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**United Kingdom
Delegation**

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To the Organisation for Security and
Cooperation in Europe (OSCE)
Vienna

Statement to Permanent Council, 14 April 2005: UK General Election

I would like to thank the distinguished Ambassador of Belarus most warmly for his interest in the UK electoral process. I can assure him, and others, that his comments shall be passed to my authorities.

In the opinion of the United Kingdom, the principle of peer review, as enshrined in the 1992 Helsinki Summit declaration, is of paramount importance. I welcome the fact that Belarus shares this view.

Mr Chairman,

The UK regrets that the invitation to ODIHR to observe the 5 May General Election was issued at such short notice. We would have liked to have issued the formal invitation at least 3 months prior to Election Day, so as to allow ODIHR sufficient time to prepare. However, the Prime Minister only announced the Election on 5 April. I informed Ambassador Strohal of this by fax the following day.

That said, my delegation had, for some time, made ODIHR's election section aware of strong rumours that the election would be called for 5 May.

The position under UK electoral law is this. A general election must be held at least once every 5 years. Within this requirement, it is at the discretion of the Prime Minister of the day when to call an election, and to set the actual date. The only limit on this discretion is that there must be at least 17 working days between the dissolving of parliament and the day of the poll.

Mr Chairman,

This is not the first time that the UK has been criticised over difficulties in ODIHR observers gaining access to polling stations.

The situation under UK law is that only specified persons are allowed into a polling station, namely, electors, the companions of electors with disabilities, the staff of the Returning Officer, candidates and their agents, and the police constable on duty.

Similar restrictions also apply as to who may attend the count, although in this instance, the Returning Officer has a discretionary power to admit persons other than those prescribed into the count.

There is therefore discretion for Returning Officers to allow international observers to attend the count, and they have been encouraged to do so, However there is currently no such discretion that would allow them to enter polling stations.

My Government has long-recognised that there is an absence of a formal process for appointing observers at UK general elections. The Independent Electoral Commission has made a number of recommendations in a report, published in June 2003, to allow for the accreditation and appointment of observers - including international observers. Many of these recommendations reflect by those made by ODIHR.

The British Government agrees with these recommendations. As with all of the recommendations in 'Voting for change' with which the Government agrees, the Government will seek to implement them as soon as parliamentary time allows. Unfortunately, this will not happen before the 5 May General Election.

Mr Chairman, let me add that the UK holds ODIHR in the highest regard, and values its advice and expertise.

We also regret the delay in implementing this key recommendation.

However, I would like to assure Permanent Council that the political will does exist within the UK Government to implement appropriate recommendations, such as those made by ODIHR.

We will keep Permanent Council informed of relevant changes to UK electoral legislation.

I would like to conclude by informing Permanent Council about the cases of electoral fraud mentioned by my distinguished colleague from Belarus. This is particularly important in the current context, where electoral processes and observation are of interest to participating States.

Two petitions were brought to the courts alleging electoral fraud in the 2004 local elections in the Aston and Bordesley Green wards in Birmingham.

The petitions included a range of allegations against a total of six candidates. The allegations included large numbers of votes being witnessed by a single individual using different names, voters turning up to polling stations to find that a postal vote had already been used in their name, threats of coercion, and duress and 'farming' of votes.

On 4 April, the Judge in the Birmingham petitions' case declared the elections void on the basis of "corrupt and illegal practices" on the part of a number of

candidates. The full texts of these judgements, as well as the Government's reaction, are available on the Internet.

I should like to add that the British Government unreservedly condemns all instances of electoral fraud and attaches the highest importance to upholding standards in elections.

The offences in Birmingham have been exposed, brought to court and dealt with.

We are not complacent about the threat of electoral fraud and are planning to introduce a number of further safeguards into our electoral process to combat it.

These include:

- ❖ making available for the forthcoming general election additional funding to improve the administration of the ballot;
- ❖ sending advice to all electoral returning officers to reinforce the need to prevent and tackle electoral fraud ;
- ❖ new efforts are being undertaken with the Association of Chief Police Officers (ACPO) and the police generally to combat fraud;
- ❖ new guidance on fraud for the police and electoral administrators; and
- ❖ a new Electoral Commission postal voting code to be used by parties and candidates

I should emphasise that the UK's independent Electoral Commission is a body fully independent of Government and political parties, and they have rejected any question of withdrawing postal ballots for the general election, The Government agrees with this. Postal voting continues to add to the convenience of voting for many electors and helps increase turnout at elections.

The widespread press coverage attracted by these cases is welcome. This highlights also the importance of a free and independent media as a deterrent to fraud at all levels.

In conclusion, the judgements in the Birmingham cases show that electoral fraud will not be tolerated in the United Kingdom.

We look forward to hearing ODIHR's opinion on how the various bodies involved in the UK have reacted to these cases.