



Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

ELECTIONS TO THE STATE DUMA

4 December 2011

OSCE/ODIHR Election Observation Mission
Final Report



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OSCE/ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

The Central Election Commission (CEC) of the Russian Federation invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 4 December 2011 parliamentary (State Duma) elections. Based on the recommendation of the Pre-Election Assessment Visit, the OSCE/ODIHR deployed an election observation mission (EOM). The OSCE/ODIHR EOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with domestic legislation. On election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe.

The preparations for the 4 December elections were technically well-administered across the country, but the elections were marked by the convergence of the state and the governing party. Although seven parties ran, the prior denial of registration to certain political parties narrowed political competition. The contest was also slanted in favour of the ruling party. This was evidenced by the lack of independence of the election administration, the partiality of most media, and the undue interference of state authorities at different levels. This did not provide the necessary conditions for fair electoral competition. Despite the lack of a level playing field, voters took advantage of their right to express their choice.

During voting, election officials were observed to be dedicated and experienced and procedures were followed overall. However, the quality of the process deteriorated considerably during the count, which was characterized by frequent procedural violations and instances of apparent manipulation, including several serious indications of ballot box stuffing. Result protocols were not publicly displayed in more than one-third of polling stations observed. Throughout election day, observers also reported a number of instances of obstruction to their activities, in particular during count and tabulation.

The final election results were announced by the CEC on 9 December. A number of mass demonstrations took place across the country, linked to allegations of election day fraud that received broad publicity, including on the Internet.

The legal framework is comprehensive and provides an adequate basis for the conduct of elections. However, structurally, the legal framework is overly complex and open to interpretation, which led to its inconsistent application by various stakeholders, often in favour of one party over the others. Laws guaranteeing the right to peaceful assembly were in some cases applied restrictively, undermining contestants' rights. Numerous amendments to the legal framework had been adopted since the previous elections. A number of recent changes improved certain elements of the electoral process, although the reduction of the parliamentary threshold to five per cent did not apply in these elections.

¹ The English version of this report is the only official document. An unofficial translation will be available in Russian.

The CEC adopted detailed instructions to facilitate preparations for the elections. It held regular sessions and took most decisions unanimously, without debate. The process of adjudication of complaints' by the CEC lacked transparency and did not afford the contestants effective and timely redress. The CEC has not complied with the legal requirement that all complaints must be acted upon and responded to in writing. Representatives of most political parties expressed a high degree of distrust in the impartiality of election commissions at all levels and questioned their independence from various state administration bodies.

The denial by the Ministry of Justice of registration to a number of political parties reduced the choices available to voters. In one case, the European Court of Human Rights recently ruled that the state's disbanding of one party was disproportionate and constituted an unlawful interference in the party's internal functioning.

The campaign lacked vibrancy. OSCE/ODIHR observers noted unequal treatment of contestants by the election administration, local authorities and service providers in favor of the governing party. Political parties in some regions filed formal complaints about seizure of campaign materials, unequal access to billboard space, and undue restrictions on the right to hold rallies.

During the campaign, the distinction between the state and the governing party was frequently blurred by state and local officials taking advantage of their office or position to advance the chances of one party over the others, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document. Observers received numerous credible allegations of attempts by local state structures to influence voter choice and to pressure them into voting for the governing party.

Most broadcast media provided only limited coverage of the election campaign. From 5 November to 2 December, state media were required by law to provide equal opportunities to all candidates. In line with these requirements, all parties contesting the elections could participate in national televised debates, which provided them with one level platform for reaching out to voters. The majority of television newscasts monitored were dominated by reports of state officials' activities. The coverage of all monitored national broadcasters except one channel favored the governing party.

Observation of elections by international and political party observers is provided for by the electoral law. However, it is of concern that the legislation limits the scope of activities of observers. Despite the timely invitation and the generally good co-operation, due to the position taken by the Russian authorities, the OSCE/ODIHR was not able to deploy the required number of observers. In addition, the law does not allow observation of parliamentary elections by domestic civil society groups. Nevertheless, certain groups actively monitored the preparation for the elections and the campaign. Last minute pressure and intimidation of a key domestic observer group, however, was aimed at discrediting it and obstructing its work.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Elections to the State Duma, the lower chamber of the bicameral parliament of the Russian Federation (RF), were conducted on 4 December 2011. In line with constitutional requirements, the elections were called on 29 August by presidential decree. On 7 October, the Central Election Commission (CEC) of the Russian Federation invited the OSCE/ODIHR to observe the

parliamentary elections. Based on the recommendation of the Pre-Election Assessment Visit conducted from 17 to 22 August,² the OSCE/ODIHR deployed an election observation mission (EOM) on 24 October led by Ambassador Heidi Tagliavini. The mission comprised a core team of 14 experts based in Moscow and 40 long-term observers deployed throughout the country, drawn from 24 participating States.

In many regions of the country, regional and local elections were held concurrently with the parliamentary elections and were observed by the OSCE/ODIHR EOM only to the extent that they impacted on the conduct of the latter.

On election day, the OSCE/ODIHR EOM joined efforts with delegations from the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE). Petros Efthymiou, Head of the OSCE PA Delegation, was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term observer mission. Tiny Kox headed the PACE delegation. Overall, some 325 observers were deployed, including observers from the OSCE/ODIHR, an 88-member delegation from the OSCE PA, and a 34-member delegation from the PACE. Voting was observed in some 1,500 polling stations. Counting was observed in 137 polling stations and the tabulation process was observed in some 100 TECs.

These elections were assessed for their compliance with OSCE commitments and other international standards for democratic elections, and with domestic legislation. This final report follows a Statement of Preliminary Findings and Conclusions released at a press conference on 5 December.

The OSCE/ODIHR wishes to thank the Central Election Commission for the invitation to observe these elections and the accreditation documents provided. The OSCE/ODIHR would also like to thank in particular the Ministry of Foreign Affairs and other state and local authorities, political parties and civil society for their co-operation during the mission. The mission also wishes to express appreciation to diplomatic representations of OSCE participating States for their co-operation.

III. POLITICAL BACKGROUND

These elections were contested by all seven political parties registered with the Ministry of Justice (MoJ).³ Four of the seven political parties had been represented in the outgoing State Duma. These included the governing United Russia (ER), the Communist Party of the Russian Federation (KPRF), the Liberal Democratic Party of Russia (LDPR) and Fair Russia (SR). The other three contestants were the Russian United Democratic Party “Yabloko” (YA), the Patriots of Russia (PR) and the Right Cause (PD).⁴

² All referenced OSCE/ODIHR reports on the Russian Federation can be found at: <http://www.osce.org/odihr/elections/russia>.

³ To register with the MoJ, a political party is required to document 45,000 members. In more than half of the 83 federal subjects, parties must have at least 450 members and at least 200 members in each of the remaining subjects.

⁴ Abbreviations for political party names correspond to the Russian language abbreviations.

The last party registered by the MoJ was PD in 2009. Since the 2007 parliamentary elections, several parties have been denied registration by the MoJ.⁵ Some non-registered opposition parties and civil society activists stated that the denial of registration to a number of political parties reduced the choices available to voters. In April 2011, the European Court of Human Rights (ECtHR) ruled that the 2007 dissolution of the Republican Party of Russia (RPR) was disproportionate to the legitimate aims cited by the government and concluded that there was a violation of Article 11 of the European Convention on Human Rights.⁶ The Russian authorities challenged the ruling to the ECtHR Grand Chamber; this appeal was rejected. Representatives from the RPR informed the OSCE/ODIHR EOM that the party has now applied to the Supreme Court demanding that its registration be reinstated on the basis of this decision.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

A. ELECTORAL SYSTEM

Russia's legislative body, the Federal Assembly, has two chambers: the Federation Council (upper house) with 166 members and the State Duma (lower house) with 450 deputies. The State Duma comprises 450 deputies elected for a five-year term⁷ under a proportional representation system in a single nationwide constituency; regional results are taken into account when allocating mandates. Only registered political parties can contest elections. Independent candidacies and the formation of electoral blocs are not permitted.⁸ Parties can, however, include individuals who are not members of any political party in their candidate lists. The main threshold for allocation of mandates is seven per cent of the valid votes cast.

B. LEGAL FRAMEWORK

The conduct of State Duma elections is primarily regulated by the Constitution, the Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum (Law on Basic Guarantees), and the Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation (Law on State Duma Elections).⁹ Rulings, regulations, instructions and resolutions of election commissions are also binding.

⁵ These included the People for Democracy and Justice, Way of Truth and Unity, Will, People's Freedom Party (PARNAS), ROT-Front, Pirate Party, Motherland-Common Sense, and Other Russia. See the OSCE/ODIHR Pre-Election Assessment Report at www.osce.org/odihr/elections/Russia/82440. The reasons for non-registration of different parties cited by the MoJ included: mistakes and inaccuracies in the documentation submitted, ineligible party members, insufficient membership or regional representation, contradictions in the address information, overpaid registration fees, missing signatures in the required documents, usage of extremist-like emblems, extended period between the founding congress and the submission of documents.

⁶ Judgement in case of *Republican Party of Russia v. Russia*, application number 12976/07, 12 April 2011, available at www.echr.coe.int.

⁷ Constitutional amendments from 2008 increased the State Duma's term from four to five years.

⁸ This is at variance with paragraph 7.5 of the 1990 OSCE Copenhagen Document, which states that "participating States will [...] respect the right to citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

⁹ Other relevant laws include the Law on Political Parties, Code of Administrative Offenses and the Law on Rallies, Meetings, Demonstrations, Marches and Picketing (Law on Assembly).

The legal framework is comprehensive and provides an adequate basis for the conduct of elections. However, it is overly complex and duplicative, detracting from its precision and clarity. OSCE/ODIHR observers noted a degree of confusion and inconsistent application of the legislation. The lack of clarity in the legal framework allowed for it to be inconsistently implemented, mostly in favour of one party over the others.¹⁰

The legal framework has undergone considerable revision since the last parliamentary elections in 2007. Among recent positive changes, political parties which do not attain the seven per cent allocation threshold, but garner between five and six per cent of votes are granted one seat and those between six and seven per cent of votes, two seats. These parties are also granted the right to appoint election commission members. In addition, provisions for payment of electoral deposits by parties to register for elections were removed; the number of support signatures to be collected by non-parliamentary parties to register for elections with the CEC was reduced; campaign spending ceilings were increased; and provisions on Absentee Vote Certificates (AVCs) and early voting have been tightened. The recent reduction of the parliamentary threshold to five per cent did not apply in these elections.

The right to assemble peacefully is guaranteed by Article 31 of the Constitution. Under the current legislative framework, the organization of public events requires that local authorities be notified ten days in advance. In practice, however, this requirement was often interpreted as an authorization procedure. Such interpretations were based on the right of local authorities to suggest changes to the time and place noted by the organizer in case of public safety and order concerns and to prohibit a rally if the organizer does not agree to the suggested changes. This resulted in the dispersal of some peaceful assemblies by police and the arrest of numerous participants.¹¹ Parties also complained to the OSCE/ODIHR EOM that the ten-day notification period was overly long and did not allow for the organization of spontaneous rallies or demonstrations.

V. ELECTION ADMINISTRATION

A. ELECTION COMMISSIONS

The State Duma elections were administered by a four-tier structure of election commissions – the Central Election Commission (CEC), 83 Subject Election Commissions (SECs), 2,746 Territorial (rayon, city and other) Election Commissions (TECs) and 95,249 Precinct Election Commissions (PECs).¹² Two TECs and 376 PECs were established to administer voting abroad in 145 countries. While the CEC, SECs and TECs are permanent bodies appointed for five years, PECs are formed anew before each election or referendum.

While political parties have the right to be represented at all levels of the election administration, in practice the majority of election commissioners were nominated by various state and local

¹⁰ This was especially true in the area of complaints where the overwhelming majority of complaints concerning campaign activities of ER, which were brought to the attention of the OSCE/ODIHR EOM, were dismissed, while those against opposition parties were upheld.

¹¹ This impacted the rallies of SR and KPRF in a number of cities, as well as a student protest in Moscow. It was also relevant to some of the post-election day protests that took place.

¹² Before the elections, the CEC announced different numbers of TECs and PECs. The figures presented in this report were announced during the CEC session, at which the final results were approved.

government institutions, including governors and mayors. This created an informal link between election officials and the state apparatus, which was affiliated with the governing party in the majority of regions observed. All parties that contested these elections also had the right to appoint non-voting members to all commissions. However, this was not always possible as most opposition parties did not have sufficient human resources or in some instances faced administrative obstacles.¹³

Although electoral legislation requires the impartiality and independence of election commissions from state and local power structures as well as from candidates, representatives of most political parties met by the OSCE/ODIHR EOM expressed a high degree of distrust in the impartiality of election commissions at all levels. They also questioned commissions' independence from state and local administration bodies. Much of their criticism was regarding a perceived bias in favour of the governing party. The majority of TECs visited had several members who were at the same time employees of local government (*uprava*). Usually, these were the members that were most actively involved in the administrative preparations.¹⁴ While in some regions, OSCE/ODIHR EOM observers noted transparent procedures in the formation of PECs, they received many reports from interlocutors that the governing party enjoyed privileged treatment in the appointments of TEC and PEC chairpersons.

Technically, elections were well-administered and election commissions met all deadlines. Election officials coped well with the challenging task of organizing elections on a vast territory involving nine time zones. The preparations were complicated by the fact that in many regions, regional and local elections were conducted simultaneously with the State Duma elections.¹⁵ Early voting that had begun on 18 November for voters residing in remote areas required significant material resources and efforts. Frequently, election officials had to undertake long-distance helicopter flights in severe winter conditions to reach voters in remote settlements, islands, or offshore oil platforms.¹⁶

The CEC issued numerous instructions that provided a sufficient regulatory basis for the administrative preparations for the elections. However, many of the CEC instructions and documents were overly detailed and not user-friendly; this included a 240-page PEC manual.

During the course of the OSCE/ODIHR EOM, the CEC held regular sessions open to media and also broadcast live on the CEC website. During sessions attended by OSCE/ODIHR EOM observers, CEC members took most decisions unanimously and without debate. Most of the CEC decisions related to mere formalities, such as de-registration of candidates who wanted to withdraw or the approval of authorized representatives of political parties. Expressions of opposing views, particularly by non-voting members, were more frequent in the last two weeks before elections. The collegiality of the CEC's work was undermined in that reportedly not all CEC members had equal access to important documents and that many formal initiatives were

¹³ For example, a non-voting CEC member from SR complained to the OSCE/ODIHR EOM that the nominations of party representatives submitted to the Tambov oblast TEC were not accepted and representatives were not appointed to PECs.

¹⁴ While the law requires that state and municipal officials should not constitute more than half of election commission members, this requirement was not respected in several TECs visited.

¹⁵ Some 2,800 different elections (regional/local elections and referenda) took place in around 36,500 polling stations.

¹⁶ According to the CEC, 170,710 voters voted early.

undertaken individually by the CEC chairperson and other members. This included responding to complaints by letter without a formal decision of the CEC, as a body.

The CEC adjudicated only a small number of complaints related to the conduct of State Duma elections. The most prominent complaints left unaddressed by the CEC pertained to similar posters displayed by ER and the Moscow City Election Commission.¹⁷ These posters were almost identical, using similar colors, design and fonts. As a result, voters could easily be confused as to which posters were part of the voter information campaign, and which constituted party advertisement.¹⁸ By not formally adjudicating these complaints, the CEC missed an opportunity to underline the importance of a clear separation between the activities of a state institution and a political party.¹⁹

B. MOBILE VOTING AND VOTING WITH AVCs

The electoral legislation contains provisions aimed at maximizing voter participation. These, however, have the potential to undermine the integrity of the process if not implemented with sufficient safeguards. They include the possibility for voters to vote at home through ‘mobile voting’. Some 4.3 million voters took part in ‘mobile voting’ during these elections, constituting over 6 per cent of the total number of voters who voted. Requests for ‘mobile voting’ could be submitted to PECs until 2 p.m. on election day in person, orally or through a third-party such as neighbours or organizations of elderly people. In some cases, it is possible that such requests could have been made even without the knowledge of voters concerned, since no adequate security measures are envisaged to prevent such situations.

Voters who were planning to be away from their places of permanent residence on election day could apply for AVCs. This allowed them to vote at any polling station in the country or at special polling stations opened at train stations and airports.²⁰ As a result of a reported liberal use of AVCs in past elections, the legislation was recently tightened by introducing requirements for voters to apply for AVCs only in person and with a written explanation. Shortly before the elections, the CEC voted to redistribute blank AVCs between some regions based on the argument that some areas were running low. A significant number of AVCs were issued to voters during these elections.²¹ One voting and several non-voting CEC members expressed concerns over their potential misuse.

C. NEW VOTING TECHNOLOGIES

Two types of new voting technologies were used during these elections. The first was a ballot

¹⁷ Complaints against these posters were submitted to the CEC by YA, SR and an individual voter.

¹⁸ In addition to posters in Moscow, similar cases of identical symbols and fonts in voter information posters of election commissions and campaign materials of local ER branches were noted by the OSCE/ODIHR EOM observers in St. Petersburg, Voronezh and Ufa.

¹⁹ Commenting on the issue, the mayor of Moscow told the press that there was nothing wrong in the similarity of posters. He stated that “*when talking about United Russia, we mean that in the scale of Moscow the city and party authorities de-facto act as a single entity, as we work on the same issues, solving common tasks.*” Paragraph 5.4 of the 1990 OSCE Copenhagen Document requires that there be “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”.

²⁰ Some 100 special polling stations were opened at airports and train stations during these elections.

²¹ Nearly 1.8 million AVCs were issued and 1,257,968 voters voted with AVCs during the 2011 elections. During the 2007 elections, 1.58 million AVCs had been issued.

scanning system called "KOIB", introduced in 2004. The second was an electronic voting system called "KEG", initially used in 2006. The later consisted of a touch screen to cast the vote and of an embedded printer to give voters the possibility to verify their choice whilst voting. The ballot scanners were used in 4,800 polling stations and 326 polling stations were equipped with the touch screen voting systems.²²

During election day, no serious problems or malfunction of either system were noted in polling stations visited by the OSCE/ODIHR observers. Poll workers seemed well trained and confident in managing the election process using the new voting technologies. They were supported by the designated staff that could assist voters when help was requested. OSCE/ODIHR observers noted that most voters needed such help. It was also noted that people providing assistance could easily see the contents of ballots to be scanned or the votes cast on the touch screen, violating the secrecy of the vote.

Although both systems provided a 'paper trail' (scanned ballots with KOIB and votes printed on a paper strip by an embedded printer with KEG), the absence of provisions for a mandatory random manual recount in a significant number of polling stations where new voting technologies are used is of concern.²³ In addition, the fact that votes in the KEG system are printed consecutively on one strip of paper could create the potential for the violation of the secrecy of the vote.

On the morning of election day, both systems were tested prior to actual voting, resulting in a printed test protocol, after which machines were reset and put in voting mode to start the voting process. Both types of new voting technology are based on 'non-disclosed proprietary software', not open to public scrutiny. Despite limited functional tests and certification of physical properties of the hardware, there has been no public independent evaluation or formal certification of these systems.²⁴ This can affect confidence of voters in both systems.

VI. VOTER REGISTRATION

Compilation of voter lists is based on a passive voter registration system linked with the citizens' permanent and temporary residence. Citizens are included in voter list for a certain precinct if they are registered as residing within its territory. Approximately 110 million voters were registered, including 1.8 million residing abroad. OSCE/ODIHR EOM interlocutors expressed confidence in the accuracy of voter registration data.

²² These efforts were part of a larger modernization project, the interim announced goal of which is to equip 15 per cent of polling stations in the country with new voting technologies by 2012. See report by the CEC chairperson at the OSCE Chairmanship Seminar on New Voting Technologies, Vienna, September 2010, at www.osce.org/cio/71298.

²³ See guideline 14 of the Guidelines of the Committee of Ministers of the Council of Europe on Transparency of E-enabled Elections (2011), available at www.coe.int/t/dgap/democracy/Activities/GGIS/E-voting/E-voting%202010/Biennial_Nov_meeting/Guidelines_transparency_EN.pdf.

²⁴ See standard 111 of the Council of Europe Recommendation (2004)11 on electronic voting at www.coe.int/t/dgap/democracy/Activities/GGIS/E-voting/E-voting%202010/Biennial_Nov_meeting/Guidelines_certification_EN.pdf, as well as the Guidelines of the Committee of Ministers of the Council of Europe on Certification of E-voting Systems (2011) at www.coe.int/t/dgap/democracy/Activities/Key-Texts/Recommendations/Rec%282004%2911_Eng_Evoting_and_Expl_Memo_en.pdf.

Voter lists are prepared by TECs no later than 21 days before elections on the basis of data provided by the heads of local administrations or other relevant administrative bodies, commanders of military units, or heads of other institutions in which voters are temporarily staying, such as hospitals and rest-houses. Voter lists were delivered to PECs 21 days before elections so that each voter could verify the accuracy of his/her data and request changes.

VII. CANDIDATE REGISTRATION

Seven political parties registered their candidate lists with the CEC between 5 and 27 October. Non-parliamentary parties were required to submit 150,000 support signatures in order to register candidate lists. Lists had to be submitted at a federal level, containing up to 600 names. Parties then had to divide this list into two categories: one federal group, which contained up to 10 candidates and the rest of the list that had to be split into at least 70 regional groups. The particular choices that parties made in this regard resulted in 134 different combinations of ballots across the country. Some 3,000 candidates stood for election on seven party lists.

According to Article 49 of the Law on State Duma Elections, a candidate could withdraw his/her candidacy no later than 15 days or, in case of compelling circumstances, no later than 1 day before the elections by submitting a written application to the CEC. From 7 October onwards, 83 candidates were de-registered on different grounds, such as dual citizenship,²⁵ voluntary withdrawal, or death.²⁶

VIII. ELECTION CAMPAIGN

A. CAMPAIGN ENVIRONMENT

The campaign was calm and lacked vibrancy. The interest of the electorate in the campaign appeared to have been limited due to a widespread perception that individual voters could not influence the outcome of elections.²⁷ Video footage showing alleged preparations for election day fraud uploaded onto the Internet during the pre-electoral period was widely commented upon in discussions in this medium. Civil society activists and non-registered political parties called on voters to either spoil ballots, arguing that this was the only viable way for the public to register its disdain for the lack of genuine political choice, or to vote for any party other than the governing one.

²⁵ According to Article 5 of the Law on State Duma Elections, citizens who have dual citizenship or reside permanently in another state are not allowed to run in State Duma elections. The Supreme Court cancelled the registration of one SR candidate on grounds of dual citizenship. This provision is at odds with Article 17.1 of the CoE's European Convention on Nationality (signed but not yet ratified by the Russian Federation) and the evolving jurisprudence of the European Court of Human Rights on matters of dual citizenship. In its judgment in the case of *Tanase and Chirtoaca v. Moldova* (application no.7/08, 27 April 2010) the ECtHR considered that the exclusion of citizens holding dual citizenship from eligibility to vote and to be elected is a disproportionate measure and, thus, contrary to Article 3 of the First Protocol of the European Convention on Human Rights.

²⁶ These included 16 candidates from PD, 14 candidates from YA, 13 candidates from KPRF and SR each, 12 candidates from PR and LDPR each, and 3 candidates from ER were deregistered.

²⁷ Between 18 and 21 November, Levada Center conducted its last poll before the elections assessing voters' motivation to participate in elections. Thirty six per cent of respondents stated their vote would have no effect, 27 per cent stated that they did not believe in any of the candidates, and 24 per cent stated that ER would win the elections in any case. See www.levada.ru/25-11-2011/vybory-v-gosdumu.

In cities, parties mainly campaigned via billboards, posters, electronic advertisement boards, TV ads, leafleting, as well as party websites, blogs and social networks. In rural areas and in towns parties reached out to voters with party newspapers, posters, door-to-door campaigning, and small in-door meetings. Party programs tended to be personality-based and their programmatic platforms were mostly generic. While some campaign speeches included promises targeting specific societal groups, such as pensioners or the army, party programmes generally did not offer detailed solutions to economic or social problems. The campaign rhetoric was mostly neutral; however, strong nationalistic remarks were occasionally made.²⁸

During these elections, the Internet became an alternative to classic grassroots campaigning and an alternative source of information. Social networking sites, blogs, and video sharing provided a new communication platform for voters.

In the campaign, the distinction between the state and the governing party was frequently blurred by taking advantage of an office or official position, contrary to Article 46(4) of the Law on State Duma Elections and paragraph 5.4 of the 1990 OSCE Copenhagen Document. For instance, in two Moscow districts billboards were observed stating that metro construction works were performed by the local branch of ER. This was perceived by other parties as campaigning for ER paid for out of state funds.

These elections were widely seen as a competition on unequal grounds in favour of the governing party. OSCE/ODIHR observers received numerous credible allegations of attempts to unduly influence voters' choices. These included allegations of civil servants being requested to sign letters in support of ER, owners of big companies putting pressure on employees to vote for the governing party, and school directors being instructed by local authorities to ensure that their employees vote for ER.²⁹

The case of a senior official in Chelyabinsk and an ER member, who threatened voters in a televised event with cuts of regional funding unless they voted for his party, was widely reported on. In Omsk, OSCE/ODIHR EOM observers were told by KPRF that the governor used his regular TV show called "Governor's Hour" to campaign as an ER candidate and to promote his party.³⁰ In Izhevsk, a video showing an attempt to influence voters by the head of the city administration, who promised veterans bonuses on top of their regular pensions if they voted for the governing party, was posted on the Internet and drew broad public attention.

While the law obliges advertising organizations to treat electoral contestants equally,³¹ some political parties reported problems in getting access to billboard space. For instance, KPRF complained that local contractors often did not provide the billboard space or cancelled contracts for political reasons after they had been signed.³² In some regions, only ER billboards were

²⁸ LDPR's key campaign element was the "Russian question"; it advocated greater rights to ethnic Russians as the country's founding nationality. On 21 November, President Medvedev called on election contestants to refrain from "rude nationalistic rhetoric."

²⁹ OSCE/ODIHR EOM observers received information about such allegations in Voronezh, Yekaterinburg, Khabarovsk and Novosibirsk.

³⁰ KPRF filed an official complaint with the SEC in Omsk, which was dismissed.

³¹ Article 61(2) of the Law on State Duma Elections.

³² Such instances were reported by KPRF in Krasnodar, Nizhniy Novgorod, Saratov, Ufa, Vladivostok, Moscow, St. Petersburg, Pskov, Krasnoyarsk, Khabarovsk, Novosibirsk, Ryazan and Sverdlovsk.

visible.³³ In one case, a private company stated it had received instructions from the local authorities to allow only ER posters.³⁴

Some political parties also informed the OSCE/ODIHR EOM that their campaign materials had been confiscated in several regions or held for some time by the police.³⁵ Parties also complained to the election administration about the distribution of fake newspapers with wrong or libelous information about different contestants.³⁶ Cases of campaign materials not including imprint data as required by law or not paid for from parties' campaign funds also led to formal complaints.³⁷

B. CAMPAIGN FINANCE

All campaign-related incomes and expenditures by political parties and their regional branches must be documented and reported to the CEC. Electoral funds must be established at a specified bank to cover all election-related expenses. The CEC had the right to monitor these accounts on a permanent basis. Donations to the electoral fund could only be made by Russian citizens and legal entities, including the political party itself.

Campaign contributions were limited to 350 million RUB³⁸ from parties' own funds; 24.5 million RUB from legal entities; and 490,000 RUB from any citizen. A political party could not spend more than 700 million RUB from its electoral fund. Finances of regional branches were accounted for separately. A political party had to submit two financial reports to the CEC, one at the time of submitting the list of candidates to the CEC and the second not more than 30 days following the publication of results. Although the submitted reports lacked detail on incomes and expenditures, they were all posted on the CEC website for public inspection. Once every two weeks, the CEC and SECs submitted information on political party incomes and expenditures to media outlets for publication.

In the course of the campaign, the OSCE/ODIHR EOM analyzed information about parties' campaign spending published by SECs in 18 regions. In these 18 regions the amount of campaign spending by ER outweighed those of other parties.

IX. MEDIA

A. BACKGROUND

While there are a high number of officially registered media outlets, a widespread concern over media independence exists due to the fact that the majority of these outlets are founded, owned or controlled by the government or government-affiliated structures. Television is the primary

³³ Such reports were received from OSCE/ODIHR observers in Saratov, Ufa and Pskov.

³⁴ A refusal letter sent to the LDPR branch in Saratov on 1 November 2011 explicitly referred to this instruction.

³⁵ The OSCE/ODIHR EOM received such complaints from KPRF in Irkutsk and Tula and SR in Kurgan and Novosibirsk.

³⁶ Complaints about different such instances were filed with SECs, TECs and the local prosecutors by ER, SR and KPRF in a number of areas, including Novosibirsk, Leningrad Oblast and Irkutsk.

³⁷ The OSCE/ODIHR EOM is aware that such complaints were lodged by an individual voter and ER with Novosibirsk SEC, by YA and an individual voter with Irkutsk TEC, and by KPRF with Moscow SEC.

³⁸ As of the date of publication of this report, the exchange rate was approximately 1 EUR to 40 RUB.

source of political information. The print media market is dominated by tabloid-type entertainment newspapers. Analytical print media outlets have lower circulation figures. The importance of Internet has increased in the recent years. The lack of diverse viewpoints in broadcast media, the limited impact of newspapers, as well as self-censorship reported by journalists limit citizens' access to pluralistic information.

While there is a notable decrease in the number of civil libel cases involving journalists, the number of assaults on journalists increased in 2011.³⁹ On 17 November, the State Duma decriminalized defamation and moved the respective provisions to the Civil Code. The State Duma also amended the Criminal Code by making threats or violence against journalists a crime punishable by up to five years of corrective labour or up to six years in jail. These amendments were welcomed by the OSCE Representative on Freedom of the Media (RFoM).⁴⁰

B. LEGAL FRAMEWORK FOR THE MEDIA

The coverage of the election campaign is regulated by the Law on State Duma Elections and the Law on Basic Guarantees. Both oblige state-owned media to provide equal rights and opportunities to all election contestants upon their registration by the CEC. Print media and the newscasts of all broadcast media must not give any preferences to any contestants. The official campaign period for the purposes of free and paid airtime and space in the media begins 28 days before and ends one day before election day.

Legislation forbids candidates from making negative comments or from contributing in any way to the creation of negative attitudes of voters towards any political party or a candidate in their campaign ads.⁴¹ The CEC conducts media monitoring for balanced coverage of the parliamentary parties during non-election periods only, while acting solely upon complaints during election campaigns.

In July 2011, the CEC established a special working group tasked with overseeing the compliance of the media with the rules on the allocation of free airtime, publication of opinion polls and coverage of the election campaign. The working group consisted of CEC members, government officials, representatives of state-controlled broadcasters, and representatives of other media organizations. Since its establishment, the group met only twice and reviewed six media-related issues.

C. MEDIA MONITORING RESULTS



The results of media monitoring activities conducted by the OSCE/ODIHR EOM between 31 October and 2 December indicated limited interest in the election campaign on the part of broadcast media.⁴² The newscasts of all but one monitored television channel were dominated by reports on activities of state officials. The coverage of authorities in the news ranged from 55 per

³⁹ Data published by Glastnost Defense Foundation at www.gdf.ru/attacks_on_journalists/.

⁴⁰ Press release by the OSCE RFoM, 17 November 2011, available at: www.osce.org/fom/85154.

⁴¹ Article 62(5.2) of the Law on State Duma Elections.

⁴² The OSCE/ODIHR EOM monitoring covered seven television channels (*First Channel, Russia 1, Russia 24, TV Center, NTV, Channel 5 and Ren-TV*) and seven newspapers (*Rossiyskaya Gazeta, Parlamentskaya Gazeta, Kommersant, Komsomolskaya Pravda, Zhizn, Novaya Gazeta and Argumenti i Fakti*). In addition, the EOM evaluated the main newscasts of regional media outlets in three regions: St. Petersburg (*GTRK - St. Petersburg and 100 TV*), Ekaterinburg (*GTRK - Ural and Channel 4*) and Krasnodar (*Krasnodar+ and Channel 9*).

cent on *Russia 24* to 83 per cent on *TV Center*. During the last week of the campaign, *NTV*, *TV Center* and *Channel 5* broadcast current affairs programs that focused on praising the achievements of the authorities. By contrast, private *Ren-TV* provided critical coverage of the governing party and, to a lesser extent, of the state authorities, having allocated 35 per cent of politically-relevant news coverage to the latter. In the coverage of authorities, monitored broadcasters often blurred the line between official and campaign-related appearances of officials. While covering the President in his official capacity, the media often showed the governing party's slogans in the background.

In the coverage of election contestants, *Russia 1* and *Russia 24* allocated considerable amounts of time to all parties, although clearly favouring ER. *First Channel* and *TV Center* focused predominantly on ER, which received 15 and 11 per cent, respectively, of mostly positive news coverage. By comparison, all other contesting parties received a combined total of 8 and 5 per cent of mostly neutral news coverage. On *NTV* and *Channel 5*, the coverage of all parties except ER was barely visible. All monitored media outlets increased the coverage of ER during the last week of the campaign. During the campaign period a regular weekly program of *Channel 5* "Moment Istiny" was heavily critical of KPRF. Overall, the approach taken by the majority of broadcasters was not in line with the election legislation, which requires that no preferences be given to any political party in the news.

The majority of regional media outlets monitored by the OSCE/ODIHR EOM predominantly focused on the activities of local authorities and the governing party in their newscasts. In contrast to other monitored regional channels, private *100 TV* in St. Petersburg included items on the activities of other election contestants in its regular newscasts, while still giving the local government and ER the bulk of its news coverage, which was predominantly positive in tone.

The majority of regional state-owned media and all national media outlets allocated free time and space for all election contestants, although three political parties were not formally entitled to such allocations due to outstanding debts from previous elections.⁴³ Contrary to legal requirements, however, the slots provided were mostly outside the 'times of highest audience'. In particular, time for campaign spots was not allocated between 19:00 and 23:00 on the national media outlets.⁴⁴ Debates organized by national broadcasters were attended by all contestants and provided parties with one level platform for reaching out to voters.⁴⁵

Only state media outlets are obliged to allocate time/space for paid advertisements. A number of prominent national and regional media outlets, including *NTV*, *Channel 5* and *Ren-TV*, chose not to sell any time or space during the campaign period. Although five political parties purchased time for campaigning, some political party representatives complained to the OSCE/ODIHR EOM that the prices for paid political advertisements were higher than the prices for commercial

⁴³ Up until these elections, the legislation obliged political parties, which failed to obtain three per cent of the votes in last parliamentary elections, to compensate the costs of free airtime and space they had received during the campaign. Political parties that fail to reimburse such costs are not entitled to receive free time/space in the next elections. In connection with such debts, during these elections, YA, PR and PD were formally not entitled to receive free airtime/space. These provisions, however, were changed in 2009. In the next State Duma elections political parties that in these elections failed to obtain three per cent of the votes will not be eligible for free airtime, but will not be asked to reimburse the costs related to these elections.

⁴⁴ In 2007, after consulting with four media NGOs, the CEC has suggested media outlets allocate free airtime between 8:30-9:00 and 19:00-23:00 in the future.

⁴⁵ By law, at least half of free airtime should be devoted to debates.

advertisements of similar length. State-owned *Russia 1* and *Russia 24* created special paid moderated programs where parties could present their platforms or debate with opponents. The prices for such programs were significantly lower than the prices for political advertisements. Four parties (SR, KPRF, LDPR and YA) chose to use such format on *Russia 1* and two parties (KPRF and SR) on *Russia 24*.

State-funded newspapers *Rossiyskaya Gazeta* and *Parlamentskaya Gazeta* adhered to their legal obligation to allocate free space for candidates. Outside this free space, they showed overt support to ER and the government. Popular tabloid newspapers, such as *Komsomolskaya Pravda* and *Argumenty i Fakty* demonstrated a similar approach by providing positive coverage to the current authorities and ER and sharply criticizing KPRF. By contrast, *Novaya Gazeta* presented alternative coverage of the campaign and was critical of the President, the government and ER. *Kommersant* provided a wider variety of views, while devoting most of its predominantly neutral and negative coverage to the current administration and ER.

X. PARTICIPATION OF WOMEN

The Constitution provides for equality between women and men in public and political life. None of the seven contesting parties had an internal quota system, yet women were represented at various levels in party structures, except in leadership positions. According to the final election results announced by the CEC, 49 women (10.88 per cent) won seats in the State Duma, including 30 seats obtained by ER, 10 by SR, 5 by LDPR, and 4 by KPRF. Women were also active in the election campaign and were represented at all rallies observed by the OSCE/ODIHR EOM. Of the 15 CEC members, 4 are women. Women were well represented in territorial and polling station commissions, but there were considerably fewer women in the membership of SECs. Women chaired over 70 per cent of PECs visited.

XI. PARTICIPATION OF PERSONS BELONGING TO NATIONAL MINORITIES

The preamble to the Constitution refers to “the multinational people of the Russian Federation” and the Constitution provides for the protection of the rights of national minorities and indigenous peoples. Other laws pertaining to national minorities include the Law on National-Cultural Autonomy and the Law on the Languages of the Peoples of the Russian Federation. According to the Law on Political Parties, political parties may not be formed on a professional, racial, national or religious basis.⁴⁶ In its 11 May 2006 Second Opinion on the Russian Federation, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities has expressed concern regarding several aspects of the election

⁴⁶ The OSCE High Commissioner on National Minorities recommends that “[t]he regulation of the formation and activity of political parties shall comply with the international law principle of freedom of association. This principle includes the freedom to establish political parties based on communal identities as well as those not identified exclusively with the interests of a specific community” (Recommendation #8, *Lund Recommendations on the Effective Participation of National Minorities in Public Life*, September 1999, available at www.osce.org/hcnm/32240).

legislation, which may impede the participation of persons belonging to national minorities in decision-making.⁴⁷

According to the 2002 census, persons belonging to national minorities make up approximately 20 per cent of the population, including over 160 different ethnic groups. The CEC stated that in areas populated by a significant proportion of national minorities, ballots were available both in Russian and in other relevant languages, such as Bashkir or Tatar.⁴⁸ One of the registered political parties, “Yabloko”, posted campaign information in various minority languages on its website.

Issues affecting national minorities, such as internal migration policies and a proposal to reintroduce the information on ethnicity in official identity documents, were discussed during the election campaign to some extent.

XII. COMPLAINTS AND APPEALS

The law allows for complaints and appeals to be filed both with courts and with election commissions. The OSCE/ODIHR EOM was unable to establish the total number of complaints submitted and the number of formal decisions adopted by the CEC since the data provided to the EOM by the CEC legal department, the CEC chairperson, and public statements made by the CEC members conflicted with each other.⁴⁹ Only some ten decisions on complaints related to the State Duma elections were posted on the CEC website.⁵⁰

The fact that the CEC classified most of the correspondence concerning allegations of violations of the election legislation as ‘applications’ (*obrasheniya*) and did not treat them as complaints that needed to be dealt with in accordance with legal procedures compounded the confusion over the number of complaints. The CEC, thus, had not complied with the legal requirement that all complaints must be acted upon and responded to in writing within five days. The entire process of resolving complaints at the CEC lacked transparency and did not afford complainants the right to an effective or timely remedy.⁵¹

⁴⁷ The Opinion cited the following as likely to constitute barriers for persons belonging to minorities in their participation in decision-making: the seven per cent parliamentary threshold; the prohibition on the formation of electoral blocs; and the elimination of single-mandate constituencies in legislative elections. See www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_RussianFederation_en.pdf.

⁴⁸ General Comment 25 adopted by the United Nations Human Right Committee in 1996 states that “information and materials about voting should be available in minority languages.” Paragraph 32.5 of the 1990 OSCE Copenhagen Document states that “persons belonging to national minorities have the right (...) to disseminate, have access to and exchange information in their mother tongue”.

⁴⁹ Earlier in the electoral process the CEC’s legal department informed the OSCE/ODIHR EOM that the CEC had received 490 ‘applications’ concerning violations of the electoral law, 8 were classified as complaints and 6 decisions were made. On 25 November, the CEC chairperson informed the OSCE/ODIHR EOM that there had been no complaints related to the State Duma elections. On the day after elections, the CEC chairperson has announced that some 117 complaints were received. The deputy chairperson of the CEC said at a press conference a few days after the election that over 1,000 complaints had been resolved by the CEC.

⁵⁰ However, the OSCE/ODIHR EOM received copies of many more complaints filed by political parties with the CEC.

⁵¹ Paragraph 5.10 of the 1990 OSCE Copenhagen Document stipulates that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”

The CEC and many SECs relied on working groups made up of commission members, commission staff and experts to consider complaints preliminarily and provide advisory opinions to be discussed by the commission before making formal decisions. The review of complaints by the working group under the CEC effectively denied complainants the opportunity to have their complaints heard by the CEC as a collegial body. The working group met infrequently and only discussed a small number of complaints.

At one of the meetings attended by the OSCE/ODIHR EOM, the group considered five complaints and issued a protocol with advisory opinions for consideration by the CEC. However, when the CEC met to discuss the protocol, there was no discussion on the substance of these complaints but rather a procedural discussion on what it meant to adopt the protocol of the working group. In the end the CEC voted to adopt the protocol but never adopted any individual formal decisions on the complaints themselves.

At another meeting, the working group discussed the issue of the SR's campaign spot, which had been broadcast by several channels and has been taken off the air based on a letter from the CEC chairperson. The letter stated that an expert examination would be necessary in order to assess whether or not the ad violated the law on extremism.⁵² This happened despite the fact that the CEC did not consider this matter at its session. The CEC working group on media complaints was convened after the fact and some of its members criticized the CEC chairperson's approach. No decision was taken either by the working group or by the CEC as a body.

To the knowledge of the OSCE/ODIHR EOM, the role of courts in the pre-electoral period was minimal. The Prosecutor's Office did not respond to the OSCE/ODIHR EOM's requests to provide information concerning election-related offenses.

XIII. DOMESTIC AND INTERNATIONAL ELECTION OBSERVERS

The election legislation allows for the presence of international and political party observers.⁵³ The CEC accredited nearly 700 international observers. In addition to the OSCE/ODIHR, OSCE PA and PACE, there were also international observers representing the Commonwealth of Independent States and various foreign electoral management bodies and institutions.

However, it is of concern that the legislation and the manner in which it was applied limited the quantity of international observers and their activities in several ways. Due to the position taken by the Russian authorities, the OSCE/ODIHR was not able to deploy the number of observers recommended in its Pre-Election Assessment Report. Although certain parts of the country could not be covered, the sample obtained for election day observation was significant in the regions observed. An undefined complaint by the CEC about the pre-electoral mission of PACE put PACE's participation in the observation of the elections at risk.

In addition, the legislation limits the scope of activities of international observers mostly to observation of early voting and of election day procedures. Provisions of the Law on Basic

⁵² A number of other spots by SR and LDPR were subsequently also taken off air following similar letters by the CEC chairperson.

⁵³ All seven competing parties could appoint one observer each to all election commissions.

Guarantees and the Law on State Duma Elections, as well as the CEC Instruction on activities of international observers, do not explicitly provide for observation of pre-electoral campaigns and of post-election developments. In addition, several provisions of the legal framework could be interpreted as a prohibition against an international observation mission making any public statements or comments on the preparations and conduct of elections until the end of the voting process. While the above provisions do not facilitate long-term observation,⁵⁴ in the course of its operation, the OSCE/ODIHR EOM was not generally hindered in its access to information and interlocutors.

Contrary to paragraph 8 of the 1990 OSCE Copenhagen Document, domestic civil society groups are not allowed to observe parliamentary elections.⁵⁵ Nonetheless, some of them were actively involved in monitoring the preparations for elections and the campaign. There were a number of organizations affiliated with the CEC, such as the Russian Fund for Free Elections, which organized voter information hotlines. The Civil Control Association dedicated efforts to monitoring and critical reporting on the work of international observers, particularly from the OSCE/ODIHR. The NGO *Golos* established a website where citizens could upload information and evidence regarding alleged electoral violations. The NGO also deployed some 2,000 observers on election day, registered as journalists.⁵⁶

In the days leading up to election day, *Golos* was the subject of pressure and investigation both centrally and in several regions. The NGO was taken to court on 2 December after a letter from the CEC chairperson to the local prosecutor. The letter suggested that *Golos'* website, which contained examples of alleged violations, was illegal as the legislation prohibits the publication of opinion polls or other studies relating to elections during the last five days of the campaign. The court found the NGO guilty and imposed a 30,000 RUB fine.

On the evening of 2 December, *Golos* was also the subject of an *NTV* "investigative" programme aimed at discrediting the organization. All these actions were widely perceived as attempts to discredit the organization and to prevent it from critically reporting on the elections.

XIV. ELECTION DAY

On election day, the opening and voting processes were assessed positively and election officials were observed to be dedicated and experienced. However, the quality of the process deteriorated considerably during the count, which was characterized by frequent procedural violations and instances of alleged manipulations, including several serious indications of ballot box stuffing. Overall, international observers submitted 145 reports about opening procedures, 1,507 observation forms on the conduct of voting, 137 on vote count and 117 on result tabulation at TECs.

The opening of polling stations was assessed positively in 90 per cent of reports. The most

⁵⁴ During the 1994 OSCE Budapest Summit, the OSCE participating States agreed that "ODIHR will play an enhanced role in election monitoring, before, during and after elections" (1994 Budapest Summit Document, section VIII, para 12; available at www.osce.org/mc/39554).

⁵⁵ Paragraph 8 states that "the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place [...]"

⁵⁶ See www.kartanarusheniy.ru. The site included some 5,000 entries regarding alleged violations of the law, pressure by the authorities, violations of regulation on the media and outdoor campaigning, abuse of administrative resources, vote-buying and other alleged infractions.

significant procedural irregularity noted was the failure to cancel unused AVCs and to record the respective number in a separate form. In addition, in the majority of polling stations observed, PECs did not announce the number of voters who requested “mobile ballots”.

The voting process was assessed positively in 93 per cent of polling stations observed and procedures were followed, overall. However, 7 per cent of bad and very bad evaluations indicated that certain serious shortcomings were observed.⁵⁷ Secrecy of the vote was not always maintained in more than half of polling stations visited, mostly because voters did not fold their ballots.

Another common problem noted was group voting, observed in 14 per cent of visits. Nine per cent of polling stations were overcrowded. Tension inside polling stations was noted in 12 cases and indications of vote buying were observed in 7 cases. There were also isolated reports of voters coming in groups to vote with AVCs and in 4 per cent of polling stations observed, the names of voters voting with AVCs were not recorded in the voters’ list. In 15 cases, observers reported attempts at multiple voting and indications of possible fraud, such as similar signatures in the voters’ list. Campaign materials were noted in 4.7 per cent of polling stations visited.

Party representatives were present in almost all polling stations visited. The majority of them were nominated by ER (85 per cent of visits), KPRF (75 per cent) and SR (59 per cent). Other observers/journalists, were present in 27 per cent of polling stations visited. In some cases, the OSCE/ODIHR observers reported that they did not have a clear view of the process due to restrictions on their movement, layout of polling stations or overcrowding. In addition, observers received reports of refusal of access to domestic observers/journalists, in particular from *Golos*.

The vote count was assessed as bad or very bad in every third polling station observed.⁵⁸ This was mainly due to a poor organization, lack of transparency and serious departures from the counting procedures outlined by the CEC. Signatures of voters who voted were not counted in 42 polling stations and in 38 polling stations, the number of ballots issued for “mobile voting” was not recorded. In almost half of the observed counts, marked ballots were not shown to those present. The number of voters who voted with AVCs was not recorded in 41 polling stations visited. Unused ballots were not counted in 28, and the number of unused AVCs was not recorded in 30 cases. In 17 cases, observers noted serious indications of ballot box stuffing. In 28 cases, the number of ballots found in mobile boxes exceeded the number of applications, but these ballots were not invalidated as required by the law.

Twelve cases of extended breaks in the counting process were reported. In some instances, PECs interrupted the count, at times taking voting material out of sight of observers. Observers were restricted in their observation in 20 polling stations. In 7, they were expelled from polling stations during the count. Observers did not receive copies of result protocols in 21 polling stations observed and in almost half of polling stations visited, signed protocols were not posted publicly.

The tabulation was assessed negatively in 17 of the observed TECs.⁵⁹ In 41 cases, observers reported that the facilities for the reception and recording of results were inadequate. The

⁵⁷ Voting was assessed as bad or very bad in 42 polling stations in Moscow, 18 in St. Petersburg, 5 in Rostov, 6 in Ufa, and in 4 in Irkutsk, among other information received.

⁵⁸ These included 13 polling stations in Moscow, 4 in Kazan, 4 in St. Petersburg and 3 in Rostov.

⁵⁹ Most frequent negative reports came from Saratov, Rostov, Moscow, Krasnodar and Khabarovsk.

organization of data collection was evaluated as bad or very bad in 11 observer reports. Insufficient transparency of the process was noted in 24 cases. The submitted PEC protocols were not always filled in. They were also not signed with a pen in 21 cases and did not contain all required figures in 32 cases. In addition, some procedural irregularities were noted, such as a failure to enter the data from PEC protocols into TEC summary tables in 10 of the observed TECs.

A number of independent news websites, including *Echo Moskvy*, *Kommersant*, *The New Times* and *slon.ru*, as well as the websites of *Golos*, its election monitoring project and Levada Center, were down during election day, reportedly due to hacker attacks.

XV. POST-ELECTION DAY DEVELOPMENTS

A. POLITICAL DEVELOPMENTS

On and following election day, the OSCE/ODIHR EOM observed a number of protests in Moscow against alleged violations during these elections.⁶⁰ For instance, numerous allegations of election day fraud were made in various Internet sources, including copies of some 200 PEC result protocols published on *Golos*' website that noted discrepancies between these and higher-level protocols. The CEC and other authorities categorized these allegations of violations as unfounded. Dissatisfaction with the election results and the reported irregularities led to further protests.

The biggest protest rallies were held on 10 December on Bolotnaya Square and on 24 December on Saharov Avenue in Moscow, when tens of thousands of people gathered. The resolutions adopted during these rallies called, among other things, for the cancelation of election results, dismissal of the CEC chairperson, investigation of alleged violations, and the conduct of repeat elections. No protesters were detained during these two rallies. Protests were reportedly also held in a number of other cities in Russia and abroad; some resulted in protesters being detained.

During the post-election protests, about two dozen journalists were detained while performing their duties and two journalists were charged with refusing to comply with the demands of police officers. The OSCE RFoM urged the authorities to protect journalists from detention and police harassment, and called for an investigation into all of these incidents.⁶¹

B. ELECTION DAY COMPLAINTS AND APPEALS

OSCE/ODIHR observers noted many oral and written complaints filed with PECs on election day. In many cases, observers noted a hostile attitude of PEC members towards those lodging complaints. Most of the complaints filed at the PEC level were left unresolved or summarily

⁶⁰ On 4 December, a joint opposition rally entitled "People against unfair Elections" and a rally by the unregistered *Other Russia* party were held. Both rallies were unauthorized and resulted in several dozens of detentions by the police, including of known opposition figures. On 5 December, the Solidarity movement held an authorized rally in Moscow under the title "Against unfair elections". Some 300 protesters and the rally's main organizers were detained on charges of disobeying police orders. On the same day, a spontaneously organized rally in Moscow city center gathered around 5,000 people. Some further 600 people were detained. In parallel, the youth movement "Nashi" celebrated the ER's victory at a nearby location.

⁶¹ Press release of 9 December available at www.osce.org/fom/86018.

dismissed by the PECs. Only a few PECs followed the required procedures of resolving complaints at a meeting to be conducted after the count has been completed. In some PECs, the chairpersons refused to accept complaints from party observers. The OSCE/ODIHR EOM was also informed by various political parties that they had filed numerous complaints with prosecutor's offices and courts related to election day violations.

Before the announcement of final results, the CEC considered one post election day complaint filed by YA challenging the results in the entire Moscow district and requesting recounts. The complaint was discussed at the 9 December session, just before the approval of final results. During the discussion, representatives of other parties at the CEC stated that they also had concerns with regard to the results in many PECs and that they planned to file complaints with the CEC. In response, a motion was made to incorporate all complaints from political parties concerning the results of elections into the one lodged by "Yabloko", which was adopted. The discussion then focused on whether the CEC had the authority to order recounts. Despite the fact that the CEC has such an authority under Article 82(18) of the Law on State Duma Elections, recounts were not granted and the consolidated complaint was dismissed.

Shortly before the departure of the OSCE/ODIHR EOM, some political parties brought files with over 350 separate allegations of election day violations to the attention of the EOM. Both KPRF and YA expressed their intention to file complaints with the Supreme Court to challenge the results in the entire country. The EOM is also aware of several challenges that have been filed by political parties in the relevant district courts challenging the results in individual PECs. However, the outcome of such challenges was not known by the time of the mission's departure.

C. ANNOUNCEMENT OF RESULTS

The CEC announced preliminary results on the day after the elections. The final results were approved on 9 December. The CEC posted tables with summaries of final results from all election commissions on its website, which enhanced the transparency and made independent verification by stakeholders possible.⁶² The reported turnout was 60.21 per cent. ER received 49.32 per cent of the votes and won 238 seats, KPRF – 19.19 per cent and 92 seats, Just Russia – 13.24 per cent and 64 seats, and LDPR – 11.67 per cent and 56 seats. Other lists did not surpass the thresholds; YA, which received 3.43 per cent of the votes however, will now qualify for state funding.⁶³

One CEC member objected to the official final results announced and submitted a dissenting opinion. He stated that elections did not allow for the free expression of the will of voters and were characterized by an unequal treatment of contestants by different government bodies in favour of ER. He also highlighted that there were numerous violations of the law during the counting process. Finally, he stated that, despite repeated requests, he was not given copies of all 33 dissenting opinions attached to the summary protocols of SECs.

One other non-voting CEC member from KPRF suggested that, given the number of reported violations during these elections, the CEC adopt a resolution to dismiss the CEC chairperson. The

⁶² Results of elections in 21 polling stations were declared invalid for different reasons.

⁶³ State funding is granted to political parties, which received at least three per cent of votes in the last parliamentary elections.

suggestion was rejected. LDPR and SR representatives at the CEC also severely criticized the conduct of State Duma elections.

XVI. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Russian Federation, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. OSCE/ODIHR stands ready to assist the authorities of the Russian Federation to further improve the electoral process and in following up on the recommendations contained in this and previous reports.

A. PRIORITY RECOMMENDATIONS

1. Stronger efforts should be made to ensure sufficient separation between the state and party, as required by paragraph 5.4 of the 1990 OSCE Copenhagen Document.
2. State authorities, election administration and other state institutions should demonstrate commitment to properly and effectively implement the principles of democratic elections as envisaged by the legislation, including by guaranteeing the freedom of association, assembly and expression.
3. Additional and effective safeguards are needed to ensure the impartiality and full independence of election commissions from the authorities, as required by the law. In particular, the election administration should work to avoid any perceptions of affiliation or bias. Consideration should be given to revising the rules for the appointment of election commission members to limit the role of state and local authorities.
4. The CEC and other supervisory bodies should duly exercise the oversight authority vested in them by the law in ensuring that state media treat election contestants equally and provide balanced coverage of campaigns. One way of accomplishing this would be for the CEC to conduct its own media monitoring during election campaigns in order to identify unequal and biased coverage of the campaign and to take prompt and effective action against those violating the law.
5. Complaints and appeals provisions of the legislation should be clarified to stipulate which submissions amount to ‘applications’ and which ones constitute complaints. It is recommended that all submissions referring to possible violations of laws and procedures be considered as formal complaints rather than as such ‘applications’. The legal requirement for all election complaints to be considered by an election commission as a body and responded to should be abided by in order to guarantee timely and effective remedy. The role of working groups involved in the review of complaints should be clearly defined.

6. Consideration could be given to consolidating all electoral laws in a unified code to simplify and ensure consistency of the legal framework.
7. Russian citizens that hold dual citizenship should not be prevented from standing for office.

B. OTHER RECOMMENDATIONS

Legal Framework

8. Election legislation should be amended to allow independent candidacy in line with paragraph 7.5 of the Copenhagen Document.

Election Administration

9. To further enhance accountability and transparency of election results, result protocol forms should include currently missing fields to record the number of voters who voted (to be obtained by counting signatures in voter lists) and the number of ballots issued to voters (obtained by deducting the number of unused ballots from the total number of ballots received).
10. Consideration could be given to introducing voting by mail for voters residing in very remote areas to limit the resources required for their enfranchisement.
11. CEC could consider producing a shorter, concise and a more user-friendly manual for PECs.
12. Mandatory recounts for a random significant sample of polling stations where new voting technologies are used should be carried out, as allowed for by current legislation. Such a measure can contribute to further enhancing trust in such systems.
13. To enhance the transparency and trust in new voting technologies used, evaluation and formal certification of the soft- and hardware by an independent public body against publicly available functional requirements could be considered, with the detailed evaluation report made public.
14. Either technical or procedural measures could be put into place to prevent poll workers from seeing the contents of ballots (for instance, through the use of privacy ballot covers) or votes being cast on touch screen machines (for instance, by using better privacy protection shields or proper voting booths) when helping voters.

Media

15. Consideration could be given to establishing an independent media oversight body. The composition of such body should be inclusive and diverse and include media professionals, representatives of the civil society, judicial bodies and political parties. This body should have the responsibility to consider media-related complaints.

16. The legal requirement for the allocation of free airtime to election contestants during the time periods of 'highest audience' could be strengthened by providing clearer legal guidelines to the media on how to determine such periods.
17. Consideration could be given to reassessing the relevance of the principles established in the *Law on the Procedure of Coverage of Activities of the State Authorities by the State Mass Media* that oblige state media to cover the activities of state officials. Media outlets should be free in establishing their own editorial policies, while adhering to the principles of objectivity and impartiality.

National Minorities

18. In order to improve the representation of national minorities in elected bodies, authorities are encouraged to engage in consultations with national minorities with the aim of developing corresponding legal and/or other measures.

Complaints

19. Detailed procedural rules governing the adjudication of complaints at all levels could be developed. To enhance transparency, it is also recommended that all complaints and decisions be published on the CEC website within a specified timeframe.
20. The rules of procedure for working groups established to assist with the review of complaints could be reviewed to stipulate that complaints should be discussed in a timely manner and that recommendations adopted by these working groups should be discussed in substance by the respective election commissions.
21. The CEC should avoid responding to complaints and appeals of any nature by letter, as such documents do not give complainants an opportunity to seek further legal redress.

XVII. ANNEX: FINAL RESULTS

The CEC Protocol on the Final Results

1	Number of voters included in voters lists at the end of voting	109,237,780
2	The number of ballots received by precinct election commissions	103,023,773
3	The number of ballots issued to early voters	170,710
4	The number of ballots issued by precinct election commissions to voters who voted on polling stations on the election day	61,250,309
5	The number of ballots issued to voters who voted outside the polling station on the election day	4,353,443
6	The number of unused (cancelled) ballots	37,246,690
7	The number of ballots in mobile ballot boxes	4,522,236
8	The number of ballots in the stationary ballot boxes	61,134,290
9	Number of invalid ballots	1,033,464
10	Number of valid ballots	64,623,062
11	The number of absentee voter certificates received by precinct election commissions	2,173,343
12	The number of absentee voter certificates issued by precinct election commissions at polling stations before election day	1,647,223
13	The number of voters who voted with absentee voter certificates at polling stations	1,257,968
14	The number of cancelled absentee voter certificates	525,993
15	The number of absentee voter certificates issued to voters by territorial election commissions	149,716
16	Number of lost absentee voter certificates	127
17	The number of lost ballots	2,842
18	The number of ballots not registered in obtaining	221

	Names of political parties, registered federal lists of candidates	Number of votes cast for each federal list of candidates	
		absolute value	as a percentage of voters who participated in voting
19	1. Political party Fair Russia	8,695,522	13.24
20	2. Political Party Liberal Democratic Party of Russia	7,664,570	11.67
21	3. Political Party Patriots of Russia	639,119	0.97
22	4. Political party Communist Party of the Russian Federation	12,599,507	19.19

23	5. Political party "Russian United Democratic Party "Yabloko"	2,252,403	3.43
24	6. All-Russian Political Party "United Russia"	32,379,135	49.32
25	7. All-Russian Political Party "Right Cause"	392,806	0.60

The CEC data on the number of absentee voter certificates

1	The number of absentee voter certificates received by the Central Election Commission of the Russian Federation	2,600,000
2	The number of absentee voter certificates transferred to the subordinate election commissions	2,540,100
3	The number of unused absentee voter certificates cancelled by the Central Election Commission of the Russian Federation	59,900
4	The number of absentee voter certificates lost in the Central Election Commission of the Russian Federation	0

The names of political parties that qualified for the distribution of deputy mandates and the number of seats due to each of these lists:

Political Party	Number of Seats Allocated
Fair Russia	64
Liberal Democratic Party of Russia	56
Communist Party of the Russian Federation	92
United Russia	238

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 standards for democratic elections and 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/odihhr).