

# *Nyt fra E u r o p a r å d e t*

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## Election observation

### Russian Duma elections 'not held on a level playing field', say parliamentary observers

Moscow, 3 December 2007 – The State Duma elections in the Russian Federation on 2 December 2007 were not fair and failed to meet many OSCE and Council of Europe commitments and standards for democratic elections, according to an observation mission of parliamentarians from these two bodies.

The observation, bringing together over 70 parliamentarians from 28 countries, was a joint effort of delegations from the Parliamentary Assembly of the Council of Europe (PACE), led by Luc van den Brande, and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE PA), led by Göran Lennmarker. The Nordic Council also joins these two bodies in this statement. A broader participation of international observers would have been preferable and could have contributed to greater transparency.

In general, the elections were well organised and observers noticed significant technical improvements. However, they took place in an atmosphere which seriously limited political competition and with frequent abuse of administrative resources, media coverage strongly in favour of the ruling party, and an election code whose cumulative effect hindered political pluralism. There was not a level political playing field in Russia in 2007.

In particular, the following major areas raised concern:

- The merging of the state and a political party is an abuse of power and a clear violation of international commitments and standards.
- The media showed strong bias in favour of President Putin and the ruling United Russia party.
- The new election code makes it extremely difficult for new and smaller parties to develop and compete effectively.
- There were widespread reports of harassment of opposition parties.

The Copenhagen Commitments (5.4), agreed by all OSCE participating states, specifically state that there should be "a clear separation between the State and political parties; in particular, political parties will not be merged with the State". The Council of Europe's *Code of Good Practice in Electoral Matters* (I.2.3) lays down that state authorities must have "a neutral attitude" to the election campaign, media coverage and party and campaign funding.

The extensive use of administrative resources – such as state infrastructure and personnel on the public payroll – on behalf of United Russia is a clear violation of these commitments and standards. Most appointed governors are included on United Russia lists, which is misleading to voters as these senior officials are unlikely to abandon high public office to take up seats in the Duma. The active role of the head of state on behalf of United Russia, in spite of not being a member of that party, turned a parliamentary election into a referendum on the President.

Broadcast media, particularly television, is under almost total state control. President Putin and United Russia dominated the airwaves during the election campaign with overwhelmingly positive coverage. According to monitoring reports, the state-funded media failed in their public mandate to offer balanced and objective coverage and this made it very difficult for the voters to get an accurate and unbiased picture of the political parties and the issues.

The print media have been more dynamic and there have been examples of balanced coverage in several newspapers. However, the print media, in particular the more independent papers, do not reach a wide audience.

The new election law creates a pure proportional list system in which only established political parties can seek election, eliminating the possibility for local and independent candidates to run for office.

The total effect of the new election code makes it extremely difficult for new and small parties to develop and

compete effectively. The registration procedure is complicated and requires either a substantial fee or a high number of signatures. The code also contains significant financial disincentives for smaller parties to participate in the campaign. The seven percent threshold and the ban on parties forming electoral blocs discourage the development of new political parties and more pluralistic parliamentary representation.

The pre-election campaign was marked by the authorities' clampdowns on opposition rallies and demonstrations. Voters were denied an open campaign, as United Russia chose not to participate in political debates, making it more difficult for voters to directly compare the platforms of the various political parties.

There were persistent reports of harassment of opposition candidates, detentions, confiscation of election material, threats against voters and allegations of the potential misuse of absentee certificates. NGOs have faced restrictions on their work, and some also reported they were not allowed to observe the voting at polling stations on election day.

On election day, polling stations seemed well-run, although they were at times crowded. The voting took place in a mostly calm and friendly atmosphere. Election officials were generally welcoming, although the observers experienced some over-zealous policemen. Domestic observers representing various political parties were present in many polling stations.

Observers noticed that people who were not registered and without absentee certificates were allowed to vote. Voting arrangements, such as the use of electronic boxes and voting booths that did not provide adequate privacy, failed to protect the secrecy of the vote. The seals on some ballot-boxes were inadequate. Some international observers faced obstructions to their work – including, in isolated cases, refusal of access.

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■ [PACE observes parliamentary elections in Russia](#)

## Forud for Duma-valget i Rusland:

### **Arrests in Russia: Statement by Ján Kubiš, Slovak Minister of Foreign Affairs and Committee of Ministers Chairman-in-office**

Strasbourg, 27.11.2007 – Jan Kubiš, Minister of Foreign Affairs of Slovakia has expressed his concern about the Russian police raid against supporters of the opposition during the weekend as well as the arrests of opposition leaders Garry Kasparov, Boris Nemtsov, etc.

Mr Kubiš emphasised that in the period leading up to elections to the Russian State Duma, it is important to ensure free and fair conditions for all political parties and to guarantee freedom of assembly and freedom of expression.

In his capacity as Chairman of the Council of Europe Committee of Ministers, Mr Kubiš appeals to the Russian authorities to release the opposition leaders.

### **PACE President René van der Linden reacts to arrests in Moscow and St Petersburg**

Strasbourg, 26.11.2007 – "I am concerned about the arrests of opposition leaders in Moscow and St Petersburg over the weekend," said René van der Linden, President of the Parliamentary Assembly of the Council of Europe (PACE). "Forceful police action of this kind, ahead of an election, is not appropriate."

The President also expressed his backing for today's call by the Chair of PACE's Legal Affairs Committee Dick Marty for swift identification and punishment of those who abducted and beat Oleg Orlov, President of the Russian human rights NGO "Memorial", and three television journalists in Ingushetia on Saturday.

## Frozen conflicts in Council of Europe member states

Berlin, 06.11.2007 – The hearing on “frozen conflicts” hosted by the German Bundestag in Berlin and co-organised by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE) and the German Institute for International and Security Affairs (SWP), gave rise to two days of productive exchanges of views between a panel of leading experts, high-level government, Council of Europe and EU representatives, and members of the Monitoring Committee.

Historians, researchers and international law specialists analysed the current situation in Nagorno-Karabakh, Abkhazia, South Ossetia and Transnistria. They outlined the different tools which could be used for the settlement of the conflicts, including parliamentary diplomacy, conflict prevention and conflict resolution policies within the framework of the EU. Various options offered by comparative constitutional law were also presented by the representative of the Council of Europe’s Venice Commission.

PACE is well-placed to provide a forum for raising awareness on these issues, the parliamentarians agreed, as well as a platform in which experiences of conflict settlement processes can be discussed and lessons learned. Parliamentarians can lobby their own governments to support peaceful conflict resolution, facilitate the implementation of conflict settlements and post-conflict programmes, and, generally, assist in the democratic consolidation of the countries/regions concerned.

The Monitoring Committee plays a specific role in this regard by regularly monitoring the respect of commitments in the countries concerned, including those relating to the resolution of conflicts, the parliamentarians pointed out.

On joining the Council of Europe, Armenia, Azerbaijan, Georgia and Moldova undertook to seek the peaceful settlement of the respective conflicts; the Russian Federation also entered into specific commitments regarding some of the conflict regions.

Flere oplysninger: se artikel i dagbladet "Politiken" den 12. november.

## New independent body to be created to monitor trafficking in human beings in Europe

Strasbourg, 09.11.2007 – A group of ten to fifteen independent experts will form in 2008 the Group of Experts on Action against Trafficking in Human Beings (GRETA), a specialised body to oversee the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ([CETS n° 197](#)) in the countries that have ratified it.

Its members will serve in their individual capacity and will be elected for a 4 year term, renewable once, taking into account gender and geographical balance. They will be chosen from among experts of high moral character in the field of Human Rights, assistance and protection of victims and action against trafficking in human beings.

From 8-9 November in a conference in Strasbourg the Council of Europe’s member and observer states, international governmental organisations and NGOs have discussed the content, selection criteria of members and working methods of GRETA. Council of Europe experts shared their views with representatives of states, the OSCE, the European Commission, the United Nations Office on Drugs and Crime, Anti Slavery International, Amnesty International and La Strada International.

They also reviewed the experience of other Council of Europe monitoring bodies such as the European Commission against Racism and Intolerance (ECRI), the Committee on the Framework Convention for the Protection of National Minorities and the Committee for the Prevention of Torture (CPT) as models for GRETA.

The Convention will enter into force on 1 February 2008. At the moment Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania and Slovakia have ratified it and will be subject to the monitoring of GRETA.

At the meeting Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, encouraged States and the European Union to ratify the Convention and said that “proper monitoring is indispensable to the effectiveness, credibility and impact of our legal instruments. The election procedure for the future members of GRETA must guarantee their competence, independence and impartiality”.

The new body will be created within a year of the entry into force of the Convention and will carry out its evaluation in rounds, like the Minorities Advisory Committee, the ECRI and the CPT. It will define its own evaluation methods, for example questionnaires addressed to national authorities or collecting information from civil society. GRETA may arrange country visits in order to prepare its reports on the implementation of the Convention and make proposals on how states should deal with the problems identified.

## **Chairmanship of Committee of Ministers: Slovakia presents its priorities**

Strasbourg, 12.11.2007 – Jan Kubiš, Slovakia’s Minister for Foreign Affairs, presented the priorities fixed by his country today as it took up the chairmanship of the Council of Europe Committee of Ministers for the next six months. He emphasised an important role that the Council of Europe played in building democratic Slovakia and reiterated his country’s support to the implementation of the Council of Europe values, standards and principles. Slovakia’s priorities will be based around three broad themes:

### **1. Promoting a citizens’ Europe:**

- a. the Slovak Chairmanship will emphasise the Council of Europe’s need for openness, engagement, responsibility and efficiency as well as its need for solidarity with non-governmental organisations and civil society, in relation to its activities and further development;
- b. it will seek to implement the recommendations concerning the functioning of the Forum for the Future of Democracy and support the work of the Ad hoc Committee on e-democracy to develop a set of generic e-democracy tools and guidelines on the scope and implementation of e-democracy;
- c. the Slovak Chairmanship will support the early adoption of a draft convention on access to official documents.

### **2. A transparent and efficient Council of Europe;**

- a. in order to guarantee complementarity and synergy between the main European organisations, Slovakia will aim to further promote dialogue, exchange of experiences and good practices and to improve the co-ordination of activities;
- b. the Slovak chairmanship will support the ongoing work aimed at strengthening the system of human rights protection of the Council of Europe, in particular the European Court of Human Rights, the Council of Europe Commissioner for Human Rights, the European Committee for the Prevention of Torture and the European Commission against racism and Intolerance.

### **3. Respect for and promotion of core values: human rights, rule of law and democracy.**

- a. the Slovak Chairmanship will strive to ensure the fulfillment of commitments relating to shared values and standards, which Council of Europe member states have signed up for;

***b. it will lead efforts in the fight against discrimination, racism, anti-Semitism, xenophobia, extreme nationalism and chauvinism, and will promote the truth about the Holocaust;***

- c. Slovakia will pursue the objective of a peaceful, secure and socially responsible Europe and the development of a mutually beneficial co-operation, at the European and the international level;

***d. it will support both the strengthening of security and stability in the Western Balkans and Eastern Europe, and the further deepening of the European integration process;***

e. the Slovak Chairmanship will support the full use of all assistance and co-operation programmes of the Council of Europe that would change Belarus' attitude with respect to meeting the criteria for membership;

f. it will take advantage of the 10th anniversary of the entry into force of the Framework Convention for the Protection of National Minorities to support the continuation and development of the activities in the areas of the protection of minorities, fight against racism and intolerance as well as against social exclusion.

Det slovakiske formandskab slutter den 7. maj, hvor Sverige overtager formandskabet for Ministerkomitéen.

## **Council of Europe Elections Observation Mission in Kosovo (CEEOM V): Elections in line with international standards but alarmingly low turn-out**

Pristina, 18.11.2007 - The 150 short-term observers, including the 29 elected members from the Congress (Council of Europe), the Committee of the Regions (European Union) and the European Parliament, evaluated the voting process in positive terms. In general, both the elections and the electoral process were conducted in line with European and international standards for democratic elections.

Whilst praising these positive aspects, the preliminary statement highlights the alarmingly low turn-out, which sends a strong signal to political leaders. The confirmation of this continuous downward trend, which started in the 2001 elections, reveals a profound dissatisfaction among the population.

Voters from the Kosovo Serb Community have followed appeals not to participate.

Formally, these elections were the responsibility of the Central Election Commission. However, due to the late call, the Organisation for Security and Co-operation in Europe (OSCE) was much more involved than formally envisaged. It is clear "that the international community has not met its obligation to contribute to capacity-building in the field of elections", explains the preliminary statement.

The Mission urges all parties and political leaders to respect the results of these elections. In order to regain the trust of its electors and to give a European perspective to Kosovo, elected politicians should vigorously fight corruption and give priority to the enhancement of the social and economic situations for the benefit of all communities living in Kosovo.

## **Congress calls for reform of Turkish legislation on municipalities**

Strasbourg, 20.11.2007 – As part of the Congress' Autumn Session (Strasbourg, France, 19-21 November), the Congress' Chamber of Local Authorities held a debate on local democracy in Turkey, in particular in the light of the situation of mayors and municipal councils in South-East Anatolia.

Former Mayor of Sur Abdullah Demirbas and Mayor of Diyarbakir Osman Baydemir took part in the meeting. They described political pressure and judicial persecution to which mayors and municipal councils of the region were subjected by the authorities, mostly due to the use of the Kurdish language in public affairs. Representatives of the Turkish government and the AK party, who were also invited, failed to attend.

Discussions focused on the report by Anders Knappe (Sweden, L, EPP/CD), Hans-Ulrich Stöckling (Switzerland, R, ILDG) and Irina Pereverzeva (Russian Federation, L, SOC), adopted by the Congress

Bureau on 17 September, following their fact-finding mission to Diyarbakir and Ankara (8-10 August 2007).

In the rapporteurs' view, the current law, in both its substantive and its procedural aspects, is so flawed as to be unsustainable. There is the asserted but fraught distinction between 'international' and 'ethnic' languages; there is the confusion over what exactly constitutes a 'political' abuse of power by public authorities; there is uncertainty about the distinction between those things done under the authority of an official resolution and those done as a matter of administrative practice; there is uncertainty, evidenced by the procedures in the Sur case itself, about the procedural protections available to the mayor and councilors when legal measures are taken against them; and, perhaps above all, the apparently arbitrary way in which the law may be invoked and enforced against different instances of alleged breach of the law.

In its recommendation to the Committee of Ministers, the Chamber of Local Authorities asked that the Turkish authorities:

- permit municipal councils to use languages other than Turkish in the provision of public services;
- reform the Municipality Law to allow mayors and municipal councils to take "political" decisions without fear of proceedings being taken against them;
- and sign and ratify the Council of Europe's Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.

## **Commissioner in Norway to discuss vulnerable people's rights**

[16/11/07 12:30] Thomas Hammarberg today took part in a conference on "Human rights protection for vulnerable groups of people" in Oslo organised by the Ombudsman of Norway. The Commissioner's intervention focused on the possibilities to further strengthen human rights protection in Norway and improve the living conditions of vulnerable people.

While in Oslo, the Commissioner also held meetings with national authorities, in particular the Minister of Justice and State Secretaries from the Office of the Prime Minister and the Ministry of Foreign Affairs. The Commissioner's agenda focused on prison conditions, trafficking in human beings, national action plans for human rights and the execution of judgments of the European Court of Human Rights.

## **The Council of Europe adopts its 2008 budgets**

Strasbourg, 29.11.2007 – The Council of Europe's Committee of Ministers has just adopted the organisation's budgets for the year 2008.

The ordinary budget amounts to € 201 million.

Additional resources will be devoted to the European Court of Human Rights and the Office of the Human Rights Commissioner.

The programme of activities focuses on the implementation of the Declaration and Action Plan adopted at the Warsaw Summit, in order to contribute to the fundamental objective of preserving and promoting human rights, democracy and the rule of law.

## Møder i december

(hvor intet andet er nævnt, holdes mødet i Strasbourg)

- 2. Observation af parlamentsvalget i Rusland (pressemøde den 3. december i Moskva)
- 3. Menneskerettighedskommisæreren: Contact mission (Helsinki)
- 3.-4. Konference: Romani Women's Rights (Stockholm)
- 3.-5. Ministerkomitéen
- 6. Konference: Support services for women victims of violence
- 10. Human Rights Day
- 11. Kollokvium: The teaching of European literature (Paris)
- 12. Ministerkomitéen
- 14. Høring: The detention of asylum seekers and irregular migrants in Europe (Paris)

## Møder i januar

- 5. Observation af præsidentvalget i Georgien
- 21.-25. Vinter-session: Den Parlamentariske Forsamling (se den foreløbige dagsorden på [assembly.coe.int](http://assembly.coe.int))

**Redaktionen ønskes en  
Glædelig Jul og et Godt Nytår**

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