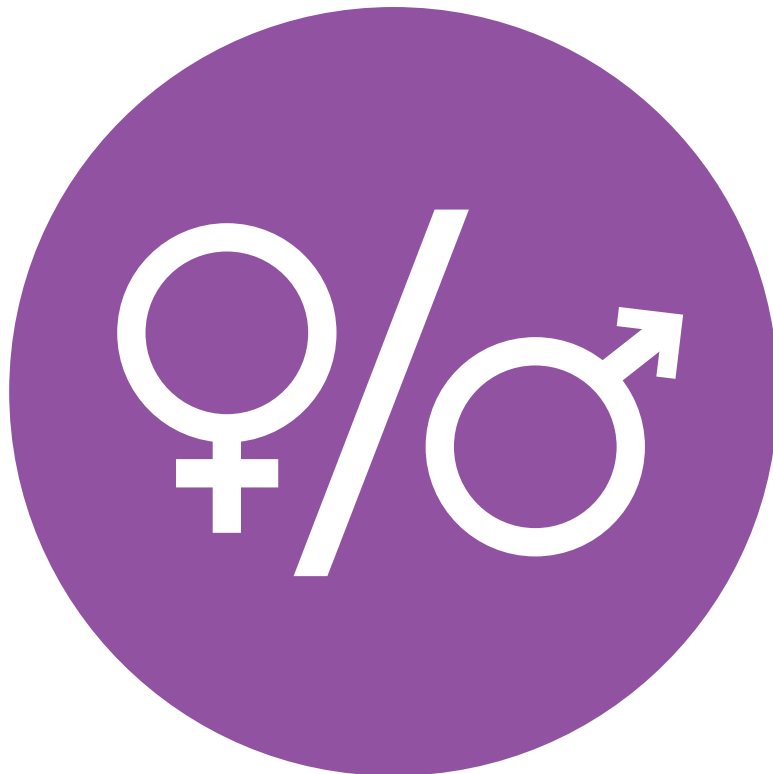




**EQUAL VOICE, EQUAL POWER:
THE CASE FOR GENDER QUOTAS IN SCOTLAND**



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1. INTRODUCTION

Women have unequal access to power, decision-making and participation throughout all areas of public life in Scotland. In order to participate fully in society and to exercise equal citizenship, women must be able to contribute across the spectrum of civic life. Evidence from around the world shows that increased representation for women in politics has a positive impact on both gender equality issues and social policy more broadly.¹ Gender balance in parliament, local government and around decision-making tables influences both the focus and outcomes of discussions.

Equal representation across politics and public life is a key issue within feminist agendas. Parliaments and governance bodies provide critical oversight of the processes that challenge gender inequality and discrimination, including development of laws, institutions, policies, and programmes.

Given that women and men experience life differently as a result of gender inequality and cultural gender roles, it stands to reason that women have particular perspectives that must be heard in our representative bodies.

Women are the majority of unpaid carers, lone parents, recipients of social security, low-paid workers, and survivors of domestic abuse and sexual violence.² The drivers of this persistent gender inequality, and women's experiences of the public systems that are currently failing them must inform policymaking, or else public policy will continue to entrench systemic inequality between women and men. Representative political and public bodies also challenge normative gender roles, stereotypes and perceptions around public authority. Where women are seen to succeed, more women engage and participate in public life.³



1.1 Equal representation is democratic

Women make up 52% of the Scottish population and should be equally represented in our democratic bodies, across the spectrum of civic life. Yet gender parity across our political institutions and public sector is far from becoming reality. Women hold 37% of seats in the Scottish Parliament, 24% of seats in local council chambers, 36% of public board places and 21% of current

¹ International Institute for Democracy and Electoral Assistance (2005) *Women in Parliament: Beyond Numbers*; UN Division for the Advancement of Women (2005) *Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership*; OSCE Office for Democratic Institutions and Human Rights (2011) *Gender equality in elected office: A six-step action plan*

² For more information about current gender inequality in Scotland see Engender (2014) *Constitutional Futures*; Engender (2015) *Beijing +20*; Engender (2015) *A Widening Gap: women and welfare reform*

³ Electoral Commission (2004) *Gender and political participation*

public board chairs. In terms of parliament, women's representation has dropped from a high of fourth place internationally, in 2003, to 20th place in the current global rankings.⁴ Whilst Scotland's performance has regressed over the last decade, however, there has been a trend of global progress with many countries taking positive action to ensure that women are better represented in positions of leadership.

Lack of equal and diverse representation in our parliament and public bodies is a democratic deficit that demands targeted action to overcome. Gender quotas are proven tools that are used across the world to this effect. This paper makes the case for gender quotas in parliaments, local government and public boards, discusses the relationship between women's representation and that of other under-represented groups, responds to well-worn objections to quota systems, and sets out the context at present in Scotland. Current constitutional constraints notwithstanding, it concludes with a set of recommendations for Scottish Government and all political parties, calling for bold action to tackle this critical issue for women's equality.

2. POLITICAL QUOTAS

Parliamentary quotas are employed worldwide to redress women's historical exclusion from public life with a high degree of success. They are designed to help overcome the vast range of economic, cultural and political realities that prevent women from taking part in politics on an equal basis to men.

Not least amongst these are attitudes towards women and the role of women within political parties, where male-dominated cultures prevail and informal systems of privilege sustain men's over-representation across all levels of politics. The issue here is not that women are underqualified or do not want to put themselves forward, but that political parties serve as gatekeepers to political office.⁵ Positive, regulatory action to address this has proven to be vital, as demonstrated by the huge increase in the use of quotas throughout all regions of the world.

2.1 Quotas are effective

By 2015, 86 countries had introduced electoral gender quotas into constitutional or electoral law, as a guaranteed measure to make their democratic institutions more closely represent the populations they serve.⁶

Across the highest achieving 23 countries, eleven use legally enforceable quota systems, seven have adopted other forms of gender quotas, one is a one party state, and two are extremely small legislatures that are not directly comparable to the majority of democratic states in terms of this debate. Finland and Denmark, which have long and celebrated histories of policymaking that promotes women's participation in public life, are the only other two states to feature at the top of the global league table for women's representation.

Gender Quotas

By 2015, **86** countries had introduced electoral gender quotas into law.



⁵ Dahlerup, D. (2006) *Political parties as gatekeepers to equal representation, session paper for the Political Parties and Democratization, International Political Science World Congress, 2006*

⁶ International Institute for Democracy and Electoral Assistance (2014) *Atlas of electoral gender quotas*

Table 1: Global league table on women's parliamentary representation⁷

Rank	Country	Women's % representation	Election year	Quota system
1	RWANDA	63.8	2013	Legislated candidate quotas
2	BOLIVIA	53.1	2014	Legislated candidate quotas
3	ANDORRA	50.0	2011	No quotas
4	CUBA	48.9	2013	N/A
5	SEYCHELLES	43.8	2011	No quotas
6	SWEDEN	43.6	2014	Political party quotas
7	SENEGAL	42.7	2012	Legislated candidate quotas
8	MEXICO	42.4	2015*	Legislated candidate quotas
9	ECUADOR	41.6	2013	Legislated candidate quotas
10=	FINLAND	41.5	2015*	No quotas
10=	SOUTH AFRICA	41.5	2014	Political party quotas
12=	ICELAND	41.3	2013	Political party quotas
12=	NAMIBIA	41.3	2014	Political party quotas
14=	MOZAMBIQUE	39.6	2014	Political party quotas
14=	NORWAY	39.6	2013	Political party quotas
16	SPAIN	39.4	2015*	Legislated candidate quotas
17	BELGIUM	39.3	2014	Legislated candidate quotas
18	NICARAGUA	39.1	2011	Legislated candidate quotas
19	TIMOR-LESTE	38.5	2013	Legislated candidate quotas
	SCOTLAND	37.9	2011	Political party quotas*
20	DENMARK	37.4	2015*	No quotas
21	NETHERLANDS	37.3	2012	Political party quotas
22	ANGOLA	36.8	2012	Legislated candidate quotas
23	SLOVENIA	36.7	2014	Legislated candidate quotas

* If Scotland was included in the global league tables this is where it would sit.

*Updated to reflect most recent elections.

The table contains the top 23 countries, as opposed to the top 20 as a result.

⁷ IPU (2015) *Women in Parliament: 20 years in review*

However, progress towards gender equal representation in states and regions where quotas are not legally binding has stalled or regressed in recent years, having appeared to reach a level of saturation at around 35%.⁸ Alongside our neighbours in Scandinavia, Scotland is included in this group.

Over time, once women are established in politics on an equal basis to men, barriers to women's participation have been eroded and it has become business-as-usual for parties to stand equal numbers of women and men as candidates, there will no longer be a need for measures to enable progress. In the meantime, quotas are used to great effect to facilitate change in political culture, within and outside of political parties. Internally, this includes a challenge to dominant cultures around candidate selection, though more democratic and transparent recruitment rules and enacting the practice of equality.

Scotland is inching forward on deeply entrenched gender inequality issues. Whether with regard to women's political representation, the gender pay gap or cultural attitudes, the pace of change over recent decades has been incredibly slow. This means that millions of women and girls in Scotland will have worse experiences, opportunities and outcomes throughout their lives than if we could introduce a panacea for gender equality tomorrow. Quotas are not a panacea, but they are an evidence-based tool to fast-track change and compensate for the persistent barriers that women face when seeking public office. In turn, gender balance in political bodies has a positive impact on the pace of change across other policy areas that are vital to women's equality.

2.2 How do quotas work?

Gender quotas have featured in recent elections in 128 countries, whether through legislation or voluntary measures adopted by political parties.⁹ This enormous uptake of gender-balancing mechanisms in politics has been implemented through three main models worldwide.

1. Legal candidate quotas

Legislated candidate quotas legally require political parties to field proportional numbers of women and men as candidates for election to parliament or local government. Quotas can be set at 50% for either sex, or in terms of a minimum or maximum share of all candidates. These apply to all parties and are most effectively coupled with sanctions for non-compliance.

⁸ Professor Drude Dahlerup, Women5050 conference, Edinburgh, November 2015

⁹ IPU website: <http://www.quotaproject.org/country.cfm> (accessed 29/1/16)

BOLIVIA

Bolivia introduced its bold Electoral Law in 2010, when women's representation was sitting at 25%. Like Scotland, Bolivia has a mixed electoral system of proportional representation and first past the post constituencies. The law requires that all candidate lists must include equal numbers of women and men, in alternation. Where a list has an odd number of candidates, women must form the majority. In single-member constituencies, at least 50% of the candidates nominated must be women. Non-compliance of these rules results in rejection of a party's entire list by the regulatory body. In 2014, this system returned 53% of seats in Bolivia's lower chamber of representatives and 47% of seats in its upper house to women.¹⁰

2. Reserved seat quotas

Reserved seat quotas regulate the number of women in public office, setting a minimum share of seats for women. In practice, this is achieved in a number of ways, including all-women contests for specified regional seats or additional floating seats, direct appointments and the 'best loser' system for women who have narrowly lost out through direct election. These quotas are applied through constitutional amendment or legislation.

UGANDA

Since 1986, Uganda has played a leading role in developing and improving its system of reserved seat quotas, at both national and local level. At the national level, the Constitution states that each of Uganda's 112 districts must have one woman representative, directly elected by voters on an additional ballot. There must also be at least two women included in the seats reserved for the Uganda People's Defence Forces, and one woman represented within each of the five seats reserved respectively for disabled people, young people and workers. This system has led to a current representation rate of 35% for women, rising from a previous high of 3% before quotas were introduced. A constitutional amendment in 1995 also reserves one third of local government membership to women.¹¹

3. Voluntary party quotas

Lastly, voluntary party quotas are implemented during candidate selection processes by political parties, through constitutional amendments or nomination guidelines. Practically, these can be implemented in a range of ways, in line with electoral systems and parliamentary structures. Various voluntary quotas have been (sporadically) adopted by political parties in Scotland since the establishment of the Scottish Parliament.¹²

¹⁰ *ibid*

¹¹ *ibid*

¹² These are set out in detail in section 6 of this paper.

SOUTH AFRICA

The African National Congress (ANC) adopted a political party gender quota of 30% in South Africa in 1994. This was not a legislative measure but was written into the party guidelines for nominations. As a result, the representation of women in the South African National Assembly rose from 4% to 25%. The ANC has sustained and extended this commitment, adopting 50% gender quotas in local and national elections from 2006 onwards.¹³ Currently, women make up 41% of the Assembly, making South Africa one of only fourteen countries worldwide to have passed the critical minority benchmark of 40% representation for women. This shows that a strong political party can make a real commitment to equal representation by establishing policies that ensure results.

2.3 Maximising impact

There are a number of features of quotas systems that are critical to the level of impact achieved. Firstly, a range of approaches are in operation to ensure that women not only stand as candidates, but also have a strong or guaranteed chance of being elected. These include the use of all-women shortlists and placement rules, such as standing equal numbers of women and men in 'winnable' or priority seats, and alternating by sex on multi-member constituency lists, which is known as 'zipping'. Proposals for dual member constituencies, represented by one woman and one man, have also been developed in national and subnational contexts throughout the world.

Secondly, in legal quota systems, sanctions for non-compliance are crucial. Political parties are often extremely resistant to change, not least because they remain dominated by men, some of whom stand to lose out as individuals from regulatory change. Many existing sanctions regimes are based on financial penalties or incentives, with varying degrees of success. For instance, the need for robust sanctions is illustrated by the example set in France. Despite being the first country in the world to introduce 50% gender quotas, men still hold 73% of seats in the National Assembly and 75% of seats in the senate.¹⁴ The financial disincentive of cuts to public funding is clearly not adequately strong.

Most effectively, some legislation bars political parties from competing in a given election should they fail to submit the legal proportion of women and men as candidates. A party's list is rejected by the electoral commission and they are given a fixed time to respond in line with the law. This provision is in place in Spain, where voters returned 39% of seats to women in the 2015 general elections and in Costa Rica, where strengthened regulation and enforcement led to an increase in women's representation from 19% in the first election involving quotas in 1996, to 33% in 2014.¹⁵

¹³ IPU website: <http://www.ipu.org/wmn-e/classif.htm> (accessed 29/1/16)

¹⁴ *ibid*

¹⁵ *ibid*

2.4 Gender neutral quotas

A driving principle of gender quotas is that they help to level the playing field for women and men entering into politics. Part of this involves breaking down the barriers that women experience, including macho political cultures and structures that are incompatible with caring commitments and other aspects of women's lives. Equally, however, levelling the playing field must entail challenging the privilege enjoyed by white men within political culture. One aspect of this is tackling underlying assumptions and stereotypes regarding men's 'natural' superiority in positions of authority and power.

Women are under-represented in politics, therefore men are over-represented. All too often the quotas debate is focussed exclusively on women, with both proponents and detractors focussing on the capacities of individual women, rather than the limited capacities of a political system that is dominated by men. Framing the need for gender parity in terms of men's over-representation is one way to highlight this bigger picture and to challenge the idea that women's equality is an injustice to men.

In practical terms, there are two forms of gender neutral quota systems in operation. The first is the legal or voluntary requirement for gender parity across candidate lists, which sees quotas set at 50%. This is the case, for example, in Bolivia, Belgium and France, and in political parties throughout the world. The second sets figures that apply to either sex, as in the case of Spain and several of Sweden's political parties, where neither men nor women are allowed to represent more than 60% or less than 40% of candidates, or in Ireland, where the initial minimum quota of at least 30% for both women and men is set to rise when the rule has been in force for seven years.

Maximum quotas for men, rather than minimum quotas for women, would take this a step further and send a powerful message regarding the undemocratic nature of over-representation by any group. This approach would also be inclusive of people with non-binary gender identities.

3. QUOTAS FOR PUBLIC BOARDS

International evidence suggests that lack of gendered power balance in the wider public domain ultimately has a major impact on equality of outcomes across government.¹⁶ Again, having women around the table changes the substance and outcomes of discussions: increased numbers of women in leadership positions enriches perspectives and increases prospects for public gender-sensitive services. Representative public boards also contribute to challenging gender stereotypes and perceptions around public authority, and send an important message to young women and men within their respective fields.

However, men also predominate in leadership positions across public life. In Scotland, even in public sector bodies which primarily represent or are staffed by women, board membership and 'chairmanship' are significantly more likely to be held by men. 'Second generation' quotas that address this male over-representation on public boards are designed to redress this gender imbalance throughout the public sector.¹⁷

3.1 The Nordic model

The use of gender quotas across the public sector is well-established in Scandinavia, where legislative and regulatory quotas have delivered strong results. These have been adopted in all five Nordic countries, and typically apply to all public commissions, committees and boards. In practice, the recruitment process for public appointments must deliver two final candidates, one woman and one man, which enables ministers to make appointments in line with the need for gender balance.

In Norway, where legislative quotas have been in force since 1981, at least 40% of all publicly appointed councils, boards and committees must be represented by both sexes.

- At the national level, women and men are almost equally represented, with women holding 47% of positions on state boards and committees. This represents a steady improvement on previous years, and reflects the evolution of the system's enforcement and compliance mechanisms, as well as waning resistance in male-dominated ministries.

¹⁶ World Bank (2012) *World Development Report 2012 Background Paper: Gender quotas and female leadership*; International Institute for Democracy and Electoral Assistance (2005) *Women in Parliament: Beyond Numbers*; UN Division for the Advancement of Women (2005) *Equal participation of women and men in decision-making processes, with particular emphasis on political participation and leadership*

¹⁷ 'First generation' quotas pertain to political institutions and 'third generation' quotas to corporate boards. Holli and Teigen (2012) *Quotas for public bodies: A comparative study of the effectiveness of gender quotas for public boards and committees in Finland and Norway*.

- At the municipal level, almost full compliance with the quotas law was achieved by 1995. This was the same year that saw the Municipal Act come into force, which reinforced original provisions for quotas in the Gender Equality Act 1978.¹⁸

The Nordic countries have not adopted legal candidate quotas in politics, in favour of the voluntary approach within parties. Whilst this has been successful in raising women's representation to between 35 and 40%, this progress has either stalled or ground has been lost in recent elections in the region. In contrast, the gender composition of public sector boards, committees and commissions continues to improve, exceeding the target of maximum 60% representation for either men or women in many cases.

3.2 Maximising impact

Nordic precedents regarding gender quotas in the public sector illustrate the need for legal change to be coupled with regulations to ensure compliance and efficiency, and wider policies to tackle cultural attitudes around gender inequality. Gender mainstreaming is much more integrated in Scandinavian public policy than it is in Scotland and the UK, and a range of economic and social policies that aim to overcome the inequality of cultural gender roles are in place.

This means that public sector bodies must be supported to change organisational cultures, so that there is increased demand from women to take up positions on boards and as chairs. This includes the need for organisations to effectively communicate to women that their applications will be taken seriously. Anecdotal evidence from Engender's membership indicates that some women have stopped putting themselves forward, following multiple unsuccessful attempts to secure interviews for board positions for which they appear to be amply qualified. This is perceived as being on account of their gender, with pervasive perceptions that public sector board membership remains an 'old boys network'.

In the UK, even where legislation to ensure gender equality exists, progress towards legally-mandated targets has been incredibly slow.¹⁹ In the case of quotas for public sector boards, strong compliance and accountability mechanisms would be essential to achieving results. Barriers that prevent women from applying for board positions in the public sector should also be taken into account by public bodies. In 2016, a lack of childcare, or caring commitments for older or disabled relatives should not be acceptable reasons for men's over-representation in positions of authority, not least within public sector bodies whose services and programmes directly affect us all.

¹⁸ Ibid, figures are from 2011

¹⁹ For instance the Public Sector Equality Duty or the Equal Pay Act

4. INTERSECTIONALITY

Other groups protected by the Equality Act 2010 are also significantly under-represented within the UK political sphere and public sector. For all groups that are marginalised in decision-making, the same imperatives around democracy, inclusion and the need for diverse perspectives apply.

It is extremely important that the full diversity of women in Scotland be represented in public office. Strategies to enable women from minority ethnic, minority faith and refugee communities, women from different class backgrounds, younger and older women, and lesbian, bisexual and transgender women to take up positions in politics and public life would bring significant benefits to society and to their respective communities.

Systemic barriers to representation for those facing multiple inequalities must be tackled, or else the scope for gender balance to deliver more diverse perspectives will be limited. Without a strong intersectional approach, which directly involves different groups of women, it is likely that quotas will mainly lead to opportunities for women who already exercise a degree of power and privilege. However, strategies to achieve more effective and representative politics for minority groups are likely to vary across protected characteristics. Engender will support the calls of our colleagues in the equalities sector as such measures are developed in Scotland. In parallel, gender quotas should be implemented where possible by Scottish Government and political parties, without delay, along with plans to enable diverse groups of women to participate more in politics and public life.

4.1 Disabled women

Non-disabled people are significantly over-represented in politics and public life. In Scotland, one in five people have a disability, yet only two members of the Scottish Parliament identify as disabled,²⁰ amounting to a representation gap of 18.5%. The Scottish Parliament, however, does not even collect and publish data on under-represented groups.²¹ Disabled people are also systematically under-represented in local councils and across public boards, including Health Boards, which have a critical impact on their lives. Within this, women councillors are less likely to report being disabled than their male counterparts. Evidently, there is a great deal of work to be done to erode the “physical, informational and attitudinal barriers”²² which sustain this inequality. To this end, Engender supports the current One in Five campaign, which works to encourage, empower and increase political participation amongst disabled people in Scotland.²³

²⁰ Inclusion Scotland (2014) *A vision for an inclusive Scotland*

²¹ EHRC (2015) *Smoothing the pathway to politics for disabled people*

²² Inclusion Scotland (2014) *A vision for an inclusive Scotland*

²³ One in Five campaign website: <http://www.oneinfive.scot/> (accessed 12/2/16)

Systemic barriers to politics and public life are amplified for disabled women, due to the multiple inequalities they experience across society. Participation is affected by access to social and economic resources. In addition to the exclusion experienced by all disabled people, many disabled women also struggle to access childcare, are subjected to gender-based abuse and violence, and experience discrimination and stereotyping in the labour market on account of their gender.²⁴ These issues restrict disabled women's access to training opportunities, quality employment and career progression, and are reflected in an average pay gap of 22% for disabled women compared with non-disabled men, (as opposed to 11% for disabled men).²⁵

Although information on disabled women's experiences in the Scottish context is limited, these systemic obstacles and attitudes will ultimately prevent many disabled women from standing as candidates for political office or public board membership. Data disaggregated by gender and disability is also lacking with regard to public authority boards, which should fully comply with the public sector equality duty and implement diversity strategies to improve representation for all women and men.

4.2 Minority ethnic women

Minority ethnic (ME) women are also less likely to participate in and be represented at all levels of politics and public life. In terms of grassroots activism, which is the primary route to political candidacy, the participation rate for women from ME communities is significantly lower than that of both minority ethnic men and women from white ethnic groups.²⁶

No woman from a minority ethnic background holds a seat in the Scottish Parliament and ME women account for only four of Scotland's 1223 councillors.²⁷ This is less than 10% of the number that would equate to fair political representation in local government.

Once more, this is linked to systemic barriers that prevent or discourage full participation in the economy as well as in public life. For instance, unemployment and underemployment are major issues for women from some minority ethnic communities, who are less likely to be in employment than the white population.²⁸ Discrimination and racism, which remain prevalent problems across Scotland's labour market and public institutions, and occupational segregation which sees ME women clustered in low-paid jobs are key factors which drive this.²⁹ The 'motherhood penalty' and unpaid care work for disabled and older relatives, which

²⁴ Engender, Inclusion Scotland and SDEF disabled women's discussion forums, 2013 - 2015

²⁵ EHRC (2010) *How fair is Britain? The first triennial review*

²⁶ Electoral Commission (2004) *Gender and political participation*

²⁷ CRER (2012) *Minority ethnic participation in the 2012 Scottish Local Government elections*; Figures are based on candidacy for the 2012 local elections.

²⁸ Coalition for Racial Equality and Rights (2008) *State of the Nation: Race and Racism in Scotland*

²⁹ Scottish Parliament Equal Opportunities Committee (2016) *Removing barriers: Race, ethnicity and employment*

women from some ME communities provide to an even greater extent than white women,³⁰ intensify this lack of access to the skills development, training and resources on which selection to public office depends.

Neither racial equality nor gender equality can be achieved until this lack of diversity in Scottish politics and public life has been addressed. All political parties should examine internal culture and processes, and proactively engage with their membership in order to work towards more ethnically diverse platforms in future elections. Public sector bodies should improve collection of data disaggregated by gender and ethnicity, and use this to support development of intersectional equality and diversity strategies.

4.3 Gender identity

Full democratic representation in Scotland also means greatly improved opportunities and rights for transgender people, intersex people and people with non-binary gender identities. At present, there are just over twenty elected officials worldwide who publicly identify as transgender.³¹ This reflects the horrifying degree of discrimination, bullying and prejudice experienced by trans people, across society and our public institutions, which often leads to low levels of health and wellbeing, and poorer outcomes in life. The cultural significance of transgender women and men holding public office in Scotland would be extremely powerful. To this end, Scottish Government and political parties should do all that they can to strengthen transgender rights, improve access to healthcare services, tackle hate crime and transphobia and build knowledge around barriers that exclude trans people from participating in public life.

Gender quotas are targeted at reducing men's over-representation and increasing women's under-representation in public life. As such, they are generally framed within a binary understanding of gender. However, intersectional campaigns that push parties and public bodies to strengthen their diversity strategies should also acknowledge issues for people of all gender identities, and Engender supports the development of inclusive quota mechanisms in Scotland. In the meantime, we support parallel campaigns to strengthen the rights of sexual and gender minorities, including in politics and public life.

4.4 Quotas for minority groups

Legal and customary quotas have also been adopted for minority groups in many countries.³² These have tended to focus on regional, ethnic, linguistic or religious inequalities, but quotas for disabled people are also in operation. In Uganda, there

³⁰ Carers UK (2012) *Half a million voices: Improving support for BAME carers*

³¹ University of North Carolina at Chapel Hill (2015) *Standing Out: Transgender and gender variant candidate and elected officials around the world*

³² Hughes (2011) *Intersectionality quotas, and minority women's representation worldwide*, American political science review

is a precedent for intersectional quotas, in the form of reserved seats for disabled, young and ‘worker’ women.³³

At present, Engender has no position on quotas for minority groups in Scotland. This may well be a necessary and strategic approach to increase diversity in due course and, contrary to the assertions of some opponents, there is nothing to suggest that this would weaken the case for gender quotas. We will take a lead on this from peer equalities organisations in due course. In the meantime, we are working in coalition with the Scottish equalities sector, to advocate for our shared vision of true participation and representation in Scotland.

Shared vision for Scotland

“We have a vision for Scotland where our elected representatives truly reflect the diversity of the Scottish population – improving democracy, increasing engagement in public life, enriching policy decisions, and therefore bringing benefits to all.”³⁴

We will also continue to call for maximum efforts by Scottish Government, local authorities, public bodies and political parties to create an inclusive and supportive environment for all women to access opportunities within their organisations, and will support these efforts wherever possible.

³³ IPU website: <http://www.ipu.org/wmn-e/classif.htm> (accessed 3/2/16)

³⁴ This is a joint statement by CRER, CEMVO, BEMIS, the Equality Network, LGBT Youth Scotland, Stonewall Scotland, Scottish Transgender Alliance, the Scottish Refugee Council, Inclusion Scotland, Women 5050 and the One in Five campaign

5. THE REALITY OF QUOTAS

A number of misconceptions are regularly presented in opposition to gender quotas, whether in politics or the public sector. Our rebuttals to these arguments are presented here. We also make the underlying point that measures which actively tackle power imbalance will always be contested. By no means do all women support quotas or all men oppose them. However, as demonstrated by the pace of progress against entrenched gender inequality, privileged groups with vested interests do not readily yield positions of power and influence.

5.1 Quotas support real meritocracy

Detractors of quotas claim that they undermine meritocracy. However, this is a superficial defence of the unequal status quo, where women do not have the same opportunities to access politics and public life as men do. The idea that women may end up in office at the expense of more qualified candidates assumes that all of our elected representatives and public board members are subjected to standardised selection processes. This is not the case.

Meanwhile, evidence shows that there is no significant qualifications gap between women and men in public office,³⁵ irrespective of whether gender-balancing mechanisms are in place. On the contrary, in Sweden, candidate quotas have led to women with diverse backgrounds standing for election, and consequently to more qualified political candidates overall.³⁶

This argument against quotas also supposes that merit is an objective, uniform concept, which it manifestly is not. Rather, the idea of meritocracy demands questions about who defines merit in the male-dominated public sphere, and to what end. The proposition that outcomes may suffer as a result of greater gender balance across leadership falls down when we ask ‘*outcomes for whom?*’ Where women have greater involvement in setting the agenda, evidence shows that other women, and people from other disadvantaged groups, stand to benefit.³⁷ A narrow conception of the route into politics and the boardroom, and of the skills needed to arrive there, also undermines the broad consensus that diverse perspectives and approaches are desirable in decision-making.

5.2 Quotas compensate for discrimination against women

Quotas compensate for structural barriers that exclude many women from taking part in public life, including direct and indirect discrimination. It becomes clear that quotas do not discriminate against men when this bigger picture is taken

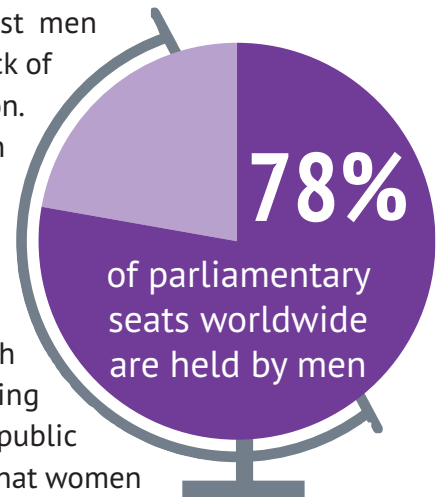
³⁵ Allen et al (2015) *Measuring the quality of politicians elected by gender quotas*, Political Studies

³⁶ Research Institute of Industrial Economics (2012) *Gender quotas and the crisis of the mediocre man: Theory and evidence from Sweden*

³⁷ World Bank (2012) *World Development Report 2012 Background Paper: Gender quotas and female leadership*

into account. The conversation around quotas can overly focus on women, placing unfair onus and attention at the individual level. However, quotas are fundamentally about addressing the systemic discrimination that women routinely experience in accessing resources, opportunities and security.

The argument that quotas discriminate against men highlights the dangers of exclusively framing lack of diversity in terms of women's under-representation. Such an approach fuels the notion that women are individually responsible for overcoming barriers to their own participation, or that their performance as public representatives warrants additional scrutiny. It also deflects attention from both the performance and disproportionately high number of their male counterparts. Reframing quotas as men's unfair overrepresentation in the public sphere helps to challenge the pervasive notion that women are intruding on men's natural space.³⁸



Women categorically do not benefit from unfair advantage through the use of quotas. There is an inherent gender bias to accessing politics and decision-making, but it clearly and overwhelmingly favours men. It is not discriminatory against men to redress this.

5.3 Quotas are democratic

There is also a misconception that quotas are undemocratic because they interfere with democratic processes and restrict the electorate's choice of candidate. This overlooks the fact that political parties control the nomination process, regardless of gender or any other characteristic. It is not primarily the voters who decide who stands for election.

Evidence does show, however, that increased numbers of women standing for election is correlated with stronger female participation in politics and higher voter turnout by women.³⁹ This supports the argument in favour of quotas on the basis that unequal representation is undemocratic.

5.4 Voluntary quotas are inadequate

Voluntary measures are insufficient to deliver significant change, especially with regard to deep and sustained structural inequality. Many political parties have successfully raised the number of women standing for election through use of voluntary quotas, including in Scotland. However, this does not guarantee sustained commitment to or delivery of women's equality in selection processes

³⁸ Murray, R. (2014) Quotas for men: reframing gender quotas as a means of improving representation for all

³⁹ Electoral Commission (2012) Gender participation in politics

and leads to incremental change in terms of outcomes, as not all parties participate. Furthermore, evidence from Scandinavia, where voluntary quotas have been in operation for decades, shows that progress tends to stall after men's over-representation has been reduced to around 65%.

In terms of board membership, the inadequacy of voluntary measures is demonstrated by numerous non-mandated schemes across related fields, globally and in the UK. This includes the UK government's *Think, Act, Report* initiative which has comprehensively failed to deliver meaningful change in the composition of corporate boards.

This is because increased access to decision-making and influence for women and other under-represented groups means a lesser share of power for those who currently wield it. Theory of change analysis and historical precedent within the women's movement confirm what logic dictates: mandatory regulations are significantly more effective than voluntary measures. Predicating change on voluntary action also attaches a lesser degree of importance to the issue at hand, in the eyes of those charged with implementation, as well as the wider public.

6. QUOTAS IN SCOTLAND

In Scotland, the issue of quotas is framed by successful campaigning on equal representation by the women's movement, across civil society and within political parties, prior to devolution. This led to the introduction of gender-balancing mechanisms by Scottish Labour ahead of the inaugural elections, which in turn led to strong results in the first two sessions of the Scottish Parliament. This progress against men's over-representation in Scottish politics, however, has not been sustained.

In 2016, as the Holyrood elections approach, the current cross-party Women 5050 campaign has taken up the mantle for equal representation, calling for quotas across the Scottish Parliament, local councils and public boards. Although restrictions in terms of the current devolution settlement do still apply, over half of current MSPs now support this call. This is an excellent indication of shifting political opinion around quotas in Scotland, and reflects their potential as a key lever for women's equality.

6.1 The constitutional context

Scotland does not currently have the power to introduce legislated candidate quotas into electoral law. The use of parliamentary quotas and 'temporary special measures' in the Scottish Parliament is currently reserved to Westminster, under provisions on elections in the Scotland Act. Certain temporary special measures, including all-women shortlists, require exemptions from the Equality Act 2010, which prohibits discrimination on the grounds of sex. Equality law is also reserved to Westminster.

With regard to political quotas, therefore, UK policy applies in Scotland. The UK has an extended temporary special measure in place, which allows parties to adopt all-women shortlists for candidates. However, this is non-binding and the UN women's rights committee, CEDAW, has called on the UK to consider more prescriptive measures.

Although the cross-party Smith Commission recommended the devolution of all power over elections to the Scottish Parliament and local authorities, this was omitted from the subsequent Scotland Bill. Amendments to the Bill which would have devolved equalities law and power to set gender quotas were tabled by both Labour and the SNP, but these subsequently fell in the House of Commons and again in the House of Lords. The current Scotland Bill does, however, devolve the power to set quotas for public boards to the Scottish Parliament. Engender welcomes this and will continue to push for devolution of electoral and equalities

law, on the grounds that there is real scope in Scotland for the adoption of gender quotas and thus for significantly increased women's political representation.

6.2 Scottish Parliament elections: 1999 - 2011

Since the new Scottish Parliament was established, parties have adopted a range of gender-balancing mechanisms in selecting candidates for election. This has partly been enabled by Scotland's mixed electoral system of first past the post and proportional representation on the regional list, which presents the electorate with broader voting options and political parties with opportunities to increase the gender balance of candidates. These include placement policies, such as alternating women and men on regional lists (known as or 'zipping' or 'gender templates'), ensuring that 'winnable' seats are contested on an equal basis (known as 'twinning'), and use of all women shortlists (AWS) in constituency seats. Attempts were also made by the STUC Women's Committee to establish dual member constituencies (represented by one woman and one man) from the outset of the new parliament, but this was not adopted.

In 1999, Scottish Labour's 'twinning' policy, paired with gender balancing on the regional lists, was particularly successful in returning equal numbers of women and men to the new Scottish Parliament. The Scottish National Party (SNP) voted on the adoption of 'zipping' candidates by gender on the regional lists, in 1998, but the motion was narrowly defeated, and the party relied on informal placement policies to improve gender balance. Mainly due to a strong return of Labour women in constituency seats, therefore, 37% of MSPs elected to the first Scottish Parliament were women.⁴⁰

However, these measures were voluntary and temporary, and it has since proved difficult to consolidate this early progress. Between 2003 and 2011, the Scottish Labour Party, the Scottish Green Party and the Scottish Socialist Party did make use of official quota measures with regards to the regional list. However, these were not consistently applied, and other parties only made sporadic use of 'softer' placement policies.⁴¹ This piecemeal approach has meant that women's representation in the Scottish Parliament has been dropping since 2003.

For lasting and meaningful change, proactive candidate selection processes would need to be adopted by every political party on a permanent basis. The current comparatively high proportion of women in the Scottish Parliament is a legacy of the binding measures implemented in its early sessions. There is absolutely no guarantee that women's representation will not drop off the political agenda and the radar of political parties in future elections. Indeed, this happened to a large extent in 2007, immediately resulting in more male MSPs at Holyrood.⁴²

⁴⁰ Kenny, M. (2013) Gender and political recruitment: Theorising institutional change

⁴¹ *ibid*

⁴² *ibid*

6.3 Holyrood elections 2016

Clearly, the forthcoming 2016 Holyrood elections provide parties with another opportunity to ensure that women are more fairly represented in the Scottish Parliament. On this occasion, three parties have adopted formal gender quotas within their selection processes, reflecting the relatively high profile of women's equality issues in Scottish politics at present.

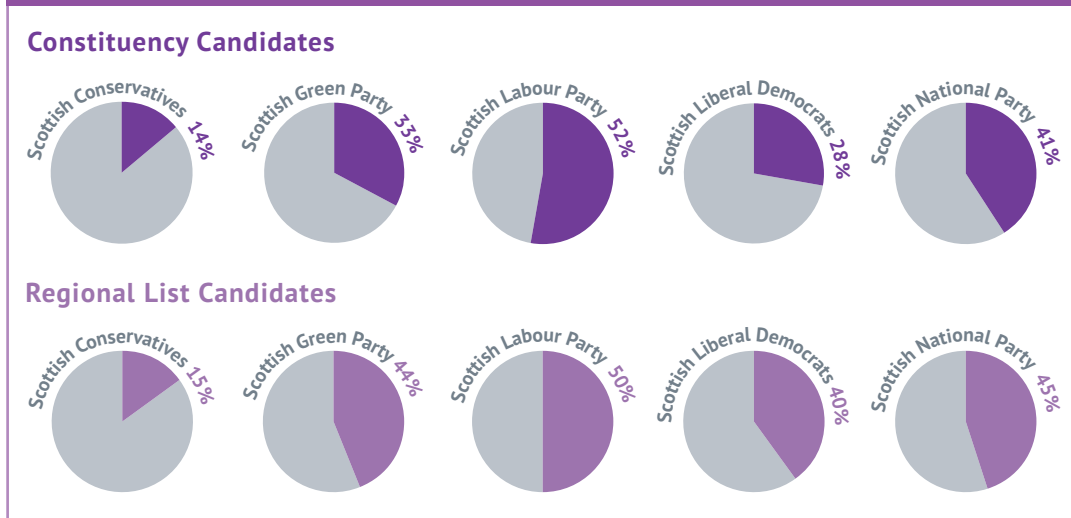
Women's political engagement and grassroots activism, which burgeoned ahead of the independence referendum, has remained strong. In particular, Women for Independence members have played an active role in pushing gender issues within their parties, whilst Scottish Labour has retained a distinct focus on women's equality in its pre-election thinking.⁴³ Going into the election four of the five main parties are led, or co-led by women, and the First Minister has pledged to prioritise gender equality and to support quotas for equal representation.

As a result of this momentum, the SNP, which is expected to win a majority of seats in May 2016, voted to take action to address its current women's representation rate of 26% and applied formal gender quotas for the first time. This was in the form of all-women shortlists for the nine constituency seats where incumbent MSPs are standing down. Consequently, at the constituency level, 41% of the SNPs candidates are women, as are 45% of candidates on their regional lists. This is a marked improvement from 2011. Removing sitting MSPs from the equation, 68% of constituency candidates and 52% of list candidates are women. Although 'zipping' has not been applied to regional lists, women do head the billing in four of the eight regions contested.

Scottish Labour also voted to make use of AWS, as well as gender quotas on the regional lists. They have subsequently returned the only completely balanced slate of candidates amongst the main parties, replete with placement policies that ensure women and men are alternately positioned on lists and share the top spots across regions. Women have secured 52% of nominations in constituency contests and are 50% of list candidates, making Labour the forerunner for women's representation in this election.

The Scottish Green Party implemented gender quotas to 'zip' placement on their lists by gender, and gender templates to ensure that women are equally represented as lead candidates. To date, this has returned 44% of non-male candidates, and women at the head of 50% of regional lists. 'Top-up' processes to encourage more women to stand are currently underway, with the goal of capping male candidacy at 50%.

Table 2: Candidates in the Holyrood elections 2016 by gender⁴⁴



Party	Women at the top of regional lists	Women in the top 5 positions of regional lists
Scottish Conservatives	25%	18%
Scottish Green Party	50%	50%
Scottish Labour Party	50%	50%
Scottish Liberal Democrats	25%	48%
Scottish National Party	48%	50%

The Scottish Liberal Democrats did not make use of gender quotas during selection processes for this election. As a result, their only current female MSP lost her place at the head of her regional list, making re-election unlikely, and only 25% of lists are headed by women. It is projected that the party will be represented exclusively by white men in Holyrood after these elections.⁴⁵ Coupled with the fact that none of the UK’s eight Liberal Democrat MPs are women, this has pressurised the party to put forward a motion regarding voluntary quotas at their Spring conference for 2016.

The Scottish Conservatives did not make use of gender-balancing measures for this election. Consequently, only 15% of their constituency candidates and 14% of their list candidates are women.

In 2011, under a third of candidates for election to the Scottish Parliament were women. So far, in 2016, this has risen to 39% across the five parties already represented in parliament. In addition, the newly formed Women’s Equality Party has announced that it will stand candidates in all eight of Scotland’s electoral regions and of the 37 candidates announced to date by the electoral coalition RISE,

⁴⁴ Not all candidate selections had been finalised at the time of writing in February 2016.

⁴⁵ Gender politics at Edinburgh: <https://genderpoliticsatedinburgh.wordpress.com/2015/10/14/has-the-tide-turned-for-womens-representation-in-scotland/> (accessed 8/2/16)

54% are women. Although concerns remain about the ‘winnability’ of many seats contested by women, precedents have already been set in this election campaign and progress has certainly been made. There is every chance that this will result in more women in Holyrood when Scotland goes to the ballot box in May.

6.4 Local government

This report has focussed primarily on national level politics, in light of the imminent Holyrood elections. However women’s representation in local council offices is equally vital. Local governments control policy and deliver services across a host of areas that affect women’s daily experiences and are crucial for gender equality, such as social care, education, transport, libraries and leisure centres. Experience in local government also often serves as a springboard for selection as national candidates.

Yet, women are comprehensively under-represented across local government and party activity at the grassroots in Scotland, where male-dominated political cultures prevail. Despite activity, debate and some progress at the national level, women’s representation in local councils has more or less flat-lined at an average of around 22% since the 1990s.⁴⁶ At present, 76% of local councillors in Scotland are men. At the last local elections in 2012, less than one in four candidates were women and 16% of council wards were contested exclusively by men.⁴⁷ Not one single woman from a minority ethnic community stood for election.⁴⁸ This is despite the introduction of single transferable voting in 2007, a form of proportional representation which was expected to increase the number of women elected to local councils.

Councils and political parties must work towards improving this record in the Scottish local government elections in 2017. Measures that support women to stand for election and participate within branches as activists are vital. These include crèches and flexible working policies in local government workplaces, childcare options at party offices and branch meetings to increase the number of women able to take part in campaigning activities, support structures for women’s and equalities officers and informal support for potential women candidates.

The evidence set out in this report, however, is crystal clear that such measures can ultimately only have limited impact on tackling men’s dominance of politics. Until Scotland is able to legislate on gender quotas, parties must take action internally. The logic and imperatives that have led to four out of Scotland’s five main parties debating or implementing quotas at national level in relation to Holyrood 2016 must be extended to local politics. We are calling on all parties to introduce gender quotas for the Scottish local government elections in 2017.

⁴⁶ Gender politics at Edinburgh: <https://genderpoliticsatedinburgh.wordpress.com/2012/04/18/more-of-the-same-women-and-the-scottish-local-government-elections-2012-5-2/> (accessed 2/2/16)

⁴⁷ Engender (2014) *Gender equality and Scotland’s constitutional futures*

⁴⁸ CRER (2012) *Minority Ethnic representation in the Scottish Local Government Elections*

6.5 Quotas for public sector boards

The issue of gender quotas for public sector boards has received some prominence over recent years. The First Minister's call for gender balance across Scotland's public boards by 2020 is extremely welcome, as were Scottish Government efforts to devolve relevant powers prior to the Smith Commission and current Scotland Bill. These are now projected to come into force in 2017. The timing of this is critical, given that the Scottish Government has an Equality Outcome commitment to ensure that ministerial public appointments reflect the diversity of Scotland's population by 2017, and aims to achieve gender parity across board positions by 2020.⁴⁹

Figures starkly show that proactive measures will be necessary to achieve these goals. In 2014, only 21% of chairpersons on public boards in Scotland were women and one in ten public boards consisted of over 80% male membership.⁵⁰ Meanwhile, women tend to be represented as non-executive directors, as opposed to chief executives, executive directors or financial directors.⁵¹

In addition to the democratic and social justice arguments for equal representation, the thematic remit of public boards also means that gender balance is crucial. Whether they regulate areas like health, education, skills, care, sport or culture, where gender inequalities are well rehearsed, or those with less well known gendered impacts, such as transport, housing, natural heritage or water, decisions made within all public bodies will have a differential impact on women and men. Indeed, where gendered impacts are less immediately clear, diverse women's perspectives are particularly important.

We strongly advocate for gender parity on public boards, as well as in parliament and local government, as opposed to restricting ambition for women's representation to a 'critical minority' of 30 - 40%. Without mandatory quotas set at 50% it is unlikely that equality will be achieved. In practical terms, gender balance clearly expands the scope for diverse groups of women to be represented and to access opportunities. In terms of principle, a primary objective of gender quotas is to challenge engrained norms. The message that men should still be allowed to form a majority on public boards would undermine this potential and, indeed, could conversely imply that women should not be represented equally.

Setting 50% gender quotas for public boards would send a clear message of intent on the part of the Scottish Government regarding its existing commitments on gender equality. It would provide a platform for gender advocates and government officials to promote gender balance in related areas and would represent a symbolically powerful statement on the need for a cultural sea-change regarding gender roles in Scotland.

⁴⁹ Scottish Government (2015) *Equality Outcomes and Mainstreaming report*

⁵⁰ Scottish Government (2014) *Women on board: Quality through diversity*

⁵¹ Close the Gap (2014) *Response to the Women board Scottish Government consultation*

7. CONCLUSION

Globally, 86 states have adopted legal gender quotas over the last twenty five years, to redress the huge imbalance between women and men across politics and public life.⁵² Amongst these are sixteen European countries, including our nearest neighbours in Ireland and France.⁵³ Political parties in around thirty more states have made use of quota systems on a voluntary basis, including certain parties at certain times in Scotland. The reasons for this are straightforward. Men still hold 78% of parliamentary seats worldwide, without targeted action the rate of change is unacceptably slow, quotas are extremely effective, and equality and diversity in decision-making are widely accepted as desirable goals.

Whilst measures to erode the structural barriers that prevent women from entering into public office and to support women as candidates are also vital, these are simply not enough. If gender parity in our democratic institutions and gender equality more broadly are genuine political goals in Scotland, then we must start moving towards a system of legal quotas to reduce men's over-representation across public life.

Although the Scottish Government is not able to adopt parliamentary gender quotas at the present time, a number of positive actions could be taken to establish policy direction in terms of women's political representation, in line with that for gender balance on public boards. This would help to move the debate on women in leadership beyond the influence of current political agendas and work to prevent the regression that has been seen in recent years from recurring in the future. Along with bold measures to ensure gender parity on public boards, strong signals on fair political representation would also see Scotland take a lead within the UK on positive action for equality and diversity.

⁵² International Institute for Democracy and Electoral Assistance (2014) Atlas of electoral gender quotas

⁵³ IPU website: http://www.quotaproject.org/country_by_region.cfm#region50 (accessed 24/2/16). These are Albania, Belgium, Bosnia and Herzegovina, Croatia, France, Greece, Ireland, Italy, Kosovo, Macedonia, Montenegro, Poland, Portugal, Serbia, Slovenia and Spain.

8. RECOMMENDATIONS

We are calling on the next Scottish Government and all political parties to do all that they can to address men's over-representation across politics and public life, and to secure many more women in positions of influence by 2021.

WE ARE CALLING ON THE NEXT SCOTTISH GOVERNMENT TO:

- Continue to make the case for the devolution of electoral and equalities law to the Scottish Parliament.
- Set gender quotas for public boards at 50% once power is devolved to the Scottish Parliament.
- Develop an intersectional strategy to eradicate barriers to participation in public life and to increase diversity in the Scottish Parliament, local councils and public boards.
- Collect and publish data disaggregated by gender and other equalities characteristics regarding representation in all levels of politics and on public boards.
- Encourage the use of gender quotas in candidate selection processes for local, national and European elections where possible.

WE ARE CALLING ON ALL POLITICAL PARTIES TO:

- Vote on constitutional motions to ensure the permanent use of gender-balancing measures in candidate selection processes.
- Adopt or extend the use of formal gender quotas for the local elections in 2017, European elections in 2019 and Scottish parliamentary elections in 2021.
- Improve placement policies in line with international best practice to ensure that women candidates have equal access to 'winnable' seats.
- Work with members to address barriers that prevent diverse groups of women standing as candidates and participating in party politics.
- Audit the diversity of party members, activists, candidates, staff and elected representatives at all levels, creating a benchmark against which to monitor change.



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