



## **Engender Response to the Scottish Parliament Standards, Procedures and Public Appointments Committee Call for Views on the Scottish Elections (Representation and Reform) Bill**

March 2024

### **Introduction**

Engender welcomes the opportunity to share our expertise on achieving equal representation in politics as part of the Committee's scrutiny of the Scottish Elections (Representation and Reform) Bill. Engender responded to the 2023 Scottish Government consultation on Electoral Reform, and many of our points outlined echo those in that response.<sup>1</sup>

It is vital that our democratic bodies represent the full breadth of Scottish society and that decision-making reflects the diverse needs and experiences of Scotland's communities. Our 2023 Sex and Power<sup>2</sup> report examines gender representation across public life and identified 3383 positions of power in Scotland, with only 1222 held by women. Men are significantly over-represented in 33 of the 38 areas of public life examined - with only five areas demonstrating at least 50% of women in leadership positions. Yet women are 51% of Scotland's population and 49% of its labour market. Women's representation in the Scottish Parliament improved in the 2021 election, to a record high of 45%, however men remain systemically over-represented at all levels of politics, especially within local councils with women only making up 35% of local councillors.

With Elect Her and Women 50:50 we have developed research and recommendations looking specifically at the challenges in local representation.<sup>3</sup> We are also part of the Equal Representation Coalition, which has created the Equal Representation in Politics Toolkit, a set of resources to enable political parties to play their part in creating more diverse representation through tackling barriers to participation faced by women, disabled people, minority ethnic people and LGBTI people.<sup>4</sup>

We want to work with the Committee to ensure the Bill is as strong as possible in furthering women and other marginalised group's political participation and representation. However, we would like to raise our concerns about the limited nature of some specific provisions in the Bill and ask the Committee to consider further action that can be taken to progress equal representation in Scottish politics.

---

<sup>1</sup> Engender (2023) Engender response to the Scottish Government Consultation on Electoral Reform. Available at: <https://www.engender.org.uk/content/publications/Engender-response-to-the-Scottish-Government-Consultation-on-Electoral-Reform-V2.pdf>

<sup>2</sup> Engender (2023) Sex & Power 2023. Available at: <https://www.engender.org.uk/content/publications/SP2023NEW.pdf>

<sup>3</sup> Engender, Elect Her & Women 50:50 (2022) Making it Happen for 2027: Transforming Local Democracy for Women. Available at: <https://www.engender.org.uk/news/blog/making-it-happen-for-2027-transforming-local-democracy-for-women/>

<sup>4</sup> Equal Representation Coalition - The Equal Representation Toolkit. Available at: <https://www.equalrepresentation.scot/>

## Key Recommendations

- In relation to the proposed new measure to prevent a person from standing as a candidate if they have committed an offence involving the intimidation of election staff or people standing for election, we ask the Committee to consider what other complementary approaches to reducing abuse and harassment in politics could be adopted, including those detailed in the findings of the Jo Cox Civility Commission.<sup>5</sup>
- We reiterate to the Committee our support for the extension of freepost political mailings to local government candidates and express our disappointment that the Bill does not contain provisions to progress this. We ask the Committee to consider the positive impact its introduction could have on campaign participation for women and other underrepresented groups and overall electoral outcomes in terms of increasing diversity.
- We reiterate to the Committee our support for measures which would give candidates more control over how address information is published on official documents and express our disappointment that the Bill does not contain provisions to address this. We ask the Committee to consider how these measures could be introduced as a matter of urgency.
- We support the proposal to expand the list of who can initiate proposals for election pilots and the proposal to enable Scottish Ministers to fund initiatives to promote democratic participation. However, current powers to initiate pilots are under-utilised. To ensure that these proposals are impactful, there must be a substantial commitment from those who would enjoy these powers to be proactive in using them.
- We urge the Committee to consider how the Access to Elected Office Fund could be expanded or replicated in future in a Scottish context for costs relating to caring responsibilities and for other groups who experience barriers to participation in politics.
- We ask the Committee to consider whether the Bill could include a duty on the Scottish Government to survey candidate diversity and experience to both the Scottish Parliament and local councils at all future elections.

Please note that in this Call for Views, we have responded below to only to the questions which most closely relate to our areas of expertise.

### **Q.1 Allowing foreign nationals with limited leave to remain to stand for election. Please give us your thoughts on this aspect of the Bill.**

Engender strongly supports allowing foreign nationals with limited leave to remain to fully participate in Scottish elections by standing as candidates, in line with their existing right to vote. We believe that expanding such participation in elections and representation increases Scotland's overall quality of decision-making and policy development, and improves democratic quality<sup>6</sup>.

The Inter-Parliamentary Union states that “the institutions and processes of democracy must accommodate the participation of all people in homogenous as well as heterogeneous societies to safeguard diversity, pluralism and the right to be different in a climate of tolerance.”<sup>7</sup> A thriving

---

<sup>5</sup> The Jo Cox Foundation. Jo Cox Civility Commission Recommendations. Available at <https://www.jocoxfoundation.org/our-work/respectful-politics/commission/recommendations/>

<sup>6</sup> OECD, Inclusion & Diversity. Available at: <https://www.oecd.org/gov/pem/public-sector-leadership-implementation/pem-inclusion/>; Evison. A (2022) via John Smith Centre. Available at:

<https://www.johnsmithcentre.com/research-blog/diversity-in-elected-office-why-it-matters-llr-alison-evison/>

<sup>7</sup> Inter-Parliamentary Union (1997) Universal Declaration on Democracy. Available at:

<https://www.ipu.org/impact/democracy-and-strong-parliaments/ipu-standards/universal-declaration-democracy>

democracy is one in which all people are able to participate and see their interests and experiences represented, leading to higher trust in institutions and engagement in democracy.

Too often, those whose lives are most impacted by government policies are furthest removed from decision-making processes and policy development. This includes people who often face an array of structural inequalities which impact their daily lives. For instance, those with insecure immigration status are at increased risk of experiencing homelessness, destitution, as well as a range of inequalities in other areas.<sup>8</sup> Insecure immigration status is also a highly gendered issue, with one study showing that 85% of those applying to have the “No Recourse to Public Funds” condition removed are women.<sup>9</sup> We believe groups most impacted by inequality must be supported to participate fully in policy development, spending and service design decisions, as these processes significantly impact their lives.

The Committee must understand that introducing candidacy rights as part of this Bill will not automatically lead to greater representation. Women have held the right to candidacy for over a century yet comprise only approximately 35% of Scotland’s local councillors.<sup>10</sup> While we lack robust data on the diversity of our representatives across other protected characteristics<sup>11</sup>, we know that certain groups of women experience even greater rates of exclusion, including Black and minoritised women, disabled women, LBT women, working class women and young women. It can be helpful to consider women’s historical experience when considering how to enable greater participation of groups who have experienced political exclusion.

Gender inequality in political representation is due to deeply entrenched, intersectional gender inequality in wider society, resulting in a range of additional barriers for women entering political spaces. Due to the public sphere being dominated by older, wealthier white men and from which women have historically been absent, representative bodies and political parties have often not been driven to become more accessible at a structural level, and outdated practices and cultures can persist. This can include in areas such as: hours of business, which are often incompatible with the schedule of people with caring responsibilities (disproportionately women)<sup>12</sup>; a lack of guaranteed access to family or parental leave; and gendered challenges navigating structures and cultures of parties and institutions that have not been designed for them to succeed in.

Despite this, women’s representation in Scotland has seen some positive improvements in recent years, due in part to proactive efforts from democratic institutions, political parties and public campaigning. Efforts have included investment in training and mentoring programmes and political party use of positive gender balancing methods to select candidates. Such efforts are beginning to make a difference particularly when considering recent improvements in gender equality at Holyrood. In relation to extending candidacy rights to foreign nationals with limited leave to remain it is important to consider what similar approaches may be impactful to enable this group to fully utilise these new rights to candidacy.

---

<sup>8</sup> Unity project (2019) Access denied: The cost of No Recourse to Public Funds policy. Available at: <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d021ada54e8ee00013fe5b9/1560419116745/Access+Denied+-+V12+%281%29.pdf>;

<sup>9</sup> Ibid; Engender (2022) Women & The Cost of Living: A Crisis of Deepening Inequality. Available at: <https://www.engender.org.uk/content/publications/Women-and-the-cost-of-living---updated-copy.pdf>

<sup>10</sup> Engender (2022) Making it Happen for 2027: Transforming Local Democracy for Women. Available at: <https://www.engender.org.uk/news/blog/making-it-happen-for-2027-transforming-localdemocracy-for-women/>

<sup>11</sup> Engender (2022) Data & Equality in Politics. Available at: <https://www.engender.org.uk/news/blog/data--equality-in-politics/>

<sup>12</sup> Engender (2020) Gender and Unpaid Work: The Impact of Covid-19 on Women’s Caring Roles. Available at: [https://www.engender.org.uk/content/publications/1594974358\\_Gender--unpaid-work---the-impact-of-Covid-19-on-womens-caring-roles.pdf](https://www.engender.org.uk/content/publications/1594974358_Gender--unpaid-work---the-impact-of-Covid-19-on-womens-caring-roles.pdf)

In addition to areas where interventions have led to progress for women's representation, much greater attention is required elsewhere, particularly in terms of tackling abuse and putting in place support and safeguards against this. Women with public profiles are likely to experience disproportionate scrutiny over areas such as their personal appearance and home life and are at an increased risk of sexist and sexual harassment and abuse, which is heightened further for Black and minoritised politicians.<sup>13</sup> Experiences of misogynistic abuse and harassment – both online and offline – are increasingly cited by women leaving elected office as a motivating factor.<sup>14</sup>

It is important to note that the group targeted by this aspect of the Bill may be at particular risk of harassment based on ethnicity, race or nationality – in addition to any abuse they may experience on the basis of their gender or other characteristics. In order to ensure that those who this aspect of the Bill targets can benefit from new candidacy rights, appropriate safeguards and support must be developed with individuals with lived experience and expert organisations working with those with insecure immigration status.

It is also essential that the Committee considers how this group can be equipped with the resources that will enable them to engage with the democratic process fully. This will likely include access to financial support, mentoring or peer support, and accessible information on participating in elections. Such additional measures will reduce the likelihood of negative experiences for these candidates and maximise the chances that this change in law will result in greater diversity of our elected representatives.

**Q. 2 Creating a new rule that would prevent a person from standing as a candidate if they have committed an offence involving the intimidation of election staff or people standing for election. Please give us your thoughts on this aspect of the Bill.**

No candidate, campaigner or electoral worker should experience harassment or intimidation of any kind. Therefore, we support the ambition of this aspect of the Bill to deter and prevent individuals who would engage in these behaviours from causing harm to candidates, campaigners and electoral workers.

Women in politics are at an increased risk of receiving sexist abuse - a risk which is heightened further for Black and minoritised politicians<sup>15</sup> - and are currently facing unprecedented threats to their personal safety.<sup>16</sup> Experiences of toxic levels of abuse and harassment tied to sexist behaviours – both online and offline – are often referenced by women as a reason for leaving public life.<sup>17</sup> Together, this contributes to a chilling effect on diversity, sending a strong signal that electoral politics is not safe for women, particularly for women of colour and other marginalised groups. Action must be taken on all forms of harassment, abuse and intimidation if we wish to see greater diversity in our elected representatives.

---

<sup>13</sup> Hamer E, Southern R (2021) Women and minority MPs are particularly at risk of experiencing certain forms of abuse on Twitter. LSE Politics and Policy. Available at: <https://blogs.lse.ac.uk/politicsandpolicy/twitter-abusemps/>

<sup>14</sup> Elect Her (2022) Walking Away: Why Women are leaving their positions as councillors. Available at: <https://www.engender.org.uk/content/publications/4.-walking-away.pdf>

<sup>15</sup> Ibid.

<sup>16</sup> Badshah, N (2024) Three female MPs given bodyguards after concerns over safety. The Guardian. Available at: <https://www.theguardian.com/politics/2024/feb/24/three-female-mps-given-bodyguards-after-concerns-over-safety>

<sup>17</sup> Oppenheim M (2019) General election: Women MPs standing down over 'horrific abuse', campaigners warn. The Independent Available at: <https://www.independent.co.uk/news/uk/politics/general-election-womanmps-step-down-abuse-harassment-a9179906.htm>

However, we have some concerns regarding the potential impact of this proposal, precisely the extent to which it will adequately address the urgent problem of harassment and intimidation of those engaging in election processes. As noted in our response to the earlier Scottish Government consultation on Electoral Reform in March 2023<sup>18</sup>, intimidation and harassment experienced by women and other marginalised groups while participating in elections is mainly perpetrated by members of the public who are unlikely to be convicted of an offence and who generally will not have ambitions of standing for election themselves. In addition, a significant proportion of abuse of politicians happens online<sup>19</sup>, where perpetrators are not easily identifiable, so enforcing sanctions is challenging. Therefore, we are unsure of the ultimate impact of this proposal on reducing much of the harassment politicians experience and in improving civility and diversity in our politics.

We note that the Bill adds to aspects of the disqualification measures contained within the Elections Act 2022, which already covers UK Parliament elections and elections elsewhere in the UK, to cover elections to the Scottish Parliament and Scottish Local Authorities. To inform this aspect of the Bill, we ask that the Committee seek evidence of how frequently disqualification orders are being used under the existing powers and if such orders are creating the additional protection intended.

The issue of harassment and abuse of politicians is complex and is having an increasingly detrimental impact on diverse participation in politics and our overall quality of democracy. Tackling it will require concerted action from the government, parliament, councils, political parties, and law enforcement. There are several complementary approaches that the Committee could explore, many of which are detailed in the findings of the Jo Cox Civility Commission<sup>20</sup> including:

- Clear guidance for elected representatives on reporting abuse to police.
- Greater financial support for elected representatives to deal with costs associated with personal safety and handling abuse.
- Increasing public trust in democracy through education and awareness raising of the role of elected representatives.
- Training for police and law enforcement about their responsibilities for dealing with threats against elected representatives.

In relation to candidate safety, in the 2023 Scottish Government consultation on electoral reform, we were pleased to see the inclusion of proposals to amend the way that local government candidate addresses appear on ballot official documents. This would offer candidates acting as their agents the option to use a correspondence address. We were also supportive of the proposal to provide candidates with the option to display their ward of residence in addition to the current options of home address or local authority area. Offering candidates more choice over what personal information is public would enhance candidate safety and improve individuals control over their sensitive personal information.

However, we were disappointed that neither measure had been included in this Bill. In response to the consultation, we noted that the Scottish Government states it is currently considering secondary legislation changes to progress these matters<sup>21</sup>. We remain supportive of these measures as relatively

---

<sup>18</sup> Engender (2022) Engender response to Scottish Government Consultation on Electoral Reform. Available at: <https://www.engender.org.uk/content/publications/Engender-response-to-the-Scottish-Government-Consultation-on-Electoral-Reform-V2.pdf>

<sup>19</sup> Amnesty International (2018) Toxic Twitter – A Toxic Place for Women. Available at: <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1-1/>

<sup>20</sup> Jo Cox Foundation (2023) Jo Cox Civility Commission Recommendations. Available at: <https://www.jocoxfoundation.org/our-work/respectful-politics/commission/recommendations/#police>

<sup>21</sup> Scottish Government (2023). Electoral reform consultation results 2022-2023: Scottish Government response <https://www.gov.scot/publications/scottish-government-response-results-electoral-reform-consultation-2022-23/pages/1/>

simple changes that could have a significant positive effect for candidates and urge action the Committee to consider how they could be introduced as soon as possible.

**Q.3 Changes to how much money can be spent during an election campaign, especially in relation to third-party campaigners. Please give us your thoughts on this aspect of the Bill.**

We do not hold a strong view of the specific proposals relating to campaign finance regulation in this Bill. However, we recognise money's fundamental role in all aspects of the electoral process, including facilitating or inhibiting greater diversity in representation and the need to have robust rules governing campaign expenditure. It is also essential to recognise that political candidates often incur unforeseen and unavoidable costs during a campaign that relate to travel, childcare, time off work and the purchase of campaign materials and resources. Candidates are often left to meet these costs out of pocket, which can be more pronounced if a candidate runs independently without political party backing.

At present, women are more likely than men to experience financial barriers to running a successful campaign. Across society, women are more likely to experience financial insecurity<sup>22</sup>, and this entrenched economic inequality can make it more difficult – especially for working class women and women on lower incomes – to finance an electoral campaign. Campaigning is also very demanding of candidates' time, with long hours spent door-knocking and delivering materials. Women are 'time-poor' compared to men, often carrying out a disproportionate amount of domestic labour and caring responsibilities.<sup>23</sup>

On this basis, we were disappointed to see the omission of measures to extend freepost political mailings to local government candidates, which had been included in the Scottish Government's consultation on Electoral Reform in 2023. As stated in our response to the initial consultation, we believe that offering access to freepost during the campaign could alleviate some of the costs on time and finance that disproportionately affect women candidates.

We recognise that the Scottish Government, in its response to the consultation, is sympathetic to this change and intends to engage further with stakeholders on how such a measure could be financed. We wish to reiterate to the Committee our support for this measure and recognise the positive impact its introduction could have on campaign participation for women and other underrepresented groups and overall electoral outcomes in terms of increasing diversity. We would urge the Committee to explore how this measure can be progressed as a matter of urgency.

**Q. 5 Making it easier to arrange election pilots, which aim to increase voting engagement, and allowing the Scottish Government to fund activities to increase democratic engagement. Please give us your thoughts on this aspect of the Bill.**

Engender supports the measures included in Part 5 of the Bill to increase participation in elections through expanding election pilot powers and enabling the Scottish Government to fund new activities to promote democratic engagement.

---

<sup>22</sup> Close the Gap (2022) An Unequal Burden: How Covid-19 has affected women's employment, financial security and unpaid work. Available at: <https://www.closesthegap.org.uk/content/resources/An-UnequalBurden---How-Covid-19-has-affected-womens-employment-financial-security-and-unpaid-work-2.pdf>

<sup>23</sup> Scottish Government (2020) Time use in Scotland 2020: ONS Online Time Use Survey - gender analysis. Available at: <https://www.gov.scot/publications/time-use-scotland-2020-gender-analysis-ons-online-time-use-survey/>



## **Election Pilots**

We support the proposal to expand the list of who can initiate proposals for election pilots to include Scottish Ministers, the Electoral Management Board and Election Registration Officers, in addition to Local Authorities. We share the Scottish Government's hope that this will better enable the identification of areas where pilots to trial new voting and voter engagement approaches will help increase access to the democratic process.

We note in Section 130 of the Bill's policy memorandum that no specific pilots are currently under consideration and that since the power for local authorities to propose pilots was initiated in 2002, this has been under-utilised. While we agree that no prescriptive goals for the number of pilots should be made and that the use of this power should respond to need, there must be a more substantial commitment from those with this power to be proactive in seeking opportunities where pilots could be beneficial.

## **Funding for Democratic Engagement**

Engender is pleased to see the inclusion of a proposal to enable Scottish Ministers to give grants and other financial assistance to increase democratic engagement and participation by voters, candidates, campaigners and others. We note the rationale outlined in section 136 of the Bill's policy memorandum, which states, "Where a grant of assistance scheme is put in place, this is expected to be focussed on local organisations which work with harder-to-reach groups and which have clear objectives to improve democratic participation, such as through encouraging registration." We emphatically support the need to engage at a grassroots level with groups experiencing acute levels of political exclusion. However we would also like to ensure that in either intent or wording that the Bill does not preclude Scottish Ministers from providing other types of funding initiatives in future, such as those that would operate on a national scale.

When considering financial support to increase democratic engagement and participation, we recommend looking to the success of the Access to Elected Office Fund<sup>24</sup>, funded by the Scottish Government and administered by Inclusion Scotland, in supporting the participation of disabled candidates.

We understand that the Welsh Government has as part of work on the Elections and Elected Bodies (Wales) Bill (which is currently at Stage 2 in the Senedd) carried out scoping of how the Welsh AEO Fund could be expanded. However, disappointingly, they have opted not to move forward with such a measure at this stage. In their November 2023 consultation response to the Bill, WEN Wales has outlined<sup>25</sup> the case for expanding the Fund to include support for candidates to include costs related to caring responsibilities, noting the transformative potential of such a change for many women candidates. Although possibly out of the scope of this Bill, we urge the Committee to consider how the Access to Elected Office Fund might be expanded or replicated in future in a Scottish context for those with caring responsibilities and for others who experience barriers to participation in politics.

## **For Further Consideration – Diversity Data**

We wish to highlight for the Committee's consideration the opportunity to improve the collection of diversity data of elected representatives through this Bill. Access to robust, intersectional data on the protected characteristics of our elected representatives is vital in ensuring high-quality democracy. Currently, such data is limited in how it is gathered or published, making it challenging to assess progression or regression and plan interventions to increase representation where deficits are

---

<sup>24</sup> Inclusion Scotland: <https://inclusionScotland.org/disabled-people-become-a-leader/civic-participation/aeo-fund>

<sup>25</sup> Laimann, J (2023) for WEN Wales. Consultation on the Elections and Elected Bodies (Wales) Bill by the Local Government and Housing Committee. Available at: <https://wenwales.org.uk/wp-content/uploads/2023/11/WEN-consultation-response-on-the-Elections-and-Elected-Bodies-Wales-Bill.pdf>

identified. This is despite the existence of Section 106 of the Equality Act 2010, which has never been enacted but would require political parties to collect and publish basic equality monitoring data.<sup>26</sup> This would significantly improve our demographic knowledge of elected representatives however the UK Government has never commenced Section 106. It is worth noting that even if enacted Section 106 as it currently stands would not cover local elections.

In 2022, the Scottish Government carried out the Local Government Candidates Survey<sup>27</sup>. This was the first time at a Scottish election that there was a national effort to gather data on the diversity and experiences of candidates. Engender supported the proposal,<sup>28</sup> although we noted our concerns about running the survey on a voluntary basis and our preference for a mandatory approach. We were disappointed that the survey only yielded a 28% response rate, providing a limited understanding of candidates' backgrounds. However, we believe this could be improved by reviewing how the survey may be presented and promoted in future, learning from the 2022 experience. Despite a low return rate, gathering this information is essential and worthwhile. We ask the Committee to consider whether the Bill could include a duty on the Scottish Government to survey candidate diversity and experience at all future elections to both the Scottish Parliament and local councils.

## FOR FURTHER INFORMATION

Contact: Jessie Duncan, Development Officer (Equal Representation)

Email: [jessie.duncan@engender.org.uk](mailto:jessie.duncan@engender.org.uk)

## ABOUT US

Engender is a leading feminist policy and advocacy organisation, working to secure women's social, political and economic equality and realise women's rights in Scotland. We aim to make visible the impact of sexism on women and wider society and work at Scottish, UK and international level to produce research, analysis, and recommendations for intersectional feminist legislation and programmes.

---

<sup>26</sup> Centenary Action Group, Enact 106 Campaign. Available at: <https://centenaryaction.org.uk/our-campaigns/enact-106/>

<sup>27</sup> Scottish Government (2022) Local Government Candidates Survey 2022. Available at: <https://www.gov.scot/publications/local-government-candidates-survey-2022/>

<sup>28</sup> Engender (2022) Diversity in Political Representation in Scotland: Engender Response to Scottish Government Data Improvement Proposal. Available at: <https://www.engender.org.uk/content/publications/Engender-Response---Scottish-Government-Data-Improvement-Proposal.pdf>