

**Office of the High Commissioner for
Human Rights**

UNIVERSAL PERIODIC REVIEW

Submission

**Disability Politics UK
Fawcett Society**

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United Nations Convention on the Rights of Persons with Disabilities - Universal Periodic Review

Submission by Disability Politics UK & The Fawcett Society

Contents

1. Introduction.....	1
2. Methodology	1
3. National Universal Periodic Review context.....	2
4. International human rights protections – Normative framework - Deeds not Words?.....	5
4.1 Recommendations.....	8
4.2 Questions for the UK government	9

1. Introduction

1. Disability Politics UK has been formed to promote Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) – ‘Participation in political and public life’.

2. Methodology

2. Disability Politics UK is staffed by volunteers. It monitors news reports, including Disability News Service, observes relevant court cases, reads reports, and networks with disabled politicians and disabled people about access to elected office. It has a website, <http://www.disabilitypolitics.org.uk>, a Twitter account @dis_politics and a Facebook page.
3. The Fawcett Society is the UK’s leading membership charity campaigning for gender equality and women’s rights at work, at home and in public life. It campaigns to secure equal power. Just 34% of MPs and 35% of councillors are women. It is campaigning to get more women in all our diversity into politics at every level. It has a website, <https://www.fawcettsociety.org.uk>, a Twitter

account @fawcettsociety and Facebook page @FawcettSociety. The Fawcett Society is the publisher of **'Open House? -Reflections on the possibility and practice of MPs job sharing.'**

3. National Universal Periodic Review context

4. Disabled people are seriously under-represented in the UK House of Commons, the only elected body in the Houses of Parliament.
5. According to a research publication published on the UK **Government Equalities** website:

“Disabled people, who make up around 1 in 5 of the UK population, are thought to be under-represented in politics at different levels of government, both across the UK and internationally.”¹

6. The UK **House of Commons Information Service** stated in an email dated 23 November 2021 sent to Deborah King, co-founder of Disability Politics UK:

“We do not hold statistics on disabled Members of Parliament as they do not have to specify that they have a disability (i.e. it is down to the MPs themselves, rather than it being a mandatory requirement). However, according to a House of Commons Library briefing paper produced after the 2019 General Election, "the number of disabled MPs elected in 2019, according to Disability Rights UK and The Guardian, was 5. This figure remains unchanged from 2017."

According to the online Disability News Service, the five MPs are Labour's Marsha de Cordova, Emma Lewell-Buck and Marie Rimmer, and Conservatives Robert Halfon and Paul Maynard - "although it may emerge that some of the many new MPs also self-describe as disabled people."

7. The fact the House of Commons does not collect and publish data on the disability of MPs undermines Article 29 of the CRPD and the general principles contained within the Convention.

¹<https://www.gov.uk/government/publications/barriers-to-elected-office-for-disabled-people/barriers-to-elected-office-for-disabled-people#conclusions>

8. A law has been passed which enables the diversity statistics to be collected. However, the UK government has decided not to introduce the section. Section 106 of the Equality Act 2010 sets out the requirement to provide information about the diversity in the range of candidates.
9. The Women's and Equalities Committee of the UK House of Commons stated in a 2017 report²:

“We recommend that the Government immediately bring into force the statutory requirement for political parties to publish their parliamentary candidate diversity data for general elections, as set out in Section 106 of the Equality Act 2010. 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. 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.”

10. This shows a clear breach of Article 31 of the United Nations Convention on the Rights of Persons with Disabilities which states:

“States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention.”

The Access To Elected Office Fund

11. The Access To Elected Office Fund³ helped disabled candidates for paid elected office with disability related expenses but this was closed by the U.K government. The Scottish Government has continued to provide support for disabled candidates.⁴ The Welsh Government has provided support for disabled candidates.⁵ The removal of the fund has seriously disadvantaged disabled candidates who seek elected office. This has been covered in the media but not addressed by the UK Government.⁶

² https://publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/630/63009.htm#_idTextAnchor053

³ <https://www.gov.uk/government/news/fund-launched-to-support-disabled-candidates-stand-for-office>

⁴ <https://inclusionScotland.org/disabled-people-become-a-leader/civic-participation/aeo-fund>

⁵ <https://www.disabilitywales.org/projects/access-to-elected-office-fund-wales/>

⁶ <https://www.disabilitynewsservice.com/tag/access-to-elected-office-fund/>

12. The Access To Elected Office Fund did not address the need for reform of electoral law to address the issue of job sharing for candidates.
13. Changing electoral law to permit job sharing for Members of Parliament in the House of Commons would enable more disabled people to stand for paid elected office.
14. In 2012, following a petition, John McDonnell MP put forward a Ten-Minute Rule Bill in the House of Commons, which sought to change the law to enable job sharing for MPs. The Bill was briefly discussed but did not get time allocated for a second reading.
15. In 2015, two members of the Green Party lost a High Court case⁷ where they sought permission to judicially review the UK Government over its policy not to permit job sharing. The judge said that it was a matter for the UK Parliament to decide.
16. The Fawcett Society, the UK's leading charity campaigning for gender equality and women's rights, published a pamphlet in September 2017, **'Open House? Reflections on the possibility and practice of MPs job-sharing'** which examined the election rules, the case for and against MP job sharing, the Frequently Asked Questions about how MP job sharing works and the UK High Court position on a legal attempt to change the law to allow MPs to job share.
17. The Economic and Social Research Council supported the research. **We urge the Committee to read this pamphlet.**⁸

The UK government's response

18. On 25th March 2021, the Rt Hon Chloe Smith, then Minister of State for the Constitution and Devolution, wrote to Boris Johnson MP, Deborah King's local MP, and stated, inter alia:

"Dear Prime Minister

Thank you for your email of 22 February on behalf of your constituent, Ms Deborah King regarding job sharing for Members of Parliament and for attaching the Fawcett Society's 2017 pamphlet, *Open House? Reflections on the possibility and practice of MPs job sharing*.

As you are no doubt aware, electoral law does not allow two or more candidates to stand jointly for one constituency seat at a UK Parliamentary

⁷ <https://www.theguardian.com/politics/2015/jul/28/green-party-job-share-mp-high-court-rejected>

⁸ <https://www.fawcettsociety.org.uk/open-house-reflections-possibility-practice-mps-job-sharing-pamphlet>

election. Section 1(1) of the Parliamentary Constituencies Act 1986 specifically refers to each constituency ‘returning a single member’. Each Member of Parliament is elected as an individual to represent their constituents and, by virtue of having been elected, is provided with the responsibility to participate in debates and vote in the House of Commons on behalf of their constituents. It is the Government’s view that it would be difficult for two individuals to act with one voice in a way that is consistent with the current duties of an MP and procedures of the House, and we have no current plans to bring forward legislation in this area.”

Other nations within the United Kingdom

19. In Wales, a constituent country of the United Kingdom, the Local Government and Elections (Wales) Act 2021, has been passed, which:

“Enable **job sharing** in the council Executive/Cabinet, including the post of Leader.”⁹

20. Before the law was passed, during the evidence session in the Senedd – the Welsh Parliament – the issue of job sharing in elected political office was considered.¹⁰ The issue of whether to permit job sharing at local government Cabinet level is a devolved issue. Evidence was given by Professor Sarah Childs and Dr bob Watt explaining how job-sharing works in relation to decision making where there might be different views amongst the job-sharing politicians. This is the issue which is stated to be the obstacle to the UK government implementing legislation to amend electoral law.

4. International human rights protections – Normative framework - Deeds not Words?

21. Article 3 of the United Nations Convention on the Rights of Persons with Disabilities requires signatory states to ensure general principles, including:

(c) The full and effective participation and inclusion in society

⁹ <https://gov.wales/new-law-make-it-easier-more-people-wales-stand-be-local-councillors>

¹⁰ Paragraph 143 onwards <https://record.senedd.wales/Committee/6029#C268445>

22. Article 4 of the CRPD requires signatory states:

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

23. The purpose of the CRPD is described in Article 1 as:

“...to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”

24. To this end, the CRPD requires Member States to make reasonable adjustments to accommodate the full participation of disabled people. Thus, Article 5(3) and (4) provide that:

“In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.”

25. Article 27 of the CRPD secures non-discrimination rights in employment.

26. Article 5 of the **International Convention on the Elimination of All Forms of Racial Discrimination** (1965) (CERD) provides that:

“In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

(c) Political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, **to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service...**”

27. Article 25, **International Covenant Civil and Political Rights** (1966) provides that:

“Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) ...

(c) **To have access, on general terms of equality, to public service in his country.**”

28. In 1997 the **Committee on the Elimination of Discrimination Against Women** published a general recommendation addressing discrimination against women in political and public life (General Recommendation No.23 16th session, 1997). This recommendation noted that:

“Other conventions, declarations and international analyses place great importance on the participation of women in public life and have set a framework of international standards of equality. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Political Rights of Women, the Vienna Declaration, paragraph 13 of the Beijing Declaration and Platform for Action...”

29. The substance of the recommendation, as is material, is as follows:

“No political system has conferred on women both the right to and the benefit of full and equal participation. While democratic systems have improved women’s opportunities for involvement in political life, the many economic, social and cultural barriers they continue to face have seriously limited their participation. Even historically stable democracies have failed to integrate fully and equally the opinions and interests of the female half of the population. Societies in which women are excluded from public life and decision-making cannot be described as democratic. The concept of democracy will have real and dynamic meaning and lasting effect only when political decision-making is shared by women and men and takes equal account of the interests of both. The examination of States parties’ reports shows that where there is full and equal participation of women in public life and decision-making, the implementation of their rights and compliance with the Convention improves.

While removal of **de jure barriers** is necessary, it is not sufficient. Failure to achieve full and equal participation of women can be unintentional and the result of outmoded practices and procedures which inadvertently promote men. Under article 4, the Convention encourages the use of temporary **special measures** in order to give full effect to articles 7 and 8. Where countries have developed effective temporary strategies in an attempt to

achieve equality of participation, a wide range of measures has been implemented, including recruiting, financially assisting and training women candidates, **amending electoral procedures**, developing campaigns directed at equal participation, setting numerical goals and quotas and targeting women for appointment to public positions such as the judiciary or other professional groups that play an essential part in the everyday life of all societies.

...

Measures that should be identified, implemented and monitored for effectiveness include, under article 7, paragraph (a), those designed to:

(a) Achieve a balance between women and men holding publicly elected positions;

...

(c) Ensure that barriers to equality are overcome, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement;

(d) Assist women experiencing such disadvantages to exercise their right to vote and to be elected." (Paras 14-15 and 45, emphasis added)

30. It is submitted that it is a breach of the United Nations Convention on the Rights of Persons with Disabilities and international human rights laws to fail to change UK electoral law to enable Members of Parliament to job share.

31. Changing electoral law would enable more disabled people, more parents, and more carers to stand for paid elected office.

32. We urge the Committee to recommend to the UK government that the law should be changed to enable job sharing for paid elected office posts.

4.1 Recommendations

33. The UK should enact section 106 of the Equality Act 2010 which would require the collation of statistics on candidate diversity data – 'protected characteristics' in the language of the EA2010 - including disability - of elected Members of Parliament at national level and elected councillors in local government. This action could be started forthwith.

34. The UK should amend electoral law to enable people to stand as job share candidates for the House of Commons. This action should take place before the next cycle of Parliamentary elections in the UK.

35. The UK should amend electoral law to enable people to stand as job share candidates for local government office, in nations where electoral law has not

been devolved. This action should take place before the next cycle of local government elections in the UK.

36. The UK should re-instate the Access To Elected Office Fund.

4.2 Questions for the UK government

37. Questions to be asked of the UK government are:

1. On what grounds does the UK government oppose amending the law to permit job sharing in elected political office given that Wales has undertaken this legislative step towards further equality?
2. What research has the UK government undertaken into the possibility and practicalities of MP job share, including but not limited to, amending the law?
3. Does the UK government agree that in the absence of MP job share that some disabled people will never secure political equality in the UK, because the right to participate is effectively denied to them because they are unable to participate full-time in elected political office?
4. What other measures will the UK government take to support disabled candidates for political office?
5. What evidence is there that such measures will increase participation?

Disability Politics UK

www.disabilitypolitics.org.uk

The Fawcett Society

www.fawcettsociety.org.uk

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