

UK General Election 2017

Today we are calling for an international mission to monitor the UK General Election of June 8th 2017. We are doing this because we believe that the UK media are currently subject to extraordinary pressures that constitute a restriction of freedom of expression and freedom of the media and prevent fair representation of the candidates. We are also concerned that there are several ongoing investigations into both the 2015 election and the 2016 election, into matters concerning important matters of campaign finance and foreign interference that are not yet resolved. Together these constitute ample justification for a mission with a focus on communication, media and campaign regulation.

We note that the OSCE, of which the UK is a founding member, conducts regular missions to a variety of countries in order to ensure that their electoral processes are free and fair. We note that representatives of the OSCE conducted a fact-finding mission in April-May 2017 to assess whether a mission is necessary. An increasingly important part of missions, as the OSCE has acknowledged repeatedly, is to ensure respect for fundamental rights and in particular the right to freedom of expression:

[Freedom of expression is a fundamental human right and a basic component of a democratic society. In this respect, independent and pluralistic media are essential to a free and open society and accountable systems of government.](#)

There is a need for a mission which should be empowered to conduct a full investigation into traditional media's role in domestic electoral politics, and also the role of new media and particularly targeted social media in the campaign. Each of these issues alone poses dangers to the possibility of conducting a free and fair election in the UK, and failure to ensure that their role is properly monitored poses a risk for the legitimacy of the electoral process at a time of fragile trust in such processes.

In light of the concerns raised below, we urge the OSCE to give full consideration to this, and invite them to bring an election monitoring mission to the UK.

Foreign interference in the UK General Election

The Prime Minister, and at least one other Cabinet minister have made public specific allegations of foreign interference in the UK election. In particular, officials of the European Commission have been accused of seeking to interfere with the outcome of the election, and favouring the opposition. If true these allegations relate to serious breaches of multiple international treaties and the purpose of these organisations and risk the destabilisation of the region.

Traditional media and the general election 2017.

- (i) A number of independent and academic studies have shown that there is an overwhelming bias in the presentation of oppositional parties, and in particular the Labour Party under Jeremy

Corbyn's leadership. It is simply not possible for these parties to have fair discussion of their political platforms in this media environment. See ([here](#)) and ([here](#)).

- (ii) United Kingdom newspaper markets are characterised by a very partisan approach to party politics, the independent European University Institute [study](#) into risk factors for media pluralism found that the UK market exhibited medium risk in the area of media ownership pluralism.
- (iii) Recent regulatory developments have exacerbated an already extremely difficult situation as regards interference by public authorities in the newspaper sector. (a) as explained [here](#), the Crime and Courts Act 2013 established a new regime of liability risk for newspapers for media torts, but this has never been signed into law by the relevant minister. As a result, at the current time *all* newspapers are aware that a change of government will result in a rapid and severe increase in their liability risks. Without the oversight of Parliament, the sweep of a ministerial pen can bring into force legislation that could have an immediate impact on newspapers. This raises the risk of a chilling effect on editorial coverage of the campaigns. (b) As regards the News UK titles (including the Sun and The Times) the new government must respond to a regulatory review of a proposed merger between 21st-century Fox and Sky Plc in its first weeks of office. The Murdoch Family Trust has absolute control of News UK and, arguably, de facto control of 21st Century Fox. In the Parliamentary debate both the main opposition parties – Labour and Liberal Democrats – have raised concerns about this merger, but the government has now [delayed the decision](#) until after the election.

Social media and the election.

- (i) Social media campaigning, including targeted political advertising is rapidly becoming the most influential channel in electoral campaigns, particularly for younger voters. This raises both short-term concerns with the effectiveness of the current election rules, and their ability to achieve free, fair, trustworthy and transparent elections.
- (ii) Two relevant national regulatory authorities are currently conducting investigations into the previous referendum campaign. The UK data protection authority (the ICO) is concerned about breaches of data protection law during the referendum and the (Electoral Commission) has raised questions about foreign interference in the referendum and a flouting of the rules on campaign finance. They call into question the effectiveness of current regulation, particularly as regards the importance of database costs which are more easily hidden from election regulators, or can be spent outside regulated time periods. There may also be problems with the detail of the rules as regards recording of national and local spend. This is especially true because of evolving campaign practices, shaped by the UK's electoral system, which incentivise national parties to centrally manage "local" campaigns in the constituencies that are most important to their electoral success (Nick Anstead has recently written a paper on this, which you can access [here](#)).
- (iii) [Questions have also been raised](#) about campaign transparency which is one of the key values of the Council of Europe and the Venice Commission. The Electoral Commission has noted that social media campaigns are more difficult to label with the origin of and funder of a particular campaign message. On a wider level, targeted campaigns involve a proliferation of niche, 'dog whistle' messages which can be targeted on a demographic, geographical, attitudinal, or psychometric basis. Participants at a recent LSE workshop on the topic were strongly of the view that transparency, and political accountability

would be served by establishing a record and repository of such messages, in order to hold politicians to account and monitor the degree of contradiction between messages.

Each of these concerns constitutes a grave concern that the integrity of the coming election will be called into question, just as the recent election and referendum were. The presence of OSCE observers would be a valuable aid to ensuring that an already volatile situation in the UK is not exacerbated by a continuing loss of trust in the electoral process. It is important that the UK and other countries are able to learn from the current situation as regards each of the issues raised, and the presence of the mission will be both reassuring to UK citizens across the political spectrum, and the source of future recommendations of international relevance.

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