



**ALL-PARTY PARLIAMENTARY INQUIRY
INTO ELECTORAL CONDUCT
2015 GENERAL ELECTION UPDATE**

May 2015
London



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Background

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

The report was welcomed by among others, the Prime Minister, Deputy Prime Minister, Secretary of State for Culture, Media and Sport, Minister for Women and Equalities and the party President, Chairman and General Secretary of the Liberal Democrats, Conservatives and Labour party respectively. The TUC and CBI also issued supportive statements. The findings were circulated to all sitting MEPs in 2014.

Following the 2015 General Election, the chair of the inquiry, Natascha Engel MP commissioned a review to see what impact the report had achieved and what issues remained unresolved and required further action.

Policy and Procedural Changes Resulting From the Report

The electoral conduct report touched on a number of policy areas and made recommendations in each. These issues provided the focus for questions and debates in both Houses of Parliament. There have been a number of measures put in place as a direct consequence which are outlined in the following sections:

1) Policing, regulation and the law:

The panel found that whilst there was sufficient legal provision to address incidents of racism and discrimination in UK elections, the law had been “underused or misunderstood”. In order to address this, the Law Commission were advised to update electoral law. The Commission wrote to inform the inquiry chair that the

all-party report had helped frame the consultation it had subsequently published on electoral law reform. The results of that consultation are due to be issued during the summer of 2015.

The Equality and Human Rights Commission (EHRC) was criticised in the report for having not put out relevant guidance, where its predecessor had done. For the 2015 election, at the urging of MPs involved with the report, the EHRC published new guidance to help local authorities, parties and candidates understand the role of equality and human rights law in elections. That new guidance made clear that discrimination from parties is prohibited and that whilst freedom of expression is vital, it may be limited in certain circumstances to protect others from violence, hatred and discrimination. The guide is online at:

<http://www.equalityhumanrights.com/commission-publishes-election-guidance>

Whilst it is a welcome start, members of the inquiry have deemed that it could be improved.

The all-party report also included recommendations that the police should improve training, guidance, communications and data capture and sharing. In a detailed response, the police committed to implementing these various suggestions and put plans in place to do so.

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

Finally, the panel was able to clarify the role of Local Authorities in correcting false information during an election which had been unclear. The imperative now is for Ministers, the EHRC and Local Government bodies to publicise the continuing role and importance of this legal provision. The Local Government Information Unit issued a helpful briefing which mentioned this specific point and other issues considered by the report.

2) Press and Advertising:

Political advertising during an election in non-broadcast media is exempt from advertising codes. The committee recommended that the Cabinet Office seek to address this matter but the government insisted that this was a party political issue and as such required cross-party action. A voluntary advertising code was drafted and submitted to the parties for consideration and is still awaiting their consideration. Parties must of course, think ahead and have a plan to remove offensive material.

The report also considered the issue of discrimination in the media and specifically recommended that the then newly formed Independent Press Standards Organisation (IPSO) Code of Practice be improved. The inquiry panel was informed in September 2013 that updating the Code would be a key priority for IPSO and a submission about the inquiry was later made to the Secretary to the Editor's Code of Practice Committee. In January 2015, it came to light that a full review of the terms of the Editors' Code of Practice was to be conducted once the new Editors' Code of Practice Committee had been appointed. There was one relevant change relating to the existing code whereby IPSO is (and the PCC was not) specifically empowered to take forward complaints from representative groups affected by an alleged breach of the Code, where the alleged breach is significant and there is a public interest in its doing so. This mechanism recognises that others may be affected by discrimination against an individual, indirectly.

3) Political Parties & Political Campaigning:

The report made a host of recommendations about the conduct of political parties and sought to highlight good practices. Specifically, it was recommended that more transparent and time-sensitive investigations into alleged misconduct should be carried out and that a cross-party agreement on minimum standards for disciplinary processes be sought. Rt Hon Nick Clegg MP wrote a detailed response to the All-Party Inquiry in which he committed to implement a number of the recommendations and stated he was open to cross-party talks on a framework for minimum standards. Whilst some progress was made with the other major parties, there was a general reticence to enter into cross-party talks.

In March 2015, John Mann MP, chair of the All-Party Parliamentary Group Against Antisemitism, wrote to the Liberal Democrat, Labour and Conservative parties requesting details about how they planned to deal with cases of electoral

misconduct, specifically requesting: the name of a relevant contact; the expected maximum timeframe for any investigation to take place; and the processes in place to notify a complainant of the outcome of any investigation into electoral conduct.

The Conservative party chairman, Rt Hon Grant Shapps MP replied, setting out his confidence in the party's existing systems and providing a named contact. The Labour party's Iain McNicol also wrote explaining that complaints could be directed to the General Secretary himself and suggested that whilst time frames were difficult to stipulate, that he hoped to see issues dealt with "rapidly". Rt Hon Nick Clegg MP also wrote with a named contact, stipulating that according to Liberal Democrat disciplinary rules, all cases should be concluded within a maximum of 16 weeks and explaining that it is normal practice to notify the complainant of the outcomes of such cases. The Liberal Democrat disciplinary rules, he wrote, had recently been independently reviewed and changes agreed upon by delegates to the party conference.

Finally, the all-party report made recommendations about the role of non-party campaigning during an election. Specifically, concerns were raised about the materials distributed by non-party groups in order to seek a tactical vote and it was suggested that the rules needed updating and clarifying. The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill was under discussion when the electoral conduct report was published and is now an Act of Parliament. The report had argued for somewhat of a compromise between the government and third sector positions on the bill, suggesting a workability study be undertaken by the Electoral Commission and that the 'local rules' on campaigning be revised in such a way that civic engagement would be retained but additional safeguards against discrimination could be implemented. This would have included properly regulated spending by non-party campaigners. There are now greater restrictions on non-party campaigners. These rules will of course need to be kept under review and lessons learned from the 2015 election will play a useful part in such considerations.

The 2015 Election: State of the Parties Report

The All-Party Parliamentary Inquiry into Electoral Conduct was deliberately published outside of the General Election cycle. It was considered that the report would be most useful if its recommendations were allowed time to be absorbed and acted on. What follows is a short review of relevant issues emanating from the 2015 General Election.

1) Manifestos and Other Pledges

Across the political parties, there were manifesto commitments to combat discrimination and in some cases, pledges to review hate crime laws. Many parties also included specific commitments on LGBT rights and gender equality. The Conservatives Party, Labour Party, Scottish National Party, Plaid Cymru, SDLP, UUP, Green Party and Sinn Féin all had relevant text. Both the DUP and UKIP offered pledges to protect religious freedoms and the Liberal Democrat and Labour parties published special ‘mini manifestos’ on disability discrimination and for the Black Asian and Minority Ethnic community respectively.

Prior to the election, Race Equality Matters, an organisation promoting race equality and good relations, developed an electoral statement which built upon the work of the former Commission for Racial Equality which promoted similar statements in previous elections. The group secured over 100 signatories to the statement including a number of NGOs and high profile individuals.

2) Incidents and Responses

2.1 The Conservative Party

Gulzabeen Afsar, a Conservative Candidate for Derby City Council, was suspended after she posted an antisemitic Facebook message claiming that she would never support “the Jew” Ed Miliband. In an online exchange over social media, she wrote, “never ever will I drop that low and support the Al Yahud” [Arabic for Jew]. A holding statement was issued over the weekend when the incident was reported, that “her comment was offensive and wrong. She has removed it and apologised”. By the Monday morning, she had been suspended from the party¹.

A poster supporting the Conservative candidate for Hampstead and Kilburn, Simon Marcus, was daubed with a swastika. The campaign placard was also

¹ <http://www.bbc.co.uk/news/election-2015-england-32482560>

defaced with graffiti which appeared to make Mr Marcus, who is Jewish, look like Hitler². Separately, the former MP for Ilford North, Lee Scott, publicly registered his concerns about the antisemitism he experienced as a candidate³.

2.2 The Labour Party

Mike Freer, Conservative candidate and now re-elected MP for Finchley and Golders Green alleged that Labour canvassers were raising his sexuality with Orthodox Jewish voters, with the result that some were withdrawing their support for him. Labour candidate, Sarah Sackman, urged him to contact the police with any evidence that he had and publicly condemned homophobia⁴.

2.3 The Scottish National Party

An SNP candidate for Edinburgh South was accused of using an anonymous Twitter account to troll unionist party supporters and posting a link to a parody website that referred to anti-independence MPs and journalists at ‘Quislings’ a reference to a Norwegian Nazi collaborator. Nicola Sturgeon condemned the behaviour and raised in turn the remarks of a Labour activist which Labour deputy leader Kezia Dugdale said she took “very seriously”⁵.

2.4 DUP

There were a number of stories about DUP candidates or canvassers on their behalf using homophobic language⁶. This included remarks attributed to a former Minister, Jim Wells, about gay couples and over which he subsequently resigned⁷.

2.5 Liberal Democrats

A Liberal Democrat candidate, Peter Hirst, declined to support the ‘Jewish manifesto’ initiative of the Board of Deputies of British Jews, stating that: “How you treat the Palestinian people prevents me from signing up [to] this otherwise welcome manifesto⁸.” The Board of Deputies chief executive Gillian Merron said:

2 http://www.hamhigh.co.uk/home/election-2015/anti_semitic_graffiti_daubed_on_hampstead_and_kilburn_tory_poster_in_queen_s_park_l_4056247

3 <http://www.thejc.com/news/uk-news/136156/ex-mp-lee-scott-says-antisemitic-abuse-cost-him-his-seat>

4 <http://www.standard.co.uk/news/politics/tory-candidate-mike-freer-labour-canvassers-are-telling-orthodox-jews-im-gay-10228322.html>

5 <http://news.stv.tv/scotland-decides/news/318225-nicola-sturgeon-condemns-snp-candidate-neil-hay-after-twitter-row/>

6 <http://www.pinknews.co.uk/2015/04/29/dup-candidate-denies-his-canvasser-told-woman-sorry-youre-gay/>

7 <http://www.bbc.co.uk/news/election-2015-northern-ireland-32476991>

8 <http://www.thejc.com/news/uk-news/135614/ukip-candidate-sends-abusive-tweets-jewish-politicians>

“Regardless of Dr Hirst’s views on the situation in the Middle East, his willingness to hold British Jews responsible for a complex conflict and to subsequently refuse to back the community on issues such as antisemitism, religious freedoms and promoting tolerance, as outlined in the Board’s Jewish Manifesto, is deeply disturbing.”

2.6 UUP

The DUP’s David Simpson accused the UUP’s Jo-Anne Dobson’s supporters of carrying out a “despicable and personal” campaign against him and his adopted children on social media. Alleged racist comments were targeted at Mr Simpson’s adopted adult children, who are originally from Paraguay and India. David Simpson made these allegations during his victory speech on Friday morning, after he was re-elected as MP for Upper Bann. UUP leader Mike Nesbitt has said he takes the allegations “most seriously” but asked the MP to “name names”⁹.

2.7 UK Independence Party (UKIP)

A number of organisations, most prominently Hope Not Hate, registered their concerns about comments made by UKIP candidates, particularly about the Muslim community or its practices. On the 12th April, the Tell Mama organisation reported that a UKIP council candidate for the Strood North ward in Rochester in Kent had tweeted, in response to a message from radio talk show host Jon Gaunt, that he wanted to ‘hit the burka’ (sic). Tell Mama implied that such a message might be seen as promoting a suggestion of physical violence¹⁰. In Hampstead and Kilburn, UKIP candidate Magnus Nielsen was filmed declaring that Britain is “at war with Islam” at an event with an organisation that has been linked to the far-right EDL group¹¹.

Other comments from UKIP candidates drew criticism from anti-racism campaigners. A candidate in Barking and Dagenham commented “How did I know he is Nigerian?” on a news story about a fraudster but denied the remark was racist¹². A candidate in Lewisham, suggested coverage of the Stephen Lawrence murder had been disproportionate in relation to the killings of local

⁹ <http://www.belfasttelegraph.co.uk/news/general-election-2015/racism-row-erupts-after-a-close-count-in-upper-bann-31207507.html>

¹⁰ <http://tellmamauk.org/paul-orourke-strood-north-ukip-council-candidate-wants-to-hit-the-burka/>

¹¹ http://www.kilburntimes.co.uk/home/election2015/hampstead_and_kilburn_ukip_candidate_caught_on_film_declaring_uk_is_at_war_with_islam_1_4040744

¹² <http://www.standard.co.uk/news/politics/ukip-local-elections-candidates-racist-language-is-exposed-9310580.html>

white women, he later denied being racist and stated that he had not intended to cause offence. A candidate in Wigan was suspended by the party after Hope Not Hate highlighted hateful posts he had made on social media¹³. Other cases were reported in the press but related either to comments made before the 2015 election or candidates alleged links to far-right groups. A UKIP spokesman told the press that each case would be examined for possible disciplinary action by the National Executive Committee of the party.

UKIP suspended its candidate Jack Sen, for sending abusive tweets to a number of Jewish former MPs and candidates for election. Mr. Sen, the candidate for West Lancashire, tweeted targeting Labour's Luciana Berger and Conservative chairman Grant Shapps. The messages appeared to accuse the Jewish politicians of dual loyalty. He also attacked Labour leader Ed Miliband's refugee father. UKIP said his comments were not reflective of party views however, Mr Sen remains unrepentant as subsequent interviews he has given have proved¹⁴.

Another UKIP candidate, Robert Blay, who was standing for North East Hampshire was suspended from the party after he threatened to shoot his conservative rival, Ranil Jayawardena. Blay also questioned Jayawardena's ethnicity and background. A UKIP statement said; "Any comments of this sort have absolutely no place in British politics or public life, and the party would like to take this opportunity to apologize to Mr Jayawardena for any distressed caused. UKIP acts immediately in circumstances such as these¹⁵."

Separately, there was a debate about UKIP posters, which were labelled racist by some but which Nigel Farage defended as "a hard-hitting reflection of reality"¹⁶.

2.8 Non-Party Campaigners

There were a number of incidences of individuals, most often from far-right groups, targeting parliamentary and local council candidates. In Stoke-on-Trent North, former British National Party member Craig Pond was arrested on suspicion of inciting racial hatred¹⁷. Another far-right Nationalist and English

13 <http://www.wigantoday.net/news/local/ukip-candidate-suspended-over-online-race-row-1-7266840>

14 <http://www.thejc.com/news/uk-news/135614/ukip-candidate-sends-abusive-tweets-jewish-politicians>

15 <http://www.ibtimes.com/british-ukip-candidate-robert-blay-suspended-after-threatening-shoot-tory-rival-ranil-1910116>

16 <http://www.telegraph.co.uk/news/politics/ukip/10778066/Ukip-posters-are-hard-hitting-reflection-of-reality-says-Nigel-Farage-as-party-pledges-to-spend-3m-on-Euro-elections.html>

17 <http://www.bbc.co.uk/news/uk-england-stoke-staffordshire-31304638>

Defence League supporter from Somerset, was arrested for launching a series of attacks on candidates¹⁸, journalists and others¹⁹. Meanwhile in Kent, canvassers in Broadstairs were reportedly threatened by men who were claimed to be far-right activists²⁰.

Police were reported to be investigating allegations that The Core Issues Trust activists had broken electoral law and transport bylaws by handing out political leaflets on London Underground on the day of the election. This relates to a long-running difference of opinions between the group and Transport for London²¹.

2.9 Media

Labour candidate and now re-elected MP, Graham Stringer accused the BBC of ‘racial distortion’ in its online profile of the Blackly and Broughton constituency. The broadcaster referred to a multi-cultural area including a ‘Jewish community concentrated in a wealthy pocket of large detached houses’. A BBC spokesperson said: “These profiles aim to portray every constituency in a few sentences. We regret part of our description of Blackley and Broughton did not accurately reflect the area and we have now changed the wording accordingly²².”

Conclusions and Recommendations

It was encouraging that compared to previous elections, and although incidents did occur, the 2015 election was not marred by incidents of racism and discrimination. To their credit, the political parties were generally swift to act and this should be welcomed. The response may be, in-part, related to political preparedness following the All-Party Inquiry into Electoral Conduct report although there was likely a myriad of contributory factors.

Many of the recommendations of the previous all-party report have now been enacted. The police, Electoral Commission, Equality and Human Rights Commission, Law Commission and others have all looked at improving their practice.

18 <http://www.worksopguardian.co.uk/news/local/candidates-unite-against-obscure-fantast-who-declares-himself-non-elected-mp-of-bassetlaw-1-7225331>

19 http://www.huffingtonpost.co.uk/2015/04/19/online-hoaxer-joshua-bonehill-claims-he-was-arrested-over-abusive-jack-monroe-tweets_n_7096884.html

20 <http://www.kentononline.co.uk/thanet/news/activists-threatened-by-far-right-35806/>

21 <http://www.pinknews.co.uk/2015/05/09/police-investigating-gay-cure-activists-for-handing-out-leaflets-on-tube/>

22 <http://www.manchestereveningnews.co.uk/news/greater-manchester-news/bbc-accused-anti-semitism-general-election-9129583>

It was pleasing to see political parties acted quickly to suspend candidates and initiated disciplinary procedures where necessary. More broadly however, it has been disappointing that not all parties have taken up the recommendations of the all-party report with the vigour that the committee hoped for. It is clear that mechanisms should be in place for future review.

Recommendations:

1. Incidents of racism and discrimination continue to occur in UK elections. The political parties are committed to action but reticent to enter into any formal or informal agreements. It is therefore recommended that the political parties be convened in good time and certainly well in advance of the next General Election, to determine a way forward with a view to establishing a long-term approach.
2. The Equality and Human Rights Commission issued guidance to help local authorities, parties and candidates understand the role of equality and human rights law in elections. This should be reviewed for forthcoming elections, perhaps even prior to but certainly for 2020 and updated to more closely reflect the CRE guidance that was considered best practice by the electoral conduct inquiry



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