

Women and Equalities Committee – Gender Sensitive Parliament Audit Inquiry

Introduction

- 1.1. The Fawcett Society welcomes the opportunity to respond to the Women and Equalities Committee's inquiry on a gender-sensitive Parliament. For more information about our submission, please contact Eliza Ampomah, Senior Policy and Public Affairs Officer at the Fawcett Society on eliza.ampomah@fawcettsociety.org.uk
- 1.2. The Fawcett Society is the UK's leading charity campaigning for gender equality and women's rights at work, at home and in public life. Our vision is of a society in which women and girls in all their diversity are equal and truly free to fulfil their potential. We trace our roots back to 1866, when Millicent Fawcett began her lifetime's work leading the peaceful campaign for women's votes.
- 1.3. One of our key areas of expertise is campaigning for women's political representation. Our vast range of work in this area includes our *Does Local Government Work for Women? Final Report of the Local Government Commission (2017)*; *Strategies for Success: Women's Experiences of Selection and Election in UK Parliament (2018)*; and most recently our report on *Sexual Harassment in Parliament (2019)*.
- 1.4. Today we remain the most authoritative, independent advocate for women's rights in the UK. The Fawcett Society led 'Equal Power' campaign, which is working to get more women into every level of politics and community leadership, shows that action on women's representation is needed now more than ever. The project is run in partnership with Centenary Action Group, Citizens UK, 50:50 Parliament, Glitch UK, Muslim Women's Network UK, The Parliament Project and our funder is Comic Relief. See more here: <https://www.fawcettsociety.org.uk/free-online-equal-power-workshops-for-women>

2. Summary

- 2.1. Following the dramatic increase after the 1997 UK General election, improvements in women's representation in Westminster has stalled. Although the general trend shows an incremental increase in the number of women MPs at every election, women make up only 34% of all MPs, and this varies significantly across political parties. We welcome the increase in the number of women in Parliament, however this is not guaranteed. We recognise progress has been made, a significant amount of work is still needed to ensure that Parliament reflects and works for a diverse range of people and voices. The culture and practices in Parliament, local government and in political parties – which are the gatekeepers and major actors within Parliament – must change to welcome more women. The harassment and abuse of women in politics and public life is undoubtedly driving some women out of politics and deterring others from coming forward.

- 2.2. We are therefore pleased to see this inquiry and welcome the opportunity to put forward our recommendations. Part 3 of this response summarises our recommendations in this area. Parts 4, 5, and 6 provide more detail on women's representation and; parliamentary effectiveness; and violence against women in parliamentary politics. Part 7 offers a suggested approach to implementing section 106 of the Equality Act, one of our recommendations.
- 2.3. Nearly a year into the pandemic, new data from the Equal Power campaign is showing a significant increase in the number of women unlikely to stand as an MP has risen to 74% from 59% in 2019. Women are being hit hardest by the social and economic impacts of the virus and these findings therefore feel unsurprising. We are at a crossroads for women's representation. Action is urgently needed from the Government, The Leader of House and the political parties to ensure that women's voices and talents in all our diversity, are not overlooked.¹

2.4.

3. Recommendations

Women's representation and leadership within and across the House of Commons

- 3.1. Government should commence Section 106 of the Equality Act 2010, requiring political parties to collect and report candidate monitoring data so that we could have an accurate picture on the diversity of political candidates.
- 3.2. Government should re-open the Access to Elected Office Fund as a long-term solution to enabling disabled candidates to stand for elected office. Although the Access to Elected Office Fund has been replaced by the EnAble Fund, this is only a temporary solution and is capped at £250,000 – which may be insufficient in the case of a snap General Election.
- 3.3. Political parties should review how they conduct their activity, with a focus on meeting times and whether their approach supports people with caring responsibilities, including at selection. Political parties should also take positive action measures to enable and encourage more women of colour candidates and support those who experience pressure from within their communities not to participate in political life. **Each political party must outline realistic but ambitious targets for increasing women's representation, with a clear action plan for achieving those targets.**
- 3.4. **If each political party has not made significant progress against this plan to increase women's representation by the next election, they must commit to early legislation to implement a time-limited requirement for at least 45% of candidates to be women, with**

¹ The Fawcett Society (2021) Urgent Action on Women's Representation Needed - <https://www.fawcettsociety.org.uk/blog/we-need-more-women-urgent-action-needed-on-womens-representation>. This data comes from a survey The Fawcett Society ran with all women signed up to the Equal Power programme from January 2021. 440 responded

specific consideration given to the percentage of women who also have protected characteristics.

- 3.5. Parliamentary effectiveness: gender sensitivity of parliamentary procedures, facilities and support**
- 3.6.** This year, Parliament has made strides in supporting the caring responsibilities of those in the House of Commons by introducing several temporary and permanent changes to the parliamentary procedures and support extended to MPs and Ministers.
- 3.7.** Given the success of the proxy voting system trial, we welcome Parliament making the voting scheme permanent for MPs who are away from Westminster because of childbirth or care of an infant or newly adopted child or where there have been complications relating to child birth. We now call for the temporary extension of proxy voting provisions made to those unable to be present at Westminster for medical, public health reasons related to the pandemic, including caring for those with the virus, to also be made permanent. As we learn to adjust to the long-term impact of the pandemic, this is an opportunity to introduce a policy to support those who bear the bulk of caring responsibilities with this provision.
- 3.8.** In addition, the introduction of the hybrid parliamentary system to allow MPs to participate in the business of the house either in person or remotely during the pandemic has been a welcome modification. Although women MPs have been consistently present for house proceedings, even when required to attend in person between June to November 2020, their use of remote attendance suggests they appreciated and utilised this provision far more than their male colleagues.² **We are calling for a thorough review of hybrid proceedings as part of the next Gender Sensitive Parliament Audit and a trial for hybrid proceedings until the end of the year with a view to making more permanent modifications for the future.**
- 3.9.** People with caring responsibilities need clarity and structure – we recommend for Parliament to set session dates in advance and to conduct a review of sitting hours. A change in the structuring of activity would enable parliamentarians with children greater flexibility and accommodate those with caring responsibilities.
- 3.10.** Whilst we welcomed the passage of the Ministerial and Other Maternity Allowances Bill, which gives the Prime Minister and the Leader of the Opposition the power to provide six months maternity leave on full pay to government ministers and some of the shadow cabinet, it has left a chasm between frontbench and backbench MPs with regards to maternity, paternity and adoption leave rights. IPSA launched a consultation in February 2021 on the proposal to cover the cost of providing cover for maternity and paternity leave³

² House of Commons (2020), Coronavirus: MPs' use of virtual participation and proxy voting by gender

³ Independent Parliamentary Standards Authority (2021), Consultation: Funding for MP parental leave cover and staff reservists leave

for MPs. The recommendations from this this consultation have yet to be published but we urge IPSA to explicitly state they will support offices with additional resources for those on maternity, paternity, parental, adoption and caring leave. We also call for the duration of paternity leave to be extended from two weeks, to allow for male MPs and second ad⁴get better work-life balance and promote further gender equality. We support the *Good Parliament* report's recommendation for Parliament to commission a comprehensive diversity and equality audit of IPSA.⁵

- 3.11. We support the recommendations of the *UK Gender Sensitive Parliament Audit 2018* for the need to develop a parliamentary policy for children and families, informed by good practice in other parliaments.⁶
- 3.12. Parliament should review the proposals for job-sharing as MPs as a way of opening up Parliament to more women, those with caring responsibilities and disabled women.

Violence against women in parliamentary politics, including online spaces

- 3.13. We welcome Parliament adopting some of the recommendations made in the Dame Laura COX DBE Inquiry and the Gemma White QC Inquiry:
- 3.14. In the last two years, Parliament has accepted the inclusion of historic allegations under the remit of the Independent Complaints and Grievance Scheme and the recruitment of the independent panel of experts to assess cases without the interference of MPs.
- 3.15. However we are still worried about how sexual harassment and violence cases are being addressed in Parliament because there is still a lot of work to be done. On two occasions last year, Parliament and political parties have had grapple with the practicalities of improving the grievance procedures, one instance regarding an MP accused of rape (who was later not charged) and the involvement of MPs in the Independent Grievance Scheme. We await a review of the Grievance Scheme in the future and how robust it has been in dealing with instances of bullying and sexual harassment in Parliament.
- 3.16. There are still recommendations related to the Dame Laura COX DBE Inquiry and the Gemma White QC Inquiry that must be considered:
 - i) We echo Gemma White QC's recommendation for the need to establish "a properly resourced, proactive, body or department with responsibility for overseeing employment practice in MPs' offices and supporting both MPs and their staff." We also

⁵ Professor Sarah Childs (2016), *Ibid*.

⁶ UK Parliament (Dec 2018), *UK Gender Sensitive Parliament Audit 2018: Report of the gender-sensitive Parliament and audit panel to the House of Commons Commission and the House of Lords Commission*.

Written evidence submitted by The Fawcett Society [GSP0020]

support her recommendation for IPSA to “consider imposing related conditions on MPs’ entitlement to staffing expenditure, such as a requirement to demonstrate adherence to good employment practice by, for example having attended relevant training.”

- ii) Political parties must revise their own internal sexual harassment and complaint policies to ensure that they are transparent, quick, victim-focused and independent and cover volunteers, employees and elected and appointed representatives so that sexual harassment is prevented and tackled outside of the parliamentary estate.
- iii) Evidence shows that women on social media face repeated threats of rape and sexual assault. Some of those responsible for issuing those threats have then gone on to stand for election themselves. Government should introduce electoral laws for specified offences against elected representatives, regardless of the time period. We are also calling for an extension of proposed offences to the long campaign period, with a broad definition of ‘campaigner’. In making this recommendation we support the direction of the Committee on Standards in Public Life’s recent report, but seek to widen the scope of those offences.

- 3.17.** Government should legislate for a joint code of conduct, for all parties to sign up to. We suggest this is enforced by the Electoral Commission through an independent panel. This code could lead to fines and penalties for parties, including restricting free mailouts provided to parties, restricting access to the electoral registers and reducing spending limits.
- 3.18.** Violence and abuse online is shutting women out of the political debate. 69% of women signed up to Equal Power said that fear of abuse from the public or parties was a barrier to them putting themselves forward for selection and election.⁷ We call for the Government to introduce interim guidance for the online industry.
- 3.19.** Parliament and councils must work alongside police forces to set up information sessions for women MPs and candidates prior to election periods, so that they can be made aware of their legal rights to protection and to ensure that both they and the police are clear when interactions on social media cross the line into illegal abuse and harassment.

4. Women’s representation and leadership within and across the House of Commons

Enacting Section 106 of the Equality Act 2010

⁷ The Fawcett Society (2021) Urgent Action on Women’s Representation Needed - <https://www.fawcettsociety.org.uk/blog/we-need-more-women-urgent-action-needed-on-womens-representation>. This data comes from a survey The Fawcett Society ran with all women signed up to the Equal Power programme from January 2021. 440 responded.

Written evidence submitted by The Fawcett Society [GSP0020]

- 4.1. As of December 2020 there are 220 women MPs (34%). A breakdown of women's representation across the different parties in the 2017 General Election can be found in our [Sex and Power 2020 Report \(p.5\)](#). However, there is a stark difference in the proportion of women MPs across the party divide. The Conservative Party saw a modest rise from 21% to 24% (87). The Labour Party increased its proportion of women MPs from 45% to 51% (104) - meaning women MPs in the party outnumber their male counterparts. Women make up 64% of Liberal Democrat MPs (7), while the SNP have seen a slight decrease from 34% in 2017 to 33% (16).
- 4.2. The new Parliament is the most diverse to date – with people of colour making up 10% of all MPs, up from 8% in 2017. Women of colour make up 17% of women MPs, which is parity with the proportion in the population as a whole. Looking at the different parties, six women of colour sit on the Conservative benches (making up 7% of Conservative women MPs), 29 on the Labour benches (28% of Labour women MPs) and two on the Liberal Democrat benches (29% of Liberal Democrat women MPs). There are currently 50 MPs who identify as LGBTQ+ in the House of Commons. Of these, eight are women (16%). Women with disabilities continue to be significantly under-represented – only two Labour MPs - which is paltry representation for disabled women. In the ages of women and men, MPs are broadly similar across political parties. Conservative women are on average 50 years old, and Labour women 51, while Conservative male MPs are on average 51 and Labour male MPs are on average 54.27. This is a clear indication that young people and their needs are completely underrepresented.
- 4.3. Section 106 of the Equality Act 2010 gives the Government the power to require political parties to publish candidate diversity data. Drafted in a cross-party manner, the legislation is enabling rather than prescriptive. Currently some data is published, occasionally, in inconsistent formats by some political parties – or surmised by charities like Fawcett. A more consistent approach would enable those who want to see faster progress on the selection and election of more women, and women of colour, disabled, or LGBT people, to apply pressure to advance that aim. Further details on how Section 106 could be implemented can be found in the appendix. **Government should commence Section 106 of the Equality Act 2010, requiring political parties to collect and report candidate monitoring data so that we could have an accurate picture on the diversity of political candidates.**
- 4.4. As of March 2021, there are 223 women Peers – only 28% of the Members of the House of Lords. We are concerned about how significantly the Lords has fallen behind the Commons.⁸ We recognise that low women's representation in the Lords is in part a consequence of the low levels of representation in the Commons, however, given that the majority of peers are appointed - this is a trend that could be rectified simply. We support the *UK Gender Sensitive Parliament Audit Report's* recommendation that Section 106 could also be voluntarily extended to include appointments to the Lords, for example by political parties publishing the gender balance of appointment candidates.⁹ **recommend that the**

⁸ <https://www.parliament.uk/mps-lords-and-offices/lords/?sort=2&type=0> (accessed 29/07/19)

⁹ UK Parliament (Dec 2018), *UK Gender Sensitive Parliament Audit 2018: Report of the gender-sensitive*

Government introduce positive action - zipping or quotas would be options – to stop the Lords slipping further behind the Commons. This requirement would be placed on political parties and the House of Lords Appointments Commission.

The case for quotas

- 4.5. Evidence from all over the world demonstrates that quotas are effective at getting more women elected and we remain committed to the use of time-limited quotas to increase women’s representation, particularly where, as in this case, progress has stalled. Explanations for the under-representation of marginalised groups overwhelmingly rely on the “Supply and Demand” model. Details on this framework and how the preferences of the party selectors have a greater effect on the composition of Parliament than the electorate can be found in our [Strategies for Success Report](#) (pp. 17-18). **Each political party must outline realistic but ambitious targets for increasing women’s representation, with a clear action plan for achieving those targets.**
- 4.6. **If each political party has not made significant progress against this plan to increase women’s representation by the next election, they must commit to early legislation to implement a time-limited requirement for at least 45% of candidates to be women, with specific consideration given to the percentage of women who also have protected characteristics.**

Access to Elected Office Fund

- 4.7. Fawcett’s [Local Government Commission](#) recommended that the Government should re-open the Access to Elected Office Fund to ensure that disabled women candidates do not face avoidable barriers. This fund was temporarily replaced by the EnAble Fund for Elected Office which went live in January 2019 and ended in April 2020, the EnAble fund was capped at £250,000, which is significantly less than the £418,734 spent by the Access to Elected Office Fund.¹⁰ There is currently no government funded support for disabled people running for office and the Government has been accused of locking disabled people out of politics. **We recommend re-opening the Access to Elected Office Fund as a permanent solution to enabling disabled candidates to stand for elected office and address the woeful underrepresentation of disabled women.**

The pipeline to Parliament

- 4.8. **Local Government:** Local councils are often perceived as a natural stepping stone into national politics; however women’s representation within local government remains at a standstill. Data published by the Fawcett Society following the 2019 local government elections found that shockingly women make up just 35% of councillors across England.¹¹ In

Parliament and audit panel to the House of Commons Commission and the House of Lords Commission.

¹⁰ Government Equalities Office, *Access to Elected Office for Disabled People Fund 2012 to 2015*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722039/Access_to_elected_office_evaluation_report.pdf

¹¹ Fawcett Society (July 2019), *Women’s representation after 2019 election*,

<https://www.fawcettsociety.org.uk/news/new-fawcett-data-reveals-that-womens-representation-in-local->

response to our *Local Government Commission* on women's representation in 2017, the Local Government Association published a 'Twenty First Century Councils' toolkit, which was "developed to help councils create the underlying policies, procedures, ethos and environment that encourages and empowers women, parents and carers to become local councillors and to take on leadership positions."¹² **To combat the slow pace of change in local and national government, we urge council leaders to use this toolkit. The Government should support this toolkit and keep the option of legislating open if no progress is made.**

- 4.9. Political Parties:** It is vital that the Committee recognises the barriers that women MPs face even before reaching Parliament and how this impacts their journey to Parliament. Our research has found that whilst active participation within a party is important in order to receive party encouragement; the organisation and culture of political parties were cited as key barriers to women participating and progressing within party structures on the same terms as men at the initial stage of deciding to stand. Parties are the gatekeepers to political office Fawcett's research shows there is still a model of an "ideal candidate" that remains not only male but white, middle-class and able-bodied. Further details on the ways in which parties organise which can facilitate the participation of certain groups whilst hindering others can be found in our [Strategies for Success report](#) (pp.24-25).
- 4.10.** Of the women surveyed as part of the Equal Power campaign, 59% a lack of confidence to put themselves forward and 57% said sexism within local politics were barriers to them putting themselves forward for selection – something shown all too starkly at the Handforth Parish Council meeting that went viral.
- 4.11. Political parties should review how they conduct their activity, with a focus on meeting times and whether their approach supports people with caring responsibilities including at selection. Political parties should take positive action measures, such as mentoring, to enable and encourage more women of colour candidates and support those who experience pressure from within their communities not to participate in political life.**

Parliamentary effectiveness: gender sensitivity of parliamentary procedures, facilities and support

Predictability and timings

- 4.12.** The lack of certainty around dates of the parliamentary calendar makes it difficult for MPs to plan ahead and this is particularly concerning in regards to childcare arrangements and planning for school holidays. In our *Strategies for Success* research, elected MPs stated the difficulties of managing their role as a representative and their personal lives due to long and unsociable hours, the required time commitment and the expectation that MPs be available to constituents around the clock.¹³ International comparisons on how such adjustments to making Parliament more family friendly may work, includes a closer look at the Danish Parliament which does not allow voting after 7pm on sitting days. **People with caring responsibilities need clarity and structure – we recommend for Parliament to set**

[government-at-a-standstill](#)

¹² <https://www.local.gov.uk/twenty-first-century-councils> (accessed 24/07/19)

¹³ Fawcett Society (2018), *Strategies for Success: Women's Experiences of Selection and Election in UK Parliament*

session dates in advance and to conduct a review of sitting hours. A change in the structuring of activity would enable parliamentarians with children greater flexibility and accommodate those with caring responsibilities.

Child and family-friendly provisions

- 4.13. As recently highlighted by Stella Creasy MP, maternity rights for MPs remain woefully inadequate.¹⁴ It is concerning that IPSA does not automatically provide paid cover for MPs on parental leave, instead MPs must apply for extra funding along with an explanation of how the additional money will be spent. As outlined in the *Good Parliament* report, the expenses and pay regime for MPs should not explicitly or implicitly discriminate against certain groups of people – both because of reasons of equality and fairness but also because failure to do will deter women candidates seeking election.¹⁵ **IPSA should explicitly state they will support offices with additional resources for those on maternity, paternity, parental, adoption and caring leave. We support the *Good Parliament* report's recommendation to commission a comprehensive diversity and equality audit of IPSA.**
- 4.14. **Given the success of the proxy voting system trial, we call for the temporary extension of proxy voting provisions made to those unable to be present at Westminster for medical or public health reasons related to the pandemic, including caring for those with the virus, to be made permanent.**
- 4.15. **Although women MPs have been consistently present for house proceedings, even when required to attend in person between June to November 2020, their use of remote attendance suggests they appreciated and utilised this provision far more than their male colleagues. We recognise the system is not perfect but we suggest a trial for hybrid proceedings until the end of the year with a view to making more permanent modifications for the future.**
- 4.16. **We support the recommendations of the *UK Gender Sensitive Parliament Audit 2018* for the need to develop a parliamentary policy for children and families, informed by good practice in other parliaments. This should include: better facilities for expressing milk; retaining Family Rooms as dedicated spaces for families; better onsite childcare provision; an information tool for parents working in Parliament, and more facilities to support needs of parliamentarians that stem from unsociable hours.¹⁶**

Job sharing as MPs

- 4.17. Fawcett has long maintained that MPs job-sharing could help open up the supply pool of parliamentary candidates. If made lawful, MPs job-sharing would permit some individuals – in particular disabled people or those with caring responsibilities - who are currently unable

¹⁴ <https://www.theguardian.com/commentisfree/2019/jun/17/pregnant-mp-maternity-leave-equality-stella-creasy> (accessed 24/07/19)

¹⁵ Professor Sarah Childs (2016), University of Bristol, *The Good Parliament*.

¹⁶ UK Parliament (Dec 2018), *Gender Sensitive Parliament Audit Report 2018: Report of the gender-sensitive Parliament and audit panel to the House of Commons Commission and the House of Lords Commission*.

or do not wish to work full-time to stand for election as parliamentary candidates. The landmark 2015 Phipps and Cope case concluded that this issue was not for the court to debate and determine. The implication of this judgement is that it falls to Parliament to resolve these matters. In Fawcett's pamphlet, [Open House? Reflections on the possibility and practice of MPs job-sharing](#), Rosie Campbell and Sarah Childs lay out how any new law could be permissive rather than prescriptive – with political parties having the option of selecting candidates on a job-share basis. **Parliament should review the proposals for job-sharing as MPs as a way of opening up Parliament to more women, those with caring responsibilities and disabled women.**

5. Violence against women in parliamentary politics; including online spaces

Sexual harassment in Parliament

- 5.1. Our research has shown there are still serious questions about whether the UK's current legal framework (The Equality Act 2010) is effective and allows bullying and sexual harassment in politics to be legally challenged. In particular we identified a lack of formal legal protection for elected representatives. To be protected against harassment, an individual has to be an employee, or fall within one of the other categories protected by Part 5 of the Equality Act. Given that MPs are elected, not employed, they are not protected against sexual harassment under current legislation.
- 5.2. We also found a lack of legal protection for peers of the House of Lords and a lack of formal legal protection against sexual harassment for volunteers. Volunteers are also not employees and do not fall within the legal definition of those protected under the Equality Act 2010. There is also the absence of protection for all employees within Parliament and the broader political sphere against third-party harassment. Each of the 650 MPs is legally a separate employer, alongside many of the 785 Peers, the House itself, contractors, political parties, and external visitors. This creates a complex web of employment relationships under one roof which makes protection from third party harassment all the more vital.¹⁷
- 5.3. In order to identify whether an alternative model might improve protection and support for political actors in the UK, our research compared the UK legal framework against that of Australia, Denmark, Germany, New Zealand and Sweden. Our review showed that it is possible to offer protection to and from MPs through legislation. Further details on this can be found in our [Sexual Harassment in Parliament](#) report (pp.31-35).
- 5.4. We have been pleased to see that the Government's current consultation on sexual harassment in the workplace includes an examination of third party harassment laws and the case for extending protections to volunteers and interns. As part of this consultation, the Government should also take the opportunity to scope in protection for MPs and peers, who are currently not protected from sexual harassment by antidiscrimination legislation. **We recommend for Government to reform legislation to cover MPs, Peers and**

¹⁷ Fawcett Society; Hogan Lovells (February 2019), *Sexual Harassment in Parliament: Protecting MPs, Peers, Volunteers and staff*.

volunteers. The UK government must ensure that they have access to the same legal protections against sexual harassment as other employees.

- 5.5. We also welcome the work of the Centenary Action Group and member organisations highlighting the need to keep the Independent Grievance and Complaints Scheme free of interference from MPs¹⁸, which the Parliament ultimately agreed with and voted in favour of an amendment to remove any MP involvement in complaints made against members.

Abuse by candidates

- 5.6. Evidence shows that women on social media face repeated threats of rape and sexual assault. Some of those responsible for issuing those threats have then gone on to stand for election themselves. In May 2019, Fawcett started a [petition](#) calling for the Government to impose a lifetime ban from standing for elected office for those who promote violence or rape, which garnered over 90,000 signatures in support. On the eve of the European elections, the Fawcett Society along with Jess Phillips MP met with the Electoral Commission to call for an urgent reform to electoral laws, following Jess Phillips being subjected to abuse by a political party candidate. Our joint statement can be found [here](#). Our short [Q&A document](#) summaries legislation as it currently stands and details why we propose updating our electoral laws.
- 5.7. Following the recommendation of the Committee on Standards in Public Life on intimidation in public life¹⁹, the Government has proposed a new criminal offence for intimidating candidates and campaigners during the election period, by means of applying electoral sanctions to existing offences of intimidatory behaviour.²⁰ While the Government is right to apply additional protection to election periods under this new legislation, the proposals do not address what happens outside of this narrow timeframe. An individual could very likely be subject to intimidation before becoming a candidate under electoral law. Similarly, we have seen that elected representatives routinely face high levels of abuse and intimidation, a great deal of which happens outside of the election cycle.
- 5.8. Additionally, there is a question around whether elected representatives should be separately defined in the new legislation, in addition to ‘candidates’ or ‘campaigners’, to ensure their protection under this law. These representatives receive a high amount of abuse, online and offline, throughout their time in public life. **The protection we are seeking is for the introduction of electoral offences attached to specified criminal offences against elected representatives, regardless of whether the offence occurs within the campaign period – such crimes damage our democracy and the punishment should**

¹⁸Centenary Action Group (2020), CAG leads calls against allowing MPs to debate cases of bullying and harassment

<https://static1.squarespace.com/static/5f6c6785a30f513e35cda046/t/5f71f30c780dc92c8e3accc0/1601303308279/Letter+to+Commons+Leader+re+Independent+Process.pdf>

¹⁹Committee on Standards in Public Life (December 2017), *Intimidation in Public Life: A review by the Committee on Standards in Public Life*.

²⁰ <https://www.gov.uk/government/consultations/protecting-the-debate-intimidation-influence-and-information> (accessed 24/09/19)

reflect that. We are also calling for an extension of proposed offences to the long campaign period, with a broad definition of ‘campaigner’.

- 5.9. The role that political parties have to play in addressing the conduct of their candidates is an area that should be explored. Currently if a party were to select, or refuse to deselect, a candidate who promotes rape or violence, there is no sanction in place for that party. **Government should legislate for a joint code of conduct, for all parties to sign up to. We suggest for this to be enforced by the Electoral Commission through an independent panel. This code could lead to fines and penalties, including restricting the free mailout, restricting access to the electoral registers and reducing spending limits.**

Online harassment of women MPs and candidates

- 5.10. We welcome the Government’s acknowledgement of the online abuse women figures in public life are subjected to every day. Fawcett’s research provides evidence of women candidates and MPs experiencing frequent hostility, harassment and threats of violence from the media, the public and from members of their own party.²¹ Our consultation response to the Government’s Online Harms White Paper outlined our concern with ensuring that the Government and industry take responsibility for ensuring companies are designing services and adhering to standards of good governance that reduce the risk of foreseeable harms to women and girls and mitigate the cumulative impact of these harms.²²
- 5.11. **Government should introduce interim guidance for industry about tackling online abuse and harassment towards women and girls. Government must ensure regulatory measures and data collection reflect the additional harms received by women and girls, with consideration of those who experience intersecting abuse or discrimination; and ensure that a new regulator takes an evidence-based approach – which includes establishing a mechanism for civil society organisations, academics and others to submit evidence of online harms.**
- 5.12. The law at present makes it illegal to send a social media message to another person which is indecent or grossly offensive, or conveys a threat or false information, with the purpose of causing distress or anxiety. In 2015 over 1,800 people were convicted of these offences, and a further 1,125 were cautioned. Of these, 220 were given prison sentences.²³ There are criminal procedures in place, but many women councillors and candidates may not know about them – and the degree to which local police respond effectively may vary. Moreover, we remain concerned about what happens when an MP goes outside of their constituency – how do other police forces around the country support them? **Parliament and councils should work alongside police forces to set up information sessions for women MPs and candidates prior to election periods, so that they can be made aware of their legal rights**

²¹ Fawcett Society (2018), *Strategies for Success: Women’s experiences of selection and election in UK Parliament*.

²² Fawcett Society (June 2019), *Online Harms White Paper: Consultation Fawcett Society Submission*.

²³ Ministry of Justice, (2016) ‘Criminal Justice System statistics quarterly: December 2016’, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-december-2016>

to protection and to ensure that both they and the police are clear when interactions on social media cross the line into illegal abuse and harassment.

6. Appendix: How Section 106 could be implemented

- 6.1.** We recommend three possible options for introducing section 106. Given the flexibility afforded by the Act, these are indicative and could be altered. Overarching these options, we suggest that the requirement to publish should be limited to political parties of a certain size. We suggest that it may make sense to only require that parties that stood candidates in a minimum number of constituencies at the last relevant election²⁴ publish data, although other mechanisms could be employed and different requirements could be made for different elections. For each option, we suggest that Government could identify a central body – which could for example be the EHRC or Electoral Commission – to collate and publish data simultaneously on all parties.
- 6.2. Option 1: All elections, regular reporting** – Under this option, which is Fawcett’s preference, parties would publish data on a regular timetable (the Speakers’ Conference recommended every six months)²⁵ on candidates that stood successfully and unsuccessfully for selection to be a candidate for Parliament, the national assemblies, and local government elections. This would be supplemented by the same data after each election on successful and unsuccessful election candidates. Data would cover all protected characteristics that could be published anonymously, and would include a breakdown according to whether candidates were selected in held seat; or marginal seats, defined as a 10% margin of victory at the last election. This would have the advantage of being complete, and meaningful, and including local government which has seen little progress on women’s representation in the last two decades.
- 6.3. Option 2: Parliament and national assemblies, regular reporting** – Parties would publish data just on Westminster and national elections, not local elections, but on the same basis as option 1. This would require data on far fewer candidates than Option 1, reducing the level of administration, although it would miss an opportunity for change at the local government level.
- 6.4. Option 3: Parliament and national assemblies, six months out from elections** – Parties would publish data on successful and unsuccessful candidates for selection, for each feasible protected characteristic, by marginality, six months before any scheduled Parliamentary and national elections. In instances where the schedule in the Fixed Term Parliaments Act had been pre-empted, a different deadline could be set, sensitive to the reality of the timetables for selection. This would be supplemented with the same data on successful and unsuccessful candidates for election, after Election Day. This would be the minimum that would be required to enable genuine scrutiny, before the election is over

²⁴ Or a minimum proportion of constituencies within each nation, to ensure that the national parties are covered.

²⁵ Speaker’s Conference on Parliamentary Representation, (2010) Final report, <https://publications.parliament.uk/pa/spconf/239/239i.pdf>

Written evidence submitted by The Fawcett Society [GSP0020]

and the opportunity had been missed, of parties' progress in selecting diverse candidates to Parliament and the national assemblies.

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