

RED 11 JANUARY 2005

RACE EQUALITY DIGEST

**Occasional briefing paper produced by Race Equality West Midlands
on race equality issues.**

**Copies are available on www.rewm.org or from Race Equality West
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**CONFRONTING THE RACIST ACTIVITIES
OF POLITICAL PARTIES**

**A GUIDE FOR VOLUNTARY
AND COMMUNITY ORGANISATIONS**

JANUARY 2005

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A GUIDE FOR VOLUNTARY AND COMMUNITY ORGANISATIONS

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Introduction

Purpose of the guide

This guide is designed to provide information to voluntary and community organisations on action that can be taken by them to address the racist policies, views and campaign activities of political parties, both during and outside election campaigns.

Voluntary and community organisations are often well placed because of their first-hand knowledge and experience of issues affecting communities and on the adverse impact that such activities produce to help combat the racist activities of political parties. They often have the benefit of being linked closely with other community organisations and to a range of public institutions through partnership arrangements. These links can be used to help identify and address the racist activities of political parties.

In particular, voluntary and community organisations will want to ensure that, in their own areas of interest, the racist activities of political parties do not lead to the development of a racist climate which makes it more difficult for them to operate in and provide services to the communities they are set up to serve. Specifically, they will want to reduce the electoral appeal of political parties that engage in racist activities.

A The nature and scale of the problem

1.0 The racist nature of far-right political parties

- 1.1 Mainstream political parties, in principle, are committed to race equality and an acceptance of a multi-cultural Britain. This does not mean, however, that in all localities and circumstances these parties are immune from racist activity. Particularly at a local level, situations can arise where such parties engage in campaigning activities that are widely viewed as racist. This guide applies to these situations in the same way as it does to the much more common situations arising from the activities of those political parties whose core beliefs embrace racism.
- 1.2 There are a number of smaller political parties whose core beliefs are about preserving the independence and separateness of Britain as a nation state. They also advocate preserving Britain's racial and cultural heritage which is usually defined in terms of its white population. These parties are more commonly referred to as extreme nationalist, or far right and their origins can be traced back to the fascist political movements of the 1920s and 1930s.
- 1.3 The most well known and largest of these parties is the British National Party (BNP) which frequently contests elections at a local and national level. Other far-right parties that occasionally contest elections are the National Front (NF), the England First Party, and the Freedom Party. Each of these parties has its own distinctive views and approaches. But they also have links with one another and try to avoid fighting each other in elections, although this can happen.
- 1.4 There are other far-right groups which do not view themselves as political parties established to contest elections. For example, there is Combat 18 (18 stands for the position in the alphabet of Adolf Hitler's initials) which, since its formation in 1992, has had a history of racial violence and hooliganism. Activities of this kind can be immensely damaging to race relations and have to be addressed. This guide is not primarily devised with the activities of these groups in mind.
- 1.5 To contest national and local elections in the United Kingdom (UK), political parties are required under the Political Parties Elections and Referendums Act 2000 (PPERA) to be registered with the Electoral Commission. They have to meet certain administrative and financial requirements. A political party's application to be registered cannot be rejected on the grounds of the party's ideology, constitution or policies. The BNP, National Front, England First Party and the Freedom party have all been registered by the Electoral Commission and can contest elections¹.
- 1.6 The Electoral Commission can refuse to register a party's name or emblem and ask for it to be changed where it is obscene or offensive and where it

¹ For a complete list of registered political parties, see Electoral Commission website

would be likely to amount to the commission of an offence. The 'White Nationalist' party was refused registration by the Electoral Commission because its name was considered contrary to the principles of public policy as set out in the Race Relations Act. The party now stands in elections as the England First Party.

- 1.7 The ideology of far-right parties means that they are opposed to the UK entering into close economic, social and defence arrangements with other countries, such as the Common Market and NATO. They also dislike multinational companies and international finance. However, what makes far-right political parties particularly distinctive from other political groups is their belief in the racial and cultural purity of Britain, which to them means a Britain with a white population. It is this theme or policy which they consistently campaign on and with which they are publicly identified. They frequently talk in their campaign literature about putting 'Britain and the British people first'.
- 1.8 The BNP in its own internal literature says that when it talks about being British, it means 'the native peoples who have lived in these islands since before the Stone Age and the relatively small numbers of peoples of almost identical stock, such as the Saxons, Vikings, and Normans, and the Irish who have come and assimilated'. Given the history of migration into the UK, under this definition many British people who classify themselves as white would not meet the BNP's test for being British. In the same literature, the BNP also makes it clear that it is opposed to mixed race relationships. It says 'When whites take partners from other ethnic groups, a white family line that stretches back into deep history is destroyed. And, of course, the same is true of the non-white side'.
- 1.9 These views on what racial groups should reside in the UK are reflected by BNP advocacy in their publicity material and leaflets of:
 - An end to immigration, as it is undermining the national identity and values of Britain and making the native population become aliens or a minority in their own country. Phrases such as 'Britain is being destroyed by a liberal/communist elite or dictatorship' frequently punctuate BNP publications, along with claims that, in future years, some white communities face extinction, to be replaced by immigrants.
 - An immediate halt to the entry into the United Kingdom of asylum seekers. They are usually described as 'bogus' or as people who could find a safe haven nearer their home countries. This will always be accompanied by exaggerated or misleading claims about the public cost of asylum seekers and refugees, with the suggestion that the money could better be spent on pensions and the health service, etc.
 - A programme of voluntary resettlement for legal immigrants (those who are not by the BNP's definition 'British') by giving them generous financial settlements to return to their country of ethnic origin. How much this would be and what it would cost is never or rarely mentioned.

- Deportation of criminal and illegal immigrants.
- Policies at a local level that are designed to keep racial groups in their own separate residential areas. They will, for example, oppose any school re-organisation plans that result in more multi racial schools as, in their view, this is forced integration.
- Opposition to a multi-cultural society considered to have been forced onto the British people against their wishes in many urban areas and to have brought no benefits.

These views inevitably mean that the BNP is opposed to legislation that makes racial discrimination unlawful and want to see the abolition of the Race Relations Act. The BNP, as with most far-right political parties, also restricts full membership to persons of ‘British or kindred European descent’. There is, however, a debate currently taking place within the BNP over whether its membership criteria should be modified to make it less open to public criticism and challenges of unlawful discrimination under the Race Relations Act.

2.0 What to look out for when the BNP contests an election in your area

- 2.1 The BNP is still a relatively small party (the current estimate is that it has a national membership of around 6000) and does not have the resources to effectively contest or put up candidates for seats in many council elections or for all parliamentary seats at a General Election. It does, however, contest all seats for elections to the European Parliament as it only has to find 75 candidates, and the proportional representation system of counting votes means that it can win a seat in a regional constituency with just over 10% of the share of the total votes cast.
- 2.2 In elections for local Councils, the BNP is contesting elections in areas where one or more of the following factors is present:
- Some level of organisation or activity already exists.
 - The local Council is unpopular and no other political party is effectively exploiting this situation.
 - A significant proportion of the electorate might be persuaded to support it. This usually means concentrating on council seats located in areas with a largely white population but close enough to multi-racial areas so that fears can be exploited about what this could mean for the white communities if ethnic minorities were to move in.
- 2.3 When the BNP contest seats in Council elections, it increasingly runs campaigns to win. Experience has shown that the BNP is capable of running well-organised election campaigns with high quality election leaflets and a lot

of door-to-door contact with electors. Its candidates and key helpers will adopt a 'smart and disciplined image' for the electors and will campaign vigorously on local issues of concern that any mainstream political party could legitimately take up. The BNP wants the electorate to see it as a responsible mainstream political party in touch with them and effectively acting on local issues.

- 2.4 When the BNP decides to contest an election for a vacancy in a Council seat that has arisen outside a normal election period (known as a by-election) with a view to winning it, the level of campaigning can be very high with each house in the electoral ward concerned being canvassed a number of times. This is because it is able to attract party helpers to the area from across the UK as no other elections are taking place.
- 2.5 While the BNP in its campaigning in local Council elections will seek to put across to the electorate an aura of responsibility, it will continue in both its campaign leaflets and in its canvassing of the electorate to communicate its racist agenda. It will seek to stir up any concerns that people may have about race at either a local or national level and to create concern, fear and even animosity amongst the white electorate about minority ethnic communities. The material it uses around race can be expected to exaggerate or distort issues and even to be false or untrue.
- 2.6 Experience has shown that the most commonly-used campaign themes by the BNP in local Council elections on race issues include:
 - Misleading and often false claims about the numbers of asylum seekers and economic migrants in the area and the impact of this on local public services and the area generally. There have been examples of the BNP in Council elections falsely claiming that asylum seekers or certain ethnic groups are getting preferential treatment in the local health service with white people being pushed to the bottom of waiting lists. In a recent Council election in Dagenham, the BNP falsely claimed that the Local Authority had entered into an arrangement with an Inner London Authority to change the ethnic make-up of the local population by making grants of up to £50,000 available to buy houses under a scheme known as "Africans for Essex".
 - Linking Muslim communities to terrorism and the maltreatment of both Muslim and white women. There have also been examples of BNP campaigning leaflets saying it will oppose planning applications for Mosques and the granting of further taxi licences to Muslims.
 - Misleading and often false claims that black and minority ethnic communities are heavily involved in local crime and that the police ignore it in order to satisfy a politically-correct lobby. As a consequence, areas with minority ethnic communities acquire the reputation of no-go areas for the white population.

- Misleading and often false claims that the police and other public institutions ignore racial attacks on white persons by persons from minority ethnic groups. There are plenty of examples of the BNP seeking to exploit for electoral purposes a physical attack on a white person by someone who is black or Asian, regardless of whether the attack was racial or not.
 - Attacks on arrangements in schools which embrace a range of different cultures. These will include opposition to Halal meat in schools, the publication of notices, etc., in Asian languages by schools, the teaching in schools of Asian languages, and the teaching of religions other than the Christian religion.
 - Misleading or false claims that areas with Black, Asian and minority ethnic communities are unfairly favoured in the allocation of public funds for regeneration schemes or in grants to voluntary bodies, to the detriment of white communities. The BNP will produce campaign leaflets showing a picture of a street in an area known to be inhabited by minority ethnic communities that has been improved under a regeneration scheme. Along side it, it will then put a picture of a derelict street in a known white area in the ward it is contesting. This will be accompanied by a slogan such as ‘we want equal funding in our ward’.
- 2.7 Persons who are publicly known as opponents of the BNP and far-right political groupings (it is not restricted to party politicians) can find photographs being taken of them, and their home addresses, telephone numbers, and car registration numbers, placed on far-right political websites so that they can be directly contacted by persons opposed to them. Where this happens, it is usually done in an intimidating, hostile or violent way.
- 2.8 The most well known far-right website is ‘Redwatch’. Redwatch is believed to be run by a small group of persons associated with the National Front and the White Nationalist party. The BNP usually seeks to officially distance itself from Redwatch but it is known that material collected by BNP activists has appeared on the site. To prevent action against the site by the police in the UK, it is based abroad.
- 2.9 It is still being explored whether any action against the site can be taken in the UK. Should a community or voluntary organisation find that it has members or staff on such a website, the police should be notified and they should be expected to make full inquiries to see whether any action can be taken. Other organisations involved in work against far-right political activity should also be notified so they can be alerted to what is happening.

3.0 Who votes for the BNP?

3.1 Research² has been conducted into the characteristics of persons who vote or are likely to vote for the BNP. Information is also available from mainstream political parties that have had experience of contesting elections that are actively fought by the BNP. In summary, voters that are likely to be attracted to the BNP or far-right political parties will:

- Be particularly concerned about what they perceive to be high and unsustainable levels of immigration into the UK and about issues around asylum seekers.
- Be particularly concerned about what they perceive as high levels of crime and inadequate responses from the police and the courts to address this situation.
- Have a poor perception of public services generally in their area. This will extend beyond the services provided by their local authority.
- Will have little experience or daily contact with minority ethnic communities in their area and will view the state of local race relations as poor.
- Believe that ethnic minority communities are being more favourably treated by public institutions.
- Be owner occupiers living in terraced or smallish semi-detached housing who believe that what they possess is under threat.
- Have previously voted for the dominant mainstream political party in their area or, equally, not voted at all. The perception that, if BNP voters have previously voted for a mainstream political party, it is for the Conservatives is a myth.
- Be a significant, although still minority proportion, of younger white males that actually vote.

4.0 The level of votes cast for the BNP and far-right political parties

4.1 The elections for the European Parliament in June 2004 provided an opportunity to see what kind of vote across the UK the BNP could obtain, as it had candidates in each of the eleven regional and country constituencies. The BNP secured 808,200 votes, which amounted to 4.9% of the total votes cast. The turnout of voters was 38.0%. Whilst the BNP did not gain any seats in the European Parliament, this was largely due to the strong showing of the United Kingdom Independence Party (UKIP) which was, like the BNP, also advocating withdrawal from the Common Market.

² Rowntree Trust 2003

- 4.2 The main difference between the BNP and UKIP was the BNP's more overly racist agenda. The number of votes obtained by the BNP in these elections shows that their racist agenda has an electoral appeal. In the West Midlands regional constituency, the BNP received 107,794 votes, which was 7.5% of the total vote in the constituency. It was the BNP's second-best constituency result in the UK.
- 4.3 In the local council elections in June 2004 in the West Midlands, the BNP and other far-right parties had 65 candidates contesting seats in nine different local authorities. This compares with 26 candidates in the 2003 council elections. The BNP obtained just over 54,000 votes. The main areas where it stood candidates were Birmingham, Dudley, Sandwell, Walsall, and Stoke. It finished the elections with three councillors (two in Stoke and one in Sandwell) compared with the five it had at the start of the election.
- 4.4 The results, in terms of council seats won, were disappointing for the BNP and other far-right political parties. However, the results also showed:
- A substantial minority of the electorate is prepared to vote for the BNP and other far-right political parties where they stand candidates.
 - In a number of local authority areas, the BNP is receiving a substantial share of the votes, which means it remains well placed to win seats in these areas in future years. For example, in Stoke, it won one ward and came second in four others. Its average share of the vote in the wards it contested was almost 28.0% and this was slightly higher than in the 2003 elections. All this points to the BNP remaining in a strong position to win seats in Stoke in the future.
 - The substantial increase in candidates fielded by the BNP means it has a growing organisation in certain towns, many of which have large minority ethnic communities.
- 4.5 The conclusion to be drawn from the June 2004 elections is that the BNP, in particular, will continue in those areas where it has potential electoral support vigorously to contest national and local elections. Whether the BNP is successful or not will depend on the effectiveness of the actions that are taken to combat its racist agenda. Community and voluntary sector organisations can be important players in combating the BNP's racist agenda.

B What can voluntary and community organisations do?

5.0 Check for constraints on what you can do

- 5.1 Voluntary and community organisations with an interest in race equality and/or commitment to equality of opportunity may well wish to take action to respond to far-right political activity in an area where they are operating, particularly if it is having, or is liable to have, an adverse impact on the work they undertake. Before taking any action, however, you need to check the following:
- 5.2 Are you a charity? If you are, there are constraints placed on the political activities you can undertake. This is because charities are constituted for the public benefit and not for partisan political purposes. A charitable voluntary or community organisation can engage in political campaigns, provided it is in pursuance of its objectives and charitable purposes. Also, any campaigning must be based on a well-founded and reasoned case and must be put forward in a reasonable way. A charity, however, cannot tell the public to vote for or against a particular candidate or political party.
- 5.3 Within these constraints, a charitable body may publish information on how political parties and their representatives view issues and seek to persuade them to change their position. It may also join campaigning alliances and participate in a demonstration, providing what is done is reasoned, peaceful, and does not bring the charity into disrepute. Further guidance can be obtained from the Charities Commission.
- 5.4 Are there limits on how your funding can be used? Funding bodies may have put constraints on how the funds you receive can be used. In particular, a funding body may say they cannot be used for political activity or campaigns. This needs to be checked. Local Authority funding, for example, under Part 11 of the Local Government Act 1986 cannot be used to publish material designed to influence public support for or against a political party.
- 5.5 Will your campaigning take place during an election period? Outside an election period, there is a wider scope for community groups to engage in political activity and campaigning. What you say or spend on these activities is a matter for you, although the constraints set out above still apply. However, during an election period, there are certain requirements that any group or organisation (not just political parties) involved in political activity must adhere to.
- 5.6 The election period in a general election for parliament is from the date of the royal proclamation dissolving parliament to the date of the election. The election period in local council elections is from the date when the local returning officer serves notice of the election to the date of the election. It is usually a period of 25 days. The campaigning restraints in an election period include limits on expenditure and a requirement to identify on campaigning publicity materials who has printed and published them. For more detailed

information on election periods and rules concerning campaigning activities you need to check with your local Elections Office or the Electoral Commission.

- 5.7 Voluntary organisations, such as anti-fascist groups, have a long history of campaigning against far-right political parties in elections at every tier of government. Such activity can comprise leafleting, media stories, canvassing of electors and other publicity to make the public aware of the dangers presented by a far-right political party standing for election and encouraging electors not to vote for them. Known as ‘third-party political activity’, it is allowed, subject to certain restrictions, under electoral law.
- 5.8 The PPERA 2000 provides for third party political activity in national and European elections, and elections to devolved parliaments. Such activity is defined as ‘a person or organisation which campaigns on behalf of one or more political parties or a particular category of candidates (for example, those who hold or advocate a particular political opinion)’. The Act places limits on the level of expenditure by third parties on such activities and, if it is above a certain level, they have to be registered with the Electoral Commission.
- 5.9 The Representation of the People Act 1983 also allows for third-party political activity in local council elections. Precisely what forms of campaigning activity is permitted remains unclear. To date, however, voluntary bodies like anti-fascist groups have campaigned in the ways already mentioned without any restrictions being placed upon them. More detailed guidance on third-party political activity is available from the Electoral Commission.

6.0 Action you can take

- 6.1 First, or as a pre-requisite, you need to ensure that in your governing documents (constitution, articles, objectives) you are committed to and entitled to promote good race relations and/or equality of opportunity. This should not be confined to not discriminating in your employment and service arrangements. It should extend to being committed to ensuring that, in the local area(s) in which you operate, good race relations is promoted and any racist activity which could impact on your organisation’s work and any services provided is confronted. Whether or not you are a charitable body, this will give you the authority to take action to combat racism and to provide protection if your actions are challenged.
- 6.2 Second, check out what other community or voluntary organisations are known to you which you could work with to combat racist political activity. The pooling of resources and avoidance of duplicate action is crucial for an effective response. This also extends to identifying relevant public institutions which you already are linked to through a partnership body and/or because you have a contract with them to deliver a certain service.
- 6.3 Under the amended Race Relations Act 1976, most public institutions (local authorities, schools, colleges, health trusts and criminal justice agencies) have

a statutory public duty to promote race equality (more commonly known as the race equality duty) and to have certain policies and procedures in place for doing this. The race equality duty applies to that wide area of public institutions' work where they have to use their discretion or exercise their powers to determine what actions they should take. It does not apply to actions which they are obliged by other statutes to take and over which they have no discretion.

- 6.4 For example, the requirement on a local authority annually to set a rate precept is not covered by the race equality duty, as they have to do this. However, the race equality duty can apply to how a local authority goes about doing this, as it has some discretion in this area. The race equality duty is also not just concerned with eliminating racial discrimination but extends to the promotion of good race relations between persons of different racial groups.
- 6.5 Racist political activities and, in particular, the activities of far-right political parties, are contrary to the promotion of good race relations which is founded on such concepts as:
- Equality of rights/opportunities between persons of different racial groups.
 - Respect for the cultural diversity of different racial groups.
 - An environment that is free from the threat of racism.
 - Shared values and responsibilities by all communities.
 - Co-operation between communities to achieve common aims and resolve conflict.
- 6.6 Voluntary and community organisations, while required not to unlawfully discriminate, are not bound like public institutions by the race equality duty. For public institutions, the race equality duty extends to their role in any partnership or contractual arrangements they may have with community and voluntary organisations. The duty, in particular, places a strong emphasis on making public services accountable to all parts of the local community and the involvement of the voluntary sector in the main decision-making processes. This legal context provides voluntary and community organisations with a clear mandate to expect public institutions to identify issues arising from racist political activity and to take steps to combat it. In so doing, public institutions should be expected to consult with and seek the advice and help of community and voluntary organisations.
- 6.7 Community and voluntary organisations should also be aware that, if a public institution fails to take appropriate action to deal with racist political activity, they can themselves bring a legal judicial review claim before the High Court against the institution concerned for failing to meet the statutory duty. They are also entitled to ask the Commission for Racial Equality (CRE) to use its powers to take enforcement action, where the failure by an institution is due to

it not having the required policies and procedures in place. For more detailed information, contact the CRE for the powers that are available to it.

7.0 The action checklist

- 7.1 Monitor racist political activity and, in particular, far right political activity to enable your organisation to identify and quantify the damage it is doing to race relations generally in areas where you are working. Specifically, you will want to know if it is having any adverse impact on the work and services that your organisation is providing. A checklist is provided in appendix A on the information that can be required for this type of monitoring.
- 7.2 Have a rebuttal news strategy in place to deal with inaccurate or false claims arising from racist political activity. This can be done by your organisation directly through the local media, or through publicity campaigns directed at those communities that might be misled by the political propaganda being disseminated. Another approach is to provide information to groups campaigning against the far-right political party concerned so that they can use it in their campaigns.
- 7.3 Public institutions should be persuaded to refute any untrue or misleading information circulating in an area that could lead to racial hatred or damage to relations between persons from different racial groups. It forms part of their race equality duty and they are entitled to do this even during periods when elections are taking place, providing it does not show support for, or opposition to, a particular political party or candidate.
- 7.4 Promote good news stories on race equality. You should make available positive stories about minority ethnic communities, or stories on how well race relations are working. The stories can be promoted in the local media and, to be effective, should appear regularly over a sustained period of time. Other bodies should also be encouraged to do this. In the case of public institutions, it is part of their race equality duty. A local authority, for example, can be encouraged to:
 - Publish accurate information about minority ethnic communities in the area, including the true number of asylum seekers.
 - Publicly explain what public resources are going to what communities and, if there are differences, the reasons for this.
 - Publicly explain what it is doing to meet its race equality duty.
 - Publish initiatives that have brought all sections of the community together and benefited them equally.
- 7.5 Make new members, particularly those appointed to serve on your executive board or on other committees involved in the running of your organisation, aware of your organisation's commitment and key policies on race equality

and/or equal opportunities and that they are expected to adhere to them. This also extends to persons nominated to serve on your organisation's executive board and other committees from external bodies.

- 7.6 If a person engages in activities contrary to your organisation's race equality policies, you are entitled to remove them. In doing so, you must follow your organisation's relevant procedures. You are entitled to take action because, if racist activity by your members takes place without any corrective action being taken, it can undermine the confidence of the wider community in your organisation, as well as put your funding at risk from public funding bodies. Under the race equality duty, they should not be funding organisations that do not promote race equality.
- 7.7 Consequently, where your organisation is faced with someone being elected or nominated to committees involved in the running of your organisation with a history of far-right or racist political activity, you do not have to accept them. Where it transpires that someone who is a supporter of a far-right political party is already serving on a committee in your organisation, you are entitled to remove them, particularly if they have made their views known and their actions are based upon them.
- 7.8 Campaign against far-right and racist political activity within the parameters permitted to your organisation.

C Further ways of challenging racist and far-right political activity

8.0 The Human Rights Act 1998

8.1 This Act applies to all public authorities. It sets out certain fundamental rights and freedoms which public authorities must, apart from certain limited exceptions, comply with in all their activities.

8.2 The rights which are particularly relevant to political campaigning activity and the protection of persons from activities which are racist are:

- *Article 8, Respect for family and private life.* It includes an individual's right to physical integrity and the right to respect for the home.
- *Article 9, The right to freedom of thought, conscience and religion.* It covers sets of beliefs such as atheism and pacifism, as well as how persons express their religious beliefs through worship and dress, etc.
- *Article 10, The right to freedom of expression.* It is viewed as an essential foundation for a democratic society and extends to the expression of ideas that are favourably received, as well as those that offend or shock or disturb.
- *Article 11, The right to freedom of association and assembly.* It protects peaceful gatherings and meeting in public and private. Gatherings that are likely to lead to violence or public disorder are not protected.

8.3 In the case of all of these rights, public authorities are entitled to put limits on them where it is necessary for reasons of national security and public safety, for protection from public disorder and crime, and for the protection of the rights and freedoms of others. Also, the way in which these rights are exercised must be done in a way which is free from discrimination (it includes race, colour, place of birth, and national origin) (Article 14).

8.4 A person can bring a claim for a breach of their human rights by a public authority to an appropriate court. The person can be an individual or group of persons. It can also include professional associations or trade unions bringing a claim on behalf of their members, as well as a political party and company who believe that, as an organisation, it has been a victim of a breach of human rights legislation. Voluntary and community sector groups can also bring a claim under the Human Rights Act.

8.5 Issues around how the Human Rights Act applies to racist political activity usually arise when a far-right political party or group actively campaigns in an area. It will claim that it is entitled to do this in a democracy and that any attempt to curb its activities by public bodies is an infringement of human rights. Others, however, particularly the racial groups being publicly singled

out for criticism in the far-right campaign, will want to know what protection against such racist activity is afforded to them under human rights legislation.

- 8.6 The rights to freedom of expressions and assembly, for example, are not absolute. Persons in exercising their rights to freedom of expression and assembly cannot discriminate, create public disorder and crime and interfere with the rights and freedoms of others. Where a public body believes that this is happening, or is likely to happen, it is entitled to intervene. It is about protecting the rights of one group and curtailing the rights of others.
- 8.7 Any intervention, however, must be based on sound evidence and be proportionate. If this is the case, it will be lawful, and any legal challenge will be dismissed. It could mean, for example, in the case of a proposed march by a far-right group, that the reasoned and proportionate response by public bodies is to change the route of the march, rather than to ban it.
- 8.8 Voluntary and community groups need to be aware of the basic principles of the Human Rights Act. Where racist political activity is taking place in areas where they are operating, they should identify whether there could be a possible breach of the Human Rights Act and, if so, seek to persuade the relevant public bodies to take appropriate action to prevent a violation taking place. In doing so, they might find it useful to join together with other groups and to seek specialist legal advice.

9.0 Use of the law to challenge racist and far-right political activity

Incitement to racial hatred

- 9.1 Under the Public Order Act 1986, incitement to racial hatred is a criminal offence. For such an offence to take place, the following tests must be met:
- There has to be a particular action, such as the use of words, behaviour, or the publishing, distribution, or broadcasting of written material, images or sounds. It includes material on the internet.
 - The actions mentioned above have to be threatening, abusive or insulting. The courts have given these words their ordinary dictionary meaning so that actions which are annoying, rude, offensive or distasteful might not in themselves be enough to meet this test.
 - The offender must intend to stir up racial hatred or, considering all the circumstances, intend to stir up racial hatred. Hatred has been defined by the courts as ‘an extreme emotion stirring up racial tension’. Also, the ‘hatred’ must be likely to happen. The fact that it is possible is not enough to meet the test. The hatred has to be directed against racial groups which are defined in the same way as in the Race Relations Act. It means the hatred has to be against a group of persons defined by reference to colour, race, ethnic, nationality or national origins. It does not currently include offences of religious hatred.

- 9.2 Responsibility for investigating cases of potential incitement to racial hatred rests with the police. Decisions on whether there should be a criminal prosecution rest with the Attorney General, based on recommendations from the Crown Prosecution Service. Quite a high test exists for prosecutions to take place. If a voluntary or community organisation makes a complaint of incitement to racial hatred, it should regularly check on what is happening to its complaint. If a prosecution does not take place, it should always ask for the reasons.

Offensive leaflets, posters or behaviour.

- 9.3 Leaflets or posters published by a political party, or remarks made at public meetings that include threatening, abusive or insulting words, behaviour or writing, may constitute offences under Sections 4a and 5 of the Public Order Act 1986. Section 4a says the perpetrator must intend to cause harassment, alarm or stress to a person. Section 5 says an offence is committed if the words or behaviour occur within the sight or hearing of a person who is likely to be caused harassment, alarm or distress. If there is evidence of racial motivation or hostility, this could constitute an offence under the Crime and Disorder Act 1998 sections 28 and 31.
- 9.4 As these are criminal offences, complaints should be made to the police for them to investigate. As the police are covered by the race equality duty, they should be encouraged to investigate rigorously all offences reported to them.

Discriminatory advertisements

- 9.5 Under the Race Relations Act (Sec 29), it is unlawful to publish, or cause to be published, an advertisement which indicates, or might be reasonably understood as indicating, an intention to discriminate. An advertisement includes any form of notice displayed or circulated in any way. For an offence to be committed, the publicity from a political party will, for example, in a local council election, have to say that it would refuse all planning applications for mosques, or would not employ persons from a particular racial group. It is unlikely to apply to publicity merely urging people to vote for a particular political party, even though it is generally associated with racist views.
- 9.6 Legal action concerning unlawful advertisements can only be taken by the Commission for Racial Equality (CRE). Any organisation that believes publicity material is potentially in breach of the Race Relations Act should pass it to the CRE.

Prohibition of racial discrimination by political parties under the Race Relations Act 1976

- 9.7 Under the Race Relations Act 1976, political parties must not discriminate directly or indirectly in the following areas:
- Access to membership and treatment of members.

- Ways in which they provide services or facilities to the public.
 - Instructing or putting pressure on others to commit acts of racial discrimination.
- 9.8 It should be noted that political parties themselves are not bound by the race equality duty in the amended Race Relations Act. Some of their members may be bound, however, if they are, for example, elected local authority councillors and serve on public bodies. But, they will be covered through being members of the public bodies concerned, not through their party political membership.
- 9.9 If a community organisation has evidence of potential racial discrimination by a political party, it should contact the Commission for Racial Equality for advice on the action that may be able to be taken.

10.0 Marches and public meetings by racist far-right political parties

Marches and processions

- 10.1 The police can impose conditions on public processions/marches if they believe it may result in serious public disorder, or the purpose of the persons organising them is to intimidate others. The kinds of conditions which the police can impose include changes to routes, timing of marches and exclusion from certain areas.
- 10.2 The police have the power to do this under the Public Order Act 1986 (Section 12). The power does not extend to an outright ban on marches. Where they believe that the powers under Section 12 will be insufficient Chief Constables can also ask for an order under Section 13 of the Public Order Act 1986 to prohibit 'for such periods but not exceeding three months the holding of all public processions in a defined part of a local authorities' area'. The request is made to the local authority concerned and, if it agrees to such an order, it has to be ratified by the Home Secretary.
- 10.3 Where community and voluntary organisations have grounds for believing that processions by far-right political parties will be damaging to good race relations in an area where they operate, they should lobby for restrictions or bans to be put on such processions. They will need to have evidence of potential damage to local race relations and the lobbying will probably be done in conjunction with other organisations. The police and local authorities need to be reminded that, under the race equality duty, they are required to promote good race relations.

Meetings of far-right political parties

- 10.4 Periodically, far-right political parties will seek to hold meetings in buildings owned by a local authority. It is not a regular campaigning technique but is designed to try to demonstrate that they are a legitimate political party and are entitled to hold such meetings in local authority properties like any other

political party. They also hope to get some positive publicity in the media through doing so.

- 10.5 Outside of an election period, whether a local authority hires any of its properties to a political party for functions is a matter for it. Some local authorities do hire their buildings to political parties and others do not.
- 10.6 Where a local authority does permit the hiring of its properties to political parties and it receives a request from a far-right political party for the hire of a room(s) in one of its buildings, the authority is not automatically obliged to agree to such a hiring. Under its race equality duty, it will need to consider any damage that might be done to good race relations and balance this against what its policy says on the letting of rooms and the entitlement of persons in political groups to meet and associate under human rights legislation.
- 10.7 If a local authority has good grounds for believing that race relations will be damaged, it could refuse the letting. It cannot, however, refuse to hire a building to a far-right political group simply because it disagrees with their views. Voluntary and community sector groups could be in a good position to provide information to a local authority on the damage to race relations that could be caused by a far-right political party having a meeting in an area where they work.
- 10.8 In an election period for national and local elections, the position of a local authority on the hiring of its properties for political meetings changes. Under the Representation of the Peoples Act 1983, all candidates have the right to use schools or publicly-funded premises to hold meetings in support of their election campaign. Local authorities are required to have a list of properties suitable for such meetings and the list must be open to inspection. Community groups should exercise their right to inspect as they may wish to persuade a local authority to remove a certain premise(s) from the list.
- 10.9 There are certain conditions that must be complied with by a political party wishing to hire public premises in an election period, namely:
 - The meeting must be open to the public and not restricted to party members.
 - The room that is hired must be used at reasonable times and not disrupt the activities it is normally used for. This is particularly important in the case of schools.
 - Candidates must pay for the running costs associated with the hiring of a room and for any damage that may be caused.
 - Candidates must give reasonable notice that they wish to use a room.
- 10.10 A local authority's race equality duty does not override these requirements. If a far-right political party in an election period asks to hire a room from a local

authority then, providing it meets the necessary conditions, the room has to be let to it.

- 10.11 The only situation where a local authority can have grounds for not doing so will be if, in consultation with the police, there is a real risk of public disorder. Amongst the range of public order offences is incitement to racial hatred. In taking such action, a local authority could also seek to rely on human rights legislation. However, in doing so, a reasoned and proportionate response might be to offer alternative and more suitable premises for a meeting, rather than to offer no premises at all.
- 10.12 Voluntary and community groups do have a role in this situation. They can monitor whether a far-right political party is complying with the required conditions. In particular, far-right political parties rarely hold meetings that are genuinely open to the public. Also, if voluntary and community groups have evidence of potential public disorder should such a meeting take place, they should bring this to the attention of the relevant authorities.
- 10.13 Far-right political parties frequently meet in public houses or in other establishments where alcohol is consumed. All of these places are required to have licences to sell alcohol and, if they provide entertainment, a licence to do this as well. Under the Licensing Act 2003, responsibility for the granting of alcohol licences is to be transferred to local authorities who already are responsible for the issue of entertainment licences. The responsibility is expected to be transferred to local authorities at some point in 2005.
- 10.14 Local authorities are required to have a statement on licensing policy and, in framing it, must consult with local stakeholders. Amongst the licensing objectives identified in the Licensing Act are the prevention of crime and disorder, public safety, and the prevention of public nuisance. Exactly how these objectives can be set against a local authority's race equality duty and the requirements of human rights legislation will only become clear once the legislation comes into force. However, it can be argued that a local authority, in framing its licensing policy, is obliged to take into account its race equality duty.
- 10.15 This could mean, for example, a local authority having a licensing policy that provides for the rejection of alcoholic licences to public houses that host meetings promoting racist political activity in areas where this will be unnecessarily provocative and damaging to good race relations. Voluntary and community groups need to be aware of and consulted about the licensing policies being drawn up by local authorities. In particular, they should be seeking to ensure in areas where there is far-right political activity that a local authority's licensing policy can be used to help curb the promotion of racist activity in premises selling alcohol.

11.0 School governors

- 11.1 There is evidence that far-right political parties like the BNP have sought in recent years to place their supporters on school governing bodies. It is part of the BNP's drive to establish itself as a respectable mainstream political party involved in the communities where it has a presence.
- 11.2 The make-up of school governing bodies varies, depending on the status of the school. Most schools are Local Education Authority (LEA) community or maintained schools. It is these schools which are most vulnerable to attempts by the BNP to put its supporters on to governing bodies.
- 11.3 These schools have three types of governor:
- Parent governors elected by parents of school pupils.
 - LEA governors appointed by a local authority.
 - Community or co-opted governors appointed by the school governing body.
- 11.4 In seeking to become a school governor, persons are not required to disclose their political affiliations. This means that a BNP supporter standing for election as a parent governor in a school does not have to disclose that he/she supports the BNP and /or is actively involved in promoting the party. The appointment and removal of school governors is set out in statutory regulations and guidance issued by the government. Persons cannot be appointed as governors, and can be removed as governors, as a result of certain criminal convictions, including those relating to the need for child protection. Involvement in, or support of, a political party with known racist views and actions does not automatically bar someone from being a school governor.
- 11.5 Community (co-opted) governors can be appointed and removed by their fellow governors. Parent governors, if appointed by election, cannot be removed by their fellow governors, but only suspended for a period of six months. The appointment and removal of LEA governors is the responsibility of the local authority. Local authorities are recommended in government guidance to appoint high calibre candidates to school governing bodies, irrespective of any political affiliation. This means that a local authority is not necessarily obliged to appoint BNP supporters as school governors even if the BNP has councillors represented on the authority.
- 11.6 Schools are covered by the race equality duty and are required to have certain race equality policies and procedures in place to help them meet that duty. A school race equality policy forms part of its ethos. School governors that act in a way that is contrary to a school's ethos and policies on race equality, and this has brought or is likely to bring the school into disrepute, can have action taken against them by the governing body. If they are co-opted, they can be removed. If they are LEA governors, they can be suspended, or the local

authority can be asked to remove them. In the case of parent governors who have stood for election, they can only be suspended.

- 11.7 Schools will often be a focal point in a community and their approach to race equality will have an impact on race relations in their catchment area. Also, voluntary and community organisations will often have close links to schools in areas where they work and some of their members can be school governors.
- 11.8 This situation means that community organisations should alert schools if they become aware that members of a far-right political party are seeking to become school governors through parent elections or co-option, particularly if their party political affiliation is not disclosed. Voluntary and community organisations should also lobby a school to take action if one or more of its governors are known not to be complying with the school's race equality policies.

12.0 Media reporting of far-right and racist political activity

Newspapers

- 12.1 How newspapers report on far-right political parties can vary considerably, particularly at a local level. Some local newspapers take the view that far-right political parties and their campaigning activities are a divisive influence on the communities which they report on. Any reporting which they do on far-right political party activity is critical and they do not or rarely publish letters in support of them. Other local newspapers can, however, take the view that far-right political parties are part of the democratic political process and, therefore, should be reported upon in the same way as any other mainstream political party.
- 12.2 What newspapers publish is not a matter which is covered by the Race Relations Act. Newspapers are, of course, subject to laws on libel and they can be subject to a criminal prosecution if they publish material which incites racial hatred. Such prosecutions are almost unknown.
- 12.3 The newspaper industry has its own code of practice setting out certain standards that should be followed in the gathering and reporting of news. The code binds all newspapers and magazines and is overseen by the Press Complaints Commission (PCC). One of the PCC's main roles is to deal with complaints from the public about the content of newspaper reports. The code of practice seeks to provide special protection to particularly vulnerable groups. It includes those at risk of discrimination. Specifically, the code states: 'The press must avoid prejudicial or pejorative reference to a persons' race, colour, religion, sex or sexual orientation, or to physical or mental illness, or disability'.
- 12.4 The PCC seeks to try and resolve disputes amicably and quickly and claims that the vast majority of complaints it receives are dealt with in this way. Where this is not possible, it will make inquiries and adjudicate on the

complaint. Where there is a breach of the code of practice and a critical adjudication made against a newspaper, it will be published in full and given due prominence by the newspaper concerned.

- 12.5 The PCC also publishes guidance to newspapers on how they should deal with reporting issues that have given rise to complaints from the public, particularly where critical adjudications have been made. Recently, the PCC, in guidance to newspapers on reporting on asylum and immigration issues, has asked them not to use the phrase 'illegal asylum seekers' as there is no such thing in law.
- 12.6 There are varying views on the effectiveness of the PCC in ensuring that newspapers comply with certain standards in the way they report news, and this applies to issues around race equality. Nevertheless, voluntary and community organisations need to be aware of the PCC Code of Practice and the standards which are expected on newspaper reporting, as well as of how complaints can be made.
- 12.7 The complaints system is, for example, free to the public and there is a 24-hour advice line. Where a community organisation believes that the way a newspaper is reporting far-right political activity does not meet the standards required by the code of practice, it should make a formal complaint. Community organisations also need to talk to local newspapers covering areas they work in on the dangers far-right political activity poses to good race relations and to their work. They can do this jointly with other organisations, or by themselves.
- 12.8 The aim is to ensure that the newspaper does not give unnecessary coverage to far-right political activity and viewpoints. It should be publishing positive stories about race relations, including the work done by voluntary and community groups.

Party political broadcasts / free post in elections

- 12.9 The allocation, frequency and scheduling of party political broadcasts are determined by statute and associated regulations. The major political parties (defined as Labour, Conservative, Liberal Democrats and, in Wales, Plaid Cymru, and Scotland, the SNP) are automatically entitled to these broadcasts around major events, as well as at elections. In General and European Elections in England, any political party that puts up the required number of candidates is entitled to a party political broadcast.
- 12.10 This has resulted in far-right political parties like the BNP having an election broadcast. It is the responsibility of broadcasters to ensure that the contents of election broadcasts are lawful and, for example, in the case of far-right political parties, do not involve incitement to racial hatred.
- 12.11 Where community and voluntary groups have reason to believe that a party political broadcast might be, or is, damaging to race relations in areas where they work, they should make their views known to the broadcaster(s) concerned. They can also approach the Office of Communications, which has

an overseeing responsibility in this area of broadcasting, not only to make its views known, but for guidance on whether any action can be taken.

- 12.12 In national and European elections political parties contesting elections are entitled to free delivery by the Royal Mail postal service of their main election address (leaflet). The Royal Mail is also required to deliver each political party's election address. This is provided for under legislation. There is, however, a conscience clause for individual postal workers to opt out of delivering election addresses to minority ethnic voters from far-right or racist parties. In these circumstances, the Royal Mail will have to make alternative arrangements for the election leaflets to be delivered.

Appendix A

Quantifying the damage to good race relations

Information Required	Possible Sources
Levels of race hate crime (up-to-date figures by local area).	Police. Community advice groups ³ Media.
Ethnic origins of households by local area. Number of asylum seekers in area, where housed and how funded.	Census 2001. Electoral registers. Research, opinion surveys. Local knowledge (councillors, community groups , police, etc.). Social housing tenant data. Asylum / refugee support groups.
Schools: Ethnic composition of school. Catchment areas for pupils. Levels of racist incidents	LEA data. School monitoring data.
Social/economic status of disadvantaged communities (white and BME) and how these communities respond to institutions (local authorities, police, community groups) working with them.	Local Authorities (LA's). Police. Community groups/leaders. Census/local survey data. Local councillors. Regeneration projects.
Level of far-right political activity, its form and potential impact on race relations.	Mainstream political parties. Far-right political material. Media coverage of far-right activity. Community groups. Local resident leaders/opinion formers.
General state of race relations	Local authority citizen panel surveys. Research/opinion surveys. Levels of interaction between different ethnic groups. Local police tension indicators. Knowledge of local political leaders. Knowledge of community groups. Local media reporting on race.

³ Role of community groups highlighted

Acknowledgements

RED 11 was written by Eric Seward, Race Equality West Midlands Senior Consultant and former Northern Regional Director for the Commission for Racial Equality. The need for a guide for voluntary and community organisations on this subject was recognised at the March 2004 conference: *Combating Racism through the Ballot Box*, organised jointly by the Commission for Racial Equality, Race Equality West Midlands, and the Midlands Trades Union Congress (see conference report, www.rewm.org). It is intended that the information contained in the guide will be disseminated through the Midlands Networking and Monitoring Group on the Racist Far Right, currently chaired by Zahid Nawaz of the Commission for Racial Equality, and the national network of race equality councils.

Race Equality West Midlands is grateful to Frank Reeves, REWM Principal Officer, for editorial work and to Tracey Smith, REWM Administrator, for help in progress chasing, publication and dissemination. REWM would also like to thank the following for their help and support.

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Amir Kabal, Chair of REWM and Director of East Staffordshire Racial Equality Council

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Joy Warmington, Director, Birmingham Race Action Partnership

REWM funders

The Big Lottery Fund and the Commission for Racial Equality.

Race Equality West Midlands

Publications list

Most Race Equality Digests and research reports are available in hard copy from the REWM office or on the REWM website at www.rewm.org.

Race Equality Digests (RED)

- RED 1 *Community cohesion, Bradford, Burnley and Oldham: four significant reports* (January 2003).
- RED 2 *The draft statutory code of practice on the duty to promote race equality* (February 2002).
- RED 3 *Ethnicity and religious affiliation in the West Midlands region: information from the 2001 Census* (Spring 2003).
- RED 4 *The success of the British National Party and other extreme right-wing parties in the local elections on 1 May 2003* (May 2003). RED Supplement: *From BUF to BNP: a concise chronology of extreme right-wing activity in Britain and of the responses to it* (May 2003).
- RED 5 *How should local race equality work be organised? Developing and positioning race equality organisation in the context of Neighbourhood Renewal and the statutory duty of public authorities to promote race equality* (October 2003).
- RED 6 *Race equality councils and partnerships: their strengths, needs and aspirations. The 2003 audit of resources of West Midlands race equality councils and partnerships* (February 2004).
- RED 7 *Gypsy and Traveller Communities in the West Midlands Region with information from the last five ODPM counts* (July 2004).
- RED 8 *Modelling the delivery of local equality services in rapidly changing circumstances. Exploring the feasibility of local equality and human rights facilities in a world of Race Equality Councils and other single equality strand agencies* (July 2004).
- RED 9 *The 2004 national audit of race equality councils and partnerships* (September 2004).
- RED 10 *Assessing the impact on local race equality work of the Commission for Racial Equality's policy for funding organisations under Section 44 of the Race Relations Act (Getting Results 2004-05)* (October 2004).
- RED 11 *Confronting the racist activities of political parties. A guide for voluntary and community organisations* (January 2003).

Research reports

1. *Race equality: the significance of working with local communities. A strategic review of West Midland racial equality councils and partnerships* (August 2001, revised November 2001).
2. *West Midland Race Equality councils' development project. End-of-project report* (August 2002).
3. *Promoting race equality and community cohesion through local strategic partnerships. Report and recommendations based on research into local strategic partnerships in West Midland NRF and local management pilot areas* (Race Equality West Midlands in association with Government Office for the West Midlands and the Commission for Racial Equality, Birmingham office) (November 2002).
4. *Local authority race equality schemes 2002 and their preparation. How local authorities in the West Midlands have responded to their duties under the Race Relations (Amendment) Act 2000* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (December 2002).
5. *Community cohesion: concept, policy, implementation and theory. An introduction to recent community cohesion initiatives, with reference to West Midlands pathfinder programmes* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (October 2003).
6. *Impact assessment as a means of improving race equality schemes, eliminating institutional racism and promoting race equality. Scoping the tasks involved with a view to undertaking further analysis of method and providing guidance* (Race Equality West Midlands in association with Government Office for the West Midlands, the Commission for Racial Equality, Birmingham office and West Midland Race Equality Councils and Partnerships) (December 2003).
7. *A new approach to race equality in Warwickshire* (research report undertaken for Warwickshire County Council and other partners as a joint report by TMP Worldwide and Race Equality West Midlands) (May 2004).
8. *Walsall racial equality and diversity audit, review and plan* (research and development report undertaken for Walsall Borough Strategic Partnership) (August 2004).
9. *Jigsaw Mentoring Partnership. Project Review and Recommendations*, prepared for East Staffordshire Race Equality Council (May 2004, finalised September 2004).

Conference reports

Combating racism through the ballot box: meeting the challenges of the racist far-right, conference organised jointly by the Commission for Racial Equality, Trades Union Congress Midlands Region and Race Equality West Midlands, 15 March 2004, at the Bescott Stadium, Walsall.

The local race equality roadmap: the way ahead, conference organised by Race Equality West Midlands, 22 October 2004, at the Hawthorns, West Bromwich, Birmingham.