UK's democratic process and institutions among excluded and marginalized groups<sup>620</sup>.

In 1999 the House of Commons launched the UK Youth Parliament to which any young person aged 11- to 18-year-olds coming from any constituent part can stand for being elected in this assembly. It aims to give young people a voice which will be heard and listened to by local, regional and national governments, providers of services for young people and other agencies who have an interest in the views and needs of young people. In addition to students' unions and other organization linked to the educational environment, other youth representative bodies are the youth councils representing young people at local level. They have different names and structures, but their role usually is to advise local authorities about the opinion of youth on different matters. The British Youth Council coordinates the Local Youth Council Network, which consists of over six hundred twenty youth councils<sup>621</sup>.

### 3.2.2 Wales: youth policies and bodies

To understand the Welsh policies on children and young people it is important to remember that in 2011 Wales was the first UK 'nation' to incorporate the CRC into its domestic law. Thus, youth policies incorporate a rights-based approach<sup>622</sup> and target

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<sup>619</sup> See more in British Youth Council, 'Who We Are and What We Do', British Youth Council, accessed 1 March 2022, <https://www.byc.org.uk/aboutus>.

<sup>620</sup> See European Commission, 'Participation - England'.

<sup>621</sup> See European Commission, 'Youth Representation Bodies - England', Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/53-youth-representation-bodies>.

<sup>622</sup> See European Commission, 'Youth Policy Governance - Wales', Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-wales/11-target-population-of-youth-policy>.

especially young people aged 11-25 years<sup>623</sup>. In this area there is a range of national and local participation mechanisms for youth and some educational and informational activities aimed to foster participation. Until 2014 there was a Welsh Youth Assembly called ‘Funky Dragons’ and after some years the National Assembly for Wales established the Welsh Youth Parliament<sup>624</sup>, a platform for young people to use their voice on issues they care about and ensure they are heard by policy-makers. It works directly with the National Assembly, empowering and representing young people aged 11- to 18-year-olds<sup>625</sup>. As in England, also in Wales there are youth local councils and students’ organizations.

### 3.2.3 Scotland: youth policies and bodies

Scotland adopts youth policies particularly in the field of work but also in other areas which affect the youth age group<sup>626</sup>. It adopts the *Getting It Right For Every Child* (GIRFEC) approach<sup>627</sup>, that is a rights-based approach aimed at improving outcomes of policy, practice, strategy and legislation affecting children and young people and it applies to people from birth to 19 years old<sup>628</sup>. Youth policies in Scotland cover different age groups, from 11- to 25-year-olds<sup>629</sup>. It does not exist a comprehensive youth law but there are several different pieces of legislation which cover youth rights. With regard to participation, Scotland has tried to enhance compliance with art. 12 CRC. In particular in the *Commissioner for Children and Young People (Scotland) Act 2003* it established the role of this Commissioner with the main function of promoting and safeguarding the rights of children and young people with a focus on participation and consultation on

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<sup>623</sup> See European Commission, ‘Target Population of Youth Policy - Wales’, Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-wales/11-target-population-of-youth-policy>.

<sup>624</sup> See the official website Welsh Youth Parliament, ‘About’, Welsh Youth Parliament, accessed 1 March 2022, <https://youthparliament.senedd.wales/>.

<sup>625</sup> See European Commission, ‘Youth Representation Bodies - Wales’, Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-wales/53-youth-representation-bodies>.

<sup>626</sup> See more policies in European Commission, ‘Target Population of Youth Policy - Scotland’, Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/11-target-population-of-youth-policy>.

<sup>627</sup> See Scottish government, ‘Getting It Right for Every Child (GIRFEC)’, Scottish government/Riaghaltas na h-Alba, 2018, <https://www.gov.scot/policies/girfec/>.

<sup>628</sup> See European Commission, ‘Overview - Scotland’, Youthwiki, accessed 1 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/overview>.

<sup>629</sup> See European Commission, ‘Target Population of Youth Policy - Scotland’.

matters concerning them and encouraging other organizations to do the same in policy-making consultation processes. Particular attention should be paid for participation of marginalized young people<sup>630</sup>. Decision-making includes many parts of the government of Scotland, depending on the issue that need to be covered: for health, the policy is made by the Cabinet Secretary for Health and Support, for youth justice by the Cabinet Secretary for Justice and so on. Also, local government has a role in some youth policies, for example community learning and development<sup>631</sup>. In many policies youth participation is considered important because it empowers young people to become active and responsible citizens<sup>632</sup>.

Even if Scotland does not have a proper National Agency for Youth, YouthLink Scotland<sup>633</sup>, a charitable membership organisation and national agency for youth work, draws its memberships from a wide range of policy areas, including among the others youth participation<sup>634</sup>. Nonetheless, its main focus remains youth work and only incidentally it covers participation. Another youth-led, rights-based organization is the Scottish Youth Parliament. It provides for a platform for young people to discuss issues that are important to them and campaign to bring about change in the areas they consider having priority. Its organisational structure is youth-led, with experienced advisors. Indeed, young people between 14- to 25-year-olds can be elected to become members of the Scottish Youth Parliament. As in the other constituent parts, there are both youth councils in the local authorities and students' unions<sup>635</sup>.

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<sup>630</sup> See European Commission, 'National Youth Law - Scotland', Youthwiki, accessed 2 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/14-youth-policy-decision-making>.

<sup>631</sup> See European Commission, 'Youth Policy Decision-Making - Scotland', Youthwiki, accessed 2 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/14-youth-policy-decision-making>.

<sup>632</sup> See European Commission, 'General Context - Scotland'.

<sup>633</sup> See the main website at YouthLink Scotland, 'YouthLink Scotland - Home', YouthLink Scotland. The national agency for youth work, accessed 2 March 2022, <https://www.youthlinkscotland.org/>.

<sup>634</sup> See European Commission, 'Youth Policy Decision-Making - Scotland'.

<sup>635</sup> See European Commission, 'Youth Representation Bodies - Scotland', Youthwiki, accessed 2 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-scotland/53-youth-representation-bodies>.



### 3.2.4 Northern Ireland: youth policies and bodies

Youth policy in Northern Ireland is mainly part of devolved matters<sup>636</sup>, thus it is the Northern Ireland Assembly and the devolved government that decide over such issues. Even in this area, youth policies have a cross-departmental character<sup>637</sup>. The primary responsibility stems in the Department of Education but also the Department for Communities, for the Economy and of Health are involved<sup>638</sup>. Age range for these policies is 4-25, covering all the phases of children growth<sup>639</sup>. There is not a comprehensive single law on youth but many acts which regulates different areas in particular education, work and other recreational activities. An interesting act is the *Commissioner for Children and Young People (Northern Ireland) Order 2003* which established the office of the Northern Ireland Commissioner with the main task of safeguarding and promoting the rights and best interests of children and young people in accordance with the CRC as guiding principle, also including art. 12<sup>640</sup>. Furthermore, the Children and Young People's Strategy 2019-2029 has among its objectives to make a positive and meaningful contribution to society in order to improve the well-being of children and young people<sup>641</sup>. Other policies aim to increase participation of young people in society by helping disadvantaged families who face poverty and unemployment<sup>642</sup>.

The direct engagement of young people was set up firstly in 1979 from the Department

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<sup>636</sup> See European Commission, 'Overview - Northern Ireland', Youthwiki, accessed 2 March 2022, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/overview>.

<sup>637</sup> See European Commission, 'Youth Policy Governance - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/1-youth-policy-governance>.

<sup>638</sup> See European Commission, 'Youth Policy Decision-Making - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/14-youth-policy-decision-making>.

<sup>639</sup> See European Commission, 'Target Population of Youth Policy - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/11-target-population-of-youth-policy>.

<sup>640</sup> See European Commission, 'National Youth Law - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/12-national-youth-law>.

<sup>641</sup> See European Commission, 'National Youth Strategy - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/13-national-youth-strategy>.

<sup>642</sup> See European Commission, 'Youth Policy Decision-Making - Northern Ireland'; see more in European Commission, 'Cross-Sectoral Approach with Other Ministries - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/15-cross-sectoral-approach-with-other-ministries>.

of Education with the Northern Ireland Youth Forum<sup>643</sup>. It is a youth-led regional membership organization open to any young person aged 11-25<sup>644</sup>. In this Forum, they defined participative structure as a structure that brings together children and young people to participate as decision-makers at regional and local level but that it does not have to be a formal structure<sup>645</sup>. In 2014 it has created the Northern Ireland Youth Congress where young people aged 11-25 are elected in order to advocate at different levels and discuss issues of importance to youth. In 2017 for the implementation of the Regional Youth Development Plan, the Department of Education created Regional and/or Local Advisory Groups to consult stakeholders, such as youth organization representatives and young people<sup>646</sup>. In 2020 the Northern Ireland Assembly Commission has created a Northern Ireland Youth Assembly made up of young people from 13-year-olds until an upper age limit of 21. It has the opportunity to have an impact on decisions made in the Northern Ireland Assembly<sup>647</sup>.

### 3.3 Youth participation in elections

As we have seen in the previous part, in the UK there are several forms of youth participation and consultation in policy-making. To conclude the analysis, we need to see how participation in elections is regulated. The right to take part in free elections in the UK is present in the *Human Rights Act 1998*<sup>648</sup>, in particular in Schedule 1 and it has the same wording of the art. 3 Protocol no. 1 ECHR. Indeed, since the Constitution is not a unique written document, but is formed by several written documents, the Human Rights Act is part of this fundamental law because it comprises the respect for international human rights, and also for right to participate in elections.

In the UK voting is not compulsory, although the issue has been discussed to raise falling

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<sup>643</sup> See Northern Ireland Youth Forum, 'About NIYF', Northern Ireland Youth Forum. Promoting the voice of young people, accessed 2 March 2022, <http://www.niyf.org/about-niyf/>.

<sup>644</sup> See European Commission, 'Youth Representation Bodies - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/53-youth-representation-bodies>.

<sup>645</sup> See European Commission, 'General Context - Northern Ireland', Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-northern-ireland/51-general-context>.

<sup>646</sup> See European Commission, 'Cross-Sectoral Approach with Other Ministries - Northern Ireland'.

<sup>647</sup> See more in Northern Ireland Youth Assembly, 'Learn More', Northern Ireland Youth Assembly, n.d., <https://www.niyouthassembly.org/>.

<sup>648</sup> See The UK Parliament, 'Human Rights Act 1998 - Schedule 1', [legislation.gov.uk](https://www.legislation.gov.uk), 2000, pt. II, <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/2000-10-02> the First Protocol, art. 3.

turnout rates<sup>649</sup>. To vote at the general elections<sup>650</sup> in the UK the minimum age is 18<sup>651</sup>. This applies also to referendums and to local elections in Northern Ireland and England. While in Scotland and Wales the minimum voting age for the ‘national assemblies’ and for the local governments is 16. In Scotland voting age was lowered with the *Scottish Elections (Reduction of Voting Age) Act 2015*<sup>652</sup> but this voting age was applied already for the Independence Scottish referendum in 2014<sup>653</sup>. This thanks to a special agreement, the Edinburgh Agreement of October 2012 between the United Kingdom government and Scotland. In this agreement they defined the terms on which the referendum would have taken place. Among the others, they decide for the voting age for 16- and 17-year-olds if they chose so<sup>654</sup>. On the other side, the process to lower the voting age in Wales was not immediate. It starts in 2017 with the Wales Act 2017 and the provision<sup>655</sup> was finally included in *The Senedd and Elections (Wales) Act*<sup>656</sup> which became law in 2020.

It is difficult to find data on voter turnout disaggregated by age for the UK, or when present they are self-reported and thus not completely reliable. For the EP election in 2019 only 24.50 per cent of the people between 18- and 24-year-olds voted, really below the European average of 41.50 per cent<sup>657</sup>. Nonetheless, historically the UK turnout at EP elections has always been lower than the European average and it is not possible to consider these data as a low participation of English young people in elections in general. In other cases, indeed, the results are different. According to post-election sampling after the EU membership referendum the turnout for 18- and 24-year-olds was 64 per cent<sup>658</sup>.

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<sup>649</sup> See European Commission, ‘General Context - England’.

<sup>650</sup> See more in Government UK, ‘Types of Election, Referendums, and Who Can Vote’, GOV.UK, accessed 2 March 2022, <https://www.gov.uk/elections-in-the-uk>.

<sup>651</sup> See European Commission, ‘Youth Participation in Representative Democracy - England’, Youthwiki, 2020, <https://national-policies.eacea.ec.europa.eu/youthwiki/chapters/united-kingdom-england/52-youth-participation-in-representative-democracy>.

<sup>652</sup> See Scottish Parliament, ‘Scottish Elections (Reduction of Voting Age) Act 2015’, [legislation.gov.uk](https://www.legislation.gov.uk/asp/2015/7/crossheading/reduction-of-voting-age), 2015, <https://www.legislation.gov.uk/asp/2015/7/crossheading/reduction-of-voting-age> art. 1.

<sup>653</sup> See more in Tom Mullen, ‘The Scottish Independence Referendum 2014’, *Journal of Law and Society* 41, no. 4 (2014): 627–40.

<sup>654</sup> Mullen, 631–32.

<sup>655</sup> See Welsh Parliament/Senedd, ‘Senedd and Elections (Wales) Bill’ (Welsh Parliament, 2020), <https://business.senedd.wales/documents/s96314/Senedd%20and%20Elections%20Wales%20Bill,%20as%20passed%20unchecked.pdf> art. 10.

<sup>656</sup> See Welsh Parliament/Senedd.

<sup>657</sup> See Directorate-General for Communication. Public Opinion Monitoring Unit and Schulmeister, ‘Review of European and National Election Results’, 39.

<sup>658</sup> See Opinium, ‘Did Young People Bother to Vote in the EU Referendum?’, Opinium, 2016, <https://www.opinium.com/did-young-people-bother-to-vote-in-the-eu-referendum/>.

According to another research conducted by Ipsos on the 2017 UK general elections, the estimated turnout for people aged under 25 years was 54 per cent<sup>659</sup>, while in 2019 it was 47 per cent<sup>660</sup>. In any case these data need to be taken with caution because based on pre-election surveys<sup>661</sup>.

For what concern eligibility, to candidate in all the elections held in the UK, including in Wales and Scotland, in national parliaments and local councils, the minimum eligibility age is 18 years old. In the House of Commons, the MPs aged 18-29-year-olds are 21, 3 per cent of the total<sup>662</sup>. There are not available data on the other assemblies, breakdown by age. Thus, even in this case, notwithstanding the low eligibility age, the presence of young people in the Westminster Parliament is not fully representative of the young English population.

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<sup>659</sup> See Gideon Skinner and Dr. Roger Mortimore, 'How Britain Voted in the 2017 Election', Ipsos, 2017, <https://www.ipsos.com/en-uk/how-britain-voted-2017-election>.

<sup>660</sup> See European Commission, 'Youth Participation in Representative Democracy - England'.

<sup>661</sup> See Skinner and Mortimore, 'How Britain Voted in the 2017 Election'; Gideon Skinner and Dr. Roger Mortimore, 'How Britain Voted in the 2019 Election', Ipsos, 2019, <https://www.ipsos.com/en-uk/how-britain-voted-2017-election>.

<sup>662</sup> Elaboration based on charts in House of Commons, 'Social Background of Members of Parliament 1979-2019', House of Commons Library, 2022, <https://commonslibrary.parliament.uk/research-briefings/cbp-7483/>.

## Conclusion

*“Strengthen young people’s democratic participation and autonomy as well as provide dedicated youth spaces in all areas of society”*

*9# Space and Participation for all – European Union Youth Strategy 2019-2027*

Already at the end of the last century young people asked for a major involvement in the political and electoral processes, obtaining the lowering of the majority age and of the voting age from 21 to 18. In the same period at the UN level interest for youth and for their participation started to modify the approach to this component of the society: from a passive and protection-needy group to an active and needful part of the community. In 2015 the 2030 Agenda for Sustainable Development put young people at the centre of this process as agents of change and as significant parts of an inclusive democracy. This happens also in many geographical areas. For example, at European level the push for a major engagement of young people is evident from both the European Union Youth Strategy 2019-2027 and the resolutions of the CoE Parliamentary Assembly on the participation of young people.

Nonetheless the legal standards and obligations in this sense do not assign a full right to participation to young people, between 15- and 24-year-olds. Art. 25 ICCPR provide for a right to participation in political processes for all individuals but at the same time international good practices and electoral standards considered age as a justifiable restriction to right to vote and to stand if it respects the principles of proportionality. Nonetheless, they suggest that 18 should be at latest the minimum voting age, with a possibility of having lower age requirements, while for minimum eligibility age they considered that 18 would be the best solution but States can enjoy a margin of appreciation and set eligibility age at 25, at latest. At the same time art. 12 CRC defines right to be heard as a fundamental right of children under-18, and in the General Comment no. 20<sup>663</sup> the Committee emphasized that in line with this article the realization of the rights of youth should consider their evolving capacities as they transition to adulthood. Thus, States should take into account young people and involve them in the decision-making process, being it at national or local level, as long as young people give a

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<sup>663</sup> See Committee on the Rights of the Child, ‘General Comment No. 20 on the Implementation of the Rights of the Child during Adolescence’.

contribution to the society. Indeed, for example, 16-year-olds can usually have a job with all the responsibilities and the rights that this can bring. Some organizations have dealt more directly with a youth right to participation, in particular the African Union with the African Youth Charter and the International Youth Organization for Ibero-America with its Ibero-American Convention on Rights of Youth.

At national level States can engage young people in several ways but it is important that these forms of participation are meaningful. This means that young people should be aware of the aims of their participation, the impact they can have on the community and their voices should be effectively heard and taken into consideration. Since formal participation is less frequent among youth and it is the form of engagement that can affect decisions directly, there is the need to address the barriers that hampered such participation. Some barriers are due to legal rules with which young people cannot comply, for example, age requirements to vote and to stand for election or collection of money to become a candidate. Others are due to personal distrust and disillusion of young people against politics and its functioning. Then there are obstacles that derive from prejudices in their respect, for example, not being mature enough to participate. In order to have a meaningful participation all these obstacles need to be deleted or at least reduced.

In this respect it is vital the role of States. They can address such obstacles in different ways: by lowering age requirements, by adopting youth quotas for the Parliament or other representative bodies, by introducing compulsory voting, by creating youth councils and/or parliaments which directly interacts with the main representative bodies in order to influence policy- and decision-making. From the three case-studies of Italy, Austria and the UK, it is possible to say that there is a trend towards the adoption of two of these measures: lowering age requirements, both for voting and for eligibility, and the creation of youth bodies that interacts with the institutions also through the cooperation with youth organizations. In each of the case studies such forms of youth participation have been carried out. While, the adoption of youth quotas, of any type, is very rare<sup>664</sup> and compulsory voting is implemented in few countries around the world<sup>665</sup>.

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<sup>664</sup> See Goudie, Chianese, and Menelik, 'Youth and Elections' Quotas for Youth.

<sup>665</sup> See Goudie, Chianese, and Menelik Compulsory voting.

The effectiveness of such type of measures on youth participation should not be taken for granted because it is not enough the adoption of 16 as minimum voting age or to create youth bodies to have a meaningful involvement. Political parties should put young people in their lists in order to have enough representatives in the Parliament and in other formal institutions. At the same time, voter and civic education are fundamental to accompany such developments in order to inform correctly and raise awareness on how democratic processes work. Nonetheless the adoption of policies aimed at increasing the engagement of young people recognize the needful role of young generations in these challenging times.

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