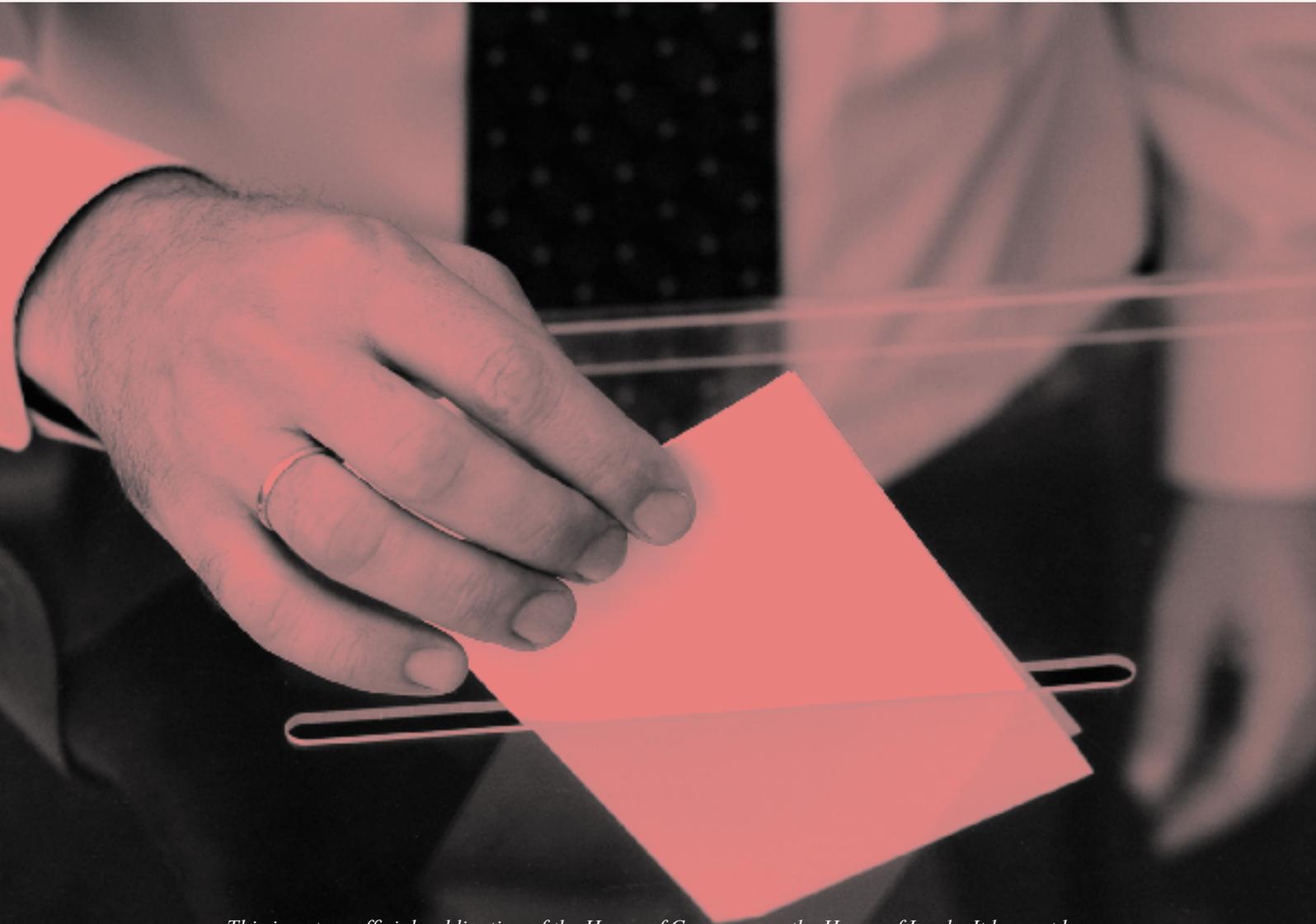


*ALL-PARTY PARLIAMENTARY INQUIRY INTO
ELECTORAL CONDUCT
FINAL UPDATE*

July 2017
London



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Introduction

In October 2013, a cross-party parliamentary panel published the findings of its inquiry into electoral conduct with a particular focus on racism and discrimination in campaigning. The report, inspired by the recommendations of an earlier all-party inquiry into antisemitism, drew upon a significant evidential base, including submissions from nearly every political party represented in parliament. Its aims were to assess existing rules, uncover models of good practice and propose recommendations for change. Underpinning the report was a commitment to the fundamental importance of freedom of speech. The report's publication marked the first time that such matters had been analysed in a systemic way by parliamentarians. A total of 30 recommendations were directed at government, regulatory authorities, the police and others.

The report was welcomed by the Prime Minister, Deputy Prime Minister, Secretary of State for Culture, Media and Sport, Minister for Women and Equalities and the party President, Chairman and General Secretary of the Liberal Democrats, Conservatives and Labour party, among others. The TUC and CBI also issued supportive statements. The findings were circulated to a number of other local, national and international policy makers.

Following the 2015 General Election, the chair of the inquiry, former House of Commons Deputy Speaker Natascha Engel, commissioned a review to determine the impact of the report, and identify any unresolved issues requiring further action. Commencement of a second review began in 2017, prior to the planned 2020 General Election. The unexpected announcement of a 2017 General Election changed the focus and release plans for this report.

Part One: Policy and Procedural Changes Resulting from the 2013 Report

The 2013 electoral conduct report touched on a number of policy areas and made recommendations in each. These issues provided the focus for questions and debates in both Houses of Parliament. There have been a number of measures put in place as a direct consequence. These are outlined in part one of this report. Part two is a review of the various elections and referenda between 2015 and 2017 inclusive. Part three consists of conclusions and recommendations for the future.

1.1 Policing, regulation and the law:**1.1.1 The Law**

The panel found that whilst there was sufficient legal provision to address incidents of racism and discrimination in UK elections, the law had been “underused or misunderstood”. Four recommendations were made with a view to improving the clarity and utility of legal provision:

“We recommend that the Law Commission investigate the current definition and scope of the law relating to Undue Influence in the RPA 1983. In particular, it should consider the increasing presence and activity of non-party campaigners and provide good reason to not recommend extension of existing language.”

“We recommend that clarity be given by the Law Commission as part of its forthcoming review on the ability of a party to withdraw support from a candidate after the close of nominations.”

“We recommend that the requirement for an imprint be extended to incorporate online and other election communications. Parties subjecting candidate materials to such a requirement in advance of any change in the law could be said to be modelling best practice.”

“We recommend that the requirement for an imprint for non-party campaigners be extended to incorporate online and other election communications. Non-Party Groups subjecting their materials to such a requirement in advance of any change in the law, could also be said to be modelling best practice.”

Initially, the Law Commission wrote to tell the inquiry chair that the all-party report had helped frame the consultation it had subsequently published on electoral law reform. That consultation is now complete and, fortunately, many of the Law Commission’s interim findings satisfy the recommendations of the panel.

The Law Commission recommended that electoral offences should generally be redrafted in a simpler, more modern way. It believed that doing so would secure greater compliance by campaigners and the public, greater understanding by the police, and increased viability of prosecutorial action, which would promote enforcement¹.

In regards to the specific offence of undue influence, the Law Commission's interim report recommends that significant changes should be made, making the offence more readily understood and enforced².

The Law Commission has also made a recommendation relating to online material imprints. Recommendation 11-6 of their interim report states that “the imprint requirement should extend to online campaign material which may reasonably be regarded as intending to procure or promote any particular result, subject to a reasonable practicability defence.”³

On the question of withdrawing party affiliation after close of nominations, the Law Commission informed us that this was raised during its consultation, but it adopted the view that this was a policy decision for the Cabinet Office to take. The main considerations are operational, relating to the practical realities of election printing and finalising electoral documents at significant speed. Withdrawing support for a candidate after close of nominations is clearly difficult, but parties can certainly make their positions clear (as far as practicably possible) through their existing channels of communication. The Cabinet Office will have to take a view on any potential change of policy.

The Law Commission published its interim report in February 2017 and the Government is reviewing the recommendations it made. Sir Eric Pickles has published his own report on electoral integrity which endorses several of the Law Commission recommendations. Particularly in light of Brexit, finding time to legislate for necessary change will be a challenge, but no doubt parliamentarians will look to support any and all efforts to find time to debate these matters.

1.1.2 Regulation (i) – The Equality and Human Rights Commission

The Equality and Human Rights Commission (EHRC) was encouraged by the panellists of the 2013 all-party inquiry to revisit some of the work of its predecessor: the Commission for Racial Equality.

1 http://www.lawcom.gov.uk/wp-content/uploads/2016/02/electoral_law_interim_report.pdf

2 Ibid (p.141-150)

3 Ibid (p.150-153)

“We recommend that the EHRC produce a plan for engaging in work on electoral conduct and specifically that it continues to update and issue the election toolkit which embodied good practice, providing clarity in what can be complex legal and procedural matters. We conclude from the evidence submitted to us that there are many voluntary organisations which have excellent local intelligence and may be able to offer help to the EHRC if they have resources and access to such good quality guidance.”

“We believe the CRE/EHRC guidance was an example of good practice and provided a timely reminder to Local Authorities and others of their responsibilities and the resources at hand to combat racial hatred. We recommend that the EHRC commits to publishing and promoting similar guidance annually. This would allow for the inclusion of updated examples of case law and could serve as a point of reference for Local Authorities, candidates and others. It should be shared with and cross-referenced by ACPO, the Electoral Commission and the political parties in their communications with candidates, returning officers, the public and others. It would help in ensuring the law was not underused or misunderstood.”

“We recommend that where appropriate, Local Authorities continue to use their powers under the Code on Publicity as pertains to the Local Government Act 1986 and publish “objective, accurate and factual information” to correct false information circulated by candidates, as well as non-party campaigners parties, during an election period.”

Following discussion between representatives of the All-Party Parliamentary Group Against Antisemitism and the EHRC, the latter published new guidance⁴ for the 2015 General Election to help Local Authorities, parties and candidates understand the role of equality and human rights law in elections. That new guidance made clear that discrimination from parties is prohibited and that, whilst freedom of expression is vital, it may be limited in certain circumstances to protect others from violence, hatred and discrimination. The Equality and Human Rights Commission published the guidance on its website and provide links to the websites of the National Police Chief Council, the Electoral Commission, the Local Government Information Unit and the APPG Against Antisemitism. It distributed the guidance to over 36 key stakeholders in England, 8 in Wales and 8 in Scotland, including all major political parties, the TUC and the College of Policing who in turn, it says, disseminated the guidance widely on the EHRC’s behalf.

⁴ <https://www.equalityhumanrights.com/en/publication-download/equality-and-human-rights-law-during-election-period-guidance-local-authorities>

Whilst this was a welcome start, it was noted in the 2015 update report to the all-party inquiry that the guidance could be improved. Happily, the guidance has been reviewed and improved by the EHRC and includes both case studies and contact details for relevant organisations. The EHRC's verdict that the guidance is "fit for purpose for future publication"⁵ is one with which many would now concur. The Commission disseminated the guidance again before the local elections in England, Scotland and Wales in May 2017 and for the new Mayoral elections in England. This coincided with the General Election. It had hoped that the Electoral Commission, key civil society, statutory and other stakeholders would distribute the guidance widely.

The Equality and Human Rights Commission has not, it says, undertaken any specific training with Local Authorities regarding their understanding of electoral law but chose instead to reach target audiences through this guidance. As noted in the previous update, the all-party inquiry panel was able to clarify the role of Local Authorities in correcting false information during an election which had been unclear. The imperative remains for Ministers, the EHRC and Local Government bodies to publicise the continuing role and importance of this legal provision and it is reassuring that the matter is addressed in the EHRC guidance.

The Equality and Human Rights Commission was also keen to point out that it had written to the parties represented in Westminster in 2017, seeking their support for a voluntary pledge on standards for political discourse. This agreement, it was said, would "emphasise the importance to democracy of freedom of expression, whilst securing commitments from the parties to refrain from using language or materials likely to generate prejudice or division, and to deal effectively with complaints of such behaviour made against their representatives"⁶. The EHRC was in the process of drafting a pledge when the General Election was called. This would be a welcome step, but as the 2013 all-party report uncovered, such pledges are of most value when linked to a relevant disciplinary process.

One other recommendation was jointly directed to political parties and the EHRC:

"We recommend that cross-party agreement be sought, under the auspices of the Equality and Human Rights Commission on a standardised framework for reporting discrimination during election campaigns. This should include a public reporting portal or contact address, a named official with responsibility for assessing the case, a stipulated timeframe (we suggest up to 3 months after the election) for addressing the matter and the publication of any adjudication and sanctions applied where relevant or

⁵ Email correspondence with the inquiry secretariat

⁶ Email correspondence with the inquiry secretariat

reasons for not publishing. This would work in tandem with existing party disciplinary and police procedures. In addition, we recommend that the agreed burden of proof be on the complainant. Complaints about independent candidates should be adjudicated by the Commission. The Electoral Commission should be party to such discussions.”

The political parties were not enthusiastic about this idea; however, each did write to John Mann MP, Chair of the All-Party Parliamentary Group Against Antisemitism, with details of a named person for reporting cases of discrimination during the 2015 election. In lieu of any agreement with the political parties, the Equality and Human Rights Commission agreed to use its planned online awareness raising campaigns about ‘how to report discrimination during an election’ to improve visibility of reporting mechanisms. The EHRC reports that it does not have any reliable data on the impact of its initial electoral conduct social media campaign. However, its LGBT hate crime social media campaign reached over 50,000 people. The EHRC further reported that it publicised its hate crime social media campaigns⁷ after the Brexit referendum, and will continue to raise its profile where there are indications of emerging tensions. The EHRC also updated its webpages in respect of reporting hate crimes⁸.

The Electoral Commission explained that it does not routinely collect details of the number of complaints it receives about discrimination given it has no powers to investigate such complaints. The Commission instead highlights who complaints should be brought to where concerns are raised about the content of a specific campaign and its compliance with law. The Electoral Commission did however helpfully provide details of a handful of inquiries from the 2017 General Election which were both relevant to its powers and connected to allegations of discrimination.

It is disappointing that a framework for reporting has not been established. It is reassuring, however, that systems for reporting and recording discrimination are now more coherent and well publicised. Regrettably, whilst the Liberal Democrats stated their willingness to enter discussions about this, and the Conservative party were interested in a bilateral or mediated model, the Labour party was retiscent to agree joint action. Until all parties can agree, such a model will likely be unattainable.

More generally, the EHRC set out in an update its extensive work on hate crime issues over many years. It explained that in response to the spike of hate crimes reported in England and Wales following the EU Referendum it has engaged with the Polish and other embassies, employers and Muslim and Jewish organisations to help encourage greater reporting.

⁷ <https://www.equalityhumanrights.com/en/advice-and-guidance/reporting-race-hate-crime>

⁸ Ibid

Finally, the EHRC says that it actively considers involvement and intervention in legal cases involving hate crime.

A Ministerial answer to a parliamentary question⁹ revealed that subsequent to 2014, the Government Equalities office had not had significant discussions with the EHRC about efforts to address discrimination during election campaigns. This is something the Government and EHRC should be speaking about with appropriate regularity.

1.1.3 Policing

The All-Party Parliamentary Inquiry into Electoral Conduct report also included recommendations that the police should improve training, guidance, communications and data capture and sharing. In a detailed response to the report, the police committed to implementing these various suggestions and put plans in place to do so. The Association of Chief Police Officers (ACPO) has changed its name and structure since the 2013 report to become the National Police Chiefs Council (NPCC).

“We recommend that in order to augment good practice the ACPO training conference and handheld guide include sections on public order with specific mention of racial discrimination and campaigning materials which might breach the Public Order and Racial and Religious Hatred Acts, expert input and advice can and should be sought where institutional expertise does not exist.”

The police and the Electoral Commission both advised that they had worked together to replace the handheld guide with the College of Policing’s publicly available guidance: ‘Authorised Professional Practice (APP) for Policing Elections’¹⁰. The APP includes specific reference to public order policing for elections, and links to detailed guidance on offences relating to incitement to hatred¹¹. The police explained that “[i]n acknowledgement that Policing relies heavily on guidance, much of which is duplicated in some form, and therefore difficult to update, the College of Policing has undertaken to produce these APPs with links across the various Policing disciplines to ensure consistency of advice”¹².

“We recommend that [Single Points of Contact] SPOCs be appointed in each regional police force and that they undergo mandatory training. Where SPOCs are in low

9 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-03-16/68264/>

10 <https://www.app.college.police.uk/app-content/policing-elections/>

11 <https://www.app.college.police.uk/app-content/public-order/>

12 Email correspondence with the inquiry secretariat

priority areas, we recommend they be seconded where possible to under-resourced areas for Election Day support and training. SPOC reports should include details of poor community relations where evident.”

The police update provided to the inquiry review detailed improvements to the SPOC network which has expanded so that “each Police Force has at least one SPOC” and in many forces three to four of these subject matter experts. However, the turnover of the SPOCS is high and “changes in policing” (which presumably includes funding challenges) have led several forces to form “alliances” sharing core functions including SPOC provision.

The Authorised Professional Practice material referred to above was designed as a training aid for incoming SPOCs twinned with an annual SPOC conference which was reviewed as part of the 2013 All-Party Inquiry evidencing gathering process. The high level of SPOC turnover has, however, led to NPCC election leads commissioning the City of London Police to produce a training course in relation to Election Related Crime. Police report that “this will be a two day course, held at various locations around the country” and its content will chime with the APP for Policing Elections and for Public Order.

Contrary to the recommendation of the All-Party inquiry, police have not completed an exchange programme for SPOCs as Chief Officers continue to be responsible for the deployment of officers within their own Policing Area. However, police said that “the SPOC network remains resilient, with increased numbers of SPOCs in those areas of higher demand”. Using the example of the recent “Battlebus” expenses inquiries, police explained that information and evidence was communicated quickly and effectively, and where forces did not have an electoral crime footprint, they were able to seek advice from the national co-ordinators in West Midlands Police.

“We recommend a pro-forma strategic communications plan be developed by ACPO for SPOCs in advance of elections, to include public facing announcements with details for reporting material in breach of the Public Order Act and links to useful partner websites such as the Electoral Commission and EHRC. This should include a social media strategy.”

The aforementioned APP for Policing Elections now covers the requirement for a communications strategy and has a link to the APP for Communications and Engagement which each Police Force tailors to its local community requirements. Before each election, the NPCC lead informs all chief officers about the available guidance, including at the February SPOC conference. We were specifically informed about another relevant initiative by police:

“At the last two SPOC Conferences we had input from CRIMESTOPPERS who have produced a bespoke campaign for Elections, in which Public Order offences are covered. This is strongly supported by the Electoral Commission and the NPCC, with links to the charity’s site on Police and the Electoral Commission’s websites and social media platforms.”

In addition, specific communications aimed at reassuring communities might be deployed following a specific incident. In response to a parliamentary question¹³, a Home Office Minister reported that:

“The Home Office worked closely with the police at both national and local level following the EU referendum in June 2016 to monitor any increase in hate crime and to provide reassurance to the communities most affected.”

“We recommend that hate crimes occurring during elections be communicated with SPOCs in all cases so that their suitability for inclusion in the PCCN can be determined and more accurate data on discrimination be obtained. In addition, we recommend an enhanced level of co-operation and data sharing between the Police [National Community Tension Team] NCTT, the SPOC network and the Electoral Commission in advance of elections.”

In an update for the all-party inquiry, police said that SPOC reports on election crime continue to be produced for the Electoral Commission on a monthly basis (weekly during an election period). Though specifically about Electoral Offences, many SPOCs do include Election Related Crime (such as public order offences), though this information is not used by the Electoral Commission (but may be passed on to other relevant agencies).

The police detailed specific organisational approaches to sharing data during elections. They said:

“The advice from the NPCC in Policing Elections is that when running an operation for any election, a Gold, Silver, Bronze command structure is in place. This will inevitably have an intelligence lead, who will be aware of all crime associated with the Election (public order or otherwise), along with open source social media tracking, and will use this as a risk assessment, reporting back into the Silver Commander for a resourcing position. Community Tensions would be picked up as part of this, and anything significant would be fed into the National Community Tension Team at the NPCC”¹⁴.

¹³ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-03-16/68227>

¹⁴ Email correspondence with the inquiry secretariat

In answer to a parliamentary question in March¹⁵, a Home Office Minister confirmed that the Government still does not hold specific data relating to electoral campaigns. However, a hate crime statistical bulletin ‘Hate Crime, England and Wales, 2015/16’ had included an annex on racially or religiously aggravated offences around the time of the EU referendum. This data, based on 31 forces showed an increase in offences following the announcement of the referendum result. Whilst the police employ appropriate systems for recording hate crimes or incidents, monitoring community tensions and communicating electoral data, it is unfortunate that, in effect, it has fallen to the third sector, through its own channels and through the media, to monitor and report on racism and discrimination in the national scale during elections other than in exceptional circumstances. There may be a role for the EHRC in this regard.

“We have already noted our concern that the police should do more to publicise the official channels for registering public order offences. We further recommend that the police and Electoral Commission utilise existing resources, such as the excellent hate-crime reporting portal ‘Truevision’ (www.report-it.org.uk) and other third-party reporting portals such as electionleaflets.org, allowing the referral of anonymised materials to the relevant authorities. We suggest that in the first instance, the relevant ACPO officers and the Electoral Commission seek to establish initial lines of communication with these groups to see if they can learn from or better use their systems.”

Knowledge and visibility of Truevision appears to have improved since 2013 and the police reported that the site is “strongly supported by Police Services across England, Wales and Northern Ireland”. The police stated that “all Force websites have links to Truevision along with other methods of reporting hate crime”; these sit alongside bespoke campaigns such as the aforementioned Crimestoppers initiative.

Generally, efforts by the police to improve and streamline training and guidance appear to be in good shape. It is a shame that the positioning of racism and discrimination, matters of concern to the inquiry, have not necessarily been as integrated as was hoped but that better signposting and networking are in place is a good step forward and may mitigate this requirement to a degree.

¹⁵ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-03-17/68403/>

1.1.4 Regulation (ii) - The Electoral Commission

The Electoral Commission was the focus for a number of the recommendations in the All-Party inquiry report:

“We recommend that before its next set of revisions to the statutory guidance, the Electoral Commission extends and enhances the group of stakeholders it consults to include the EHRC and other experts in tackling racist discrimination. Given its pivotal role in elections, the Commission should be bold in setting out the expectations of not just the mechanics but the content of campaigns in line with its duties under the Equality Act 2010.”

“We recommend that the Electoral Commission consult on and take steps to update its Code as soon as possible, and certainly in time for the 2014 elections to make mention of the importance of good community relations and the unacceptability of discriminatory behaviour. This would enable the Commission to gather feedback on serious breaches of the Code in that regard in the future and would tighten and bring together political party and official guidelines on good community relations. We urge the parties to support such a revision of the Code.”

In a series of letters and meetings that followed the report, among other key commitments, the Electoral Commission explained that it planned to: extend stakeholder relations; signpost relevant guidance from the EHRC and distribute it through local Election Return Officers; further trial online webinars; update its own guidance to include relevant sections on equalities legislation and complaint processes; and consider how it could better engage political parties outside of the statutory Political Parties Panel.

The Electoral Commission provided details of its efforts to enact the recommendations to which it had previously committed. It reported the development of a positive working relationship with the EHRC and frequent meetings with staff of varying seniority. Working with the EHRC, the Electoral Commission updated Part 4¹⁶ of its guidance for candidates and agents. This now includes a link to the aforementioned EHRC guidance for political parties and candidates, about how equality and human rights law affects election campaigning. The Electoral Commission guidance is available on its website and disseminated by Returning Officers to candidates. It is, the Commission stated, the key mechanism through which it communicates with stakeholders.

¹⁶ http://www.electoralcommission.org.uk/__data/assets/pdf_file/0011/141788/Part-4-The-campaign-LGEW.pdf

“We recommend that the Electoral Commission consider other methods for engaging parties which fall outside of the current PPP and PAG forums, such as an annual policy meeting. Terms of membership should be for the Commission to decide.”

The Electoral Commission reported that its established Parliamentary and Assembly Parties Panels in Westminster, Scotland, Wales and Northern Ireland remain the principal mechanism for discussing its overall approach to the provision of guidance to political parties. However, the Commission stated that it does also use “direct communication with particular wider groups of stakeholders - for example, all registered campaigners - in various situations, such as when there are specific changes or updates of which they need to be aware”¹⁷. It pledged to keep its approach to stakeholder engagement under review to ensure effectiveness.

“We recommend that the Electoral Commission trial a central, online briefing for candidates, broadcast once all local authority briefings have concluded. This should be recorded and distributed to all registered candidates. Such a briefing might have a wider reach for independent candidates and would ensure that all candidates have been given the relevant legal guidelines. In addition, we urge Returning Officers to publish attendance lists for local authority briefings and the Electoral Commission to champion this process, collating and facilitating online access to such lists.”

The Electoral Commission reported that on the issue of online resources, it had successfully carried out a series of webcasts for candidates and parties at the 2015 and 2016 elections¹⁸. It also carried out webinars for non-party campaigners for the UK Parliamentary General Election in 2015, as well as supporting webcasts. The webinars and webcasts were said to have been well-received by the Commission’s stakeholders. This is a welcome step forward, but the Electoral Commission had planned to progress even further. It was poised to launch a review of its approach to providing guidance for political parties, non-party campaigners, candidates and agents, Returning Officers and Electoral Registration Officers. Its hope was that, by the planned 2020 elections, it was “producing modern, accessible and sustainable guidance that makes full use of available technology and meets the needs of our users”¹⁹. This review was necessarily delayed by the 2017 election announcement.

¹⁷ Email correspondence with the inquiry secretariat

¹⁸ <http://www.electoralcommission.org.uk/i-am-a/party-or-campaigner/guidance-for-political-parties/our-webcasts-for-political-parties>

¹⁹ Email correspondence with the inquiry secretariat

1.2 Press and Advertising:

Political advertising during an election in non-broadcast media is exempt from advertising standards regulation. The committee made a recommendation about this:

“We agree with the findings and recommendation of the Committee for Standards in Public Life. It is a matter of concern that there is no code of conduct in place to guide political parties who are free from any oversight with regard to advertising on non-broadcast media. It may be that codes in broadcast media have enabled the development of a culture of responsibility which could be replicable. We recommend that the Cabinet Office encourage agreement between parties to a voluntary code of practice, for political advertising across all media utilising the guidance offered by CAP.”

The committee recommended that the Cabinet Office seek to address this matter; however, the Government insisted that this was a party-political issue requiring cross-party action. A voluntary advertising code was drafted and submitted to the parties for consideration, but was not taken forward. It is a source of deep frustration that the political parties are so unwilling to co-operate on such matters or expend time and effort to improving these inadequacies in oversight.

The report also considered the issue of discrimination in the media:

“It is quite clear that for too long, concerns about the extent and efficacy of the PCC Code in relation to discrimination have gone without serious consideration or answer. As this report went to press, discussions about the future of press regulation were ongoing. Attempts to secure a sensible balance between the defence of freedom of expression and the protection from discrimination should be a consideration for Government as part of those debates and we urge the PCC to reconsider their position.”

The Independent Press Standards Organisation (IPSO) is now well established. The secretariat to the APPG Against Antisemitism was in contact with the Secretary to the Editor’s Code of Practice Committee and made a number of representations with details of the Electoral Conduct report. In January 2015, it came to light that a full review of the terms of the Editors’ Code of Practice was to be conducted once the new Editors’ Code of Practice Committee had been appointed. That review is now underway and a full submission has been made which includes reference to the Electoral Conduct review. There was one relevant change relating to the existing code. IPSO is (where the PCC was not) specifically empowered to take forward complaints from representative groups affected

by an alleged breach of the Code, where the alleged breach is significant and there is a public interest in doing so. This mechanism recognises that others may be indirectly affected by discrimination against another individual. This is a very helpful and welcome move forward. The next logical step is to confer such protections to groups of people. Contact has not yet been made with Impress, another Press Recognition Panel approved regulator.

1.3 Political Parties and Political Campaigning:

The report made a host of recommendations about the conduct of political parties and sought to highlight good practices.

“In particular, we recommend that all parties should ensure there are no disability barriers in their selection processes and should work with Scope and others to ensure this is so.”

“There is a major gap in appropriate training procedures around racism and discrimination. We advise parties to draw on expert knowledge and enhance the level of existing training. When training cannot be provided, appropriate guidance should be issued. We recommend that the exercise of reminding candidates of their duties to use responsible language be engaged by all parties as part of their pre-election correspondence. This could and should draw on existing supporting documentation such as produced by the TUC and EHRC.”

“We conclude that more could and should be done by political parties to prepare candidates for the ruthless nature of campaigning. This might include personal safety sessions and briefings from experienced campaigners.”

“We were deeply concerned to learn that there are insufficient welfare support networks for candidates and that this is compounded by a culture of silence. We recommend that all parties urgently compile a register of contacts with associated referral procedures to appropriate support schemes for candidates. These might include help lines, counselling and other professional or voluntary services. In publishing these lists, the parties may lay the foundations to countering the culture of silence that exists. However, a shift in that culture will require former candidates to speak out and we encourage them to do so.”

“We recommend that all political parties refer breaches of the Electoral Commission’s Code of Conduct by their members to their existing disciplinary frameworks. This would address police and local authority concerns about a possible disconnect between local and national activity.”

“We recommend that each political party establish a library of campaign materials featuring their imprint for a rolling period of five years. This would allow proper and more timely police investigation should complaints be lodged and would ensure the party has duly sanctioned and carefully considered the imprint on material which is stored.”

“We conclude that it would exemplify good practice for cross-party mechanisms to be established to rebut myths perpetrated by extremist parties during the course of an election. Acting collaboratively for the good of the public in these situations requires a maturity of approach. In particular, the parties should seek to foster good relations with national organisations and local groups who can facilitate such arrangements.”

“We recommend that parties should judge carefully the relationships they cultivate with groups, such as those described in this report, that are likely to use divisive and discriminatory tactics in election campaigns. Political parties should also have guidance for candidates on engaging with 3rd party groups.”

“We recommend that breaches of the Electoral Commission Code of Conduct are referred by its signatories to their disciplinary processes and that the Electoral Commission seek the widest possible sign up to the Code and make public a list of the signatories.”

These recommendations were made in addition to the aforementioned suggestion that more transparent and time-sensitive investigations into alleged misconduct should be carried out, and that a cross-party agreement on minimum standards for disciplinary processes be sought.

Regrettably, action toward these recommendations has been the most difficult to secure. Rt Hon Nick Clegg, then leader of the Liberal Democrats, wrote a detailed response to the all-party inquiry in which he committed to implement a number of the recommendations and stated he was open to cross-party talks on a framework for minimum standards. Whilst some progress was made with the other major parties, there was a general reticence to enter into cross-party talks. The extent to which any recommendations were implemented by the Liberal Democrats is unclear.

In March 2015, contact was made with the Labour, Conservative and Liberal Democrat parties in an attempt to secure details of individuals with whom complaints could be raised and time frames for investigation of allegations of misconduct. All three parties responded and the Liberal Democrats specified that, under its rules, all cases should be concluded within a maximum of 16 weeks, and it is normal practice to notify the complainant of the outcomes of such cases. The Liberal Democrat disciplinary rules, the party wrote, had recently been independently reviewed and changes agreed upon by delegates to the party conference.

Finally, the all-party report made recommendations about the role of non-party campaigning during an election.

“We recommend that in line with political party measures, non-party campaigners be required to maintain a database of election campaign literature to assist the police when allegations of misconduct arise. Such a database, whilst informal, could be highlighted by Local Authorities when non-party groups register in line with our previous recommendation. This would also ensure that imprints are properly displayed on all official material and that material without an imprint can be properly investigated by the police.”

“We recommend that non-party groups should be required to register with the Local Returning Officer and complete election expense returns in line with existing spending thresholds. Breaches of these rules should be subject to investigation by the Electoral Commission on the recommendation of LRO’s. This should not be a disproportionate burden to either non-party groups or returning officers. It would however enable more swift and decisive action against non-party groups in breach of the rules and should provide a disincentive to discriminatory campaigning and tactics. We recommend that the Law Commission looks urgently at the enforcement of the local rules under the RPA and makes recommendations that would facilitate such a change. We call on the Electoral Commission to establish a wide-ranging consultation about how this might work in practice across England and in devolved countries.”

The recommendations made in the all-party report reflected concerns raised about the materials non-party groups distributed in order to seek a tactical vote. The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill was under discussion when the electoral conduct report was published and was subsequently given Royal Assent. The report had argued for somewhat of a compromise between the Government and third sector positions on the Bill. It suggested a workability study be undertaken by the Electoral Commission, and that the ‘local rules’ on campaigning be revised to retain civic engagement whilst also implementing additional safeguards against discrimination. This would have included properly regulated spending by non-party campaigners. There is now a greater restriction on non-party campaigners and, anecdotally, a better appreciation of the requirement to act within the law.

Part Two: State of the Parties Report 2017

The All-Party Parliamentary Inquiry into Electoral Conduct was deliberately published outside of the General Election cycle. It was considered that the report would be most useful if its recommendations were allowed time to be absorbed and acted on. This update report was due to be published in advance of the expected 2020 election. The announcement of a General Election in 2017 meant that examples of misconduct at the national level were more easily identifiable; however, this review also captures details of relevant issues emanating from the periods between the 2015 and 2017 General Elections which were to be the focus of this report.

2.1 General and Local Election Incidents and Responses:

2.1.1 The Conservative Party

General Election

Ameet Jogia, an Indian-origin Conservative party candidate was reportedly subjected to racial abuse when the wall of a voting booth in the constituency for which he was standing was daubed with a racist message. Mr. Jogia was reportedly left disappointed that “no one did anything to take it down”. The matter is being investigated by the Electoral Commission²⁰.

Another Conservative candidate and now re-elected MP Sheryll Murray said she was “sickened” when her posters were daubed with swastikas. Her agent suggested the attackers were trying to protest Ms. Murray’s support for the Jewish community. Devon and Cornwall police confirmed a report of criminal damage²¹.

One Conservative candidate, himself a convert to Judaism, was reportedly a victim of antisemitism. Andrew Percy²², a Minister prior to the General Election, said he was abused in front of two witnesses by someone claiming to support the leader of the Labour Party. The alleged perpetrator was said to have shouted ‘Zionist scum’ at Percy and, on being informed he was Jewish, replied ‘Oh, I will need a wash now’. The incident was referred to the police and there was no suggestion Jeremy Corbyn supported or endorsed the incident.

Local Elections

Abdul Zaman, the Deputy Chairman of the Bradford Conservative Association, was suspended after making inappropriate comments about Jews and women at the launch of

²⁰ <http://www.millenniumpost.in/world/world-246762>

²¹ <http://jewishnews.timesofisrael.com/tory-candidate-sickened-after-election-poster-vandalised-with-swastikas/>

²² <https://www.facebook.com/andrewpercyofficial/posts/1481244648606625>

a local election campaign²³. Mr Zaman urged his community to vote for local candidate Sajid Akhtar “so that the Jews and Christians know that we are one Biradari”. He was later reinstated after the party’s disciplinary body decided that his comments were not antisemitic, though unhelpfully open to interpretation²⁴.

Another Conservative council candidate, Obaid Khan, was suspended from the party but remained on the ballot paper after antisemitic tweets he had posted were discovered shortly before the local council elections (but after the nomination deadline had passed). Mr. Kahn, who ran for the ‘winnable’ council seat of Hall Green, had referred to ‘Jew agents’ and ‘atheists’ as terms of abuse in his posts. Situations where parties cannot remove candidates who allegedly, or in fact, commit offences had, as noted, previously been marked as a point of concern in the electoral conduct inquiry of 2013²⁵.

A week post-election, Conservative councillor Robert Davies was the subject of strong condemnation and an official rebuke from the party when deeply offensive tweets with racist tropes were discovered. He subsequently deleted his account and it was said he accepted he was wrong to have made the posts²⁶. Another candidate, Peter Cuthbertson, who was standing for the marginal seat of Darlington, was condemned for posts he had made as an 18 year old about rape, homosexuality and morality.

2.1.2 The Labour Party

General Election

A Labour parliamentary candidate was sacked by the party following allegations he ran a Twitter account which had posted offensive remarks about Muslims. Old Bexley and Sidcup candidate Trevor Merralls said he had been a victim of a ‘vicious smear campaign’ and strongly denied responsibility for running the account. He planned to protest to the Labour party²⁷.

Labour representatives were also on the receiving end of antisemitism. Iain Wright MP accused Hartlepool resident Anthony Rowbotham of assaulting him and threatening his family with violence while he was delivering election leaflets in the area. Mr Rowbotham allegedly exclaimed that ‘Jews control the money and he didn’t want the Jew Ed Miliband

23 <http://www.mirror.co.uk/news/uk-news/top-tory-councillor-suspended-over-7738953>

24 <https://antisemitism.uk/conservatives-reinstate-councillor-suspended-in-antisemitism-row-and-provide-full-details-to-cao/>

25 <http://www.birminghammail.co.uk/news/midlands-news/conservative-hall-green-resign-jew-12860625>

26 <http://www.dailymail.co.uk/news/article-4493062/Tory-councillor-posts-offensive-colonial-era-Africa-tweets.html>

27 <http://www.dailymail.co.uk/news/article-4468050/Jeremy-Corbyn-sacks-newly-selected-parliamentary-candidate.html>

as Prime Minister’ while accusing Mr Wright of ‘helping the Jews control the debt’²⁸. He subsequently admitted to calling Mr Wright a ‘banker’s servant’; however, a jury could not reach a verdict on a simple charge of harassment²⁹.

Naz Shah, who herself had been suspended from the party over antisemitic posts (for which she apologised), was a victim of antisemitism at an electoral hustings, having asserted Israel’s right to exist³⁰.

During the course of the campaign there were a number of other media stories relating to antisemitic abuse albeit not directly related to candidates. For example, the Leader of the Opposition Jeremy Corbyn was endorsed by a music artist who it was later alleged had re-tweeted an antisemitic message³¹, and moved to condemn antisemitic abuse of a journalist interviewing him who happened to be Jewish³². In Bristol, a giant pro-Labour banner was displayed which featured a picture of Theresa May adorned with earrings representing the Jewish symbol of the star of David³³. The banner, reminiscent of some far-right caricatures, was condemned by Labour candidate and now re-elected MP Thangam Debbonaire³⁴ who said an investigation was being launched but that the design and erection of the banner had nothing to do with her Labour party. The Guido Fawkes website reported texts being sent to Muslim voters in Walsall South in an effort to get out the vote. The texts, if genuine, urged voters to cast their ballots so that other minorities would not have a greater say than them³⁵. Finally, in Borehamwood, one campaigner was reported to the police after footage emerged of her shouting “vote Labour, get the Jews out”³⁶.

Local Elections

The Labour party’s Woking council candidate, Vicki Kirby, was suspended twice from the party. She had initially been removed from a list of candidates after antisemitic remarks on Twitter, including labelling Hitler the ‘Zionist God’, proposing that ISIS attack Israel and defining Jews as having ‘big noses’. However, she was reinstated to the party in 2017

28 <http://www.hartlepoolmail.co.uk/news/crime/man-called-hartlepool-mp-a-peasant-and-threatened-his-family-during-election-campaign-1-7682462>

29 <http://www.hartlepoolmail.co.uk/news/crime/man-cleared-of-assaulting-hartlepool-mp-and-making-anti-semitic-remarks-about-ex-labour-leader-ed-miliband-1-7687936>

30 <https://www.thejc.com/news/uk-news/naz-shah-heckled-for-saying-israel-has-a-right-to-exist-1.439410>

31 <http://www.dailymail.co.uk/news/article-4511596/JME-endorsed-Corbyn-tweeted-Jews-sweating.html>

32 <http://jewishnews.timesofisrael.com/corbyn-condemns-anti-semitic-abuse-of-jewish-bbc-journalist/>

33 <http://www.bristolpost.co.uk/news/bristol-news/bear-pit-banner-showing-theresa-94646>

34 <http://www.bristolpost.co.uk/news/bristol-news/thangam-debbonaire-slams-anti-semitic-97535>

35 <https://order-order.com/2017/06/08/dog-whistle-labour-messages-sent-muslim-voters/>

36 http://www.borehamwoodtimes.co.uk/news/15337524.Racist_yob_chants__Vote_Labour__get_the_Jews_out__at_polling_station_in_Borehamwood/

and elected as vice-chair for Woking. In March 2017, the Labour Party NEC reversed its decision and suspended her ‘pending an investigation’³⁷.

Alison Gove-Humphries, the Labour candidate for a council by-election in Hall Green (the same seat in which Conservative candidate Obaid Khan was suspended from the Conservative party over antisemitism) shared Facebook posts claiming Israel was the “key link in exporting ISIS oil” and was behind the media focus on antisemitism in the Labour party. A Labour party spokesman said: “Alison Gove-Humphries has been removed from the panel of approved local candidates.”³⁸

Labour council by-election candidate Lloyd Duddridge was accused of antisemitism after Facebook posts showed that he had commented ‘the Daily Mail is full of stupid Jews’ and called a Conservative peer ‘another Jewish Tory’. Mr Duddridge defended his remarks by noting his own Jewish roots³⁹. The Labour-commissioned Chakrabarti report into antisemitism later stated that “it should be no defence to cite one’s own minority heritage or to point to phrases...routinely used outside the party”. The report also demanded that complaints of racism and personal abuse be ‘taken seriously and handled sensitively’⁴⁰.

Posts from a Facebook account in the name of Terry Couchman, the Labour candidate for the Lyneham ward in Wiltshire, led to his suspension from the party. The account had referred to, amongst other things, “fake Jews of IsraHell and the USA”⁴¹.

A Welsh Labour council candidate was suspended by the party following allegations that he had posted material online that could be interpreted as antisemitic. Mike Sivier was standing for Powys County Council in Llanbadarn Fawr. He rejected allegations of antisemitism and said he had engaged on social media with an individual he regretted having linked with online. Similar to the Conservative party case in Hall Green, Mr Sivier’s name was to appear on the ballot paper as the Welsh Labour candidate⁴².

One campaign group made allegations about two other Labour council candidates, but these were not reported by mainstream media and it is unclear what action if any was taken^{43 44}.

37 http://www.huffingtonpost.co.uk/entry/jeremy-corbyn-vicky-kirby-anti-semitismuk_56e80319e4b03fb88ede23bf

38 <http://www.birminghammail.co.uk/news/midlands-news/labour-hall-green-candidate-deselected-12762024>

39 http://www.ilfordrecorder.co.uk/news/politics/redbridge_tories_accuse_jewish_labour_by_election_candidate_of_anti_semitism_over_facebook_posts_1_4500039

40 <http://www.labour.org.uk/page/-/party-documents/ChakrabartiInquiry.pdf>

41 <http://jewishnews.timesofisrael.com/exclusive-labour-suspended-over-zionazi-storm-troopers-posts/>

42 <http://www.walesonline.co.uk/news/politics/welsh-labour-council-candidate-suspended-12982992>

43 <https://antisemitism.uk/labour-councillor-luke-cresswell-defends-tweets-of-blood-drenched-israeli-flag-captioned-moses-must-be-proud-of-you-cartoon-showing-israelis-as-nazis/>

44 <https://antisemitism.uk/dinah-mulholland-labour-parliamentary-and-council-candidate-in-wales-invokes-antisemitic-libel-about-jews-poisoning-wells/>

2.1.3 The Liberal Democrats

The Liberal Democrats suspended Ashuk Ahmed as he was due to contest the Luton South parliamentary seat. Facebook posts on an account in Mr. Ahmed's name compared Jews to Nazis and claimed that both the Labour and Conservative parties were controlled by 'Zionist paymasters'⁴⁵.

Councillor and former MP David Ward was removed as a candidate by Liberal Democrat leader Tim Farron who said that the former was "unfit to represent the party". Allegations of antisemitism had been levelled at Mr. Ward⁴⁶.

Jane Brophy, the Liberal Democrat Mayoral candidate for Manchester, said Orthodox Jewish UK Independence Party rival Shneur Odze should choose between his faith or running for office, due to his religious practice of not shaking hands with the opposite sex⁴⁷. Odze had previously been accosted by an abusive crowd and told to 'go home' by protesters holding signs reading 'strength in diversity'⁴⁸. He was later embroiled in controversy himself surrounding remarks he had made about burning texts.

2.1.4 The Scottish National Party (SNP)

The SNP deselected a council candidate for sending a 'homophobic and misogynistic' e-mail regarding colleagues, a week after its own National Executive Committee had reinstated him following a four-month suspension⁴⁹. Andy Doig had told associates to 'guard their inner circle closely' around a gay colleague, while commenting about a female activist that he 'would like to get seriously lost somewhere around her mid torso'⁵⁰. Separately, Julie McNulty was reinstated to the party after a six-month suspension following racist remarks, although she was not selected for candidacy for her previous seat on Coatbridge Council. Ms McNulty had expressed her opinion that the 'Pakis were causing problems locally' and that 'we needed to get rid of them from the party'^{51 52}.

45 <http://www.dailymail.co.uk/news/article-4443446/Lib-Dems-forced-suspend-anti-Semitic-candidate.html>

46 <http://www.independent.co.uk/news/uk/politics/tim-farron-sacks-david-ward-antisemitism-lib-dem-candidate-bradford-east-a7703416.html>

47 <https://www.thejc.com/strictly-orthodox-ukip-candidate-should-not-run-for-office-say-critics-1.433519>

48 <http://www.express.co.uk/news/politics/763977/Ukip-Stoke-left-wing-protesters-go-home-Jewish-man-Shneur-Odze>

49 <http://www.pinknews.co.uk/2016/01/17/snp-reinstates-councillor-who-warned-men-to-guard-your-circle-around-gay-politician/>

50 http://www.the-gazette.co.uk/news/15082034.Johnstone_SNP_councillor_launches_scathing_attack_on_party_leadership_as_he_quits_after_38_years/

51 http://www.heraldscotland.com/news/14692113.SNP_councillor___39_happy_and_relieved___39___after_suspension_sparked_by_racism_claims_is_lifted/

52 http://www.heraldscotland.com/news/15182233.SNP_councillor_in_race_row_lawsuit_fails_to_win_candidate_selection/?ref=rss

2.1.5 The UK Independence Party (UKIP)

Concerns were raised about UKIP's selection procedure after the Times revealed internal records indicating that UKIP had allowed numerous candidates to stand for election despite knowledge that they had expressed racist and homophobic views in the past⁵³. These included a picture posted by Failsworth candidate Graham Whitehead of two people posing with monkeys described as an 'arranged interracial marriage'⁵⁴. They were also aware of candidate Magnus Nielsen's Islamophobic comments, such as labelling Muhammad a 'criminal psychopath' and describing Islam as 'organised crime under religious camouflage'⁵⁵. Former Christian Peoples Alliance leader, Alan Craig, was selected as a UKIP candidate for the London Assembly in 2016. Mr Craig had previously compared same-sex adoption to 'child-trafficking' and likened homosexuals to child abusers. UKIP explained that they are a party that 'believes in freedom of speech' and that Mr Craig has 'a right to speak'⁵⁶.

The official Bristol UKIP twitter account called on voters to snub Labour due to its then candidate Sarah Champion standing with '2 suspended child grooming taxi drivers': a reference to a picture featuring two Pakistani men. One of the individuals contacted the Tell Mama organisation, notifying them that he was neither a taxi driver, nor implicated in any child abuse investigation, but had been targeted due to his faith and ethnicity. Tell Mama warned that the implications of this libel for the victim are 'extremely serious'⁵⁷.

UKIP parliamentary candidate Patricia Culligan was forced to apologise after tweeting that Liverpool Liberal Democrat candidate Paul Childs' HIV treatment was 'very costly' to taxpayers. Former UKIP leader Nigel Farage had previously called for HIV-positive people to be banned from the UK⁵⁸.

Another UKIP candidate, seeking to win in the Clacton constituency, quit the party after a series of Islamophobic posts were uncovered. Jeff Bray, a former UKIP councillor, reportedly said that he could not remember the posts and suggested they had been manipulated⁵⁹.

53 <http://www.thetimes.co.uk/article/ukip-backs-criminals-who-stand-for-election-qpnjpfj5r90>

54 <http://www.oldham-chronicle.co.uk/news-features/8/news-headlines/91375/racist-rants-of-the-red-baron>

55 <http://www.islamophobiawatch.co.uk/the-hateful-views-of-ukip-candidate-magnus-nielsen/>

56 <http://www.pinknews.co.uk/2016/02/07/gay-ukip-member-quits-party-over-vile-nasty-homophobic-candidate/>

57 <https://tellmamauk.org/bristol-ukip-smears-local-rotherham-resident-of-pakistani-heritage/>

58 <http://www.independent.co.uk/news/uk/politics/ukip-parliamentary-candidate-patricia-culligan-attacks-hiv-positive-lib-dem-over-his-costly-nhs-10167568.html>

59 <https://order-order.com/2017/05/10/arron-bankss-man-clacton-quits-ukip/>

Concerns were raised by one group about tweets attributed to Amber Valley candidate Philip Rose which appeared to support conspiracy theories offered by David Icke. Mr. Rose was reportedly offended at any suggestion he was racist⁶⁰.

In April 2016, UKIP's National Executive Committee cleared Gareth Bennett of racism allegations and allowed him to run for the Welsh National Assembly, despite a no confidence letter from 16 other UKIP candidates. He had previously attributed rubbish issues in Cardiff to Eastern European migrants, and labelled the city "a melting pot of different races all getting on each other's nerves"⁶¹. The complaint letter argued that the comments were contrary to UKIP's 'fair and ethical stance on immigration'.

Captain Paddy Singh apologised for racist and antisemitic tweets he had sent on social media and was suspended by UKIP. The candidate for the Wiltshire North constituency had his endorsement withdrawn by UKIP but was still listed as a candidate as the deadline for nominations had passed⁶².

2.1.6 The Green Party

Green party⁶³ Blackpool and Fylde candidate, Tina Rothery, said she had nothing to do with, nor was she aware of, a film about opposition to fracking named 'Tina's List', which compared police to Nazi guards using scenes from the film 'Schindler's list'. Her voice was dubbed over a clip of a Jewish woman being shot by an SS officer. The film was subsequently removed and police were contacted. Rothery did not criticise those behind the film, but did say she "wouldn't refer to something as important in our history as the events of the Holocaust in the light of anything else".

2.1.7 The Social Democratic and Labour Party (SDLP)

SDLP candidate Connor Duncan, who is gay, experienced homophobic abuse while campaigning in Glenravel. He was called 'sick in the head' and 'filth' in front of his six-year old daughter, who was 'upset' by the encounter.⁶⁴

60 <https://antisemitism.uk/ukip-candidate-philip-rose-tweeted-david-ickes-conspiracy-myth-about-rothschild-zionists/>

61 <http://www.walesonline.co.uk/news/politics/controversial-ukip-candidate-gareth-bennett-11137771>

62 http://www.huffingtonpost.co.uk/entry/ukip-suspends-candidate-paddy-singh-after-tweets-prompt-claims-of-racism_uk_5920230fe4b094cdba546aae

63 <http://www.dailymail.co.uk/news/article-4459120/Fury-fracking-protesters-compare-police-Nazi-butchers.html>

64 <http://www.irishnews.com/news/northernirelandnews/2016/05/04/news/gay-election-candidate-suffers-homophobic-abuse-outside-mass-508519/>

2.1.8 The English Democrats

Steve Uncles, who represented the nationalist English Democrats Party as Police Commissioner candidate for Kent, tweeted that Islam ‘tells it’s (sic) followers to rape non followers’ and that ‘1 million White English Girls’ have been ‘systematically groomed by Muslim men’⁶⁵. He later resigned from his post as regional leader and was jailed for 7 months after fraudulently submitting members of the public for election as English Democrats candidates⁶⁶.

2.2 London Mayoral Election 2016

The Conservative London Mayoral candidate, Zac Goldsmith, led a controversial campaign linking his opponent Sadiq Khan to Muslim extremists: a tactic which was decried by senior officials in his own party who expressed concern that this negatively impacted race relations in London⁶⁷. The Conservative Party were also criticised for a number of leaflets and letters seeking to rally the Hindu community against Khan, who is of Pakistani descent^{68,69}. Councillor Jim Buckley of Rugby Council, also of the Conservative Party, asked pejoratively if Khan’s “corner shop would be open on a Saturday”. At the subsequent trial, a judge ruled that, despite being ‘very stupid’, his comments were not ‘grossly offensive’⁷⁰. Separately, far-right group Liberty GB posted a picture of Sadiq Kahn with an exploded bus, captioned “London needs a Muslim mayor like it needs another Muslim bomb”⁷¹.

2.3 United Kingdom European Union Membership Referendum 2016

Labour MP and Pro-Remain campaigner Jo Cox was murdered by self-proclaimed ‘political activist’ Thomas Mair just a week before the ‘Brexit’ referendum. Mr Justice Wilkie, who presided over his trial, said that Mair had planned the attack meticulously for weeks and his motive was to advance the cause of violent white supremacism, noting that he shouted ‘Britain first’ while attacking Mrs Cox⁷². Mr Mair was accordingly sentenced to lifelong imprisonment⁷³.

65 <https://tellmamauk.org/meet-the-kent-police-commissioner-candidate-for-the-english-democrats/>

66 <http://www.kentonline.co.uk/dartford/news/far-right-activist-jailed-for-cheating-122138/>

67 <https://www.theguardian.com/politics/2016/may/07/top-conservatives-condemn-zac-goldsmiths-disgusting-mayoral-campaign>

68 <https://www.theguardian.com/uk-news/2016/mar/28/david-cameron-accused-of-racial-profiling-in-london-mayoral-letter-sadiq-khan>

69 <http://www.mirror.co.uk/news/uk-news/zac-goldsmith-slammed-targeting-londons-7560272>

70 <http://www.coventrytelegraph.net/news/local-news/former-tory-councillor-found-not-11038844>

71 <https://tellmamauk.org/where-is-the-outrage-over-these-anti-muslim-tropes-about-muslims/>

72 <http://www.bbc.co.uk/news/uk-37978582>

73 <http://www.bbc.co.uk/news/uk-38079594>

Ofcom assessed 40 complaints about a UKIP political broadcast which highlighted the potential of Muslim Turkey joining the EU as a reason to vote leave. The video showed images of mosques and headscarf-clad women, expressed concern about Islamic schools, and pointed out the dwindling Christian population in Turkey. Ofcom cleared the broadcast of Islamophobia allegations, saying “this broadcast was capable of causing offence but this was justified by its context as political speech”⁷⁴.

Dr. Felix Aubel, West Wales coordinator for the Vote Leave campaign and an Independent Church minister, drew sharp condemnation from the Community Security Trust after calling upon ‘Christian Europe’ to imitate 15th Century Spain: a reference to the infamous Spanish Inquisition. A Conservative spokesman said his opinions ‘were in no way representative’ of the party of which he is a member, and that they ‘cannot condone his language’⁷⁵.

Government statistics show there was a huge spike in hate crime during both the period preceding the referendum, and that immediately following it, increasing by 41% from the equivalent period in 2015⁷⁶. Polish families in Cambridgeshire received signs through their letterbox on the day of the referendum, reading “Leave the EU, no more Polish vermin”⁷⁷. Hundreds of xenophobic incidents related to the referendum have been recorded on the page of the Facebook group Worrying Signs⁷⁸.

2.4 Scottish Independence Campaign

Despite the fact that there has been no formal ballot on the issue of Scottish independence since 2014, there has been an ongoing unofficial campaign for autonomy, which has been subject to allegations of homophobia. The popular pro-independence blog Wings over Scotland rued the fact that cabinet secretary David Mundell had not embraced his homosexuality before having children, a reference to his pro-unionist son, Oliver⁷⁹. A performer at the Scottish Independence Convention sang a rap labelling the lesbian Scottish Conservative leader Ruth Davidson ‘Ruth Dykey-D’. The SNP Home Affairs spokesperson and MP Joanna Cherry defended the act as ‘hilariously irrelevant satire’,⁸⁰ although SNP leader Nicola Sturgeon later conceded it was ‘terminology I would never

74 <https://www.theguardian.com/media/2016/feb/22/ukip-broadcast-cleared-complaints-racism-islamophobia-ofcom#img-1>

75 <http://www.dailypost.co.uk/news/north-wales-news/welsh-tory-brexit-ent-condemned-party-12751483>

76 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosbl116.pdf

77 <http://www.independent.co.uk/news/uk/home-news/brexit-eu-referendum-racial-racism-abuse-hate-crime-reported-latest-leave-immigration-a7104191.html>

78 <https://www.facebook.com/groups/worryingsigns/>

79 http://www.heraldscotland.com/news/15134411.David_Mundell_accuses_blogger_of_homophobia/

80 <http://www.telegraph.co.uk/news/2016/09/18/scottish-independence-rally-in-ruth-davidson-homophobia-row/>

use⁸¹. Concern arose for the Jewish community during the campaign and is detailed in the All-Party Parliamentary Inquiry into Antisemitism of 2015⁸².

2.5 Other

One voter in the 2017 General Election was racially abused outside a polling station by a man shouting “kill all Jews” whilst wielding a crowbar⁸³. A handful of other reports of discrimination were listed on request by the Electoral Commission including allegations of sexism and racism on the part of campaign groups, candidates and electors but did not fit the scope of this report. No further cases were detailed by the Equality and Human Rights Commission.

The electoral conduct report referenced efforts by non-party campaigners to make a difference to the conduct of elections. During the 2017 General Election, a group of leading genocide education charities called for politicians of all parties to “reject the language of division during the election campaign”⁸⁴. In addition, Operation Black Vote released a manifesto for race equality in Britain⁸⁵ and a ‘Values Manifesto’ was launched by representatives of five of Britain’s most prominent religious groups as a “unique non-partisan election manifesto that any member of the public can claim as their own”⁸⁶.

81 <https://inews.co.uk/essentials/news/politics/nicola-sturgeon-responds-ruth-davidson-homophobia-row/>

82 <http://antisemitism.org.uk/wp-content/themes/PCAA/images/Report-of-the-All-Party-Parliamentary-Inquiry-into%20Antisemitism.pdf>

83 <http://www.dailymail.co.uk/news/article-4586224/Man-arrested-shouting-Kill-Jews.html>

84 <http://www.srebrenica.org.uk/news/genocide-education-charities-call-on-politicians-to-reject-language-of-division/>

85 <https://www.raceequality2017.org.uk/>

86 <http://www.valuesmanifesto.org.uk/>

Part Three: Conclusions and Recommendations

Regrettably, racism and bigotry have not dissipated, and at certain points in the past two years, have been on the rise. To date, however, the improvement in the general conduct of candidates appears to have been maintained. Many of the examples of misconduct relate either to local council elections or to exposures relating to past social media postings. Political parties remain, to their credit, generally swift to act; however, their lack of effort to implement the recommendations is disappointing, and likely an act of long-term self-harm.

Many of the recommendations of the previous all-party parliamentary report have now been enacted. The police, Electoral Commission, Equality and Human Rights Commission, and others, have sought to improve their practice.

The key recommendation that remains is for parties to introduce frameworks to better select, prepare, support and, where appropriate, discipline candidates at all levels of election: local to national. However, the introduction of primary legislation to ensure the implementation of the Law Commission's suggested changes is imperative. Finally, better collection and analysis of election-related racism and discrimination data should be secured and the EHRC might play a helpful role in this regard. Members of Parliament involved with this inquiry process, will continue to advocate for these various measures to be taken forward over the coming years. The Electoral Conduct report shone a light on a frequently overlooked area of British public policy. Hopefully, its impact has led to a change in approach which will be longstanding and effective.

This report would not have been possible without input and support from a number of individuals and organisations:

Thanks to William Gelley for his exceptional and invaluable research support.

Thanks also to the Equality and Human Rights Commission, the Electoral Commission, The Police and The Law Commission. Their input, assistance and good will were invaluable.

Thanks as ever to Susan Poffley and Clifford Chance for their professionalism, expertise and kindness. Thanks also to Barry Frankfurt and all the team at Creative & Commercial for their continued efforts to enhance the design of these publications.

This report and the follow-up reviews could not have happened were it not for the outstanding leadership of Natascha Engel. Thanks to her and to all of the parliamentarians that served on the all-party inquiry panel. Their efforts and recommendations have informed important changes to our electoral processes – a legacy of which to be proud.



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