



Office for Democratic Institutions and Human Rights

LATVIA

PARLIAMENTARY ELECTIONS 2 October 2010

OSCE/ODIHR Limited Election Observation Mission Final Report



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I. EXECUTIVE SUMMARY

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other international organizations in Vienna invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 2 October 2010 parliamentary elections. Based on the recommendation of a Needs Assessment Mission, the OSCE/ODIHR deployed a Limited Election Observation Mission (LEOM). The OSCE/ODIHR LEOM assessed compliance of the election process with OSCE commitments and other international standards for democratic elections, as well as with Latvian legislation. In accordance with OSCE/ODIHR methodology for LEOMs, the OSCE/ODIHR LEOM did not include short-term election observers and did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations.

The parliamentary elections 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.

The key election-related laws are generally conducive to the conduct of democratic elections. Most of them had 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 cannot participate in elections remains a challenge. A number of international organizations and institutions, including the OSCE/ODIHR, have repeatedly advised that voting rights be granted to non-citizens for local elections. In compliance with previous recommendations and European case law, for the first time in parliamentary elections, inmates were allowed to vote in prisons, if they had applied beforehand.

The Central Election Commission (CEC) administered the elections in a transparent and efficient manner, and held its sessions in a collegial atmosphere. Municipal Election Commissions (MECs) visited by the OSCE/ODIHR LEOM performed their duties efficiently and in a timely manner. OSCE/ODIHR LEOM interlocutors in general expressed trust in the impartiality and professionalism of the election administration.

Training sessions were held for MEC and Polling Station Commission (PSC) chairpersons and secretaries. Some, but not all MECs trained all their respective PSC members. Procedural shortcomings on election day indicated that training could be further improved, including the provision of training material in a simplified format.

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. Some leading politicians on occasion took advantage of their incumbency to boost their visibility in the campaign.

The 'playing field' was somewhat skewed by cases of 'hidden' advertising not accounted for in campaign spending reports, in contravention of the law. Examples of 'hidden' advertising included sporting events used to promote the For a Good Latvia alliance, without identifying them as campaign events. The Corruption Prevention and Combating Bureau (KNAB), charged with overseeing compliance with the campaign finance rules, received numerous allegations of 'hidden' advertising, including in the media.

A broad range of media outlets provided the public with sufficient and diverse information that 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. They focused their coverage on the main contenders, showing in some cases political preferences in the portrayal of contestants and events. Coverage of the campaign in the print media as a whole reflected a range of political opinions. Newspapers focused on the main contenders and displayed in some cases partisan editorial lines.

Women were overall under-represented on most candidate lists. Of the 100 members elected to the *Saeima*, 19 were women. While Latvia's politics is 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 were interpreted as prohibiting printed voter education and information in any language other than Latvian, thus disadvantaging voters with a low proficiency in the State language. Nevertheless, the CEC's website provided some information in Russian. In some cases, election officials were flexible about accepting complaints in Russian.

The complaints and appeals system is regulated by several laws and executed by a number of judicial and administrative bodies. Few formal complaints were lodged with the election administration and courts. Many cases of alleged violations of campaign regulations were submitted to the KNAB.

International and domestic observers from civil society organizations were accredited by the CEC to follow election day proceedings across the country. 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 of the polling stations visited, the design of the voting booths was inadequate, and 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.

II. INTRODUCTION AND ACKNOWLEDGMENTS

The Permanent Mission of the Republic of Latvia to the UN, OSCE and other international organizations in Vienna on 17 June invited the OSCE/ODIHR to observe the 2 October 2010 parliamentary elections. Following a Needs Assessment Mission undertaken on 14-16 July, the OSCE/ODIHR established an LEOM on 6 September. The OSCE/ODIHR LEOM was headed by Nikolai Vulchanov, and consisted of nine experts based in Riga and four long-term observers, who were deployed on 12 September to two regional locations. The OSCE/ODIHR LEOM was drawn from 13 OSCE participating States.

The elections were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with Latvian legislation. This final report follows a Statement of Preliminary Findings and Conclusions which was released at a press conference in Riga on 3 October.¹

In accordance with the OSCE/ODIHR methodology for LEOMs, the OSCE/ODIHR LEOM did not include short-term election observers and did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations.

The OSCE/ODIHR LEOM wishes to thank the Ministry of Foreign Affairs, the Central Election Commission, as well as other national and local state institutions, election authorities, candidates, political parties and civil society organizations for their co-operation.

III. POLITICAL CONTEXT

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 was won by the People's Party, with 23 out of 100 seats, 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 continue to be divided broadly along linguistic lines, between parties perceived as representing Latvian speakers and the country's considerable Russian-speaking population,² although some contenders try to appeal to speakers of both languages.

IV. THE LEGAL FRAMEWORK AND ELECTION SYSTEM

A. OVERVIEW

The *Saeima*'s 100 members are elected in five multi-member constituencies under a proportional representation system with open regional lists submitted by political parties and alliances, and a

¹ See www.osce.org/odihr-elections/45910.html.

² References to Latvian and Russian speakers relate to the first language of the persons concerned. See also the section on Participation of National Minorities.

nationwide five per cent threshold.³ The number of seats allocated to each constituency is proportional to the number of resident voters in the respective constituency.⁴ Contrary to previous arrangements, candidates could run in only one constituency. Voters could cast their ballot for a contender's constituency list, and indicate preferences within that list. They could place a "+" next to candidates' names if they wished those candidates to be moved up the list, or strike out candidates' names to remove them from the list. In the count of preferences, one positive preference and one negative preference neutralize each other.⁵

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 before the *Saeima* Elections and Elections to the European Parliament. Other applicable laws include the Law on the Corruption Prevention and Combating Bureau and the Administrative Violations Code, as well as instructions by the CEC. Most of these laws had been amended since the 2006 elections, in some cases addressing previous OSCE/ODIHR recommendations. Important amendments were made to media and campaign financing regulations. The key election-related laws are generally conducive to the conduct of democratic elections, although room to further enhance compliance with OSCE commitments remains.

B. CANDIDACY RIGHTS

Citizens who have reached the age of 18 before or on election day are allowed to vote. From the age of 21, citizens are also allowed to stand as candidates. Independent candidates are not allowed to run, in contravention of paragraph 7.5 of the 1990 OSCE Copenhagen Document.

Candidacy rights are subject to lustration provisions (Article 5 paragraphs 5 and 6 of the *Saeima* Election Law). Persons who belonged to the salaried staff of the former Soviet Union's state security, intelligence or counterintelligence services are barred from standing. In March 2006, the European Court of Human Rights stated in the case of *Zhdanoka vs. Latvia*, that "the Latvian Parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end."⁶ In line with this judgment, a 2009 amendment narrowed the scope of the restriction so that it no longer applies to persons who belonged to the staff of the Planning, Finance and Maintenance Departments of the respective organizations.⁷

Provisions barring independent candidates and persons subject to lustration provisions could benefit from further review in order to ensure that Paragraph 7.5 of the 1990 OSCE Copenhagen Document and Article 25 of the International Covenant on Civil and Political Rights (ICCPR) are fully upheld.⁸

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. According to the official election results, 1.6 per cent of envelopes did not contain any ballot paper.

⁴ On the basis of information provided by the Citizenship and Migration Office of the Ministry of Interior, drawing on the permanently maintained population register.

⁵ The opportunity to express preferences among candidates was extensively used by voters. For example, in one case a candidate who was placed number 10 on the contender's list was moved up to the first place and elected, thanks to voters' preferences. In two other cases, candidates were moved up from the 19th and 32nd to second places and were elected.

⁶ European Court of Human Rights, Grand Chamber, Case of *Zhdanoka vs. Latvia* (Application Number 58278/00), Judgment 16 March 2006, available at www.echr.coe.int/ECHR. See also the case of *Adamsons vs. Latvia*, Application 3669/03, Judgment 24 June 2008, available at www.echr.coe.int/ECHR.

⁷ The *Saeima* Election Law, Article 5 (5).

⁸ 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." Article 25 of the ICCPR requires that "Every citizen shall have the right...without any of the distinctions... [*inter alia* political or other opinion; ref Article 2 of the ICCPR]

C. CITIZENSHIP

After the restoration of Latvia's independence in 1991, citizenship was granted automatically to holders of Latvian citizenship prior to 1940 and their descendants. As the law grants the right to vote and to stand to citizens, an estimated 321,000 non-citizen⁹ long-term residents of voting age did not have the right to participate in the elections.¹⁰ The status of non-citizenship¹¹ was intended to be temporary, so that a person might obtain the citizenship of Latvia or some other state.¹²

Citizenship may be obtained by children whose parents are non-citizens, if the parents initiate an application process, and by adults through a naturalization process.¹³ Naturalization rates peaked in the years immediately before and after Latvia's accession to the European Union in 2004, but have declined since 2006.¹⁴ Non-citizens have the right to join political parties so long as they do not make up half or more of members, and they may make financial contributions to political parties.

While citizenship is recognized as an admissible restriction to suffrage, in particular in elections for national office, the fact that some 17 per cent of voting age long-term residents cannot participate even in local and European Parliament elections remains a challenge. A number of international organizations and institutions, including the OSCE/ODIHR, the OSCE High Commissioner on National Minorities, the OSCE Parliamentary Assembly and the Council of Europe, have repeatedly advised that voting rights be granted to non-citizens for local elections.¹⁵ Since accession to the European Union, and in compliance with its norms, Latvia has granted the right to vote in local and European Parliament elections to all EU nationals residing

and without unreasonable restrictions: .b) To vote and to be elected..." Further, paragraph 17 of the General Comment 25 to the ICCPR states that "The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties."

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

¹⁰ Since the 2006 parliamentary elections, the total number of non-citizens had decreased from 411,000 to some 336,000 (figure as of 1 July 2010, see www.pmlp.gov.lv/lv/statistika/dokuments/2010/ISVP_Latvija_pec_VPD.pdf).

¹¹ According to Article 10 (2) of the Latvian Law on the Population Register, this status is different from the status of a refugee or a stateless person and is regarded as a type of citizenship. However, the Europe Commission for Democracy through Law (Venice Commission) indicated in its Report on Non-citizens and Minority Rights of 18 January 2007 that international law classifies non-citizens in three categories: foreign citizens; refugees; or stateless persons. Cf para 96, available at [www.venice.coe.int/docs/2007/CDL-AD\(2007\)001-e.asp?PrintVersion=True&L=E](http://www.venice.coe.int/docs/2007/CDL-AD(2007)001-e.asp?PrintVersion=True&L=E).

¹² Judgement of the Constitutional Court, Riga, 7 March 2005. Case No 2004-15-0106, para 16, available at www.satv.tiespa.gov.lv/upload/2004-15-0106E.rtf.

¹³ Naturalization requirements include continuous residence in the country for at least five years and passing of exams in Latvian language and knowledge of the country's constitution and history.

¹⁴ OSCE/ODIHR LEOM interlocutors offered various reasons for the low naturalization rate, including the difficulty of the process, particularly for elderly people; the ability of non-citizens to travel visa-free to Russia; and resentment by some at having to go through the process at all.

¹⁵ See Final Report of the OSCE/ODIHR Limited Election Observation Mission on the 7 October 2006 parliamentary elections in Latvia, available at www.osce.org/documents/odihr/2007/02/23213_en.pdf; the Congress of Local and Regional Authorities of the Council of Europe Recommendation 257 (2008), available at www.coe.int/t/congress/files/themes/monitoring/fact-finding-missions/Latvia/default_en.asp; the Edinburgh Declaration of the OSCE Parliamentary Assembly, July 2004, available at www.oscepa.org/images/stories/documents/declarations/2004_-_edinburgh_declaration_-_english.2314.pdf; Statement by the OSCE High Commissioner on National Minorities to the OSCE Permanent Council, 26 June 2008, www.osce.org/documents/hcnm/2008/06/31874_en.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). See also General Comment No. 25 to Article 25 of the ICCPR, available at www.unhcr.org/refworld/type.GENERAL.HRC./453883fc22.0.html.

in Latvia. Extension of the right to vote in these elections to other long-term non-citizen residents would be in line with the same principles.

D. VOTER REGISTRATION

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. Once the voter has voted, his/her passport is stamped as a safeguard against possible multiple voting. Accepting only passports as means of identifications could disenfranchise electors who do not have a valid passport on election day. Furthermore, 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, has the potential to undermine the equality of the vote if considerable numbers of voters choose to vote outside their constituency of registered permanent residency.¹⁶

V. THE ELECTION ADMINISTRATION

Following the territorial-administrative reform that entered into force on 1 July 2009, the 2010 elections were administered by a three-tiered election administration, comprising the CEC, 118 MECs¹⁷ and 1,013 PSCs, including 64 abroad.

The CEC and the MECs are standing bodies appointed to serve four-year terms. The CEC has nine members, eight appointed by the *Saeima* on the basis of nominations by parliamentary parties and one nominated by the Supreme Court from among the judges. The chairperson is selected by the *Saeima*, and the deputy chairperson and the secretary are selected by the members of the commission; these three are the only members who work on a full-time basis, together with seven full-time and three part-time permanent employees.

The CEC administered the elections in a 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.

The MECs are composed of between 7 and 15 members appointed by the local council, which determines the number of members. Political parties and alliances, groups of at least ten voters as well as individual members of the council may nominate representatives to the MECs. In most of the MECs visited, groups of voters had nominated representatives. The OSCE/ODIHR LEOM was told by interlocutors that the composition of MECs generally reflects the political composition of local councils. The MECs visited by the OSCE/ODIHR LEOM performed their duties in an efficient and timely manner.

The PSCs comprise seven members,¹⁸ appointed by the respective MECs. Past election administration experience was said to be the main criteria for appointment of PSCs' members. Many of the PSCs visited had members nominated either by political parties and alliances or groups of voters. Some parties informed the OSCE/ODIHR LEOM that they rather preferred to have their representatives as observers at the polling stations on election day.

OSCE/ODIHR LEOM interlocutors in general expressed a high level of confidence in the impartiality and professionalism of the election administration, although some expressed

¹⁶ Paragraph 7.3 of the 1990 OSCE Copenhagen Document provides that OSCE participating States should "guarantee universal and equal suffrage to adult citizens".

¹⁷ Nine City Election Commissions and 109 Regional Election Commissions.

¹⁸ PSCs established in foreign countries and on ships are composed of three to seven members.

concerns during the pre-election period that violations could take place in polling stations located in some rural areas.

In late August, the CEC Chairperson conducted training seminars for the chairpersons and secretaries of the MECs and toured the country, holding 28 regional training seminars for the chairpersons and secretaries of all the in-country PSCs. Some MECs¹⁹ decided to train all the members of their respective PSCs, while others²⁰ decided it was up to the chairperson of each PSC to decide whether or not PSC members should be trained. Members of the PSCs were encouraged to go through an on-line training program which the CEC designed primarily for domestic observers;²¹ however, few of them did so.²² PSCs visited by OSCE/ODIHR LEOM observers expressed full satisfaction with the training they received. However, procedural shortcomings and inconsistent application of regulations²³ on election day revealed the need to further enhance and improve the training provided, including the provision of training material in a simplified format.

A. VOTER EDUCATION AND INFORMATION

The CEC conducted an extensive voter education campaign which included public notices, press releases, posters explaining procedures, educational clips on public and private broadcasters, newspaper advertisements, and media interviews with the chairperson, including in Russian language. The CEC established a 24-hour telephone hotline where information was provided both in Latvian and Russian languages, and which voters could also call to make complaints. The CEC website contained comprehensive, updated information in Latvian, as well as summaries in Russian and English. In regions visited by the OSCE/ODIHR LEOM, the MECs, local authorities and regional media, including Russian-language media, informed voters about election procedures.

B. OUT-OF-COUNTRY VOTING

For these elections 64 polling stations²⁴ were established in 37 countries: 48 in consular offices and 16 in Latvian cultural centres or social clubs. Latvian citizens residing in a country where no polling station was established could vote by mail, making an application to any one of the 24 out-of-country PSCs designated to administer postal voting.²⁵ For the 2010 elections, 907 out-of-country voters requested to vote by mail. OSCE/ODIHR LEOM interlocutors attributed this low number to the reluctance of voters to send their passports together with their voting envelope in order for passports to be stamped as prescribed by law. A total of 12,778 votes were cast out-of-country, which represented some 30.5 per cent of voting age citizens registered abroad.²⁶

¹⁹ For example in Ikskile and Aizpute regions.

²⁰ For example in Rezekne city and region, Ventspils city and region and Kuldiga region.

²¹ See section on Domestic and International Observers.

²² According to the CEC, 861 out of more than 5,000 PCS members (excluding chairpersons and secretaries) went through the online training.

²³ For instance, in a deviation from procedures, unsealed envelopes were declared invalid in a number of polling stations. The CEC ordered the PSCs concerned to reopen the election materials and count the votes cast in unsealed envelopes. Also, envelopes were not always placed in the ballot box of the correct polling station in cases where there were two polling stations located in the same room.

²⁴ For the 2006 parliamentary elections, 53 polling stations were established abroad.

²⁵ The list of these PSCs was posted on the CEC website.

²⁶ In 2006, 7,490 voters cast their votes abroad.

C. VOTING IN PRISONS

In compliance with previous recommendations and European case law, for the first time in parliamentary elections, all inmates were allowed to vote in prisons, if they had applied beforehand. Out of 4,755 prisoners having the right to vote, 3,679 voted. The number of eligible voters in prisons together with their personal data was provided to the administration of the prisons on the basis of the Population Register.²⁷ In order to vote, prisoners did not have to present their passports. A team of five persons was designated by the prison administration to conduct the polling in each prison, including a prisoner who served as an observer. Institutions involved in the organization of voting in prisons²⁸ agreed that in future it should be administered by regular PSCs.

VI. CANDIDATE REGISTRATION

Seven parties and six alliances were registered to contest the elections. All filed lists of candidates in all five constituencies.²⁹ Altogether, 1,234 candidates ran. The role of the CEC in the registration of candidates' lists is principally administrative. The CEC may remove a candidate from a list only on the basis of a court order when disqualification stems from lustration provisions or upon receipt of a certificate from the relevant institutions which screen candidates' registration documents for disqualifying information relating to age, citizenship, criminal records, imprisonment under sentence, or mental incapacity.

Five candidates were rejected by the CEC on grounds of outstanding criminal records; two of these appealed to the Regional Administrative Court, which overturned the CEC decision in one case.³⁰ 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 incompatibility of office. The Court referred the case to the Constitutional Court, stating the CEC decision would stand until a final court decision.³¹

A number of new alliances had been formed in the preceding months. These included 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, were broadly perceived as representing the interests of the Russian-speaking population, although both included ethnic Latvians on their

²⁷ The register is maintained by the Office of Citizenship and Migration Affairs.

²⁸ Ministry of Justice, Latvian Prison Administration, Ombudsman's Office, CEC and MECs.

²⁹ The maximum number of candidates on a list may exceed by three the number of seats allotted to the respective constituency.

³⁰ The decision was overturned because by the time his candidacy nomination was submitted he had already paid his fine and therefore did not have an outstanding criminal record. However, the information that the fine had been paid had not yet been recorded, and therefore the CEC had not access to the accurate information at the time of its decision.

³¹ The same candidate had been removed by the CEC from the list of candidates for the 1998 parliamentary elections, for the same reason. After having her appeals rejected both by the Regional Administrative Court and the Supreme Court, she filed a request to the European Court of Human Rights which was rejected as inadmissible. *Brike vs. Latvia*, European Court of Human Rights, decision on admissibility no. 47135/99, 29 June 2000.

lists. Another member of the outgoing governing coalition standing in the elections was the Union of Greens and Farmers.³²

VII. THE ELECTION CAMPAIGN

The campaign took place in a calm atmosphere, and contestants were generally able to campaign freely, with only minor incidents. In two separate instances, contenders' websites were temporarily hacked into. For a period of time on 11 September, people trying to access the Unity website found themselves being redirected to For a Good Latvia's site. For a Good Latvia denied any responsibility. For a time on 24 September, the For a Good Latvia site was hacked into, so that different content from usual was displayed. In two separate instances on 16 September, candidates from Unity were briefly hindered from carrying out 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.

Certain campaign practices blurred the distinction between campaigning and the activities of local government. Some of the campaign materials of the Union of Greens and Farmers, whose prime ministerial candidate was the mayor of Ventspils, Aivars Lembergs, bore a striking resemblance to a national campaign by the city of Ventspils government on the advantages of the city.³³ Some leading politicians on occasion took advantage of their incumbency to boost their visibility in the campaign. Nils Usakovs, Mayor of Riga and leader of Concord Centre, and Ainars Slesers, Deputy Mayor of Riga and For a Good Latvia prime ministerial candidate, attended several events in their official capacity to announce renovation projects, which received significant media coverage.

In a move seen by some OSCE/ODIHR LEOM interlocutors as election-related misuse of administrative resources, the Riga city government announced that public transport for unemployed pensioners, as well as some other disadvantaged groups, would be free from 1 September until further notice.

On 29 September, the Daugavpils city Social Services Department distributed charity food packages containing Concord Centre leaflets. While isolated, such activities could be construed as abuse of public funds for campaign purposes in an attempt to influence the choice of voters.

While the official election campaign started on 5 June, campaigning was relatively subdued until the last two weeks before the elections. Among the main campaign themes were the economy, especially taxation, welfare policies and pensions. Unity focused on Valdis Dombrovskis' record in handling the economic crisis, and argued for the continued implementation of the International Monetary Fund's program for tackling it; For a Good Latvia called for its renegotiation. Concord Centre called for closer relations with Russia as a way of alleviating the economic situation. The Union of Greens and Farmers emphasized the record of Aivars Lembergs as Mayor of Ventspils.

In addition to national advertising campaigns in the media and the widespread use of posters, candidates also undertook small-scale locally-based campaigning. Contenders set up campaign tents and engaged in leafleting. Some contestants also sponsored musical and sporting events.

³² The prime ministerial candidate of the Union of Greens and Farmers and Mayor of Ventspils was the subject of a legal proceeding for alleged offences including corruption and abuse of office.

³³ This practice was reported to the KNAB as a case of indirect campaigning in favour of the Union of Greens and Farmers. At the time of writing this report the investigation is ongoing.

According to the Law on the Pre-Election Campaign, contenders have the right to place campaign materials in public areas, including information boards, tents and posters. Local councils are assigned the task of overseeing the implementation of the rules. They should be informed at least three days in advance, and may specify public places where it is not allowed to place campaign materials. In the capital, the Riga City Construction Board was responsible for implementing the rules.

The Riga City Council decided not to apply the Law on the Pre-Election Campaign when administering the placement of campaign materials arguing that this law was imprecise.³⁴ Instead, the Law on Safety During Public Entertainment Events and Festivities was referred to. This law stipulates that at least 15-day notice has to be given, rather than the three-day notice mentioned in the Law on the Pre-Election Campaign, and that local authorities should be asked for permission, rather than just informed. Although the issue did not prove controversial and only one minor infringement of the regulations was identified, the imprecision in the Law on the Pre-Election Campaign should be addressed so that it can be applied as intended.

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".

VIII. CAMPAIGN FINANCE

The regulatory framework for political party and campaign financing is intended to ensure transparency and accountability. Following recent amendments to the Law on Financing of Political Organizations, the campaign expenditure limit was set at 571,000 Latvian Lats (some 800,000 Euro), nearly double the previous ceiling before recent amendments. In addition, several types of expenditure were excluded from the campaign spending limit, including costs related to rental of premises, hiring of staff and printing of campaign materials. This liberalization was intended by legislators to strike a balance between setting the ceiling high enough so that contenders would not try to circumvent it, while keeping it sufficiently limited to ensure equal opportunities. The amendments introduced a definition and set a limit on 'third party'³⁵ campaign contributions of 2,700 Latvian Lats (approximately 3,808 Euro) per donor. Legislators also introduced a number of changes to media and campaign-related provisions stipulating which practices constitute 'hidden' advertising and defining them as illegal.³⁶

Compliance with campaign finance rules is overseen by the Corruption Prevention and Combating Bureau, whose decisions can be appealed to the District Administrative Court. Political parties and alliances are requested to submit detailed income and expenditure reports annually. Election contestants are also required to submit campaign income and expenditure reports to the KNAB within 30 days of the elections. The KNAB is required to perform an audit of the submitted reports within six months, and to inform the public regarding any breaches of the provisions, as well as measures taken in response.

³⁴ A representative of Riga City Construction Board, which forms part of Riga City Council, told the OSCE/ODIHR LEOM that the law does not define precisely what "informing" the local authorities means.

³⁵ The term relates to a private individual, a legal entity or an association that is not related to a political party or an alliance standing in elections, but that carries out pre-election campaign on its behalf.

³⁶ Section 2.2¹⁻³ of the Law on Pre-Election Campaign stipulates that all paid campaign advertising has to be clearly identified as such, stating the contender or third party that has paid for it. It further states that "the payment in terms of this law is any remuneration, including any economic benefits, services, transfer of rights, release from duty, refusal from some right in favor for other person." If these requirements are not met, it is considered to be 'hidden' advertising and is forbidden.

In accordance with the Law on the Pre-Election Campaign, publications and broadcasters are obliged to inform the KNAB and the National Electronic Media Council (NEMC) 150 days prior to election day about agreements reached with election contenders on the placement of pre-election campaign materials, including the associated costs. Such notifications enable the KNAB to cross check the reports submitted by the election contenders with those supplied by the publications and broadcasters, to ensure the completeness and accuracy of the election contenders' records. However, as confirmed by the KNAB, advertising agencies are not compelled to submit information about agreements reached with election contenders on the placement of billboard posters, meaning that the KNAB is not able to carry out the same kind of cross checks for completeness of the contenders' records regarding billboard posters.

In case an election contender exceeds the campaign expenditure ceiling, the head of the KNAB is empowered to prohibit the contender from further paid campaign advertising. Further, if the ceiling is breached, in addition to charging a fine, the KNAB should require the offending contender to transfer the excess amount to the state budget within 30 days.

In a post-election statement, the KNAB announced that it had not established that any contender had breached the campaign expenditure ceiling, while one contender had spent 96 per cent and another one had spent 95 per cent of the limit. Among complaints received by the KNAB, 30 related to 'hidden' advertising not declared as campaign advertising, mostly found in the media. In line with the law, investigations by the KNAB can take up to six months. If cases of 'hidden' advertising are confirmed, the KNAB should add the cost to the contender's campaign expenditure, and if that results in the overall expenditure exceeding the permitted campaign spending limit, the contender should be ordered to pay the excess to the state budget, in line with the law.

The 'playing field' was somewhat skewed by examples of political advertising not identified as such, in contravention of the rules on 'hidden' advertising. Notably, sporting events were used to promote For a Good Latvia, without acknowledging that they were campaign activities. 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. 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.

The day before election day, posters featuring the Dinamo player with the number '8' shirt,³⁷ and the slogan "For a Good Dinamo" were widely posted across Riga. Having considered this case on its own initiative, the KNAB concluded that this constituted indirect political advertising, which contravened the provision in the Law on the Pre-Election Campaign that prohibits the placement of campaign materials on election day and the day prior to it. The KNAB reported the matter to the police, but the posters were removed only after the elections.

The link between the Dinamo advertisements and the For a Good Latvia campaign was all the more explicit given that before the elections a similar advertisement was placed in a newspaper and paid for by For a Good Latvia, with the slogan "For a Good Latvia, for Riga's Dinamo", featuring the number eight player. This evidence of co-ordination between the For a Good Latvia and Dinamo Riga campaigns would appear to argue strongly for a thorough investigation by the KNAB in order to establish whether costs related to this and similar examples of promotional activities in favour of For a Good Latvia would need to be included in the party's campaign expenditure reports, in line with the law.

³⁷ For a Good Latvia was registered under number eight in these elections.

Some interlocutors expressed concerns to the OSCE/ODIHR LEOM that the KNAB's effectiveness might be undermined by political pressure. Shortly before the elections, Ainars Slesers, publicly warned the KNAB not to interfere in politics, and said that they could experience problems later. The KNAB's deputy director responded that he perceived the statement as an attempt to influence the bureau.

IX. THE MEDIA

A. OVERVIEW

The media environment is diverse and provides the public with a range of viewpoints. However, the lack of transparency in media ownership and reported affiliations of some leading broadcasters and newspapers with influential businessmen and politicians were seen by a number of OSCE/ODIHR LEOM interlocutors as problematic from the perspective of the independence of the media and neutrality of reporting, particularly during an election campaign.

Over 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, 'hidden' advertising, proved to be particularly contentious. Defamation in mass media is still punishable by imprisonment, a practice which has been criticized in international declarations.³⁸

B. REGULATORY FRAMEWORK

The election campaign in the media is regulated by the Law on the Pre-Election Campaign. In addition, the new Law on Electronic Media, which was adopted in July 2010, requires public and commercial broadcasters, *inter alia*, to display events and facts fairly, objectively and to promote the exchange of opinions. The NEMC is tasked with overseeing the compliance of electronic media with legislative requirements.

The Law on the Pre-Election Campaign grants all election contenders the right to a 40 minute free-of-charge presentation on the public broadcaster; 20 minutes each on public radio and television. In addition, election contestants were entitled to place paid campaign advertisements in both public and private media. Media are required to provide equal conditions for paid campaign spots with regard to rates, and to indicate clearly the election contender or third party, which paid for the advertisement.

The newly introduced provisions on 'hidden' advertising apply to media as well; however, the identification of cases of 'hidden' advertising remained challenging and controversial. The NEMC monitored national and local TV and radio stations during the campaign and identified a number of alleged cases of 'hidden' advertising.³⁹ The Council, after examining these cases, brought five possible violations to court. The NEMC also identified a number of instances pointing to the lack of understanding of the legal requirement for fairness and objectivity, and sent a letter to broadcasters asking them to pay closer attention to the implementation of the

³⁸ Joint Declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the Organization of American States Special Rapporteur on Freedom of Expression, available at www.osce.org/documents/rfm/2002/12/190_en.pdf.

³⁹ On 11 November, the Council issued its report on the fairness of the campaign coverage, based on the results of its media monitoring. The report in Latvian is available at www.nrtv.lv/web/uploads/Zinojums_monitorings.pdf.

legislation. Monitoring of media by *Providus*, a think tank, to identify cases of ‘hidden’ advertising indicated that its incidence during the 2010 campaign remained high.

C. MEDIA MONITORING

From 10 September, the OSCE/ODIHR LEOM conducted an analysis of the coverage of the campaign and of relevant political subjects by five television channels and six daily newspapers.⁴⁰

Monitoring results indicated that overall media provided opportunities for election contenders to convey their messages to the voters, although both print and electronic media tended to focus on the main contestants.

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. Debates on LTV1 hosted mainly the six top-ranking parties in public opinion polls, while other contenders were invited to participate in two dedicated debates. During the three weeks preceding election day, OSCE/ODIHR LEOM monitoring showed that LTV1 provided overall balanced coverage of key contestants, mostly in a neutral manner. 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. 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. The Latvian-language commercial TV channels LNT and TV3 gave a greater weight in their news coverage to Unity (33 per cent and 27 per cent, respectively) and to For a Good Latvia (25 per cent each), followed by the Union of Greens and Farmers (17 per cent and 14 per cent, respectively) and Concord Centre (13 per cent each). In addition to news coverage of the electoral contestants, LNT held a series of debates, exclusively with the top-ranking parties. Despite overall balanced coverage of contestants in their news, commercial broadcasters occasionally showed political preferences in analytical programmes and in the tone of coverage.

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 was received by the KNAB and the NEMC, and at the time of writing, examination of these cases was ongoing. 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 gave indirect but additional positive coverage to the party. Two days before election day, LNT aired an animated clip inviting the viewers to think for whom they would vote. The spot, which carried a disclaimer “for viewers’ attention” and did not indicate who had paid for it, compared the six main contenders, mocking five of them and clearly praising For a Good Latvia.

⁴⁰ The OSCE/ODIHR monitored the public broadcaster LTV1 and privately owned LNT, TV3 and TV5 during the prime-time period (18:00 – 24:00 hours). In addition, the monitoring team analyzed the evening program *Latvian Time* on PBK Latvia. The OSCE/ODIHR LEOM also monitored six daily newspapers in Latvian and Russian languages: *Diena*, *Latvijas Avize*, *Neatkarīga Rita Avize*, *Chas*, *Telegraf* and *Vesti Segodna*.

Among the Russian-language channels, TV5 gave the highest news coverage to For a Good Latvia (34 per cent) and Unity (27 per cent), followed by Concord Centre and Union of Greens and Farmers (14 and 13 per cent respectively). TV5 also aired a discussion program hosting candidates from the top-ranking parties as well as expert commentators.⁴¹ For Fatherland and Freedom/LNNK complained to the NEMC and the State Language Centre that its representatives were not able to take part in these discussion programs due to its request to speak Latvian on a Russian-language program.

The First Baltic Channel (PBK) in its program *Latvian Time*⁴² provided most coverage to For a Good Latvia (41 per cent) and Concord Centre (29 per cent). Unity received much less coverage (7 per cent). Shortly before election day, PBK held two debates to which it invited four contenders: Concord Centre, For a Good Latvia, Unity and the Union of Greens and Farmers. For Human Rights in a United Latvia expressed concerns to the OSCE/ODIHR LEOM that it had not been included. Valdis Dombrovskis, Unity's candidate for prime minister, did not participate in the prime ministerial debate on 30 September due to his objections to views about Latvia expressed by the program's host.

Coverage of the campaign in the print media as a whole reflected a range of political opinions. Information on campaign activities was widely available on websites, blogs and internet versions of traditional media which constituted another important source of information for voters. Electoral contestants used widely the internet as campaign tools, including blogs, twitter and campaigning through other social networking sites.

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 stated that rates for political advertisements were too high, in some cases much higher than commercial rates, giving an advantage to better funded contestants.

X. PARTICIPATION OF WOMEN

There are neither legal barriers to the participation of women in political life nor legal provisions to encourage it. The Program for Implementation of Gender Equality 2007-2010, adopted by the government in October 2007, does not contain any specific objectives directed at enhancing the participation of women in political life. A total of 353 women ran as candidates, representing 28.6 per cent of the overall number.⁴³ None of the election contenders met by the OSCE/ODIHR LEOM had internal mechanisms to ensure gender balance in the composition of their lists of candidates.

Nineteen women were elected in the 2 October elections, compared with 20 in the outgoing *Saeima*. Of the election contenders that won seats in the *Saeima*, Unity, which is co-chaired by a woman, had the highest proportion of female candidates, 37.4 per cent, and Concord Centre had the lowest proportion of female candidates, 16.5 per cent. Of the nine members of the CEC, four are women. The OSCE/ODIHR LEOM observers reported that women were very well represented both in MECs and PSCs visited.

⁴¹ The program, called *48 minutes*, was aired every weekday.

⁴² The program *Latvian Time* contains a news bulletin and interviews with politicians.

⁴³ During the 2006 parliamentary elections, 26 per cent of candidates were women.

XI. PARTICIPATION OF NATIONAL MINORITIES

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.⁴⁴ Among the principal national 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 of residents. Russian speakers are especially concentrated in the east of the country, Riga and some other larger towns.

Minorities are represented in political life at national and local levels. Candidates for the 2010 *Saeima* elections had the option of recording their ethnicity when registering with the CEC. Of those candidates who recorded their ethnicity, 73 per cent were ethnic Latvians; 8.7 per cent Russians; 1.1 per cent Poles; and representatives of other minority groups made up less than 1 per cent each. Approximately 14 per cent of registered candidates did not specify an ethnicity. Fifteen of the winning candidates identified themselves as belonging to ethnic minorities, 13 of whom were of Russian ethnicity.⁴⁵

Latvia ratified the Framework Convention for the Protection of National Minorities (FCNM) in 2005. A *Saeima* declaration submitted upon ratification extends the scope of the Convention to permanent legal residents who are not citizens of Latvia or another country and identify themselves with a national minority.⁴⁶ The majority of non-citizens in Latvia are ethnic Russians.⁴⁷

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. State-funded secondary schools for national minorities should teach no less than 60 per cent of the curriculum in Latvian, and up to 40 per cent in minority languages.

The Official Language Law and the regulations issued by the Cabinet of Ministers specify required levels of state language proficiency for employees of state institutions as well as numerous private sector professions. On 23 September, the *Saeima* passed amendments to the Law on the Status of Members of Local Municipalities that would enable regional courts to revoke the mandates of elected local council members who fail to demonstrate proficiency in

⁴⁴ Integration Policy in Latvia: A Multi-Faceted Approach, Ministry of Foreign Affairs, 21 May 2010, www.am.gov.lv/en/policy/4641/4642/4649/.

⁴⁵ The outgoing *Saeima* included 18 deputies who identified themselves as belonging to ethnic minorities, 15 of whom were of Russian ethnicity.

⁴⁶ The declaration, states that “[...] the notion "national minorities" which has not been defined in the FCNM, shall, in the meaning of the Framework Convention, apply to citizens of Latvia who differ from Latvians in terms of their culture, religion or language, who have traditionally lived in Latvia for generations and consider themselves to belong to the State and society of Latvia, who wish to preserve and develop their culture, religion or language. 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 FCNM 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>. Latvia has not ratified Protocol No. 12 to the ECHR and the European Charter for Regional or Minority Languages.

⁴⁷ On non-citizens, see also the section on Legal Framework and Election System.

Latvian language within six months after elections. The president signed the amendments into law on 5 October, but they will apply only to deputies elected in the next local elections in 2013. The Law on Electronic Media requires 65 per cent of all national and regional television programs produced in Latvia and broadcast on the terrestrial television network to be in the state language; the provision will take effect in January 2011.

The State Language Centre oversees implementation of the Official Language Law and has the authority to impose administrative fines for violations of language requirements. The Official Language Law provides that all events organized by the State, as well as public information, shall be in Latvian.⁴⁸ However, a regulation of the Cabinet of Ministers allows that all state institutions may provide public information material, as well as information upon request, in a foreign language.⁴⁹

Authorities interpreted the Official Language Law as prohibiting printed voter education and information materials in languages other than Latvian.⁵⁰ This may have disadvantaged voters with a low proficiency in the state language. The CEC did, however, publish some information in Russian on its website, and a CEC public service announcement on voting procedures used primarily visual elements to demonstrate voting procedures. The Russian-language print and broadcast media provided information about voting procedures, and some OSCE/ODIHR LEOM interlocutors, including members of the Russian-speaking minority, felt that this helped fill the information gap for Russian-speaking voters.

All official communications, including complaints and appeals, were required to be either in Latvian, or accompanied by a certified translation.⁵¹ However, 10 of 21 MECs met by the OSCE/ODIHR LEOM during the pre-election period stated that they would accept complaints in Russian. In several PSCs visited by the OSCE/ODIHR LEOM on election day, PSC members answered voters' questions about voting procedures in Russian as well as in Latvian.

XII. COMPLAINTS AND APPEALS

The complaints and appeals system is regulated by several laws and executed by a number of judicial and administrative bodies. Decisions by the MECs and PSCs may be appealed to the CEC, whose decisions can in turn be appealed at the District Administrative Court. CEC decisions on candidate registration can be appealed at the Regional Administrative Court.⁵² The final results and CEC decisions on contested vote count protocols can be appealed at the Supreme Court. The District Court decides on findings about pre-election campaign violations in electronic media brought by the NEMC.⁵³

Few formal complaints were lodged with the election administration and courts. Pre-election complaints pertained to candidate registration. Complaints filed to MECs mostly related to discrepancies between electronically processed information and paper protocols (see section on Election Day). The OSCE/ODIHR LEOM was informed of 64 complaints received by the

⁴⁸ Section 11 of the Official Language Law.

⁴⁹ Section 3 of Cabinet Regulation No. 130.

⁵⁰ Paragraph 9 of the FCNM provides for the right of national minorities "to receive and impart information and ideas in the minority language." Paragraph 12 of General Comment No. 25 to Article 25 of the ICCPR provides that "information and materials about voting should be available in minority languages."

⁵¹ Section 10, para 3 of the Official Language Law.

⁵² See section on Candidate Registration.

⁵³ See section on Media regarding cases from the NEMC brought to court.

KNAB on pre-election campaign violations, which the KNAB would investigate. Seven investigations were initiated by the KNAB on its own initiative.

As the campaign for these elections was taking place, not all cases brought to the KNAB regarding the 2006 *Saeima* elections had been decided on by the courts. This lack of timely adjudication and the fact that the KNAB can impose fines for pre-election campaign violations only up to 1,000 Latvian Lats (approximately 1,400 Euro)⁵⁴ may not be a sufficient deterrent against possible violations of campaign regulations.

XIII. DOMESTIC AND INTERNATIONAL OBSERVERS

The *Saeima* Election Law provides that persons authorized by election commissions may observe the electoral process. However, it does not contain any detailed provisions on accreditation procedures and rights of international and domestic observers from civil society organizations. The CEC had intended to adopt a regulation on election observation for these elections and had a draft document circulated among its members for comments and further approval. Due to other priorities and considering that accreditation of observers did not raise special concern, the CEC postponed the adoption of this regulation. The OSCE/ODIHR LEOM received no reports of observers experiencing problems with access to polling stations.

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 accreditations from the CEC to observe voting procedures in one specific polling station. The domestic civil society organization “Youth for a United Europe” deployed some 50 observers in different parts of the country. Representatives of election contenders were widely present in polling stations. The Ombudsman’s Office deployed 15 observers to 11 out of the 13 prisons in the country.

XIV. 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 of the polling stations visited 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. According to the CEC, the voter turnout was 63.12 per cent.

Voting in prisons observed by the OSCE/ODIHR LEOM was orderly and well organized. At the close of voting, all voting materials from prisons were transferred to regular polling stations for the count.⁵⁵

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.

⁵⁴ Section 204² of the Administrative Violation Code.

⁵⁵ The votes of the prisoners were merged with the votes cast in this regular polling station.

Following complaints related to discrepancies in calculations of '+’s and cross outs of candidates between electronically processed information and paper protocols, the CEC reviewed 49 such cases. The CEC concluded that the discrepancies occurred as a result of negligence and tiredness of polling station officials, rather than intentional fraud. While in 33 polling stations the discrepancies were rectified without a recount, in 16 polling stations recounts were ordered and carried out. While recounts did not affect the allocation of seats to political parties, they did result in the replacement of some candidates, who were initially deemed to have been elected, with other candidates.

On 20 September, the Security Police issued a risk assessment of possible vote buying and falsification of election results, especially in the Latgale region. They announced a telephone line which people could call with information of possible violations. As of one week after the elections, the Security Police informed the OSCE/ODIHR LEOM that they had received 20 allegations on election day, none of which were confirmed, and another two after election day, which were under investigation. One of those cases of alleged falsification of the results in a polling station had been passed to the Security Police by the CEC.

XV. RECOMMENDATIONS

The following recommendations are offered for consideration by the authorities, political parties and civil society of Latvia, in further support of their efforts to conduct elections fully in line with OSCE commitments and other standards for democratic elections. The OSCE/ODIHR stands ready to assist the authorities and the civil society of Latvia in further improving the electoral process.

A. PRIORITY RECOMMENDATIONS

1. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, consideration should be given to granting non-citizens the right to vote in local elections.
2. Provisions should be made for independent candidates to stand in elections.
3. Consistent with the judgment of the European Court of Human Rights, the *Saeima* should continue to review lustration provisions with a view to bringing them to an early end.
4. The law could envisage stronger sanctions for campaign violations to be applied by the KNAB incrementally so as to serve as effective deterrent against infringements.
5. Mechanisms should be developed to enable the KNAB and the courts to review cases of alleged campaign violations expeditiously, so as to provide prompt and effective remedies to possible campaign related violations.
6. Consideration could be given to introducing a legal requirement for advertising agencies to report to the KNAB on contracts drawn with regard to the designing and display of campaign materials, including billboards, to allow for effective scrutiny by the KNAB.
7. While maintaining efforts to promote the acquisition of the state language, the authorities should adopt a more flexible approach to the use of minority languages in the election process, including issuing voter education materials in languages other than Latvian in line

with General Comment 25, and enabling the use of minority languages when dealing with election authorities, particularly at the local level.

B. OTHER RECOMMENDATIONS

Election Administration

8. Consideration could be given to training all members of PSCs and to providing them with a simplified procedural guidebook, using sequential pictures of the procedures and suggested layout of a polling station.
9. The *Saeima* Election Law could be amended so that in future regular PSCs administer elections in prisons.

Election Campaign and Campaign Finance

10. Provisions in the Law on the Pre-Election Campaign regarding the placement of campaign materials in public places could be clarified in consultation with the local-government bodies to ensure its due implementation.

Media

11. The regulatory framework for media could include provisions to ensure transparency of media ownership.
12. In consultation with journalists and editors, regulations regarding media obligations, including the provision on fair and objective reporting, could be made more detailed and specific to offer media more precise guidance.
13. For future elections the NEMC could consider publishing during the campaign interim reports, assessing *inter alia* the objectivity and fairness of coverage by broadcasters as revealed by its media monitoring, to enhance transparency, as well as to allow for timely corrective actions as necessary.
14. Defamation should be decriminalized in line with international recommendations.

Domestic and International Observers

15. Consistent with previous recommendations by the OSCE/ODIHR, the CEC could adopt a comprehensive regulation on the rights of international and domestic non-partisan observers and accreditation procedures ahead of the next elections.

Election Day

16. Consistent with previous recommendations by the OSCE/ODIHR, measures should be taken to ensure the secrecy of the vote, including through voter information programs, training of polling station officials and the provision of adequate voting booths.

ANNEX: ELECTION RESULTS

Political party or alliance	Percentage of valid votes	Number of mandates
1. For Human Rights in United Latvia (<u>Par cilvēka tiesībām vienotā Latvijā</u>)	1.47	0
2. Unity (Vienotība)	31.9	33
3. Made in Latvia (Ražots Latvijā)	0.99	0
4. Concord Centre (Saskaņas Centrs)	26.61	29
5. "People's Control" (" <u>Tautas kontrole</u> ")	0.42	0
6. Union of Greens and Farmers (<u>Zaļo un Zemnieku savienība</u>)	20.11	22
7. "For Presidential Republic" (Par prezidentālu republiku)	0.75	0
8. For a Good Latvia" (Par Labu Latviju)	7.82	8
9. Responsibility – Social Democratic Association of Political Parties" (<u>Atbildība - sociāldemokrātiska politisko partiju apvienība</u>)	0.65	0
10. Daugava – For Latvia" (Daugava - Latvijai)	0.18	0
11. The Last Party (Pēdējā partija)	0.9	0
12. Everything For Latvia! - For Fatherland and Freedom/LNNK (Visu Latvijai!-Tēvzemei un Brīvībai/LNNK)	7.83	8
13. Christian Democratic Union (<u>Kristīgi demokrātiskā savienība</u>)	0.37	0

Source: Central Election Commission

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

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

Within the field of **tolerance** and **non-discrimination**, the OSCE/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. The OSCE/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.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).