



A Response to the Consultation on an Interim Constitution for Scotland

Scottish Youth Parliament

September 2014

Background of the Scottish Youth Parliament

Our vision is of a stronger, more inclusive Scotland that empowers young people by truly involving them in the decision-making process.

The Scottish Youth Parliament (SYP) is democratically elected voice of Scotland's young people. We listen to young people, recognise the issues that are most important to them, and ensure that their voices are heard.

In working towards our aims, we support the following values:

Democracy - All of our plans and activities are youth-led, and we are accountable to young people aged 14-25. Our democratic structure, and the scale of direct participation across Scotland, give us strength and sets us apart from other organisations.

Inclusion - We are committed to being truly inclusive. The Scottish Youth Parliament believes that all young people have a right to a voice, it doesn't matter who we are or where we come from. We celebrate our diversity.

Political independence - We are independent from political parties. Only by working with all legitimate political parties can we make progress on the policies that are important to young people.

Passion - We believe that drive and energy are crucial to successful campaigning. We are passionate about the key issues and believe that young people are part of the solution, not the problem.



Executive Summary of Recommendations

- The Scottish Youth Parliament would be supportive of any provisions in the Bill that would authentically involve young people in the proposed process for the Scottish Independence Bill.
- The Scottish Youth Parliament would be supportive of any measure that would enshrine the rights of children and young people in the Scottish Independence Bill.
- The Scottish Youth Parliament would be supportive of extending the franchise in all Scottish elections to those aged over 16 in the proposed adjustments to the Scotland Act 1998.
- The Scottish Youth Parliament would be supportive of all efforts to authentically and actively engage young people aged 16 and over in the development of a permanent written constitution by a Constitutional Convention.



Methodology

The Scottish Youth Parliament, by its nature, is committed to a youth-led structure. As such, this response is based on direct consultation with young people through existing policy developed by the elected Members of the Scottish Youth Parliament (MSYPs).

Policy is created by the elected MSYPs at our tri-annual National Sitings, where MSYPs meet in plenary to debate policy issues of importance to their constituents. Policy statements are also drawn from “Change the Picture,” our youth manifesto, which is based on nearly 43,000 responses to a mass consultation exercise with young people¹. Therefore, responses of the Scottish Youth Parliament are based on the genuine views of young people, and should be seen as a fair representation of the opinions of young people in Scotland.²

¹ The consultation exercise for “Change the Picture” received nearly 43,000 responses and can be accessed here:

<http://www.syp.org.uk/img/Youth%20Manifesto/Scottish%20Youth%20Parliament%20Youth%20Manifesto-%20Change%20the%20Picture.pdf>

² For more information about the Scottish Youth Parliament, our structures and our policy making procedures, visit www.syp.org.uk



Background and Policy Precedent

The Scottish Youth Parliament welcomes the opportunity to respond to the Consultation on an Interim Constitution for Scotland. As the democratically elected voice of Scotland's young people, the Scottish Youth Parliament actively pursues opportunities for young people to engage with local, national and international decision-makers. The opportunity to develop the national constitution presents an important opportunity for young people to shape the futures of Scotland.

The Scottish Youth Parliament has existing policy that is directly relevant to this response and reflects the key priorities of young people for the future of Scotland:

- The minimum age for voting in all elections and referendums should be lowered to 16.
- “Votes at 16” is an essential part of encouraging young people’s participation.
- The Scottish Youth Parliament believes that young people must be given the opportunity to contribute to civic life if Scotland is to achieve its potential. A strong commitment from Government must be given to achieve genuinely effective youth participation.
- Young people are entitled to as much protection of their human rights as the law can give them. This means the United Nations Convention on the Rights of the Child (UNCRC) should be given more force in Scots law.
- All young people should be involved in the services which affect them and should have the opportunity to get involved in local decision making opportunities.
- Government has a responsibility to encourage more people to actively participate in politics. It is particularly important that constituency candidates reflect the people they represent, including women and people from minority ethnic backgrounds. Political parties should be encouraged to stand candidates aged 25 and under in winnable seats.

Several of these policy statements relate directly to the proposals of this Bill. These will be addressed in more detail below.

These policy statements provide the Scottish Youth Parliament with the mandate to respond to this consultation, with a particular focus on the rights of children and young people and the political participation of young people.



Scottish Youth Parliament Response

What are your views on the proposed process for the Scottish Independence Bill, set out in Chapter 2?

The Scottish Youth Parliament strongly values the meaningful engagement of young people, and believes that young people should be involved as much as possible in the proposed process for the Scottish Independence Bill.

The Scottish Youth Parliament holds the following policy:

The Scottish Youth Parliament believes that young people must be given the opportunity to contribute to civic life if Scotland is to achieve its potential. A strong commitment from Government must be given to achieve genuinely effective youth participation.

Furthermore, the Scottish Youth Parliament also holds that:

Government has a responsibility to encourage more people to actively participate in politics. It is particularly important that constituency candidates reflect the people they represent, including women and people from minority ethnic backgrounds. Political parties should be encouraged to stand candidates aged 25 and under in winnable seats.

The Scottish Youth Parliament firmly asserts that young people should be involved as much as possible in the proposed process for the Scottish Independence Bill, from drafting the Interim Constitution, to the first elections to the independent Scottish Parliament, to the Constitutional Convention, to the passage of Scotland's Constitution.

If the people of Scotland choose to be independent on 18th September 2014, the Scottish Government should take steps to ensure young people are further consulted about the contents of the Interim Constitution and involved in the scrutiny of the Scottish Independence Bill. The Scottish Government, the Scottish Parliament, and political parties should encourage young people to stand for public office and to participate fully in elections. Furthermore, young people should play an integral role in the Constitutional Convention, and in the drafting of Scotland's Constitution. The Constitution should reflect the views of all the people of Scotland, including young



people. The people of Scotland should indeed shape and define an independent Scotland, and this should certainly include young people.

Recommendation: The Scottish Youth Parliament would be supportive of any measure that would authentically involve young people in the proposed process for the Scottish Independence Bill.

What are your views on the proposed content of the Scottish Independence Bill, set out in Chapter 1 and explained in Chapter 3?

The Scottish Youth Parliament firmly purports that the rights of children young people should be included in the Scottish Independence Bill, and that young people should be actively engaged in the development of the content of the Scottish Independence Bill.

The Scottish Youth Parliament asserts the following policies relevant to this question:

Young people are entitled to as much protection of their human rights as the law can give them. This means the United Nations Convention on the Rights of the Child (UNCRC) should be given more force in Scots law.

All young people should be involved in the services which affect them and should have the opportunity to get involved in local decision making opportunities.

The Scottish Youth Parliament would therefore be supportive of measures in Section 17 to ensure provisions for local government in an independent Scotland, administered by democratically elected local councils with a duty to represent and promote the interests of the people living within their local area. It would also ask local authorities be strongly encouraged to involve young people in local decision making.

The Scottish Youth Parliament is also appreciative of measures to enshrine human rights and equality through Sections 26, 27, and 28. Every person has rights, and the rights of everyone - including young people - should be recognised. The Scottish Youth Parliament would be very supportive of measures to incorporate the United Nations Conventions on the Rights of the Child into the Constitution to ensure that the rights of children and young people are also protected.



The Scottish Youth Parliament also welcomes the commitment to equality, and the continued inclusion of age as a protected personal characteristic.

Section 29 makes a specific provision about children, and states that the Scottish Government and public authorities seek to safeguard, support, and promote the wellbeing of children. The Scottish Youth Parliament would support measures to also include provision for young people.

Recommendation: The Scottish Youth Parliament would be supportive of any measure which would enshrine the rights of children and young people in the Scottish Independence Bill.

What are your views on the proposed adjustments to the Scotland Act 1998, set out in Chapter 4?

The Scottish Youth Parliament firmly believes that the adjustments to the Scotland Act 1998 should include provision to extend the vote to those aged 16 and 17, and asserts the following policies in support of their enfranchisement:

The minimum age for voting in all elections and referendums should be lowered to 16.

“Votes at 16” is an essential part of encouraging young people’s participation.

The Scottish Youth Parliament would therefore be supportive of measures to extend the franchise in all Scottish elections to those aged over 16.

Recommendation: The Scottish Youth Parliament would be supportive of extending the franchise in all Scottish elections to those aged over 16 in the proposed adjustments to the Scotland Act 1998.

What are your views on the constitutional status of the Scottish Independence Bill and renewed Scotland Act, and on the certification procedure for subsequent Bills, set out in Chapter 5?

What are your views on the process for the development of a permanent written constitution by a Constitutional Convention, set out in section 33 of the Bill and



explained in Chapter 5 (e.g. membership, working procedures, time needed to complete its task)?

The Scottish Youth Parliament firmly contends that young people should be actively and authentically engaged in the development of a permanent written constitution by a Constitutional Convention.

As previously stated, the Scottish Youth Parliament believes that young people must be given opportunities to contribute to civic life in Scotland through genuine youth participation, and that Government has a responsibility to encourage people to actively participate in politics.

The Constitutional Convention intends to give the people of Scotland the opportunity to develop a constitution for Scotland. Young people should be actively engaged in this process, and given opportunities to contribute to the discussion and to the development of the written constitution.

Recommendation: The Scottish Youth Parliament would be supportive of all efforts to authentically and actively engage young people in the development of a permanent written constitution by the Constitutional Convention.

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The Scottish Youth Parliament