



All-women shortlists

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Since 1918, when women were first able to stand as Members of Parliament, only 291 women have been elected, but during the same period 4,363 men were elected. If it was possible to put all the women who have been elected into the House of Commons today, they would still be in the minority.

Baroness Gale, House of Lords, 30 October 2008

This note looks at the background to the *Sex Discrimination (Election Candidates) Act 2002* which allowed political parties to draw up all-women shortlists of candidates for elections; gives details of Labour candidates selected through all-women shortlists and methods of positive action by the main political parties to increase the number of women MPs. The *Equality Bill 2008-09* will extend the period for which all-women shortlists may be used until 2030 and will also allow parties to reserve places on shortlists of candidates for people on the grounds of race or disability. Shortlists comprised solely of people selected on these grounds will not be allowed.

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1 Background

1.1 The *Sex Discrimination (Election Candidates) Act 2002*

The *Sex Discrimination (Election Candidates) Act 2002* amended the *Sex Discrimination Act 1975* to allow political parties to use all-women shortlists to select candidates for parliamentary elections; elections to the European Parliament; elections to the Scottish Parliament; elections to the National Assembly for Wales; and most local government elections.¹

The *Sex Discrimination (Election Candidates) Act 2002* included a “sunset clause” that provided for the Act to expire at the end of 2015, although there were provisions to extend the life of the Act by an order that had to be approved by both Houses of Parliament.²

The provisions were introduced after the use of all-women shortlists by the Labour Party in the selection of candidates for the 1997 General Election was found by an employment tribunal to breach the *Sex Discrimination Act 1975* (the *Jepson* case).³ The finding did not specifically cover the selection of candidates. Section 29(1) of the Act covers the provision of services to the public or a section of the public and prohibits discrimination in this field. However, political parties are exempted from section 29(1) by s33 of the Act, originally to ensure that women’s organisations within parties were not affected. Section 13(1) prohibits bodies or authorities conferring authorisation or qualification needed for engagement in a particular profession or trade from discriminating on grounds of sex. The tribunal found that the women-only shortlist policy contravened s13(1), holding that selection as a parliamentary candidates constituted an authorisation needed for the profession of Member of Parliament.

A fuller account of the background to the Act can be found in the Library Research Paper *The Sex Discrimination (Election Candidates) Bill*.⁴

1.2 Women MPs elected at general elections 1918 – 2005

Since 1918, 291 women have been elected as Members in the House of Commons. This is 6% of all MPs over the period.⁵ The table below details the number of women MPs elected in each General Election since 1918. The table is taken from the Library Standard Note *Women in Parliament and Government* which has further information about the number of women in Parliament since 1918 and presents comparative data for women in Parliament and other elected bodies in the UK and internationally. It also looks at some milestones over the last 100 years for UK women in Parliament and Government.⁶

¹ *Sex Discrimination (Election Candidates) Act 2002* (chapter 2), section 1

² *ibid*, section 3

³ *Jepson and Dyas-Elliott v the Labour Party and others* [1996] IRLR 166

⁴ House of Commons Library Research Paper RP 01/75, *The Sex Discrimination (Election Candidates) Bill*, 22 October 2001, <http://www.parliament.uk/commons/lib/research/rp2001/rp01-075.pdf>

⁵ Women in Parliament and Government, SN/SGS/01250, available at <http://www.parliament.uk/commons/lib/research/briefings/snsg-01250.pdf>

⁶ House of Commons Library Standard Note SN/SG/1250, *Women in Parliament and Government*, <http://www.parliament.uk/commons/lib/research/briefings/snsg-01250.pdf>

	Con	Lab	LD	Other	Total	% MPs
1918	0	0	0	1	1	0.1%
1922	1	0	1	0	2	0.3%
1923	3	3	2	0	8	1.3%
1924	3	1	0	0	4	0.7%
1929	3	9	1	1	14	2.3%
1931	13	0	1	1	15	2.4%
1935	6	1	1	1	9	1.5%
1945	1	21	1	1	24	3.8%
1950	6	14	0	1	21	3.4%
1951	6	11	0	0	17	2.7%
1955	10	14	0	0	24	3.8%
1959	12	13	0	0	25	4.0%
1964	11	18	0	0	29	4.6%
1966	7	19	0	0	26	4.1%
1970	15	10	0	1	26	4.1%
1974(F)	9	13	0	1	23	3.6%
1974(O)	7	18	0	2	27	4.3%
1979	8	11	0	0	19	3.0%
1983	13	10	0	0	23	3.5%
1987	17	21	2	1	41	6.3%
1992	20	37	2	1	60	9.2%
1997	13	101	3	3	120	18.2%
2001	14	95	5	4	118	17.9%
2005	17	98	10	3	128	19.8%

Note: since the 2005 General Election, three women MPs have died: Patsy Calton, Rachel Squire and Gwyneth Dunwoody. All were succeeded by men.

The House of Commons Library Research Paper [General Election 2005](#), RP 05/33, includes some details about the characteristics of MPs elected in 2005:

Sex, ethnicity and new MPs

Of 646 MPs elected in 2005, 128 were women, the highest number ever. One in five MPs are now women. Labour's 98 women MPs was three higher than in 2001 and three fewer than in 1997. Of the three main parties, Labour, with 28%, has the highest proportion of women MPs; the Conservatives have 9% and Liberal Democrats 16%. According to *Operation Black Vote*, 15 MPs elected in 2005 were from minority ethnic groups. Five of these were elected to Parliament for the first time. Of all those elected in 2005, 81% were MPs in the previous Parliament – either elected in 2001 or at subsequent by-elections. Four former MPs from earlier Parliaments were returned, David Evennett, Christopher Fraser, William McCrea and Sir Malcolm Rifkind. 119, or 18% of all MPs, had no previous House of Commons experience.

The Research Paper includes a table, MPs elected by party and sex, ethnicity and previous parliamentary experience, which is available on page 82.

In the book *Britain Decides: the 2005 General Election*, Sarah Childs wrote:

The 2005 Parliament does not look very different from the 2001 one, nor for that matter the 1997 one. To be sure there is a welcome increase in the number of women present: women now constitute an unprecedented 128 of the 646 MPs, up from 118 in 2001. But this increase constitutes nothing like a significant, or sufficient presence: women MPs constitute a mere 19.8 per cent of all members. In comparative terms the UK ranks 41st, below, inter alia, Rwanda (in first place), the Nordic countries, the Netherlands, Spain, Argentina, South Africa and Germany. Closer to home, it compares unfavourably to the Scottish Parliament (42 per cent) and the National Assembly for Wales (50 per cent).

The number of women MPs elected in 2005, as well as their distribution between parties, reinforce conclusions from previous elections, not least the 1997 General Election and the 1999 elections to the devolved institutions, that British Political Parties are institutionally sexist (Shepherd-Robinson and Lovenduski 2002). The parties may say they want to increase the number of women MPs. They may also provide women with training and support. But the Conservative's net gain of three women MPs and Labour's success in increasing its number of women MPs despite losing seats in 2005, suggests that only when the parties employ positive discrimination will significant moves towards the equalisation of women and men in Parliament be achieved.⁷

In September 2008, the Equality and Human Rights Commission (EHRC) published *Sex and Power 2008*. The report came five years after the Equal Opportunities Commission's (EOC) original *Sex and Power* report. It was the EHRC's "first survey on women in positions of power and influence" but it was able to make comparisons with the earlier surveys by the EOC. The EHRC reported that at the current rate of progress it would take "around 200 years – another 40 elections – to achieve an equal number of women in Parliament".⁸

The EHRC presented the following data on politics:

Sex and Power 2008 Index: Women in selected 'top jobs' over the last five years

	2003	2004	% women 2005	2006	2007/8
Politics					Women's average representation 26.6%
Members of Parliament	18.1	18.1	19.7	19.5	19.3
The Cabinet	23.8	27.3	27.3	34.8	26.1
Members of the House of Lords	16.5	17.7	18.4	18.9	19.7
Members of the Scottish Parliament	39.5	39.5	39.5	38.8	34.1
Members of the National Assembly for Wales	50.0	50.0	50.0	51.7	46.7
Local authority council leaders	NA	16.6	16.2	13.8	14.3
UK Members of the European Parliament	24.1	24.4	24.4	25.6	25.6

Source: Equality and Human Rights Commission, *Sex and Power 2008*, September 2008, p5

1.3 Table of Labour candidates selected through all-women shortlists

The table below gives a list of seats where female Labour candidates stood, having been selected through all-women shortlists, in 1997 and 2005.

Constituency	Candidate (all elected unless otherwise stated)	Date
Aberdeen South	Anne Begg	1997
Amber Valley	Judy Mallaber	1997
Ayr, Carrick and Cumnock	Sandra Osborne	1997
Basildon	Angela E Smith	1997
Birmingham,	Gisela Stuart	1997

⁷ Sarah Childs, 'Feminising politics: sex and gender in the election', in Andrew Geddes and Jonathan Tonge eds, *Britain Decides: The UK General Election 2005*, 2005

⁸ Equality and Human Rights Commission, *Sex and Power 2008*, September 2008, available at http://www.equalityhumanrights.com/Documents/EHRC/SexandPower/Sex_and_Power_2008.pdf

Edgbaston		
Birmingham, Yardley	<i>Jayne Innes (not elected)</i>	2005
Bishop Auckland	Helen Goodman	2005
Blaenau Gwent	<i>Maggie Jones (not elected)</i>	2005
Brentford and Isleworth	Ann Keen	1997
Bristol East	Kerry McCarthy	2005
Burnley	Kitty Ussher	2005
Burton	Janet Dean	1997
Calder Valley	Chris McCafferty	1997
Cardiff North	Julie Morgan	1997
Cleethorpes	Shona McIsaac	1997
Colne Valley	Kali Mountford	1997
Conwy	Betty Williams	1997
Crawley	Laura Moffat	1997
Durham, City of	Dr Roberta Blackman-Woods	2005
Erewash	Liz Blackman	1997
Falmouth and Camborne	Candy Atherton	1997
Forest of Dean	Diana Organ	1997
Forest of Dean	<i>Isabel Owen (not elected)</i>	2005
Gateshead East and Washington West	Sharon Hodgson	2005
Hackney South and Shoreditch	Meg Hillier	2005
Halifax	Linda Riordan	2005
Hammersmith and Fulham	<i>Melanie Smallman (not elected)</i>	2005
Hove	Celia Barlow	2005
Isle of Wight	<i>Deborah Gardiner (not elected)</i>	1997
Islington South and Finsbury	Emily Thornberry	2005
Keighley	Ann Cryer	1997
Kingston upon Hull North	Diana Johnson	2005
Lancaster and Wyre	<i>Anne Sacks (not elected)</i>	2005
Leeds North West	<i>Judith Blake (not elected)</i>	2005
Lincoln	Gillian Merron	1997
Liverpool, Garston	Maria Eagle	1997
Liverpool, Riverside	Louise Ellman	1997
Llanelli	Nia Griffith	2005
Luton South	Margaret Moran	1997
Mitcham & Morden	Siobhan McDonagh	
Milton Keynes South West	Dr Phyllis Starkey	1997
Newport East	Jessica Morden	2005
North East Derbyshire	Natascha Engel	2005
Northampton North	Sally Keeble	1997
Oxford West and Abingdon	<i>Susan Brown (not elected)</i>	1997
Peterborough	Helen Brinton (later Clark)	1997
Plymouth, Devonport	Alison Seabeck	2005
Plymouth, Sutton	Linda Gilroy	1997
Portsmouth North	Sarah McCarthy-Fry	2005
Preseli Pembrokeshire	Jackie Lawrence	1997
Preseli Pembrokeshire	<i>Susan Hayman (not elected)</i>	2005
Redditch	Rt Hon Jacqui Smith	1997
Regent's Park and Kensington North	Karen Buck	1997

Sheffield, Hillsborough	Angela C Smith	2005
Slough	Fiona Mactaggart	1997
South Swindon	Anne Snelgrove	2005
Stirling	Anne McGuire	1997
Stockton South	Dari Taylor	1997
Stourbridge	Debra Shipley	1997
Stourbridge	Lynda Waltho	2005
Swansea East	Sian James	2005
Wakefield	Mary Creagh	2005
Welwyn Hatfield	Melanie Johnson	1997
West Ham	Lyn Brown	2005
West Lancashire	Rosie Cooper	2005
Wolverhampton South West	Jenny Jones	1997
Woodspring	<i>Debbie Sander (not elected)</i>	1997
Worsley	Barbara Keeley	2005

- 35 (out of 38) AWS candidates were successful at the 1997 general election; 23 (out of 30) at the 2005 general election.
- Three AWS candidates were not successful at the 1997 general election: in the Isle of Wight; Oxford West and Abingdon; and Woodspring. Seven AWS candidates were not successful at the 2005 general election: in Birmingham Yardley; Blaenau Gwent; Forest of Dean; Hammersmith and Fulham; Lancaster and Wyre; Leeds North West; and Preseli Pembrokeshire.
- Sources: Library Parliamentary Information List, *Labour women candidates in women-only seats 1997*; 2006/11/27-RSS; 2007/5/7-PCC; David Cutts, Sarah Childs and Edward Fieldhouse, 'This what happens when you don't listen': all-women shortlists at the 2005 general election, *Party Politics 2008 14: 575-595*

2 Proposals to extend the provisions allowing all-women shortlists

2.1 A Framework for Fairness: Proposals for an Equality Bill for Great Britain

In June 2007, the Government issued a consultation document on a proposed Equality Bill: *A Framework for Fairness: Proposals for an Equality Bill for Great Britain*.⁹ In a chapter on "Balancing Measures", the consultation document included the following review of the operation of the existing provisions:

4.27 The Sex Discrimination Act allows political parties to take positive measures towards women's increased participation, such as providing mentoring and training programmes and all-women shortlists for election candidates in national and European parliamentary elections and local government elections. This provision will expire in 2015, unless specifically extended.

4.28 We believe these measures have been successful. While we would never suggest that, for example, only women MPs represent women or only ethnic minority people can represent ethnic minority people – every MP represents the whole community in their constituency – having a more representative Parliament and other elected bodies ensures that our elected politicians as a group better reflect the society they serve.

⁹ Department for Communities and Local Government, *Discrimination Law Review - A Framework for Fairness: Proposals for an Equality Bill for Great Britain – A Consultation Paper*, June 2007, <http://www.equalities.gov.uk/publications/DLRCconsultationbkmk12.pdf>

4.29 When groups of decision-makers seemingly come from a limited section of society, it becomes harder for those they represent to identify with them, and so they may doubt that their needs are being taken into account when policies are being formulated and services being planned. This can lead to people believing that politics has no relevance to their lives.

4.30 We firmly believe that positive measures help good and able candidates to get selected. They do not undermine selection on merit.

[...]

4.52 Before 1997, only one in 10 MPs were women; now in Parliament as a whole it is one in five. But if women and men were equally represented, there would be 323 women MPs; currently, there are just 126.

4.53 Whether having more women in Parliament and Government has influenced policy-making – for example, by promoting issues of particular concern or interest to women – has been much debated. What is certain is that since 1997 this Government has more than doubled maternity leave and pay; introduced the right to request flexible working for parents of young children and carers of older and disabled people; given all 3 and 4 year olds a free nursery place; and updated the domestic violence laws.

4.54 It is because we believe having more women in elected positions is so important, and that it needed to happen faster than it would have if just left to time, that we introduced the Sex Discrimination (Election Candidates) Act. Furthermore in February this year, we set up an independent Commission on the role of local councillors to look at the incentives and barriers to serving on councils. We want to see representative decision-making bodies at all levels, and political parties taking the necessary positive steps (which include additional advice and training, mentoring and financial support for under-represented groups, not just measures affecting shortlists) to bring about change.

4.55 All members of all political parties should have the confidence to stand for selection, and to believe that local parties will look at their abilities fairly, and at what they can bring to serving the whole community. Allowing voluntary positive measures by political parties when selecting candidates is designed to overcome a persistent though generally unconscious bias against candidates who break the usual mould, or who are thought of as “risky” – perhaps because they are female and/or from an ethnic minority group.

4.56 While there has been progress, it is possible that in 2015 the UK Parliament will still be a long way short of containing broadly equal numbers of women and men. This is not least because some parties have been more reluctant to take positive measures than others. We want to keep the position under review and, if necessary, extend the operation of the provision beyond 2015 if it is a necessary and proportionate response to a continuing problem.

4.57 We need to hear the voice in Parliament of all the different communities who make up our society. We believe it is now time to look beyond gender at other characteristics which may make it harder for people to get selected as candidates, even though they have the ability to be very good elected representatives. If ethnic minority representation in Parliament was in proportion to the population as a whole, there would be 51 ethnic minority MPs, rather than the 15 there are at present. Just 2.3% of MPs are from non-white backgrounds, compared with the 8% of the UK population who were from a non-white background at the time of the 2001 Census of Population. The same imbalance exists on other elected bodies.

4.58 We therefore intend to look at whether we should (and if so how) legislate to allow wider voluntary positive measures by political parties in the selection of candidates from ethnic minority communities. Parties could provide assistance, support, training and mentoring, or if necessary do more, so that in future elections we have proper and full representation for all racial groups in Parliament. Like the legislation to allow positive measures to increase the number of women candidates, any legislation would be permissive. It would be for political parties to decide what measures, if any, they wish to adopt.¹⁰

It then asked for views on the question:

Do you agree that we should have a power to continue the operation of the current provision beyond 2015, if this is still necessary and proportionate?

Do you agree that we should widen the scope of voluntary positive measures for political parties to target the selection of candidates beyond gender?

The Government published the response to the consultation document on 21 July 2008.¹¹ It began its commentary on the response to the questions with:

5.25 The great majority (more than 90 per cent) of the nearly 150 respondents on the issue of women-only shortlists agreed that the existing provision should be extended. There was a general sentiment that the provisions should continue for as long as it was considered necessary and proportionate to retain them i.e. until a gender balance is achieved in Parliament. A number of respondents wanted similar provisions for all equality groups.¹²

Before the consultation response was published, the Government's plans to extend the provision were already known:

- The decision to extend the amendment to the *Sex Discrimination Act 1975* that permitted all-women shortlists to 2030 was included in the Government's *Draft Legislative Programme*, which was published in May 2008.¹³
- On 26 June 2008, Harriet Harman, the Minister for Women and Equality, made an oral statement, setting out the "key proposals for the Equality Bill".¹⁴ The oral statement announced the publication of *Framework for a Fairer Future – The Equality Bill*.

2.2 Framework for a Fairer Future – The Equality Bill

Framework for a Fairer Future – The Equality Bill set out the measures that would be taken forward in the *Equality Bill*. The Government confirmed its intention to "extend the use of women-only shortlists, which are due to expire in 2015, to 2030" in the forthcoming Bill.¹⁵

¹⁰ *ibid*, paras 4.27-4.30 and 4.52-4.58

¹¹ HM Government, *The Equality Bill – Government Response to the Consultation*, July 2008, Cm 7454, http://www.equalities.gov.uk/publications/Government_Response_to_the_consultation.pdf

¹² HM Government, *The Equality Bill – Government Response to the Consultation*, July 2008, Cm 7454, para 5.25, http://www.equalities.gov.uk/publications/Government_Response_to_the_consultation.pdf

¹³ Office of the Leader of the House of Commons, *Preparing Britain for the Future – the Government's Draft Legislative Programme 2008/09*, May 2008, Cm 7372, p43, <http://www.official-documents.gov.uk/document/cm73/7372/7372.pdf>

¹⁴ HC Deb 26 June 2008 cc499ff

¹⁵ Government Equalities Office, *Framework for a Fairer Future – The Equality Bill*, June 2008, Cm 7431, p28, <http://www.equalities.gov.uk/publications/Framework%20FAIRER%20FUTURE.pdf>

The Government also confirmed that the representation of women would be considered by the Speaker's Conference:

The Speaker agreed, at the Prime Minister's suggestion, to call a Speaker's Conference to consider, against the backdrop of a decline in voting turnout, a number of important issues including the representation of women and ethnic minorities in the House of Commons. The Speaker's Conference and the taskforce will play a vital role in making progress in these areas.¹⁶

The Speaker confirmed the terms of reference of the Speaker's Conference on 22 July 2008:

Mr. Speaker: It may be for the convenience of the House to know that the Prime Minister has suggested to me that I convene a Speaker's Conference. The following terms of reference have been agreed through the usual channels:

“To consider and make recommendations for rectifying the disparity between the representation of women and ethnic minorities in the House of Commons and their representation in the UK population at large; and to consider such other matters as might, by agreement, be referred to for consideration.”

It is proposed that the Conference will be set up as a Committee of the House. A motion to establish the Conference as a Committee of the House will be tabled by the Government in October for decision by the House.¹⁷

The Speaker's Conference held its first meeting on 20 January 2009. The proceedings are available at <http://www.publications.parliament.uk/pa/spconf/spconf.htm>

2.3 The Equality Bill 2008-09

The *Equality Bill* was published on 24 April 2009.

Clause 99 makes new provisions for political parties to make selection arrangements for candidates to address the under-representation of certain groups in elected bodies. For example, political parties will be able to reserve places on shortlists of candidates for people on the grounds of race or disability but will not be able to have a shortlist comprised solely of people selected on these grounds. The clause also replicates the provisions in the *Sex Discrimination Act 1975* as amended by the *Sex Discrimination (Election Candidates) Act 2002* which allow political parties to draw up women-only shortlists of candidates. Sub-section 99(7) exempts sex from the restrictions on drawing up shortlists of people with a particular protected characteristic.

The provisions, if enacted, would apply to shortlists for candidates at Parliamentary elections; elections to the European Parliament, the Scottish Parliament, the National Assembly for Wales and local elections (excluding elections for the Mayor of London).

Clause 100 is a “sunset clause” makes provision for repealing sub-section 99(7) at the end of 2030 unless an order is made before that date to extend this time limit.

3 Methods of ‘positive action’ used in candidate selection

Joni Lovenduski has identified three strategies for political parties that want to increase the number of women representatives. These were summarised in *Women at the Top 2005*.¹⁸

¹⁶ *Ibid*, p29

¹⁷ HC Deb 22 July 2008 c659

Type of strategy	Definition	Examples	Impact
Equality rhetoric	Public acceptance of claims for representation	Found in party campaign platforms; party political discourse; speeches and writings of political leaders (exhortation of women to come forward and seek selection)	Affects selectorate and aspirant candidates' attitudes and beliefs
Equality promotion	Attempts to bring those who are currently under-represented into political competition	Special training; financial assistance; the setting of targets	Enhances aspirant candidates' resources and motivation; affects selectorate attitudes
Equality guarantees	Requires an increase in the number or proportion of particular candidates; makes a particular social characteristic a necessary qualification for office	Party quotas, legislative quotas; reserved seats	Creates an artificial demand; may increase supply

Different types of systems have been proposed to redress the perceived imbalance in the representation of women in elective offices in the UK apart from all-women shortlists. These include:

- 'Twinning' where two local parties select their candidates jointly, with a requirement that one man and one woman are selected.
- 'Zipping', which can potentially be used in list type elections, such as the European Parliament or the regional element of the Scottish Parliament or National Assembly for Wales, where the members selecting the candidates on a list are required to alternate male and female candidates.
- Balanced shortlists where a certain proportion of women are required to be present on a shortlist.

The following table, taken from *Women's Representation in UK Politics: What can be done within the law?* by Meg Russell, illustrates positive action undertaken by major parties in the UK:¹⁹

¹⁸ Sarah Childs, Joni Lovenduski and Rosie Campbell, *Women at the Top 2005 – Changing Numbers, Changing Politics?* Hansard Society, 2005, p24

¹⁹ *Women's Representation in UK Politics: What can be done within the law?* Meg Russell, Constitution Unit, 2000, p 10

Summary of positive action policies by UK parties

	House of Commons	European Parliament	Scottish Parliament	Welsh Assembly
Labour	All women shortlists in 1997. 50/50 shortlists for next election.	None.	Twinning for constituency seats.	Twinning for constituency seats.
Liberal Democrats	None in 1997. 50 / 50 shortlists for next election in Scotland and Wales only.	Ziping.	50/50 shortlists for constituency seats	50/50 shortlists for constituency seats
Conservatives	None.	None.	None.	None.
SNP	None.	None.	None.	n/a
Plaid Cymru	None in 1997. For next election at least one woman and one man on a shortlist, where one is nominated. Separate run-off ballots between women and men.	None.	n/a	Women to top every additional member list, with men second, women third.

In “No (Parliamentary) Gender Gap Please, We’re British”, Nicholas Allen and Jonathan Dean proposed the creation of two-member constituencies for the House of Commons with everyone voting twice, once for a man and once for a woman, to ensure gender balance. They suggested that “There would be no abrogation of political equality, just a revised formula of one person two votes”.²⁰

4 Party approaches

The UK political parties were slower to move towards positive action policies than European parties. There are particular difficulties in a First Past the Post electoral system with single member constituencies, where positive action may prevent an individual man from standing for a particular seat. It is relatively straightforward to institute such systems where a list type proportional representation system is used.

The use of positive action has caused controversy within parties. There has been strongest resistance within the Conservative Party but the Liberal Democrats and Labour have also been divided on occasion over the issue.²¹

²⁰ Nicholas Allen and Jonathan Dean, “No (Parliamentary) Gender Gap Please, We’re British”, *Political Quarterly*, Vol 79, No 2, April-June 2008, p217 [pp21-220]

²¹ For a discussion of debates within parties, see Meg Russell, *Women’s Representation in UK Politics: What can be done within the law?*, Constitution Unit, 2000, pp 8-14. The debate within the Labour Party is discussed by M Eagle and J Lovenduski, *High Time or High Tide for Labour Women?*, Fabian Society, 1998.

4.1 Labour Party

At its 1993 Conference, the Labour Party adopted all-women shortlists for selecting parliamentary candidates. In 1995, Tony Blair announced that the policy would be in place for one general election only.²²

But, as noted above, in 1996, the Labour Party was found to be in breach of the *Sex Discrimination Act 1975* by using all-women shortlists. Its practice ceased in the run up to the 1997 election but those candidates already selected on the basis of all-women shortlists retained their position.

Candidates selected for the 2001 General Election were selected from 50-50 shortlists.²³

Following the passing of the *Sex Discrimination (Election Candidates) Act 2002*, the Labour Party again adopted all-women shortlists for the 2005 General Election:

Following the legalising of all-women shortlists, Labour National Executive Committee (NEC) decided in January 2002 that the party's 'long-term objective is to achieve 50:50 gender representation; [that] we need to target regions currently with less than 25 per cent women representation, [and that] these regions should ultimately achieve no less than 35 per cent ... [and that] the NEC is to be given the authority to intervene in selections and late selections to ensure progress is made'. ... To assist this process of feminisation, late-retiring MPs – defined as those announcing their retirement after December 2002 – were to be automatically replaced through all-women shortlists, though with discretion remaining with the NEC 'to authorise exemptions in special circumstances'.²⁴

Kavanagh and Butler reported that:

Labour's 40-strong new intake of MPs bore the heavy imprint of the all-women shortlist policy: 26, or two-thirds, of the new MPs were women, 23 of whom had come from all-women shortlists. In fact, in the 48 seats where retiring Labour MPs had been replaced by new candidates, 33 of them had been women (30 of them from all-women shortlists), but seven of these seats were lost at the election.²⁵

There is evidence that all-women shortlists have been important in increasing the number of women MPs. Sarah Childs and Mona Lena Krook also cited support for the case that all-women shortlists have been instrumental in increasing the representation of women. They repeated the following quotations in a case study on the *Sex Discrimination (Election Candidates) Act 2002*:

- "no other measure – we have tried all the others that I know – will work for Westminster selections and elections"; and
- "it is only through AWS that progress has actually been made".²⁶

In their review of the 2005 General Election Kavanagh and Butler reported that

... all-women shortlists, a practice that had been discontinued in 1996 after an industrial tribunal had declared it discriminatory and so unlawful. In consequence, it

²² Sarah Childs (ed), *Women and British Party Politics*, 2008, pp26-29

²³ David Butler and Dennis Kavanagh, *The British General Election of 2001, 2002*, p195

²⁴ Dennis Kavanagh and David Butler, *The British General Election of 2005, 2005*, pp151-152

²⁵ *ibid*, p153

²⁶ Sarah Childs (ed), *Women and British Party Politics*, 2008, p134

was alleged, the number of women elected in 2001 dropped for the first time since 1983".²⁷

4.2 Liberal Democrats

At their party conference in September 2001 the Liberal Democrats rejected a proposal to select at least 40 per cent men and 40 per cent women candidates for the next General Election in seats requiring a 7.5% swing or less to win. A further proposal to select a woman candidate where the sitting MP stands down at the next General Election was also defeated. Instead the following motions were approved:

1. That a target of 40% of held seats where the sitting MP stands down, and seats requiring a swing of less than 7.5% to win, be fought by women candidates at the next general election; that a taskforce be established by the Federal Executive including members from the States Candidates Committees, the Campaigns Department and all relevant SAOs, with reasonable staff time and funding allocated to it, that reports to every meeting of the Federal Executive and to every Federal Conference on progress towards that target.

2. That the Joint States Candidates Committee²⁸, in consultation with relevant SAOs, undertake an immediate and urgent review of the processes by which parliamentary candidates are sought and approved, specifically including post-selection support and training for candidates. (Such a review should include surveying those already approved, all Liberal Democrat principal councillors, and others to ascertain reasons for so few women and people from other under-represented groups being on the list of approved candidates, and to recommend relevant changes to the approval and candidate recruitment processes.²⁹

An article in the *Journal of Liberal History* (Spring, 2009) by Lisa Harrison, suggests that the mechanisms for achieving the 40 per cent target of female candidates in winnable seats fuelled internal party disagreement. Harrison notes that the Liberal Democrats continue to reject all women shortlists and that there is no particular consensus in the party about how to promote women candidates. She comments that it might be more appropriate for the party 'to discuss strategies, as opposed to a 'one-technique-fits-all' approach.'³⁰

4.3 Conservative Party

In *Women at the Top 2005*, the Conservative Party was described as "opposed to equality guarantees on the basis that such measures offend principles of meritocracy". The Party "preferred to use equality rhetoric and promotion measures to increase the number of its women candidates". Aspiring candidates had to be on the Party's Approved List and some "women only" training was available.³¹

Shortly after his election as leader of the Conservative Party, David Cameron restated his leadership campaign call for the Party to select more women candidates. The *Financial Times* reported a speech he made on 12 December 2006:

²⁷ Dennis Kavanagh and David Butler, *The British General Election of 2005*, 2005, p151

²⁸ That is, the devolved bodies responsible for candidate selection

²⁹ Liberal Democrat conference, 26 September 2001

³⁰ Selecting women candidates: a critical evaluation by Lisa Harrison. *Journal of Liberal History*, Issue 62, Spring 2009.

³¹ Sarah Childs, Joni Lovenduski and Rosie Campbell, *Women at the Top 2005 – Changing Numbers, Changing Politics?* Hansard Society, 2005, p32

David Cameron has given the Conservative grassroots three months to pick more women to represent the party at the next election.

The Tory leader has warned local constituency associations he is prepared to intervene if they fail to select more women and members of ethnic minorities as MP candidates.

Setting out his plans to make the Conservatives more representative, Mr Cameron said he was prepared to take "further action" if, three months after constituencies started selecting candidates, they refused to pick from a centrally agreed "priority list" in safe and winnable seats.

At least half the names on the list would be women, with a "significant proportion" from black and other ethnic minority groups. The Tories had 13 women MPs in 1932 and just four more now. Only six of the candidates in the Tories' top 50 target seats in the May election were women.

The Tory leader said in a speech in Leeds that his initiatives had "nothing to do with crude political calculation or crazed political correctness" but was all about "political effectiveness".

"Only if we engage the whole country in our party will our party develop ideas that benefit the whole country," said Mr Cameron. "The conversation we have in the Conservative party must reflect the conversation in the country, and the sound of modern Britain is a complex harmony, not a male voice choir."³²

The Priority List (or A-List) has been criticised, notably on *Conservative Home* (a website which "aims to provide comprehensive coverage of Britain's Conservative Party"). In June 2006, David Cameron responded to that criticism:

I'm not surprised that there's a lot of debate about our Priority List. Change is never smooth or straightforward. So here's my reaction to some of the comments that have appeared on this site and in the press.

... The objective is straightforward: to make the Conservative Party more representative of the country we seek to govern. It's a total scandal that less than 10% of the Parliamentary Conservative Party is female. I made this point repeatedly in the leadership election and made clear that changing this situation and getting more Conservative women into Parliament was top of my agenda. Party members voted overwhelmingly for this change. Of course we can argue forever about the precise mechanism used to make the change that the Party voted for. No system is perfect. But anyone who believes in Party democracy should wholeheartedly support the drive to get more women and BME candidates selected in safe and winnable seats. We've been willing the end; it's time we willed the means as well.

[...]

We need the best candidates to win our most challenging seats. But we also need candidates who when taken together reflect the face of modern Britain rather better than we currently do

Of course, there are many dedicated and loyal people who have not been appointed priority candidates - inevitably many more men than women. I am sorry for them - but I hope they will stay the course. Politics is sometimes a disappointing and brutal business, but it also requires perseverance and resilience. If you are really determined

³² Cathy Newman, "Cameron presses Tories on selection of women", *Financial Times*, 13 December 2005

to make it, you are far more likely to succeed than if you despair of the system. Let's face it. Politics is competitive. The problem we had before was that the women were being crowded out by the men. At the last election, we had a list of 25 per cent women. Despite a real effort, we only got 19 per cent of target and Conservative-held seats to select women. Worse still, only 12 per cent of the new in-take were women. We have to accept that our previous processes were consciously or unconsciously, directly or indirectly, discriminatory against women. This also put women off from even trying to become Conservative MPs. I am determined to correct this injustice, which was wrong in principle and bad for our party and for our country. This is about raising our game across the board. It can't be done by excluding so many talented women or people from black and ethnic minorities.³³

Subsequent changes allowed party members to choose shortlists of four – at least two of whom had to be women.³⁴ But in January 2007, further changes were made to boost the number of local candidates.³⁵

An article in *British Politics* in 2007 by Peter Dorey assessed the success of Cameron's 'A-List' policy:

Cameron's attempt at ensuring that a more socially diverse and representative range of Conservative parliamentary candidates were adopted in readiness for the next election entailed the drafting of an 'A list' of candidates, of whom 50% would be women and 10% from ethnic minority backgrounds. It was envisaged that the list would be 'consulted' by local Conservative associations in 'winnable seats', when they were selecting a candidate to contest the next election.

In this context, Cameron's initial efforts enjoyed only limited success (for reasons noted below), to the extent that during the first half of 2006, women candidates were adopted by Conservative constituency associations in 32% of winnable seats, while in almost half of the constituencies involved in candidate selection, a local Conservative was adopted in preference to those on the 'A list' presented by Central Office. Consequently, in August 2006, an evidently frustrated Cameron insisted that local Conservative associations in 'target seats' should ensure that on a short-list of four candidates, at least two should be women, after which the final selection would be made by the constituency's executive council. The council's choice would then be presented to a special meeting of the constituency party members, the expectation being that they would endorse the selected candidate. At the same time, Cameron sought to increase the proportion of women on the 'A list' from 50 to 60%, and hinted that if more women candidates were not adopted he might consider imposing all-women short-lists on recalcitrant Conservative constituency associations (*The Guardian*, 21 August 2006).

However, stipulating that at least 50% of candidates on the final constituency short-list should be women would not guarantee that local Conservative associations actually selected one of those women when making their final choice, a point illustrated in Folkestone during July 2006, when two of the three candidates on the final short-list to contest Michael Howard's seat (when he stands down at the next election) were women, but it was nonetheless the male candidate who was finally adopted.

³³ Conservativehome.com – Seats and Candidates, *David Cameron: Getting more women into Parliament remains top of my agenda*, 2 June 2006, http://conservativehome.blogs.com/goldlist/2006/06/david_cameron_g.html

³⁴ Conservativehome.com – Seats and Candidates, *Party democracy is compromised in quest for more women MPs*, 21 August 2006, http://conservativehome.blogs.com/goldlist/2006/08/members_disenfr.html

³⁵ Conservativehome.com – Seats and Candidates, *Selection changes confirmed*, 29 January 2007, http://conservativehome.blogs.com/goldlist/2007/01/selection_chang.html

By November 2006, a total of 39 candidates had been selected for seats since David Cameron's introduction of the 'A-list', of whom 15 (38.5%) were women, 24 (61.5%) were men, and 2 (5%) emanated from ethnic minority backgrounds. Moreover, of these 39 candidates, 23 (59%) were selected from the A-list, while 16 (41%) were local candidates (*the Daily Telegraph*, 10 November 2006).³⁶

An article in the *Times* on 28 April 2009 commented on the lack of women in the Shadow Cabinet and said that some of the Conservative Party's most highly qualified women supporters were finding it difficult to find seats. The article also noted that "according to an analysis of the top 100 target seats by the *Times*, 26 have selected women candidates. In seats where the Tory candidate is standing down, about half are women."³⁷ David Cameron responded to the article the following day:

The fact is we've got more women in the Shadow Cabinet than Labour have in their Cabinet. We have more than 80 parliamentary candidates who are women. If we form a majority of just one at the next election, the number of female Tory MPs will treble to 55.

[...]

If you want more women in your party, there are two routes you can take. The first is straightforward positive discrimination – including blocking men from shortlists, as Labour did. Though this would have guaranteed an increase in the number of women in our party, I instinctively knew it was wrong for a party that believes in meritocracy – that people should rise on the back of hard work and not who they are.

But sometimes you have to step in and change the rules because there's an existing inbuilt male bias. That's what I did when I redesigned the system for MEP candidate selection so that the first vacant place in every region goes to a woman. As a result, at the European elections this June, the Conservative party is fielding strong female candidates across the country.

The second route is the one I predominantly choose to take – positive action. If straightforward positive discrimination is about closing doors to those who don't fit the new mould, positive action is about opening them to those we want to welcome. Above all, that's what I've done. I introduced a priority list with the explicit aim of getting more female candidates into our key marginal seats.

As well as this, we have actively sought out a more diverse range of candidates through organisations such as Women2Win. All this is combined with measurable aspirations for the future. That's why I have said, if elected, by the end of our first Parliament, I want a third of all my ministers to be female.³⁸

On 20 October 2009 David Cameron gave evidence to the Speaker's Conference on Parliamentary representation. Mr Cameron said that the under-representation of women and ethnic minorities was a "real problem for Parliament and it's been an even greater problem for my party". He said the Conservative party's selection procedure had been altered so that new shortlists would be drawn up between Conservative Central Office and the relevant local association and added that it was his intention "if we continue as we are, that some of those

³⁶ A New Direction or Another False Dawn? David Cameron and the Crisis of British Conservatism by Peter Dorey. *British Politics*, 2007 (2) 137-166

³⁷ How Cameron's conference stage has become a women-free zone, *Times*, 28 April 2009

³⁸ We will always fight the bias towards men, article by David Cameron. *Times*, 29 April 2009

shortlists will be all-women shortlists to help us boost the number of Conservative women MPs."³⁹

Women2Win

The *Women2Win* campaign is a Conservative campaign group committed to supporting David Cameron's policy of increasing the number of women selected to fight winnable seats. The campaign states on its website that it will

- Encourage more women to become involved in politics and stand for election at all levels.
- Provide training and professional advice to women candidates and women who want to be elected.
- Develop a network of candidates and experts to provide mentoring and support to women candidates.
- Through our website, provide a forum for potential candidates to find out more about getting selected and keep them up-to-date with Party issues.
- Campaign for better representation of women at all levels of the Party, and a change in the way they are selected.⁴⁰

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³⁹ 'Cameron plans all-women lists', BBC Online, http://news.bbc.co.uk/1/hi/uk_politics/8314322.stm and Speaker's Conference web page at http://www.parliament.uk/business/speakers_conference.cfm

⁴⁰ <http://www.women2win.com/organisation.asp>

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