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Observation of the parliamentary elections in the Russian Federation (4 December 2011)

Report

Bureau of the Assembly

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1. Introduction

1. The Bureau of the Parliamentary Assembly decided, at its meeting of 5 September 2011, to observe the parliamentary elections in the Russian Federation, scheduled for 4 December 2011, to constitute an ad hoc committee for this purpose and to authorise a pre-electoral mission approximately one month ahead of the elections.

2. At its meeting of 3 October 2011, the Bureau took note of the composition of the ad hoc committee for the observation of these elections and appointed me as Chairperson of the ad hoc committee.

3. Mr Boris Gryzlov, Speaker of the State Duma of the Federal Assembly of the Russian Federation, on 10 October 2011, addressed a formal invitation to the Parliamentary Assembly of the Council of Europe to observe the elections.

4. Following the proposals of the political groups, the ad hoc committee was composed as follows:

Group of the European People's Party (EPP/CD)

Pedro AGRAMUNT	Spain
Miloš ALIGRUDIĆ	Serbia
Martón BRAUN	Hungary
Nikolaos DENDIAS	Greece
Valeriu GHILETCHI	Moldova
Olga HERASYM'YUK	Ukraine
Elsa PAPADIMITRIOU	Greece
Zaruhi POSTANJYAN	Armenia
Marietta de POURBAIX-LUNDIN	Sweden
Giacomo SANTINI	Italy
Giuseppe SARO	Italy
Elkhan SULEYMANOV	Azerbaijan
Egidijus VAREIKIS	Lithuania
Miltiadis VARVITSIOTIS	Greece

Socialist Group (SOC)

Joe BENTON	United Kingdom
Michael CONNARTY	United Kingdom
Josette DURRIEU	France
Andreas GROSS	Switzerland
Sabir HAJIYEV	Azerbaijan
Tadeusz IWIŃSKI	Poland
Andreja RIHTER	Slovenia
René ROUQUET	France

European Democrat Group (EDG)

Brian BINLEY	United Kingdom
Davit HARUTYUNYAN	Armenia
Tomáš JIRSA	Czech Republic
Yuliya LIOVOCHKINA	Ukraine
Øyvind VAKSDAL	Norway
Karin WOLDSETH	Norway

Alliance of Liberals and Democrats for Europe (ALDE)

Marieluise BECK	Germany
Kerstin LUNDGREN	Sweden
Hermine NAGHDALYAN	Armenia
Andrea RIGONI	Italy

Group of the Unified European Left (UEL)

Tiny KOX	Netherlands
Grigore PETRENCO	Moldova

Venice Commission

Maria BIGLINO CAMPOS	Spain
Amaya UBEDA DE TORRES	Secretariat of the Venice Commission

Secretariat

Mr Vladimir Dronov, Head of Secretariat, Interparliamentary Co-operation and Election Observation
Mr Chemavon Chahbazian, Deputy-head, Interparliamentary Co-operation and Election Observation
Ms Daniele Gastl, Interparliamentary Co-operation and Election Observation
Ms Ivi-Triin Odrats, Parliamentary Assembly
Mr Bogdan Torcatoriu, Parliamentary Assembly
Mr Angus Macdonald, Press Officer

5. In accordance with Article 15 of the co-operation agreement signed on 4 October 2004 between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission),

Ms Maria Biglino Campos and Ms Amaya Ubeda de Torres were invited to join the ad hoc committee as advisers.

6. The pre-electoral mission was composed of five members, one from each political group in the Assembly:

Group of the European People's Party (EPP/CD)

Marietta de POURBAIX-LUNDIN Sweden

Socialist Group (SOC)

Indrek SAAR Estonia

European Democrat Group (EDG)

Øyvind VAKSDAL Norway

Alliance of Liberals and Democrats for Europe (ALDE)

Andrea RIGONI Italy

Group of the Unified European Left (UEL)

Tiny KOX Netherlands

7. Mr Dronov, Ms Kostenko and Ms Gastl provided secretarial support to the pre-electoral mission.

8. The pre-electoral mission visited Russia from 8 to 11 November 2011 (see programme of the visit in Appendix 1). The Assembly's pre-electoral delegation met in Moscow with representatives of the political parties running for these elections, leaders of civil society groups that had been denied registration as political parties, NGO and media representatives, and the head of the election observation mission of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), as well as members of the diplomatic community. The delegation regretted that the meeting with the Chair of the Central Electoral Commission (CEC) was cancelled at short notice without explanation.

9. The political findings of the pre-electoral mission are reflected in its statement (see Appendix 2).

10. After the pre-electoral mission had left Russia, the Chair of the CEC asked the Ministry of Foreign Affairs, the Prosecutor General and the State Duma to investigate whether the Assembly's mission had violated Russian legislation, by holding a press conference at the end of its visit and making statements on the electoral process, although this was completely in line with earlier pre-electoral missions to Russia in 2007 and 2008. The CEC complaint (see Appendix 3¹) seriously threatened the Assembly's mission, but as no answer was given by the requested authorities to the CEC complaint before the election, all the members of the Assembly's electoral mission were finally granted accreditation by the CEC, including all the members of the pre-electoral mission. On 14 December, following the election, the Russian Prosecutor General's office indicated that, in its view, the members of the pre-electoral mission had committed no violation of Russian law.

11. Mr Dronov, Mr Chahbazian, Mr Torcatoriu, Ms Odrats and Ms Gastl subsequently provided secretarial support to the ad hoc committee during its observation. Mr Macdonald acted as its press officer.

12. The ad hoc committee conducted its mission from 1 to 5 December 2011. It had a joint briefing programme with the delegations of the OSCE Parliamentary Assembly and that of the Nordic Council. It met with representatives of the political parties running in the elections, media representatives, representatives of NGOs, as well as representatives of civil society groups that were denied registration as political parties. The ad hoc committee was also briefed by Ambassador Heidi Tagliavini, Head of the OSCE/ODIHR Election Observation Mission and ODIHR experts (see programme of the visit in Appendix 4). A meeting with the Chairperson of the CEC, although scheduled and confirmed, was once again cancelled at short notice. No replacement was nominated by the CEC for this meeting.

13. On election day, the Chair of the ad hoc committee, together with Ambassador Tagliavini, had a meeting with representatives of the observation team of the Commonwealth of Independent States (CIS) and of the CIS Interparliamentary Assembly:

¹ Two letters received from Radio Liberty.

- Mr Kayrat Ischanov, Leader of the CIS Parliamentary Assembly observation team monitoring elections to the State Duma of the Federal Assembly of the Russian Federation; Deputy Chairman of the Senate of the Republic of Kazakhstan;
- Mr Vladimir Garkun, Leader of the CIS observation mission monitoring elections to the State Duma of the Federal Assembly of the Russian Federation; First Deputy Chairman of the CIS Executive Committee;
- Mr Evgeny Sloboda, Chief of Staff, CIS observation mission monitoring elections to the State Duma of the Federal Assembly of the Russian Federation;
- Mr Mikhail Krotov, Secretary General of the Council of the Interparliamentary Assembly of Member Nations of the CIS.

14. On election day, the ad hoc committee was split into 18 teams and observed the elections in and around Moscow, in Irkutsk, Vladivostok, St Petersburg, Yaroslavl and Yekaterinburg. All in all, more than 200 polling stations were observed.

15. Co-operation between the ad hoc committee and the delegation of the OSCE Parliamentary Assembly, headed by OSCE Parliamentary Assembly President Petros Efthymiou, as well as the OSCE/ODIHR Election Observation Mission, headed by Ambassador Heidi Tagliavini, was excellent. The Council of Europe Parliamentary Assembly deployed 34 observers, the OSCE Parliamentary Assembly 88. Together with OSCE/ODIHR, 325 observers were deployed on election day. The International Election Observation Mission (IEOM) was able to observe 1 311 polling stations on election day. Counting was observed in 115 polling stations, the tabulation process in 73 territorial election commissions (TECs).

16. On 5 December, a joint statement of preliminary findings and conclusions with regard to the election process and the elections was published after a joint press conference (see Appendix 5). The statement was made jointly with a delegation of the Nordic Council.

17. The ad hoc committee would like to thank the Russian Duma and its staff for the excellent co-operation during the preparation and conduct of the observation mission.

2. Political background and legal framework

18. The 4 December 2011 elections to the State Duma were contested by all seven political parties registered with the Ministry of Justice. Four of the seven parties had been represented in the outgoing State Duma: the governing United Russia (ER), the Communist Party of the Russian Federation (KPRF), the Liberal Democratic Party of Russia (LDPR) and Just Russia (SR). The other three contestants were the Russian United Democratic Party “Yabloko” (YA), the “Patriots of Russia” (PR) and “Right Cause” (PD).

19. Interlocutors of all political parties told the ad hoc committee that the rules on registration of new political parties restrict citizens’ rights to create associations as protected by the Constitution and Articles 10 and 11 of the European Convention on Human Rights (ETS No. 5) and should therefore be revised. The Law on Political Parties requires all political parties to have at least 45 000 members and regional branches with at least 450 members in more than half of the subjects of the Federation. Several attempts to register political parties were made since the elections of 2007 and only one, the “Right Cause” (*Pravoe Delo*), managed to get registered for the 2011 elections. All other formations were denied registration (the People’s Freedom Party, the ROT Front Party, and Other Russia). The European Court of Human Rights delivered a judgment in 2011 on the case of the dissolution of the Republican Party in 2007 on grounds of its failure to comply with the minimum membership and regional representation requirements; this was considered by the Court to be in breach of Article 11 of the Convention. The Russian authorities challenged the ruling to the Court’s Grand Chamber; this appeal was rejected.

20. Another factor of concern to interlocutors from all political parties is that every political party has to register its programme and that registration can be denied on the basis of the content of the programme (Article 20 of the Law on Political Parties).

21. According to the Law on the Election of Deputies of the State Duma, there can be no national observers from civil society (Article 30). The main NGO which had obtained accreditation to observe the elections, as part of the media, was GOLOS. This NGO was subject to several acts of inquiry, including the search of its premises shortly before election day, as well as a criminal complaint which was filed by the prosecutor for violating the electoral legislation. GOLOS was fined 30 000 roubles for the latter.

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

23. The legal framework is comprehensive and provides an adequate basis for the conduct of elections. However, the legislation is overly complex, to the detriment of precision and clarity. There was a degree of confusion about, and inconsistent application of, legal provisions. The lack of clarity in the legal framework allowed for it to be implemented mostly in favour of one party over the others.

24. The legal framework has undergone considerable revision since the last parliamentary elections in 2007. Among significant positive changes, political parties below the 7% allocation threshold, but receiving between 5% and 6% of votes, are granted one seat and those between 6% and 7% of votes, two seats. These parties are also granted the right to appoint election commission members. However, the recent reduction of the parliamentary threshold from 7% to 5% did not apply to the elections of 4 December 2011.

25. The right of peaceful assembly is guaranteed by Article 31 of the Constitution. Under the Law on Assembly, the organisation of public events requires advance notification to the local authorities. In practice, however, this requirement was frequently interpreted as an authorisation procedure. This resulted in the dispersal of peaceful assemblies by police and the arrest of participants on claims that such rallies were illegal.

26. The State Duma is made up of 450 deputies elected for a five-year term under a proportional representation system in a single nationwide constituency. Only registered political parties can contest elections. Independent candidacies and the formation of electoral blocs are not permitted. Parties can, however, include individuals who are not members of any political party on their candidate lists. The threshold for the allocation of mandates was, as already indicated, 7% of the valid votes cast.

3. Election administration and voter and candidate registration

3.1. Election administration

27. The State Duma elections were administered by the 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.

28. The 15 members of the CEC are appointed by the Duma, the Federation Council and the President of the Russian Federation.

29. Election commissions 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.

30. Technically, the preparations for the elections were well administered and election commissions met all legal deadlines. Election officials coped well with the challenging task of organising elections on a vast territory involving nine time zones. Election officials made significant efforts to reach voters in remote areas during early voting, which was conducted as from 18 November 2011.

31. The CEC held regular sessions, which were open to the media and also broadcast live on the CEC website. CEC members took most decisions unanimously and without debate. However, in the last two weeks before the elections, opposing views were occasionally presented, mostly by non-voting members representing political parties.

32. 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. Complaints were generally not discussed and decided upon during CEC sessions. One of the most prominent cases involved complaints against near identical posters displayed by United Russia and the Moscow City Election Commission. These posters were 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-and-vote campaign and which constituted party propaganda. The CEC did not take action to ensure a clear separation between the activities of a state institution and a political party. Complaints against these posters were submitted to the CEC by Yabloko and Just Russia, but were not considered by the CEC.

33. 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 criticised their bias in favour of the governing party. It was also felt that there was a general lack of trust in the Russian electoral administration because of its composition, which fails to guarantee its independence and impartiality. While the law required that state and municipal officials should not constitute more than half of election commission members, this requirement was not respected in several TECs. Furthermore, TECs and local government offices were frequently located in the same buildings. In addition, the governing party seems to enjoy privileged treatment in the appointments of TEC and PEC chairpersons.

3.2. Voter registration

34. Voters' lists were compiled by TECs according to citizens' residence registration maintained by the local administration. There were nearly 110 million voters, including 1.8 million residing abroad.

35. 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 ground that some areas were running low. Some non-voting CEC members were concerned about potential misuse of the AVCs.

3.3. Candidate registration

36. Seven political parties registered their candidates' lists with the CEC between 5 and 27 October 2011. Parties not represented in the outgoing Parliament 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. Some 3 000 candidates stood for election on seven party lists.

3.4. Methods of voting

37. In addition to the classic voting system (marking the case on a ballot paper then inserting the ballot in a non-transparent ballot box), two types of new voting technologies were used during these elections.

38. The first was a ballot scanning system called "KOIB", the second was an electronic voting system called "KEG", based on touch-screen machines. Both systems were used on a moderate scale. 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.

39. PEC members 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-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.

4. The campaign period and media environment

4.1. The campaign and its financing

40. The campaign lacked vibrancy, except for the last week. In cities, parties campaigned via billboards, posters, leaflets, television advertisements, 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. The interest of the electorate in the campaign appeared to be limited due to a widespread perception that individual voters could not influence the outcome of elections, as was shown by several opinion polls by the Levada Center and others. Much attention was given by media, politicians and the public to several opinion polls, which showed a substantial decline in voter support for the governing party and gains for the other parties represented in the State Duma. Some civil society activists called on voters to return a blank ballot paper, arguing that this was the only viable way for the public to register its disdain for the lack of genuine political choice, or to vote for any party other than the ruling one.

41. While the law requires advertising organisations to treat electoral contestants equally, some political parties reported problems in gaining access to billboard space. For instance, KPRF complained that local contractors often did not provide the billboard space or cancelled contracts for political reasons after they had been signed.

42. Some political parties also mentioned that their campaign materials had been confiscated in several regions or held for some time by the police. Parties also complained to the election administration about the distribution of fake newspapers with incorrect or libellous information about different contestants. 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.

43. In the campaign, the distinction between the state and the ruling party was frequently blurred by the fact that some people took advantage of their office, 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 United Russia. This was perceived by other parties as campaigning for United Russia paid for out of state funds.

44. There were numerous credible allegations of attempts to unduly influence voter choice. These included allegations of civil servants being requested to sign letters in support of United Russia, owners of big companies putting pressure on employees to vote for the ruling party, and school directors being instructed by local authorities to ensure that their employees voted for United Russia. Chelyabinsk city administrator, Mr Sergei Davydov, told a group of business people that the electoral results would determine the region's financing: the more votes went to United Russia, the more money the city would get.

45. Mr Denis Agashin, the Head of the Izhevsk city administration, during a meeting of the heads of veterans organisations, stated that their funding would remain as before if "the party in power" did not get more than 51% of the votes in the city's Leninsky district, but if the results were higher, he promised to increase funding from 500 000 to 1 million rubles. "Whoever today supports the current government, and United Russia, will receive financial resources and increased funding", he said. This was posted on the Internet and drew broad public attention. He was later found guilty of illegal agitation and fined a mere 2 000 roubles (less than €50).

46. The Communist Party said that, in Omsk, the governor used his regular television show called "Governor's Hour" to campaign as a United Russia candidate and to promote his party. In Tula, United Russia distributed a leaflet that showed a sample ballot with a vote for United Russia check-marked. The accompanying text said it was "an example of a correctly filled out ballot" and that "a ballot filled out in any other way will be considered invalid". The local election committee declared that these materials were lawful. Other regions also reported the distribution of similar leaflets.

47. Some interlocutors of the ad hoc committee (in particular among NGOs and representatives of civil society groups denied registration as political parties) complained that the entire electoral process was under strict Kremlin control and that, in fact, by the time the voting started the contest was long over.

48. Campaign-related 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 the results. The CEC and SECs were required to submit information on parties' campaign finances to the media for publication once every two weeks. United Russia's campaign expenditure outweighed those of other parties.

4.2. *Media environment*

49. The media landscape is characterised 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.

50. While the majority of broadcasters allocated free airtime to all election contestants, the slots provided were mostly outside prime time, contrary to legal requirements. However, most interlocutors of political parties told the ad hoc committee that access to television and radio was more open than before. Debates on national television were attended by all contestants and provided parties with one level platform for reaching out to voters. 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.

51. There was 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 the authorities ranged from 55% on Russia 24% to 83% on TV Center. During the last week of the campaign, such federal channels as 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% of politically-relevant news coverage to the latter. In the coverage of authorities, broadcasters 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.

52. In the coverage of election contestants, Russia 1 and Russia 24 offered considerable amounts of coverage to all parties, although clearly favouring United Russia. The First Channel and TV Center focused predominantly on United Russia, which received 15% and 11% respectively of mostly positive news coverage. By comparison, all other contesting parties received a combined total of 8% and 5% of mostly neutral news coverage. On NTV and Channel 5, the coverage of all parties except United Russia was barely visible.

53. Access to printed media was – according to the interlocutors of most political parties – more open than in other campaigns.

54. All media outlets increased their coverage of United Russia 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.

55. One campaign advertisement of Just 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 advertisement violated the law on extremism. This happened despite the fact that the CEC did not consider this matter at its session. The CEC working group on media complaints was convened after the event and some of its members criticised the CEC chairperson's approach.

5. Complaints and appeals

56. 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 for the preliminary consideration of complaints and for providing an advisory opinion to be discussed by the commission before making a formal decision.

57. 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.

58. According to the CEC website, only five complaints were decided upon by the CEC. The CEC's legal department provided conflicting information on the total number of complaints filed. It was therefore impossible to establish the total number of complaints submitted and the number of formal decisions taken. The Prosecutor's Office did not respond to requests for information concerning election-related offences.

59. The CEC qualified 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 therefore did not comply 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.

60. The role of the courts during these elections was minimal.

6. Election day

61. On election day, the ad hoc committee split into 18 teams and observed elections in and around Moscow, Irkutsk, Vladivostok, St Petersburg, Yaroslavl and Yekaterinburg. It would like to compliment the thousands of people who manned the polling stations throughout Russia to the best of their abilities.

62. The observer teams were received in different ways in different PECs. Mostly, they were properly welcomed and invited to observe as much as they wanted and for as long as they wished to do so; however, some teams were denied access to PECs or hindered in their observations.

63. The members of the PECs did not sit together after the opening of the polling stations. Each member had a part of the voters' list and was individually responsible for the voters in that part of the list. The system of absentee voting and the use of mobile ballot boxes were also a matter of concern, as in most of the polling stations where observation took place, one member of the PEC was responsible for establishing the additional list of absentee voters. Such lists can only be established by hand during election day, depending on the number of voters arriving at that polling station to vote. Concerning the mobile ballot boxes, requests were also distributed to one or two members of the PEC, which went separately to the houses of the voters.

64. Police and/or private security officers were present both outside and inside the PECs in the overwhelming majority of PECs visited. The voting booths usually had no curtains and the secrecy of the vote was therefore somewhat restricted. In one PEC, the voting process took place on a table placed in the middle of the room, in full view, while the booths were located far away, in the back of the room. A person with an absentee voting certificate was seen by Assembly observers voting at least twice in the same PEC.

65. In most polling stations, observers were allowed to take pictures, as this was permitted by law. It was reported that in some cases domestic observers were not allowed to file complaints as provided for in the law.

66. One team of the ad hoc committee observed (despite the attempt of the PEC Chair to prevent them from doing so) that a large number of ballots were present inside a ballot box while only 20 persons had voted, according to the voters' lists. In that PEC, the ballots were located in a way that made it impossible for the observers to watch them on a permanent basis. In another PEC, observers informed members of the ad hoc committee that the ballot box already contained ballot papers before the opening of the actual voting. In the same PEC, at a time when only one observer was present, that observer was obliged to leave the PEC and accompany the mobile ballot box, thus leaving the PEC without political party observation. The sealing of ballot boxes was inadequate in a number of polling stations.

67. Members of the ad hoc committee also witnessed the following irregularities during the vote count:

- in many polling stations the obligatory protocol was not followed by the Head and the members of the polling station
- one Assembly team saw evidence of ballot box stuffing in one polling station
- in the same PEC (with almost 2 800 voters registered on the lists), the voters' lists disappeared immediately after the closure of the PEC, without any counting of the number of signatures, and PEC members informed the observer team that the lists had been "taken into a safe room" until the end of the vote count;
- one Assembly team observed identical signatures on the voters' lists;
- one Assembly team observed that, among the 650 unused ballot papers, 50 were pre-marked for United Russia.

68. On 9 December 2011, the official results of the elections were made public (see nationwide official results and official results per region in Appendix 6).

69. United Russia won 49.32% of the votes, which represents 238 out of the 450 seats in the new Duma, the Communist Party 19.19% (92 seats), Just Russia 13.24% (64 seats) and the LDPR 11.67% (56 seats). Yabloko got 3.4% of the votes, and therefore did not pass the threshold. Neither did Patriots of Russia (1.0%) and Right Cause (0.6%).

70. The election day was followed by a wave of mass rallies in many Russian cities on 10 December, with participants demanding a re-run of the elections and the dismissal of the Head of the CEC. In Moscow, tens of thousands of citizens participated in an authorised mass rally at Bolotnaya Ploshchad. On 24 December, another authorised mass rally took place in Moscow, at Prospekt Akademika Sakharova (a BBC report said

that “at least 28 000 people turned out in the capital, according to the Russian Interior Ministry, but rally organisers said the true number was around 120 000”).

71. President Medvedev ordered an investigation into allegations of irregularities. On 9 December, Interior Minister Nargaliyev instructed regional police heads to report on their investigation into alleged voting irregularities before 15 December.

72. On 21 December, investigators declared to the Kremlin that they had uncovered more than 2 000 violations connected to the State Duma elections on 4 December. A joint preliminary report by the Interior Ministry and the Investigative Committee said 2 091 administrative cases have been opened into violations, with the City of Moscow a leader with 492 cases, trailed by the regions of Stavropol (96), Samara (88), Sverdlovsk (80) and Novosibirsk (64).

73. More than half of the violations had – according to the investigators – to do with illegal campaign materials, while a quarter involved breaches of rules for public events. Since the beginning of the Duma campaign in November, 53 criminal cases have been opened nationwide so far.

74. The obligatory protocol regarding the vote and the vote counting was not (fully) followed in many polling stations. Nine cases of alleged falsified election results in eight regions, and five alleged cases of ballot-box stuffing, are being investigated to date.

75. According to the investigation report that was published on the website of the Kremlin (see Appendix 7), investigations were ongoing into another 259 complaints about various election-related violations, most of them filed by Just Russia and the Communist Party of the Russian Federation.

76. The NGO GOLOS says that it has logged more than 7 000 reports of fraud in the State Duma elections.

77. The CEC has admitted some violations of the rules on elections, but said they amounted to 0.5% of the vote and did not affect the distribution of seats in the parliament. On 22 December, the CEC Head proposed to have fully transparent ballot boxes in the next elections.

78. Prime Minister Putin has ordered that cameras should be installed in all polling stations for the next elections, at a cost of 470 million dollars, in order to improve transparency of what is happening in polling stations.

79. On 22 December, President Medvedev proposed a comprehensive reform of the Russian political system, including a drastic simplification of the rules governing the registration of political parties.

7. Conclusions

80. The preparations for the elections were technically well administered across a vast territory and show that Russia is well able to organise technically appropriate elections. However, the State Duma elections of 4 December were marked by a convergence of the state and the governing party, limited political competition and a lack of fairness.

81. Although seven political parties ran, which created the possibility of real political competition, the prior denial of registration to certain parties by the Ministry of Justice narrowed political competition. In one case, the European Court of Human Rights ruled that the state’s disbanding of one political party was disproportionate and constituted an unlawful interference in the party’s internal functioning. However, this decision of the Court has not to date had any impact in the Russian Federation. Fortunately, the President of the Russian Federation has announced a comprehensive reform of the Russian political system, including a drastic simplification of the rules governing the registration of political parties.

82. The campaign lacked vibrancy, except for the last week. Contestants were unequally treated 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.

83. In the campaign, the distinction between the state and the ruling party was frequently blurred by the fact that some people took advantage of their office. Campaign materials for United Russia and voter information materials in Moscow bore a clear resemblance to one another.

84. The legal framework had been improved in several respects since the previous elections. Televised debates for all parties provided one level platform for contestants. Access to printed media was more open. Political parties had more possibilities to organise meetings and rallies. However, structurally, the legal framework remains 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. A number of changes improved certain elements of the electoral process, although the recent reduction of the parliamentary threshold to 5% did not apply in these elections.

85. 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.

86. Observation of elections by international and political party observers is provided for by the electoral law. However, the manner in which the legislation was applied limited the numbers of international observers and their activities in several aspects. Moreover, a complaint by the CEC about the Assembly's pre-electoral mission had put its participation in the observation of the elections at risk. The CEC complaint was rejected by the Ministry of Foreign Affairs, the Prosecutor General and the State Duma.

87. The law does not allow observation of parliamentary elections by domestic non-partisan observers. Nevertheless, certain groups actively monitored the preparations for the elections and the campaign. Last-minute pressure on and intimidation of a key domestic observer group, however, aimed to obstruct and discredit its work.

88. On election day, voting was well organised overall, but the quality of the process deteriorated considerably during the count, which was characterised by frequent procedural violations and manipulations, including ballot-box stuffing. Mass rallies in many Russian cities have shown the deep concern of the public about the State Duma elections on 4 December and the demand for structural changes to promote citizens' trust in elections. At the order of the President of the Russian Federation, an investigation has started into more than 2 000 allegations of irregularities in the electoral process and on election day. Already some measures have been taken in order to make the election process more transparent and more trustworthy.

89. Any election needs an impartial referee and, to this day, this is clearly missing in the Russian Federation. A structural change is needed in the short time in order to promote citizens' trust in the election results.

90. That said, the results of the 4 December 2011 parliamentary elections in the Russian Federation have shown that voting can make a real difference.

91. The elections observed have demonstrated that Russia is technically capable of organising fair elections. What is now needed is decisive political will of the Government and the Parliament to improve the electoral process, in structure and culture, in order to ensure the possibility of fair elections.

Appendix 1

Programme of the pre-electoral mission of the Parliamentary Assembly of the Council of Europe (8-11 November 2011)

Tuesday, 8 November 2011

- 9:00-9:30 Ad hoc Committee meeting
- 9:30 Meeting with:
- Mr Denis Keefe, Chargé d'affaires a.i., Embassy of the United Kingdom, representing the Chair of the Committee of Ministers of the Council of Europe
 - Mr Fernando M. Valenzuela, Head of the European Union Office in Moscow
 - Council of Europe ambassadors whose countries are represented by members on the pre-election visit to Moscow
 - Ms Heidi Tagliavini, Head of the OSCE/ODIHR Election Observation Mission
- 14:30 Meetings with leaders of political factions in the Duma and party list leaders (4 factions)
- 14:30-15:15 – United Russia – Mr D. Medvedev, List leader, Mr Boris Gryzlov, faction leader
- 15:15-16:00 – Communist Party – Mr Guennady Zyuganov, Party Chairman, faction leader
- 16:00-16:45 – Liberal Democratic Party – Mr Vladimir Zhyrinovski, Party Chairman, faction leader
- 16:45-17:30 – Just Russia – Mr Vladimir Mironov, faction leader

Wednesday, 9 November 2011

- Meetings with a cross-section of political parties not represented in the parliament and running in these elections
- 10:00 Meeting with Mr Sergei Mitrokhin, Leader of the Yabloko Party
- 11:15 Meeting with Mr Andrei Dunaev, Leader of the Right Cause
- 12:15 Meeting with Mr Sergei Glotov, Deputy Leader of the Patriots of Russia Party
- 14:30 Meeting with NGOs:
- CIS EMO, Mr Alexei Kochetkov, President
 - Moscow Helsinki Group, Ms Ludmila Alexeeva
 - Moscow Human Rights Institute, Mr Valentin Gefter
 - Ms Lilia Shibanova, Executive Director, GOLOS (VOICE) – Association for the Protection of Voters' Rights
 - Ms Maria Lipman, Editor, Pro et Contra, Carnegie Moscow Center

Thursday, 10 November 2011

- 10:00 Meeting with the civil society groups denied registration as political parties:
- 10:00 PARNAS – MM. Mikhail Kasyanov, Boris Nemtsov and Vladimir Ryzhkov
- 14:00 Meeting with Media Representatives:
- Mr Andrej Bystritsky, Chairman, Broadcasting Company "The Voice of Russia"

Friday, 11 November 2011

- 13:00 Press conference (Interfax news agency)

Appendix 2

Statement by the PACE pre-electoral mission

Russian parliamentary elections: PACE delegation told of improved access to media, but also concerns that the playing field is not level

Moscow, 11.11.2011 – More TV and radio debates, freer air-time and other campaigning possibilities for the seven parties participating in Russia's parliamentary elections were cited as a significant change in the political process by most interlocutors who met the pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (PACE) currently in Moscow. But the delegation was also told that major concerns remain about a level playing field in the election campaign.

PACE's five-member pre-electoral delegation⁽¹⁾ was in Moscow at the invitation of the Speaker of the Russian Parliament from 8 to 11 November 2011. It met with representatives of the political parties running in these elections, leaders of civil society groups that had been denied registration as political parties, NGO and media representatives, and the head of the OSCE ODIHR election observation mission, as well as diplomats in Moscow. The delegation regrets that it did not meet with the Chair of the Central Electoral Commission, as a scheduled and confirmed meeting on Tuesday was cancelled at short notice with no reasons given.

Most interlocutors mentioned an improved media situation compared to the 2007 parliamentary elections, though some pointed out that this concerned only those political parties registered to participate in the forthcoming elections. Debates between candidates are taking place on major TV and radio channels, although mostly not at prime-time. Registered parties are also entitled to free air-time on an equal basis according to a fixed and transparent schedule. Furthermore, they can buy additional air-time, although several interlocutors told the delegation this possibility was only open to those with large financial resources. Parties not represented in the State Duma lack these resources, as they are not entitled to receive state subsidies, which are related to the number of votes won in earlier elections.

With seven political parties running, three of them not represented in the State Duma, there is a possibility of real competition, although most parties complain that the United Russia party has access to administrative resources and uses these to its political advantage. Nevertheless, the electorate will have a variety of choices on December 4.

The delegation was told by many interlocutors that several serious problems remain to be addressed. These include the cumbersome political party registration procedure, although PACE members were informed of a reduction in the number of signatures required for registration. Most interlocutors said they were in favour of more transparent and less obstructive registration rules.

Another problem is a high threshold for entering parliament. The delegation was told that a law lowering the threshold to 5 per cent has been passed by the State Duma, but that it will only be applied in 2016. It also learned of provisions to allocate seats to those parties receiving between 5 and 7 per cent of the vote.

Other problems include hurdles in the way of registration to run in the elections, and a ban on forming political blocs.

According to most interlocutors, with the exception of United Russia and the Liberal Democratic Party, parties other than the ruling party, in particular those not represented in the parliament, are at a heavy disadvantage. Furthermore, some interlocutors expressed serious concern that the election results could be manipulated.

A full-fledged, 40-member team of PACE observers will arrive in Moscow at the beginning of December to observe the vote in close co-operation with teams from OSCE ODIHR and the OSCE Parliamentary Assembly. The PACE delegation will present its findings and recommendations to the Assembly in January 2012.

⁽¹⁾ Members of the delegation: Tiny Kox (Netherlands, UEL), head of the delegation, Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Indrek Saar (Estonia, SOC), Øyvind Vaksdal (Norway, EDG) and Andrea Rigoni (Italy, ALDE).

Appendix 3



**CENTRAL ELECTORAL COMMISSION
OF THE RUSSIAN FEDERATION**

CHAIRMAN

Bol'shoi Cherkasskii pereulok, dom 9, Moscow, 109012, tel.: (495) 606-79-57, fax: (495) 606-97-69, cikrf.ru,
цик.рф

14.11.2011 № 05-21/6703

Your № _____ dated _____

Attorney General
of the Russian Federation

Yu.Ya. Chaika

Dear Yurii Yakovlevich,

At the invitation of the State Duma of the Russian Federation Federal Assembly (letter from the Chairman of the State Duma of the Russian Federation Federal Assembly № I.I-0389 of 10 October 2011), a visit was paid to Russia by a PACE pre-electoral observation group (hereinafter referred to as 'the Group'). On 11 November 2011 the Group held a press conference at the Interfax information agency, at which the group was presented as 'a delegation of PACE observers'.

Given that the Group adopted the stance of observers, even though no decision on their accreditation had yet been taken, we feel that there was a breach of the provisions of sections 4 and 5 of Article 31 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', pursuant to which the Central Electoral Commission of the Russian Federation issues a pass to a foreign (international) observer which gives him/her the right to pursue his/her activities, starting from the day of his/her accreditation by the Central Electoral Commission of the Russian Federation and continuing until the day of the official publication of the results of an election of Deputies to the State Duma of the Russian Federation Federal Assembly.

The Group distributed a press release in English, with an unofficial translation into Russian, bearing the title 'The Pre-Election Campaign in Russia: PACE observers report on improved access to the mass media, and at the same time on problems linked to inequality of opportunities' (enclosed), which was announced by Tiny Kox, the Group's leader, as 'our observation'. This text comprises value judgments relating to the preparations for and holding of the elections in the Russian Federation, with reference made to 'interlocutors' of the Group.

Moreover, at the press conference, Group member Marietta de Pourbaix-Lundin (Sweden, European People's Party (Christian Democrats)) said the following: 'By way of an example of how administrative resources make it almost impossible to distinguish between party and state, I would like to show you a pre-election poster from the Central Electoral Commission in which people are urged to vote, and yes, it is very important that citizens should be involved in voting; but the truth is that the UNITED RUSSIA party has a pre-election poster which looks almost exactly the same, and promotes UNITED RUSSIA. In my opinion it shouldn't be like that: a promotion by the state, by the Central Electoral Commission, to get people to vote is one thing, while a UNITED RUSSIA poster calling on people to vote for it is a quite different thing altogether'. This utterance was widely reported in the mass media (mass media monitoring enclosed).

We feel that such actions by members of the Group are in breach of section 1 of Article 12 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', which establishes a ban on foreign citizens, stateless persons, foreign organisations and international organisations engaging in activities which facilitate or hinder the preparations for and holding of elections of

Deputies to the State Duma of the Russian Federation Federal Assembly, and the presentation, registration and election of one or another list of candidates.

Furthermore, in view of the stance taken by the Group as observers, we feel that their actions contravene section 9 of Article 31 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', pursuant to which foreign (international) observers have a right to express their opinion in public concerning Russian Federation legislation on elections and concerning the preparations for and holding of elections of Deputies to the State Duma of the Russian Federation Federal Assembly, and to hold press conferences and address representatives of the mass media, only when the voting period is over throughout the whole of the Russian Federation.

In the light of the above, we would like to ask you to give your assessment of the observance by the PACE pre-electoral observation group of the requirements of Russian Federation law.

...

[signature] V.E. Churov

Enclosures: on 29 pages, in 1 copy.



**CENTRAL ELECTORAL COMMISSION
OF THE RUSSIAN FEDERATION**

CHAIRMAN

Bol'shoi Cherkasskii pereulok, dom 9, Moscow, 109012, tel.: (495) 606-79-57, fax: (495) 606-97-69, cikrf.ru,
цик.рф

14.11.2011 № 05-21/6712

Your № _____ dated _____

Minister of Foreign Affairs
of the Russian Federation

S.V. Lavrov

Dear Sergei Viktorovich,

A letter has been sent by the Central Electoral Commission of the Russian Federation to the Russian Federation Attorney General, Yu.Ya. Chaika, requesting him to provide an appraisal of the actions of the PACE pre-electoral observation group (hereinafter referred to as 'the Group'), which visited the Russian Federation at the invitation of the State Duma of the Russian Federation Federal Assembly.

On 11 November 2011 the Group held a press conference at the Interfax information agency, at which the group was presented as 'a delegation of PACE observers'.

Given that the Group adopted the stance of observers, even though no decision on their accreditation had yet been taken, we feel that there was a breach of the provisions of sections 4 and 5 of Article 31 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', pursuant to which the Central Electoral Commission of the Russian Federation issues a pass to a foreign (international) observer which gives him/her the right to pursue his/her activities, starting from the day of his/her accreditation by the Central Electoral Commission of the Russian Federation and continuing until the day of the official publication of the results of an election of Deputies to the State Duma of the Russian Federation Federal Assembly.

The Group distributed a press release in English, with an unofficial translation into Russian, bearing the title 'The Pre-Election Campaign in Russia: PACE observers report on improved access to the mass media, and at the same time on problems linked to inequality of opportunities', which was announced by Tiny Kox, the Group's leader, as 'our observation'. This text comprises value judgments relating to the preparations for and holding of the elections in the Russian Federation, with reference made to 'interlocutors' of the Group.

Moreover, at the press conference, Group member Marietta de Pourbaix-Lundin (Sweden, European People's Party (Christian Democrats)) said the following: 'By way of an example of how administrative resources make it almost impossible to distinguish between party and state, I would like to show you a pre-election poster from the Central Electoral Commission in which people are urged to vote, and yes, it is very important that citizens should be involved in voting; but the truth is that the UNITED RUSSIA party has a pre-election poster which looks almost exactly the same, and promotes UNITED RUSSIA. In my opinion it shouldn't be like that: a promotion by the state, by the Central Electoral Commission, to get people to vote is one thing, while a UNITED RUSSIA poster calling on people to vote for it is a quite different thing altogether'. This utterance was widely reported in the mass media.

We feel that such actions by members of the Group are in breach of section 1 of Article 12 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', which establishes a ban on foreign citizens, stateless persons, foreign organisations and international organisations engaging in activities which facilitate or hinder the preparations for and holding of elections of

Deputies to the State Duma of the Russian Federation Federal Assembly, and the presentation, registration and election of one or another list of candidates.

Furthermore, in view of the stance taken by the Group as observers, we feel that their actions contravene section 9 of Article 31 of the Federal Act 'On the election of Deputies to the State Duma of the Russian Federation Federal Assembly', pursuant to which foreign (international) observers have a right to express their opinion in public concerning Russian Federation legislation on elections and concerning the preparations for and holding of elections of Deputies to the State Duma of the Russian Federation Federal Assembly, and to hold press conferences and address representatives of the mass media, only when the voting period is over throughout the whole of the Russian Federation.

Pursuant to point 2.8 of the Procedural Explanations relating to the activities of foreign (international) observers during the holding of elections of Deputies to the State Duma of the Russian Federation Federal Assembly, Sixth Convocation, which were ratified by Resolution № 10/97-6 of the Central Electoral Commission of the Russian Federation of 12 May 2011, the Central Electoral Commission of the Russian Federation has a right to refuse accreditation to a foreign (international) observer in the event that the fundamental objectives of the foreign (international) organisation or the objectives of its presence in the Russian Federation and the activities of the foreign (international) organisation or a representative of that organisation are in breach of the Russian Federation Constitution and Russian Federation law, or constitute a threat to the sovereignty, security, territorial integrity, national unity and national interests of the Russian Federation.

...

[signature] V.E. Churov

Appendix 4



JOINT PARLIAMENTARY BRIEFING PROGRAM

Election Observation Mission to the Russian Federation

State Duma Elections, 1-5 December 2011

Members of the OSCE PA Delegation and PACE will be joined by the Nordic Council Delegations for the meetings and briefings on 1 and 2 December. Members are requested to bring their CEC accreditation badges and passports.

All meetings on 1 and 2 December will take place at the Moscow Marriott Royal Aurora Hotel on Petrovka St-Bld 11. Hotel meeting room: Petrovskiy Salon -1.

Simultaneous interpretation will be provided between Russian, English and French.

Thursday, 1 December

11.00-12.00 **Meeting of the PACE *Ad hoc* committee**

13.00-13.30 **Opening by the Heads of Parliamentary Delegation**

Mr Petros Efthymiou, Head of the OSCE PA Delegation and Special Co-ordinator to lead the OSCE short-term observer mission
Mr Tiny Kox, Head of the PACE Delegation

14.30-18.00 Meetings with representatives of seven political parties
Format: one-by-one (approx. 20 min each, plus 10 min for Q and A)

14.30-15.00 Mr Sergei Zheleznyak, First Deputy of the Presidium, *United Russia*

15.00-15.30 Mr Gennadyi Ziuganov, Chairman of the *Communist Party*
Mr Ivan Melnikov, *Communist Party*

15.30-16.00 Mr Maxim Rokhnistrov, Deputy Chair, *Liberal Democratic Party*

16.00-16.30 Mr Nikolai Levichev, Chairman, *Just Russia*

16.30-17.00 Mr Andrei Kosmynin, Ms Olga Radayeva, *Yabloko Party*

17.00-17.30 Mr Grigorii Tomchin, the *Right Cause*

18.00-19.00 **Meeting with Media Representatives**

Format: panel discussion (approx. 10-15 minutes each)

- Mr Dmitry Kiselev, Deputy Director, and Ms Zoya Matvievsckaya, Legal Counsel, Federal State Agency, Russia's national tele-radio company (VGTRK)
- Mr Maxim Chevchenko, Echo of Moscow
- Mr Danila Galperovich, Radio Liberty
- Mr Mikhail Rostorslati, Editor-in-Chief, Moskovski Komsomoletz

(followed by questions and answers)

Friday, 2 December**10:00-11:45 Briefing by the OSCE/ODIHR Election Observation Mission**

Ms Heidi Tagliavini, Head of the OSCE/ODIHR Election Observation Mission

- Overview of the campaign period and EOM observations
- Political parties, candidates contesting the elections
- Legal framework and election administration
- Media monitoring

(followed by questions and answers)

11:45-12:45 Meeting with NGOs and Civil Society

- Mr Grigory Melkoniants, Regional network Manager, GOLOS (Voice) – Association for the Protection of Voters' Rights
- Mr Alexei Emenov, Centre for Monitoring Democratic processes "Quorum"
- Mr Yaroslav Ternovsky, Co-Chair, NGO Coalition for Defense of Electoral Rights "Civic Control"
- Mr Mikhail Veller, Writer
- Ms Ludmila Alexeeva, Moscow Helsinki Group
- Mr Garry Kasparov, Solidarity Movement
- Stanislav Belkovsky, President, Institute of National Strategy

(followed by questions and answers)

14:15-17:00 Meeting with representatives of civil society groups denied registration as political parties

PARNAS – Mr Mikhail Kasyanov and Mr Vladimir Ryzhkov

(followed by questions and answers)

Saturday, 3 December

12:00 – 14:00 Informal Meeting with the OSCE Long-Term Observers for Moscow and the Moscow region, ODIHR experts. To be discussed: deployment, observation forms, other questions on election observation
(Venue: the Marriott Grand Hotel)

Meetings with drivers/interpreters

Sunday, 4 December

08:00 Polling stations open

Morning/afternoon Visit polling stations

16:00-17:00 Meeting with representatives of the CIS and PA-CIS observation team

17:00-18:00 Negotiations for the statement with representatives of OSCE/ODIHR, PA OSCE and PACE (T. Kox, V. Dronov, B. Torcatoriu)

20.00- Polling stations close followed by vote count

Monday, 5 December

09.00-10.00 De-briefing

14.00 Press conference

Appendix 5

Statement by the Election Observation Mission

Despite lack of level playing field in Russian elections, voters took advantage of right to express choice, observers say

Strasbourg, 05.12.2011 – Despite the lack of a level playing field during the Russian State Duma elections, voters took advantage of their right to express their choice, the international observers concluded in a statement issued today.

The observers noted that the preparations for the elections were technically well-administered across a vast territory, but were marked by a convergence of the state and the governing party, limited political competition and a lack of fairness.

Although seven political parties ran, the prior denial of registration to certain parties had narrowed political competition. The contest was also slanted in favour of the ruling party: the election administration lacked independence, most media were partial and state authorities interfered unduly at different levels. The observers also noted that the legal framework had been improved in some respects and televised debates for all parties provided one level platform for contestants.

On election day, voting was well organized overall, but the quality of the process deteriorated considerably during the count, which was characterized by frequent procedural violations and instances of apparent manipulations, including serious indications of ballot box stuffing.

"Yesterday's elections proved that the Russian people can form the future of this country by expressing their will despite many obstacles. However, changes are needed for the will of the people to be respected. I particularly noticed the interference of the state in all levels of political life, the lack of necessary conditions for a fair competition and no independence of the media. I honour the effort of the Russian people to shape their democratic future in line with our common commitments," said Petros Efthymiou, the Special Co-ordinator to lead the short-term OSCE observer mission and Head of the OSCE Parliamentary Assembly delegation.

"This result shows that voting can make a real difference in Russia, even when the playing field is slanted in favour of one party. However, any election needs an impartial referee – and until now, there has not been one. This needs to change. Yesterday, Russia showed that it is technically able to organize fair elections – now it is up to the parties to use this opening for real politics and make it a reality," said Tiny Kox, Head of the delegation of the Council of Europe's Parliamentary Assembly.

"These elections were like a game in which only some players are allowed on the pitch, and then the field is tilted in favour of one of the players. Although the choice was limited and the competition lacked fairness, voters were able to come out and have their voices heard," said Ambassador Heidi Tagliavini, the Head of the Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights.

Appendix 6**Official results, nationwide and by region**

ROSSIYSKAYA GAZETA, published on 10 December 2011

Resolution of the Central Election Commission of the Russian Federation of 9 December 2011 No. 70/576-6,**Moscow****“On the results of the elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of sixth convocation”**

In accordance with Articles 25 and 82 of the Federal Law “On elections of deputies of the State Duma of the Federal Assembly of the Russian Federation” and on the basis of the Protocol of the Central Election Commission of the Russian Federation on the results of the elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of sixth convocation of 9 December 2011, the Central Election Commission of the Russian Federation hereby resolves:

1. To recognise the elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of sixth convocation as having taken place and as being valid.
2. To establish that 450 deputies have been elected to the State Duma of the Federal Assembly of the Russian Federation of sixth convocation (a list of the deputies is appended hereto).
3. To publish this resolution in “Rossiyskaya Gazeta”, the “Parliamentary Gazette” and the “Bulletin of the Central Election Commission of the Russian Federation”.

Chairman of the Central Election Commission of the Russian Federation V. Churov

Secretary of the Central Election Commission of the Russian Federation N. Konkin

Minutes of the CEC results of the Legislative Elections of the State Duma

Figures contained in the Protocol of the Central Election Commission on the results of the elections of deputies of the State Duma of the Federal Assembly of the Russian Federation of sixth convocation

The Central Election Commission of the Russian Federation, on the basis of the figures contained in the protocols of the RF subject election commissions on the results of the voting (on the results of the voting in parts of the territory of RF subjects), in the protocols of the territorial election commissions set up to direct the activities of the precinct election commissions, set up in electoral precincts formed outside the territory of the Russian Federation, on the results of the voting, following a preliminary check to ensure that the said protocols have been correctly compiled by totalling the figures contained therein, has determined as follows:

1	Number of voters entered in the lists of voters at the time when the polls closed	109 237 780
2	Number of ballots received by the precinct election commissions	103 023 773
3	Number of ballots issued to early voters	170 710
4	Number of ballots issued by precinct election commissions to voters at polling stations on polling day	61 250 309
5	Number of ballots issued to voters who voted at places other than polling stations on polling day	4 353 443
6	Number of cancelled ballots	37 246 690
7	Number of ballots in mobile ballot boxes	4 522 236
8	Number of ballots in stationary ballot boxes	61 134 290
9	Number of invalid ballots	1 033 464

10	Number of valid ballots	64 623 062
11	Number of absentee voting certificates received by precinct election commissions	2 173 343
12	Number of absentee voting certificates issued by precinct election commissions to voters in electoral precincts before polling day	1 647 223
13	Number of voters who voted in electoral precincts on the basis of absentee voting certificates	1 257 968
14	Number of cancelled unused absentee voter certificates	525 993
15	Number of absentee voter certificates issued to voters by territorial election commissions	149 716
16	Number of lost absentee voter certificates	127
17	Number of lost ballots	2 842
18	Number of ballots unrecorded upon receipt	221

	Names of the political parties which registered federal lists of candidates	Number of votes cast for each federal list of candidates	
		absolute number	as a percentage of the number of voters who took part in the voting
19	1. Political party A JUST RUSSIA	8 695 522	13.24
20	2. Political party "Liberal Democratic Party of Russia"	7 664 570	11.67
21	3. Political party "PATRIOTS OF RUSSIA"	639 119	0.97
22	4. Political party "Communist Party of the Russian Federation"	12 599 507	19.19
23	5. Political party "Russian United Democratic Party "YABLOKO""	2 252 403	3.43
24	6. All-Russia political party "UNITED RUSSIA"	32 379 135	49.32
25	7. All-Russia political party "RIGHT CAUSE"	392 806	0.60

RF Central Election Commission data on the number of absentee voter certificates		
I	Number of absentee voter certificates received by the Central Election Commission of the Russian Federation	2 600 000
K	Number of absentee voter certificates issued by lower election commissions	2 540 100
L	Number of unused absentee voter certificates cancelled by the Central Election Commission of the Russian Federation	59 900
M	Number of absentee voter certificates lost at the Central Election Commission	0

The names of the political parties, whose federal lists of candidates are included in the distribution of deputy seats, and the number of deputy seats due to each of these lists:

Political party A JUST RUSSIA – 64

Political party "Liberal Democratic Party of Russia" – 56

Political party "Communist Party of the Russian Federation" – 92

All-Russia political party "UNITED RUSSIA" – 238

Official results by region (%)

	“United Russia”	Communist Party (CPRF)	“A Just Russia”	Liberal Democrats (LDPR)	“Yabloko”	“Right Cause”	“Patriots of Russia
Adygei	61,0	18,23	8,46	7,75	1,77	-	-
Altai krai	31,17	24,71	16,1	16,57	2,42	-	-
Bashkortostan	70,5	15,65	5,45	5,20	1,25	-	-
Buryatia	49,02	24,34	12,63	9,47	1,88		
Chechnya	99,48	0,09	0,18	-	0,05	-	0,07
Chuvashia	43,42	20,90	18,79	10,67	1,60	-	-
Dagestan	91,44	7,93	0,19	-	-	0,06	0,13
Ingushetia	90,96	2,94	2,32	-	0,77	1,50	-
Kabardino-Balkaria	81,91	17,63	0,20	0,08	0,07	-	-
Kalmykia	66,1	18,37	7,18	4,02	1,43	-	-
Kamchatka	45,25	17,08	10,06	18,61	4,11	-	-
Karachai-Cherkessia	89,84	8,82	0,47	0,28	0,13	-	-
Karelia	32,26	19,26	20,58	17,94	6,21	-	-
Khabarovsk	38,11	20,49	14,09	19,82	3,68	-	-
Khakassia	40,13	23,63	13,67	16,01	2,67	-	-
Komi	58,81	13,46	11,47	11,91	1,51	-	-
Krasnodar	56,15	17,56	10,81	10,45	2,02	-	-
Krasnoyarsk	36,7	23,60	15,86	16,99	3,23	-	-
Mari El	52,24	20,73	10,59	11,72			
Mordovia	6,79	90,31	2,10	0,25	2,01	-	-
North Ossetia	67,9	21,72	6,03	2,23	-	-	0,35
Perm	36,28	21,02	16,41	17,89	4,34	-	-
Primore	33,12	23,27	18,13	18,70	3,06	-	-
Stavropol	49,11	18,40	11,82	15,31	2,13	-	-
Tatarstan	77,83	10,59	5,30	3,48	1,08	-	-
Tuva	85,29	3,93	6,71	2,08	0,52	-	-
Udmurtia	45,09	19,55	11,18	16,59	2,84	-	-
Moscow	46,62	19,35	12,14	9,45	8,55	-	-
Region of Moscow	32,97	25,58	15,81	14,27	6,09	-	-
St-Petersburg	35,11	15,41	23,82	10,32	11,62	-	-
Region of St-Petersburg	33,73	17,26	25,11	14,73	4,94	-	-

Appendix 7

Report by Ministry of the Interior and Investigative Committee on violations during State Duma election

21 December 2011

The Ministry of the Interior and the Investigative Committee submitted to the President of Russia a report on established violations during the election campaign and voting process for the State Duma election of December 4, 2011.

According to the Interior Ministry, its officers submitted reports on 2091 administrative violations during the election campaign. The majority of the violations were registered in Moscow (462), Stavropol Territory (96), and the Samara (88), Sverdlovsk (80) and Novosibirsk (64) regions.

The most wide-spread violations were the unlawful production and use of campaigning materials (1153), breach of the procedures for holding mass rallies (511), campaigning by unauthorised individuals (114), deliberate destruction of or damage to print materials (91), and campaign activities in locations prohibited by law (88).

Since the start of the campaign period, 53 criminal suits have been instigated in 27 of Russia's federal constituent entities. First of all in the Moscow (5), Sverdlovsk (5) and Vladimir (4) regions. Currently, perpetrators have been identified in ten of these criminal cases. In five cases, the criminal proceedings have been ceased, suspended, or terminated by the courts.

The Investigative Committee of the Russian Federation received 259 notifications containing allegations of crimes committed during the election campaign. Investigations have been performed concerning all of them. According to the Investigative Committee, the majority of the notifications were received from people and members of electoral commissions. A Just Russia and the Communist Party of the Russian Federation filed most of the complaints.

The Investigative Committee is investigating into nine complaints of voting falsification in Kostroma, Nizhny Novgorod and Novosibirsk Regions, Khanty-Mansi Autonomous Area, Stavropol Territory, and the republics of Bashkortostan, Kalmykia, and North Ossetia-Alania. Four investigations are underway concerning voter bribery (in Leningrad, Tambov and Kaliningrad regions, and in St Petersburg). Five investigations are in progress on allegations of ballot-stuffing (in Leningrad and Nizhny Novgorod regions, Moscow and the republics of Bashkortostan and Tuva). Complaints are also being verified on proxy voting, coercion to vote for a particular party, and the sale of absentee ballots.

The President instructed law enforcement agencies to report on the results of the on-going investigations.

Source: Russian Presidential website (<http://eng.kremlin.ru/news/3263>)