

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: The United Kingdom of Great Britain and Northern Ireland

UPR Working Group Session and Date of Review: 41st Session, 7-18 November 2022

Background

1. The United Kingdom of Great Britain and Northern Ireland (United Kingdom) has been a participating State in the Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including the United Kingdom, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in the United Kingdom and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in the United Kingdom.

Election-related activities

4. ODIHR has observed five elections in the country, most recently the 2017 early general elections. For the 2019 early general elections, ODIHR undertook a Needs Assessment Mission (NAM).

Early General Election, 8 June 2017

5. Following an invitation from the United Kingdom Delegation to the OSCE to observe the 8 June 2017 Early General Election and in accordance with its mandate, ODIHR deployed an Election Expert Team (EET) of three experts to observe the elections.
6. The ODIHR EET focused on campaign finance and the legal provisions pertaining to media coverage of the election. Therefore, the report is limited in scope and does not offer an overall assessment of the electoral process.²

- Campaign and financing:

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² *United Kingdom, Early General Election, Final Report*, 8 June 2017

7. The political finance system relies on a comprehensive and extensive regulatory framework. Several findings and conclusions were presented in relation to concerns regarding campaign and political finance:

- There are no limits on donations made to political parties, candidates and third parties. ODIHR has previously noted the absence of donation limits and the political parties' overreliance on large scale donations originating from a few sources.
- Some ODIHR EET interlocutors expressed concerns over potential breaches of the law by corporate donors and the possibility to circumvent the ban on foreign donations by channelling donations through UK registered companies.
- Some ODIHR EET interlocutors from political parties and civil society organizations raised concerns over the lack of clarity for reporting of the costs incurred by a party or a candidate.
- Some ODIHR EET interlocutors noted that the relatively low limit of possible fines may be insufficient to deter potential spending and donation violations.

- Media:

8. Findings and concerns regarding the media include:

- The private media environment is pluralistic, albeit increasingly polarized, in particular the press. At the same time, ownership of print and online outlets is concentrated in the hands of a few large companies that have a combined share of over 50 per cent.

9. ODIHR, within its mandate, offered the following main recommendations:³

- Consider establishing annual limits on the amount a single permissible donor may contribute to a political party or a candidate, in order to prevent undue influence of large contributors;
- Consider establishing a single formula for calculation of expenditure limits for political parties with a view to ensure equality and consistency of financial rules. In order to address the blurring of campaign expenditure at the national and local levels, consideration could be given to further clarifying political party spending focused on constituencies;
- Consider lowering the reporting threshold of donations to enhance the transparency of the sources of political finance;
- Consider vesting the Electoral Commission with investigative and sanctioning powers for offences relating to candidates' spending and donations. The overall Electoral Commission's role and effectiveness for oversight of party finance regulation could be strengthened with increased sanctioning authority; and
- Consider establishing a regular measurement framework in which the Office for Communications (OFCOM) would assess plurality within different media markets with an aim to achieve transparency and to prevent undue influence.

Early General Elections, 12 December 2019

10. Following an invitation from the United Kingdom Delegation to the OSCE to observe the 12 December 2019 early general elections and in accordance with its mandate, ODIHR undertook a Needs Assessment Mission (NAM) from 13 to 15 November 2019 to assess the pre-election environment and preparations for the elections and to

³ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

recommend whether to deploy an ODIHR election-related activity for the forthcoming elections.

11. The ODIHR NAM Report⁴ noted that the election legislation provides a sound basis for democratic elections but is viewed by many interlocutors as complex and lacking conciseness and consistency. The NAM recommended to deploy an Election Assessment Mission: “*to assess the legal framework, including regulation of the media, and to follow the work of the election administration, the election campaign, and campaign finance*”. However, ODIHR did not deploy an election-related mission due to lack of resources.
12. ODIHR reiterated in the NAM Report that the previous recommendations were still valid and encouraged the authorities to also consider the issues raised by interlocutors.

Tolerance and non-discrimination issues

13. OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, ODIHR produces an annual report on hate crime⁵ to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.
14. In respect to the 2020 Hate Crime Report,⁶ ODIHR recognized the United Kingdom's efforts in improving the quality of data reported to ODIHR from year to year. It observed that the United Kingdom would benefit from raising the awareness and building the capacity of criminal justice officials about hate crimes, particularly with regards to some of the more isolated victim groups.

⁴ [Needs Assessment Mission Report](#), Early General Elections, 12 December 2019:

⁵ <http://hatecrime.osce.org>.

⁶ [Hate Crime Report – United Kingdom](#), 16 November 2021. Only the 2020 report is referenced for this reporting period as the range of reported issues has been expanded and previous reports are not directly comparable. The full list of Main and Complementary key recommendations (KO) is available [here](#). Pre 2020 KOs on hate crime data are available [here](#).