

INTERIM REPORT
6–18 September 2010

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I. EXECUTIVE SUMMARY

- On 2 October, Latvian voters will elect 100 members of the unicameral parliament (*Saeima*) for a term of four years. Members are elected under a proportional representation system with open regional lists in five multi-member constituencies and a five per cent national threshold. Independent candidates are not allowed to stand.
- Seats are allocated to constituencies in proportion to the number of resident voters. For parliamentary elections, voter lists are not used and voters may vote in any polling station on presentation of a valid Latvian passport.
- The election law is generally conducive to holding democratic elections, although room to further enhance compliance with OSCE commitments remains. Amendments introduced in recent years to laws regulating the conduct of parliamentary elections include adjustments to media and campaign finance regulations, and provisions on the composition of candidate lists to allow candidates to run in only one constituency.
- The elections are administered by a three-tiered administration, comprising the Central Election Commission (CEC), 118 Municipal Election Commissions (MECs) and 1,013 Polling Station Commissions (PSCs), including 64 abroad.
- Seven parties and six alliances have registered candidate lists. Five candidates were rejected by the CEC on grounds of outstanding criminal proceedings and one for incompatibility of office. Two of the rejected candidates filed appeals, and one was reinstated by the court. Altogether, 1,235 candidates are contesting the elections.
- A broad range of media provides the public with diverse information. Reported affiliations of some commercial broadcasters with businessmen and politicians are seen by a number of interlocutors of the OSCE/ODIHR Limited Election Observation Mission (LEOM) as problematic. The Latvian public broadcaster is providing free airtime to all contestants.
- Campaigning is picking up and is conducted in a generally calm atmosphere. For the most part, contestants are able to carry out their activities freely. Despite recent amendments to the Law on the Pre-election Campaign addressing “hidden” advertising, the issue remains contentious.
- While the Constitution provides for the right of national minorities to use their mother languages and to develop their ethnic and cultural identities, in line with the Official Language Law, voter education and information materials are published only in Latvian.
- The OSCE/ODIHR LEOM opened its office in Riga on 6 September, with a nine-member core team and four long-term observers deployed to two regional locations. Mission members are drawn from 11 OSCE participating States.

II. INTRODUCTION

Following an invitation from the Permanent Mission of the Republic of Latvia to the International Organizations in Vienna, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) on 6 September 2010 established a LEOM to observe the 2 October parliamentary (*Saeima*) elections. The mission, led by Nikolai Vulchanov, consists of a nine-member core team based in Riga and four long-term observers deployed on 12 September to two regional locations. The OSCE/ODIHR LEOM is drawn from 11 OSCE participating States.

III. 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 parliament, 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 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.

IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

The *Saeima*'s 100 members are elected in five multi-member constituencies under a proportional representation system with open lists and a nationwide five per cent threshold. The number of seats allocated to each constituency is proportional to the number of eligible voters in the respective constituency.¹ Citizens who have reached the age of 18 by election day are allowed to vote. From the age of 21, citizens are allowed to stand as candidates.

The *Saeima* Election Law is generally conducive to the conduct of democratic elections, although room to further enhance compliance with OSCE commitments remains. As the right to vote is subject to citizenship requirement, some 336,000 non-citizen residents, most of who are ethnic Russians, do not have the right to participate in elections.² A number of restrictions apply on the right to stand in elections for persons subject to "lustration" provisions.³ The provision prohibiting salaried staff of foreign security organizations and former salaried staff of the state security and intelligence services of the Soviet Union to stand as candidates has been amended. This prohibition is no longer applicable if the person concerned belonged only to the staff of the Planning, Finance and Maintenance Departments of the respective organizations. In addition, independent candidates are not allowed to run.

¹ On the basis of information from the Population Register maintained by the Office of Citizenship and Migration Affairs;

² Figure as of 1 July 2010 from the Department of Citizenship and Migration;
www.pmlp.gov.lv/lv/statistika/iedzivotaju.html;jsessionid=B21A222317EC5500E50054540B6739B6.

³ See the OSCE/ODIHR Needs Assessment Mission report of 27 July 2010,
www.osce.org/documents/odihr/2010/07/45516_en.pdf.

Most of the laws regulating the conduct of parliamentary elections have been amended since the 2006 elections.⁴ These include important adjustments to media and campaign finance regulations, some of which address previous OSCE/ODIHR recommendations. The provisions regulating the registration of candidate lists have been amended and, contrary to previous arrangements, now allow candidates to run in only one constituency, rather than in several at the same time.

Among issues of concern brought to the attention of the OSCE/ODIHR LEOM is the possibility that, given that electors can cast their votes at any polling station in the country rather than only in their home constituencies, some constituencies may be over or under-represented in the parliament, undermining the equality of the vote.

V. ELECTION ADMINISTRATION

Following the territorial-administrative reform that entered into force on 1 July 2009, the 2010 parliamentary elections are administered by a three-tiered election administration, comprising the CEC, 118 MECs and 1,013 PSCs, including 64 abroad located in 37 states. The nine members of the current CEC were appointed in 2007. Six of them had served in previous CECs. The chairperson, deputy chairperson and secretary are full-time employees. The CEC holds its meetings on an *ad hoc* basis. By law, representatives of state and local institutions, and media representatives may attend CEC meetings. The CEC chairperson informed the OSCE/ODIHR LEOM that parties' representatives as well as observers are also welcome to attend although this is not provided by law.

Political parties and groups of at least ten voters have the right to nominate representatives to the MECs and PSCs. While MECs visited by observers informed the LEOM that in their areas political parties and groups of voters have nominated representatives to lower-level commissions, the OSCE/ODIHR LEOM was informed by the CEC chairperson that election contenders and voters do not always use this opportunity. No problems were reported so far to the OSCE/ODIHR LEOM concerning the performance of the MECs, including the establishment of the PSCs.

For the first time, polling stations will be established in prisons, where the election process will be administered by prison authorities. Members of PSCs abroad and on Latvian-flagged ships are proposed, respectively, by the embassy or consulate or the ship owner, with the number of members varying from three to seven. In hospitals, regular polling stations are established. Election contenders met by the LEOM intend to nominate representatives as observers.

OSCE/ODIHR LEOM interlocutors in general expressed a high level of confidence in the election administration,⁵ although one representative of an alliance contesting the elections expressed concerns that violations may take place in some rural areas.

In late August 2010, the CEC chairperson conducted training seminars in Riga for the chairpersons and secretaries of MECs and started to tour the country, holding 28 regional training seminars for the chairpersons and secretaries of 949 in-country PSCs.

⁴ For a list of the main laws regulating parliamentary elections, see the OSCE/ODIHR Needs Assessment Mission report of 27 July 2010, page 3, www.osce.org/documents/odihr/2010/07/45516_en.pdf.

⁵ However, an opinion poll commissioned by the CEC and published on 14 September suggested reduced public confidence in the electoral process.
http://web.cvk.lv/pub/upload_file/Veletaju_attieksmju_petijums_062010.pdf.

Voter lists are not used during parliamentary elections and votes may be cast at any polling station in the country upon presentation of a valid Latvian 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 multiple voting.

VI. CANDIDATE REGISTRATION

A total of seven parties and six alliances have been registered for the elections. In each case, they filed lists of candidates in all five constituencies. Altogether, 1,235 candidates are running. Five candidates were rejected by the CEC on grounds of outstanding criminal proceedings; two of these appealed the CEC decisions to the Administrative Court, which overturned the CEC decision in one case.⁶ Another candidate was rejected for being a judge and refusing to resign from office as the *Saeima* Election Law prescribes.

A number of new political alliances had been formed in the preceding months. These include Unity, an alliance of three parties, including the New Era and the Civic Union, both members of the outgoing governing coalition. The People's Party joined the First Party of Latvia/ Latvia's Way and three other parties formed the For a Good Latvia alliance. The For Fatherland and Freedom party, another member of the outgoing government, formed an alliance with the Everything for Latvia party.

Two contenders, For Human Rights in a United Latvia and Concord Centre are broadly perceived as representing the interests of a considerable segment of the resident population whose mother language is Russian.⁷ Another member of the outgoing governing coalition standing in the elections is the Union of Greens and Farmers.⁸

VII. CAMPAIGN ENVIRONMENT

Campaigning has been picking up during the reporting period and contestants have in general been able to carry out their activities freely. The campaign atmosphere has been mostly calm, with only minor incidents. For a period of time on 11 September, people trying to access the Unity website found themselves being redirected to the For a Good Latvia's website. The For a Good Latvia denied any responsibility. In two separate instances on 16 September, candidates of Unity were hindered from carrying out their campaign activities in public places in Riga. In one case, private security guards told the candidate to cease campaigning; police officers then arrived and asked the candidate to accompany them to the police station. The following day, the police issued a statement that no violation had been found in either case. 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."

Campaign activities have included discussions, often hosted by civil society organizations in the regions, to which representatives of various contestants have been invited. Some contenders are using billboard posters. They have opened campaign offices, established campaigning tents and desks on streets, and carried out leafleting.

⁶ The decision was overturned because by the time his candidacy nomination was submitted, he has already paid the 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 accurately communicated to the CEC at the time of its inquiry about candidate's eligibility.

⁷ See Section XI "Participation of National Minorities."

⁸ 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.

Among the main issues in the campaign has been the economic crisis. Unity argues for the continued implementation of the International Monetary Fund's program for countering the economic crisis, while For a Good Latvia has called for its renegotiation. Taxation and welfare policies, especially pensions, have featured prominently. 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. Unity has focused on Dombrovskis's record in tackling the economic crisis, presenting the elections as a race between him and the Concord Centre's prime ministerial candidate, Janis Urbanovics. The Concord Centre calls for closer relations with Russia as a way of alleviating the economic situation.

In line with the legislation, campaign expenditures incurred after the beginning of the campaign period on 5 June 2010, should not exceed the spending limit of 571,000 Latvian Lats (some 800,000 Euros), nearly double the amount of the previous ceiling valid before recent amendments. Compliance with campaign financing rules is overseen by the Corruption Prevention and Combating Bureau (KNAB), whose decisions can be appealed to a district administrative court. One interlocutor told the OSCE/ODIHR LEOM that administrative fines are too small to discourage violations.

VIII. MEDIA

A broad range of media outlets in Latvia provide the public with diverse information. However, reported affiliations of some commercial broadcasters with businessmen and politicians are seen by a number of OSCE/ODIHR LEOM interlocutors as problematic from the perspective of the independence and neutrality of media reporting, particularly during an election campaign. The reported practice of unrecorded payments or provision of other benefits by politicians in return for media coverage is contentious, despite recent amendments to the Law on the Pre-election Campaign addressing "hidden" advertising. The KNAB has received some complaints and its investigations are ongoing.

The Latvian public broadcasting company is offering free airtime to all contestants, as provided for in the Law on the Pre-election Campaign. Latvian public television (LTV1) is also providing extensive coverage of the election campaign in special programs, and parties have been invited to take part in a number of special election debates. Debates on LTV1 host mainly the six top-ranking contenders in public opinion polls; other contenders are invited to separate special programs.

The privately-owned TV channel LNT is also organizing a number of debates with the top-ranking parties. LTV1 and LNT will air prime ministerial debates during the last days of the campaign. First Baltic Channel (PBK) has announced it will host two debates in Russian language with synchronous Latvian translation for four contenders, Concord Centre, Unity, For a Good Latvia and the Union of Greens and Farmers, shortly before election day. For Human Rights in a United Latvia complained to the OSCE/ODIHR LEOM that it had not been included. National radio stations and local media outlets are also offering opportunities to candidates to convey their messages through news coverage and special programs.

In accordance with the regulations, electronic and print media are obliged to send to the National Electronic Media Council (NEMC) and the KNAB the rates for political advertising. Some contenders have stated that rates for political advertisements in electronic media are too high, giving an advantage to better-funded contestants. Some also raised concerns about media coverage and about the greater financial resources enjoyed by alliances whose leadership includes influential businessmen.

The NEMC, which is tasked with overseeing the compliance of broadcasters with legislative requirements, including eliciting possible cases of “hidden” advertising, is monitoring national and local television and radio stations. To date, the NEMC has considered a number of cases and passed some of them to court. The Council is also acting as a consultancy body for the KNAB, providing opinions on media-related complaints received by the Bureau.

Since 10 September, the LEOM has been monitoring and analysing the campaign coverage by five selected television channels and six daily newspapers.⁹

IX. PARTICIPATION OF WOMEN

There are neither legal barriers to the participation of women in political life nor legal provisions to encourage their representation. 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 are running as candidates, representing 28.6 per cent of the total number of registered candidates.¹⁰ Among the contenders, the Concord Centre has the lowest proportion of women on its lists, 16.5 per cent. The Christian Democratic Union has the highest percentage, 51.8 per cent, and is chaired by a woman, while the For Human Rights in a United Latvia and Unity are co-chaired by women. Of nine members of the CEC, four are women. According to OSCE/ODIHR LEOM interlocutors, women are well represented in MECs and PSCs.

X. PARTICIPATION OF NATIONAL MINORITIES¹¹

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.¹² Among the principal 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 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.

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 schools are supposed to teach up to 40 per cent of subjects in the minority language. In line with

⁹ The OSCE/ODIHR LEOM is monitoring 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 is analysing the main evening news on PBK Latvia. It is also monitoring six daily newspapers in Latvia and in Russian language: *Diena*, *Latvijas Avize*, *Neatkarīga Rita Avize*, *Chas*, *Telegraf* and *Vesti Segodna*.

¹⁰ During the 2006 parliamentary elections, 26 per cent of candidates were women.

¹¹ 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 [...]”, <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=157&CV=1&NA=&PO=999&CN=999&VL=1&CM=9&CL=ENG>.

¹² 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/>.

the Official Language Law, voter education and information materials in languages other than Latvian are prohibited. All official communication, including complaints and appeals, must be either in Latvian, or be accompanied by a certified translation. Two MECs informed the OSCE/ODIHR LEOM that they would accept complaints in Russian language.

XI. 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. The CEC has indicated that international as well as civil society organizations can be accredited by the CEC or relevant MECs. For the first time, the CEC initiated an on-line training program with the aim of informing the public about voting and counting procedures and in order to encourage voluntary observation by citizens. After completing the training, members of the public can submit an application to be accredited as an observer in one specific polling station. This self-training program is also aimed at representatives of the political parties and alliances who will observe in polling stations.

XII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR LEOM opened in Riga with a press conference on 7 September 2010. The Head of Mission has met representatives of the Ministry of Foreign Affairs, the Chairperson of the CEC, representatives of political parties, and ambassadors of OSCE participating States. The LEOM has also met representatives of governmental institutions and has established regular contacts with the CEC, political parties, civil society and the media.