

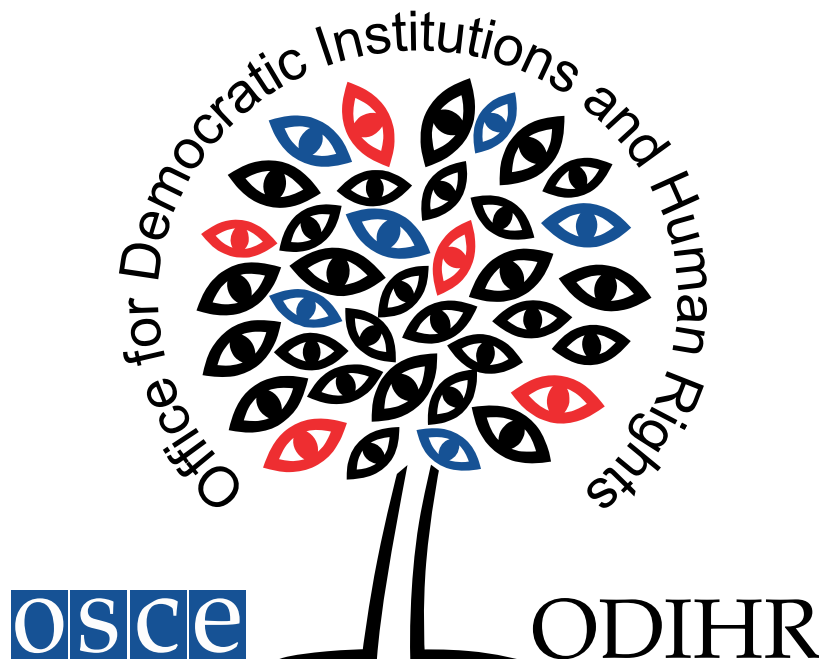


Office for Democratic Institutions and Human Rights

REPUBLIC OF LATVIA

PARLIAMENTARY ELECTIONS
6 OCTOBER 2018

ODIHR Election Assessment Mission
Final Report



Warsaw
17 January 2019

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**REPUBLIC OF LATVIA
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ODIHR Election Assessment Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the Ministry of Foreign Affairs of the Republic of Latvia and based on the recommendation of a Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to observe the 6 October 2018 parliamentary elections.

The elections were conducted professionally, and the election administration enjoyed a high level of public confidence. Contestants were able to campaign freely in a competitive and pluralistic environment in which fundamental freedoms were generally respected. The legal framework is comprehensive and serves as an adequate basis for the conduct of elections, although it could be further refined to enhance the inclusiveness of the electoral process.

While several changes in the legal framework were made since the 2014 parliamentary elections, the amendments did not affect fundamental aspects of the electoral process, and most prior ODIHR recommendations remain unaddressed. Certain provisions, such as restrictions on candidate and party registration, challenge OSCE commitments and other international obligations and standards for democratic elections.

The election administration at all levels worked in a timely and professional manner and generally enjoyed the trust of stakeholders. Voters were provided with a range of options for casting their ballot, such as early voting and voting from abroad. The CEC made commendable efforts to facilitate the participation of persons with disabilities in the electoral process, including voter information in formats accessible for persons with visual impairments and materials in easy-to-understand language for persons with intellectual disabilities. However, detailed voter information was not widely available in minority languages.

Citizens who are 18 years of age or older by election day have the right to vote. There were 1,548,100 eligible voters for these elections. There is no voter register for parliamentary elections and voters were able to cast their ballot at any polling station in-country or abroad. Multiple voting was prevented by stamping a passport or special voter card.

Sixteen electoral contestants with a total of 1,461 candidates stood in these elections, granting voters a broad choice. Approximately 90 incumbent members of parliament contested the elections of which 41 were reelected. Recent amendments to the legal framework restrict the ability of new parties to contest elections, and the law does not provide for independent candidates. Despite previous ODIHR recommendations, the law continues to provide a blanket restriction for those who have committed an intentional crime, irrespective of its gravity, and restricts eligibility of citizens with certain prior political affiliations and occupations.

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

Women represented 31.8 per cent of candidates, of whom 31 were elected to the 100-member parliament, a significant increase of 12 per cent as compared to the outgoing parliament. There are no legal measures to promote women candidates, but all 16 lists included women in the first 3 positions. There are no requirements for the gender composition of election commissions, and although women held leadership positions in most cases, the CEC did not compile comprehensive statistics on the participation of women in the election administration.

The campaign was dynamic and candidates reached out to voters through the use of traditional tools and extensive use of social media platforms. A plethora of debates and political programmes highlighted the competitiveness of the election as several of the main contestants vied for votes from the same electorate. In the lead up to election day, the tone of the campaign became increasingly harsh, with some candidates resorting to mutual personal accusations.

Issues pertaining to language and identity generated divisive political discourse. Parties are broadly perceived as representing either Latvian speakers or the considerable Russian-speaking population, many of whom are non-citizens. Despite some initiatives to facilitate integration in recent years, there remain some 228,855 people registered as non-citizens. Such individuals cannot vote in or stand for elections. While citizenship is an acceptable requirement for the right to be elected and to vote in national elections, it remains a concern that a significant number of persons belonging to national minorities cannot participate in the electoral process, as they do not hold citizenship.

The campaign finance law is comprehensive, although certain provisions, such as the extent of and deadlines for disclosure, need improvement to enhance transparency and accountability. The Corruption Prevention and Combatting Bureau diligently implemented oversight of campaign income and expenditure and enjoyed general trust among election stakeholders. However, the majority of the Bureau's decisions were not published, diminishing transparency.

The campaign in the media was vibrant and freedom of expression was generally respected. A wide range of political programmes, including those of public broadcasters, enabled both Latvian and Russian-speaking voters to make an informed choice. The media generally respected their legal responsibilities for balanced coverage. However, the tendency of some politicians to publicly discredit journalists and the criminalization of defamation was at odds with international standards. In addition, concerns persisted related to the composition and independence of the media regulator.

Despite previous recommendations, the law does not provide for international and non-partisan citizen observation, as foreseen in the 1990 OSCE Copenhagen Document. In an effort to fill the gaps in the legal framework, the CEC issued a document stipulating requirements for application procedures, accreditation and the rights and obligations of observers.

The election dispute resolution system enjoys general public confidence. The ODIHR EAM was informed of very few complaints for this election, which were handled effectively. While not a concern in these elections, limited standing to submit complaints and the absence of election-specific deadlines may prevent timely review of election disputes, undermining the right to effective redress.

In accordance with ODIHR methodology the EAM did not observe election day proceedings in a systematic or comprehensive manner, but mission members visited a limited number of polling stations during early voting and on election day. Overall, voting and counting in visited polling stations were well organized and efficiently conducted. Nevertheless, on several occasions mission members noticed that the size of the polling stations was too small to adequately accommodate the number of voters. In addition, the design of the voting screens and positioning of the booths did not always fully guarantee the secrecy of the vote.

This report offers a number of recommendations to support efforts to bring elections in Latvia further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to revisions of restrictions on candidate and party eligibility, efforts to promote naturalization of non-citizens, decriminalization of defamation, legal guarantees for observation rights, and refinements to election dispute resolution. 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 Ministry of Foreign Affairs of the Republic of Latvia to observe the 6 October 2018 parliamentary elections, and based on the recommendation of a Needs Assessment Mission undertaken from 4 to 7 June 2018, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) from 24 September to 11 October 2018.² The ODIHR EAM was headed by Ulrike Lunacek and consisted of six experts drawn from five OSCE participating States. The EAM was based in Riga and visited several locations across the country.³

The electoral process was assessed for compliance with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation. In line with ODIHR methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations during early voting and on election day.

The ODIHR EAM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission and the election administration at all levels for their co-operation and assistance, as well as to express gratitude to representatives of state institutions, political parties, candidates and their campaign teams, media, civil society, academia and other interlocutors for sharing their views.

III. BACKGROUND

Latvia is a parliamentary republic with legislative powers vested in the 100-member unicameral parliament (*Saeima*). Executive power is exercised by the government, led by the prime minister. The parliament elects the head of state – the president – in a closed vote for a four-year term.⁴ In June 2015, the parliament elected Raimonds Vējonis as head of state. On 3 October 2018, three days ahead of the elections, Prime Minister Māris Kučinskis announced his party would support President Vējonis for a second presidential term.

The last parliamentary elections were held on 4 October 2014 and resulted in a three-party governing coalition consisting of Unity (23 seats), Union of Greens and Farmers (21), and National

² See all previous [ODIHR election reports on Latvia](#).

³ The locations visited were as follows: Daugavpils, Jelgava, Olaines, Ozolnieku, Saulkrastu and Siguldas municipalities.

⁴ On 4 October 2018, two days ahead of the parliamentary elections, parliament approved an amendment to the Constitution that future elections of the president will be through an open parliamentary vote. The amendment appeared in the official gazette on 16 October and will come into force on 1 January 2019.

Alliance (17).⁵ The Social Democratic Party Harmony – widely perceived as representing Latvian Russian-speakers – has been the largest parliamentary group since 2011 but has remained in opposition.⁶ Parties have been unwilling to enter a coalition with Harmony, mostly, but not exclusively, due to policy differences on language use and the country’s geopolitical orientation.⁷

In December 2015, Prime Minister Laimdota Straujuma resigned from office citing instability within her Unity party. The ensuing power struggle within the Unity party resulted in the election of Mr. Kučinskis from the Union of Greens and Farmers to the post of Prime Minister in February 2016. Despite a change of government and several scandals affecting the ruling coalition, the government remained stable and the new cabinet broadly followed the policies of the previous one.⁸ Local elections held in June 2017 saw most of the largest cities reelect their incumbent mayors, including in Riga where Harmony secured its party leader’s return to office for a third time, albeit with a significantly reduced majority of seats in the city council. The political landscape is fragmented with several new parties having emerged since 2016 to fill the vacuum left by the split of Unity and to attract its former electorate.⁹

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the Constitution, the Law on Parliamentary Elections, the Law on Pre-Election Campaign and the Law on the Central Election Commission (CEC). The conduct of the elections is also guided by the Law on Financing of Political Organizations, the Law on Political Parties, legislation regulating administrative and criminal proceedings, the media as well as by CEC decisions and instructions. Latvia is a party to major international agreements laying the basis for democratic elections.¹⁰

The legal framework is comprehensive and serves as an adequate basis for the conduct of elections. Several changes in a number of laws were made since the 2014 parliamentary elections, but they

⁵ A further 3 parties were represented in the 2014 parliament: the Social Democratic Party Harmony (24 seats), the Latvian Association of Regions (8), and For Latvia from the Heart (7).

⁶ Harmony is widely considered to have attempted over the past years to change its profile to that of a European-style social democratic party. According to the party chairperson Nils Ušakovs, the longstanding co-operation agreement with United Russia lapsed in 2016. Harmony was granted [provisional full membership of the Party of European Socialists](#) in November 2017, and was accepted as a full member at the Congress held on 7-8 December 2018.

⁷ On 22 March 2018, parliament passed amendments to both the Law on Education and the Law on General Education, under which schools that teach classes in minority languages must gradually transition to Latvian-only secondary education in the 2020/2021 academic year. Members of Harmony requested that the president halt the amendments, but he did not.

⁸ In spring 2017, the weekly magazine *Ir* published a series of leaked transcripts of conversations secretly taped from 2009-2011 between several influential political figures. The so-called “oligarch transcripts” provoked heated public debate about suspected cases of corruption and abuse of power, as well as on alleged intentions to restrict press freedom and gain control of government institutions.

⁹ Including the populist “Who Owns the State” (KPV LV), Progressives, and Movement For!.

¹⁰ These include among others the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities. Latvia is also party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the 1998 Framework Convention for the Protection of National Minorities (FCNM), and is a member of the Council of Europe’s European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

did not affect fundamental aspects of the electoral process.¹¹ These amendments concerned candidate eligibility and registration, regulation of the pre-election campaign, election day procedures, and party and campaign finance regulations including the introduction of an electronic reporting system for parties and donors. Certain issues raised in prior ODIHR recommendations remain to be addressed to bring the legal framework fully in line with OSCE commitments, other international obligations and standards for democratic elections, including those concerning candidacy rights, election observation, effective legal redress, criminality of defamation, and transparency and oversight of campaign finance.

In 2016, amendments to the Criminal Law were adopted that criminalise non-violent actions against the Republic of Latvia. Some ODIHR EAM interlocutors raised concerns that these provisions lack legal clarity and could be interpreted broadly to restrict freedom of expression, including in the context of election campaigning.¹²

The 100-member parliament is elected for a four-year term through a proportional open list system in five multi-member constituencies. Party lists must pass a five per cent nationwide threshold to be allocated mandates.¹³ Voters can express their preference for a candidate by adding a plus mark opposite his or her name, or reject a candidate by crossing out the name. Voters can express support or reject as many candidates as they wish on the ballot of the party they vote for. The number of votes for each candidate within the list is calculated by adding the number of votes received by the list in that constituency to the number of positive marks minus the number of negative marks for the candidate. Candidates with the highest number of votes within the list win the seats allocated to that party list.¹⁴

The CEC establishes the number of seats for each constituency four months before the elections based on the number of eligible voters for each constituency.¹⁵ Voters residing abroad are included in the Riga constituency and, as a consequence, the number of seats for that constituency increased for these elections from 32 to 35.¹⁶ The size of the Vidzeme, Latgale and Kurzeme constituencies each decreased by one seat. The possibility to vote in any constituency may impact the number of votes needed to elect a candidate in each constituency.¹⁷ Several interlocutors opined that the increasing number of voters abroad requires a revision of the legal provisions governing seat

¹¹ Amendments in the Law on Parliamentary Elections were adopted on 3 March 2016, 13 July 2017 and 18 January 2018; the Pre-Election Campaign Law was changed on 16 June 2016, and the Law on Financing of Political Organizations on 26 October 2017.

¹² Articles 80 and 81 of the Criminal Law criminalise actions and calls directed against national independence, sovereignty, territorial integrity, state power or the administrative order of Latvia. The newly introduced Article 81.1 provides sanctions for assistance to a foreign state or a foreign organisation against the independence, sovereignty, territorial integrity, state power, institutional set-up of the state or national security of Latvia. According to the Latvian Russian Union (LRU), criminal cases were opened against some party members under these provisions shortly before and during the campaign, and at least one person was detained. The Latvian Security Police did not provide the ODIHR EAM with information on this issue.

¹³ The *Sainte-Laguë* method is used on the constituency level to distribute seats to party lists.

¹⁴ If two or more candidates receive an equal number of votes, they are ranked in the same order as on the ballot.

¹⁵ The seat allocation for these elections was: Riga 35; Vidzeme 25; Latgale 14; Kurzeme 12; and Zemgale 14.

¹⁶ The increase was calculated based on data provided by the Office for Citizenship and Migration Affairs (OCMA), which reported that 130,702 voters reside abroad. Despite the allocation of three additional seats, the authorities planned the out-of-country voting operation based on significantly lower figures due to traditionally low turnout. For these elections, the turnout for out-of-country voting was 24 per cent (some 31,000 voters).

¹⁷ According to section I.2.2.2. of the Venice Commission's [2002 Code of Good Practice in Electoral Matters](#), seats must be evenly distributed among constituencies and the permissible deviation from the norm should not exceed 10 per cent, or 15 per cent in special circumstances. This distribution should be based on the population, the number of resident nationals, the number of registered voters, the number of people actually voting, or some reasonable combination of these. The results of these elections did not challenge these criteria, and the ODIHR EAM was not informed of any resulting challenges to the administration of the elections.

allocation, in order to give the possibility for ballots cast abroad to be applied to the constituency of the voter's choice.

V. ELECTION ADMINISTRATION

Elections are conducted by a three-tier election administration, comprising the CEC, 119 Municipal Election Commissions (MECs) and 1,078 Polling Station Commissions (PSCs), including 121 polling stations established abroad. The election administration at all levels worked in a timely and professional manner and generally enjoyed the confidence of stakeholders.¹⁸

The CEC is a nine-member permanent body appointed for a four-year term and responsible for the overall conduct of elections.¹⁹ Parliament appoints eight members on the basis of nominations by political parties, and one member is nominated by the Supreme Court from among the judiciary.²⁰ The chairperson is elected by parliament while the deputy chairperson and the secretary are elected by commission members. There are no legal requirements for the gender composition of the election administration; three current CEC members are women, although none hold senior positions.

The CEC performed its duties in a generally transparent manner and posted on its website relevant decisions, instructions and information, including a comprehensive calendar with election day activities. Sessions of the CEC were held in a collegial atmosphere and were open to the public and media. However, minutes of sessions were not published on the CEC website.

The CEC could consider publishing on its website the minutes of its sessions, to further contribute to the transparency of its work.

MECs are responsible for the conduct of elections in their municipalities. They are permanent bodies that serve a four-year term. Municipal councils determine the number of MEC members, which ranges between 7 and 15. All MEC members, including the chairperson, are appointed by the respective city or municipal council following nominations by political parties, groups of at least ten voters, and individual members of the municipal council. PSCs oversee voting and counting procedures on election day. They are temporarily established at least 40 days prior to the elections and comprise between 5 to 7 members appointed by the respective MECs. According to the CEC, 88 per cent of MEC chairpersons were women; however, the CEC does not compile statistics on the overall gender representation of MECs and PSCs.²¹

In line with international standards, gender disaggregated data for all stages of the electoral process should be produced and published in a comprehensive manner.

A comprehensive training programme for PSCs was prepared by the CEC and delivered in the regions between 4 and 26 September, in addition to two webinars for in-country and out-of-country

¹⁸ The leader of LRU informed the ODIHR EAM that the party advocated for the composition of the CEC to be changed to a fully professional rather than political body.

¹⁹ The current membership of the CEC was established in 2015.

²⁰ The current chairperson is not currently affiliated with a political party.

²¹ Article 7b of [CEDAW](#) requires states to “ensure to women, on equal terms with men, the right to participate in the formulation of government policy and the implementation thereof,” and Article 48d of the [1997 CEDAW General Recommendation No. 23](#) requires state parties to provide “statistical data, disaggregated by sex, showing the percentage of women relative to men who enjoy those rights”.

officials.²² The CEC also offered an optional online course on election day procedures in Latvian, Russian and English.

As part of its voter information campaign, the CEC produced three video and four audio spots for public television and radio, as well as online content such as infographics and banner advertisements. Videos covered topics such as election day procedures, out-of-country voting, and the documents required for voting.

Positively, the CEC made efforts to facilitate voting for persons with visual impairments, intellectual disabilities, and physical disabilities. In collaboration with the Association of Visually Impaired People, the CEC produced audio materials related to candidate lists, the programmes of electoral contestants and election day procedures. The CEC also produced printed materials with voter information in easy-to-understand language, targeting voters unfamiliar with elections or those with intellectual disabilities. Neither sign language nor subtitled visual content for deaf or hard-of-hearing persons was used. The CEC published on its website a list of approximately 600 polling stations accessible for voters with reduced mobility. In addition, mobile voting was available for voters who for health reasons could not go to a polling station.²³

The CEC could consider producing detailed voter information materials in minority languages and in formats accessible for persons with impaired hearing, with a view to increasing the information outreach for different categories of voters.

An early voting mechanism was available for voters to cast their ballots three days before election day at designated polling stations.²⁴ Since the Constitution defines voting as taking place only on election day, ballots cast early were not considered final and voters had the opportunity to change their choice by returning to the same polling station on election day.²⁵ In total, 33,791 ballots were cast early (2.18 per cent of the total turnout), and only 34 voters changed their ballot. Eligible voters residing abroad were able to vote by postal ballot or in-person on election day at certain diplomatic-consular offices and other designated premises (see *Voter Registration*).

The election administration at all levels, including PSCs established abroad, used an electronic information system for a number of processes, including candidate registration, election day complaint registration, entries in the polling station journal and the transmission of results. In line with a prior ODIHR recommendation, observers were granted access to the testing of this system, and the relevant technical documentation was made publicly available on the CEC website. The CEC created contingency plans for PSCs to conduct the process manually in case of a system failure. No ODIHR EAM interlocutors raised concerns about the security or operation of this electronic system.

²² The webinars were conducted with the support of the Latvian Association of Local and Regional Governments, an association unifying local and regional governments on a voluntary basis with the authority to represent them at state level.

²³ According to the CEC, 16,685 voters participated in mobile voting in these elections, compared to 22,499 in 2014. Such voters completed an application form requesting to vote from home and providing an explanation. The form could subsequently be submitted to any polling station by the former's trustee.

²⁴ The law required one such polling station to be opened in cities and municipalities with at least 7,500 voters, and in the largest municipalities, for every 20,000 voters.

²⁵ Those voting early had their passports stamped as a safeguard against multiple voting, and ballots were placed in double envelopes to ensure secrecy during the count. The voter's name was recorded in a special voter list and, if they decided to change their vote on election day, the previously submitted ballot was invalidated.

VI. VOTER REGISTRATION

Citizens who are 18 years of age or older by election day have the right to vote. For these elections, 1,548,673 citizens were eligible to vote.²⁶

Latvia has no voter register for parliamentary elections.²⁷ Citizens could cast their ballot at any polling station in-country and abroad regardless of their place of residence. Voters were recorded in handwritten lists at the polling station when they presented themselves to vote. The CEC estimated the number of voters likely to vote at each polling station based on the turnout of past elections and on population register data provided by the OCMA. There is some discussion among electoral authorities and political parties on the possibility to introduce a permanent voter register.

According to the OCMA, the number of voters registered as living abroad for these elections was 130,702. For these elections, out-of-country voting was organized in 121 polling stations in 45 countries.²⁸ The Ministry of Foreign Affairs (MFA) informed the ODIHR EAM that planning for voting abroad was based on turnout figures from previous elections and estimates made by consular offices.²⁹ In total, 31,946 persons voted abroad (24.4 per cent of those registered as living abroad), including 431 by post.³⁰ The approximate number of voters per polling station abroad was estimated by the MFA. The CEC informed the ODIHR EAM that on election day, 31 polling stations in 19 countries faced a shortage of ballots.³¹

Voters were required to identify themselves by presenting their valid Latvian passport at polling stations. As a safeguard against multiple voting, the passport was stamped indicating that the voter had voted. Eligible voters without a passport could use their national ID card together with a special voting card, issued by the OCMA and valid only for these elections. The OCMA printed voting cards for 62,956 eligible voters without passports and mailed informational letters inviting these voters to collect their cards from OCMA offices. The distribution of voting cards started 12 days prior to election day. Despite outreach efforts by the OCMA and the CEC, only 14,328 voters collected their cards.³²

In line with good practice, and to further promote universal suffrage, the authorities could consider the implementation of a permanent voter register. Such a register should be developed in an inclusive and transparent process, well in advance of its implementation.

VII. CANDIDATE REGISTRATION

Citizens who have attained the age of 21 are eligible to stand for elections, except those serving a prison sentence, those placed under statutory trusteeship by a court or those prohibited to stand by a court decision. In addition, citizens who have been convicted of committing an intentional crime, irrespective of the gravity of the offence, with the exception of those who have been rehabilitated or

²⁶ This figure was provided by the OCMA and includes voters residing abroad.

²⁷ Section I.1.2. of the [Code of Good Practice](#) advises that voter registers be permanent and regularly maintained.

²⁸ Two additional special polling stations were opened in military bases abroad.

²⁹ Prior to the elections, the MFA had estimated that approximately 35,000 voters would vote abroad.

³⁰ Applications for postal voting were submitted between 5 May and 14 September to the relevant diplomatic representations.

³¹ The CEC issued 31 orders on election day allowing additional ballots to be printed and envelopes to be purchased locally for each of the polling stations affected by the shortage.

³² The CEC produced a video which was broadcast on public television informing voters that their voting cards were ready to be collected at the OCMA offices.

whose conviction has been expunged, cannot stand. This restriction is at odds with the principles of non-discrimination and proportionality enshrined in the 1990 OSCE Copenhagen Document.³³

The legislation also prohibits persons convicted of a crime determined to have been committed in a state of mental disorder from standing as a candidate. On 30 August 2018, the District Administrative Court ruled in *Taupmanis v. CEC* that the provision restricting citizens who have committed a crime in a state of mental disorder effectively provides for a life ban, and is hence unconstitutional. Following the ruling, the CEC registered the applicant in this case as a candidate.

The blanket restriction on candidacy rights of citizens who have committed an intentional crime, irrespective of its gravity, is disproportionate and should be revised. The law should be amended to remove the life-ban for those who have committed a crime in a state of mental disorder.

Citizens who belong, or have belonged, to the salaried staff of the security service, intelligence or counterintelligence of a foreign country or of the former Soviet Union (or the Latvian Soviet Republic), as well as those who have been active members of the communist party of the Soviet union or the Republic of Latvia after 13 January 1991, continue to be ineligible to stand.³⁴ While in 2006 the ECtHR ruled that the restriction on former communist party members is in line with the ECHR, it held that “the Latvian parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end”.³⁵

On 29 June 2018, the Constitutional Court found that the restriction remains constitutional.³⁶ In addition, the Court prescribed that while screening each candidate who is subject to this restriction, the CEC has discretion to verify whether the person continues to pose a threat to Latvia’s independence and the principles of a democratic state. Following this ruling, the CEC rejected the registration of the leader of the LRU, *inter alia*, for posing a threat to Latvia’s independence and democracy. The law does not specify criteria for determining what constitutes such a threat. Positively, the Constitutional Court previously assessed the cited restriction on three occasions, which has resulted in its narrowed application.³⁷

Consistent with prior ODIHR recommendations, the authorities should continue to review the need to maintain restrictions on candidate eligibility based on prior political affiliation or occupation. Any criteria on eligibility of candidates should be objective, proportionate, and clearly provided for by law.

³³ Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) commits states to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. Paragraph 24 provides that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”.

³⁴ [Article 25 of the ICCPR](#) requires that all citizens have the right to stand for office without restrictions based on the distinctions referenced in Article 2, such as “political or other opinions”.

³⁵ See [Zdanoka v. Latvia](#), March 2006; see also [Adamsons v. Latvia](#), June 2008. In 2009, amendments to the election law narrowed the application of the provisions to exclude individuals serving technical support roles. However, 2014 amendments to the State Security Committee Document Law extended the applicability for an additional 30 years, and mandated that the Cabinet of Ministers review the need for these provisions at least every five years. A further decision regarding the provisions is expected by spring 2019.

³⁶ The constitutional challenge was brought by the leader of LRU (and plaintiff of the 2006 ECtHR case), Tatjana Zdanoka. On 3 September, the District Administrative Court upheld the CEC decision to not register Ms. Zdanoka.

³⁷ In 2000, 2005 and 2017.

As required by law, political parties and alliances of parties submitted their candidate lists to the CEC between 18 July and 7 August, together with a deposit of 1,400 EUR.³⁸ Sixteen electoral contestants with a total of 1,461 candidates were registered, including 997 men and 464 women (31.8 per cent). Approximately 90 incumbent members of parliament contested the elections, of whom 41 were reelected. During the registration process, 73.2 per cent of candidates opted to declare their ethnicity: 66.7 per cent identified as Latvian, 4.9 per cent as Russian and 1.9 per cent as belonging to other ethnicities.³⁹ The legal framework does not provide for candidates to stand independently.⁴⁰

There are no legal measures to promote women candidates and none of the parties met by the ODIHR EAM had internal policies in place. Approximately half of the candidate lists included fewer than 30 per cent of women.⁴¹ Notwithstanding, all 16 lists included women in the first 3 positions, and 31 women were elected, a significant increase of 12 per cent as compared to the outgoing parliament.

Building upon the recent good practice of some political parties, consideration could be given to introducing special measures in the legal framework to promote women candidates. This could include a minimum number of candidates from each gender on all candidate lists or a specified placement order.

In 2016, the Parliamentary Election Law was amended to restrict the registration of parties which have fewer than 500 members or which were created less than one year before the elections.⁴² ODIHR EAM interlocutors did not raise any concerns about this provision, and several newly established parties contested the elections. However, the requirement that a party be established one year prior to an election, in conjunction with the prohibition on independent candidates, may hinder participation in the electoral process, especially in the event of early elections.⁴³

The restriction on the registration of parties which were created less than one year prior to elections should be revised.

³⁸ Ten candidates were denied registration on grounds provided for in the law. Of these, one was subsequently restored on the list by the District Administrative Court.

³⁹ According to the [Central Election Commission](#).

⁴⁰ Paragraph 7.5 of the 1990 OSCE Copenhagen Document commits states to “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”.

⁴¹ As an exception, the newly-formed Progressives placed women in the first position on party lists in all five constituencies. [Article 32 of CEDAW General Recommendation No. 23](#) encourages political parties “to adopt effective measures, including the provision of information, financial and other resources, to overcome obstacles to women’s full participation and representation and ensure that women have an equal opportunity in practice to serve as party officials and to be nominated as candidates for election”. See also paragraph 3 of the OSCE Ministerial Council Decision 7/09, which calls on participating States to “encourage all political actors to promote equal participation of women and men in political parties, with a view to achieving better gender balanced representation in elected public offices at all levels of decision-making”.

⁴² If the list of candidates is submitted by an alliance of political parties, each of the parties within the alliance must also be founded no less than one year before the elections and the alliance must collectively consist of at least 500 members.

⁴³ Paragraph 7.6 of the 1990 OSCE Copenhagen Document commits states to respect the rights 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”. Paragraph 17 of the 2010 ODIHR/Venice Commission Joint Guidelines for Political Parties states, “Any limitations on the rights of political parties must be proportionate in nature and effective at achieving their specified purpose. Particularly in the case of political parties, given their fundamental role in the democratic process, proportionality should be carefully weighed and prohibitive measures narrowly applied”.

VIII. ELECTION CAMPAIGN

The election campaign is regulated by the Law on Pre-Election Campaign. The 120-day campaign period started on 9 June and ended on 5 October when a campaign silence commenced, including a prohibition on publishing opinion polls, from 24 hours prior to election day until the end of voting. Following a 2014 amendment, paid political advertising on television is prohibited in the 30 days prior to election day.⁴⁴

Contestants were able to campaign freely, and the freedoms of speech and association were respected. The fragmented political landscape, particularly visible among parties that define themselves as liberal-centrist, resulted in a highly competitive campaign with each of the main contestants competing with each other for votes from the same electorate.

The campaign was vibrant and candidates reached out to voters through different means. While traditional campaign tools such as grassroots meetings with voters, billboards, concerts, party newspapers and the distribution of leaflets in public places were used, all electoral contestants met by the ODIHR EAM noted the primacy of social media platforms, particularly Facebook and to a lesser extent Twitter. In Riga, billboards were used by For Development/For!, New Unity, Union of Greens and Farmers and Harmony. The city's public transportation network of busses was extensively used to display Harmony campaign posters featuring the mayor of Riga joined by different candidates.

A plethora of debates and political programs were broadcast on electronic media and retransmitted on social media. Campaign topics that featured prominently included social issues, labour emigration, health and tax reforms, as well as the source of campaign donations. International affairs and security were addressed to a lesser extent. The question of which party, if any, would be willing to enter a potential governing coalition with Harmony was pervasive during debates and political television programmes. Many of the main electoral contestants targeted the diaspora and, for the first time, a debate held abroad was live-streamed in Latvia by the public broadcaster *LTV1*.⁴⁵ Issues related to women's rights and gender equality seldom featured in candidates' messaging and in party programmes.

The last two weeks of the campaign was characterised by increasingly negative and alarmist messaging by several contestants.⁴⁶ The tone during debates and political programmes was harsh and the main parties and candidates often resorted to mutual personal accusations, increasing in frequency and intensity in the lead up to election day, at the expense of presenting concrete party platforms.⁴⁷ All contestants met by the ODIHR EAM commented on the unusually high number of undecided voters, estimated at some 30 per cent, some two weeks before election day.⁴⁸ Some interlocutors also expressed concern about expectations of a relatively low turnout. One day before the election, President Vējonis urged citizens to turn out in the largest possible numbers.⁴⁹

⁴⁴ On 18 October 2018, the head of the Corruption Prevention and Combatting Bureau (KNAB) announced that consideration should be given to also apply the 30 day ban to paid political advertising on the internet.

⁴⁵ On 15 September, 12 of 16 electoral contestants participated in a debate held in the UK.

⁴⁶ Some contestants accused opponents of "pro-Kremlin" strategies, while others made broad claims of state corruption or state capture by communist interests.

⁴⁷ See prime ministerial candidate debates [hosted by LTV1 on 5 October](#) and [LNT on 1 October](#).

⁴⁸ See research centre "[SKDS](#)" poll conducted between 8-18 September and "[TNS](#)" poll conducted between 25-27 September (content is in the Latvian language).

⁴⁹ Turnout was 54.56 per cent. It was 58.85 in 2014 and 59.45 in 2011.

In the year prior to the election, the government formed a working group comprised of several institutions to monitor the potential risk of foreign interference in the electoral campaign. This working group conducted trainings for institutions involved in the preparation and oversight of the electoral process, as well as for journalists, to raise awareness of potential threats.⁵⁰ On 6 October, the *draugiem.lv* social network was hacked, with the front page replaced by a pro-Russia message, without consequences on data privacy.⁵¹ Latvia's state security service, the Constitution Protection Bureau (SAB), announced on 8 October that no cyber-attacks by foreign military intelligence were observed that would have had any impact on the elections.

IX. NON-CITIZEN AND NATIONAL MINORITY PARTICIPATION

As of 1 January 2018, the total population of Latvia was 1,934,379 persons. Ethnic Latvians comprise 62.2 per cent of the population. The largest ethnic minority groups are Russians (25.2 per cent), Belarusians (3.2 per cent), Ukrainians (2.2 per cent) and Poles (2.1 per cent).⁵² According to the 2011 census, an estimated 37 per cent of the population speak Russian at home.

National minorities have constitutionally protected rights, including the right to preserve and develop their language and their ethnic and cultural identity. The legal framework provides for the participation of national minorities, who are citizens of Latvia, in the electoral process on an equal basis. A declaration contained in Latvia's ratification of the FCNM states that non-citizens shall enjoy the rights prescribed in the FCNM, unless specific exceptions are prescribed by law.

In general, ODIHR EAM interlocutors, including representatives of national minorities, noted that language and identity issues continued to generate divisive political discourse. Despite progress in recent years, a large number of permanent residents remain without citizenship.⁵³ As of 1 July 2018, non-citizens numbered 228,855 (about 11 per cent of the population),⁵⁴ of which an estimated 227,000 are of voting age. Non-citizens almost exclusively belong to national minorities, the majority of whom are of Russian ethnicity.⁵⁵ They have the opportunity to undertake the naturalization process to become citizens; however, despite recent measures to reduce the number of "non-citizens",⁵⁶ the rate of naturalization remains low.⁵⁷

The OCMA sends letters encouraging families with eligible non-citizen children to pursue the child's registration as a citizen, but no such campaign is targeted to the non-citizen population of voting age. ODIHR has previously recommended that in order to promote inclusive political participation, the authorities should explore ways to increase the naturalization rate.

⁵⁰ On [17 September](#), the Deputy Director of the State Chancellery, responsible for the hybrid hazard prevention policy stated that: "[compared to what we have seen previously in other countries, a massive, organised information campaign with the purpose of influencing voters has not been witnessed at the moment](#)".

⁵¹ See "[Social Media Hack on Latvian Election Day](#)", from Atlantic Council's Digital Forensic Research Lab.

⁵² According to the Central Statistical Bureau of Latvia (CBS), groups making up less than 2 per cent of the population include Lithuanians, Jews and Roma.

⁵³ Following the restoration of Latvia's independence in 1991, citizenship was provided automatically only to residents and their descendants who had been citizens of Latvia during the first independence period, leaving a large number of Latvian residents without any citizenship.

⁵⁴ According to information provided to the ODIHR EAM by the CBS.

⁵⁵ According to information provided to the ODIHR EAM by the OCMA.

⁵⁶ On 1 October 2013, amendments to the Citizenship Law came into force that expand the categories of persons who are exempt from some or all naturalization examinations and provide simplified procedures for granting citizenship to children born in Latvia to non-citizens upon the registration of the birth with the consent of one rather than both parents. Prior to these amendments, the consent of both parents was required.

⁵⁷ The ODIHR EAM was informed that among disincentives to take Latvian citizenship is the fact that non-citizens can travel visa-free on non-citizen passports within the Schengen Zone and to Russia.

Non-citizens do not have the right to vote or stand in local or national elections or to form political parties, although they have the right to join political parties as long as they make up less than half of the total number of members. While citizenship is an acceptable requirement for the right to be elected and to vote in national elections, a significant number of persons belonging to national minorities cannot participate in the electoral process as they do not hold citizenship.⁵⁸

In order to promote inclusive political participation, the authorities could further explore ways to increase the naturalization rate of adult non-citizens, such as conducting campaigns to promote naturalization, publicizing opportunities for simplified naturalization under the revised Citizenship Law in Latvian and minority languages, and expanding the availability of free opportunities to learn Latvian.

Basic voter education and information materials were translated by the CEC into Russian and English, and were published on the CEC website. However, ODIHR EAM interlocutors noted that such materials, as well as information on parties and candidates, were not as comprehensive as those produced in Latvian and were not widely available.⁵⁹

X. CAMPAIGN FINANCE

Political and campaign finance is primarily regulated by the Law on Financing Political Organizations, the Law on Pre-election Campaign and the Law on Corruption Prevention and Combating Bureau. The Law on Financing Political Organizations was last amended in October 2017. These changes included the introduction of an electronic data entry system simplifying the submission of reports and documents by political parties and donors, and of a limit on donations by political party members or third parties. The KNAB supervises campaign finance provisions, exercising investigative and enforcement powers.

A. CAMPAIGN INCOME AND EXPENDITURE

The Law on Financing Political Organizations provides that parties may be financed through membership fees, donations from individuals, income earned through parties' economic activities and the state budget. The law forbids donations from legal entities, as well as from anonymous and foreign sources. Parties are not allowed to take out or provide loans.

Public funding from the state budget is provided to parties that gained at least two per cent of the vote nationwide in the last parliamentary elections. In 2014, 6 parties qualified to receive a total of EUR 629,368 on a yearly basis.⁶⁰ The amount of public funding is proportional to the party's election results and equals EUR 0.71 annually for each vote received.

⁵⁸ See, for example, the [2006 Venice Commission Report on Non-Citizens and Minority Rights](#).

⁵⁹ Paragraph 12 of the [1996 UN HCR General Comment No. 25](#) recommends that "information and materials about voting should be available in minority languages". Paragraph 32.5 of the [1990 OSCE Copenhagen Document](#) states that "persons belonging to national minorities have the right [...] to disseminate, have access to and exchange information in their mother tongue". Paragraph 92 of the [2012 Thematic Commentary No. 3 of the FCNM Advisory Committee](#), recommends that "the authorities should also consider providing opportunities for the use of minority languages in public service television and radio programs devoted to election campaigns and on ballot slips and other electoral material in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers".

⁶⁰ The six parties were as follows: Harmony, Unity, Union of Green and Farmers, Latvian Association of Regions, For Latvia from the Heart, and National Alliance Everything for Latvia! For Fatherland and Freedom/LNNK. Based on the results of the 2018 parliamentary elections, 10 parties will be eligible for public funding.

Donations by individuals cannot exceed EUR 21,500 to any one political party per year.⁶¹ Cash donations are allowed up to EUR 430. Contributions to more than one party, within these limits, are not restricted by law. As defined by law, the expenditure ceiling for electoral contestants who submitted candidate lists in all five constituencies amounted to EUR 533,347. Individual candidate limits were determined by the number of voters in the constituency.⁶² Several ODIHR EAM interlocutors noted that the expenditure limit was too low to allow for an effective campaign.⁶³

Campaigning conducted by third parties is permitted, with campaign expenditures capped at 15 minimum monthly wages – EUR 6,450 for this election. Some ODIHR EAM interlocutors noted concerns about hidden advertisements, particularly with online campaigning.

B. DISCLOSURE AND REPORTING

Donations received by a party must be disclosed within 15 days. All donation information was published on the KNAB website, which contributed to the transparency of campaign donations.⁶⁴ Within 30 days after election day, political parties were required to submit to the KNAB a declaration on both campaign income and expenditure.⁶⁵ The absence of reporting on expenditures during the campaign could have negatively impacted voters' ability to make informed choices and undermined the implementation of effective oversight by the KNAB.⁶⁶ Third parties are required to report expenditures on an *ad hoc* basis and do not submit an additional financial report after the elections.

To enhance transparency and oversight of campaign finance, consideration could be given to requiring electoral contestants, including third parties, to provide public reports on both campaign income and expenditures during the campaign period.

The law specifies that all expenditures are subject to disclosure to the KNAB after the elections. However, some types of expenses, including production costs for advertisements, are not calculated into expenditure limits. Several ODIHR EAM interlocutors argued that the exclusion of these costs from the prescribed spending limits could potentially, in practice, distort the level playing field.

In situations where a donation is given to a party by an unauthorized person, or if a donation by an authorized person exceeds the set limits, the law authorizes the KNAB to apply administrative penalties against the party. Some ODIHR EAM interlocutors stated that this provision effectively places the significant and unnecessary burden of due diligence on the party rather than on the donor.

⁶¹ Citizens with full suffrage rights and resident non-citizens can donate up to 30 per cent of their income in the previous year, but not more than 50 minimum monthly salaries. The national minimum monthly salary constitutes EUR 430.

⁶² The highest spending limit was established at EUR 171,885 for Riga and the lowest for Kurzeme at EUR 68,297 per candidate.

⁶³ Paragraph 19 of [UN HRC General Comment No. 25](#), states that “reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party”.

⁶⁴ Upon the KNAB's request, donors are required to provide additional information on their income, property, and the source of their donations; the KNAB did not disclose if such requests were made in these elections.

⁶⁵ Political parties were also required to notify the KNAB within three days of the signing of any agreement for campaign purposes, such as for the placement of political advertisements or sponsorship.

⁶⁶ Paragraph 45 of the [2014 ODIHR Opinion on the Law on the Bureau on Prevention and Combating of Corruption of Latvia](#) recommends to improve transparency and accountability by requiring all electoral contestants to provide reports on their campaign income and expenses before election day, and that these reports be made public in a timely manner. Article 7.3 of the 2002 UN Convention Against Corruption stipulates that states shall “consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties”.

According to the KNAB, parties have the opportunity to return unlawful donations to the donor within 60 days of receipt.⁶⁷ Only the parties eligible for public funding are required to open a dedicated bank account to receive this funding. There is no obligation for other contestants to open an account for campaign purposes.

To enhance oversight mechanisms, consideration could be given to requiring all electoral contestants to open dedicated bank accounts for campaign financing, through which all campaign transactions should be made.

C. OVERSIGHT AND SANCTIONS

The KNAB enjoyed general trust among election stakeholders, although most ODIHR EAM interlocutors suggested that effective oversight of campaign finance was undermined due to limited resources and capacity.⁶⁸ Some ODIHR EAM interlocutors contended that the administrative fines for campaign finance violations were low and hence ineffective.⁶⁹

If an election contestant or a third party exceeds the campaign expenditure ceiling, the KNAB is empowered to prohibit further campaign activities. The KNAB informed the ODIHR EAM that information available as of election day indicated that all electoral contestants had stayed within the spending limit for the campaign. One third party's campaign was suspended for exceeding the set limit.⁷⁰

As of election day, the KNAB had received 1,193 reports of alleged campaign finance violations, of which some 1,000 reports were received through a designated mobile app, "Report to the KNAB".⁷¹ During the campaign period, the KNAB undertook 23 inspections related to abuse of administrative resources, 67 on alleged campaign violations, and 10 on alleged hidden campaigning.⁷²

The KNAB is not required by law to publish its decisions except those concerning a prohibition of further campaign activities. Only two decisions were published on the KNAB website over the course of the campaign.⁷³ The KNAB informed the ODIHR EAM that decisions concerning any actions taken with respect to political parties' post-election declarations would not be published, but a general summary of its review of the declarations would be released. Overall, this practice undermines the transparency of the process.

To enhance transparency and public trust in the process, the law could be amended to require publication of all KNAB decisions related to the election campaign, subject to reasonable exceptions pertaining to privacy and personal data protection.

⁶⁷ According to the KNAB, the agency informs parties if a certain donation is under scrutiny.

⁶⁸ See also [2017 GRECO Second Compliance Report \(fourth evaluation round\)](#) for Latvia, which reported that the agency has received a consistent and acceptable level of support of state funds in recent years.

⁶⁹ The law envisages fines of up to EUR 1,400 for violations of campaign finance provisions.

⁷⁰ SIA "Žurnāls NAUDA IR" printed and distributed election-related materials containing statements against specific candidates. The KNAB found that this constituted a campaign activity and that it was implemented by a third party as SIA "Žurnāls NAUDA IR" carried out the activities in its own name and at its own expense.

⁷¹ By law, reports and applications submitted to the KNAB were not subject to an expedited review. The KNAB informed the ODIHR EAM that reports received through the app were not considered formal.

⁷² On 26 September, the KNAB ordered the removal of Harmony campaign posters from a prominent building in Riga, due to failure of the advertising provider to supply campaign-specific prices to the KNAB by 150 days before election day. The KNAB informed the ODIHR EAM that they had removed the posters on 3 October, as the provider had not complied with the order.

⁷³ The decisions on suspending further campaign activity by SIA "Žurnāls NAUDA IR" (see footnote 69) and ordering the removal of campaign posters (footnote 71).

XI. MEDIA

A. MEDIA ENVIRONMENT

The media environment is pluralistic, although divided along linguistic lines. The audience is divided between Latvian and Russian-speaking segments, which was reflected in the media coverage of the campaign.

The public broadcaster comprises two national TV channels, *LTV1* and *LTV7*, one web TV channel and six radio stations. Interlocutors reported to the ODIHR EAM that following developments in and around Ukraine, the government increased public funding for Russian language programmes on *LTV7* in 2015. In addition, the public radio station *LR4* targets national minority audiences and broadcasts mainly in Russian. Television is the primary source of information, with the public *LTV1* and the main commercial Latvian language TV channels *TV3* and *LNT* and Russian language First Baltic Channel (*PBK*) dominating the market in terms of audience. The most popular radio stations offering informative content are the public *LR1* and private *SWH*.

The main Latvian language newspapers are the dailies *Diena*, *Neatkarīga Rita Avīze*, *Latvijas Avīze* and the weekly news magazine *IR*. Widespread Russian language publications are the daily *Vesti Segodnya* and the weekly *MK Latvia*. However, the circulation of print media has considerably declined as most media offer news content online. The most popular portals are *Delfi.lv*, *TVNet.lv* and *Lsm.lv*.

A hostile atmosphere towards the media marked the campaign. Some ODIHR EAM interlocutors expressed concern about politicians' increasing trend to publicly discredit journalists. Politicians often spoke in a derogatory or inflammatory manner about journalists or the media, which contradicted basic international standards on freedom of expression.⁷⁴

B. LEGAL FRAMEWORK

The Constitution provides for freedom of speech and forbids censorship. The right to access public information is guaranteed by the Freedom of Information Act. The Electronic and Mass Media Law provides for principles of accuracy, objectivity, diversity and balance in reporting, as well as respect for the generally accepted principles of journalism and ethics. The Law on Pre-Election Campaign regulates media coverage of the elections.

In 2015, a new Media Policy Division was established within the Ministry of Culture and in 2016 the government adopted Media Policy Guidelines for 2016-2020 to strengthen diversity, professionalism, literacy, quality and responsibility of the mass media environment.⁷⁵ Basic principles on freedom of expression are generally respected. However, previous ODIHR recommendations on concentration and transparency of media ownership remain unaddressed. Although broadcasters are required to disclose all beneficial ownership, the information is not

⁷⁴ The [2011 UN HRC General Comment No. 34](#) on Article 19 of the ICCPR states: "State parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression". See also page 29 of the [2014 OSCE Safety of Journalists Guidebook](#), which states: "Elected politicians and all who hold high office are called on to demonstrate their unequivocal commitment to respecting press freedom and the safety of journalists. Politicians and officials should not abuse their status by speaking in a derogatory or inflammatory way about journalists or the media".

⁷⁵ See [Media Policy Guidelines](#). On 10 October 2018, the Media Policy Division launched a media literacy awareness raising campaign in co-operation with the Ministry of Interior and the State Chancellery.

publicly available, which limits transparency.⁷⁶ Contrary to international standards, defamation is still a criminal offence.⁷⁷

Regulations on disclosure of media ownership should be revised to ensure full transparency in a publicly accessible format.

To comply with international standards, criminal provisions for defamation should be repealed in favour of civil remedies and non-pecuniary measures designed to restore the reputation harmed.

ODIHR EAM interlocutors reported that the public broadcaster fulfilled its obligation to guarantee each party and coalition contesting the elections with a total of 40 minutes of free airtime on television and radio (four slots of 5 minutes each on public TV and on public radio), in line with the Pre-Election Campaign Law. According to the National Electronic Mass Media Council (NEMMC), broadcast media complied with the requirement to provide equal conditions for paid campaign advertisement and the prohibition to advertise on television during the last 30 days of the campaign was respected.

The NEMMC supervises the general activity of the broadcast media, including during campaign periods. It comprises five members elected by parliament based on established criteria and in a transparent manner to ensure its independence.⁷⁸ However, some ODIHR EAM interlocutors shared concerns about parliament's role in the appointment of the NEMMC, noting that the regulator is not perceived as independent from political power.⁷⁹

To ensure the independence of and public trust in the media regulator, members of the parliament should refrain from intervening in the work of the media authority.

The NEMMC is responsible for monitoring broadcast media and has the authority to impose sanctions in case of non-compliance with the law. During this campaign the media monitoring of news and information programs was outsourced to a private company. In a positive development, the findings were made public on a monthly basis on the webpage of the NEMMC. Only 5 out of the 14 complaints filed to the NEMMC were handled before election day. The KNAB brought to the attention of the NEMMC two cases of possible hidden advertising and in one case the NEMMC issued a warning.⁸⁰ The NEMMC informed the ODIHR EAM that its decisions are published only in cases when sanctions are imposed.

⁷⁶ Broadcasters are required to disclose owners or beneficiaries that own more than 25 per cent of the shares in a company, but the structures and identities of owners and beneficiaries are not available to the general public. The Law on the Prevention of Money Laundering and Terrorism Financing provides the right to request and receive information about such entities, however, it remains subject to the payment of a fee.

⁷⁷ Paragraph 47 of [UN HRC General Comment No. 34](#) prescribes that “state parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty.”

⁷⁸ For example, members cannot be an official of a political party or association and cannot be a member of an electronic mass media entity.

⁷⁹ In June 2015, 11 members of the parliament asked for the dismissal of four members of the NEMMC due to alleged “loss of their good reputation”. In July 2015, parliament voted for the dismissal of the four NEMMC members and the chair. In response, the OSCE Representative on Freedom of the Media [called for respect of the regulator's independence](#). In December 2015, an Administrative Court overturned the decision of the parliament to fire the chair. In July 2017, staff of the public radio broadcaster [issued an open letter](#) (in Latvian) urging the NEMMC to respect its editorial independence and content autonomy. In September 25, 2017, the Supreme Court established that the decision taken by the Parliament to dismiss the chair of the NEMMC was lawful.

⁸⁰ Following a complaint regarding a possible violation of the Law on Pre-Election Campaign, the NEMMC sent a warning to AS “TV Latvija” on 21 August 2018 to ask RīgaTV 24 to respect the law. Of note, AS “TV Latvija” owns RīgaTV 24.

The NEMMC could consider publishing decisions regarding all processed complaints in a timely manner to enhance the transparency of its work and reinforce public confidence in its actions.

C. COVERAGE OF THE ELECTION CAMPAIGN

The media covered the campaign in a comprehensive manner, providing voters with a broad range of views in both Latvian and Russian languages enabling them to make an informed choice. All ODIHR EAM media interlocutors noted the variety of political programmes available in this campaign and praised the quality of the public broadcaster's coverage. The public television and radio broadcasters offered extensive coverage, including in Russian, through their news programmes and election-oriented programming, such as talk shows, debates, interviews, and free air time. Broadcast and print private media widely covered the campaign in line with their editorial policies.

During the campaign LTV7 devoted most of its Russian language formats to campaign-related content, and the Russian language channel LR4 broadcast for the first time a voter education programme offering in-depth analysis of political concepts and terminology to raise election literacy.

On 5 October, LTV1 broadcast a final debate among 8 of 16 prime minister candidates selected on the basis of results of opinion polls. On the same day, an Administrative Court assessed positively a complaint filed by the Latvian Association of Regions which challenged the selection criteria used by LTV1, claiming the 2 July opinion polls no longer reflected the actual political situation. Thus, the prime minister candidate put forward by Latvian Association of Regions took part in the debate. The same complaint had been filed on 13 September to the NEMMC, which on 2 October responded that the editorial decision of LTV1 was in line with the legislation.

The three main online news portals (*Delfi.lv*, *TVNet.lv* and *Lsm.lv*) offered special sections on elections and also included audio-visual content and interactive surveys to inform their audience about electoral contestants' political platforms, provide profiles of candidates and disseminate voter education content.

On 1 October, KNAB opened an investigation to clarify who financed the distribution to mailboxes of 800,000 free copies of a special edition of the daily *Diena Bizness* over the weekend of 29-30 September. The content of the special edition favoured some of the contestants (mainly KPV LV and Harmony) but was not disclosed in the campaign finance reports of any electoral contestants or third parties.

XII. CITIZEN AND INTERNATIONAL OBSERVATION

The law does not regulate rights for non-partisan citizen observers and does not provide for international observation as foreseen in paragraph 8 of the 1990 OSCE Copenhagen Document.⁸¹ In an effort to fill the gaps in the legal framework, the CEC issued a document entitled

⁸¹ Paragraph 8 of the [1990 OSCE Copenhagen Document](#) provides that "the 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".

“informative recommendation” stipulating requirements for application procedures, accreditation and the rights and obligations of observers.⁸²

The CEC offered the possibility to Latvian citizens from the age of 16 to serve as volunteer citizen observers, and prepared an online training course on election observation. Completion of the course was a prerequisite to be granted accreditation as a citizen observer. In total, 72 Latvian citizens were accredited, of which 14 observed polling procedures abroad. In addition, the CEC accredited 61 international observers.

As previously recommended, consideration should be given to amending the legislation to explicitly provide for the presence of observers, both citizen and international, to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.

Political parties and coalitions have full access to all stages of the electoral process and can appoint up to two representatives to each polling station. According to the CEC, 334 political party representatives observed the work of polling station commissions on election day.⁸³

XIII. COMPLAINTS AND APPEALS

The Law on Parliamentary Elections provides for only a limited number of complaints subject to an expedited review process. CEC decisions to register or dismiss a list of candidates, or a candidate, as well as decisions concerning contested results protocols of polling stations can be appealed by contestants to the District Administrative Court within three days. CEC decisions on election results can be challenged by contestants before the Department of Administrative Cases of the Supreme Court within three days. Decisions by these Courts should be due within seven days and are not subject to further appeal. Contrary to good electoral practice, only contestants can appeal CEC decisions on election results.⁸⁴

All other election-related complaints and appeals are regulated by general administrative procedures, with a review deadline of one month for most cases.⁸⁵ While no ODIHR EAM interlocutor raised the length of complaints and appeals procedures as an issue, the absence of election-specific deadlines may potentially prevent timely review of election disputes, undermining the right to effective redress against administrative decisions.⁸⁶

⁸² Accreditations were granted to applicants by the Chairperson of the CEC or of the MEC to which the request was submitted.

⁸³ Party representatives did not require accreditation to observe, but must sign the logbooks at polling stations.

⁸⁴ Section II.3.3.f of the [Code of Good Practice](#) recommends that “All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections”.

⁸⁵ The election law provides that complaints concerning election day violations can be brought before the PSC chairperson. However, the procedures lack clarity, especially with respect to the mechanism for and timeline of appeals. The ODIHR EAM was informed by the CEC Chairperson that despite the deadline of 30 days for most of cases, the CEC reviews all complaints before it in an expedited manner, to ensure that effective remedy is provided to the complainant.

⁸⁶ In paragraph 5.10 of the [1990 OSCE Copenhagen Document](#), participating states committed that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”. Section II.3.3.g of the [Code of Good Practice](#) recommends that time limits for lodging and deciding appeals be within three to five days in most cases.

The law should be clarified to provide for timely and effective review of all election-related complaints and appeals, including within the election administration, and should be revised to eliminate restrictions on the standing of complainants.

The election dispute resolution system enjoys general public confidence. During the campaign period, the CEC reviewed four complaints, all concerning candidate registration. Two CEC decisions were appealed in the District Administrative Court, one was upheld and the other reversed (see *Candidate Registration*). On election day, 85 complaints were recorded in the electronic journals of polling stations. Following election day, the CEC received two requests for vote recounts; both were rejected due to lack of sufficient grounds. A candidate from the Union of Greens and Farmers appealed the CEC decision on final results to the Supreme Court, challenging the distribution of mandates among candidates in the Latgale constituency; the appeal was dismissed by the Department of Administrative Cases of the Supreme Court.⁸⁷

As of election day, the police had received 84 reports of possible election-related crimes, including of alleged vote-buying and falsification of results. No criminal cases were initiated based on those reports.

XIV. ELECTION DAY

In accordance with its methodology ODIHR did not observe election day proceedings in a systematic or comprehensive manner. However, mission members visited a limited number of polling stations during early voting and on election day. Voting and counting procedures were followed in the Riga, Siguldas, Jelgava, Olaines, Saulkrastu and Ozolnieku municipalities.

At the limited number of polling stations visited, the voting and counting were generally transparent, well organized and efficiently conducted. PSC members followed prescribed procedures. However, on several occasions mission members noticed that the size of the polling stations was too small to adequately accommodate the number of voters and the design of the voting screens did not fully guarantee the secrecy of the vote. These issues combined with the layout of the polling stations did not always allow voters to cast their ballots in secret. Some instances of family voting were observed.

Measures should be taken to ensure the secrecy of the vote, including through voter information programs and targeted training for PSC members. The polling station layout and the positioning of voting screens and booths should be arranged in a way to guarantee the secrecy of the vote.

The counts followed by the ODIHR EAM were well organised and commission members demonstrated an understanding of procedures. Some municipalities furnished ballot scanners to some 659 polling stations at their request. The electronic information system was used in all polling stations to calculate and immediately transmit results to upper level commissions.

The CEC published preliminary and final results at the municipal and polling station level on its webpage in a timely manner, ensuring transparency.⁸⁸ Newly-elected MPs were sworn in on 6 November.

⁸⁷ The Court found that the applicant had misinterpreted the published results on the CEC website.

⁸⁸ Final election results were announced by the CEC on 19 October, in line with the legal deadline.

XV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Latvia 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 remain to be addressed. ODIHR stands ready to assist the authorities of Latvia to further improve the electoral process and to address the recommendations contained in this and previous reports.⁸⁹

A. PRIORITY RECOMMENDATIONS

1. The blanket restriction of candidacy rights of citizens who have committed an intentional crime, irrespective of its gravity, is disproportionate and should be revised. The law should be amended to remove the life-ban for those who have committed a crime in a state of mental disorder.
2. Consistent with prior ODIHR recommendations, the authorities should review the need to maintain restrictions on candidate eligibility based on prior political affiliation or occupation. Any criteria on eligibility of candidates should be objective, proportionate, and clearly provided for by law.
3. The restriction on the registration of parties which were created less than one year prior to elections should be revised.
4. In order to promote inclusive political participation, the authorities could further explore ways to increase the naturalization rate of adult non-citizens, such as conducting campaigns to promote naturalization, publicizing opportunities for simplified naturalization under the revised Citizenship Law in Latvian and minority languages, and expanding the availability of free opportunities to learn Latvian.
5. To comply with international standards, criminal provisions for defamation should be repealed in favour of civil remedies and non-pecuniary measures designed to restore the reputation harmed.
6. As previously recommended, consideration should be given to amending the legislation to explicitly provide for the presence of observers, both citizen and international, to ensure full compliance with paragraph 8 of the 1990 OSCE Copenhagen Document.
7. The law should be clarified to provide for timely and effective review of election-related complaints and appeals, including within the election administration, and should be revised to eliminate restrictions on the standing of complainants.

⁸⁹ 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”. The follow-up of prior recommendations is assessed by the ODIHR EAM as follows: from the [final ODIHR report on the 2014 parliamentary elections](#), recommendations 5, 11 and 16 are partially implemented.

B. OTHER RECOMMENDATIONS

Election Administration

8. The CEC could consider publishing on its website the minutes of its sessions, to further contribute to the transparency of its work.
9. In line with international standards, gender disaggregated data for all stages of the electoral process should be produced and published in a comprehensive manner.
10. The CEC could consider producing detailed voter information materials in minority languages and in formats accessible for persons with impaired hearing, with a view to increasing the information outreach for different categories of voters.

Voter Registration

11. In line with good practice, and to further promote universal suffrage, the authorities could consider the implementation of a permanent voter register. Such a register should be developed in an inclusive and transparent process, well in advance of its implementation.

Candidate Registration

12. Building upon the recent good practice of some political parties, consideration could be given to introducing special measures in the legal framework to promote women candidates. This could include a minimum number of candidates from each gender on all candidate lists or a specified placement order.

Campaign Finance

13. To enhance transparency and oversight of campaign finance, consideration could be given to requiring electoral contestants, including third parties, to provide public reports on both campaign income and expenditures during the campaign period.
14. To enhance oversight mechanisms, consideration could be given to requiring all electoral contestants to open dedicated bank accounts for campaign financing, through which all campaign transactions should be made.
15. To enhance transparency and public trust in the process, the law could be amended to require publication of all KNAB decisions related to the election campaign, subject to reasonable exceptions pertaining to privacy and personal data protection.

Media

16. Regulations on disclosure of media ownership should be revised to ensure full transparency in a publicly accessible format.
17. To ensure the independence of and public trust in the media regulator, members of the parliament should refrain from intervening in the work of the media authority.

18. The NEMMC could consider publishing decisions regarding all processed complaints in a timely manner to enhance the transparency of its work and reinforce public confidence in its actions.

Election Day

19. Measures should be taken to ensure the secrecy of the vote, including through voter information programs and targeted training for PSC members. The polling station layout and the positioning of voting screens and booths should be arranged in a way to guarantee the secrecy of the vote.

ANNEX I – FINAL RESULTS⁹⁰

Political party or coalition	Number of Mandates	Percentage of valid votes
1. Latvian Russian Union	0	3.20
2. The New Conservative Party	16	13.59
3. Action party	0	0.12
4. National Alliance	13	11.01
5. Progressives	0	2.61
6. Latvian Centrist Party	0	0.10
7.” LSDSP/KDS/GKL	0	0.20
8. For Latvia from the Heart	0	0.84
9. Social Democratic Party Harmony	23	19.80
10. For Development/For!	13	12.04
11. Latvian Association of Regions	0	4.14
12. Latvian Nationalists	0	0.50
13. New Unity	8	6.69
14. For an Alternative	0	0.34
15. Political Party KPV LV	16	14.25
16. Union of Greens and Farmers	11	9.91

Number of Eligible Voters (total)	1,548,673
Number of Votes Cast (total)	844,925
Valid Votes (total)	839,000
Invalid Votes (total)	4,920
Early Votes (total)	33,791

Number of Eligible Voters (in country)	1,413,876
Number of Votes Cast (in country)	812,961
Valid Votes (in country)	807,441
Invalid Votes (in country)	4,786
Early Votes (in country)	33,791

⁹⁰ Full official results are available at the [CEC website](#).

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is 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 co-ordinates 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, the 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 programmes 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 people, 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/odihhr).