



**Republic of Latvia
Parliamentary Election
5 October 2002**



International Election Observation Mission

Statement of Preliminary Findings and Conclusions

Riga, 6 October 2002 – The International Election Observation Mission for the 5 October 2002 elections to the 8th Saeima (Parliament) of Latvia is a joint effort between the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE).

This statement of preliminary findings and conclusions is issued before the final certification of the results and before a complete analysis of the observation findings.

PRELIMINARY CONCLUSIONS

The 5 October 2002 election to the 8th Saeima (parliament) was well administered and overall conducted in accordance with OSCE commitments and international standards for democratic elections. This fourth general election since the restoration of independence in 1991 marks a clear entrenchment of the democratic process in Latvia.

Positive features of this election process include the following:

- The election administration in Latvia commands a high degree of confidence from voters and candidates alike;
- There is a healthy level of political pluralism in the election contest, and all 20 parties have had an opportunity to convey their message to the electorate in an equitable manner and within a reasonably transparent campaign environment;
- The election law was amended removing Latvian language proficiency requirements in order to run for office;
- Transparency of the election process has been enhanced by new legislation requiring political parties to disclose their income and expenditures one month prior to election day; and
- New legislation also requires the media to reveal their income from political party advertisements.

The election administration should be credited for overseeing a successful election, but there were a limited number of issues that raised concern.

OSCE/ODIHR observers noted instances where police officers reviewed passports to determine the eligibility of voters as they entered polling stations, which usurped responsibilities exclusively vested in the Polling Station Commissions. In addition, the use of radio and television sets in some polling stations may have exposed voters to campaign messages while exercising their vote. The secrecy of voting was not adequately protected in a number of polling stations.

The 8th Saeima that has been elected this weekend will address some momentous issues, such as NATO membership and EU accession, and it is hoped that Latvia can also address some aspects of its election process that could now be consigned to the past.

The OSCE/ODIHR would like to emphasize that steps deemed necessary to restore and secure Latvia's independence in 1991 could now be reconsidered. Specifically, Articles 5, 13 and 15 of the Election Law still restrict candidates in elections based on their past political party and security service affiliations. In addition, according to the latest statistics, approximately 22% of the population remain "non-citizens", and therefore do not have political or voting rights in either national or municipal elections. These issues are among those also being considered by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe.

PRELIMINARY FINDINGS

The following findings are based on the long-term observation conducted by the OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Background

This election is the fourth general election since the restoration of independence on 4 May 1991. The Saeima is a unicameral Parliament, composed of 100 seats, elected according to a proportional system in five multi-seat constituencies with a 5% threshold.

Twenty parties have participated in this election. The main parties are: the People's Party (center-Right government coalition party led by former Prime Minister Andris Skele); Latvia's Way (liberal party of Prime Minister Andris Berzins); Fatherland and Freedom (right-wing nationalist wing of the government coalition); For Human Rights in a United Latvia (left-of-center opposition grouping, representing the ethnic minorities, and including former Communists: led by Janis Jurkans); Social Democrats (left-of-center opposition party now split into two - the Social Democratic Workers Party and the Social Democrat Union); New Era - a new right-of-center party created by former central bank director Einars Repse; Green Farmers, a right-of-center merger of Greens and the Farmers Union (led by former Latvia's Way Prime Minister Vilis Kristopans, and former Minister of Economy Ingrida Udre); First Party, a newly formed multi-denominational "Christian" party.

Legislative Framework

Articles 5, 13 and 15 of the Election Law still include a number of restrictions for candidates in elections based on their past political party and security service affiliations. The law stipulates that persons cannot be included in the candidate lists for the Saeima if they "belong or have belonged to the salaried staff of the USSR, Latvian SSR or foreign state security, intelligence or counterintelligence services", or those who took part in support of the Communist Party and related structures after 13 January 1991.

In this election, two candidates were rejected due to these articles. One of them had been permitted to run and was duly elected to the Saeima in both 1995 and 1998. In addition, there was a public notification concerning nine candidates who are implicated by these

articles as unpaid agents rather than KGB officers, but who were permitted to contest the election.

As commented on previously by OSCE/ODIHR, these articles are not considered consistent with article 7.5 of the Copenhagen Document, which calls on all OSCE participating states “to respect the right of citizens to seek political or public office, individually or as representatives of political parties or organisations, without discrimination.” Concern has also been raised regarding the vague nature of these articles and the possibility of their selective application.

The Constitutional Court decision of 2000 confirmed the justification of these provisions to protect the integrity of the State, but also envisaged a clear termination of such restrictions. The OSCE/ODIHR welcomes the decision of the Constitutional Court calling for a moratorium on these statutes.

Citizenship and Naturalisation

In Latvia approximately 22% of the population are considered to be “non-citizens” (inhabitants who lived in Latvia before independence in 1991, but were not citizens before 17 June 1940). “Non-citizens” have no right to stand for public office, and no voting rights in either national or municipal elections.

The naturalisation process in Latvia is proceeding at a slow rate, with 514,000 persons still in a category of “non-citizens” out of a total population of approximately 2.4 million. Despite the efforts of the Naturalisation Board, which is considered to be both efficient and client friendly, the number of “non-citizens” undergoing naturalisation averages between only 600-1,000 persons a month. The present situation obviously creates a serious and long-term democratic deficit.

The Council of Europe and the Council of the Baltic Sea States have previously raised the issue of whether this democratic deficit might be alleviated by granting non-citizens voting rights in local elections, as in Estonia. Involving non-citizens in local decision-making could represent a tangible step toward eliminating the current democratic deficit, and the OSCE/ODIHR would encourage a full and public discussion on the issue of voting rights for non-citizens in municipal elections.

Election Administration

Opportunities for parties to nominate members of Election Commissions at all levels have been established in the law, with the intent of promoting transparency. While cross-party representation is generally achieved in the upper levels of election administration, this does not seem to be the case at the Local Election Commission and Polling Station Commission levels. Especially in smaller communities, a significant number of committee members at the local commission and polling station level are employees of the State and local governments. Although there have been some reports that party nominees have been rejected in favor of nominees proposed by local councils, most frequently parties have simply failed to provide nominees.

Well-defined procedural instructions guiding the counting of votes and tabulation of results contributed to rapid reporting of preliminary results and the audit-ability of the final results. Agents of parties, observers and the media were allowed to be present at each stage of the process. Transparency was also enhanced by a new instruction that a copy of the results protocol was to be posted for public scrutiny at each polling place. The preliminary results for the party lists were immediately reported by the polling stations so that they could be disclosed on the Central Election Website and available to the media within a few hours after the polls close.

Data from each polling station's protocol is integrated into the Rajon-wide results. The tabulated data from the Rajon, as well as the protocols from all polling stations are delivered to the Central Election Commission, where data entry is done again directly from original polling station reports. This double entry is an effective audit tool that can promote accurate reporting of the final certified results.

Despite the fact that approximately one quarter of Latvian population are from minority language communities with varying degrees of proficiency in the Latvian language, the Central Election Commission (CEC) provides no official voter education information in minority languages except for one Russian language page on the CEC website and Russian language versions of its official press releases. The current situation has the potential to create a substantial information gap about the election process for a significant proportion of the electorate.

Voter Registration

Polling stations in Latvia operate without a pre-prepared voter register. In Saeima Elections a citizen may appear at any polling station to vote including at a station outside his or her own constituency. The citizen passport is the only acceptable identification document and information from the passport is added to the voter list created and maintained on election day. A stamp stating "8th Saeima Election" was placed in the passport, precluding a voter from attempting to vote at another location. However, the absence of legal limitations regarding the constituency in which a voter is eligible to vote makes the system vulnerable to abuse since there is no safeguard against engineering voter movements between constituencies for the purpose of influencing outcomes. So far, there have been no indications that such manipulations have taken place. Nonetheless, this issue warrants consideration and could be overcome in the future if Latvia implements a voter registration process as part of EU accession planning.

The Campaign

The campaign was relatively low-key. Big campaign rallies have been absent. Issues arising in the campaign included anti-Corruption, EU and NATO membership.

New campaign finance disclosure legislation went into effect prior to this election, requiring all parties to disclose their sources of funding one month prior to the election, as well as one month after the election. This is a positive step towards the transparency and the integrity of the electoral process in Latvia.

However, the Anti-Corruption Bureau designated as the oversight body is not yet operational. The Revenue Service has served the oversight role, and stated that almost all parties received some payments that have not been reported. A more vigorous oversight role and clear sanctions will be needed in the future to ensure the full regard for the law, and particularly to prevent the potential for parties to camouflage large donations from wealthy contributors under the guise of individual contributions.

In the final week of the campaign there was a significant dispute between Latvia's Way and the People's Party that led to the dismissal of the (People's Party) Minister of the Interior, Mareks Seglins. The People's Party has accused Latvia's Way of producing and planning to distribute defamatory anti-People's Party election material. It has not been established that Latvia's Way was actually engaged in such activity, and the actions of the Interior Minister in detaining two Latvia's Way activists were criticized as an unauthorized intervention by police authorities in the political campaign.

In Daugavpils, the party For Human Rights in a United Latvia has accused the local private television station that they were barred from participating in a pre-election debate. For human Rights in a United Latvia have initiated a court procedure against the television station concerning this matter.

The Media

The OSCE/ODIHR long-term EOM monitored the following media: State-owned LTV1 and LTV2 together with the private LNT, and five newspapers, including *Diena*, *Neatkarīga Rita Avīze*, *Lauku Avīze* published in Latvian and *Panorama Latvii* and *Telegraf* published in Russian language.

Overall the public media has offered an equitable opportunity for all parties to convey their message to the electorate.

Coverage on Latvian Television news broadcasts was actually higher for political parties that are not members of the governing coalition. The Latvian language newspapers generally gave more coverage to centre-right parties, while the Russian language newspapers gave more coverage to For Human Rights in a United Latvia.

Concerning the public and private broadcast media, there were substantial amounts of paid political advertisements, primarily for the People's Party and the Latvian First Party. There was also significant paid advertising in the print media for a wide range of parties, except the New Era party that made a conscious campaign decision not to focus on much media advertising.

New legislation requires that the public be informed as to who has financed each political party broadcast on both private and public media, which has facilitated greater transparency and more information for the electorate about the parties. The new law has also required the media to reveal their income from political party advertisements, which has also served as a crosscheck on whether figures reported by the parties correspond to actual expenditures.

There is concern that restrictions on the media for broadcasting in minority languages may present an obstacle for approximately one quarter of the population to receive information about the election and to follow the campaign. According to the National Broadcasting Council, recommendations will be proposed to the 8th Saeima to permit broadcasting in minority languages beyond the present restrictions, in order to more accurately reflect the linguistic profile of the Latvian population.

Election Day

The election day administration ran smoothly. The election officials at all levels should be credited for overseeing a successful election, but there were a limited number of issues that raised concern.

The advisability of having a police presence inside a polling station while polling is underway could be reconsidered for future elections. Of specific concern in this election were reported instances where police officers reviewed passports to determine the eligibility of voters as they entered polling stations. Security officers should have no role in the conduct of polling or in decision-making responsibilities exclusively vested in the Polling Station Commissions.

In spite of strict restrictions on the presence of printed campaign materials in and around polling stations, radios and televisions were occasionally in use during voting hours. There is no “silence period” prohibiting the broadcast of political advertising on election day, and therefore some voters may have been subjected to campaign messages as they voted. The absence of a campaign silence period on broadcast media contradicts the laws prohibiting printed campaign materials in and around polling stations. In order to fully facilitate a campaign free environment on election day, laws regarding electronic and print media should be brought into conformity.

The secrecy of the ballot is fundamental to the conduct of democratic elections, but this principle was not adequately protected in many polling stations. Not only did family voting occur, but at some polling stations the facilities for ensuring a voter’s privacy while voting were inadequate or non-existent.

*This statement is available in the English and Latvian languages.
However, the English text is the only official version.*

MISSION INFORMATION AND ACKNOWLEDGEMENTS

The OSCE/ODIHR EOM was invited to observe this election by the Latvian Ministry of Foreign Affairs. The Election Observation Mission was headed by Mr. Gerald Mitchell (UK/US) and consisted of six observers deployed in Riga, and six in three regions of Latvia. Lord Russell-Johnston led the delegation of PACE election observers.

The OSCE/ODIHR EOM did not deploy short-term observers on election day but focused on the pre-election period. However, the EOM and PACE delegation did observe polling station activities in Riga and several Rajons across Latvia. Thus, this statement is based on the OSCE/ODIHR EOM’s long-term observation and the PACE delegation’s election day findings.

A final report and recommendations will be issued by OSCE/ODIHR within approximately a month of the completion of the electoral process.

The IEOM wishes to express appreciation to the Ministry of Foreign Affairs, the Central Election Commission and other national and local authorities for their assistance and cooperation during the course of the observation mission.

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