



House of Commons
Joint Committee on Human
Rights

Democracy, freedom of expression and freedom of association: Threats to MPs

First Report of Session 2019–20

*Report, together with formal minutes relating
to the report*

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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Summary

Freedom of association and freedom of expression are fiercely protected rights. We rightly expect people to be able to say things which challenge or even shock, and to be able to organise, campaign and lobby. Democracy would not function without these rights. Conversely, democracy, along with the rule of law, itself is a precondition for functioning human rights. Few rights are absolute; many are limited or qualified. Sometimes a given context will require different rights to be balanced against one another.

MPs must be able to get on with the job that they are elected by their constituents to do. It is a contempt of Parliament to obstruct Members in their discharge of their responsibilities to the Houses of Parliament or in their participation in parliamentary proceedings. Yet MPs are regularly threatened with physical violence and are subject to harassment and intimidation whilst going about their wider public duties. This undermines our democracy and demands action.

The threat level

There has always been a level of threat against MPs. We do not know the scale of the problem because MPs are reluctant to report and many threats and offences go unreported. MPs do not report for a whole range of reasons: they feel they need to present themselves as champions of others, not victims; they do not want to make the assailant worse; or be seen to use scarce police resources. The threats are real; in recent years Jo Cox MP and PC Keith Palmer have lost their lives. The level of abuse faced by elected representatives and others in public life is now so great it is undermining their engagement with constituents, how they express themselves on social media, and carry out their democratic duties.

The impact of threats

In response to the rising tide of threat, there is a steady and worrying trend of MPs changing the way they work. Constituents are less likely to see MPs going about their work and MPs are less likely to tweet in advance where they are going. Many MPs have changed the way they do advice surgeries – instead of open surgeries where any constituent can turn up, they are only seeing constituents if they have an appointment. Some MPs are no longer doing surgeries in remote community halls on estates and instead holding them in the Town Hall. MPs are also less likely to travel on public transport on their own. What is at stake here is our democracy.

However, we do not know the full extent to which MPs are altering the way they work and travel because of these threats. Their priority is to get on with their job, not to talk about their own personal safety.

Now, more MPs are women, living away from their families during the weeks when parliament is sitting. MPs are high profile and, when there's an atmosphere of hostility to politics and politicians they are vulnerable. Women MPs, particularly younger women and most particularly ethnic minority MPs are subjected to the greatest number of threats. The Parliamentary Security Director, Eric Hepburn confirmed to us that

BAME and female politicians in particular get the “lion’s share of abuse” while a study by Amnesty International in 2017 found that black women politicians are almost twice as likely as their white peers to be abused on Twitter.

The response of the authorities

MPs who do report threats or abuse to the police note a big variation in the response. While some MPs find the police concerned and helpful, others report the police showing more sympathy with the assailant rather than the MP victim. An example of this which was widely circulated on social media was when Anna Soubry MP was harassed as she tried to make her way into Parliament while police officers stood by without intervening.

The need for a co-ordinated response

Over the past years the concern has mounted but there has been no comprehensive consideration of the issues at stake and the measures needed to address them. It is clear that, if unchecked, the normalisation of abuse will change our politics. We need to tackle this abuse, not retreat. There is no single, easy, answer to this, because freedom of speech and freedom of association are also key to democracy. There are many different organisations and individuals involved. They include, but are not limited to: Government; the Parliamentary authorities; the police; the Crown Prosecution Service; private sector companies such as Facebook and Twitter; political parties; and those who take part in individual and organised campaigns. Nonetheless, we can identify key principles which should guide everyone in thinking about these matters:

- Representative democracy is the basis of government in this country and central to our national life. It should be given the importance it deserves;
- Parliament is the central institution of that representative democracy;
- Preventing access to democratic institutions or impeding their proper functioning, physically or by intimidation, is unacceptable;
- Free speech rights under the European Convention on Human Rights (ECHR) are not unqualified, and should not be exercised in a way which prevents others enjoying their own rights, collectively or individually.

The many different authorities involved in considering the safety of MPs and its effect on democracy need to share a clear picture of the scale and nature of the problem. They then need to take co-ordinated action. We have to challenge the assumption that those in public life should tolerate a level of abuse which would be unlawful if directed at private citizens.

Even though there is a special legal regime for the area around Parliament, it is clear that those responsible for policing and controlling that area have not always given the need for access without impediment or harassment the importance it requires. This must change.

We need a process that will bring together the different bodies and consider how best to ensure the right of MPs to get on with the job for which they were elected. We need to

make sure that MPs, their staff, and their families are not at risk. We encourage all those involved to consider convening a Speaker's Conference on this matter. We must not just denounce every ugly incident but take action. Parliament is keen to get on with tackling other people's problems but notoriously slow to address our own, fearing accusations that we are feathering our own nest. Parliament should step forward and take the lead.

Social media and online threats and abuse

The advent of social media means that the whereabouts of MPs, whether at home or at work, are very widely known. Social media is important for MPs to communicate directly with their constituents and account for what they are doing on a regular basis. It can be a tool to foster democracy, to enable people to discuss the issues of the day and to allow people to learn about and assert their rights. But it is also used by people who anonymously threaten MPs and by those who whip up hostility and violence towards MPs. This can be done directly, by using the medium to make threats, breach privacy or arrange off-line action. But people's rights can also be undermined indirectly by creating a culture which accepts and normalises abusive and threatening behaviour, particularly towards women and minority groups; normalising behaviour which would formerly have been unacceptable and which denies free speech rights to others.

In principle, what is illegal offline should be illegal online, but the sheer scale of the internet makes conventional policing impossible. The danger is that the internet will become a place where unlawful conduct is commonplace but only the most serious crimes can be dealt with. It is important that prosecutorial authorities ensure it is clear that the internet is not a place where there is effective impunity for all but the most serious breaches of the law.

It is unreasonable to rely on a 'report and take down' model, or to expect abuse to be tackled by requiring those who face high volumes of abuse to invest time and resources in managing their accounts in ways others do not have to. Companies should devote significant resources to ensuring their platforms are safe. They should spend more to ensure that there is sufficient staff to remove illegal content and that such content is taken down quickly. It should not be left to the police or individual victims to take steps to remove illegal content. The scale of the current activity of companies in relation to dealing with these problems is insubstantial compared to the scale of the problem. Bearing in mind the scale of the profits of social media companies, it should not be impractical to spend more to ensure that their platforms are safe.

The growth of the internet is leading to an increased regulatory response, both at national and international level. New regulation will not relate to free speech or freedom of assembly alone, but the balance between different rights should be carefully considered when drafting new regulation. The following principles should be borne in mind as the detail of that regulation is developed:

- The rights to freedom of expression and freedom of association are qualified. Moreover, freedom of expression is accompanied by duties and responsibilities, and it does not protect speech which undermines the rights or freedoms of others, including others' right to freedom of expression.

- Forcing others off communications platforms, either by online mobbing or abuse, is not a valid exercise of freedom of expression.
- ECHR caselaw recognises that different countries will take different decisions about what speech needs to be restricted in a democratic society, to take into account, for example, their different cultural traditions, local conditions and local risks. Social media companies need to respect the laws of the countries in which they operate, and those laws should themselves respect human rights. Regulators should not be unduly inhibited in what they propose.

Role of political parties

Political parties also have a responsibility to make clear they do not endorse intimidation and abuse. They must create a climate which makes it clear that abuse is not tolerated, and where failure to abide by a party's code of conduct is dealt with robustly and speedily.

What MPs say and do inside Parliament is affected by what happens outside Parliament. How we conduct ourselves inside Parliament affects the actions of those outside.

The wider impact on all those who take part in the democratic process

This is not just about politicians and those associated with them. It is about the impact on all citizens who take part in the democratic process. If the balance between rights is not correct, ordinary people will be deterred from general political engagement and from considering running for office. We will see a politics where politicians no longer relate freely and openly to their constituents, but are instead forced to retreat to ensure their own safety, and where there may be choice at the ballot box, but that choice will be constrained because, for example, threats and abuse against MPs have deterred people from standing for office. That can only be prevented if all those concerned understand and accept the need to preserve representative democracy, and recognise the importance of representative assemblies as its central institutions, which should be given the highest priority. We are not an effective democracy if MPs have to look over their shoulder before they speak or vote.

1 Democracy and human rights

Democracy as a precondition for human rights

1. On Monday 30 September 2019 a number of party representatives, including the Government Chief Whip Rt Hon Mark Spencer MP, the Labour leader Rt Hon Jeremy Corbyn MP, SNP's Westminster leader Rt Hon Ian Blackford MP, Liberal Democrat leader Jo Swinson MP, the DUP's Rt Hon Nigel Dodds MP, Green MP Caroline Lucas MP, Change UK leader Anna Soubry MP, and Plaid Cymru's Rt Hon Liz Saville-Roberts MP, issued a joint statement following a meeting convened by the Speaker of the House of Commons:

“We all accept that we have a responsibility to try to use moderate language,” [...]“We all feel that those in leadership positions have a particular duty to weigh their words carefully, bearing in mind that there are stark divisions across the country on Brexit.

“The right of a Member to personal safety is absolute and unconditional. Everyone is entitled to have a view—be they parliamentarian, journalist or a member of the public—and their right to safety cannot in any way be dependent on what that view is or the course of political action they take.”¹

2. Concern about the relationship between the language used about opponents and its consequences has been growing. In July 2017 the then PM, Rt Hon Theresa May MP, asked the Committee on Standards in Public Life to look into intimidation in public life. It reported in December 2017. We began this inquiry in January 2019, concerned that threats to MPs were rising, and that the right to freedom of expression and the right to protest were being interpreted in ways which undermined other rights, including the right to free and fair elections.

3. This report considers the balance between competing rights, the protections for rights and the limitations of rights necessary in a democratic society, in offline and online contexts. The Speaker has made a welcome move to encourage political parties to accept their responsibility to ensure that members are not put at risk by their opinions or when doing their job. Our report has recommendations for many others involved, including the Parliamentary authorities, the police, the prosecuting authorities and IPSA. But there is a need for a co-ordinated response. It is also important to ensure that any action taken is proportionate with respecting protesters' rights. More is therefore needed. We encourage all those involved to convene a Speaker's Conference on this matter. Parliament should step forward and take the lead.

4. When considering how to balance the different rights which may be engaged by political activity, such as the right to freedom of expression or freedom of association, it is essential to remember that democracy, along with the rule of law, is a precondition for functioning human rights. Article 21 of the Universal Declaration of Human Rights provides:

“(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

1 [Bercow and Westminster parties agree to 'use moderate language'](#), BBC online, 30 September 2019

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”²

The right to free and fair elections is also found in Article 3 of Protocol 1 of the European Convention on Human Rights (ECHR):

“Right to free elections

The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

Moreover, the entire schema of the ECHR presupposes the importance of a democratic society and the interdependence of rights and democracy. In the preamble to the ECHR the Member States reaffirm:

“[...] their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights upon which they depend.”

Restrictions on ECHR rights

5. Many of the rights enumerated in the ECHR are qualified or limited.³ Only a few are absolute. When we consider rights, it is legitimate to think about how these different rights are limited to ensure the correct and fair balance between different rights. Not only is the right to free and fair elections itself a human right, an effective political democracy underpins all other rights, and it is legitimate to ensure that democratic engagement and debate are properly protected.

6. It is also helpful to consider Article 17 of the ECHR which provides:

“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.”

Other relevant ECHR rights

7. In considering the requirements for a functioning democracy, several different human rights are engaged, and have to be considered.⁴

² United Nations, Universal Declaration of Human Rights, [Article 21](#)

³ It is not only ECHR rights that have restrictions in this way. Similar restrictions apply to rights in other human rights instruments such as the International Covenant on Civil and Political Rights or the International Covenant on Economic, Social and Cultural Rights.

⁴ While this report focusses on the ECHR, which has been incorporated into UK law in the Human Rights Act 1988, similar rights are to be found in Articles 19 and 20 of the Universal Declaration of Human Rights.

8. The right to freedom of expression is set out in Article 10 of the ECHR:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.”

Article 10 rights are qualified:

“2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

9. If democracy is to flourish, then people need to meet together to form political parties, unions and interest groups. They also need the right to join together to protest. The right to freedom of association set out in Article 11 is therefore engaged:

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.”

10. Once again, this is a qualified right:

“No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

11. In the course of our inquiry we have come to consider that Article 2 and Article 3 rights are also engaged. These are the right to life and the right not to be subjected to torture or to inhuman and degrading treatment. Both rights are unusual in that they contain positive obligations on the State to protect individuals from harm from others, as well as negative obligations not to infringe those rights. Moreover, both are sadly relevant. In the last five years an MP and a member of the police protecting the Palace of Westminster lost their lives, adding to earlier murders of MPs and their staff.⁵ Since, then there has been a steady stream of people being convicted for offences of threats and violence against MPs. There have been attacks on MPs and staff in constituency offices, and in June 2018 Jack Renshaw admitted to plotting to kill Rosie Cooper MP. The State has a positive duty to “take appropriate steps to safeguard the lives of those within [their] jurisdiction.”⁶

5 For example, in 1979 Airey Neave was murdered at the Palace of Westminster; in 2000, Andrew Pennington was killed in an attack at the constituency of Nigel Jones MP, MP for Cheltenham.

6 *Osman v UK* (2009) 29 EHRR 245, para 15

12. The right to privacy and family life is also engaged. Article 8 stipulates: “Everyone has the right to respect for his private and family life, his home and his correspondence.” The focus of this Article is on state interference with privacy and family life, but it is worth bearing in mind that this privacy can be eroded by non-state actors.

Limitations on Article 10 and 11 rights

13. Democracy depends on freedom of expression and freedom of association but can also be undermined by expression and association. Free speech is precious. In *Handyside v the UK*, the European Court of Human Rights held that the right to freedom of expression includes the right to express ideas “that offend, shock or disturb the State or any sector of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’”.⁷ The ability to express and share ideas, even ideas which challenge, shock or provoke is necessary for democracy to function. But speech and protest can also be used to prevent others enjoying their rights, including their own Article 10 and 11 rights, people’s right to privacy, and even their right to life.⁸ The Carnegie UK Trust noted:

“[...] the right to freedom of expression is not absolute and the State may (in some instances must) take action to protect other interests/rights. The right to private life is an obvious example here, but also security (which might justify actions against terrorism) and the right to life, as well as more generally the prevention of crime (for example, images of child sexual abuse). Significantly, the State should take action to safeguard pluralism, and to safeguard the rights of all to speak and to ensure that there is no discrimination in individuals’ actual entitlement to rights.”⁹

14. In its case law while the European Court of Human Rights has given a great deal of protection to freedom of political speech it has also recognised that the right to freedom of expression does not justify incitement to hatred of others and that some forms of speech may engage Article 17 of the ECHR by limiting the rights of others.¹⁰

15. The question for this report is whether the level at which those rights are balanced is correct and fair. Is there a danger that in the name of free speech rights, society is tolerating behaviour which undermines not only other free speech rights, but democracy itself? Glitch, an organisation dedicated to ending online abuse, considered that “there is a false trade-off between ‘free speech’ and ‘harassment’.” They told us that this is because online abuse undermines free speech. In particular, it seeks to silence women and women of colour in public life.¹¹

7 *Handyside v UK*, App. No. 5493/72, (ECHR 7 December 1976), para 49

8 There are also some restrictions on the other rights engaged when considering this inquiry. For example, the positive article 2 (right to life) and 3 (freedom from torture and cruel or unusual treatment or punishment) rights have some conditions attached. Article 8 (right to family and private life) is a limited right. There are also a number of conditions that can attach to the right to free elections (Article 3 of Protocol 1).

9 Carnegie UK Trust ([DFF0021](#))

10 See, for example, *Pavel Ivanov v Russia* (App no. 35222/04), *W.P and others v Poland* (App no. 42264/98), and *Roj TV A/S v Denmark* (App no. 24683/14)

11 Glitch ([DFF0024](#))

16. We examined the framework of law around free speech in detail in our earlier report on freedom of speech in universities.¹² As we said there:

“The right to freedom of expression is not absolute and the Convention allows States to limit the extent of this right, as set out in national law. There are numerous criminal and civil law provisions which limit the lawful exercise of free speech rights. Statements that discriminate against, or harass, or incite violence or hatred against other persons and groups are not protected under free speech rights, nor are speech or conduct that glorifies terrorism. [...] However, there is no right not to be offended or insulted. Just because a statement may offend another person does not necessarily make it unlawful.”¹³

17. While human rights law gives a broad framework governing the freedom of expression and the right to protest, it can do no more than that. National laws and policies give further specifics. However, deciding whether a particular communication, or a particular protest, crosses the line between a legitimate exercise of human rights and an action which, intentionally or not, threatens the rights of others, is often context specific. In some cases, indeed so many that it can run to thousands of cases daily, it can depend on the exercise of judgement by many different actors—police, the social media companies, prosecutors, publishers, regulators, political parties—and the individuals directly concerned.

The effect on democracy of the failure to protect rights

18. As Global Partners Digital said:

“In its General Comment No. 25 on Article 25, the UN Human Rights Committee has stated that “[v]oters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind.” While the General Comment does not specifically address violence or threats against those running for election, there is no reason why the same considerations should not apply.”

On that basis, Global Partners Digital argued that the right to stand in elections “necessitates candidates’ freedom from violence or threat of violence, or manipulative interference of any kind.”¹⁴

19. This surely applies in the same way to incumbents as it does to candidates. As Professor Rowbottom, Associate Professor in Law at the University of Oxford, said: “if there is action that is unreasonably deterring anyone from standing for office or communicating with their constituents, you would say that any measures that restrict expression are not to protect a competing interest; they are to protect another fundamental right.[...] The

12 Joint Committee on Human Rights, Fourth Report of Session 2017–19, [Freedom of speech in universities](#), HC 589 / HL Paper 111

13 Joint Committee on Human Rights, Fourth Report of Session 2017–19, [Freedom of speech in universities](#), HC 589 / HL Paper 111. See para 18 and the Annex to the Report, which gives a summary of applicable legislation.

14 Global Partners Digital ([DF0022](#)), para 8

ideal is to accommodate both the right to free speech and to criticise but also the right to meet citizens and stand for election, in so far as possible, but it means that you are dealing with two rights of equal weight.”¹⁵

20. This is not simply an inquiry about politicians and those associated with them. It is about the impact on all citizens who take part in the democratic process. If the balance between rights is not correct, ordinary people will be deterred from general political engagement, and from considering running for office. We will see a politics where politicians no longer relate freely and openly to their constituents, but are instead forced to retreat to ensure their own safety. Although where there may be choice at the ballot box, that choice will have been constrained.

21. The exact ways in which intimidation and harassment will cause harm is likely to vary between different systems of representation. We consider the problems in the United Kingdom to be acute. The first-past-the-post system necessitates a close relationship between MPs and their constituents; being visible in their constituencies, attending community events and meeting regularly with their local electorate are considered core parts of an MP’s role. If these activities are impeded by intimidation and abuse, this could hamper the MP’s ability to effectively represent their constituency.

2 What is happening?

Sources used in the report

22. We have received 27 written submissions in response to the call for evidence that we issued in February 2019. We have also taken oral evidence from fellow MPs, the Parliamentary Security Department (PSD), the Director of Public Prosecutions, the Metropolitan Police, Facebook and Twitter, and free speech advocates and experts. Their evidence is published online, and has been immensely helpful. We are very grateful to all those who contributed to this inquiry.

23. In drawing up this report we have also been able to use a range of already published information to assess the scale of intimidation and abuse, and its effects on MPs, their staff, families and the public, including:

- The Committee on Standards in Public Life's [CSPL] report on intimidation in public life, published in December 2017;¹⁶
- Amnesty International's research on the effects of social media on female politicians;¹⁷
- The Inter-Parliamentary Union's work on sexism, harassment and violence against women in parliaments in Europe;¹⁸ and
- The Law Commission's scoping report on abusive and offensive online communications,¹⁹ which gives a comprehensive account of the law relating to online communication offences and of the research relating to online abuse.

These have all been extremely valuable. However, as people may be reluctant to speak out publicly about the scale of the abuse they face, we gathered evidence from a number of MPs through face-to-face structured interviews, conducted by staff on behalf of the Committee.²⁰ This has given us deeper insight into the challenges MPs face. It is clear that people in public life have been concerned not to appear weak, or not to appear as if they are indulging in special pleading. What they say about the scale of threat they face in public clearly understates the true situation.

24. Our interviews have been extremely informative. We offered a choice between full confidentiality, anonymity and going on the record. We have published the interview reports where MPs have said they are willing to be on the record. This alone reveals some of the problems; the material we have in confidence, or which appears in anonymised quotations in this report, tends to be still more shocking.

25. We have used the evidence gathered for this report²¹ together with already published evidence to assemble a picture of the way in which MPs, their staff and families are currently affected.

16 Committee on Standards in Public Life, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, Cm 9543, December 2017

17 [Women abused on Twitter every 30 seconds – new study](#), Amnesty International press release, 18 December 2018

18 Inter-Parliamentary Union, [Sexism, harassment and violence against women parliamentarians](#), October 2018

19 See Law Commission, [Abusive and Offensive Online Communications](#), November 2018

20 Where evidence or quotations are not referenced, it is taken from these interviews.

21 Democracy, Freedom of Speech, and Freedom of Association – [Publications](#)

The role of an MP

26. There were some clear themes in the evidence. MPs are often the last resort for people whose problems have not been solved by other agencies, or who have mental health problems, or both. The MP becomes the focus for frustration, even though not the cause of the problem, simply because they are unable to resolve it.

Current threat level

27. Many respondents linked the increase in threat level to the current political uncertainty over Brexit, and the political uncertainty of the last few years. Others pointed out that attacks on MPs and their staff were not new, and that MPs had been murdered in the past, even within the precincts of Westminster.²² Nonetheless there was general agreement that abuse and intimidation had increased. Cressida Dick, the Metropolitan Police Commissioner, told us: “the current context, in our policing time at least, is unprecedented”.²³ The CSPL has spoken of “a culture in which the intimidation of candidates and others in public life has become widespread, immediate and toxic.”²⁴ Commander Neil Basu of the Metropolitan Police told us: “In 2017, 151 crimes were reported by Members of Parliament across the country, and in 2018 there was an increase of 126% to 342 crimes. Just in the first four months of this year, January to April, we had a 90% increase to 152 crimes compared to the same period in 2018.”²⁵ This figure does not cover all such crimes, nor does it include all the 600 “incidents” Commander Basu said were notified to the police. Our interviews similarly make clear that although threats and crimes directed against politicians may not be new, they have dramatically increased.

28. While this may not be unique to the United Kingdom, it may have particularly pronounced ill effects on democracy in this country. MPs are answerable to their constituents, both at the ballot box and through more informal interactions. Constituents expect to be able to approach their MP about problems, or to see them at constituency events. This frequent interaction between MP and constituent is extremely precious. It contributes to the health of our democracy in many ways. It allows constituents to meet their representatives; it gives MPs deep understanding of the lives of their constituents, which is good in itself and also allows them to conduct their scrutiny work more effectively. It would be disastrous if we allowed a situation to develop in which those interactions were reduced because MPs feared for their own safety and that of their staff.

29. It is possible that, in future, threats to politicians will become rarer, and language calmer. It is important that we do not curtail people’s rights by overreaction to a temporary disturbance. Equally, it is important that effective democracy for everyone is not undermined by an all too easy acceptance that intimidation and abuse is an inevitable result of engaging in politics. It is not inevitable, and we need to make sure it does not become so. Further, if intimidation and abuse are normalised as part of political life, individuals who might otherwise have stood for election may choose not to do so and the public service will be poorer for it.

22 [Q39](#)

23 [Q39](#) [Cressida Dick QPM, Commissioner, Metropolitan Police Service]

24 Committee on Standards in Public Life, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, [Cm 9543](#), December 2017, p 32

25 [Q37](#) [Commander Neil Basu]

Threats and abuse

30. In May 2019, Jack Renshaw was jailed for life for plotting to murder an MP and threatening to murder a police officer; in July, two men were handed restraining orders because they had abused MPs; in August, another was jailed for 18 weeks for making death threats to six MPs.²⁶ More recently, another was convicted of sending white powder, labelled “anthrax”, to 16 victims, most of whom were female MPs.²⁷ More could be added to this list. As our interview project revealed, such cases are commonplace. Death threats are frequent. Sometimes these may have been made because the person making them on social media did not realise their impact, but often their impact was intended or represented a real-life threat. Nor was social media the only source of threats. We heard about threats by letter, and threats from a constituent at a public meeting.²⁸ In several cases the police had taken action to protect the MP concerned.

Box 1: Threats to MPs

- “I get death threats & threats of aggression online which we regularly report to the police. We get on average one a month, it depends [...].”
- “The police found a note that an individual was planning to kill him and he had to stay away from his flat, until the police had apprehended the perpetrator.”
- “One person contacted the office and said they were going to kill the MP for not fixing their leaky roof and police went to visit him [that person] and told him not to speak to [the]MP’s office.”
- “Overall there are threats related to death, or violence or just extremely abusive comments. One person in 2017, who was prosecuted, send [sic] us a picture of hanging MPs as a message that this is what happens to traitors.”²⁹

31. Rape threats are similarly commonplace. The Inter-Parliamentary Union’s study on sexism, harassment and violence against women in parliaments in Europe showed that nearly 50% of respondents reported receiving messages of death threats, threats of violence and rape threats made against them, their children and their families.³⁰ Many of the female MPs we spoke to directly had also experienced threats of rape.

32. MPs who are threatened all deal with it differently. Some ignore it hoping it will go away. Some call the police—and depending on which police area they are in get widely differing responses. Some take out injunctions against the threatening individual—hoping that so doing will inflame them less than a police intervention or worried for the mental health of the person that threatened them.

26 [Jack Renshaw: MP death plot neo-Nazi jailed for life; Man jailed for death threats to ‘anti-Brexit’ MPs, Death threats to 6 MPs; Anna Soubry Nazi-slur man given suspended jail term](#) – BBC online

27 [Anthrax hoaxer admits sending white powder to MPs](#) – BBC online, 22 August 2019

28 Anonymous interview with Member

29 Quotations are taken from anonymous interviews with MPs unless otherwise indicated.

30 Inter-Parliamentary Union, [Sexism, Harassment and violence against women in Parliaments in Europe](#), 2018, Para 46.9

Abuse

33. Leaving aside death or rape threats, or other threats of serious violence, MPs are increasingly the target for abuse.

Box 2: Social Media

“I think there’s a real problem with social media, there are genuinely people who say things they would never say face to face. But they feel that it’s okay to say online.”³¹

“I have been subjected to micro-targeted ads taken out against me, and specific ads misrepresenting my position have been put on Facebook, just in my own area, targeted at people who were known to be very firm leavers. That also resulted in threats in my inbox. The technology is a real issue.”³²

34. Online intimidation is now a persistent characteristic of election campaigns for a large number of parliamentary candidates, who can be subject to intimidatory messages 24 hours a day. The CSPL report found that not a single female MP active on Twitter had been free from online intimidation.³³ While BBC 5 Live survey of women MPs asking about their security showed:

- More than half of women MPs questioned had faced physical threats.
- An overwhelming majority of women MPs had received online and verbal abuse from the public.
- Two thirds felt “less safe” following the murder of the Labour MP Jo Cox.³⁴

35. It is equally clear that abuse is disproportionately directed against BAME individuals.³⁵ Professor Kalina Bontcheva’s evidence showed that a wide range of subjects attracted abuse: it was not confined to obviously contentious topics such as Brexit.³⁶

36. Abuse and intimidation happens offline as well.

Box 3: Abuse offline

“The worst one was probably in December 2018, when I was out in my constituency judging a shop window competition and somebody started yelling at me that I was a traitor, scum, mentioned things that we all know what happens to traitors. I was angry, but the people who I was with were really quite shocked.”³⁷

31 Anonymous interview with MP

32 [Q2](#) [Vicky Ford MP]

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

34 [Level of abuse faced by women MPs revealed in survey](#), BBC Radio Live 5 clip, January 2017

35 [Q8](#) [Eric Hepburn, Parliamentary Security Director]; see also Amnesty International, [Toxic Twitter: Violence and Abuse Against Women Online](#)

36 University of Sheffield ([DFF0025](#))

37 Anonymous interview with MP

Release of private information

37. It used to be the case that MPs' home addresses were routinely published. That is no longer done for security reasons. Despite this, we heard of two cases in which MPs' home addresses and plans of their houses had been published. This publication has occurred on social media and on traditional media.³⁸ The risks to security are obvious. Given that we interviewed only a sample of MPs, it is likely that a significant proportion of MPs have had their security compromised in such a way.

Involvement of MPs' families

38. While MPs are away from their home during the week their families, living at an address which is well-known locally and easily found on the internet, can feel vulnerable and can become targets of abuse. This applies to elderly relatives who might be living with them as well as spouses and children. We ourselves have heard of explicit and implicit threats to families, MPs being shouted at in the street when they were accompanied by their children, and condolence cards being sent to MPs and spouses. We were told that "some women colleagues have had their family threatened really seriously."³⁹ MPs were also concerned about the effect on their families of seeing online threats and abuse, or simply of being with an MP who may be a target themselves.

Box 4: Families and children

- "I often carry a panic alarm with me wherever I go, including when I am not doing public duties—e.g. when I'm with my family." [anonymous interview with MP]
- "I will not wander down the beach with my grandkids because I will not expose them to that threat in case something happens." [Q1](#) [Julie Elliott MP]
- "I have young children. When the police come to speak about these things, your whole family is involved and bears the impact of it. There is a mental health impact from that." [Q2](#) [Dr Lisa Cameron]

38 Evidence from Members' interviews

39 Anonymous interview with MP

Harassment within political parties

39. The CSPL report made clear that parties had a responsibility to deal with intimidation in public life:

“Some of those engaging in intimidatory behaviour towards Parliamentary candidates and others are members of political parties and/or the fringe groups of political parties. Leaders across the political spectrum must be clear that they have no tolerance for this sort of behaviour in their party, wherever it occurs. They should not remain silent whenever and wherever intimidation takes place.

One important part of setting expectations for the appropriate behaviour is through a code of conduct for members. Codes of conduct should also be supported by training on the code, and backed-up with appropriate disciplinary processes and sanctions for inappropriate behaviour.”⁴⁰

The CSPL report recommended that political parties improve codes of conduct and processes around them. Despite the series of recommendations the CSPL made in December 2017, some of our interviewees, from different parties, continued to feel that the parties were themselves sometimes responsible for intimidation and abuse.

Box 5: Political acceptance of abuse

“there now seems to be a general acceptance in public life (within political parties and not just in public debate) that if you disagree with someone and don’t share their world view then you are unprincipled. This makes people believe that they can speak or act as they do—it essentially legitimises bad behaviour such as threatening, bullying, cajoling language and actions.”⁴¹

Impact on MPs’ staff

40. Threats to MPs do not affect MPs alone. MPs and their staff work closely together. Even before the current increase in threats, MPs’ staff have paid the price for their public service: we remember Andrew Pennington, who died after being attacked at a constituency surgery, coming to the aid of Nigel Jones MP.

41. We were told staff often see the abuse first, and see more of it, than MPs do, and in our interviews, that was a major cause of concern. In many cases, it was clear that MPs and their staff support one another. Some staff refused to allow MPs to monitor their own social media and email, in other cases MPs themselves took this on. In both cases, the aim was to shield others from the impact of unpleasant material. Sometimes, the solution has been to avoid social media altogether, which we discuss further below.

42. MPs regularly expressed concern about the safety of their staff in constituency offices and in surgeries. Staff are also the target for abuse themselves, and we have heard about staff being stalked, identified on social media or asked to provide constituents with their personal details. MPs talked about the stress their staff and volunteers faced.

40 Committee on Standards in Public Life, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, Cm 9543, December 2017, p 15

41 Interview with Peter Kyle MP

Box 6: Impact on staff

- “I worry about their mental health, the social media guy. He has said it has affected him sometimes and I’ve said to him to come off it [social media] when it does “
- “I don’t let my staff look at my social media feeds.”
- “Staff get a bunch of abuse. They are not exposed to my emails [...] but they get abusive phone calls and they have to think about surgery arrangements. [...] One guy phoned 75 times in a matter of minutes.”
- “Staff can now only see people in the constituency office if there’s more than one person present.”
- “I do feel a conscious sense of risk for my staff who are not trained security professionals.”

MPs’ expectations of public scrutiny

43. MPs are public figures. Every MP we spoke to accepted that they should be subject to scrutiny and challenge, and should engage with the public. Almost all considered that extremely robust challenge was part of the job, and that MPs should put up with challenges which would be unacceptable if directed against other people. These were not shrinking violets.

Box 7: The role of an MP

“We should be prepared to accept people expressing views to us and sometimes maybe doing that in a forceful way, whereas an ordinary member of the public might reasonably be a little frightened and taken aback if somebody came up to them in the street and started telling them what they thought about something. I guess that goes with our role, to a point.”⁴²

“People can’t take up the role of an MP expecting it to be like any other job. When you are a candidate you are in the constituency seven days a week, but when you become an MP you are only there a few days a week. Constituents will take the opportunity to talk to you when they can; last week a constituent stopped him in the gym to discuss a matter on which they held different views.”⁴³

44. Our witnesses made clear that there is currently a particularly high degree of free speech protection for what might be termed political speech:

“The general view is that it is part of accountability, especially of an elected politician, that they engage with the public and their actions are open to public scrutiny, which means receiving criticism that would not normally occur with, say, a private individual. The fact that criticism is about a public

42 [Q1](#) [Sir Graham Brady MP]

43 Anonymous interview with MP

figure raises that free-speech concern and puts it into the general discussion of a matter of general interest. It means that you give people a certain latitude to criticise a politician.”⁴⁴

45. We were told about a harassment case which failed partly because the expectation was that public figures should take criticism in their stride in a way that would not be expected of a private figure. We note that “the court said that the decision was not a blank cheque to say whatever you want and engage in campaigns of harassment. If someone repeatedly taunted a public figure and in such a way that was unrelated to any public events, that could cross the line.” And that “There is a higher threshold when dealing with a public figure, but there is still a line.”⁴⁵

Box 8: Effect of abuse at constituency offices

“The public and the authorities perhaps have a higher threshold in their expectation of the abuse that MPs should tolerate. A particular individual has been coming to the surgery with a megaphone and shouting at me quite routinely. I know that if that had happened to me in a surgery when I was working as a doctor, it would have been dealt with quite quickly by the authorities. It is almost as though that is okay—“You’re an MP, so you should expect people coming to shout at you”. That is frightening not just for the MP—you feel very vulnerable in that situation—but for the other people in the surgery who are affected by that and who perhaps do not want to come back to see their MP because they have had a negative experience when they have been to see them. It has a much wider impact upon our constituents.”

Source: [Q2](#) [Dr Lisa Cameron]

46. Richard Wingfield, of Global Partners Digital, distinguished between “political speech” and “speech directed towards politicians”, saying “I do not think we want to go in the direction of saying that we expect [politicians] to receive a level of abuse that we would not expect the ordinary citizen to deal with”, although speech about policy or a politician’s record would require greater protection.⁴⁶

Box 9: Debate vs bullying and abuse

“I have done quite a lot of tussling over politics. Looking back, I sometimes think that maybe at the time one accepted awful threatening behaviour and should have called it out earlier because it seems to have mushroomed and become bigger and if we had said something earlier it maybe it wouldn’t have become so vile.

We need to discuss more. Democracy is ultimately about discussion, debate, competition of ideas. That is exhausting. Some people can’t cope with that and want [a] strong figure. Others get that: that is about passions they are flying high, as long as there isn’t political violence, no bullying and abuse [...].”

Source: Interview with Wera Hobhouse MP

44 [Q48](#) [Professor Jacob Rowbottom]

45 [Q48](#) [Professor Jacob Rowbottom]

46 [Q48](#) [Richard Wingfield]

47. We agree there must be a high level of protection for political speech, and politicians should accept challenge. Politics is passionate. But the current assumption that it is legitimate to speak to and about politicians in a way which would not apply to “ordinary people” should be challenged. The toleration of abuse impacts not just on politicians and those close to them, but on everyone taking part in the democratic process. Speech or behaviour which would be considered intimidating or abusive if directed toward an ordinary member of the public should not be acceptable if directed toward an MP or his or her staff.

Effects of abuse on engagement and democracy

48. It is clear that despite MPs’ toughness, the scale of abuse is leading to significant changes in MPs’ behaviour.

- **Travel:** Some MPs avoid public transport altogether, even when the alternative is to drive long distances. Others avoid travelling alone or engaging with fellow passengers on public transport.
- **Constituency surgeries:** at a minimum, constituents’ names and addresses are noted. Many MPs said they had been forced to require constituents to make appointments for surgeries in advance; some spoke of ending their former practice of making home visits. Several spoke of police attendance at surgeries, and about ensuring that staff and MPs could not be trapped in surgery premises.

Box 10: Impact on connection with the public

- “We very rarely preannounce public events I’m speaking at, unless they are venues where there is a high level of security already.”
- MP stopped carrying out gatherings in one village hall—as with only female staff members you can feel vulnerable especially with angry constituents. “If you have a physically strong angry man, you would not feel safe.”
- MP does not publicise where he/she are [sic] going to be after instruction from the police.
- “Unable to tweet where I will be in advance. Unable to hold drop in surgeries. Surgeries now by appointment only and information requested on visitors in advance.”
- “I used to do open-door surgeries. Now I do appointments. The police will advise you: “Do not do your surgeries in libraries. Do not do them in community halls. Do them in an office where there is protection, where it is easy to get out, where you can have the police in attendance”. [Q3](#) [John Cryer MP]
- “Most MPs used to do surgeries around the patch with open invitation, not knowing who was going to turn up. I do not do that any more. I do as many surgeries, I see as many people, but they are all by appointment and they are all in my office where we have levels of security and protection, not just for me but for my staff, who are coming to work and doing a job ... We do not advertise what we do any more. We advertise when we have done something. They are not getting away with what they are trying to do, which is to disrupt what we do, but we have to be creative all the time.”[Q1](#) [Julie Elliott MP]

Source: Evidence from anonymous interviews with MPs, unless otherwise stated

- Engaging in debate: MPs are increasingly inhibited in engaging in debate on controversial topics, particularly online.
- Voting: The pressure is affecting how or whether some MPs vote. The MPs we spoke to speak about concerns for other MPs, but it is clear that MPs are all too aware that abuse and threats are likely to follow controversial votes.

Box 11: Voting

“I have tried to hold true [to] my beliefs and have not changed the way I vote, but I have had direct conversations with colleagues where I know the pressure being put on them through threats is potentially changing the way they vote.”⁴⁷

- Standing for election: The CSPL said: “We have heard how racist, sexist, homophobic, transphobic and anti-Semitic abuse has put off candidates from standing for public office. If this issue is not addressed, we could be left with

a political culture that does not reflect the society it should represent. This has serious implications for our democracy if our public life erodes to such a degree that it effectively excludes parts of the society it is there to serve.”⁴⁸

Box 12: Intimidation of candidates

“In the 2017 election, a partially-sighted candidate who needs the assistance of a guide dog to canvass—she is that partially sighted—received death and rape threats on social media. It is putting off the candidate as well as the elected politician.”

Source: [Q2](#) [Vicky Ford MP]

49. We cannot have a situation where MPs are keeping their head down, restricting their advice surgeries, reluctant to go on public transport on their own at night. We cannot tolerate a democracy where the scale of abuse directed against politicians, particularly against women and BAME politicians, narrows the electorate’s choice. Nor can we tolerate a democracy in which it is difficult for people to engage with their MPs online or face to face. Nor one where MPs fear to vote because a ‘wrong’ vote will lead to threats, abuse or intimidation outside of Parliament. There are competing rights here. The rights of MPs to be able to speak their mind without fear or favour, as they are elected to do, and the rights of the public to protest. This is not about preventing robust, energetic debate. This is about ensuring everyone has the space to engage in that robust debate.

50. MPs should be able to get on with their work and with the job for which they were elected, vote without looking over their shoulder and freely engage with their constituents and the wider public. No MP should face a barrage of abuse for doing their work as a holder of public office. It is in no one’s interest, if to stay safe, MPs retreat and become far more remote for constituents.

51. It is clear that, if unchecked, the normalisation of abuse will change our politics: we need to tackle abuse, not to retreat. There is no single, easy, answer to this, because freedom of speech and freedom of association are also key to democracy. There is no right not to be offended. There are many different organisations and individuals involved. But we can identify key principles which should guide everyone tackling these matters:

- **Representative democracy is the basis of government in this country and central to our national life; it should be given the importance it deserves;**
- **Parliament is the central institution of that representative democracy;**
- **Preventing access to democratic institutions, or impeding their proper functioning, physically or by intimidation, is unacceptable;**
- **Free speech rights under the Convention are not unqualified, and should not be exercised in a way which prevents others from enjoying their own rights, collectively or individually; Article 17 of the ECHR is relevant here;**

48 Committee on Standards in Public Life, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, [Cm 9543](#), December 2017, p 29

- **MPs have the right to free speech which should not be undermined by threats and abuse.**

52. Many different people and organisations need to be working to tackle the issue of threats against MPs and its impact on our democracy including the police, the CPS, the leader of the House, the Equality and Human Rights Commission and many more. We need a process to bring this together and consider the right of MPs to get on with the job for which they were elected. We need to make sure that MPs are not at risk. We encourage all those involved to consider convening a Speaker's Conference on this matter.

3 Security at Westminster and beyond

Parliamentary security: who does what

53. There is no single body with the power, resources and responsibility for ensuring the security of MPs and those who take part in the democratic process at Westminster and in constituencies.

Within the Palace of Westminster

54. The Parliamentary Security Department (PSD) is a joint department of the two Houses, responsible for security within the precincts, and for liaison with the police. The Director of Parliamentary Security is directly accountable to Mr Speaker and the Lord Speaker. Parliament has its own security personnel, but also contracts with the Metropolitan Police Service for policing services in Westminster. The Metropolitan Police (MPS) provides officers, both armed and unarmed, from the Parliamentary and Diplomatic Protection Team ('PADP') to police Parliament, and within that team have a Parliamentary Liaison and Investigation Team (PLaIT) based in the Palace of Westminster, which liaises both with the PSD and with local police forces. There is a consultative panel on security, chaired by the Deputy Speaker, Rt Hon Sir Lindsay Hoyle, through which Members can make their views known.

Metropolitan Police responsibilities

55. As noted above, PLaIT is a dedicated MPS team within the Palace. PLaIT is part of the Royal and VIP protective security command, which is linked in to the National Counter-terrorism Security Office. The Metropolitan Police have local policing responsibilities for MPs with constituencies in the Met area, or who live within their area. They are also partly responsible for public order in the area around Westminster.

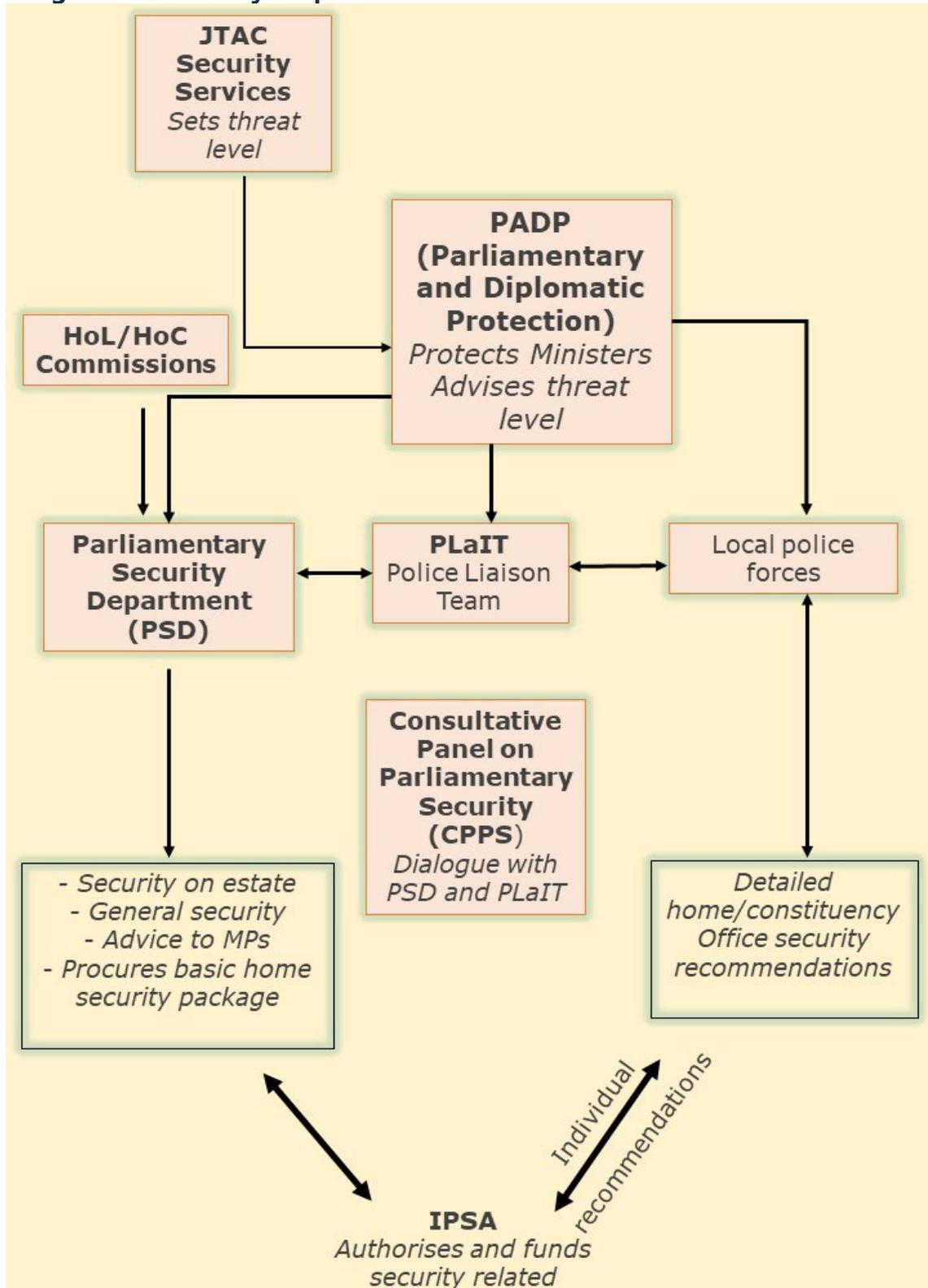
Local police forces

56. Local forces are responsible for policing in constituencies outside London. Their role is discussed further in paras 80-82.

IPSA

57. The Independent Parliamentary Standards Authority (IPSA) sets the rules about MPs' salaries and allowances. These include decisions about what expenditure is allowable and what information is published, and therefore these decisions will affect security. For example, IPSA funds a basic security package for all MPs, but will take decisions on extra security on a case by case basis, in accordance with police recommendations.

Diagram of security responsibilities



Data gathering

58. Since so many different bodies have an influence on and interest in the security of Parliament and Parliamentarians, we expected there would be stringent measures to get a clear view of the scale of the threat, and to share information. Yet, the incidence of serious threats and criminal acts against MPs is not clear. This is because of underreporting and

because there is no-one responsible for gathering this information and for recording it centrally. Neither of the two crime surveys (Crime Survey for England and Wales, Police Recorded Crime statistics and their equivalents in Scotland and Northern Ireland) record the occupation of the victim at a level where the number of crimes against MPs can be identified.

59. Freedom of Information responses published by the MPS give some indication of the number of crimes against MPs. These show the number of crimes reported to PLaIT between August 2016 to 10 July 2017 and July 2017 to February 2019. These figures are included in the Annex. Despite the likely underreporting, the figures show an increasing and worrying trend of crimes against MPs.

60. PLaIT, PSD and local police authorities work together to try and track crimes against MPs, but it is not clear that this information is robust. We ourselves made a series of Freedom of Information requests to local police forces to try to establish the scale of the problem. The responses varied widely:

- Nine police forces provided figures, as requested, and are to be commended for doing so;
- Sixteen others said they did not collect the data and it would be disproportionately expensive to find it;
- Fifteen others refused to confirm or deny whether they held the information, on the grounds that to do so would be against the public interest (as, for example, revealing an ongoing investigation might disrupt the investigation itself); and
- Three police forces have acknowledged our FOI request but have been unable to provide an official response due, they say, to a high volume of FOI requests.

61. While there is a greater emphasis on collecting information than previously, the MPs from whom we took evidence considered there was likely to be a great deal of underreporting. Dr Lisa Cameron MP contrasted the approach to threats to MPs with that taken in the NHS where she previously worked:

“Data is not being collected as it should, and that data is going to be crucial. I can only draw on my previous experience working in the NHS. We would fill out what was called a Datix form if there was an incident. Then it was collected centrally, and the police and the hospital would be able to look at it to see if there was a pattern, what risk management measures needed to be put in place, if there were any links between the incidents that were happening in different places or if the same perpetrators were doing things to different individuals.”⁴⁹

62. The many different authorities involved in considering the safety of MPs and its effect on democracy need to share a clear picture of the scale and nature of the problem. The variation in the replies we received to our Freedom of Information request asking for information about crimes against MPs makes it clear there is no consistent data collection about the level of crime related to political activity. The figures collected by PLaIT are likely to be an underestimate. *Local police forces should record whether*

victims are MPs, Councillors or standing for public office, and whether crimes are related to the victim's political work. This data should be held in an easily retrievable form and should be systematically shared with PLaIT and the Parliamentary Security Department. It is important that security services liaise closely with those responsible for MPs' security and they should share with them relevant information that they come across in their work.

Policing around Parliament

63. The fragmentation of responsibility is particularly noticeable when it comes to policing the Palace of Westminster and the area around Parliament.

- Security in the Palace of Westminster and Abingdon Green is the responsibility of the Parliamentary authorities;⁵⁰
- The roads around the Palace of Westminster, including the road between the Palace and Abingdon Green, are the responsibility of Westminster City Council;
- Activities on Parliament Square are licensed by the Greater London Authority (GLA); and
- The Metropolitan Police have policing control over the area around Parliament.

64. The Greater London Authority and the Mayor of London control some use of Parliament Square, and the area is covered by byelaws. Permission is needed for events and protests. The byelaws stipulate that permission will not be given in respect of any matter defined as a 'prohibited activity' under s143 of Part 3 of the Police Reform and Social Responsibility Act 2011 (c.13) and contain a number of prohibitions on matters such as attaching banners to the trees or statues, or displaying placards.

Statutory Framework for protests and similar activity near Parliament

65. The Palace of Westminster is both a place of work and an important focus for public protest, which is itself a means of democratic expression.⁵¹ Until 2011 access to Parliament was governed by the provisions of the Serious Organised Crime and Police Act 2005 (SOCPA) which made a new offence of demonstrating without authorisation in a "designated area" which was defined by Order, but had to be within one kilometre of Parliament Square. Those organising a demonstration had to give notice of 6 clear days if "reasonably practicable", and if that was not possible, give notice as soon as reasonably possible, and not less than 24 hours in advance. The Metropolitan Police Commissioner had to give authorisation for the demonstration if the requirements for notice were met. However, the police could impose conditions on those taking part, if it was believed these conditions could help prevent serious public disorder, damage to property, or hindrance to the operation of Parliament, amongst other things. Loudspeakers were banned.⁵²

50 Strictly speaking, the Commons controls its precincts, the House of Lords controls its House, Westminster Hall is a shared responsibility between the two Houses and the Lord Chamberlain, and Black Rod controls Abingdon Green. College (Abingdon) Green is part of the Parliamentary Estate. Protests are not permitted on the Green. Broadcasters are licensed to use it. Black Rod (or, in her absence, the Yeoman Usher as her deputy) manages the Green on behalf of the Corporate Officer of the House of Commons. Black Rod has the Corporate Officer's authority to direct members of the public to leave the Green if they are causing a nuisance or disturbance.

51 See Ministry of Justice, [The governance of Britain: constitutional renewal](#), Cm 7342-III, March 2008, para 13

52 Serious Organised Crime and Police Act 2005, [sections 132–138](#)

66. The Serious Organised Crime and Police Act 2005 (SOCPA) was widely criticised as both overly restrictive and ineffective. SOCPA was repealed in 2011 and the relevant rules were replaced by the Police Reform and Social Responsibility Act 2011. This attempted to balance the right to protest with the need for access to the Palace. It introduced a controlled area including Parliament Square Garden and its footways, and highways and gardens near the Palace of Westminster, including Abingdon Green. The use of loudhailers and the erection of tents in these areas without permission is prohibited. However, as Commander Connors explained, police enforcement of these conditions is not automatic—“for us to be able to enforce that, the landowner needs to say they are not going to have it.”⁵³ Not only does the landowner need to make clear they are not going to give permission for prohibited activities, as we have seen, there are multiple landowners involved, including the Greater London Authority and Westminster City Council.

67. There are also the national legislative provisions relating to marches and protests, which apply in Westminster as elsewhere. Individuals organising protests or marches must let the police know in writing 6 days before a public march unless it is not reasonably practicable to give any advance notice of the procession. The police require information as to the time of the march, the route, and the names and addresses of the organisers. Section 12 of the Public Order Act 1986 states:

- “If the senior police officer, having regard to the time or place at which and the circumstances in which any public procession is being held or is intended to be held and to its route or proposed route, reasonably believes that -
- (a) it may result in serious public disorder, serious damage to property or serious disruption to the life of the community, or
- (b) the purpose of the persons organising it is the intimidation of others with a view to compelling them not to do an act they have a right to do, or to do an act they have a right not to do,
- he may give directions imposing on the persons organising or taking part in the procession such conditions as appear to him necessary to prevent such disorder, damage, disruption or intimidation.”⁵⁴

In relation to rallies, the police can also direct a change of location, limit the duration of the rally and limit the number of people who attend. Police can stop sit-down protests which block road traffic or public walkways.⁵⁵ If there is no march organised as part of the protest, individuals do not have to tell the police, although section 14 of the Public Order Act 1986 allows the police to place conditions on static protests.

68. There have been numerous demonstrations in the course of our inquiry. Supporters of both “Leave” and “Remain” have maintained a daily presence, and there have been Brexit-related demonstrations, in particular on the ‘March to Leave’ rally on 29 March 2019. Not all the demonstrations have related to the EU; there have also been regular protests by taxi drivers and in April and October the Extinction Rebellion protests included activity near Parliament.

53 [Q42](#) [Commander Jane Connors]

54 Public Order Act 1986, [Section 12](#)

55 Gov UK, [Protests and marches: letting the police know](#)

69. We were surprised to learn that while there had been restrictions imposed on the Extinction Rebellion protest, there were no such restrictions on Brexit related activity, and, in particular, on the protest of 29 March. Commander Jane Connors explained:

“In relation to the Brexit protest that you are talking about, there were a significant number of people, but there was no intelligence that that march would not move smoothly through, that it would create disorder or that it would create damage, so serious disruption would happen for a time but then could be relieved as the march moved through.

In relation to Extinction Rebellion, we had seen ongoing serious disruption to the lives of Londoners and those trying to go about their business.”⁵⁶

The Brexit march caused sufficient disruption for the Parliamentary authorities to issue warnings to passholders about the exits to be used and the wearing of passes.

70. Both demonstrations took place on sitting days. Until 2006 the House of Commons used to pass a Sessional Order emphasising the importance of allowing free access to the House; the House of Lords still does so. Sir Graham Brady described it as setting out “an expectation that Members of Parliament coming and going was a very important part of keeping our democracy alive and healthy.”⁵⁷ When we explored whether the Sessional Order should be reinstated, we were told that it had been discontinued not because of the importance of access, but because it was considered to be legally ineffective.⁵⁸

71. We asked Westminster City Council and the GLA about their approach to policing round Parliament. Their responses are published with the evidence to this Report. We were surprised that while the GLA takes freedom of expression and freedom of assembly into account in deciding what to allow, its response made no reference to the needs of Parliament or a functioning democracy. We were also surprised that while the GLA consults with Westminster Council and the MPS about the use of Parliament Square, it does not consult PSD, “as the PSD has a detachment of MPS officers providing them with security, so they already have access to the information available to the police.”⁵⁹ There appears to be no clear mechanism for seeking Parliament’s views on the impact of demonstrations on Parliament’s work.

72. We regret the discontinuation of the Sessional Order requiring the police to ensure clear passage for MPs to the House of Commons. It gave a clear signal that the right of access to Parliament, for everyone who has business there, was important. However, it did not give the police the clarity that they need to prioritise the protection of democratic institutions and the importance of access to Parliament for everyone with business there. We therefore recommend that the Government include in a future Bill a statutory duty on the police to protect the UK’s democratic institutions and to protect the right of access to the Parliamentary estate for those with business there. Moreover, in making decisions about policing demonstrations around Parliament, or activities on Parliament Square, the MPS and the GLA should consult with Parliament and should give greater emphasis to the importance of ensuring access to Parliament than it appears they have done up until now.

56 [Q42](#) [Commander Jane Connors]

57 [Q1](#) [Sir Graham Brady MP]

58 [Q14](#) [Commander Adrian Usher: Sir Lindsay Hoyle MP]

59 City of Westminster ([DFF0027](#))

73. Vicky Ford MP told us:

“[...] we need to make sure that people have the right to protest and the right to freedom of speech. I do not want to ban protesters, because that could just give even more oxygen to their campaigns, but protesters do not have the right to stop women MPs going about their jobs. They do not have the right to threaten, intimidate or harass us.”⁶⁰

We agree.

74. There have been several occasions when MPs have been abused by protestors in the area immediately around the Palace and the police have failed to intervene. Professor Rowbottom told us the police “had fairly broad powers “ to intervene and he had been surprised they had not stepped in.⁶¹ When we discussed this with Commander Adrian Usher he assured us that “a police officer is absolutely at liberty to step in” to prevent harassment or abuse, and told us the police “have changed the tone of our briefing to officers” so that it is now clear that police on duty “can step in even if it does not constitute a crime at that point, engage with the individual and tell them to calm down, just as any other human being would.”⁶²

75. It has been recognised for centuries that unimpeded access to the Palace of Westminster for all who have business in either House, or wish to meet their representatives, is vital. Even though there is a special legal regime for the area around Parliament, it is clear that those responsible for policing and controlling that area have not always given the need for access without impediment or harassment the importance it requires. This must change.

76. This does not mean there should be a ban on demonstration or protest, but that the rights of protestors should be appropriately balanced against the need to ensure the effective functioning of democratic institutions. *All those responsible should adopt a zero tolerance approach to obstruction and intimidation (as opposed to protest) around Westminster. The police should be clear that officers will step in to prevent trouble at an early stage. This should be the normal instruction, rather than being introduced only after trouble has arisen.*

77. There have been repeated attempts to improve the legislation on policing around Parliament to ensure that the right to protest is balanced with the need not to disrupt the access to Parliament or Parliament’s work. No matter how strict a legal regime is, it will be ineffective if not enforced. It may be that if intimidation and insult are clearly no longer tolerated there will be no need for further action. However, vulnerabilities will remain, both because responsibility is diffused, and because the area remains open to vehicle traffic. There is a case for considering both legislative change in control of the area around the precincts, and whether physical security should be enhanced by measures such as pedestrianisation. The lack of a clear lead authority to whom we can direct this recommendation is a symptom of the problems caused by divided control.

60 [Q2](#) [Vicky Ford MP]

61 [Q53](#) [Professor Jacob Rowbottom]

62 [Q16](#) [Commander Adrian Usher]

78. We recommend that a joint group convened by the Metropolitan Police, and with representation from all authorities responsible, including from central government, should consider and report on the framework for control of the area around the precincts by June 2020.

Personal Security

79. As we have seen, the intimidation and abuse faced by MPs has affected the way they go about their work. Unless they feel confident that they and their families are reasonably safe, they will be under continuing pressure to retreat from public engagement. There are three factors in ensuring personal security that are within the responsibility of the authorities concerned: support for security measures; appropriate reaction from the local police in the face of security threats; and appropriate prosecutorial decisions. Most of all, though, MPs need to feel that the threats they face are recognised, and taken seriously by those who are responsible for helping to mitigate them. We heard evidence from John Cryer MP that:

“Any assessment of a threat to an MP needs to be on the basis of the threat, which sounds a bit glib, rather than position. At the moment, if you are Secretary of State for Defence or Home Secretary, for instance, you get automatic protection, and it is pretty extensive from what I understand. By the way, that is quite right. I have no problem with that. If you are not a senior Minister with that kind of portfolio, there is less keenness in some quarters to take threats so seriously, and you can actually be under a greater threat.”⁶³

It is right that the security response should be based on the office that a person holds where that office gives rise to a security threat. However, there is also a need for security for those who are under a specific threat, not due to the ministerial office that they hold, but just because they are an MP.

Local policing

80. While, many MPs speak positively about the response from their local police service, the response from police forces is not always consistent. Incidents such as a police officer standing by while a member of the public shouted out at the young children of Jacob Rees-Mogg MP are well known. Further, it is clear that relationships with individual Local Commanders may for example have a disproportionate impact on MPs’ confidence in the local force. Some MPs spoke with frustration about not having the information to assess whether a particular threat should be taken seriously either because key information was withheld, or because the police themselves did not feel able to make an assessment.

Box 13: MPs on specific threats

- “[It is] very hard for me to know if I am at risk—I had to make a judgement on the risk level without knowing the background of the individual e.g. did they have a history of violence?” [interview with MP]
- “I can think of somebody who rang up an MP’s office and said, “I have a carving knife. I’m going to come and chop your head off”. The response of the local police was to say, “There’s not a lot we can do”. The MP said, “So I’ll wait until I’m lying in a pool of blood and then you’ll spring into action. Is that the general idea?” That MP rang the liaison team, who then contacted the local police. The response was pretty good after that and they did what was necessary.” [Q3](#) [John Cryer MP]

81. There were further frustrations about the regime around harassment where MPs felt they and their staff were expected to write to tell harassers to stop their behaviour before the police would intervene. Written notification that someone considers a course of conduct constitutes harassment and that the conduct is causing alarm and distress will of course make it easier to satisfy the provisions of the Protection from Harassment Act 1997 that the offender knows or ought to know that their behaviour is harassment. Nonetheless, the Act does not require the victim to issue such a letter before an offence can be made out.

82. When an MP is threatened by a member of the public the response of the police varies in different areas. On some occasions the relevant authorities react on the basis that it is their job to protect the MP. Sometimes their response is based on the sense that they regard it as their job to protect the rights of the public, to demonstrate, to have free speech in relation to their MP, to challenge their public representative. ***All local police forces must recognise the seriousness of the threat facing MPs. There needs to be clear central guidance to police forces about action to be taken to prevent harassment.***

Role of the CPS

83. There needs to be consistency in the CPS responses. It is right that a high degree of protection is given to political speech. As Max Hill QC, the Director of Public Prosecutions told us, speech has to reach the threshold of being grossly offensive or threatening before it reaches the criminal threshold. The Law Commission’s scoping report on Abusive and Offensive Online Communications from November 2018 makes clear that under CPS guidance not all behaviour which might be considered to breach the Malicious Communications Act 1988 or the Communications Act 2003 is prosecuted:

“[...] it may be judged that to do so would unreasonably infringe on freedom of expression; distasteful humour is a typical example. Alternatively, the circumstances of the offender may lead prosecutors to consider that the public interest would not be served by pursuing a criminal penalty; for example, where the offender is young and remorseful and their conduct did not cause substantial harm.”⁶⁴

64 See Law Commission, [Abusive and Offensive Online Communications](#), November 2018, p. 93

84. The increase in the threats to those in political life has been sufficient to provoke the CPS to action. Mr Hill told us:

“[...] in the arena we are talking about today—namely, intimidating behaviour towards Parliamentarians—we, as the Crown Prosecution Service, were sufficiently concerned by what has been happening in recent months and years to take the very unusual step of issuing guidance in March 2019.

[...] That means that we are firmly in the territory, we believe, where conduct has become so bad that it frequently crosses the lines that I have tried to identify.”⁶⁵

85. If conduct is serious enough to reach the threshold where prosecution might be considered, despite all the safeguards for political speech, Mr Hill assured us that “The fact that the conduct in question has been targeted at somebody who is serving the public, which parliamentarians all do, will be a public interest factor in favour of, rather than away from, prosecution.”⁶⁶

86. The CPS has also taken action to ensure consistency in prosecutorial decisions. Mr Hill said the CPS had:

“[...] recently put in place a system to maintain central oversight of cases involving MPs in order to build a clearer picture of the current climate. CPS Areas will record all cases in which the complainant is either a parliamentarian or member of their staff, where the offence is connected to their public role. CPS Areas will provide monthly notification to the Directors of Legal Services to facilitate effective monitoring.”⁶⁷

However, Mr Hill told us that different areas within the CPS’s 13 districts might legitimately take a different approach, as there might be local or regional context. But he also emphasised that “we are a national prosecution service. The purpose of issuing legal guidance [...] is to drive towards consistency”:

“[...] we have to leave space for regional variations because, as you rightly say, that is part of context. I leave some room for the possibility that the temperature might be different in one regional context from another regional context. I leave some room for that.”⁶⁸

87. It is encouraging that the CPS both recognises the importance of robust free speech and the fact that criminal offences committed against MPs imperil both the democratic process and public service. We are pleased it is collecting and monitoring data on cases involving MPs and their staff. It will be important to ensure that there is indeed consistency of prosecutorial approach across the country. While the context in an individual case is all important, we do not consider there is a case for regional variation in prosecution policy: a crime is just as much a crime in Bognor as it is in Bath or Berwick.

65 [Q33](#) [Max Hill QC]

66 [Q33](#) [Max Hill QC]

67 Letter (and Annexes) from Max Hill QC, Director of Public Prosecutions, Crown Prosecution Service, [regarding the inquiry on Democracy, Free Speech and Freedom of Association](#), 15 March 2019

68 [Q36](#) [Max Hill QC]

88. *Guidance from the police and CPS must ensure there is no unjustified variation of approach between different parts of the country, so that police officers have clarity and support in making difficult judgments about where to draw the line.*

89. *The increase in offences against MPs is reflected in a greater number of cases coming before the Courts. The Sentencing Council should consider the sentencing in these cases and consider whether there is need for a new sentencing guideline, to promote transparency and consistency in the sentencing of offences committed against MPs, and to recognise the threat to our democracy posed by such offending against MPs.*

Funding security measures - IPSA

90. IPSA is responsible for setting the scheme of Members' costs and expenses, and for decisions on how best to balance transparency and security. It is also responsible for paying for security measures. Beyond a basic security package, they will pay for measures recommended by the local police. PLaIT has a role in that it attempts to ensure security advice is consistent across different police authorities, although of course threats will vary from MP to MP. The police make their assessment on what extra is required on the basis of the likelihood that there will be an attack. They will assess, for example, whether a particular threat is likely to result in violence. The system does not take into account that although the police have been successful in identifying some threats to MPs before they materialise, not all those who pose a danger will directly threaten an MP before taking action. Indeed, Commander Usher of the Metropolitan Police told us "The evidence base suggests that it is not the person who makes the abusive or controversial remark against an MP who you should be worrying about but often the people who "like" that comment on social media, who are far more in the shadows. That makes it desperately difficult to police that area."⁶⁹ Nor does the IPSA scheme take account of the impact of living under threat on MPs, their staff or their families, and the importance of a level of protection which provides enough reassurance that it is safe to engage in public life.

91. As we have stated, although PLaIT attempts to keep data on crimes against MPs, there is no confidence that this data is complete. It is clear from our own MP interviews that the scale of threats and abuse is likely to be underreported. **We do not know the true scale of the problem because MPs are reluctant to report threats and many threats and offences go unreported. But it is clear that crimes against MPs are increasing. The Annex shows the increase in reported crimes against MPs over a two and a half year period, showing that there is an increasing and worrying trend of crimes against MPs. IPSA has to assess its policy and procedures in the knowledge that MPs are currently facing increased threat, that the assessment of the threat can only ever be a matter of judgement, and that those who intend harm are unlikely to threaten an MP directly before taking action.**

92. Although there are exceptions, the way in which MPs' constituency surgeries are conducted is changing to ensure the safety of MPs, their staff and members of the public who attend. This is having the undesirable effect of reducing constituents' access to their MP. *IPSA policy must be aimed at ensuring that MPs and their staff can continue to engage with the public. This means making sure constituency surgeries can be conducted in a way which is safe for all concerned, and that constituency premises are adequately*

monitored. IPSA should be more flexible in their approach and spend an amount appropriate to Members', their families, and their staff's needs in London and in their constituency.

93. The second point for IPSA to consider is whether its policies on publication of data are having unintended consequences. IPSA already recognises that there is some information which it is inappropriate to publish: it does not for example reveal the amount spent on security for individual MPs. But there may be other data which should be reconsidered. We were told that publication of detailed information about use of public transport meant some MPs felt constrained to drive long distances, rather than have ticket details revealed. Clearly, there should be a limit on the expenses which MPs can claim and that limit is set at the second class fare. IPSA should be rigorous in ensuring the rules are followed. The public should know how much an MP spends on travel. However, given that IPSA rightly checks all spending we believe the current policy of publishing every single claim, including class of travel, is disproportionate. Two of the MPs we interviewed identified it as forcing them to use the car for long distances, rather than reveal their journey, or risk the criticism which might follow if they took first class seats even at the reduced rate. ***In consultation with the Information Commissioner's Office, IPSA should review the information it publishes in the light of what is now known about the threat to Members. This does not mean it should change the amounts payable, or relax its rigorous approach to approvals, but it should recognise that there can be complex interrelationships to bear in mind when considering transparency and security, and that its policy may inhibit MPs work in ways which do nothing to reduce expenditure or ensure propriety.***

4 Communications, social media and other media

Limits on communication in general

94. There are a wide range of potential offences relating to expression. The following are prohibited speech acts:

- a) Threat to kill;
- b) Fear or provocation of violence;
- c) Acts intended or likely to stir up hatred on grounds of race; religion; or sexual orientation;
- d) Encouraging or assisting the commission of an offence;
- e) Terrorism-related offences (including the encouragement of terrorism);
- f) Intentional harassment, alarm or distress;
- g) Harassment, alarm or distress (without intent);
- h) Defamation;
- i) Malicious communications;
- j) Improper use of public electronic communications network.

95. Many of these offences can be committed by communications between a small group, maybe only two people. While this sort of offence can be serious, and is rightly taken seriously, there is a particular danger in communications which are sent to many people. Such communications can be made in many ways: they can be published as part of hardcopy media; they can be put out on social media; they can be put out by the authors in hardcopy form.

96. There are physical limits on the reach of hardcopy media. Those producing hardcopy media are also inhibited by publisher liability: they will be legally responsible for material which is, for example, libellous. This means that hardcopy media are likely both to be more restrained than online media, and that the reach may be smaller.

97. Even so, it is important not to underplay the role that hardcopy media plays in fostering an environment in which representative democracy is not seen as legitimate, or in which abuse is mistaken for vigorous political debate. Moreover, in a world in which newspapers are published online, and have comments below the line, there is no longer a clear distinction between “hard” and “soft” copy or between “old” and “new” media. We were told “below the line” comments were a fertile ground for abuse, and that newspaper stories could prompt a deluge of online comments.⁷⁰ Publication of photographs of MPs’ houses, or even, in one case we know of, of a floor plan, is not unusual. **It is not the role of the law to ban speech which is foolish or unpleasant. The fact that publishers are**

legally liable for what they publish provides an incentive to remain within the law. It is important that the press is free to challenge and criticise. But the press may wish to reflect on whether their challenge is framed in terms which will improve representative democracy or undermine it and whether some of the language they use is contributing towards a culture of hate speech and violence.

Social media

98. Under the system of regulation adopted by both the EU and the US in the early days of the internet, social media platforms such as Facebook or Twitter are not liable as publishers for material posted by their users, in the way that traditional media companies are liable. This decision was understandable when it was taken but it removed any incentive to ensure that material published online was lawful under the laws of the countries in which it appeared and now means that decisions over freedom of speech are made by corporations working across many different jurisdictions and attempting to apply the same standards to each.

99. Social media now provides key communication channels, on a scale which would previously have been unimaginable.

Box 14: Scale of social media use

“It is hard to quantify the speed and scale of communication on social media because of the variety of different sites and providers. Latest studies suggest that around 500 million instant messages are sent per day on Twitter. 1.47 billion people are daily Facebook users, including around 44% of the United Kingdom population. More than 40 billion messages a day are sent on WhatsApp, a free user to user and group messaging service. On YouTube, a video hosting site, over 400 hours of video footage is uploaded every minute.”

Source: [Law Commission](#), para. 143

Box 15: Effects of social media on political engagement

“Social media has increased the ease with which the general public can communicate with Members of Parliament. This undoubtedly has a positive outcome—bringing parliamentary accountability closer to individual constituents, allowing for MPs to communicate directly with the public, without dilution by the mainstream media, and vice versa. Lively debates occur on social media with and between MPs and, overall, this has increased the volume of democratic participation. However, the flip side of the increase in the ease with which individuals can directly communicate with MPs is that it is more common for MPs to receive abuse. In some cases, this has resulted in MPs receiving a litany of racist or misogynistic abuse, and direct threats of violence.”

Source: Index on Censorship ([DF0015](#))

100. The paradox is that MPs and political campaigners are increasingly driven off social media by threats and abuse, even though such media should be a key communication tool and an arena for political debate. While social media offers an unparalleled opportunity for increasing democratic participation and debate, it also offers the opportunity for

abuse, threat and virtual mobbing. As the studies by Amnesty International and the IPU show, online abuse is commonplace. Amnesty International’s research found that black women politicians are almost twice as likely as their white peers to be abused on Twitter and that Diane Abbott received almost half of all abuse against women MPs active on Twitter during the period between January and June 2017. While both the Amnesty and IPU data suggested such abuse is most likely to be directed against women and BAME individuals, more recent data from the University of Sheffield suggested that male MPs may “attract significantly more abuse than female ones.”⁷¹ All are agreed that the scale of the problem is increasing. Many of the MPs we spoke to now avoided social media, or, if they maintained a social media presence took steps to reduce the impact of abuse on their staff and themselves.

Impact of online abuse

101. As the Law Commission describes, there has been a tendency to treat online abuse less seriously than offline equivalents. This is wrong. The Law Commission sets out the harms arising from such abuse. Although its work was not primarily concerned with public life, many of the harms identified go to the heart of representative democracy:

“(1) failing to combat abusive online communications allows behaviours to escalate into even more serious offline offending, such as stalking and physical abuse;

(2) failures in legislation mean that the police response is often confused and minimal, making it more likely that women will not report offending;

(3) persistent abusive online communications against women, children and other minority groups “normalises” behaviour of this kind, creating a society in which abuse against women and [...] minority groups could also go unchallenged offline;

(4) failure to legislate effectively against abusive online communications has a disproportionate economic impact on women, who feel unsafe on the internet and may disengage with the many opportunities it offers; and

(5) large-scale online abuse suffered by high-profile women may further erode the willingness of women to stand for elected public office, or to take up senior positions, reducing diversity in the workforce and public life for the next generation.”⁷²

102. As the Law Commission concluded, although:

“[...] there are no existing measures which allow for a categorical comparison of relative harm, it is clear that there are characteristics of online abuse which may mean that a victim may be subject to more, and aggravated, forms of harm from online offending.”⁷³

71 University of Sheffield ([DFF0025](#))

72 See Law Commission, [Abusive and Offensive Online Communications](#), HC 1682, November 2018, para 1.49; the Law Commission does not discuss other ways in which abuse on line may affects women’s rights, such as their right to freedom of expression.

73 See Law Commission, [Abusive and Offensive Online Communications](#), HC 1682, November 2018, para 3.86

103. The Law Commission's point about online abuse escalating into offline action was based both on academic research and discussion with organisations with practical experience such as Women's Aid.⁷⁴ It was borne out by evidence given to us. The MPs who gave evidence on our first panel agreed that social media gave the impression that unacceptable behaviour was mainstream, and allowed individuals who might pose a threat, but who would formerly have remained isolated, to join with others in the constituency—or across the country.⁷⁵

104. It is clear that social media can currently be used in ways which undermine the rights of others. This can be done directly, by using the medium to make threats, breach privacy, or arrange offline action. But other rights can be undermined indirectly by creating a culture which accepts and normalises abusive and threatening behaviour, particularly towards women and minority groups, thereby normalising behaviour which would formerly have been unacceptable and by denying free speech rights to others. Online abuse has a wider impact: MPs who are driven off social media by abuse are denied the important access to use social media to communicate with the wider public.

Online anonymity and impunity

105. In principle, what is illegal offline should also be illegal online. Many offences, such as threats to kill, do not depend on the communication method used. In addition, there are a range of communications offences, chiefly in the Malicious Communications Act 1988 and in section 127 of the Communications Act 2003. The Law Commission scoping report on Abusive and Offensive Online Communications gives a survey of the law in this area, as well as a review of what is known about the effects of online abuse, and we are indebted to it.⁷⁶

106. Many of the MPs we heard from considered that anonymity fostered online abuse. In contrast, Jodie Ginsberg and Richard Wingfield considered there could be very good reasons for online anonymity (which could in any event be removed if requested for law enforcement purposes).⁷⁷ In Ms Ginsberg's view, the problem was impunity—crimes committed online were simply not pursued as they would have been offline: "Some people are engaging in actively criminal behaviour and there is no consequence."⁷⁸

Can Internet abuse be dealt with by police action alone?

107. Some of our witnesses considered that online speech should be dealt with in the same way as off-line speech, and those who maliciously or mistakenly felt that free speech rights extended to abuse and intimidation online should be dealt with by the police as they should be off-line.⁷⁹

108. The Law Commission believe that this approach will not work because of:

74 See Law Commission, [Abusive and Offensive Online Communications](#), HC 1682, November 2018, para 3.12ff; see also Karsten Müller and Carlo Schwarz, [Fanning the Flames of Hate: Social Media and Hate Crime](#), 19 February, 2018

75 [Q5](#)

76 See Law Commission, [Abusive and Offensive Online Communications](#), HC 1682, November 2018

77 [Q58](#) [Jodie Ginsberg and Richard Wingfield]

78 [Q58](#) [Jodie Ginsberg]

79 [Qq52–54](#)

- The sheer scale of abusive and offensive communications, and the limited resources that law enforcement agencies and prosecutors have available to pursue these;
- A persistent cultural tolerance of online abuse, which means that even when reported, it is not always treated as seriously as offline conduct;
- The difficult balance that must be struck between protecting individuals and the community generally from harm, and maintaining everyone’s fundamental human right to freedom of expression;
- Technical barriers to the pursuit of online offenders, such as tracing and proving the identity of perpetrators, and the cost of doing so; and
- Jurisdictional and enforcement barriers to prosecution: the online environment is highly globalised, and even when overseas-based offenders have committed an offence in England and Wales, pursuing them may prove practically impossible or prohibitively expensive.⁸⁰

109. Commander Basu, Assistant Commissioner of the Metropolitan Police, agreed that the scale of internet enabled communications was so great that normal policing approaches were overwhelmed. He rejected the idea of social media companies providing funding to the police to support the work of the police in dealing with the increase in criminal activity online, much of which is done through using social media platforms. Commissioner Cressida Dick also warned against a levy on internet companies to support policing, saying:

“[...] we are a public service and we only provide special police services, as the ones we charge for are called, when it is over and above our normal duty. It would be a fundamental change in the law that governs how the police are funded and our constitutional position.”⁸¹

We note that implicit in that model of policing is the idea that funding comes from general taxation levied on all individuals and organisations within the jurisdiction. It is also significant that Commander Basu considered “There is no way this country could afford a police service that could police the internet. It just will not happen. It is not even worth debating it.”⁸²

110. This is not to say there is no action taken against those who use social media to break the law. The CPS has issued guidance on prosecuting cases involving communications on social media. As set out in paragraph 11 and 30, there have been several recent cases in which those using social media to threaten MPs have been successfully investigated and prosecuted.⁸³

80 See Law Commission, [Abusive and Offensive Online Communications](#), HC 1682, November 2018

81 [Q43](#) [Cressida Dick]

82 [Q43](#) [Commander Basu]

83 Crown Prosecution Service, [Social Media - Guidelines on prosecuting cases involving communications sent via social media](#), 21 August 2018

111. **It is important that threats, intimidation and harassment online should be treated as seriously as threats, intimidation and harassment offline. We welcome the efforts made towards this. The danger is that the internet will become a place where unlawful conduct is commonplace but only the most serious crimes can be dealt with. The scale of traffic on social media networks means that the criminal law alone is not enough to deal with this issue, but it is important that prosecutorial authorities ensure it is clear that the internet is not a place where there is effective impunity for all but the most serious breaches of the law.**

Setting rules for online content

112. Social media offers private communication platforms, run by private companies, where speech which is offensive can proliferate, where there can be virtual mobs, which can be orchestrated, and where bad behaviour can be normalised. Free speech rights can be denied if the level of abuse is so great that many people have to disengage with social media. It is clear this is already happening. Nevertheless, the right to free speech is vital and this includes the right to express opinions which are shocking or offensive.

113. **There needs to be a high level of protection for free speech within the law. But there are already restrictions on certain types of speech such as hate speech. None of our witnesses argued in favour of extending the substance of these restrictions. Nonetheless, as the Law Commission notes, there is a case for revisiting the law relating to abuse and offensive content online, to make it clearer. We look forward to the Law Commission's proposals, which are expected to be out for consultation in 2020. As part of that work the Law Commission will be considering whether coordinated harassment by groups of people online could be more effectively addressed by the criminal law. We note the current assumption that this consideration should be limited to coordinated activity. If a person who spontaneously joins a mob offline will be criminally liable for any breaches of the law which ensue, we do not see why it should not be the same if someone joins in mobbing online.**

114. **While we understand the need for careful consideration before law reform, we consider that this work is urgent, and should be given high priority both within the Law Commission, and, once the Commission has reported, by Government.**

Regulation and self regulation

115. Social media is currently largely self regulated. There is no legal obligation for the owners of platforms to allow any type of speech on those platforms. Social media companies have their own standards, which vary from company to company. While standards vary between companies, those standards are applied worldwide, as far as possible. Moreover, as American companies, they come from a very particular tradition: the US is more particular in its protection of free speech than countries where the ECHR applies. The standards applied by social media companies are inherently likely to give more weight to the right to speak freely, even if that speech is offensive, threatening, abusive, or likely to incite hatred, than to the rights which might be affected by such speech.

116. We took oral evidence from Ms Rebecca Stimson, UK Head of Public Policy, Facebook and Ms Katy Minshall, Head of Public Policy UK, Twitter: two of the largest social media companies. Both companies have policies designed to allow free speech while limiting

harmful speech. Both witnesses recognised there is a problem. Each described their company’s policies to try to stop it; for example, Ms Stimson told us that Facebook’s policy on threats had recently changed, so that “anything that is a threat to a public figure, even if by any standards most people would not think that it was realistic, we will now remove.”⁸⁴ Twitter attempts to prevent online mobbing.⁸⁵

117. Whatever the companies’ intentions, neither is effective in removing abuse. We were particularly concerned that shocking misogynistic images were found not to be a violation of Twitter policies until public and political outcry forced change.⁸⁶ We were concerned to learn that in relation to its hateful conduct policy Twitter has omitted “sex” from the list of protected characteristics. This could account for their failure to give adequate protection to women from misogynistic abuse and we trust they will remedy this omission.

118. Both companies pointed to the scale of their attempts to remove offensive material through their content moderation teams. Ms Minshall told us that 38% of enforcement decisions on abuse were flagged up by Twitter’s internal tools.⁸⁷ However, it was clear the extent to which automated tools could identify problematic posts was limited.

119. Facebook emphasised that it had 30,000 employees working on safety and security.⁸⁸ Ms Stimson told us “We have 15,000 human reviewers around the world looking at content 24 hours a day, seven days a week, in 50 different languages.”⁸⁹ Set against the scale of Facebook use this is insignificant: 1.52 billion people are daily users and 44% of the UK population uses the service. We note that Facebook’s net income in the year ending 31 December 2018 was over \$22 billion.⁹⁰

120. Given the scale of publication on the internet compared with the resources allocated to reviewing content, the evidence we have received about the toleration of abuse and the acceptance that it is impossible for illegal content online to be tackled by traditional law enforcement methods, we do not consider that pure self-regulation of online content can continue. There needs to be greater regulation of social media companies.

Report and take down

121. Attempts to regulate what is published on the internet have, largely, focused on ensuring that companies take down material quickly once it is notified to them, as in the German Network Enforcement Act. The UK Government’s Online Harms White Paper includes a similar model for take down although its proposals go far wider.

122. Companies already operate this “notify and take down” model. They provide various tools for their users to report material which they consider breaches a site’s policy. They

84 [Q21](#) [Rebecca Stimson]

85 [Q22](#)

86 [Q20](#)

87 [Q19](#) [Katy Minshall]

88 [Q19](#) [Rebecca Stimson]

89 [Q22](#)

90 [Facebook Reports Fourth Quarter and Full Year 2018 Results](#) - Cision distribution - PR Newswire. The figure for active users above differs from that in the Law commission quotation, as it draws on this later information. The report from the House of Lords Select Committee on Communications gives more examples of issues in the various platforms’ approach to moderation. See House of Lords, Report of the Select Committee on Communications, Session 2017–19, [HL Paper 299](#), paras 207 ff

also have systems in which trusted operators, who include Parliamentary Digital Service, can get material they identify as illegal taken down quickly.⁹¹ **Given the scale of internet use, and the speed with which material can be spread, we do not consider that it is satisfactory to have a system for moderating social media which relies to a great extent on users to identify and flag objectionable posts for takedown. Nor do we think it is reasonable to expect those who face high volumes of abuse to invest time and resources in managing their accounts in ways others do not have to.**

123. Commander Basu was sceptical about regulation which would require companies to take down offensive speech within a stipulated time, pointing out that “in an hour it can be replicated and changed and its DNA footprint changed so many times, and it can go to so many different channels, some of which will never deal with law enforcement or Governments, that it will be impossible to detect”.⁹² Instead he considered the problem should be tackled by the companies themselves.

124. There was some hope that machine learning could be used to identify offensive material. While it is clear there are capabilities in this area, these are less advanced than many suppose. As Ms Stimson said, while machine learning had been able to identify terrorist content, bullying and harassment are harder to identify:

“We found about 2 million pieces of that kind of content, but only about 15% of that was found by our machines. For the rest, we rely on individuals reporting to us and human reviewers. It is often more about context and intent, which can involve more nuanced decisions.”⁹³

125. Much depends on context. “I could murder a curry” is very different from “let us murder an MP.” There will always have to be a significant human input into these systems. ***Companies should devote increased resources into ensuring their platforms are safe; the onus of removing offensive content should not be on the victims to report or the police to investigate. The scale of social media companies’ current activity in relation to dealing with these problems is insubstantial compared to the scale of the problem. Bearing in mind the scale of their profits, an increase in resources should not be impractical.***

The future of regulation

126. As the CSPL said “Facebook, Twitter and Google are not simply platforms for the content that others post; they play a role in shaping what users see”.⁹⁴ The CSPL recommended rebalancing the legal framework to make social media companies more liable for illegal conduct on their sites. The Government has gone further. In its Online Harms White Paper it proposes:

- An online environment where companies take effective steps to keep their users safe, and where criminal, terrorist and hostile foreign state activity is not left to contaminate the online space.
- Rules and norms for the internet that discourage harmful behaviour.

91 [Q19](#)

92 [Q43](#) [Commander Basu]

93 [Q21](#)

94 Committee on Standards in Public Life, *Intimidation in Public Life: A Review by the Committee on Standards in Public Life*, [Cm 9543](#), December 2017, p 13

- The Government will establish a new statutory duty of care to make companies take more responsibility for the safety of their users and tackle harm caused by content or activity on their services.
- Compliance with this duty of care will be overseen and enforced by an independent regulator.⁹⁵

127. Context is everything. As Jodie Ginsberg said:

“The terms “illegal”, “harmful” and “abusive” are all conflated to the point where people begin to think that things that are harmful are illegal, or potentially should be illegal.”⁹⁶

Richard Wingfield was concerned that the regulatory model proposed would be too restrictive:

“[...] from a freedom of expression perspective, if we looked at what that would mean in the offline world we would be pretty horrified. It would basically mean us needing permission every time we wanted to say something or having it checked before we were allowed to say it, or having recording devices installed in every room, corridor, pub and place of employment and constantly being listened to in order to ensure that no one was ever saying anything illegal or harmful.”⁹⁷

128. We agree that the law is a blunt instrument, and not everything harmful should be illegal. Equally, not everything which is legal should be condoned or encouraged. It is not unusual for the law to regulate activities which are not themselves criminal to reduce the level of harm to society. The ban on smoking in enclosed spaces is a prime example of this. Similarly, the European Court of Human Rights has held in case law that exercise of free speech which is legal in some contexts, might be lawfully restricted in others, such as during a religious service.⁹⁸ There is a qualitative difference between speech between individuals, or material which is published offline, and online publication, which is not subject to publisher’s liability, which can be expressed to all the world, and which can be quickly and easily replicated.

129. The regulation of companies which operate on the internet, such as social media platforms, is now being actively taken forward, both in the UK and elsewhere. Free speech is not the only value to be considered. National and international authorities are increasingly taking action against companies which are considered to have allowed privacy breaches, for example, or abused their market position. And there is increasing parliamentary interest in the subject: our colleagues on the Digital, Culture, Media and Sport Committee have already conducted an inquiry into fake news, and have established a sub-committee on disinformation and are looking at the Online harms White Paper; the House of Lords Communications Committee has recently published a comprehensive report on regulating in a digital world⁹⁹ and we ourselves are enquiring into privacy and the digital revolution.

95 HM Government, Online Harms White Paper, [CP 57](#), April 2019

96 [Q57](#) [Jodie Ginsberg]

97 [Q57](#) [Richard Wingfield]

98 *Mariya Alekhina and Others v. Russia* (application no. 38004/12)

99 House of Lords, Report of the Select Committee on Communications, Session 2017–19, [HL Paper 299](#)

130. There is an increasing appetite for regulation of the internet, both at national and international level. The balance between different rights should be an important component of that regulation. The following principles should be borne in mind as the detail of that regulation is developed:

- a) The rights to freedom of expression and freedom of association are qualified. Free speech is accompanied by duties and responsibilities, and it does not encompass speech which undermines the rights or freedoms of others, including others' right to freedom of expression.**
- b) Forcing others off the use of communications platforms either by online mobbing or abuse, is not a valid exercise of the freedom of expression.**
- c) ECHR caselaw recognises that different countries will take different decisions about what speech needs to be restricted in a democratic society to take account, for example, their different cultural traditions, local conditions and local risks. Social media companies will need to respect the laws of the countries in which they operate, and those laws should themselves respect human rights. Regulators should not be unduly inhibited in what they propose.**

5 Political parties and abuse

During election periods

131. The Committee on Standards in Public Life was particularly concerned about ensuring elections are free and fair. It recommended that “The government should consult on the introduction of a new offence in electoral law of intimidating Parliamentary candidates and party campaigners.”

Box 16: Election law and digital communications

- “our election law is not fit for purpose in a digital age. You wouldn’t let someone stand up in a public meeting and put vile threats against you and call for your rape or your death. It wouldn’t be allowed in the physical world. Why do we allow it in the virtual world?” [Interview with MP]

132. Under electoral law there are some offences which are not only punishable by normal penalties such as imprisonment or fines, but which also attract disqualification from running for election for a fixed period (three or five years depending on whether the offence is classified as an “illegal practice” or a “corrupt practice”). The Government proposes that:

- People who intimidate candidates or campaigners in the run up to an election will be banned from running for public office for five years;
- The existing offence of undue influence on a voter should be clarified to cover intimidation inside and outside a polling station;
- Candidates, political parties and non-party campaigners will also be required to brand or ‘imprint’ their digital election materials, so the public is clear who is targeting them.¹⁰⁰

133. The distinction between free speech and abuse is already recognised in law. Section 106 of the Representation of the People Act 1983 says that someone who “makes or publishes any false statement of fact in relation to the candidate’s personal character or conduct shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, that statement to be true.” The Government’s proposals would mean that a range of existing offences relating to intimidatory behaviour would also become offences which attract disqualification from running for election for a certain period. Applying this new regime to existing offences would, the Government asserts, protect freedom of expression while highlighting the seriousness of the threat of intimidation of those standing for office and supporters and deter and punish such behaviour.

134. The National Police Chiefs’ Council, the Electoral Commission, the CPS and the College of Policing have now cooperated to produce guidance for candidates “about behaviour which candidates in elections may experience during a campaign which is

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

likely to constitute a criminal offence.”¹⁰¹ The guidance encourages candidates to report any behaviour they consider may be unlawful. The College of Policing has also updated its guidance for policing elections,¹⁰² and the CPS has produced guidance on responding to intimidating behaviour.¹⁰³ These are welcome responses to the CSPL report.

135. The proposal for digital imprints on electronic election material was widely supported, although we note that enforcement, and the resources available for enforcement, was raised as an issue. There is no point in having a law if it is not enforced.

136. We will scrutinise the Government’s proposed new electoral offences and digital imprints when the legislation is prepared. The prospect of electoral disqualification may assist in deterring those who are actively engaged in politics from resorting to abuse and intimidation.

137. Parties have a responsibility here, too. The Antisemitism Policy Trust was concerned that parties were not doing enough to prepare and support candidates and considered “Each party must step up to [the] mark, and deal with their own problems, including abuse of and by candidates. Greater consistency of approach, in calling out abuse and leading efforts to change party cultures and structures is needed.”¹⁰⁴

Outside election periods

138. Although the principles underlying the Government’s proposals are welcome, political intimidation is not confined to elections. As the CSPL said, political parties themselves have to give a lead.

139. Parties have codes of conduct, and many are exemplary. The challenge is ensuring that they are respected. The EHRC told us that in its work on barriers experienced by under-represented groups standing for election in local councils, they “identified particular issues in relation to harassment and abuse, and failures on the part of political parties to provide support to affected individuals, or to address inappropriate or unlawful behaviour by members.”¹⁰⁵ The ECHR noted:

“Respondents, particularly women, felt that there were failures on the part of political parties to ensure that cultures and behaviours met the standards set out in formal rules, and that this was a potential barrier to their participation and progression.

Feedback also suggested that parties need to do more in response to reports of discrimination, harassment or inappropriate behaviour, as a failure to respond, or a poor response (whether addressed formally or informally) was also a barrier to those who have faced discrimination continuing to be involved in parties and progressing as far as they wish to.”¹⁰⁶

101 Committee for Standards in Public Life, the National Police Chiefs’ Council, the Electoral Commission, the College of Policing and the Crown Prosecution Service, [Joint Guidance for Candidates in Elections](#)

102 College of Policing, Policing elections - [Core principles and legislation](#), 7 November 2014

103 Crown Prosecution Service, [Responding to intimidating behaviour - Information for Parliamentarians](#), March 2019

104 Antisemitism Policy Trust ([DFF0020](#))

105 Equality and Human Rights Commission ([DFF0019](#))

106 Equality and Human Rights Commission ([DFF0019](#))

140. This is also clearly true at Parliamentary level. Several of the MPs interviewed, from different political parties, told our interviewers that their own parties had responded to their attempts to raise concerns defensively at best and aggressively at worst.

141. ***Political parties have a responsibility to make clear they do not endorse intimidation and abuse. They must create a climate which makes it clear that abuse is not tolerated, and failure to abide by a party's code of conduct is dealt with robustly and speedily.***

Conclusion

142. The current level of threat and abuse to MPs may prove to be a temporary reaction to the charged political circumstances, in which Parliament and the country are divided on a fundamental political issue. It is possible that after Brexit is resolved, we will return to a situation in which political engagement is safer. It is equally possible that abuse has become normalised, not just by Brexit, but by changes in communication methods, and, in particular, the rise in social media.

143. **At this stage, we do not consider the fundamental principles underlying freedom of expression and association need to be revisited. But everyone with influence on national life needs to consider how those principles are implemented in practice. The following principles must apply:**

- **The right to freedom of expression and freedom of assembly does not extend to preventing others from enjoying their rights;**
- **There should be a high threshold for interference with political speech- but political speech should not be confused with abuse, of politicians, or of anyone else;**
- **Existing law must be effectively and consistently enforced;**
- **The need to preserve representative democracy, and recognise the role of MPs as elected representatives should be given the highest priority.**

This is not just about protecting politicians; it is about ensuring the future of our democracy.

Conclusions and recommendations

The impact of threats to MPs

1. We cannot have a situation where MPs are keeping their head down, restricting their advice surgeries, reluctant to go on public transport on their own at night. We cannot tolerate a democracy where the scale of abuse directed against politicians, particularly against women and BAME politicians, narrows the electorate's choice. Nor can we tolerate a democracy in which it is difficult for people to engage with their MPs online or face to face. Nor one where MPs fear to vote because a 'wrong' vote will lead to threats, abuse or intimidation outside of Parliament. There are competing rights here. The rights of MPs to be able to speak their mind without fear or favour, as they are elected to do, and the rights of the public to protest. This is not about preventing robust, energetic debate. This is about ensuring everyone has the space to engage in that robust debate. (Paragraph 49)
2. *MPs should be able to get on with their work and with the job for which they were elected, vote without looking over their shoulder and freely engage with their constituents and the wider public. No MP should face a barrage of abuse for doing their work as a holder of public office. It is in no one's interest, if to stay safe, MPs retreat and become far more remote for constituents.* (Paragraph 50)
3. It is clear that, if unchecked, the normalisation of abuse will change our politics: we need to tackle abuse, not to retreat. There is no single, easy, answer to this, because freedom of speech and freedom of association are also key to democracy. There is no right not to be offended. There are many different organisations and individuals involved. But we can identify key principles which should guide everyone tackling these matters: (Paragraph 51)
 - Representative democracy is the basis of government in this country and central to our national life; it should be given the importance it deserves;
 - Parliament is the central institution of that representative democracy;
 - Preventing access to democratic institutions, or impeding their proper functioning, physically or by intimidation, is unacceptable;
 - Free speech rights under the Convention are not unqualified, and should not be exercised in a way which prevents others from enjoying their own rights, collectively or individually; Article 17 of the ECHR is relevant here;
 - MPs have the right to free speech which should not be undermined by threats and abuse.

The need for a co-ordinated response

4. Many different people and organisations need to be working to tackle the issue of threats against MPs and its impact on our democracy including the police, the CPS,

the leader of the House, the Equality and Human Rights Commission and many more. We need a process to bring this together and consider the right of MPs to get on with the job for which they were elected. We need to make sure that MPs are not at risk. We encourage all those involved to consider convening a Speaker's Conference on this matter. (Paragraph 52)

The need for better data collection

5. The many different authorities involved in considering the safety of MPs and its effect on democracy need to share a clear picture of the scale and nature of the problem. The variation in the replies we received to our Freedom of Information request asking for information about crimes against MPs makes it clear there is no consistent data collection about the level of crime related to political activity. The figures collected by PLaIT are likely to be an underestimate. Local police forces should record whether victims are MPs, Councillors or standing for public office, and whether crimes are related to the victim's political work. This data should be held in an easily retrievable form and should be systematically shared with PLaIT and the Parliamentary Security Department. It is important that security services liaise closely with those responsible for MPs' security and they should share with them relevant information that they come across in their work. (Paragraph 62)
6. *Local police forces should record whether victims are MPs, Councillors or standing for public office, and whether crimes are related to the victim's political work. This data should be held in an easily retrievable form and should be systematically shared with PLaIT and the Parliamentary Security Department. It is important that security services liaise closely with those responsible for MPs' security and they should share with them relevant information that they come across in their work.* (Paragraph 62)

Access to Parliament

7. *We regret the discontinuation of the Sessional Order requiring the police to ensure clear passage for MPs to the House of Commons. It gave a clear signal that the right of access to Parliament, for everyone who has business there, was important. However, it did not give the police the clarity that they need to prioritise the protection of democratic institutions and the importance of access to Parliament for everyone with business there. We therefore recommend that the Government include in a future Bill a statutory duty on the police to protect the UK's democratic institutions and to protect the right of access to the Parliamentary estate for those with business there. Moreover, in making decisions about policing demonstrations around Parliament, or activities on Parliament Square, the MPS and the GLA should consult with Parliament and should give greater emphasis to the importance of ensuring access to Parliament than it appears they have done up until now.* (Paragraph 72)
8. It has been recognised for centuries that unimpeded access to the Palace of Westminster for all who have business in either House, or wish to meet their representatives, is vital. Even though there is a special legal regime for the area around Parliament, it is clear that those responsible for policing and controlling that area have not always given the need for access without impediment or harassment the importance it requires. This must change. (Paragraph 75)

9. *All those responsible should adopt a zero tolerance approach to obstruction and intimidation (as opposed to protest) around Westminster. The police should be clear that officers will step in to prevent trouble at an early stage. This should be the normal instruction, rather than being introduced only after trouble has arisen.* (Paragraph 76)

Control of the area around Parliament

10. There have been repeated attempts to improve the legislation on policing around Parliament to ensure that the right to protest is balanced with the need not to disrupt the access to Parliament or Parliament's work. No matter how strict a legal regime is, it will be ineffective if not enforced. It may be that if intimidation and insult are clearly no longer tolerated there will be no need for further action. However, vulnerabilities will remain, both because responsibility is diffused, and because the area remains open to vehicle traffic. There is a case for considering both legislative change in control of the area around the precincts, and whether physical security should be enhanced by measures such as pedestrianisation. The lack of a clear lead authority to whom we can direct this recommendation is a symptom of the problems caused by divided control. (Paragraph 77)
11. *We recommend that a joint group convened by the Metropolitan Police, and with representation from all authorities responsible, including from central government, should consider and report on the framework for control of the area around the precincts by June 2020.* (Paragraph 78)

Personal security

12. It is right that the security response should be based on the office that a person holds where that office gives rise to a security threat. However, there is also a need for security for those who are under a specific threat, not due to the ministerial office that they hold, but just because they are an MP. (Paragraph 79)

Local policing

13. *All local police forces must recognise the seriousness of the threat facing MPs. There needs to be clear central guidance to police forces about action to be taken to prevent harassment.* (Paragraph 82)

Role of the Crown Prosecution Service (CPS)

14. It is encouraging that the CPS both recognises the importance of robust free speech and the fact that criminal offences committed against MPs imperil both the democratic process and public service. We are pleased it is collecting and monitoring data on cases involving MPs and their staff. It will be important to ensure that there is indeed consistency of prosecutorial approach across the country. While the context in an individual case is all important, we do not consider there is a case for regional variation in prosecution policy: a crime is just as much a crime in Bognor as it is in Bath or Berwick. (Paragraph 87)

15. *Guidance from the police and CPS must ensure there is no unjustified variation of approach between different parts of the country, so that police officers have clarity and support in making difficult judgments about where to draw the line. (Paragraph 88)*

Sentencing guidelines

16. *The increase in offences against MPs is reflected in a greater number of cases coming before the Courts. The Sentencing Council should consider the sentencing in these cases and consider whether there is need for a new sentencing guideline, to promote transparency and consistency in the sentencing of offences committed against MPs, and to recognise the threat to our democracy posed by such offending against MPs. (Paragraph 89)*

Funding security measures - IPSA

17. We do not know the true scale of the problem because MPs are reluctant to report threats and many threats and offences go unreported. But it is clear that crimes against MPs are increasing. The Annex shows the increase in reported crimes against MPs over a two and a half year period, showing that there is an increasing and worrying trend of crimes against MPs. IPSA has to assess its policy and procedures in the knowledge that MPs are currently facing increased threat, that the assessment of the threat can only ever be a matter of judgement, and that those who intend harm are unlikely to threaten an MP directly before taking action. (Paragraph 91)
18. *IPSA policy must be aimed at ensuring that MPs and their staff can continue to engage with the public. This means making sure constituency surgeries can be conducted in a way which is safe for all concerned, and that constituency premises are adequately monitored. (Paragraph 92)*
19. IPSA should be more flexible in their approach and spend an amount appropriate to Members', their families, and their staff's needs in London and in their constituency. (Paragraph 92)
20. *In consultation with the Information Commissioner's Office, IPSA should review the information it publishes in the light of what is now known about the threat to Members. This does not mean it should change the amounts payable, or relax its rigorous approach to approvals, but it should recognise that there can be complex interrelationships to bear in mind when considering transparency and security, and that its policy may inhibit MPs work in ways which do nothing to reduce expenditure or ensure propriety. (Paragraph 93)*

Limits on communication

21. It is not the role of the law to ban speech which is foolish or unpleasant. The fact that publishers are legally liable for what they publish provides an incentive to remain within the law. It is important that the press is free to challenge and criticise. But the press may wish to reflect on whether their challenge is framed in terms which

will improve representative democracy or undermine it and whether some of the language they use is contributing towards a culture of hate speech and violence. (Paragraph 97)

Social Media

22. It is clear that social media can currently be used in ways which undermine the rights of others. This can be done directly, by using the medium to make threats, breach privacy, or arrange offline action. But other rights can be undermined indirectly by creating a culture which accepts and normalises abusive and threatening behaviour, particularly towards women and minority groups, thereby normalising behaviour which would formerly have been unacceptable and by denying free speech rights to others. Online abuse has a wider impact: MPs who are driven off social media by abuse are denied the important access to use social media to communicate with the wider public. (Paragraph 104)
23. It is important that threats, intimidation and harassment online should be treated as seriously as threats, intimidation and harassment offline. We welcome the efforts made towards this. The danger is that the internet will become a place where unlawful conduct is commonplace but only the most serious crimes can be dealt with. The scale of traffic on social media networks means that the criminal law alone is not enough to deal with this issue, but it is important that prosecutorial authorities ensure it is clear that the internet is not a place where there is effective impunity for all but the most serious breaches of the law. (Paragraph 111)
24. There needs to be a high level of protection for free speech within the law. But there are already restrictions on certain types of speech such as hate speech. None of our witnesses argued in favour of extending the substance of these restrictions. Nonetheless, as the Law Commission notes, there is a case for revisiting the law relating to abuse and offensive content online, to make it clearer. We look forward to the Law Commission's proposals, which are expected to be out for consultation in 2020. As part of that work the Law Commission will be considering whether coordinated harassment by groups of people online could be more effectively addressed by the criminal law. We note the current assumption that this consideration should be limited to coordinated activity. If a person who spontaneously joins a mob offline will be criminally liable for any breaches of the law which ensue, we do not see why it should not be the same if someone joins in mobbing online. (Paragraph 113)
25. While we understand the need for careful consideration before law reform, we consider that this work is urgent, and should be given high priority both within the Law Commission, and, once the Commission has reported, by Government. (Paragraph 114)
26. Given the scale of publication on the internet compared with the resources allocated to reviewing content, the evidence we have received about the toleration of abuse and the acceptance that it is impossible for illegal content online to be tackled by traditional law enforcement methods, we do not consider that pure self-regulation of online content can continue. There needs to be greater regulation of social media companies. (Paragraph 120)

27. Given the scale of internet use, and the speed with which material can be spread, we do not consider that it is satisfactory to have a system for moderating social media which relies to a great extent on users to identify and flag objectionable posts for takedown. Nor do we think it is reasonable to expect those who face high volumes of abuse to invest time and resources in managing their accounts in ways others do not have to. (Paragraph 122)
28. *Companies should devote increased resources into ensuring their platforms are safe; the onus of removing offensive content should not be on the victims to report or the police to investigate. The scale of social media companies' current activity in relation to dealing with these problems is insubstantial compared to the scale of the problem. Bearing in mind the scale of their profits, an increase in resources should not be impractical.* (Paragraph 125)
29. There is an increasing appetite for regulation of the internet, both at national and international level. The balance between different rights should be an important component of that regulation. The following principles should be borne in mind as the detail of that regulation is developed: (Paragraph 130)
- The rights to freedom of expression and freedom of association are qualified. Free speech is accompanied by duties and responsibilities, and it does not encompass speech which undermines the rights or freedoms of others, including others' right to freedom of expression. (Paragraph 130.a))
 - Forcing others off the use of communications platforms either by online mobbing or abuse, is not a valid exercise of the freedom of expression. (Paragraph 130.b))
 - ECHR caselaw recognises that different countries will take different decisions about what speech needs to be restricted in a democratic society to take account, for example, their different cultural traditions, local conditions and local risks. Social media companies will need to respect the laws of the countries in which they operate, and those laws should themselves respect human rights. Regulators should not be unduly inhibited in what they propose. (Paragraph 130.c))

During election periods

30. We will scrutinise the Government's proposed new electoral offences and digital imprints when the legislation is prepared. The prospect of electoral disqualification may assist in deterring those who are actively engaged in politics from resorting to abuse and intimidation. (Paragraph 136)

Political parties

31. *Political parties have a responsibility to make clear they do not endorse intimidation and abuse. They must create a climate which makes it clear that abuse is not tolerated, and failure to abide by a party's code of conduct is dealt with robustly and speedily.* (Paragraph 141)

Fundamental principles

32. At this stage, we do not consider the fundamental principles underlying freedom of expression and association need to be revisited. But everyone with influence on national life needs to consider how those principles are implemented in practice. The following principles must apply: (Paragraph 143)
- The right to freedom of expression and freedom of assembly does not extend to preventing others from enjoying their rights;
 - There should be a high threshold for interference with political speech- but political speech should not be confused with abuse, of politicians, or of anyone else;
 - Existing law must be effectively and consistently enforced;
 - The need to preserve representative democracy, and recognise the role of MPs as elected representatives should be given the highest priority.

Annex: FOI data showing increase in crimes against MPs

Crimes reported against MPs - FOI requests to the Parliamentary Liaison and Investigation Team

Crime reported	Time period 1 *Figures provided by House of Commons Library August 2016 – July 2017 (1 year)	Time period 2: *Figures from Buzzfeed July 2017 – February 2019 (1.5 year)	Total: *Figures from Buzzfeed August 2016 – February 2019 (2.5 years)
Malicious communications	71	308	379
Theft	15	73	88
Criminal Damage	7	13	20
Harassment	5	36	41
Racially aggravated harassment	4		4
ABH		4	4
Common Assault		4	4
Bomb threat/hoax		5	5
Trespass		4	4
Attempted burglary		2	2
Hoax noxious powder		7	7
Public order		4	4
TOTAL	102	456	558

Declaration of interests

Interests declared:

Lord Brabazon of Tara (joined JCHR on 3 July 2019)

- No relevant interests to declare

Lord Dubs (joined JCHR on 3 July 2019)

- No relevant interests to declare

Baroness Hamwee (left JCHR on 3 July 2019)

- No relevant interests to declare

Baroness Lawrence of Clarendon (left JCHR on 3 July 2019)

- No relevant interests to declare

Baroness Ludford (joined JCHR on 3 July 2019)

- No Interests declared

Baroness Massey of Darwen (joined JCHR on 3 July 2019)

- No interests declared

Baroness Nicholson of Winterbourne (left JCHR on 3 July 2019)

- No relevant interests to declare

Baroness Prosser (left JCHR on 3 July 2019)

- No relevant interests to declare

Lord Singh of Wimbledon (joined JCHR on 3 July 2019)

- No Interests declared

Lord Trimble

- No relevant interests to declare

Lord Woolf (left JCHR on 3 July 2019)

- No interests declared

Formal minutes

Wednesday 16 October

Members present:

Ms Harriet Harman MP, in the Chair

Lord Brabazon of Tara	Jeremy Lefroy MP
Lord Dubs	Scott Mann MP
Fiona Bruce MP	Lord Singh of Wimbledon
Ms Karen Buck MP	Lord Trimble

Draft Report (*Democracy, Freedom of Expression and Freedom of Association: Threats to MPs*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 143 read and agreed to.

Summary read and agreed to.

Annex agreed to.

Resolved, That the Report be the First Report of the Committee.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the report be made available in accordance with the provisions of Standing Order no. 134.

[Adjourned till Wednesday 23 October 2019 at 3.00pm]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 30 January 2019

Vicky Ford MP, Chair, All-Party Parliamentary Group on Women in Parliament, **Sir Graham Brady MP**, Chair, 1922 Committee, **Dr Lisa Cameron MP**, Chair, All-Party Parliamentary Group on Disability, **Julie Elliott MP**, and **John Cryer MP**, Chair, Parliamentary Labour Party

[Q1–6](#)

Wednesday 24 April 2019

Rt Hon Sir Lindsay Hoyle MP, Chair of the Consultative Panel on Parliamentary Security, **Eric Hepburn**, Director of Security for Parliament, **Commander Adrian Usher**, Commander Protection Command, Specialist Operations, and **Marcial Boo**, Chief Executive, Independent Parliamentary Standards Authority

[Q7–18](#)

Wednesday 1 May 2019

Rebecca Stimson, UK Head of Public Policy and **Katy Minshall**, Head of UK Government, Public Policy and Philanthropy, Twitter

[Q19–31](#)

Wednesday 8 May 2019

Max Hill QC, Director of Public Prosecutions, Crown Prosecution Service

[Q32–37](#)

Cressida Dick CBE QPM, Metropolitan Police, **Commander Neil Basu QPM**, Assistant Commissioner, Specialist Operations, and **Commander Jane Connors**, Commander Major Operations, Metropolitan Police Service

[Q38–46](#)

Wednesday 15 May 2019

Jodie Ginsberg, Chief Executive Officer, Index on Censorship, **Jacob Rowbottom**, Associate Professor of Law, University of Oxford, and **Richard Wingfield**, Head of Legal, Global Partners Digital

[Q47–58](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

DFF numbers are generated by the evidence processing system and so may not be complete.

- 1 Anna Soubry MP ([DFF0028](#))
- 2 Antisemitism Policy Trust ([DFF0020](#))
- 3 Diane Abbot MP ([DFF0032](#))
- 4 T Burrington ([DFF0012](#))
- 5 Carnegie UK Trust ([DFF0021](#))
- 6 Charlotte Allan ([DFF0023](#))
- 7 City of Westminster ([DFF0027](#))
- 8 Committee on Standards in Public Life ([DFF0017](#))
- 9 Dr Alexander Brown ([DFF0009](#))
- 10 Dr Olga Jurasz, Dr Kim Barker ([DFF0014](#))
- 11 Equality and Human Rights Commission ([DFF0019](#))
- 12 Glitch ([DFF0024](#))
- 13 Global Partners Digital ([DFF0022](#))
- 14 Index on Censorship ([DFF0015](#))
- 15 Mayor of London ([DFF0026](#))
- 16 Mr David Segrove ([DFF0006](#))
- 17 Mr Jacob Rowbottom ([DFF0016](#))
- 18 Mr John-Paul Paganini ([DFF0002](#))
- 19 Mr Kevin Pryke ([DFF0004](#))
- 20 Mr Richard Lock ([DFF0007](#))
- 21 Peter Kyle MP ([DFF0030](#))
- 22 Rt Hon Nicholas Brown MP ([DFF0029](#))
- 23 Robin Potter ([DFF0005](#))
- 24 University of Sheffield ([DFF0025](#))
- 25 Wera Hobhouse MP ([DFF0031](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2017–19

First Report	Legislative Scrutiny: The EU (Withdrawal) Bill: A Right by Right Analysis	HC 774 HL 70
Second Report	Proposal for a Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018	HC 645 HL 86
Third Report	Legislative Scrutiny: The Sanctions and Anti-Money Laundering Bill	HC 568 HL 87
Fourth Report	Freedom of Speech in Universities	HC 589 HL 111
Fifth Report	Proposal for a draft British Nationality Act 1981 (Remedial) Order 2018	HC 926 HL 146
Sixth Report	Windrush generation detention	HC 1034 HL 160 (HC 1633)
Seventh Report	The Right to Freedom and Safety: Reform of the Deprivation of Liberty Safeguards	HC 890 HL 161
Eighth Report	Freedom of Speech in Universities: Responses	HC 1279 HL 162
Ninth Report	Legislative Scrutiny: Counter-Terrorism and Border Security Bill	HC 1208 HL 167 (HC 1578)
Tenth Report	Enforcing Human Rights	HC 669 HL 171
Eleventh Report	Second Legislative Scrutiny Report: Counter-Terrorism and Border Security Bill	HC 1616 HL 195 (HC 1827)
Twelfth Report	Legislative Scrutiny: Mental Capacity (Amendment) Bill	HC 1662 HL 208
Thirteenth Report	Proposal for a draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2018	HC 1451 HL 209
Fourteenth Report	Draft Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018	HC 1547 HL 227
Fifteenth Report	Proposal for a draft Human Rights Act 1998 (Remedial) Order 2019	HC 1457 HL 228
Sixteenth Report	Immigration Detention	HC 1484 HL 279
Seventeenth Report	Human Rights Protections in International Agreements	HC 1883 HL 310 (HC 2199)

Eighteenth Report	Legislative Scrutiny: Immigration and Social Security Co-ordination (EU Withdrawal) Bill	HC 569 HL 324
Nineteenth Report	Youth detention: solitary confinement and restraint	HC 994 HL 343
Twentieth Report	Good Character Requirements: Draft British Nationality Act 1981 (Remedial) Order 2019 - Second Report	HC 1943 HL 397
Twenty-first Report	Proposal for a draft Fatal Accidents Act 1976 (Remedial) Order 2019	HC 2225 HL 405
Twenty-second Report	The right to family life: children whose mothers are in prison	HC 1610 HL 411
First Special Report	Human Rights and Business 2017: Promoting responsibility and ensuring accountability: Government Response to the Committee's Sixth Report of Session 2016–17	HC 686
Second Special Report	Mental Health and Deaths in Prison: Interim Report: Government Response to the Committee's Seventh Report of Session 2016–17	HC 753
Third Special Report	Legislative Scrutiny: Counter-Terrorism and Border Security Bill: Government Response to the Committee's Ninth Report of Session 2017–19	HC 1578
Fourth Special Report	Windrush generation detention: Government Response to the Committee's Sixth Report of Session 2017–19	HC 1633
Fifth Special Report	Second Legislative Scrutiny Report: Counter-Terrorism and Border Security Bill: Government Response to the Committee's Eleventh Report of Session 2017–19	HC 1827
Sixth Special Report	Human Rights Protections in International Agreements: Government Response to the Committee's Seventeenth Report of Session 2017–19	HC 2199