

SCECLB9 - P Fawcett Society

Senedd Cymru | Welsh Parliament

Y Pwyllgor Biliau Diwygio | Reform Bill Committee

Bil Senedd Cymru (Rhestrau Ymgeiswyr Etholiadol) | Senedd Cymru (Electoral Candidate Lists) Bill

Ymateb gan Cymdeithas Fawcett | Evidence from Fawcett Society

The Fawcett Society's Submission to the Reform Bill **Committee's Consultation on the Senedd Cymru** **(Electoral Candidate Lists) Bill**

1. What are your views on the general principles of the Bill and the need for legislation to deliver the Welsh Government's stated policy objective (*to make the Senedd a more effective legislature by ensuring it is broadly representative of the gender make-up of the population*)?

Here at the Fawcett Society, we support the creation of legislation that will facilitate gender parity within the Senedd. As the Senedd is proposing a range of changes to the electoral system in Wales (which will also increase the number of seats from 60 to 96), we are pleased to see the (Electoral Candidate Lists) Bill as one of these changes. We believe like others that it is an important step in the right direction towards ensuring women's representation in the Senedd.

We know that the path to building a stronger and healthier democracy within Wales (and beyond), relies on not only an increased number of seats and making sure that the Members elected truly look like the Wales they represent. Included in this of course, is the much needed representation of diverse lived experiences, voices and perspectives, which enrich policy making and policy discussions, and ultimately the legislation that is passed, which goes on to impact ordinary people's lives.

Fawcett have long called for political parties (specifically) to introduce quotas to increase women's representation, within their own parties. We have been supportive of Parliamentary quotas. We believe it is an important way to guarantee much needed change.

According to Wales' last Census data (2021)¹, women made up 51.1% of the population however they only make up 43% of the number of elected Members in the Senedd. Ensuring that women make up 50% of elected office is incredibly important for representation, for better and more diverse policy outcomes and ensures that we bring the full breadth and diversity of the human experience within every corridor of power, especially as it relates to the governing of society.

Research conducted by King's Global Institute for Women's Leadership, *Women Political Leaders: The Impact of Gender on Democracy*, shows that when women are able to exercise political leadership, there are gains for the whole of society. Their findings² show that:

- Women policy makers prioritise issues that benefit the most vulnerable in society (healthcare, welfare, education etc)
- That women work harder than men to represent their constituencies – linked to a stronger sense among voters that the government is responsive to their needs
- Women bring more collaborative and inclusive leadership into political environments that are often characterised by division and one-upmanship.

In 2003, the Senedd reached gender parity with 30 seats occupied by women Members of the Senedd. Since then, women's representation in the Senedd has decreased steadily over the coming years to where it currently stands at 26 – with women making up only 43.3% of elected office. This is a particular shame as the Senedd (the former National Assembly) was the first legislature to secure gender parity in the world³.

We know that having women in the rooms of power where decisions are made, transforms our laws and policies. Though Wales is currently leading Westminster and Holyrood on the highest number of women in Parliament, the steady decline and incremental increases (2016 – 41.7% vs 2021 – 43.3%), means more must be done to get back to the 50:50 split. It is important to note that without the (Electoral Candidates List) Bill, as part of the sweep of proposed changes to the electoral system in Wales, we may continue to see the number of women continue to decline or fluctuate in number but remain under the 50:50 split needed for gender parity. This Bill will also force all political parties to step up to the plate to ensure that they are selecting women candidates and giving them every opportunity to win (with more women potentially placed in winnable seats)⁴. This will ensure each party puts forth diverse candidate lists.

Fawcett's previous report, *Strategies for Success*⁵, highlighted the systemic barriers women face when participating in politics, which start right from the moment they put themselves forward for selection. The report found that there was a 'selectorate bias'. Participants to the research perceived that party members "ideal candidate" was not only male, but white, middle-class and able-bodied. Within the research, women spoke about being asked to seek selection in local organisations where they had no chance of being selected in order to meet the formal or informal requirement for gender balance or to ensure that the process appeared competitive. Quota's force Parties to overcome these biases and helps to tackle the overrepresentation of men.

We support the proposed method of the Zipping System as an effective type of gender quota system (in proportional representation electoral systems) to ensure gender parity on party lists. It is a method currently used in a number of countries (such as Senegal, Costa Rica, France, and Zimbabwe, among many others) as well as within national Green Parties.

Enforcement and compliance

2. What are your views on the system of enforcement and potential sanctions for non-compliance proposed in the Bill?

N/A

The Bill's implementation

3. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

In response to Former first Minister Mark Drakeford and the former Leader of Plaid Cymru, Adam Price commitment to reforming the Senedd and including closed proportional lists with statutory gender quotas and mandatory zipping', the Electoral Reform Society, produced the effect it would have on women's representation in the Senedd and produced modelling data⁷. The modelling illustrated that quotas were likely to have a positive impact on women's representation – but flagged that parties would still need to play an active part in ensuring women are placed at the top of electoral lists. Fawcett believe that what is particularly important in this is that women are also placed in winnable seats. Therefore, the first caveat is around ensuring Parties also do their part. The Bill will be most effective, if Parties, ensure women are placed at the top of lists and in winnable seats. Predicting what will be a 'winnable' seat may be difficult for many Parties due to the creation of 16 new constituencies for the 2026 elections (included in the new measures to reform the Senedd).

The second issue that arises, across all Parliaments (the Welsh Government is not alone in not doing this), is the lack of diversity data of candidates and elected representatives. Without this data, it is incredible difficult to assess and measure the progress made on diversity in elected office.

In the meantime, there are other measures that the Senedd could take to complement swath of new legislations for electoral reform in Wales. The devolved government could collect and publish anonymous diversity data. This may also lead to putting more pressure on Westminster to enact Section 106 of the Equality Act. If a devolved administration was to lead the way in publishing diversity data, the others could follow suit. Wales could be a leader – in much the same way they led by being the first legislature to reach 50:50 gender parity.

In any case, we believe that the publication of diversity data from political parties would complement the (Electoral Candidate Lists) Bill and push Parties to ensure that they are presenting candidates lists that have equal men and women on their lists (as well as push for other forms of much needed diversity – race, disability etc).

As a further comment to the issue of diversity (further detail below), it will be incredibly important that there is effective monitoring of the *range* of diverse women within the candidate lists. Reaching 50% of women in the Senedd through using the quota legislation is important, but in this must be embedded alongside the requirement that they are women from diverse backgrounds and other under-represented identities – such as Black and Minority ethnic (BME) women, and disabled women for example. Parties must be asked to take active steps to enable this diversity.

4. Are any unintended consequences likely to arise from the Bill?

We appreciate that achieving gender parity is the main objective of this Bill, but it is equally important to ensure that other forms of discrimination are not further entrenched in the process. In enforcing the quota, it is important to make sure that the 50% of women who

take up their seats in the Senedd are diverse in identity and background. BME women and disabled women, must be included and feature prominently on candidate lists.

We appreciate that this issue will primarily be the responsibility of the political parties who submit their candidate lists. We believe that there must be clear guidance to parties, which will enable them to take the appropriate steps required to remove the barriers to women's participation in politics and pay close attention to the diversity of the women they are selecting and putting forward as candidates. Women from under-represented backgrounds/identities should also be placed in winnable seats.

5. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill?

N/A

Subordinate legislation

6. What are your views on the balance between the information contained on the face of the Bill and what is left to subordinate legislation? Are the powers for Welsh Ministers to make subordinate legislation appropriate?

Other considerations

7. Do you have any views on matters relating to the legislative competence of the Senedd including compatibility with the European Convention on Human Rights?

N/A

8. Do you have any views on matters related to the quality of the legislation, or to the constitutional or other implications of the Bill?

N/A

9. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

There should be an equal focus and consideration made about the diversity of women selected and elected. BME and disabled women face additional barriers to securing political office. As there are considerations around ensuring the parity of women in elected office, there must be additional steps in place (perhaps through guidance in the first instance) to ensure the diversity of women candidates being put forward/onto lists within the political parties.

The Senedd Cymru (Electoral Candidate Lists) Bill is a crucial piece of legislation that sets the framework for ensuring gender parity in the Senedd. Women make up just over half of the population, but this figure is not currently represented in elected office. This Bill will change that. The Bill will also place responsibility on political parties to ensure that their candidate lists are made up of 50% women as much as possible. The unintended outcome of course using the zipping/zebra methodology is that more women may be placed in

winnable seats, therefore increasing their likelihood of being elected. It is of course all well and good to have a diverse list (50:50 gender split), but what good is that list if all the women are placed in unwinnable seats.

In our *Open House: Where Next for Gender Equality*, we made a series of recommendations⁹ to ensure the inclusion of minoritised and under-represented women in elected office. These recommendations are specific to the work that political parties must do to ensure that they fulfil their responsibilities, when pulling together candidate lists:

- That Black and Minoritised women, and disabled women are also placed in winnable seats.
- That political parties conduct reviews in the candidate selection process to ensure that there are no structural barriers hampering the participation of underrepresented groups including women, disabled and Black and Minoritised women.

With regards to CRO's invalidating Party lists, it would be prudent for any guidance that is produced, to lay out any grounds for appeals that the political party/ prospective candidates might make as to why their party lists has been invalidated. In this vein, guidance to prospective candidates may also be fruitful to hold parties to account when selecting candidates to stand (with regards to their rights).