

REPORT ON THE
PARLIAMENTARY ELECTIONS IN
LATVIA
30 SEPTEMBER - 1 OCTOBER 1995

COPENHAGEN: 20 OCTOBER 1995

1. EXECUTIVE SUMMARY

These were Latvia's third competitive elections, and the second after regaining independence. Upon invitation, a Delegation from the OSCE Parliamentary Assembly monitored the elections.

The legislative framework for the elections was comprised of the recently adopted *Saeima Election Law*, and laws concerning the formation of electoral commissions, political party registration, campaign financing, and pre-election campaigning. The 100 members of the Saeima (Latvian Parliament) were elected using a proportional system. The 19 parties and coalitions which had submitted lists of candidates were required to obtain at least five percent of the vote to enter the Saeima.

According to the Election Law the following individuals were barred from running in the elections: Those who were active in certain pro-Soviet organizations after 13 January 1991; those unable to certify their proficiency in the Latvian language; and, those who had been salaried staff of the KGB and other foreign intelligence services. A total of 18 candidates were removed by the Central Election Commission. Chairpersons from four different parties were affected by the restrictions, with the Socialist Party being hit the worst.

The Delegation feels that there was confusion over how these provisions were being implemented. Many people were left with the impression that the procedure was unclear, and the provisions may have been implemented in an arbitrary manner. Nevertheless, the Delegation concludes that Latvian legislation provides good conditions for free and fair elections.

The Delegation was impressed with the performance of election officials at the 64 polling stations visited. With very few exceptions, voting booths were provided for, ballot boxes were safe, and the electoral processes appeared to proceed according to law. Based on its findings, the Delegation concludes that the 30 September and 1 October 1995 elections to the Latvian Parliament were free and fair.

The Delegation notes that a substantial number of persons living permanently in Latvia do not have citizenship in any state, and hopes that this situation will be satisfactorily resolved. The services of the OSCE are available in this matter.

The Delegation's press statement was published on 2 October 1995 [Annex 1].

2. DELEGATION

The Delegation of the Parliamentary Assembly of the OSCE monitored the elections in Latvia at the invitation of the Latvian Delegation to the OSCE Parliamentary Assembly. The President of the OSCE Parliamentary Assembly had appointed the following Delegation:

Peter KAPRAL	Austria	<i>Head of Delegation</i>
Pierre BEAUFAYS	Belgium	
Tiit KÄBIN	Estonia	
Raoul ÜKSVÄRAV	Estonia	
Ernesto STAJANO	Italy	
Pavel NEDRANKO	Moldova	
Andrei ZAKHAROV	Russia	

The Delegation was accompanied by the following members of the International Secretariat:

Pentti VÄÄNÄNEN	<i>Deputy Secretary General</i>
Jeffrey CARLSON	<i>Assistant</i>
Dan HINDSGAUL	<i>Assistant</i>

The Delegation was also accompanied by:

Marina Y. SVIRINA	<i>Advisor to the Russian Delegation</i>
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3. PROGRAMME

The programme was prepared together with the Latvian Delegation to the OSCE Parliamentary Assembly [Annex 2]. The Delegation met with the OSCE Mission to Latvia, the ODIHR, the Central Election Committee, the Saeima Legal Affairs Committee, the Saeima Legal Office, most of the political parties and the media. On the two election days, the Delegation deployed into three groups, visiting polling stations throughout Latvia.

4. POST-SOVIET ELECTORAL DEVELOPMENTS

Latvia regained independence and reinstated its 1922 Constitution in the midst of the unsuccessful August 1991 *coup d'état* in Moscow. The Constitution defines the division of powers between the various branches of government, and the formation and applicability of legislation. It calls for a unicameral legislative body (Saeima) of 100 deputies elected every three years. The President, elected by the Saeima, is the Head of State and appoints the Prime Minister, whose task it is to form the Cabinet of Ministers (Government). The Constitution also calls for an independent judicial system to be determined by law. The elections on 30 September - 1 October 1995 were Latvia's third competitive elections, and the second after independence.

4.1 THE 1990 ELECTIONS

During the pre-independence elections to the Supreme Soviet in 1990, the political monopoly of the Communist Party was successfully challenged by opposition forces united in the Popular Front of Latvia. Acting as an umbrella organization, the Popular Front fielded candidates from a number of nascent political parties for the elections. Candidates supported by the Popular Front won 131 out of 201 seats in the Supreme Soviet.

After independence, the large Popular Front was split into different factions and parties. These groups then developed more detailed political platforms before the first post-independence elections in 1993. In early 1993, several electoral unions and parties were formed, covering most of the political spectrum.

4.2 THE 1993 ELECTIONS

In the elections to the Saeima on 5-6 June 1993, the status of the Soviet-era immigrants was one of the main issues, along with Soviet troop withdrawal and economic reforms. Because of restrictions on citizenship, almost 30% of the resident population could not participate in the elections.

A total of 23 parties, movements and electoral alliances contested the 1993 elections, and eight of these secured seats in the Saeima [Annex 3]. Almost 90

percent of the electorate voted. The elections were labelled "free and fair" by international observers, with the Council of Europe referring to the citizenship issue as the "only outstanding problem."

5. PRE-ELECTION ENVIRONMENT

The pre-election campaign to the 1995 elections was dominated by two main issues. One was related to the early summer collapse of Latvia's largest bank, *Banka Baltija*, which had more than 20% of the population as its customers. The financial unrest ensuing the collapse, reduced public confidence in the financial sector as well as in the political establishment, which was widely seen as responsible.

The second main issue pertained to whether certain individual candidates should be prohibited from running. During the pre-election campaign, the media conveyed stories accusing several candidates of having been active in the KGB and other pro-Soviet structures. These candidates would then try to repudiate the allegations.

5.1 THE POLITICAL STATUS OF SOVIET-ERA IMMIGRANTS

Between 1945 and 1989 a large immigration of peoples from other parts of the Soviet Union took place. By 1989, almost half of the population were non-Latvians (primarily Russian-speakers from Russia, Ukraine and Belarus). This Soviet legacy had implications for the 1995 elections, as over one quarter of the population were unable to participate in the elections due to lack of Latvian citizenship [Annex 4].

According to legislation passed in October 1991, only citizens of the interwar republic (1918-1940) and their direct descendants could automatically become Latvian citizens. The remaining part of the population (almost 30%) had to wait for legislation on naturalization to be specified. In the summer of 1994 a *Law on Citizenship* was adopted, and the naturalization process of non-citizens started in February 1995. Some 400 persons were naturalized in time to participate in the elections. According to the Law, only after the year 2004 can all the app. 700,000 "non-citizens" apply for naturalization.

The rights to participate in general and local elections are not among the rights accorded to "non-citizen residents" in the 1995 *Law on the Status of Former USSR Citizens Who are not Citizens of Latvia or any other State*.

However, "non-citizens" can be active in political parties, provided that at least half the members are Latvian citizens, according to amendments to the *Law on Political Organizations (Parties)* from April 1995. Also, about one third of the non-Latvian population was able to participate in the elections. Being rooted in interwar Latvia, they qualified for Latvian citizenship. In addition, several political groupings claimed to represent the interests of the "non-citizens" in the elections.

6. ORGANIZATION OF THE ELECTIONS

Latvia's electoral legislation revolves around the recently adopted *Saeima Election Law*, and laws concerning the formation of electoral commissions, political party registration, campaign financing, and pre-election campaigning. The country was divided into five constituencies. A proportional system was used, and the 19 parties and coalitions were required to obtain at least five percent of the vote to

enter the Saeima.

The elections were administered by the nine member Central Election Commission (CEC). Each of the eight parties elected to the Saeima in 1993, were asked to nominate a member to sit on the CEC, along with one Supreme Court justice. The CEC oversaw the 26 district and five city election commissions, as well as some 950 local polling commissions established at each polling station. Each of the subordinate commissions were made up of seven members.

Each polling commission received a detailed instruction booklet and a copy of the election law, as well as other informational materials to hang up at the polling stations [Annex 5]. Election officials also attended training seminars.

6.1 NOMINATION & REGISTRATION OF CANDIDATE LISTS

Only officially registered political organizations (parties) or associations of these (coalitions) were allowed to nominate candidates. Amendments to the *Law on Political Organizations (Parties)* from April 1995, raised the minimum number of members a political organization must have from 10 to 200.

The parties or coalitions placed their nominations on a list, or a joint list of two or more parties. All 19 parties and coalitions that submitted lists of candidates were registered by the CEC, and each received a number, 1-19 drawn by lot. Separate lists of candidates were submitted for each constituency, with the number of candidates on each list not exceeding the number of seats allotted for that region. However, candidates were allowed to run in more than one constituency, which allowed high profile personalities to top the list of their party or coalition throughout Latvia.

Every list had to pay a security deposit of 1000 lts (app. 1,862 USD). This was considered a rather large sum by some of the smaller parties. The deposit was returned if the list topped the five percent threshold.

6.2 RESTRICTIONS OF CANDIDATES

Three clauses under Article Five of the Election Law, restricting certain individuals from running in the elections, aroused a great deal of controversy [Annex 6]. These clauses dealt with participation in Soviet and pro-Soviet institutions and organizations, as well as Latvian language requirements. Fifteen candidates were removed from party lists for violating one of the three clauses, and two party chairmen refrained from running due to these clauses. In total, 18 candidates from six submitted lists were prohibited from running by the CEC [Annex 7].

The Implementation of Article 5.5

Article 5.5 Persons are not to be included on candidate lists and are not eligible to the Saeima if they belong or have belonged to the salaried staff of the USSR, Latvian SSR or foreign state security, intelligence or counterintelligence services.

The chairman of Labor and Justice apparently refrained from running due to Article 5.5. He was not included on the coalition's list, because he had served as an officer in the KGB. The coalition presented a petition with 15,000 signatures asking for an exception in the Election Law, which was not granted. It appears possible, that his exclusion from the elections may have prevented the coalition (which received 4.6% of the vote) from reaching the five percent threshold.

Accusations of KGB and Soviet intelligence involvement against other personalities have been reported. Many of Latvia's Soviet-era intelligence files are inaccessible (behind closed doors in Moscow), and without the means to investigate each candidate, it was claimed that this clause was not implemented uniformly.

The Implementation of Article 5.6

Article 5.6 Persons are not to be included on candidate lists and are not eligible to the Saeima if they after 13 January 1991 have been active in CPSU (CP of Latvia), Working People's International Front of the Republic of Latvian SSR, the United Board of Working Bodies; Organization of War and Labor Veterans; All-Latvia Salvation Committee or its regional committees.

The implementation of this provision received the most controversy since all but one of the candidates removed by the CEC came from a single party. The Socialist Party lost 12 of their candidates to this clause, three of whom were elected to the Saeima in 1993. They were accused of supporting the August 1991 *coup* leaders or of being active in pro-Soviet organizations after 13 January 1991. Banned candidates included former head of the Communist Party, who was recently sentenced to 8 years in prison for his role in the August 1991 *coup* attempt. The Socialist party also lost both its co-chairpersons.

The chairman of the Latvian Union Party was the thirteenth candidate to be removed from a list for violations of this Clause [Annex 8].

The Implementation of Article 5.7

Article 5.7 Persons are not to be included on candidate lists and are not eligible to the Saeima if they have not mastered the national language to the highest (third) level of competence.

While only two candidates were removed from party lists by the CEC (one was reinstated by the courts), many others were prohibited from running due to Article 5.7. The chairman of the Popular Movement For Latvia could not top his party's list, because he lacked the necessary Latvian language skills.

6.3 SPECIAL PROVISIONS FOR KGB COLLABORATORS

Article 15.4 of the Election Law requires the CEC to publish the names of those who "could have collaborated with the USSR, Latvian SSR, or foreign state security, intelligence or counterintelligence services" (i.e., KGB), while allowing them to run for office. The *Latvian Center for Consequences of Totalitarianism*, which keeps the archives containing the names of such collaborators, was responsible for reporting these names.

In all 15 candidates were listed by the CEC. All of these candidates have refuted these charges and are waiting to clear their names in court, at which time it is up to the candidate to prove his or her own innocence.

Article 15.4 in the Election Law could not be implemented uniformly, since a large part of the KGB files were removed to Moscow and are inaccessible. Moreover, this Article makes no provisions for publishing the degree of collaboration.

6.4 PRE-ELECTION CAMPAIGNING: PARTY FINANCING & THE ELECTRONIC MEDIA

After the 1993 elections, observers from the CSCE commented on the lack of specific regulations concerning the financing of political parties and access to TV slots. In August 1995 legislation was adopted to address these two issues. The *Law on Financing Political Organizations (Parties)* limited financing from abroad or

public resources, and required parties to report their finances by 1 September 1995. The *Law on Pre-Election Campaigning* sought to level the playing field by regulating state run radio and TV channels (but not private ones), and granted free time on these channels to political parties represented in the campaign.

6.5 POLLING PROCEDURES

Voting took place over two days on Saturday, 30 September, and Sunday, 1 October. The polling stations opened at 8 a.m. and closed after all voters who entered before 8 p.m. had left. Before the polls open, the ballot boxes were checked and sealed. Each electoral commission had its own seal, and authorized party observers were allowed to sign the seal or place their own on the box. On both Saturday and Sunday nights the ballot boxes remained in the polling station under the supervision of the commission, police and/or national guard.

From the time voting began, the secretary of the polling commission was required to record electoral operations in the minutes. During the voting period, it was the duty of the chairperson to keep order and to ensure that there was no campaigning or other public disturbances within 50 meters of the polling station.

Upon entering the premises, each voter's passport was checked to ensure eligibility and that there was no stamp for the current elections. Voters had to be 18 years old and a Latvian citizen on election day. As Latvia does not use separate voter identification, Latvian passports were used. Latvian citizens without passports had to bring their former USSR passport (domestic), supplemented with a note from the Citizenship and Immigration Department certifying their Latvian citizenship. Voters were allowed to choose freely where to vote.

The name and identification number of the voter was recorded and signed by the voter, and a stamp was placed in his or her passport. Each voter received 19 ballot papers, one for each party or coalition lists of candidates. They chose one ballot paper, to which they were allowed to do one of three things:

1. place a "+" mark indicating support for a particular candidate;
2. cross out the first or last name of a candidate to demonstrate a particular lack of support for a candidate; or,
3. leave the ballot sheet unaltered.

The list was placed in the voting envelope, which was sealed and given to the a member of the polling commission, who then inserted it into the ballot box in the presence of the voter.

Beginning after the polls closed on Sunday, there were two days of vote counting. The sanctity of the balloting was ensured through the envelopes. All the used and unused envelopes were counted, and unused envelopes were cancelled. The used envelopes were then opened, and the ballot papers were sorted by number and counted. The invalid ballots were set aside. After reporting the number of votes for each party list to the district election commission, the ballots and envelopes were stored, under guard, overnight in the sealed ballot box.

On Monday morning, the second day of counting, the polling commissions re-counted the ballots and then arranged the candidate lists based on voter

preferences. The ballots, envelopes, minutes, and electoral count were packaged and sent to the district electoral commissions. Preliminary results (the number of seats each list would receive) were made immediately following the elections, but the actual candidates were scheduled to be announced some days later.

Within six months of the elections, complete and detailed election reports should be issued and made available in state libraries. After publication of the election reports, all the minutes made by the electoral authorities, and electoral and polling commissions should be transferred to the State Archives. At this time, all the ballot papers and envelopes are to be destroyed.

Nine parties and coalitions secured representation in the new Saeima [Annex 9]. Only one coalition fell just below the threshold of five percent, while the remaining nine parties and coalitions all received less than two percent of the vote.

7. OBSERVATIONS

7.1 LEGAL AND PRACTICAL CONDITIONS

- a) The Central Election Commission was a politically appointed body. Under the Election Law, the Parliament forms the CEC. The Saeima did this by allowing the eight parties elected in 1993 to nominate one member each to the CEC, in addition to the one representative from the Supreme Court. This process appeared to allow political parties some influence in the activities of the CEC. One reported example was the removal of a member of the CEC by a political party, apparently for making statements and decisions contrary to the wishes of party.
- b) There was a lack of procedural guidelines concerning the implementation of provisions restricting candidates from participating in the elections. The CEC was granted authority to enforce these provisions, and most controversially those under Article Five of the Election Law. There appeared to be little measures to prevent Article Five from being implemented selectively.
- c) There was confusion over the kinds of documentation to be used as evidence, and from which sources it should come, as well as over the division of labor between the courts and the CEC. The Mandate Committee of the Saeima, in charge of investigating members of Parliament, was involved in investigating candidates, who were not sitting in the legislature. They turned the information they found about candidates over to the CEC. Information was also provided by the courts and other undefined sources. Despite this lack of clarity concerning the role of the CEC and the courts, once removed by the CEC, candidates were allowed to appeal their case to the District Court.
- d) Representatives of the Socialist Party, and some others, argued against Article 5.6 in the Election Law, claiming that it unnecessarily limits the choice of the voters. They also argued, that this Clause includes retroactive punishment, since membership of the Communist Party was made illegal only in late August 1991.

- e) The Delegation noticed that 12 of the 13 individuals removed from candidate lists on the basis of Article 5.6 came from a single party. In addition, the leadership of four different parties and coalitions were prohibited from running in the elections. The Delegation believes that these provisions and their implementation may have altered the electoral possibilities of the affected parties and coalitions.
- f) It appears that not all candidates were investigated. Thus, some of those whom the Delegation met, accused the CEC of implementing Article 5.6 in an arbitrary and selective manner. They argued that the Article was mainly used against one party, whereas candidates from other parties did not come under the same zealous scrutiny. Representatives from the CEC denied these accusations.
- g) The *Law on Financing Political Organizations (Parties)* was adopted just under two months before the election. Many political parties did not submit statements or reportedly submitted dubious accounts of their finances. No sanctions, however, were applied during the pre-election period.
- h) The Election Law allows voters to vote wherever they choose, but does not provide for absentee ballots. Provisions are made for citizens abroad to vote at consulates or by mail. The latter requires the mail to be postmarked on either the first or second day of voting. This clause, however, does not account for citizens voting in countries without postal services on either of these two days.
- i) Latvia does not use a voter register and voters are allowed to vote where they choose according to both the Constitution and the Election Law. The names of each voter, however, are collected and registered at the polling station.
- j) Polling stations use the register of citizens to estimate the number of voters. In some cases the number of voters exceeded the estimated number, but the Delegation heard of no polling stations running out of either ballots or envelopes.
- k) The Election Law makes it possible for representatives from political parties to observe the electoral procedures at the polling stations, thus enhancing the transparency of the process.
- l) While Article 23 in the Election Law stipulates that separate compartments at the polling stations be provided for the voter to make his or her choice in privacy, the Law does not make individual voting in privacy compulsory.

7.2 THE MEDIA

The media, including state run TV and radio, appeared free of any direct government influence. The newspapers made it a point to emphasize their editorial neutrality. There were, however, suggestions that the opinion polls published in the press were overtly political and imprecise.

The Law on Pre-Election Canvassing

- a) Each political party or coalition presenting a list was offered 20 minutes of free time on both state run radio and TV. If one party or coalition purchased additional broadcast time, the station in question was required to offer the same amount of time for the same price to all the other parties and coalitions. Eighteen parties and coalitions took advantage of the free time slots, which were drawn by lot.
- b) The second state run TV channel arranged a political debate between seven major parties and coalitions three nights before the elections. The TV executives used a recently published opinion poll to determine which of the 19 lists would be elected into the Saeima, subsequently which should participate in the televised debate. Many of the smaller parties protested the method used to select those who would be represented. Indeed, two parties that were not represented in the debate made it into the Saeima. Representatives from the other 12 parties and coalition were eventually offered a chance to sit behind the panel, but not to speak.
- c) In violation of the Law, it appeared that some political advertisements had been aired without making it clear to the audience that this was in fact an advertisement rather than a news commentary.

7.3. OBSERVATIONS AT POLLING STATIONS

During the two polling days the Delegation was divided into three groups, visiting 64 polling stations throughout each of Latvia's five constituencies, as well as to one district and one city election commission. The first visits were made before the opening of the polling stations and the opening procedures were monitored. The last visits were made when the stations were closing. The closing procedures and the counting of votes were monitored.

Members of the Delegation were impressed by the competence of the local electoral authorities in carrying out their duties:

- a) In most polling stations, the conditions and practical arrangements were satisfactory and in accordance with law. The dissemination of information and instructions by the CEC to the polling commissions through the district and city election commissions appeared to be well organized. In most cases, members of the polling commissions (many of whom had participated in previous elections), had attended training seminars. In addition, each polling commission was provided with the election law and an instruction booklet. The booklet included clarifications by the CEC of some provisions in the Election Law.
- b) Voter education was introduced in most of the local and national media by the electoral authorities and some of the political parties and coalitions. Voters appeared to understand the electoral procedure.
- c) Good order was maintained, ballot papers were available, and the ballot boxes were sealed and properly guarded.

Members of Delegation did, however, observe the following irregularities and breaches of proper procedures:

- a) In some polling stations private booths or compartments were not provided for. In such cases, the voters were forced to make their choices in full view, and sometimes in crowded rooms. Some voting booths were not safe.
- b) In most polling stations, it appeared to be common practice for two or more voters to enter the voting booth together. In most of these cases, the persons seemed to be members of the same family. Voters were also witnessed marking their ballots outside the booth, sometimes consulting each other. The officials did not generally interfere in these cases, and rarely advised the voters of the importance of secrecy. The frequency of this procedure, though legal according to the letter of the Election Law, demonstrated a general lack of regard for the principle of the secret vote. The Delegation emphasizes, that it has no reason to believe that any intimidation of voters actually took place.
- c) There was a strong presence of the police and/or military at many of the polling stations visited. The Delegation witnessed the police performing the duties of the polling commissioners by checking passports and assisting voters in the electoral process. This did not appear to influence the decision-making of the voters or the outcome of the elections, but electoral chores should only be carried out by the civilian authorities mandated by law.
- d) The Delegation witnessed radios, tape players and television sets running in the polling stations. In one instance, a radio was tuned into a private station broadcasting campaign advertisements while voters were present.
- e) The Delegation noted that only a few political parties made use of their right to observe the electoral procedures at the polling stations. Moreover, in some cases such party observers would wear party logos in full view of the voters.
- f) The Delegation noted some confusion in several of the smaller polling stations due to the number of voters allowed inside at the same time.

7.4 COUNTING OF VOTES

Members of Delegation observed the counting of votes in some polling stations. The polling commissions not only appeared competent, but also very aware of the importance of following the procedures to the letter of the law. No irregularities were observed.

8. COMPARING THE 1995 ELECTIONS WITH THOSE IN 1993

As with the previous elections, the 1995 elections were labelled "free and fair" by international observers. Since the 1993 elections, Latvian lawmakers introduced some substantial changes in electoral legislation streamlining the process and regulating the pre-election campaign period. They also introduced provisions excluding some individuals from running in these elections who were allowed to participate in the last elections.

Immediately following the 1993 elections, observers from the CSCE made a series of recommendations aimed at streamlining the electoral process, few of which have been implemented. The CSCE observers also commented on the lack of specific regulations concerning the financing of political parties and access to TV slots. Legislation was adopted in the summer of 1995 to address the issues of pre-election canvassing on the electronic media and political party financing. In some cases, however, provisions in this legislation lacked clarity, making implementation difficult.

Lawmakers also reduced the number of levels of electoral commissions from four to three, which appeared to have streamlined the administrative process, and reduced the possibilities of mistakes in vote counting (in 1993 the votes for one candidate were miscounted and he was denied a seat).

Provisions in the Election Law differed from the last elections. Previously, all those who were involved with the KGB or other intelligence services were barred from the last elections, whereas only salaried staff was restricted this time around. An inconclusive list of collaborators was collected from the files left in Latvia after the withdraw of Soviet troops and published.

Prohibitions introduced in the 1995 Election Law concerning activity in pro-Soviet structures after 13 January 1991 and proficiency in the Latvian language at the highest (third) level, aroused much controversy. Following the removal of several well known candidates from party and coalition lists, questions were raised about how the Central Election Committee (CEC) implemented these restrictions. Several political party representatives expressed the hope that the 1995 elections would be the last elections in Latvia featuring such restrictions.

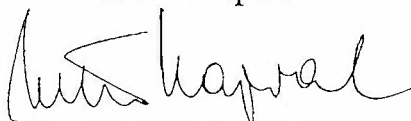
The Council of Europe cited the citizenship issue as the "only outstanding problem" with the 1993 elections. Moreover, the CSCE Delegation suggested that "non-citizen" residents be allowed to participate in local and municipal elections scheduled for May 1994. This right, however, was not granted to "non-citizens."

In August 1994 Latvia adopted the legislative basis to begin the process of naturalizing Soviet-era immigrants residing in Latvia without citizenship in any state. Legislation has also been passed which clarifies the legal status of these "non-citizens," as well as allowing them to constitute up to half the membership of political organizations. However, as in the previous elections, just under 30% of Latvia's voting age population could not vote due to lack of Latvian citizenship.

9. RECOMMENDATIONS

- 1) No unreasonable restrictions should be put on the eligibility of candidates. The Delegation understands the need for securing stability and independence in Latvia. By this time, however, Latvia's independence and democratization process appears secure, and thus the Delegation recommends that the restrictions contained in Article Five of the *Saeima Election Law* be abolished before the next general elections. This would make electoral legislation in Latvia more in line with:
 - Copenhagen Document of the CSCE Conference on the Human Dimension (1990)
Article 7.5 To ensure that the will of the people serves as the basis of the authority of government, the participating States will respect the rights of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination.
 - International Covenant on Civil and Political Rights (1966)
Article 25 Every Citizens shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
 - (a) *To take part in the conduct of public affairs, directly or through freely chosen representatives;*
 - (b) *To vote and be elected at genuine periodic elections which shall be held by secret ballot, guaranteeing the free expression of the will of the electors;*
 - (c) *To have access, on general terms of equality, to public service in his country.*
- 2) Clear procedures regarding implementation and legal redress should be ensured if restrictions on candidates are maintained. If the CEC is designated to implement such restrictions, it is recommended that the CEC is de-politicized.
- 3) Steps should be taken to ensure the secrecy of the vote by adopting legislation which explicitly makes "voting in privacy" compulsory. The Delegation understands, that many Latvians for obvious historical reasons are proud of being able to vote in the open, but such practice could lead to intimidation of some voters.
- 4) Voting by absentee ballot should be made possible.
- 5) Voting abroad should be made easier, including in countries where postal services are closed on weekends.
- 6) It should be ensured that no campaign advertisements transmitted via radio or TV can reach voters inside polling stations on election days.
- 7) Concerned with the fact that almost one third of the population is still excluded from political life due to lack of Latvian citizenship, the Delegation feels that additional efforts should be made to solve this problem.

Peter Kapral



Head of Delegation

Parliamentary Elections in the Republic of Latvia

A Delegation of the OSCE Parliamentary Assembly monitored the two day general elections in Latvia on 30 September and 1 October 1995 at the invitation of Saeima, the Latvian Parliament. The Delegation, led by Mr. Peter Kapral, Member of the Austrian Parliament, included seven parliamentarians from six countries: Austria, Belgium, Estonia, Italy, Moldova, and Russia.

On 28 and 29 September the Delegation met with the OSCE Mission to Latvia, representatives of the Central Election Commission, the Saeima Legal Affairs Committee, the Saeima Legal Office, as well as representatives of most of the political parties and the media. On 30 September and 1 October 1995 members of the Delegation visited two district electoral commissions and 64 polling stations in both cities and rural areas throughout each of Latvia's five constituencies.

The Delegation concludes that Latvian law provides the citizens with good conditions for free and fair elections. Citizens have adequate opportunity to participate in the political process. Both political parties and candidates were allowed to campaign freely. The media is independent and working in a free manner. On both local and regional levels the electoral authorities appeared competent and seemed to work in accordance with the law. However, some unclear provisions in the Election Law did result in confusion over candidates removed from party lists by the Central Election Commission. The district, city and local polling commissions, as well as the voters themselves, appeared to have been adequately instructed in the electoral process.

Based on its findings the Delegation concludes that the 30 September and 1 October 1995 elections to the Latvian Parliament were free and fair.

The Delegation is aware that a substantial number of persons living permanently in Latvia do not have citizenship of any state and hopes that this situation will be satisfactorily resolved. The services of the OSCE are available in this matter.

The Delegation will give its final report to the Standing Committee of the OSCE Parliamentary Assembly at its meeting 11 January 1996 in Vienna.

Further information can be obtained from the International Secretariat in Copenhagen by contacting Mr. Pentti Väänänen, Deputy Secretary General of the OSCE Parliamentary Assembly, Mr. Jeffrey Carlson, Assistant, or Mr. Dan Hindsgaul, Assistant.

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ANNEX 2 PROGRAMME

28 SEPTEMBER 1995

The OSCE Mission to Latvia

- Anders Karlsen
- Finn Nordli
- Kazimierz Romanski
- Pirkka Tapiola

Office for Democratic Institutions and Human Rights (OSCE)

- Gerald Mitchell

Latvian Popular Front

- Juris Augstkalns
- Talavs Jundzis
- Juris Kokins

Latvian Liberal Party

- Janis Danoss

Latvian Socialist Party

- Martjans Bekasovs
- Zigrida Dzintare
- Larisa Lavina
- Filips Stroganovs

Central Election Committee

- Atis Kramins (Chairman)
- Harijs Vizla (Deputy Chairman)
- Dzidra Ceihere (Secretary)
- Agrita Ergle (Secretary)

The Media

- Viktors Daugmalis (Neatkariga Rita Avize)
- Janis Gudins (LETA)
- Nellija Locmele (Diena)
- Romans Melniks (Rigas Balss)
- Janis Prikulis (Latvian State Television)
- Vita Savicka (Latvian State Radio)

The Coalition *Darbs un Taisnigums* (Labor and Justice)

- Egils Baldzens
- Leonards Barkans
- Juris Bojars
- Arnis Mogurevics
- Andres Silins

Latvian Union Party

- Ralfs Svirins

Popular Movement for Latvia (Sigerist Party)

Cancelled

29 SEPTEMBER 1995

Chairman of the Saeima Legal Affairs Committee

- Aivars Endzins

Head of the Saeima Legal Office

- Gunars Kusins

Latvian Farmers' Union

- Girts Kukins
- Aivars Prieditis
- Antonijs Zunda

Latvian National Conservative Party LNNK

- Maris Budovskis
- Viesturs Pauls Karnups

For Fatherland and Freedom (Tevzemei un Brīvībai)

- Anita Brence
- Juris Putrins
- Juris Sinka

Latvia's Way

- Inese Birzniece
- Peteris Karlis Elferts
- Aija Matule

People's Harmony Party

- Boris Tsilevich

Democratic Party Saimnieks

- Ilmars Bisers

30 SEPTEMBER - 1 OCTOBER 1995 (Polling Days)

Kurzemes Constituency

- *Kuldiga District Election Commission*
- Aizpute
- Broceni
- Grobina
- Kuldiga
- Liepaja (3)
- Saldus
- Skrunda
- Spare
- Talsi
- Ugale
- Ventspils (4)

Latgales Constituency

- *Daugavpils City Election Commission*
- Daugavpils (4)
- Malta
- Rezekne (2)

Riga Constituency

- Riga -- city and suburbs (20)

Vidzemes Constituency

- Cesis
- Jurmala
- Limbasi
- Madona
- Ogre
- Saulkrasti
- Sidrabini
- Sigulda
- Vangazi

Zemgales Constituency

- Aizkraukle
- Dobeles
- Jekabpils
- Jelgava
- Kandava
- Koknese
- Livani
- Pienava
- Plavinas
- Spungeni
- Tukums (2)

ANNEX 3 NATIONAL DISTRIBUTION OF LATVIAN CITIZENS, 1994*

	All Residents	All Citizens	Citizens	Non-Citizens	Total
Latvian	54.2%	78.6%	98.3%	1.7%	100%
Russian, Belorusan, Ukrainian	39.5%	17.7%	37.0%	63.0%	100%
Other nationalities	6.3%	3.7%	45.9%	54.1%	100%
Total	100%	100%	70.8%	29.2%	100%

* Figures as of 6 October 1994 according to the *Department of Citizenship and Immigration*.

ANNEX 4 RESULTS OF THE ELECTIONS ON 5-6 JUNE 1993

Party or Faction	% of the Vote	Seats
Latvia's Way	32.4	36
Latvian National Independence Movement	13.4	14
Harmony for Latvia-Rebirth of the Economy	12.0	13
Latvia's Farmers' Union	10.6	12
Equal Rights Movement	5.8	7
For Fatherland and Freedom	5.4	6
Christian Democratic Union	5.0	6
Democratic Center Party	4.8	5

Source: Council of Europe Parliamentary Assembly *Information Report on the Elections in Latvia (5 and 6 June 1993)*, 10 September 1993, Doc. 6908 Addendum, Appendix II.

VĒLĒTĀJU IEVĒRĪBAI!

No Jums izsniegtajām 19 vēlēšanu zīmēm
Jums jāizvēlas viena — tā, kura atbilst tam
kandidātu sarakstam, par kuru Jūs balsosiet

Ja Jūs īpaši atbalstāt
kādu kandidātu
ievēlēšanu, tad pretī
šo kandidātu
uzvārdiem tam
paredzētajā vietā
izdariet atzīmi «+»

KANDIDĀTU SARAKSTA NOSAUKUMS

20

1. Ulēis Amats	15. Rudolfs Kalējs
2. Rūta Vanaga	16. Ieva Lase-Polje
3. Valija Puķīte	17. Viestore-Polje
4. Rūta Lase	18. Aldis Vieters
5. Zelta Šutce	19. Valērijs Vintars
6. Hgonis Janga	20. Artis Balcers
7. Vilnis Vikmanis	21. Evita Jutupa
8. Aija	22. Aigars Aisgurs

Ja Jūs neatbalstāt
kādu kandidātu
ievēlēšanu, tad
svītrojiet šo
kandidātu vārdus
vai uzvārdus

Jūs varat ielikt aploksnē arī negrozītu (bez atzīmēm) vēlēšanu zīmi

Aploksne jāaizlīmē un personīgi jānodod vēlēšanu
iecirkņa komisijas loceklim, kurš Jūsu klātbūtnē
aploksni iemetīs vēlēšanu kastē

ANNEX 6 CANDIDATES REMOVED FROM LISTS BY THE CEC

	<u>Legal Basis of the Decision</u>
<u>Latvian Socialist Party</u>	
• Alfreds Rubiks (former chairman)	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Larisa Lavina (co-chairperson)	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Filips Stroganovs (co-chairperson)	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Fridijs Bokiss	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Pavels Cerkovskis	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Jevgenia Gusakova	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Fadejs Ignatjevs	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Andrejs Karklins	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Vladislavs Kubeckis	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Osvalds Macs	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Viktors Matjusenko	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
• Aleksejs Providenko	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
<u>Latvian Union Party</u>	
• Alberts Kauls (chairman)	The <i>Saeima Election Law</i> , Articles 5.6 and 13.2
<u>Party of Russian Citizens of Latvia</u>	
• Natalija Strelcova	The <i>Saeima Election Law</i> , Articles 5.7 and 13.2
<u>Latvian National Democratic Party</u>	
• Fricis Elmars Strausins	The <i>Saeima Election Law</i> , Article 5.5
• Maris Zujs	The <i>Saeima Election Law</i> , Article 13.2
<u>Democrats' Party</u>	
• Ramants Jansons	The <i>Saeima Election Law</i> , Articles 6 and 13.2
<u>Joint list of Latvian Farmers' Union; Latvian Christian Democratic Union; and, Latgales' Democratic Party</u>	
• Imants Ralla	The <i>Saeima Election Law</i> , Articles 6 and 13.2b

Source: Central Election Commission, *Press Center*, 7 September 1995; *Baltic News Service*, 10 August 1995..

- Juris Bojars, chairman of the *Labor and Justice* coalition, refrained from running since his well known past as a KGB colonel (22 years ago) would have restricted him anyway, according to Article 5.5 in the Election Law.
- Joachim Siegerist, chairman of the *Popular Movement For Latvia* party, refrained from running since his poor Latvian language would have restricted him anyway, according to Article 5.7 in the Election Law.

ANNEX 7 EXCERPTS FROM THE SAEIMA ELECTION LAW

- Article 5 Persons are not to be included in the candidate lists and are not eligible to the Saeima if they:
- 1) have been legally qualified as incapacitated;
 - 2) are serving a sentence of imprisonment in a penitentiary;
 - 3) have been convicted for a deliberately committing a crime punishable in Latvia at the time this Law is enforced and whose previous convictions have not been expunged or overturned, except persons who have been rehabilitated;
 - 4) have committed a crime in an irresponsible state or have become mentally ill after committing the crime and incapable of taking conscious action or controlling it and as a result have been subjected to compulsory medication, or when the case has been dismissed without applying such a coercive measure;
 - 5) belong or have belonged to the salaried staff of the USSR, Latvian SSR or foreign state security, intelligence or counterintelligence services;
 - 6) after January 13, 1991 have been active in CPSU (CP of Latvia), Working People's International Front of the Latvian SSR, the United Board of Working Bodies; Organization of War and Labor Veterans; All-Latvia Salvation Committee or its regional committees;
 - 7) have not mastered the national language to the highest (third) level of competence.
- Article 6 (1) If the President of State, state controller, a member of the National Board of Control or Audit Department, judge, prosecutor or military person has been nominated as a candidate for the elections, he/she shall resign from office (service) and notify the Central Election Commission about it within one month after the list of candidates for the Saeima elections (further called — list of candidates) has been registered.
- (2) A member of a city, district or rural municipal council can be nominated as a candidate for the Saeima elections but he/she shall lose the mandate in the respective council upon being elected to the Saeima.
- Article 13 (1) Lists of candidates complying with the provisions of this Law are registered by the Central Election Commission.
- (2) The lists of candidates that have been registered may not be revoked, and amendments may only be made by the Central Election Commission in any of the following ways:
- 1) by deleting the name of a nominated candidate, if:
 - a) the candidate is not a legitimate citizen of Latvia (Articles 4 and 5);
 - b) the candidate has not resigned from his/her office (service) as set by Article 6, item 1 of this Law;
 - c) the same person has been nominated for more than one list of candidates (Article 10, item 3);
 - d) the candidate has died;
 - 2) by inserting a technical correction.

High court gives Kauls go-ahead

By Andres Kahar
in Riga

IN THE face of protests from the central election commission, Latvia's high court presidium has decided that a former Soviet-era leader can run in elections. Alberts Kauls' formidable campaign machine is now making a late push in the last week before the September 30-October 1 vote, but may not clear the 5% threshold.

On September 21 the high court presidium declared null and void the Riga district court's earlier ruling of August 31 striking Kauls from his Unity Party's candidate list. High court officials cited a lack of tangible evidence linking Kauls, a former Adaži collective farm director and advisor to Mikhail Gorbachov, to Soviet organisational activity after January 13, 1991.

In theory, this court ruling should have put Kauls' name back to its former spot atop the Unity list, but the commission remains intransigent. Officials acknowledge the high court decision but claim that, as the candidates lists have already been prepared and sent off to foreign voting centres a week before, it is too late to make up

new lists.

"Can we really execute fair, free and normal elections if we change the lists now?" commission member and high court judge Valda Eilande asked. "The norms of the election process and the law back the decision."

Chairman Atis Kramins explained that 2,000 American-Latvian and 2,500 Canadian-Latvian voters were already about to vote on the basis of previously prepared lists.

Kauls, visibly content with the high court announcement, responded to the commission, promising to take up the matter in court the following week. Both Kauls' lawyer Wilhelms Kozlovskis and Unity party member Antons Kozemaks were crying foul, warning that Kauls' absence on the lists gives the Unity Party basis to question final election results.

Kauls seemed undaunted. On the same day of the high court ruling, radio waves were awash with Kauls' campaign advertisements. Polls indicate the Unity Party has 3.6% of the popular vote.

"This court decision marks the return of justice to Latvia," Kauls said. "We don't want to shoot anyone, but rather bring changes for a better life here."

ANNEX 9

Results of the Sixth Saeima Elections 30 September - 1 October 1995 (5% Threshold)*

Party or List	% of the Vote	Seats
Democratic Party <i>Saimnieks</i>	15.3%	18
Latvia's Way	14.7%	18
Popular Movement for Latvia (<i>Siegerist Party</i>)	15.1%	16
For Fatherland and Freedom	11.6%	14
Latvian Union Party	7.2%	8
Latvian National Conservative Party <i>LNNK</i> and Latvian Green Party	6.2%	8
Joint List of Latvian Farmers' Union, Latvian Christian Democrats' Union and Latgale Democratic Party	6.1%	7
People's Harmony Party	5.6%	6
Latvian Socialist Party	5.7%	5
Coalition <i>Darbs un Taisnigums</i> of Latvia's Social Democratic Workers' Party, Latvia's Democratic Labor Party and <i>Taisnība</i> (Justice)	4.6%	-

-- The nine other lists each received less than 2% of the vote --

Voter Turnout

Constituency	Eligible Voters	Seats in the Saeima	Voter Turnout
KURZEMES	185,360	14	74.6%
LATGALES	247,071	19	70.1%
RIGA	363,472	27	64.3%
VIDZEMES	338,321	25	78.7%
ZEMGALES	200,212	15	74.2%
Total	1,334,436	100	71.9%

* Unofficial preliminary results

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