



The Smith Commission,

7<sup>th</sup> Floor

144 Morrison Street

Edinburgh

EH3 8EX

30<sup>th</sup> October 2014

Dear Lord Smith

The Women 5050 campaign would like to submit the following points to the Smith Commission.

### **Introduction**

Women 5050 is a cross party campaigning group set up after the independence referendum. It is working to secure a 50-50 gender balance in the Scottish Parliament, local authority councils and public boards. We wish to see legislated quotas used in elections to ensure that the representative structures of Scotland reflect the society they represent.

The campaign was launched by Kezia Dugdale MSP (Scottish Labour), Alison Johnstone (Scottish Green Party) and Marco Biagi MSP (SNP). Since its launch only a few weeks ago, it has gathered momentum and has over 500 public supporters and 15 cross party MSPs have pledged their support.

### **Principles underpinning our response**

Women 5050 believes that for Scotland to have a parliament which reflects equality and fairness it must be inclusive of women. Currently there are only 34% women MSPs in parliament (a steady decline from the first elections of the Scottish Parliament in 1999 where there were 43% women). Scotland's councils are even less balanced, with only 24% women, and there are only 36% on public boards. We believe that this has not happened by chance, but rather reflects the institutionalised inequality that disadvantages women across all areas of public life.

Women 5050's response is underpinned by an understanding that any further devolved powers to Scotland must come with the means by which to change the status quo, and be delivered with the purpose of creating a fairer and better Scotland for women.

### **Further devolution**

There are several areas of policy decisions that are likely to be considered by the Smith Commission and included in submissions from women's and equalities organisations. We support their work,



however recognise that, as a single aim campaign, our response is on a single issue and that is to give Scotland the powers to legislate for quotas in the Scottish Parliament.

Currently, the only means of creating real women's representation in public life in Scotland is optional. With the Sex Discrimination (Election Candidates) Act 2002 political parties have the option (if they choose) to create measures for quota for women candidates. However this act has a "sunset clause", due to expire in 2015. Furthermore, the Equalities Act 2010 extended the period in which all women shortlists can be used by political parties to 2030.

It is important to note, that none of these measures are mandatory and it is to the discretion of the political party whether they choose to take gender balancing forward.

On public boards, the Scottish Government has the ability to encourage the appointment of women and has attempted to do so with a 40% target (as mentioned above the current level is 36%) however, again this is not legislated and is under the work of "equality and diversity".

The Scottish Government does not currently have the ability to legislate for quotas to achieve gender balance in the Scottish Parliament or local councils. Given the extent to which women voices are under-represented and the current decline of those voices in the Scottish Parliament, we believe it is imperative for Scotland to have the levers to help achieve gender equality.

This can be achieved by the devolution of both:

#### **Aspects of the Scotland Act**

The use of parliamentary quotas and temporary special measures in the Scottish Parliament is currently reserved to Westminster under the provision on political parties in the Scotland Act. Women 5050 recommends that this be devolved to the Scottish Parliament to give it the power to introduce legal quotas.

#### **Aspects of Equalities Law**

The Equalities Act 2010, which is reserved to Westminster, would require amending if quotas and other special measures to achieve gender balance in the Scottish Parliament, councils and public boards were to be introduced. We recommend that either a permanent measure be taken to enable Scotland to deliver special measures for women or that the relevant aspects of equalities legislation to deliver positive action be devolved to Scotland.



### **Supporting MSPs and MPS**

Alison Johnstone MSP, Lothians, Scottish Green Party  
Kezia Dugdale MSP, Lothian, Scottish Labour  
Jean Urquhart MSP, Highlands and Islands, Independent  
Jackie Baillie MSP, Dumbarton, Scottish Labour  
Marco Biagi MSP, Edinburgh Central, SNP  
Alison McInnes, MSP, North East, Scottish Lib Dems  
Patrick Harvie, MSP, Co-Convener of the Scottish Green Party  
Christina McKelvie MSP, Hamilton Larkhall & Stonehouse, SNP  
Jenny Marra MSP, North East Scotland, Scottish Labour  
Jayne Baxter MSP, Mid Scotland and Fife, Scottish Labour  
Angela Constance MSP, Almond Valley, SNP  
Malcolm Chisholm MSP, Edinburgh North and Leith, Scottish Labour  
Margaret Curran MP, Glasgow East, Scottish Labour  
Cara Hilton MSP, Dunfermline, Scottish Labour  
Anne McTaggart, MSP, Glasgow, Scottish Labour

### **Supporting Organisations**

Engender

National Union of Students Scotland

Unison Women

Scottish Women's Aid

Scottish Women's Convention