

SCECLB15- P Jennifer Piscopo, Professor of Gender and Politics, Royal Holloway University of London

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 Jennifer Piscopo, Athro Rhywedd a Gwleidyddiaeth, Prifysgol Frenhinol Holloway, Llundain | Evidence from Jennifer Piscopo, Professor of Gender and Politics, Royal Holloway University of London

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)?

I am a political scientist who has researched the adoption & implementation of gender quotas & gender parity for 20+ years. More than 100 countries worldwide have adopted some form of gender quota, and they are recognized by myriad actors—from international organizations to domestic activists—as the most efficient way to raise women's representation. A key finding from my own global research is that women's political representation – namely, their equal presence in the legislature – enhances democratic legitimacy. Decision-making institutions' processes and their decisions are perceived as more trustworthy and correct when gender parity is present. This effect holds even when gender parity is achieved via legal mandate, meaning achieved via a quota.

In two papers, my coauthors and I demonstrate that citizens perceive legislative institutions with gender parity as more democratically legitimate than all-male institutions. This finding applies to both substantive legitimacy (meaning whether citizens agree that the legislature's decision was fair) and to procedural legitimacy (meaning whether citizens agree that the legislature's process for reaching the decision was fair). We also demonstrate that even when political decision-making bodies achieve gender parity because doing so is required by law, citizens still prefer decision-making bodies that have gender parity when compared to decision-making bodies that are all male. Said another way, decision-making bodies and their decisions are viewed as less legitimate when comprised of all men, compared to those comprised with gender parity. Even implementing gender parity via law does not lower the democratic legitimacy of the decision-making body or its decisions to

the level of the all-male body. These findings are demonstrated for 12 European, Anglophone, and Latin America democracies, including the United Kingdom.

Sources:

Clayton, O'Brien, and Piscopo, 2019, "All Male Panels? Representation and Democratic Legitimacy." Version of record (open access): <https://onlinelibrary.wiley.com/doi/abs/10.1111/ajps.12391>.

Clayton, O'Brien, and Piscopo, Working Paper (presented at the 2022 Annual Meeting of the American Political Science Association and currently under review at the American Political Science Review): https://www.jenniferpiscopo.com/wp-content/uploads/2024/04/Clayton-OBrien-Piscopo_Gender-Quotas-and-Democratic-Legitimacy.pdf

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

These decisions follow international best practices. Dozens of countries worldwide currently have some form of gender quota law, and allow candidates' declared gender identity (woman or man) determine how they 'count' for the quota.

The provisions for quota enforcement also follow international best practices. In Latin America, where all Spanish-speaking countries save Venezuela and Guatemala have a national quota law (and 10 of these are set at parity), it is common that non-compliant lists are invalidated or that parties are given an opportunity (within a limited window of time) to re-order the lists to make them compliant. In practice, lists rarely need to be re-ordered or invalidated after the first election where the quota is implemented *and* enforcement is present. Said another way, in the first implementation, if parties attempt to defy the rule and find that their lists are ordered to be re-ordered or are invalidated, this enforcement creates a cost for the party and sends a signal that the authorities are serious. Once parties receive this message, they will largely comply ex-ante with the provisions in subsequent elections.

Source: Piscopo 2016, "When informality advantages women." Version of record: <https://www.cambridge.org/core/journals/government-and-opposition/article/when-informality-advantages-women-quota-networks-electoral-rules-and-candidate-selection-in-mexico/EEE342F39C2F423A30D30C0F8F5BAA9F>; pre-print (open access): <https://www.jenniferpiscopo.com/wp-content/uploads/2023/11/Piscopo-GO-Post-print-version.pdf>

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?

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?

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?

I received a question from the Electoral Reform Society about whether the failure to specify a zipper for the vertical ordering would lead to the unintended consequence of parties submitting all women's shortlists. I believe this is the *NOT* the case, because a zippered list is still compliant with the legislation. The legislation only prohibits consecutive men candidates, but it does not prohibit zippering: it allows either zippering or consecutive women, or a combination where the list is zippered in part and has consecutive women in part.

Said another way, A full zipper (if the party zippers its whole list) is the minimum way a party could comply with the law. Nothing stops a party from deciding that zippering all or part of the list is the best approach for their party. The parties still retain the ability to order the list. So a party could perceive that an All Women's Shortlist is strategic in certain districts or among certain electorates, and they could indeed decide to put forward an AWS – but the party could also perceive that a fully or partially zippered list is more strategic. So parties are actually retaining flexibility over list composition, with the exception that they can't have consecutive men.

This wording respects the tradition of AWS in the UK among the Labour Party, thus allowing the Labour party to keep that practice (again without forcing AWS on any other party).

Finally, this wording follows the spirit of the principle that other countries (like Chile) have discussed, wherein gender parity is a ceiling for men but a floor for women. Said another way. that means men can have 50 percent but not more, whereas women can have 50 percent and also more. That's what Senedd has proposed: men can occupy 50 percent of the list (a full zipper) or less (if you break the zipper to allow consecutive women), whereas women can have 50 percent of the list (a full zipper) or more (because you can break the zipper to have consecutive women but not consecutive men).

Anything else?