



Office for Democratic Institutions and Human Rights

**REPUBLIC OF LATVIA**

**PARLIAMENTARY ELECTIONS**

**7 October 2006**

**OSCE/ODIHR Limited Election Observation Mission Final Report**



Warsaw  
8 February 2007

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**REPUBLIC OF LATVIA  
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7 OCTOBER 2006**

**OSCE/ODIHR Limited Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

In response to an invitation from the Republic of Latvia, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) to the 7 October 2006 parliamentary (Saeima) election. The OSCE/ODIHR LEOM met with the relevant authorities involved in the administration of the election, as well as representatives of political parties, media and civil society, to obtain an overview of the election process and of specific legislative and media issues. Long-term observers were deployed in three provincial centres. For election day, the OSCE/ODIHR LEOM was joined by a short term observation mission of the OSCE Parliamentary Assembly. While the OSCE/ODIHR and the OSCE Parliamentary Assembly did not conduct a systematic or comprehensive observation of election day activities, their observers visited 88 polling stations throughout Latvia.

This was the fifth parliamentary election held in Latvia since independence was regained in 1991. The last such election was held in 2002 and was observed by an OSCE/ODIHR Election Observation Mission (EOM).

The election process was overall conducted in accordance with OSCE commitments for democratic elections. The 7 October Saeima election was administered transparently and professionally, and the campaign took place in a competitive and pluralistic environment. The election administration enjoyed broad public confidence.

In a positive expansion of voting rights since the 2002 Saeima election, persons who have been detained but not convicted now retain the right to vote as a result of a decision by the Constitutional Court in 2003. The Constitutional Court also invalidated in 2003 a provision of the Law on Radio and Television that had restricted the amount of broadcasting time in foreign languages to 25 per cent of the total volume of daily programming. Both decisions reflected previous OSCE/ODIHR recommendations.

Nevertheless, some outstanding issues remain to be addressed by the incoming Saeima, government authorities and the Central Election Commission. Among these issues, some of which have previously been the subject of OSCE/ODIHR recommendations, are the following:

- The Saeima Election Law continues to provide for restrictions on candidacy based on employment in certain security or intelligence services during the period of the former Soviet Union, or on activity in certain political organizations after 13 January 1991.

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<sup>1</sup> This report is also available in Latvian and Russian. However, the English version remains the only official document

- Current interpretation of the Official Language Law prevents the Central Election Commission from providing official voter information materials in any language other than Latvian.
- Significant changes in campaign finance law, especially with respect to limiting the ceiling on campaign expenditure by political parties, may have contributed to the increase in “third-party” campaigning and hidden advertising. This raised questions about the fairness of the campaign and the regulation of such activities.
- Although the election day process was conducted efficiently, the secrecy of the vote was not adequately protected in a number of polling stations.

In addition, approximately 411,000 people in Latvia, some 18 per cent of the population, have not obtained Latvian or any other citizenship and therefore have the status of “non-citizens”. The OSCE/ODIHR remains concerned that the non-citizen population of Latvia does not have the right to vote at any level of elections in Latvia. As stated in the OSCE/ODIHR Final Report from the 2002 Saeima election, the fact that a significant proportion of the adult population does not enjoy voting rights represents a continuing democratic deficit.

The OSCE/ODIHR has previously recommended that consideration be given to permitting Latvian non-citizens to vote in municipal elections, a recommendation also made by the OSCE Parliamentary Assembly, the Council of Europe and the Council of Baltic Sea States. Since Latvia joined the European Union in 2004, EU citizens resident in Latvia have obtained the right to vote in municipal elections and European parliamentary elections.

Saeima elections are still run without a voter register, allowing eligible citizens to vote anywhere in the country. This system appeared to function effectively, although voter registers are used for European Parliament elections and municipal elections in Latvia.

The OSCE/ODIHR remains ready to further support the efforts of the authorities in addressing issues outlined in this report.

## II. INTRODUCTION

The OSCE/ODIHR was invited by the Republic of Latvia on 18 July to observe the 7 October 2006 election to the 9<sup>th</sup> Saeima. Following a Needs Assessment Mission (NAM), which visited Riga on 3-5 August 2006,<sup>2</sup> a Limited Election Observation Mission was deployed to Latvia on 16 September. The OSCE/ODIHR LEOM was headed by Ambassador Boris Frllec and consisted of twelve experts based in Riga, and six long-term observers in three regional centres: Ventspils, Valmiera and Daugavpils.

The OSCE/ODIHR LEOM analyzed the legislative framework, the pre-election administration, and the media, and followed the election campaign. In accordance with the recommendations of the NAM, no systematic or comprehensive observation of polling stations was conducted on election day. The OSCE/ODIHR LEOM observed election day and vote count procedures in a limited number of polling stations in Riga and in other regions

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<sup>2</sup> OSCE/ODIHR Needs Assessment Mission Report in advance of the 7 October 2006 Parliamentary Elections in the Republic of Latvia, 5 September 2006. All OSCE/ODIHR election reports are available at [www.osce.org/odihr-elections/](http://www.osce.org/odihr-elections/)

across Latvia, but no short-term observers were deployed. The LEOM coordinated its findings with a short-term observation mission from the OSCE Parliamentary Assembly, headed by Vice-President Barbara Haering. A joint Press Statement was issued on 8 October.

The OSCE/ODIHR LEOM wishes to express appreciation to the Ministry of Foreign Affairs of Latvia, the Central Election Commission, other national and local authorities and non-governmental organizations, for their assistance and cooperation during the course of the observation mission.

### III. POLITICAL BACKGROUND

The 7 October Saeima election was Latvia's fifth general election since the restoration of independence on 4 May 1991. The Saeima is a unicameral Parliament, composed of 100 seats. It is elected for a four-year term. The President of Latvia is in turn elected by the Saeima for a four-year term. The next Presidential election will be held in 2007.

Nineteen parties ran in this election. The main contestants were the People's Party (the party of Prime Minister Aigars Kalvitis); the Green and Farmers Union (an alliance of the Latvian Farmers Union and the Green Party of Latvia, with Ventspils Mayor Aivars Lembergs as candidate for Prime Minister); New Era (an opposition party, formed to contest the 2002 election, but no longer in the government coalition); Harmony Centre (an opposition party, mainly representing the Russian-speaking communities); Latvia's First Party/Latvia's Way (electoral alliance between a party claiming to represent Christian values, and Latvia's foremost Liberal party); Fatherland and Freedom (party representing Latvian nationalist ideas); For Human Rights in a United Latvia (mainly representing the Russian-speaking communities).

The OSCE/ODIHR has previously observed elections in Latvia in 1995, 1998 and 2002. In 2002, the OSCE/ODIHR EOM concluded that parliamentary elections were overall conducted in accordance with OSCE commitments and other international standards but identified issues of concern.<sup>3</sup>

### IV. ELECTION SYSTEM

Members of the Saeima are elected on an open-list proportional system from five multi-member constituencies. The constituencies do not correspond to administrative or territorial divisions and vary in size; they are allocated mandates in proportion to the number of voters estimated to reside in each. Candidates can only be nominated on a list submitted by a political party or alliance, but a candidate may appear on his or her party's list in multiple constituencies. There is a 5 per cent threshold based on the valid votes cast across the country. The number of mandates won by each party or alliance is determined on the basis of constituency-wide votes, applying the Sainte Laguë formula.

On election day voters are issued with a set of ballots, one for each party or alliance competing. Voters may leave the ballot unmarked or may indicate preferences among the candidates or cross out candidates whom they reject. If a candidate wins a seat in more than

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<sup>3</sup> OSCE/ODIHR Final Report from the 5 October 2002 Saeima Elections in the Republic of Latvia, 20 November 2002.

one constituency, he or she is given the seat in the district in which most votes were won. While results of the count for parties are known within hours after the close of the polls, the results of the candidate count is not known until two or three weeks after election day.

## V. LEGAL FRAMEWORK

### A. OVERVIEW

The 2006 Saeima election was conducted on the basis of essentially the same core legislation as in 2002. Few changes were made to the Saeima Election Law (Election Law) during the previous four years, although some improvements were introduced, one resulting from a Constitutional Court decision which annulled a provision of the Election Law that had denied voting rights to detainees awaiting trial and not convicted.<sup>4</sup> Other amendments extended polling hours and removed the direct role of police in guarding election materials.

The Saeima elected in 2002 did not address issues such as voting rights for non-citizens or “lustration” provisions restricting candidacy, both of which were the subject of recommendations in the OSCE/ODIHR Final Report on the 2002 parliamentary election.<sup>5</sup>

Significant changes were made to the Law on Financing of Political Organizations (Parties) (“Party Financing Law”), particularly by placing a ceiling of 0.20 Latvian Lats (LVL), approximately 0.30 Euros, per eligible voter on the total campaign expenditure of political parties and alliances.<sup>6</sup>

Latvia also ratified the Council of Europe Framework Convention for the Protection of National Minorities (“Framework Convention”) in June 2005, and the Convention entered into force for Latvia later that year. A declaration by the Saeima limits the applicability of the Framework Convention to citizens of Latvia.<sup>7</sup>

### B. CANDIDACY RIGHTS

#### 1. Lustration Provisions

The election laws for Latvian legislative authorities continue to prohibit candidacies by individuals subject to “lustration” provisions (Articles 5.5 and 5.6 of the Saeima Election Law).<sup>8</sup> Under the election laws, persons who were employed by the USSR, Latvian SSR or another country’s security or intelligence services, or were actively involved after 13 January 1991 with the Communist Parties of the USSR or Latvian SSR, or certain other named organizations, are prevented from becoming candidates.<sup>9</sup> The validity of such restrictions

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<sup>4</sup> Judgment in Case No. 2002-18-01 (5 March 2003).

<sup>5</sup> “Lustration” provisions are those which regulate the participation in the political system of individuals or parties associated with former undemocratic authorities.

<sup>6</sup> Campaign spending limits are further discussed in the Campaign section below.

<sup>7</sup> See “Participation of Minorities” section below.

<sup>8</sup> The European Parliament Elections Law of Latvia does not contain such restrictions.

<sup>9</sup> According to the Saeima Election Law, Article 5, the restrictions are applicable to persons who: “(5) belong or have belonged to the salaried staff of the USSR, the Latvian SSR or another country’s state security, intelligence or counterintelligence services; [or]

under the Latvian Constitution was upheld by the Constitutional Court in 2000 in a 4:3 decision.<sup>10</sup>

The Election Law requires the Central Election Commission (CEC) to publish lustration-related information about candidates (Article 15.4), and requires those who propose candidates to submit similar information (Article 11.4[h]). The candidate lists published by the CEC for the 2006 Saeima election contained notations with respect to five individual candidates that they might have collaborated with Soviet or foreign intelligence or security services. None of these candidates had indicated this in their own disclosures.

No candidacies were directly excluded on the basis of lustration laws or procedures during the 2006 election, although legal proceedings are continuing in one case (see Election Administration section below). However, there is no way of ascertaining to what extent potential candidacies may have been deterred by the various lustration provisions.

In its Final Report on the 2002 Saeima election, the OSCE/ODIHR noted that the relevant legislation which serves as the basis for application of lustration provisions in the Election Law was scheduled to expire in 2004.<sup>11</sup> That report concluded that this would be an opportunity to abolish these restrictions on candidacy rights. In reaching its conclusion, the report noted that the records of the KGB of the Latvian SSR held in Latvia were incomplete and partial and that they could not be consistently relied upon to provide direct evidence of the specific activities of former employees or alleged collaborators. Application of the law could therefore be arbitrary or selective.

In 2004, however, the Saeima extended the period under the SSC Document Law for use of files maintained by the Centre for the Documentation of the Consequences of Totalitarianism for an additional ten years. The Constitutional Court upheld the extension but did not address the constitutionality of continuing the use of the records with respect to candidacies for political office.<sup>12</sup> Rather, it ruled that the legal challenge before it concerned only the overall extension of the period in which the information could be used.

In March 2006, the European Court of Human Rights (ECHR) Grand Chamber, in the case of *Zhdanoka vs. Latvia*, upheld a denial of candidacy in the 2002 Saeima election on the grounds of association with the former Communist Party and related organizations, but indicated that “the Latvian Parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end.”<sup>13</sup>

In June 2006, the Constitutional Court of Latvia, in a case brought by a group of parliamentarians as well as an individual, Mr. Juris Bojars (former leader of the Latvian Social Democratic Workers Party), indicated that the candidacy restrictions could remain in effect but exempted Mr. Bojars from them due to his “noteworthy contribution to the renewal

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“(6) after 13 January 1991 have been active in the CPSU (the CP of Latvia), the Working People’s International Front of the Latvian SSR, the United Board of Working Bodies, the Organization of War and Labour Veterans, the All-Latvia Salvation Committee or its regional committees.”

<sup>10</sup> Judgment in Case No. 2000-03-01

<sup>11</sup> Law “On Maintenance and Use of Documents of the Former State Security Committee and on Stating of Facts about Persons’ Collaboration with the State Security Committee” (SSC Document Law).

<sup>12</sup> Judgment in Case No. 2004-13-0106 (22 March 2005)

<sup>13</sup> European Court of Human Rights (Grand Chamber), Case of *Zdanoka vs. Latvia* (Application Number 58278/00), Judgment, 16 March 2006. Available at - [www.echr.coe.int/ECHR](http://www.echr.coe.int/ECHR)

of democratic values in Latvia.”<sup>14</sup> The *Bojars* case indicates that other potential candidates might be able to avoid disqualification based on the lustration norms in the statute, by bringing individual actions in the Constitutional Court.

In a meeting with the OSCE/ODIHR LEOM, the Deputy Chairman of the Constitutional Court, Justice Gunars Kutris, said that in the *Bojars* case the Court showed the Saeima how it might be possible to remove restrictions on certain individuals. In large part, this was based on an assessment of positive information on the individual throughout his career, both pre- and post-1991. He noted that in the same decision, the Court also re-emphasized the conclusion by the ECHR in the *Zhdanoka* case that such restrictions had to be continually reviewed. He informed the LEOM that if Parliament did not revisit this question, the Court could do so.

In the 2006 election, only the candidacy of Mr. Fridijs Bokiss (Harmony Centre) was challenged on lustration grounds. Mr. Bokiss had previously been rejected as a candidate for the Saeima in 1995, on the grounds that he had been active after 13 January 1991 in the Communist Party of Latvia. After subsequent changes to the legal framework requiring a higher standard of proof, a court ruled that he could not be denied candidacy in the 2005 local elections. Mr. Bokiss won a seat on the City Council of Ludza, and became its deputy chairman. In 2006, Mr. Bokiss again sought to register his candidacy for the Saeima. The CEC did not reject his application, even though it had received a document from the Centre for Documentation relating to his earlier activities, since the 1995 judgment against him had not established the legal facts against him. At the time of writing, the Prosecutor had sent the case to the Riga regional court to make the necessary determination. Thus it is possible that Mr. Bokiss' candidacy could be annulled after the election.<sup>15</sup>

## **2. Limitation on the Right of Individuals to Be Elected**

Under the election law, there is no possibility for independent candidates to run in Saeima elections. This restriction is inconsistent with the commitments established in the Copenhagen Document of 1990, paragraph 7.5, which specifies the right of citizens to seek office “individually or as representatives of political parties....”

### **C. CITIZENSHIP AND NATURALIZATION ISSUES**

Participation in both national and municipal elections in Latvia is dependant on citizenship status. According to the Citizenship Law of Latvia (1995), only persons who were citizens before 17 June 1940, and their descendants, received automatic citizenship upon the re-establishment of independence in 1991.

After the annexation of Latvia into the Soviet Union, large numbers of people from Russia and other areas of the former Soviet Union settled in Latvia. These people and their descendants generally fall into the category of so-called “non-citizens” who must go through a naturalization process in order to become citizens.<sup>16</sup> The biggest group among these are ethnic Russians, but there are also significant numbers of ethnic Belarusians, Ukrainians, Poles, Lithuanians and others.

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<sup>14</sup> Judgment in Case No. 2005-13-0106 (15 June 2006)

<sup>15</sup> Mr. Bokiss did not win a mandate in the 2006 Saeima elections.

<sup>16</sup> Children born after 21 August 1991 can be registered as citizens without being naturalized, if their parents so choose.

The naturalization procedure, which appears to be efficiently administered by the Naturalization Board of the Republic of Latvia, includes a fee of LVL 20; tests of Latvian language skills (the State language), Latvian history and the Constitution; and an oath. The Latvian authorities consider the procedures to be reasonable, affording an opportunity for all non-citizens who so wish to obtain Latvian citizenship. While some non-citizens have expressed a preference not to become citizens for various reasons, others regard some of the procedures as too difficult, especially the language requirement for the elderly.

As of 1 April 2006, some 411,000 permanent legal residents of Latvia, approximately 18 per cent of the total population, remained in the category of “non-citizens.”<sup>17</sup> Between the 2002 and 2006 Saeima elections, approximately 60,000 people were granted citizenship through naturalization,<sup>18</sup> which is over half the total number of those naturalized since 1995. Excluding those under the age of 18, the remaining non-citizen population is well over 250,000 persons of voting age.

Non-citizens do not enjoy voting rights in any Latvian elections, although they do have the right to join political parties (at least half of a political party’s membership must be citizens) and can contribute money to political parties. Despite the ongoing naturalization process, the fact that a significant percentage of the adult population of Latvia does not enjoy voting rights represents a continuing democratic deficit.

The OSCE/ODIHR also expressed concern about this issue after the 2002 Saeima election. The OSCE/ODIHR recommended at that time, as have the OSCE Parliamentary Assembly, the Council of Europe and the Council of Baltic Sea States on separate occasions, that consideration be given to permitting those persons in the category of non-citizens to vote in municipal elections. This approach could serve as a step towards facilitating the integration of these persons.

Since accession to the European Union, Latvia has granted the right to vote in municipal and European Parliament elections to nationals of other EU States residing in Latvia in accordance with EU norms.

#### **D. CAMPAIGN FINANCE**

The Party Financing Law allows for direct contributions to political parties by natural persons only. Contributions from an individual, including in-kind contributions, may not exceed LVL 10,000 per year. Such contributions may be made by Latvian citizens or by persons holding a Latvian non-citizen passport.

After the 2002 Saeima election, the Party Financing Law was amended to set a ceiling on campaign expenditure of 0.20 LVL per eligible voter.<sup>19</sup> As all political parties and alliances filed candidate lists in every district for the 2006 election, they were all subject to the same overall limitation, amounting to LVL 279,631 (approximately EUR 397,879) per party. Some

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<sup>17</sup> According to information provided by the Naturalization Board. In addition, nearly 39,000 other persons are considered aliens or stateless.

<sup>18</sup> Naturalization Board, “Information on naturalization process, on recognition of stateless persons’ or non-citizens’ children, who were born in Latvia after August 21, 1991 to be citizens of Latvia and on registration of the status of the citizenship of Latvia - on September 30, 2006”, [www.np.gov.lv/index.php?en=fakti\\_en&saite=statistic.htm](http://www.np.gov.lv/index.php?en=fakti_en&saite=statistic.htm)

<sup>19</sup> Law on Financing of Political Organizations (Parties), Article 8.

interlocutors told the OSCE/ODIHR LEOM that the new spending limit was set unrealistically low and that the spending limit was a major cause of the increase of “third-party” campaigning (see Campaign section below).

## **VI. ELECTION ADMINISTRATION**

### **A. ALLOCATION OF MANDATES**

Mandates are allocated according to the number of voters in each constituency. This data comes from the population register four months prior to the election. Since only those with a right to vote are taken into consideration in calculating the number of mandates to be allocated, constituencies with larger numbers of non-citizens may have less representation in the Saeima relative to total population than constituencies with fewer non-citizens. While many OSCE participating States make such an allocation based on the number of voters, others base the allocation on the overall population, as members of parliament represent the entire population of the constituency rather than only eligible voters.

### **B. ELECTION COMMISSIONS**

There are four levels of election commission for elections in Latvia. The Central Election Commission (CEC) has nine members, eight of whom are appointed by the Saeima on the basis of nominations by parliamentary parties and one nominated by the Supreme Court. Only the Chairman, Deputy Chairman and Secretary are professional members who work on a full-time basis. The CEC enjoys broad confidence from political parties, civil society and voters.

Although the country is divided into five constituencies, there are no constituency level commissions. Rather, there are Regional Election Commissions (RECs) in each of the 26 Rajons and seven major cities, including Riga; and Local Election Commissions (LECs) in 53 towns and 433 civil parishes. In the 2006 election, Polling Station Commissions (PSCs) were established for 953 voting sites in Latvia and 53 abroad. Nearly 11,000 commission members were appointed.

Under the law, nominations for membership of election commissions may be submitted to the relevant councils by political parties, groups of at least 10 voters, or by deputies from the local councils. The law also requires that for LECs, each nominee must be voted in by the relevant council. However, the OSCE/ODIHR LEOM noted that political parties and voter groups had not been active in submitting nominees for these posts and that most members were apparently nominated by deputies of the local councils.

Chairpersons and Secretaries of RECs and LECs were trained by the CEC Chairman, in person. They, in turn, trained the Chairpersons and Secretaries of the PSCs. However, there was some doubt whether other electoral commission workers had received adequate training on ensuring the secrecy of the vote.

### **C. REGISTRATION OF POLITICAL PARTIES AND CANDIDATE LISTS**

For the 9<sup>th</sup> Saeima election, 11 parties and 8 alliances were registered, and in each case they filed candidate lists in all five constituencies. Although not forfeiting their status as separate registered parties, those parties choosing to file joint candidate lists are required to register as

an alliance under a new name. Several of the parties and alliances submitted the maximum number of candidates possible, which had been increased in recent legislation to allow three more candidates than the number of mandates to be filled in each constituency. Altogether 1,024 candidates were nominated in this election. Nine per cent of the candidates ran simultaneously in all five constituencies while 59 per cent appeared on a list in only one constituency.

The role of the CEC in the registration of parties and candidates is generally administrative. Under the law, the CEC has the authority to remove a candidate from a party list only on the basis of a court order when disqualification stems from lustration, or upon receipt of a certificate from other institutions responsible for determining if a person is eligible to run for office. They include, for example, the Department of Citizenship and Migration Affairs and the Information Centre of the Ministry of the Interior, which screen for disqualifying information relating to age, citizenship, criminal records, imprisonment under sentence, or mental incompetence.

No candidacies were annulled by the CEC due to lustration provisions, although as noted in the Legal Framework section above, one court case remained pending at the time of writing. According to the CEC, only two candidates were denied registration: one of them was found to be under-age, and the other appeared on the lists of two different parties.

A new law due to go into effect in January 2007 will separate political parties from the general law governing registration of organizations and enterprises. Under its provisions every existing party or alliance will be required to re-register by December 2008 or be dropped from the rolls. A companion law provides guidelines as to how the re-registration process will be implemented.

#### **D. VOTER LISTS**

Polling stations operate without pre-prepared voter lists in Saeima elections. An eligible citizen may vote in any polling station in the country, including stations outside his or her own resident constituency. Voter lists are created in the polling station as individual voters present themselves. A Latvian citizen's passport is the only acceptable form of identification and is stamped by a Polling Station Commission member to prevent the voter voting more than once.

In contrast, the laws regulating European Parliament and local elections provide for the use of voter lists in those elections. In the 2004 European Parliament elections and in the 2005 local elections, the CEC demonstrated the capacity to prepare reliable and accurate voter lists. There is a continuing debate as to whether voter lists should be used in Saeima elections, with some arguing that voter turnout could drop if the system is changed.

#### **E. VOTING ABROAD**

Citizens outside Latvia can vote by mail or in person at polling sites. For the 2006 election, 52 sites were set up abroad: 33 in consular offices and 19 in places such as Latvian social clubs or cultural centres. This number was a significant increase over the 38 established in 2002. Despite the rise in emigration from Latvia, especially since EU accession, and the efforts of the CEC and the Ministry of Foreign Affairs to expand access for voters abroad, the number of those voting from abroad remains low. For the 2006 Saeima election 7,530 voters abroad

cast ballots, representing 22 per cent of the Latvian citizens registered in foreign countries. This figure reflects a two per cent increase over the number of participants in 2002.

## **F. VOTER EDUCATION AND INFORMATION**

The CEC conducted an extensive voter education campaign, which included interviews in the mass media by the Chairman, public notices, instructional posters and other printed materials. The CEC also supported the efforts of some NGOs to encourage participation by student voters and voters abroad. Information about the parties and their candidate lists was published in an official CEC booklet which was distributed to all polling stations. The same information was put on the CEC's official website, which contained comprehensive information about the election. However, not all Latvian voters have access to the Internet, and there were insufficient copies of the booklet available at polling stations. The CEC also established a telephone hot-line where information was provided both in Latvian and Russian. On the hot-line, a voter could receive information about voting procedures as well as about the addresses of polling stations closest to his or her location, and make complaints.

Citing the Official Language Law, the CEC produced virtually all information exclusively in Latvian, although the Chairman did provide voter information through interviews in the Russian language media. Provision of voter information in Russian 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. According to 2000 census figures, Russian was the native language of approximately 892,400 inhabitants.<sup>20</sup> In addition, another 920,000 Latvians and 117,900 non-Latvians declared Russian as their second language.

Although the Official Language Law restricts the use of languages other than Latvian in official correspondence, forms, seals and documents by national and local government institutions, courts and state-owned companies, it is not universally prohibitive. The OSCE/ODIHR LEOM encountered a number of government information publications printed in Russian and other languages, relating to resident registration, freedom of movement, and requirements for travel. Article 20 (4) of the Official Language Law provides that the Cabinet of Ministers "shall determine the cases" when such institutions may "concurrently with the official language, also use foreign languages". However, the last time the subject was addressed by the Cabinet was in August 2002. Given the prominence of the Russian language in the daily affairs of the general population and the universal importance of elections and their results to citizens and non-citizens alike, the new Cabinet is encouraged to revisit this issue and act on its authority to allow the CEC to produce instructional materials, voter information and other relevant documents in both Latvian and Russian.

## **VII. THE CAMPAIGN**

### **A. OVERVIEW**

The campaign was initially low-key and confined mainly to the media; only in the final week did it become more lively. In some parts of the country – e.g. Vidzeme – little or no active campaigning was observed apart from the media. The limited overt campaign included organizing concerts (Greens and Farmers Union, For Human Rights in a United Latvia (PCTVL), and People's Party), pitching coloured campaign tents (People's Party, New Era)

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<sup>20</sup> Meās, Limars, *The Latvian Language in the Mirror of Statistics*, Jāņa Sēta Map Publishers, 2005

and meeting with voters in smaller places such as courtyards or cafes. A certain amount of campaigning took place abroad, with politicians canvassing Latvians in the Republic of Ireland and the United Kingdom.

The campaign was also marked by the limited amount of substantial political issues for discussion – unlike in 2002, when the questions of whether Latvia should join the EU and NATO were dominant. Parties mostly representing Russian speakers focused on issues of concern to this community, including the situation of non-citizens.

The conduct of the campaign itself became a campaign issue for some political parties. There was considerable public discussion of the issue of “third-party” campaigning on behalf of or against some political parties (see below), the involvement of government officials in the campaign, as well the involvement of some churches in actively trying to persuade voters to support the Latvia’s First Party.

Shortly before election day, President Vike-Freiberga publicly expressed doubt that she would be able to nominate Mr. Lembergs as Prime Minister due to the criminal charges against him. Mr. Lembergs conveyed to the OSCE/ODIHR LEOM that he considered this to be unacceptable interference in the campaign.

One incident during the campaign involved the language used on campaign posters in Daugavpils. An official from the City Administration ordered the PCTVL party to remove its bilingual posters, describing them as illegal. The party objected, claiming that it was entitled to put up such posters. By 26 September bilingual posters had been removed from the city’s trams, presumably by the authorities, but by 28 September the authorities had reversed their position.

## **B. THIRD-PARTY CAMPAIGNING**

The political campaign environment was pluralistic and provided opportunities for all political parties and alliances to communicate their messages to the voters. A controversial feature of the election campaign was the use of “third-party” campaigning. In the Latvian context, third-party campaigning occurs when an organization other than a political party campaigns for or against a political party, alliance or candidate..

Three highly visible third-party campaigns were identified by the OSCE/ODIHR LEOM. The “*Society for Freedom of Expression*” placed TV advertisements praising People’s Party ministers and was openly financed by Mr. Andris Skele, former Prime Minister and founder of the People’s Party. The founder of this organization, Mr. Jurgis Liepniks, was during the period of the election campaign employed as Head of the Prime Minister’s Office. Mr. Liepniks’ involvement in “*Society for Freedom of Expression*” drew much criticism. Two days after election day, he resigned from his post at the Prime Minister’s Office.

The *Pa Saulei* organization (“*Towards the Sun*”) placed commercials promoting the First Party/Latvia’s Way electoral alliance, and a campaign against Mr. Aivars Lembergs was conducted by an organization called *To the City and the World*.

Two additional cases of third-party advertising appeared in newspapers shortly before election day. The first, ostensibly paid for by the *Country and Regional Development Association*, featured People’s Party candidates, while the second, from the *Horna Biedriba* association,

warned voters of the risk of voting for the People's Party, the First Party, and the Greens and Farmers Union, arguing that these parties were circumventing the law by engaging in third-party campaigning.

The legality and legitimacy of third-party campaigning on behalf of political parties and candidates was publicly criticized during the pre-election period by some political parties, NGOs, and others as an attempt to circumvent campaign finance regulations. Some interlocutors stated that third-party advertising should be considered a donation in kind to political parties and declared by the parties as campaign spending, thus potentially putting these parties in violation of the applicable campaign contribution and spending limits. However, other political parties and individuals stated their view of third-party advertising as a legitimate exercise of freedom of speech that is not proscribed by law.

It remains unclear to what extent campaign advertising or other activities carried out by third-party organizations in support of political parties contesting elections fall within these restrictions or should be subject to control. The Corruption Prevention and Combating Bureau (KNAB), which is responsible for monitoring campaign finance, was engaged in monitoring alleged third-party advertising, in order to determine whether this activity should be included within the campaign expenditure of the respective parties. However, it appears that the result of the KNAB investigation will not be known for several months.

It would be desirable if the Party Financing Law were amended to include more detailed provisions regarding advertising and other forms of promotion by third parties affecting the campaign to make the legal situation clearer and to ensure a level playing field for all political parties. International experience has indicated that the two key factors in regulating third-party activities during an electoral campaign are the content of the material and the coordination of the sponsoring organizations with the campaigning parties. During the 2006 Saeima campaign, many of the materials published by third parties specifically supported certain candidates and parties; so it can be said that the contents were directly campaign-related. Less clear, however, is whether the third-party activities in question were actually coordinated with the campaigns of the parties, even though the involvement of certain figures linked to the parties was more or less openly acknowledged.

## **VIII. THE MEDIA**

### **A. REGULATORY FRAMEWORK**

The "Law on pre-election campaigning before Saeima elections" regulates media coverage during the campaign. The Law provides each registered voter list with a right to 20 minutes of free air time on Latvian public radio or television to be used on two separate occasions. Political parties and individual candidates are also entitled to place paid advertisements with public and private broadcasters. Broadcasters must provide all parties with equal conditions in terms of price and position in the broadcast schedule.

When publishing or broadcasting political advertisements, the print and electronic media are required to ensure that the political parties or other organizations which have paid for those advertisements are properly identifiable. The media are also obliged to render accounts to the competent authorities indicating the sums earned during the pre-election campaign. Two weeks after the election, broadcasters must submit reports on political advertising to the

National Radio and Television Council (NRTC), the body responsible for monitoring the electronic media.

Throughout the campaign, a NRTC special commission monitored national and regional broadcasters for infringements, including the incidence of possible hidden advertising. As a result of such monitoring, the Council in August imposed fines on two private TV channels for broadcasting spots with political content without mentioning the sponsor. Radio PIK, a Russian language station in Riga, was charged five thousand LVL for disseminating prohibited advertising in favour of a small political party called Homeland.

Latvian election law does not provide for a silence period, apart from prohibiting Latvian Radio and Television from broadcasting poll results on election day.

The 2002 OSCE/ODIHR EOM Final Report expressed concerns about restrictions on broadcasting in national minority languages as contained in the Law on Radio and Television. However, on 5 June 2003, the Constitutional Court invalidated the provision of the Law that restricted the amount of broadcasting time in foreign languages to 25 per cent of the total volume of programming in a twenty-four hour period. The Constitutional Court ruled that such language restrictions applied to commercial broadcasters were incompatible with the article of the Constitution pertaining to freedom of expression.

## **B. CAMPAIGN COVERAGE<sup>21</sup>**

Latvian public broadcasting fulfilled its legal obligations by providing free air time on LTV1. Political parties were free to choose the format. LTV1 provided extensive coverage of election issues: candidates were given a chance to participate in eleven electoral debates, ten of them including representatives of the top-rated parties. For the last debate, aired on 6 October, all 19 parties were invited. In addition, ten special election-related programs were broadcast, analyzing key aspects of platforms. The popular current affairs program "*What's going on in Latvia*" provided a forum for various experts, including political commentators and journalists, to debate on the main features of the campaign.

LTV7, the second channel of public television, which airs 20 per cent of its programming in Russian, mainly targets young audiences with a program including light entertainment and movies. Apart from the regular news reporting in its main newscast, no election-related programs were provided for its audiences.

Privately-owned TV channels were less active in covering election-related issues. Latvian Independent Television (LNT) covered the campaign only in its regular daily news programs and broadcast just one political debate immediately before election day. From 25 September, TV3 covered the campaign in a short daily segment within the main news. TV5, with some 70 per cent of its programming in Russian, reported on the campaign only in its main news. Some news editors, commenting on the rather low-key campaign coverage in private outlets, told the OSCE/ODIHR LEOM that the media did not want to run the risk of being accused of "hidden advertising."

Latvian public television broadcast a campaign entitled "*Think what you are voting!*", aimed at reminding voters of the importance of their vote. Delna, the Latvian branch of

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<sup>21</sup> The OSCE/ODIHR LEOM conducted a qualitative content observation of the main media outlets but did not conduct a systematic quantitative analysis of campaign coverage.

Transparency International, also launched, one week before election day, a public campaign (“Vote Smartly”) which urged voters to think carefully before voting and be aware of political corruption. Delna’s advertisements, produced in Latvian and in Russian, were widely reproduced in the media.

Newspapers provided voters with a variety of political views and gave the election extensive coverage. Articles included candidates’ profiles and interviews, party platforms, and analysis by experts. Most publications displayed a partisan editorial policy. Russian language newspapers tended to report more on the “Russian” parties – For Human Rights in a United Latvia and Harmony Centre – rather than on the “Latvian” parties. On 6 October, in a column on the front page of Chas, a leading Russian daily, the editor Mrs. Ksenya Zagorovska (also a PCTVL candidate) harshly criticized the ruling coalition.

Shortly before election day, Chas published voter education material in Russian in the form of cartoon strips explaining when and how to vote. Mrs. Zagorovska told the OSCE/ODIHR LEOM that this effort was an attempt to “fill the information gap” which still affected Russian-speaking voters.

Information about the parties competing in the election was also widely available in Internet versions of newspapers and main news portals, where interviews with political leaders and other campaign-related materials were published.

### **C. POLITICAL ADVERTISING**

Political parties placed campaign advertisements in the print and electronic media at national and local level. Generally, the media campaign strategies of political parties, including those representing the Russian speaking minority, were influenced by language considerations, as there were few examples of political marketing targeted at different language communities.

In addition to “third-party” advertising, concerns were also raised about “hidden” advertising during the campaign, consisting of election propaganda not labeled as such. As in previous elections the NGO Providus undertook extensive monitoring of the print and electronic media,<sup>22</sup> to determine possible cases of hidden advertising. According to their preliminary findings, the incidence of hidden advertising was less than in previous elections, mainly due to the watchdog role played by the authorities and civil society. However, results of their monitoring indicated that the phenomenon still occurred.

## **IX. COMPLAINTS AND APPEALS**

Four political parties - New Democrat Party, Social Justice Party, Our Land, and the Fatherland Union – disputed the election results on the grounds that undue influence was exerted by third party advertising. These parties, none of which passed the 5 per cent threshold, took their complaint to the Supreme Court. The complaint was refused; the Court conceded that there had been violations but not on a sufficient scale to affect the overall result. There can be no appeal against a Supreme Court ruling. The Court, however, issued a side-ruling stating that the Government should create a viable mechanism for overseeing the pre-election campaign.

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<sup>22</sup> The Centre for Public Policy Providus carried out projects to analyze possible cases of hidden advertising prior to the 2002 parliamentary election and the 2001 and 2005 municipal elections.

Another complaint involved allegations that the names of a number of voters who had not appeared to vote on election day had been improperly added to the voter list at a polling station in Balvi rajon. In strict adherence to its purely administrative role, the Central Election Commission generally remains insulated from involving itself in the investigation of such complaints, which are routinely referred to police authorities for investigation. As a result of an investigation by the Security Police, Mr. Juris Boldans, the head of Kubuli municipality and a candidate for the Saeima on the "For Fatherland and Freedom/LNNK" list, was prosecuted for motivating others to falsify ballots. Four local election commission members are also being prosecuted. Although Mr. Boldans won a seat in the Saeima, he quit the party and resigned his seat prior to the outcome of the case.

## **X. OBSERVERS**

Current Latvian legislation is not clear about the rights and obligations of observers. Article 18.2 of the Saeima Election Law provides for four categories of domestic observers at the polling station on election day: partisan observers representing political parties or alliances; journalists; members of the CEC or lower level commissions; and other persons who may seek permission from the relevant election commission.

With regard to partisan observers, Article 18 provides that two representatives of each political party or alliance may be present in a polling station at any one time. No formal accreditation is required from the CEC, only from the party or alliance. Political party observers were present at a number of polling stations visited; however, there were usually no more than one or two parties represented at any one location.

Apart from the reference in the legislation to other persons, there are no specific provisions for observation by domestic observer organizations or other civil society groups. Under Article 18.2 of the Saeima Election Law, it appears that should such a group wish to engage in observation on election day, individual members would have to apply separately to each polling station where they wanted to observe. The OSCE/ODIHR LEOM noted that there were no regulations or instructions establishing guidelines for polling station commissions to grant such permission, nor a procedure by which permission might be granted. However, it did not seem that any individuals, groups or NGOs had ever requested such permission.

The legal framework also does not provide clear guidelines on the rights of observers during the pre-election campaign period. According to Article 15.1 of the Law on City, District, County and Pagasts Election Commissions and Polling Station Commissions, meetings of the various levels of commissions are open to the public. Article 15.2 provides that representatives of the media, parties and alliances may be present at election commission meetings but does not specify domestic non-partisan observer groups.

At one polling station, an OSCE/ODIHR LEOM observer team was denied access to observe the distribution of ballots and voting materials, and other preparations on the day before the election.

Non-citizens are entitled to be members of political parties, and there appears to be no legal barrier that would prevent a party or alliance from including non-citizens among their

observers. However, their capacity to observe would be limited in that under the law, only voters, who must be Latvian citizens, can file an election complaint.

## **XI. PARTICIPATION OF WOMEN**

During the period of the 8th Saeima, women were prominently placed among the highest posts in government at the national and local levels. The President and five of the 18 Cabinet Ministers were women as were the Auditor General of the Supreme Audit Institution and the Director of the State Chancellery. Ten of the 11 major departments of government are managed by women. Similar trends are apparent in local government structures, and throughout the levels of election commissions. The Speaker of the Saeima was also a woman. This prominent role of women was not reflected to the same extent among members of parliament, with 18 seats being held by women.

Women's participation in the Saeima is rising at a slow pace. In the 9th Saeima there will be 19 women out of a total of 100 members of parliament. For the 2006 Saeima election, 26 per cent of all candidates were women, a share that was also reflected in the lists of those parties which exceeded the threshold. Among these parties, New Era presented the greatest share of women candidates with 40 per cent, while only 15 per cent of the candidates on the lists of Harmony Centre were women. However, 28 per cent of the women presented by the parties passing the threshold were placed in the top five positions on the candidate lists.

A review of the platforms of political parties indicates that there was little effort to appeal directly to women voters. Among party representatives and individual women candidates with whom the OSCE/ODIHR LEOM discussed the role of women as political participants, there appeared to be common attitude that the issues of social justice, equal opportunities, general welfare and health protection should not be gender based.

## **XII. PARTICIPATION OF MINORITIES**

In addition to the large non-citizen population, (see section IV C, Citizenship and Naturalization Issues), the population of Latvia includes a number of minority groups among its citizens. Of the total population of 2,288,923, the Latvian majority makes up 58.9 per cent. The largest minority population is the Russian minority, who comprise 28.4 per cent of the population (55.3 per cent of the total Russian population are citizens of Latvia). In addition, there are substantial minority populations of Belarusians (3.8 per cent of the total population, of whom 35.2 per cent are citizens of Latvia), Ukrainians (2.5 per cent, of whom 27.3 per cent are citizens of Latvia), Poles (2.4 per cent, of whom 74.1 per cent are citizens of Latvia), and Lithuanians (1.4 per cent, of whom 58.4 per cent are citizens of Latvia). There are several other groups with less than one per cent of the total population each.<sup>23</sup>

In the 7 October election, 15 of the persons elected to parliament identified themselves as Russian. In addition, one person identified himself as Karelian, one person as Jewish, and one

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<sup>23</sup> "Residents of Latvia by Ethnic Origin", Data from the Population Register of the Office of Citizenship and Migration Affairs on 16 August 2006. Ministry of Foreign Affairs of Latvia at [www.mfa.gov.lv/lv/latvia/integracija/integracijas-politikacopy/](http://www.mfa.gov.lv/lv/latvia/integracija/integracijas-politikacopy/)

as German, while four persons did not declare their ethnicity. The remaining 78 persons declared themselves as Latvian.<sup>24</sup>

In addition to citizenship and naturalization, an issue that potentially affects the participation of national minorities in the election process is the interpretation and application of the Language Law in a manner that prevents official bodies from providing voter education and information materials in languages other than Latvian (see section V F, Voter Education and Information).

Latvia ratified the Council of Europe (CoE) Framework Convention for the Protection of National Minorities<sup>25</sup> (“Framework Convention”) in June 2005, and the Convention entered into force for Latvia later that year. A declaration by the Saeima indicated that Latvia interpreted the term “national minority” as being limited to Latvian citizens and not applicable to other permanent legal residents who were not citizens of Latvia or another country.<sup>26</sup> Other parts of the declaration limited the application of the Convention’s linguistic provisions to certain official uses of minority languages in areas traditionally inhabited by national minorities (Articles 10.2 and 11.3).

The Framework Convention contains a number of provisions relating to the political rights of national minorities. Some of these reflect the political commitments contained in the 1990 Copenhagen Document.<sup>27</sup> Under the Copenhagen Document, Part IV, OSCE participating States made a number of commitments with respect to national minorities. These include the statement that they “will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.”

### XIII. ELECTION DAY

#### A. VOTING

The OSCE/ODIHR LEOM did not undertake a systematic or comprehensive observation of election day, but together with the OSCE Parliamentary Assembly delegation, 88 polling stations were visited in all five constituencies in both urban and rural communities. Observers found that polling stations visited were generally well managed and efficient, and that the legal and procedural requirements were carried out consistently. Voters’ passports were carefully checked and stamped as required by the law. The voters’ names were recorded in lists, and complete sets of ballot papers and secrecy envelopes were given to each voter.

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<sup>24</sup> Website of the CEC of Latvia: [www.cvk.lv/cgi-bin/wdbcgiw/base/saeima9.GalRezS9.vis](http://www.cvk.lv/cgi-bin/wdbcgiw/base/saeima9.GalRezS9.vis)

<sup>25</sup> ETS No. 157

<sup>26</sup> 2<sup>nd</sup> Article: “The Republic of Latvia declares that the term ‘national minority’, which is not defined in the Convention, for the purpose of the Convention will apply only to citizens of Latvia, whose culture, religion or language is distinct from the Latvians, who for generations have traditionally lived in Latvia, and who view themselves as belonging to the Latvian state and community, and who wish to preserve and develop their culture, religion and language. Persons that are not citizens of Latvia or of another country, but live permanently and legally in the Republic of Latvia do not belong to a national minority for the purpose of the Convention corresponding to the definition of a national minority included in the related declaration of the Republic of Latvia, but that identify themselves with a national minority corresponding to this definition, can use the rights foreseen in the Convention if a law does not establish an exception.”

<sup>27</sup> OSCE, Document of the Copenhagen Meeting on the Human Dimension of the CSCE, 1990.

While the conduct of the poll was generally well-ordered and professional, the OSCE/ODIHR LEOM noted a few issues that should be reviewed prior to the next election:

- Voters did not uniformly use the secrecy screens provided, and polling station commissions frequently did not encourage them to do so. At many sites there were simply not enough screens for the number of people voting. In addition, family voting was seen in a number of polling stations, contrary to CEC instructions.
- Many polling stations served a very high number of voters, often numbering from 3,000 - 4,000, which resulted in long queues and congestion at many locations. In some places only a single polling station was established to serve the entire community.
- Procedures for disposing of unused ballots were in some cases seen to be unsatisfactory. In the voting procedure for the parliamentary elections, voters are given a set of ballot papers, one ballot for each party or alliance participating in the election. The voter selects one, marks it for or against specific candidates if so desired, and inserts it in a secrecy envelope before depositing it in the ballot box. The voter can then either discard the remaining ballot papers inside the polling station, or retain them when leaving. As a means of preserving secrecy, voters choosing to keep their unused ballots may also take another copy of the ballot they voted so as to have a full set. There appeared to be no consistent way of displaying these replacement ballots, which were often placed on tables outside the voting area, with no secrecy screens, possibly compromising voter secrecy.
- In order to vote a person must present a current citizen passport as identification. Despite CEC efforts prior to election day to remind voters to renew their passports, there were some instances in which polling station commissions were forced to turn potential voters away because their passports had expired.
- There was one instance in which two buses full of voters from another constituency arrived at a polling station in western Riga. This was not an infringement of the law, as voters are allowed to vote at any polling station. However, in addition to creating long lines at a polling station that had not anticipated these voters, the transport of voters across constituency boundaries could potentially be abused.

In 2002 (8th Saeima election), police presence and the involvement of police officers in checking the passports of voters had been observed at the polling stations and was the subject of a recommendation in the Final Report. For the 9<sup>th</sup> Saeima election, their presence appeared to have largely been eliminated in most areas of the country based on a mutual decision of the CEC and police officials. Advisory notices were distributed to local police that their presence should be limited to providing a presence in the vicinity of the polling station, and these guidelines were included in the training provided to local election commissions by the Chairman of the CEC. In spite of such guidance, observers noted police presence in a few polling stations.

OSCE/ODIHR observers followed the process of mobile voting at a detention centre and a home for the elderly. Although one of the observer teams had been informed of alleged improprieties in the conduct of mobile voting, after a careful review of documentation it was concluded that the allegations were unsubstantiated and that those facilitating the voting had complied with legal and procedural requirements.

## **B. COUNTING AND TABULATION OF RESULTS**

Ballots were counted immediately after the polls had closed. OSCE/ODIHR LEOM observers attended the procedure at a limited number of polling stations. Well-defined procedural instructions and forms guiding the counting of votes and tabulation of results, contributed to efficient reporting both of preliminary and final results. In spite of the late hour, commission members completed the procedures smoothly and efficiently, with close attention to detail. At sites visited by the LEOM, officials followed the steps required, including the conduct of a secondary count at each step of the process.

The counting process involves two phases. The first phase involved accounting for sensitive voting materials and the counting of the votes for each party and alliance. On completion of this phase, the results were immediately entered into computerized software at the majority of polling stations for onward transmission through the Rajon to the CEC. Where capacity was limited or where commissions experienced difficulty with their communications, results were reported by telephone, fax or e-mail so they could be entered into the CEC website and made available to the media a few hours after the polls closed.

During phase two, the preferential votes for individual candidates are counted. Under the law, commissions may count these votes immediately or delay the process until the following day. In the majority of polling stations visited, commissions chose to carry on without an extended break. Agents of political parties, observers and the media were allowed to be present at each stage of this process. However, only a few party observers stayed for the count. It was also noted that generally the party observers left immediately after the completion of the first phase. At polling sites visited by the OSCE/ODIHR LEOM, the transparency of the counting procedures was excellent, and there were no restrictions on observer access. Election officials were co-operative in providing copies of documents or allowing observers to write down the results for their own records.

Emphasis has been placed on increasing the use of computers for generating the final protocols at the polling stations. In the majority of locations a computer was available on site, although it was often in a separate room. The software includes internal checks to confirm the accuracy of the entries. At the discretion of the Polling Station Chairperson, either the original handwritten copy of the protocol or the electronic version can be used as the “official” protocol. Where only a handwritten protocol was available, the Rajon Commission entered the results in the database.

Data from each polling station’s protocol is integrated into the Rajon-wide results. The tabulated data from the Rajon as well as the protocols from all polling stations are delivered to the CEC, where data from each original polling station protocol is re-entered. This double entry system is an effective audit tool that enhances accurate reporting of the final results.

## **XIV. ANNOUNCEMENT OF RESULTS**

The final results were announced on 25 October, 18 days after the election. The results included the detailed count of votes for and against individual candidates on the ballot papers that determined which candidates obtained mandates. Some 60 per cent of eligible voters

participated in the election, reflecting a significant downturn from the 72.5 per cent turnout in 2002. Voter turnout in Latvia itself was 61 per cent, while abroad it was 22 per cent.

Seven parties/alliances therefore passed the 5 per cent threshold and are represented in the new Saeima. On 7 November the new Saeima was inaugurated and President Vike-Freiberga officially asked Mr. Aigars Kalvitis, the former Prime Minister, to form the new government.

## XV. RECOMMENDATIONS

The OSCE/ODIHR is offering for consideration by the authorities, political parties and civil society of Latvia the following recommendations on desirable improvements of electoral practices. They should be read together with the recommendations contained in previous OSCE/ODIHR Final Reports.

1. Provision should be made for independent candidates to stand in Latvian elections, in accordance with the Copenhagen Document of 1990.
2. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, the Saeima should give consideration to granting the “non-citizens” of Latvia the right to vote in municipal elections. In addition, the Government should further intensify its endeavours to encourage non-citizens to initiate and undergo the naturalization procedure.
3. The legal restriction on the ability of the Central Election Commission to provide voter education material in minority languages continues to create an information gap for a significant proportion of the electorate. Official voter education material in languages other than Latvian should be available for sizeable minority linguistic communities. It is recommended that the Cabinet of Ministers act on its authority to allow the CEC to produce instructional materials, voter information and other relevant documents in both Latvian and Russian.
4. The applicability of the Party Financing Law to third-party activities in support of an electoral campaign or during the campaign period should be clarified, if possible through legislative amendment.
5. The Saeima should consider terminating candidacy restrictions based on lustration provisions prior to the next Saeima elections.
6. Timely outreach efforts should be enhanced to remind parties, alliances and voters of their rights to nominate persons to serve on election commissions. Procedural guidelines should be established regarding the manner in which councils consider nominees proposed and the order in which they vote on nominees to ensure fair distribution of seats among the parties, alliances or voter groups proposing them.
7. Measures to ensure the secrecy of the vote should be enhanced through voter information programmes, the training of polling officials and the setting up of secrecy screens in polling stations. Additional secrecy screens should be provided at polling stations, and these screens should fully ensure voter secrecy.

8. Procedures for the disposal of unused ballots should be reviewed bearing in mind the need to preserve the secrecy of the vote.
9. Consideration should be given to creating more polling stations at the next election in order to alleviate long queues and congestion in some locations. In this respect, 1,500 voters could serve as the target for the maximum number of voters in each polling station.
10. The choice of polling station sites should be reviewed so as to improve access for disabled or elderly voters.
11. Given the strict requirements and verification procedures undertaken in the issuance of passports in Latvia, the fact that a passport has expired should not necessarily disenfranchise otherwise eligible voters.
12. Accreditation procedures and rights of observers, including domestic non-partisan observers, should be clearly specified either through CEC regulation or through amendment of election legislation.

**ANNEX 1: SUMMARY OF OFFICIAL RESULTS**

<b>Parties and Alliances Passing the Five Per Cent Threshold</b>	<b>Percentage of Valid Votes</b>	<b>Number of Mandates</b>
People's Party (Tautas partija)	19.56	23
Union of Greens and Farmers (Zaļo un Zemnieku savienība)	16.71	18
New Era (Jaunais laiks)	16.38	18
Harmony Centre (Saskaņas Centrs)	14.42	17
Latvia's First Party and Latvia's Way (Latvijas Pirmās partijas un partijas Latvijas Ceļš vēlēšanu apvienība)	8.58	10
For Fatherland and Freedom/LNNK (Apvienība Tēvzemei un Brīvībai/LNNK)	6.94	8
For Human Rights in a United Latvia (Politisko organizāciju apvienība "Par cilvēka tiesībām vienotā Latvijā")	6.03	6
<b>Total</b>	<b>88.62</b>	<b>100</b>

Source: Central Election Commission Website at [www.cvk.lv/cgi-bin/wdbcgiw/base/saeima9.GalRezS9.vis](http://www.cvk.lv/cgi-bin/wdbcgiw/base/saeima9.GalRezS9.vis)

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (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 Document).

The 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 100 staff.

The ODIHR is the lead agency in Europe in the field of **election observation**. It coordinates and organizes the deployment of thousands of observers every year to assess whether elections in the OSCE area are in line with national legislation and international standards. Its unique methodology provides an in-depth insight into all elements of an electoral process. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include the following thematic areas: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The ODIHR implements a number of targeted assistance programmes annually, seeking both to facilitate and enhance State compliance with OSCE commitments and to develop democratic structures.

The ODIHR monitors participating States' compliance with OSCE human dimension commitments, and assists with improving the protection of **human rights**. It also organizes several meetings every year to review the implementation of OSCE human dimension commitments by participating States.

Within the field of **tolerance** and **non-discrimination**, the ODIHR provides support to the participating States in implementing their OSCE commitments and in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The 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 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. The Office also acts as a clearing-house for the exchange of information on Roma and Sinti issues among national and international actors.

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/odihhr](http://www.osce.org/odihhr)).