



DEBATE PACK

Number CDP-0124, 17 May 2019

Intimidation in public life

A general debate on Intimidation in public life, initiated by Simon Hart MP, will take place in Westminster Hall on Tuesday 21 May 2019 at 2.30pm.

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.

Compiled by:
Sarah Priddy
Subject Specialist:
Neil Johnston

Contents

1.	Background	2
1.1	2017 General Election	2
1.2	Committee on Standards in Public Life review	3
1.3	Cabinet Office Consultation	5
2.	Candidates' home addresses	10
3.	Press releases	11
4.	Press and journal articles	12
5.	Parliamentary material	14
5.1	Oral questions	14
5.2	Debates	17
5.3	Written Statements	19
5.4	Select Committees	23
6.	Further information	25
6.1	Commons Library briefings	25
6.2	Lords Library briefings	25
6.3	Committee on Standards in Public Life	25
6.4	Cabinet Office	26
6.5	Human Rights and Human Rights Commission	26
6.6	Inter-Parliamentary Union	27
6.7	All-Party Parliamentary Group on Antisemitism	27

1. Background

Summary

Following the 2017 General Election, the Prime Minister asked the Committee on Standards in Public Life (CPSL) to conduct a short review of the issue of intimidation experienced by Parliamentary candidates.

Candidates from all parties reported verbal abuse, graffiti and even death threats during the 2017 campaign, some saying that it was the worst they could remember.

The CSPL report included over 30 recommendations. These were targeted at social media companies, political parties, the media and all those in public life.

One of the recommendations was that the Government should consult on a new crime in electoral law of intimidating candidates during an election period.

The Government consulted on the introduction of a new offence of intimidating candidates and party campaigners during an election in July 2018. The Government also consulted on extending the provisions for imprints to be displayed on digital campaign material.

Following that consultation, in May 2019 the Government announced that it would introduce the new offence and extend the imprint provisions.

1.1 2017 General Election

In the cut and thrust of an election, candidates expect robust debate and to be challenged about their policies and views. What they shouldn't expect is abuse, threats of violence and physical assault.

Following the 2017 General Election, concerns were raised about the level of intimidation and abuse suffered by candidates. Intimidation in public life is nothing new but the scale and A survey of the 650 MPs elected in 2017 [was conducted by BBC 5 Live](#). Of those 650 MPs, 113 replied.

The survey found that half the respondents said the general election campaign had been the worst they had ever experienced and almost 90% said they had faced some form of abuse.

The House of Commons [held a debate](#) on abuse and intimidation during the 2017 General Election campaign. Many Members speaking in the debate gave examples of the sort of abuse they have regularly received as candidates during elections and as Members of Parliament.¹

Some Members also highlighted examples of activists and supporters being abused, including receiving hate mail because they had put an election poster in their windows.

A lot of the abuse received was online. Several Members raised the issue that the anonymous and effort free nature of abusive social media posts has made the abusive content more extreme.

¹ [HC Deb 12 July 2017, c152-71WH](#)

This was highlighted by a recent [Demos report](#) on digital politics in the UK:

What is clear though, is that the anonymous and ‘safe distance’ nature of social media platforms allows such abuse to be handed out far less respectfully than it would usually be if delivered face-to-face. Politicians of all parties have recently been highlighting this issue and its negative impact on the political process.²

The All-Party Parliamentary Group Against Antisemitism commissioned an inquiry into electoral conduct in 2013.

The 2013 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.³

Subsequent updates have been published for the 2015 and 2017 General election:

- [All-Party Parliamentary Inquiry into Electoral Conduct: General Election Update 2015](#)
- [All-Party Parliamentary Inquiry into Electoral Conduct: Final Update](#)

1.2 Committee on Standards in Public Life review

In July 2017 the Prime Minister the Committee on Standards in Public Life (CSPL) to conduct a short review of the issue of intimidation experienced by Parliamentary candidates.

Announcing the review, Lord Bew, the current chair of the Committee, said:

As an independent Committee, we will consider this issue on a non-partisan basis. Members of Parliament and candidates from a range of political backgrounds have been subjected to intimidation. It is important to shed light on these experiences to inform efforts to better protect those affected and at the same

² Demos, [Signal and Noise Can technology provide a window into the new world of digital politics in the UK?](#) May 2017

³ [Report of the All-party Parliamentary Inquiry into Electoral Conduct](#), October 2013 page 9

time maintain healthy, robust debate and legitimate scrutiny from the public and the press.

In particular, we will want to examine how social media tends to amplify, intensify, and escalate some of the long-standing issues which the Committee has been concerned about.

How those in public life and candidates for public office are treated inevitably has implications for standards in public life more broadly, including how public office holders relate to members of the public.⁴

Recommendations

The Committee reported in December 2017 and made over 30 recommendations, including that Parliament should legislate to:

- introduce a new electoral offence of intimidating a candidate or campaigner,
- remove the requirement for local election candidates to have their home address published on ballot papers,
- make social media companies liable for the content they host.⁵

The report noted that criminal law is already sufficient to cover the full range of cases of intimidation:

We have seen no evidence to suggest that the current criminal law is insufficient in covering the full range of cases that we have defined as intimidation for the purpose of this report. As such, the current criminal law should remain as it is.⁶

However, it recommended that a new sanction in relation to elections would help preserve the integrity of elections.

Some electoral offences carry an additional sanction that mean the person found guilty can be prevented from registering to vote or standing for election for up to 5 years.

The CSPL also echoed the Electoral Commission's recommendation that digital campaign material, including on social media, should carry an imprint. An imprint is designed to show who is responsible, and printed campaign material is already required to show this.

The Committee recommended that all those in public life should be mindful of how to conduct public debate, for example not using hateful language or engaging in highly personalised attacks.

This was a theme reflected in the recent House of Lords debate, [Conduct of Debate in Public Life](#).

Many of the other recommendations were targeted at social media companies, political parties, police and media aimed at enabling robust debate but without opening the doors to intimidation.

The Committee recommended social media companies "must take responsibility for developing technology and the necessary options for

⁴ CSPL Press release, [Intimidation of Parliamentary candidates: Committee announces short review](#), 12 July 2017

⁵ CSPL, [Intimidation in Public Life: A Review by the Committee on Standards in Public Life](#), December 2017, Cm 9543

⁶ Ibid, p59-60

users to tackle the issue of intimidation and abuse on their platforms.” The Government is [consulting separately](#) on a new system of accountability and oversight for tech companies in relation to online harm, including social media platforms.

In written evidence submitted to the CSPL, academics found that a third of candidates surveyed had experienced ‘inappropriate behaviour’ by supporters of opposition parties and/or candidates.⁷

The CSPL report said that political parties had a responsibility to:

- To show leadership in setting an appropriate tone for public debate around elections for their campaigners and supporters;
- To tackle intimidatory behaviour undertaken by their members;
- To provide support to their candidates who face intimidation during the election campaign. Political parties have not done enough in any of these three areas so far.

Lord Bew said that “political parties will need to work together to address intimidation in public life; they should not use this report and its recommendations for partisan purposes or political gain”.

In particular, the Committee recommended party leaders should lead by example in calling out intimidatory behaviour and that the parties should set clear expectations about expected behaviour. The Committee also recommended that parties must recognise their duty of care to candidates and members and provide better support.

The CSPL report also recommended that police forces and policing organisations should develop training and guidance for police. The report also recommended that the National Police Chiefs Council, working with the Crown Prosecution Service and the College of Policing, should produce accessible guidance for Parliamentary candidates giving clear advice on behaviour they may experience during a campaign which is likely to constitute a criminal offence and what they should do in the face of such intimidation.

1.3 Cabinet Office Consultation

In March 2018 the Cabinet Office responded to the CSPL report. In its response, the Government welcomed the report and committed to consulting on a new electoral offence of intimidation of candidates.⁸

The consultation took place from October to July 2018.⁹ The consultation also included imprints on digital material and questions about the law on undue influence – intimidating a voter in relation to their vote.

On publish the outcome of the consultation the Government committed to introduce a new electoral offence for intimidation, clarify the existing electoral offence of undue influence, and implement the

⁷ Ibid, p48

⁸ Cabinet Office, [Government’s response to the Committee on Standards of Public Life Review of Intimidation in Public Life](#), March 2018, Cm 9578

⁹ Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information](#), July 2018

recommendation that digital campaign material should be clearly marked to inform voters who was responsible for the message.

New electoral offence of intimidating a candidate or campaigner during the election campaign period

The Government proposed to introduce a new offence of intimidating a candidate or campaigner that would apply during the regulated period of an election. The offence would apply to all non-devolved elections. The conduct of local government elections in Scotland and Wales and elections to the Scottish Parliament and to the National Assembly for Wales are now devolved in Scotland and Wales. The scope of the consultation did not apply to these elections.

The Government agreed that “current criminal law sufficiently prohibits a large and diverse range of intimidatory acts”.¹⁰

Its proposal was to therefore to create a new electoral offence which would apply electoral sanctions to existing criminal offences which capture intimidatory behaviour. The intimidatory behaviour against a candidate would have to be because they are a candidate or campaigner to attract the electoral offence.

The offence would be labelled either a ‘corrupt’ practice. Under electoral law election offences that carry the label of being a ‘corrupt’ or ‘illegal’ practice are criminal offences that carry an additional electoral penalty. As well as carrying a criminal sanction of a fine and/or a maximum of two years in prison, persons found guilty of corrupt or illegal practices are prohibited from standing or holding any elected office for a period of three or five years. Corrupt practices can also lead to a person being prohibited from registering to vote for five years.

The offence would apply during the regulated period of an election campaign;

We propose that protection during the election period would start at least from the period of notice of elections, which is 25 days before polling day. It is clear from this point that a campaign can begin as an election is formally publicised to take place. Protection from this time, until the end of the election period, would be applied to both candidates and campaigners.¹¹

The Government consulted on whether the period protection would end seven calendar days after the close of poll. This was to protect candidates in the period immediately after the poll, during the count and before candidates have formally taken up their role.

Following the consultation, the Government proposed that the new offence, which was generally welcomed, would apply for the statutory timetable for non-devolved elections from the notice of election (25 working days before polling day) and for the seven days after polling day.

For UK Parliamentary elections, the period covered would be during the long campaign. For example, if somebody attacked a person, who has

¹⁰ Ibid, p22

¹¹ Ibid, p28-9

not yet been officially nominated or declared, but in all the circumstances should be taken to be a candidate the offence would apply. This could also include incumbent MPs.¹² The long campaign is the period before someone officially becomes a candidate when campaign spending limits apply. This applies at the end of a five-year Parliament.

Increasing Transparency in Digital Election Campaigning

The CSPL had agreed with the Electoral Commission's recommendation that digital campaign material should carry and 'imprint'.

An imprint is already required on printed campaign material produced by parties, campaigners and candidates during the regulated period before an election, but the law does not currently cover digital campaign material (unless it is designed to be downloaded and printed).

An imprint is designed to inform the voter who is behind the campaign and who created the materials. There is nothing illegal in using bots or campaigners to spread a campaign message but without an imprint the lack of accountability of the campaigner's identity can be a problem when they are used to deceive voters about a campaigner's identity or their true level of support, or used to abuse people.

The Electoral Commission has been recommending since 2003 that online campaign material should include an imprint. In its recent report on digital campaigning the Commission said:

Campaigners would then have to identify who they are so that it is clear who is campaigning. We currently advise campaigners to include an imprint, even though it is not required under law.

This could include posts made by bots and paid trolls. Although posting on social media is free, it costs money to employ people and acquire bots. These costs count towards a campaigner's spending limit for an election or referendum. A campaigner who doesn't include an imprint would run the risk of a fine.

Imprints on digital campaign messages would also help us enforce the spending rules. This is because we would have a better idea who may need to register and submit a spending return after an election or referendum.¹³

Following the consultation, the Government committed to take this proposal forward in line with work the Government is doing in relation to online harm:

As a part of their work on the Online Harms White Paper, we will work with the Department for Digital, Culture, Media and Sport on their review of online advertising, and the appropriate regulations for the digital imprint proposals. The Cabinet Office will now consider the technical details of how the legislation should be framed, to ensure an effective and proportionate digital imprint regime.

We envisage a regime that will increase the transparency of digital election material whilst not unnecessarily or disproportionately

¹² Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information Government Response](#), May 2019, p26

¹³ Electoral Commission, [Digital campaigning: Increasing transparency for voters](#), June 2018, p8

interfering with individual members of the public expressing opinions and engaging in democratic debate.¹⁴

Undue influence

The consultation also included questions on the electoral crime of undue influence.

Undue influence is one of the 'classic' electoral fraud crimes that date from the Victorian era, when much of the law around electoral processes was first drafted. It relates to intimidating voters on how to vote or preventing them voting.

The Law Commission recommended in 2016 that the law on undue influence should be modernised and be restated as an offence of intimidation, deception and improper pressure on voters.

The consultation also included questions on extending the offence of undue influence to protect voters from intimidation outside polling stations.

The Pickles Review into electoral fraud raised concerns about intimidatory behaviour outside polling stations and the uncertainty of whether an offence had been committed in such circumstances.¹⁵

The response to the consultation stated:

We will bring legislation forward, when parliamentary time allows, to simplify the offence of undue influence to ensure that voters are protected so that they can make their choice without being subject to inappropriate pressure.

Respondents welcomed the proposals, particularly in relation to clarifying intimidation at polling stations. The CPS asked whether there was a need to specifically include intimidation 'at a polling station'. It was considered that intimidation at a polling station would be captured if other elements of undue influence were sufficiently clarified. The Electoral Commission shared a similar viewpoint.

The Government committed to taking the proposal forward and to include polling stations within the scope of the offence. It did, however acknowledge that:

In terms of how the area included in 'inside and outside a polling station' would be defined or identified, the Government is aware that this won't always be as straightforward as it may seem as a variety of buildings are used to hold polls. Polling places which house the polling stations, and the grounds they sit in, vary in size, shape and space and it is difficult to define a standard radius.¹⁶

¹⁴ Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information Government Response](#), May 2019, p37

¹⁵ Sir Eric Pickles, [Securing the ballot Report of Sir Eric Pickles' review into electoral fraud](#), August 2016

¹⁶ Cabinet Office, [Protecting the Debate: Intimidation, Influence and Information Government Response](#), May 2019, p30

New consultation announced

On 5 May 2019, as well as announcing the intention to legislate in the three areas covered in the consultation, the Government committed to launching a wider consultation on electoral integrity.

The Government plans to take views of interested groups like the Parliamentary Parties Panel and the Electoral Commission to better understand the problems which Government could seek to address in the consultation:

The consultation may consider recommendations for increasing transparency on digital political advertising, including by third parties; closing loopholes on foreign spending in elections; preventing shell companies from sidestepping the current rules on political finance and on action to tackle foreign lobbying.¹⁷

¹⁷ Cabinet Office press release, [Government safeguards UK elections](#), 9 May 2019

2. Candidates' home addresses

The nomination form for a candidate at an election includes the candidate's home address. It had been a long-standing practice that the address was then included on the ballot paper.

Since 2009 candidates at UK Parliamentary candidates have been able to request that their home address be withheld from the ballot paper.¹⁸ This followed a consultation by the then Labour Government.¹⁹

The Government accepted the CSPL recommendation that local election candidates should also be able to request that their home address be withheld from publication. The recommendation had cross-party support.

The rules were changed for the local election held in England in May 2019. A statutory instrument was laid in Parliament in December 2018 to allow for the change.

The rule change applied in England only. The administration of local election in Scotland and Wales is devolved. Both are expected to follow suit in time for the next scheduled local elections.

In Northern Ireland, where local elections were also held in May 2019, candidates were still had home addresses published. The UK Government is responsible for election law in Northern Ireland.

An SDLP councillor chose not to stand for re-election in Lisburn and Castlereagh City Council because of the requirement. The *Belfast Telegraph* reported that the Head of the Electoral Office for Northern Ireland, who is responsible for the administration of elections in Northern Ireland, said:

..she had written to the Northern Ireland Office and the Head of the Electoral Commission highlighting the issue that they may "wish to consider for legislative change"²⁰

The paper quotes a UK Government source, as saying they were "sympathetic to the concerns raised". They went on to say;

This requirement has been in place since 1962 and it would require legislation to change the law,...This is not possible ahead of the local elections deadline on Monday. We will urgently review this issue going forward.

¹⁸ Amended by section 24 of the *Political Parties and Elections Act 2009* (chapter 12)

¹⁹ Ministry of Justice, [Publication of candidates' addresses at UK Parliamentary elections](#), Consultation Paper CP(L) 30/08, 26 November 2008

²⁰ Belfast Telegraph, [Address safety fears force Mairia Cahill out of council election vote](#), 5 April 2019

3. Press releases

Electoral Commission Statement

[Commission statement on candidate conduct and disqualification](#)

8 May 2019

“There is a responsibility for everyone involved in elections – whether as campaigners, candidates or voters – to engage in mutually respectful debate. It is extremely disappointing to see the offensive and irresponsible abuse which has been directed at Jess Phillips MP.

“Under current law there are limited grounds to disqualify an individual from standing for election. The laws that disqualify candidates are set out by Parliament and enforced by the police, so any changes would be for Parliament to make. We stand ready to provide advice on how any such changes might work.”

The National Police Chiefs Council, working with the Crown Prosecution Service and the Electoral Commission have written guidance documents for candidates and campaigners about harassment and intimidation at elections.

[Guidance available on Electoral Commission website](#)

Government press notices

[Government launches consultation to protect political debate](#)

Chole Smith, Cabinet Office

29 July 2018

The government is highlighting the seriousness of the threat of intimidation of candidates and campaigners to the integrity of public life and the electoral process.

[New Electoral Laws proposed to combat intimidation in public life](#)

Chole Smith, Cabinet Office

6 February 2018

The government will consult on plans to remove personal information from ballot paper and new electoral law offence.

4. Press and journal articles

Please note: The Library is not responsible for either the views or accuracy of external content.

[Local authorities should crack down on MPs for their divisive political antics. Lives are quite literally at stake](#)

The Independent, James Moore

9 May 2019

With campaigning for elections to the European parliament underway, a diverse group of charities, human rights organisations and community groups has come together under the auspices of the TUC to call on politicians to take a stand against the hate speech that is becoming all too common in today's Britain.

[Threats to MPs rise to 'unprecedented' levels](#)

The Telegraph, Helen Warrell

8 May 2019

Cressida Dick admitted that an "extraordinary set of circumstances", including the murder in 2016 of Labour MP Jo Cox and the Westminster Bridge terrorist attack a year later, had combined to engender a climate in which MPs were being targeted for abuse more than at any other time in her policing career.

[Government to legislate for electoral offence of intimidating candidates or campaigners](#)

Public Law today

7 May 2019

Publishing its response to a consultation entitled Protecting the Debate: Intimidation, Influence and Information, the Cabinet Office said: "The new electoral offence has been developed to crack down on the intimidation and abuse being suffered by those at the forefront of public service. Intimidatory or abusive behaviour is a crime, which in extreme cases is already punishable with a custodial sentence."

[Police call for change to 'outdated' protest laws after MPs threatened over Brexit](#)

The Independent, Lizzie Dearden

21 April 2019

In the wake of protests by the UK "yellow vests" and other Brexit-related groups stationed outside parliament, Metropolitan Police commander Adrian Usher said officers were struggling to enforce current laws.

[Brexit supporter jailed for sending MPs death threats and racist abuse](#)

The Independent, Lizzie Dearden

18 April 2019

“It would appear the defendant was motivated to send these messages by the stance that each of these MPs took towards Brexit,” prosecutor Andrea Scott-Lynch told the court.

[Death threats leave TIG MP too afraid to advertise public meetings](#)

The Independent, Charlie Bradley

13 April 2019

Former Conservative MP Sarah Wollaston has told The Independent she is too afraid to advertise meetings in public because of death threats and abuse

[10,000 riot police ready to tackle Brexit disorder](#)

The Independent, Lizzie Dearden

4 April 2019

Police chief appeals to politicians and activists to ‘think about the consequences’ of their rhetoric in ‘febrile’ atmosphere

The new National Police Chiefs’ Council (NPCC) chair, Metropolitan Police assistant commissioner Martin Hewitt, said the situation would depend on “the way prominent people with a platform conduct themselves”.

[MPs told to travel home in black cabs to avoid Brexit abuse](#)

The Telegraph, Charles Hymas

21 March 2019

MPs have been told to travel home in black cabs to avoid abuse over Brexit, as Britain's chief prosecutor warned people who threaten MPs will not be able to use free speech as a defence.

['Death threats every single day': MPs on effect of Brexit vote](#)

The Guardian, Dan Sabbagh

5 March 2019

MPs have warned that Brexit has coarsened public debate to the point where they regularly receive death threats and other forms of intimidation via social media and elsewhere, with many using panic buttons for their own safety.

5. Parliamentary material

5.1 Oral questions

[European Parliament Elections: Candidate Intimidation](#)

HC Deb 24 April 2019 cc730-732

Kerry McCarthy (Bristol East) (Lab): What steps his Department is taking to prevent the intimidation of candidates in the event that the UK participates in the upcoming European Parliament elections. [910477]

The Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office (Mr David Lidington): The Government will work closely with the police and electoral administrators to tackle any reports or allegations of intimidation, as we do in the run-up to all elections.

Kerry McCarthy: I am very glad that the Minister is taking this seriously. There will be so many of us in this House who have seen an escalation of threats and abuse in the current political climate, and there is a real fear—when we have the likes of Nigel Farage saying that the European elections are an opportunity to put the “fear of God” into politicians—that such people run the risk of stoking up that kind of intimidation and aggressive behaviour. What can the Minister do to try to ensure that everyone conducts the European elections in a moderate, temperate, professional way?

Mr Lidington: I think there is a responsibility on politicians of all political parties—left, right and centre—to try to conduct elections in a spirit, yes, of democratic argument and debate, but also in a spirit of mutual respect for the fact that, in a pluralist democracy, we are entitled to disagree and to express our disagreement; and then to accept the election result however that turns out and to get on with people of other parties, who have an equal democratic mandate to our own.

Theresa Villiers (Chipping Barnet) (Con): I recently had the honour to co-host a conference on misogyny and antisemitism. May I urge the Government to do everything they can to make sure these two forms of hate crime do not prevent women from participating in elections and making their voices heard in the democratic process?

Mr Lidington: I agree wholly with what my right hon. Friend has just said. I think one of the most shocking features I have found about life in the House of Commons in the last few years is to learn, in particular from women MPs of different political parties, how they have often been singled out for the sort of misogynistic, brutal abuse that far too many have suffered.

Tom Brake (Carshalton and Wallington) (LD): May I ask the Minister what support he can give to local authorities, and particularly to polling station staff, who in fact may be the most vulnerable during the European election campaign?

Mr Lidington: As the right hon. Gentleman knows, we have been consulting on creating a new electoral offence of intimidating candidates and campaigners. As far as the staff are concerned, any intimidation or abuse is prima facie a breach of existing criminal law, and I hope that political party representatives and presiding officers would have no hesitation in reporting such things to the police.

Tom Pursglove (Corby) (Con): I am very clear and I think the Government are very clear that it is the duty of all politicians of all parties to call out abuse and intimidation wherever and whenever it happens. However, in this particular instance, would it not just be better to keep our promises, and call off these farcical elections?

Mr Lidington: It would indeed be the Government's hope that, even now, we could agree and ratify the withdrawal agreement and give effect to it, which would make it possible for these elections not to take place, but the only way to stop these elections taking place is to bring into effect the withdrawal agreement or to pass primary legislation through Parliament disapplying our international obligations.

Thangam Debbonaire (Bristol West) (Lab): I am very worried about the fact that other candidates are already trying to intimidate candidates. Using language like "fear of God" is not a good way to go about our democracy. I was at a conference this morning at which a country, Eritrea, was trying to discuss how to build a democracy. Surely the Minister for the Cabinet Office will wish to be stronger in his language in condemning the outrageous language of other candidates using words such as "fear of God"?

Mr Lidington: I think I was very clear in my earlier comments that there is a profound responsibility on politicians, particularly political leaders, of any party to show moderation and restraint in the language they use about political opponents.

[Intimidation in Public Life](#)

HC Deb 13 Mar 2019 cc330-333

Nicky Morgan (Loughborough) (Con): What assessment he has made of trends in the level of intimidation of people in public life. [909767]

The Parliamentary Secretary, Cabinet Office (Chloe Smith): The increasing prevalence of intimidation in public life can seriously damage our democracy, as we have already just discussed. The Government are taking a range of actions to tackle this problem, including a consultation on a new electoral offence of intimidating candidates and campaigners.

Nicky Morgan: I thank the Minister very much for that reply. She may have seen the "Exposure" programme broadcast last week, which captured the abuse and threats of death that I have faced, that my hon. Friend the Member for Eddisbury (Antoinette Sandbach) has faced, and that my former right hon. Friend—still a friend—the right hon. Member for Broxtowe (Anna Soubry), has faced. There was also an excellent

response from the Speaker to a point of order that I raised on the matter. Does the Minister agree that the systematic intimidation of MPs in this place on the way they vote should be a real concern to anybody interested in our democracy?

Chloe Smith: Yes, I do agree. The Government have therefore been working closely with the parliamentary security team, the police, administrators and others, because tackling this issue requires action from everyone. It also goes wider than just Members of Parliament. For example, we are helping candidates at the local elections this year to be safer with their home addresses.

Several hon. Members rose—

Mr Speaker: One sentence, Tom Brake.

Tom Brake (Carshalton and Wallington) (LD): Will the Minister commit to conducting a Mueller-style public inquiry into the alleged electoral fraud that has been committed in electronic campaigning by, for example, the leave campaign and potentially Arron Banks, who is being investigated by the National Crime Agency? [909769]

Mr Speaker: The right hon. Gentleman is of course concerned about the implications for intimidation, to which I am sure the question relates.

Chloe Smith: The right hon. Gentleman should know that the Government cannot have such an inquiry because the agencies investigating are independent, and rightly so. I can reassure the House that we have seen no evidence of successful interference in UK democratic processes, and that is as we would wish it to be.

[Public Life: Intimidation](#)

HC Deb 6 Feb 2019 cc315-316

Dr Matthew Offord (Hendon) (Con): What assessment he has made of trends in the level of intimidation faced by those in public life.

The Minister without Portfolio (Brandon Lewis): The increasing prevalence of intimidation in public life can seriously damage our democracy, which is why the Government have consulted on a new electoral offence of intimidating candidates and campaigners. We are currently analysing the contributions to the consultation, with a response due to be published soon.

Dr Offord: What progress is the Department making with online platform providers to ensure that they develop and implement automated techniques for content removal and address take-down times for offensive material?

Brandon Lewis: My hon. Friend makes a good point that he has made strongly before, which is to his huge credit. We have been clear that much more needs to be done to tackle online harm. Too often, online behaviour fails to meet acceptable standards, with many users powerless to address such issues. A joint Department for Digital,

Culture, Media and Sport and Home Office White Paper is expected to be published in the near future and will set out legislative and non-legislative measures detailing how we can tackle online harm and set clear responsibilities for tech companies to keep UK citizens safe. We want to ensure that we do that in a fair and proper way.

Anna Turley (Redcar) (Lab/Co-op): Are the Government looking at the effects of social media intimidation on our democracy? A wide number of pieces on social media, involving both misuse of data and funding of unclear origin, are intimidating and influencing political debate in this country.

Brandon Lewis: The hon. Lady makes a good point. We are looking at exactly that, because we must ensure that people have a clear view of what is true, fair and appropriate online.

Mr Peter Bone (Wellingborough) (Con): Someone came to my surgery this week and clearly made an implied threat to me, a number of Members of this House and a former Prime Minister. However, if I report any of that, I am breaching the confidentiality of the person who came to see me, so I want to know the Minister's advice.

Brandon Lewis: I do not think that my hon. Friend would have been breaching confidentiality, because if such conversations are happening, that represents a threat that he would be well within his rights to report to the police.

Mr Gregory Campbell (East Londonderry) (DUP): I have been subjected to online intimidation. Does the Minister agree that we need to drive home the message that the secrecy of the iPhone or keyboard is not protection enough for people to spew vile, intimidatory statements and messages to anybody in public life?

Brandon Lewis: The hon. Gentleman makes a fair point. All of us in public life should call out such things when we see them. We must be clear about what is unacceptable and report it to the authorities where appropriate, so that people feel able to engage online in a proper and fair way without intimidation or abuse.

5.2 Debates

[Conduct of Debate in Public Life](#)

Lords motion that this House regrets the conduct, and toxicity, of debate in public life

09 May 2019 | Debates | House of Lords | 797 cc974-1378

Lead member: Harris of Haringey, Lord | **Answering member:** Young of Cookham, Lord **Department:** Cabinet Office

[Points of Order](#)

Sir William Cash: On a point of order, Mr Speaker. Do you regard the outrageous abuse and intimidation that has been levelled against the

hon. Members for Stoke-on-Trent North (Ruth Smeeth), for Liverpool, Wavertree (Luciana Berger) and others as sufficient evidence of a contempt of the House? Page 262 of "Erskine May" states that it is a contempt of the House to molest and intimidate MPs by abusive language outside or inside the precincts of the House. Is there a prima facie case for contempt in the circumstances that I have described, with this completely and totally outrageous behaviour by members of the public towards those Members?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order, which I treat extremely seriously. I do so partly because of the content and partly in deference to his renowned parliamentarianism. The short answer is that there could be such a case. The particulars would have to be studied and it would be imprudent, and therefore inappropriate, for me to seek to venture a judgment here and now. However, as he will know, if there is an allegation of contempt to be made, it should properly be made in writing to me and I will then reflect on it, taking such professional advice as I think I need, but I thank him for raising this point of order, which I know he does out of a concern to protect the rights of Members in all parts of the House. Any Member could be similarly affected, and he has done a public service. Knowing his dogged tenacity and his insistence on following through, I imagine that his letter will be winging its way to me ere long.

19 Apr 2018 | Proceeding contributions | House of Commons | 639 c464

[Role of Women in Public Life](#)

Lords motion to take note of the role of women in public life and the progress made in increasing their representation in Parliament 100 years after the Representation of the People Act 1918 received Royal Assent. Agreed to on question. **(Part 2)**.

HL Deb 5 Feb 2018 cc1801-1842; cc1866-1902

Lead member: Vere of Norbiton, Baroness | **Answering member:** Williams of Trafford, Baroness | **Department:** Government Equalities Office

[General Election Campaign: Abuse and Intimidation](#)

Motion that this House has considered the abuse and intimidation of candidates and the public.

14 Sep 2017 | Debates | House of Commons | 628 cc1040-1082 **Lead member:** Newton, Sarah | **Answering member:** Skidmore, Chris **Department:** Home Office · Cabinet Office

[UK Elections: Abuse and Intimidation](#)

Motion that this House has considered abuse and intimidation of candidates and the public in UK elections. Agreed to on question. Sitting adjourned without Question put.

12 Jul 2017 | Debates | House of Commons | 627 cc151-170WH

Lead member: Hart, Simon | **Answering member:** Skidmore, Chris
Department: Cabinet Office

5.3 Written Statements

[Update on Government's response to the Committee on Standards in Public Life Review of Intimidation in Public Life](#)

Chloe Smith (Minister for the Constitution)

07 Mar 2019 HCWS1389

In July 2017 the Committee on Standards in Public Life was asked by the Prime Minister to conduct a review of intimidation experienced by parliamentary candidates, including those who stood at the 2017 General Election. The Committee also considered the broader implications for other candidates for public office and public office holders. Its report, **Intimidation in Public Life**, was published in December 2017.

In March 2018 the Government published its response to the Committee on Standards in Public Life's report. We thank the Committee for their work on the report which makes sobering reading. In that response, we committed to a series of actions based on the Committee's recommendations, and today, I wish to update Parliament on the work the Government has taken since March 2018 to play our part in building a democracy in which every voice can be heard. The Committee also made recommendations to a range of organisations including social media companies, political parties, Parliament, the police, and broadcast and print media. In our response we committed to encouraging and supporting those organisations to implement a number of the recommendations.

We have:

- Undertaken a public consultation entitled 'Protecting the Debate: Intimidation, Influence and Information'. The consultation sought views on a proposed new electoral offence of intimidation of candidates and campaigners, recasting the offence of undue influence, and on extending the imprints regime to cover digital electoral materials. The consultation closed in October 2018 and the Government's response will be published in due course. As was said in the consultation, intimidatory behaviour during election campaigns harms everyone - including all voters - by putting people off taking part in elections and public service.
- Consulted stakeholders on changes to deliver, and to go beyond, the recommendation for removing the requirement for the addresses of candidates at local council elections to appear on the ballot paper. The four statutory instruments to make these changes for local government, parish council, combined authority mayoral and local mayoral elections in England have

been approved by Parliament, and are now in place for the local elections in May.

- Consulted on our Internet Safety Strategy Green paper, and we will publish a joint DCMS-Home Office White Paper. The White Paper will set out a range of legislative and non-legislative measures detailing how we will tackle online harms and set clear responsibilities for tech companies to keep UK citizens safe. It will establish a government-wide approach to online safety, delivering the Digital Charter's ambitions of making the UK the safest place in the world to be online, whilst also leading the world in innovation-friendly regulation that supports the growth of the tech sector. It will also include ambitious measures to support continued education and awareness for all users and to promote the development and adoption of new safety technologies.
- Led contact with other Five Eyes Countries (Australia; New Zealand; Canada; USA) to establish a network of learning regarding our approaches to identifying and tackling online hate crime and intimidation. This aims to identify synergies or gaps in approaches, promote consensus, and gather best practice that can be shared for the benefit of all countries.
- Written to Local Authority Chief Executives, to raise awareness about the sensitive interest provisions in the Localism Act 2011 which protect the personal addresses of councillors in England, ensuring that monitoring officers are aware of the guidance published by the Ministry of Housing, Communities and Local Government. This has been made public on GOV.UK.
- Held discussions with the social media companies and the Electoral Commission about how a 'pop up' social media team for elections could provide support for users that report inappropriate behaviour work and we will continue to collaborate as we explore potential next steps.
- Over and above the recommendation in the Committee's report, the Government will be considering what further steps are necessary to ensure the safety of Parliamentarians and their staff, in the vicinity of Parliament, in their constituencies and online, and Ministers are open to representations from Hon. Members across the House on this matter.

Alongside the work by the Government, other public bodies have been delivering on the recommendations from the Committee:

- The Deputy Speaker of the House of Commons and the Director of Security for Parliament have written to all MPs reminding them of the security advice and services offered by Police and the Parliamentary Security Department's Members' Security Support Service. There has been a significant improvement in the take up by MPs of recommended security measures.
- In the area around Parliament, the Metropolitan Police has maintained an ongoing policing operation. Its role is to facilitate peaceful protest and balance the needs and rights of all those

present, including protestors, MPs and members of the public. The Police will deal robustly with incidents of harassment and abuse against anyone where that harassment or abuse constitutes a criminal offence. Officers in the area have been briefed to intervene appropriately where they hear or see breaches of the law.

- The Metropolitan Police, through their Parliamentary Liaison and Investigative Team (PLAIT), provide support to all local forces on all issues relating to parliamentary candidates. Each force has a single point of contact in place, who has contact with the PLAIT through regular updates and meetings as required. In regard to social media training, the College of Policing has developed a new digital policing curriculum which includes communication offences (which social media is a part of). This is now incorporated into the Policing Education Qualifications Framework for all new starters and the College are currently developing the learning products for all existing staff to be upskilled across the digital policing landscape including social media.
- The College of Policing, in collaboration with the Electoral Commission, have been working to update the Policing Elections Authorised Professional Practice on stalking and harassment, which will be available in Spring 2019. The College of Policing also have a new digital policing curriculum which includes communication offences.
- A working group led by the National Police Chiefs' Council has been convened to develop new guidance for parliamentary candidates in line with the Committee's recommendations. The revised guidance will feature two complementary documents, with the intention that both guides are read in conjunction. The first signposts a rapid pathway to achieve a resolution for both criminal and non-criminal unwanted behaviour and conduct and provides advice based on the experiences of prospective candidates. This is complemented by a longer piece of guidance, which provides details of what might constitute a breach of a number of criminal laws, in order to inform and assist candidates on any contact they may have with police and the wider criminal justice system. The working group will consult with the appropriate stakeholders, including the Parliamentary Parties Panel, with a view to publishing the full set of guidance in April 2019.

We cannot allow intimidation to threaten the vibrancy and diversity of our public life. Intimidatory behaviour impacts on the quality of our democracy and the lives of those who play an active role in it. It is incumbent on all of us in public life to combat this issue and the Government will continue to work with others including public bodies, social media companies, policing and prosecution authorities, and political parties.

Committee on Standards in Public Life

Chloe Smith (Minister for the Constitution)

6 Feb 2018 HCWS452

In July 2017, the Prime Minister asked the independent Committee on Standards in Public Life to undertake a review into the issue of abuse and intimidation experienced by Parliamentary candidates, including those who stood in the 2017 General Election campaign. Concerns were highlighted by those across the political spectrum. The Committee published a comprehensive report in December.

The Government would like to thank the Committee of Standards in Public Life again for their considered and thorough report. The Prime Minister has today announced some initial measures based on the Committee's findings and the Government will be publishing a substantive response in due course.

As the Prime Minister notes today, in public life, and increasingly in private conversations too, it is becoming harder and harder to conduct any political discussion, on any issue, without it descending into tribalism and rancour. Social media and digital communication – which in themselves can and should be forces for good in our democracy – are being exploited and abused, often anonymously. British democracy has always been robust and oppositional. But a line is crossed when disagreement descends into intimidation.

Individuals standing for elected office

It cannot be right that people looking to participate in our democracy are subject to abuse and intimidation for doing so. The Government will therefore consult in due course on the introduction of a new offence in electoral law on intimidating candidates and campaigners. We also propose to remove the requirement for candidates for local government to include their home addresses on ballot papers, if they do not wish to do so. This extends the protection already offered to parliamentary candidates.

Online content

We want users to be better informed about how reported social media content is dealt with. We will establish a new Annual Internet Safety Transparency Report, to improve our understanding of the offensive content being reported, how social media companies are responding to complaints, and what content is being removed.

The Prime Minister has today called on social media companies to set out how they will respond to the recommendations in the report, and we have been encouraged by the positive response we have seen thus far. It is welcome that social media companies have agreed to take forward the recommendation for a 'pop up' social media reporting team for election campaigns and they will actively provide advice and support to Parliamentary candidates.

Political parties

The report has a number of recommendations for political parties, which they will wish to consider carefully. The Prime Minister has noted that the Conservative Party is putting in place a new code of conduct

for members and supporters that puts respect and decency at its core. The Prime Minister is encouraging the leaders of other parties to follow this example.

Law, police and prosecutors

The Committee made a number of recommendations for national police leadership bodies, including the National Police Chiefs' Council and the College of Policing, on devolved operational policing matters. Both the National Police Chiefs' Council and the College will be responding to the Committee's report separately, but we are pleased to confirm that they will implement each of the recommendations in the report that refer to them.

Some of these issues touch on devolved matters, and the UK Government will liaise with our colleagues in the Devolved Administrations accordingly.

A more detailed response will be published by the Government in due course. Ministers would welcome further feedback from Parliamentary colleagues, and the House may wish to debate and consider these matters further.

5.4 Select Committees

Joint Select Committee on Human Rights

[Democracy, free speech and freedom of association inquiry](#)

Inquiry announced 23 January 2019

Accepting written evidence; in view of the expected publication of the Government's Digital Harms White Paper, the deadline has been extended.

Scope of the inquiry: The European Convention on Human Rights protects the right to freedom of expression, the freedom of association, and the right to privacy and family life. It also protects the right to free and fair elections.

How can rights be exercised in a way which supports democracy? Some rights can be limited if necessary and proportionate in a democratic society.

What is the correct balance between the right to protest, including to protest against things an MP has said, and the democratic need for MPs to have the freedom to represent their constituents and communicate with the public?

[Terms of reference: Democracy, free speech and freedom of association](#)

Latest evidence

[Democracy, free speech and freedom of association - oral evidence 08 May 2019](#)

[PDF version \(276 KB\)](#)  Published 13 May 2019

Evidence given by Max Hill QC, Director of Public Prosecutions, Crown Prosecution Service; Cressida Dick CBE QPM, Metropolitan Police, Neil Basu QPM, Assistant Commissioner,

Specialist Operations, and Commander Jane Connors,
Commander Major Operations, Metropolitan Police Service (at
4.00pm).

[Watch this evidence session](#)

Public Administration and Constitutional Affairs Committee

[Electoral Law inquiry](#)

Inquiry announced 8 March 2019

Scope of the inquiry: Many of the core elements of the law regulating election campaigns in parliamentary constituencies and local authority wards have not been updated since the nineteenth century. Recent prosecutions and investigations have demonstrated that even many experts are confused about how the law should be applied in practice to modern election campaigns.

The DCMS Committee inquiry into “Disinformation and ‘Fake News’” described how the regulation of political campaigns has not kept pace with the development of digital technology.

In 2016, the non-political Law Commissions published a comprehensive set of recommendations for simplifying and updating electoral law, but the Government has declined to implement them, citing lack of time. The Government has, however, made several proposals for further piecemeal reforms and additions to electoral law.

PACAC is therefore asking how urgent comprehensive reform is, what should be prioritised, and whether there is a need to go beyond the Law Commission’s proposals?

The deadline for submissions has been extended to Monday 3 June 2019, to take account of the European Parliament election scheduled to be held on 23 May 2019.

[Electoral intimidation and voter identification](#)

Inquiry announced 05 September 2018

Scope of the session: Public Administration and Constitutional Affairs Committee one-off session on Electoral Intimidation and Voter Identification.

Latest evidence

[Electoral intimidation and voter identification - oral evidence 11 Sep 2018](#)

[PDF version \(269 KB\)](#)  HC 1366 | Published 14 Sep 2018

Evidence given by Chloe Smith MP, Parliamentary Secretary
(Minister for the Constitution)

[Watch this evidence session](#)

Correspondence

[Letter from Chloe Smith MP 12 December 2018](#)  [PDF](#) 

Published 08 January 2019

6. Further information

6.1 Commons Library briefings

Commons Library Insight: [Intimidation of political candidates: Review and recommendations](#), 16 May 2019

This Insight looks at the problem of intimidation of candidates and elected representatives and the steps that are being taken to tackle the problem.

Commons Debate pack, [Abuse and intimidation of candidates and the public during the General Election campaign](#), 13 Sep 2017

Debate Pack prepared ahead of the general debate on the abuse and intimidation of candidates and the public during the General Election campaign in the Commons Chamber on 14 September 2017.

Commons Briefing paper, [Online harassment and cyber bullying](#), 9 Jun 2017

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](#)

Commons Debate pack, [Abuse and intimidation of candidates and the public in UK elections](#), 11 Jul 2017

Debate Pack prepared ahead of the general debate 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.

6.2 Lords Library briefings

Lords Briefing Pack [Public Life: Conduct of Debate and Divisions in Society](#), 02 May 2019

Selection of material relevant to the debate on the conduct, and toxicity, of debate in public life.

6.3 Committee on Standards in Public Life

Committee on Standards in Public Life: Press release, [Intimidation of Parliamentary candidates: Committee announces short review](#), 12 July 2017

Joint press release with the Cabinet Office, [Review into abuse and intimidation in elections](#), 12 July 2017

Committee on Standards in Public Life, [Review of intimidation in public life](#), 15 May 2018

The Committee reports on its review of intimidation in public life, including Parliamentary candidates and others.

The Committee made a package of recommendations for action to government, social media companies, political parties, the police, broadcast and print media, and MPs and Parliamentary candidates themselves.

The [Government's response](#) to the review was published in March 2018.

Electoral Commission response to the CSPL call for evidence can be viewed on the Electoral Commission's website:

[Committee on Standards in Public Life review of Intimidation of Parliamentary candidates: Call for Evidence Electoral Commission response](#)

Follow up

Committee on Standards in Public Life, [Intimidation in Public Life: political parties meeting transcript](#), 21 Dec 2018

The Committee held a joint meeting of the political parties 20 November 2018 to discuss the recommendations made in their 2017 report Intimidation in Public Life.

6.4 Cabinet Office

[Protecting the Debate: Intimidation, Influence and Information](#), July 2018

This consultation reviewed the following recommendations and issues following on from the CSPL report:

- The Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners;
- Consolidation and clarification of the electoral offence of undue influence;
- The Government should extend electoral law requirements for an imprint on campaigning materials to electronic communications.

6.5 Human Rights and Human Rights Commission

[Equality and human rights law during an election period: guidance for local authorities, candidates and political parties](#)

Document containing guidance on freedom of expression for local authorities, candidates and political parties during an election period.

It covers:

- what freedom of expression and fair elections are
- your legal duties under election laws
- where your right to freedom of expression may be limited

- how to complain about a political party if you think they haven't complied with their legal duties

6.6 Inter-Parliamentary Union

IPU Press Release, [IPU study reveals widespread sexism, harassment and violence against women MPs](#), 26 Oct 2016

IPU, [Sexism, harassment and violence against women parliamentarians](#), 26 Oct 2016

6.7 All-Party Parliamentary Group on Antisemitism

The Chairman of the All-Party Parliamentary Group Against Antisemitism, John Mann MP, commissioned a report into electoral conduct. The inquiry was chaired by the then Chair of the Backbench Business Committee, Natascha Engel MP.

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 [report was published in 2013](#).

[All-Party Parliamentary Inquiry into Electoral Conduct: General Election Update 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.

[All-Party Parliamentary Inquiry into Electoral Conduct: Final Update](#)

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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