

We would like to know your views on the proposals in our consultation document: **Creating a Parliament for Wales**.

The Assembly Commission is keen to hear your views. We would like to hear from members of the public, academics, organisations and other stakeholders, from those who frequently engage with the Assembly and politics in Wales, and from those who would not normally do so.

How to respond

You are welcome to respond to any or all aspects of the proposals. We also welcome the submission of additional supporting written evidence where relevant.

To respond to the consultation, please complete this response questionnaire and return it by **Friday 6 April 2018** to:

- **AssemblyCommission.Consultations@assembly.wales**
- Freepost, National Assembly for Wales

If you have any queries about this consultation, please contact:

- Email: **AssemblyCommission.Consultations@assembly.wales**
- Telephone: 0300 200 6565

www.assembly.wales

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How we will use the information you provide

Who we are

The Assembly Commission is the data controller of the information you provide, and will ensure it is protected and used in line with data protection legislation.

Why we are collecting this information

Your submission will be used to inform the Assembly Commission's work on reforming the National Assembly for Wales, for example in relation to its size and its electoral, operational and internal arrangements.

What we will do with your information

Submissions will be seen in full by the Assembly Commission staff involved in the consultation. Submissions may also be seen by Assembly Commissioners and other Assembly Members. All responses to the consultation questions (including those submitted in hard copy) will be stored in Survey Monkey. Survey Monkey may store your information outside of the European Economic Area. See their website for details about how they will use your information:

<https://www.surveymonkey.com/mp/policy/privacy-policy/>

Publication of submissions

The Assembly Commission may publish some or all of your submission to this consultation on the Assembly's website. We may also publish extracts from your submission within documents produced following the consultation and published on the Assembly's website. Any submissions that are published on the Assembly's website will remain in the public domain.

Please let us know if you would prefer that your submission or extracts from it are not published.

If we publish a submission you have provided on behalf of an organisation, we will include your name, job title and the name of your organisation with your submission. If we publish a submission you have provided on your own behalf, we will only publish your name if you have asked us to do so.

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How long your information will be retained

Responses will be stored on our own secure IT system until the Assembly Commission has completed the consultation and any subsequent work in the areas outlined in this document.

Contacting you

We may use the contact details you provide to contact you in relation to this consultation and your submission. We may also like to contact you in the future in relation to this consultation, your submission, and the Commission's Assembly reform work. Please inform us as you respond to the consultation if you would like us retain your contact details and contact you for these purposes. If you decide to opt into further contact, you may opt out of further contact at any point by letting us know.

Requests for information made to the Assembly Commission

In the event of a request for information being made under access to information legislation, it may be necessary to disclose all or part of the information that you provide. This may include information which has previously been removed by the Assembly Commission for publication purposes. We will only do this if we are required to do so by law.

Your rights

Your personal data will be processed for the performance of a task carried out in the public

interest by the Assembly Commission i.e. a consultation on Assembly reform. If you would like to: engage any of the rights that you have under the legislation (such as the right of access); ask a question; or make a complaint about how your information is used; please contact the Assembly's Information Governance Manager: **alison.bond@assembly.wales**

You can also make a complaint to the Information Commissioner's Office (ICO) if you believe we have not used your information in line with the law. ICO Contact details on their website: **<https://ico.org.uk/concerns/>**

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Your details

It would be helpful if you could provide the following information, although you are not required to do so. Please see the previous section for details on how the information you provide will be used.

Name: Hilary Watson

Organisation: Women's Equality Network (WEN) Wales

Address: Anchor Court North, Keen Road, Cardiff, CF24 5JW

Email address: hilary@wenwales.org.uk

Telephone number: 07928 543727

Are you aged 18 or

Yes **over?**

If you would prefer that your submission or extracts from it are not published, please indicate here by ticking the box.

If you are responding on your own behalf (rather than on behalf of an organisation) and would like to us publish your name with your submission, please indicate here by ticking

the box.

If you would like us to retain your contact details and contact you in relation to your submission should we need to, please indicate here by ticking the box.

If you would like us to retain your contact details and contact you in future in relation to the Commission's Assembly reform work, please indicate here by ticking the box.

If you decide to opt into further contact, you may opt out of further contact at any point by letting us know.

If you are under 16 please tick this box to confirm your parent or guardian is happy for you to respond to this consultation.

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No

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Consultation response

How many Assembly Members does the Assembly need?

Q1. The Expert Panel has concluded that the Assembly needs to have between 80 and 90 Members to carry out its role effectively. Do you agree? Please give reasons for your answer.

Since its inception, the role of the Assembly has changed significantly; the powers to create legislation has grown and with it the role of Assembly Members. WEN Wales therefore agrees that the proposed increase in the number of Assembly Members to 80 is essential in order to enable AMs to increase their scrutiny of Welsh legislation and Welsh Government policies. At this stage, we would not support the increase to 90 AMs for cost reasons.

Q2. Would changes to the number of Assembly Members result in i) costs, or ii) benefits, for you or your organisation? If so, what would the costs or benefits be?

Q2.(i) Costs for you or your organisation.

An increase in the number of Assembly Members increases the number of AMs that WEN Wales would engage with, so from a capacity perspective this would slightly increase the amount of time engagement would take. However, the benefits of having higher levels of scrutiny and the potential to increase the quality of policies and legalisation would outweigh

this slight change.

Q2.(ii) Benefits for you or your organisation.

WEN Wales strives to achieve gender equality in Wales. One way in which we do this is by campaigning for equal political representation, and supporting women in political and public life. An increase in the number of AMs, with appropriate gender parity, would increase the number of influential women given a voice in Wales, who themselves would have the opportunity to empower women within their networks. Increased capacity for scrutiny for all opposition and backbencher AMs could also have significant benefits with regards to ensuring that all policies and legislation from Welsh Government consider the impact that they will have on gender equality, which may be significant in the drive towards gender equality in Wales.

How should Assembly Members be elected?

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Q3. The Expert Panel has outlined three possible electoral systems which could operate effectively in Wales to elect an Assembly of at least 80 Members. Which of these systems would be most appropriate for electing Assembly Members and why?

Please pick **one**.

Single Transferable Vote

Please give reasons for your answer.

WEN Wales favours an electoral system that encourages both 50/50 representation of

women and men as Assembly Members, as well as a system that ensures that women's voices and the voices of marginalised groups in society are represented within the National Assembly for Wales. While there are advantages and disadvantages to all three of the outlined voting system options, WEN Wales supports the findings of the Expert Panel on Assembly Electoral Reform, who support the Single Transferable Vote option as this option allows the integration of gender quotas into the system. In addition, this system also means that votes would have approximately the same value.

Whichever system is chosen, it is imperative that measures to support and encourage diversity of representation are integrated into the system. For example, both quotas and 'zipping' of female and male candidates on party lists must be used to promote 50/50 representation. Research shows that quotas are the "single most effective tool for 'fast tracking' women's representation in elected bodies for government."¹

WEN Wales believes that women's participation and the success of women as candidates in elections are vital indicators of the health of a representative democracy, and an integral part of achieving a more equal Wales, in line with the ambitions of the Wellbeing of Future Generations (Wales) Act 2015.

¹ Drude Dahlerup et al., Atlas of Electoral Gender Quotas, International Institute for Democracy and Electoral Assistance [IDEA], IPU and Stockholm University, 2013.

Flexible List Proportional Representation

Mixed Member Proportional (also known as Additional Member System)

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Q4. Do you agree with the Expert Panel's recommendation that a change to the electoral system should be used to encourage the election of an Assembly that more accurately reflects the diverse nature of society in Wales?

Yes

I't know

I't know

Q5. If you answered yes to question 4, do you believe that this should be achieved through legislation such as formal gender quotas, or by less formal means such as voluntary measures put in place by political parties? Please give reasons for your answer.

WEN Wales strongly agrees that gender quotas should be enforced through legislation, and not just through voluntary measures. Wales and the National Assembly for Wales has historically achieved gender parity, with the 2003 election, becoming the first legislature to achieve a 50:50 balance. This was largely due to Welsh Labour's enduring success in National Assembly for Wales elections and the party's use of All Women Shortlists.² However, more needs to be done to increase gender balance in candidates put forward by all political parties in Wales, so that 50:50 representation is achieved consistently in the Assembly, regardless of the success of each individual party.

The social scientist Mona Lena Krook has reported that around 100 countries now have some form of gender quotas and around 40 countries use quotas for intersectional groups too – such as those with disability and those from a BME background.³ Wen Wales also advocates for quotas on diversity of women candidates as currently there are no women AMs from a BME background and the Assembly is therefore not representative of Wales - the BME population is approximately 4%.⁴

Quotas work - France adopted constitutional gender quotas in 2000 with financial penalties for non-compliant political parties and they are now ranked 14th in the world in terms of the number of Women in Parliament.⁵ Rwanda ranks first and has had a legislative

² <https://blogs.cardiff.ac.uk/thinking-wales/2016/10/12/gender-and-representation-in-national-assembly-for-wales-elections/> ³ Mona Lena Krook, "Electoral Gender Quotas: A Conceptual Analysis." *Comparative Political Studies* 47 (9): 1268-1293, 2014,

⁴ <http://gov.wales/docs/statistics/2011/110518sb422011en.pdf>

⁵ Interparliamentary Union, World Classification, Women in National Parliaments, <http://archive.ipu.org/wmn-e/classif.htm>

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quota since 2003. ⁶ Of the 33 countries with 30 per cent or more women in parliament today, 26 have quotas in place that helped to ensure this outcome.⁷ In addition, research shows that out of the 59 countries holding elections in 2011, 17 of them had legislated quotas. Women gained 27 percent of parliamentary seats in these countries compared to 16 percent in countries without quotas.⁸

Not only are legally binding gender quotas needed to increase gender equality but also the leadership of all political parties must be willing to make women's participation and gender equality principles non-negotiable in public decision-making.

Q6. Should people be able to stand for election to the Assembly on the basis of job sharing?

Yes

I't know

I't know

Q7. What, if any, benefits or risks do you see resulting from allowing people to stand for election on the basis of job sharing arrangements?

This is an important development and in line with other employers elsewhere in Wales and the UK. It allows an increased diversity of candidates, for example those with disabilities, additional caring responsibilities, health restrictions or other commitments that may be significant barriers for people considering the way in with AMs take political office in Wales today. WEN Wales anticipates that job sharing could increase the diversity of those sitting as Assembly Members and candidates, which could better represent the voters of Wales. For example, as women are often the primary care givers of both the younger and the older generation, it is likely to have an impact on the number of people with caring responsibilities

who feel able to become AMs, which would currently affect women more than men. It could also increase diversity of age, (dis)ability and ultimately encourage more people with more diverse professional and lived experience to better represent the people of Wales, either serving in the Welsh Government or AMs, whose role it is to scrutinise

⁶ Erin Virgint, Electoral Systems and Women's representation, Library of Parliament, Ottawa, Canada, 5th July 2016

⁷ <http://www.unwomen.org/en/news/stories/2012/7/bringing-cedaw-to-life-the-committee-on-the-elimination-of-discrimination-against-women-turns-30>

⁸ <http://www.unwomen.org/en/news/stories/2012/3/michelle-bachelet-highlights-quotas-to-accelerate-women-s-political-participation>

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Welsh Government legislation and policy. This work would be informed by the widened expertise of a more diverse group of AMs.

The transparency of this process with voters is important. Caution needs to be taken to mitigate any conscious or unconscious bias with voters, who may favour the status quo of voting for one candidate rather than the unfamiliar format of a job share. There would be a cost to an awareness campaign to ensure voters are well informed about the way in which a job-share for Assembly members would work in practice. In order to appeal to a wide range of potential candidates, there needs to be flexibility in relation to how job shares can be designed, which could lead to confusion amongst constituents, if not communicated properly.

Q8. If the Assembly adopted either the Single Transferable Vote or Flexible List Proportional Representation for the election of Assembly Members, should Assembly Members be elected on the basis of:

Please pick **one**.

20 constituencies based on pairing the existing 40 Assembly constituencies

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17 constituencies based on the existing 22 local authority areas

Don't know

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Q.9. Would changes to the Assembly's electoral system result in i) costs or ii) benefits for you or your organisation? If so, what would the costs or benefits be?

Q9.(i) Costs for you or your organisation.

WEN Wales would be keen to promote any changes to the electoral system that would

increase gender parity in Wales and drive equality forward in Wales. While this would increase costs, it would offer WEN Wales an opportunity to push forward our agenda and increase equality in political life, which would justify the increased cost.

Q9.(ii) Benefits for you or your organisation.

WEN Wales believes that any change to the electoral reform should drive gender equality forward in Wales, therefore benefiting the organisation in its aims of achieving equality for women in Wales.

Who should be allowed to vote in Assembly elections?

Q10. To what extent do you agree or disagree or disagree with the following statement:

The same people should be allowed to vote in National Assembly for Wales elections and in local government elections in Wales.

Strongly agree

Q11. What implications would there be if there were differences between who could vote in Assembly elections and who could vote in local government elections in Wales?

WEN Wales agrees that the same people should be able to vote in the Assembly elections and local elections. This is likely to have both administrative benefits and encourage voters in both elections by maintaining the simplicity that dual eligibility offers. It also encourages

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know

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an understanding that both local and Assembly elections are important and that all those who vote in Assembly elections should consider voting in local elections, which historically have a much lower turn out.

What should be the minimum voting age for Assembly elections?

Q12. What should be the minimum voting age for Assembly elections?

Please tick **one**.

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i't know

i't know

Q13. Would reducing the minimum voting age for Assembly elections result in i) costs or ii) benefits for you or your organisation? If so, what would the costs or benefits be?

Q13.(i) Costs for you or your organisation.

WEN Wales would be likely to engage with young people in Wales around political engagement if the minimum age for voting was reduced. While this would have cost

implications, the benefits to equality would outweigh the expenses incurred.

Q13.(ii) Benefits for you or your organisation.

WEN Wales believes in encouraging more women and girls to engage in political and public life. By lowering the minimum age of voting, more young girls and women could be encouraged to engage in politics at a younger age, and have their voices heard at the ballot box. As with the Scottish independence referendum, a wide-scale awareness raising campaign to engage young people would be an important part of encouraging young people to vote, once eligible.

Q14. Are there any other issues, benefits or risks you would like us to consider in relation to changing the minimum voting age for Assembly elections? Please give reasons for your answer.

WEN Wales believes in encouraging more women and girls to engage in political and public life. By lowering the minimum age of voting, more young girls and women could be encouraged to engage in politics at a younger age, and have their voices heard at the ballot box. As with the Scottish independence referendum, a wide-scale awareness raising

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campaign to engage young people would be an important part of encouraging young people to vote, once eligible.

The fact that many 16-17 year olds still live with their parents or guardians may also increase voter participation, as parents and 16-17 year olds could go together to the ballot box. This in turn may encourage life-long voting habits and political engagement.

Currently, some people are eligible to vote for the first time while living between their home towns and their university towns, which can deter people from forming voting habits – perhaps reflected in the relatively low turn-out rates for 18-24 year olds⁹ – as they may be registered in one place but on voting day, living in another.

The possible argument that 16-17 year olds are too young to form political thoughts is unfounded. On the contrary, the Scottish referendum showed that many young people want to be active citizens and decision makers in the political process.¹⁰

⁹ Analysis from Ipsos Mori shows that in 2017, 54% of 18-24 year olds voted, compared to 73% of 65 year olds. <https://www.ipsos.com/ipsos-mori/en-uk/how-britain-voted-2017-election>. Notably, turnout amongst 18-24 year olds was higher in 2017 than in 2015, where it was estimated at just 44%. <https://www.ipsos.com/ipsos-mori/en-uk/how-britain-voted-2015>.

¹⁰ https://plan-uk.org/sites/default/files/Documents/Resources/Plan-International-UK_The-state-of-girls-rights-in-the-UK-2016.pdf, p. 50.

Should residents in Wales who are not UK nationals be allowed to vote in Assembly elections?

Q15. To what extent do you agree or disagree or disagree with the following statement:

All legal residents in Wales should be allowed to vote in Assembly elections, irrespective of their nationality or citizenship.

Strongly agree

Q16. Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of non-UK nationals legally resident in Wales to vote in Assembly elections? Please give reasons for your answer.

At a time where EU nationals feel like pawns in the Brexit negotiations, it is important that Wales maintains its ties to Europe and enshrines the rights of legal residents in Welsh policies and legislations. Beyond the scopes of Brexit, it is important that the legal residents of Wales, who may have previously been residents of countries either within or outside of the EU, feel represented and incorporated into Welsh political and public life. It is therefore important that all legal residents of Wales have the right to have their voices heard and an equal say in political affairs, like all other citizens of Wales.

Agree

Neither agree nor disagree

Disagree

Strongly disagree

Don't know

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Should prisoners be allowed to vote in Assembly elections?

Q17.(i) To what extent do you agree or disagree or disagree with the following statement:

Prisoners released on temporary licence or on home detention curfew should be allowed to vote in Assembly elections, in line with the UK Government's intention for UK elections.

Strongly agree

Q17.(ii) To what extent do you agree or disagree or disagree with the following statement:

Prisoners whose due release date falls before the end of the term of the Assembly for which they are voting should be allowed to vote in Assembly elections, in line with the Welsh Government's intention for local government elections in Wales.

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

Don't know

Agree

Neither agree or disagree

Disagree

Strongly disagree

Don't know

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Q18. Are there any other issues, risks or benefits you would like us to consider in relation to changing the rights of prisoners to vote in Assembly elections? Please give reasons for your answer.

The right to vote is a human right, which the UK has frequently been challenged on with

regards to the blanket ban on prisoners' disenfranchisement, deemed unlawful by the European Court of Human Rights.¹¹ A blanket ban on prisoners' voting rights is a human rights issue and an issue of democracy. WEN Wales, therefore strongly supports the rights of prisoners to vote in Welsh elections.

Who should be able to be an Assembly Member?

Q19. Should legislation to reform the Assembly's electoral arrangements include provision to implement the recommendations of the Fourth Assembly's Constitutional and Legislative Affairs Committee in relation to disqualification from being an Assembly Member?

Are there any other changes which should be made to the disqualification arrangements?

Please give reasons for your answer.

N/A

Should the law relating to electoral administration be rationalised?

Q20. Should legislation to reform the Assembly's electoral arrangements include provision to implement the following?

Please give reasons for your answers.

Q20.(i) The Electoral Commission's recommendations that costs relating to **translation between Welsh and English** should not count towards expenditure limits for political parties and candidates in relation to Assembly elections as they already are for non-party campaigners.

N/A

¹¹ https://www.echr.coe.int/Documents/FS_Prisoners_vote_ENG.pdf.

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Q20.(ii) The Electoral Commission's recommendations that costs relating to an **individual's disability** should not count towards expenditure limits for political parties and candidates in relation to Assembly elections as they already are for non-party campaigners.

WEN Wales strongly supports this recommendation, as it would remove a significant barrier to candidates who incur additional costs due to an individual's disability from running. All barriers that disadvantage underrepresented candidates from running for political office should be removed, wherever possible, to actively encourage a greater diversity amongst elected officials such as Assembly Members.

Q20.(iii) The Law Commissions' recommendations in relation to the conduct and administration of elections.

N/A

Should the Assembly have flexibility to decide on its internal arrangements?

Q21. Should the *Government of Wales Act 2006* be amended as set out in this consultation document, in order to give the Assembly greater flexibility to determine its own working practices and arrangements through its internal procedures rather than in legislation?

N/A **What impact might these proposals have?**

Q22. Are there any issues, benefits or risks which could result from the proposals in this document in relation to the following, that are not considered in this consultation, or that you would like to comment on?

- The Assembly's official languages (Welsh and English)
- Equality, diversity and inclusion

- The justice system in England and Wales

Could any of the proposals be reformulated so as to increase the positive effects or reduce the possible adverse effects? Please give reasons for your answer.

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It's important to note that there are many factors that influence the lack of diversity and intersectionality of Assembly Members, that goes beyond electoral reform and the implementation of quotas, which WEN Wales also supports. While many experts agree that reforms to the electoral system may help increase the representation of women in legislatures, it is essential to also note that electoral reform cannot stand alone as the solution to gaining 50:50 representation, because this solution ignores the impact of societal and cultural barriers that have long prevented women from participating in electoral politics at the same rates as men.¹²

Other initiatives, such as the WEN Wales mentoring scheme that helps to get more women into public and political life can have an impact by increasing the confidence and skills of women but again, this alone cannot lead to the 50:50 representation that we would like to see in all our elected bodies from town and community councils, county councils and the Assembly as well as in Board rooms.

In the case of the National Assembly for Wales and more widely, the political legislatures throughout the UK, the #MeToo campaign has highlighted the wide-spread nature of sexual harassment and abuse suffered by women operating currently and historically in the political spheres in the UK. While this has led to sexual harassment policies being implemented, and the National Assembly for Wales has recently consulted on the Code of Conduct for Assembly Members, with the promise of a Dignity and Respect policy which reflects the sort of legislature that Wales wants, it highlights that women are discouraged from participating in electoral politics because they are not adequately protected at work. More needs to be done too to address the abhorrent cyber abuse that elected politicians – particularly women and those of underrepresented groups – receive daily from strangers and sometimes known

people online.

Q23. Would any of the proposals in this paper result in i) costs or ii) benefits for you or your organisation which you have not already outlined in your response to this consultation? If so, what would the costs or benefits be?

Q23.(i) Costs for you or your organisation

N/A

Q23(ii) Benefits for you or your organisation.

N/A

¹² http://publications.gc.ca/collections/collection_2016/bdp-lop/bp/YM32-2-2016-30-eng.pdf

