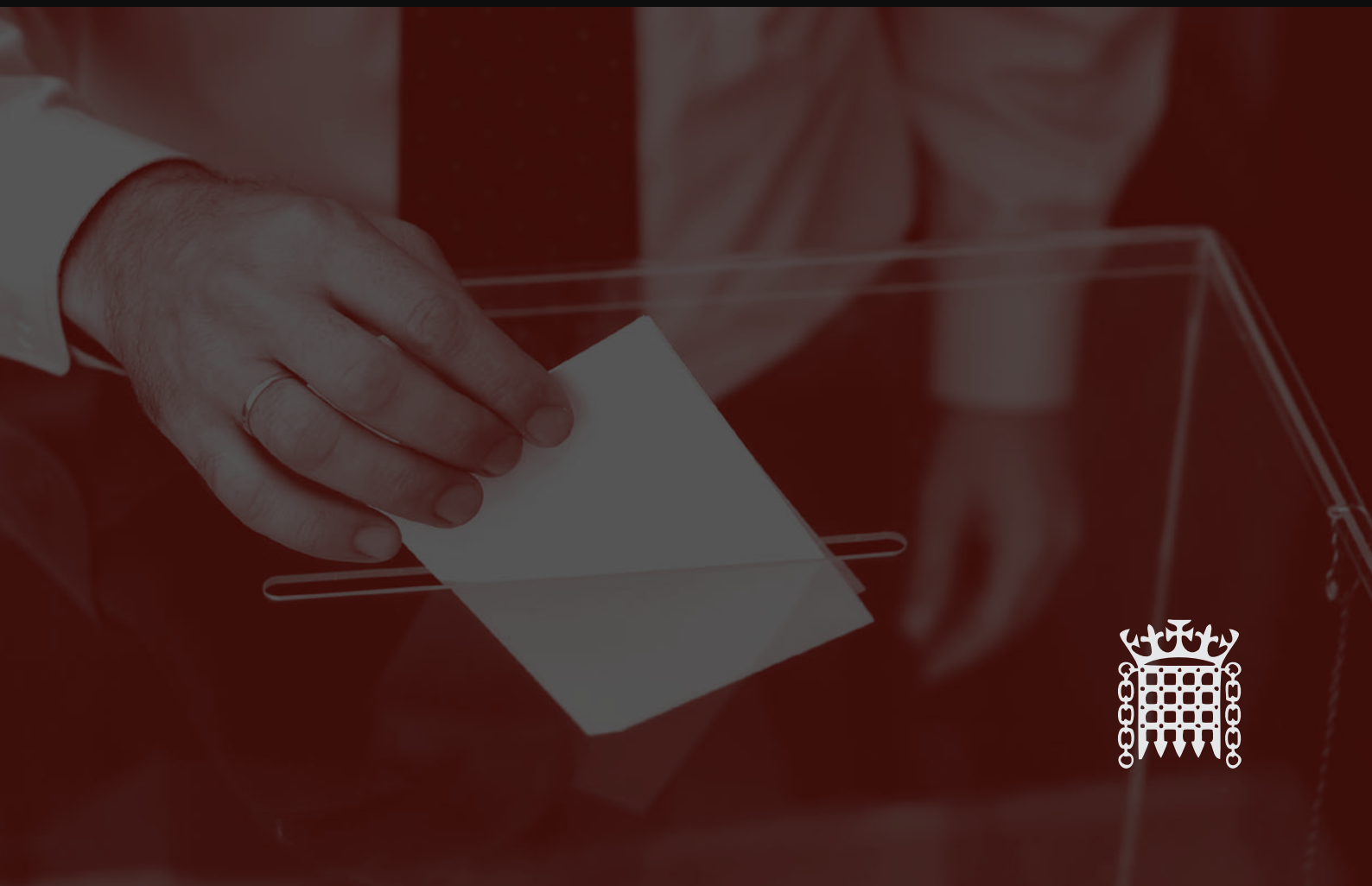
REPORT OF THE ALL-PARTY PARLIAMENTARY INQUIRY INTO ELECTORAL CONDUCT

October 2013
London



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FOREWORD

The All-Party Parliamentary Inquiry into Electoral Conduct was commissioned by John Mann MP, Chairman of the All-Party Parliamentary Group Against Antisemitism.

The terms of reference of the inquiry were:

1. To inquire into the culture, practices and malpractices exhibited during election campaigns by electoral candidates and others with a particular focus on discriminatory behaviour.

2. To review whether the current law, regulations, political party and agency measures relating to electoral conduct are appropriate, well-co-ordinated or require amendment and to make recommendations accordingly.

3. To uncover what models of good practice exist for assessing and addressing accusations of discriminatory behaviour during elections.

4. To make recommendations, rooted in best practice where possible, for cross-party frameworks to prevent and address accusations of discriminatory conduct.

The inquiry was chaired by the Chair of the Backbench Business Committee, Natascha Engel MP (Labour, North East Derbyshire) and included:

Stuart Andrew MP (Conservative, Pudsey)

Lord John Alderdice (Liberal Democrat)

Lord Jeremy Beecham (Labour)

Angie Bray MP (Vice-Chair)(Conservative, Ealing Central)

David Burrowes MP (Conservative, Enfield Southgate)

Lilian Greenwood MP (Labour, Nottingham South)

Rt Hon David Lammy MP (Labour, Tottenham)

Naomi Long MP (Alliance Party, Belfast East)

Seema Malhotra MP (Labour, Feltham and Heston)

Andrew Stunell OBE MP (Liberal Democrat, Hazel Grove)

Dr. Eilidh Whiteford MP (Scottish National Party, Banff and Buchan)

The Inquiry issued a call for papers in late January 2013, requesting information from political parties, domestic and international elections agencies, the police, academics, trade unions, councils, elected officials, community groups and NGOs amongst others. Submissions were received from a broad range of interested parties and individuals. Whilst all members of the panel were parliamentarians and the meetings were held within Parliament, this investigation held no official powers and the proceedings were not covered by parliamentary privilege.

The panel heard evidence from representatives of key organisations and individuals in two oral evidence sessions held in Parliament in May and June 2013. This report was written in the months following those sessions.

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Thank you

Summary

The UK has a proud history of democratic accountability, free speech and appropriate statutory regulation. Despite broad consensus that racism and discrimination have no place in election campaigns, the evidence we have received indicates that incidents continue to occur covertly and without appropriate redress. This leaves the door open to discriminatory practices which can divide and alienate communities.

The aims of our inquiry were to investigate the scope and nature of this problem, identify the frameworks for addressing it and to make recommendations rooted in good practice that will help to improve the current situation.

In the introductory chapters, we set out a number of basic principles regarding the centrality of free speech to campaigning which have guided our judgements and recommendations about electoral conduct. We also review the history of action to combat discriminatory conduct in the UK. It is clear that some of the good practice that was in place has either stopped, or in some cases, is being undone. Without these measures, there will be no redress for the incidences of discrimination which, as we have highlighted, continue to occur.

The UK has a good suite of electoral law, regulation and agency enforcement. There are however examples of the law being "underused or misunderstood". In Chapter Three, we explore the extent of the law, its application and the role of the various enforcement agencies.

We were particularly concerned that the statutory body with primary responsibility for addressing discrimination, the Equality and Human Rights Commission, has neglected its responsibilities and lost some of the good practices carried out under its former guise as the Commission for Racial Equality. Whilst our recommendations point to how the law could benefit from modernisation and data collection could be strengthened, it is clear that the biggest gap in the system is a statutory body willing to lead the charge against discrimination.

During the course of the inquiry, we were alerted to a gaping hole in the regulation of political advertising. For too long the political parties have been operating without an agreed framework for regulation. Whilst corporations and third sector bodies submit to Advertising Standards Agency guidelines, the political parties are presently free from any oversight. This matter is explored in Chapter Four.

In general, there appears to be broadly responsible coverage and handling of elections by the media. As this report went to press, discussions about the future of press regulation were ongoing. Whatever the outcome, we hope that the lessons learned from the incidents detailed can be translated to continuing good editorial practice.

In Chapter Five, we review in some detail the roles and responsibilities of the political parties. We have found that there is somewhat of a gap in training and guidance for

candidates in relation to racism and discrimination but perhaps more worryingly, there are insufficient support networks or referral systems in place for candidates suffering discrimination. This is compounded by a culture of silence which requires a brave few to put their heads above the parapet.

Of particular concern to the committee was the revelation that reporting systems for the public were very difficult to navigate, particularly since the demise of the Commission for Racial Equality. With no direct avenue of address for reports of discrimination, named officials or transparent systems to access, timeframe for investigation or party commitments to respond to public concerns, it is clear there is much that can and should be done. Setting a reasonable burden of proof for such reports might give parties confidence that they can operate a more public and effective system of investigation, action and response without being subject to partisan time wasting.

We have also considered the use of Codes of Conduct and the way in which campaign literature might impact on good community relations and have made recommendations in this regard.

In Chapter Six, we cover the issue of non-party campaigners and their conduct, a subject about which we found there was shared concern. Whilst non-party campaigning is an important feature of our democracy, there is what equates to a free-for-all in local constituency activism. In particular, the application of statutory spending thresholds which are unmonitored and unenforced is worrying and has clearly enabled non-party groups to operate discriminatory campaigns in the past. Finding a suitable spending threshold and registration system with accompanying enforcement mechanisms is a pressing requirement. In addition, rules relating to the Imprints required of non-party groups on their campaign literature require attention.

A number of witnesses to our inquiry pointed not just to the existence of robust legal frameworks for electoral conduct but to the near absence of discrimination in election campaigns. Whilst we are pleased that racism and discrimination are said to be relatively minor problems for parties, agencies and law enforcement bodies, these arguments do not provide any comfort for victims of racial prejudice and discrimination nor can they be used as an excuse to avoid solving the problems we have highlighted. We would like to see a more proactive, less bureaucratic and lethargic approach to tackling discrimination than was evident in some cases.

The UK should operate a zero tolerance policy for racism and discrimination, the agencies which deliver, monitor and safeguard our electoral processes should be models of good practice and set the standard against which other countries are judged. The potential to do so is undeniable but the practice is somewhat lacking. Only through a joint effort of all the relevant stakeholders can further progress be made.



01.

INTRODUCTION

The Inquiry

1. The inquiry was established to investigate a reported 'void'[1] across all parties in the handling of incidents of discrimination at election time. As a concerned cross-party group of MPs and Peers, we decided to examine evidence on the nature of the problem and have reached the conclusion that there is a problem which requires address.

2. The main aims of this report are:

- To identify the current procedures, lines of accountability and responsibility for cases of discrimination in contemporary electoral management
- To analyse the effectiveness of the measures already in place
- To make recommendations, rooted in good practice where possible, for cross-party frameworks to prevent and address accusations of discriminatory conduct during elections

The Problem

3. A number of those submitting evidence to us highlighted their concerns about racism, discrimination and inequality in campaigning and elections. We were particularly shocked by some of the electoral campaign stories that we heard during the oral evidence sessions. A key problem in addressing this issue is that it has not been the focus of any significant research. The nearest comparable report was written for the Liberal Democrats in 1993 and focussed on a localised dispute[2]. The Committee on Standards in Public Life drew our attention to their eleventh report[3] on related matters, but that publication does not cover racism and discrimination in a systemic way. Despite repeated warnings from a host of organisations submitting evidence that failure to address these matters can lead to mental health problems for candidates, PR problems for political parties and crises of confidence for constituents, there has been decidedly little written about the subject. Whilst we are keen not to overstate the scale of the problem -a number of councils including Aberdeenshire, Aberdeen City, Brighton and Hove and The Moray reported little to no trouble - we are concerned that it should receive the attention it merits.

4. The former Commission for Racial Equality (CRE) Chief Executive, Lord Ouseley and other former CRE employees highlighted to us that the CRE, its Regional Offices and local Race Equality Councils had at one time been key in drawing together local anecdotes and evidence about malpractice and

1 Hansard, 2011, available at: http://tinyurl.com/c9nnynk
2 Lester of Herne Hill Q.C, Lord A, P., 1993, *Political Speech and Race Relations in a Liberal Democracy*
3 Committee on Standards In Public Life, 2007, *Eleventh Report* (CM7006), available at: http://www.official-documents.gov.uk/document/cm70/7006/7006.pdf

misconduct. Due to budgetary and other pressures and not withstanding some isolated exceptions, those bodies no longer exist. It is therefore difficult to gauge the full extent and reach of the problem. The Electoral Commission does collect data in a co-ordinated effort with the police but that data set is subject to some shortcomings which are addressed in this report. Local Authorities show a wide disparity in organisation, interest and resources to address these matters. To date, little has been done to bridge the gap left by the dissolution of the Racial Equality bodies or to re-assign the good practice that was being carried out.

5. Whilst many organisations including political parties noted the importance of confronting discrimination, this issue is not considered a priority. In some cases, the statutory public sector equality duty is not being enforced as it should be. In publishing our report, we hope some of the good practice that exists might be shared and the existing knowledge gap bridged so that organisations can appreciate that rapid and effective change need not be cumbersome. In implementing our recommendations in full, we hope problems that have existed for so long without address, will be resolved.

The Evidence

6. The evidence submitted (both written and oral) covered a wide range of issues, allegations and recommendations. At all times, we have aimed to evaluate the evidence objectively and dispassionately.

7. A number of submissions to our inquiry related allegations and rumour but those prepared to volunteer factual evidence tended to mark their submissions as private. Whilst they detailed incidents of intimidation, discriminatory leafleting and other campaign malpractice, they did not want details of the cases to be published for fear of legal action, personal repercussions or simply a wish for privacy. Therefore, it is mainly the high profile cases as detailed in this report which receive media coverage whilst others go unpublicised. This unfortunately undermines, although does not negate, the case for action.

8. We found there is a requirement for better empirical data on the issue of discrimination and racism in electoral campaigning. Whilst the information that the Electoral Commission publishes is of great value, it has not, and in some cases cannot, be disaggregated for analysis. Where evidence presented to us was incomplete, this has been highlighted where relevant, in the report. In our conclusion, we highlight these limitations and have made recommendations for how these matters might be better recorded and assessed. Despite the evidence deficit, we were satisfied that the resources available met the purposes of the report and the conclusions are well substantiated.

9. Bi-national comparisons for example to Canada[4], appear to indicate that the UK is not out of step with international good practice. Taking a wider view, the UK is also performing well in a European and global context. Evidence submitted by the Faith Matters project, 'Tell Mama'[5] highlighted the contrast between the UK and other European countries. They reported examples of political parties openly employing anti-Muslim policies as a campaigning tactic. The OSCE's Office for Democratic Institutions and Human Rights[6], helpfully directed us to their 'Existing Commitments for Democratic Elections' report which the United Kingdom is a party to, having signed the 1990 'Copenhagen document'[7]. Their report is part of a process the OSCE-ODIHR are undertaking to establish an inventory of existing election-related norms, commitments, principles and good practices.

10. Beyond Europe, the Carter Center's helpful database of obligations to which they drew our attention[8][9], includes excerpts of international legal documents (treaties, political commitments and declarations) and arranges them by theme. Obligations relating to equality and the absence of discrimination in the context of campaigns feature in a number of documents to which the UK has been a signatory[10]. Our focus for this report is directed to UK national systems with the aim of ensuring we can remain a bastion of international best practice and honor those global pacts to which we are a signatory.

11. We are grateful to those organisations and individuals that submitted evidence to our inquiry and in particular to those who also gave oral evidence. We also particularly appreciate the co-operation we received from Government departments, public bodies and so many of the political parties.

Free Speech and Race Relations

12. Free speech is a vitally important and rightly guarded tenet of British life. We want briefly to outline how we have envisaged the centrality, but also the accompanying responsibilities of free speech to campaigning, as these principles have enabled us to make some vital value judgements which inform our recommendations.

13. Our inquiry was not seeking to impose limitations on free speech, or to balance free speech against hate speech. Rather, we wanted to draw on good practice to find ways in which discrimination and abuses of free speech can be appropriately reported and actioned. In seeking to encapsulate the responsibilities beholden on

4 Elections Canada written submission
5 Faith Matters/Tell Mama written submission
6 OSCE-ODIR written submission
7 OSCE-ODIHR, 2003, *Existing Commitments for Democratic Elections*, available at: http://www.osce.org/odihr/elections/13957
8 Carter Center written correspondence
9 The Carter Centre, nd, *Database of Obligations [Introduction]*, available at: http://cartercenter.org/des-search/des/Introduction.aspx.
10 The Carter Centre, nd, *Database of Obligations*, available at: http://tinyurl.com/oambhk8

those exercising their right to free speech, we have drawn upon what is to our knowledge the only report to have analysed this matter in relation to electoral conduct. Written by Lord Lester in the early 1990s[11], 'Political Speech and Race Relations in a Liberal Democracy' sets out what are said to be for democracy; "obvious and self-evident basic principles". These basic non-partisan principles are said to help promote an understanding of "the right to and limits of freedom of political speech in a democracy". They are worthy of note and Lord Lester stated to us that he stands by their importance. They have informed our panel's discussions and are reproduced in an edited and updated form below:

- The right to free and unfettered political speech and debate is fundamental to democracy.
- The electorate has an entitlement to the free flow of information about, and opinion on, the parties' policies and political controversies of all kinds.
- There must be a robust and uninhibited freedom of political expression.
- Free speech may result in offence and anger but no-one nor any issue should be immune from public debate.
- Whilst essential to political speech and public debate, free speech is not an absolute right without limits. Other fundamental values must be of equal value, including the unequivocal commitment to the principles of religious and racial acceptance and cultural diversity in an atmosphere of tolerance and respect.
- Free Speech should be practiced within its legal boundaries.
- There is vital importance in promoting equality of opportunity and respect for the human dignity of everyone, of discouraging group prejudice and the scapegoating of minorities. Political activity must not therefore be allowed to be abused in competition for the popular vote. The right to political expression cannot be abused by exploiting or encouraging racial, religious or cultural prejudices. Political activities must not only be honest and truthful and lawful, they must seek to avoid whether blatantly or covertly, stirring up prejudice, or encouraging racial or religious discrimination.
- Good intentions must be matched by sound judgement, and a capacity to acknowledge and learn from mistakes. Campaigners must be sensitive to the likely or probable effects of what they say and do and to learn from previous errors.
- These statements do not impose a rigid self-censorship or "political correctness" upon politicians or their supporters requiring abstinence from political attack. It is just stating the obvious: free speech must not be misused in the name of political freedom or prejudice and intolerance as a political weapon to instigate hatred.

11 Lester of Herne Hill Q.C, Lord A, P., 1993, *Political Speech and Race Relations in a Liberal Democracy*

- Incidents may be overt or indirect. Unnecessary references to people's race, religion or sexuality or attacks on other parties for favouring ethnic minorities can be populist messages which seek to portray a party as advancing the interests of one group over another. This can be divisive and fragment communities where unity should be the goal.
- Political campaigns are important tools for public education and persuasion. The key message is not one of defence against prejudice but is rather a positive one, promoting a sense of community where everyone counts equally.

14. There are, as outlined and further detailed in this report, legal limits on free speech. We believe that candidates and political parties have responsibilities that extend beyond the law; to tone and context. We suggest that the basic principles we have outlined can and should be better understood and can help in setting that context and tone. Although further exploration of this issue would take us outside our terms of reference, it is a key consideration for the report that follows. Our focus from this point is to look for practical solutions to problematic incidents that have occurred, to recommend what training, decision making and disciplinary frameworks might be implemented or enhanced so that discrimination can be rooted out of British politics.

02.

BACKGROUND

Origins

15. In 2006 a cross-party group of MPs reported back on their inquiry into Antisemitism. Their report recommended that the Electoral Commission should:

"[...] draw[s] up a contract of acceptable behaviour which outlines the duty of all election candidates to exercise due care when addressing issues such as racism, community relations and minorities during political campaigning."12

16. In the Government's 2007 response to the Inquiry[13], they advised that the matter was one for the Electoral Commission. However, in its submission to that Inquiry, the Commission advised the panel of its belief that codes beyond the reach of the law were essentially unwelcome and unenforceable.

Historic Action

17. Much of the effort to combat discriminatory behaviour during elections was helmed by the former Commission for Racial Equality. Evidence submitted to us[14] highlighted the various strategies employed by the Commission to pursue its statutory duties of promoting and maintaining good race relations. In 1997, a 'compact' was agreed with the three main political parties and signed by their leaders. It included an undertaking that at every level, language which would stir up racial hostility and prejudice would be avoided. However, despite extensive publicity, we were told there was 'seldom'[15] any reprimand or discipline of candidates who breached the terms of the compact. We were also told that despite some of its shortcomings, the compact was renewed for the 2001 election[16] and extended to the leading nationalist parties in Scotland and Wales. We were informed that the CRE had attempted to secure individual candidate sign-up to the compact and a published list of all signatories but could not reach agreement on this with the political parties.

18. We were told by John Mann MP that in his dealings with officers of the Equality and Human Rights Commission (EHRC), they had informed him that whilst the 1990s were considered to be a tolerant period, considerably difficulty had been caused in relation to electoral debates over immigration in 2001. This, we were told by Mr Mann, led to a different system of party engagement by the EHRC in 2005 and 2010. Rather than a compact, the then EHRC chairman Trevor Phillips wrote to the leadership of the main political parties ahead of the then forthcoming general elections seeking a named contact in each party who would

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12 All-Party Inquiry into Antisemitism Panel 2006, *Report of the All-Party Parliamentary Inquiry into Antisemitism*, available at: http://tinyurl.com/6rvohdm

13 Department for Communities and Local Government, 2007, *Report of the All-Party Parliamentary Inquiry into Antisemitism: Government Response* (Cm7059), available at: http://www.antisemitism.org.uk/wp-content/uploads/Govt-Command-Paper.pdf

14 Razia Karim written submission

15 ibid

16 CRE, April 2004, *Guidance To Racial Equality Councils on Election-Related Issues*, P9

consider and respond to referred complaints in a 24 hour time period. There is no formal assessment of the success of this correspondence but the EHRC in its evidence stated it had worked[17]. It does not however indicate this is something it is planning to repeat. Meanwhile, a Welsh compact 'Electing for Equality' appears to have been a long standing arrangement in Welsh elections[18].

19. We also received evidence which detailed the written guidance relating to electoral conduct that had been issued by the CRE[19]. In 1997, a guide was published for local Racial Equality Councils on what they could and should not do during elections. That guide was revised and republished in 2003 and 2005[20] and was said to be widely welcomed by voluntary and statutory organisations.

20. In 2004, the CRE produced a briefing paper on Elections and Good Race Relations in the context of an increase in Far Right political activity, with a particular focus on the use of schools and other community buildings for public meetings. We were told that many public bodies were confused by legal complexities relating to their responsibilities under what is now the Public Sector Equality Duty[21]. The Local Government Information Unit (LGIU) had produced its own briefing for councils[22] on a similar topic. These publications, taken together with a diversity project entitled the 'Safer Communities Initiative' led the CRE to produce an election toolkit in 2005[23]. The toolkit gave advice on how to maintain and promote good relations during an election period and provided guidance on using the law to deal with organised racist activity. It also outlined practical steps that could be taken to challenge false or misleading information and provided details of various forms of hate crime and the relevant support networks. We were told this guide was widely used and adopted by other agencies. The guide was later followed in 2007 by seminars for local authority communications officers and lawyers. We were told that during the seminars, run by the CRE and LGIU, some local authority officers confessed fear for their physical safety when undertaking equalities work in the face of political opposition. Although the CRE had planned to further their work in this area and despite the reportedly broad appeal and utility of this work, the EHRC has not taken this project forward.

21. It was explained to us that the powers and responsibilities of the EHRC differ to those of the CRE. Established by the 1976 Race Relations Act the CRE had duties to both 'work towards the elimination of racial discrimination' and 'promote equality of opportunity and good race relations'[24]. It was replaced by

17 EHRC written submission
18 EHRC, 2010, News post, available at: http://tinyurl.com/pwdsuqm
19 Razia Karim written submission
20 CRE, April 2003, *Guidance to Racial Equality Councils On Election-Related Issues*. CRE, 2005, *Elections and the Law: The Roles and Responsibilities of Racial Equality Councils.*
21 Equality Act, 2010, s149
22 LGIU, 2004, *'The Right Side of the Law: Campaigning with confidence'*
23 CRE, 2005, *Defeating Organised Racial Hatred Toolkit*
24 Race Relations Act, 1976, http://www.legislation.gov.uk/ukpga/1976/74

the EHRC in 2007 whose powers and duties were set out in the 2006 Equality Act. Both organisations were established in line with the EU Race Directive (2000/43/EC) and the Equal Treatment Amendment Directive (2002/73/EC). The duty to promote good relations was repealed by the Enterprise and Regulatory Reform Act 2013 but the EHRC does have general duties under Sections 3 and 8 of the 2006 Act. Furthermore in Sections 11 and 13, there is legal authority for the EHRC to continue the work of the CRE in tackling discriminatory electoral conduct, particularly in relation to the Public Sector Equality Duty.

22. In its evidence to us the EHRC stated that Electoral Conduct is not a current priority for the Commission. Representatives set out the role the Commission has played when "issues arise"[25] during previous election periods and noted that individuals had previously registered complaints about possible discriminatory literature with it. However, the EHRC is now of the view that the parties should take primary responsibility for these matters.

23. We were very disappointed with the contribution from the Equality and Human Rights Commission and whilst understanding their narrowing of focus, consider these matters an important and not overly cumbersome part of its work. Failure to actively participate in this area, particularly in light of the Commission's statutory responsibilities under the Public Sector Equality duty and its role in ensuring it is upheld by others, is a dereliction of duty. We accept that the EHRC has had to renegotiate its remit and is still in the process of establishing its identity but this work should be a core component of its future plans. Good practice being undertaken by various bodies which have a stake in elections, would benefit from EHRC advice. For example, Universities UK[26] circulates guidance to its members reminding them of their legal obligations and providing links to relevant bodies – this should include the EHRC. There is certainly a case for the EHRC to be leading a team effort, working with the police and Electoral Commission and helping them to understand their duties as regards equality. We are convinced by arguments put to us that it is critically important to have a statutory body fulfilling the role of giving credible and authoritative guidance. We have also been informed that the EHRC's programme budget[27], yet to be allocated, could be used for some aspects of this work.

24. We have seen evidence of previous efforts by charitable organisations to affect electoral campaign conduct over a number of years and to step into the breach left by the EHRC. For example, the 'West Against Racism Network'[28] in Belfast drafted an anti-racism charter for the 2011 local elections. Giving another recent example, the mental health charity MIND detailed for the committee their work

25 EHRC written submission
26 Universities UK written submission
27 http://tinyurl.com/pwhd9fy
28 WARN, 2011, news post, available at: http://www.westagainstracismnetwork.org/?p=27

on a mental health election compact under the rubric of the APPG on Mental Health[29]. Following a recommendation in the 2008 report Mental Health[30] in Parliament, published by that APPG, the Compact set out principles of good practice and conduct applying to national, local or European election campaigns for candidates, party members, campaigners and supporters. The Compact was signed by three party leaders and enjoyed the support of the Speaker. By signing the Compact, signatories undertook - amongst other things - to not stigmatise or discriminate against anyone with mental health issues.

25. None of these agreements were binding or enforceable although we were told they had been useful tools for highlighting particular concerns. It is unfortunate that previous examples of positive campaigning practice, such as the union of the Community Security Trust, Church of England, Hindu and Sikh groups under the United Campaign Against Racism banner have not been repeated in recent years. They enjoyed mainstream political support and helped act as a helpful reminder that campaigns should operate in a respectful way.

26. Political parties viewed the compacts produced by non-party campaigners as broadly unenforceable. This may be true, but we have reviewed evidence of continuing discriminatory incidents across a number of the equality strands by candidates from many parties which proved the case for further action.

27. **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.**

The Case for Further Action

28. We concur with the Inter-Parliamentary Union's work on 'Free and Fair Elections'[31] that it is essential for elections to be held in such a way that all voters can choose their representatives in conditions of "equality, openness and transparency that stimulate political competition". However, incidents shared with and uncovered by this committee which are detailed in the following paragraphs, point to countervailing forces in this regard.

29. In his evidence to us, Lee Scott MP wrote that he had "witnessed candidates attacked in print and verbally as a result of their race, gender, sexual orientation

29 MIND written submission
30 MIND et al, 2004, *Mental Health in Parliament*. Available at: http://www.mind.org.uk/assets/0000/0105/MentalHealthinParliament.pdf
31 Goodwin-Gill, G.S., 2006, Free and Fair Elections, Available at: http://www.ipu.org/pdf/publications/free&fair06-e.pdf

or religion. In some cases a combination of harassments has applied"[32]. Outlining his personal experiences from the 2010 election to the panel, Mr Scott explained he was forced to have police officers accompany him to electoral hustings and to have a panic button at his house following death threats[33]. Whilst he was eager to point out that "robust campaigning is not threatening" in the face of religious attacks against him he said "I'm just not sure it's worth it for my family to have this level of abuse". These sentiments were echoed by his co-witness, former Minister Parmjit Dhanda. Mr. Dhanda recounted the shocking story of how his children found a severed pig's head outside his house after his election defeat[34].

30. Mr. Dhanda also described for us some of the discriminatory conduct that takes place "in the undergrowth"[35]. He gave examples ranging from comments on the doorstep about a disabled candidate he had represented as a party agent, to personal barbs from opposition candidates, for example: "I bet his father wasn't at Dunkirk". He suggested that comments such as "outsider" or suggestions Black and Minority Ethnic (BME) candidates are "a bit different" can be commonplace and should be nipped in the bud with local associations by party leaders whom he said should take more seriously the concordats they sign. He told us that candour about such matters is difficult given the fear of appearing weak or discouraging other ethnically diverse candidates from running and recommended better support networks are established for candidates from BME backgrounds.

31. The Board of Deputies of British Jews and Community Security Trust highlighted incidences of alleged antisemitism in recent election campaigns[36]. In 2010 the Board asked the Labour Party to consider the withdrawal of two candidates following comments they had made. The Board had previously highlighted concerns relating to election posters designed by the party in 2001, which it was claimed depicted the Tory leader Michael Howard as Dickens' Fagin.

32. We have outlined details of the compact MIND produced with the APPG on Mental Health. However they told us that despite the commitments made to the contrary, mental health was used pejoratively in the subsequent election. Following distribution of their compact, a story broke relating to former MP Andrew Pelling which reported that a briefing had been distributed by the local Conservative Party to its members highlighting Mr Pelling's mental health problems after he decided to run as an independent candidate[37]. The Conservative Party had removed the whip from Mr Pelling after serious allegations were made against him by his ex-wife. In response, MIND "encouraged all candidates and parties to abide by the compact",

32 Lee Scott written submission
33 Lee Scott MP oral evidence
34 Parmjit Dhanda oral evidence
35 ibid
36 Board of Deputies/Community Security Trust written submission
37 Whalley, K., 2010, *Croydon Guardian*, available at: http://www.croydonguardian.co.uk/news/8097493.Tories__mental_health__slurs_/

and highlighted that mental health should not be used negatively in campaigning. The local party defended the use of the information by stating that they were only reiterating what was already in the public domain.

33. Stonewall highlighted to us a number of incidents of Homophobic behaviour by candidates from many parties. This included an example from 2007 in which a Labour party council candidate with parliamentary ambitions, Miranda Grell, labelled her opponent (a gay man in a civil partnership), a paedophile. Ms Grell was later convicted on two counts of making false statements about another candidate. We were also informed about a 2012 election race in South-West London in which the Liberal Democrats issued a leaflet describing a 'straight-fight' between their party's candidate and the Conservative candidate also standing for the council who happened to be gay. Stonewall CEO, Ben Summerskill had suggested there were "things whispered on doorsteps" in Kingston that would be shocking to many[38]. The 'straight fight' or 'straight choice' mantra was famously used during the 1983 Bermondsey by-election in which Simon Hughes faced Peter Tatchell. Mr. Hughes has since apologised for what he said were inappropriate leaflets[39].

34. The anti-fascist group Hope Not Hate submitted evidence to the inquiry detailing allegedly malicious and discriminatory conduct by candidates from a number of far-right parties including the British National Party (BNP) and English Defence League (EDL)[40]. In particular, they drew our attention to malicious communications issued by the BNP which focus on spreading fear and hate about specific ethnic minority communities. Recent literature was said to perpetuate myths about Muslims and twist Islamic tenet, whilst previous literature has focussed on the African community in East London. We explore the question of campaign literature in greater detail later in this report.

35. Examples of BNP campaigning tactics were highlighted by Faith Matters/ Tell Mama who reported that the BNP had sought to stoke religious tensions for electoral success. In the 2011 Oldham East and Saddleworth by-election, BNP leaflets implied that sexual abuse was part of Muslim culture, and thus a reason to regard all Muslims with fear and hatred. Tell Mama also stated concerns that the campaign may have had some wider political influence, provoking mainstream politicians to answer these unfounded concerns.

36. These various incidents can conflate not just into controversy but into a potentially extreme and dangerous campaigning environment. Baroness King of Bow outlined for us her experiences as a candidate in 2005. She recalled incidents of racism and other discriminatory behaviour as part of a more brutal campaign. Indeed, reports indicate she was subject to public accusations

38 Gray, S., 2012, *Pink News*, available at: http://tinyurl.com/o5asjbf
39 Cohen, B, 2006, *Pink News*, available at: http://tinyurl.com/ov3tj24
40 Hope Not Hate written submission

of extra-marital affairs and that leaflets were deployed in Muslim community areas deliberately showing her in a low cut top[41]. Baroness King detailed other incidents from the campaign including car tyres being slashed and bricks being put through windows. We were told that the ferocity of the campaign cultivated an environment of intimidation in which there was a fear of break-ins, bugging and even arson. The situation was so extreme that together with her main rival George Galloway, Baroness King went to see the police Borough Commander in order to devise a plan for reducing tensions. The level of distrust prevented any possible agreement on rebutting the myths being portrayed by amongst others the extremist group Al-Muhajiroun who were active in the area and had accosted both Baroness King and Mr. Galloway.

37. Non-party campaigners, sometimes referred to as third party groups, were raised by a number of respondents. We were told that, whilst constituting a minority of cases, non-party campaigners had on occasion enjoyed an arms-length relationship to candidates whilst stoking fears, levelling accusations and employing prejudice to benefit those candidates. We address these concerns about non-party campaigners in a separate section of this report.

38. We believe the potential for extreme campaigning to fracture communities underlines the case for campaigns being conducted in a responsible and discrimination-free climate. Where communities can be divided along cultural, religious or racial lines and tensions inflamed for electoral gain, candidates bear a moral imperative not to exploit those divisions.

39. We have heard evidence on the role and responsibilities of those bodies which bear the official mandate for preventing or responding to discriminatory behaviour. It is our view that whilst there are good and frequently reviewed procedures in place to tackle electoral fraud, some of those procedures could be better extended to cover racism and discrimination and that better co-ordination and communication between official bodies together with enhanced links to relevant third sector groups would have a disproportionately beneficial impact at what would be minimal costs.

41 Cohen, N., 2005, The Guardian, available at: http://www.guardian.co.uk/world/2005/apr/17/religion.otherparties

03.

THE LAW, PROSECUTION, POLICING AND JUDICIAL ENFORCEMENT

Legal Cover and Application

40. There are a number of electoral rules established by primary legislation which govern the conduct of UK elections. These include the Representation of the People Act 1983 (RPA), the Political Parties, Elections and Referendums Act 2000 (PPERA), The Electoral Administration Act 2006 (EAA) and The Political Parties and Elections Act 2009 (PPE). Whilst there are no specific provisions covering discrimination in electoral law, the CPS detailed for us the laws which candidates and non-party campaigners are subject to and which define racial and religious offenses[42], these include The Public Order Act 1986, The Malicious Communications Act 1998, The Crime and Disorder Act 1998 and the Racial and Religious Hatred Act 2006 all of which proscribe certain malevolent behaviour.

41. We concur then with evidence from the Conservative Party that "the laws of this country give a specific instruction on electoral conduct"[43] and with the Crown Prosecution Service (CPS) and a number of the Local Authorities that submitted evidence that there is sufficient legal provision to address incidents of racism and discrimination in UK elections. That is not to say the law is not, as it was put to us "underused or misunderstood"[44].

42. We believe there are some sensible checks and balances in the law, for example, the Electoral Commission have limited discretion to reject a name, description or emblem of a prospective party which is obscene, offensive or likely to constitute a criminal offence. In the case of non-party candidates, the only description which can be used is "Independent" and the Returning Officer retains a residual right to reject offensive descriptions. In addition, discrimination by political parties in relation to their membership processes, behaviour as an employer or a goods and services provider is prohibited by the Equality Act 2010 (s.101). Refusal by a party to select a candidate on grounds of race constitutes discrimination[45].

43. We further agree with evidence from the Director of Public Prosecutions, Keir Starmer QC on behalf of the CPS that additional legal sanctions are unmerited in addressing electoral misconduct[46] and recognise that from a comparative perspective legal sanctions can sometimes have unwelcome consequences[47]. However, we acknowledge expert views such as those of Professor Bob Watt, who in his evidence to us[48] highlighted the need for review and modernisation of existing laws. Professor Watt drew our attention to some of the difficulties in administering electoral laws which date from a time when there was no discernible anti-discrimination law (conversely, race relations laws do not cover electoral

42 Crown Prosecution Service written submission
43 Conservative Party and Prime Minister written submission
44 Razia Karim and Anthony Robinson oral evidence
45 Watt (formerly Carter) on behalf of other members of the Labour Party v Ahsan [2007] UKHL 51
46 Ibid
47 Professor Sarah Birch written submission
48 Professor Bob Watt written submission

conduct). He cited the "R on the application of Woolas v The Parliamentary Election Court" case to highlight some of the complexities in tackling the derogation of the characteristics or character of an opposing candidate. Prof. Watt suggested a number of phrases relating to offense be incorporated into existing law. We were therefore pleased to note that the Law Commission, at the urging of the Electoral Commission, has plans to review electoral law[49]. The Commission's intention to modernise and rationalise offences under the RPA 1983 is welcome.

44. As part of the Law Commission review, we would consider it wise for the sections of the RPA relating to 'Undue Influence' to require detailed attention. MPs have previously been interested in extending the remit of this statute. The matter was the subject of a Private Members Bill presented by Bill Cash MP on the 2009-10 session of parliament[50]. Whilst the Bill made no further progress when parliament was prorogued, evidence submitted to our inquiry from MPs and NGOs alike suggested there would be merit in revisiting the modern application of undue influence with specific reference to non-party campaigners.

45. **We recommend that the Law Commission investigates 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.**

46. The Cabinet Office helpfully detailed for us the role of government in overseeing electoral law[51]. The Deputy Prime Minister has special responsibility for political and constitutional reform which includes electoral law. In UK elections for which legislative competence is not devolved, the Deputy Prime Minister and the Minister for Political and Constitutional Reform are responsible for law and policy on elections, referendums and political party finance. In its evidence, the Cabinet Office explained that it is also responsible for the statutory framework governing the role of the Electoral Commission and managing the relationship between the Government and the Commission. The Electoral Commission was keen to clarify that its statutory role is set out in the Political Parties Elections and Referendum Act 2000 (PPERA) and it is accountable to Parliament through the Speaker's Committee. The Cabinet Office is the Government department responsible for electoral and constitutional law and policy.

47. Another government department, the Department for Communities and Local Government, set out for us their interest in the impact of electoral conduct on the well being of communities[52]. CLG Minister Don Foster detailed the Government's approach to integration which was published in the report

49 http://lawcommission.justice.gov.uk/areas/electoral-law.htm
50 http://services.parliament.uk/bills/2009-10/representationofthepeopleundueinfluence.html
51 Cabinet Office written submission
52 DCLG written submission

'creating the conditions for integration'[53]. Through this plan, they are sponsoring a number of community-based projects which aim to foster local leadership and collective responsibility. The Department also seeks to create awareness and encourage reporting of hate crime, for example through the True Vision reporting portal.

48. The Devolved Administrations set their own controls on some areas of electoral law (e.g. Local Government and Scottish Parliament elections in Scotland). Responsibility for the conduct of Scottish Parliamentary Elections has been devolved to the Scottish Parliament under the Scotland Act 2012. The Presiding Officer of the Scottish Parliament, The Rt Hon Tricia Marwick MSP wrote to us stating that "since 1999 when the Scottish Parliament was established there have been no instances of misconduct during elections in respect of racism or discrimination that have been drawn to the parliament's attention or required any action on the part of the parliament"[54]. The Ulster Unionist Party Leader, Mike Nesbitt MLA did however outline concerns that without UK-wide practices, particularly relating to electoral registration, accusations of discriminatory conduct could be levelled[55]. Whilst it was not within our remit to inquire into those aspects of electoral administration, it is an important point that all parts of British Electoral Administration should be well co-ordinated and applied equally. Overall, the evidence we received pointed to a well-organised and competent oversight by successive Governments of the UK's legal electoral arrangements in what is a complex web of law, regulation and practice.

49. As we have outlined, the CRE and latterly the EHRC have published guides to the law and an election toolkit for local authorities which have detailed the provisions of relevant acts together with examples of case law[56]. This guidance was said to have been issued in response to requests from local councils, schools and community organisations seeking direction on how to promote good race relations during an election period. In these guides it is rightly highlighted that a variety of laws – civil, criminal, human rights and constitutional can be used to take action against racial abuse and discrimination. With so many laws in place, this seemed to us a wise and helpful practice.

50. Both the EHRC and former CRE employees informed us that a 'common source'[57] of complaints to the CRE was racist election material. We established during the oral evidence sessions that there is an unregulated area of campaigning whereby racist material does not fall foul of electoral law but also fails to meet the legal test for incitement to racial hatred. In seeking to pursue other strategies

53 DCLG, 2012, *Creating the Conditions for Integration*, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7504/2092103.pdf
54 Letter from Tricia Marwick MSP to Natascha Engel MP
55 Ulster Unionist Party written submission
56 http://www.equalityhumanrights.com/uploaded_files/ehrc_elections_guidance_on_good_relations.pdf
57 Razia Karim oral evidence

for countering increased racial tensions during election campaigns, the CRE and Local Government Information Unit commissioned research and found consensus on a legal framework comprising the Local Government Act 1986, the associated Publicity Code of 2007 and the Race Equality Duty (now the Public Sector Equality Duty) which allowed councils to publish "objective accurate and factual information" which could counteract misleading information given by political parties which had an impact on race relations in a local area, even during an election period[58]. The 2011 Code on Publicity is less explicit as regards this duty and we were anxious that clarity should be sought at the earliest possible opportunity to ensure that good practice in this area, such as that of Barking and Dagenham Council in 2004[59] could be repeated. Thankfully, as a direct result of our inquiry proceedings, Lord Beecham was able to seek that clarity from the Government in the Local Audit Bill[60] and councils can now be reassured that they can continue these practices. The imperative now is for Ministers, the EHRC and Local Government bodies to publicise the continuing role and importance of this legal provision.

51. **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.**

52. **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.**

53. The Electoral Commission has the statutory powers to set performance standards for Returning Officers and to monitor and report against those standards. It also has a statutory role in providing guidance and advice to Returning Officers. In its evidence to us, the Electoral Commission set out the various procedures for publishing that guidance and providing training for Returning Officers, Electoral Registration Officers, candidates and agents[61]. That guidance has rightly been subjected to an Equality Impact Assessment[62]

58 Razia Karim written submission
59 CRE, 2005, *Defeating Organised Racial Hatred Toolkit*
60 HL Deb, 15 July 2013, c602 http://www.publications.parliament.uk/pa/ld201314/ldhansrd/text/130715-0002.htm#st_190
61 Electoral Commission written submission
62 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0003/148179/EIA-SUMMARY-revised-performance-standards-and-guidance-March-2012.pdf

and includes some detail of the legal restrictions which relate to racism and discrimination[63] [64] [65] [66]. We were told that their training efforts are deployed around a risk-based system as concerns are identified.

54. In its oral evidence, the Electoral Commission explained that it requires Returning Officers to run training sessions with candidates and agents. We were told that as Returning Officers are often senior Local Authority employees, they usually have a good knowledge of relevant local community tensions and of their responsibilities under the Equality Act. They are thus well placed to deliver the briefings. ACPO were supportive of the sessions, suggesting that they provide a useful forum for raising concerns and making contacts. Whilst the Electoral Commission does not specify the content of those sessions, it does provide template materials of what to cover. The template does not include any material on discrimination or community relations[67].

55. Both ACPO and the Electoral Commission told us that levels of attendance at candidate briefings vary greatly from area to area and that it is the responsibility of local Returning Officers to follow-up with candidates who do not attend. The political parties, we were told, have repeatedly cited their lack of any powers of compulsion in this regard. However, in recognising the disparity in turnout, the Electoral Commission stated that it tries to ensure a basic level of guidance and information is supplied in candidate nomination packs. We would urge both the Electoral Commission and Returning Officers to look at incentivising measures to ensure good attendance at these briefings and make suggestions in this regard in the recommendations that follow.

56. It appeared to us that whilst the basic checks and balances were in place as regards the Public Sector Equality Duty and guidance about campaigning, the Electoral Commission sees these matters as a 'tick box' exercise, taking a passive rather than pro-active approach. Whilst we accept entirely the position that the Commission does not have the relevant expertise on such matters, this does not mean it cannot access the relevant resources. Whilst we would do not suggest it exceeds its remit, we expect a better fulfilment of its legal obligations. It was surprising to hear in the closing stages of this process that the Commission has a staff member with responsibilities in this area, something which did not feature in its evidence or any previous communications. We were therefore pleased that the Electoral Commission expressed openness to engaging further with the EHRC and other relevant bodies.

57. **We recommend that before its next set of revisions to the statutory guidance, the Electoral Commission extends and enhances the group of stakeholders it**

63 http://www.electoralcommission.org.uk/guidance
64 http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/integrity-guidance/electoral-events
65 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/153836/Guidance-on-preventing-malpractice-web.pdf
66 http://www.electoralcommission.org.uk/guidance/resources-for-electoral-administrators/local-elections-in-england-and-wales
67 http://www.electoralcommission.org.uk/__data/assets/powerpoint_doc/0011/141959/Briefing-for-candidates-and-agents-LGEW.ppt

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.

58. **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.**

59. As regards the courts, correspondence from the President of the Queen's Bench Division of the High Court, The Rt Hon Sir John Thomas with the Chair of our inquiry indicated that there was little concern with the volume of electoral conduct cases, nor their listing[68]. The case of R (on the application of Philip James Woolas) v The Parliamentary Election Court [2010] EWHC 2169 (Admin), considered fully the operation of the Parliamentary Election Court and the jurisdiction of the High Court to review it.

The Role of the Police:

60. ACPO is the independent, professionally led strategic body which, together with key partners, leads and co-ordinates the direction and development of the Police Service in England, Wales and Northern Ireland and provides a professional forum to share ideas and best practice, coordinate resources and help deliver effective policing which keeps the public safe. ACPO told us that they have established a number of thematic portfolios in order to deliver this aim, one of which is on Electoral Malpractice and for which an equivalent lead exists in Scotland. In his oral evidence, Assistant Chief Constable Gary Cann rightly added the caveat that this portfolio is only a small part of policing the totality of elections and that there are a range of laws which the police enforce in relation to elections[69].

61. The police hold the responsibility to investigate non-funding offences under electoral law. We have seen that the Association of Chief Police Officers (ACPO) approaches its responsibilities in this regard with due diligence and have a well founded and developing plan in place. ACPO has in every police force in the UK, a Single Point of Contact Officer (SPOC) who is a specialist in investigation or prosecution of electoral offences and "invariably"[70] a trained and accredited

68 Letter from The Rt Hon Sir John Thomas to Natascha Engel MP
69 ACPO oral evidence
70 Ibid

detective, who has undergone the National Fraud Investigators course. The appointment of SPOCs ensures there is a useful support network so that necessary expertise can be deployed as needed, at the earliest opportunity. ACPO told us that they hoped that any allegation of electoral misconduct would be assessed by a SPOC during the course of the investigation. The training and guidance on offer for SPOCs has recently been reviewed and appropriate procedures are in place for its continual update.

62. We were told that the time devoted to elections, electoral conduct and the law by police chiefs is comparatively small and that being a SPOC is invariably a part-time responsibility (even where there is a history of electoral malpractice). To compound this, ACPO evidence outlined the fast turnaround times for SPOCs so that institutional memory is short-lived, sometimes requiring the full suite of training many times within a five year period. ACPO's resultant focus is on ensuring there are sufficient training resources for new officers. However, potential SPOCs are said to view such extra responsibility as a welcome challenge and opportunity to acquire further useful workplace knowledge.

63. We were informed that the number of cases that SPOCS will encounter will differ markedly dependent on the location of their force. This leaves some forces with good training and experience but little support and others with little training but extra resources. However, the SPOCs share good practice at an annual conference, sponsored by the Electoral Commission which is into its eighth year and is well attended by officers ranging in seniority. The conference provides an opportunity for less experienced SPOCs to view case studies and learn from best practice. As highlighted during the 2013 ACPO conference, certain wards are considered to be so-called 'hot-spots' for community tensions, intimidation, hustings incidents or recurrences of racial provocations. There is however little or no focus at the conference on efforts to combat racism and discrimination or foster good community relations. We were pleased that ACPO expressed an eagerness to us to remedy this.

64. We welcome the ACPO election plan presented during the 2013 conference which sets out police chiefs' intention that there should be a SPOC in place with appropriate line management for all forces. The four key themes of their plan, (to establish the best structures for SPOCs, to refine national guidance on electoral crime and elections so that it is role specific, to provide explicit procedures to forces and to reinforce the mantra that preparation and prevention is better than prosecution) are sensible, measurable and appropriate. Once fully implemented they will improve the framework for addressing potential breaches of the law during elections.

65. Whilst both the Electoral Commission and the Police have noted that the number of allegations and prosecutions relating to electoral conduct are small[71],

71 ACPO written submission

ACPO says that there is an increasing trend in allegations and that the impact of perceived electoral misconduct can be disproportionate to the reality. This then reaffirms the importance of the preparation, planning and prevention mantra.

66. Some good practice in relation to planning has been outlined for us by ACPO. This includes:

- Joint training with the Electoral Commission for SPOCs and a 'handy guide' for officers likely to be deployed to policing Election Day itself.
- A Biannual Election Roundtable meeting hosted by the Electoral Commission at which ACPO are represented and at which opportunities are provided to discuss improvements to the SPOC network and training for staff and officers.
- Advance multi-agency planning meetings and contact with regularity determined by risk.
- Briefing sessions for all candidates, agents and other campaigning groups organised by local authorities with Royal Mail and the Police in which lines of authority and the law are outlined.
- Regular bilateral meetings with the Electoral Commission for forward planning.

67. **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.**

68. **We recommend that SPOCs be appointed in each regional police force and that they undergo mandatory training. Where SPOCs are in low 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.**

69. Police investment into election preparation clearly provides greater reciprocal benefits. It is our view that such input of time and resource is valuable and welcome. The police were widely praised by candidates who had encountered discrimination or were victims of hate crime. However, whilst guidance from police central command is in place and some of the shortcomings in guidance are being addressed, there remain operational procedures which need attention and in the main relate to effective communication.

70. During the ACPO Electoral Fraud conference 2013, The Crown Prosecution Service suggested the majority of issues they encounter relate to candidates and campaigns. Some half of the incidents at the last general election related to allegations emanating from campaigns and most related to false statements or imprint requirements. In many cases no further action was taken because the

incident was undetectable, no offence or further offence had occurred. As a result, we were told the public feel that allegations are not taken seriously given there is sometimes no investigation or prosecution. To compound this, the police related to us that attempts have been made to draw them into political campaign attacks, often at the public's expense. They are anxious that allegations should be accompanied by proper evidence and formal reports lodged in the appropriate way.

71. Evidence shared privately with the committee highlighted text in political campaign leaflets which may have breached the Public Order Act 1986 and contravened the relevant provisions of the Racial and Religious Hatred Act 2006. In general, leaflets that attempt to instigate fear in the polity by warning against an 'influx' of councillors or any other representatives from a particular racial or religious background are of concern and should be reported to the police if there is suspicion they contravene the law. We believe there is a significant level of under-reporting.

72. As we have set out in an earlier section, there is now some clarity on the role of local authorities in correcting false information disseminated during an election, which does not meet the criminal threshold for racial incitement. Prior to the CRE being decommissioned, staff were exploring their role as regards the collection of such material. We were told that the CRE was considering - and the EHRC has the potential to act as - experts on identifying where poor race relations exist. That expertise could feed into CPS considerations on whether to prosecute in particular cases for incitement to racial hatred. We would urge the EHRC to consider if this is a role they might still shoulder. We were pleased however to be told by ACPO that if material doesn't meet criminal threshold it does not mean police "would not engage with it in some purposeful and constructive way"[72], for example discussing it with local partners in Community Safety Partnerships and other forums. There remains a question as to whether the police have clearly identifiable points of entry for reporting such material. We believe the increasing use of social media to communicate with local communities points to at least part of the answer.

73. We were informed that prior to periods of election, information distributed to local police forces would be "ramped up"[73]. We were told this might include reference to national guidance and the distribution of pocket guide cards. We believe that in addition to this, the appropriate lines of communication for non-criminal matters and in particular the rules on non-party campaigners should be clear for SPOCs. In addition, post-election reports by ACPO and the Electoral Commission should be given greater prominence to further improve public confidence.

74. **We recommend a pro-forma strategic communications plan be developed by ACPO for SPOCs in advance of elections, to include public facing announcements**

72 ACPO written submission
73 Ibid

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.

75. ACPO highlighted for us the difficulty of collating and assessing details of Electoral Malpractice from across 44 separate forces, especially as allegations might relate to any of the specific electoral laws or more broadly to other acts. We were informed that details are passed monthly to the Police National Information and Coordination Centre (PNICC), which then disseminates the data to the Electoral Commission and ACPO. This allows the Electoral Commission, which drives and funds the collation of these figures to produce its yearly report into the levels of malpractice[74]. There are three categories of offence: Registration offences, voting offences and campaign offences. For 2011 there were 270 allegations of Electoral Malpractice with 50% relating to "campaigning" as opposed to Registration. Discriminatory behaviour we were told was likely to be classed as a false statement in contravention of Section 106 of the RPA 1983. For 2012, some 60 allegations were made under this Act accounting for 16% of Electoral crime. 40 were deemed not to be offences and in 8 cases there was insufficient evidence to proceed[75]. ACPO have only been in a position to progress 12 cases and finalise 3 to date. Parliamentary Questions revealed to us that the Ministry of Justice Court Proceedings Database holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales, but only for the statutes under which proceedings are brought[76]. It is therefore imperative that ACPO reports are sufficiently detailed.

76. We were informed that the SPOC network has not highlighted discrimination as matter of specific concern but there is some crossover between electoral fraud and discrimination. Crimes other than Electoral Malpractice are said to be "easily identifiable" as "hate crimes", ranging from assault to public order offences and harassment. Whilst they would be recorded as hate crimes given the heavier sentencing, it is said to be "likely" but not certain that they would be investigated or recorded by force SPOCS[77]. Police accepted that all the incidents which pertain to an election in its widest sense, whilst recorded by forces may "possibly not" feature in the elections data if it has not been sent to a SPOC. Local information and intelligence about community relations is however collated, aggregated, assessed and passed to the National Community Tension Team. It struck us as sensible that the relevant indicators should be highlighted by the NCTT to the SPOC network command in advance of and in the analysis of election periods and that reference might be made to this in the relevant reports.

74 http://www.electoralcommission.org.uk/find-information-by-subject/electoral-fraud
75 ACPO written submission
76 www.publications.parliament.uk/pa/cm201213/cmhansrd/cm130326/text/130326w0005.htm#130326w0005.htm_wqn8
77 Ibid

77. **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 NCTT, the SPOC network and the Electoral Commission in advance of elections.**

04.

POLITICAL ADVERTISING AND BROADCASTS

Advertising

78. In its submission to us, the Advertising Standards Agency (ASA) detailed the historic and current arrangements for the regulation of political advertising[78]. The Agency, the UKs independent regulator of advertising across all media, administers and enforces the UK advertising codes which are written and maintained by two industry bodies – the Committee of Advertising Practice (CAP) and the Broadcast Committee of Advertising Practice (BCAP).

79. We were informed that until 1999, political advertising (which was defined as advertising to influence voters in elections and referendums) was subject to some of the clauses of the Committee of Advertising Practice (CAP) Code but not others which were of more relevance to companies marketing consumer products. Legal prohibitions such as those regarding the making of false statements remained in place.

80. Following the 1997 general election, CAP decided to exclude political advertising from the ASA's remit. The ASA listed for us its reasons, which included concerns that the impartiality of the self-regulatory system could be damaged, that the adjudication process was slower than the election timeframe, that there might be a challenge under the 1998 Human Rights Act regarding free speech and that the Agency was forced to apply its codes in part only due to lack of political consensus on the full Code being implemented[79]. From October 1999, therefore, political advertising has been exempt from the CAP Code.

81. We were advised that the matter has received some attention. The Committee for Standards in Public Life (The Neill Committee) reviewed this issue as part of a wider investigation into party funding. Its recommendations included a review of existing legislation to ensure the ban on political advertising would apply equally to new communications media and that the political parties seek to agree a code of best practice in partnership with the advertising industry to apply to the non-broadcast media. The enforceability of such a Code by, for example, the Electoral Commission was questioned by the Government in their response to the Committee but it stated its intention to explore whether existing or ad-hoc bodies could oversee it and offered to broker cross-party agreement[80]. There appears to have been no action taken.

82. In 2003, the Electoral Commission conducted a consultation on the regulation of political advertising. Its report concluded that the ASA should not bear the responsibility for regulating such advertising but did not consider that there should be a separate code. Rather, the Commission advises political advertisers to be guided by the principle in the CAP Code that 'all marketing communications

78 ASA written submission
79 Ibid
80 http://www.archive.official-documents.co.uk/document/cm44/4413/4413-09.htm#gen53

should be prepared with a sense of responsibility to consumers and society'[81]. However, the message conveyed to us was that the Committee of Advertising Practice remains ready to assist in the development of a code of best practice which deals exclusively with political advertising. As we have noted, previous concerns about election posters suggests this would be a worthwhile endeavour.

83. As regards the BCAP, in 2004, Ofcom delegated certain of its functions and powers in relation to the regulation of advertising in broadcast services to the ASA, by means of a formal designation under a system of co-regulation. The BCAP TV and radio code has a number of rules that prohibit discriminatory treatment and/or harm and offence. These are broadly in line with the requirements of the non-broadcast CAP Code and reflect the requirements of UK and European laws. Ofcom has also delegated some functions and powers in relation to the regulation of advertising in On-Demand services to the ASA.

Broadcasting

84. Evidence submitted by Ofcom, the independent regulator for the UK communications industries, outlined the standards expected of licensed broadcasters under their Code[82]. Ofcom has a legal duty to make rules determining the political parties on whose behalf Party Election Broadcasts (PEBs) may be made, these rules do not apply to BBC or S4C but they operate in a similar manner. The Political and Referendum Broadcasts Rules contain minimum requirements set by Ofcom and are applied in determining any disputes referred to it by a political party or licensee, in relation to PEBs. The latest Rules were published in early 2010 and a consultation is ongoing relating to new local television services.

85. Ofcom also detailed its rules on Broadcasters' editorial coverage during elections requiring due impartiality, due weight to the major parties and fair localised access. Ofcom reported to us a number of breaches under Sections Five and Six of its code but none on electoral conduct or in particular discrimination and racism, however some reports of that nature relating to election coverage have been received under Section Two of the code (on harm and offence).It has not yet recorded any breaches of the Code in relation to alleged racism or discrimination during broadcasters' election coverage. If contraventions of the Code occur, are serious and/or repeated Ofcom may impose sanctions on TV and radio broadcasters. These may include fines or even the revocation of the broadcaster's licence.

86. The BBC also has due accuracy and impartiality clauses in its agreement. It is required to broadcast impartial coverage of current affairs in the UK and beyond

81 http://www.electoralcommission.org.uk/news-and-media/news-releases/electoral-commission-media-centre/news-releases-reviews-and-research/party-political-broadcasts---recommendations-for-the-future

82 OFCOM written submission

and to support fair and informed debate at local, regional and national levels. The BBC Executive Board has a responsibility to ensure that impartiality and accuracy remain at the forefront of the BBC's reporting, while the BBC Trust must oversee the Corporation's compliance with principles of accuracy and impartiality. The Trust must also draw up and from time to time review a code giving guidance as to the rules to be observed in connection with accuracy and impartiality.

87. As regards On-Demand Programme Services (ODPS), a system of co-regulation with the industry is operated by the Authority for Television On Demand (ATVOD) with back-stop powers reserved for Ofcom. Rules exist under UK law to prevent the transmission of discriminatory programmes or material likely to incite hatred.

88. Hope Not Hate raised concerns with us that whilst channels are obliged to treat all political parties contesting elections with due impartiality, there were incidences of the British National Party using its broadcasts to stoke racial tensions. One particular incident from 2004 involved the party basing its national party broadcast on a TV programme withdrawn from Channel 4 on police advice that it could spark race violence. The broadcast was voluntarily withdrawn by a number of channels as a result.

89. 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 Press

90. Comparative evidence we were shown indicates that the quality of media coverage in a state is among the most important determinants of electoral quality[83]. According to Professor Sarah Birch at the University of Essex, the media thus represents a powerful tool in shaping public reaction to misconduct by individuals. She suggested that reliance on so-called 'cultural norms' is a minimalist approach which can be used to good effect in tackling misconduct. Professor Birch offered the example of the Kenyan elections in 2013 where an informal campaign against discriminatory language was somewhat successful, utilising support from the government, civil society and the media. However, her conclusions point to cultural norms alone being insufficient in the British

83 Birch, S., 2011, Electoral Malpractice, Oxford University Press.

context but important as part of a package of measures when taken together with our institutional approaches.

91. Unfortunately, evidence provided to us demonstrated there is a great deal more that should be done to prevent discrimination in the media and particularly in the press during elections. Margot James MP, for example, shared with us her experiences of letter writing campaigns to the local newspaper which sought to use her sexuality as an electoral tool against her. Comments such as "she's gay so how can she relate to conservative policies on the family" or accusations that she "was not representative of average people" were not uncommon, we were told. Ms James suspects, but cannot prove, that a co-ordinated campaign was waged against her. Notably, the names given with the letters were not accompanied by postal addresses nor were they on the electoral roll. Fortunately the local paper appointed a new editor twelve months after the letter writing campaign began who refused to publish such letters thereafter.

92. Both Baroness Oona King and former MP Ann Cryer queried questionable press tactics which had been used against them during election campaigns, suggesting that fact checking was ignored in favour of shocking quotes given to the press calculatedly before their print deadline.

93. In his evidence to us, Parmjit Dhanda recounted his experiences in 2000 when the Gloucester Citizen featured a column which stated: "The people of Gloucestershire haven't reached a sufficiently advanced state of consciousness to elect a foreigner as the local MP." The article also suggested that the Labour Party should have selected: "a candidate more appropriate for a Cathedral City in the West of England than a Sikh from West London." Mr. Dhanda raised serious concerns about the conduct of local newspapers as regards politicians from diverse backgrounds, recommending that the political parties and local press could and should work better together to address some of these issues particularly when this involved anonymous and threatening behaviour. He recounted to us that his party at local, regional and national levels had been supportive throughout this experience.

94. The British press is in a process of transition following the Leveson report of 2012 and the misconduct that prompted it. Evidence from the Press Complaints Commission (the independent body which administers a code of voluntary self-regulation for the press) which is undergoing full-scale change itself reassuringly set out that their "fast, free and fair" complaints and anti-harassment service continues to function for the public as normal[84].

95. The PCC offers training and advice to journalists and to editors. It also handles complaints framed against the terms of an Editor's Code of Practice about the editorial content of newspapers, magazines their associated websites, editorial

84 PCC written submission

audio-visual material and the conduct of journalists. That code written by a committee of serving editors and a minority of independent members applies during election periods as it does all other times but does entitle publications to advance partisan viewpoints so long as other aspects of the code are not breached. Clause 1 (Accuracy) for example, states that "the Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact". Another clause, Clause 12, states that the press must avoid discrimination. The PCC related to us that they receive few complaints about election coverage in this regard but we note that concerns have been raised about that clause.

96. In their Tenth Report[85], the Joint Committee on Human Rights (JCHR) focussed specifically on Clause 12 of the PCC Code. The clause was designed to protect individuals and it has been argued by the PCC that an equivalent protection for groups of people would impede freedom of expression. Under the current PCC Code then, an individual from a group subject to alleged discrimination would be required to complain under Clause 1 (Accuracy) of the Code. The JCHR were told that the PCC had "not come up with a form of words" which could protect both groups from discrimination and freedom of expression. The JCHR report cites a number of groups recommending the PCC guidance be strengthened. The PCC at that time was reluctant to extend Clause 12 to cover groups despite the Committee noting that other jurisdictions have more robust protection within self-regulatory frameworks. The JCHR found that for the PCC "Its existing system is not sufficiently robust to protect asylum seekers and other vulnerable minorities from the adverse effects of unfair and inflammatory media stories". The CRE made specific recommendations for amendment of the PCC code[2], echoing a number of concerns raised by the JCHR.

97. **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.**

98. A number of those giving evidence to us raised concerns about the Comments boards associated with mainstream and local newspapers. Newspapers adopt a variety of approaches to this content. The two principal policies are to pre-moderate sites, in which case the newspaper makes a decision as to which comments appear, or not to do so, and to review comments after they appear on the website, either as a matter of routine or in response to a specific complaint.

85 http://www.publications.parliament.uk/pa/jt200607/jtselect/jtrights/81/8102.htm
[2] http://www.kernowtgg.co.uk/shadowreport.pdf

If a newspaper is informed of potentially illegal or offensive material, it then will assume some liability if it takes no action. When a newspaper does have responsibility, a complaint can be made to the PCC, otherwise complainants must approach the newspaper directly. Some witnesses suggested to us that if a post is likely to incite discriminatory comments, threads should not be open or all comments should be deleted. It is our view that editors must be mindful of the content they are hosting, particularly during periods of election. We were pleased therefore to learn that the Society of Editors is undertaking a survey, funded by the Department for Communities and Local Government, to help illuminate best practice in online moderation and hope that the results will inform editors of practical steps they can take to ensure appropriate moderation of online material.

Online and Social Media

99. Given the scale and continuing expansion of the role of social media, our inquiry was necessarily limited in this regard, although some recommendations relating to the online activity of non-party campaigners follows in later sections. In overview, there are no general monitoring obligations on those who provide internet services and host websites but self-regulation is encouraged by the Government. According to the Department for Culture, Media and Sport, where a UK Internet Service Provider is advised - usually by law enforcement agencies - that they are hosting material which is illegal, they have an excellent record in removing it. In addition, the UK has a good record in convictions for internet related incitement to hatred and violence. In particular, the Sheppard and Whittle case[86] demonstrated that uploading and publishing racially inflammatory material from the UK, regardless of where the host server is situated, can result in terms of imprisonment. The OSCE meanwhile, is continuing to look at ways of combating online discrimination.

100. Social media was raised as a particular concern by a number of witnesses. There was general agreement that unless a crime was committed, little could be done as regard monitoring or regulating such content. However, we were pleased to note that some sensible steps to prevent discrimination are in place. Most social networking sites, including Facebook and Twitter, are global and complainants are generally advised to contact the service provider. However, Facebook has methods to flag abusive content on the site and commits to reviewing this material and taking any action warranted by their Statement of Rights and Responsibilities. We were also pleased to learn that an international coalition, the ICCA has begun to work with social media providers and industry experts on broadening action against online hate[87]. For candidates and others, there are also

86 http://www.bailii.org/ew/cases/EWCA/Crim/2010/65.html
87 http://www.antisem.org/wp-content/uploads/2013/06/ICCA-Task-Force-on-Internet-Hate-Report-May-29-2013-new.pdf

ways to register discrimination occurring through social media. Both the Internet Watch Foundation (www.iwf.org.uk) and True Vision (www.report-it.org.uk) are important resources which ought to be more widely publicised. We explore this matter further in the next section.

05.

THE ROLE OF THE POLITICAL PARTIES

101. The Inter-parliamentary Union suggests that party ethics are key to "the integrity of the democratic process"[88]. Given the reportedly declining interest and rising cynicism amongst the public towards democratic and political life, we believe it is of increasing importance that the UK is a beacon of good practice in this regard. Whilst there are recent examples that demonstrate there is work to be done, it was pleasing that so many of the UK's leading political parties engaged fully and constructively with our inquiry. It would appear that for most mainstream political parties in the UK, anti-discrimination measures are not just a matter for their brand but a point of political principle.

102. With the exception of the Respect party, all the political party groups represented in parliament submitted evidence to us. We were reassured to be informed about the number of good features or practices which these parties employ; a firm understanding of the laws relating to elections and discriminatory conduct; a requirement for candidates and members to abide by anti-discrimination principles written into their founding documents or constitutions; appropriate, albeit widely varying, disciplinary processes and a range of sanctions which can be administered if required. There are, however some disparities in approach from which we seek to draw out and illuminate what we consider to be good practice.

Founding Principles

103. A number of the parties highlighted for us anti-discrimination text in their founding documents. The Labour Party, Plaid Cymru, Social Democratic and Labour Party (SDLP), Alliance Party, Scottish National Party (SNP) and UK Independence Party (UKIP) in particular pointed to intrinsic commitments to anti-discrimination principles in their constitutions. The Conservative Party, (Angie Bray) Liberal Democrats, Green Party and Democratic Unionist Party (DUP) also referred to relevant text on combating prejudice. The centrality of anti-discrimination principles to any party's founding philosophy is of course to be welcomed. It does however make its review and promotion – as the SNP pointed out to us[89] – all the more important. Equally, for consistencies' sake, it is crucial that electoral candidates failing to abide by such anti-discrimination principles are subject to connected disciplinary procedures without delay and many parties insisted that this was the case. We recognise that given the varying sizes and structures of the parties and their unique attributes there cannot be a uniform approach but the evidence suggests that the SDLP in particular has a very good record in this regard to date, reviewing allegations quickly and at a high level and enforcing appropriate sanctions. In one case, the party even used a sanction of mandatory equalities training to benefit the understanding of other elected officials.[90]

88 http://www.ipu.org/pdf/publications/free&fair06-e.pdf
89 SNP written submission
90 SDLP written submission

Screening and Selection of Candidates

104. A number of the parties have screening or selection processes in place. This includes the Conservative, Labour, Liberal Democrat, UKIP, SDLP, Alliance and SNP parties. The assessment criteria for potential candidates that are established by National Executive Committees, individuals or local party groups, generally outlaw discrimination and require obedience to the law. A number of the parties also explained for us that they regularly reviewed these procedures. However, whilst screening for general election candidates is said to be rigorous and candidates' offices exist in some parties, we were informed that for smaller parties in particular there is a resource deficit when adopting candidates for local elections.

105. In his oral evidence, Michael Greaves the General Secretary of UKIP explained that his party had a robust and in-depth screening process for European and General Election candidates which has recently been emboldened by additional level of 'psycho-analytic' screening carried out by a private security company. He explained that it was more challenging to extend this rigour to local elections where the party stood some 1700 candidates, a number likely to increase almost three-fold for the next round of elections. UKIP are however employing what appear to be sensible precautions in this regard, for example; encouraging early applications for candidacy, using a volunteer network to do due diligence and specifically checking the relevant social media output of prospective candidates. The party were careful to point out that they did not want to make the selection process overly cumbersome and wanted to maintain an element of trust with candidates, in line with their party ethos.

106. David Allworthy of the Liberal Democrats painted a similar picture for us, outlining a firm and robust system which the party has developed over time for General and European election candidates. This process is overseen by a central committee with regional branches and staffed mainly by volunteers with relevant experience in HR or other associated professions. The process is treated as a high-level job interview, including a series of forms and declarations which if contravened can later be tested against the party's disciplinary code. The party have second rounds of interviews to pick up on any concerns that are raised during the initial interview process. A further round of assessment and training is required before candidates are submitted to the approved candidate list. Mr. Allworthy agreed that screening was more difficult at the local level but said that his party had in place a process of registration and interview before candidates were put in the field.

107. Since 1992 the Disability Charity Scope has undertaken research, campaigned on and facilitated support networks aimed at improving disabled people's awareness of political engagement opportunities[91]. Scope told us that it is

91 Scope written submission

particularly concerned at the under-representation of disabled people in the House of Commons and have worked closely with the three main parties to improve access to the candidate selection process. Specifically, Scope undertook a research and analysis project for each of three main political parties looking at which aspects of the candidate selection process might inadvertently disadvantage disabled candidates, with a particular focus on the Parliamentary candidates. The Charity told us that this included analyses of the assessment process, or of support available or party structures on disability issues. The trends emerging from that research fed recommendations for the Speakers Conference on parliamentary representation but that the actual outputs were intended for internal party circulation only. This is an example of good practice that could easily be replicated across the parties.

108. Scope also told us that the additional costs faced by disabled people can make running for elected office prohibitively expensive. Therefore it strongly supported the establishment of the 'Access to Elected Office Fund' which offers individual grants to disabled people who want to be considered for selection as candidates for an election, or are planning to stand for election. The fund is intended to act as a leveller rather than give disabled people an unfair political advantage.

109. We were made aware of other programmes focussed specifically at encouraging minority candidates to stand for party selection. The Local Government Association (LGA) is the national representative body for local government in England working to support and improve the sector. In its evidence the Association suggested that there is a reciprocal relationship between eliminating discrimination from electoral campaigning and increasing the talent pool from which councillors might be elected[92]. It highlighted its 'Be a Councillor' campaign which is focussed on 'talent spotting' great councillors. The Association works with parties and independents to encourage people from a wide range of backgrounds to stand for selection or election and has developed a toolkit designed to help explain the role of councillor. It reports that the programme has the greatest impact when the change it encourages is championed by political parties and independent councillors. Such programmes, which we have seen evidence of political parties employing for general election campaigns, are clearly examples of good practice and should be encouraged.

110. The rationale for diversity campaigns of this nature was underlined in a submission by Anya Hart-Dyke on behalf of the Quilliam foundation. In a report[93] co-written by Ms. Hart-Dyke it states that "Ideally, then, this entire process [of selection] should be blind to race, religion, ethnicity and other differences. It should rather be concerned with candidates' expertise, capability and commitment.

92 LGA written submission
93 http://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/skin-deep-democracy.pdf

Unfortunately, this is not yet the case; candidates continue to be boxed as better able to represent voters on the basis of their religious conviction or skin colour. This risks (further) ghettoization and undermining social cohesion". The report goes on to suggest that disenfranchisement of different Ethnic, Racial and/or Religious groups in extremis can compromise national security.

111. We did have evidence submitted to us about alleged racial discrimination by local and regional representatives of political parties during the selection process. The key lesson we drew from that evidence was that any investigation process relating to selections should be independent of those against whom offences are alleged. Independent reviews might be sensible albeit not politically agreeable. Some parties do have procedures for dealing with complaints against candidates and individuals acting in support of candidates during selection processes and this is a sensible move.

112. The general systems for the screening and selection of candidates are solely the responsibility of the parties themselves and it would be inappropriate for us to look to proscribe changes to these mechanisms. There are however elements of good practice from across the parties which if taken together and implemented might exemplify a best practice model which all parties could aspire to, these good practices include;

- Encouragement of and facilities in place for early application for candidacy to ensure sufficient time to carry out due diligence
- The use of professionals or volunteers with relevant professional experience to conduct candidate recruitment processes
- Simple checks and balances where extensive research is not possible, such as a review of relevant Social Media feeds
- The use of official registration documentation/affidavits which fall in line with party disciplinary procedures if contravened
- Reporting and investigatory procedures to address complaints about the conduct of candidates and their supporters during selection processes
- Working with third party providers like the LGA or Scope to encourage candidate diversity and a broad talent pool.

113. **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.**

Training, Guidance and Support for candidates:

114. A number of the political parties including the SNP, Plaid Cymru and the DUP have training systems in place for candidates although the extent of that training varies depending on the party size and available resources. The Green Party, for

example, told us they have training in place for electoral candidates at both national and local level including guidance on conduct ahead of electoral campaigns. The Alliance Party however has no formal training but is in the process of developing a system for prospective candidates at all levels. The SDLP in their oral evidence told us that they put training in place as needed and that this tends to be when substantial change occurs, such as an influx of new candidates.

115. The Liberal Democrats in their oral evidence detailed a full suite of training linked to their candidate selection processes. This includes national, regional and local training events and enhanced measures in the event of a bi-election. We were told that party members and candidates also have the opportunity to attend training events at party conferences which are repeated for maximum impact and are run by professionals. They have in the past used expert groups to do training on equality and discrimination. UKIP told us that their training somewhat mirrored their selection processes in that it was more thorough for General Election and European Election candidates but voluntary for local regions. They plan to review this system in due course.

116. Two recurring themes which emerged in relation to training were firstly that little anti-discrimination or equalities training was offered and ideas on where to source it were as one witness put it 'a bit patchy' and second, that not enough focus was put on the harsh realities of candidacy, with too much focus on encouragement and not enough on preparedness. Lee Scott, Baroness King of Bow and Luciana Berger MP all suggested it was important for candidates and their families to be prepared for the particular challenges of an election campaign and to recognise that they may require certain protections. In addition we were told that guidance, training on and rules around the use of social media were underdeveloped. Whilst formal training may not always be possible, guidance and advice on appropriate conduct should be manageable by all parties. Notably, in the 2001 election, the Conservative Party chairman Michael Ancram wrote to candidates telling them to "avoid using language which is likely to generate racial or religious hatred"[94]. As it was put to us, campaigns might be better "...if leaders were more public about the commitment they want from their candidates. If they provided in writing, stronger and clearer leadership in terms of what constitutes a fair and proper campaign".

117. The TUC, whilst having no direct involvement in these matters, helpfully provided details of protocols that they or constituent member unions have on the use of language, conduct of meetings and other good practice. These procedures go further than just reminding individuals of their legal duties and give guidance on, for example, language which can cause offence and distress. In addition, the Liberal Democrats pointed to support they have received in the past from the LGA in this regard.

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94 http://news.bbc.co.uk/1/hi/uk_politics/1281213.stm

118. In his evidence, Parmjit Dhanda said that guidance alone was not sufficient but a degree of welfare support was required. He called on political parties to do more to help individuals facing discrimination by challenging the taboos which exist around speaking out[95]. We agree wholeheartedly with these sentiments and think it appropriate that all parties have in place appropriate contacts or referral points to support schemes for candidates facing discrimination or other serious intimidatory tactics. This is particularly important given the nature of the incidents that were highlighted to us which ranged from effigies of candidates being burned to the receipt of racist death threats. It doubles in importance if, as we heard, there is insufficient preparedness training. Schemes like those the Conservative party told us they have in place whereby candidates have 'buddies' or colleagues they can approach to discuss engagement with minority communities are to be welcomed.

119. **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 that produced by the TUC and EHRC.**

120. **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.**

121. **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.**

Codes of Conduct

122. Some parties shared with us Codes of Conduct which they require all members contesting elected positions to sign. The Labour party[96] has such a code and other procedures set out by their candidates' office as do the DUP[97]. The Alliance party and the Liberal Democrats have a code that candidates sign which sets out expectations and obligations prior to, whilst running for and in office. We

95 Parmjit Dhanda written submission
96 Liberal Democrat Party, Labour party written submissions
97 DUP written submission

were told that this can lead to difficulties when candidates "don't realise it applies to them outside of an election". This underlines the important for frequent reinforcement of the standards required of candidates.

123. The SDLP told us that they have had a 'Declaration of Intent' in place for some ten years. At the time of its adoption, Patricia Lewsley MLA explained it constituted a promise: "to ensure that all election campaigns are conducted in such a way that they do not incite hatred or prejudice"[98]. UKIP too have recently introduced a pledge to be signed by candidates which incorporates an anti-discrimination element[99] and Plaid Cymru have a candidates' contract[100]. The Green Party rather than enforcing a code centrally includes as part of its complaints procedure literature, a proposed code of conduct which encompasses suggestions for how it might be used. We consider the use of such codes to be an example of good practice. However as already stated, codes are only as effective as the disciplinary processes to which they are connected.

124. In his study for the Inter-parliamentary Union, Guy Goodwin-Gill provides examples of general codes of conduct which have been used to varying degrees of success in different international settings[101]. The ACE project[102] has also highlighted codes of conduct as useful tools in administering elections. Professor Sarah Birch from the University of Essex advised that using a comparative approach, Codes of Conduct agreed with the political parties in a given country are generally more effective. In the UK however, the Electoral Commission had previously claimed that there is lacklustre support for Codes that extend beyond the law or internal party systems. That countervailing view was put to us by the Conservative party who stated that in their view "instigating a code of practice outside the law could dilute the clear message which the law gives to those taking part in elections". Rather, they stated their dedication as a party to enforcing the law at any time. The Conservative party are of course right that the law must be upheld and as we have outlined for the UK, in the main, our legal provision and enforcement systems are robust albeit requiring some modernisation and simplification. We remain concerned that examples persist of political activity being abused through the use of prejudice as a tactic in competition for the popular vote. It is these incidences which prove the case for us that more can be done outside of the law to stop such practices and give confidence to communities that political campaigns will be used for good and not discriminatory ends.

125. Despite the initial reluctance to establish a Code of Conduct, the Electoral Commission has successfully negotiated agreement for a Code of Conduct for

98 http://www.highbeam.com/doc/1G1-73994680.html
99 UKIP written submission
100 Plaid Cymru written submission
101 http://www.ipu.org/PDF/publications/CODES_E.pdf
102 http://aceproject.org/electoral-advice/archive/questions/replies/502358008

Campaigners[103] which is revised and agreed with the statutory Parliamentary Parties Panel ahead of each set of elections and it sent to all registered parties in the UK. This code is separate to any internal codes of conduct the parties may operate. The code relates mostly to postal voting and campaigning outside polling stations or as they put it to us, the "mechanics" rather than "content" of campaigns. In essence, the code puts a fence around the law to stop campaigners bringing themselves or their parties into disrepute. It does however state that it is a guide to "what is, and is not, considered acceptable behaviour...in the community during the lead-up to polling day"[104]. We were told that the Code recognises that there have been some problems but does not overly burden volunteers with layers of bureaucratic regulation. The Code is set to be reviewed with the parties to determine whether further updates are necessary. Professor Sarah Birch provided us with a number of extracts from Codes of Conduct which were presented as Models of Good Practice and we believe the authors of the UK code could benefit from looking at those models.

126. If the current Code of Conduct is breached, the Electoral Commission suggests that matters are raised with candidates, parties or campaigners in the first instance. The Commission does however say that it can and will raise breaches with the party in question and offer to act as an intermediary to agree actions on serious or unresolved complaints. The Commission has written to all nominating officers of all parties that it will "hold them to account against the code." It refers to the code and any breaches in its statutory reporting following elections and referendum. In the past it has used this reporting to highlight areas where parties have been in breach of the code. This expectation that breaches will be mentioned in its reports seeks to improve compliance and discipline within the parties. The Commission has committed to continue to report on breaches brought to its attention in the future and to using that reporting process to feed future updates to the Code. In their evidence, representatives of the Association of Chief Police Officers (ACPO) expressed concern that whilst the Code was agreed at a national level, it was not always adhered to locally[105]. This disconnect between national and local activity was also highlighted by a number of the Local Authorities submitting evidence. ACPO suggested this was a matter for the political parties to address.

127. The Liberal Democrats told us that codes which they sign up to as a party, such as the Electoral Commission Code, if breached will be subject to their formal disciplinary processes. This is evidence of good practice but is clearly not replicated across the parties.

128. **We recommend that the Electoral Commission consult on and take steps to update their 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**

103 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0006/154176/Code-of-conduct-campaigners-2013.pdf
104 Ibid
105 ACPO written submission

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.

129. **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.**

Discipline and Enforcement:

130. The CPS in its evidence said that the indication from the electoral community and the Commission would suggest that responsibility should fall to the various political parties to regulate candidate's behaviour where conduct falls short of breaching the law. The CPS further suggested that where robust regulation exists, it would count as best practice[106]. This is a view with which we concur.

131. Almost all of the parties that contributed evidence to the inquiry notified us of their various disciplinary procedures and each party appears to have its own structures and sanctions to deal with those that break the rules. Some parties have Disciplinary Committees and others National Executive Committees which enforce disciplinary measures. In some instances the parties rely on standard procedures during elections and for others, individual compliance officers have special delegated responsibilities during campaigns. For some, like Plaid Cymru, the disciplinary proceedings are written into the party's standing orders[107] whilst for others they are informal. In addition, some parties, for example the Green party, have appeals processes should a panel or individual find against a candidate.

132. The sanctions available to the parties vary as do their records of enforcement. Smaller parties like the SDLP and UKIP told us that their size meant issues were more quickly and easily identified and addressed. As a larger party, the Liberal Democrats have a wide range of options for discipline from the issuing of reprimands, bans on access to data or holding public office, to candidate de-selection and expulsion. The party highlighted their ability to take federal jurisdiction over a disciplinary matter where a local or regional group is deemed to have failed to abide by the correct procedures. They also rightly pointed out that in cases where the police do not pursue a criminal conviction, political parties "should still examine whether such cases can be dealt with under their own internal rules"[108]. In all cases, we were told that whilst parties often attempted to respond to formal complaints lodged with them, this was not consistently the case especially as those complaints often failed the

106 CPS written submission
107 Plaid Cymru written submission
108 Liberal Democrat party written submission

evidence threshold. We were also informed that often, the best time to investigate such complaints was not during elections. Worryingly, in her evidence Razia Karim intimated that the hateful and harmful leaflets that were once reported to the CRE were not being lodged with its successor the EHRC despite the continued circulation of such material. The EHRC queried this and we have accepted its argument that the merger of legacy commissions had unforeseen consequences which it is trying to address. The remit and reputation of the CRE had grown over time which fostered a public expectation of action against such literature and the EHRC accept that they have work to do in that regard. We deal with literature specifically later in this section.

133. Across the parties there are also varying approaches to engaging with extremist groups or parties. A number of the parties including Labour and the SNP, maintain 'No Platform' policies in regard to the BNP, whereas the Liberal Democrats encourage democratic debate against such political groups. UKIP have recently introduced a unique 'proscribed list' of organisations they will not work with, nor allow to be members of their party. This includes the BNP and EDL[109]. Hope Note Hate raised serious concerns about the efficacy of that list, having been added to it as a proscribed organisation following a vote by UKIP members[110].

134. The SNP helpfully highlighted one particular challenging experience in disciplinary enforcement which we considered to merit special mention. They explained for us that a local government candidate made offensive comments which were in breach of the party's Code of Conduct. They took immediate disciplinary action in what was reportedly a clear cut case and suspended the individual's party membership. However, nominations had closed prior to the matter being brought to their attention. The case raised issues under electoral law about ability of a party to withdraw support from a candidate after the close of nominations – and potentially before close of nominations as well. The Returning Officer advised the SNPs that he would have allowed the certificate of authority from the party to be withdrawn before the close of nominations, but not afterwards. The SNP, in what appears to have been a sensible approach stated publicly that the candidate did not have the support of the party and that voters in the ward should give their first preference votes to the other SNP candidate who was standing[111].

135. As we detailed in the background to this report, party leaders have on a number of previous occasions signed concordats incorporating anti-discrimination measures and agreed to various courses of self-regulation. However, in the heat of an election campaign, it is difficult for the parties to respond to breaches of such codes without opening themselves up to potential criticism. We have seen that this has previously resulted in bland statements to the press or

109 UKIP written submission
110 http://www.hopenothate.org.uk/blog/article/3074/ukip-have-proscribed-hope-not-hate
111 SNP written submission

unresolved internal inquiries. We accept that it is difficult for parties to maintain a system for investigating alleged misconduct without opening that system up for partisan abuse. In order to cultivate a culture of political responsibility and public confidence, it is clear that a more transparent, accessible and time-sensitive framework should be implemented. In order to meet the expectations of the electorate with regard to official, party and personal accountability we think that a cross-party agreement could be reached on a minimum standard for disciplinary procedures which does not circumvent existing party processes but rather emboldens them.

136. **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 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.**

137. **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.**

138. **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.**

Contact Networks:

139. The Conservative, Labour, Liberal Democrat and Plaid Cymru parties all reported to us good, open and productive relationships with variously; the Police, Electoral Commission, CPS, Cabinet Office and other relevant agencies with responsibilities relating to electoral conduct. Some submissions referenced informal contact with anti-discrimination groups too. In particular, the Electoral Commission reported good attendance from the parties at their self-established, informal Parliamentary Advisory Group (PAG), at the statutory Parliamentary Parties Panel (PPP) and its devolved national equivalents[112]. We believe the PPP is an example of best practice and an important consultative forum. The

112 Electoral Commission written submission

transparency displayed by the Commission, which complies fully with the legal requirements and upload the minutes on their website, should be applauded. The minutes of the July 2012 PPP meeting reflect the positive impact of this forum, which recommended a joint letter from those parties represented to their candidates encouraging them to attend pre-election meetings organised by local authorities. These meetings, previously noted above, have been pointed to by Local Authorities submitting evidence as good practice. This helps to shift the focus of candidates and agents from just the election result.

140. However, we believe there are improvements that could be made to the consultative processes. A joint letter from the PPP participants to their candidates is important but all the more so for other parties which lack the same resource base and support structures. Whilst the Electoral Commission rightly retains contact with all parties on statutory guidance and electoral registration, it might be that policy discussion with other parties could yield dividends. Both the SNP and UKIP told us that they had not had contact with the Commission, Police or others on the matters of interest to our inquiry. As we have stated, we believe the Electoral Commission's Code of Conduct which is agreed by all PPP participants should be updated to remark upon discriminatory behaviour. It might also be that such a Code of Conduct should be the subject of wider support than just those on the PPP. This would square the circle for parties that do not have Codes of Conduct and enable the Commission to gather feedback on serious breaches of the code for discussion with the parties and would enable the effective communication and potential referral of non-criminal offence to party disciplinary systems. Our earlier recommendation deals with this matter precisely.

141. **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.**

Literature:

142. There are clear restrictions under electoral law relating to the publication of campaign material. These include the requirement for printed material to include an imprint, not making false statements about the personal character or conduct of any candidate and not creating a false poll card; and restrictions relating to the display of material. It should be noted that an imprint consists of the name and address of the printer, publisher and promoter of the material, but this requirement does not extend to electronic or online non-printed materials at present. – although the Electoral Commission have suggested that this should happen.[113]

113 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf

143. Election campaign material is also subject to general restrictions of criminal and civil liability law. For example, such material should not contain statements or comments that are defamatory; rules on copyright should be taken into account: and, under the Public Order Act 1986, it is an offence to publish or distribute threatening, abusive or insulting material which is intended to stir up racial hatred. The Racial and Religious Hatred Act 2006 sets out relevant provisions. Additional checks and balances are in place with Royal Mail who have relevant responsibilities and produce a guide for candidates[114].

144. Hope Not Hate submitted evidence of communications from the British National Party which focussed on spreading hate and fear about specific ethnic minority communities, for example perpetuating myths about Muslims and about the African community in East London[115]. We were told the BNP target local community issues in an attempt to inflame tensions and that localised election material was likely to be more inflammatory than national standardised leaflets[116]. These materials are also promoted and distributed via online methods, which we were told, the BNP and other organisations are utilising as a means to libel opponents during election periods. Previous efforts by MPs and others to regulate online content appear to have been unsuccessful[117]. Unfortunately, and as shown by evidence from former CRE employees, too many times such material does not pass the legal threshold for prosecution. This underlines the importance of our earlier recommendation about clarifying the role of councils in publishing corrective information to counter incitement through misinformation.

145. We agree with Hope Not Hate's assessment that the current reporting frameworks are insufficient to address libellous and damaging communications. They are quite right that "the damage to community relations is done when these materials are distributed"[118]. It is of great concern that evidence submitted privately suggests abusive leaflets are not solely the domain of the BNP but that other parties have issued leaflets intent on whipping up local divisions.

146. MPs of all parties and local branches are generally reticent to re-open matters of local controversy which have now been forgotten. However, we were shocked, appalled and disheartened to see mainstream literature which solicited votes by, for example, suggesting the Muslim heritage of opposition Councillors would affect planning decisions on mosques. Faith Matters/Tell Mama highlighted that this is not uncommon and that a key concerns of theirs the veiled or indirect use of anti-Muslim sentiment by mainstream candidates, suggesting that some parties are better for 'non-Muslims'. Lee Scott in his evidence to us suggested that pointing

114 http://www.royalmail.com/specialist-services/candidate-mailing
115 Hope Not Hate written submission
116 http://www.lep.co.uk/news/local/anti-muslim-leaflets-sent-to-lancashire-councillors-1-5613762
117 http://www.politico.org.uk/2009/09/22/a-reply-to-mark-pack-on-election-imprint-rules/
118 Ibid

to voting records in campaign literature was fine, but too often the heritage of individuals was invoked as an electoral tool against them. Parmjit Dhanda suggested in response that parties should be firmer with their candidates. The structures do exist to get down to a local level and get things sorted, he told us.

147. When asked in oral evidence about their records of party literature, the parties gave a mixed response. The SDLP ask for literature to be sent in following a campaign, UKIP do not keep copies of material but admitted that they should and the Liberal Democrats said recovery of campaign materials depended on the capacity and facilities of local branches.

148. Julian Todd on behalf of 'ElectionLeaflets.org' set out the election leaflet project, established in 2009 by individuals loosely affiliated with mysociety (which underpins the 'TheyWorkForYou' site)[119]. To date self-funded, the site was designed for the purpose of collecting and archiving UK election leaflets for the public good. The website is founded on the principle that anyone can photograph or scan leaflets and upload them to the website with details of its delivery with minimum hassle. We agree with their analysis that "if there is no system for collecting evidence when it is created, before being irrevocably lost, then you cannot achieve very much". Mr Todd suggested that electoral misconduct is a pattern for particular individuals or party branches and that by identifying this at a local level it can be addressed pre-emptively.

149. The team behind the website reported to us that they were contacted during the last general election by electors with concerns about leaflets. They quite rightly directed those inquiries to the only current repository of such complaints, the police. However, the available data suggests that few prosecutions result from such complaints. Indeed, the CPS informed us that "Whilst complaints are made to the police that election literature may contain racially offensive material, we would only consider prosecution where Part III of the POA 1986 is contravened."[120] If the objective of the political parties is to win and divisive leafleting tactics are seen to be 'working' there is little political incentive for that party to act.

150. Michael Crick, in his 2006 evidence to the Committee on Standards in Public life recommended that the law be amended to require the Electoral Commission to store a copy of every election leaflet or communication[121]. Mr. Crick's recommendation was not carried forward by the Committee. The Commission did however review its guidance on imprints in 2010 and is clear it is not within the Commission's remit to comment on electoral material beyond the general guidance it gives[122].

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119 Electionleaflets.org written submission
120 CPS written submission
121 http://blog.electionleaflets.org/2010/04/evidence-to-committee-on-standards-in-public-life-2006/
122 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/109538/PPP-minutes-Sept-2010-FINAL.pdf

151. In their 11th report, the Committee on Standards in Public Life queried the "overly passive" approach of the Electoral Commission[123]. The Commission's Chief Executive, Peter Wardle had said that the role of the commission is to 'receive information and publish it from the political parties and to monitor the extent to which they comply'. It was argued that the basic assumption in legislation is that primary responsibility for compliance rests with the parties and that they were not always forthcoming with the information the Commission required to do its job.

152. We agree that there needs to be an official incentive for candidates to more carefully consider their campaign literature output and for a party imprint to be used perhaps more judiciously than is currently the case. It should not be unreasonable for the named individual on an imprint to require that leaflets going out with their name, in any language, have been reviewed by their offices.

153. **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.**

154. **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.**

155. **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.**

156. **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.**

123 http://www.official-documents.gov.uk/document/cm70/7006/7006.pdf

06.

NON-PARTY CAMPAIGNERS

157. Non-Party Campaigners play an important role in British Electoral life. In law, these groups are occasionally referred to as third party groups but in line with the Electoral Commission's suggested approach we refer to them in this report as non-party campaigners. Some of the submissions from political parties touched on their relations with these groups. The Labour party, for example, detailed positive contacts with amongst others, Operation Black Vote. However, the ruling of the European court in Bowman vs. United Kingdom[124] outlines that non-party campaigning is subject to regulation, although of course the extent of such regulation is a matter of continuing debate and discussion.

158. The Electoral Commission has recently submitted a regulatory review to Government which included a number of policy recommendations on non-party campaigning. Those recommendations have not yet been implemented but the Commission helpfully submitted a detailed review to us of the current rules relating to non-party campaigners[125]. This encompasses those trying to influence voter's choices but not standing for election. There are two sets of rules for such groups which the Commission separates into 'local' rules which cover campaigning for or against a particular candidate and 'general' rules which cover campaigning for or against parties or groups of candidates. These are highly complex and so we have attempted to detail various scenarios in which they apply.

159. The local rules, which are derived from the RPA 1983, limit spending on campaigns for or against a candidate in a ward, constituency or local electoral area. This covers leaflets, meetings and websites. The limits vary according to the type of election and only apply during the short campaign for the general election and a longer period for local elections. It is an offence to exceed the spending limit but there is no requirement to report spending. Should the 2013 Lobbying Bill be passed into law, this will change. Alleged breaches are presently recommended to be reported to the police as the Electoral Commission does not regulate local non-party campaigning. The commission have told us it will be the role of the police or courts to interpret how the RPA applies in each individual case. There is no data on the number of allegations of breaches of local campaign rules or numbers of prosecutions. The definition of what constitutes the short campaign now fixed-terms parliaments have been introduced is also somewhat unclear.

160. The outcome of a complaint about a breach of local rules will depend on the facts of each case. The following hypothetical scenarios help to demonstrate potential routes of action:

- If a local non-party campaigner acts alone in support of a candidate or to oppose a candidate, their spending must be within the local non-party rules and

124 http://www.cartercenter.org/des-search/des/Cases/Genuine%20Elections/Bowman%20v.%20The%20United%20Kingdom%20(Transcription).pdf
125 Electoral Commission written submission

spending limit. There is no requirement to report this spending. This includes any scenario where the candidate is informed of the third parties intentions but does not authorise them.[126]

- If a local non-party campaigner co-ordinates their campaign with the candidate (or through their agent/party), there is currently no guidance or supervision available. The Electoral Commission does cover this scenario under the general rules for which they provide guidance and this may play a role in informing the police about how to handle such a scenario. The general rule guidance helps to identify to whom a spend should be attributed in the event of a reported irregularity.
- If a local non-party campaigner opposes one candidate, in a way which is likely to benefit one or more other candidates, the rules applied will depend on whether that activity has been authorised by a particular candidate. Depending on the answer, either of the scenarios above may apply.
- If a local non-party campaigner claims to be acting alone but allegations are made to the contrary or if there are suspicions that they have breached the relevant spending limit, this would be a potential criminal offence and as such should be reported to the police. Spending authorised by the candidate will count against their limit. It is a criminal offence for a candidate or their agent to knowingly submit a false declaration. The Electoral Commission does not have investigatory powers in relation to alleged breaches of the candidate rules and so cases would need to be referred to the police for investigation by either the commission or by a member of the public.

161. The general rules relate to spending at major elections as set out in the PPER Act 2000. These cover respectively people and organisations campaigning for or against specific political parties, or parties or candidates supporting particular policies and issues or particular types of candidate. However, if the focus is on promoting or opposing the election of a single named candidate, the local rules apply. According to the general rules UK campaigners can spend up to £10,000 on election material in England and £5000 in Scotland, Wales and Northern Ireland without being required to register. Otherwise they must register and in order to register are required to live in the UK, comply with spending limits, donation rules and must report spending and donations which the Electoral Commission publishes. Limits on general rule spending can be targeted at just one constituency so long as they are not about a single candidate. If material relates to a high-profile candidate (such as a party leader), facts and context determine which set of rules apply. General rules only apply to election material (leaflets, adverts, websites) that are made available to the public and can reasonably be seen as intended to promote or oppose electoral success of a party or group or

126 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/105938/to-campaign-material-npc.pdf

enhance their standing. Rallies, polling and media work are not covered by the rules. The Electoral Commission also told us that the definition of material is 'perceived' rather than 'actual' intent so if it was sent out for other purposes it can be regulated.

162. The Electoral Commission reports that the level of reported general campaigning at UK Parliamentary general elections is growing, but is low compared to the regulatory spending limits. For example in 2010, 33 campaigners registered, 23 of whom reported a combined spend of £3 million compared to the political parties whom spent a total of some £31 million. This trend is similar for other elections.

163. The Electoral Commission monitors general campaigning activity when it applies and offers advice on compliance. It reported to us that it carries out some general social media monitoring during regulated periods and contact unregistered non-party groups, often unaware that they are in breach of the rules, to ensure their full understanding. The Commission also reports that it has undertaken compliance casework in respect of allegations which has resulted in amended spending forms. Breaches of the rules are, as noted, a criminal offence.

164. Under both Local and General non-party campaigner rules, there are requirements for an imprint to be used on election material. This is covered in s110 of the RPA 1983 for the local rules or by the Electoral Commission for the general rules[127].

165. Despite these two sets of rules being in place, our attention was drawn to a number of illicit, questionable, unfair and potentially illegal practices by non-party groups. For example, the Liberal Democrats told us that they pursued a non-party group who had issued an attack on travellers to "try and play off people's prejudices on travellers". The group in question had suggested that the Lib Dems and Labour had voted in favour of new traveller facilities and tried to diminish support for either of the parties on that basis. The Lib Dems suspected the spending limits had been broken as the attack leaflets covered a number of wards. Following their own investigation, including contact with the printer, the police were informed and there was an investigation under the RPA Act and as a result individuals were given a written warning as the CPS thought it was not in the public interest to prosecute. The Lib Dems told us that they were concerned about the lack of police knowledge relating to non-party group rules.

166. Other cases of alleged misconduct have been brought to our attention. Accusations were levelled by Andrew Gilligan in the Evening Standard on 28 April 2008 that a non-party group supporting Ken Livingstone for mayor were putting out leaflets in Bengali saying that it was a "moral duty" for Muslims to

127 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0007/105937/to-campaign-npc.pdf

support Mr Livingstone. The 'British Muslim Initiative' leaflet carried no imprint. An advert they placed in the London Bengali paper also quoted Boris Johnson out of context.

167. Cardiff City Council raised another important issue relating to non-party groups as regards hustings events, which despite available guidelines from the Electoral Commission[128], were reported to have on occasion been skewed in support of one particular candidate. There was also a reported disparity in the accessibility of such hustings events, which invariably discriminates against, in particular, elderly and disabled voters.

168. In its submission, Aberdeen City Council raised the problem of flags and posters being erected by non-party groups under the guise of official party material without official party support. Whilst querying any change to the Returning Officer's responsibilities to encompass an adjudication role, they cited the importance of timely decisions so that appeals processes did not delay election results.

169. In his evidence, Andrew Dismore AM singled out the Muslim Public Affairs Committee (MPAC) for particular mention. He provided evidence of leaflets from 2005 and 2010 uploaded to the MPAC website which attacked him with malicious claims. The leaflets either did not bear a full imprint, or any imprint at all. Mr. Dismore registered concern that not all of his opponents distanced themselves from MPAC's vocal support. Both in 2005 and 2010, Mr. Dismore reports having referred the matter to the Electoral Commission who he accuses of putting this matter in the 'too hard box'. The Community Security Trust and Lee Scott MP also raised concerns about MPAC, who the CST explain do not specifically endorse a party or candidate but rather "aggressively pursue candidates" that fit a number of given criteria. The CST reported MPAC to the Equality and Human Rights Commission but did not receive a response. John Mann MP shared with the committee his submission to the Committee for Standards in Public Life in which he suggested that the use of materials such as those the MPAC deploys in seeking a tactical vote, create an electoral advantage. He wrote that a candidate could thus discreetly signal to others that "they spend money negatively campaigning against their main opponent. This would not feature in any election expenses". He went on to argue that "someone could even calculatedly set up an organisation to do damage to certain candidates and other than criminal law there is nothing that can be done".

170. It is Mr. Dismore's view that the seeming disparity between candidates' conduct and non- party conduct is unwarranted and only accepted because it is 'easier' to regulate candidates than third parties. He called for the system to be urgently reviewed to save it being held hostage by such groups. Our discussions with the

128 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0007/105946/sp-hustings-rp-npc-ca.pdf

Electoral Commission, Law Commission and parliamentarians, taken together with the evidence submitted, demonstrate that there is a general agreement that the rules on non-party groups are unclear –particularly with regard to online material and imprints - and in our view unworkable in their current state. In some cases, the application of the rules relies on an expert understanding of the context in which an incident has occurred. This then results in layers of complexity before a case is assessed and addressed, incurring a disproportionate cost and use of official's time.

171. This matter has been the subject of parliamentary debate. Mike Gapes MP introduced a Ten-Minute Rule Bill[129] on 'Electoral Registration, Identification and Eligibility for Voting;' in which he directly addressed the question of non-party campaigners. In putting his view that the rules "are not working", he explained that many groups do not register, put out thousands of leaflets without registration and worked to benefit opposing candidates. Robert Halfon MP registered concern that registration should not give rise to censorship by the backdoor and this is an important point which we have taken into account.

172. The Electoral Commission released its last review of the UK's party and election finance laws in summer 2013[130]. Amongst the changes to the rules, the Commission's recommendations include sensible and welcome suggestions for the extension of the general rules to cover events, media work and polling and other election materials. There is also the recommendation that the order-making powers of government be extended so that the rules on general campaigning can be updated. This too appears an appropriate move. The Commission rightly pointed out that if a cap on donations to political parties were introduced, non-party rules would need review to stop funds being inappropriately diverted. Whilst this is all helpful, it does not address our concerns about the 'local rules'.

173. Various other recommendations were put forward to us as remedies for this situation. This included suggestions that a ban be enforced on non-party expenditure naming a candidate for 12 months before an election, allowing third parties to campaign on issues but not against individuals. The regulation of non-party expenditure with regard to billboards, direct electronic and postal mailing and telephone canvassing was also suggested. In the case where a campaign group distributes its own material while also delivering election leaflets on behalf of a candidate, it was recommended to us that the cost of this material should be included as part of the return of election expenses. The Liberal Democrats suggested that additional police training is merited in relation to non-party offences under RPA and PPERA. They also suggested that under the RPA, non-party campaigners should be required to register with the Local Returning

129 http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110405/debtext/110405-0002.htm#11040574000002
130 http://www.electoralcommission.org.uk/__data/assets/pdf_file/0008/157499/PEF-Regulatory-Review-2013.pdf

Officer and complete election expense returns. Another suggestion was that the Electoral Commission should have stronger investigatory powers and penalties under PPERA as regards non-party groups.

174. On a related note, the TUC submitted evidence which detailed its rules covering the conduct of affiliates. These include a requirement that partner organisations have a commitment to equality and a requirement for the elimination of discrimination. Disciplinary procedures may be invoked should an organisation fail to abide by these principles. In addition, the TUC has a recommended equal opportunities model for affiliated unions which is widely utilised and reports that some 80% of the larger unions try to ensure accessible language and materials which demonstrate an inclusive and diverse membership.

175. There is a serious gap relating to non-party groups operating at a local level. With no requirements to prove spending and a disparity between the enforcement of the General and Local rules, it is no wonder that police and electoral administrators may find the situation confusing. Our fear is that by extending the General Rules without updating the local rules, existing electoral malpractice will continue. The key is to find a model that ensures appropriate checks and balances are in place without placing a disproportionate burden on any particular agency and that enables participation whilst appropriately controlling non-party campaigning that may affect the outcome of an election. It was disappointing to be told by the Electoral Commission that they would be resistant to changes to these rules. To us it is evident that they are enabling a modicum of discriminatory activity to occur. At the very least, we would expect the Electoral Commission to seriously consider and report back on these matters with some urgency.

176. As this report went to press, the 'Transparency of Lobbying, Non-party Campaigning and Trade Union Administration Bill 2013-14' was still being debated by parliament. Members of the inquiry have a range of views about the different parts of the Bill, including part 2 which addresses non-party campaigners. The debate on part 2 of the Bill in particular, has highlighted the complexities in regulating this area of campaigning. Charities and other third sector bodies have raised serious concerns about the nature and extent of regulation. However it is accomplished and regardless of the final outcome, there appears to be a general agreement by policy makers that structures are required to better regulate some aspects of non-party campaigning. It is however crucial not to do anything that would discourage civic engagement in the electoral process.

177. **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 would 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 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.

178. **We recommend that in line with political party measures, non-party groups 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.**

179. **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.**

180. 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.

Final Conclusions

181. The solutions to tackling electoral misconduct are not overly complex. Our recommendations taken together would help to embolden the existing framework for electoral conduct to make it more coherent, transparent and effective. Once operational such a system could unleash the potential our country has to be a model of best practice of which we could all be proud.

07.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Background

1. 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.

The Law, Prosecution, Policing and Judicial Enforcement

2. 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.

3. 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.

4. 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.

5. We recommend that before its next set of revisions to the statutory guidance, the Electoral Commission extends and enhances the group of stakeholders they consult 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.

6. 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.

7. 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.

8. We recommend that SPOCs be appointed in each regional police force and that they undergo mandatory training. Where SPOCs are in low 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.

9. 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.

10. 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 NCTT, the SPOC network and the Electoral Commission in advance of elections.

Political Advertising and Broadcasts

11. 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.

12. 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 Role of the Political Parties

13. 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.

14. 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.

15. 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.

16. 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.

17. We recommend that the Electoral Commission consult on and take steps to update their 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.

18. 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.

19. 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 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

Non-Party Campaigners

27. 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.

28. 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.

29. 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.

30. 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.

08.

APPENDIX

Written Evidence and Formal Correspondence

Aberdeen City Council

Aberdeenshire Council

Advertising Standards Agency

Alliance Party

Andrew Dismore AM

Anya Hart-Dyke (Quilliam)

Association of Chief Police Officers

Professor Bob Watt, University of Buckingham

Brighton and Hove City Council

Cabinet Office

Cardiff Council

Carter Centre

Committee on Standards in Public Life

Community Security Trust/Board of Deputies of British Jews

Conservative Party and the Prime Minister

Coventry City Council

Crown Prosecution Service

Democratic Unionist Party

Dept. For Communities & Local Government

Ms. Elaina Cohen

ElectionLeaflets.org

Elections Canada

Electoral Commission

Equality and Human Rights Commission

Green Party

Hope Not Hate

John Mann MP

Rt Hon Sir John Thomas, President, Queens Bench Division, High Court

Mr. Khizar Iqbal

Labour Party

Lee Scott MP

Liberal Democrat Party

Local Government Association

Mike Nesbitt MLA, Ulster Unionist Party

MIND

Moray Council

OFCOM

OSCE ODIHR

Mr. Parmjit Dhanda

Plaid Cymru

Press Complaints Commission

Private Submissions

Professor Sarah Birch, University of Essex

Razia Karim

SCOPE

Scottish National Party

Social Democratic and Labour Party

Stonewall

Faith Matters/Tell MAMA

Trades Union Congress

Tricia Marwick MSP, Presiding Officer, Scottish Parliament

United Kingdom Independence Party

Universities UK

Oral Evidence

Session 1: 14 May 2013

Mr. Lee Scott MP

Mr. Parmjit Dhanda

Mr. David Allworthy, Head of Compliance and Constitutional Support, Liberal Democrats

Mr. Michael Greaves, General Secretary, UK Independence Party

Ms. Gerry Cosgrove, General Secretary, SDLP

Session 2: 11 June 2013

Assistant Chief Constable Gary Cann, ACPO

Tony Stafford, Head of Policy, Party and Election Finance, The Electoral Commission

Tom Hawthorn, Head of Electoral Policy, The Electoral Commission

Razia Karim, Equality Consultant, Former Head of Legal Policy, CRE

Anthony Robinson, Equality Consultant, Former Legal Director, CRE

Thank You:

A number of people contributed to the panel deliberations but did not submit formal evidence. We are grateful to the following for their input:

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Daisy Baldwin
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Luciana Berger MP
Amy Braier
Rebecca Chard
Ami Cochrane
Elliot Conway
Alex Crowley
Ann Cryer
Jessica Cunniffe
Harry Evans
Nathan Feldman
Mike Freer MP
Paul Gianassi
Luke Handley
Elizabeth Harwood
Adam Haxell
Louise Higgins
Lindsey Hinds
Margot James MP
Finola Kelly
Naweed Khan
Baroness Oona King
Hilary Kitchin
Emily Knight
Lord Anthony Lester
Craig Leviton
Christopher Madden
Eilidh Mackechnie
Andrew McCullough
Lord Jon Mendelsohn
Sarah Mullholland
Sarah Newton MP
Declan O'Dempsey
Matthew Pencharz
Lord Chris Rennard
Sally Sealey
Stephanie Segal
Hugo Sutherland
Jack Tunmore
Laurence Turner
Amelia Viney
Benjamin Waldmann
Joanna White

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The All-Party Parliamentary Inquiry into Electoral Conduct was commissioned by the Chair of the All-Party Parliamentary Group Against Antisemitism. That group will hold all the relevant documents from this inquiry. Further copies of the report can therefore be obtained from www.antisemitism.org,uk