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Equality and
Human Rights
Commission

Consultation response

Inquiry – Diversity in local government

Consultation details

Title of consultation: Diversity in local government

Source of consultation: Local Government and Housing Committee

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For more information please contact

Ruth Coombs

Equality and Human Rights Commission
Companies House, Crown Way, Cardiff, CF14 3UZ.

02920 447710

Nia.davies@equalityhumanrights.com

Introduction

1. The Equality and Human Rights Commission (EHRC) was established by the UK Parliament, through the Equality Act 2006, as an independent body with a mandate covering equality and human rights. We are the national equality body and national human rights institution (NHRI) for Wales and England and are responsible for ‘encouraging good practice in relation to human rights’ and for reporting on the UK’s progress in realising the human rights in the treaties it has ratified.

1.1 We welcome the opportunity to respond to the Local Government and Housing Committee’s consultation diversity in local government.

2. Background

2.1 The Commission is not in a position to answer some of the questions posed by the Committee directly and it would be for others to pass comment

2.2 In this response we aim to give guidance to the Committee in relation to equality and the Equality Act 2010, what could be permissible and desirable when developing recommendations and how the Act can support equality in our democratic institutions. We also provide some recommendations.

2.3 The Commission has responded to associated White Papers and Committees. We have summarised our other work with links to support the work of the Committee rather than repeat them in this response. The links will contain important information for the work of the Committee.

Diversity in local government

3. The Inquiry

Access to Elected Office Fund

3.1 The Commission welcomes the plans for the further development of the Access to Elected Office Fund and extending this to other under-represented groups following pilots during the 2021 Senedd and 2022 local elections. Anecdotally, we are aware that some town/community candidates were supported through the fund but, unlike if elected onto a County Borough Council (where funding is available to continue to support disabled candidates), those elected found that they were no longer able to access funding to continue in post.

Voter ID

3.2 Voter ID was in place for the first time during the May 2023 local elections in England and voters in Wales will need to show photo ID to vote at polling stations in some elections. We are monitoring the impact of voter ID on protected characteristics groups, and its compatibility with the Human Rights Act 1998

4. Political Parties

4.1 The Equality Act 2010 can help to increase diversity and improve participation in our democratic institutions. It allows political parties to address under-representation in their own structures and in the selection of candidates for elections.

The Equality Act (the Act)

4.2 Political parties serve as gatekeepers for those wanting to stand for office. Any association or club that has at least 25 members and a selection process to become a member is covered by the Act as an ‘association’. Political parties will normally meet the Act’s definition of an ‘association’.

4.3 This means the party’s members, and those wanting to become members, are protected from being discriminated against when they access any benefits, facilities or services provided by the party to members. It is important that political parties comply with the Act and follow our guidance.

The Equality Act 2010: a guide for political parties

4.4 We would draw your attention to “The Equality Act 2010: a guide for political parties: [English language version](#) and [Welsh language version](#). This is a helpful guide for the development of proposals or potential proposals to increase diversity in local government. This includes rules on election expenses incurred by candidates, recognising additional costs faced by disabled candidates, non-discrimination of party members, publishing information about the diversity of candidates and steps to achieve equal representation.

4.5 One important way of participating in the democratic process is by becoming a member of a political party. However, we know that women, ethnic minorities, young people, lesbian, gay, bisexual and transgender (LGBT) and disabled people are under-represented and do not participate equally in our elected bodies. The guide includes an explanation of the action that can lawfully be taken by parties to increase the participation of under-represented groups in elected office and within their own party structures.

Positive action in the selection of candidates [s.104]

4.6 Parties can only take positive action in their selection processes when people who share one of the protected characteristics are underrepresented in the party's representatives elected to the following bodies:

- UK Parliament
- Scottish Parliament
- The Senedd, and
- local government.

Positive action is voluntary and political parties cannot be forced to do it.

Positive action: the general provisions [s.158]

4.7 Beyond the provisions that allow positive action in the selection or shortlisting of candidates, the general positive action provisions in the Act allow political parties to address disadvantage and under-representation in their membership and party structures. Positive action is allowed if the party needs to take steps to overcome disadvantage, to meet different needs or to increase the participation of people sharing a protected characteristic. The party must 'reasonably think' that people in protected groups suffer disadvantages connected to their protected characteristic, have different needs, or are under-represented, and the steps taken must be proportionate.

S.106

4.8 Our report Diversity of candidates and elected officials in Great Britain (2019) states:

“Diversity of representation is important for the democratic principles of equality, effectiveness, fairness, justice and legitimacy. However, the lack of good quality and consistently defined data for most protected characteristics considerably hampers the monitoring of the diversity of political representation”

4.9 We would like to draw your attention to the Equality Act 2010 [s.106]. In [Is Wales Fairer? 2018](#) we recommended that the Welsh Government and the then Assembly Commission call on the UK Government to commence section 106 of the Equality Act 2010 – which would require all parties to publish diversity data on candidates standing for elections to the House of Commons, Scottish Parliament and the Senedd – to transfer the powers to do so, or legislate for the Assembly’s (now Senedd’s) electoral arrangements to ensure that diversity data is collected.

4.10 We welcome the recommendations from the Special Purpose Committee on Senedd Reform (SPC) in the interim to encourage political parties to publish voluntary diversity data via an independent third party. The Senedd and local councils should adopt systems to gather, publish and use information about all the protected characteristics of elected representatives.

4.11 We have also published [Voluntary principles on standards for political discourse](#) there we call on all political parties to commit to ensuring that their members, whether as elected representatives, candidates or campaigners, refrain from any conduct which might reasonably be interpreted as:

- generating hostility, discrimination, prejudice or division;
- abusive or denigrating;
- promoting stereotypes; or
- using false, erroneous or misleading information, in relation to any individual or group of people on the basis of their actual or perceived protected or other personal characteristics.

4.12 The parties should ensure that, where complaints of any such conduct are made against party members, they are promptly and thoroughly investigated, and that those who are found to have failed to meet these expectations are subject to appropriate disciplinary procedures, according to party rules.

5. Electoral reform and administration White Paper

5.1 In our response to the Welsh Government's White Paper (attached), we welcomed many of the ambitions and we await further details and developments. We also highlighted obligations under the Public Sector Equality Duty (PSED) and Socio-economic Duty (SED) when developing reforms and proposals. The Commission would be happy to provide guidance to the Committee on the PSED and SED if this would support the work of the inquiry.

5.2 Other comments:

- Accessibility is mentioned throughout the White Paper. This is welcome, but as with many of the proposals or ambitions we recommended that greater specificity is required on plans to improve physical and online access for voters and access for candidates.
- Mandating specific training for councillors to encourage diversity amongst elected members is a development of interest – we await further detail.
- Development of the Electoral Management Board is wide-ranging. We would be interested in the membership make-up of the board especially in light of the lack of impetus of the Welsh Government's [diversity in public appointments](#) strategy. We have previously called on the Welsh Government to increase diversity in public appointments, publish how they will make full use of positive action and publish their progress annually. Equality and human rights should also be integrated into the work of the board.

- We generally welcomed the long term action to help reduce instances of abuse of electoral candidates, including includes a standard description of the geographical qualifications for standing as a candidate to remove local pressure on candidates to publish their home address. We would have, however, hoped to have seen the proposals detailed in the Equality Impact Assessment (EIA).

6. Human Rights Tracker

6.1 When developing proposals in relation to diversity in local government, we recommend referring to the Commission’s specific information regarding the Welsh Government’s progress assessments on political and civic participation on our [Human Rights Tracker](#). Our Tracker has categorised progress in political and civic participation (including political representation) by the Welsh Government as “Limited”.

6.2 This means that there have been legal or policy changes to improve human rights protections but very limited evidence of sustained improvements in the enjoyment of human rights on this issue. It does however highlight that there have been changes to the policy and legal framework to increase political participation, and improve the diversity of political representation, including the extension of the right to vote to young people aged 16–17 and qualifying foreign citizens, and specific programmes to increase the political representation of ethnic minority and disabled people.

6.3 In 2020 we published “[Civil and political rights in Great Britain](#)”. We encourage the UK and Welsh governments to use the [International Covenant on Civil and Political Rights \(ICCPR\)](#) reporting process to continue to strengthen their efforts to assess progress and improve compliance with their human rights obligations.

7. Further reading

7.1 [Our Response to Gender Sensitive Parliament Inquiry](#)

7.2 Barriers to participation in standing for election to local government in Scotland

7.3 Diversity of candidates and elected officials in Great Britain

7.4 In addition, we provided the Special Senedd Committee on Electoral Reform with a comprehensive reading list that the Committee may find of interest, including international examples (appendix 1)

Appendix 1

Technical guidance – Special Committee on Senedd Reform

International Examples

The Commission drew upon a number of sources and our library in order to provide an evidenced-based technical briefing to the Senedd Special Committee. We have detailed some of the international examples we have found during our research below. This evidence is in no way judged to be more or less applicable to the work of the Committee through not being quoted in this briefing. Papers and evidence quoted were randomly chosen with relevant information highlighted for the Committee for ease and examples.

Disclaimer

The information in this paper is provided to the Special Purpose Committee to support their work and research. In no way should the links we provide be considered the opinion or the position of the EHRC unless links are to official publications of the EHRC.

The evidence and information in this paper is to ensure that the Committee is fully informed and, unless stated, is not our guidance for the Committee. The Commission is keen to continue engagement and we offer to consider if developed proposals/possible courses of action are lawful or advisable, when the Committee has developed these further.

House of Lords Library (2021) Global gender equality in political life

<https://lordslibrary.parliament.uk/global-gender-equality-in-political-life/>
<https://committees.parliament.uk/writtenevidence/25407/pdf/>

“The UN Women’s theme for International Women’s Day, held on 8 March 2021, was “women in leadership: achieving an equal future in a Covid-19 world”. This theme was aligned with the UN’s sustainable development goal (SDG) 5 of ‘gender equality’. To help in achieving the goal, the UN wants to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision making in political, economic and public life” by 2030.

In 2020, the UN stated that its current projections indicate gender parity in positions of power will not be reached for another 130 years.”

Female representation in national and local parliaments

“As of January 2021, about a quarter of the world’s national elected representatives were female. The average proportion of women in national parliaments varied between global regions; data from the Inter-Parliamentary Union showed that the highest proportion of female representatives was in the Americas (32.4%) and the lowest proportion (17.8%) was in the Middle East and North Africa.”

How can female representation in politics be increased?

“A recent UN Economic and Social Council report has examined the status of women’s participation in public life. The report said that certain initiatives, such as the use of gender quotas and certain types of electoral systems, contributed to increasing women’s participation in legislative bodies.”

Gender quotas

In its report *Atlas of Electoral Gender Quotas*, the International Institute for Democracy and Electoral Assistance (IDEA) stated that there are three main types of gender quotas used across the world. These are:

Legislated candidate quotas: Set out in law, these quotas regulate the composition of candidate lists used by political parties.

Legislated reserved seats: Also set out in law, these measures reserve a certain number or set percentage of seats for women. This is achieved through special electoral procedures.

Party quotas: These are quotas adopted voluntarily by individual parties for their candidate lists.

“According to IDEA’s gender quotas database, of the five countries with the highest female representation, three use some form of quota; Nicaragua uses a legislated candidate quota and Rwanda and the United Arab Emirates have reserved seats for women in their national parliaments.”

Electoral systems

“In its report, the UN Economic and Social Council also said that the type of electoral system used had an impact on number of female representatives elected.

It said that female representation is on average 10% higher in countries that use proportional representation or mixed systems, compared with those which use majority or plurality systems, such as first past the post (FPTP).

This sentiment has been reflected in the UK by organisations such as [the Electoral Reform Society](#) and [the Fawcett Society](#). They have said that FPTP, the voting system used in UK national parliamentary elections, hinders further progress in achieving gender equality in the House of Commons.

The Electoral Reform Society has argued that FPTP “represents a constant drag on women’s representation”, because it effectively “reserves” seats for incumbent male MPs.

The Electoral Reform Society and the Fawcett Society have called for the current electoral system to be replaced with a proportional representation system, such as single transferable vote. Under this system constituencies are represented by multiple MPs which, they argue, would open up opportunities for women to contest seats currently viewed by parties as ‘safe’.

According to [IDEA’s electoral system database](#), of the five countries with the highest female representation in national parliaments, two countries (Rwanda and Nicaragua) use a form of PR for their national elections, whilst one (New Zealand) uses a mixed system.”

Barriers to increased female representation

“Writing for the [World Economic Forum](#), Anne-Marie Slaughter and Francesca Binda argued that quota systems can be “controversial” and seen as “a blunt instrument”. Instead, they have called for a “more nuanced approach” that focuses on reducing the barriers for women to participate in the first place. They identified these barriers as:

- The election system itself.
- Lack of access to finance.
- Weak professional networks.
- Social and cultural obstacles, such as greater care obligations.

They then suggested several measures to address these issues, such as state funding for political parties that support female candidates, policies to support working parents and targeted training for female candidates.”

World Economic Forum (2018)

[How do we get more women in politics? | World Economic Forum \(weforum.org\)](#)

“Efforts to improve female representation in politics have often focused on quotas and reserved shares. What is really needed is a nuanced approach that tackles the underlying, interconnected barriers that women face in getting nominated for elected office and conducting successful campaigns.

“...quotas may, however, be unnecessary. In seven of the top ten countries for female representation, political parties have voluntarily implemented their own rules on the matter. Globally, over 100 political parties in 53 countries have voluntary measures in place to increase the number of women candidates and party officials.”

“legislated or not, quotas can be controversial. Some claim that they are undemocratic. There is no doubt that they are a blunt instrument. Can we do better? A more nuanced approach would focus on eliminating the underlying, interconnected barriers that women face in getting nominated for elected office and conducting successful campaigns. Such obstacles include the election system itself (women fare better under proportional representation than they do in first-past-the-post systems based on single-member districts); lack of access to financing; weaker professional networks; and outside responsibilities that make it harder to take on punishing and unpredictable working conditions”

“Overcoming such structural barriers requires a comprehensive strategy for supporting women candidates.”

“Fortunately, some countries are introducing innovative measures to address this problem. In Georgia, for example, political parties that include at least 30% of each gender on their electoral lists receive a 30% supplement from the state budget. Similarly, in Ireland, political parties lose 50% of their state funding if their candidate pool includes less than 30% of either gender.”

“Beyond financing constraints, women face high social and cultural barriers to political participation. In particular, greater care obligations, reinforced by public perceptions of a “woman’s role,” severely undermine women’s ability to run for public office.

These issues are difficult to address directly. One step that could help would be for male politicians to assume more care responsibilities, thereby making the playing field more level, while demonstrating that family is a high priority for everyone.”

“Concrete policies should also be put in place to support working parents, by giving them more flexibility to meet family responsibilities. That is why the United Kingdom’s House of Commons is considering introducing proxy voting, as part of a broader effort to give members – male and female – parental leave.”

“Women may also benefit from targeted training. UN Women’s recent Political Academy in Tunisia trained women candidates on local governance, the missions and roles of municipal councils, and media relations. Some may one day follow in the footsteps of Souad Abderrahim, who was elected the first woman mayor of Tunis with the support of the Islamist Ennahda Movement.”

“Some leaders have made powerful statements in support of greater female participation in government. In 2015, Canadian Prime Minister Justin Trudeau gave his country its first cabinet with an equal number of men and women. His Spanish counterpart Pedro Sánchez has gone a step further, appointing a cabinet where women outnumber men.”

“Political parties, which serve as gatekeepers for aspirants to public office, also have significant power to find creative ways to support women candidates. Nigeria’s two main parties, for example, will waive or reduce non-refundable nomination fees for the 2019 general election. One Cambodian party provides women candidates with basic campaign resources, including clothing and a bicycle.”

“In past Canadian elections, political parties have reimbursed women candidates for child-care and travel expenses, and provided subsidies to women seeking nomination in constituencies where a male incumbent is retiring. The New Democratic Party and Liberal Party have endeavored to have women candidates run for “winnable” open seats.”

“There is no one-size-fits-all solution to gender inequality in politics. But there is plenty that can – and should – be done to ensure that women’s voices are heard.”

Essential Reading

In addition to the sources quoted in this briefing, please see the list of sources the Commission drew upon for the technical briefing for the Special Committee. This list is not in order of importance or relevance.

House of Lords Library

'Women in elected office in the UK', 23 February 2021

'Representation of women in the House of Lords', 24 February 2021

Saskia Brechenmacher et al

'Representation isn't enough', *Foreign Policy* (£), 2 March 2021

Professor Sarah Childs

[https://pure.royalholloway.ac.uk/portal/en/persons/sarah-childs\(a4f918f7-c05b-4347-b79a-186b2842ed11\)/publications.html](https://pure.royalholloway.ac.uk/portal/en/persons/sarah-childs(a4f918f7-c05b-4347-b79a-186b2842ed11)/publications.html)

Razan Masad

'The struggle for women in politics continues', UN Development Programme blog, 13 March 2020

European Parliamentary Research Service

Women in Politics: A Global Perspective, March 2019

Chwarae Teg (2022) Gender Sensitive Parliaments: Beyond the ‘added women and stir approach’

<https://chwaraeteg.com/news/beyond-the-add-women-and-stir-approach/>

Engender (2022) A Gender Audit for the Scottish Parliament

<https://www.engender.org.uk/news/blog/a-gender-audit-for-the-scottish-parliament1/>

<https://www.holyrood.com/news/view,presiding-officer-leads-audit-of-female-representation-at-scottish-parliament>

Clayton, A (2021) How Do Electoral Gender Quotas Affect Policy?

<https://www.annualreviews.org/doi/full/10.1146/annurev-polisci-041719-102019>

Forman-Rabinovici A, Nir L (2021) Personalism or party platform? Gender quotas and women’s representation under different electoral system orientations

<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0257665>

House of Commons (2021) Women in politics and public life

<https://researchbriefings.files.parliament.uk/documents/SN01250/SN01250.pdf>

Oxford Human Rights Hub (2021) Gender Sensitive Parliaments

<https://ohrh.law.ox.ac.uk/wp-content/uploads/2021/04/Gender-Sensitive-Parliaments.pdf>

Solyom, E (2020) Gender Quotas: Towards an Improved Democracy

<https://www.e-ir.info/2020/07/01/gender-quotas-towards-an-improved-democracy/>

Welsh Government (2020) Is Wales on track to become a 'world leader for gender equality'?

<https://research.senedd.wales/research-articles/is-wales-on-track-to-become-a-world-leader-for-gender-equality/>

UK Parliament (2018) UK Gender-Sensitive Parliament Audit 2018

https://www.parliament.uk/globalassets/documents/lords-information-office/uk-parliament_-_gender-sensitive-parliament-audit_report_digital.pdf

Wales Centre for Public Policy (2018) Putting equality at the heart of decision-making Gender Equality Review (GER) Phase One: International Policy and Practice

<https://www.wcpp.org.uk/wp-content/uploads/2018/07/Putting-equality-at-the-heart-of-decisionmaking-corrected-final.pdf>

**Inter-Parliamentary Union (2011) Gender-Sensitive
Parliaments: A Global Review of Good Practice**

<http://archive.ipu.org/pdf/publications/gsp11-e.pdf>

<https://www.ipu.org/our-impact/gender-equality/gender-sensitive-parliaments>

**European Institute for Gender Equality Gender Sensitive
Parliaments**

<https://eige.europa.eu/gender-mainstreaming/toolkits/gender-sensitive-parliaments/what-tool>

OECD Why quotas work for gender equality

<https://www.oecd.org/gender/quotas-gender-equality.htm>

United Nations

<https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures>

Women in politics in the EU

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689345/EPRS_BRI\(2021\)689345_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/689345/EPRS_BRI(2021)689345_EN.pdf)

Recent Developments of Interest

Equality in the heart of democracy: A gender sensitive House of Commons

This is a House of Commons Committee report, with recommendations to government. The UK Government has two months to respond.

[Gender Sensitive Parliament](#) - Published March 2022

“a range of witnesses agreed that the Government could further gender sensitivity and broader inclusion through existing legislation. Professor Childs, the Equality and Human Rights Commission, Centenary Action Group, The Fawcett Society and others urged the Government to enact section 106 of the Equality Act 2010.

This, as yet uncommenced, section of the Act would require political parties to collect and publish diversity data relating to their parliamentary candidates.”