OSCE

Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

Presidential Election
4 March 2012

OSCE/ODIHR Election Observation Mission
Final Report

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OSCE/ODIHR Election Observation Mission Final Report[1]

I. EXECUTIVE SUMMARY

Following an invitation from the Central Election Commission (CEC) of the Russian Federation, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an election observation mission (EOM) to observe the 4 March 2012 presidential election. The OSCE/ODIHR assessed the 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.

Five candidates stood in election, including the then-incumbent Prime Minister, three leaders from the seven then-registered political parties and one self-nominated candidate, a prominent businessman. Although all contestants were able to campaign unhindered, the conditions for the campaign were found to be skewed in favour of one candidate. While all candidates had access to media, one candidate, the then Prime Minister, was given clear advantage in the coverage. State resources were also mobilized in his support. On election day, observers assessed voting positively, overall; however, the process deteriorated during the count due to procedural irregularities.

Despite the challenge of organizing elections for nearly 110 million voters residing in a territory comprising nine time zones, the administrative preparations for the presidential election proceeded efficiently. There was, however, a general lack of confidence among many interlocutors in the independence of election officials at all levels, mostly due to their perceived affiliation with local administration and the governing party.

There was an evident mobilization of individuals and administrative resources in support of Mr. Putin's campaign, which was observed by the OSCE/ODIHR EOM. In several regions, participants in campaign events reported that they had been ordered to take part by their superiors. Various levels of public institutions instructed their subordinate structures to organize and facilitate Mr. Putin's campaign events. Local authorities also used official communication, such as their institutional websites or newspapers, to facilitate Mr. Putin's campaign.

Contrary to the legal requirements, the broadcast media did not provide balanced coverage of all candidates. Mr. Putin dominated the campaign in the media with frequent appearances.

While newscasts on television channels monitored by the OSCE/ODIHR EOM covered the daily activities of each contestant, they were outweighed by lengthy items about him, both as Prime Minister and as candidate, and by a series of documentaries praising his achievements. This created unequal conditions for the candidates, giving Mr. Putin a clear advantage.

The election campaign was characterized by generally unobstructed, large-scale protests over allegations of fraud from the 2011 State Duma elections. Following the 4 February large-scale, peaceful, countrywide demonstrations calling for fair elections, the campaign was marked by a clear divide between groups supporting Mr. Putin and the opposition protest movement, which brought together a diverse spectrum of participants. In line with their commitment to freedom of assembly, authorities allowed such protests to take place during the pre-electoral period without undue interference.

In response to some of the demands of the protest movement, in the run-up and in the course of the campaign, former President Medvedev proposed a number of changes to various laws as a package of political reforms. In a post-election development, amendments, which, among others, considerably simplified political party registration requirements and re-introduced direct gubernatorial elections, have already been adopted. Other proposed measures are still undergoing legislative review.

The presidential campaign was marked by a significant increase in civic engagement, including an increased focus on election observation to enhance the integrity of the process. As the law does not allow for domestic observers other than those affiliated with candidates and political parties, a large number of observers were deployed as journalists or as observers on behalf of presidential candidates.

In reaction to the widespread allegations of fraud during the 2011 State Duma elections, the CEC introduced several measures to increase transparency for the presidential election. Web cameras were installed in almost all polling stations across the country and one-third of polling stations used transparent ballot boxes. While some OSCE/ODIHR interlocutors considered web cameras a useful tool for increasing transparency, others, including some presidential candidates, doubted that web cameras could ensure the election's integrity, as they cannot capture all elements of the electoral process, including mobile voting and tabulation of results. In the run-up to the election, questions were raised with regard to the procedures for gaining access to the footage and whether it would be possible to use it as evidence in court. Following election day, some reports were published pointing to the difficulties in obtaining recordings.

Few complaints were filed with the CEC and lower-level election commissions during the campaign period. Candidates, parties and other interlocutors attributed this to a general reluctance to seek legal redress because of a lack of trust in the legal system and lack of belief that an effective remedy would be provided.

On election day, voting was assessed positively overall; however, procedural irregularities were observed. The process deteriorated clearly during the count, which was assessed negatively in nearly one-third of polling stations observed due to procedural irregularities.

During the tabulation, observers reported that in some cases the data entry process was poorly organized and lacked transparency.

The practice of adding voters to voter lists shortly before and on election day raised some concerns. There were also reports of last-minute establishment of special polling stations in a process that was not transparent and resulted in criticism from some political parties.

The post-election period was marked by several large authorized and unauthorised protests, which were most prominent in Moscow and Saint Petersburg, with large-scale police presence.

II.   INTRODUCTION AND ACKNOWLEDGEMENTS

On 25 November 2011, the Federation Council, the upper chamber of the Russian parliament, called the presidential election for 4 March 2012. The Central Election Commission (CEC) invited the OSCE/ODIHR on 30 December 2011 to observe this election. The OSCE/ODIHR deployed an Election Observation Mission (EOM) led by Ambassador Heidi Tagliavini, comprising a core team of 15 experts and 40 seconded long-term observers deployed throughout the country. The mission was deployed on 26 January 2012. Local elections were held concurrently with the presidential election in many regions and were observed by the OSCE/ODIHR only to the extent that they impacted upon 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). Tonino Picula (Croatia), 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 (Netherlands) headed the PACE delegation.

Overall, some 262 observers were deployed, including observers from the OSCE/ODIHR, a 9-member delegation from the OSCE PA, and a 36-member delegation from the PACE. Voting was observed in over 1,000 polling stations. Counting was observed in 106 polling stations and the tabulation process was observed in some 87 TECs.

III.   POLITICAL BACKGROUND

In the last presidential election held in March 2008, Dmitry Medvedev won with 70.28 per cent of the votes in the first round.[2] In the run up to the 2012 election, President Medvedev announced on 24 September 2011 that he would not seek re-election. On the same day, Prime Minister Vladimir Putin announced his intention to stand for a third term[3] on behalf of the governing All-Russian Political Party "United Russia" (ER).[4] This move was widely

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[2]   See the final results of the 2008 presidential election on http://bit.ly/wQ89g9.
[3]   Although the law prevents an individual from holding more than two consecutive terms, it is silent regarding non-consecutive terms. Vladimir Putin served as president from 2000-2008.
[4]   All political party acronyms correspond to the parties' names in Russian.

perceived as being a prearranged handover of power and contributed to widespread public discontent.

The presidential election took place shortly after the December 2011 State Duma (parliamentary) elections, which were marred by allegations of fraud and were followed by numerous and ongoing demonstrations across the country. Citizens from a broad range of political backgrounds questioned the accuracy of the results, calling for fair elections and comprehensive changes to the political and electoral systems.

IV.   LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A.   ELECTORAL SYSTEM

The president is directly elected in a single nationwide constituency, including voters abroad. If no candidate receives more than 50 per cent of the valid votes cast, a second round takes place between the two candidates who gained the highest numbers of votes. A constitutional amendment from December 2008, which took effect with this presidential election, extended the presidential term from four to six years.

B.   LEGAL FRAMEWORK

The conduct of presidential 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 the President of the Russian Federation (Presidential Election Law). The legal framework is comprehensive in terms of covering most crucial elements of an electoral process. However, its complexity and lack of clarity contributed to the confusion and inconsistent application by different state institutions, in particular with regard to the complaints and appeals process, establishment of special polling stations and the addition of voters to voter lists on election day.[5] Many civil society groups and candidates alleged that ambiguities in the legislation were frequently interpreted in favour of one candidate.

Several changes to the legal framework for elections have been proposed by President Medvedev since the 2011 State Duma elections in response to some of the demands of the protest movement. Certain changes proposed to the parliament included the reintroduction of direct gubernatorial elections, direct elections of members of the Federation Council, loosening of political party registration requirements, reduction in the number of support signatures required for candidate registration, as well as changes to the electoral system for State Duma elections. In a welcome development, amendments related to the registration and functioning of political parties and re-introducing direct gubernatorial elections have already been adopted. Other suggested measures are still undergoing legislative review.[6]

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[5]   For further details on the legal framework, see the OSCE/ODIHR Final Report on the 5 December 2011 State Duma elections, www.osce.org/odihr/86959, p. 4. See also the Opinion of the Venice Commission of the Council of Europe on the Federal Law on the Election of the Deputies of the State Duma of the Russian Federation, para 11-15, at www.venice.coe.int/docs/2012/CDL-AD(2012)002-e.pdf.

[6]   The OSCE/ODIHR EOM has not comprehensively reviewed the adopted and draft amendments.

Election officials can be held responsible under the Administrative Offenses Code and the Criminal Code for engaging in activities that facilitate multiple voting and ballot box stuffing, but there are no provisions covering individual voters who engage in such behavior.

V. ELECTION ADMINISTRATION

A. ELECTION COMMISSIONS

Despite the challenge of organizing elections for nearly 110 million voters residing in a territory that includes nine time zones, the administrative preparations for the presidential election were carried out efficiently. The election was administered by almost one million election officials.

The four-tier structure of the election administration comprised the CEC, 83 Subject Election Commissions (SEC), 2,746 Territorial Election Commissions (TEC) and 94,416 Precinct Election Commissions (PEC). The CEC, SECs and TECs are all permanent bodies. PECs are appointed anew before each election. 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 government institutions, including governors and mayors. All candidates as well as political parties that nominated them had the right to appoint non-voting members to all election commissions. While there are only 4 women in the 15-member CEC, women were well-represented in SECs and TECs and chaired over 70 per cent of PECs visited.

In addition to regular polling stations, 385 polling stations were opened abroad. According to the CEC's final report on this election, special polling stations were established in hospitals, sanatoriums and other places of temporary residence (1,655), at railway stations and airports (76), and in detention centres (125). Two weeks before the election, early voting commenced for voters residing in very remote areas.[7] Early voting required significant logistical preparations and drew considerable resources, mostly due to the use of helicopters.

Widespread public criticism of the CEC after the 2011 State Duma elections had an impact on its work. The unanimity of views among the CEC members was no longer in evidence during the presidential election. Some members complained about the lack of collegiality in the CEC. There were also frequent yet unsuccessful attempts by a non-voting CEC member representing the Communist Party of the Russian Federation (KPRF) to put the dismissal of the CEC chairperson on the CEC agenda for alleged violations during the State Duma elections.

The CEC met three to four times a week, adopting many administrative decisions and instructions. Most of these decisions concerned formalities that were not debated. However, decisions regarding the registration of some presidential candidates as well as the adjudication

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[7]   According to the final report by the CEC, 239,569 voters took part in early voting. The decisions on where early voting needed to be organized were taken by SECs and by the CEC for voting abroad.

of several complaints related to local elections sparked lively discussions among CEC members.

The CEC undertook measures to increase transparency of voting and counting during the presidential election by placing web cameras in almost all polling stations across the country (see Web Cameras section), and equipping approximately 30 per cent of polling stations with transparent ballot boxes.

Most election officials at SECs and TECs met by the OSCE/ODIHR EOM appeared to be experienced; many of them with more than a decade of practice in organizing elections. Yet, there was a general lack of confidence among interlocutors in their impartiality due to frequent allegations that many commission members were directly or indirectly linked to the governing party. Almost all TECs visited were located in the buildings of local (*rayon*) administration and many TEC members were either local administration staff and/or members of ER.

The formation of PECs drew particular criticism from all political parties but ER. Although leaders of Moscow branches of these parties addressed the CEC with a letter requesting it to ensure equal distribution of PEC leadership positions (chairperson, deputy chairperson, and secretary) among all parties, the request seemed to have had little impact. The CEC data showed that ER, KPRF and Fair Russia (SR) had similar numbers of PEC members; however, in many areas visited by OSCE/ODIHR observers, ER had a clear advantage in the appointment of PEC chairpersons.[8] Moreover, even those not officially nominated by ER were perceived as biased by other parties. Being employees of various public institutions, these chairpersons were deemed economically dependent and thus vulnerable to possible pressure from the local administration that appointed them. As such, the principle of the law requiring independence of election commissions from state and local officials was generally perceived as not having been met.

B.   VOTER REGISTRATION

There were no significant concerns raised by the interlocutors regarding the accuracy of voter lists. Voter lists were prepared by TECs based on citizens' registered residence information provided by the local administration. From 13 February until election day, voter lists were displayed for public verification in polling stations.

According to the CEC's final report on the election, there were 109,860,331 registered voters,[9] including 474,477 residing abroad.[10] Voters who on election day were planning to be away from their places of permanent residence could apply for Absentee Vote Certificates (AVCs) with which they could vote at any polling station in the country.[11]

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[8]   Chairpersons of PECs are appointed by TECs.
[9]   Some 622,000 (0.56 per cent) more than in the 2011 State Duma elections.
[10]   This number is significantly lower than the number published during State Duma elections, 1.8 million, which was reported as the number of Russian citizens registered by the consulates.
[11]   Some 2 million AVCs were issued and 1.6 million voters voted with AVCs.

The practice of adding voters to voter lists on election day raised some concerns. In addition to voters with AVCs, voters who were temporarily away from their permanent residence could apply up until three days before election day to a polling station in the area where they were temporarily residing to be added to voter lists, as permitted by the law. However, the law also requires that such voters be marked accordingly in voter lists in their precinct of origin. As this was not always done, such a practice created potential for multiple voting.

C.   WEB CAMERAS

In an effort to increase transparency following the criticisms of the State Duma elections and based on a proposal of former Prime Minister Putin, a significant effort was undertaken to install web cameras in all regular polling stations in order to transmit and record audiovisual footage of polling and counting procedures. Two web cameras were installed in each polling station; one was providing a general view of the polling station and the other focusing on the ballot box. During the vote count, one camera was to focus on the desks where the vote count was taking place.[12]

The introduction of web cameras sparked a public discussion. Election authorities and various observer groups engaged in several consultative roundtable discussions on the matter. According to the CEC, the web cameras were introduced to provide an additional measure of transparency of the election process, but were to be arranged in a way that the secrecy of the vote would not be violated. [13]

The installation and maintenance of web cameras was under the responsibility of the Ministry of Telecom and Mass Communication (MTMC), which reported that this challenging task was implemented successfully in all parts of the country. OSCE/ODIHR observers reported that web cameras were installed in 98 per cent of polling stations visited. On election day, any interested person could access the web cameras' live audiovisual feed on a special website without restrictions.[14]

While some OSCE/ODIHR interlocutors considered web cameras a useful tool for increasing transparency, other interlocutors, including some presidential candidates, doubted that web cameras could ensure the election's integrity, as they cannot capture all elements of the electoral process, including mobile voting. As well, certain serious violations that were witnessed by OSCE/ODIHR observers in polling stations remained outside the purview of web cameras. Significantly, the tabulation of election results by TECs was not included in web camera monitoring.

One of the important safeguards that web cameras were meant to provide was the requirement that PEC chairpersons should both show and read the data from results protocols into the web cameras before delivering them to TECs. This requirement was not uniformly complied

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[12]   Over 90,000 polling stations were equipped with web cameras.
[13]   The CEC issued regulations on the introduction and use of web cameras on 27 December, 16 February, 29 February and 1 March.
[14]   According to the CEC, there were some billion hits on the website on election day. See http://cikrf.ru/news/cec/2012/04/13/churov.html.

with.[15] While the introduction of web cameras could be considered as a measure to enhance transparency, such a measure cannot be a substitute for observation.[16] There are inherent limitations as to what web cameras can and cannot capture and therefore from an outset they cannot be regarded as an ultimate safeguard against any possible manipulations.

The audiovisual footage will be archived under the control of the MTMC for one year after the election, until the expiration of the deadline for election result contestation. According to the CEC instructions, access will be provided without limitation during this period and at the request of citizens, political parties and other participants of the electoral process.[17] However, during the duration of the OSCE/ODIHR EOM, some interlocutors expressed concerns that restrictions on access would be applied rendering comprehensive analysis of recordings difficult or impossible. It also remained unclear whether footage could be used as evidence in court.

Following election day, the OSCE/ODIHR EOM received reports of documented cases of denial of access to recordings without explanation or limitation in the length of the footage provided to 30 minutes per request. It appeared from the information received that the 30-day period within which a response by the responsible institution to an application for recordings is to be provided is overly lengthy and does not facilitate effective redress.

D.   NEW VOTING TECHNOLOGIES

Two types of new voting technologies were used during this election. A total of 5,233 polling stations were equipped with ballot scanners across the country, a slight increase compared to the 2011 State Duma elections. Such a gradual introduction of new technologies is in line with good practice. The use of ballot scanners was assessed positively by the majority of presidential candidates and political parties as a safeguard against incidental or deliberate changes to the result protocols.

Paper-ballot scanning equipment was used in 85 polling stations visited on election day. The ballot was to be inserted into the scanner face down to preserve the secrecy of the vote. However, in 22 polling stations some mostly elderly voters were observed attempting to insert the ballot face up. Some 17 per cent of voters who voted during the observation in these polling stations required assistance while casting their ballots.

The second type of technology used in this election was touch-screen electronic voting machines, which were installed in 333 polling stations, including 22 polling stations abroad. A limited observation of the use of touch-screen machines, including through visits to polling stations and web camera live stream monitoring, showed that in some cases machines were

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[15]   OSCE/ODIHR observers noted that this was not done in 25 and 20 polling stations, respectively, of the 106 where the vote count was observed.

[16]   On 24 February, the Supreme Court of the Russian Federation heard a case from a group of citizens, who requested the court to invalidate the decision by authorities to install web cameras arguing that only accredited representatives of mass media have the right to take pictures in polling stations. The Supreme Court dismissed the case stating that the citizens' right to protection of their images was not violated.

[17]   On 1 March, the CEC recommended the MTMC to determine detailed rules for access to audiovisual footage; however, such rules were not formally established during the duration of the OSCE/ODIHR EOM.

positioned very close to each, other potentially undermining the secrecy of the vote. In addition, in some polling stations, web cameras were positioned in such a way that one or more touch-screen machines were in cameras' view and some voters could be observed while operating the touch-screen machines.[18]

Some challenges regarding new voting technologies remain, including the lack of mandatory random manual recounts to confirm the accuracy of operation of the equipment and of independent certification.[19]

VI.   CANDIDATE REGISTRATION

According to the Presidential Election Law, presidential candidates may be self-nominated or stand on behalf of a political party. Self-nominated candidates, as well as nominees of non-parliamentary political parties, are required to collect 2 million signatures of voters in support of their candidacies. Requirements for collecting and submitting the support signatures in the short timeframe prescribed by law, as well as the invalidation criteria, render candidate registration onerous.[20]

Five candidates stood in this election. Four of them were nominated by political parties represented in the parliament and ran for president in previous elections. These included Sergey Mironov from SR, Vladimir Putin, the leader of ER, Vladimir Zhirinovsky from the Liberal Democratic Party of Russia (LDPR), and Gennady Zyuganov from KPRF. Mikhail Prokhorov, a prominent businessman, ran as a self-nominated candidate and was contesting an election for the first time.

Eleven other applicants were denied registration on the grounds of ineligibility or failure to comply with the registration requirements; two of the rejected nominees were women. Grounds for the denial of registration included the submission of an insufficient number of signatures, lack of compliance with the residency requirement, failure to have the self-nomination endorsed by a nomination group of 500 voters, as well as prior extremism-related

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[18]   The CEC explicitly regulated that web cameras should not allow views of touch-screen machines; this regulation was adopted close to election day, on 1 March 2012.

[19]   See *op.cit.* OSCE/ODIHR Final Report on the 4 December 2011 State Duma Elections, p. 8.

[20]   According to the law, no more than 50,000 signatures may be submitted from one federal subject of the Russian Federation. A sample of at least 20 per cent of the required number of signatures is verified. In cases where five per cent or more of these are found to be invalid, verification of at least an additional 10 per cent is carried out. Candidates may be denied registration if more than 5 per cent of the total number of signatures selected for verification is found invalid or if the total number of valid signatures is less than required two million. Signatures can be considered invalid for a variety of reasons: mistakes or technical inaccuracies, omissions of a full address of a signatory, omission of the form completion date, filling in the form in pencil, or making corrections to the form. Signature collection requirements have been a subject of continued criticism and have been previously commented upon, among others, by the OSCE/ODIHR as "an unreasonable hurdle, which results in a disparity of […] conditions for candidates, and one that could invite malpractice." See the OSCE/ODIHR Final Report on 2004 presidential election, www.osce.org/odihr/elections/russia/33101, p. 10. In addition, see paragraph I.1.3.ii of the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe, which provides that "the law should not require collection of the signatures of more than one per cent of voters in the constituency concerned."

activities as established by a court. Two applicants, self-nominated Dmitry Mezentsev and "Yabloko" party nominee Grigory Yavlinskiy, were denied registration following the verification of their support signatures.[21] Grigory Yavlinskiy appealed the CEC's decision to the Supreme Court, which ruled against the complainant on 8 February 2012.[22] Mr. Yavlinskiy did not pursue further appeal.

VII.   ELECTION CAMPAIGN

A.   CAMPAIGN ENVIRONMENT

The start of the electoral campaign was marked by peaceful countrywide demonstrations calling for fair elections. On 4 February, rallies took place in Moscow on Bolotnaya Square and across the country against alleged fraud during the 2011 State Duma elections and calling for political reform.[23] On the same day and on 23 February, large demonstrations in support of Vladimir Putin were organized in several locations, including a large rally on Poklonnaya Gora and at Luzhniki stadium in Moscow. On 26 February, a human chain was organized by anti-Putin protestors along the 16 km long Sadovoye Koltso in Moscow. The authorities allowed the protests to take place without undue interference, in line with their commitment to freedom of assembly.

The campaign was marked by a clear divide between groups supporting the former Prime Minister and the opposition protest movement with a diverse spectrum of participants. Of the five presidential candidates, Mr. Putin dominated the campaign with frequent appearances in the media both as candidate and as Prime Minister. There was a broadly shared public perception that voters had no real alternative to the election of Vladimir Putin.

There was also an evident mobilization of individuals, including civil servants, and resources in support of Mr. Putin's campaign, which was observed by the OSCE/ODIHR EOM. In several regions, participants in campaign events stated that they had been ordered to take part

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[21]   2,006,793 signatures were submitted for candidate Mezentsev; the CEC selected 105,227 signatures for validation and of these, 15,680 (3.92 per cent of the total number of signatures selected) were recognized invalid. Thus, the CEC reported that 1,991,113 valid signatures had been submitted for this candidate, which was less than the required number. Candidate Yavlinskiy submitted 2,086,050 signatures and the CEC screened 600,000 of these. 153,938 signatures (25.66 per cent of the total number selected) were announced invalid. The total number of valid signatures was reported to be 1,932,112.

[22]   Of the 153,938 signatures that were invalidated (25.66 per cent of the total number selected), 137,492 were rejected on the basis that they had not been submitted in original format. In his complaint to the Supreme Court, Mr. Yavlinskiy argued that the CEC misinterpreted the Presidential Election Law by not accepting such forms. The Court upheld the CEC's decision, reasoning that the law requires the submission of original forms.

[23]   On 4 February, at least 230,000 people participated in 91 different rallies across the country. Protesters on Bolotnaya Square demanded the release of all political and unfairly convicted prisoners, cancellation of the results of the State Duma elections, the resignation of the CEC chairperson, investigation of all incidents of electoral fraud and punishment of those found guilty, registration of opposition parties, adoption of a new democratic legislation on political parties and elections, and comprehensive reforms of the political system, among other things. See www.internovosti.ru/text/?id=53117.

by their superiors.[24] Various levels of public institutions instructed their subordinate structures to organize and facilitate Mr. Putin's campaign events.[25] Local authorities also used official communication, such as their institutional websites or newspapers, to facilitate Mr. Putin's campaign.

In response to the protests, in the run-up and in the course of the campaign, Mr. Medvedev suggested a number of reforms of the election and political systems (see Legal Framework). Some of the announced reforms were also taken up by other presidential candidates in their campaign programmes. All five presidential candidates addressed issues of social inequality, corruption and the need to strengthen the rule of law in their campaigns. Some candidate programmes promoted political change, while candidate Putin emphasized the importance of stability through continuity. While all candidates addressed national minority issues and proposed diverse policies, one candidate resorted to nationalistic rhetoric. Questions related to women's participation were not given profile in candidates' programmes.

Traditional campaign techniques such as leaflets, posters and billboards played a minor role. Contestants relied more on modern campaign tools such as video clips, television ads, and the Internet to inform voters. Overall, the campaign was barely visible outside Moscow and Saint Petersburg, although candidates were allowed to campaign unhindered.[26]

B.   CAMPAIGN FINANCE

Each candidate was allowed to spend a maximum of 400 million rubles (approximately 10,100,000 EUR) on the campaign. The CEC has the right to monitor candidates' electoral accounts on a permanent basis. Donations are limited to contributions from candidates' own money, funds of the political party that nominated them, and voluntary donations by individuals or legal entities.[27]

All candidates submitted the required financial reports to the CEC at the time of submitting their registration documents. A second report is due no later than 30 days after the publication of the final results.

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[24]   Teachers confirmed to the OSCE/ODIHR EOM observers forced attendance of Mr. Putin's rallies held in Krasnodar and Lipetsk. University students reported having been asked to attend campaign events of Mr. Putin in Tomsk, Khabarovsk and Novosibirsk.

[25]   In Voronezh, an email was sent to hospitals and healthcare institutions by the local health department giving instructions to organize internal meetings in support of Mr. Putin. In Orenburg, an All-Russian Pedagogical Assembly sent letters to directors of schools instructing them to organize meetings with teachers in support of Mr. Putin and to report back on the attendance. Local enterprises and public entities organized transportation for participants of Mr. Putin's rallies in Chelyabinsk, Samara, Saint Petersburg, Irkutsk, Orenburg and Moscow.

[26]   While Mikhail Prokhorov visited five regions, Vladimir Putin traveled to 18 regions. Mr. Prokhorov focused his campaign efforts mainly on the Internet.

[27]   Donations from the following sources are prohibited: foreign citizens, organizations and governments; Russian citizens under the age of 18; state institutions; military and law enforcement organizations; charitable and religious organizations; and anonymous sources.

VIII.   MEDIA

A.   GENERAL OVERVIEW

While there are a high number of officially registered media outlets, a widespread concern over media independence exists due to the majority of these outlets being founded, owned or controlled by the government or government-affiliated structures. Television is the main source of information for the majority of citizens. Two state-owned and one state-affiliated TV stations - *First Channel*, *Russia 1*, and *NTV*, dominate the broadcasting media market.[28] The penetration of Internet continues growing and it is increasingly becoming a source of alternative information. In particular, social media are evolving as a forum for political debate and are used as a new tool for mobilizing and organizing people.[29]

In 2011, a number of positive steps have been taken by the government towards media liberalization. Libel and defamation were decriminalized, and violence and threat of violence towards journalists were recognized as a crime. In addition, the process of establishment of a public broadcaster is ongoing.[30] However, reports of Glasnost Defense Foundation reveal a notable increase in the number of detentions, assaults and threats against journalists in 2011 and in the first three months of 2012.[31] In addition, there have been an increased number of investigations conducted by government agencies against journalists, media outlets or businessmen involved in funding independent media. All these factors create an atmosphere of intimidation in the media environment.

B.   LEGAL FRAMEWORK

The Presidential Election Law as well as the Law on Basic Guarantees provide for equal conditions of access to mass media for registered candidates. They also require that no preferences be given to any candidate in news coverage in broadcast and print media as of candidates' registration with the CEC.[32] At the same time, state-funded media are obliged to broadcast and publish official statements made by the state authorities and to cover "important facts about the activities of the federal government."[33]

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[28]   See *op.cit.* OSCE/ODIHR Final Report on 4 December 2011 State Duma elections, p.11-12, for further details on the media environment.

[29]   According to the Public Opinion Foundation polls conducted in September 2011, 92 per cent of those polled use TV as the source of information, 28 per cent use print media, and 21 per cent use Internet. According to winter 2011-2012 polls, Internet penetration among adults is assessed at approximately 50 per cent of the country's population. Some 38 per cent of the population use Internet on the daily basis. See http://runet.fom.ru.

[30]   The OSCE Representative on Freedom of the Media commented positively on the presidential decree to establish a national public service broadcaster in Russia. See http://www.osce.org/fom/89741.

[31]   See relevant statistics at www.gdf.ru.

[32]   Article 46(2) requires that all information materials published or distributed by the mass media should be objective and accurate, and respect the equality of candidates. Article 46(5) requires that no preferences be given in the newscasts to any candidate, in particular with regard to the length of time or space devoted to the coverage of election campaigns.

[33]   Article 35 of the Law on Mass Media and Articles 6 and 8 of the Law "Order of the State-Funded Media Coverage of the Activities of State Officials."

The campaign period in the media lasted from 4 February to 2 March. Candidates and political parties that nominated candidates were entitled to free airtime in state-funded broadcast media both at the national and regional levels, as well as to free space in the national state-funded print media. The total amount of free airtime provided by every national state-owned TV and radio station to candidates was one hour per registered candidate and one hour per political party that had nominated a candidate. Half of the allocated time was to be devoted to debates among election contestants, one third to political parties, and the rest to the candidates. National print media were required to allocate five per cent of the total weekly space for free presentations. Half of the allocated space was to be distributed among candidates and the other half among political parties. The allocation of time and space both to candidates and political parties resulted in self-nominated candidate Mikhail Prokhorov receiving significantly less time and space than other contestants.[34]

If candidates decide to participate in debates in the national media, they are obliged by law to appear in person, except if they are sick or performing official duties. On 12 January, the spokesperson of the former Prime Minister announced that Mr. Putin would not take part in the debates due to official duties. In reaction to the decision, other election contestants chose to delegate proxies to some debates.

The 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. Due to this regulation, several campaign spots promoting Mr. Mironov were not aired as they featured comical portrayals of other election contestants. Some of these spots were aired after the disputed images were removed.

C.   MEDIA MONITORING RESULTS

The results of media monitoring conducted by the OSCE/ODIHR EOM between 31 January and 2 March indicated that the broadcast media failed to provide balanced coverage of election contestants overall, contrary to the legal requirements.[35]

While newscasts on monitored television channels covered the daily activities of each election contestant and current affairs programmes featured some of the candidates, they were outweighed by the extensive coverage of Mr. Putin, both as a Prime Minister and as a

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[34]   The corresponding provisions of the law disadvantage independent candidates and are not in conformity with paragraph 7.8 of the 1990 OSCE Copenhagen Document, which requires states to ensure that "no legal or administrative obstacle stands in the way of unimpeded access to the media on a non-discriminatory basis."

[35]   The OSCE/ODIHR EOM monitoring covered the time period between 18:00 – 24:00 on seven television channels. These included state owned *First Channel*, *Russia 1*, *Russia 24* and *TV Center*, and private *NTV*, *Channel 5* and *Ren-TV*. In addition, six newspapers were monitored, including state owned *Rossijskaya Gazeta* and *Parlamentskaya Gazeta*, and private *Argumenti i Fakti, Komsomolskaya Pravda, Novaya Gazeta* and *Kommersant*.

candidate.[36] The tone of the coverage of Mr. Putin was mainly positive, while other candidates were mostly covered in a neutral manner. In addition, during the monitored period, over 25 broadcasts of documentaries praising the achievements of Mr. Putin as a Prime Minister and during his preceding terms as a President were aired by different channels. All this, together with the publication of articles written by him, created unequal conditions for candidates.

In addition, the OSCE/ODIHR EOM media monitoring indicated that broadcast media outlets in their news reports and analytical programs did not accurately and objectively reflect the situation and often portrayed daily events in a partial manner. In particular, the protest movement and opposition leaders were often covered in a one-sided, often negative manner, while their statements regarding authorities were often omitted. The OSCE/ODIHR EOM noted several instances of critical comments about the authorities being cut from popular talk shows and in one case a program was canceled.[37] Such interference with the work of media was perceived by journalists and media experts to be a consequence of the increasingly open criticism of the government on some channels and newspapers.

State-owned broadcast and print media complied with their legal obligations to allocate free time and space to the candidates. However, contrary to the legal requirements, most free time both on national and regional broadcasters was allocated outside of time period, when media outlets enjoy highest audience share.[38] In addition to free airtime, candidates purchased airtime mostly in state-owned media outlets as the majority of prominent private TV stations chose not to sell any time.

The *First Channel* allocated some 61 per cent of news coverage to Mr. Putin (37 per cent as Prime Minister and 24 per cent as a candidate), while other candidates each received between 9 and 11 per cent of such coverage. A similar picture was also noted on *TV Center,* which is owned by the Moscow City Government. About 57 per cent of the coverage was devoted to Mr. Putin (29 per cent as Prime Minister and 28 per cent as a candidate) while other candidates received between 6 and 15 per cent each.

The newscasts of *Russia 1* and *Russia 24* provided a somewhat more balanced picture. Mr. Putin had received some 42 per cent of coverage on *Russia 1* (24 per cent as a Prime Minister and 18 per cent as a candidate). Mr. Zyuganov and Mr. Zhirinovskiy received some 19 per cent of coverage each, Mr. Mironov about 11 per cent, and Mr. Prokhorov 9 per cent. On

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[36]   The recommendations of the Committee of Ministers of Council of Europe (R(99)15 and R(2007)15E) suggest that in the news and current affairs programs "no privileged treatment should be given by broadcasters to public authorities.[…] Avoiding privileged treatment should be the primary objective. Should such treatment nevertheless occur, counterbalancing measures should be taken in favour of the affected parties/candidates[…] This matter should primarily be addressed via appropriate self-regulatory measures."

[37]   The talk show *"Gosdep"* on *MTV* was cancelled on 14 February, allegedly due to the planned participation of a famous opposition blogger, Alexey Navalny.

[38]   In 2007, after consulting with four media NGOs, the CEC suggested that in the future media outlets should allocate free airtime between 8:30-9:00 and 19:00-23:00. Among national media, only *TV Center* and *Russia 1* allocated all free airtime within such period. In the regional media observed by the OSCE/ODIHR EOM, less than 25 per cent of the total free time was allocated within this time period, while debates were mostly aired between 11:00 and 13:00.

Russia 24, Mr. Putin had received 48 per cent of coverage (25 per cent as Prime Minister and 23 per cent as a candidate). By comparison, Mr. Zhirinovskiy received 15 per cent, Mr. Zyuganov 14 per cent, Mr. Prokhorov 13 per cent and Mr. Mironov 10 per cent of such coverage.

In their newscasts, private broadcast media virtually disregarded the campaign activities of candidates other than Mr. Putin. *NTV* devoted 77 per cent of news coverage to him (46 as Prime Minister and 31 per cent as a candidate), while other contestants received between 4 and 8 per cent each. A similar approach was observed on *Channel 5* and *Ren-TV*. On *Channel 5*, Mr. Putin received 88 per cent of coverage (52 per cent as Prime Minister and 36 per cent as a candidate), while other candidates received between 2 and 4 per cent each. *Ren-TV* has devoted 69 per cent of coverage (including 37 per cent in the capacity of the candidate) to Mr. Putin.

The newscasts of regional media outlets monitored by the OSCE/ODIHR EOM provided very limited coverage of the presidential campaign. While Mr. Putin was mostly covered in his capacity as Prime Minister, other candidates were only occasionally mentioned.

State-owned *Rossijskaya Gazeta* and *Parlamentskaya Gazeta,* as well as tabloid *Komsomolskaya Pravda*, demonstrated their overall support of Mr. Putin, covering him as candidate and Prime Minister, largely ignoring the activities of other candidates. *Novaya Gazeta* displayed a different approach by heavily criticizing him. *Kommersant* and *Argumenti i Fakti* covered the activities of all candidates, while still allocating more coverage to Mr. Putin.

During the campaign, seven articles written by Mr. Putin, outlining his long-term strategy for the development of the country were published in a different newspaper every week.[39] These articles were not counted as part of his free space allocation.[40] Other election contestants did not receive similar amounts of free space in those media outlets.

IX.   COMPLAINTS AND APPEALS

Any political party, candidate or voter can file a complaint with an election commission or court concerning actions, inaction and decisions of election commissions, local or state government agencies or candidates and parties as long as the person can show that their electoral rights were violated. Appeals can be filed with higher-level election commissions or with the relevant court. Appeals of CEC decisions are heard by the Supreme Court.

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[39]   These included articles: "Russia muscles up – the challenges we must rise to face" in *Izvestia* newspaper published on 16 January; "The ethnicity issue" (*Nezavisimaya Gazeta*; 23 January); "Economic tasks" (*Vedomosti*; 30 January); "Democracy and the quality of government" (*Kommersant*; 6 February); "Building justice: A social policy for Russia" (*Komsomolskaya Pravda*; 13 February); "Being strong: National security guarantees for Russia" (*Rossiyskaya Gazeta*; 20 February); and "Russia and the transforming world" (*Moskovskie Novosti*; 27 February). These articles were also reprinted in regional print media.

[40]   These articles were also published in a book format with considerable circulation without indication that it was paid from the candidate's campaign fund. The books were distributed during one of Mr. Putin's meetings with his proxies in Moscow.

Candidates, political parties and other interlocutors stated that there is general reluctance to file complaints because of a perception that election commissions and courts are not impartial arbiters of electoral disputes and disbelief that effective legal remedy would be available through the formal complaints process. There was also a perceived lack of political will on the part of government agencies to follow-up on complaints. In addition, parties and candidates appeared to have lacked resources to pursue complaints.

The CEC and many SECs relied on working groups made up of commission members, commission staff and experts to consider complaints preliminarily and to 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 as the CEC did not engage in substantive discussions on complaints when they adopted the recommendations of the working group. Many complaints were answered without a formal decision of the CEC.

In the course of the campaign, there was a notable lack of information concerning the resolution of complaints and appeals on the CEC website making it difficult to determine whether they were handled according to the law.[41] At the same time, it should also be noted that many of the complaints filed that the OSCE/ODIHR EOM examined were poorly formulated or drafted and were not specific in the remedy they requested.

Complaints were mostly filed concerning the following topics: unequal access to media by Mr. Putin because of his status as Prime Minister; misuse of office and official position by him; the production and distribution of campaign materials without indication of who produced and paid for it; and the illegality of campaigning or campaign materials for or against a candidate.[42]

The majority of complaints heard by the CEC working group alleged unequal treatment of candidates in the media. The definition of 'campaigning' was an issue of several complaints filed by KPRF and LDPR. Parties alleged that several articles written by Mr. Putin constituted campaigning and should have been paid from his campaign fund. According to the CEC working group, these articles did not constitute campaign material within the definition of the Presidential Election Law because they did not contain a direct appeal to vote for or against any candidate.

Two complaints filed with the CEC, both by the KPRF, alleged that documentaries shown on *NTV* and *Channel 1*, which presented Vladimir Putin in a positive light, constituted campaign materials and violated the provisions of the law that guarantee equal access of all candidates to mass media. The CEC working group discussed these complaints and found no violation of the law. The CEC subsequently adopted the recommendation of the working group.

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[41]   The section of the CEC website where decisions on complaints are meant to be posted remained empty throughout the campaign.

[42]   According to the CEC's final report on this election, 460 complaints and appeals were filed with the CEC before election day. See www.cikrf.ru/news/relevant/2012/03/07/doc.html.

Several candidates complained that the law created an unfair advantage for Mr. Putin since he is not required to suspend his activities as Prime Minister during the campaign period. They alleged that media coverage of many of Mr. Putin's activities as Prime Minister contained elements of campaigning.[43] The restrictions in the Presidential Election Law on taking advantage of one's office or official position for campaign purposes apply to all elected officials whether or not they are candidates.

Up until the announcement of results, courts received 454 applications and resolved 355 of them. Sixty applications were upheld. The cases concerned campaigning issues, creation of election commissions and the inclusion of voters in voter lists.

X.   ELECTION OBSERVATION

The presidential campaign was marked by significant civic mobilization, including an increased focus on election observation as a result of allegations of fraud during the 2011 State Duma elections. Although the law does not foresee domestic observation by civil society organizations, observers representing such organizations were deployed as journalists or as observers formally nominated by presidential candidates.[44] Positively, the authorities did not hinder such developments.

Different observer groups and candidates co-operated and joined monitoring efforts to achieve maximum coverage of the country and effectiveness. A significant number of observers were designated by the League of Voters, a grassroots civil society initiative that emerged from the protest movement after the State Duma elections. The League concluded co-operation agreements with candidates Prokhorov, Mironov, and Zyuganov, as well as with the "Yabloko" party. These agreements envisaged, among other things, the possibility to deploy League of Voters' volunteers on behalf of the above candidates and co-operation on a joint project, *Svodniy Protokol.* In the framework of the project, a consolidated database of reports and PEC protocols collected by observers was created in order to compare them with results protocols published by the CEC.

A similar project, *SMS-CEC*, was initiated by *Golos*, in which data from result protocols from election commissions observed was gathered through text messages. *Golos* also ran a website where voters could post information and evidence regarding violations.[45] Following election day, *Golos* and the League of Voters announced the results of their observation, reporting numerous violations and substantial mismatches between published official election results and the information that they gathered.

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[43]   Several complaints were filed with the CEC concerning the fact that Mr. Putin had refused to take time off in order to campaign, what resulted in him being granted privileged access to the media. The CEC dismissed all such complaints. In addition, representatives of Zhirinovskiy and Zyuganov filed a number of complaints with the CEC against unequal coverage in the broadcast media. All such complaints were also dismissed.

[44]   In addition to election day observation, many observer groups operated hotlines for reporting on violations. Some groups also observed web camera broadcasts of the voting and counting procedures.

[45]   On election day, the website www.kartanarusheniy.org received over two thousand reports of alleged violations. Following election day, the number of reported violations exceeded five thousands.

Although activities of domestic observers were largely unhindered during the campaign, numerous cases of obstruction of observer activities were reported on election day. Most often this involved denial of access to or expulsion from polling stations of observers from civil society organizations or opposition candidates.[46] Some cases of harassment and violence towards observers were also reported. *Golos* stated there was continuing pressure on its activities throughout the campaign, particularly through intensified financial audits of its regional branches, as well as individual cases of harassment of its activists.[47]

The CEC accredited 685 international observers from several observation groups for this election. Apart from the OSCE/ODIHR, OSCE PA and PACE, sizeable missions were deployed by the Commonwealth of Independent States (CIS) and the Shanghai Co-operation Organization (SCO). In their post-election statements, the CIS and SCO missions announced that the election met democratic standards.[48]

XI.   ELECTION DAY

On election day, the OSCE/ODIHR EOM observers visited over 1,000 polling stations. Voting was assessed as "good" and "very good" in 95 per cent of polling stations visited; however, the process deteriorated significantly during the count that was assessed as "bad" and "very bad" in almost one-third of polling stations observed due to procedural irregularities.

The majority of polling stations opened on time and the process was assessed positively by most observers, although minor delays were noted in 20 per cent of polling stations observed. In 8 per cent of polling stations, the enlarged copy of the result protocol was not posted before opening as required by the law. In more than a half of polling stations observed, the number of voters who requested mobile ballot was not announced thereby undermining a key security feature designed to deter possible multiple voting. Over 5 per cent of observers were restricted in their observation of opening procedures.

Voting procedures were generally followed, although the fact that the voting process was assessed negatively in 5 per cent of observations indicates that serious irregularities were witnessed in some polling stations. In 5 per cent of polling stations visited, ballot boxes were not properly sealed. Illegal campaigning was noticed outside of 4 per cent of polling stations. There were also some indications of buses transporting groups of voters to vote to multiple polling stations, raising concerns about the mechanisms for adding people to voter lists and the use of AVCs. Six per cent of polling stations were overcrowded, which at times undermined secrecy. Access to over half of polling stations visited was considered difficult for persons with disabilities. In general, more negative reports (10 per cent of "bad" and "very

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[46]   In many cases, observers were restricted in their activity based on alleged inaccuracies in their accreditation documents.

[47]   See the Preliminary Report on Domestic Monitoring of Elections of the President of the Russian Federation of 4 March 2012 by Association *Golos*, available at http://golos.org/asset/5645.

[48]   See   www.cikrf.ru/banners/prezident_2012/international/z1.html   and www.cikrf.ru/banners/prezident_2012/international/z2.html, respectively, for the final statements of the CIS and SCO missions.

bad" observations) on the conduct of voting came from the North-West (Saint Petersburg and Kaliningrad) of the country.

Candidate representatives were present in 95 per cent of polling stations visited, the majority of them representing Mr. Putin (80 per cent) and Mr. Zyuganov (72 per cent). Many observers proved to be attentive, active and informed. However, in 7 per cent of polling stations, observers did not have a clear view of the voting process and isolated cases of threats to domestic observers were reported.

A high number of voters voted outside of polling stations by mobile ballot box. On average, 10 per cent of voters used this option across the country; 1.6 million more than during the 2011 State Duma elections. In some parts of the country, these numbers seemed implausibly high. For example, in three *rayons* of Tambov region, over 40 per cent of voters were noted to have voted outside polling stations by mobile ballot box.

There were also reports of last-minute formation of special polling stations in a process that was not transparent, raising serious doubts and resulting in criticism from representatives of political parties in the respective areas. The OSCE/ODIHR observers were informed that the SEC in Saint Petersburg established 72 such polling stations shortly before election day. In Nizhniy Novgorod, 16 such polling stations were established in factories, markets, clinics, and even at a cemetery. While such late establishment of special polling stations raises questions in itself, it is also of significant concern that these polling stations yielded very similar results, with the overwhelming majority of votes having been cast for Vladimir Putin.[49]

The process deteriorated significantly during the count. Of 106 counts observed, 31 were assessed as "bad" and "very bad". Observers reported that PEC members demonstrated poor understanding of counting procedures in 19 cases, and there was chaotic organization of the count in 14 cases. Indications of ballot stuffing (ballots in clumps) were noted in 13 polling stations, which is a high number in any case.

In 30 counts observed, ballots were not shown to all present, and they were not counted transparently, one by one, as required by the law in 29 cases. PECs did not determine the number of ballots cast from a count of the signatures of voters in the voter lists in 16 cases and did not record the number of ballots issued to voters using the mobile ballot box in 21 counts observed. Thus, crucial figures related to the count could not always be established with confidence in their accuracy. Again, this undermined key security features instituted to deter possible fraud.

In 24 counts, the mobile ballots were not mixed with the ballots from the stationary box, thus possibly compromising the secrecy of votes of citizens who voted outside polling stations. In 14 counts, more ballots were found in the mobile ballot boxes than the number of applications received to vote outside the polling station.

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[49]   According to the official results, in Nizhniy Novgorod, over 90 per cent of all voters in these polling stations voted for Mr. Putin.

Final result protocols were not shown to the designated web camera as required in 25 of the 106 observations and results were not read out loud in 20 cases. Also, the signed protocol was not posted in 36 polling stations observed, thus undermining required and key transparency measures. Observers reported some cases of restrictions to their observation. There were also a few reports of extended breaks during the count, while there seemed to be no objective reasons for the delay in counting of ballots. Certain web camera footage seemed to show what appeared to be ballot box stuffing. It is incumbent upon authorities to investigate all such materials fully and determine what had actually happened in those circumstances.

The tabulation was observed in 87 TECs and the process in 12 of them was assessed as "bad" and "very bad". In 23 cases, observers were restricted in their observations. Serious problems with the organization of the data entry were noted in 7 TECs, and lack of transparency in 14 TECs. Contrary to the law, the results were not entered in the enlarged summary result form in 10 observations. In 18 cases, observers reported that the facilities for the reception and recording of the results were not adequate. Instances of changing of PEC protocols by TECs were observed in 6 cases.

XII.   POST- ELECTION DAY DEVELOPMENTS

A.   POLITICAL DEVELOPMENTS

The post-election period was marked by several large authorized and unauthorised protests held in Moscow and Saint Petersburg with large-scale police presence. In the evening of election day, Vladimir Putin celebrated his victory on Manezhnaya Square in Moscow, together with the outgoing President Medvedev.

On 5 March, the protest movement met on Pushkinskaya Square in Moscow claiming the vote was marred by widespread fraud. Among prominent speakers was Mr. Prokhorov, who announced plans to establish a new liberal political party under his leadership. Some protesters decided not to leave the square by the time noted in the official meeting authorization and they were dispersed by the police; around 250 protesters were detained. On the same day, in Saint Petersburg two unsanctioned rallies were organised and several hundred protesters were detained.

On 10 March, protesters, including representatives of various civic initiatives, met on Novy Arbat in Moscow to voice their dissatisfaction with the election and the observed violations. Towards the end of the OSCE/ODIHR EOM's deployment, more issue-based unsanctioned rallies were being held.[50]

B.   ELECTION DAY COMPLAINTS AND APPEALS

OSCE/ODIHR observers noted that formal complaints were filed in 4 per cent of polling stations visited on election day. The process of resolving complaints filed on election day was

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[50]   For example, on 20 March, one picket was organized against censorship and slander on federal TV channels in front of Ostankino TV Centre. Another meeting was held on 17 March on Pushkinskaya Square in support of political prisoners.

characterized by an inconsistent application of the law and CEC regulations. The response of PECs to complaints appeared to depend on chairpersons' understanding of legal requirements and attitude. In some cases, PEC chairpersons refused to accept complaints and chastised observers for complaining. Many complaints were not resolved at a PEC session after the vote count was completed, as required by the law. Many complaints were also filed with the prosecutor's offices and courts.

According to the CEC's final report, 178 complaints were filed with the CEC on election day, mostly concerning insufficient numbers of AVCs, voters' names not on voter lists and transportation of voters to polling stations.[51] The CEC received 168 complaints after election day.

Some presidential candidates announced that they have evidence of violations from hundreds of polling stations. At the time of writing, they were preparing to file cases with the courts. Mr. Prokhorov announced that his observers had noted 170 cases where results protocols from PECs differed from the officially announced results. The KPRF, LDPR and SR also stated they were planning to file complaints related to election day violations that they had documented. A public movement in Saint Petersburg, the Saint Petersburg Observers, announced that they would file over 100 complaints related to electoral violations.

C.   ANNOUNCEMENT OF RESULTS

The final results were announced by the CEC on 7 March, three days after the presidential vote (see annex). Vladimir Putin won in the first round having received 63.6 per cent of the votes. The turnout was announced at 64 per cent.

One of the CEC members, as well as several non-voting members, strongly objected to such a rushed announcement, stressing that the results of the election should not be approved before the adjudication of all complaints, and before a review of dissenting opinions submitted by SEC members. They also pointed to numerous reports of fraud and procedural violations that should have also been considered. However, other CEC members claimed that all complaints and appeals were reviewed and the notion to postpone the approval of results was dismissed by a CEC vote. One CEC member submitted a dissenting opinion, pointing to a number of violations of the principle of free elections enshrined in the Constitution.

XIII. 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. The 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.

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[51]   The SECs received 176 complaints on election day.

A.   PRIORITY RECOMMENDATIONS

1. Existing legislative safeguards should be interpreted in such a way as to prevent the inherent conflict of interest between executive government positions that should be independent and those of candidates pursuing political advantage. Such provisions could also be expanded to include enforcement mechanisms.

2. 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 also be given to revising the rules for the appointment of election commissions to limit the role of state and local authorities.

3. The CEC and other supervisory bodies should ensure that all state-controlled media provide coverage of election campaigns in a neutral and equal manner. The CEC should consider conducting 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. Such media monitoring should not only be limited to state-owned media, but could also cover state-affiliated and private media.

4. Media freedom should be strictly upheld. Interference with the activities of journalists and media personnel should not be tolerated and any allegations of such should be promptly and efficiently investigated.

5. Election legislation should be reviewed to allow domestic observation by non-party organizations and groups.

6. Consideration could be given to amending support signature verification procedures with a view to simplifying them and to preventing the invalidation of signatures due to technical or minor errors.

B.   OTHER RECOMMENDATIONS

Legal Framework

7. Amendments to the legal framework could be considered to include provisions for personal administrative and/or criminal responsibility for individuals who engage in multiple voting or ballot box stuffing.

Election Administration

8. The legal framework for adding voters to voter lists shortly before election day could be further detailed and should be strictly enforced. There needs to be an efficient and functioning mechanism in place to ensure that names of such voters are marked

accordingly in voter lists in their precincts of origin to avoid the possibility of double voting.

9. Procedures for the issuance of AVCs could be further tightened and circumstances in which AVCs can be issued and used for voting could further restricted.

10. The practice of establishing special polling stations shortly before election day should cease as it lacks transparency and diminishes confidence in the integrity of the electoral process.

11. Provisions regarding voting outside of polling stations could be tightened to better ensure integrity. Instances of implausibly high numbers of voters having voted with mobile ballots in some districts should be thoroughly examined by the relevant authorities.

12. Training efforts for PEC members could be intensified, with a particular focus on counting procedures and the rights of election observers.

Media

13. The allocation of the free time should provide all candidates with equal amounts of free time and space. The allocation of additional time to parties should not disadvantage self-nominated candidates.

14. 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.

15. 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.

16. Consideration should be given to the creation of a media council, independent from the executive power, with a clear mandate to oversee free, equal and fair access to state-controlled broadcasters. Its membership should be diverse, with a professional composition including media professionals, civil society, judicial bodies and political parties. The appointment procedures for its members should guarantee its balanced pluralistic composition.

17. The federal authorities should move ahead promptly to transform state-controlled broadcasters into independent public service media that would provide citizens with impartial and politically balanced information on election contestants.

Complaints

18. The CEC should consider steps to address inconsistent implementation of procedures related to election day complaints either through closer supervision of PECs or better training for PEC members on their legal responsibilities in resolving such complaints.

19. 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.

XIV.   ANNEX: FINAL RESULTS

The CEC Protocol on the Final Results

1	The number of voters included in the voters lists	109,860,331
2	The number of ballots received by precinct election commissions	103,567,183
3	The number of ballots issued to voters who voted early	239,569
4	The number of ballots issued by precinct election commissions to voters who voted at polling stations on the election day	65,639,398
5	The number of ballots issued to voters who voted outside polling stations on the election day	5,901,833
6	The number of cancelled ballots	31,785,750
7	The number of ballots in the mobile ballot boxes	6,139,277
8	The number of ballots in the stationary ballot boxes	65,562,388
9	The number of invalid ballots	836,691
10	The number of valid ballots	70,864,974
11	The number of absentee voter certificates received by precinct election commissions	2,257,205
12	The number of absentee voter certificates issued to voters by precinct election commissions before the election day	1,979,696
13	The number of voters who voted with absentee voter certificates at polling stations	1,600,046
14	The number of unused absentee voter certificate	277,475
15	The number of absentee voter certificates issued to voters by territorial election commissions	187,217
16	The number of lost or stolen absentee voter certificates	34
17	The number of lost or stolen ballots	730
18	The number of ballots not counted in the calculation	97

	Last names, first names, patronymic of the registered candidates listed in the ballot	The number of votes casted for a particular candidate	
		the absolute value	per cent to the total of voters who participated in voting
19	ZHIRINOVSKIY Vladimir Volfovich	4,458,103	6.22
20	ZYUGANOV Gennadiy Andreevich	12,318,353	17.18
21	MIRONOV Sergey Mihailovich	2,763,935	3.85
22	PROHOROV Mihail Dmitrievich	5,722,508	7.98
23	PUTIN Vladimir Vladimirovich	45,602,075	63.60

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/odihr).