

Elections Bill: Centenary Action Group Briefing

About Centenary Action Group

Centenary Action Group (CAG) is a cross-party coalition of organisations and activists, including Jo Cox Foundation, The Fawcett Society and Glitch, campaigning to remove the barriers to women's representation in politics, including the threat or experience of violence, abuse and harassment.

Introduction

As the impacts of COVID-19 continue, diverse representation is even more important in ensuring that existing inequalities are not further compounded by gaps in representation at a local and national level. UK politics is not representative of the communities it serves. With women making up 51% of the UK adult population, there are only 220 women MPs and only five of the 23 cabinet members are women - making up just 21.7%. 10% of MPs are Black, Asian or Minority Ethnic and fewer than 1% of MPs are Disabled.

Diversity drives more effective and inclusive policy making with research indicating that parliaments are more likely to substantively tackle key issues such as childcare, violence against women and maternal mortality, when an increased number of female legislators are elected¹.

Increased violence, abuse and harassment is one of the barriers to the political participation and representation of women and marginalised groups. While the Bill goes some way to addressing this, there are multiple omissions from the Bill, which is a missed opportunity to achieve equal representation. Moreover, the introduction of voter ID will have a damaging effect on marginalised groups and risks undermining the principles of fair and equal participation that have been at the heart of British democracy since the adoption of universal, equal suffrage in 1928.

Summary of Recommendations

1. Intimidation of candidates and campaigners: We welcome the introduction of prohibiting an individual is found guilty of a specified offence from standing or holding any elected office for an appropriate amount of time. However, we call on the Government to extend the ban from 5 to 10 years to reflect the severity of the offence and serve as an effective deterrent.
2. Tackling Sexual Offences by Elected Representatives: Due to the constant interaction between elected officials and vulnerable constituents, allowing those on the sex offenders register to become MPs, without even declaring that they are on the register, is a safeguarding issue. We suggest an amendment to Part 5, section 26 on candidate disqualification which strikes a balance between upholding democratic freedom while also safeguarding constituents and staff.
3. Transparency to improve representation: The Government should implement Section 106 of the Equality Act 2010, which is an important piece of legislation that enables Government to require political parties to collect data on candidates with protected characteristics. The commencement of this legislation would improve political representation and transparency.
4. Greater powers for constituents holding elected representatives to account: Following the case of Rob Roberts MP, the Recall of MPs Act 2015 should be amended to ensure MPs who

¹ Westminster Foundation for Democracy (2020) "Women Political Leaders Key to More Equal and Caring Societies" <https://www.wfd.org/2020/07/29/women-political-leaders-key-to-more-equal-and-caring-societies-new-report-shows/>

have been found to have carried out abuse or harassment can be recalled by their constituents and that this can be applied retrospectively.

5. Voter ID: Voter fraud relating to misrepresenting one's identity is simply not a tangible issue². Out of all alleged cases of electoral fraud in the 2019 elections, only 33 related to personation fraud at the polling station – this comprises 0.000057% of the over 58 million votes cast in all the elections that took place that year³. Disadvantaged groups, especially women and people from ethnic minority backgrounds, would be disproportionately impacted by the introduction of Voter ID and disenfranchised.

Intimidation of candidates and campaigners

Abuse and intimidation are commonly experienced by women in politics, particularly Black and minoritised women. In 2016, the Inter-Parliamentary Union found that 82 per cent of the women politicians surveyed had experienced some form of psychological violence. Analysis of tweets by Amnesty International found that in the six weeks prior to the 2017 UK General Election, women MPs from these backgrounds received 35% more abusive tweets than white women MPs, with Diane Abbott receiving 45.14% of all abusive tweets.

When women do not feel safe voicing their opinions without the fear of threats, or reprisals, their equal and unbound political participation is impossible. The vast majority of British MPs have experienced 'intrusive or aggressive behaviour' and more than half of female MPs have received physical threats.⁴ The assassination of Jo Cox in June 2016 serves as a tragic and brutal reminder of the human cost of abuse and intimidation, while highlighting the gendered aspect of it.

Reports of threats, violence and intimidation affects all levels of British politics, from local to national, from the Senedd to Holyrood. In Scotland, a third of MSPs have reported receiving death threats since being elected with Female MSPs considerably more likely to have received a death threat. In addition, 29% of female MSPs have received a threat of sexual violence.⁵ In Wales, Kirsty Williams stood down after 22 years in office after she faced abuse and death threats that led to police watching her home and a security officer accompanying her on ministerial visits.⁶ In 2020 Dawn Butler MP was forced to close her constituency office after an escalation of threats of violence against herself and her staff⁷, while in July 2021 Oldham Council leader Arooj Shah's car was firebombed⁸.

Furthermore, the abuse and intimidation of political candidates is having a dramatic effect on the pipeline of future politicians. In the 2017 General election, the Committee on Standards in Public Life reported that 33% of candidates surveyed had experienced 'inappropriate' behaviour during the election campaign, 56% were concerned about abuse, and 31% say they are fearful.⁹ The 'Equal Power' campaign, run by a partnership of The Fawcett Society, Centenary Action Group, Citizens UK, 50:50 Parliament, Glitch UK, Muslim Women's Network UK and Elect Her is working to get more women into every level of politics and community leadership shows that action on women's

² <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>

³ Uberoi and Johnston (2021)

⁴ <https://blogs.lse.ac.uk/europpblog/2017/08/12/violence-against-women-in-politics-is-rising-and-its-a-clear-threat-to-democracy/>

⁵ <https://www.holyrood.com/news/view/death-threats-sent-to-third-of-mmps>

⁶ <https://www.itv.com/news/wales/2021-06-30/former-education-minister-kirsty-williams-speaks-of-death-threats-in-office-and-life-after-the-senedd>

⁷ <https://www.independent.co.uk/news/uk/politics/dawn-butler-black-lives-matter-constituency-office-close-racism-a9610626.html>

⁸ <https://www.theoldhamtimes.co.uk/news/19444635.oldham-council-leader-arooj-shah-defiant-car-arson/>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666927/6.3637_CO_v6_061217_Web3.1_2_.pdf

representation is needed now more than ever. When asked, the number of participants unlikely to stand as an MP has risen to 74% from 59% in 2019 and from 44% to 62% for those 'unlikely to stand as a councillor'. Worryingly, 69% of respondents cited abuse or harassment from the public or other parties as a reason for not pursuing a career in politics.

As set out in the Bill, the new electoral sanction against intimidation builds on a review by the Committee on Standards in Public Life which highlighted that candidates and campaigners face increased intimidation and suggested that "specific electoral sanctions would reflect the seriousness of this threat." We agree that if an individual is found guilty of a specified offence, they should be prohibited from standing or holding any elected office for an appropriate amount of time and we welcome the extension of this sanction to include intimidation of campaigners, which reflects the Centenary Action Group's suggestion that a broad range of individuals should stand to benefit from the new electoral sanction's additional protection, including volunteers.

However, stopping someone from standing for election for five years is not enough of a deterrent for the severity of the offence. In May 2019, over 90,000 people signed The Fawcett Society's petition calling for the Government to introduce stern sanctions against those who incite violence against women standing for election. The electoral sanction for intimidation of candidates, campaigners and elected representatives should be extended to at least ten years, and additional alternative sanctions for those not intending to run for elected office themselves should be introduced. Furthermore, the creation of any new offence should pay more heed to the specific, gendered and intersectional abuse which women suffer in political life.

Efforts to address abuse and intimidation of candidates, campaigners and elected representatives should also be included in the Online Safety Bill, and there must be joined-up working between departments and political parties to take further steps to tackle intimidation. In 2020 the Jo Cox Foundation published [the Joint Statement on Conduct of Political Party Members](#), which sets out the minimum standards of behaviour that can be expected from members at all times. The statement is not intended to supersede or replace party codes of conduct or disciplinary processes, but to complement them by acting as a high-level statement of principle outlining the minimum standards of behaviour that all party members should aspire to. Labour, the Liberal Democrats, The Green Party of England and Wales, Plaid Cymru and the SNP have signed the Joint Statement so far.

Tackling Sexual Offences by Elected Representatives

At the 2021 Hartlepool by-election, triggered by the resignation of Mike Hill MP who would have been suspended for sexual harassment had he not resigned¹⁰, a candidate was able to run for Parliament despite being on the sex-offenders register. In response to this, local campaigners started a petition calling for convicted sex offenders from standing for election to become an MP, which has now been signed by over 40,000 people¹¹. The petition highlights that, under the current laws,

¹⁰ https://www.google.com/url?q=https://www.mirror.co.uk/news/politics/breaking-ex-mp-mike-hill-2414811&sa=D&source=editors&ust=1629375184082000&usq=AOvVaw1gz2skAdcSkWxbl_aw1W3U

¹¹ <https://www.change.org/p/uk-government-change-the-law-to-stop-sex-offenders-becoming-mps>

candidates cannot stand to become MPs if they are the subject of a bankruptcy restriction order, but there is no similar bar on anyone convicted of a sexual offence.

Elected officials regularly come into contact with vulnerable constituents, and allowing those on the sex offenders register to become MPs, without even declaring that they are on the register, is a safeguarding issue. We suggest an amendment to Part 5, section 26 on candidate disqualification which strikes a balance between upholding democratic freedom while also safeguarding constituents and staff.

Greater powers for constituents holding elected representatives to account

It is vital that constituents be given greater powers to hold their representatives to account when they are found guilty of harassment or abuse. This was highlighted by the recent case of Rob Roberts MP, who was found by an Independent Expert Panel (IEP) to have made repeated and unwanted sexual advances towards a former member of staff but did not face a recall petition as the process for handling such complaints does not include the power to trigger this. The Recall of MPs Act 2015 should be amended to ensure MPs who have been found to have carried out abuse or harassment can be recalled by their constituents and that this can be applied retrospectively.

Transparency to improve representation

A persistent problem with elections in the UK is that we still do not have data on the protected characteristics of our elected representatives - this makes tracking progress at Westminster and in local elections an arduous task for issues like gender, and an impossible one for race or disability. Commencement of Section 106 of the Equality Act 2010, which was drafted to enable Government to require parties to collect this data, would improve political representation and transparency. This Bill offers an opportunity for Parliament to put pressure on the Government to implement this important legislation.

The case for the publication of data to drive change and best practice is not new. The introduction of mandatory annual reporting on the gender pay gap from 2017 was steered by the same logic: that collecting information promotes transparency which in turn drives change.

The Women and Equalities Committee has also previously called for the Government to bring into force Section 106, stating that “publication of this information is vital for public and parliamentary scrutiny of the record of political parties in selecting a diverse slate of parliamentary candidates. There has been support for the implementation of Section 106 from major political parties, but we also recommend that the Government bring forward legislative proposals to empower the Electoral Commission to collect and host this data, to ensure consistency and transparency from political parties.”¹² CAG’s report ‘Data Drives Diversity’, further sets out why Section 106 must be enacted and how this would work in practice¹³.

¹² Women and Equalities Committee (2017) “Women in the House of Commons after the 2020 election”

¹³ Centenary Action Group (2020). “Data Drives Diversity: A Simple Step to More Transparent Politics”, Centenary Action Group
https://static1.squarespace.com/static/5f6c6785a30f513e35cda046/t/5f71fcc6f2eb6a05700e4e01/1601305800688/data_drives_diversity_A4_report_OCTOBER_PAGES.pdf

Voter ID

The Bill contains proposals to require photographic ID at polling stations for UK parliamentary elections in Great Britain, local elections in England, and Police and Crime Commissioner elections in England and Wales. The introduction of voter ID will inevitably restrict people's ability to vote. In a recent petition calling for ID requirements for social media platforms, the Government acknowledged that "3.5 million people do not have a valid photo ID"¹⁴. The 2018 voter ID pilots saw more than 1,000 voters being turned away for not having the correct form of ID – of these, an average of 338 voters did not return to vote (32.6% of those turned away)¹⁵.

The impact will be particularly high for women and minority groups. According to the 2019 National Travel Survey, 29% of women in England aged 17 and over do not hold a driving licence, compared with 20% of men¹⁶. At the 2011 Census, 3.4m women aged over 18 held no passport, 319,000 more than the same figure for men.¹⁷ The Electoral Commission's 2021 winter tracker found that more disadvantaged groups are more likely to not have ID, including the unemployed (11% without existing ID), those renting from a local authority (13%) or housing association (12%), as well as disabled people (8%). The Traveller Movement has highlighted that mandatory voter ID could 'permanently lock many Gypsy, Roma and Traveller (GRT) people out of a system they already struggle to participate in.'¹⁸ Furthermore, voter fraud relating to misrepresenting one's identity is simply not a tangible issue¹⁹. Out of all alleged cases of electoral fraud in the 2019 elections, only 33 related to personation fraud at the polling station – this comprises 0.000057% of the over 58 million votes cast in all the elections that took place that year²⁰.

A coalition of organisations including FairVote and the Electoral Reform Society propose that an ID requirement must be accompanied by a fully resourced free ID scheme and a broad list of acceptable IDs as well as measures that would allow voters to cast their ballot through other means if they don't have ID.

Best for Britain highlights the need to ensure protections for religious and minority ethnic communities when providing identification. The Bill includes a requirement for polling stations to have an area where voters' identity may be viewed in private. However, some people may be reluctant to remove a veil or face covering in the presence of others and may simply be put off voting as a result. Since elections are managed by local authorities attention will need to be made to the training for polling station staff and education for voters about their rights in each area²¹.

Conclusion

As members of the Centenary Action Group, we believe the Election Bill has the potential to address some of the issues that affect women's participation in politics, whether they are exercising their democratic right to vote or standing to become an elected representative. We call on the Government to ensure women are able to participate in political life without fear of intimidation or ineffective bureaucracy at the forefront of their minds for the Election Bill.

¹⁴ <https://petition.parliament.uk/petitions/575833>

¹⁵ Electoral Commission (2018). May 2018 voter identification pilot schemes: Findings and recommendations. https://www.electoralcommission.org.uk/sites/default/files/pdf_file/May-2018-voter-identification-pilots-evaluation-report.pdf

¹⁶ National Travel Survey: 2019 <https://www.gov.uk/government/statistics/national-travel-survey-2019>

¹⁷ Census 2011 data extracted from www.nomisweb.co.uk, DC2110EW - Passports held by sex by age (regional)

¹⁸ Traveller Movement (forthcoming). Access Denied?: The introduction of voter ID laws and the potential impact on Gypsy, Roma and Irish Traveller people.

¹⁹ <https://www.electoralcommission.org.uk/who-we-are-and-what-we-do/our-views-and-research/our-research/electoral-fraud-data/2019-electoral-fraud-data>

²⁰ Uberoi and Johnston (2021)

²¹ Best for Britain <https://www.theelectionsbill.co.uk/news/briefing-how-will-the-elections-bill-affect-campaigners>