

**Office of the High Commissioner for
Human Rights
UNIVERSAL PERIODIC REVIEW**

Submission

Disability Politics UK

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Disability Politics UK

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Disability Politics UK

1. Disability Politics UK has been formed to promote Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD was ratified by the United Kingdom Government on 8 June 2009 and the Optional Protocol was ratified on 7 August 2009. The United Kingdom is a member of the European Union. The European Union ratified the CRPD on 23 December 2010.
2. Article 29 of the CRPD aims to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”

Round Table meeting with the Minister

3. A Round Table meeting was held on 9th May 2011 between a number of charities and individuals with Maria Miller MP, Minister for Disabled People. This was to discuss the ‘*Access to elected office for disabled people*’ consultation paper issued by the United Kingdom Government. At that meeting it became apparent there was a need for an organisation like Operation Black Vote¹ for disabled people. The process of getting people together to form Disability Politics UK started at that meeting. Disability Politics UK is a new organisation which is planning to register as a company limited by guarantee and at the time of writing has held two meetings with interested individuals.
4. A proposal was put forward to the Minister at the Round Table meeting for the law to be changed to enable Members of the United Kingdom Parliament to be able to job share².

A 300 signature petition in support of allowing Members of Parliament to job share

5. A 300 signature paper petition had been collected which read “*We the undersigned recognise that for some disabled people (and others), a main barrier to being able to participate in public and political life is that it is not currently possible to job share as a Member of Parliament therefore we ask that the law be changed to allow MPs to serve on a job share basis*”.
6. The paper petition signatures had been collected from a variety of different places mainly in the London Borough of Hillingdon, the borough in which Heathrow Airport is based. The people who were asked to sign were from various groups including the

¹ Operation Black Vote exists to ensure there is greater racial justice and equality throughout the UK. OBV works exclusively within the democratic and civic framework to deliver their objectives. Operation Black Vote is the first initiative to focus exclusively on the Black democratic deficit in the UK. OBV aims for a strong political voice for African, Asian, Caribbean, Chinese and other ethnic minorities.

² Stand as joint candidates with equal but shared responsibility for the obligations of the office.

West Drayton Women's Institute, the Hillingdon Citizens Advice Bureau, Hillingdon MIND - a mental health charity, a local Mosque, a local Church and signatures were also collected at a local branch of Tesco's, a major supermarket chain, with the store manager's permission. It was thus a good cross section of society and proper notice should have been taken of the petition signatories' views.

7. The leaflet which signatories to the petition were provided with on request set out the need for a change in the law.
8. The United Kingdom Parliament currently elects Members of Parliament on the basis of a single Member of Parliament for each constituency.
9. The presenting of 2 or more candidates for election for one constituency seat is currently not possible. The legislation always refers to "the candidate" or "the return of a Member of Parliament". The Royal writ of election also uses the singular - it reads:

"[...] Whereas by the advice of Our council We have ordered a Parliament to be holden at Westminster on X We Command you that due notice being first given you do cause election to be made according to law of a Member to serve in Parliament for the said Constituency and that you do cause the name of such Member when so elected whether he be present or absent to be certified to Us in Our Chancery without delay."

10. The actual legislative reference that says that each constituency is to return to the House of Commons a single member. Section 1(1) of the Parliamentary Constituencies Act 1986 reads:

"There shall for the purpose of parliamentary elections be the county and borough constituencies (or in Scotland the county and burgh constituencies), each returning a single member, which are described in orders in Council made under this Act."

Flexible working is better for lots of groups of people – job sharing can create access to politics and a truly representative Parliament

11. Enabling Members of Parliament to job share would enable more disabled people to get elected and help to create a truly representative House of Commons. For people with some disabilities, working a full week is not possible, particularly after travelling long distances on public transport to get to Parliament.
12. Job sharing would also make it easier for members of other groups to become or remain Members of Parliament:
 - Parents of young children
 - Carers
 - Older MPs who want to ease themselves into retirement gradually
 - People who have a second job and who want to keep it. At present some Members of Parliament have 2 or 3 additional jobs and think that being a Member of Parliament is not a full time commitment.

How would it work in practice?

13. Only one half of the job sharing pair would vote. **NB.** The vast majority of votes in the United Kingdom Parliament are on the basis of ‘whips’ or orders from a political party based on an election manifesto. This means there would be no difference in voting between the two job sharing MPs.

Conscience votes

14. In election literature, Members of Parliament rarely set out how they would vote on conscience issues. If there were to be a vote without a whip on a conscience matter, in the event that the job sharers disagreed, job sharing Members of Parliament could toss a coin to decide who voted or abstain as their views cancel each other’s out.

Pay and expenses

15. Only one salary and one set of allowances would be paid, so it would not cost any more than electing one Member of Parliament.

The United Nations Convention on the Rights of Persons with Disabilities

16. **Article 2 of the CRPD** requires signatory countries to make reasonable accommodation:
“Reasonable accommodation” means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;”

Article 4 of the CRPD requires signatory countries:

“(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;”

Work and employment

17. **Article 27 of the CRPD** requires signatory countries to recognise the
“right of persons with disabilities to work” and the “right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities”

Participation in political and public life

18. **Article 29 of the CRPD** requires signatory countries “To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others..”

Has this affected any candidates in practice?

19. An ability to job share might facilitate more talented women agreeing to enter and stay in Parliament. In 1999, Lorraine Mann sought to stand on a job-sharing basis as a candidate to be a Member of the Scottish Parliament for the Highlands and Islands Alliance. The returning officer said that he did not think that this was permissible and Ms Mann brought proceedings under the Sex Discrimination Act. She was represented in the employment tribunal by Shona Simon (now President of the Employment Tribunals – Scotland) and won on a preliminary point that the office of Member of the Scottish Parliament is a “profession” within the meaning of s.13(1) of the Sex Discrimination Act. However, the Employment Appeal Tribunal allowed an appeal on grounds that an employment tribunal does not have jurisdiction to hear complaints relating to election law.
20. In the 2010 General Election, Deborah King, an unemployed disabled woman who could not work full time, sought to stand as a parliamentary candidate on the basis of a job share. She was informed by the Electoral Services Manager at the London Borough of Hillingdon that the advice of the Electoral Commission had been sought and that there was currently no provision to allow a parliamentary candidate to job share the role of Member of Parliament. This is because the Representation of the People Act 1983 refers to separate nomination papers in respect of “each candidate” and refers to “the candidate” who is elected. Deborah King did not bring proceedings as she is unemployed and ineligible for Legal Aid as her partner works full time and their joint income exceeds the threshold for being granted Legal Aid.
21. Disability Politics UK is seeking to change the law to allow MPs to serve on a job share basis as this would enable more disabled people to access elected office. Disability Politics UK has started an e-petition in order to get a Parliamentary debate on this issue. <http://epetitions.direct.gov.uk/petitions/17076>

Please recommend a law change in the United Kingdom to permit Members of Parliament to serve on a job share basis

22. Disability Politics UK urges the Office of the High Commissioner for Human Rights to support the 300 signatories and advise the United Kingdom government to change the law to enable Members of Parliament to job share. This will help to ensure that their duties under Articles 2, 4, 27 and 29 of the CRPD are fulfilled on this issue.
23. Thank you for your assistance in this matter. We await your response with interest.