

# Consultation on the Senedd Cymru (Electoral Candidate Lists) Bill by the Reform Bill Committee

## Follow-up evidence

### 1. On any challenges arising from the implementation of this Bill

- 1.1. The main challenge or **risk that we see is going ahead with Senedd reform without implementing this Bill**. Not only would it be a huge missed opportunity, it could further reduce the diversity of the Senedd, making it less representative and a less effective legislature. At the last election, there were more than twice as many male candidates compared to women. Without the mechanism and positive message of this Bill, there is a strong likelihood that the majority of additional seats will be secured by men. Due to the impact of incumbency overhang – a mechanism described by Laura McAllister which suggests that the existing demographic composition of a legislature tends to be self-reinforcing – this could be baked in for years and will be difficult and costly, if not impossible, to fix at a later point.
- 1.2. There is a challenge associated with the Bill **ensuring representation of women from different protected characteristics and marginalised communities**. We expect that the Bill alone will have some positive impact (there is evidence that legislative candidate quotas, unlike voluntary measures, benefit ethnic minority women<sup>1</sup>). But it is crucial that targeted measures are progressed alongside this, both by the Senedd/Welsh Government level and by political parties. It is encouraging to see that work is planned or underway - in the form of party diversity and inclusion strategies and guidance, and in the [Election and Elected Bodies Bill](#), which has provision for a Welsh Government duty to promote candidate diversity through advice, mentoring, training and financial assistance schemes). It is imperative that this is progressed at pace alongside the Bill. Without this Bill, we would expect any other measures to encourage the election of a diverse range of women to be far less effective, because even with the best preparation and support, only a disproportionately low number of women will get selected.
- 1.3. There are also perceived challenges around whether **parties may struggle to attract enough women candidates**, and whether **being elected through a gender quota could negatively reflect on women candidates**. Fortunately, both concerns are not borne out by the evidence we have reviewed. The experience from other countries shows that, once quotas fix the demand side issue of parties not selecting enough women candidates, there are enough women coming forward. We have found little cause for concern over women elected through quotas being perceived as less competent or deserving. We are not aware that this has been the experience of women elected on All-Women-Shortlists in the Senedd. In Sweden, the introduction of quotas increased the number of women perceived as qualified for political leadership positions.<sup>2</sup> Even if the concern was founded in evidence,

<sup>1</sup> Hughes, M. (2011). *Intersectionality, quotas, and minority women's political representation worldwide*. *American Political Science Review*, 105(3):604-20.

<sup>2</sup> O'Brien, D. & Rickne, J. (2016), *Gender quotas and women's political leadership*, *American Political Science Review* 110(10):112.-26

it is a challenge that dwarfs by comparison with the major challenges to being elected in the first place, which this Bill would be the single most important step in addressing.

For further points on perceived challenges, we would like to refer to [WEN's quota myth-busting resource](#).

**2. On the question on whether the gender statement (candidates having to declare whether they are a woman or not a woman) is an appropriate mechanism to operate this Bill**

We have made clear our position that this mechanism is appropriate. It is overall in line with standard international practice and supports the specific design of the gender quota set out in this Bill. As mentioned, the one case that we have been able to identify of gender statements being abused happened in Mexico's Oaxaca region in 2018. It was resolved through an electoral tribunal, with quotas remaining in place and continuing to operate effectively – making Mexico one of the [world leaders on women's representation](#).

**3. On the question whether the requirement for parties to have diversity and inclusion strategies should be statutory**

As we stated at the meeting, we feel strongly that parties have a key role to play – both in terms of supporting women candidates and in ensuring that the provisions in the Bill benefit women with different protected characteristics and from marginalised communities. Formalising and making transparent their commitments around this through a published strategy is vital and if this can be made a statutory requirement rather than a voluntary measure it should. However, as we made clear throughout our evidence, it is imperative that the Candidate Lists Bill is introduced alongside the expansion of the Senedd without delay. In order to not further stress the already tight timeline for this Bill, it is our view that a statutory requirement for political parties D&I strategies should be pursued alongside this Bill, not as a part of it.

**4. Casual vacancies**

The Senedd Cymru (Members and Elections) Bill sets out that candidates standing down will be replaced with the next candidate on the list. There is a risk that this could inadvertently have a negative impact on achieving gender parity. This could happen in specific circumstances in which party lists are largely zipped (which, as we have argued, is not unlikely) and in which women are more likely to stand down (which could happen if adequate support mechanisms are not in place). In these circumstances, the provisions on casual vacancies could potentially have a negative impact on achieving gender parity. We recommend that this should be taken into account as part of the review mechanism for the Bill.