

## **Recommendations for All Those in Public Life**

***1. Nobody in public life should engage in intimidatory behaviour, nor condone or tolerate it. All those in public life have a responsibility to challenge and report it wherever it occurs.***

***2. Those in public life should seek to uphold high standards of conduct, adhering to the Seven Principles of Public Life, and help prevent a decline in public trust in political institutions through their own conduct.***

***3. Those in public life must set and protect a tone in public discourse which is not dehumanising or derogatory, and which recognises the rights of others to participate in public life.***

***4. Those in public life have a responsibility not to use language which engenders hatred or hostility towards individuals because of their personal characteristics.***

The Labour Party agrees with the recommendations. The Labour Party welcomed this review by the Committee on Standards in Public Life. Intimidation, including death threats, criminal damage, sexism, racism, homophobia, and anti-Semitism has no place in our democracy or our party. We condemn any action that undermines the integrity of our electoral process and our wider democratic values. We look forward to working with other parties to address this important cross-party issue.

In the 2017 General Election, Labour fought a positive campaign based on policies to transform Britain for the many not the few. We insist that all Labour MPs and candidates run positive campaigns based on our policies and the Conservative Party's record, rather than peddling personal attacks on individuals.

As stated in our original submission, during the General Election, the Conservatives ran a nasty campaign, propagating personal attacks, smears and untruths, particularly aimed at one of the most prominent women MPs, Diane Abbott, whilst in 2016, Zac Goldsmith MP ran an extremely divisive and racially discriminatory campaign against Sadiq Khan. It was described by Sayeeda Warsi, the former Conservative Party Co-Chairperson, as "appalling".

We have previously recognised that candidates are often targeted because of their gender, sexuality and or ethnicity. This represents a wider context of discrimination that targets individuals on the basis of their different identities. We have particular concerns about the scale of abuse experienced by women MPs. We are also concerned about the resurgence of far-right and racist parties across Europe and the worrying emergence of an organised far-right presence on the streets of British cities.

The exponential growth of social media has caused the level of abuse to rise in recent years. Social media platforms have created unprecedented levels of transparency in political discourse and reduced the perceived barrier between the electorate and politicians.

As Leader of the Opposition Jeremy Corbyn has used public platforms, including social media, speeches and articles, and his role as party leader, to publicly call for a 'kinder, gentler' politics and repeatedly condemned personal abuse of politicians and political activists. The Labour Party believes it is incumbent on all those in leadership roles to provide that same example.

***5. Those in public life should not engage in highly personalised attacks, nor portray policy disagreements or questions of professional competence as breaches of ethical standards.***

The Labour Party agrees with the recommendation. To frame political disagreements in terms of individuals' professional competence or suitability for office – whether elected or appointed -- is a form of bullying and abuse as well as exposing the persons responsible for such attacks to liability for defamation. The Labour Party deplores such behaviour and will not tolerate it among its own elected representatives.

**Recommendations for Government**

***6. The Government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.***

The Labour Party is committed to ensuring that there are sufficient safeguards in place to protect Parliamentary candidates and party campaigners from intimidation. However, we do not support the creation of a new specific offence in either the general criminal law or electoral law.

Harassment and intimidation are already criminal offences, which is why the police have made it very clear that they do not support a new offence. Various legal commentators have criticised the Government's proposals arguing that new legislation to specifically protect MPs is not necessary. It remains unclear why political figures should have special treatment in the law to protect them. The Labour and Conservative parties both made precisely this point in their original written responses in 2017 to the Committee's call for evidence.

The Government's response to the Committee's Report, and its more detailed proposals as set out in the recent Cabinet Office consultation paper *Protecting the Debate: Intimidation, Influence and Information*, indicate that no new offence is proposed under the general law, but that a conviction for a prescribed offence of violence or intimidation committed in the context of an election will be treated as a "corrupt practice" for the purpose of imposing penalties such as disqualification from seeking elective office.

We agree that electoral law should deal with the consequences of this kind of serious misconduct. However, it is widely accepted that comprehensive reform of electoral law is needed. Grafting new provisions onto the existing outdated inadequate and inconsistent body of law on electoral misconduct would simply compound the problems associated with the law as it stands. The very fact that the Government proposes to treat intimidation as a form of "corrupt practice" underlines the artificial and archaic nature of the terminology used in current electoral law. It is a matter of concern that the Government has still not responded to the Law Commission's 2016 Joint Interim Report which calls for the introduction of a single legal framework for UK elections.

The Law Commission also recommended that all electoral offences – including "undue influence" - should be reviewed, redrafted and set out in a single set of provisions applying to all elections. Labour supports this proposal as simpler and more modern provisions would secure greater compliance among campaigners, the public, the police, and prosecution services. Appropriate electoral sanctions for violent, threatening and intimidatory conduct in the course of election activity should be addressed as part of these reforms.

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More importantly, laws to combat abuse are redundant if police cannot enforce them. After reporting crimes to the police, many candidates found investigations were cut short due to limited resources. This Government has cut over 20,000 police officers and cuts have consequences. Police forces are over-stretched and this leads to pressure to downgrade crimes, or not fully investigate them.

### ***7. Government should bring forward legislation to shift the liability of illegal content online towards social media companies.***

The Labour Party supports the recommendation. The notice and takedown system allows social media companies to shift the onus of initiating action onto the victim, and thus avoid monitoring for illegal and intimidating content (see also our response to Recommendation 20).

Even when defamatory, intimidating and threatening content is flagged to online platforms they are often slow to take it down. Responsibility for hosting content that is threatening or illegal should lie with the platform as well as the uploader.

Within those inherent limits to the notice and takedown approach, the German model of statutory time-limits on takedown seems to be working. The EU has been very slow to act on all of this, just last week a Copyright Directive was voted down by MEPs following a strong lobby by the big tech companies. We need strong domestic law to regulate the internet giants.

We have not come to a final settled decision on whether the internet companies should be seen as publishers rather than platforms, but whatever the position on that issue, there is an undoubted need for legislation that places greater responsibility on them than at present. Such legislation should also underpin recommendations 20 to 27 so that back-up powers are available insofar as companies cannot be persuaded to take sufficiently effective voluntary steps.

### ***8. The Government should bring forward legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. Returning Officers should not disclose the home addresses of those attending an election count.***

The Labour Party supports the recommendation. The law is currently failing to protect candidates from becoming vulnerable to abusive activity. Many talented individuals are deterred from standing for office because the requirement to disclose their home address poses a risk to their safety.

The Labour Party welcomes the Government's plan to bring forward secondary legislation to remove the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper. This is something we have raised on various occasions and would like to be implemented in time for the 2019 local authority elections (including directly elections for mayors) as well as for future elections for the London and Combined Authority mayors and PCCs. We are pleased to note that draft Statutory Instruments are now under preparation. We also welcome the recommendation that Returning Officers should not disclose the home addresses of those attending an election count.

It is also vital there is greater flexibility for electoral agents to ensure that they do not have to disclose their home address. The law currently requires election agents to have an office which

appears on election imprints. This is often the local political party office or an office especially set up for the election. However, those who do have these facilities are forced to disclose their home address.

### **Recommendations for Local Authority Monitoring Officers**

***9. Local Authority Monitoring Officers should ensure that members required to declare pecuniary interests are aware of the sensitive provisions in the Localism Act 2011.***

The Labour Party supports the recommendation. We would add that we are aware of instances where elected members' entirely proper use of these provisions has itself attracted hostile speculation and innuendo from sections of the media. Such behaviour undermines the objects of these provisions. This is an area that would benefit from attention in the context of press codes of conduct (see our response to Recommendation 32).

### **Recommendations for the Home Office and the Department for Digital, Culture, Media and Sport**

***10. The Home Office and the Department for Digital, Culture, Media and Sport should develop a strategy for engaging with international partners to promote international consensus on what constitutes hate crime and intimidation online.***

The Labour Party supports the recommendation in principle. Progress on the international plane could assist in dealing with cases where people in UK public life face threats and intimidation originating overseas. Unfortunately, however, no international consensus exists on the definition of hate crime and intimidation. Given the very different social, legal and political trajectories of many countries, that consensus is not likely to be forthcoming in the foreseeable future. There is no reason for the UK not to act on its own initiative, to be a world leader promoting the raising of standards internationally. Otherwise, the recommendation amounts to doing nothing that will affect the level of abuse and intimidation.

We already have robust laws against the propagation of hate crime and intimidation on the UK statute book. Usually, the difficulty lies in effective implementation. This is even truer in relation to online hate crime.

With a change in the law we could have the legal capacity to impose escalating sanctions on the internet giants who refuse to, or routinely delay taking down offensive material. Given complex corporate structures and widespread use of overseas jurisdictions, including tax havens, a robust system of fines could be introduced based on turnover in this country.

In addition, we should consider an identity disclosure requirement for all users of social media. They may still be able to post anonymously for valid reasons, but if an anonymous poster is suspected of hate crime, their details are known to the service provider and can be obtained by means of appropriate lawful authorisation. Currently the service providers hide behind the anonymity of the posters that they themselves have facilitated.

## **Recommendations for Political Parties**

### ***11. Those in positions of leadership within political parties must set an appropriate tone during election campaigns, and make clear that any intimidatory behaviour is unacceptable. Must challenge poor behaviour wherever it occurs.***

The Labour Party supports the recommendation and believes it is incumbent on all those in leadership roles to set an appropriate tone during election campaigns.

As noted in our response to Recommendations 1 to 4, Jeremy Corbyn as party leader called for a change in the tone of political exchanges and repeatedly condemned personal abuse of politicians and political activists, during and between elections periods. The Party Leader and other members of the Opposition Front Bench team lead by example in addition, member of the

Jennie Formby, on becoming General Secretary of the Labour Party, made clear she stood for a “tolerant and welcoming party, with no place for antisemitism, racism and misogyny or any form of abuse or intimidation; a party in which complaints are handled both fairly and speedily”, principles which will apply to misconduct during election periods as they apply at other times.

### ***12. Political parties must work proactively together to tackle the issue of intimidation in public life.***

The Labour Party supports the recommendation. We wish to see a firm commitment, across political parties and in particular those represented in Parliament, to eradicating intimidation and hate speech throughout politics and the media. Proactive cross-party co-operation is likely to be particularly valuable in finding legislative solutions to some of the more complex problems identified in the Committee’s Report, including new statutory duties for internet and social media outlets.

### ***13. Political parties should set clear expectations about the behaviour of their members, both offline and online, through a code of conduct for members which specifically prohibits any intimidatory behaviour. Parties should ensure that members are familiar with the code. The consequences of any breach of the code should be clear and unambiguous.***

The Labour Party supports the recommendation. The Labour Party has been consistently clear that while robust debate is essential and to be encouraged both within the party and in wider political discourse, there can be no place for abuse or intimidatory behaviour. The party’s rules make clear that abuse, bullying or intimidation of any kind, as well as racist, sexist and other kinds of discriminatory behaviour, are considered grossly detrimental or prejudicial to the Labour Party, and that members engaging in such behaviour can expect to be subject to our disciplinary procedures<sup>1</sup>. Investigation of alleged breaches of rule is carried out under the supervision of the Party’s National Executive Committee (NEC). There are a range of sanctions available to the Labour Party’s National Constitutional Committee (NCC), the body responsible for determining disciplinary charges, including in the most serious cases expulsion from the Party.

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<sup>1</sup> Labour Party Rule Book 2018: Chapter 2 (Membership rules), Clause 1.8.

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In September 2016, the Labour Party's National Executive Committee (NEC) agreed a Members' Pledge<sup>2</sup> and a new Social Media Code of Conduct<sup>3</sup> to further address concerns about bullying and harassment. The Pledge and Social Media Code of Conduct, which all members are required to abide by, specifies that we stand against all forms of abuse, whether offline or online and that members found to be in breach of the principles set out in the Code and Pledge will be subject to the disciplinary rules and procedures of the Labour Party. The Social Media Code makes clear that the same standards of behaviour are expected online and offline.

The inclusion of these provisions in the Party's Rulebook, to which all current codes of conduct (including the pledge) are appended, provides members with a clear and powerful statement of the standards of conduct expected and the sanctions available for their breach.

The Labour Party is considering ways in which our existing codes of conduct can be strengthened in response to this review. We are also reviewing the ways in which we use digital media and communications to clearly communicate to both existing and new members the party's rules and expectations about the standard of behaviour we expect to be upheld.

The Party is committed to political education of its members and encourages Constituency Labour Parties to include education on behaviour conduct in public and political life in their programmes of activities for members.

### ***14. Political parties must ensure that party members who breach the party's code of conduct by engaging in intimidation are consistently and appropriately disciplined in a timely manner.***

The Labour Party operates a robust and sophisticated set of procedures for dealing with allegations that a member has breached its conduct rules. An express provision in the rules requires the NEC and NCC to take into account codes of conduct currently in force. The Pledge itself has the status of a code of conduct. The NEC's functions of investigating and charging breaches of rule are supported by a Governance and Legal Unit consisting of appropriately trained and experienced staff. The method of disposal of allegations of misconduct is always proportionate to the nature and seriousness of the incident, ranging from informal reminders of the standard of behaviour expected, through warnings and requirements to undergo training, to suspension and expulsion from Party membership where serious misconduct is proved.

The Party commissioned the 2016 Chakrabarti Report in response to allegations of antisemitism and other forms of racism in its ranks. The Report also dealt with more general questions of disciplinary procedure. The Party has implemented the majority of the recommendations, including the proposal to introduce in-house legal capacity in the form of appointment of General Counsel. We are in the process of implementing a number of other changes to investigative and disciplinary processes and reviewing various aspects of practice and procedure, including:

- Committing additional staff and resources to ensure complaints are investigated, and where necessary referred for disciplinary action quickly and fairly
- Expanding the NCC to ensure that members are available to hear cases without delay
- Providing clear and consistent guidance to investigators and those under investigation, setting out the recommended steps and timescales in an investigation, including how to

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<sup>2</sup> Labour Party Member's Pledge, October 2016

<sup>3</sup> Labour Party Social Media Code of Conduct, October 2016

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conduct an interview, and rights and responsibilities for those who are currently suspended or under investigation.

- The provision of indicative timetables for disciplinary cases to both complainants and respondents.
- Developing guidance for decision-makers about the relevant tests to apply at each stage of the disciplinary process.
- Providing additional training for party staff, NEC and NCC members through suitably qualified external providers

The Labour Party is well ahead of other political parties in the detail, care and resources devoted to disciplinary procedures, and is keen to share best practice with other parties as part of a push to tackle unacceptable behaviour across the whole of political life.

### ***15. Political parties must collect data on the number of complaints against members for engaging in intimidatory behaviour, and the outcome of any disciplinary processes which result from these complaints.***

The Labour Party established a dedicated complaints team in early 2017 to provide a more consistent procedure for dealing with complaints of all kinds received across the organisation. As part of these improvements a national complaints database was introduced to provide a secure location to save all data relating to complaints and track them from when they are received, through investigation (where the complaint relates to a disciplinary matter) through to the final outcome. The complaints database allows users to categorise complaints so different types of complaint can be clearly distinguished and dealt with through the right channels. The complaints database and digital record-keeping for subsequent stages of the disciplinary process allow the number of complaints received about intimidatory behaviour to be recorded in aggregate and to identify those that are referred for further disciplinary action, through to the conclusion of cases. The Party is working on the design and commissioning of a comprehensive case management system that will allow collection and retrieval of more detailed data on each stage of the process.

### ***16. Leaders of political parties should always call out intimidatory behaviour, even when it is perpetrated by those in the party's fringes. Fringe group leaders and spokespeople should immediately denounce any intimidatory behaviour on the part of their members or supporters.***

The Labour Party believes it is incumbent on all those in leadership roles to set an appropriate tone during election campaigns for party members, and for disciplinary processes to deal with intimidatory behaviour by party members.

A variety of groupings are present on the fringes of political parties, ranging from formal affiliates, through organisations consisting wholly or mainly of party members, to loose groups of often self-styled "supporters" with an existence essentially on social media. The leadership of the party concerned should always call out intimidation and abuse originating on the fringes of their party, and should lead by example with their own behaviour. Where a fringe group has its own leader or spokespersons they should also act to set an appropriate tone during election campaigns, and groups with an organisational structure should ensure that effective disciplinary measures are in place to deal with intimidatory behaviour by their members.

Jeremy Corbyn, as party leader, and Jennie Formby, as General Secretary, have publicly and consistently condemned intimidation and abuse emanating from groups and individuals

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claiming to be “supporters” of the Labour Party. The tone of elections campaigns are also the responsibility of National Campaign Co-ordinators and senior party staff.

***17. Parties must work together to develop a joint code of conduct on intimidatory behaviour during election campaigns by December 2018. The code should jointly be enforced by the political parties.***

The Labour Party supports the recommendation and will work alongside other parties to produce an effective and workable Code.

This work should be accelerated given the possibility of an early general election in the coming months.

We will attend Lord Bew’s Committee meeting in November alongside other Parties to take this project forward.

***18. Political parties must take steps to provide support for all candidates, including through networks, training and support and resources. In particular, the parties should develop support these support mechanisms for female, BAME and LGBT candidates who are more likely to be targeted as subjects of intimidation.***

***19. Political parties must offer more support and training to candidates on their use of social media. This training should include: managing social media profiles, block and mute features, reporting content, and recognising when behaviour should be reported directly to the police.***

The Labour Party has undertaken a number of actions to provide support for candidates on dealing with intimidation:

- All parliamentary candidates are appointed a mentor from the Parliamentary Labour Party to provide support, advice and guidance, and where possible we appoint mentors who themselves are female, BAME or LGBT
- We deliver training and support for all parliamentary candidates through residential training events and are developing training and online resources on dealing with and reporting intimidation
- Further support and guidance for MPs and candidates is available through our regional, Scottish and Welsh organising staff and the Election Support and Campaigns team at Head Office
- We will also develop regional, Scottish and Welsh networks for local government candidates, in particular female, BAME and LGBT candidates, which will be supported by experienced local government representatives
- The Labour Party has a dedicated complaints telephone number and e-mail address through which members can access support and guidance. A specialist staff team assesses any complaint and make relevant referrals to internal departments or external organisations, including signposting complainants to social media companies and the police where appropriate.



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- We already provide a NEC (National Executive Committee) guide on using social media which covers acceptable and unacceptable behaviour and we will further promote this guide in all social media training and resources

We will provide advice to MPs and candidates on effectively managing social media channels to stop intimidation.

### **Recommendations for Social Media Companies**

#### ***20. Social media companies must develop and implement automated techniques to identify intimidatory content posted on their platforms. They should use this technology to ensure intimidatory content is taken down as soon as possible.***

The Labour Party supports the recommendation. Social media companies are very secretive about their algorithms and how they curate content uploaded to their platforms. They use complicated automated technology to increase profits. They must now prioritise developing techniques to detect and automatically take down content that is harmful and illegal.

As we note in our response to Recommendation 7, the current notice and takedown model is too slow and puts too much onus on victims and users rather than the social media/ internet companies.

No doubt legislating to achieve this will be challenging, but voluntary arrangements have not produced effective results in the past, and this is an area in which co-operation between political parties can significantly ease the process and produce new rules that command wide support.

#### ***21. Social media companies must do more to prevent users being inundated with hostile messages on their platforms, and to support users who become victims of this behaviour.***

The Labour Party supports the recommendation. This is important and should form part of new legislation that places greater responsibilities on these platforms. Enacting an enforceable statutory duty to protect may be the means to do this. It is certainly necessary.

#### ***22. Social media companies must implement tools to enhance the ability of users to tackle online intimidation through user options.***

The Labour Party supports the recommendation. It is important that both the recipient of the intimidation and other users should have the practical means to take immediate and effective action against intimidating communications. This should be in addition to a legal responsibility of the platform to protect users and actively identify and take down illegal and threatening content.

#### ***23. All social media companies must ensure they are able to make decisions quickly and consistently on the takedown of intimidatory content.***

The Labour Party supports the recommendation. The German model of statutory time-limits on take downs could be part of the answer to this. But as noted earlier, it is important that the onus of taking action should not rest solely or primarily on the victim.

**24. Twitter, Facebook and Google must publish UK-level performance data on the number of reports they receive, the percentage of reported content that is taken down, and the time it takes to take down that content, on at least a quarterly basis.**

The Labour Party supports the recommendation. Reporting duties should form part of new legislation. There should be significant financial penalties for non-compliance.

**25. Social media companies must urgently revise their tools for users to escalate any reports of potential illegal online activity to the police.**

The Labour Party supports the recommendation.

**26. The social media companies should work with government to establish a 'pop-up' social media reporting team for election campaigns.**

The Labour Party supports the recommendation. Extra resource during election times is a sensible idea, but social media companies also need to consider providing specific extra resources to assist those public figures who regularly receive high levels of abuse or intimidation – particularly women and BAME figures.

**27. Social media companies should actively provide advice, guidance and support to Parliamentary candidates on steps they can take to remain safe and secure while on their sites.**

The Labour Party supports the recommendation. Labour supports this recommendation. We note the reference in the Government's response to the Committee's Report (Cm 9578) to the introduction of a new social media code of practice. This work forms part of the Government's "Digital Charter" project. However, it is disappointing that as of June 2018, the Government's position was merely that it would be "considering... for example whether transparency or a code of practice should be underwritten by legislation." The Labour Party believes the case for legislation is overwhelming, giving social media companies a statutory responsibility to take effective action to prevent, detect and promptly take down intimidatory behaviour on their platforms.

### **Recommendations for MPs**

**28. MPs should actively co-operate with the police and other security services working to address the security threats facing Parliamentarians and Parliamentary candidates.**

The Labour Party supports the recommendation.

### **Recommendations for Police**

**29. The National Police Chiefs Council should ensure that local police forces have sufficient training to enable them to effectively investigate offences committed through social media. Local police forces should be able to access advice and guidance on the context in which MPs and Parliamentary candidates work.**

The NPCC should ensure this. But this is a new area of criminal activity and has a potentially enormous scope. Prevention and detection of crime committed via social media is in addition to

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the other, existing responsibilities of police. The police need extra resources to combat these new forms of crime.

***30. The College of Policing Authorised Professional Practice for elections should be updated to include offences relating to intimidation, including offences committed through social media.***

The Labour Party supports the recommendation.

***31. 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.***

The Labour Party supports the recommendation.

### **Recommendations for Press and News Bodies**

***32. Press regulation bodies should extend their codes of conduct to prohibit unacceptable language that incites intimidation.***

Labour has significant differences with the Government about what constitutes effective press regulation. In particular we do not think the major regulator, IPSO, is suitable. We consider that it does not meet the standards set out by the press recognition panel.

In principle however, we agree that all regulators should make clear in their codes that the press must not incite intimidation against public figures.

***33. News organisations should only consider stories from freelance journalists that meet the standards of IPSO's Editors Code, or the Editorial Guidelines of Impress, as appropriate, and ensure that freelance journalists are aware of this policy.***

It is not for the Government to interfere in journalistic codes of conduct, but it is important that news organisations take responsibility for preventing intimidation or incitement to intimidate in their publications.

Labour would support adding the NUJ code of conduct and the IMPRESS standards code to the above recommendation. That would not involve Government dictating the content of journalistic codes; rather, it would ensure that the news organisations themselves respect and give effect to such codes.