



Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

ELECTIONS TO THE STATE DUMA

7 December 2003

OSCE/ODIHR Election Observation Mission Report



Warsaw
27 January 2004

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	1
II. INTRODUCTION AND ACKNOWLEDGEMENTS	2
III. POLITICAL BACKGROUND	3
IV. LEGISLATIVE FRAMEWORK	4
V. ELECTION ADMINISTRATION	7
A. ELECTION COMMISSIONS	7
B. ADMINISTRATION OF THE ELECTIONS	8
C. THE <i>GAS VYBORI</i> SYSTEM	9
D. VOTER LISTS	10
VI. REGISTRATION OF PARTIES AND CANDIDATES	10
A. FEDERAL PROPORTIONAL LISTS	10
B. SINGLE-MANDATE DISTRICT CANDIDATES	11
VII. THE ELECTION CAMPAIGN	12
VIII. THE MEDIA	14
A. BACKGROUND TO THE MEDIA IN THE RUSSIAN FEDERATION	14
B. LEGAL FRAMEWORK FOR THE MEDIA	14
C. MEDIA MONITORING.....	15
D. MEDIA IN THE REGIONS.....	17
IX. COMPLAINTS AND APPEALS	17
X. PARTICIPATION OF WOMEN	19
XI. ISSUES RELATING TO MINORITIES IN THE ELECTORAL PROCESS	19
XII. DOMESTIC OBSERVERS	20
XIII. OBSERVATION OF VOTING AND COUNTING	20
A. VOTING	20
B. COUNTING.....	21
C. TABULATION OF RESULTS	22
D. PUBLICATION OF PRELIMINARY RESULTS	22
E. POST-ELECTION COMPLAINTS	22
XIV. ELECTION RESULTS	23
XV. RECOMMENDATIONS	25
A. RECOMMENDATIONS FOR SHORT-TERM CONSIDERATION	25
B. RECOMMENDATIONS FOR LONGER-TERM CONSIDERATION	27
<i>The Legal Framework</i>	27
<i>Election Administration</i>	28
<i>Media</i>	28
<i>Minorities and Women</i>	28
ABOUT THE OSCE/ODIHR	29

**RUSSIAN FEDERATION
ELECTIONS TO THE STATE DUMA
7 December 2003**

**OSCE/ODIHR Election Observation Mission
Final Report¹**

I. EXECUTIVE SUMMARY

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) observed the 7 December 2003 elections to the State Duma in the Russian Federation to assess their compliance with the 1990 OSCE Copenhagen Document and other election related commitments. While generally well-administered, the election failed to meet a number of OSCE commitments for democratic elections, most notably those pertaining to: unimpeded access to the media on a non-discriminatory basis, a clear separation between the State and political parties, and guarantees to enable political parties to compete on the basis of equal treatment.²

While advantages of incumbency may be generally recognized, in the context of the 7 December State Duma elections, these advantages seriously distorted the process. The democratic norms of voter access to information and equal conditions for candidates and parties to convey their message to the electorate were severely compromised. The widespread use of State administrative resources blurred the distinction between United Russia and the executive administration. The main countrywide State broadcasters displayed favoritism towards United Russia and, in doing so, failed to meet their legal obligation to provide equal treatment to electoral participants, also a fundamental principle of democratic elections.

The 2003 Duma elections produced a commanding majority for United Russia, the party supported by President Vladimir Putin, with control of 300 seats. Following these elections, the Communist Party of the Russian Federation, with 52 seats out of 447 elected so far, remains the only opposition party with any significant representation in the State Duma.

Throughout the election process, the Central Election Commission (CEC) functioned in an efficient and generally transparent manner, and in most cases CEC decisions appeared to be fair and appropriate. The CEC and most subordinate commissions administered the elections professionally, and ensured an orderly election day. On election day, the voting process was assessed positively in 95 per cent of the polling stations visited by OSCE/ODIHR observers. However, at polling station level, election officials did not prevent widespread open voting and group voting, which is contrary to OSCE commitments³ and domestic law.

¹ This report is also available in Russian, but the English version remains the only official version.

² See Copenhagen Document 1990, Articles 7.8, 5.4 and 7.6. Also see Article 7.4 on secrecy of the ballot, Article 7.5 on the right to seek political office without discrimination, Article 7.7 on a free and fair atmosphere for campaigning without obstacles and Paragraph 8 on the obligation to allow domestic observers from any appropriate organization to observe elections.

³ See Copenhagen Document 1990, Article 7.4.

Despite an overall impressive procedural achievement by the CEC, when it came to complaints related to fundamental aspects of the democratic process, such as media coverage or campaign violations, it tended to avoid taking clear or final decisions. Furthermore, the CEC Chairman warned repeatedly that violations of electoral legislation would be vigorously prosecuted. Yet upon departure of the Election Observation Mission (EOM), there was thus far little evidence that legal action was being considered or undertaken.

The legislative framework for these elections, though highly complex, provided an adequate framework for open and transparent elections. However, some improvements are warranted, such as provisions to guard against an imbalance in representation on electoral commissions.

The Basic Guarantees Law, adopted in 2002, contained provisions that sought to restrict negative campaigning, but were seen by some to be vague and open to selective interpretation by the authorities to restrict campaign coverage. On 31 October, the Constitutional Court upheld an appeal against these provisions lodged by journalists and a number of parliamentary deputies. The Court's decision provided clarification of the law and was seen by many as lifting the blanket restriction on media coverage of the campaign, although there was concern that the decision came too late in the electoral process to reverse the negative effect of the provisions.

There were relatively few complaints concerning registration of parties and candidates, and the CEC adjudicated most of these in a fair and open manner. However in a number of instances, courts and lower level election commissions disqualified candidates in a selective manner for trivial violations (see Complaints and Appeals section).

In contrast to election day procedures, the process of counting votes was assessed negatively by international observers in 27 per cent of polling stations observed, and there were significant procedural errors and omissions in an additional 31 per cent. For the most part, these violations appeared to be motivated by a desire to speed up the process.

Tabulation of results was positively assessed in 95 per cent of the territorial electoral commissions visited by observers. The *GAS Vybori* electronic reporting system worked effectively and allowed for publication of preliminary results within 24 hours after the closing of the polls.

One of the most serious post-election complaints concerned the failure of some precinct election commissions to issue certified copies of result protocols to domestic non-partisan and political party observers. This is a clear violation of the election legislation, and negates an important safeguard for cross-checking the integrity of the results.

The OSCE/ODIHR stands ready to cooperate with the Russian authorities to address the concerns raised in this report, and is willing to offer its services in order to follow up on any of the recommendations outlined below.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Elections for the State Duma of the Russian Federation were held on 7 December 2003. Following an invitation by the Central Election Commission of the Russian Federation, the

OSCE/ODIHR established an Election Observation Mission (EOM) on 3 November 2003. The EOM was headed by Professor Rita Süßmuth (Germany) and consisted of 17 core team members and 38 long-term observers from 17 OSCE participating States, based in Moscow and 16 other regional centres.

The OSCE Chairman-in-Office designated Mr. Bruce George MP, President of the OSCE Parliamentary Assembly (OSCE PA) as Special Co-ordinator to lead the Short Term OSCE Election Observation Mission.

Ahead of election day, the OSCE/ODIHR EOM was joined by short-term observers, including the OSCE Parliamentary Assembly delegation, comprising 85 parliamentary observers. In addition, the Parliamentary Assembly of the Council of Europe (PACE) sent a delegation of 30 parliamentary observers led by Mr. David Atkinson MP (UK). Collectively, the OSCE/ODIHR deployed some 480 observers from 42 OSCE participating States to follow the election day proceedings, in a joint International Election Observation Mission (IEOM). On election day, IEOM observers visited around 2,500 polling stations in 132 of the 225 electoral districts in the Russian Federation.

In parallel with the State Duma elections, other electoral contests took place in various parts of the Russian Federation on 7 December.⁴ The IEOM did not observe any of these contests except to the extent that they impacted on the State Duma elections in the affected locations.

The OSCE/ODIHR wishes to express its appreciation to the Ministry of Foreign Affairs and the Central Election Commission of the Russian Federation as well as other authorities and civil society organizations, international organizations and resident embassies and consulates of OSCE participating States, for their cooperation and assistance throughout the course of the observation.

III. POLITICAL BACKGROUND

The elections to the State Duma, the lower house of the bicameral parliament of the Russian Federation, were conducted to elect 450 deputies for a term of four years. Of these, half are elected from single mandate district constituencies on a one-round, first-past-the-post basis. The other 225 seats are allocated on a proportional basis to closed lists submitted by political parties or blocs that gain more than 5 per cent of the valid votes cast (including the votes “against all”) in a single federal constituency ballot.

The 2003 State Duma elections were the fourth national parliamentary elections to be held in the Russian Federation since the dissolution of the Soviet Union, each of which have been observed by the OSCE/ODIHR.⁵ They were also the first parliamentary elections to be held since the March 2000 election of Vladimir Putin as President. Coming only three months before the next presidential election, they were viewed as an important indicator of the course of democratic development under Mr. Putin’s presidency.

⁴ These included one republic presidential election (Bashkortostan), nine regional governorship elections, the Moscow city mayoral election, and legislative assembly elections in seven federal subjects.

⁵ For previous OSCE/ODIHR election reports, see <http://www.osce.org/odihr/>.

The political landscape has altered significantly since the previous State Duma elections in 1999. The creation of the pro-presidential United Russia party in 2001 was the result of a merger of Unity and Fatherland-All Russia, which had been rival political blocs at the last elections. United Russia had replaced the Communist Party of the Russian Federation (CPRF) as the largest in the State Duma. At least two other pro-presidential political parties or blocs have emerged, including: the People's Party, an ally of United Russia formed by deputies elected as self-nominated candidates in single-mandate constituencies in 1999; and the Rodina ("Homeland") bloc, led by two high-profile State Duma deputies, which emerged only in mid-2003 and was seen to be challenging the CPRF for part of its base support. Over half of the political parties taking part in the elections had not participated in previous State Duma elections.

With United Russia as the so-called "party of power", the CPRF was the main opposition party going into the 2003 elections. The two liberal reformist opposition parties in the State Duma, Yabloko and the Union of Right Forces, were perceived to be facing declining support. Therefore, the election became a crucial test of whether they could overcome the 5 per cent threshold to win seats from the national proportional election. The other serious contender in the elections was the radical nationalist Liberal Democratic Party of Russia (LDPR), with its controversial anti-establishment reputation and traditional appeal to protest voters.

IV. LEGISLATIVE FRAMEWORK

These elections were conducted under a number of comprehensive and highly detailed laws and subordinate acts, primarily the Law on the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation ('the Duma Election Law') and the Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum ('the Basic Guarantees Law'), both of which were adopted in 2002. This legal framework is generally consistent with OSCE commitments and other international standards relating to democratic elections.

In most respects, the 2002 laws (as also amended in 2003) have retained the provisions that were in force for the 1999 State Duma elections. Several recommendations contained in the OSCE/ODIHR Final Report on the 1999 State Duma Elections have been implemented in the new laws, including: the introduction of more realistic campaign spending provisions; the removal of rules requiring de-registration of party lists upon a candidate's withdrawal; and, improvements in the tabulation and data-inputting procedures. However, there are significant areas where further improvement is warranted.

The primary strengths of the legal framework are its promotion of open and transparent electoral procedures and the protection it affords against fraud and other violations of the law. In particular, provision has been made for pluralism within the election administration, so that participating political parties and blocs are entitled to nominate voting or non-voting members of election commissions. Moreover, political parties, blocs and single-mandate candidates are able to appoint observers to attend the sessions of electoral commissions. The Basic Guarantees Law has also provided clearer procedures for the decisions of electoral commissions to be appealed to a higher commission or to a court. The range of election-related administrative violations and criminal offences has been extended, and some penalties increased.

Various measures designed to prevent the abuse of administrative resources are incorporated into the Duma Election Law, including, for example, a requirement for all local administration facilities to be provided on equal terms to all participants in the election process. State and government officials were prohibited from engaging in campaign activity or from taking advantage of their position to promote a particular candidate or party. During the election campaign, however, these provisions failed to prevent administrative involvement in the electoral campaign, and there were numerous instances where observers verified the involvement of State and local officials in order to provide unequal opportunities to a party or candidate favored by the central administration.⁶

The legal framework provided international observers with a broad range of rights to observe voting and counting. While similar rights were provided to domestic non-partisan observers, the Basic Guarantees Law and the Duma Election Law entitled only “all-Russia public associations” to have non-partisan observers present in polling stations.⁷ In contrast to the previous legislation, these new provisions have placed a real and practical restriction on the participation of civil society in the electoral process, and hence a restriction on paragraph 8 of the Copenhagen Document, which cites the presence of domestic non-partisan observers for enhancing the electoral process. The legal framework also gives no entitlement for such an observer to attend meetings of election commissions prior to election day or to receive information relevant to the electoral process.⁸

In a similar vein, political parties must now be registered as “all-Russia” electoral associations in order to have the right to participate in any federal or regional election.⁹ This new requirement may seriously inhibit the development of local or regional political activism and effectively blocks the establishment of new political parties by any groups that seek to represent local, regional or minority interests. Such a policy also appears to be in conflict with OSCE commitments relating to elections.¹⁰

Certain other features in the election legislation also give rise to concern. The law fails to make a distinction between serious and minor violations as a basis for refusal or cancellation of candidacy. This has the potential for arbitrary decisions that may allow for disproportionately severe responses to defective applications, with candidates being refused registration or de-registered as the result of what appear to be relatively trivial defects in their registration papers.

⁶ Most notably, there was a clear endorsement of United Russia by President Putin ahead of, and during, the election campaign, with the party also using supportive quotations by the President in its campaign advertising. A legal challenge by the CPRF to the President’s attendance at the September 2003 party congress was dismissed by the Supreme Court, *inter alia*, on the basis that the President was considered to have been on leave at the time of the conference.

⁷ This provision came into effect in 2002. To be registered as an “all-Russia public association”, an organization must be registered, with a minimum number of members, in at least half of the 89 federal subjects in the Russian Federation.

⁸ As any public association can nominate the members of election commissions (without being required to be registered as an “all-Russia” public association), it would be prevented from observing the work of the persons it nominated during the preparatory period of the elections.

⁹ The Law on Political Parties requires all political parties to have (i) at least 10,000 members, and (ii) regional branches, with at least 100 members, in more than half of the subjects of the Federation.

¹⁰ Copenhagen Document 1990, Article 7.5 commits participating States to “respect the right of citizens to seek political or public office...as representatives of political parties...without discrimination”.

In practice some candidates were not provided with an opportunity to correct any shortcomings or defects in their application to be registered.

The electoral legislation provides for various forms of special voting procedures. Voters residing in isolated localities may be permitted to vote early (up to 15 days before the election) by using mobile ballot boxes. Voters who are too ill or infirm to attend the polling station on election day may request the use of a mobile ballot box. Those who will not be in the vicinity of their own polling station on polling day may apply in advance for an absentee voting certificate. This allows the voter to vote in any polling station, although if the chosen precinct is outside the voter's constituency, they may only vote in the federal proportional contest.

Russian citizens resident abroad, however, are permitted to vote in the State Duma elections in both the proportional and the single mandate district contests; for the latter, votes cast by all voters resident in particular countries are assigned to particular district constituencies. As the provision allows up to 10 per cent of a district's electorate to consist of voters resident abroad, it is quite possible that their votes could have a crucial impact on the results of a single-mandate contest.¹¹ The provision is in marked contrast to the provision that prevents an absentee voter who is away from their district of permanent residence from voting in a district constituency contest.

Article 3.1 of the Basic Guarantees Law explicitly states that every Russian citizen participates in elections through a secret vote. However, in practice secrecy of the vote is not treated as an obligation. The election legislation should be amended to ensure this basic guarantee in line with Article 7.4 of the Copenhagen Document.

Article 31 of the Duma Election Law lists who can and cannot be present during different stages of the work of an election commission, but this list in practice is arbitrarily treated either as inclusive or as exclusive. Police presence at a PEC is an example of inclusive interpretation of this provision while some PECs justified their refusal for observers' presence during commission meetings with the same article. The law should be clarified to explicitly state who can and cannot be present at various stages of the process and should ensure an inclusive approach towards observers.

The current election legislation in the Russian Federation is considerably more detailed than previous legislation. A more comprehensive text is generally a more useful one, and the requirements for large-scale elections may necessitate a complex legal framework. However, the length and complexity of the legislation may make it inaccessible for ordinary citizens and many electoral participants.

¹¹ This 10 per cent limit on voters registered abroad applies only at the date upon which the district is assigned and more non-resident voters may be added after that date. For example, four days before the election the CEC decided to send extra ballot papers for about 20,000 voters in Abkhazia, Georgia, whose votes were to be included in the single mandate contest of DEC 107 (Moscow Kolomenskiy).

V. ELECTION ADMINISTRATION

A. ELECTION COMMISSIONS

These elections were administered by a vast, five-tier hierarchy of election commissions, at the apex of which is the Central Election Commission (CEC). In descending order, the structure in place for the State Duma elections comprised: the CEC; 89 subject election commissions (SECs) in each of the federal subjects¹²; 225 district election commissions (DECs) for each single-mandate district constituency; around 2,700 territorial election commissions (TECs) as sub-divisions of each DEC¹³; and approximately 95,000 precinct election commissions (PECs) in each polling station across the country.

The CEC, SECs and TECs are permanent bodies whose members serve a four-year term, while DECs and PECs were temporary bodies established for these elections. The election legislation requires different numbers of voting members for each electoral commission: the CEC must have 15 voting members, each SEC may have between 10 and 14, a DEC between 8 and 14, a TEC between five and nine and a PEC between 3 and 15.¹⁴ In addition, each commission may also include non-voting members.

The composition of the CEC is determined by the State Duma, the Federation Council (the upper house of parliament) and the President of the Russian Federation, each of whom appoints five members. Half of the members of each SEC are appointed by the subject legislature, the other half by the highest officer in the subject's executive. The SEC appoints the DECs and TECs. PECs are appointed by TECs. The effect of this method of appointment of the election administration, combined with other factors such as the method of nomination and the rules of composition, has been to increase dependence of the structures of the election administration on the executive authorities at all levels.

The new Basic Guarantees Law introduced a number of changes to the rules by which the lower-level electoral commissions are formed. In a step towards greater pluralism, at least half of all appointed members at or below the SEC level must be nominated by the political parties and blocs represented by proportionally contested factions in the State Duma or the subject legislature; previously the quota was only three members. Nominations may also be made by public associations, the bodies of local administration, the superior election commission and by the members of the previously appointed election commission. No more than a third of the members in any commission may be officials from the state or local administration.

However, in practice, there was often an imbalance in the representation of political interests on election commissions. In most cases, for example, DECs and TECs included two voting members from United Russia representing the two separate parliamentary factions of Unity and Fatherland – All Russia. In many districts, United Russia had three members, with the

¹² For constitutional and administrative purposes, Russia is divided into 89 "federal subjects", as follows: 21 republics, 6 territories, 49 regions, 1 autonomous region, 2 federal cities, and 10 autonomous districts. In the 39 federal subjects where there was only one electoral district within their boundaries, the SEC and DEC were the same body.

¹³ The TECs operate within the existing boundaries of municipalities, districts (*rayon*) and other local administrative units.

¹⁴ The number of PEC members is determined by the number of voters registered at each polling station, which can be a maximum of 3,000 voters.

additional member representing its faction in the subject legislature.¹⁵ All other parliamentary parties were represented by one member each. Moreover, in a number of other instances, commission members nominated by bodies other than political parties, such as those nominated by the previous election commission, often held a political affiliation that was not formally recorded.¹⁶ The EOM also verified that, while the ‘one-third’ restriction on the number of local administration officials on an election commission was generally met, in many instances the membership would include other persons closely connected, but not formally representing, the local administration, such as employees in state or municipally owned enterprises.

B. ADMINISTRATION OF THE ELECTIONS

Given the logistical and geographic challenges of organizing elections across the Russian Federation, the technical preparation for these elections was commendable. In particular, the CEC and most other commissions ensured a coordinated and orderly election day, in which close to a million persons were involved as election officials at various levels. This achievement cannot be underestimated. The CEC and its Centre for Training in Election Technologies provided education materials and training for election officials and voters; however, more detailed training and materials are required to ensure secret voting and a more orderly counting process.

The CEC functioned in an efficient, open and generally transparent manner. Its decisions tended to be based on the findings of its own working groups, enabling the issues at stake to have been thoroughly examined, and were adopted after open debate that usually involved the participation of persons affected by the decision. In most cases, CEC decisions appeared to be fair and appropriate. However, the CEC was ineffectual in the manner in which it sought to resolve complaints it received in areas fundamental to the democratic process, including media coverage and campaign violations. In such cases, the CEC tended to avoid taking clear or final decisions.

In general, the election commissions at or below the subject level functioned in a similarly open and efficient manner. However, EOM observers noted that many DEC members tended to be passive in taking action against violations of the election legislation, such as the open and partial use of State administrative resources. More seriously, a number of DEC members appeared to apply the requirements for candidate registration in a selective and discriminatory manner or to take decisions without a proper quorum. At the TEC level, EOM observers noted isolated cases where election commissions displayed partisan symbols for United Russia in their offices.¹⁷

¹⁵ For example, in DEC members 33, 52, 53, 61, 78, 82, 120, 121, 125, 126, 127, 137, 138, 156, 157, 158, 159, 182, 184, 185, 206 and 207. Also, in DEC members 51, 52, 53 and 56, the LDPR was represented by two DEC members, one from the “Zhirinovskiy Bloc” that had contested the 1999 elections in place of the LDPR and one from LDPR itself.

¹⁶ As DEC members are temporary bodies whose powers expired with the announcement of the new elections, it is not clear how members of the previous commission could formally nominate members of the current commission. Nevertheless, for example, six of the 14 voting members of DEC 117 had been nominated by the members of the previous DEC.

¹⁷ DEC, TEC and PEC offices in Omsk region were observed to have United Russia campaign materials on display. In Voronezh region, polling station 23/08 in Novoushanskiy district was observed in the week before the election to be co-located with a United Russia party campaign office, and to be displaying United Russia campaign materials.

C. THE *GAS VYBORI* SYSTEM

GAS Vybori is an electronic network connecting computer complexes in all election commissions above PEC level. It was established by presidential decree in 1995 in order to facilitate election-related activities and to provide internal information for the election administration. The main tasks of the system are: aggregation of the election results, assistance in maintaining voters lists, and provision of financial information for parties and candidates. The network appears to be autonomous, i.e. not connected with other networks while functioning, but a variety of outputs are posted on the Internet. The *GAS Vybori* system met its objectives to enhance transparency and efficiency in the tabulation process.

The PEC protocol data are entered and stored into the system at the TEC level. The data are transmitted to higher levels (DECs, SECs and the CEC) at the operator's command. The system provides records of PEC data at the TEC level as well as summary protocols and tally sheets at all levels. If several sets of protocol data for one and the same polling station are available then the latest entry is used in the aggregation process. Voting returns tabulated through the *GAS Vybori* system are preliminary results that technically have no legal status. The final results are established by the respective election commissions after scrutinizing the summary tables provided by the system and signing the respective protocols.

The purpose of such an automated system is to provide speed and a high level of transparency in the electoral process and to facilitate all election actors, including the ordinary voter, in tracking the election results. During these elections the PEC protocol data were posted on the Internet for the first time in Russia on a countrywide level. This was done on the 89 SEC web sites administered by *GAS Vybori*. The 24-hour deadline after the close of the polls for posting of results was met for the majority of polling stations. In one district (DEC 107), however, the results of several PECs did not appear even five days after the vote.

The IEOM observed several problems at the point in the process prior to submission of data through the *GAS Vybori* system that threaten the system's transparency. In 14 per cent of PECs observed, certified copies of the protocols were not provided to entitled persons upon request, despite the fact that the CEC Chairman warned commissions five days before the elections that this must be done. Domestic non-partisan observers and political party observers also reported this problem.

In addition, the IEOM observed and received reports of some cases of discrepancies between the numbers in the certified copies and those contained in the written protocols. The CPRF claims to have large-scale evidence of such cases. The responsibility for the contents of the certified copy is with the PEC members and the PEC protocol cannot be corrected without a new commission meeting to which all observers have to be invited. It will be important to see whether these cases will be examined and how personal responsibility will be determined.

Automated counting machines were used on a trial basis in all 22 polling stations of Dyomskiy district in Ufa, Bashkortostan. Operators were well trained and the system appeared to work effectively during the vote, with only one breakdown observed. However, this component of the system suffered from a lack of privacy and did not ensure secrecy of the vote. A PEC member designated as operator stood by each machine all day and assisted voters, many of

whom fed the ballot horizontally into the machine face-up, so their voting mark was clearly visible.

D. VOTER LISTS

The right to vote is directly tied to the registered location of the voter's permanent residence. The voter lists are compiled at a polling station level by lower-level election commissions from information supplied by local authorities and branches of the Ministry of Internal Affairs on persons registered as permanently resident in that area. The data on voter lists is produced using the *GAS Vybori* system and is updated on a twice-yearly basis. A person who is temporarily absent from their place of permanent residence on election day (other than those resident abroad) may vote using an Absentee Voter's Certificate, which must be requested from the polling station at which they are resident or from the relevant TEC. In a change to the electoral legislation that was criticized by some political parties, a voter may no longer be included in the voter list for the location where they are registered as being temporarily resident.

Ahead of these elections, each PEC took on responsibility for updating its voter list from 11 November. Although voter lists are not required by law to be publicly posted, they were made available for public inspection from 17 November to the eve of election day in most, but not all, constituencies. Additions or deletions to the voter list could be made during that period. On election day itself, a person could be added to the voter list and allowed to vote if they could prove their permanent residency.

Several interlocutors raised concerns with the OSCE/ODIHR about the accuracy of the voter lists. As part of its assessment on election day, IEOM observers recorded the numbers of voters added to the voter lists on election day in each of the polling stations visited. The average number of names of eligible voters added to the voter list was over 6 per cent of the total number of those who voted, indicating that there are substantial inaccuracies in many voter lists. It was noted that PEC protocols do not provide an opportunity to record the number of persons added to the voter lists on election day.

In its announcement of the preliminary results on 8 December, the CEC gave the figure of 108,348,596 registered voters. The number of registered voters for these elections as recorded in the official results issued by the CEC on 19 December was 108,906,244. Prior to election day, no figure for the number of registered voters was announced.

VI. REGISTRATION OF PARTIES AND CANDIDATES

A. FEDERAL PROPORTIONAL LISTS

Forty-four political parties were eligible to compete in these elections as "all-Russia" electoral associations. By the close of the registration of lists on 31 October, the CEC had registered 18 political parties and five electoral blocs for the federal proportional contest. No political party or bloc was refused registration, although three parties withdrew their applications. All but one of the 23 competing parties and blocs had applied for registration on the basis of submitting the required minimum 200,000 signatures which were then verified by the CEC; the exception was the True Patriots of Russia party, which opted for the alternative of paying a deposit of 35.5

million roubles (US\$1.23 million). The order in which the parties and blocs appeared on the ballot was determined by a lottery held by the CEC on 31 October.

From a total initial field of 3,428 candidates included in the federal proportional constituency lists, around 125 were withdrawn by parties and blocs up until the deadline for withdrawals on 1 December. There were no discernable patterns to this relatively small number of withdrawals and the EOM was unaware of any complaints relating to the non-consensual withdrawal of any candidates by political parties. The largest party or bloc list was that of United Russia, with 262 candidates, followed by the Communist Party with 252.

The EOM was concerned at the practice of a relatively large number of candidates appearing on a party's proportional lists who would have had little incentive to take up their State Duma seats if elected. The United Russia proportional list, in particular, featured many persons holding, or running for, another high-official function that they were unlikely to resign from. Indeed, after the elections, 37 out of 120 United Russia elected proportional candidates refused to take their proportional seats. Among them: Moscow State University rector Viktor Sadovnichiy – first in Moscow city regional party list, Kemerovo governor Aman Tuleev – first in regional party list, Smolensk governor Viktor Maslov – second in regional party list, Rostov governor Vladimir Chub – first in regional party list, Kaliningrad mayor Yuriy Savenko – third in regional party list. While not against the law, such a tactic, employed on a large scale, is misleading to the voter.

Following a change to the Duma Election Law, the parties which passed the 5 per cent threshold in the proportional contest in this election will no longer be required to collect signatures or pay a deposit when nominating candidates in the next State Duma elections.

B. SINGLE-MANDATE DISTRICT CANDIDATES

Candidates for single mandate districts are self-nominated (i.e. formally independent) or may be nominated by a party or bloc. As with federal party lists, the nomination of a candidate must be supported either by the collection of voter signatures or the payment of an election deposit. By the closure of candidate registration by the 225 DEC's on 2 November, a total of 3,018 individuals submitted applications to be registered as candidates.¹⁸ Of these, 1,896 were ultimately included as candidates on 7 December, a reduction of 37 per cent. The overwhelming majority of the remainder either withdrew before registration or failed to complete the registration process, while there were 200 refusals of registration or de-registrations, and 157 candidates withdrew after registration.

The largest field of candidates on the ballot on 7 December was 23, in the Karachayev-Cherkess Republic (DEC 16), and the smallest was two, in the Evenk autonomous district (DEC 224) and in the Makhachkala constituency of the Republic of Dagestan (DEC 12).

All but one of the parties taking part in the federal proportional election also fielded candidates in some of the 225 single-mandate constituencies, as did nine parties not contesting the proportional elections, albeit no party attempted to cover all single-mandate contests. Around one third of the registered single-mandate candidates were self-nominated.

¹⁸ Of these, 15 had submitted applications in two different electoral districts. A similar number also made duplicate applications in the same constituency, later withdrawing at least one of these.

VII. THE ELECTION CAMPAIGN

Overall, the pre-election campaign was characterized by unequal opportunities afforded to candidates and political parties in the media (see Media section) and use of administrative resources (State infrastructure and personnel on the public payroll) to give advantage to certain candidates and parties. In some regions, parties and candidates were hindered from campaigning. These problems were seen in many parts of the country, although their extent and seriousness varied.

The most widespread complaints concerned the use of administrative resources by the state apparatus on behalf of United Russia candidates that, to a very large extent, blurred the distinction between the party and the executive administration. Advantages of incumbency may be generally recognized, but this was a dominant issue in the context of these elections. Abuses of executive authority seriously distort the process, and jeopardise the integrity of a democratic election system.¹⁹

The active promotion of certain parties and candidates by senior officials, including the heads of some of the federal subjects, 29 of whom were themselves candidates on the United Russia proportional list, was of notable concern. For example, the presidential representative for the Volga federal district accompanied United Russia leader Boris Gryzlov and the governor of Nizhegorod region (also a United Russia proportional list candidate) at a campaign event in the city of Nizhny Novgorod.

Some of the subject heads and other officials were observed to be in breach of the requirement to suspend their official functions while they were running as candidates, and the EOM observed that some of these officials continued to appear in public acting in their official capacity, such as the heads of Tatarstan, Murmansk and Krasnoyarsk. In Khabarovsk, for example, the governor was publicly profiled inspecting hospitals, and an “annual student meeting with the governor” held at the university was turned into a campaign meeting by and for the governor and United Russia. Furthermore, individual candidates were observed at events that in their normal functions they would have attended in an official capacity, but it appeared that the opportunity to be present and profiled had not been extended to other candidates on an equal basis. Such cases included the appearance of Moscow mayor Luzhkov, a United Russia proportional list candidate as well as a candidate in the simultaneous mayoral election, at the opening ceremony (featured on Moscow television news) of a new Moscow metro station on 5 December.

Over half of the EOM’s 19 long-term observer teams reported from their areas of deployment the active participation of the local administration in support of certain candidates. Campaign headquarters of United Russia candidates were co-located with a state or government administrative office in a number of places including Medvedkovo (Moscow) and Elista (Kalmykia). In Nizhekamsk (Tatarstan), not only was the United Russia campaign office located in the local office of the presidential representative for the Volga federal district, but OSCE/ODIHR observers were told that office equipment and services had been supplied by the local government. Free transport services were supplied to United Russia-organized events by

¹⁹ See Duma Election Law Article 49 and the OSCE Copenhagen Document 1990, Articles 5.4, 7.6 and 7.7.

the local administration in Khabarovsk. In Nizhny Novgorod, the regional governor (a United Russia candidate) provided office space and other facilities to his wife who ran as a candidate of the Rodina bloc.

The EOM also observed other ways in which some parties and candidates experienced unfair conditions for campaigning. There were complaints from several parts of the country (including Bashkortostan, Rostov-na-Donu and Samara) that candidates were prevented from obtaining suitable spaces for meetings and rallies, or were denied equal conditions to hold campaign meetings directed at employees in public institutions. There were at least three instances (in Moscow, Kalmykia and Kemerovo) where parties or candidates were refused the use of public advertising space they had contracted for, and in one Moscow city district the local administration ordered the destruction of campaign posters before the local DEC had ruled on a complaint against their content. In a small number of observed cases the unfair conditions faced by candidates extended to pressure and intimidation. Police detained candidates' campaign workers in Moscow Region, Volgograd and Vladivostok, as well as in Bashkortostan, where they also impounded campaign materials.

There were also reports of pressure on voters. In Saratov and Bashkortostan voters were instructed by their employers to apply for absentee ballots under threat of job loss, apparently so that their voting could be monitored (observations on polling day in Bashkortostan confirmed a high volume of absentee ballots in use – see below). Similar allegations of public employees coming under pressure from their superiors were heard in Rostov-na-Donu and Komsomolsk-na-Amure.

In the days before the opening of the campaign in the mass media on 7 November the political environment was dominated by speculation over the arrest on 25 October of business tycoon Mikhail Khodorkovsky, then chief executive of the Yukos company and a donor to certain political parties and public associations. During the campaign period itself, the principal impact of the Khodorkovsky arrest was the prominence of criticism of business oligarchs in the campaign. Allegations levelled by one party against another, or in the mass media, became focused on links to oligarchs or to improper business conduct of party candidates or their supporters, with the CPRF in particular coming under sustained attack. At a more localised level, the EOM observed numerous examples of negative campaigning or “black PR” being deployed against candidates in places such as Krasnodar, Irkutsk, Volgograd and Barnaul. In at least three places (Yekaterinburg, Rostov-na-Donu and Novosibirsk), falsified versions of certain local newspapers appeared, defaming candidates in contradiction to the usual editorial line of the paper.

The pre-election campaign was characterized by a generally low level of public interest. In those locations where elections for regional and local leaders were also taking place, these contests appeared to get more attention from voters, reflecting a stronger interest in local issues. The visibility of the campaign increased markedly in the final days in almost all areas observed by the EOM, including efforts by the election authorities to inform and motivate voters to participate.

The campaign environment in Bashkortostan was characterized by a particularly high degree of violations, partially due to the impact of the sharply contested Bashkortostan presidential race. The Procuracy is investigating the discovery of tens of thousands of apparently forged ballot

papers, which were discovered partially destroyed days before the elections in Bashkortostan. However, the OSCE/ODIHR is not aware of any criminal charges to date.

VIII. THE MEDIA

A. BACKGROUND TO THE MEDIA IN THE RUSSIAN FEDERATION

There is extensive media activity in the Russian Federation, with 7,058 television and radio companies and 42,537 printed publications registered as media outlets. However, despite the pluralistic media environment, there is widespread concern over media independence, an issue commented upon by many interlocutors during the run-up to these elections. Following the closures of two independent nationwide broadcasters in the two years preceding the elections, the number of media outlets able to offer critical and objective reporting has been sharply reduced. Credible reports of pressure or intimidation against journalists, especially in the regions, are also considered to have fostered an atmosphere of fear resulting in self-censorship.

Television is by far the most important and influential source of news and information. Two State-funded TV channels have countrywide outreach. Despite longstanding plans for reform, these channels have yet to be transformed into independent public broadcasters. There are also a few private television channels which are able to broadcast across the Federation, including *NTV* and *Ren TV*. Given the size of the country, there are many local or regional stations, some of which are funded by the relevant local administration.

There is a diverse range of print media that includes State-funded and private newspapers. The main daily newspapers have a relatively high circulation but tend to be distributed in the main urban areas. The cost for newspapers is excessive for many citizens, thus lessening their impact as an information source. Due to the general economic situation, most print media has become highly dependent on financing from political and business interests.

B. LEGAL FRAMEWORK FOR THE MEDIA

The election legislation includes detailed provisions governing the conduct of electronic and print media during the campaign, *inter alia* providing for free and paid broadcast time and print space to all political parties and blocs registered in the federal proportional contest on equal conditions for campaign purposes. The law also requires equal media access for all candidates, political parties and blocs, and that news items on election events must be separate from editorial commentary.

The Basic Guarantees Law, adopted in 2002, contains provisions that sought to restrict negative campaigning and, in particular, distinguish between providing coverage of a campaign and engaging in campaign activities. These provisions were criticized as vague and open to selective interpretation by the authorities in order to restrict campaign coverage; indeed, the provisions were used to discipline or sanction a number of journalists and media outlets. On 31 October, the Constitutional Court upheld an appeal against these provisions lodged by journalists and a number of parliamentary deputies. The Court's decision provided clarification of the law and was seen by many as lifting the blanket restriction on media coverage of the campaign, although there was concern that the decision came too late in the electoral process to reverse the negative effect of the provisions.

Through a lottery on 4 November 2003, the CEC allocated free airtime on the State-funded broadcasters for 21 of the political parties and blocs registered in the federal proportional contest. Two registered parties were barred from taking part in the draw due to their failure to meet a legal obligation to reimburse the State-funded media for the free airtime and space they were given in the 1999 elections.²⁰ This rule appears to be redundant, given that all registered parties already demonstrated their serious commitment by collecting 200,000 signatures or paying a deposit that would, in any case, be forfeited if the party obtained less than 3 per cent of the votes. The threat of having to reimburse the cost of pre-election broadcasts in the public arena is likely to act as a significant obstacle to the emergence of new political parties.²¹

In September 2003, the CEC established a working group on the media to assist in overseeing compliance with the rules on allocation of free airtime, publication of opinion polls and illegal campaigning. The working group included CEC members, the Deputy Minister of Press and Broadcasting, journalists from various media outlets and members of media organizations. Although the working group considered approximately 20 media-related complaints, a number of them related to biased news coverage in the State media, it did not apply to the court for sanctions.

This was clearly demonstrated in response to CPRF complaints of media bias when the working group assessed “systematic and deliberate” unequal reporting on two countrywide state broadcasters that gave positive or neutral coverage to United Russia and predominantly negative coverage to the CPRF. Rather than apply for a sanction to be imposed, the CEC Chairman sent a warning letter to the two broadcasters and did not pursue further action, despite unchanged behaviour by the outlets. In another similar case, the working group passed a CPRF complaint detailing bias in the State media to the Ministry of the Press and Broadcasting, which refused to intervene in the editorial policies of the channels.²² During the entire campaign period, the Ministry reported receiving around 150 media complaints at both the federal and regional level.

C. MEDIA MONITORING

The EOM monitored five television stations and seven newspapers, using a proven methodology of qualitative and quantitative analysis.²³ The monitoring exercise ran for the whole period of the official media campaign, from 7 November through to the start of the ‘media silence’ on 6 December. Throughout the campaign, the majority of media coverage

²⁰ Any party or bloc that fails to secure two percent of the votes in the federal contest must reimburse the cost of this facility. If it fails to do so, they are not allowed free airtime or print space in the following election. The Greens Party lost a legal challenge against the CEC decision to exclude its participation in the free advertising for these elections.

²¹ One party (SLON) complained to the EOM that they had decided not to use their allocated airtime for fear that it might not have been able to reimburse the cost of free advertising in the State media. SLON and 14 other parties or blocs on the federal proportional list failed to garner more than two per cent of the votes cast.

²² On 1 December, the CPRF applied to the Supreme Court to compel the CEC to intervene. However, the Court did not consider the complaint before the elections and had not done so at the time of writing.

²³ Television: State-funded *First Channel*, *Russia TV* and *TV Center*; Private *NTV* and *Ren TV*. Newspapers: State *Rossiiskaya Gazeta* and *Parlamentskaya Gazeta*; Private *Kommersant*, *Moskovsky Komsomolets*, *Komsomolskaya Pravda*, *Novaya Gazeta* and *Argumenty i Fakty*. For the full EOM media monitoring results, see www.osce.org/odihr/elections/field_activities/2003russia/.

was devoted to reports on the activities of President Putin, a fact considered to indirectly benefit the campaigns of the pro-presidential political parties.

Overall, the media outlets monitored by the EOM failed to provide impartial or fair coverage of the election campaign. Most media coverage was characterized by an overwhelming tendency of the State media to exhibit a clear bias in favour of United Russia and against the CPRF.

The State TV channels fully complied with legal provisions on allocation of free airtime for all contestants.²⁴ All three State-controlled televisions aired regular televised debates among political parties and blocs, a positive development that helped voters to form opinions of the candidates. While the televised debates provided a forum for an exchange of views, the non-participation by United Russia reduced their value to the electorate. State broadcasters also aired voter education advertisements to increase participation in the polls, a constructive initiative.

However, outside of the free airtime, the State broadcasters monitored by the EOM openly promoted United Russia. *First Channel* provided 19 per cent of its political and election news coverage to United Russia, all positive or neutral; the CPRF received 13 per cent of mostly negative coverage. *TV Russia* devoted 16 per cent of its prime time news to United Russia, with an overwhelmingly positive tone; in contrast, while the CPRF received a comparable amount of time, the tone of its coverage was mainly negative. *TV Centre*, a television controlled by the Moscow City administration, allocated 22 per cent of its prime time news coverage to United Russia, with an overwhelmingly positive slant, while the CPRF received 14 per cent of mainly negative coverage. State-funded broadcasters also produced a number of prime time news items discrediting the CPRF.

In comparison, the private broadcasters monitored by the EOM provided more balanced coverage of the campaign with a greater diversity of views. For example, *NTV* allocated 13 per cent of its news coverage to SPS that was mainly positive or neutral. The station gave both United Russia and the CPRF 6 per cent of its coverage, but while United Russia received roughly equal proportions of positive and negative coverage, the coverage of the CPRF was more negative in tone. Another major private broadcaster, *Ren TV*, also allocated the most time to SPS, which received over 19 per cent of overwhelmingly positive or neutral primetime news coverage. Its next most covered participant was LDPR with 16 per cent. United Russia and the CPRF received 9 per cent and 5 per cent of the coverage respectively, with a more positive slant in favour of United Russia.

The print media provided a plurality of views but mainly supported specific political parties or blocs. As such, voters could form an objective view of the campaign only if they read several publications. State-funded newspapers met the legal requirements in regard to free space for each party or bloc, but were biased in their political and campaign coverage in favour of United Russia and against the CPRF. For example, *Rossiskaya Gazeta* allocated 22 per cent of its political and election coverage to United Russia, with an overwhelmingly positive slant. By contrast, the CPRF received almost 9 per cent of mainly negative or neutral coverage. Of the

²⁴ Based on the Duma Election Law, the three State broadcasters each allocated one hour of free time daily for TV debates and campaign spots aired during 20 working days from 10 November until 5 December, 2003.

privately owned newspapers monitored by the EOM, most adopted a similar approach and showed their support to United Russia. In contrast, *Novaya Gazeta*, provided a negative slant to United Russia and more favourable coverage to the CPRF. One private newspaper, *Kommersant*, was notable in offering its readers more balanced coverage of the campaign with a greater diversity of views.

D. MEDIA IN THE REGIONS

While the media situation in the regions varied significantly, overall the regional media faced considerable restrictions during these elections. In several regions, the EOM verified reports where local administration bodies had imposed various obstacles on the expression of independent views, especially in the Republics of Bashkortostan and Tatarstan. For example, the privately-owned radio station *Bolgar* in Ufa was the subject of unwarranted inspections by the local authorities and, on 10 November, unidentified individuals broke into the radio's premises and cut down its antenna. In another instance, the privately-owned *TV Signal* in Kazan was closed upon the orders of the Fire Inspectorate.

The EOM received numerous credible reports of media outlets seeking to increase the cost for paid political advertising. In Krasnoyarsk, for example, an editor of a newspaper confirmed that he doubled the tariffs for political advertising. In another instance in Bashkortostan, State-funded *BST* increased the cost for paid political advertising by approximately eight times higher than comparable rates for commercial advertising in the channels' primetime.

There was unbalanced coverage of these elections across the regional media of the Russian Federation. The EOM monitored nine regional broadcasters that are either State or local administration controlled and eight were biased in their news coverage in support of United Russia. In Irkutsk, for instance, the State-funded *TV Russia* allocated half of its prime time news coverage to United Russia, with an overwhelmingly positive tone. The private regional broadcasters monitored by the EOM adopted a similar approach and, out of the 15 that were monitored, 11 gave clear support to United Russia.

IX. COMPLAINTS AND APPEALS

There were relatively few complaints and appeals submitted to electoral commissions and courts during the campaign period, as compared to the much larger number of complaints that were not pursued through formal channels. Most complaints related to non-registration or de-registration of candidates. Complaints on this issue against electoral commission decisions and appeals to the courts were generally handled promptly. However, many of the complaints and appeals monitored by the EOM pointed to unduly harsh application of the registration criteria in ways which created the clear scope for discriminatory treatment of candidates.

The CEC ruled on 24 appeals against a DEC refusal to register a candidate, over half of which were resolved in the candidate's favour. The fact that several of the original non-registrations were concentrated in certain DEC's indicated that the workings of electoral authorities in specific locations, such as Bashkortostan and Omsk, were problematic.

The last days of the campaign period saw an increased number of appeals, many concerning de-registration. The EOM was concerned about the outcomes of some of these cases. For

instance, the 28 November ruling by the Supreme Court to uphold a lower court's de-registration of candidate Andrey Klimentev (DEC 120) was taken despite clear indications that some of the candidate's procedural rights had been breached by the lower court. In other cases, such as the Supreme Court's removal of Nikolay Lugovsky from the CPRF proportional list at the initiative of the CEC, de-registration appeared to be an overly-harsh response to his having declared a job he no longer held. A similarly disproportionate approach was adopted in the de-registration of Alexander Rutskoi in DEC 97.

In a ruling which suggested an inconsistent and selective application of the registration rules, former Procurator General Yuriy Skuratov (DEC 9) was refused registration on the basis that he had failed to mention in his nomination papers that he had a second job as a professor at Moscow State Social University and had also failed to provide timely confirmation of his membership of the CPRF. The DEC's decision was initially revoked by the CEC. However, when the matter was remitted to the DEC, it again refused to register Mr. Skuratov, on the same grounds. On a second appeal to the CEC, Mr. Skuratov's complaint was rejected on the grounds that the DEC had provided clearer reasons for its decision. Mr. Skuratov's subsequent appeal to the Supreme Court was also rejected.

The nomination application of Anatoliy Bykov, a candidate in DEC 47, was refused on manifestly trivial grounds, including the fact that his passport contained a border stamp which the DEC felt should not be there. His advocate also complained to the EOM that by failing to provide Mr. Bykov with a full written decision on the matter, the Krasnoyarsk Territorial Court had effectively prevented him from appealing the court's ruling to the Supreme Court. It is noteworthy that Mr. Bykov used the same material in his nomination papers for the local legislative body. For that election he was registered without difficulty and went on to secure 70 per cent of the vote.

Some candidates seemed to be acting in bad faith by initiating de-registration proceedings as a way to remove rivals from the ballot. However, at least in some cases, the courts and higher electoral commissions were shown to take an appropriately robust approach to such challenges. For instance, in Moscow a United Russia candidate sought to deregister Mikhail Zadornov, his Yabloko opponent, on the basis that Mr. Zadornov's agent had donated a toy to an orphanage, and had thereby sought to bribe voters. The Moscow City Court dismissed the application as groundless.

Victor Cherepkov, an independent candidate in DEC 52, Vladivostok, was denied registration on the basis that certain documents were missing when he submitted his nomination papers. This was a clear example of an election commission's excessive enthusiasm to refuse registration and deny the candidate the opportunity to submit the missing papers. After various appeals to superior commissions and courts, Mr. Cherepkov's registration was secured and he was subsequently elected.

Concerns were expressed to the EOM about the failure of the Procuracy-General to take prompt and effective measures in response to serious election complaints. For instance, on 19 November Vera Popova, a candidate in DEC 79, complained to the Voronezh Election Commission about abuse of administrative resources during the campaign; no action appeared to have been taken before the election on 7 December.

X. PARTICIPATION OF WOMEN

Overall, these elections continued to reflect the declining participation of women in federal level politics. Women candidates made up only 13 per cent of the federal proportional lists, while around 11 per cent of the candidates in single-mandate districts were women. Women political activists reported to the EOM that there was generally a strong resistance to women candidates, or even to any attempt to address issues of concern to women in party platforms.

In all, 41 women were elected to the State Duma, 21 from proportional lists. Twelve women were elected from the United Russia list, four from Rodina, three from CPRF and two from LDPR. Twenty women were elected in single mandate district races, including: 10 from United Russia (out of 104); two from the CPRF (out of 12); one from the Party of Russia's Rebirth/Party of Life bloc (out of three), one for Yabloko (out of four), one for Development of Entrepreneurship (their only seat) and five self-nominated. The number of women represented in the Duma will now account for 9 per cent of the total composition, up marginally from the 8 per cent in the previous Duma.

Women are generally better represented in local government in the Russian Federation, and some subject councils have a majority of women members. EOM observers reported that women were deeply involved in the election administration, with many holding senior positions such as the chairpersonship of election commissions, especially at the TEC and PEC levels.

XI. ISSUES RELATING TO MINORITIES IN THE ELECTORAL PROCESS

Issues relating to the treatment of and relations between the Russian Federation's national groups were largely absent from the election. A broad diversity of nationalities was represented among the candidates in the elections.

However, chauvinistic positions asserting the interests of ethnic Russians and denigrating other nationalities were heard from some parties, particularly the LDPR. More prevalent was the use of xenophobic statements accusing immigrants, particularly those from other countries of the former Soviet Union, of being responsible for criminality. Notable examples again included statements on national television by LDPR leader Vladimir Zhirinovskiy, and some "black PR" materials against candidates had a racist character. A leaflet for a single-mandate campaign of a senior figure in the New Course - Automotive Russia bloc containing an overtly xenophobic statement was withdrawn following a reprimand from the election authorities.

In Krasnodar territory EOM observers were made aware of the situation of Meskhetian Turks deprived of the right to vote. The refusal of the territory's administration to comply with two Constitutional Court rulings, outstanding for several years, that it should grant permanent residency documentation to Meskhetian Turks, meant that several thousand members of this community in Krasnodar were unable to obtain Russian Federation passports despite being entitled to citizenship. They were consequently unable to vote in the State Duma elections.

XII. DOMESTIC OBSERVERS

Domestic non-partisan organizations actively observed the election process, including the pre-election campaign. The most significant effort was sponsored by the public association Voice (*Golos*), which served as an umbrella for the participation of civic organizations in thirty federation subjects. Voice issued periodic reports during the pre-election period and deployed 4,500 observers on election day. Because there is no legal requirement for domestic non-partisan observer organizations to be formally accredited, civic organizations expressed concern prior to election day that some election officials did not have sufficient understanding of their role and might not allow them access to polling stations. Clear guidelines were also lacking on what documents non-partisan observers needed to be present in polling stations. While in fact a number of non-partisan observers were initially denied access to polling stations on election day, upper commissions responded in a prompt manner and in all cases access was eventually granted.

XIII. OBSERVATION OF VOTING AND COUNTING

A. VOTING

Election day was mostly peaceful but regrettably there were isolated incidents of violence, especially in Chechnya where an electoral commission member was killed. The police maintained a high presence on election day, following reports of threats of terrorist activity against election-related events.

Voting on election day was assessed positively in 95 per cent of polling stations visited by IEOM observers.²⁵ In almost all cases, the opening of polling stations, the checking of voters' identification and the issuing of ballots were undertaken in accordance with the established procedures. However, there were significant problems in relation to the secrecy of the vote, a key international standard for democratic elections.²⁶ Open voting (i.e. where voters do not vote in private) was observed in 29 per cent of the polling stations visited, while group or family voting (i.e. where two or more voters mark their ballots together) was seen in a quarter of polling stations visited. Both open voting and group voting are contrary to the Duma Election Law,²⁷ and run contrary to OSCE Commitment 7.4.

The worrying prevalence of open voting was seen in part to be caused by an insufficient number of polling booths in many polling stations or by booths that failed to provide adequate privacy. The extreme case was reported in Davlekanovskiy district (DEC 4), Bashkortostan, where all polling stations were without voting booths. Of greater concern, however, was the high number of reports from international observers that PEC members, in breach of their legal obligations, actively encouraged voters not to use voting booths, or provided facilities (such as placing tables, with pens attached, next to ballot boxes) that promoted open voting. This was

²⁵ On election day OSCE observers visited approximately 2,500 out of a total of 95,000 polling stations.

²⁶ Article 7.4 of the Copenhagen Document of the OSCE commits participating States to "ensure that votes are cast by secret ballot" while the Convention on Civil and Political Rights (Art.25) affords "every citizen the right and opportunity ... to vote and to be elected at genuine periodic elections which ... shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

²⁷ DEL Art 77(9) "Each voter shall vote in person. [...] Ballots shall be marked in a booth or some other place specially prepared for secret voting, where the presence of other persons shall not be allowed."

especially noted in St. Petersburg and Moscow.²⁸ The OSCE/ODIHR is concerned that open voting and group voting continue to be allowed or condoned by the election administration in the Russian Federation.

While polling proceeded in a generally calm and orderly manner, there were reports of overcrowding in polling stations across the country, especially in those allocated with a number of registered voters close to the maximum of 3,000. The number of disabled or infirm voters who voted outside of a polling station using a mobile ballot box remained relatively high at 5.6 per cent (based on official CEC figures). IEOM observers who followed the mobile voting process noted that such voters often chose to vote openly. There were also concerns relating to the use of mobile ballot boxes in a number of hospitals, where ballot papers were brought for all patients regardless of whether they had requested a mobile ballot.

Unauthorized persons were noted in 14 per cent of polling stations observed – mainly personnel of the local administration – and, in a fifth of these, were seen to be attempting to direct the work of the election commission. There were reports of tension or unrest in 2 per cent of observed polling stations, and intimidation against voters or PEC officials in 3 per cent. Police were observed to be present in 67 per cent of polling stations during voting. While the IEOM did not observe police interfering with the vote or the vote count, there were incidents where police acted to inhibit international observers, for example by answering questions directed at election officials and accredited observers. As noted above, the role of police on election day should be clarified.

In Bashkortostan, reliable sources reported widespread election day bussing of some thousands of workers from at least eight major oil refineries and chemical and petrochemical plants in the capital city of Ufa. The workers were forced to obtain absentee voting certificates, in some cases under threat of job loss, and were taken to vote en masse at designated polling stations selected in advance. IEOM observers witnessed this scene at two polling stations.

B. COUNTING²⁹

The process of counting votes was assessed negatively by IEOM observers in 27 per cent of the polling stations where the vote count was observed, with “significant procedural errors or omissions” being seen in 31 per cent. Such differences between the overall positive assessment of voting versus counting procedures reflects the failure by many PEC members to adhere to the complex procedures required to be followed during the counting of votes. This was particularly the case in relation to the completion of results protocols; in 38 per cent of polling stations visited, the protocols were not completed with all the required information. Observers generally reported that these technical violations appeared to be in the interests of speeding up the process rather than as purposeful steps to undermine the integrity of the result. However, these variances with the legal requirements suggest that aspects of the process should be revisited to determine where they can be streamlined, or where simpler techniques can be put into effect to ensure that strict compliance can be achieved without losing the accountability and transparency safeguards envisioned by the current legal requirements.

²⁸ Open voting was observed in 49 per cent of polling stations visited in St. Petersburg and 36 per cent in Moscow.

²⁹ IEOM observers attended the count at 168 polling stations, 58 of which were in Moscow.

In breach of the transparency safeguards required by law, IEOM observers noted that: (i) the choice of the voter on each ballot was not announced aloud in 48 per cent of polling stations visited; (ii) the results for each candidate or party or bloc were not announced aloud in 23 per cent; (iii) certified copies of the results protocols were not provided to entitled persons upon their request in 14 per cent; and (iv) the results protocols were not posted for public display in 12 per cent. Such violations potentially compromised the capacity of electoral participants to verify fully the accuracy of the results protocols at the polling station level. IEOM observers reported “deliberate falsification” of results protocols in five instances.

C. TABULATION OF RESULTS³⁰

The tabulation of results at the TECs was assessed positively in 95 per cent of the TECs visited by IEOM observers. The tabulation of results followed the completion of counting at polling stations and included the inputting of information into the *GAS Vybori* database. Some procedural irregularities were noted, in particular, a failure in 10 per cent of TECs visited to manually enter the data from a polling station results into an enlarged spreadsheet of results ahead of their electronic entry into the *GAS Vybori* system and, in 20 per cent of observed cases, the PEC member present did not check the data on the electronic printout against the original protocol. In four cases, IEOM observers reported that there were discrepancies between the results protocol and the electronic tabulated results. However, in a step towards better transparency of the tabulation process, over 70 per cent of TECs visited by IEOM observers allowed party observers to monitor the data input process; the same entitlement was afforded to domestic and international observers in around half of the TECs where they were present. There were a small number of reports where TECs refused to accept partially completed or erroneous results protocols; in such cases, PEC officials were asked to rectify any problems by amending the already certified protocols in the absence of other PEC members.

D. PUBLICATION OF PRELIMINARY RESULTS

The electronic processing of the tabulated preliminary results by the CEC and TECs allowed for the prompt publishing of the countrywide preliminary results within 24 hours of the close of polls, on 8 December. In most cases, the publication of preliminary results at the polling station level was also achieved within the same timeframe. Generally, this step enhanced the transparency of the tabulation process, in that it permitted the crosschecking of published results with results protocols. However, in practice, the preliminary results in this format was published only on the 89 separate SEC websites rather than using a single location for the data, which would appear to be technically feasible given the facilities provided to the CEC by the *GAS Vybori* system. The IEOM noted that a number of the SEC websites failed to work properly or did not contain all relevant preliminary results.

E. POST-ELECTION COMPLAINTS

The EOM was made aware of a number of complaints registered on or after 7 December that related to specific electoral violations in relation to the election day and the processing of results. More widespread were complaints from domestic non-partisan observers and some political parties about a failure by PECs to issue certified copies of the results protocols. This claim, substantiated in part by the reports of international observers, represents a serious breach

³⁰ IEOM observers observed parts of the tabulation process at 72 TECs.

of the legislative requirements to provide an opportunity to verify the integrity of published results.

The CPRF in cooperation with Yabloko and SPS, undertook a joint effort to collect certified copies of protocols from PECs. Following the elections, the CPRF started its own, parallel tabulation of these results and posted them on an Internet site. The CPRF complained that its effort was hampered by the denial of protocols to its observers in a significant number of cases, and therefore its parallel count was not comprehensive.

On 17 December, based on partial results of the parallel count, CPRF chairman Gennadiy Zyuganov demanded in an informal complaint to the CEC that the announcement of final results be delayed and a manual recount conducted in a high percentage of polling stations, including 60,000 where they claimed their copies of protocols differed with CEC data. This complaint was rejected by the CEC on 18 December, followed by the announcement of the final results.

While the IEOM was unable to verify the basis for the CPRF complaint, the large number of PECs concerned would seem to require an appropriate response and investigation by the election authorities. A system for recording such reported discrepancies and resolving them should be developed and the responsibility of officials in such cases determined.

XIV. ELECTION RESULTS

The provisional results of the State Duma elections were announced on 8 December, and final results, with some changes, on 19 December. According to the CEC, a total of 60,712,299 voters took part in the elections representing a turnout of 55.75 per cent, compared to a turnout of around 61 per cent in the 1999 State Duma elections. The number of valid votes was 59,684,768 and the number of invalid votes was 948,411, representing 1.56 per cent of the total votes cast. The 5 per cent threshold for the allocation of parliamentary seats, determined from the valid votes, was 2,984,239 votes.

Table 1 – Final Results of the Federal Proportional Contest³¹

<i>Party / bloc</i>	<i>Number of votes received</i>	<i>Percentage of votes cast</i>
1. Unity (Yedinenie)	710,538	1.17
2. Union of Right Forces	2,408,356	3.97
3. Russian Party of Pensioners / Party of Social Justice	1,874,739	3.09
4. Yabloko	2,609,823	4.30
5. For Holy Rus	298,795	0.49
6. Rus	147,423	0.24
7. New Course – Automotive Russia	509,241	0.84
8. People’s Republican Party of Russia	80,416	0.13
9. Greens	253,983	0.42

³¹ The order shown is that in which parties and blocs appeared on the ballot.

10. Agrarian Party of Russia	2,205,704	3.64
11. True Patriots of Russia ³²	149,144	0.25
12. People's Party of the Russian Federation	714,652	1.18
13. Democratic Party of Russia	136,294	0.22
14. Great Russia – Eurasia Union	170,786	0.28
15. SLON	107,444	0.18
16. Rodina	5,469,556	9.02
17. Party of Peace and Unity	148,948	0.25
18. LDPR	6,943,885	11.45
19. Party of Russia's Rebirth – Russian Party of Life	1,140,333	1.88
20. United Russia	22,779,279	37.57
21. Russian Constitutional Democratic Party	113,184	0.19
22. Development of Entrepreneurship	212,825	0.35
23. Communist Party of the Russian Federation	7,647,820	12.61
“Against all”	2,851,600	4.70

Table 2. Distribution of State Duma seats, by party/bloc

<i>Party / Bloc</i>	<i>Federal list</i>	<i>Single Districts</i>	<i>Total</i>
United Russia	120	104	224
Communist Party of the Russian Federation	40	12	52
Liberal Democratic Party of Russia	36	0	36
Rodina National Patriotic Union (bloc)	29	7	36
People's Party of the Russian Federation	0	17	17
Yabloko	0	4	4
Union of Right Forces	0	3	3
Party of Russia's Rebirth / Party of Life (bloc)	0	3	3
Agrarian Party	0	2	2
Great Russia—Eurasia Union (bloc)	0	1	1
Development of Entrepreneurship	0	1	1
New Course—Automotive Russia (bloc)	0	1	1
Independent (self-nominated) candidates	—	67	67
<i>Vacant*</i>	—	3	3
Total	225	225	450

The results in the federal proportional contest produced a significant shift in the configuration of Russian parliamentary politics. Only four parties or blocs passed the 5 per cent threshold, down from six in the 1999 elections (albeit that two of the six were now combined as United Russia). United Russia, the CPRF and the LDPR returned to the State Duma, and were joined by the Rodina bloc, which achieved a major breakthrough having been created only a few months before. The failure of the two liberal opposition parties, Yabloko and SPS, to re-enter the State Duma in the proportional contest caused a particular surprise. So too did the relative showing of the LDPR and the CPRF: the LDPR nearly doubled its share of the vote over 1999

³² Having polled below 3 per cent, the True Patriots of Russia forfeited its electoral deposit paid in lieu of collecting signatures at registration.

and thus reversed a steady decline seen since 1995, while the vote for the CPRF marked a fall by nearly half as compared to 1999, and its worst ever result.³³ However, at over a third of the total vote, United Russia's federal proportional result was in fact only a marginal increase on the combined percentages won by its two constituent parts, Unity and Fatherland—All Russia, in 1999.

Taken in conjunction with the outcomes of the single-mandate district constituency contests, the results meant that parties and blocs supporting the presidential programme were in an overwhelming majority in the new State Duma. The victory of United Russia in the federal proportional election and its spectacular showing in the single-mandate elections brought it close to a majority with 224 total seats. Expectations that it would enjoy such a majority thanks to co-operation with its established ally the People's Party, among others, were borne out at the first session of the new State Duma on 29 December, when United Russia registered a faction comprising 300 deputies (see below). Yabloko and SPS were reduced to a rump presence with a handful of single-mandate seats each. This left the CPRF, with a much-reduced presence, as the only significant opposition party in the State Duma.

The vote "against all", in the federal proportional election showed a sizeable increase compared with the 1999 elections (4.72 compared to 3.36 per cent) and was very high in a significant number of single-mandate elections. In three constituencies – St. Petersburg East, Ulyanovsky and Sverdlovsk Verkh-Issetkiy – it took the highest proportion of the vote, necessitating new elections which are scheduled to be held simultaneously with the presidential election on 14 March, 2004.

At the first session of the new State Duma on 29 December four factions were registered: United Russia with 300 deputies, CPRF with 52, and LDPR and Rodina with 36 each. Twenty-three deputies did not affiliate to any of these factions. United Russia leader Boris Gryzlov was elected chairman (speaker) of the State Duma.

XV. RECOMMENDATIONS

A. RECOMMENDATIONS FOR SHORT-TERM CONSIDERATION

The State Duma elections will be followed by presidential elections on 14 March 2004. In general, it is not advisable to make significant changes to electoral procedures once an election process is underway. However, the following recommendations should be considered for action as they do not require legislative amendments, and their implementation would substantially contribute towards an improved electoral process:

1. The federal and regional authorities should ensure that all legislative restrictions against the use of administrative resources in any election campaign are strictly enforced. The CEC and other relevant bodies should take a proactive role in monitoring, investigating and punishing the abuse of administrative resources.

³³ In 1999, the LDPR (running as the "Zhirinovskiy bloc") polled 5.98 per cent, while the CPRF garnered 24.29 per cent.

2. The CEC and other supervisory authorities should ensure that all State media provide coverage of election campaigns in a neutral and equal manner. The CEC should consider conducting its own monitoring of media broadcasts during election campaigns in order to identify unequal and biased coverage of the campaign and to take prompt and effective action against those violating the law.
3. The election authorities should apply in an equal and non-selective manner the criteria for registration of electoral participants, with non-registration or de-registration being imposed for substantial violations only. All electoral participants should be permitted an adequate opportunity to remedy minor defects in their applications for candidacy.
4. The CEC should issue specific instructions to require PEC officials to prevent open voting and group voting. The CEC should also provide voter education on the obligation to vote in secret. TECs should ensure that a sufficient number of adequate polling booths are allocated to each polling station.
5. The CEC should issue revised instructions on the procedures for mobile voting in order to strengthen the safeguards for secrecy of the vote and against fraud. Mobile ballots should only be issued for the number of voters who have requested the service.
6. The CEC should take steps to ensure that proper procedures for the counting of ballots are followed. Training on this issue should be enhanced and educational materials produced. In particular, the existing obligation of PEC officials to provide certified results protocols to all eligible persons should be enforced. Procedural violations should be investigated and those who have violated the law should be held accountable.
7. At the start of the election campaign and ahead of election day, the CEC should make public announcements of the current total number of registered voters eligible to participate on election day and its breakdown by polling stations. The CEC should also revise the format of results protocols to include data on the number of voters added to the voter lists of every polling station on election day.
8. To further promote full transparency in the tabulation process, data should be posted on the Internet within one hour after being entered into *GAS Vybori* and all preliminary and final results should be made available on a single hierarchically structured Internet site. The PEC protocol database should be available in a standard format on the web site for downloading. Similarly, all CEC, SEC and DEC decisions should be published on the respective Internet sites to remain for a minimum period.
9. The CEC should continue to stress to lower level commissions the importance of domestic non-partisan observers and issue clear guidelines regarding their access to polling stations, including what documents are required for them to be present on election day.

B. RECOMMENDATIONS FOR LONGER-TERM CONSIDERATION

The Legal Framework

10. A wide-ranging review of the election legislation should be undertaken in an attempt to clarify and simplify complex provisions, in order to enhance public understanding of legal provisions relating to elections, and to facilitate voter education and training of election officials.
11. The Law on Political Parties should be reviewed, and serious consideration should be given to removing provisions that discriminate against the establishment of political parties by groups representing regional, local or minority interests.
12. The election legislation should be revised: (i) to prevent an imbalance in the representation of parliamentary factions that favour any electoral participant on the voting membership of election commissions; (ii) to ensure independence of the election administration from the executive authorities; (iii) to clarify the steps by which the members of previous election commissions are able to appoint new commission members; and (iv) to identify, if any, the political affiliation of all voting members of election commissions. The ‘one-third’ limit on the representation of the local administration as voting members of election commissions should also be enforced.
13. Legal provisions regulating the application of out-of-country votes to specific single mandate electoral districts should be reviewed to ensure transparency in the process. There should be consistency in the procedures for allocating votes for single mandate constituencies between out-of-country voters and those using absentee voting certificates outside their home constituency.
14. Consideration should be given to removing provisions allowing for a vote “against all,” since it appears impossible to take into account the political will of the “against all” votes in the proportional race.
15. Obstacles that restrict the involvement of domestic non-partisan observer groups in the electoral process should be removed from the electoral legislation. Domestic non-partisan observers should be afforded the right to attend all sessions of election commissions and to receive all relevant information.
16. The election legislation should be amended, or the CEC should issue instructions, to establish regulations for the presence of police in polling stations and their role around election day and, in particular, to define clearly the circumstances in which law enforcement agents are permitted to be present inside polling stations and other election commissions and their respective powers and duties.
17. The election legislation should be amended, or the CEC should issue instructions, to establish regulations for the presence of local or State administration officials and their role during the election campaign and election administration bodies.

Election Administration

18. A wide-ranging review of the voter registration procedures should be undertaken in order to achieve more accurate voter lists.
19. The CEC should revise voting procedures to specify exactly when the ballot papers are to be stamped and signed by the PEC members.

Media

20. The Basic Guarantees Law should be revised to reflect and clarify the decision of the Constitutional Court in relation to media coverage of the election campaign.
21. The Duma Election Law should be revised to remove the provisions that require the political parties which fail to garner 2 per cent of the votes cast in the federal proportional contests to reimburse the State media for the cost of free advertising.
22. The federal authorities should move ahead with its plans to transform State broadcasters into an independent public service media that will provide citizens with impartial and politically balanced information on election contestants.
23. An independent media council with a clear mandate to oversee and control free, equal and fair access to the State broadcasters should be created. Its membership should be diverse and professional, including representatives of media, civil society, judicial bodies, the government and political parties. The members should not all be appointed by the President or by Ministry of Press and Broadcasting.
24. State authorities should refrain from interfering in the activities of journalists and other media personnel with a view to influencing elections. There should not be any intimidation, threats, closures or pressure on the media by any member of the State or local administration.

Minorities and Women

25. All political parties and candidates should condemn and refrain from the use of any chauvinistic and xenophobic statements in their campaigns. Authorities should take prompt and appropriate action to reprimand parties and candidates who use hate speech in their campaign activities.
26. Political party leadership should promote women's participation among their ranks, including by placing them in electable positions on party lists. Political parties should also address issues of special concern to women in their campaigns.

The OSCE/ODIHR stands ready to cooperate with the Russian authorities to address the concerns raised in this report, and is willing to offer its services in order to follow up on any of the recommendations outlined above.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Document).

The ODIHR, based in Warsaw, Poland, was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It co-ordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, civil society, freedom of movement, gender equality, and trafficking in human beings. The ODIHR implements a number of targeted assistance programs annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

The ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihhr).