



HOPE not hate briefing

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## HOPE not hate opinion on the effect of proposed government amendments to Part 2 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill

### Commission on Civil Society and Democratic Engagement evidence session

HOPE not hate is deeply concerned about *Part 2 of the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill*. In particular, how it will affect charities and campaigners, civil society in general, and civil rights organisations like HOPE not hate, in particular.

HOPE not hate is best known at a national and local level for:

- increasing voter engagement in British National Party (BNP) “strongholds” – we pride ourselves in being instrumental in driving out the BNP from Barking and Dagenham (2010), Stoke-on-Trent (2011) and Burnley (2013) and aim to deliver the final blow to the BNP by making sure Nick Griffin does not get re-elected at the 2014 European elections.
- bringing together community and faith groups in those local communities which are vulnerable to the messages of the BNP, the National Front (NF), the English Defence League (EDL), the Al-Muhajiroun and other extremist parties and groups, and which had never engaged in an open dialogue before (e.g.: our anti-grooming campaign, our constant campaign against the rise of Islamophobia, our campaigns to stop radical Christian or Islamist preachers from having a platform in the UK from which to spread their hate, etc).
- we conduct investigative research into individuals on the far right – we are regularly the first port of call for journalists reporting on the far right in Britain and beyond (we have a network of anti-fascist correspondents from more than 20 countries, spread across four continents).

HOPE not hate is a grassroots, national campaign which seeks to challenge and expose the politics of hate whilst celebrating Britain’s diverse society. As an organisation, we fully support clear, fair and proportionate controls on non-party spending. We have always complied in full with the existing rules for non-party campaigners, and had there been a consultation on Part 2, we would have happily and constructively responded.



This Government Bill will severely restrict the way HOPE not hate can campaign in the 12 months before a General Election, limiting our ability to provide an antidote to racism, fascism and xenophobia. HOPE not hate was set up because political parties were leaving a vacuum in local communities in which the BNP flourished. Now the Government want to stop us doing that in the future.

The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Bill was meant to be an attempt to clean up politics and make it more transparent but the current draft will restrict the way people can engage in politics. In view of the minor amendments passed in the House of Commons, we feel that the Bill is an attack on free speech and freedom of association.

The Bill:

- \* Slashes the amount of money we can spend in the 12 months before a General Election by 70%. We would be limited to only only 2% of what the BNP can spend or any other extremist party.
- \* Demands that a broader definition of staff time and a whole range of other costs be included in our campaign expenditure for the first time.
- \* Places an unworkable administrative burden on our small team in terms of reporting requirements.
- \* Dramatically limits what we can spend in a single constituency – by the very nature of our work we need to target those constituencies where candidates proven to have made racist comments or who have a fascist past are running for office.
- \* Brings our blog, magazine, research and even the policy papers we produce during the year into our election expenses.

In other words, the restrictions on us will now be far more extensive than those on political parties. Passed without major amendments, the Bill will force us into a perpetual situation where we will have to consider whether each of our actions may be covered, and must therefore count towards the limit, without any certainty that we are making the right decision.

We welcome an evidence-based consultation on changes to the non-party spending rules to ensure fair elections untainted by undue influence. However, we believe that this rushed, poorly drafted bill can only damage participation and discourage cross-party, issue-based campaigning such as ours.



We have stressed only some of the issues which will directly impede our ability to participate in the democratic process during an election cycle, as we have successfully done against the BNP for the last decade. **On 10 April 2014 HOPE not hate will celebrate 10 years** of hard, at times dangerous, but highly rewarding non-party campaigning aimed at offering an antidote to the spread of racism and fascism around elections, and beyond, across British society, but especially at a grassroots level. Being told that we have to significantly reduce the scope of our activities the month after our anniversary, is both highly illiberal and undemocratic, but also unthinkable for the vast majority of our 200,000 plus supporter base.

At a time when trust in political parties and politicians is at an all-time low we need to increase involvement and participation in the democratic process not limit it. This Bill is nothing more than a gag on our right to engage in politics and criticise political parties. And the fact that we will be limited to only 2% of the funds available to the BNP is surely reminiscent of totalitarian regimes and not of the tradition of the world's oldest working democracy who, next year, will celebrate 800 years since the signing of the Magna Carta.

We hope that the Commission on Civil Society and Democratic Engagement will appreciate our evidence and try to convene to the distinguished members of the House of Lords, that they are our last hope in ensuring that the Government pauses and rethinks this appalling bill which will literally reduce us to silence but allow racists, fascists and xenophobes to carry on spreading hate and lies unchallenged.

In support of our evidence we are attaching four case studies which we hope will further illustrate how running some of our most successful campaigns will not be possible come May 2014.

Yours Sincerely,

Nick Lowles

Executive Director

HOPE not hate



## Case study 1 – The effect on our ability to respond to important events

Due to the lower limits and increased scope outlined in the Bill, there will be very real difficulties involved in trying to budget effectively for a whole year ahead. We will have to predict our spending on national and local campaigns when we do not know what significant events may unfold over that year. A campaign in response to one single incident could make significant, unplanned inroads into those limits. This is much less of an issue with the current more reasonable limits which cover fewer activities.

For example, when public safety was threatened by the English Defence League and the British National Party after the horrendous murder of Fusilier Lee Rigby, our campaign intervened to stop them – we placed the “We Are the Many” open letter in the Daily Mirror signed by political and interfaith leaders and 46,000 of our supporters and organised events focused around unity and hope against hate in dozens of locals communities up and down the country. If the Government does not pause and rethink Part 2, and there is a similar crisis involving a far right party (or if Stephen Lennon, aka Tommy Robinson, register one such party), we would have to think carefully whether taking action would cause us to breach the new limits – particularly if we are nearing the constituency limit of £9,750 in one or more area (see more on this below). Even if it did not, the costs would have a significant effect on how much we could put into the following general election campaign.

This is because Part 2 makes no clear distinction between activities that are directly related to a particular election campaign, and those which, while primarily driven by a different purpose, have the effect of prejudicing one or more parties’ standing with the electorate.

The Bill stresses that ‘*In determining whether expenditure can be reasonably regarded as intended to promote or procure electoral success.... it is immaterial that it can reasonably regarded as intended to have another effect as well.*’ (Clause 26(3A) once amended) Even amended, the Bill still demands we include a wide range of activities that are unarguably ‘connected with’ but not directly related to our election-focussed work.





### **Case study 2 – The issue of coalition building and general community and educational work perceived as “prejudicing or advancing the electoral prospects at the election of other parties or candidates”**

This same uncertainty applies to many strands of our work in investigating individuals on the far right, general community and educational work and pursuing the wider HOPE not hate message.

Even after the news that Stephen Lennon has quit the EDL, the far right movement, known for its violent street tactics and Islamophobic rhetoric, went ahead with a march in Bradford. Given the history and diverse make up of Bradford, racial tensions could have easily mounted. HOPE not hate intervene by bringing together Bradford Women for Peace, Bradford TUC, the Muslim Women's Council, Bradford Council for Mosques, Unison, Yorkshire and the Humber TUC, as well as other groups, under the banner “Bradford Together”. With the help of our supporters and local residents we erected a giant peace wall comprising of thousands of "peace postcards". Such events will most likely not be replicated after May 2014 if this Bill comes into existence. We will have to account for the “aggregated costs” that this coalition of organisations will encounter and will most likely go over the £9,750 constituency expenditure limit, by the time we include staff time, leaflet production costs, media costs, transport of volunteers, etc.

### **Case study 3 – The effect on targeted constituency campaigning**

A key part of our work is campaigning in constituencies where there is a risk that far right parties could perform well, to make voters aware of what their policies really mean. These campaigns take time and resources, and need to respond to local events. In Barking and Dagenham in 2010, HOPE not hate mobilised for both the General and local elections throughout 2009 and into the short campaign period in order to gain trust with local community groups and to build a coalition against the BNP.

The new spending limit of £9,750 per constituency will include a proportion of our non-constituency spending as well, such as our general leaflets, staff and website costs, and so national campaigners like us will not even be able to spend the maximum on localised activity. This is the effect of Clause 28 of the Bill. As you will know, there are no similar restrictions on political party spending on target seats.



We do not believe we can operate campaigns such as Barking and Dagenham under these restrictions, however carefully we plan and budget. We rely on the energy and support of our volunteers, and we will need to impose bureaucratic controls on their activities where their enthusiasm may take us over the unreasonably low limit - in one day in Barking and Dagenham we had 581 volunteers (some so eager to help us that they flew in from overseas) distributing hundreds of thousands of leaflets and HOPE not hate newspapers. Such amazing display of various segments of civil society coming together will most likely not be replicated given that the limit of £9,750, per constituency, for a whole year – we are doomed to cross the limit as we have to account for staff time that went into organising the event and putting together the material to be distributed, media coverage costs, costs incurred with our volunteers (including transport costs), and the actual printing of the leaflets or pamphlets.

#### **Case study 4 – The issue of supporters vs. members**

HOPE not hate has a 200,000 plus support base. HOPE not hate does not have a membership structure. Existing electoral law exempts communications made by third party organisations to their members and supporters, but the new law would only exempt communications to members. So all the emails or unsolicited correspondence sent to the contacts on our database would have to be accounted for – we send at least one email per week in a typical week, but it can go up to three per week in emergency cases (such as the murder of Lee Rigby, the announcement that Stephen Lennon is quitting the EDL or in the months before a local, European or general election).