



INTERNATIONAL ELECTION OBSERVATION Russian Federation, State Duma Elections – 4 December 2011

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Moscow, 5 December 2011 - This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA) and the Parliamentary Assembly of the Council of Europe (PACE).

Petros Efthymiou (Greece), 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. Heidi Tagliavini (Switzerland) is the Head of the OSCE/ODIHR Election Observation Mission (EOM).

This assessment was made to determine whether these elections complied with OSCE commitments and Council of Europe standards, as well as with national legislation. In many regions of the country, regional and local elections were held concurrently with the parliamentary elections and were observed only to the extent that they may have impacted the conduct of the latter. This statement of preliminary findings and conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process; in particular, the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at its 2012 winter meeting. The PACE delegation will present its report at January 2012 part-session.

PRELIMINARY CONCLUSIONS

The preparations for the 4 December State Duma elections were technically well-administered across a vast territory, but the elections were marked by the convergence of the State and the governing party. Despite the lack of a level playing field during the electoral process, voters took advantage of their right to express their choice. 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 as 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 all did not provide the necessary conditions for fair electoral competition. The legal framework, however, was improved in some respects and televised debates provided one level platform for contestants.

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 of assembly were in some cases applied restrictively, undermining contestants' rights. Numerous amendments to the legal framework were adopted since the last elections. A number of changes improved certain elements of the electoral process, although the recent reduction of the parliamentary threshold to five per cent did not apply in these elections.

The Central Election Commission (CEC) adopted detailed instructions to facilitate preparations for the elections. It held regular sessions and took most decisions

unanimously, without debate. The manner in which the CEC dealt with complaints undermined contestants' rights to effective and timely redress. 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 favour 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. Thus, the playing field was slanted in favour of United Russia.

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 paragraph 5.4 of the 1990 OSCE Copenhagen Document. Campaign materials for United Russia and voter information materials in Moscow bore a clear resemblance to one another. 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 covered the election campaign to only a limited extent. 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 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 and the manner in which it was applied limited the quantity of international observers and their activities in several aspects. 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 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, aimed to obstruct and discredit its work. It was noteworthy that so many websites were down during election day.

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 publically 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.

PRELIMINARY FINDINGS

Background

The 4 December elections to the State Duma, the lower chamber of the bicameral parliament, were contested by all seven political parties registered with the Ministry of Justice (MoJ). Four of the seven 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 “Right Cause” (PD).¹

The last party registered by the MoJ was PD in 2009. Since the last parliamentary elections, several parties have been denied registration by the MoJ.² 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 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.³ The Russian authorities challenged the ruling to the ECtHR Grand Chamber; this appeal was rejected.

Legal Framework and Election System

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).⁴ Rulings, regulations, instructions and resolutions of election commissions are also binding.

The legal framework is comprehensive and provides an adequate basis for the conduct of elections. However, the legislation is overly complex, detracting from its precision and clarity. OSCE/ODIHR observers noted a degree of confusion and inconsistent application of the legal framework. The lack of clarity in the legal framework allowed for it to be implemented mostly in favour of one party over the others.⁵

The legal framework has undergone considerable revision since the last parliamentary elections in 2007. Among significant positive changes, political parties below the seven per cent allocation threshold, but receiving 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

¹ Abbreviations for political party names correspond to the Russian language abbreviations.

² 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.

³ Judgement on case of *Republican Party of Russia vs. Russia*, application number 12976/07, 12 April 2011, available at www.echr.coe.int.

⁴ 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).

⁵ 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.

granted the right to appoint election commission members. However, the recent reduction of the parliamentary threshold to five per cent did not apply to these elections.

The right of peaceful assembly is guaranteed by Article 31 of the Constitution. Under the Law on Assembly, the organization of public events requires advance notification of local authorities. In practice, however, this requirement was often interpreted as an authorization procedure.⁶ This has resulted in the dispersal of peaceful assemblies by police and the arrest of participants on claims that such rallies were ‘illegal’.⁷

The State Duma comprises 450 deputies elected for a five-year term⁸ 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.⁹ 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.

Election Administration

The State Duma elections were administered by the Central Election Commission (CEC), 83 Subject Election Commissions (SECs), 2,747 Territorial (rayon, city and other) Election Commissions (TECs) and some 94,500 Precinct Election Commissions (PECs). In addition, 376 PECs administered voting abroad in 145 countries. Election commissions in general comprised representatives of registered political parties as well as employees of local administration and state institutions. Parties contesting the elections had the right to appoint non-voting members to all commissions.

Technically, elections were well-administered and election commissions met all legal deadlines. Election officials coped well with the challenging task of organizing elections on a vast territory involving nine time zones. In addition, in a number of regions, regional and local elections were conducted simultaneously with the State Duma elections.¹⁰ Election officials undertook significant efforts to reach voters in remote areas during early voting, which was conducted from 18 November.¹¹

The CEC held regular sessions, which were 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. However, in the last two weeks opposing views were occasionally presented, mostly by non-voting members representing political parties.

⁶ Such interpretation was based on the right of local authorities to suggest changes to the time and place declared by the organizer in case of concerns related to public safety and order and to prohibit a rally if the organizer does not agree to the suggested changes. Parties also complained that the ten-day notification period was too long and did not allow for the organization of rallies/demonstrations at the last minute.

⁷ This has impacted the rallies of SR and KPRF in a number of cities, as well as a student protest in Moscow.

⁸ Constitutional amendments from 2008 increased the State Duma’s term from four to five years.

⁹ This is at variance with paragraph 7.5 of the 1990 OSCE Copenhagen Document 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.”

¹⁰ Some 2,800 different elections (regional/local elections and referenda) took place in around 36,500 polling stations.

¹¹ The CEC estimated that approximately 0.1 per cent of the electorate used early voting.

CEC decisions and detailed instructions provided a sufficient regulatory basis for the administrative preparations for the elections. However, the CEC was inconsistent in adjudicating electoral complaints. Particularly, complaints related to the State Duma elections were generally not discussed and decided upon during CEC sessions. One of the most prominent cases involved complaints against similar posters displayed by ER and the Moscow City Election Commission. These posters were almost identical, using similar colours, design and fonts. As a result, voters could easily be confused as to which posters were part of the SEC's get-out-the-vote campaign, and which constituted party propaganda. The CEC did not take action to ensure clear separation between the activities of a state institution and a political party.¹² Complaints against these posters were submitted to the CEC by Yabloko and Fair Russia, but were not considered by the CEC as a whole.¹³ (See below)

Representatives of most political parties expressed a high degree of distrust in the impartiality of election commissions at all levels. They also questioned their independence from various state administration bodies, and criticized their bias for the governing party. OSCE/ODIHR observers found many of these concerns to be grounded. 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. Furthermore, TECs and local government offices were frequently located in the same buildings. 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.

New Voting Technologies

Two types of new voting technologies were used during these elections. The first was a ballot scanning system called "KOIB", the second was an electronic voting system "KEG", based on touch-screen machines. Both systems were used on a moderate scale.¹⁴ Touch screen voting machines were equipped with an embedded printer giving voters the possibility to verify their vote whilst voting. Although this enhanced the verifiability of the process, the fact that votes were printed consecutively on one strip of paper created the potential for the violation of the secrecy of the vote.

PEC members in most of the regions observed received training on the use of new voting technologies. The practice of publicly testing both systems on or immediately prior to election day can potentially help build trust in e-enabled voting. However, the absence of provisions for random mandatory manual recounts of the processed ballots is of concern. In addition, transparency in the design and functioning of both systems is insufficient as both types of technologies are based on proprietary software not open to public scrutiny.

¹² 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".

¹³ Similar cases of identical symbols and fonts in voter information posters of election commissions and campaign materials of local ER branch were noted by the OSCE/ODIHR EOM observers in St. Petersburg, Voronezh and Ufa.

¹⁴ Ballot scanners were used in 4,800 polling stations and 326 polling stations were equipped with the touch screen voting systems.

Voter Registration

OSCE/ODIHR EOM interlocutors expressed confidence in the accuracy of voter registration data. Voter lists were compiled by TECs according to citizens' residence registration maintained by the local government administration. There were nearly 110 million voters, including 1.8 million residing abroad. Voters who were planning to be away from their places of permanent residence on election day could apply for Absentee Voting Certificates (AVCs). This allowed them to vote at any polling station in the country or at some 100 polling stations opened at train stations and airports. In the last few days before election day, the CEC redistributed AVCs between some regions on the argument that some areas were running low. Some non-voting CEC members were concerned about potential misuse.¹⁵

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 with the CEC. 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 ballot across the country. Some 3,000 candidates stood for election on seven party lists.

Campaign Environment

The campaign lacked vibrancy. In cities, parties campaigned via billboards, posters, leaflets, TV ads, as well as party websites and blogs. In rural areas and towns, contestants reached out to voters with party newspapers, posters, door-to-door campaigning and small indoor meetings. Political parties' campaigns tended to be personality based and their programmatic platforms were mostly generic. The campaign rhetoric was mostly neutral. However, strong nationalistic remarks were occasionally made.¹⁶

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.¹⁷ Some civil society activists and non-registered political parties called on voters to either spoil ballots, arguing that this is the only viable way for the public to register its disdain for the lack of genuine political choice, or to vote for any other party, but the governing one.

While the law obliges advertising organizations to treat electoral contestants equally,¹⁸ 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

¹⁵ As of 1 December, some 1.7 million AVCs were issued to voters across the Russian Federation.

¹⁶ On 21 November, President Medvedev called on election contestants to refrain from "rude nationalistic rhetoric."

¹⁷ Between 3 and 19 October, the Levada Center conducted a poll to identify whether citizens believe in their ability to influence political life in the country. The poll showed that 82 per cent of Russians believe that they do not have any influence on political processes, while 55 per cent would not like to participate in the political life and not even at municipal level.

¹⁸ Article 61(2) of the Law on State Duma Elections.

cancelled contracts for political reasons after they had been signed.¹⁹ In some regions, only ER billboards were visible.²⁰ In one case, a private company stated it had received instructions from the local authorities to only allow ER posters.²¹

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.²² Parties also complained to the election administration about the distribution of fake newspapers with wrong or libellous information about different contestants.²³ 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.

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.

OSCE/ODIHR EOM observers received numerous credible allegations of attempts to unduly influence voter choice. 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.²⁴

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.²⁵ 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.

Campaign-related incomes and spending must be documented and reported to the CEC. A political party must submit two financial reports to the CEC, one at the time of registration for elections and the second not more than 30 days after the publication of results. The CEC and SECs were required to submit information on parties' campaign finances to the media for publication once every two weeks. The OSCE/ODIHR EOM analyzed information about parties' campaign spending published by SECs in 18 regions. According to this data, the ER's campaign expenditures outweighed those of other parties.

¹⁹ Such instances were reported by KPRF in Krasnodar, Nizhniy Novgorod, Saratov, Ufa, Vladivostok, Moscow, St. Petersburg, Pskov, Krasnoyarsk, Khabarovsk, Novosibirsk, Ryazan and Sverdlovsk.

²⁰ Such reports were received from OSCE/ODIHR observers in Saratov, Ufa and Pskov.

²¹ The refusal letter sent to the LDPR branch in Saratov on 1 November 2011 explicitly referred to this instruction.

²² The OSCE/ODIHR EOM received such complaints from KPRF in Irkutsk and Tula and SR in Kurgan and Novosibirsk.

²³ Complaints about this issue were filed with SECs and TECs by ER, KPRF and YA.

²⁴ OSCE/ODIHR EOM observers received information about such allegations in Voronezh, Yekaterinburg, Khabarovsk and Novosibirsk.

²⁵ KPRF filed an official complaint with the SEC in Omsk, which was dismissed.

Media

The media landscape is characterized by a large number of state and private media outlets, with television being the primary source of political information. During the election campaign in the media that ran from 5 November to 2 December, state media were required by law to provide equal opportunities to all contestants. National and regional state channels were also required to provide all contestants with at least one hour of free airtime each.²⁶

While the majority of broadcasters allocated free airtime to all election contestants, the slots provided were mostly outside the ‘times of highest audience’, contrary to legal requirements. Debates on national television were attended by all contestants and provided parties with one level platform for reaching out to voters.²⁷ Five parties also used paid airtime for campaign advertisements. In addition, state-owned *Russia 1* and *Russia 24* created moderated programmes paid for by the parties, during which contestants could present their platforms or debate with their opponents. Four parties participated: SR, KPRF, LDPR and YA.

OSCE/ODIHR EOM media monitoring conducted between 31 October and 2 December²⁸ indicated limited interest in the election campaign on the part of the broadcast media. The newscasts of all but one television channel monitored were dominated by reports on the activities of state officials. The coverage of authorities ranged from 55 per cent on *Russia 24* to 83 per cent on the *TV Center*. During the last week of the campaign, *NTV*, *TV Center* and *Channel 5* broadcast current affairs programmes, which 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, broadcasters monitored often blurred the line between official and campaign-related appearances of officials. In particular, 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* offered considerable amounts of coverage to all parties, although clearly favoring 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. 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.

One campaign advertisement of Fair Russia, which was broadcast by several channels, was taken off the air after a letter from the CEC chairperson stating that an expert examination would be necessary to assess whether or not the ad violated the law on extremism.²⁹ This

²⁶ By law, at least half of the free airtime should be devoted for debates.

²⁷ For the first time, the governing ER participated in the debates.

²⁸ The OSCE/ODIHR EOM monitoring covered seven television channels (*First Channel*, *Russia 1*, *Russia 24*, *TV Center*, *NTV*, *Channel 5* and *Ren-TV*) and newspapers (*Rossiyskaya Gazeta*, *Parlamentskaya Gazeta*, *Kommersant*, *Komsomolskaya Pravda*, *Zhizn*, *Novaya Gazeta* and *Argumenti i Fakti*) respectively.

²⁹ A number of other spots by SR and LDPR were subsequently also taken off air following similar letters by the CEC chairperson.

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.

Complaints and Appeals

The law allows for complaints and appeals to be filed with courts or with election commissions. The CEC and many SECs relied on working groups made up of commission members, commission staff and experts to preliminarily consider complaints and provide an advisory opinion to be discussed by the commission before making a formal decision.

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. No complaints related to the State Duma elections considered by the working group were substantively discussed by the CEC.

According to the CEC website, only five complaints have been decided upon by the CEC.³⁰ The CEC's legal department provided conflicting information on the total number of complaints filed.³¹ The OSCE/ODIHR EOM was therefore unable to establish the total number of complaints submitted and the number of formal decisions adopted. The Prosecutor's Office did not respond to the requests by the OSCE/ODIHR for information concerning election related offenses.

The CEC classified all correspondence concerning allegations of violations of the election legislation as 'applications' and did not treat them as complaints that needed to be dealt with in accordance with legal procedures. The CEC has, thus, not complied with the 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 was non-transparent and did not afford complainants the right to an effective or timely remedy.³²

To the knowledge of the OSCE/ODIHR EOM, the role of courts during these elections has been minimal.

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. Women have also been active in the election campaign and have been represented at all rallies attended by OSCE/ODIHR EOM observers. Of the 15 CEC members, 4 are women. Women were well represented at PEC and TEC levels, but less so at the SEC level. Women were represented in 69 per cent of polling stations visited and chaired over 70 per cent of them.

³⁰ However, the OSCE/ODIHR EOM received copies of many complaints filed by political parties with the CEC.

³¹ 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 six decisions were made, none of which were posted on the CEC website. On the day after elections, the CEC chairperson has announced that some 117 complaints were received.

³² 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."

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. Political parties may not be formed on a professional, racial, national or religious basis.

According to the 2002 census, national minorities make up approximately 20 per cent of the population, including over 160 minority 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.³³

Domestic and International Election Observers

The election legislation allows for the presence of international and political party observers.³⁴ 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. Due to the position taken by the Russian authorities, the OSCE/ODIHR was only able to deploy less observers than 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.

Contrary to paragraph 8 of the 1990 OSCE Copenhagen Document, domestic civil society groups are not allowed to observe parliamentary elections. Nonetheless, some of them were actively involved in monitoring the preparations for elections and the campaign. The Russian Fund for Free Elections co-operated closely with the CEC in organizing an election information hotline. The *Civil Control* Association focused on monitoring the work of international observers. The NGO *Golos* established a website where citizens could upload information and evidence regarding alleged electoral violations.³⁵

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. This letter accused *Golos* of violating the election law that prohibits the publication of opinion polls or other studies relating to elections within five days of election day. The NGO was found guilty by the court and fined 30,000 rubles. Recent intimidation of the NGO, which was planning to deploy some 2,000 observers registered as journalists, were widely seen as pressure to discredit the organization and to prevent critical reporting. On the evening of 2 December, *Golos* was also the subject of an NTV investigative programme aimed at discrediting the organization. On election day, the portal *gazeta.ru*, which provided information support to the *Golos*’ project, stated on its website that it had been found guilty by the media supervisory body of unbalanced coverage of the campaign by publishing negative information on ER.

³³ 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”.

³⁴ All seven competing parties could appoint one observer each to all election commissions.

³⁵ See: www.kartanarusheniy.ru. The site included nearly 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.

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 electoral management bodies.

Election Day

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. As reported by the CEC on the morning after election day, the turnout was approximately 60 per cent.

The opening and voting procedures raised certain concerns, although positively assessed in some 92 per cent of polling stations visited. Procedural irregularities observed during opening included failure to cancel unused AVCs (15 per cent) and to announce numbers of mobile ballots requested (60 per cent). During the day, group voting – the most common problem – was observed in over 13 per cent of visits and 9 per cent of polling stations were overcrowded. In 4.7 per cent of polling stations campaign materials were present.

Secrecy of the vote was not always maintained in half of polling stations observed, mostly because voters did not fold their ballots. Tension inside some polling stations was also noted. There were reports of voters coming in groups to vote with AVCs. In a few cases, observers reported attempts of multiple voting and indications of possible fraud such as similar signatures on the voters' list.

Party representatives were present in almost all polling stations visited. Other observers, mostly journalists, were present in 27 per cent of polling stations. In some cases, OSCE/ODIHR observers reported that they did not have a clear view of the process due to restrictions to move around, layout of polling stations or overcrowding. In addition, several reports of refusal of access to domestic observers, in particular from *Golos*, were received.

Voting using electronic touch screen machines was well organized overall and was carried out without technical problems. It was, however, observed that most voters needed help when casting their votes. A number of observer teams reported problems with the secrecy of the vote related to the use of ballot scanning machines.

The vote count, observed in 115 polling stations, was assessed as bad or very bad in 34 polling stations. This was mainly due to poor organization or lack of transparency. A few cases of long delays in the counting process were reported by observers. In some instances, PECs interrupted the count, at times taking voting material out of sight of observers. There were also serious indications of ballot box stuffing in 17 polling stations during the count. Also, PEC members did not always follow counting procedures, with errors noted in 35 polling stations observed. These included several instances of failure to tally the signatures, count and cancel unused ballots, record the number of ballots received, and to record the numbers of AVCs issued and used. In almost half of the observed counts, marked ballots were not shown to those present. Observers were restricted in their observation in 17 polling stations, and in 7 cases, observers were expelled from polling stations during the count. In almost half of polling stations observed, signed protocols were not posted publicly.

Tabulation was observed in 73 TECs. Observers pointed to insufficient transparency of the

process in 12 cases. In addition, some procedural problems were noted, including failures 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 Moskv, 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.

*The English version of this report is the only official document.
Unofficial translation is available in Russian.*

Mission Information & Acknowledgements

Moscow, 5 December 2011 –The OSCE/ODIHR Election Observation Mission (EOM) opened in Moscow on 26 October with 14 experts in the core team based in the capital and 40 long-term observers deployed to 17 regional centres.

On election day, some 325 observers were deployed, including observers from the OSCE/ODIHR, a 88-member delegation of the OSCE PA, and a 34-member delegation of PACE. A delegation of the Nordic Council joins this statement. Voting was observed in 1,311 polling stations. Counting was observed in 115 polling stations. The tabulation process was observed in 73 TECs.

The observers wish to thank the CEC of the Russian Federation for the invitation to observe the elections. The observers also express their appreciation to the Ministry of Foreign Affairs for its support and other State institutions, local authorities, political parties and civil society organizations for their co-operation during the course of the observation.

For further information, please contact:

- Mr. Jens-Hagen Eschenbaecher, OSCE/ODIHR Spokesperson, or Ms. Tatyana Bogussevich, OSCE/ODIHR Election Adviser (+48-22-520-06-00);
- Mr. Neil Simon, Director of Communications, OSCE Parliamentary Assembly (+45-601-083-80), or Tina Schoen, Deputy Secretary General, OSCE Parliamentary Assembly (+45-40304985);
- Mr. Vladimir Dronov, Head of Secretariat, Interparliamentary Co-operation and Election Observation, Parliamentary Assembly of the Council of Europe (+33-663-493-792);

OSCE/ODIHR Election Observation Mission:

Ulitsa Bol. Dmitrovka, 23 Str.1, 4th Floor, 125009 Moscow, Russian Federation
Phone: +7 (495) 7824585, Fax: +7 (495) 7824586, e-mail: office@odihr.ru
website: www.osce.org/odihr/elections/Russia/84320