

## PRESS STATEMENT

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### **Latvian election transparent and professional but issue of “non-citizens” remains**

RIGA, 8 October 2006 - The 7 October parliamentary election in the Republic of Latvia was administered transparently and professionally, and the campaign took place in a competitive and pluralistic environment. However, little action has been taken with respect to previous recommendations regarding important issues affecting the election process, in particular the presence of a significant number of “non-citizens” who do not have voting rights, as well as remaining restrictions on candidacy rights. The election day process itself was conducted efficiently.

These are the joint preliminary conclusions of the Limited Election Observation Mission of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), led by Ambassador Boris Frlec, and the Limited Short Term Election Observation Mission of the OSCE Parliamentary Assembly led by Vice-President Barbara Haering. The missions observed at the invitation of the Latvian authorities.

“These elections met most OSCE commitments for democratic elections and permitted Latvian voters to elect the representatives of their choice. I hope that cultural diversity will be increasingly valued as an asset to which the entire population can contribute,” said Vice-President Haering.

Ambassador Frlec concurred, “I am impressed with the broad public confidence the Latvian election process enjoys. However, this trust cannot be complete as long as citizenship, including the right to vote, remains an issue for a significant part of the population.”

The Saeima (parliament) is elected from five multi-member constituencies through an open list, proportional representation system with a five per cent threshold applied at national level. A total of 1024 candidates from 19 political parties and alliances competed for the 100 seats in the Saeima. Approximately 26 per cent of candidates were women.

The Central Election Commission enjoys broad public confidence and administered the election in a transparent and efficient manner. Many members of lower level commissions are local government officials, often due to lack of nominations by political parties. The number of voting sites abroad was increased significantly.

The Central Election Commission conducted thorough voter information efforts. However, citing the Official Language Law, it did not produce information in languages other than Latvian. This was the subject of a previous OSCE/ODIHR recommendation given that Russian remains the first language of a substantial portion of Latvia’s voting population. The Chairman of the Central Election Commission did, however, provide voter information through interviews in the Russian language media.

The political campaign was pluralistic and provided opportunities for all political parties and alliances to communicate their messages to the voters. The campaign was mainly conducted through the mass media, with relatively few rallies or large-scale meetings. The campaign environment was affected by stringent limitations on spending by political parties, introduced in the Law on Financing Political Parties in 2004 and monitored by the Corruption Prevention and Combating Bureau. Some parties have indicated that the limit was set unrealistically low and affected the ability of parties to

advertise in the mass media. The new spending limits appear to have been a factor in attempts to bypass the financing restrictions through the extensive use of advertising by third parties, which openly supported or opposed specific candidates and political parties. Whether this expenditure should be included within political party spending limits remains unclear.

The legal framework contains the overall elements necessary for the conduct of a democratic election process. In a welcome change to the Saeima Election Law since 2002, persons who have been detained but not convicted retain the right to vote.

Some aspects of the legislation, however, would benefit from further improvement, including provisions that limit candidacy based on prior membership of the Communist Party and other specified organizations after 13 January 1991, or on prior employment in security services of the former USSR or foreign countries. While recent judgments of the European Court of Human Rights and the Constitutional Court of Latvia have upheld the continued application of these provisions, they have also stated that the measures should be reviewed by the Saeima with a view to their elimination. No candidacies have been rejected on these grounds during this election period, although there is an ongoing legal proceeding in one case. The OSCE/ODIHR has previously recommended that these restrictions on candidacy be reconsidered.

In 2005, Latvia ratified the Framework Convention for the Protection of National Minorities, which will give the new Saeima an opportunity to promote the effective participation of national minorities in public affairs. However, the Saeima declared that the convention is not applicable to non-citizens and made other significant reservations.

Approximately 400,000 people in Latvia, some 18 per cent of the total population, have not obtained Latvian or any other citizenship and therefore still have the status of "non-citizens." In the vast majority, these are persons who migrated to Latvia from within the former Soviet Union, and their descendants. Non-citizens do not have the right to vote in any Latvian elections, although they can join political parties. To obtain citizenship, these persons must go through a naturalization process, which over 50,000 persons have done since the 2002 Saeima election. The fact that a significant percentage of the adult population does not enjoy voting rights represents a continuing democratic deficit. The OSCE/ODIHR, the OSCE Parliamentary Assembly, the Council of Europe and the Council of Baltic Sea States have all recommended that consideration be given to permitting non-citizens to vote in municipal elections.

While the OSCE/ODIHR and the OSCE Parliamentary Assembly did not conduct a systematic observation of election day activities, their observers visited 88 polling stations throughout Latvia, including mobile voting. At polling stations visited, commissions adhered to procedures, performing their duties in a transparent manner. Polling station commissions were predominately staffed by women.

No major problems were evident on election day. However, voters did not uniformly use the secrecy screens, and instances of family voting were also noted. Most polling stations were not easily accessible to disabled or elderly voters. In some cases, police were present inside polling stations. This may indicate a lack of clarity as to the role of police on election day.

No pre-prepared voter lists are used for Saeima elections, and voters are entitled to vote in any polling station, some of which became overcrowded as a result. Voters' passports were consistently stamped to prevent multiple voting. In general, political parties and others did not take full advantage of opportunities provided by law to observe in polling stations. The counting process was conducted efficiently and transparently in the polling stations visited.

The OSCE Parliamentary Assembly will discuss the findings of its mission at its next meeting. The OSCE/ODIHR will release a Final Report on its observations approximately two months after the conclusion of the election process.