

SCECLB39-P Welsh Young Liberals

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 Rhyddfrydwyr Ifanc Cymru | Evidence from Welsh Young Liberals

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)?

The Bill and the Consultation seem to be flawed by the conflation of sex and gender. The aim is to improve the gender balance of the Senedd, but the introduction specifies the sex characteristic figures from the census. Therefore omitting over 10,000 residents who do not identify their gender as being the same as their sex assigned at birth. The legislation is particularly challenging to over 1500 individuals who identify as non-binary.

The Bill places one protective characteristic above all others and in some instances in relation to LGBTQ+ representation it could drive down candidate numbers and put members of the community at risk of harm and harassment for denying "real" women a seat.

The explanatory notes identifies a problem and some of the potential causes of it without making any attempts to address the issues, cultural and logistical, that are identified in the notes as being the cause of it. This creates a risk of inadvertent discrimination against men in small political parties if the party is unable to identify enough women to stand in a constituency or across the country.

This Bill is discriminatory in the sense it considers gender to be binary and forces non-binary representatives to gender themselves if they wish to stand for the Senedd.

The Bill is unclear in terms of the gender reassignment process if self-ID or GRC is the definition point for the purposes of the zipping of a list.

The Bill is silent on the principles of how political parties should determine the lead gender in a given seat and how they should manage the process in respect of the Equalities Act 2010 where candidates come forward that are gender non-conforming. Neither does it provide guidance on how parties should manage the national 50%

rule if the party is short of female candidates. This leaves the Welsh political parties at risk of litigation and delays to selection processes that could extend beyond the election window given they will be unable to prepare final selection rules until after the legislation is passed in its final form.

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

If you accept the basis of the Bill, the enforcement and sanctions regime is not unreasonable.

Although, validation of local lists must be determined within a timeframe of submission to enable alterations to be made. This should be stated in the Bill or secondary legislation.

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?

Are any unintended consequences likely to arise from the Bill?

Here are some following scenarios where unintended consequences could occur.

A small party can only find 5 women who are prepared to stand as candidates, alongside 15 men. Without a quota this party could contest all the constituencies. However, with the horizontal quota they would only be entitled to field candidates in 10 constituencies, disenfranchising their members and voters in 6 constituencies.

In one constituency the 5 leading parties all place a man at the top of their list and the vote shares balance out that each party has one elected member. Leading to no women returned in that constituency.

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

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?

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

Because of the failure to address the impact on transgender and non-binary candidates, whereby the latter would be forced to gender themselves I would question if the legislation is compatible with the ECHR and the Equalities Act 2010.

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

Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

Anything else?