

SCECLB25-P Dr Anne Jenichen, Senior Lecturer in Politics and International Relations, Aston University

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 Anne Jenichen, Uwch-ddarlithydd mewn Gwleidyddiaeth a Chysylltiadau Rhyngwladol, Prifysgol Aston | Evidence from Dr Anne Jenichen, Senior Lecturer in Politics and International Relations, Aston University

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)?

In my view, introducing a legislative gender quota will further promote gender equality in the Senedd. Research from other countries with proportional representation and closed lists has shown that gender quotas are the most effective measure to ensure an increase of women's representation in parliaments (e.g., Paxton and Hughes 2015). In the context of closed lists, it has proven to be essential to add a vertical placement criterion, whether that is a zipper system or the one suggested here, to avoid that parties try to undermine the quota by placing women low on the list (see for example the experience of Argentina, where the first legislative gender quota ever was introduced, analysed in Mona Lena Krook's formative book on quotas published in 2009; also, Rosen 2017; Su and Chen 2023).

Krook, Mona Lena (2009), *Quotas for Women in Politics: Gender and Candidate Selection Reform Worldwide*, Oxford University Press.

Paxton, Pamela, and Melanie M. Hughes (2015), The Increasing Effectiveness of National Gender Quotas, 1990-2010. In: *Legislative Studies Quarterly*, 40(3), 331-362.

Rosen, Jennifer (2017), Gender quotas for women in national politics: A comparative analysis across development thresholds. In: *Social Science Research*, 66, 82-101.

Su, Xuhong, and Wenbo Chen (2023), Pathways to women's electoral representation: the global effectiveness of legislative gender quotas over time. In: *Journal of Legislative Studies*, Published online: <https://doi.org/10.1080/13572334.2022.2160859>.

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

(a) On gender identification: This approach is aligned with the Welsh plans to make gender identification possible for transgender people in Wales. I welcome this change being reflected in the Bill as it will increase transgender rights. However, this decision has been and will further be contested. I would recommend developing a strategy how to confront this. So far, cases of political candidates identifying as women for purely strategic reasons have been rare, but they are possible nevertheless. Promising regular, retrospective reviews of the candidate selection process might be an interim solution to counter arguments against trans rights and to constructively address cases should they appear.

(b) I welcome the introduction of sanctions should parties not comply with the quota rules. Past experience on gender quotas, both for parliaments and for corporate boards, has shown that if sanctions are absent, parties/companies will find ways to undermine the quota regulations (see references above; for corporate boards, for example, Bennouri et al. 2020). I am wondering, however, why the competences of the CROs only refer to 7B but not 7A? There may be reasons beyond my understanding, but past experience has shown that loopholes in sanction regimes will be used by parties opposing quota rules to undermine them.

Bennouri, Moez et al. (2020), Welcome on board: A note on gender quotas regulation in Europe. In: Economics Letters, 190.

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?

NA

Are any unintended consequences likely to arise from the Bill?

It is important to keep in mind that the implementation of an electoral gender quota can have unintended effects on other aspects of diversity. Research, for example, has shown that legislative gender quotas tend to benefit white women but not women of ethnic/racial minorities, unless they are combined with a legislative ethnic quota (Bird 2016; Hughes 2011). There is not much research on other minorities, such as young women or women with disabilities, because not many quotas exist for these groups, but it can be assumed that the situation is similar for them. However, research on some western European countries, such as France (Murray 2016),

Belgium and the Netherlands (Celis et al. 2014), as well as my own research on Germany (Jenichen 2020), also suggests that in the case of an ‘informal’ ethnic quota, i.e. a strong interest among parties to also increase ethnic diversity, institutional ethnic quotas are not necessarily required for minority women to benefit from electoral gender quotas as well. This, however, might be motivated by the rationale that fielding minority women then ‘ticks two boxes’, that of the institutionalised gender quota and that of the informal ethnic quota, leaving more places for white men. Therefore, I would recommend considering – formal or informal – measures to combine with the gender quota so that minority women too benefit from the gender quota, and that the implementation of the gender quota promotes, not hampers a more diverse parliament. These measures can range from institutional rules similar to the gender quota to the more informal promotion of diversity and support for minority women in the candidate selection process.

I would be happy to follow up on this point in a personal discussion if that is something you were interested in.

Bird, Karen (2016), *Intersections of Exclusion: The Institutional Dynamics of Combined Gender and Ethnic Quota Systems*. In: *Politics, Groups, and Identities*, 4(2), 284–306.

Celis, Karen, Silvia Erzeel, Liza Mügge, and Alyt Damstra (2014), *Quotas and Intersectionality: Ethnicity and Gender in Candidate Selection*. In: *International Political Science Review*, 35(1), 41–54.

Hughes, Melanie M. (2011), *Intersectionality, Quotas, and Minority Women’s Political Representation Worldwide*. In: *American Political Science Review* 105(3), 604–620.

Jenichen, Anne (2020), *Visible Minority Women in German Politics: Between Discrimination and Targeted Recruitment*. In: *German Politics*, 29(4), 545-563.

Murray, Rainbow (2016), *The Political Representation of Ethnic Minority Women in France*. In: *Parliamentary Affairs* 69(3), 586–602.

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

NA

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?

NA

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

NA

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

NA

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

NA

Anything else?

NA