

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 Dr Ola Abdelaal, Prifysgol Manceinion | Evidence from Dr Ola Abdelaal, University of Manchester

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 main purpose of the legislation is to make the Senedd in Wales, more representative of the gender makeup of the population is rooted in several principles of democratic representation and equality. However, there are more advantages that highlights to need to have such legislation as follows:

1- Democratic Representation:

The core idea is that a legislative body should mirror the population it represents through shaping policies to ensure that all segments of society have a voice in the legislative process, and that policies are made to benefits the whole society. This is based on the principle that a more diverse legislature can better understand and legislate on the diverse needs of its constituents.

2- Gender Equality:

Ensuring that the legislative body is representative of the gender makeup of the population is also a step towards achieving gender equality. Historically, women and women from minorities groups have been underrepresented in politics, therefore, such legislation seeks to address this imbalance.

3- Enhancing Decision and inclusive policy making:

Research suggests that diverse groups may make better decisions due to the variety of perspectives they bring to a problem. In the context of a legislature, a gender-diverse assembly could lead to more comprehensive and inclusive policymaking. Women leaders bring diverse experiences and perspectives that are critical in shaping policies. Their leadership ensures that the concerns and needs of a broader

segment of society are considered, leading to more equitable and inclusive legislation.

4- Setting role models for women and girls:

while 50:50 gender quota in parliament is a top-down approach, it would leave positive impacts on all women in all sectors. By ensuring gender representation in one of the highest decision-making bodies in the land, the government sets a precedent for other sectors of society, potentially accelerating progress towards gender equality across the board. Women in leadership positions serve as role models, inspiring other women and girls to engage in political and civic life. Seeing women in power can challenge stereotypes about gender roles and demonstrate that leadership qualities transcend gender.

5- Corrective Measures for Historical Biases:

Such legislation can be seen as a corrective measure to historical biases and historical gender imbalances that have prevented women and other genders from participating equally in politics. These measures might include quotas or other mechanisms to ensure representation which if applied would make Wales as a model to follow by other countries.

6- Empowering women to play leadership roles:

Increasing women's leadership roles would emphasize not just the symbolic presence of women in politics but also their active participation and leadership in shaping policy and governance. Beyond mere numerical representation, empowering women to assume leadership roles within legislative bodies ensures that they are not only participants but also key decision-makers. This helps in dismantling the traditional barriers that have kept women from exercising significant influence in politics.

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

It is essential for the National Nominations Compliance Officer (NNCO) to rigorously scrutinize gender statements. Commonly, Candidate Returning Officers (CROs) ensure that at least 50% of candidates on each list have declared themselves as women, in compliance with the vertical rule.

To further ensure equitable and accurate representation of female candidates on par with male counterparts, it is critical for CROs to verify that women candidates are either biologically female or have obtained legal gender recognition in the form of a Gender Recognition Certificate (GRC) pursuant to the Gender Recognition Act 2004.

This additional verification step would help maintain the integrity of gender representation requirements and support the objectives of gender equality in political candidacies.

References:

Reform of a Gender Recognition Act: Consultation report:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/721725/GRA-Consultation-document.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?

Empowering women through a Top-Down Approach has to be supported by Bottom-Up Approach:

Implementing this law would not only assist women but empower them. However, employing a top-down approach that treats all women as a homogeneous group is inadequate. The bill must be implemented with consideration for intersectional perspectives, operating from the bottom up to foster greater inclusion and diversity in the parliament.

Despite the bill's intention to enable women to occupy 50% of the parliamentary seats for equal representation, the fundamental barrier remains that a 50:50 ratio may not be achieved due to several reasons as follows:

1- Women's Reluctance to Stand for Elections:

There may be a lack of willingness among women to run for electoral positions due to lack of confidence, glass ceiling, microaggression, patriarchal practices, bureaucracy, and toxic masculinity.

2- Lack of Diverse Representation:

The 50% quota may not be sufficiently diverse to include all women, such as those with disabilities or from minority backgrounds. This oversight could impact the structural changes needed for underrepresented groups in society.

3- Potential for Backlash:

Women MPs may leave their positions due to potential backlash. The increasing presence of women in politics can be perceived as a threat to the traditional political order, resulting in increased scrutiny, criticism, or even harassment. This could

discourage women from seeking political office or fully participating in legislative processes.

4- Pressure and Expectations:

Women in parliament may face unrealistic expectations to perform or to represent the interests of all women, which can be an undue burden. This pressure can detract from their individual capabilities and contributions, potentially leading to burnout or disillusionment with the political process. To increase the number of women MPs, it's crucial first to encourage women to assume leadership roles in both public and private spheres. This preparation is essential for acquiring the political experience necessary to run in elections.

5- Descriptive Women Representation:

While descriptive representation, which aims to mirror the demographic composition of society in parliament, has its benefits, it also comes with potential downsides, which possess a risk of tokenism, where women's presence in parliament serves merely to meet quotas or for appearances, without granting them actual power or influence. This can reduce the effectiveness of their participation and perpetuate stereotypes rather than dismantle them. Symbolic representation, without substantive power and influence, does little to challenge the status quo or address the deep-rooted issues of gender inequality.

6- Resistance to Gender Quotas:

Political parties and stakeholders might resist the imposition of gender quotas, viewing them as an infringement on the autonomy of parties or as merely tokenistic. Therefore, lots of training, workshops and seminars and a whole organised campaigns to educate and spread awareness on female representation to different stakeholders, targeting voters, party's member and party leaders before starting the elections.

Are any unintended consequences likely to arise from the Bill?

Addressing Unintended Consequences Arising from Gender Quota Vagueness:
Gender statements (not for public disclosure):

The Bill, due to its ambiguity in defining gender, is likely to encounter unintended consequences. The Explanatory Memorandum highlights that women, who constitute around 52% of Wales' adult population, remain underrepresented in the Senedd despite being a majority. This prompts a crucial examination of what it means to be a 'woman' within the gender statement. Although 'women' and 'female' are used interchangeably in the memorandum to advocate for a gender quota and increased female representation, the distinction between these terms in relation to the quota remains unclear.

While utilising these terms interchangeably has not posed significant issues, given the memorandum's context of women comprising 52% of the UK's population and considering that trans women represent a minor percentage of Wales' population, this approach may inadvertently facilitate manipulation due to gender definition vagueness. With the rise of individuals identifying as trans women, there's a potential loophole that could be exploited or outnumber female candidates, particularly in a political climate where parties face sanctions for failing to include women on their lists, leading to possible 'unreal' transgender representation for strategic advantage.

The debate around the Gender Recognition Reform (Scotland) Bill and the Equality Act 2010, as discussed in the Women and Equalities Committee Oral evidence session, underscores the complexity of this issue. To mitigate potential conflicts, it's crucial to clarify whether the gender quota encompasses biological females, transgender women, and similarly for men, including cisgender men and trans men to ensure equal presentation. This precision is essential to uphold the Bill's intent to enhance female representation, recognising the distinct contributions of women in leadership and decision-making roles to advancing women's issues and providing intersectional perspectives.

Although acknowledging trans women as women, the Bill's aim to bolster female representation necessitates a clear distinction between 'women' and 'females.' This is not to suggest the exclusion of trans women from women's lists but to advocate for a regulated approach, possibly through specific quotas or separate legislative measures, to ensure fair and inclusive representation.

Given that trans individuals currently make up 0.1% of the Welsh population—a figure that is likely to rise—it is crucial to approach gender and diversity inclusively while maintaining clear and separate objectives to ensure no group is excluded. To achieve this, a strategic approach that separates the goal of increasing women's representation from broader LGBTQ+ inclusion could be effective. One way to implement this strategy is to ensure that transgender individuals are represented in proportion to their demographic percentage. This approach would facilitate balanced representation without infringing on the principles of the Human Rights.

In summary, while the Bill seeks to address gender disparities, a more defined approach to gender identification and representation is necessary. This would ensure that the objectives of enhancing female presence and embracing broader diversity, including transgender representation, are met without compromising either aim.

References, and notes:

- My research taken from my PhD thesis on women's activism in Egypt (unpublished), and articles on representations, women and leadership (in press).
- Gender identity: age and sex, England and Wales: Census 2021 <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/genderidentity/articles/genderidentityageandsexenglandandwalescensus2021/2023-01-25>

- Women and Equalities Committee
- Oral evidence: Gender Recognition Reform (Scotland) Bill and Equality Act 2010, HC 1098, 31th January 2023.
<https://committees.parliament.uk/oralevidence/12639/pdf/>

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

n/a

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?

Subordinate legislation plays a vital role in detailing and implementing gender quota systems within various countries' electoral frameworks and addressing specific challenges and operational requirements of enforcing gender representation policies.

For example, Spain, includes the order of candidates on lists and compliance mechanisms, are managed through subordinate regulations. In Belgium, detailed rules on list composition and sanctions for non-compliance are defined in subordinate legislation. Rwanda, a subordinate legislation detailing the mechanisms for achieving and maintaining this quota. In Mexico, The National Electoral Institute (INE) issues subordinate guidelines and rules that detail how parties must comply with these quotas, including specific requirements for candidate registration and the alternation of genders on candidate lists. In Ireland Subordinate legislation outlines the financial penalties for parties that fail to meet these quotas, specifically detailing the reduction in state funding penalties.

These previous examples demonstrate the versatility and necessity of subordinate legislation in the practical implementation of gender quotas across different governance and electoral systems.

By providing the detailed rules, procedures, and enforcement mechanisms, subordinate legislation ensures that gender quotas are not just aspirational goals but enforceable standards that contribute to gender equality in political representation.

Furthermore, with the increasing violence against women on social media, a subordinate legislation on protecting women would befits the democratic process and encourage women to participate in the public sphere.

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

not within my area of specialism

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

The quality of the legislation is commendable; however, it requires enhancements to effectively mobilise votes that lead to the election of female candidates.

Additionally, it should encompass the following key points:

1- Enhancing Protection for Female Politicians: The legislation needs to establish mechanisms that provide protection for female politicians, aligning with acts that address violence against women. This will ensure their safety and encourage more women to participate in politics without fear of harassment or violence.

2- Boosting Female Voter Turnout and Party Roles: There should be strategies to increase female voting rates and clarify the roles of political parties in promoting female candidates. This includes campaigns aimed at empowering women voters and mandates for parties to support and prioritise female candidacies, which could involve training, funding, and promotional activities.

3- Implications of Non-Compliance on Political Parties: The legislation should outline the consequences for political parties that fail to comply with these requirements, both vertically (within the party hierarchy) and horizontally (across the political landscape).

Non-compliance would impact the party's image and reputation, therefore, positioning adherence to gender equality measures as not only a legal but also a reputational imperative.

These enhancements would strengthen the legislative framework, promoting gender equality in political representation and participation.

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

While the bill outlines the necessary laws and mechanisms to enhance female representation in parliament, achieving parity with male counterparts involves more than just legislative measures. It is crucial to also focus on changing the cultural norms surrounding voting and voter behaviour.

This can be accomplished by supporting targeted campaigns and engaging directly with communities. These initiatives should aim to educate voters about the importance of female representation, dismantle existing biases, and highlight the capabilities and contributions of female candidates.

By fostering a cultural shift towards more inclusive voting practices, we can ensure that female representation in parliament not only meets legal requirements but truly reaches its full potential, mirroring the impact and effectiveness seen in male representation.

Anything else?

Thank you.