



Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

STATE DUMA ELECTIONS

4 December 2011

OSCE/ODIHR PRE-ELECTION ASSESSMENT REPORT

17-22 August 2011



**Warsaw
14 September 2011**

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I. INTRODUCTION

In anticipation of an invitation from the Russian authorities to observe the State Duma elections, scheduled to take place on 4 December 2011, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook an election expert visit to Moscow from 17 to 22 August. The election expert team included Dr. Beata Martin-Rozumiłowicz, Head of OSCE/ODIHR Election Department, Dr. Armin Rabitsch, Senior Election Adviser, and Ms. Tatyana Bogussevich, Election Adviser.

The purpose of the visit was to attend the training of election commissions organized by the Central Election Commission (CEC), as well as to assess the pre-election environment and the preparations for the elections. Meetings were held with representatives of the Ministry of Foreign Affairs, Office of the Ombudsperson, CEC, State Duma Committee on Constitutional Legislation and International Co-operation, All-Russian State Television and Radio Company, as well as with political parties, media, civil society and diplomatic representations. A list of meetings is included as an annex to this report. OSCE/ODIHR would like to thank all of its interlocutors for taking the time to meet.

II. EXECUTIVE SUMMARY

The 4 December parliamentary elections will be conducted to elect 450 members to the State Duma, the lower chamber of Russia's bicameral parliament. Members of the parliament will be elected from federal lists under a proportional representation system with a seven per cent threshold. In addition, following 2009 amendments to the legal framework, parties receiving between five and six per cent of votes are now granted one seat and those between six and seven per cent of votes, two seats.

The legal framework for the conduct of elections is complex and includes a range of detailed laws. The primary legislation has undergone considerable revision since the last State Duma elections. Most notably, provisions for electoral deposits as preconditions for registration of parties for elections have been removed, the number of signatures to be collected by non-parliamentary parties in order to register for elections has been reduced, and parties receiving 'compensatory' seats have been granted the right to appoint members of election commissions. In addition, regulations on Absentee Vote Certificates (AVCs) and on mobile and early voting, which raised concerns in past elections, have been revised and tightened. Further, an amendment is expected to be finalized after the upcoming elections for the electoral threshold to be reduced to five per cent. Overall, interlocutors assessed that the existing legal framework can provide an adequate basis for the conduct of elections; some argued, however, that it is not always consistently implemented.

The upcoming elections will be organized by a four-tier election administration. Eligible political parties are entitled to nominate members to all commissions. OSCE/ODIHR's interlocutors assessed the performance of the CEC generally positively, having noted that it administers

electoral processes in a professional and efficient manner. However, interlocutors had less confidence in the work of lower-level commissions, alluding to the inclination on the part of some commissioners to act in line with the interests of local authorities that appointed them.

Voter lists are compiled by Territorial Election Commissions (TECs) on the basis of information provided by local administrations, which are responsible for continuous maintenance of voter registration and residence data at the local level. Interlocutors did not raise the quality of voter lists as a major concern, although certain past inconsistencies were noted.

Interlocutors anticipate a vibrant campaign and expect voter interest, attributing this to public expectations for comprehensive reform. Notwithstanding the legal guarantees of campaign equality, a number of interlocutors voiced a lack of confidence that contestants would be able to compete on a level playing field, free from administrative influence. Many interlocutors raised questions as to the role in the campaign of the All-Russian Popular Front, an unregistered movement established by the current prime minister.

The seven political parties registered are eligible to contest these elections. The denial of registration to an opposition group established by former high-ranking officials in the run-up to these elections was criticized by a number of interlocutors. Party registration rules were regarded by interlocutors as limiting the scope for the establishment and functioning of political parties. Prior to the submission of candidate lists for registration to the CEC, non-parliamentary parties are obliged to collect support signatures. The procedures for signature collection and their review for validity by the CEC were regarded by many as overly bureaucratic and serving as an additional obstacle for the participation of parties in elections.

Many of the interlocutors assessed the situation with the media as critical. Concerns were expressed with direct or indirect control by the government over national television networks, frequent high-penalty defamation lawsuits, prosecution and acts of violence against journalists. While the legislation obliges the state broadcaster to continuously provide equal airtime to parliamentary parties, non-parliamentary parties opined that they receive very limited coverage outside of campaign periods. During the official campaign, electoral contestants are entitled to receive free and paid airtime, as well as to participate in debates.

The overwhelming majority of OSCE/ODIHR's interlocutors saw benefit in international observation by OSCE/ODIHR of the upcoming elections. It was stated that such observation could provide a useful contribution to any possible future efforts of reviewing electoral practices and legislation. The importance of observation of the pre-electoral period, including candidate registration, the campaign and its coverage by the media, was emphasized. In addition, in light of irregularities observed by domestic actors in past elections, the majority of interlocutors opined that the presence of observers in polling stations on election day was also beneficial.

Based on the above findings, the OSCE/ODIHR expert team recommends that a standard Election Observation Mission (EOM) be established to observe the upcoming elections. In addition to the core team, to be deployed to Moscow in the period from six weeks prior to election day until two weeks after it, OSCE/ODIHR intends to request the OSCE participating States to second 60 long-term observers to follow the election process countrywide. OSCE/ODIHR will also request the secondment of 200 short-term observers to follow election day proceedings.

III. FINDINGS

A. BACKGROUND

Elections to the State Duma were called for 4 December by a 30 August presidential decree. Following the last parliamentary elections held on 2 December 2007, four political parties are represented in the State Duma. The United Russia obtained a majority of mandates, 315, and formed a government; the former president of the country was appointed as the prime minister. The remaining seats were split between the Communist Party of the Russian Federation (57), the Liberal Democratic Party of Russia (40) and the Fair Russia party (38).

The conduct of the 2007 elections was critically assessed by a number of domestic actors and international organizations. Observer delegations from the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe concluded that the elections “were not fair and failed to meet many OSCE and Council of Europe commitments and standards for democratic elections.” The two delegations noted that while the elections were well organized, “they took place in an atmosphere which seriously limited political competition and with frequent abuse of administrative resources, media coverage strongly in favor of the ruling party, and an election code whose cumulative effect hindered political pluralism.”¹ The international observer delegation from the Commonwealth of Independent States assessed the 2007 elections as “free”, “transparent”, and “consistent with the norms of current electoral legislation, and generally recognized principles of democratic elections.” However, the delegation noted “certain inequality” in the coverage of campaigns by political parties in the media and suggested that some changes to the legal framework were desirable, including to grant international observers the right to observe all stages of the electoral process, not only election day.² OSCE/ODIHR was unable to observe the 2007 elections due to the restrictions on the scope of the observation.³

Interlocutors met expected the upcoming elections to generate considerable voter interest and attributed this to the growing public expectations of comprehensive political reforms. At the same time, many interlocutors alleged that there is reduced public trust in the fairness and genuineness of electoral processes, as well as in state institutions.⁴ With the next presidential election anticipated to take place in March 2012, many of the OSCE/ODIHR interlocutors regarded the upcoming State Duma elections as setting the scene for next year’s election.

¹ Statement by the delegations of the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe, 3 December 2007; available at www.oscepa.org.

² Statement by the international observers from the Commonwealth of Independent States on results of observation of the preparation and conduct of elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of 2 December 2007, available at <http://cis.minsk.by/page.php?id=1778>.

³ See press release by OSCE/ODIHR at www.osce.org/odihr/elections/49175. OSCE/ODIHR last observed elections in the Russian Federation in 2003 and 2004. Reports on these and earlier elections are available at www.osce.org/odihr/elections/russia.

⁴ The July 2011 opinion poll by Levada Center indicates that 54 per cent of respondents expect the use of “dirty technologies” during the campaign, including pressure on voters. 53 per cent of respondents believe that the upcoming campaign will be “an imitation of an election and seats in the State Duma will be distributed as the authorities wish.” 59 per cent of respondents considered the parliamentary elections to be “a struggle of bureaucratic clans for access to the state budget,” rather than a democratic undertaking. Available at www.levada.ru/press/2011072801.html.

B. LEGAL FRAMEWORK

The conduct of State Duma elections is primarily regulated by the Constitution, the Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum (hereafter the Law on Basic Guarantees), and the Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation (hereafter the Law on State Duma Elections).⁵ The legal framework has undergone considerable revision since the last parliamentary elections; the latest amendments were introduced in July 2011.

The most significant changes are: political parties gaining less votes than the seven per cent threshold, but more than five per cent are granted ‘compensatory’ mandates (see Electoral System) and the right to appoint election commission members; provisions for payment by parties of electoral deposits to register for elections are removed; the number of support signatures to be collected by parties to register for elections is reduced, and campaign spending ceilings are increased. In an attempt to address widespread concerns over irregularities observed in past elections with regard to AVCs, as well as early and mobile voting, relevant provisions are revised and tightened considerably, enhancing control over these procedures. In addition, a number of special measures are included into the legislation to facilitate voting by the disabled.

Further, as part of a package of constitutional amendments introduced in 2008, the presidential term increased from four to six years and the State Duma’s term from four to five years. In addition, in June 2011, the State Duma decided in the first reading to lower the electoral threshold to five per cent. This amendment is expected to be finalized by the incoming Duma and to enter into force in 2016.

Interlocutors met assessed that the existing legal framework can provide an adequate basis overall for the conduct of elections; however, some argued that it is not always consistently implemented. It was also noted that frequent changes to the legislation have resulted in a number of inconsistencies and ambiguities. Representatives of political parties and civil society expressed hopes that the discussions on the draft new Election Code, which have been taking place over several past years in various fora, would be resumed after the forthcoming elections. In this regard, interlocutors have spoken positively of efforts on behalf of legislators to discuss new legislative initiatives with political parties, including non-parliamentary ones, in the framework of an informal working group under the presidential administration.

In line with the legislation, election-related complaints and appeals may be lodged with the election administration and courts. Handling of complaints and appeals by courts constituted a great concern for the majority of OSCE/ODIHR’s interlocutors. It was stated that the public generally has low confidence in the ability of the judiciary to provide due and timely legal redress.⁶ Many pointed to courts often taking a formalistic approach in the review of election-related complaints. The position frequently taken by courts, that singular violations even when

⁵ Other applicable laws include the Law on Political Parties, the Law on State Automated System of the Russian Federation “Elections”, the Law on the Guarantees of Equality of Parliamentary Political Parties in Coverage of Their Activities by State Publicly Available Television and Radio Channels (hereafter the Law on the Guarantees of Equality of Coverage), Law on Mass Media, and the Law on Assemblies, Meetings, Rallies and Pickets.

⁶ In her opening remarks at a press conference held on 17 February 2011, the United Nations High Commissioner for Human Rights, Navi Pillay, has stated that “...across Russia today, there is a serious deficit in public trust in key institutions which should be upholding the rule of law...” Available at www.ohchr.org.

their illegality is confirmed do not impact the overall conduct of elections and their results, was criticized by several interlocutors.

C. ELECTORAL SYSTEM

The State Duma consists of 450 deputies elected for a five year term under a proportional representation system in a single nationwide constituency. Elections can be contested only by registered political parties (see Party and Candidate Registration). Independent candidacy and the formation of electoral blocs are not permitted.⁷ To qualify for the allocation of mandates, political parties need to receive at least seven per cent of the valid votes. In addition, political parties receiving between five and six per cent of votes are granted one seat and between six and seven per cent of votes, two seats.

The right to vote is granted to citizens of 18 years of age or older, with the exception of those serving a prison term and those recognized as incapacitated by the court. The right to stand in State Duma elections is granted as of the age of 21. Certain restrictions apply, including with regard to citizens, who have citizenship or residence of another state, and those serving a prison sentence for committing serious crimes or extremism-related offences are not permitted to stand.

D. ELECTION ADMINISTRATION

The upcoming elections will be administered by a four-tier structure, including the CEC, 83 Subject Election Commissions (SECs), some 2,700 TECs and some 100,000 Precinct Election Commissions (PECs). The CEC, SECs and TECs are permanent bodies serving a five-year term, while lower level commissions are appointed ahead of each election.

The CEC in its current composition was appointed in March 2011. Its 15 members were nominated by the State Duma, the Federation Council (the upper house of parliament) and the President of the Russian Federation - each nominated five members. The SECs are established in each of the 'subjects'⁸ of the state. Half of their members are appointed by the 'subject's' legislature, the other half by the highest officer in the 'subject's' executive. The TECs and PECs are appointed by the higher levels of the election administration. By law, at least half of the membership of SECs, TECs and PECs should be appointed on the basis of nominations by eligible political parties.⁹ In addition, political parties contesting elections are entitled to nominate members with a consultative vote to commissions at all levels.

Interlocutors met assessed the performance of the CEC overall positively, having noted that it administers electoral processes in a professional, efficient and a well-organized manner. A number of interlocutors welcomed the efforts by the CEC to operate in a transparent manner and to keep the broad public, including non-parliamentary parties and the civil society, informed of its activities, including through posting regular updates and information on its website.

⁷ 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."

⁸ The federal 'subjects' constitute the first level of administrative-territorial division of the Russian Federation.

⁹ Members of SECs, TECs and PECs may be nominated by political parties that received mandates in the last parliamentary elections or hold mandates in a subject's legislature.

However, a number of interlocutors expressed less confidence in the performance of lower level commissions, alluding to the inclination on the part of some commissioners to act in line with the interests of local authorities that appointed them. In his 2009 annual report, the Ombudsperson of the Russian Federation pointed out that the majority of complaints received by his office during electoral campaigns are related to “bad and at times politically motivated work of territorial and precinct election commissions” and suggested that the procedures for the formation of at least PECs be reviewed “in order to guarantee the independence of these commissions from the authorities.”¹⁰ Political parties met by the OSCE/ODIHR experts stated their intention to nominate a significant number of commission members to ensure oversight of election commissions’ work.

In line with the provisions of the legislation, voting in up to one per cent of polling stations will be conducted using touch screen electronic voting units. Voting in up to five per cent of polling stations will be conducted using optical scanners. The majority of interlocutors generally welcomed the use of new voting technologies as speeding up the electoral process, removing an element of human error, and helping attract young and passive voters. At the same time, some interlocutors spoke of a need to introduce additional safeguards against possible tampering to further enhance public confidence in such technologies. In particular, it was suggested that the currently optional random recounts of ballots cast in these ways be made obligatory.

E. VOTER REGISTRATION

Voter lists are compiled by TECs on the basis of information provided by local administrations, which are responsible for the continuous maintenance of voter registration and residence data at the local level. Voters are entered into voter lists at the place of their permanent residence. Voter lists are handed over to PECs, which have an obligation to verify the lists and to make them available for public scrutiny no later than 20 days before elections. Voters may request corrections to voter lists until the end of voting on election day. Voters who plan to be away from the location of permanent residence on election day may vote at any location with an AVC obtainable from the polling station or the TEC. Citizens residing abroad, as well as military personnel, voters in hospitals, pre-trial detention and those residing in remote areas are included into voter lists by the respective PECs.

Interlocutors met by the OSCE/ODIHR did not raise the quality of voter lists as a major concern, although certain past inconsistencies were noted.

F. POLITICAL PARTY AND CANDIDATE REGISTRATION

Seven political parties are currently registered in Russia and are thus eligible to participate in the upcoming elections. Since the last parliamentary elections, only one new party, the Right Cause, now led by a prominent businessman has been registered by the Ministry of Justice (MoJ) in 2009 following the party’s reorganization. Three other political parties were denied registration, including the opposition People’s Freedom Party, which was established by a number of former high-ranking officials.¹¹ According to the MoJ, registration was denied to the People’s Freedom

¹⁰ The 2009 report by the Ombudsperson of the Russian Federation, May 2010, available at: www.rg.ru/2010/05/28/doklad-lukin-dok.html.

¹¹ Registration was also denied to ROT-Front party in April 2011 (for the fifth time) on grounds that its emblem symbolizes a fight against the existing order and that its name copies an existing well-known brand. The Other

Party due to procedural violations, including the listing of minors and deceased citizens as party members and lack of provisions in the party's charter for the rotation of the leadership. The leaders of the People's Freedom Party have criticized the denial of registration as politically motivated.¹²

Many of the OSCE/ODIHR interlocutors deemed party registration rules as overly stringent and limiting, rather than facilitating, the scope for the establishment and functioning of political parties. In a June 2011 interview, the Minister of Justice spoke in favour of liberalizing party registration mechanisms and suggested that registration of political parties be replaced with a simple notification procedure.¹³

In April 2011, the European Court of Human Rights (ECtHR) delivered a judgement on the case of the dissolution of the Republican Party, which was disbanded by the Supreme Court of the Russian Federation in 2007 on grounds of failure to comply with minimum membership and regional representation requirements.¹⁴ The ECtHR has ruled that the party's dissolution was disproportionate to the legitimate aims cited by the government and concluded that there has been a violation of Article 11 of the European Convention on Human Rights. The chairperson of the parliamentary Committee on Constitutional Legislation and State Building informed the OSCE/ODIHR expert team of the government's intention to appeal the ruling to the ECtHR Grand Chamber.

To contest elections, political parties are obliged to submit candidate lists containing up to 600 names and broken into a minimum of 70 regional candidate groups to the CEC for registration. Up to half of the candidates nominated need not be party members. Prior to the submission of candidate lists, non-parliamentary political parties are obliged to collect and submit 150,000 support signatures to the CEC to run in elections. A number of party and civil society representatives assessed the procedures for signature collection and their review for validity by the CEC as overly bureaucratic and constituting an additional obstacle for the participation of parties in elections.

The legislation envisages that candidate lists be formed by parties during pre-election congresses and stipulates that specific provisions be outlined in parties' charters. Prior to these elections, United Russia has carried out the first nationwide non-binding primaries to identify potential candidates for subsequent approval by the party's congress. Political parties met by the OSCE/ODIHR experts acknowledged that they do not have any particular mechanisms in place to promote the representation of women as candidates. Some parties, however, stated that efforts are being made to include representatives of national minorities in candidate lists, especially in minority populated areas.

Russia party was refused registration in January 2011 on grounds that its program contradicted federal legislation.

¹² Representatives of the party argued that even if there were indeed mistakes related to some of the listed party members as stated by the MoJ, the number of eligible party members would still have been well above the 45,000 as required by law for party registration. The party's leadership also argued that the party's charter did contain leadership rotation provisions. Moreover, it was claimed that the party's charter was identical to the charters of other registered parties.

¹³ "Justice Ministry considers cancelling registration for political parties," 20 June 2011, <http://rt.com/politics/justice-ministry-canceling-registration-political/print>.

¹⁴ Judgement on case of *Republican Party of Russia vs. Russia*, application number 12976/07, 12 April 2011, available at www.echr.coe.int.

G. CAMPAIGN AND CAMPAIGN FINANCE

The legislation stipulates that the election campaign starts from the day of nomination of candidate lists and continues until the day before elections. All candidates are granted equal campaign opportunities and the use of administrative resources is prohibited. Interlocutors met expected the campaign to be vibrant. Political parties plan to utilize a variety of campaigning methods, including rallies, meetings with voters, door-to-door canvassing, posters and billboards, as well as use of free and paid airtime/space in media. Notwithstanding the legal guarantees of equality of opportunity, a number of interlocutors expressed a lack of confidence that contestants will be able to compete on a level playing field, free from administrative influence. The unregistered People's Freedom Party noted that it may campaign for a boycott of the upcoming elections in protest of its denial of registration and irregularities which they anticipate.

A number of interlocutors raised questions as to the role in the upcoming campaign of the All-Russian Popular Front, an unregistered movement established in May 2011 by the current prime minister and leader of the governing United Russia party. According to representatives of United Russia, the Popular Front was established to bring together various groups and individuals under a broad political platform, to attract new personalities, and to work out new policy ideas for further inclusion into United Russia's electoral program. The party has stated the intention to grant 150 places on its candidate lists to representatives from the Popular Front. Many interlocutors saw the Front as a tool for boosting United Russia's support in the upcoming elections in view of the party's reportedly falling ratings. In this context, many questioned the legality of the Front's activities and its possible involvement in the campaign. In particular, questions were raised with regard to the sources of the Popular Front's funding, and whether and how expenditures incurred by it would be reflected in the campaign finance reports of United Russia.

The legislation obliges electoral contestants to cover all campaign-related expenses from specially set up campaign accounts. Political parties are obliged to report campaign-related incomes and expenditures to the CEC, which has the authority to review the submitted reports for compliance with legal requirements. Reports are submitted twice, at the beginning of the campaign and no later than 30 days after the publication of final results. Transparency of campaign financing is ensured through the publication of all submitted reports by the CEC in the media and on its website.

Representatives of some political parties met by the OSCE/ODIHR experts acknowledged that while parties generally comply with reporting requirements, campaign finance reports do not always fully reflect the support received and expenditures incurred during campaigns. In this context, it was stated that while the CEC carries out thorough reviews of all the submitted financial reports, unreported contributions to campaigns may frequently remain undisclosed.

H. MEDIA ENVIRONMENT

The Constitution guarantees the freedom of expression and prohibits censorship. Many of the OSCE/ODIHR interlocutors, however, assessed the situation with the media as critical. Concerns were expressed over the direct or indirect control by the government over national television networks that serve as the main sources of information for the majority of voters. Existing alternative sources of information, including local television, radio channels and newspapers,

while seen as presenting a broader range of viewpoints, were assessed as having only marginal impact on public opinion due to limited coverage or circulation.

Frequent high-penalty defamation lawsuits, prosecution and acts of violence against journalists were mentioned by many interlocutors as having considerable negative effect on the freedom of speech and encouraging self-censorship.¹⁵ During an April 2011 visit, the OSCE Representative on Freedom of the Media made violence against journalists a main topic of her meetings, stating that it “harms society and democracy as a whole and therefore should not be treated as an ordinary crime”.¹⁶ Also, the United Nations High Commissioner for Human Rights during her February 2011 visit to the Russian Federation noted “serious setbacks – including murders, intimidation and harassment of [...] investigative journalists and independent media” and assessed that “these acts of violence and intimidation have inevitably had a very detrimental effect...”¹⁷ A number of interlocutors also spoke critically of provisions of the Federal Law on Combating Extremist Activity, stating that it contains ambiguous formulations and loopholes that may and are used as a tool against outspoken journalists.¹⁸

Following the adoption of the Law on the Guarantees of Equality of Coverage, in 2009, all parliamentary parties are entitled to receive equal amounts of airtime on state federal television and radio channels. Representatives of parliamentary political parties welcomed the adoption of these measures as having facilitated access to the media and granted main parties equitable communication platforms. The management of the All-Russian State Television and Radio Company, which is effectively the only broadcaster that the above obligation applies to, stated that it scrupulously observes the principles set out and submits regular compliance reports to the CEC. Some parliamentary parties expressed misgivings that while equality in amounts of airtime is mostly observed, this principle is not replicated for the tone of coverage, types of programs, and the time of information broadcast. Representatives of the governing United Russia party stated that the law works against the party at times, as broadcasters refuse to air reports on the party’s activities due to a lack of events from other parties to report on. Representatives of parties outside of parliament and civil society interlocutors stated that non-parliamentary parties receive very limited coverage by the state broadcaster and that it is frequently negative in tone.

In this context, the importance of internet as a source of information was highlighted by the majority of interlocutors. With internet remaining largely unregulated, non-parliamentary political parties stated that they increasingly use it in party activities and campaigns.

During the official campaign period, political parties contesting the elections are legally guaranteed equal campaigning conditions in the state media. Contestants that received at least three per cent of votes in last parliamentary elections are entitled to receive free airtime on the state broadcaster during the last 28 days of the campaign. All contestants are also entitled to participate in debates and to purchase paid airtime. Representatives of the All-Russia State

¹⁵ Glasnost Defence Foundation estimates that there were at least 58 physical attacks on journalists in 2010.

¹⁶ See www.osce.org/fom/77168.

¹⁷ *Op.cit.*, Opening remarks at a press conference held by the United Nations High Commissioner for Human Rights, Navi Pillay, on 17 February 2011.

¹⁸ In its 2010 report, the United Nations Human Rights Committee has stated in the section on the Russian Federation that “in light of numerous reports that extremism laws are being used to target organizations and individuals critical of the Government [...]” the Committee reiterated its previous recommendation that the Federal Law on Combating Extremist Activity be revised “with a view to making the definition of “extremist activity” more precise so as to exclude any possibility of arbitrary application.”

Television and Radio Company informed the OSCE/ODIHR experts that for the first time in these elections, the Company plans to double the time allocated to debates, to broadcast them on two of its channels, and to air them during prime time. Compliance with provisions on the allocation of airtime during the campaign is overseen by the CEC, which reviews weekly reports submitted by the state broadcaster and has the authority to order corrective measures as necessary.

I. ELECTION OBSERVATION

The legislation provides for observation of an electoral process by representatives of political parties, international observers and the media and contains detailed provisions outlining their rights and duties. However, observation by the domestic civil society is not envisaged. Further, the scope of activities of international observers is mostly limited to observation of early voting and election day procedures. Provisions of the Law on Basic Guarantees and the Law on State Duma Elections, as well as the CEC Instruction on activities of international observers do not explicitly provide for observation of pre-electoral campaigns and of post-election developments. In line with point 4.2 of the CEC Instruction, any activities by international observers except for those listed in the instruction are not permitted. In addition, point 4.1.2 of the CEC Instruction appears to prohibit international observers from making any assessments of the election administration, state authorities and officials, local self-governance bodies and participants of the electoral process. While the above provisions appear not to facilitate long-term observation by OSCE/ODIHR,¹⁹ the CEC representatives assured the experts that if deployed, OSCE/ODIHR observers would be granted all necessary access.

A number of civil society organizations are planning to implement a range of election-related projects. The association ‘*Golos*’ intends to carry out long and short-term observation in over 40 regions of the country, as well as to conduct media and outdoor advertising monitoring. The Civic Control Coalition will carry out election observation, media monitoring, as well as voter education activities, and plans to launch a number of hotlines to allow voters to report on electoral irregularities. During the time of the expert visit, representatives of several other civil society organizations were holding discussions on uniting in conducting joint activities.

Representatives of a number of political parties and some civil society organizations expressed concern over a worsening treatment of observers by polling station officials. Examples from recent regional and local elections were cited of observers being obstructed from observation or expelled from polling stations on accusations of interference with election commissions’ work.

The majority of interlocutors saw added value in international observation by the OSCE/ODIHR of the upcoming State Duma elections. The importance of observation of the pre-electoral period, including candidate registration, campaign and its coverage by the media, was highlighted by many. In addition, while pointing to the difficulties related to the size of the country and the number of polling stations, the majority of interlocutors opined that the presence of observers in polling stations on election day was also beneficial. In this context, interlocutors cited numerous examples of election day irregularities from past parliamentary and recent regional and local

¹⁹ During the 1994 OSCE Budapest Summit, the OSCE participating States have agreed that “ODIHR will play an enhanced role in election monitoring, before, during and after elections.” 1994 Budapest Summit Document, section VIII, para 12; available at www.osce.org/mc/39554.

elections, including manipulations with home-bound voting, AVCs, impersonation, ballot box stuffing and alterations of result protocols.

IV. CONCLUSIONS AND RECOMMENDATIONS

The overwhelming majority of OSCE/ODIHR interlocutors saw benefit in international observation by the OSCE/ODIHR of the upcoming State Duma elections. It was stated that such observation could provide a useful contribution to any possible future efforts by domestic actors of reviewing electoral practices and legislation. The importance of observation of the pre-electoral period, including candidate registration, the campaign and its coverage by the media, was highlighted by many. In addition, in light of irregularities observed by domestic actors in the past elections, the majority of interlocutors opined that the presence of observers in polling stations on election day was also beneficial.

Based on the above findings, the OSCE/ODIHR expert team recommends that a standard EOM be established to observe the upcoming elections. In addition to the core team, to be deployed to Moscow in the period from six weeks prior to election day until two weeks after it, the OSCE/ODIHR intends to request the OSCE participating States to second 60 long-term observers to follow the election process countrywide. OSCE/ODIHR will also request the secondment of 200 short-term observers to follow election day proceedings.

ANNEX: LIST OF MEETINGS

State Institutions

Central Election Commission

Elena Dubrovina, Member

Tatyana Voronova, Member

Sergei Danilenko, Member

Aleksandr Fomenko, Advisor to the Chairperson of the Central Election Commission

Fedor Smuglin, Head of International Co-operation Department

Vsevolod Perevozchikov, Consultant, International Co-operation Department

Ministry of Foreign Affairs

Anvar Azimov, Ambassador

Office of the Commissioner for Human Rights

Georgy Kunadze, Assistant Commissioner

Maxim Sigal, Expert, International Liaison Desk

State Duma Committee on Constitutional Legislation and State Building

Vladimir Pligin, Chairperson

Political Parties

Parliamentary Political Parties

Konstantin Kosachev, Deputy Secretary of the Presidium on International Policies and Inter-Party Relations, United Russia Party

Ivan Melnikov, First Deputy Chairperson of the Central Committee, Communist Party of the Russian Federation

Evgeniy Kolushin, Member of the Communist Party of the Russian Federation, CEC Member

Vladimir Zhirinovski, Chairperson, Liberal Democratic Party of Russia

Yaroslav Nilov, Member of Parliament from the Liberal Democratic Party of Russia

Boris Guseletov, Head of International Department, Fair Russia Party

Other Political Parties and Movements

Andrei Dunaev, Head of the Executive Committee, Right Cause Party

Aleksei Urazov, Press Secretary, Right Cause Party

Galina Mikhaleva, Executive Secretary of the Political Committee, 'Yabloko' Party

Vladimir Ryzhkov, Co-chairperson, People's Freedom Party

Oleg Buklemishev, Chief Analyst, People's Freedom Party

Media and Media-Related Organizations

All-Russia State Television and Radio Company

Dmitry Kiselev, Deputy General Director

Zoya Matveevskaya, Lawyer

Russian Union of Journalists

Vsevolod Bogdanov, President
Nadezhda Azhghina, Executive Secretary
Pavel Gutionov, Secretary

Glasnost Defense Foundation

Aleksei Simonov, President

Civil Society

Yuri Dzhibradze, President, Center for the Development of Democracy and Human Rights
Aleksandr Brod, Co-chairperson, Civic Control
Yaroslav Ternovski, Co-chairperson, Civic Control
Aleksandr Ignatov, Member of the Presidium, Civic Control
Yaroslav Ternovski, Co-Chairperson, Civic Control
Olga Melnikova, Deputy Director, “For Democracy and Rights of People” Association
Lilia Shibanova, Executive Director, GOLOS Association
Andrei Buzin, Leading Expert, GOLOS Association
Ludmila Alekseeva, Director, Moscow Helsinki Group

International Organizations

Reid Nelson, Country Director, National Democratic Institute
Ali Aliev, Senior Program Officer, National Democratic Institute
Anna Sevortian, Director, Human Rights Watch
Ronald Glass, Director, Office of Democratic Initiatives, United States Agency for International Development
Inna Loukovenko, Senior Democracy and Governance Advisor, Office of Democratic Initiatives, United States Agency for International Development

Diplomatic Representations

Michael Webb, Minister Counselor, Deputy Head of Delegation, European Union Delegation to the Russian Federation
Piet Blondé, Political Officer, European Union Delegation to the Russian Federation
Alexandar Melamed, Political Officer, European Union Delegation to the Russian Federation
Andrius Pulokas, Minister Plenipotentiary, Embassy of the Republic of Lithuania
Howard Solomon, Deputy Minister Counselor for Political Affairs, Embassy of the United States of America