

SCECLB20- P Lesbian, Gay & Bisexual Alliance Cymru (LGBAC)

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 Cynghrair Pobl Lesbiaidd, Hoyw a Deurywiol Cymru (CPLHDC) |
Evidence from Lesbian, Gay & Bisexual Alliance Cymru (LGBAC)

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)?

We support the objective to ensure the Senedd is broadly representative of the SEX make-up of the population as we think this will support better-evidenced legislation. We do NOT believe 'gender identity' is a meaningful, lasting or evidence-based way to structure any legislature.

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

This is completely inadequate. It creates a system of 'selfID' for gender by the backdoor and leaves open the (further) erosion of women's opportunities and rights by men. If any man can declare himself to be a woman (for these purposes) without any further investigation, what is to stop the Senedd becoming 100% biologically male? This defeats the spirit and intent of the reforms. The law should be restricted to those who have a *legal* status of 'female' and CROs must be empowered and encouraged to see a Gender Recognition Certificate or Birth Certificate if they have any doubt as to the legal sex of candidates. (NB: in other domains, such as sport, we consider physical sex to be the key criterion.)

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?

(1) We do not believe that the Welsh Government has the powers to introduce a system of gender self-identification for the purposes of political election, despite the

prima facie assurances in the Memorandum. We note that Elin Jones, AS, Llywydd, agrees, in her statement of 11 March 2024.

(2) The Bill, Memorandum and EIA fail to properly consider the impact on the protected characteristic of SEX of introducing selfID, despite the avowed intent of the Bill. The provision is therefore subject to challenge for meeting expectations of a robust assessment.

(3) In any election where selfID and associated issues are prominent issues (increasingly the case) the Bill places CROs in an impossible position where (at best) they and democratic procedures become ridiculous and at worst manifestly unfair in ways which betray public trust.

Are any unintended consequences likely to arise from the Bill?

(1) The Bill risks *excluding* women from public life if they refuse to participate in a process which will prevent the proper articulation of issues specifically facing women in their constituency. Welsh Government should look at the nonsensical situation created by similar efforts in Scotland and consider whether they wish to undermine public support for devolved Welsh governance in this way.

(2) Self-identification of gender is a controversial topic. This Bill seeks to introduce it by the back-door. Enabling selfID may be an intended consequence but it is wholly inappropriate to try and normalise it in Welsh public life without adequate, honest and transparent engagement with all stakeholders.

(3) The current proposals, intersecting with the EA2010 and the GRA2004, will place CROs in an impossible situation both as individuals as as public officers. They must be given explicit encouragement to ensure any candidate is legally aligned with the sex they claim, rather than struggle with the (entirely predictable) situation where someone who is obviously male takes a place intended for a woman but the CRO is prohibited from any challenge or verification.

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

See above comments. In particular, we consider this Bill, and electoral procedures employing the procedures therein for the identification of SEX, to be wide-open to legal challenge – with significant financial, procedural, time and reputation implications for Welsh Government, the Senedd, local authorities, candidates and CROs.

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?

This balance is completely unclear. Given we have no confidence in the Government's ability or willingness to consider impacts on women, or on same sex-attracted people, if this Bill ever reaches the status of law, we would prefer all amendments or extensions or guidance to be considered by the appropriate Senedd Committees and never to be delegated solely to Ministers.

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

You do not have legislative competence, in particular relating to the non-devolved equality legislation. You should not proceed at all. We hope that if you persist, you at the least require a super-majority for it to pass.

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

Whilst we support the core objective of improving diverse representation in the Senedd, this Bill is fundamentally flawed.

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

Your EIA misquotes the protected characteristic. It is SEX not 'sex/gender'. You nowhere accept that there is a risk men will identify as women in order to take women's places (ie fraudulently) yet we know this is happening in other domains (eg sports, prisons). You even exclude a false gender statement from any corruption offences. What will you do about this?

We also know that many young people identifying with 'gender dysphoria' have other co-morbidities. Have you considered the abuse represented in this further potential incentive to claim 'trans' status if it enables further political ambitions.

The Cass Review comments this is an arena of 'strong and widely divergent opinions unsupported by adequate evidence'. Her health conclusions (damning of NHS England & by extension Wales) extend to this ideological push to remove the meaning of 'woman' from our political vocabulary. Where is the evidence that says it is acceptable to count men who identify as women as under-represented and poorly

served by existing arrangements? We know women are. Why not create trans-specific quotas, if this is so important?

Anything else?

We need a bigger, more competent Senedd. You, Welsh Government, are distracting from that ambition by this ridiculous, unevidenced, ideological drive to support SelfID for which you have neither power nor public mandate.