



Office for Democratic Institutions and Human Rights

# UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

EARLY GENERAL ELECTION  
8 June 2017

OSCE/ODIHR Election Expert Team  
Final Report



Warsaw  
28 August 2017

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**I. EXECUTIVE SUMMARY**

Following an invitation from the United Kingdom (UK) Delegation to the OSCE and based on the findings and conclusions of a Needs Assessment Mission deployed from 25 to 28 April, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Expert Team (EET) to observe the 8 June early general election. The OSCE/ODIHR EET focused on particular aspects related to campaign finance and the legal provisions pertaining to media coverage of the election.

The UK is a constitutional monarchy comprising England, Wales, Scotland, and Northern Ireland. A bicameral parliament exercises legislative authority through an appointed upper chamber (House of Lords) and directly elected lower chamber (House of Commons). On 18 April, the Prime Minister called for an early general election and the following day, the House of Commons voted to support the proposal and confirmed the date for 8 June. The stated rationale for calling the early general election centred on the need for government stability and continuity as the country proceeds its negotiation process to withdraw from the European Union (EU). Several initiatives that address a number of previous OSCE/ODIHR recommendations had been undertaken, however, the call for an early election has placed the reform on hold.

The political finance system relies on a comprehensive and extensive regulatory framework. Traditionally, the funding of the political parties largely comes from private sources, whereas state subsidies are modest. There are no limits on the donations to political parties, candidates and third parties. Candidates are required to submit financial reports on campaign expenditure and donations above GBP 50 to the respective Returning Officer while political parties submit financial reports to the Election Commission (EC). The EC is the oversight body in charge of monitoring political party and third party compliance with finance regulations and is mandated with investigative and sanctioning powers.

The media landscape is pluralistic and characterized by a strong tradition of public service broadcasting led by the British Broadcasting Corporation (BBC), along with a number of commercial broadcasters and variety of print outlets. Broadcasters are legally obliged to ensure impartiality in their political and election coverage and their compliance is overseen by the Office for Communications (OFCOM). Paid political advertisements on television are prohibited. Several recent media-related legislative acts raised concerns by the OSCE Representative on Freedom of the Media regarding the freedom of press and investigative journalism.

**II. INTRODUCTION AND ACKNOWLEDGEMENTS**

Following an invitation from the United Kingdom (UK) Delegation to the OSCE and based on the findings and conclusions of a Needs Assessment Mission deployed from 25 to 28 April, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Expert Team (EET) to observe the 8 June early general election. The OSCE/ODIHR EET consisted of three experts drawn from three OSCE participating States.

The OSCE/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. Specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with the OSCE/ODIHR methodology, the OSCE/ODIHR EET did not undertake a comprehensive and systematic observation of the election day procedures. This final report should be read in conjunction with the 2017 OSCE/ODIHR NAM report and previous ODIHR reports, which provide additional detail on the electoral process in the UK.<sup>1</sup>

The OSCE/ODIHR EET wishes to thank the Foreign and Commonwealth Office, and its Permanent Mission to the OSCE, the Cabinet Office, representatives of the election administration, the Office of Communications (OFCOM) political parties, media, civil society and other interlocutors for their co-operation and assistance.

### III. BACKGROUND

The United Kingdom (UK) is a constitutional monarchy comprising England, Wales, Scotland, and Northern Ireland. A bicameral parliament exercises legislative authority through an appointed upper chamber (House of Lords) and directly elected lower chamber (House of Commons).<sup>2</sup> The 650 members of the House of Commons are elected under a first-past-the-post system in single-member constituencies for a 5-year term. Candidates who receive the highest numbers of valid votes in each constituency are elected.

The 2011 Fixed-term Parliaments Act (FPA) set the election for 2020. However, the FPA provides for early elections to be called in case of a vote of no confidence in the government or a two-thirds majority vote. On 18 April, the Prime Minister called for an early general election and the following day the House of Commons voted to support the proposal and confirmed the date for 8 June.<sup>3</sup> The stated rationale for calling the early general election centred on the need for government stability and continuity as the country proceeds with its negotiation process to withdraw from the European Union (EU).<sup>4</sup>

Despite the short time period between the announcement of the election and the election day, political parties were able to nominate candidates and develop election manifestos.<sup>5</sup> The official campaign period started 25 working days before election, but parties and prospective candidates could campaign at any point before the election. The main campaign issues were health and social care, economy, education, housing and defense, with the UK's withdrawal from the EU as an overarching issue. Following the terrorist attacks on 22 May and 3 June, in Manchester and London respectively, the campaign was suspended for a few days by all major parties. Security then became a more prominent campaign topic.

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<sup>1</sup> See [all previous OSCE/ODIHR reports on the United Kingdom](#).

<sup>2</sup> The House of Lords comprises some 800 members, most appointed for life, as well as a limited number of current serving archbishops and bishops of the Church of England.

<sup>3</sup> The proposal was supported by 522 members of the parliament from the Conservative Party, Labour Party, the Liberal Democrats and the Green Party, while the Scottish National Party (SNP) abstained.

<sup>4</sup> A referendum on EU membership took place on 23 June 2016 and resulted with 51.9 per cent of the voters in favour of leaving the EU. On 29 March, the Government notified the EU of the UK's intention to withdraw its membership.

<sup>5</sup> In total, some 3,180 candidates were nominated, including 183 independent candidates. Some 29 per cent of candidates were women.

The last general election was held on 7 May 2015. The Conservative Party then won 331 of 650 seats in the House of Commons and formed the government. The Labour Party won 232 seats and formed the official opposition.<sup>6</sup> The early general election followed local elections held on 4 May in England, Scotland and Wales, when the Conservative Party increased its representation at the local level, mostly at the expense of the Labour Party and the UK Independence Party (UKIP).

The OSCE/ODIHR has previously assessed three elections in the UK since 2005. Most recently, for the 2015 general election, the OSCE/ODIHR deployed an Election Expert Team (EET), which focused its assessment on the implementation of legislation and the application of election procedures, as well as voter registration and campaign finance. The EET's final report concluded that, overall, the legal framework provides a sound basis to conduct genuine elections and the party and campaign finance regulatory framework adequately ensures transparency and accountability and enjoys public trust. Several initiatives to address a number of previous OSCE/ODIHR recommendations have been undertaken, however, the call for an early election has placed the reforms on hold.

#### IV. PARTY AND CAMPAIGN FINANCE

The political finance system relies on a comprehensive and extensive regulatory framework. It consists of the 1983 Representation of the People Act (RPA), the 2000 Political Parties, Elections and Referendum Act (PPERA), the 2006 Electoral Administration Act (EEA), the 2009 Political Parties and Elections Act (PPEA) and the 2014 Transparency of Lobbying, Non-Party Campaigners and Trade Union Administration Act. Regulations for political parties and third parties are primarily established by the PERPA and for candidates by the RPA.<sup>7</sup>

##### A. FUNDING SOURCES

Traditionally, political parties are largely funded by private sources, whereas state subsidies are modest. Direct public funding is provided mostly to opposition parties.<sup>8</sup> In addition, electoral contestants are entitled to indirect public funding in the form of discounted postal services, free use of public venues for campaign events, and free airtime on television.

There are no limits on donations made to political parties, candidates and third parties. The OSCE/ODIHR has previously noted the absence of donation limits and the political parties' overreliance on large scale donations originating from a few sources.<sup>9</sup> However, donations of over

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<sup>6</sup> Other parties represented in the outgoing parliament include the Scottish National Party (SNP) – 54 seats, Liberal Democrats – 9 seats, Democratic Unionist Party – 8 seats, Sinn Féin – 4, Plaid Cymru – 3, Social Democratic and Labour Party (SDLP) – 3, Ulster Unionist Party – 2 and Green Party – 1. Five members sit as independents and one seat was vacant. In the outgoing parliament, 29 per cent of members were women.

<sup>7</sup> 'Third parties' are individuals or organizations that campaign in the run-up to the elections but are not standing as political parties or candidates. They may campaign for or against one or more parties or candidates or on policies or issues closely associated with a party or category of candidates.

<sup>8</sup> Funding to opposition parties amounts to GBP 16,938 (1 EUR is approximately GBP 0.9) for every seat, plus GBP 33 for every 200 votes gained by the party. In 2016-2017, the Labour Party received a total of some GBP 6.5 million. Policy Development Grants, some GBP 2 million, are also allocated to parties with at least two sitting MPs or one sitting MP and more than 150,000 votes in the last general election.

<sup>9</sup> In 2016, a total of GBP 53,478,040 was donated to political parties. GBP 2,150,000 was the largest single donation to the Labour party. Trade unions donated GBP 9,882,948 exclusively to the Labour Party. The 2016 [Transparency International Report](#) mentions that 95 per cent of all the reported donations to EU referendum campaigners came from just 100 donors. Article 3b of the Council of Europe's (CoE) Committee of Ministers [Recommendation Rec\(2003\)4](#) states that "States should consider the possibility of introducing rules limiting the value of donations to political parties".

GBP 500 must come from permissible donors, which excludes foreign and anonymous sources.<sup>10</sup> Some OSCE/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 channeling donations through UK registered companies. The EC previously recommended reviewing the procedures for controlling the origins of donations from companies registered as carrying out business in the UK.<sup>11</sup>

*Consideration could be given to 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.*

## **B. CAMPAIGN EXPENDITURE**

Campaign finance regulations establish two periods, the ‘long’ and ‘short’ campaigns, each with a respective spending limit.<sup>12</sup> In this election, only the ‘short’ campaign regulations applied. The candidates’ expenses were limited to GBP 8,700 plus 6 to 9 pence per voter in the borough or county, respectively, for the period from 4 May to 8 June. According to the RPA, every candidate must have an election agent responsible for the financial management of the campaign.

During the regulated period, which starts a year before election day and is applicable to early elections as well, political parties have to comply with either of the two spending limit formulas: GBP 30,000 multiplied by the number of constituencies contested (approximately GBP 19.5 million for all constituencies) or fixed amounts up to GBP 810,000 in England, 120,000 in Scotland, 60,000 in Wales. These limits apply to certain types of expenses foreseen in the PPERA.<sup>13</sup> As previously underlined by the OSCE/ODIHR and the Council of Europe’s Group of States against Corruption (GRECO) reports, the existence of spending limits in each of the four parts of the UK, combined with the fact that the spending and reporting rules do not require political parties to report whether their spending has been focused in a particular constituency, could create a potential for considerable disparity in party campaign spending across the country.<sup>14</sup>

Some OSCE/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. According to them, in practice, it often happens that the costs are not clearly attributable to the candidate’s spending limit if the campaign material does not refer to them as the candidate. In such

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<sup>10</sup> Permissible donors are all voters, companies or organizations in the UK or in an EU member-state and carrying on business in the UK, trade unions and non-profit associations. The ceiling on donations to candidates is GBP 50.

<sup>11</sup> See the 2013 [EC’s regulatory review of the UK’s party and election finance laws](#).

<sup>12</sup> The ‘long campaign’ applies if a parliament sits for more than 55 months, and runs from immediately after the 55<sup>th</sup> month until the parliament is dissolved, while the ‘short campaign’ is the period after the parliament is dissolved.

<sup>13</sup> Activities that count as eligible expenses are as follows: advertising of any kind, unsolicited material sent to voters, party conferences, local newsletters about elected representatives or prospective candidates, the manifesto and other documents setting out a party’s policies, market research or other methods of finding out how people intend to vote, press conferences or other dealings with the media, rallies and events, including the cost of people’s attendance, and any goods, services or facilities provided, and transport in connection with publicising a party’s campaign

<sup>14</sup> See [GRECO reports on Transparency of Party Funding in the United Kingdom](#). Paragraph 19 of the 1996 UN Human Rights Council (UNHRC) [General Comment 25 to the International Covenant on Civil and Political Rights \(ICCPR\)](#): “Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party” and article 9 of the Council of Europe’s (CoE) Committee of Ministers [Recommendation Rec\(2003\)4](#) states that “states should consider adopting measures to prevent excessive funding needs of political parties, such as, establishing limits on expenditure on electoral campaigns”.

cases, the costs of campaign material should be reported under national party spending limits. This may also create a potential to circumvent the candidate's spending limits.<sup>15</sup>

*Consideration could be given to 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.*

Third parties may spend a maximum of GBP 450,000 UK-wide, GBP 9,750 for or against a party in a single constituency, and up to GBP 700 for or against a candidate.<sup>16</sup> The spending period for registered third parties, is calculated starting a year before election day.<sup>17</sup> Some OSCE/ODIHR EET interlocutors noted that the need for third parties to retroactively account for election-related expenses was seen as overly burdensome, since the scope of the activities covered by the 2014 Transparency of Lobbying, Non-Party Campaigners and Trade Union Administration Act is broader than before and might create uncertainty as to what counts towards the spending limit.

### C. REPORTING AND OVERSIGHT

Candidates are required to submit financial reports on campaign expenditure and donations above GBP 50 to the respective Returning Officer (RO) within 35 days of the announcement of election results.<sup>18</sup> Reports on donations and loans above GBP 7,500 received by political parties and third parties must be submitted quarterly to the EC and weekly during the 'short' campaign. Some OSCE/ODIHR EET interlocutors expressed concerns regarding the high reporting and disclosure threshold for donations.<sup>19</sup>

*Consideration could be given to lower the reporting threshold of donations to enhance the transparency of the sources of political finance.*

Itemized expense reports must be submitted within three months after the election by parties and third parties with returns below GBP 250,000, and within six months for those with a return above GBP 250,000, together with an auditor's certificate. Parties are also required to submit annual accounts to the EC. The EC maintains an extensive and detailed online database of party and campaign finance records.<sup>20</sup> While there is no legal deadline for publishing the different returns, the EC tries to make the information public in a timely fashion. As an internal rule, and depending on the nature of the returns, the EC applies an eight-week deadline to publish them on its website.

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<sup>15</sup> On 2 June, a member of the parliament from the Conservative party, his election agent and a party campaign organizer in the Thanet South constituency were charged with allegedly breaking election-spending rules during the 2015 general election. The Election Commission (EC) and the criminal law enforcement authority's investigations concluded that some expenses recorded as national expenses should have been attributed to the constituency campaign. These three people are due to appear at Westminster magistrates' court on July 4. Similar cases of allegations about excessive election spending for some 20 members of parliament from the Conservative party during the 2015 campaign were investigated, but no charges were brought over by prosecutors.

<sup>16</sup> Across the UK, third parties can spend GBP 319,800 in England, GBP 55,400 in Scotland, GBP 44,000 in Wales and GBP 30,800 in Northern Ireland.

<sup>17</sup> Third parties that intend to spend more than GBP 20,000 in England or over GBP 10,000 in any of Scotland, Wales and Northern Ireland have to register with the EC.

<sup>18</sup> The ROs are appointed by local authorities and oversee administrative aspects of the election in their respective constituency.

<sup>19</sup> Article 7.3 of the [2003 United Nations Convention against Corruption](#) provides that states should "consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

<sup>20</sup> See the EC's [database](#).

The EC is the oversight body in charge of monitoring political party and third party compliance. The EC provides a range of material and guidance to stakeholders on party finance and undertakes regular reviews of campaign spending after the elections. The EC has investigative and sanctioning powers, including the ability to use a range of flexible civil sanctions to encourage compliance.<sup>21</sup> However, these powers and sanctions do not apply to the rules on candidates. Breaches of the campaign finance rules by candidates are offences subject to investigation by the police and prosecuted by the Director of Public Prosecutions. Some OSCE/ODIHR EET interlocutors stressed the necessity to introduce a single regulatory regime by bringing the supervision of candidates' returns under the power of the EC in order to establish a consistent enforcement mechanism of the rules. Some OSCE/ODIHR EET interlocutors noted that the relatively low limit of possible fines may be insufficient to deter potential spending and donation violations.<sup>22</sup>

*Consideration could be given to vesting the EC with investigative and sanctioning powers for offences relating to candidates' spending and donations. The overall EC's role and effectiveness for oversight of party finance regulation could be strengthened with increased sanctioning authority.*

## V. MEDIA

The media landscape is pluralistic and characterized by a strong tradition of public service broadcasting led by the British Broadcasting Corporation (BBC), along with a number of commercial broadcasters and variety of print outlets. At the same time, media consumption is considerably shifting towards online content, including 'citizen journalism' and social networks, primarily Facebook. Broadcasters are legally obliged to ensure impartiality in their political and election coverage and their compliance is overseen by the Office for Communications (OFCOM).

### A. MEDIA LEGAL FRAMEWORK

The country has a long-standing history of free media, nevertheless the national law does not explicitly contain guarantees of freedom of expression.<sup>23</sup> The 2003 Communications Act sets out the general framework and the 2013 OFCOM Broadcasting Code (Code) covers standards in programmes, sponsorship, fairness and privacy. Print media are governed by their own codes of ethics and there is no regulation for the Internet.

Several other legal acts impact the media landscape. The 2006 Terrorism Act criminalizes speech that is considered to encourage terrorism, even in the absence of a direct proven link to a specific terrorist act.<sup>24</sup> In addition, the recently adopted 2016 Investigatory Powers Act raised concerns by the OSCE Representative on Freedom of the Media (RFoM).<sup>25</sup> In a positive step, libel provisions from different laws were overhauled by the 2013 Defamation Act. Among other aspects, it changed the criteria for a

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<sup>21</sup> Sanctions include compliance notices, fixed monetary penalties of GBP 200 and variable monetary penalties up to a maximum value of GBP 20,000. See the [EC's website](#).

<sup>22</sup> See [the EC's report on campaign spending for the 2015 UK general election](#). Article 16 of the Council of Europe's (CoE) Committee of Ministers [Recommendation Rec\(2003\)4](#) states that "States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to proportionate, effective and dissuasive sanctions".

<sup>23</sup> The 1998 Human Rights Act incorporates into national legislation the provisions of the European Convention on Human Rights that provides for the right of freedom of expression (article 10).

<sup>24</sup> Section 1 of the law prohibits "encouragement of terrorism", which applies to any statement "likely to be understood as a direct or indirect encouragement" of terrorism.

<sup>25</sup> According to the RFoM, the act "could severely threaten the confidentiality of journalists' sources and investigative reporting as it allows law enforcement agencies to monitor journalists' IT and communication equipment without judicial oversight." See the RFoM press release from [18 November 2016](#).



successful defamation claim, by requiring claimants to prove the harm. Yet, the reform has not been extended to Northern Ireland, and on a limited scale to Scotland.<sup>26</sup>

The 2013 Crime and Courts Act foresees a protection from excessive costs in defamation and privacy cases.<sup>27</sup> Up to date, the Secretary of State for Culture, Media and Sports, has not signed the commencement of Section 40 of the law, given the reservations by some press outlets with the new self-regulatory system. Recalling its previous concerns from 2013 about the government-influenced regulation, the RFoM in January 2017 warned that “the application of the provision could have a damaging impact on the press in the UK, particularly on investigative journalism.”<sup>28</sup> Organizations dealing with freedom of expressions and some OSCE/ODIHR EET interlocutors criticized the situation in which commencement of Section 40 is directly conditioned by a Secretary of State.<sup>29</sup>

## B. MEDIA ENVIRONMENT

The media landscape remains characterized by a strong tradition of public service media, represented by the BBC and other public services, including nationwide Channel 4.<sup>30</sup> The Royal Charter constitutes the legal basis that sets out the public purposes of the BBC, guarantees its independence and outlines the structure of the broadcaster. An accompanying Agreement with the Secretary of State for Culture, Media and Sport provides details on the topics outlined in the Charter and covers the BBC’s funding and its regulatory duties.<sup>31</sup>

From April 2017, a single board replaced the two-tier structure of the BBC Trust and the BBC’s Executive Board as the Corporation’s governing body.<sup>32</sup> The Board is responsible for ensuring the BBC fulfills its mission and public purposes as set out in the Charter. The BBC is funded through a television license fee paid by viewers, the amount of which was increased after seven years in 2017.<sup>33</sup> According to some OSCE/ODIHR EET interlocutors, some financial mechanisms raise concerns and may potentially influence the output of the public media service.<sup>34</sup>

Private media environment is pluralistic, albeit increasingly polarized, in particular 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. *Sky* is the UK’s biggest private broadcaster and continues to dominate the paid television landscape.<sup>35</sup> In December 2016, a bid to merge the remaining share of *Sky* triggered state intervention on the grounds of media plurality and concentration of ownership, and

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<sup>26</sup> See [Freedom House, Freedom of the Press 2016 Report on the United Kingdom](#).

<sup>27</sup> Section 40 provides that only those newspapers that decide to be a member of the state recognized regulator, (currently [IMPRESS](#)), can be protected from excessive libel suits costs. Otherwise it creates the possibility of a media defendant to bear all legal costs.

<sup>28</sup> The RFoM press release from [30 October 2013](#) and press release from [10 January 2017](#).

<sup>29</sup> Article 19 and PEN English, [joint submission](#) to the Universal Periodic Review of the United Kingdom, 5 October 2016; Reporters Without Borders in their [assessment](#) of election manifestos welcomed the pledge of the Conservative Party to repeal Section 40, 19 May 2017.

<sup>30</sup> Channel 4 is a public-service broadcaster that was launched in 1982. The station is owned and operated by a public corporation of [the Department for Culture, Media & Sport](#) (Channel Four Television Corporation), although it is self-funded.

<sup>31</sup> [BBC Royal Charter](#) and [Framework Agreement](#) from December 2016. The BBC Royal Charter is adopted every 10 years.

<sup>32</sup> [A Review of the Governance and Regulation of the BBC](#) from March 2016.

<sup>33</sup> As of 1 April 2017, the annual license fee was set to GBP 147, an increase from GBP 145.50, which had remained unchanged since 2010.

<sup>34</sup> According to the new obligation, the BBC would cover the cost of the licenses for those aged over 75, which would amount to some GBP 750 million (EUR 870 million) by 2020, the equivalent of nearly a fifth of the BBC’s current annual income.

<sup>35</sup> See the Media Reform Coalition’s [report](#).

commitment to broadcasting standards.<sup>36</sup> Although, the 2003 Communications Act required the OFCOM to conduct regular reviews (at least every three years) on media ownership, a plurality test is only conducted based on decision of the Secretary of State when a merger between entities occurs.<sup>37</sup>

*Consideration could be given to establish regular measurement framework in which the OFCOM would assess plurality within different media markets with an aim to achieve transparency and to prevent undue influence.*

A 2011 scandal revealed corrupted schemes in increasingly popular tabloid newspapers.<sup>38</sup> As a result, in 2012 the government commissioned an inquiry aimed to recommend a new system for press oversight, as well as to address an increasingly close relationship between politicians and print media owners, often at odds with the public interest.<sup>39</sup> To address the issue, the inquiry proposed a new self-regulatory body that would be granted state recognized status.<sup>40</sup> A number of OSCE/ODIHR EET interlocutors supported the changes introduced by the Leveson Inquiry and criticized the negative influence of tabloid newspapers on public political discourse as well as IPSO's dependence on big media outlets.<sup>41</sup> Nevertheless, the scheme was criticized by the RFoM who stressed that "a government-established regulatory body, regardless of how independent it is intended to be, could pose a threat to media freedom."<sup>42</sup>

### C. ELECTION-RELATED REQUIREMENTS

OFCOM is the government-appointed regulator for the broadcasting, telecommunications and postal industries and, according to OSCE/ODIHR EET interlocutors, enjoys high public confidence.<sup>43</sup> OFCOM is entitled to fine broadcasters as well as to suspend and revoke licenses, yet, it was established as a regulator with a view to ensure minimal interference. It does not conduct a systematic monitoring and rather acts on complaints.

The campaign coverage in the broadcast media is regulated by the 2003 Communications Act, the OFCOM Code and rules issued ahead of each general election. The provisions from the 2003 Communications Act and the BBC Agreement require OFCOM to ensure that election broadcasts are aired in every licensed public television channel, every national analogue radio service, their digital services and in numerous BBC public channels.

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<sup>36</sup> The 2002 Enterprise Act requires OFCOM to report whether the merger may be expected to operate against the public interest. An intervention notice from 3 March which specified 'media public interest consideration' issued by the Secretary of State for Culture Media and Sport is necessary to trigger the test (collection of [documents](#)). The European Commission approved the acquisition in April 2017.

<sup>37</sup> In [2012](#) and [2015](#) OFCOM issued advices to the Secretary of State to establish mandatory plurality measuring framework.

<sup>38</sup> The scandal involved the defunct *News of the World* and other British newspapers published by News International. As a result, the company was split to 21<sup>st</sup> Century Fox that consists primarily of media outlets; and a new News Corp that manages publishing and Australian broadcasting assets.

<sup>39</sup> The Inquiry was led by Lord Leveson. [The Leveson Inquiry: Culture, Practices and Ethics of the Press](#), 29 November 2012.

<sup>40</sup> [IMPRESS](#) was established within the scheme proposed by the Leveson Inquiry and granted its status by the state [Press Recognition Panel](#), to replace the Press Complaint Commission. Another self-regulatory body, without state recognition is the Independent Press Standards Organisation ([IPSO](#)).

<sup>41</sup> Most of the newspapers remain part of IPSO structure however, the national newspapers *Guardian*, *Financial Times* and *Evening Standard* are not members.

<sup>42</sup> The RFoM, press release from [18 March 2013](#) and reports to the Permanent Council from [13 June and 28 November 2013](#).

<sup>43</sup> OFCOM was officially launched in December 2003, inheriting the duties of various regulators. In 2017, the regulation of the BBC was also transferred to OFCOM by the [Royal Charter](#) that is in place until the end of 2027.

Paid political advertisements on television are prohibited. Public service and commercial broadcasters are obliged to ensure impartiality in political reporting. The Code requires that news and programmes, must be reported with due accuracy and presented with ‘due impartiality’. The Code further stipulates that due impartiality may be achieved within a programme or over a series of programmes taken as a whole, and does not mean that equal time has to be given to every view, or that every view has to be represented. In addition, while informing on constituency-related electoral matters, the BBC or S4C (the Welsh language broadcaster) must strictly follow due impartiality.

OFCOM determined the minimum requirements concerning the length, frequency, allocation and/or scheduling of party election broadcasts (PEB).<sup>44</sup> Nevertheless, the precision of the requirements was left at the discretion of the respective media outlets. In a new set of guidelines adopted in 2017 the OFCOM decided to remove the concept of the list of large parties,<sup>45</sup> with an aim to provide broadcasters with “greater editorial freedom to take decisions” and to “use their own judgement, based on the criteria of past electoral support and/or current support.”<sup>46</sup> As reported by OFCOM and some OSCE/ODIHR EET interlocutors, the change was welcomed by several major broadcasters, including the BBC, Channel 4, Channel 5, ITN, and Sky News and most of the parties, whereas the Conservative Party and the Labour Party opposed it.

## VI. RECOMMENDATIONS

These recommendations contained throughout the text are offered with a view to enhancing the conduct of elections in the UK and bringing them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the UK authorities to further improve the electoral process and in following-up on the recommendations contained in this and previous reports.<sup>47</sup>

### A. RECOMMENDATIONS

1. Consideration could be given to 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.
2. Consideration could be given to 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.

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<sup>44</sup> As set by the 2017 [OFCOM rules on Party Political and Referendum Broadcasts](#), parties could choose a length of 2 minutes and 40 seconds, 3 minutes and 40 seconds or 4 minutes and 40 seconds on television and up to 2 minutes and 30 seconds in radio. The broadcasts had to be carried between 17:30 and 23:30 on television and between 06:00 and 22:00 on radio.

<sup>45</sup> OFCOM’s decision to include a party on the list of large parties was based on the party’s performance in the previous election and on current support according to the opinion polls. Broadcasters had to offer a minimum of two PEBs to each of the ‘larger parties’ defined by OFCOM. Further, in relation to broadcasters’ own election programming, the Code required broadcasters in their editorial coverage to give “due weight” to the ‘larger parties’ and, when broadcasting items which feature candidates discussing or raising issues about the constituencies or electoral areas they are contesting, required that candidates representing the larger parties must be offered the opportunity to take part.

<sup>46</sup> [The 2017 OFCOM rules on due impartiality, due accuracy, elections and referendums](#).

<sup>47</sup> 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.”

3. Consideration could be given to lower the reporting threshold of donations to enhance the transparency of the sources of political finance.
4. Consideration could be given to vesting the EC with investigative and sanctioning powers for offences relating to candidates' spending and donations. The overall EC's role and effectiveness for oversight of party finance regulation could be strengthened with increased sanctioning authority.
5. Consideration could be given to establish regular measurement framework in which the OFCOM would assess plurality within different media markets with an aim to achieve transparency and to prevent undue influence.

## VII. ANNEX: FINAL RESULTS

<b>Contestants</b>	<b>Seats</b>
Conservative Party	317
Labour Party	262
Scottish National Party (SNP)	35
Liberal Democrat	12
Democratic Unionist Party	10
Sinn Fein	7
Plaid Cymru	4
Social Democratic and Labour Party	0
Ulster Unionist Party	0
UK Independence Party	0
Green Party	1
Independent/others	1
Total	650

In total, 208 women were elected to parliament, representing approximately 32 per cent.

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).