



## DEBATE PACK

Number CDP-0138, 6 July 2017

# Abuse and intimidation of candidates and the public in UK elections

## Summary

This pack has been prepared ahead of the debate to be held in Westminster Hall on Wednesday 12 July 2017 from 4.30-5.30pm on abuse and intimidation of candidates and the public in UK elections. The debate will be led by Simon Hart MP.

Following complaints from MPs about abuse at the election, the Prime Minister held a cabinet discussion on Tuesday 4 July about their concerns. This pack provides background to the issues, a selection of media articles and links to parliamentary questions and debates on the subject.

Links to Commons Library briefings on online abuse and harassment can be found in the further reading section.

The House of Commons Library prepares a briefing in hard copy and/or online for most non-legislative debates in the Chamber and Westminster Hall other than half-hour debates. Debate Packs are produced quickly after the announcement of parliamentary business. They are intended to provide a summary or overview of the issue being debated and identify relevant briefings and useful documents, including press and parliamentary material. More detailed briefing can be prepared for Members on request to the Library.

Specialist:  
Neil Johnston  
Statistician:  
Noel Dempsey

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## Background

In a healthy democracy people expect that in the cut and thrust of an election campaign, candidates seeking election are scrutinised and questioned. However, the recent general election campaign again produced examples of incidences where candidates were subject to abusive behaviour that went well beyond the cut and thrust of an election campaign.

Candidates from all parties reported verbal abuse, graffiti and even death threats during the campaign.

Sheryll Murray, Conservative MP for South East Cornwall, highlighted the problem at the first Prime Minister's Questions of the new Parliament, when [she spoke of having swastikas carved into campaign posters and abusive online messages](#).

Both Mrs Murray and the Prime Minister highlighted the concern that intimidation could be deterring people from becoming candidates.

These incidences continue when Members take their seats in the House of Commons. Stella Creasy, Labour Co-operative MP for Walthamstow, has said recently she received [a torrent of abusive letters and online messages](#) following her successful campaign to secure NHS funding for abortions for women in Northern Ireland. She was also the victim of online trolling in 2014 after supporting the campaign to have an image of Jane Austen on £10 notes. This [led to a prosecution and the sentencing](#) of the perpetrator for 18 weeks.

The Guardian [reported on 4 July](#) that ministers will investigate the extent of the problem and look at whether some work can be done across the parties to deal with the abuse suffered.

These incidences are not new. In 2013 the All-Party Parliamentary Group Against Antisemitism commissioned an inquiry into electoral conduct. The inquiry was chaired by the then Chair of the Backbench Business Committee, Natascha Engel. When [publishing the report](#) she said:

This inquiry is unique. It is the first time parliamentarians have systemically analysed electoral life with a view to eliminating racism and discrimination from it. We achieved cross-party consensus on issues of vital importance to our democracy. We now need to focus on maintaining the pressure on electoral and equalities institutions to play their part.

The inquiry heard evidence from a wide range of politicians and groups. [Its report](#) stated that:

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.<sup>1</sup>

During its investigations the inquiry found many candidates afraid to give evidence for fear that they would become even more prominent targets.

The report did not seek to impose limitations on free speech, an important feature of an open democracy, but wanted to draw on good practice to find ways in which discrimination and abuses of free speech can be appropriately reported and actioned. It made a number of recommendations.

Campaign material in UK elections and referendums is largely unregulated and it is a matter for voters to decide on the basis of such material whether they consider it accurate or not. There are two important exceptions.

The first is making or publishing a false statement of fact in relation to a candidate's personal character or conduct (not their political views or conduct), unless there are reasonable grounds to believe the statement is true. The Electoral Commission does not regulate this rule and any allegations should be made to the police.

The second is the requirement for an imprint on election material. An imprint must be added to printed election material, or online material designed to be printed, to show who is responsible for its production. It helps to ensure that there is transparency about who is campaigning. However, imprints on online material, whilst good practice recommended by the Electoral Commission, are not a requirement. One of the recommendations of the All-Party Parliamentary Inquiry into Electoral Conduct recommended that online material should also be required to have an imprint. This is a recommendation that the Law Commission also advocated in its recent review of Electoral Law, subject to a practicability provision.

The wider law does generally apply to political campaign material, such as on copyright, libel, contempt, obscenity, incitement to racial hatred or violence.

There are already laws in place which can be used to prosecute prosecuting cases involving abusive communications sent via social media, such as threats of violence, indecent or obscene message.

The All-Party Parliamentary Inquiry received evidence from 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. The CPS published [guidelines on prosecuting cases involving communications sent via social media](#) in 2013.

However, the law is complex and victims of online abuse often do not realise a crime has been committed. The All-Party Parliamentary Inquiry

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<sup>1</sup> [Report of the All-party Parliamentary Inquiry into Electoral Conduct](#), October page 9

reported “that is not to say the law is not, as it was put to us “underused or misunderstood”.

Liz Saville Roberts, Plaid Cymru MP for Dwyfor Meirionnydd, highlighted the issue in a [Ten Minute Rule Bill in March 2016](#):

Charities, agencies and police involved in tackling stalking and harassment, hate crimes and abuse are only too aware that criminals and abusers are using technology to target victims. The challenge here is to identify what is criminal behaviour and to respond appropriately.

The purposes of the Bill was to undertake a review of all relevant legislation and to consolidate powers contained in a list of statutes into a single Bill.

In November 2014, John Mann, Labour MP for Bassetlaw, [led an adjournment debate](#) on online abuse of MPs. He also highlighted the problem of prosecuting online abuse. He spoke of the case involving Stella Creasy MP and the Jane Austen £10 note, mentioned above:

My hon. Friend the Member for Walthamstow (Stella Creasy), who successfully prosecuted, said that

“the authorities didn’t even know how to begin investigating whether one person was sending these messages”—

the abusive, hateful and violent messages she was receiving—

“or many individuals”

In responding to the debate, the Minister said:

As Members may know...a number of offences may be committed by those who abuse others over the internet, including those who abuse members of Parliament. I fully accept what the hon. Gentleman said about inactivity in some cases, but I assure him that the Government are working and engaging with social media platforms, the police and other stakeholders with a view to trying to improve the position. It is by no means perfect, but we are working hard to try to make it a great deal better than it is at present.

The All-Party Parliamentary Inquiry into Electoral Conduct published updates on the [2015 General Election](#) and on the 2017 General Election.

The 2017 report concludes by saying:

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

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

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

# 1. Press and media articles

## **Does having a northern accent make you sound thick? Angela Rayner hits back at trolls**

Manchester Evening News

11 July 2017

Angela Rayner, MP for Ashton-under-Lyne in Tameside, has complained that she has been receiving a barrage of abuse from online trolls whenever she appears on TV and radio interviews.

## **Theresa May accuses Jeremy Corbyn of failing to condemn intimidation of Tory candidates during general election**

Rob Merrick, Independent

10 July 2017

Accusation will infuriate Mr Corbyn, who has repeatedly criticised abusive behaviour by Labour activists in the past

## **Tory MPs reveal 'genuine fear' after election campaign as Theresa May launches investigation into abuse**

Kenza Bryan, Independent

9 July 2017

Both Labour and Conservatives were targeted with verbal abuse, graffiti and death threats.

## **Yvette Cooper condemns left-wing 'intimidation' of Luciana Berger and attacks on Theresa May**

Politics Home

8 July 2017

Yvette Cooper has accused Labour activists of mounting a campaign of "intimidation" against Luciana Berger after the MP was told to apologise for not supporting Jeremy Corbyn in the past.

## **Stella Creasy 'received Jo Cox-style death threat from anti-abortion activist'**

Kate Proctor, Evening Standard

6 July 2017

A London MP has called in police after receiving a death threat from an alleged anti-abortion activist saying she will die like Jo Cox.

### **Conservative MP Sarah Wollaston tells of abuse during election**

Rowena Mason, Guardian

5 July 2017

Sarah Wollaston has become the second Conservative MP to speak out against abuse and intimidation around the election campaign, revealing that a masked man covered her office with graffiti insults.

### **No 10 to investigate abuse of candidates in election campaign**

Rowena Mason, Guardian

4 July 2017

Ministers will examine whether cross-party work can deal with harassment after MPs complain of online and real-life abuse and intimidation

### **'I've had swastikas carved into posters and urination on my office door': Tory MP reveals abuse from the hard left**

Helena Horton, Telegraph

28 June 2017

At the first PMQs since the General Election, Conservative MP Sheryll Murray revealed the abuse she suffered during the campaign.

### **Diane Abbott said the abuse she faced during the election campaign made her Feel "very low"**

Fiona Ritherford, BuzzFeed News

22 June 2017

"It was a tough campaign, and contrary to what you've heard about strong black women, even strong black women cry, even strong black women feel alone, even strong black women wonder, Is this all really worth it? Even strong black women think, Maybe I should just bail out."

### **This is Labour's Momentum Election – nasty, intimidating, abusive and troll-ridden**

Nicky Morgan, Conservative Home

5 June 2017

I find that the trolling, and the consistently unpleasant and abusive posts on Facebook and Twitter, are not new but have grown in their nastiness in this campaign. Other candidates report deeply unpleasant and hostile behaviour at hustings meetings. where the genuine undecided voters are now few and far between.

### **Online abuse of journalists hits peak during 2017 General Election**

News Associates

30 May 2017

### **'Death threats' have allegedly been received by the Conservative General Election candidate in Gower**

WalesOnline

16 May 2016

The police are investigating two cases of alleged malicious communications made against Byron Davies.

### **Majority of female MPs suffer abuse from public, survey reveals**

Politics Home

25 January 2017

An anonymous poll by BBC Radio5 Live reveals a third have considered quitting their jobs as a result.

### **Politicians condemn paramilitaries after bullet sent to pregnant SDLP candidate Nichola Mallon**

Belfast Telegraph

14 February 2017

The PSNI is investigating the death threat which was sent to the party's Assembly candidate in north Belfast, Nichola Mallon, in recent weeks.

### **Jeremy Corbyn: 'We're not allowing any intimidation in the party'**

Telegraph

23 July 2016

Amid complaints that critics of Mr Corbyn - particularly women - have been subjected to bullying and abuse, he will say there is no place in the party for intimidation and - in a comment at the MPs seeking to oust him - no place for "coups".

### **Web troll admits sending vile threats to Liverpool MP Luciana Berger**

Liverpool Echo

14 July 2016

A man has admitted sending a death threat to Wavertree MP Luciana Berger.

## 2. Parliamentary material

### 2.1 Questions

#### Business Questions

HC Deb 29 Jun 2017 c745

**Mims Davies (Eastleigh) (Con):** Yesterday at Prime Minister's questions my hon. Friend the Member for South East Cornwall (Mrs Murray) bravely raised both the personal impact of online abuse and the direct effect that it had during her campaign and those of many other female candidates across the UK. As the previous chair of the all-party women in Parliament group, may I ask the Leader of the House to make time for a debate on the issue so that the House can express its disgust at such direct abuse? We must not let it put off the women leaders of the future coming to this House.

**The Leader of the House of Commons (Andrea Leadsom):** I completely agree with my hon. Friend. The number of colleagues who were genuinely scared for their personal safety during the recent general election campaign was a total disgrace. There was the appalling, disgusting behaviour of the defacement of offices and posters, and the constant tearing down on social media of colleagues' efforts to get elected. It is an appalling indictment of our society that such things have been allowed to happen, and I certainly think that the House will want to take the matter further.

#### Prime Minister's Question

HC Deb 28 Jun 2017 c585

**Mrs Murray:** Over the past months I have had swastikas carved into posters; social media posts such as "Burn the witch" and "Stab the c\*\*\*"; people putting Labour party posters on my home, photographing them and pushing them through my letterbox; and even someone urinating on my office door—hardly kinder, gentler politics. Can my right hon. Friend suggest what can be done to stop such intimidation, which may well put off good people from serving in this place?

**The Prime Minister:** My hon. Friend is right to raise this issue and she was not the only person to experience such intimidation during the election campaign. This sort of intimidation was experienced—I am sorry to say—by female candidates in particular. I believe that such behaviour has no place in our democracy. She is right: it could put good people off serving in this House. We want more people to become engaged and to want to stand for election to this House. As I stand here and see the plaque dedicated to the late Jo Cox, I think we should all remember what Jo said, that "we are far more united and have far more in common" [[Official Report, 3 June 2015; Vol. 596, c. 675.](#)] with each other than the things that divide us.

## 2.2 Debates

### Online Abuse

Adjournment debate

HC Deb 7 Jul 2016 cc1063-1108

**Dr Roberta Blackman-Woods (City of Durham) (Lab)** [Extract]: I am sure that many of my fellow female Members from across the House are, unfortunately, all too familiar with this kind of online abuse. The anonymity and distance that people think social media gives them enables them to say things online that I hope they would never say face to face, but this online abuse must be tackled so that it does not prevent women from wanting to get involved in public life.

### Internet Abuse of Members of Parliament

Adjournment debate

HC Deb 4 Nov 2014 cc796-804

**John Mann (Bassetlaw) (Lab):** I wish to raise the problems that Members of the House and many more people in our communities face from the abuse of social media. For me, and probably for all hon. Members, social media has huge benefits. It is a great liberator and gives many new opportunities to people throughout the world to communicate in different ways. However, it has a small but vicious and nasty downside. Indeed, having called the debated, I noted a story in the newspapers. Mr Yaya Touré, a footballer, went back on to Twitter after five months and was immediately viciously abused by racists. Mr Robert Hannigan, the head of GCHQ, said this morning that internet companies are in denial over the use of the internet by terrorists and criminals.

We have seen the most grotesque misuse of the right of freedom of expression by individuals using the internet in a series of cases affecting Members. My hon. Friend the Member for Walthamstow (Stella Creasy), who successfully prosecuted, said that “the authorities didn’t even know how to begin investigating whether one person was sending these messages”—the abusive, hateful and violent messages she was receiving—“or many individuals”.

The grotesque racist abuse from a whole range of people in the past few weeks aimed at my hon. Friend the Member for Liverpool, Wavertree (Luciana Berger) has been a factor in my request to Mr Speaker to grant this debate. On Saturday, 10 people were arrested as a direct consequence of issues raised on the internet. When I had the temerity to raise the issue on a point of order in the House, I received the most extraordinary fake messages, allegedly in my name, which were deliberately meant to upset, alienate and aggrieve individuals in the community: incendiary words that were fiction and mere lies—nothing I would ever contemplate saying—but put up by one of these individuals in my name and then spread by others across the internet. There has been an arrest in the past few days.

## 3. Further reading

### 3.1 Commons Library briefings

#### **Online harassment and cyber bullying**

09 Jun 2017 | Commons Briefing papers | CBP-7967

There have been calls to review the law covering online harassment and cyber bullying. The Conservative and Labour manifestos both contained proposals to deal with the issue. So will the law change? This Briefing Paper focusses mainly on England and Wales, but also touches on the law and relevant guidance in Scotland and Northern Ireland.

See Section 7: Online abuse of Members of Parliament

#### **Online abuse**

06 Jul 2016 | Commons Debate packs | CDP-2016-0138

Debate pack for the adjournment debate on online abuse.

### 3.2 All-party Parliamentary Inquiry into Electoral Conduct

#### [First report, October 2013](#)

The All-Party Parliamentary Inquiry into Electoral Conduct was commissioned by John Mann MP, Chairman of the All-Party Parliamentary Group Against Antisemitism. The Inquiry was chaired by Chair of the Backbench Business Committee, Natascha Engel.

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.

[2015 General Election update](#), May 2015

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.

[2017 General Election update](#), July 2017

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

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