

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: United States of America (USA)

UPR Working Group Session and Date of Review: 50th session (4th Reporting Cycle)

Background

1. The USA has been a participating State (pS) of the Organization for Security and Co-operation in Europe (OSCE) since 1973, and has thus undertaken and 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 pSs, including the USA, 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.
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 Armenia and its implementation of past recommendations, as well as to formulate new recommendations to enhance the enjoyment of human rights and fundamental freedoms in the USA.

Election issues:

4. ODIHR has observed the following elections during the reporting period. Some recommendations that were repeated are only mentioned under one election due to space constraints.

General Elections, 5 November 2024

5. ODIHR deployed a Limited Election Observation Mission (LEOM) for the 2024 general elections. The LEOM concluded that the elections “*demonstrated the resilience of the country’s democratic institutions, with a well-run process in a highly polarized environment, candidates campaigning freely across the country, and voters engaging actively. The campaign was marked by disinformation and instances of violence, including harsh and intolerant language. Repeated unfounded claims about election fraud negatively impacted the public trust. Substantial efforts were undertaken to ensure election integrity and security, and election officials conducted their duties professionally despite numerous threats against them. Women remain significantly under-represented as candidates and in high elected office. Certain segments of the U.S. citizenry remain disenfranchised despite prior ODIHR recommendations, and voter registration and identification remain politically charged issues. Record-high spending in these elections amplified concerns over unregulated financial contributions and a*

¹ ODIHR, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (fourth edition)* 2023, and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (fourth edition)*, 2023; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010.

disproportionate advantage for candidates with extensive funding. Media coverage was extensive and vibrant but largely paralleled the partisan political divide, which, along with instances of hostile rhetoric toward journalists, eroded trust in the media. Election day was well managed, and polling took place in a peaceful and orderly atmosphere where observed.”

ODIHR Final Report² contains the following priority recommendations:

- To ensure timely and effective safeguards against legal changes that may have discriminatory intent or impact against racial and linguistic minorities, Congress should adopt a new formula for determining jurisdictions required to undergo federal pre-clearance for changes to election laws, in line with the Voting Rights Act.
- As previously recommended, in line with the principle of equality of the vote, U.S. authorities should reassess the Electoral College system for electing the president and vice president.
- To meet international standards and safeguard the impartiality of the election administration, election officials’ appointments should aim to achieve political neutrality through a balanced political representation. Election administrators should not oversee elections in which they are competing.
- To support election officials and contestants in countering disinformation and protecting election infrastructure, the Cybersecurity and Infrastructure Security Agency (CISA), in cooperation with other federal agencies, could develop additional training and methodological materials and deliver training aimed at mitigating election management risks.
- In line with the principle of equal suffrage, citizens resident in the District of Columbia and U.S. territories should be provided with full representation rights in Congress. In addition, the right to vote in the presidential election should be extended to citizens resident in the U.S. territories.
- State authorities should enhance inter-state co-ordination efforts to improve the cross-matching of voter registration data in order to avoid potential inaccuracies in the voter lists, including outdated entries and multiple registrations of the same persons.
- The number of supporting signatures for candidate nomination should be revised so as not to exceed one per cent of registered voters or of those who voted in previous elections, in line with international good practice.
- Political parties and candidates should avoid using inflammatory and divisive rhetoric in the campaign, refrain from knowingly spreading false information and from calling into question election integrity without a clear basis or evidence.

² LEOM Final Report, 11 April 2025.

- As previously recommended, contribution limits and disclosure for all types of campaign committees should be regulated. Independent groups and non-profit organizations that engage in campaign activities or donate to campaign committees should be legally required to disclose their sources of funding within a timeframe that allows for transparency of campaign financing.
- To promote more accountable and transparent campaign spending, federal campaign finance legislation and oversight should be updated to reflect the modern political funding landscape, including regulations on the use of new financial instruments such as cryptocurrencies, as well as other tools and digital assets that may be considered in-kind donations.
- The legal framework for the protection of media freedom should be strengthened by decriminalizing defamation, establishing comprehensive safeguards against strategic lawsuits, and legislating further protections for journalists' sources and against surveillance without a warrant.
- In line with OSCE commitments, federal and state legislation should clearly provide for unimpeded access to international and citizen non-partisan observers to observe all stages of the electoral process.

Mid-term Congressional Elections, 2022

6. ODIHR deployed an LEOM for these elections. ODIHR concluded that the elections *“were competitive and professionally managed, with active voter participation. However, the noted efforts to undermine voters’ trust in the electoral process by baselessly questioning its integrity can result in systemic challenges. Campaigning was free but very much polarized and marred by harsh rhetoric. In many cases, partisan redistricting resulted in uncompetitive constituencies. Disclosure mechanisms for campaign finance are generally comprehensive, but loopholes in the regulatory framework make the impact of money in politics less transparent. Many in the diverse media landscape made efforts to present accurate information, but polarization and widespread disinformation affected voters’ ability to inform themselves. Election administrators enjoyed general confidence, but the politicization of the offices of chief election officials and the intimidation of election workers are of concern. Restrictions on international observers in some states are at odds with OSCE commitments.”*

ODIHR Final Report³ incorporated priority recommendations:

- Conducting redistricting through independent, non-partisan, and transparent bodies to enhance electoral competitiveness and ensure effective voter representation, including that of minorities, based on clear legal criteria and public consultation.
- Reforming the legal framework for campaign finance to create a more level playing field for smaller parties and independent candidates, including potential limitations on campaign expenditures.
- Standardizing regulations on campaign co-ordination, contribution limits, and financial disclosure for all campaign committees, while requiring independent groups and non-profits engaging in campaign activities to disclose their sources of funding within a timeframe that ensures transparency.

³ LEOM Final Report, 9 May 2023

- Prohibiting state and local election officials from overseeing elections in which they are competing to uphold international standards and maintain election administration impartiality.
- Encouraging parties and candidates to avoid inflammatory and divisive rhetoric, including efforts to undermine public trust in the electoral process.
- Expanding efforts by state authorities to ensure that voter identification documents are equally accessible to all eligible voters.
- Passing legislation to re-establish the formula determining jurisdictions subject to federal preclearance for changes to voting laws, ensuring timely and effective safeguards against potentially discriminatory legal changes affecting racial and linguistic minorities.
- Strengthening inter-state coordination and information sharing to improve the accuracy of voter registration data and minimize discrepancies in voter lists.
- Establishing policies and technical standards at the state and federal levels to ensure the security and confidentiality of Electronic Absentee Voting solutions.
- Supporting local journalism through legal mechanisms, including financial, technological, and educational incentives, to foster a diverse and resilient local media landscape.
- Promoting transparency in elections by encouraging the timely publication of full precinct-level results protocols across all jurisdictions.

General Elections, 2020

7. ODIHR deployed an LEOM for these elections. The mission concluded that the elections *“were competitive and well managed despite legal uncertainties and logistical challenges. In a highly polarized political environment, acrimonious campaign rhetoric fuelled tensions. Measures intended to secure the elections during the pandemic triggered protracted litigation driven by partisan interests. Uncertainty caused by late legal challenges and evidence-deficient claims about election fraud created confusion and concern among election officials and voters. Voter registration and identification rules in some states are unduly restrictive for certain groups of citizens. The media, although sharply polarized, provided comprehensive coverage of the campaign and made efforts to provide accurate information on the organization of elections. Arrangements put in place by the election administrators, including for early and postal voting, together with committed civic engagement, allowed for high voter participation despite challenges posed by the COVID-19 pandemic.”*

ODIHR Final Report⁴ included priority recommendations:

- Establishing independent redistricting commissions to draw district boundaries free from partisan influence, ensuring districts are finalized well in advance of elections after broad public consultations and allowing time for judicial review.
- Ratifying the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD) to further protect and promote the electoral rights of women and persons with disabilities, in line with OSCE commitments.
- Codifying fundamental electoral procedures at the federal level to establish consistent electoral standards and stability, including regulations on voter registration deadlines, early voting procedures, observer rights, and adjudication

⁴ [LEOM Final Report](#), 9 February 2021.

timelines for election-related lawsuits.

- Passing legislation to reinstate the preclearance provisions of the Voting Rights Act to safeguard against legal changes that could disproportionately affect racial and linguistic minorities.
- Reviewing restrictions on voting rights for persons with criminal convictions to ensure proportional limitations and the restoration of voting rights upon completion of sentences. Enabling pre-trial detainees to vote and ensuring they are informed about their voting rights and procedures.
- Reducing the number of unregistered voters by addressing procedural burdens and obstacles faced by disadvantaged groups.
- Ensuring that voter identification requirements are accessible to all eligible voters, with consideration given to harmonizing federal standards for voter identification in both in-person and postal voting to comply with the Voting Rights Act and prevent discrimination.
- Revising the composition formula of the Federal Election Commission to strengthen its ability to provide independent and effective oversight and enforcement of campaign finance laws.
- Establishing a mechanism to protect and promote a vibrant and healthy digital public sphere, including policies for social media companies to promptly address harmful content, such as intolerant rhetoric, incitement to violence, and efforts to undermine electoral integrity.
- Implementing legislative measures to set reasonable and sufficient time limits for election-related lawsuits at state and federal levels, ensuring court decisions are issued well before election day to prevent legal uncertainty.
- Enshrining in law the commitment to guarantee access for international and citizen observers to all stages of the electoral process.

Tolerance and non-discrimination issues

8. OSCE pSs 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.⁵ In this context, ODIHR produces an annual report on hate crime⁶ to highlight the prevalence of hate crimes and good practices that pSs and civil society have adopted to tackle them. ODIHR also helps pSs design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of pSs' 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.

⁵ OSCE pSs have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE pSs have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of pSs' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

⁶ <https://hatecrime.osce.org/>

9. In respect of the 2023 Hate Crime Report and ODIHR's key observations⁷, ODIHR recognizes the USA's efforts in addressing hate crime through targeted outreach, programming and funding, and through strengthening connections between law enforcement and communities. However, based on the available information, it observes that since 2018, the USA has not reported data on hate crimes recorded by the prosecution and judiciary to ODIHR. In addition, ODIHR observes that the USA would benefit from ensuring that hate crimes are addressed in a comprehensive manner, including by introducing a co-ordination mechanism.

*Hate crime victim support*⁸

10. The USA provides specialist support to victims of hate crime. Victims of hate crime are entitled to the same rights as other victims of federal crimes. Some victims are considered vulnerable, but victims of hate crime do not fall under this category unless they are children, victims of domestic violence, sexual assault, or stalking, or have other vulnerabilities, such as linked to a disability.
11. Victims receive support from the FBI's Victim Services Division during investigations of federal hate crimes until the investigation is closed, or until it is turned over to the Executive Office of USA Attorneys Victim/Witness Coordinators during trials.
12. Funding of specialized hate crime victim support is done through the Federal Grants for Services for Victims of the Department of Justice Office for Victims of Crimes. The Office also partners with community-based organizations throughout the country, and with other federal, state, tribal, and local partners working on hate crime-related projects and supporting hate crime victims in their recovery.
13. One of the services funded through the Department of Justice Office for Victims of Crimes is the Victim Connect Resource Center, which is a weekday phone, chat, and text-based referral helpline operated by the National Center for Victims of Crime. It serves hate crime victims as well as victims of other types of crime. Services are anonymous, confidential, and available for all victims of crime in the USA and its territories. There is a dedicated service for deaf, hearing-impaired, and speech-impaired support seekers. Visitors to the hotline receive specialized services, including emotional support, information on rights and available support in over 200 languages. The Victim Assistance Specialists receive extensive training and mentoring to provide emotional support, information, and provide effective referrals. Referrals are tailored to individual needs and can be made to local, state, and national organizations.

⁷ Findings on the information available to ODIHR on hate crimes in a particular pS in relation to OSCE commitments are presented as Key Observations. There are, in total, 13 Key Observations linked to OSCE pSs' commitments in the area of addressing hate crime. This [methodology](#) has been in place since the 2020 Hate Crime Report.

⁸ The latest national developments refer to information provided by the ODIHR National Point of Contact on hate crimes in 2024 for ODIHR's hate crime report covering 2023. ODIHR does not have information on the current status of the above-mentioned projects.