



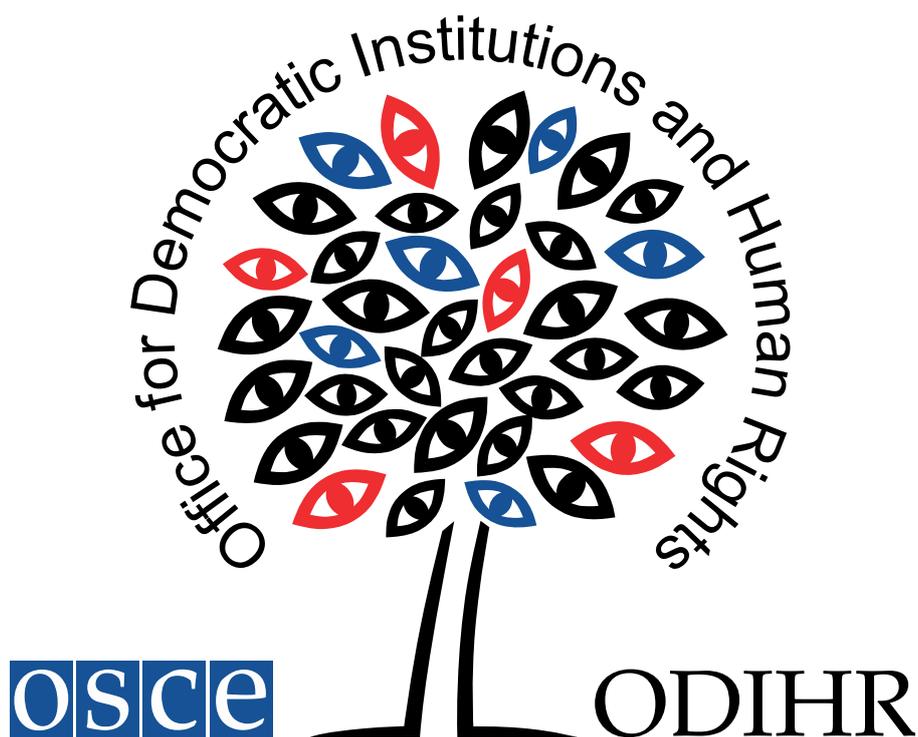
Office for Democratic Institutions and Human Rights

RUSSIAN FEDERATION

PRESIDENTIAL ELECTION

18 March 2018

**ODIHR Election Observation Mission
Final Report**



Warsaw
6 June 2018

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**RUSSIAN FEDERATION
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I. EXECUTIVE SUMMARY

Following an invitation from the Central Election Commission of the Russian Federation (CEC), on 5 February the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) to observe the 18 March 2018 presidential election. The mission assessed the compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. On election day, an International Election Observation Mission (IEOM) was formed as a common endeavour of the ODIHR EOM and the OSCE Parliamentary Assembly (OSCE PA) delegation. The ODIHR EOM remained in the country until 28 March to follow post-election day developments.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 19 March concluded that “the 18 March presidential election took place in an overly controlled legal and political environment marked by continued pressure on critical voices, while the CEC administered the election efficiently and openly. After intense efforts to promote turnout, citizens voted in significant numbers, yet restrictions on the fundamental freedoms of assembly, association and expression, as well as on candidate registration, have limited the space for political engagement and resulted in a lack of genuine competition. While candidates could generally campaign freely, the extensive and uncritical coverage of the incumbent as president in most media resulted in an uneven playing field. Overall, election day was conducted in an orderly manner despite shortcomings related to vote secrecy and transparency of counting.”

The legal framework for the presidential election is comprehensive, and recent amendments addressed some previous ODIHR recommendations. However, it remains highly complex and contains a number of restrictions, including on voter and candidate rights. Several amendments to a dozen different laws since the 2012 presidential election limited some constitutionally guaranteed political rights and fundamental freedoms, contrary to several OSCE commitments and other international obligations and standards for democratic elections.

Eight candidates, one woman and seven men, stood in this election, including the incumbent president, as self-nominated, and others fielded by political parties. Seventeen prospective candidates were rejected by the CEC, and five of them challenged the CEC decisions unsuccessfully in the Supreme Court. Positively, recent amendments significantly reduced the number of supporting signatures required for candidate registration. Remaining legal restrictions on candidates’ rights are, however, contrary to OSCE commitments and other international standards, and limit the inclusiveness of the candidate registration process.

Most candidates publicly expressed their certainty that the incumbent president would prevail in the election. With many of the candidates themselves stating that they did not expect to win, the election lacked genuine competition. Thus, efforts to increase the turnout predominated over contestant campaigns. A number of activists who questioned the legitimacy of the election were detained. Instances of pressure on voters to take part in the election were reported to the ODIHR EOM. All these

¹ The English version of this report is the only official document. An unofficial translation is available in Russian.

violations contravene a number of OSCE commitments and other international obligations regarding freedom and equality in the campaign.

Legal and technical aspects of the election were administered efficiently and within the deadlines. The CEC held regular public sessions and undertook measures to address some of the persistent allegations of voter coercion. The CEC did not announce the final number of registered voters prior to election day, or the number of voters added to the voter lists on election day which lessened the transparency of the process. Overall, lower-level commissions prepared the election efficiently, although some ODIHR EOM interlocutors questioned whether their composition impacted their impartiality and independence.

Candidates must submit two financial reports to the CEC, including within one month following the publication of election results. As required by law, the CEC published on its website the total income and expenditures of candidates. However, there is no requirement to disclose disaggregated campaign expenditure data, nor the identity of sponsors of legal entities donating to candidates which limits transparency of campaign finance.

Most ODIHR EOM interlocutors expressed confidence in the accuracy of voter lists. Legal changes enabling voting in a polling station other than the place of residence were a welcome step to facilitate voting, with some 5.6 million using this new mechanism. At the same time, some expressed concerns that the mechanism was misused to apply pressure on voters to participate. On election day, IECOM observers noted a variety of measures, some inappropriate, aimed at increasing voter turnout. Blanket restrictions on the right to vote of all prisoners and those recognized incapacitated by a court are at odds with paragraph 7.3 of the 1990 OSCE Copenhagen Document.

Television, and in particular broadcasters that are state founded, owned or supported, remains the dominant source of political information. A restrictive legislative and regulatory framework challenges freedom of the media and induces self-censorship. The media monitored by the ODIHR EOM complied with the legal requirements to air debates and provided registered candidates and the political parties which nominated them with free airtime and space. While the incumbent president did not participate in the debates or in campaigning, extensive and unchallenged news coverage of his official activities provided him with a dominant presence in the media. Voters were thus not presented with a critical assessment of the incumbent's views and qualifications in most media. A number of media-related complaints were submitted to the CEC, primarily by the candidates, but the CEC did not provide effective remedy, rejecting all but one.

Overall, the process of handling election complaints lacked transparency. Out of a multitude of petitions, the CEC deemed 420 to constitute complaints, but only considered 2 in public sessions and subsequently published those decisions. The CEC informed the ODIHR EOM that it considered the remaining complaints to be beyond its competence, as they mostly related to the misuse of administrative resources, directing them to other state authorities. Over 160 complaints were filed with Subject Election Commissions (SECs), mostly concerning campaign materials, including distribution of leaflets calling for an election boycott. The SECs ruled in a consistently restrictive manner and considered that the distribution of such materials violated the law.

The law provides for election observation by representatives of contestants, media, international observers and, following recent amendments, observers appointed by civic chambers. The CEC accredited more than 1,500 international observers, and over 150,000 fielded by civic chambers. Given their perceived association with state authorities, observation by civic chambers does not address the continued lack of legal provisions for independent observation by citizen observers and organizations.

Overall, election day was conducted in an orderly manner, despite irregularities related to vote secrecy and procedural shortcomings that reduced transparency of counting. Tabulation was assessed mostly positively, although some irregularities were reported regarding transparency of the process. During the day, the IEOM observers noted a variety of measures, some inappropriate, aimed at increasing the voter turnout. Voter turnout was reported by the CEC at 67.47 per cent.

The CEC started announcing preliminary results on 19 March and approved the final results on 23 March, within the legal deadline. In response to evidence of election fraud, including video recordings, TECs cancelled results in 14 polling stations. After the election day and until 14 April, 18 complaints were filed at the Supreme Court of the Russian Federation challenging the election results; all of them were rejected as inadmissible.

This report offers a number of recommendations to support efforts to bring elections in the Russian Federation closer in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to protection of fundamental rights in the electoral context, election administration, suffrage rights, media oversight and election observation. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Central Election Commission (CEC) of the Russian Federation, and based on the recommendation of a Needs Assessment Mission conducted from 6 to 9 December 2017, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 5 February to observe the 18 March presidential election. The EOM, headed by Ambassador Jan Petersen, consisted of a 13-member core team based in Moscow and 60 long-term observers deployed throughout the country in 31 subjects of the Russian Federation on 14 February. The EOM remained in the country until 28 March to follow post-election day developments.

For election day, the OSCE ODIHR EOM was joined by a delegation for the OSCE Parliamentary Assembly (OSCE PA) to form an International Election Observation Mission (IEOM). Mr. Michael Georg Link was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator to lead the short-term OSCE observer mission. Ms. Marietta Tidei headed the OSCE PA delegation. In total, 481 observers from 44 countries were deployed, including long-term and short-term observers deployed by ODIHR, as well as a 101-member delegation from the OSCE PA. Opening procedures were observed in 240 polling stations and voting was observed in some 2,300 polling stations across the country. Counting was observed in 221 polling stations, and the tabulation in 182 Territorial Election Commissions.

The ODIHR EOM wishes to thank the authorities for their invitation to observe the election, and the CEC and the Ministry of Foreign Affairs for their assistance. The ODIHR EOM also expresses its appreciation to other state institutions, political parties, media representatives and civil society organizations for their co-operation, and to embassies of OSCE participating States and the international organisations accredited in the Russian Federation for their co-operation and support.

III. BACKGROUND AND POLITICAL CONTEXT

The Russian Federation is a presidential republic. According to the 1993 Constitution, it is “a democratic federal law-bound State with a republican form of government.” The president is the head of state and enjoys a broad set of powers, including through appointing judges of federal courts, and nominating candidates for judges to the Constitutional and the Supreme Court, as well as for the office of the Prosecutor General, who are then appointed by the Council of the Federation (upper house).²

Legislative power is vested in the bicameral Federal Assembly comprising the upper house and the State Duma (lower house).³ Six political parties are represented in the State Duma since the last parliamentary elections in September 2016.⁴ Four of them publicly endorsed the candidacy of the incumbent president, including United Russia (ER), which holds a constitutional majority.⁵

There are 67 registered political parties – a number that increased tenfold after the registration process was simplified in 2012. However, despite repeated applications, several opposition initiatives remain unregistered, which challenges paragraph 7.6 of the 1990 OSCE Copenhagen Document.⁶

The 18 March presidential election was called by the decision of the upper house that entered into force on 18 December 2017.⁷ The incumbent President Vladimir Putin stood for his second consecutive fourth overall term in office.⁸

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The Constitution protects the freedoms of expression, association and assembly and stipulates that laws derogating human and civil rights and freedoms must not be adopted. Restrictions may however be justified by a federal law on certain grounds – mainly for the protection of the constitutional order, morality, health and lawful interests of others, as well as to ensure the security of the

² The president has the powers to appoint the Chairman of the Government, with the consent of the State Duma, to form and preside over the Security Council, to appoint and dismiss members of the upper house, plenipotentiary representatives of the president, and supreme commanders of the Armed Forces, and recall, after consultation, diplomatic representatives in foreign States and international organizations. Although, under the Constitution, the edicts and regulations of the president “may not conflict with the Constitution and federal laws,” the Constitution does not impose any restrictions on the subjects of the decrees that the president may issue.

³ The upper house comprises two representatives from each federal subject. One is elected by the federal subject’s legislature, and the other is nominated by its executive, i.e. governor, and appointed by the subject’s legislature.

⁴ United Russia (ER; 343 seats), Communist Party of the Russian Federation (KPRF; 42 seats), LDPR (formerly Liberal Democratic Party of Russia; 39 seats), Fair Russia (SR; 23 seats), Civic Platform (1) and Rodina (1).

⁵ Of the six parliamentary parties, only KPRF and LDPR nominated their own candidates.

⁶ For example, the Party of Fifth December and the Party of Progress, which was previously registered in 2014 and de-registered in 2015. The latter initiative planned to apply for registration for the seventh time in March 2018. However, on 22 February 2018, another and unaffiliated entity announced that it had applied to the Ministry of Justice to register a party under the same name. Then, on 2 March the initiative announced that it was forced to cancel its founding congress after the lessor of the venue where it was to be held withdrew the offer on short notice. Paragraph 7.6 of the [1990 OSCE Copenhagen Document](#) mandates respect for the “right of individuals and groups to establish, in full freedom, their own political parties or other political organizations and provide such political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities.”

⁷ A June 2017 amendment to the 2002 Law on the Election of the President of the Russian Federation (the Law on Presidential Election) moved the date of this presidential election from 11 to 18 March 2018.

⁸ President Vladimir Putin was first elected in 2000 and re-elected in 2004. Having become prime minister in 2008, he entered his third non-consecutive term in 2012.

State.⁹ While some restrictions were considered by the Constitutional Court to be in line with the Constitution, the implementation of the law on Assemblies, Meetings, Rallies and Pickets, during the campaign, was not in line with international standards and the freedom of assembly is effectively curtailed by the arbitrary application of these restrictions by the authorities, as previously noted by the European Court of Human Rights (ECtHR).¹⁰

A number of legal amendments introduced since the 2012 presidential election further limit some constitutionally guaranteed political rights and fundamental freedoms, thereby challenging the conduct of democratic elections. The 2016 so-called “Anti-terrorist Law” grants authorities broad powers to limit civil rights, withdraw citizenship, and access private telephone and email communications.¹¹ Amendments to several laws passed in 2012 and 2015 require domestic non-profit organizations that receive funding from abroad, including those involved in election observation, to register as foreign agents and permit the authorities to declare foreign or international organizations as undesirable without a judicial procedure.¹² Amendments introduced in December 2015 to the Law on the Constitutional Court of the Russian Federation entitle it to declare decisions of international courts as unenforceable on grounds of discrepancy with the Constitution.¹³

A comprehensive legal reform should be considered to ensure that any restrictions on fundamental freedoms have the character of exceptions, are proportionate with a legitimate aim and be imposed only when necessary in a democratic society. The authorities should refrain from interpreting the legislation in a restrictive manner which limits constitutionally guaranteed fundamental freedoms of assembly and expression.

⁹ For instance, the 2004 Law on Assemblies, Meetings, Rallies and Pickets (as amended on 7 June 2017) has introduced restrictions on the right to assembly, whose compliance with the Constitution has repeatedly been challenged. In one of the latest decisions on the matter, the Constitutional Court [ruled in 2013](#) that the obligation of the organisers to submit a preliminary notice of an event is in accordance with the Constitution. Human Rights Council’s [Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association](#) also mentioned the Russian Federation as one of the countries where “Peaceful assemblies have been prohibited or repressed because the message conveyed do not please the authorities” and that “the fines are in many cases disproportionate, and have a chilling effect on the enjoyment of the rights to freedom of peaceful assembly and of expression.”

¹⁰ The ECtHR ruled in 2017, in the case of [Navalny v. Russia](#), that “an unlawful situation, such as the staging of a demonstration without prior authorization, does not necessarily justify an interference with a person’s right to freedom of assembly. In particular, where demonstrators do not engage in violence, the Court has required that authorities show a degree of tolerance towards peaceful gatherings if the freedom of assembly guaranteed by the European Convention on Human Rights (ECHR) is not to be deprived of all substance.” The ECtHR also ruled that courts “systematically failed to check the factual allegations made by the police, having refused the applicant’s requests for additional evidence such as video recordings to be admitted, or for witnesses to be called”. Moreover, the ECtHR noted that courts “automatically presumed bias on the part of all witnesses who had testified in the applicant’s favour.” In 2007, the Constitutional Court [opined](#) that “having ratified the ECHR, the Russian Federation recognized the jurisdiction of the ECtHR to be binding (...), and the judgments of the European Court (...) should be taken into account by the federal legislator and by law enforcement agencies.” Similarly, in 2010, the Court [indicated](#) that the nature of the decisions of the ECtHR also arises from Article 46 of the ECHR, by virtue of which the State ratifying it undertakes to implement the final judgments of the ECtHR.

¹¹ The 2016 Law on Making Amendments to Different Legal Acts of the Russian Federation Introducing Additional Measures to Counter Terrorism and Ensuring Public Security introduced amendments to over a dozen different laws.

¹² See the 2016 Council of Europe’s Commission for Democracy through Law (Venice Commission) [Opinion on Federal Law No.129-FZ on Amending Certain Legislative Acts](#). See also the 2014 Venice Commission [Opinion on Federal Law No. 121-FZ on Non-Commercial Organisations](#).

¹³ See the 2016 Venice Commission [Interim Opinion on the Amendments to the Federal Constitutional Law on the Constitutional Court of the Russian Federation](#). The Constitutional Court of the Russian Federation reconfirmed, in its decision [No. 21-P of 14 July 2015](#), the obligatory character of the ECtHR judgments but also ruled that national courts and other state bodies, having concluded that it is impossible to comply with a certain ECtHR judgment because it leads to an interpretation of the Convention that contradicts the Constitution of the Russian Federation, are entitled to apply to the Constitutional Court with a request for interpretation of the relevant provisions of the Constitution in order to eliminate this uncertainty.

Presidential elections are primarily regulated by the 1993 Constitution, the 2002 Law on Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum (Law on Basic Guarantees), the 2002 Law on Presidential Election (Law on Presidential Election), the 2001 Code of Administrative Offences and the 2015 Code of Administrative Procedure.¹⁴ On a positive note, several amendments to different federal laws, most recently in June and December 2017, addressed some previous OSCE recommendations.¹⁵ The most significant amendments relate to voter and candidate registration, observers' rights, and transparency measures, and introduce administrative and criminal liability for both election officials and voters for unlawful issuance and receipt of ballots. Nevertheless, although the legal framework pertaining to presidential election is comprehensive, it remains highly fragmented and complex, and a number of restrictions, including on voter and candidate rights, campaign and media are contrary to OSCE commitments and other international standards for democratic elections. (*See Voter Registration and Candidate Registration, Campaign and Media*).

The authorities should undertake electoral reform in a timely manner in order to simplify and clarify ambiguous provisions of the electoral legislation, especially with regard to candidate registration, campaigning, and media coverage.

The president is directly elected in a single nationwide constituency for a six-year period. If no candidate receives more than 50 per cent of the votes cast, a second round takes place between the two candidates who gained the highest number of votes. A constitutional amendment adopted in 2008 extended the presidential term from four to six years. Although the law prevents an individual from holding more than two consecutive terms, it does not expressly prohibit a person from being elected for a new term after an intermission and having already served two terms.¹⁶ Notably, in its 26 February 2018 decision, the appeal board of the Supreme Court upheld a first instance decision of the Supreme Court of 16 February on a complaint filed by a candidate against the registration of the incumbent, on the grounds that this question was addressed by the Constitutional Court in its 1998 decision.¹⁷

V. ELECTION ADMINISTRATION

The election was administered by the CEC, Subject Election Commissions (SECs), Territorial Election Commissions (TECs) and Precinct Election Commissions (PECs).¹⁸ Election commissions at all levels serve five-year terms. The CEC consists of 15 members, with the State Duma, the upper house of parliament and the president appointing five each. The CEC chairperson and secretary are both women. As per information provided by the CEC, 38 per cent of SEC and 63 per cent of TEC members were

¹⁴ Other laws applicable to presidential elections are the 1991 Law on Mass Media, the 2001 Law on Political Parties, the 2002 Law on State Automated System of the Russian Federation "Elections" and the 2004 Law on Assemblies, Meetings, Rallies and Pickets.

¹⁵ The most significant amendments relate to voter and candidate registration, observers' rights, and transparency measures, and introduce administrative and criminal liability for both election officials and voters for unlawful issuance and receipt of ballots.

¹⁶ Between 18 December 2017 and election day, a total of 37 complaints, including one by candidate Ms. Sobchak, were filed to the Supreme Court of the Russian Federation, challenging the CEC's decision to register the incumbent.

¹⁷ Previously, the Constitutional Court had considered a petition initiated by members of the State Duma asking the Court to determine whether the 1993 Constitution interrupted the term of office of the then President Boris Yeltsin that commenced in 1991 and whether his term starting in 1996 was his first or second term in office. In its 5 November 1998 decision, the Constitutional Court ruled that the presidential term that had started following the 1996 election was Mr. Yeltsin's second term in office and that two terms in office in a row exhaust the limit, the excess of which the Constitution does not allow. Thus, the decision did not clarify whether the limit of two (consecutive) terms applies to the lifetime of an individual or whether a new, non-consecutive mandate may commence following an interruption.

¹⁸ The current CEC was appointed in March 2016.

women. Women chaired 25 per cent of SECs and 61 per cent of TECs.

A. THE CENTRAL ELECTION COMMISSION

Overall, the CEC enjoyed the confidence of stakeholders. It operated collegially and held public sessions, regularly attended by various stakeholders, including candidates' representatives who were able to address the commission.¹⁹ Most sessions observed by the ODIHR EOM included substantive and extensive discussions on various issues, including alleged interference in the electoral process by local authorities and malpractice involving lower-level commissions.²⁰ Allegations of voter coercion aimed at increasing turnout were also discussed. In response, the CEC chairperson stated that letters had been sent to governors of the regions concerned, the presidential administration and other institutions informing them of the allegations.

In order to monitor voting, counting and tabulation on election day, the CEC increased the number of polling stations equipped with cameras, to cover approximately 80 per cent of voters.²¹ Cameras were also installed in all TECs. On election day some 10 per cent of polling stations were equipped with ballot scanners and touch-screen voting machines. For the first time, PECs prepared voting result protocols with QR-codes that, according to the CEC, expedited the processing of results and enhanced their integrity.

The CEC produced comprehensive voter information materials and video spots on various aspects of the electoral process as well as those aiming to increase voter turnout. Some of these videos were in sign language.

B. LOWER-LEVEL COMMISSIONS

The law stipulates political plurality of membership of election commissions. Lower-level commissions are appointed for a five-year term from representatives of eligible political parties, state and local government institutions, out-going election commissions, and nominees from public and voter associations. SECs are established in each federal subject. Half of their members are appointed by the subject's legislature and the other half by the subject's executive. By law, at least half of the members of SECs, TECs and PECs should be appointed on the basis of nominations by eligible political parties; one party cannot have more than one member per commission. State or municipal officials may not constitute more than half of the members. In addition, each electoral contestant is entitled to nominate a member with an advisory vote to commissions at all levels.

Preparations by lower-level election commissions were administered efficiently and within legal deadlines. TEC sessions were held on an *ad hoc* basis with stakeholders informed in advance, and regular publication of minutes and decisions enhanced the transparency of their work.

The ODIHR EOM noted intensive efforts of lower-level commissions to increase voter turnout through

¹⁹ Since the announcement of the election, the CEC adopted many decisions and regulations on a variety of issues, including candidate and voter registration, voting procedures, printing of ballot papers, media coverage and distribution of free airtime and space. Sessions were live-streamed and archived online.

²⁰ For instance, on 8 February, the CEC cancelled the decision of the Moscow *oblast* SEC and issued a warning to the SEC chairperson for exceeding the commission's competence by organizing an online-survey, for a so-called "School Referendum" to be held on 18 March, and printing materials using the official images and logos of the election administration's voter information campaign. Subjects covered by the survey included extending the school week from five to six days.

²¹ [According to the CEC](#), 43,271 polling stations were equipped with cameras.

a variety of initiatives, including formal decisions of the SECs.²² Some TECs issued special instructions or questionnaires to collect information such as voters' intention to participate, which put pressure on voters.²³ PECs carried out door-to-door visits to verify voters' data on the voter lists, encouraged voters to participate and provided information on the new registration mechanism. In some regions, governors, SECs and TECs organized competitions among PECs and offered monetary or other rewards for PECs with the best performance and the highest turnout.²⁴

Some ODIHR EOM interlocutors expressed concerns that TEC and PEC members nominated by various public or voter associations represented the interests of the ruling party, which cast doubts on the independence and impartiality of election commissions as provided for by the law and international commitments and standards.²⁵

Additional and effective safeguards could be considered to ensure full impartiality and independence of election commissions. Further consideration could be given to provide more balanced representation of eligible political parties in election commissions.

VI. VOTER REGISTRATION

Citizens over 18 years of age by election day, with the exception of those serving a prison term or recognized by a court as incapacitated, are eligible to vote.²⁶ These restrictions are contrary to paragraph 7.3 of the 1990 OSCE Copenhagen Document and other international obligations and standards.²⁷ Voter registration is passive and voter lists are compiled based on a registration system linked to citizens' place of residence. Most ODIHR EOM interlocutors expressed general confidence in the accuracy of the voter lists.

²² For instance, see decisions of SECs in [Altai krai](#), [Bashkortostan Republic](#), [Irkutsk](#), [Leningrad](#), [Moscow](#), [Samara](#), [Tver oblasts](#) and [Yamalo-Nenetsk Autonomous District](#).

²³ Copies of questionnaires were shared with the ODIHR EOM in: [Altai krai](#) and [Pskov oblast](#).

²⁴ Such competitions were organized by the Governor's office in [Sverdlovsk](#); by SECs, as posted on their websites, in: [Chukotka](#), [Kursk](#), [Moscow](#), [Rostov](#) and [Yamalo-Nenetskiy Autonomous District](#); by TECs, as posted on their websites in: [Belgorod rayon](#) ([Belgorod oblast](#)), [Kadyisky rayon](#) ([Kostroma oblast](#)), [Kushovsky rayon](#) ([Krasnodarsky krai](#)), [Zarinsk city](#) ([Altai krai](#)).

²⁵ Paragraph 20 of the [1996 UN Human Rights Council \(UNHRC\) General Comment No. 25 to the 1966 International Covenant on Civil and Political Rights \(ICCPR\)](#) requires that "[a]n independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant." Paragraph II.3.3.1.e of the [2002 Venice Commission's Code of Good Practice in Electoral Matters](#) (Code of Good Practice) recommends that "Political parties must be equally represented on electoral commissions or must be able to observe the work of the impartial body." Article 19.2(j) of the [2002 Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States \(CIS Convention\)](#) notes that the State parties undertook an obligation "to ensure creation of independent impartial election bodies, which organize the conduct of democratic, free, fair, genuine and periodic elections in accordance with laws and independent obligations of the state."

²⁶ The ECtHR ruled in [Anchugov and Gladkov v. Russia \(2013\)](#) that the automatic and indiscriminate removal of voting rights of persons serving a prison sentence irrespective of the nature or gravity of the offence or of their individual circumstances violates [Article 3 of Protocol 1 of the ECHR](#).

²⁷ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States will "guarantee universal and equal suffrage to adult citizens," while paragraph 24 provides that restrictions on rights and freedoms must be "strictly proportionate to the aim of the law." Paragraph 14 of the [1996 UNHRC General Comment No. 25](#) states that grounds for deprivation of voting rights should be "objective and reasonable." See also Section I.1.1d of the Venice Commission's [Code of Good Practice](#). The Russian Federation has signed and ratified the [2006 United Nations Convention on the Rights of Persons with Disabilities \(UN CRPD\)](#). Deprivation of the right to vote on the basis of mental disability is inconsistent with Articles 12 and 29 of the UN CRPD.

The blanket disenfranchisement of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. Restrictions on the suffrage rights of persons with mental disabilities should be removed, whilst necessary support mechanisms to exercise the right to vote should be provided.

Data on the number of registered voters is generated using the *GAS Vybory* system and is made public twice a year on 1 January and on 1 July.²⁸ According to the CEC, there were 109,008,428 registered voters.²⁹ The CEC acknowledged the issue of duplicate-entries in the voter register and passed instructions in February 2018 to tackle the matter.³⁰ Voter lists were made available for voters to verify their individual data in person in most polling stations observed by the ODIHR EOM; voters could also do so online.³¹

Voters can be included in the voter list up to and on election day upon a decision of the election commission, which can be appealed to a higher election commission or the court. Voter registration in polling stations on election day without sufficient safeguards is not in line with international good practice.³² The CEC did not announce the final number of registered voters prior to election day, or the number of voters added to the voter lists on election day. While not contrary to the law, this lessened the transparency of the process.

In order to enhance transparency, the CEC should be legally required to publish the total number of voters registered prior to and on election day, and the data could be disaggregated by PEC and gender.

Following the June 2017 legislative amendments, voters can vote at their place of current residence by applying for inclusion in the voter lists in a polling station of their choice starting from 45 and up to 5 days prior to the election.³³ Additionally, following this period and up until 14:00 on the day before the election, voters had the right to submit such requests at the PEC of their place of residence by completing an application form.³⁴ According to data published by the CEC, some 5.69 million voters submitted such applications, and some 5 million voted. The law requires that the voter be removed from the voter list at their place of residence for this election, either through the *GAS Vybory* system or manually.³⁵

²⁸ The system is a database developed for storage and exchange of information between election commissions.

²⁹ The final result [protocol](#) was published on 23 March 2018. This figure includes a number of people residing on the Crimean Peninsula where the IEOM did not deploy observers due to the lack of consensus among the OSCE participating States regarding its status.

³⁰ The CEC informed the ODIHR EOM that since the 2017 local elections, it has removed some 1.5 million entries following a voter verification exercise. The CEC also informed the ODIHR EOM that 400,000 entries of people registered twice within the territory of the Russian Federation and some 300,000 duplicate entries of voters registered both in the Russian Federation and in consulates abroad, were deleted from the voter lists distributed to the PECs. Out-of-country voting was also organized in 401 polling stations in consulates and embassies in 145 countries. Shortly before election day, IEOM interlocutors noted that voters may face difficulties with accessing polling stations established in the embassy and consulates of the Russian Federation in Ukraine.

³¹ Voter lists are prepared by TECs no later than 11 days before election day. The ODIHR EOM observed that voter lists were not published by the legal deadline in some polling stations in Moscow, St. Petersburg, Pskov, Voronezh, Samara, Kazan, Barnaul, Krasnoyarsk *oblasts*.

³² Section I.1.2.iv. of the Venice Commission's [Code of Good Practice](#) states that "There should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day in any event".

³³ Such applications could be submitted to any TEC, PEC, centres of state and municipal services, or online.

³⁴ To prevent multiple voting a two-part sticker is attached to the application. The law requires one part of the sticker be removed and attached to the voter list in the polling station of origin, and the second part to the voter list in the polling station where the voter votes. The application is invalid without the sticker.

³⁵ During the 152nd CEC session form 23 March 2018, the CEC Chairperson stated that data on all voters will be analysed by the *GAS Vybory* to detect cases of multiple voting and impose relevant sanctions.

While the majority of the ODIHR EOM interlocutors welcomed recent legislative amendments related to voting in a polling station outside the place of residence, some expressed concerns that the mechanism was misused to apply pressure on voters to participate. The CEC chairperson raised this as an issue during the 142nd, 143rd and 147th CEC sessions, and stressed the importance of free exercise of the will of voters.³⁶

VII. CANDIDATE REGISTRATION

Any citizen over the age of 35 on election day with voting rights and with permanent residence for the last ten years can run for president. The right to stand is denied to individuals with a non-expunged or not cancelled criminal record.³⁷ Citizens with expunged records for grave or especially grave offences are not eligible to stand for an additional period of 10 and 15 years, respectively. Restrictions on citizens with an expunged record and the residency requirement are contrary to OSCE commitments and other international obligations and standards, and limit the inclusiveness of the candidate registration process.³⁸

Potential candidates can be self-nominated or stand on behalf of a political party. Self-nomination must be initially supported by a group of at least 500 voters. In a positive development, the legal framework governing candidate registration was amended in May 2012 to decrease the number of required supporting signatures from 2 million to 300,000 for self-nominated candidates and 100,000 for those nominated by non-parliamentary political parties.³⁹ Of these, at least 20 per cent must be randomly verified by the CEC with the assistance of other relevant institutions.⁴⁰ Supporting signatures are not required for candidates nominated by parliamentary parties. While the significant reduction of the number of required signatures eased the process, candidate registration remains overregulated.⁴¹

³⁶ Several interlocutors reported to the ODIHR EOM that in order to secure a higher turnout, employees and teachers in enterprises and schools were coerced to submit applications to vote in a specific polling station other than the one in their place of residence. This was reported in Rostov *oblast*, St. Petersburg, Voronezh *oblast*, Tatarstan Republic, Krasnoyarsk *krai*, Altai Republic, Omsk *oblast*. Paragraph 11 of the [1996 UNHRC General Comment No. 25](#) states that “any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced.”

³⁷ Section 1.1.d of the [Code of Good Practice](#), recommends that the “deprivation of the right to stand for election must be based on a criminal conviction for a serious offence.”

³⁸ [Paragraph 15 of the 1996 UNHCR General Comment No. 25](#) to Article 25 of the ICCPR states that any restrictions on the right to stand for election must be justifiable on objective and reasonable criteria and persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education or residence. Restrictions on voting rights of those with an expunged criminal record are at odds with the principle of proportionality as provided by paragraph 24 of the [1990 OSCE Copenhagen Document](#). See also section I.1.1.d.iii of the [Code of Good Practice](#), and Article 2.b of the [CIS Convention](#).

³⁹ Signatures should be collected between 80 and 45 days before the election day in at least 40 different Subjects of the Russian Federation. In each subject, no more than 7,500 for self-nominated candidates and no more than 2,500 for candidates nominated by political parties may be collected.

⁴⁰ Candidates may be denied registration if more than five per cent of the total number of signatures selected for verification is found to be invalid. Signatures can be considered invalid for a variety of reasons: mistakes or technical inaccuracies, omissions of the full address of a signatory, omission of the date the form was completed, completing the form in pencil, or making corrections to the form. Several stakeholders expressed concerns about the equality of conditions for signature collection and the transparency of the verification process. Section 1.1.3.iv of the [Code of Good Practice](#), recommends that “the checking process must in principle cover all signatures.”

⁴¹ The law stipulates numerous requirements for submission of nomination applications, including a plethora of documents, such as a notarized protocol of the meeting of the group of voters, income, expenditure and property declarations of both the nominee and his/her spouse for the past six years, and proof of opening an electoral fund account. All accounts in foreign banks must be closed by the time of submission of the documents.

Thirty-six prospective candidates, including ten women, submitted their documents to the CEC. After examining the documents, the CEC allowed 19 candidates to undertake signature collection.⁴² Five cases of denial to proceed with signature collection were unsuccessfully challenged in the Supreme Court, including by an opposition activist Alexei Navalny as well as Vladimir Mikhaylov, Tristan Prisyagin, Vasilii Pugachev, and Yuriy Sidorov.⁴³ (See *Complaints and Appeals*).

Of sixteen candidates, including five women, who undertook signature collection, six were registered by the CEC as were a further two who were nominated by political parties represented in parliament. In total, eight candidates were registered by the CEC, including one woman.⁴⁴

Restrictions on the right to stand which conflict with OSCE commitments and other international obligations and standards should be removed from the legal framework. Consideration should be given to simplifying the candidate registration procedures.

VIII. CAMPAIGN ENVIRONMENT

The campaign period started with the nomination of candidates and ended one day before election day. Issues of the economy, corruption and the country's international position featured prominently in most candidates' campaigns. Outdoor campaigning was low-key overall and largely invisible in some areas, with a limited number of billboards and banners displayed in cities and alongside major roads. Candidates or their proxies held rallies and meetings with voters, including many in places of work and study. Most used traditional and social media, as well as other online tools to address the electorate.

Outdoor get-out-the-vote campaigns were omnipresent and generally overshadowed candidate activities. These campaigns were organized by a number of state and private actors and took on a variety of forms, including billboards, posters, visual and audio messages on public transport, advertisements in traditional and online media, and many more.⁴⁵ Three high-quality videos that used messages with discriminatory content were posted anonymously online and widely discussed in social media.

Across most regions, voters were offered opportunities to enter election-related contests for a chance to win prizes. Several initiatives were specifically aimed at attracting first-time voters to the polls. Public consultations on matters of local importance, such as infrastructure projects or urban plans, were held alongside the presidential vote in many municipalities, with some local authorities requesting

⁴² Grounds for not allowing prospective candidates to proceed with signature collection included un-expunged criminal records, non-compliance with the residency requirement, and failure to have the self-nomination endorsed by a group of 500 voters. The registration of Alexander Chukhlebov was cancelled by the Supreme Court following a CEC complaint based on information about his permanent residence in Finland. While he provided a letter from the migration services of Finland proving the annulment of his residence in 2017, the court stated that he was obliged to inform Russian authorities of this.

⁴³ The ECtHR ruled in [Navalny and Ofitserov v. Russia \(46632/13 and 28671/14\)](#) that “that the criminal proceedings leading to their conviction for embezzlement had been arbitrary and unfair, and based on an unforeseeable application of criminal law. The Court found that the conviction of the applicants’ co-accused in separate accelerated proceedings had deprived the applicants of basic guarantees of a fair trial.”

⁴⁴ The CEC produced candidate information posters to be displayed in polling stations. These posters included information on income and assets and all past convictions, regardless of whether or not they are expunged. The CEC updated information on the posters of four candidates: Mr. Baburin, Mr. Grudin, Ms. Sobchak, and Mr. Titov.

⁴⁵ Other methods included SMS messaging, reminders displayed on mobile apps and websites of banks and other institutions, trinkets delivered to mailboxes, notices on foodstuffs such as milk cartons, and many others.

enterprises to pre-register their employees to participate.⁴⁶ Moreover, the ODIHR EOM received reports of cases of employees of state or state-affiliated institutions, students, parents of school children and members of the armed forces facing pressure to vote.⁴⁷ Such instances challenged paragraph 7.7 of the 1990 OSCE Copenhagen Document.⁴⁸

Authorities should take decisive action to prevent pressure on voters in elections. Cases of alleged coercion should be thoroughly and effectively investigated and individuals responsible prosecuted by the relevant authorities.

While candidates could generally campaign freely, the law obliges them to notify local authorities about their planned campaign events in advance. Some were offered alternative and in their view less attractive locations and time slots for their meetings with voters – several also faced difficulties renting private venues for their events.⁴⁹ Cases of harassment of campaign workers, including by police, were reported to ODIHR EOM observers.⁵⁰ In addition, activists affiliated with Alexei Navalny, who was not registered as candidate and both questioned the legitimacy of the election and called for a boycott, faced numerous detentions, confiscation of materials and other measures that limited their freedom to express their views and hold peaceful assembly.⁵¹ Such instances contravened paragraphs 9.1 and 9.2 of the 1990 OSCE Copenhagen Document.⁵²

⁴⁶ Municipal authorities wishing to participate in a national urban environment renewal programme were required by the [Ministry of Construction, Housing and Utilities](#) to hold local referenda on priority projects. The Ministry's programme resembled a proposal that featured in the [ER party campaign platform](#) ahead of the 2016 State Duma elections, and some federal subject authority websites dedicated to the programme featured ER party emblem, including [Irkutsk oblast](#), the [Jewish Autonomous Oblast](#) and [Bashkortostan](#). In some areas, ER party billboards advertised the proposed projects.

⁴⁷ As reported to and confirmed by ODIHR EOM observers in Barnaul, Belgorod, Kazan, Khabarovsk, Krasnoyarsk, Kursk, Moscow, Novosibirsk, Omsk, Perm, Rostov-on-Don, Rubtsovsk, Ryazan, St. Petersburg, Serov, Tyumen, Verkhnyaya Pyshma, Vladimir, Voronezh, Yaroslavl and Yekaterinburg.

⁴⁸ Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) requires that campaigning “be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution”. In addition, section 54 of the [Code of Good Practice](#) treats abstention as a potential political choice.

⁴⁹ In many cases, ODIHR interlocutors claimed that no objective reasons existed for not receiving permission to hold their events at their preferred place and time. Ms. Sobchak's campaign reported not being able to hold events at a preferred place and time in Belgorod, Bryansk, Chelyabinsk, Kursk, Moscow, Rostov-on-Don, Saratov, Tyumen and Vologda; Mr. Grudinin's campaign in Asbest, Kazan, Moscow, Novocheboksary, Onguday, Orsk, Rostov-on-Don, Saransk, Tyumen, Vladimir and Yaroslavl; Zhirinovsky's campaign in Gryazi, Kursk and Saransk; and Mr. Yavlinsky's campaign in Moscow, Rostov-on-Don and St. Petersburg. In addition, Sobchak's campaign faced difficulties renting private venues in Moscow and Tomsk; Mr. Yavlinsky campaign in Barnaul and Moscow; and Mr. Grudinin's campaign in Yekaterinburg.

⁵⁰ Ms. Sobchak's campaign activists were detained in Rostov-on-Don, Tikhvin and Tyumen. Grudinin's campaign activists were detained in Astrakhan and faced harassment by police in Penza, and their materials were confiscated or destroyed in Astrakhan, Kursk, Sverdlovsk *oblast* and Voronezh.

⁵¹ Detentions of activists associated with Mr. Navalny's boycott campaign were reported to or witnessed by ODIHR EOM observers in Armavir, Beryozovsky, Cheboksary, Lipetsk, Kazan, Khabarovsk, Komsomolsk-on-Amur, Krasnodar, Moscow, Nizhny Tagil, Novorossiysk, Omsk, Penza, Pskov, St. Petersburg, Saratov, Slavgorod, Sochi, Stary Oskol, Tyumen, Volgograd, Yeisk and Yekaterinburg. Confiscation of materials or removal of displayed materials were reported in Barnaul, Birobidzhan, Ivanovo, Kazan, Kemerovo, Krasnoyarsk, Omsk, Pskov, Stary Oskol, Tyumen and Vladimir. Other forms of intimidation were noted in Belgorod, Biysk, Krasnoyarsk, Kursk, Pskov, Rostov-on-Don, Sharypovo, Tomsk, Ufa, Volgograd and Voronezh.

⁵² Paragraph 9.1 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards.” Paragraph 9.2 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards.”

Authorities should demonstrate full respect for fundamental freedoms during the campaign. The right of all electoral stakeholders to express their views, including campaigning for boycott, and peaceful assembly, should be respected as foreseen by the Constitution and the legislation and as required by paragraph 9.1 and 9.2 of the 1990 OSCE Copenhagen Document.

The campaign was marked by a lack of genuine competition among contestants. Most candidates stated publicly that they expected the incumbent to emerge a winner, and admitted participating in order to promote their political platform or draw national attention to a particular issue.⁵³ The incumbent did not present an election programme, and limited his personal engagement in the campaign to one rally in Moscow. However, he travelled throughout the country in his official capacity as president, enjoying unparalleled visibility and opportunities to address the electorate.⁵⁴ On 1 March, the President delivered an annual address to parliament, that was televised and widely discussed in the media, and in which he outlined policy goals for the future.⁵⁵

Some interlocutors pointed to salary increases for public sector employees at the start of the year, noting this as an example of misuse of administrative resources.⁵⁶ Many ODIHR EOM observers noted a blurring of the line between the CEC's get-out-the-vote and the incumbent's campaign. In addition, some 470 complaints were filed with the CEC concerning misuse of administrative resources. (See *Complaints and Appeals*).

The authorities should take further steps to safeguard against the misuse of administrative resources to ensure an equitable campaign environment.

IX. CAMPAIGN FINANCE

The legislation on campaign finance is comprehensive; it details the mechanism of donations to candidates, includes restrictions on the use of state and public resources, disallows donations from foreign or anonymous sources, and includes reporting requirements.

Electoral contestants are obliged to open a dedicated account for campaign expenses and to appoint an authorized representative for financial matters. The ceiling for campaign expenditure for the presidential election amounts to 400 million RUB (some 5,714,000 EUR).⁵⁷ Candidates are required to submit two financial reports to the CEC, the first when they submit their registration documents and the second within 30 days from the official publication of results.⁵⁸

⁵³ Several candidates made public statements in which they admitted that they expect the incumbent to win, including Mr. [Zhirinovskiy](#) on 18 December 2017, Ms. [Sobchak](#) on 15 January, Mr. [Titov](#) on 6 December 2017, as well as the campaign chief for [Mr. Yavlinsky](#) on 12 March.

⁵⁴ Although the legislation prohibits taking advantage of office or official position when campaigning, candidates who hold elected federal or municipal positions are not required to take leave from office to run for president.

⁵⁵ Rather than hold his annual speech to parliament during 2017, the incumbent delivered the address during the election campaign.

⁵⁶ According to [media](#) reports, [official statistics](#) indicate that salaries of health care, education and research professionals saw an average increase of more than twenty per cent during the campaign. These increases were thought to be part of the 'May decrees' commitment made in 2012 to raise salaries by some 200 per cent by 2018.

⁵⁷ If the candidate-elect uses financial resources for his/her campaign other than those from their own electoral fund in an amount exceeding 10 per cent of the maximum limit of all expenditure, the Supreme Court may invalidate the candidate-elect's voting results.

⁵⁸ In their first financial reports submitted to the CEC alongside requests for registration, there were significant differences in the costs that the candidates reported as having incurred during the collection of signatures, ranging from less than 1 RUB (approximately 0.14 EUR) to 196 RUB (some 2.8 EUR) per signature.

As required by law, the CEC published on its website information on the total income and expenses reported by candidates, generally updated on a weekly basis.⁵⁹ However, the law does not require the publication of disaggregated data on expenditure. In addition, there is no requirement to disclose the identity of sponsors of legal entities donating to candidates. Both of these aspects diminish the transparency of campaign finance and are at odds with international standards.⁶⁰

To increase transparency of campaign finance, consideration could be given to provide disaggregated data, such as a breakdown of income and expenses, in the candidates' financial reports. Additional consideration could be given to include requirements for disclosure of the owners and sources of funding of legal entities and not-for-profit organisations that donate funds to candidates and parties.

Although the CEC cooperates with other state authorities in its effort to control the legality of transactions made through electoral funds, it does not have investigative capacities to detect potential transactions made outside the funds, or to make enquiries with regard to cases of abuse of state resources – which it must refer to other state authorities. This effectively limits the CEC's accountability and the effectiveness of its oversight.⁶¹

X. MEDIA

A. MEDIA ENVIRONMENT

There are tens of thousands of officially registered media outlets.⁶² Nevertheless, a large number of media, including the most popular television broadcasters (*First Channel*, *VGTRK*, *NTV*) are founded, owned, controlled or otherwise financially supported by the state or affiliated structures.⁶³ Many of these are representing the position of state authorities, both on the national and local level.⁶⁴ While television remains the dominant source of political information, there is no independent channel with national coverage that pursues a critical analytical coverage, which limits voters' access to a diversity

⁵⁹ During the campaign period the CEC requested five candidates to return parts of donations transferred to their electoral funds, totalling approximately 29 million RUB (approximately 414,000 EUR). This was mostly due to incomplete donor data, donations by a legal entity with foreign ownership in excess of 30 per cent or donations exceeding campaign expenditure ceiling.

⁶⁰ Article 7(3) of the 2003 [UN Convention against Corruption](#) obliges State Parties to the Convention to “consider taking appropriate legislative and administrative measures (...) to enhance transparency in the funding of candidatures for elected public office”. CIS Convention requires that “states shall provide for an open and transparent nature of all money donations to candidates, political parties (coalitions), participating in elections, in order to avoid any prohibited donations to candidates.”

⁶¹ In its 3rd Round Evaluation [Second Compliance Report](#) on the Russian Federation of November 2016, the Group of States Against Corruption (GRECO) of the Council of Europe noted that “it would appear, for example, that insufficient measures have been taken to ensure that the regulation of political financing is not undermined by the misuse of public office.”

⁶² According to the Federal Service for Supervision of Communications, Information Technology, and Mass Media (*Roskomnadzor*) that regulates the media, including online media, as of 31 March 2018 its register maintained [data](#) on more than 144,000 outlets, including [data](#) on more than 24,000 broadcasters.

⁶³ VGTRK (the All-Russian Television and Radio Broadcasting Company) that includes *Russia 1* and the news-channel *Russia 24* is financed from the state budget, and its director is appointed by the president. *First Channel 1* and *NTV* are open joint stock companies *de facto* controlled by the government or its affiliated enterprises. The less popular *OTR* (Russian Public Television) established in 2013 is also financed from the state budget, and its director general is appointed by the president.

⁶⁴ Paragraph 16 of [General Comment 34](#) to the [ICCPR](#) provides that “States parties should ensure that public broadcasting services operate in an independent manner [...] and should guarantee their independence and editorial freedom. They should provide funding in a manner that does not undermine their independence.”

of views.⁶⁵ The Internet, including social networks and online versions of print media, has become an important political source of information, yet primarily in urban areas.

Media outlets should be free to establish their own editorial policies. To facilitate citizens' access to impartial, critical and analytical information, including when activities of officials are covered, concrete steps should be taken to ensure the editorial and financial independence of state and public media.

While the Constitution provides for freedom of expression and the right to information, libel and insulting state officials remain criminal offenses. Broad anti-extremist legislation⁶⁶ and a restrictive regulatory framework, including powers of *Roskomnadzor* to block websites without a prior court ruling, challenge freedom of the media and induce self-censorship.⁶⁷ The existing anti-extremism legislation is increasingly applied to various online materials and sources.⁶⁸ In addition, the OSCE Representative on Freedom of the Media (RFoM) has on several occasions condemned physical attacks against journalists and media outlets, and criticized proposed amendments to media legislation as disproportionate interference in the freedom of expression.⁶⁹

Consideration could be given to establishing an independent oversight body, mandated to oversee free, impartial and fair access to state-controlled broadcasters.

B. LEGAL FRAMEWORK

The Law on Presidential Election as well as the Law on Basic Guarantees provide that registered candidates and the political parties which nominated them are granted free airtime, both with national and regional state-funded broadcasters, as well as with free space in the national state-funded print media.⁷⁰ The media monitored by the ODIHR EOM complied with the requirements and in some instances sign language was provided. The total time provided by each national state-funded station free of charge is one hour per registered candidate and nominating party, respectively. Half of the total time must be devoted to debates amongst candidates, one third to political parties, and the rest to spots of candidates. This results in providing advantageous conditions for party-nominated candidates over self-nominated ones in volume of free airtime.

⁶⁵ TV *Dozhd*, known for its independent editorial line, is not available on cable networks since 2014, and is only accessible on the Internet. Also, see reports published by organisations working in area of freedom of expression, including Reporters Without Borders, Human Rights Watch: [Online and On All Fronts: Russia's Assault on Freedom of Expression](#), IREX: [Media Sustainability Index – Russia 2017](#).

⁶⁶ In July 2016 the new anti-extremism legislation package came into force, giving state authorities a wide range of tools to control the media but failing to clearly define what constitutes “separatism, extremism and incitement to violence.” The Criminal Code was also amended in July 2016, increasing severity of penalties for incitement to “hatred or hostility” and “humiliation of human dignity of a person affiliated to any social group” if such actions are committed publicly or through media, including online.

⁶⁷ *Roskomnadzor* has broad sanctioning powers, including among others the power to: impose fines, request removal of publications deemed inconsistent with the legislation, and initiate the closing of a media outlet which has received two warnings in a calendar year. In addition, the General Prosecutor, the Ministry of Internal Affairs, the Federal Tax Office and the Federal Service for Surveillance on Consumer Rights Protection and Human Well-being (*Rospotrebnadzor*) are also entitled to block websites without a prior court ruling.

⁶⁸ SOVA Center for Information and Analysis [reported](#) that from 2005 to 2017 there has been an annual increase of convictions for online extremist statements. In 2017, convictions for statements posted on the Internet, primarily on social networks, constituted 96 per cent of all sentences in relation to extremist statements. A Moscow-based organization *Roskomsvoboda* [informed](#) that by 31 March 2017 there were more than 120,000 websites blocked.

⁶⁹ See the OSCE RFoM statements from [29 September 2017](#), [23 October 2017](#), [22 December 2017](#), [26 January 2018](#) and [16 April 2018](#).

⁷⁰ The official period for allocation of free airtime and space as well as for purchase of the advertisements starts 28 days prior election day. On 13 and 15 February the CEC conducted lotteries to allocate free airtime and space in national media while the SECs allocated free airtime on state-funded regional television channels.

Five national TV channels and three national radio stations organized numerous debates.⁷¹ However, the incumbent president chose not to utilize free airtime dedicated to debates.⁷² The lack of opportunity of other candidates to address questions and comments to the incumbent president on his performance in office was compounded by the absence of critical viewpoints in traditional media. In addition, Mr. Grudinin, Ms. Sobchak and Mr. Zhirinovskiy complained to the CEC about the format of televised debates, claiming that it did not offer sufficient time to convey messages to the electorate, nor a meaningful and interactive platform for discussion.⁷³

C. MEDIA MONITORING FINDINGS



On 5 February, the ODIHR EOM commenced qualitative and quantitative monitoring of seven TV channels, two radio stations and seven newspapers.⁷⁴

Within regular news and analytical current-affairs programmes of the media monitored by the ODIHR EOM, campaign coverage was characterized by extensive, unchallenged and at times promotional reporting on the incumbent's official activities.⁷⁵ The most popular, state-controlled broadcasters, *First Channel*, *Russia 1* and NTV, dedicated 44, 36 and 35 per cent of their political news coverage respectively to the incumbent in his capacity as president. The coverage was exclusively positive or neutral in its tone.⁷⁶ In several cases state-funded media decided not to cover specific political events.⁷⁷

Most of the media monitored by the ODIHR EOM provided all candidates with regular, however less prominent, news coverage of their campaigns.⁷⁸ While all candidates were presented mostly in positive or neutral manner, national television networks presented Mr. Grudinin in a negative tone throughout

⁷¹ There were 42 national debates on television and 13 on the radio, aired weekdays between 27 February and 15 March. The televised debates lasted up to 50 minutes on television and 40 minutes on the radio (debates on *Russia 1* lasted 1 hour), with timeslots of up to 7 minutes per candidate. The leading broadcaster *First Channel* aired them in the early morning, therefore outside of evening prime time.

⁷² Representatives of the incumbent president participated in debates in the regions.

⁷³ The CEC declared that each respective broadcaster decides the format and the conduct of the debates. At the same time, however, the CEC Chairperson issued advice on several occasions on how debate anchors should behave. Although well-intended, its effect was controversial as some anchors openly limited their role as moderators, while the *First Channel* moderator continued to comment about some candidates (Ms. Sobchak and Mr. Grudinin).

⁷⁴ ODIHR EOM monitored prime time coverage on *First Channel*, *Russia 1* and NTV. The main news programmes of the following outlets were monitored: *Ren TV*, *TV Center (Moscow-based)*, *5th Channel (St.Petersburg-based)*, *Dozhd TV* (Internet television), and the radio stations *Vesti FM* and *Echo Moskvy*. Also, articles with political content and published by the newspapers *Rossiskaya Gazeta* (state-funded daily), *Kommersant*, *Komsomolskaya Pravda*, *Moskovskiy Komsomolets*, *Novaya Gazeta*, *Vedomosti*, (private dailies) and *Argumenty i Fakty* (private weekly) were monitored. The ODIHR EOM also followed election-related coverage of online outlets www.iz.ru, www.lenta.ru, www.meduza.io and www.rbc.ru.

⁷⁵ Between 12 and 14 February, the *First Channel* aired three of a four-part documentary 'Putin' that altogether lasted some three hours. Two additional feature documentaries were posted online and promoted in *Russia 1* evening news and current affairs programmes during the week before election day. On 21 and 22 March, the latter channel aired another two-part documentary 'Putin' that was nearly four hours in duration.

⁷⁶ The channels air Sunday weekly programmes (*First Channel* aired *Voskresnoye Vremya*, *Russia 1* aired *Vesti Nedeli*, NTV aired *Itogi Nedeli*), in which authors offered their analytical opinions on current-affairs, during which they regularly supported and justified policies of Mr. Putin, and at the same time criticized some candidates (predominantly Mr. Grudinin) or foreign states and entities.

⁷⁷ Neither of the leading state television channels reported on other important socio-political events such as a 16 February Supreme Court hearing of Ms. Sobchak's complaint concerning Mr. Putin's presidential term, the 26 February commemorative march for the assassination of Mr. Nemtsov or the election boycott campaign.

⁷⁸ Of the political-relevant news coverage, *First Channel* dedicated 8 per cent to Mr. Putin and Mr. Grudinin, 5 per cent to Mr. Zhirinovskiy, and 3 per cent to Mr. Baburin, Ms. Sobchak, Mr. Suraikin, Mr. Titov and Mr. Yavlinsky each. *Russia 1* dedicated 11 per cent of news to Mr. Grudinin, 7 per cent for Mr. Zhirinovskiy and to Mr. Putin each, and between 3 and 5 per cent to other candidates.

the whole monitored period. In such coverage, various aspects of his candidacy and personality were questioned, often without the candidate's own viewpoint or the possibility to reply.

Several media outlets monitored by the ODIHR EOM provided voters with a more diverse and balanced coverage of the campaign and political events, in particular Radio *Echo Moskvy*, newspapers *Kommersant*, *Moskovskiy Komsomolets*, *Vedomosti* and the online source *www.rbc.ru*.

The CEC established its working group to oversee media compliance with the legal requirement to provide objective and accurate coverage of the candidates.⁷⁹ The working group held three sessions but did not provide for effective remedy to the plaintiffs.⁸⁰ The CEC working group rejected all complaints concerning biased or non-balanced coverage of Mr. Grudinin, claiming that an intervention would result in undue interference in the editorial policy of the respective media outlet.⁸¹ While it rejected other complaints that concerned extensive coverage of the incumbent by television broadcasters, in one case the CEC recommended that the *First Channel* postpone airing the remainder of the first documentary on Mr. Putin.⁸²

The CEC or an independent oversight body, mandated to monitor the media during the campaign, should take effective action against those violating the law, including inequitable and biased coverage.

XI. COMPLAINTS AND APPEALS

A. PRE-ELECTION-DAY

Voters and electoral contestants, as well as civil society organisations, observers and election commissions may challenge the actions, inactions and decisions of the election administration with the higher-level election commissions and the courts. The law provides that if an appeal is filed simultaneously with the court and a relevant election commission, the commission suspends consideration of the complaint until the court reaches a decision. However, while the Law on Basic Guarantees and the Law on Presidential Election state that complaints against the CEC must be filed with the Supreme Court of the Russian Federation, CEC decisions that have been adopted by one member and not by the plenary must be challenged in district courts, in accordance with the Code of Administrative Procedure.⁸³

A large number of complaints and applications by voters, candidates and their proxies were filed with the CEC alleging electoral violations, of which over 470 concerned misuse of administrative resources.⁸⁴ Only two complaints were considered in public sessions by the CEC and subsequently published while others were considered by individual CEC members or officials and therefore the

⁷⁹ The working group consisted of 83 members, mostly CEC members, representatives of the CEC apparatus and, of state institutions and state-funded media.

⁸⁰ The sessions took place on 26 January, 20 February and 6 March. As presented at the beginning of the campaign, the CEC intended to conduct its own media monitoring, analysing the quantitative side of the candidates' coverage in more than 30 television channels, however, it monitored only three major television broadcasters with findings that were not disclosed and were only used for internal purposes.

⁸¹ In its 26 January decision after the session, the CEC recommended "to fully cover the actual pre-election activities of various candidates, observing the balance in terms of the time, neutrality and objectivity of information."

⁸² Several candidates and parties submitted complaints, including Mr. Grudinin, Ms. Sobchak, KPRF, and Yabloko.

⁸³ The Code of Administrative Procedure establishes a five-day limit for the adjudication of administrative claims on protection of electoral rights filed before the day of voting. The Supreme Court in its 7 February 2018 decision (No.AKPE18-124) ruled that it is bound to adjudicate only collegial decisions of the CEC; the Supreme Court decision was upheld on 16 February by the appeal chamber of the Supreme Court.

⁸⁴ According to the [address](#) of the CEC Chairperson during the CEC's session No. 147 of 7 March, the CEC had received some 82,578 applications, the majority of which (80,318 or 97 per cent) were of informational nature.

individual decisions on these complaints were not published.⁸⁵ The CEC also considered most of the complaints to be beyond its competence, on the basis that they mostly related to the misuse of administrative resources and directed them to other state authorities. Overall, the process of handling election complaints lacked transparency, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document.⁸⁶

The procedure for examination of applications and complaints by the CEC could be revised, with the aim of increasing the transparency of the process. The CEC should consider posting on its website information on applications and complaints, as well as the relevant decisions and responses in a timely manner.

In the 77 decisions of lower-level electoral commissions on complaints examined by the ODIHR EOM, the law was applied in a consistently restrictive manner. Most of the complaints related to the distribution of leaflets calling for a boycott, or distribution of campaign material that did not include legally required imprint data.⁸⁷ Some SECs considered that leaflets calling for a boycott of the election constituted illegal campaign material as they did not feature electoral fund information nor information about the printing company.⁸⁸ By contrast, on 12 February the Central District Court of Tver ruled that citizens are neither obliged to provide copies of their campaign materials to the CEC or SECs nor to indicate data pertaining to an electoral fund.⁸⁹ On the same issue of dissemination of printed campaign material calling for a boycott, the Justice of Peace of Slavgorod and the District Court of Perm established that the law had been violated.

As of 27 March 2018, 101 complaints against CEC decisions were lodged before the Supreme Court.⁹⁰ A total of 85 were rejected as inadmissible.⁹¹ Two cases concerned the right to stand were considered. Mr. Navalny challenged the constitutionality of the restriction of the right to be elected for persons

⁸⁵ The two decisions concerned media coverage of the campaign. A CEC Decree of 28 February 2007 imposes an obligation to publish CEC decisions adopted in plenary.

⁸⁶ Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) establishes the right to “effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”

⁸⁷ The SECs of Rostov, Krasnoyarsk, Mari El Republic, Kaluga and Kemerovo *oblasts* and Tatarstan Republic examined several complaints filed against the distribution of the KPRF’s monthly bulletin *Pravda*. The January/February issue featured Mr. Grudinin, without an indication as to whether this had been paid for by the candidate’s electoral fund. All SECs ordered the suspension of the bulletin’s distribution and the CEC issued a warning to KPRF for a violation of electoral legislation.

⁸⁸ The SECs included: Volgograd, Nizhny Novgorod, Tver and Yaroslav *oblasts*, Krasnoyarsk *krai*, Republic of Mordovia and of Chuvash Republic. All SECs submitted the information to the police and requested the material be seized and charges pressed against the perpetrators.

⁸⁹ This decision is in accordance with the 2005 Constitutional Court decision, regarding a citizen who distributed leaflets promoting a vote ‘against all’ candidates, which ruled that in the absence of a formally defined procedure for the exercise by citizens of the right to conduct election campaign ‘against all’ by using their own personal funds, the legal provisions that require a campaign to be conducted through the use of electoral funds constitute a significant restriction of the freedom of expression. In October 2012, the Supreme Court of the Russian Federation followed the same reasoning in a decision on a similar issue.

⁹⁰ Among these, 37 challenged the CEC’s decision to register the incumbent. Six complaints by candidates challenged the CEC’s decision to deny their registration on grounds, such as: self-nomination not being supported by 500 voters; a lack of notification of the CEC on the meeting of the group of voters within the legal time limits; and residence permit on a territory of a foreign state. The Court upheld the CEC decisions in all cases.

⁹¹ The Code of Administrative Procedure provides several reasons for inadmissibility of an administrative complaint to the Supreme Court, such as: the complaint being concurrently examined by another jurisdiction; it cannot be proved that the contested decision or action violates the rights of the claimant; there is already a legally-binding decision of another court on the same matter.

convicted for grave and especially grave offences.⁹² The second, filed by Ms. Sobchak challenged the CEC's decision to register the incumbent, claiming the constitutional limit for presidential terms had been exhausted.⁹³ In both cases, the Supreme Court upheld the decisions of the CEC.

Most ODIHR EOM interlocutors raised concerns about the conduct of law enforcement officials and expressed lack of trust in the independence and impartiality of the judiciary, including the adjudication of electoral disputes. ODIHR EOM interlocutors pointed to a number of examples targeting specific groups or individuals.⁹⁴ The GRECO report also expressed concerns that “the powers of the executive throughout the recruitment procedure up to the final appointment of judges are such as potentially having a negative impact on judicial independence” and recommended that “the process of recruiting judges be reviewed so as to better preserve the separation of powers and the independence of the judiciary vis-à-vis the executive.”⁹⁵

B. ELECTION-DAY AND POST-ELECTION DAY

Up to 24 March, more than 162 complaints have been submitted to the SECs; some of them were redirected to TECs for consideration and a few to law enforcement agencies.⁹⁶ Approximately 300 complaints were filed with the TECs and the PECs on election day and afterwards.

A large number of the decisions concerned complaints filed by proxies of Mr. Grudinin who challenged the legality of adding information text on the candidate's CEC-prepared poster about his bank accounts. Other decisions concerned alleged problems regarding the functioning of the ballot scanner, voters missing from voter lists, the conduct of referendums and public consultations on the same day as the election, while a couple of cases alleged instances of coercion of voters. In the majority of cases, the SECs re-directed the complaints to the TECs or PECs. The SECs usually considered whether the alleged violations could have an impact on the overall result. When facts were established (in the complaints challenging the malfunctioning of the ballot scanner and the interference in the voting

⁹² The Constitutional Court in its decision of 18 January 2018, found no violation of the plaintiff's constitutional rights. Mr. Navalny was convicted on 8 February 2017 by the Leninskiy District Court of Kirov to a five year suspended prison term. Notably, the 18 July 2013 decision of the same court for embezzlement was quashed by the Supreme Court of the Russian Federation following the 2016 ECtHR judgment [Navalnyy and Ofitserov v. Russia](#), which found that there had been a violation of article 6 of the ECHR.

⁹³ The Supreme Court in its decision of 16 February 2018 found that the CEC acted within the framework of its mandate and the established procedure for registering a candidate. In addition, the Supreme Court also found that the registration of Mr. Putin did not violate Ms. Sobchak's electoral rights. On appeal, the Supreme Court ruled on 26 February that the question of presidential mandate was addressed by the Constitutional Court in its decision of 1998.

⁹⁴ For instance, on 31 January 2016 the Oktyabrskiy district court of St. Petersburg found the co-ordinator of the local headquarters of the boycott campaign guilty for organizing an unauthorized demonstration on 28 January and sanctioned him with 30 days of administrative detention. He was already convicted on 14 November 2017 for organizing an unauthorized public event. Immediately upon his release he was re-arrested and on 2 March 2018 the Smolninskiy district court of St. Petersburg found him guilty of repeated participation in an unauthorized public event (28 January) and convicted him to 25 days of administrative detention. In another case, a local activist supporting Mr. Navalny submitted a notification to the authorities of the intention to hold a rally on 28 January 2018. The authorities refused on the grounds that the rally could violate road traffic regulations and the rights of others. The activist appealed to the Leninskiy district court of Saransk, which on 26 January 2018 rejected the complaint. Following the rally, the authorities arrested several participants: in seven cases the Leninskiy district court found the perpetrators guilty for participating in an unauthorized event, sanctioning each one with a fine of 10,000 RUB (130 EUR).

⁹⁵ The [GRECO report fourth Evaluation Report](#) of 22 March 2018.

⁹⁶ The ODIHR EOM studied some 65 SEC decisions published until 23 March, adopted by the SECs of Arkhangelsk, Astrakhan, Kaliningrad, Kaluga, Moscow, Ryazan, Rostov, Saratov, Sverdlovsk, St. Petersburg, Tambov, Volgograd, and Yaroslavl, *oblasts*; Kamchatka and Krasnodar *krais*, Republics of Karelia, Yakutia, Adygeya and Yamalo-Nenetsk Autonomous District. Also, the ODIHR received statistics on complaints by the SECs of Krasnodar, Kemerovo, Leningradsk, Novosibirsk, Rostov-on-Don, Samara, Tyumen, Tomsk and Voronezh *oblasts*. The SECs of Krasnoyarsk *krai*, and Khakassia and Tuva Republics did not receive any complaints.

process) but did not have a significant impact on the results, the SECs took note of the violation and relayed this information to the CEC, as well as referred the cases to the police or to the prosecutors.

After the election day and until 13 April, 18 complaints filed at the Supreme Court of the Russian Federation challenged the election results, either as a whole or at precinct level; all of them were rejected as inadmissible (See *Election Day*).

XII. ELECTION OBSERVATION

The legislation provides for election observation by representatives of electoral contestants, media, international observers and, following the December 2017 legislative amendments, observers appointed by civic chambers.⁹⁷ While amendments now allow civic chambers to appoint observers, the law does not provide for observation by citizen observers and organizations independently of them.⁹⁸ Recent amendments removed a number of restrictions on the rights and work of observers during presidential elections.⁹⁹ However, media representatives can only be accredited as observers if they have held an employment contract with a media outlet at least two months before the official announcement of an election.¹⁰⁰

While some citizen observer groups, including *Golos*, *Navalny 20!8* and *Sonar*, primarily nominated their observers through electoral contestants, other groups, including *For Clean Elections* and *National Civil Monitoring*, fielded most of their observers through civic chambers.¹⁰¹ Federal and regional civic chambers recruited some 150,000 observers, mostly from various public associations, to maximize coverage of the country. With the exception of the few civic chambers that established an observation methodology, the system of data collection and reporting by observers fielded through the civic chambers remained largely unclear. In addition, they did not engage in election observation beyond election day.¹⁰²

Given their perceived association with state authorities by the majority of ODIHR EOM interlocutors, observation through civic chambers did not address the continued lack of legal provisions for

⁹⁷ [The Federal Civic Chamber](#) created in 2005 is mandated to support citizens' interaction with government officials and local authorities. Of the 168 members of the federal civic chamber, 40 are appointed by the president, 85 by regional civic chambers, and 43 by public associations. Members of regional civic chambers are appointed by federal or regional governments and by civil society organizations.

⁹⁸ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that participating States "consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place." Paragraph 20 of [the General Comment No. 25 to the ICCPR](#) requires that "There should be independent scrutiny of the voting and counting process." Section II.3.2.a of the [Code of Good Practice](#) states that "Both national and international observers should be given the widest possible opportunity to participate in an election observation exercise."

⁹⁹ Observers can be present in the polling stations specified in their registration documents without providing a three-day notification. Moreover, an observer can no longer be expelled from a polling station without a court decision.

¹⁰⁰ The CEC did not accredit two media outlets, *Leviathan* and *Molnia*, associated with Mr. Navalny and *Golos*, respectively. According to the CEC, reasons for not accrediting *Leviathan* was the latter's deregistration by the court and in the case of *Molnia*, incorrect information in the accreditation documents.

¹⁰¹ *Golos* reported pressure on their activities throughout the campaign, which intensified prior to and on election day, including detentions of the Krasnodar *krai* co-ordinator on two occasions, revocation of the call-center's lease following reported pressure from the police, and negative coverage on federal and regional TV channels.

¹⁰² Section II.3.2.b of the [Code of Good Practice](#) states that "observation must not be confined to the election day itself, but must include the registration period of candidates and, if necessary, of electors, as well as the electoral campaign."

independent observation by citizen observers and organizations.¹⁰³

In line with international standards and commitments, the legislation should be amended to guarantee independent and non-partisan citizen observation of the entire electoral process.

XIII. ELECTION DAY

Overall, election day was orderly, despite some problems related to secrecy of the vote and other procedural irregularities during voting and counting. According to the law, results by polling station were published on the CEC website. The CEC reported preliminary turnout of 67.47 per cent at 10:45 on the day following the election.

Throughout election day, the CEC reacted to publicly reported irregularities, including videos indicating cases of ballot box stuffing that were published online and requested law enforcement agencies to follow up on such allegations.

A total of 3,085 observation forms were received from IEOM observers: 240 forms on opening, 2,410 forms on voting, 220 forms on the vote count, and 215 forms on tabulation at the TECs.

A. OPENING AND VOTING

Opening was assessed positively almost everywhere, although in 17 per cent of observations PECs did not announce the number of voters registered, excluded from or added to the voter list. The voting process was assessed as good or very good in 96 per cent of observations. However, despite the overall positive assessment, several procedural and other serious problems were noted.

Secrecy of the vote was problematic as it was at times compromised by overcrowding (noted in 10 per cent of polling stations observed), inadequate layout of voting premises (6 per cent of observations) or voters either not marking their ballots in secrecy or not folding the ballot before it was cast (12 and 74 per cent of observations, respectively). Many IEOM observers reported that the transparent ballot boxes contributed to compromising the secrecy of the vote. PEC members or candidate observers seated close to the ballot box could clearly see the voter's choice. In polling stations equipped with ballot scanners, IEOM observers reported that in some cases voters tried to feed their ballot into the ballot scanners face up, thereby exposing their choice.¹⁰⁴

Practical aspects of the organization of voting should be reviewed to ensure the secrecy of the vote, as provided by OSCE commitments and the law. PEC members should inform voters of their right and obligation to secrecy and the significance of ballot secrecy should be emphasized during training of

¹⁰³ Some public associations – for example student or veteran – are supported by the state budget. As per the official web-site of the Presidential Grants Fund, the citizen observer group *For Clean Elections* received a [presidential grant of 9.7 million RUB](#) (approximately EUR 137,000) – the project's main objective was to increase voter turnout. The chairpersons of Kursk and Novosibirsk civic chambers were officially [registered as proxies of Mr. Putin](#).

¹⁰⁴ Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) commits participating States to “ensure that votes are cast by secret ballot or by equivalent free voting procedure”. Paragraph 20 of the [General Comment 25](#) to the [ICCP](#), states that “States should take measures to guarantee the requirement of the secrecy of the vote during elections, [...]”. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiver of these rights is incompatible with article 25 of the Covenant”. Article 8.2 of the [CIS Convention](#) states that “Citizen's participation in elections is free and voluntary. Nobody can force him/her to vote for a definite candidate... No voter may be forced to declare ... how she/he has voted.”

election commissions and in voter education materials. Consideration could be given to introducing translucent ballot boxes.

Transparency of the process was assessed negatively in 6 per cent of observations, including due to restrictions on observers, or observers not having a clear view of the procedures (3 and 6 per cent of observations, respectively). Despite efforts made by the CEC to increase accessibility of polling stations to voters with physical disabilities, many still remained unsuitable for independent access (43 per cent) or their layout was often not suitable to the needs of the disabled (30 per cent). IEOM observers reported instances of serious irregularities such as ballot box stuffing in 7 cases and group voting in 5 per cent of observations. In polling stations equipped with ballot scanners, IEOM observers noted 5 instances of the same person feeding multiple ballot papers through the scanner.

To further promote universal suffrage, authorities could continue their efforts and take necessary measures to facilitate unrestricted access to polling stations for voters with reduced mobility.

IEOM observers noted a variety of measures, some inappropriate, aimed at increasing voter turnout. In 41 per cent of observations, additional voting events such as public consultations or contests were organized concurrently in the same premises.¹⁰⁵ Observers also reported that some PECs provided voters with statements confirming their participation which, as reported to IEOM observers by some voters, had to be presented to their employers. In addition, IEOM observers saw public employees transported to polling stations in an organized manner. In 12 per cent of observations, persons who were not members of the PECs kept track of those who had voted.

Candidate observers were present in over 94 per cent of polling stations observed. They predominantly represented Mr. Putin (80 per cent of polling stations observed), with many cases of more than one observer representing Mr. Putin being present, which is contrary to the law. Mr. Grudinin and Mr. Yavlinsky had observers present in 53 and 16 per cent of the polling stations observed, respectively. Observers fielded by civic chambers were present in 67 per cent of the polling stations observed. Half of them were nominated by public associations, and in 10 per cent of observations civic chamber observers represented the interest of a candidate, which raised concerns about their neutrality.

B. CLOSING AND COUNTING

Counting was assessed negatively in 13 per cent of observations, which is of concern. Negative assessments were predominantly linked to PECs not following the order of counting procedures (20 per cent of observations). Specifically, PECs failed to perform basic reconciliation procedures before the opening of ballot boxes; PECs did not cancel unused ballots (3 per cent) and the number of voters was not established by counting the signatures on the voter list (5 per cent); nor were control equations in the results protocols performed (20 per cent).

IEOM observers reported that PECs disregarded mandatory procedures during counting, detracting from transparency. Thus, in 32 per cent of polling stations observed, PECs did not mix ballots from mobile and stationary ballot boxes and did not determine ballot validity in a consistent manner (4 and 6 per cent, respectively). In almost one quarter of observations, PECs did not count the ballots one by one, or show and announce for which candidate they were marked (26 per cent of observation). In 40 per cent of observations, PECs counted ballots from several piles simultaneously, which is contrary to the law, or did not allow observers to examine ballot papers (4 per cent of observations).

¹⁰⁵ Additional voting events were observed in 30 locations: Astrakhan, Barnaul, Chelyabinsk, Ekaterinburg, Irkutsk, Kazan, Khabarovsk, Krasnodar, Krasnoyarsk, Lipetsk, Moscow city and *oblast*, Nizhny Novgorod, Novosibirsk, Omsk, Orenburg, Perm, Pskov, Rostov-on-Don, Ryazan, Samara, Saratov, St. Petersburg, Tomsk, Tyumen, Ufa, Vladivostok, Volgograd, Voronezh, Yaroslavl.

Transparency was further reduced by the fact that in 20 per cent of observations, PECs did not enter figures in the enlarged protocols during the counting process and in 43 per cent of observations they did not publicly display a signed copy of the results protocol. Ballot box stuffing became evident during the count in 11 cases.

In order to enhance transparency of the process, procedures for counting should be strictly followed and implemented. Training efforts for PEC members could be intensified, with a particular focus on counting procedures and completion of protocols.

C. TABULATION AND ANNOUNCEMENT OF RESULTS

Tabulation was assessed positively in 92 per cent of observations, which still signals some concerns. Negative assessments were often linked to inadequate premises for the reception and processing of PEC protocols (25 TECs), overcrowding that negatively affected the process (13 TECs), and lack of transparency as either not all observers present had a clear view of the process (25 TECs) or observers were restricted in their observation (20 TECs). The OSCE/ODIHR IEOM observers reported that all observed TECs completed tabulation by the legal deadline of 20 March.

The CEC started announcing preliminary results on 19 March and approved the final results on 23 March, within the legal deadline. In response to evidence of election fraud, including video recordings, the TECs invalidated the results from 14 polling stations including on the grounds of interference in the electoral process by voters or polling staff.¹⁰⁶

XIV. RECOMMENDATIONS

These recommendations as contained throughout the text are offered with a view to further enhance the conduct of elections in the Russian Federation and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. The ODIHR stands ready to assist the authorities of the Russian Federation to further improve the electoral process and to address the recommendations contained in this and previous reports.¹⁰⁷

A. PRIORITY RECOMMENDATIONS

1. A comprehensive legal reform should be considered to ensure that any restrictions on fundamental freedoms have the character of exceptions, are proportionate with a legitimate aim and be imposed only when necessary in a democratic society. The authorities should refrain from interpreting the legislation in a restrictive manner which limits constitutionally guaranteed fundamental freedoms of assembly and expression.

¹⁰⁶ For instance, the SEC of Volgograd *oblast*, acting on its own initiative and after studying the video footage of voting in PS No. 0611, cancelled the results of voting in that polling station; it further ordered the TEC of the Krasnoarmeysk district of Volgograd to draw up new protocols on the results of voting after deducting the results of that polling station. Results were cancelled in Dagestan Republic (PS 380, 1073, 1126, 1284), Kemerovo *oblast* (PS 509, 766), Khanti-Mansiisk Autonomous District (PS35) Krasnodarsk *krai* (PS 1158), Moscow city (PS 1910, 1438, 1450), Moscow *oblast* (PS 1480), Nizhny Novgorod *oblast* (PS 2383), Tyumen (PS 2239) and Volgograd (PS 611) *oblasts*. Results were cancelled in one PS in Australia (PS8010).

¹⁰⁷ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

2. Additional and effective safeguards could be considered to ensure full impartiality and independence of election commissions. Further consideration could be given to provide more balanced representation of eligible political parties in election commissions.
3. The blanket disenfranchisement of citizens serving prison terms regardless of the severity of the crime committed should be reconsidered to ensure proportionality between the limitation imposed and the severity of the offense. Restrictions on the suffrage rights of persons with mental disabilities should be removed, whilst necessary support mechanisms to exercise the right to vote should be provided.
4. Restrictions on the right to stand which conflict with OSCE commitments and other international obligations and standards should be removed from the legal framework. Consideration should be given to simplifying the candidate registration procedures.
5. Authorities should take decisive action to prevent pressure on voters in elections. Cases of alleged coercion should be thoroughly and effectively investigated and individuals responsible prosecuted by the relevant authorities.
6. Authorities should demonstrate full respect for fundamental freedoms during the campaign. The right of all electoral stakeholders to express their views, including campaigning for boycott, and peaceful assembly, should be respected as foreseen by the Constitution and the legislation and as required by paragraph 9.1 and 9.2 of the 1990 OSCE Copenhagen Document.
7. Consideration could be given to establishing an independent oversight body, mandated to oversee free, impartial and fair access to state-controlled broadcasters.
8. The procedure for examination of applications and complaints by the CEC could be revised, with the aim of increasing the transparency of the process. The CEC should consider posting on its website information on applications and complaints, as well as the relevant decisions and responses in a timely manner.
9. In line with international standards and commitments, the legislation should be amended to guarantee independent and non-partisan citizen observation of the entire electoral process.

B. OTHER RECOMMENDATIONS

Legal Framework

10. The authorities should undertake electoral reform in a timely manner in order to simplify and clarify ambiguous provisions of the electoral legislation, especially with regard to candidate registration, campaigning, and media coverage.

Voter Registration

11. In order to enhance transparency, the CEC should be legally required to publish the total number of voters registered prior to and on election day, and the data could be disaggregated by PEC and gender.

Campaign Environment

12. The authorities should take further steps to safeguard against the misuse of administrative resources to ensure an equitable campaign environment.

Campaign Finance

13. To increase transparency of campaign finance, consideration could be given to provide disaggregated data, such as a breakdown of income and expenses, in the candidates' financial reports. Additional consideration could be given to include requirements for disclosure of the owners and sources of funding of legal entities and not-for-profit organisations that donate funds to candidates and parties.

Media

14. Media outlets should be free to establish their own editorial policies. To facilitate citizens' access to impartial, critical and analytical information, including when activities of officials are covered, concrete steps should be taken to ensure the editorial and financial independence of state and public media.
15. The CEC or an independent oversight body, mandated to monitor the media during the campaign, should take effective action against those violating the law, including inequitable and biased coverage.

Election Day

16. Practical aspects of the organization of voting should be reviewed to ensure the secrecy of the vote, as provided by OSCE commitments and the law. PEC members should inform voters of their right and obligation to secrecy and the significance of ballot secrecy should be emphasized during training of election commissions and in voter education materials. Consideration could be given to introducing translucent ballot boxes.
17. To further promote universal suffrage, authorities could continue their efforts and take necessary measures to facilitate unrestricted access to polling stations for voters with reduced mobility.
18. In order to enhance transparency of the process, procedures for counting should be strictly followed and implemented. Training efforts for PEC members could be intensified, with a particular focus on counting procedures and completion of protocols.

ANNEX I: FINAL ELECTION RESULTS¹⁰⁸

Electoral Indicator	Value
Number of voters included in the voter list by the end of voting	109,008,428
Number of ballots received by precinct election commission	102,932,812
Number of ballots issued to voters who voted early	219,648
Number of ballots issued to voters at the polling station on voting day	68,587,926
Number of ballots issued to voters who voted outside the polling station on voting day	4,822,007
Number of cancelled ballots	29,302,285
Number of ballots in mobile ballot boxes	5,039,911
Number of ballots in stationary ballot boxes	68,539,081
Number of invalid ballots	791,258
Number of valid ballots	72,787,734
Number of missing ballots	1,050
Number of ballots not accounted for during the handover	104

Candidate	Number of votes received	Percentage
BABURIN Sergei Nikolaevich	479,013	0,65
GRUDININ Pavel Nikolaevich	8,659,206	11,77
ZHIRINOVSKY Vladimir Volfovich	4,154,985	5,65
PUTIN Vladimir Vladimirovich	56,430,712	76,69
SOBCHAK Ksenia Anatolyevna	1,238,031	1,68
SURAIKIN Maksim Alexandrovich	499,342	0,68
TITOV Boris Yurievich	556,801	0,76
YAVLINSKY Grigory Alekseevich	769,644	1,05

¹⁰⁸ As per [announcement of results by the CEC](#) on 23 March; published on 23 March.

ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

Michael Georg	LINK	Special Co-ordinator	Germany
Marietta	TIDEI	Head of Delegation	Italy
Ervin	BUSHATI	MP	Albania
Bledar	CUCI	MP	Albania
Fatmir	MEDIU	MP	Albania
Luan	RAMA	MP	Albania
Roman	HAIDER	MP	Austria
Reinhold	LOPATKA	MP	Austria
Olga	POPKO	MP	Belarus
Rita	BELLENS	MP	Belgium
Georges	DALLEMAGNE	MP	Belgium
Alain	DESTEXHE	MP	Belgium
Robert	PODOLNJAK	MP	Croatia
Kyriakos	HADJIYIANNI	MP	Cyprus
Josef	HAJEK	MP	Czech Republic
Jan	HORNIK	MP	Czech Republic
Karla	MARIKOVA	MP	Czech Republic
Zdenek	ONDRACEK	MP	Czech Republic
Jan	ZALOUDIK	MP	Czech Republic
Peter Juel	JENSEN	MP	Denmark
Marie	SOELBERG	MP	Denmark
Jaanus	MARRANDI	MP	Estonia
Ilkka	KANERVA	MP	Finland
Kimmo	KIVELA	MP	Finland
Pascal	ALLIZARD	MP	France
Aude	BONO-VANDORME	MP	France
Francois	JOLIVET	MP	France
Didier	PARIS	MP	France
Frederic	PETIT	MP	France
Andrej	HUNKO	MP	Germany
Paul	PODOLAY	MP	Germany
Andreas	SCHWARZ	MP	Germany
Anastasia	GKARA	MP	Greece
Mavroudis	VORIDIS	MP	Greece
Gábor	HARANGOZÓ	MP	Hungary
Luigi	COMPAGNA	MP	Italy
Cristina	DE PIETRO	MP	Italy
Sergio	DIVINA	MP	Italy
Frederico	FAUTTILLI	MP	Italy

Guglielmo	PICCHI	MP	Italy
Francesco	SCALIA	MP	Italy
Saule	AITPAYEVA	MP	Kazakhstan
Rashit	AKIMOV	MP	Kazakhstan
Serik	KUSSAINOV	MP	Kazakhstan
Dulat	KUSTAVLETOV	MP	Kazakhstan
Bakhtiyar	MAKEN	MP	Kazakhstan
Beibut	MAMRAYEV	MP	Kazakhstan
Tuleubek	MUKASHEV	MP	Kazakhstan
Artur	PLATONOV	MP	Kazakhstan
Vladimir	VOLKOV	MP	Kazakhstan
Anar	ZHAILGANOVA	MP	Kazakhstan
Kanybek	IMANALIEV	MP	Kyrgyzstan
Bakhadyr	SULEIMANOV	MP	Kyrgyzstan
Gustave	GRAAS	MP	Luxembourg
Henri	KOX	MP	Luxembourg
Achraf	BOUALI	MP	Netherlands
Albert	VAN DEN BOSCH	MP	Netherlands
Franklin	VAN KAPPEN	MP	Netherlands
Madeleine	VAN TOORENBURG	MP	Netherlands
Bard	HOKSRUD	MP	Norway
Siv	MOSSLETH	MP	Norway
Piotr	APEL	MP	Poland
Barbara	BARTUS	MP	Poland
Grzegorz	SCHREIBER	MP	Poland
Jacek	WLOSOWICZ	MP	Poland
Costel	ALEXE	MP	Romania
Costel Neculai	DUNAVA	MP	Romania
Catalin-Daniel	FENECHIU	MP	Romania
Petru	MOVILA	MP	Romania
Ionut	SIBINESCU	MP	Romania
Doina	SILISTRU	MP	Romania
Peter	OSUSKY	MP	Slovak Republic
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ABOUT THE 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 Summit Document). This is referred to as the OSCE human dimension.

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 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it coordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

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.

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/odihr).