SCOTTISH INDEPENDENCE REFERENDUM BILL
WRITTEN SUBMISSION FROM THE SCOTTISH YOUTH PARLIAMENT

Introduction and Context of Evidence

The Scottish Youth Parliament (SYP) welcomes the opportunity to give evidence on the Bill. The independence referendum will be a historic occasion, not just because of the magnitude of the decision facing Scotland’s citizens or the opportunity to vote on whether Scotland becomes an independent country, but because for the first time 16 and 17 year olds in Scotland will be enfranchised as full citizens in a national poll. Having campaigned for over a decade for Votes at 16, this has been by far the most important feature of the referendum process for SYP and we are delighted by the overwhelming support for the Scottish Independence Referendum (Franchise) Bill at Stage One from both the Committee and from the full Parliament.

Against that backdrop, our evidence focuses on more general aspects of the process and the campaign as opposed to specific comments on provisions in the Bill. Our overarching vision is for young voters to play a full part in the debate and are informed and inspired to cast their first vote on 18th September 2014. The role of civil society organisations, such as charities, will be vital in encouraging and enabling young people as well as other minority and marginalised groups to participate. This is an important element of ensuring that the campaign is seen to be fair by Scots of all ages, ensuring that the result is viewed as legitimate and that whatever the result, young people are encouraged to continue their involvement as active citizens in the democratic process once the dust has settled.

This response is designed to complement and expand on SYP’s previous evidence on the referendum process and Franchise Bill – our oral evidence on the Bill on 30th May¹, our response to ‘Your Scotland, Your Referendum’ in April 2012² and our oral³ and written⁴ evidence to the Committee on the Franchise Bill at its Stage 1 consideration.

The need for impartial information and awareness raising programmes

As we also raised in our evidence on the Franchise Bill, the Scottish Youth Parliament feels it is essential that a comprehensive awareness raising programme is carried out in the months leading up to the referendum to allow young people to make a fully informed decision and encourage them to fully participate in the democratic process on referendum day. In particular, we feel it is important that young voters are fully informed of:

¹ Official Report, Referendum Bill Committee, 30th May 2013
² Your Scotland, Your Referendum, Response from the Scottish Youth Parliament
http://www.syp.org.uk/img/consultations/YourScotlandYourReferendum_SYP%20Response.pdf
³ Official Report, Referendum Bill Committee, 14th March 2013
⁴ Scottish Independence Referendum (Franchise) Bill, Written Evidence from the Scottish Youth Parliament
http://www.syp.org.uk/img/consultations/SYP%20response_Scottish%20Independence%20Referendum%20Franchise%20Bill_FINAL.pdf
• Their right to vote
• The process for registering to do so
• The process for casting a vote
• Impartial information on the issues, to enable them to make an informed choice in the referendum.

Information should be produced on these topics in straightforward, accessible and plain language and efforts must be taken to ensure this is conveyed to young people in an appropriate manner. This should include work to ensure that appropriate resources are available for use in citizenship and democracy education in schools and non-formal educational settings, and that learning about voting in the referendum is not confined to Modern Studies classes and information about the issues is not left up to the campaigners. We would not support Designated Organisations and political parties producing referendum teaching materials for schools.

It could involve young people as peer educators to help raise awareness of the process and use the issues that matter most to young people to encourage them to actively participate as first-time voters.

We would echo the call we made in our evidence on the Scottish Independence Referendum (Franchise) Bill to make use of rolling registration as part of awareness raising programmes to ensure that young people have as many opportunities as possible to make sure they are registered to vote in the referendum.

Additionally, given the importance of the internet and online technology in young people’s daily lives, we would strongly recommend that information on registering and the voting process, together with impartial information on the issues should be distributed online, through apps and text messaging. This would make sure that the information is readily available through the communications channels that young people routinely use.

This approach should also be extended to other groups who are traditionally marginalised or excluded from the political process, such as urban, mobile or BME people. We would echo the view of the Scottish Council for Voluntary Organisations (SCVO) and others that sufficient resources should be allocated to enable communities to hold bottom-up, participatory discussions around Scotland’s future in the run-up to the referendum. Evidence-based knowledge from academics would play a valuable part in the constitutional debate, and local and national media must be equipped to encourage an informed debate to take place. The key elements of an awareness raising programme for young voters should be applied to complementary programmes targeting marginalised groups to allow everyone to part in the debate and make an informed decision on referendum day.

The Scottish Youth Parliament would be keen to play our part in ensuring that an awareness raising programme, in particular one targeted at young people, leads to a new generation of informed citizens casting their vote on referendum day and would be delighted to discuss and assist with an awareness raising programme as appropriate.
A Fair Campaign

Young people participating in the political process for the first time will be discouraged if they perceive the campaign as unfair, with particular points of view being given precedence and others excluded, or discussion in the run-up to polling day focussing on whether there is ‘systematic bias’ towards the ‘Yes’ or ‘No’ camps and whether rules have been bent or broken, rather than a focus on what future for Scotland its citizens wish to see. Some of these elements will depend on the conduct of the campaign, but a number of elements will be addressed in this Bill.

When SYP consulted young people in early 2012 on the wording of the question, the clear view was that it should be clear and easy to understand, did not favour any particular outcome, and would not be subject to a successful legal challenge. In our response to ‘Your Scotland, Your Referendum’ we suggested that the Scottish Government’s original wording proposal was subject to independent analysis by the Electoral Commission. As this has taken place, SYP is content with the wording of the question proposed in the Bill.

Whilst the spending limits or campaign finance have not emerged as a major issue for young people in our consultations on the process, the proposals in the Bill for spending limits seem to be reasonably fair, so the SYP has no reason to object to them.

However, we feel that it is important that all points of view can be heard in the campaign to allow young people to make an informed decision, not just those of the two Designated Organisations and five political parties represented in the Scottish Parliament. Young people have a wide range of views about what Scotland should look like in future, whether as part of the UK or as an independent country, and it is important that those views can be heard and represented in the run up to the referendum. In that context, guidance on who can – or should – register as Permitted Participants is vital. Organisations or individuals with opinions to contribute in the debate on Scotland’s future should not be silenced by fear of inadvertently breaking the law by not registering, or deterred from raising their views by concerns about having to undergo a registration process to do so.

Opportunities for civil society involvement in the debate

Civil society organisations have an extremely significant role to play in ensuring the views of the people they represent – who would otherwise go unheard – are listened to in the political process. With Scotland’s constitutional future up for debate this is even more important. The role of the Scottish Youth Parliament has always been to make sure that young people’s views are represented and listened to on the issues they care about. With so many young people voting for the first time on referendum day, it’s right that the views and questions they have are at the heart of the debate, which SYP will be proud to play our part in raising.

In our previous evidence we advocated the production of guidance from the Electoral Commission or other appropriate body for local authorities and head teachers on how the referendum should be approached in schools, aiming to ensure that
consistent approach is taken in every school in Scotland so that pupils have equal access to all points of view and that schools aren’t scared off engaging young people in the referendum or avoiding it entirely.

Guidance on how to approach the referendum would be very helpful for other civil society organisations too for similar reasons – to make sure they are not deterred from discussing the referendum because of fears of breaking the law or being seen to be biased. In particular, this is very important for charities – as SYP is a registered charity we always need to be very careful at election time, and clear guidance from the Electoral Commission or the Office of the Scottish Charity Regulator (OSCR) would be welcome on what is permissible in the run up to the referendum.

In common with other charities, our Trustees will need to consider carefully our activities in the run-up to the referendum and the impact the campaign might have on the organisation. In the Scottish Youth Parliament’s case, this might include whether it would be appropriate for individual MSYPs to publicly voice their support for a particular referendum outcome; whether we would stage a debate and vote at our National Sittings on the independence question and whether we might adopt a public position for or against based on the outcome. Whilst relatively unlikely, they may discuss registering as a Permitted Participant or even affiliating to a Designated Organisation.

In line with their responsibilities, charity trustees will take these decisions in the organisation’s best interests after considering a range of factors. However, it is of vital importance that charity trustees are confident when they take these decisions that they are not inadvertently breaking the law. The SYP notes the publication of draft guidance from OSCR on this issue and the concerns that have been expressed by a number of charities on their clarity. We would hope that revised drafts will be appropriate and relevant to enable charities to contribute to the discussion on Scotland’s future and not be deterred from doing so for fear of breaking the law.

As in our previous evidence, we would support the production of guidance for other civil society organisations, such as students’ associations, youth forums, trade unions, churches. This would be helpful to enable them to consider their role and what they can or cannot do in the run-up to the referendum, such as organising hustings, providing information to their members, or taking a public position on the outcome.

**Conduct of the Campaign**

The referendum will be the first time thousands of young people across Scotland will have the chance to vote. The referendum, and whether Scotland should be independent or not, is a topic that excites young people and one which many of them

---

5 New draft guidance on the Scottish independence referendum, OSCR

6 ‘Calls for OSCR to rethink referendum directive’, Third Force News, 2nd May 2013
will have views on. There are a number of issues that will be important to young people when it comes to the referendum that they would like to see as central to the debate and not sidelined. Some of the many examples of these issues are whether the outcome of the referendum will make it more likely that they can get a job, have to pay tuition fees or not, get a better Minimum Wage or be able to vote in all elections.

It would be extremely disappointing if the campaign became a debate between two narrow points of view and dominated exclusively by politicians and the Designated Organisations drowning everyone else out in a tactical, nasty and brutal battle. This is likely to give young people a negative experience of voting and speaking up on the issues and may well discourage their future political participation. Whilst recognising that these issues are not ones that can be covered by the Bill, the Scottish Youth Parliament would call on both sides to conduct a dignified and democratic campaign without ‘dirty tricks’ to inspire and encourage young voters, not put them off participating as active citizens.