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Observation of the presidential election in the Russian Federation (2 March 2008)

Report¹

Bureau of the Assembly

Rapporteur: Mr Andreas GROSS, Switzerland, Socialist Group

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1. Introduction

1. The Bureau of the Assembly decided, at its meeting on 17 December 2007, to set up an ad hoc committee of 30 members to observe the presidential election in the Russian Federation (2 March 2008), subject to receipt of an invitation, and authorised a pre-electoral mission consisting of five members – one from each political group who were also members of the ad hoc committee. Following an invitation by Mr Boris Gryzlov, Speaker of the State Duma of the Federal Assembly of the Russian Federation, the Bureau, at its meeting on 25 January 2008, approved the composition of the ad hoc committee and appointed me as its chairperson.

2. Following the proposals of the political groups, the ad hoc committee was composed as follows (asterisks indicate those members who also attended the pre-electoral mission):

- Socialist Group (SOC)
 - Mr Zigmantas Balčytis, Lithuania
 - Mr Vidar Bjørnstad, Norway
 - Ms Anna Čurdová, Czech Republic
 - Mr Andreas Gross (**), Switzerland
 - Mr Tadeusz Iwiński, Poland

1. Approved by the Bureau at its meeting on 13 March 2008.



- Group of the European People's Party (EPP/CD)
 - Ms Donka Banović, Serbia
 - Mr Holger Haibach, Germany
 - Mr Raffi Hovannisian, Armenia
 - Mrs Danuta Jazłowiecka, Poland
 - Ms Corien Jonker, Netherlands
 - Mrs Nadezhda Mikhailova (**), Bulgaria
 - Mr Vjačeslavs Stepanenko, Latvia
 - Mr Egidijus Vareikis, Lithuania
- Alliance of Liberals and Democrats for Europe (ALDE)
 - Mrs Kerstin Lundgren, Sweden
 - Mr Andrea Rigoni, Italy
 - Mrs Darinka Stantcheva, Bulgaria
 - Mr Han Ten Broeke, Netherlands
 - Mr Paul Wille, Belgium
- European Democrat Group (EDG)
 - Mr Sergej Chelemendik, Slovakia
 - Mr Nigel Evans, United Kingdom
 - Mr Øyvind Vaksdal, Norway
- Group of the Unified European Left (UEL)
 - Mr Tiny Kox, Netherlands
 - Mrs Maria Postoico (**), Moldova

3. Regrettably, members from the EDG and ALDE groups had to cancel their participation in the pre-electoral mission at the last moment due to unforeseen circumstances.

4. Mr Dronov, Mr Chahbazian, Ms Jamal, Mr Ferrer, Ms Mason and Ms Bargellini provided secretarial support to the ad hoc committee, with Mr Dronov, Ms Godfrey and Mr Macdonald also supporting the pre-electoral mission.

5. The pre-electoral mission visited Moscow from 7 to 8 February 2008. It met with members of the Russian Federation's delegation to the Parliamentary Assembly, three of the four presidential candidates and the campaign manager of the fourth candidate, Mr Medvedev. It also met with the Chairperson of the Central Election Commission (CEC), members of the diplomatic corps accredited in Moscow, as well as a cross-section of representatives of the civil society and the media. The mission further met with Mr Mikhail Kasyanov, a would-be candidate denied registration by the CEC on the grounds of an excessive number of "bad signatures" on the lists of his supporters.

6. In its statement issued at the end of the visit (Appendix I), the pre-electoral mission expressed its concern over the prospects for free and fair presidential elections in the Russian Federation in 2008. The concerns focused on an almost prohibitive registration procedure for independent candidates not sponsored by a registered party, as well as on what it regarded as the unequal media access available to the candidates. The mission, in particular, decried the fact that the candidate known as the successor commanded the broadcast media due to his official position as a Deputy Prime Minister.

7. The ad hoc committee conducted its observation mission from 28 February to 3 March 2008. At its meeting on 1 March, it decided on the deployment plan for the observation of elections in Moscow, greater Moscow, in St Petersburg, greater St Petersburg and in Yaroslavl.

8. The ad hoc committee was the only parliamentary delegation to observe the presidential election in the Russian Federation. The Office for Democratic Institutions and Human Rights (ODIHR) found it impossible to deploy its long-term observation mission due to time constraints imposed on it by the Russian CEC, as well as

due to numerical limitations imposed on it in terms of observers. The Organization for Security and Co-operation in Europe (OSCE) PA, NATO Assembly and the Nordic Council decided not to observe either. The European Parliament had not been invited. The press statement was presented by the head of the Assembly delegation for the observation of the presidential election in the Russian Federation at a press conference held on 3 March 2008 at 11.30 a.m. (Appendix I).

9. The ad hoc committee held meetings with three candidates competing in these elections: Mr Zyuganov, Mr Zhirinovskiy, and Mr Bogdanov, as well as with Mr Sobyenin, Campaign Manager of Mr Medvedev. The ad hoc committee also met Mr Churov, Chairperson of the CEC; Ambassador Augustin Cisar, Slovakia, representing the chairmanship of the Council of Europe Committee of Ministers; Ambassador Marc Franco, Head of the EU Office in Moscow; Mr Kosachev, chairman of the delegation of the Russian Federation in the Assembly; and Mr Pligin, Chairman of the Legal Affairs Committee, Russian Parliament. In addition, in my capacity as chairperson of the committee, I met with Mr Belykh, leader of the Union of Right Forces, and Mr Yavlinsky, leader of the Yabloko, as well as with our colleagues Mr Kosachev and Mr Slutsky.

2. Political background, legal framework, political party registration and the election campaign

10. The presidential election took place only a few months after the parliamentary elections in the Russian Federation, which took place on 2 December 2007. During these elections, the incumbent President was precluded from standing for re-election as a result of the constitutional limit of two consecutive terms, which the incumbent President had the wisdom not to change, even though the two-thirds majority needed for this in the Duma would have allowed him to do so. In this election, which had more the character of a plebiscite in this country over the last eight years, the people of the Russian Federation voted for the stability and continuity associated with the incumbent President and the candidate promoted by him.

11. The Presidential Election Law (PEL) and the Law on Basic Guarantees of Electoral Rights provided the legal framework for the presidential elections.

12. The legal requirement to submit 2 million signatures, which in the case of this election had to be collected within thirty days (with not more than 50 000 coming from any one subject of the federation) to the CEC in support of persons seeking registration as independent candidates was considered by the observers as an unreasonable hurdle. This provision made it almost impossible for independent presidential hopefuls to register.

13. The CEC registered four candidates: three were nominated by parties represented in the Duma – the Communist Party of the Russian Federation, the Liberal Democratic Party of Russia (LDPR) and United Russia (UR) together with Just Russia – and one candidate was nominated by a party not represented in the Duma, the Democratic Party of the Russian Federation. An independent presidential hopeful, Mr Kasyanov, was disqualified from running on the grounds of an excessive number of bad signatures collected in his support.

14. The outcome of the election was clear from the outset since the incumbent President – broadly associated in the Russian Federation with stability, economic growth, as well as Russia's re-emergence on the world scene as an important player – threw his support behind Mr Medvedev, the first Deputy Prime Minister of the Government of the Russian Federation, as the candidate for the presidential post.

15. Furthermore, Mr Medvedev, as a candidate, announced in December 2007 that, if elected President of the Russian Federation, he would offer the post of Prime Minister to the incumbent President. On 17 December 2007, at the United Russia party conference, President Putin accepted this proposal. From that day onwards, the outcome of the 2 March vote became even more evident.

16. During this presidential campaign, the major concern of the authorities of the Russian Federation was voter turnout in view of the fact that the outcome of the election was predictable. The turnout figures were considered central to the legitimacy of the new President. In this regard, the election campaign was characterised by different propaganda ploys launched by the CEC, and federal, regional and local authorities aimed at encouraging people to vote. Election related paraphernalia was broadly used as handouts, and first-time voters were given presents, not just flowers as is otherwise customary in the Russian Federation.

17. The ad hoc committee heard allegations regarding the wide-scale abuse of administrative resources (the state infrastructure, funds and personnel on the public payroll) in support of Mr Medvedev. For example, we were told that local authorities were instructed to hamper Mr Zyuganov's meetings with voters in the region of Ulianovsk, and that, in some cases, the publishing houses refused to publish the opposition candidates' election campaign materials. The ad hoc committee could neither disprove, nor confirm these allegations.

18. Compared to the Duma elections of 2 December 2007, the presidential campaign was rather low key. Given Mr Medvedev's refusal to engage in televised debates, the latter were considered by most of our interlocutors as lacking in interest. The debates were marred by an incident in the course of which Mr Zhirinovskiy publicly abused and man-handled Mr Bogdanov's campaign representative.

19. He who tries to understand the Russian Federation has to understand ambivalence. While 70% of the Russians were prepared to accept whoever the incumbent President earmarked as his successor, 45% believed that the 2 March 2008 presidential election would not be an example of fair play.

3. The media environment

20. In the absence of a long-term OSCE/ODIHR presence, the delegation did not have a credible independent media monitoring analysis which an ODIHR mission would normally make available to parliamentary observer delegations.

21. In the past, the Assembly delegations observing the parliamentary and presidential elections in the Russian Federation expressed their concern over the lack of a strong and independent media and in particular, electronic media, which could provide a balanced coverage of the campaign. Once again, this was the case in the 2 March 2008 election. According to the media monitoring analysis done by the Centre of Studies of Political Culture in the Russian Federation (which nobody, including the authorities, put into question), while there was parity in the usage of air time allocated to the candidates, 80% of the coverage during prime-time (7-10 p.m.) was dedicated to Mr Medvedev in his capacity as Deputy Prime Minister. While there is no legal requirement in the Russian Federation for people in high office running for new offices to step down, it has to be decided how in the future such high office holders should behave if they run for new public office.

22. We were told that, while the printed media provided a wide range of opinions, the state-owned or state-controlled television stations with nationwide coverage failed to demonstrate impartiality in political reporting. At the same time, the print media – in particular, the more independent news – do not have a wide audience. Such a media environment was not conducive to a truly democratic process. The candidate of the ruling party was omnipresent on television. This kind of problem could be resolved through the establishment of a genuinely independent system of public service broadcasting.

23. The ad hoc committee reiterated the necessity for equal access for all candidates to television channels as a crucial issue in the case of the Russian Federation because of the fact that, according to independent analysts, about 90% of information the citizens received was via the television.

4. The election day

24. The ad hoc committee split into 14 teams. Each team visited between 10 and 15 polling stations, observing the opening of polling stations, the voting and the vote count in and around Moscow, in and around St Petersburg, and in Yaroslavl. The overall impression of the organisation and conduct of the voting was positive.

25. Credit should be given to the election administration which ensured the efficient and professional conduct of the voting process and the vote count.

26. However, some irregularities were observed by the members of the ad hoc committee on the election day. Regrettably, the practice of open voting, which had been reported by the Assembly election observation mission during the last parliamentary elections, was also widespread during the presidential election. In some cases, the ballot boxes were not securely sealed. Booths in many polling stations did not provide, in our opinion, adequate secrecy. Electronic voting machines were regarded by us as particularly detrimental to secrecy, since a great proportion of the voters using them fed their ballot papers face up, completely compromising the concept of secrecy.

27. Another source of concern was an extremely heavy presence of uniformed policemen and plain clothes security officers at many polling stations.

28. Observers reported some problems during the vote count and tabulation, including cases where the number of signatures on the voting lists did not correspond to the numbers of ballot papers received. In St Petersburg, in polling station No. 1430, a claim by a domestic observer of the Communist Party was rejected under visible pressure from a representative of the Territorial Election Commission.

5. Results of the elections

29. According to the information of the Central Election Commission of the Russian Federation, Mr Medvedev won the Russian Federation's presidential election with 70.28% of the votes, and 64.21% of the electorate took part in the elections.

30. The Communist Party candidate, Mr Zyuganov, received 17.72% of the vote, the Liberal Democratic Party candidate, Mr Zhirinovskiy, received 9.35% and the Democratic Party candidate, Mr Bogdanov, received 1.30% of the vote (see Appendix II).

6. Conclusions and recommendations

31. The ad hoc committee concluded that the results of the presidential election held on 2 March 2008 in the Russian Federation are a reflection of the will of an electorate whose democratic potential was, unfortunately, not tapped.

32. In the presidential election, which had more the character of a plebiscite on the last eight years in this country, the people of the Russian Federation voted for the stability and continuity associated with the incumbent President and the candidate promoted by him. The President-elect will have a solid mandate given to him by the majority of Russians.

33. At the same time, the ad hoc committee highlighted that this election repeated most of the flaws revealed during the Duma elections of December 2007, as well as during the visit of the Assembly pre-electoral mission in February 2008. None of the concerns of the pre-electoral mission were dealt with ahead of the 2 March vote. Candidate registration concerns could not be accommodated, putting into question the degree of how free the election was. The equal access of the candidates to the media and the public sphere in general did not improve, putting into question the fairness of the election.

34. Candidate registration procedures should be simplified to be more inclusive and less cumbersome for independent candidates. The legislation on campaign funding should also be improved to increase the transparency of the process.

35. Complaints of participating candidates, their parties, independent observers and others should be examined thoroughly and lead, when necessary, to appropriate measures and amendments of electoral procedures in the future.

36. The ad hoc committee supported the project of the CEC chair that, in the future, television debates should be made attractive to the public, the candidates and the broadcasters in such a way that no candidate would wish to opt out.

37. The ad hoc committee appreciated the will of its Duma colleagues and the CEC to evaluate the existing electoral legislation in the light of the experiences of the 2007 Duma and 2008 presidential elections. As already proposed in the 2004 and 2007 election observation reports, the delegation recommended conducting further reforms for the independence of the media in the Russian Federation, in particular putting into place a genuinely independent public broadcasting system that would be free of state influence and control, and not subject to manipulation by other vested interests, as it believed that the creation of a public and independent television would serve the cause of democracy. In this context, modification of existing electoral legislation should be carried out in closer co-operation with the experts of the Venice Commission of the Council of Europe.

38. The ad hoc committee deplored the absence in the field of its traditional election observation partners, notably, the long-term observers from the OSCE/ODIHR and called on the President-elect, as one of his first acts, to have sufficient confidence in his own country and his own democracy to welcome in the future a much larger representation of official observers over a longer period of time.

39. The ad hoc committee concluded that the voting was well administered, although it observed the same flaws as the ones seen during the last Duma elections. For an election to be good, it takes a good process, not just a good election day. Nonetheless, the delegation felt that, even if those concerns had been addressed, the outcome of the vote – amounting, in effect, to a vote of confidence in the incumbent President – would most probably have been the same.

Appendix 1 – Press releases

Assembly pre-election delegation concerned by limited choice in Russian presidential election

Moscow, 08.02.2008 – A pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (Assembly), concluding a two-day visit to Moscow, has expressed concern at the prospects for the holding of a good Presidential election in the Russian Federation.

At the end of the visit, from 7-8 February 2008, the delegation declared: “An election where candidates are confronted with almost insurmountable difficulties when trying to register risks not qualifying as free. An election where there is not a level playing field for all contestants can hardly be considered as fair.”

“While the forthcoming election may appear competitive to some, with four candidates in the running, the real choice of alternatives is limited at best,” the delegation said.

“We are disheartened by the unavailability of one candidate to engage in a televised debate. We believe that public debate offers the electorate a unique opportunity to see the strong and the weak points of presidential hopefuls. Debate is the soul of any election, and a willingness to take part symbolizes the commitment to democratic principles.”

“Once again, we are witness to the repetition of the flaws seen in the parliamentary elections held in December 2007. While all concerned receive equal media coverage in principle, the candidate designated as ‘successor’ enjoys all the benefits of office. Try as they might, the other candidates can never have the same coverage on prime-time television.”

The delegation said it regretted the absence of ODIHR observers, who normally ensure the long-term aspect of the observation exercise. “In their absence, the work of our own observers is, as it were, impaired,” the Assembly team said.

“Finally, the delegation has every reason to believe that the administration of this election will be highly efficient. However, there is much more to a good election than mere election administration.”

The pre-election mission, made up of Andreas Gross (Switzerland, SOC), Nadezhda Mikhaylova (Bulgaria, EPP/CD), Maria Postoico (Moldova, UEL), Andrea Rigoni (Italy, ALDE), and Mevlüt Çavuşoğlu (Turkey, EDG)² held exchanges of view with three of the four presidential candidates and the campaign manager of the fourth, as well as with Mr Kasyanov, whose candidacy was refused.

It also met the Chair of the Central Election Commission Vladimir Churov, a representative cross-section of the media and civil society, and members of the diplomatic corps in Moscow. The delegation was in the Russian Federation at the invitation of Duma Speaker Boris Gryzlov.

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Russian presidential election: for an election to be good it takes a good process, not just a good election day

Moscow, 03.03.2008 – The results of the Presidential elections held on 2 March 2008 in the Russian Federation are a reflection of the will of an electorate whose democratic potential was, unfortunately, not tapped, concluded a 22 member strong delegation from the Parliamentary Assembly of the Council of Europe (Assembly) headed by Andreas Gross (Switzerland, SOC).

In the elections, which had more the character of a plebiscite in this country over the last 8 years, people of Russia voted for the stability and continuity associated with the incumbent President and the candidate promoted by him. The President-elect will have a solid mandate given to him by the majority of the Russians.

At the same time, this election repeated most of the flaws revealed during the Duma elections of December 2007. They were highlighted as failings by the Assembly pre-electoral mission that was in the Russian Federation on 7-8 February 2008. None of the concerns of the pre-electoral were dealt with ahead of the 2 March vote. Candidate registration concerns could not have been accommodated, putting into question the degree of how free the election was. Equal access of the candidates to the media and the public sphere in general has not improved, putting into question the fairness of the election.

2. Mr Rigoni was unable to attend due to election commitments and Mr Çavuşoğlu due to a travel cancellation.

The Delegation had the impression that the voting was well administered, although it observed the same flaws as the ones seen during the last Duma elections. The Parliamentarians stressed that for an election to be good; it takes a good process, not just a good election day.

Nonetheless, the Delegation felt that even if those concerns had been addressed, the outcome of the vote amounting, in effect, to a vote of confidence in the incumbent President, would have been the same.

The Assembly delegation deplored the absence in the field of its traditional election observation partners, notably, the long-term observers from the OSCE/ODIHR. The quality of election observation depends, to a significant extent, on the information, not least, media monitoring analysis, provided by ODIHR. However, in this particular case, the delegation was confident that it was able to complete its task efficiently and credibly. The Delegation calls on the President-elect, as one of his first acts, to have sufficient confidence in his own country and his own democracy to welcome in the future a much larger representation of official observers over a longer period of time.

The Delegation appreciated the will of its Duma colleagues and the CEC to evaluate the existing electoral legislation in the light of the experiences of the 2007 Duma and 2008 Presidential elections. As already proposed in the 2004 and 2007 election observation reports, the Delegation believed that the creation of a public and independent television would serve the cause of democracy. It has to be decided, how, in the future, people in high office should behave when they run for new offices.

The Delegation supported the project of the CEC Chair that in the future, television debates should be made attractive to the public, the candidates and the broadcasters in such a way that no candidate would wish to opt out.

Candidate registration procedures should be simplified to be more inclusive and less cumbersome for independent candidates. The legislation on campaign funding should also be improved to increase the transparency of the process.

The Delegation was in Moscow from 26 February to 3 March 2008 at the invitation of the Chairman of the State Duma and observed the election in Moscow, St-Petersburg and Yaroslavl. It met with the 3 Presidential candidates and the campaign manager of Mr Medvedev.

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Appendix 2 – 2 March presidential election official results by region (%)

	Guennady Zyuganov	Dmitry Medvedev	Vladimir Zhirinovsky	Andrey Bogdanov
Adygei	21.51	69.77	6.95	0.86
Altai krai	17.72	70.28	9.35	1.30
Altai Republic	15.79	73.82	8.20	1.03
Bachkortostan	7.93	88.01	2.87	0.60
Buryatia	18.46	70.84	8.29	1.03
Chechnya	2.19	88.70	8.15	0.87
Chuvashia	2.83	2.52	21.52	1.79
Daghestan	7.24	91.92	0.49	0.15
Ingushetia	1.45	91.66	6.69	0.11
Kabardino-Balkaria	8.64	88.81	2.28	0.16
Kalmykia	22.30	71.56	4.14	0.96
Kamchatka	14.83	69.39	12.92	1.51
Karachai-Cherkessia	7.92	90.35	1.28	0.19
Karelia	17.28	67.25	12.52	1.74
Khabarovsk	18.13	64.12	14.17	2.02
Khakassia	22.79	60.47	13.86	1.48
Komi	14.79	71.14	11.09	1.26
Krasnodar	16.82	75.06	5.97	0.83
Krasnoyarsk	20.62	62.47	14.07	1.45
Marii El	14.42	77.22	6.25	0.97
Mordovia	6.79	90.31	2.10	0.25
North Ossetia	19.53	73.35	4.61	0.57
Perm	16.70	67.30	13.23	1.51
Primore	19.68	63.84	13.28	1.60
Sakha	20.53	67.78	8.47	1.73
Stavropol	23.16	64.79	9.94	1.04
Tatarstan	12.93	79.24	5.55	1.23
Tuva	5.78	89.32	3.16	0.58
Udmurtia	16.28	70.46	10.81	1.40