



EUROPEAN PARLIAMENT



**INTERNATIONAL ELECTION OBSERVATION MISSION
RUSSIAN FEDERATION
ELECTION OF DEPUTIES TO THE STATE DUMA (PARLIAMENT)
19 December 1999**

PRELIMINARY STATEMENT

Moscow, 20 December 1999 – The International Election Observation Mission (IEOM) for the 19 December 1999 election of Deputies to the State Duma (Parliament) of the Russian Federation issues this statement of preliminary findings and conclusions. The IEOM is a joint effort of the Organization for Security and Co-operation in Europe (OSCE) Office of Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, and the European Parliament.

Ms. Helle Degn, Special Representative of the OSCE Chairman-in-Office for the State Duma election and President of the OSCE Parliamentary Assembly, leads the OSCE Election Observation Mission. Ambassador Edouard Brunner leads the OSCE/ODIHR long-term Election Observation Mission. Mr. Ernst Muehleman leads the Council of Europe Parliamentary Assembly delegation. Ms. Constanze Krehl leads the European Parliament ad hoc delegation for observation of the State Duma elections.

The preliminary statement is issued before the final certification of the election results and before a complete analysis of the International Election Observation Mission's findings. The OSCE/ODIHR will issue a comprehensive report on the State Duma election within approximately a month after publication of the final results. The OSCE Parliamentary Assembly will report to its Standing Committee in mid-January. The Council of Europe delegation will report to the Parliamentary Assembly in January. The European Parliament will also prepare a report. Each of the institutions taking part in the International Election Observation Mission will include recommendations in their reports.

The International Election Observation Mission wishes to express appreciation to the Presidential Administration, the Ministry of Foreign Affairs, the State Duma, and the Central Election Commission of the Russian Federation for their assistance and cooperation during the course of the observation.

Preliminary Conclusions

The 19 December 1999 election of Deputies to the State Duma marked significant progress for the consolidation of democracy in the Russian Federation. This election, the third since the end of single party rule, has taken place under an amended election law that has improved with each poll. The law is consistent with internationally recognized democratic principles. The law provides the framework for parties and blocs to enter the political arena on an equal basis, and ensures a level playing field for all candidates. Indeed, this election was competitive and pluralistic. Moreover, the law provides for a significantly increased level of transparency in all phases of the electoral process. The Central Election Commission endeavored to implement fully the electoral legislation.

The Chechnya conflict was not a contentious issue in this campaign, although it provided the political backdrop for the election and affected the outcome. Public support for the military action insulated the Government from criticism on significant domestic issues.

While the media in the Russian Federation is pluralistic and diverse, most important segments of the media failed to provide impartial and fair information about the political choices on offer to the electorate. Commercial media conglomerates have absorbed much of the independent media and have become major

stockholders in the state-controlled media. The pre-election period was marked by a campaign in which candidates and the media waged negative attacks on their opponents, often crossing the line to slander and libel. Penalties levied against offenders have been insufficient to deter repeat violations. In addition, campaign expenditure often appeared to exceed legal limits and should be controlled more effectively.

Similar problems sometimes occur in other democracies. However, many problems are specific to Russia's transition and must be addressed in particular. Observers noted interference by executive authorities in the election process, for instance: failure to allow opposition parties and candidates to arrange public meetings; dismissal from employment; initiation of extraordinary tax inspections, administrative fines, and criminal investigations that were subsequently proven groundless.

Notwithstanding these deficiencies, the high voter turnout in this election indicates confidence in the democratic process. The large number of domestic observers on election day undoubtedly increased this level of confidence. On election day, irregularities noted by observers were mostly due to inadequate polling facilities. Otherwise, election commissions managed the proceedings well. In the end, the vigorous competition during this election contributed to a generally positive assessment by international observers, despite the shortcomings detailed in the preliminary statement. These shortcomings must be addressed in future reforms.

Preliminary Findings

Constitutional and Legislative Framework

The constitutional and legislative framework for the 19 December 1999 State Duma election is consistent with internationally recognized democratic principles, including those formulated in the OSCE Copenhagen Document of 1990. The framework provides a sound basis for the conduct of orderly, free, fair, transparent, pluralistic and accountable elections. This State Duma election, the third since the end of a single party rule in the Russian Federation, takes place under an amended election law that has improved with each poll.

In a difficult and complex political environment, the election law provides the framework for parties and blocs to enter the political arena on an equal basis, and ensures a level playing field for all candidates with campaign finance, financial disclosure and media access provisions that are generally consistent with international standards. Moreover, recent amendments to the law significantly increase the level of transparency in all phases of the electoral process, particularly with regard to the rights of domestic observers.

However, notwithstanding the Central Election Commission's efforts to implement fully the provisions of the election law, concerns remain. For infractions of election finance provisions, the law provides only for the rejection or annulment of registration, or removal of the mandate. While these provisions were designed to exclude potential candidates with links to criminal activities, violations of financial reporting requirements, regardless of the gravity, resulted in the rejection of over 100 candidates at the Federation level. A more significant concern remains the unequal enforcement of the rule of law, extending beyond the electoral framework.

Electoral Campaign

The 1999 elections to the State Duma offered voters an opportunity to choose from a broad spectrum of parties, blocs and candidates, many of whom were strong contenders. Ultimately, 26 parties and blocs were eligible to participate in the federal list ballot – as opposed to 43 during the December 1995 election, and three to 24 candidates appeared on the ballots for the single mandate constituency contests. With the exception of the Communist Party and Yabloko, other political parties and blocs competing in these elections were formed around prominent individuals rather than distinguishable political platforms.

The Chechnya conflict undoubtedly provided the political backdrop for the election and significantly affected the outcome. The war in itself was not a contentious issue between the parties, blocs, and candidates during the electoral campaign. Public support for the military action throughout the campaign period, in effect, insulated the Government from criticism on significant domestic issues, which had previously been at the forefront of the political debate.

Media and the Pre-Election Campaign

The Central Election Commission attempted to neutralize political bias in the media by interpreting the law in such a way as to restrict the mass media itself from campaigning in favor of or against candidates, parties or blocs. Interpreted strictly and enforced consistently, the Central Election Commission's interpretation of the law would have precluded any journalist from discussing the elections in a meaningful way. In practice, the resolution was subject to widespread violation, and when election commissions referred such violations to government agencies, they failed to levy sanctions.

The media in the Russian Federation is pluralistic and diverse. In recent years, the emergence of independent media with private ownership has been significant. However, commercial media conglomerates have absorbed much of the independent media and have become major stockholders in the state-controlled media. Powerful, politically motivated and wealthy media owners have been key players in the electoral campaign, in particular, on the television channels that dominate the field as the public's chief source of news and information. During the period leading up to the elections, a media war was waged between conglomerates siding with, or controlled by the Presidential Administration, and its chief rival, the Fatherland-All Russia bloc. Notably, attacks and counter-attacks were fueled by journalists and commentators, rather than by representatives of the political blocs.

The pre-election period has been marked by campaigning in which candidates, parties, and the media have waged negative attacks on their opponents, often crossing the line to slander and libel. A lack of ethical discipline in this regard, combined with the civil code's failure to provide sufficient deterrence, left the most offensive perpetrators free to continue unfettered. In spite of attempts by the Central Election Commission to seek prosecution against ORT, the State-controlled channel, for example, for the often slanderous attacks against leaders of the Fatherland-All Russia bloc, the Ministry of Press, Broadcasting and Mass Communications was soft in its findings. A successful lawsuit filed by a candidate resulted in the imposition of a relatively small fine, and ORT continued its attacks in the weeks that followed.

In certain regions, local media were restrained by the same regional executive authorities also responsible for media subsidies and support. Electronic media and regional editions of national newspapers could not freely express views critical of local power structures. In Primorski Krai, the Republics of Kalmikiya, Bashkortostan and Tatarstan, some broadcasters and publishers lost their leases on premises controlled by local administrations, and some journalists lost their jobs.

Research by the European Institute for the Media (EIM), funded by the European Commission, concluded that most important segments of the Russian media failed "to provide impartial and fair information about the political choices on offer to the electorate". Bias was noted in news and analytical programs. The EIM analysis shows that "no national commercial broadcaster sought to provide impartial coverage of the elections." The print media was equally partisan, but due to the great number of newspapers, a broader pluralism of opinion was available.

Interference by Executive Authorities

In addition to abuses noted in the treatment of regional media, executive authorities also interfered improperly in other areas of the election process. Reported incidents of interference include: failure to allow opposition parties and candidates to arrange public meetings; dismissal from employment; initiation of extraordinary tax inspections, administrative fines, and criminal investigations that were subsequently proven groundless. Although there is a universal recognition that incumbency has certain advantages, there is evidence to suggest that some officials combined political and official functions in violation of the law. The most serious incidents were associated with specific regions, especially where regional governors were up for election. Moreover, with the further devolution of power to the regions, governors were more interested in ensuring the election of local and trusted representatives to the State Duma. At times, the actions of these governors bordered on serious abuse of power. Clearly, any such abuses of power have no place in a democratic election process and should be investigated by the appropriate authorities.

Election Day Findings

On election day, the high voter turnout indicates confidence in the democratic process. Domestic observers, partisan and non-partisan, present in an overwhelming percentage of polling stations undoubtedly contributed to this level of confidence. On election day, irregularities noted by observers were mostly due to inadequate polling facilities, including overcrowding and lack of privacy. Otherwise, election commissions managed the proceedings in accordance with the law. In addition, reports from international observers indicate that the counting and aggregation of the results were conducted in a transparent manner and in accordance with the law.

At this stage, reports received from international observers confirm that the 19 December election day marks a noticeable improvement compared with previous elections.

The preliminary statement is based on findings of the OSCE/ODIHR Election Observation Mission established on 5 November 1999 in Moscow and 11 regions throughout the Russian Federation. Their findings include the pre-election preparations, the election campaign, and the media. The statement is also based on the election-day findings of the International Election Observation Mission's more than 400 short-term observers, including more than 130 parliamentarians from the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly, and the European Parliament, who visited some 4,000 polling stations across the country.

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