



LIMITED ELECTION OBSERVATION MISSION

Latvia — Parliamentary Elections, 2 October 2010

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Riga, 3 October 2010 – Following an invitation from the Permanent Mission of the Republic of Latvia to the International Organizations in Vienna, and based on the recommendation of the Needs Assessment Mission, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM) for the 2 October 2010 parliamentary elections.

The elections were assessed for their compliance with OSCE commitments and international standards for democratic elections, as well as with Latvian legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

The OSCE/ODIHR LEOM did not conduct a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations.

PRELIMINARY CONCLUSIONS

The 2 October parliamentary elections in Latvia generally met OSCE commitments and other international standards for democratic elections, as well as domestic legislation. Voters had an opportunity to make a choice among a field of candidates presenting different political alternatives. Election stakeholders expressed confidence in the overall process. However, the ‘playing field’ was somewhat skewed due to cases of ‘hidden’ advertising not accounted for in campaign spending reports, in contravention to the law.

The key election-related laws are generally conducive to the conduct of democratic elections. Most of them have been amended since the 2006 elections, in some cases addressing previous OSCE/ODIHR recommendations. However, room to further enhance compliance with OSCE commitments remains, including with regard to candidacy rights.

As the law grants the right to vote and stand to citizens, an estimated 321,000 non-citizen long-term residents of voting age do not have the right to participate in elections. While citizenship is recognized as an admissible restriction to suffrage, in particular for elections for national office, the fact that some 17 per cent of voting age residents can not participate in elections remains a challenge.

OSCE/ODIHR LEOM interlocutors expressed trust in the impartiality and professionalism of the election administration. The Central Election Commission (CEC) administered the elections in a transparent and efficient manner, and held its sessions in a collegial atmosphere. The candidate registration process was inclusive; seven political parties and six alliances contested the elections.

The campaign took place in a calm atmosphere, and contestants were generally able to campaign freely. Campaign activities picked up noticeably in the last two weeks before the elections. Certain practices blurred the distinction between campaigning and the activities of local government.

A broad range of media outlets provided the public with diverse information and allowed voters to make an informed choice. The freedom of expression as guaranteed by the Constitution was upheld. Election stakeholders expressed concerns about reported affiliations of some commercial broadcasters with businessmen and politicians, and the lack of transparency in media ownership.

The public broadcaster covered the campaign extensively through free airtime allocated to all contestants, debates and special programs, and provided overall balanced coverage of key contestants. Commercial broadcasters also provided wide-ranging coverage of the campaign, including through debates, showing in some cases political preferences in the portrayal of contestants and events.

Women were overall under-represented on most candidate lists. While Latvia's politics are divided broadly along linguistic lines, some election contestants had candidates from both Russian and Latvian linguistic communities on their lists, and tried to appeal to speakers of both languages. The provisions of the Official Language Law are interpreted as prohibiting voter education and information in any other language but Latvian, thus disadvantaging voters with less proficiency in the State language.

The number of formal complaints lodged with the election administration and courts was low. All complaints pertained to candidate registration. Many cases of alleged violations of campaign regulations were submitted to the Corruption Prevention and Combating Bureau (KNAB).

International and domestic observers from civil society organizations were accredited by the CEC to follow election day proceedings across the country. However, the legislation remains imprecise on accreditation procedures and the rights of election observers. Nevertheless, the OSCE/ODIHR LEOM received no reports of observers experiencing problems with access to polling stations.

Voting in the limited number of polling stations visited by the OSCE/ODIHR LEOM proceeded in a calm manner, and the election commissions in general followed the procedures. However, in many cases, the design of the voting booths was inadequate, with the result that the secrecy of the vote was often not ensured. Voting in prisons observed by the OSCE/ODIHR LEOM was orderly and well organized. The vote count was conducted in an efficient, orderly and transparent manner, although minor procedural problems were noted.

PRELIMINARY FINDINGS

Background

Latvia is a parliamentary republic with legislative authority exercised by a unicameral parliament (*Saeima*), elected for a term of four years. The prime minister is nominated by the president, who is elected by the *Saeima*, also for a four-year term. In the 2006 parliamentary elections, the highest number of seats, 23 out of 100, was won by the People's Party, which went on to form the government together with three other parties. That government resigned in April 2007. Since 2008, the country's severe economic crisis has dominated political debate. Demonstrations in Riga in January 2009, prompted by the difficult economic situation, were followed by a political crisis and the formation of a new government the following month; Valdis Dombrovskis of the New Era party became prime minister. In March 2010, the People's Party withdrew from the government.

Politics in Latvia continue to be divided broadly along linguistic lines, between parties perceived broadly as representing Latvian speakers¹ and the country's considerable Russian-speaking population,² although some contenders try to appeal to speakers of both languages.

Election System and Legal Framework

The *Saeima's* 100 members are elected in five multi-member constituencies under a proportional representation system with open lists submitted by political parties and alliances, and a nationwide five per cent threshold.³ Citizens who have reached the age of 18 before or on election day are allowed to vote. From the age of 21, citizens are allowed to stand as candidates. The number of seats allocated to each constituency is proportional to the number of resident voters in the respective constituency. However, the possibility for voters to cast their ballot in any polling station in the country, and not only in the constituencies where they are resident, could undermine the equality of the vote.⁴

The conduct of parliamentary elections is regulated primarily by the Constitution, the *Saeima* Election Law, the Law on the Central Election Commission and the Law on the Pre-election Campaign. Most of these laws have been amended since the 2006 elections, in some cases addressing previous OSCE/ODIHR recommendations. Important amendments were made to media and campaign-financing regulations. Contrary to previous arrangements, candidates can run in only one constituency. Lustration provisions were reviewed and their scope narrowed. In a positive development, prisoners were granted the right to vote in elections at the place of confinement.

The key election-related laws are generally conducive to the conduct of democratic elections, although room to further enhance compliance with OSCE commitments remains. Provisions barring independent candidates⁵ and persons subject to lustration provisions⁶ could benefit from further review in order to ensure that Paragraph 7.5 of the 1990 OSCE Copenhagen Document is upheld.⁷

As the law grants the right to vote and to stand to citizens, an estimated 321,000 non-citizen⁸ long-term residents of voting age do not have the right to participate in elections.⁹ While citizenship is recognized as an admissible restriction to suffrage, in particular in elections for

¹ References to Latvian and Russian speakers are used with regard to those, whose first language or language commonly used at home is either Latvian or Russian.

² See Participation of National Minorities section.

³ The law requires that the threshold be calculated on the basis of valid envelopes, which may contain invalid votes. For instance, a valid envelope may be empty or contain ballots for more than one contestant.

⁴ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that OSCE participating States should "guarantee universal and equal suffrage to adult citizens".

⁵ An appeal to the Regional Administrative Court by a person who was denied the right to stand in these elections as an independent candidate by the CEC was dismissed.

⁶ See the OSCE/ODIHR Needs Assessment Mission report of 27 July 2010, www.osce.org/documents/odihr/2010/07/45516_en.pdf.

⁷ Paragraph 7.5 of the OSCE Copenhagen Document requires that OSCE participating States "respect the right of citizens to seek political or public office individually or as representatives of political parties or organizations without discrimination."

⁸ Since the 2006 parliamentary elections, the total number of non-citizens has decreased from 411,000 to some 336,000.

⁹ Information as of 1 July 2010, provided by the Citizenship and Migration Office of the Ministry of Interior.

national office, the fact that some 17 per cent of voting age long-term residents can not participate in elections, even in local and European Parliament elections, remains a challenge.¹⁰

Election Administration

Elections were administered by a three-tiered election administration, comprising the CEC, 118 Municipal Election Commissions (MECs)¹¹ and 1,013 Polling Station Commissions (PSCs), including 64 abroad located in 37 states. The CEC has nine members. Eight are appointed by the *Saeima* on the basis of nominations by parliamentary parties, one of whom is appointed as chairperson. The ninth member is appointed by the Supreme Court from among the judges.

The CEC administered the elections in an efficient, transparent and inclusive manner, and held its sessions in a collegial atmosphere. It posted on its website the time and agenda of its meetings together with an invitation to the media and public to attend. OSCE/ODIHR LEOM interlocutors, in general, expressed a high level of confidence in the impartiality and professionalism of the election administration.

Political parties or alliances and groups of at least ten voters had the right to nominate representatives to the MECs and PSCs. While some contestants used this legal possibility, others preferred to have their representatives as observers in polling stations on election day. No problems were reported to the OSCE/ODIHR LEOM concerning the performance of MECs, including the establishment of PSCs.

Voters' lists are not used for *Saeima* elections and votes may be cast at any polling station in the country upon presentation of a valid Latvian citizen's passport. The passport is the only acceptable form of identification. Once the voter has voted, his/her passport is stamped as a safeguard to prevent possible multiple voting. According to the Citizenship and Migration Office, 1,532,851 citizens were eligible to vote in these elections.

Candidate Registration

Seven political parties and six alliances were registered to contest the elections. All filed lists of candidates in all five constituencies. Altogether, 1,234 candidates ran. Five candidates were rejected by the CEC on grounds of outstanding criminal proceedings; two of these appealed to the Regional Administrative Court, which overturned the CEC's decision in one case.¹² Another candidate was rejected for being a judge and refusing to resign from office as the *Saeima* Election Law prescribes. The candidate appealed to the Regional Administrative Court, alleging the unconstitutionality of the legal provision regarding the incompatibility of office. The Court

¹⁰ See the Final Report of the OSCE/ODIHR Limited Election Observation Mission on the 7 October 2006 parliamentary elections in Latvia, www.osce.org/odihr-elections/20305.html; Recommendation 257 (2008) by the Congress of Local and Regional Authorities of the Council of Europe, available at www.coe.int/t/congress/files/themes/monitoring/fact-finding-missions/Latvia/default_en.asp; Edinburgh Declaration of the OSCE Parliamentary Assembly, July 2004, available at www.oscepa.org/images/stories/documents/declarations/2004 - edinburgh_declaration -english.2314.pdf; Venice Commission of the Council of Europe Report on Non-Citizens and Minority Rights, 18 January 2007, available at [www.venice.coe.int/docs/2007/CDL-AD\(2007\)001-e.pdf](http://www.venice.coe.int/docs/2007/CDL-AD(2007)001-e.pdf).

¹¹ Nine City Election Commissions and 109 Regional Election Commissions.

¹² The decision was overturned because by the time his candidacy nomination was submitted, he had already paid the fine and therefore did not have an outstanding criminal record. However, this information had not yet been recorded and therefore the CEC had not had access to the accurate information.

referred the case to the Constitutional Court, stating that the CEC decision would stand until a final court decision.

A number of new alliances had been formed in the preceding months. These include Unity, an alliance of three parties, including New Era and the Civic Union, both members of the outgoing governing coalition. The People's Party joined with the First Party of Latvia/LC to form the For a Good Latvia alliance. The For Fatherland and Freedom/LNNK party, a member of the outgoing government, formed an alliance with Everything for Latvia. Two contenders, For Human Rights in a United Latvia and Concord Centre, are broadly perceived as representing the interests of the Russian-speaking population, although both included ethnic Latvians on their lists. Another member of the outgoing governing coalition standing in the elections is the Union of Greens and Farmers.¹³

Campaign Environment

The campaign took place in a calm atmosphere, and contestants were generally able to campaign freely. However, the 'playing field' was somewhat skewed due to advertising not accounted for in campaign spending reports. Notably, sporting events were used to promote the For a Good Latvia campaign, without acknowledging that they were campaign activities. At matches of Dinamo Riga ice hockey club, prizes were awarded by For a Good Latvia candidates and banners featuring For a Good Latvia slogans were displayed. On October 1, posters featuring the Dinamo player with a number '8' shirt,¹⁴ and slogan "For a Good Dinamo" were widely posted across Riga. A TV spot advertising a motor rally a week before the elections featured the slogan "For a Good Rally" that included the For a Good Latvia logo. Such practices run contrary to rules on 'hidden' advertising.¹⁵

Certain campaign practices blurred the distinction between campaigning and the activities of local government. Some of the pre-election materials of the Union of Greens and Farmers bore a striking resemblance to a national campaign by the city of Ventspils government on the advantages of the city. On 29 September, the Daugavpils city Social Services Department distributed charity food packages containing Concord Centre leaflets. Some leading politicians on occasion took advantage of their incumbency to boost their visibility in the campaign. Deputy Mayor of Riga and For a Good Latvia prime ministerial candidate Ainars Slesers and Mayor of Riga and leader of Concord Centre Nils Usakovs attended several events in their official capacity to announce renovation projects, which received significant media coverage.

In two separate instances on 16 September, candidates from Unity were hindered in the conduct of their campaign activities in public places in Riga. The following day, the police issued a statement that no violation had been found in either case.

The election campaign was relatively subdued until the last two weeks before the elections. Among the main campaign themes was the economy, especially taxation and welfare policies and pensions. In addition to national advertising campaigns, including widespread use of billboard posters by several contenders, candidates also undertook small-scale locally-based campaigning. Contenders set up campaign tents and engaged in leafleting.

¹³ The prime ministerial candidate of the Union of Greens and Farmers and Mayor of Ventspils is currently the subject of a legal proceeding for alleged offences including corruption and abuse of office.

¹⁴ For a Good Latvia is registered under number eight in these elections.

¹⁵ Section 2.2¹⁻³ of the Law on Pre-Election Campaign.

On 16 September, the Ombudsman's office announced it would look into an alleged example of homophobia in the August edition of For a Good Latvia's campaign newspaper, which included a statement that "gays will vote for Unity".

Media

The media environment is diverse and provides the public with a range of viewpoints. However, reported affiliations of some commercial broadcasters with businessmen and politicians and the lack of transparency in media ownership were seen by several election stakeholders as problematic from the perspective of the independence and neutrality of reporting.

In the course of the campaign, media as a whole provided the public with diverse information about election contestants and their platforms, thus allowing voters to make an informed choice. Freedom of expression as guaranteed by the Constitution was upheld. However, the practice of unrecorded payments or provision of other benefits by politicians in return for media coverage remained a concern. The National Electronic Media Council (NEMC), which is tasked with overseeing the compliance of electronic media with the law, identified a number of alleged cases of 'hidden' advertising, as well as instances pointing to the lack of understanding of a legal requirement on fairness and objectivity. The Council brought four possible violations to court. The Corruption Prevention and Combating Bureau (KNAB), which oversees compliance with campaign finance rules, also received reports on alleged violations related to media.

The Electronic Media Law requires all broadcasters to ensure fairness and objectivity in reporting. The public broadcasting company LTV1 covered the campaign extensively through free airtime allocated to all contestants, as well as debates and special programs, which gave voters ample opportunity to learn about contenders. During the three weeks preceding election day, OSCE/ODIHR LEOM monitoring showed that LTV1 provided overall balanced coverage of key contestants. It dedicated 25 per cent of its prime time news coverage to Unity, while other members of the outgoing governing coalition, the Union of Greens and Farmers and Everything for Latvia – For Fatherland and Freedom/LNNK received 12 per cent and 14 per cent respectively.¹⁶ However, among opposition contenders, Concord Centre, one of the highest rated contestants according to opinion polls, received 11 per cent of news coverage, while For a Good Latvia received 23 per cent.

Commercial broadcasters focused their coverage on the main contenders, showing in some cases political preferences in the portrayal of contestants and events. The Latvian-language commercial television channels LNT and TV3 gave a greater weight in their news coverage to For a Good Latvia (25 per cent each) and Unity (33 per cent and 27 per cent respectively). LNT also held a series of election debates, exclusively with the top-ranking parties.

Concerns about LNT's weekly discussion program *Latvia we hear you* were voiced by a number of OSCE/ODIHR LEOM interlocutors, who considered it to be a 'propaganda tool' for For a Good Latvia. A complaint that the program presented hidden political advertising is being considered by the KNAB and the NEMC. While the program did not host For a Good Latvia candidates or leaders, or any other candidates, during the monitored period, the regular participation in the program of well-known For a Good Latvia supporters may have given the party an advantage in terms of positive media exposure. Two days before election day, LNT aired a spot inviting the viewers to think whom they would vote for. The spot, which carried a

¹⁶ Figures on coverage of parties also include coverage of members of national and local governments acting in their official capacity.

disclaimer “for viewers’ attention,” compared briefly the six main parties and clearly favoured For a Good Latvia.

Among the Russian-language channels, TV5 gave the highest news coverage to For a Good Latvia (34 per cent) and Unity (27 per cent). The First Baltic Channel (PBK) provided more coverage to For a Good Latvia (41 per cent) and Concord Centre (29 per cent), while Unity received much less (7 per cent).¹⁷ Shortly before election day, PBK held two debates to which it invited four selected contenders. For Human Rights in a United Latvia and For Fatherland and Freedom/LNNK complained about their exclusion from some debates on these two channels.

Coverage of the campaign in the print media as a whole reflected a range of political opinions. Both Latvian and Russian-language newspapers tended to focus their coverage on main contenders and displayed in some cases partisan editorial lines.

Contestants are entitled to place paid advertisements in public and private media, which are required to provide equal conditions with regard to rates. During the monitored period, For a Good Latvia made more extensive use of paid TV advertising than other contenders. Paid campaigning in the monitored national papers was limited. Some contenders indicated that rates for political advertisements were too high.

Participation of Women

There are neither legal barriers to the participation of women in political life nor legal provisions to encourage it. None of the election contenders met by the OSCE/ODIHR LEOM have internal mechanisms to ensure gender balance in the composition of their lists of candidates. A total of 353 women ran as candidates, representing 28.6 per cent of the total number of registered candidates.¹⁸ Among the contenders, Concord Centre had the lowest proportion of women on its lists, 16.5 per cent, and had only one woman in the top five positions on one of its five lists. The Christian Democratic Union, which is chaired by a woman, had the highest percentage of women candidates, 51.8 per cent. For Human Rights in a United Latvia and Unity are co-chaired by women. Unity had the highest number of women in the top five positions on its lists, 12 out of 25. Of nine members of the CEC, four are women. According to OSCE/ODIHR LEOM interlocutors, women were well represented in MECs and PSCs.

Participation of National Minorities¹⁹

The resident population of Latvia includes representatives of a number of ethnic and/or linguistic minorities. Ethnic Latvians make up some 59.4 per cent.²⁰ Among the principal national

¹⁷ These figures refer to the program *Latvian Time*, which contains a new bulletin and interviews with politicians.

¹⁸ During the 2006 parliamentary elections, 26 per cent of candidates were women.

¹⁹ In a declaration submitted upon ratification of the Council of Europe’s Framework Convention for the Protection of National Minorities, <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, Latvia declared that “[...] the notion “national minorities” which has not been defined in the Framework Convention for the Protection of National Minorities, shall, in the meaning of the Framework Convention, apply to citizens of Latvia [...]”. The declaration goes on to state that “Persons who are not citizens of Latvia or another State but who permanently and legally reside in the Republic of Latvia, who do not belong to a national minority within the meaning of the Framework Convention for the Protection of National Minorities as defined in this declaration, but who identify themselves with a national minority that meets the definition contained in this declaration, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law.” <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=157&CV=1&NA=&PO=999&CN=999&VL=1&CM=9&CL=ENG>.

minorities, ethnic Russians comprise 27.5 per cent of residents, Belarusians 3.6 per cent, Ukrainians 2.5 per cent, Poles 2.3 per cent, and Lithuanians 1.3 per cent. Several other national minority groups make up less than one per cent of the population each. According to the 2000 census, Latvian was the first language of 58.2 per cent of residents, and Russian was the first language of 39.6 per cent. Russian speakers are especially concentrated in the east of the country, Riga and some other larger towns.

The Constitution provides for the right of national minorities to use their languages and to develop their ethnic and cultural identities. A National Program for Latvian Language Learning aims to promote the integration of national minorities. According to the government, Latvian language proficiency has steadily increased among national minorities. National minority secondary schools are required to teach at least 60 per cent of the curriculum in Latvian.

The Official Language Law is interpreted in such a way that voter education and information materials in languages other than Latvian are prohibited. This potentially disadvantages voters with a low proficiency in the Latvian language. The CEC, however, published some information in Russian on its website. All official communication, including complaints and appeals, must be either in Latvian, or accompanied by a certified translation. However, ten out of 21 MECs asked by the OSCE/ODIHR LEOM said that they would accept complaints in Russian. Some political parties produced campaign materials in both languages.

Complaints and Appeals

With the exception of challenges related to candidate registration, the OSCE/ODIHR LEOM was not informed of any complaints to election commissions. Very few cases were lodged with courts. By election day, the KNAB received some 54 complaints on possible violations of campaign regulations, all of which are pending.

The complaints and appeals system is regulated by several laws and executed by a number of judicial and administrative bodies. Decisions by MECs and PSCs may be appealed to the CEC, whose decisions can in turn be appealed at the District Administrative Court. The District Court decides on findings about pre-election campaign violations in electronic media brought by the NEMC. The election results can be contested at the Supreme Court.

Domestic and International Observers

The *Saeima* Election Law provides that persons authorized by election commissions may observe the electoral process. It does not contain any detailed provisions on accreditation procedures and rights of international and domestic observers from civil society organizations. The CEC registered the Election Observation Theory and Practice project as an international observer group comprising some 35 observers. The domestic civil society organization “Youth for a United Europe” deployed some 50 observers in different parts of the country on election day. For the first time, the CEC initiated an on-line training program for individual domestic observers with the aim of encouraging voluntary observation. Following such on-line training, 218 persons requested and received accreditation from the CEC.

²⁰ Integration Policy in Latvia: A Multi-Faceted Approach, Ministry of Foreign Affairs, 21 May 2010, <http://www.am.gov.lv/en/policy/4641/4642/4649/>.

Election Day

Voting in the limited number of polling stations visited by the OSCE/ODIHR LEOM proceeded in a calm manner, and the election commissions in general followed the procedures. The design of voting booths in many polling stations was such that the secrecy of the vote was often not ensured. Even when the voting booths were adequate, in some cases voters did not use them, sometimes due to the overcrowding which was observed in some polling stations at certain times of the day. Some cases were noted of party observers interfering in the process. Voting in those prisons observed by the OSCE/ODIHR LEOM was orderly and well organized. Observers from the Ombudsman's office were present for the voting in prisons. Ballots from prisons were transferred to regular polling stations for the count.

In polling stations visited, the vote count was conducted in an efficient, orderly and transparent manner, although minor procedural problems were noted. Observers from the election contenders were present in all polling stations visited.

On 20 September, the Security Police issued a risk assessment of possible vote buying and falsification of election results, especially in the Latgalia region. They announced a telephone line where people could bring information on possible violations. As of the closing of the polling stations on election day, the Security Police informed the OSCE/ODIHR LEOM that they had received 20 allegations, none of which were confirmed.

The CEC announced that voter turnout, excluding voting abroad, was 62.6 per cent.

*This statement is also available in Latvian and Russian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR LEOM was deployed to Latvia on 6 September. It was led by Nikolai Vulchanov and consisted of a nine-member core team based in Riga and four long-term observers, who were deployed on 12 September to two regional locations. The OSCE/ODIHR LEOM is drawn from 13 OSCE participating States.

The OSCE/ODIHR LEOM wishes to thank the authorities of Latvia for the invitation to observe the elections, the Central Election Commission for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs for its assistance. The OSCE/ODIHR LEOM also wishes to express appreciation to other national and local state institutions, election authorities, candidates, political parties and civil society organizations for their co-operation.

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