



Office for Democratic Institutions and Human Rights

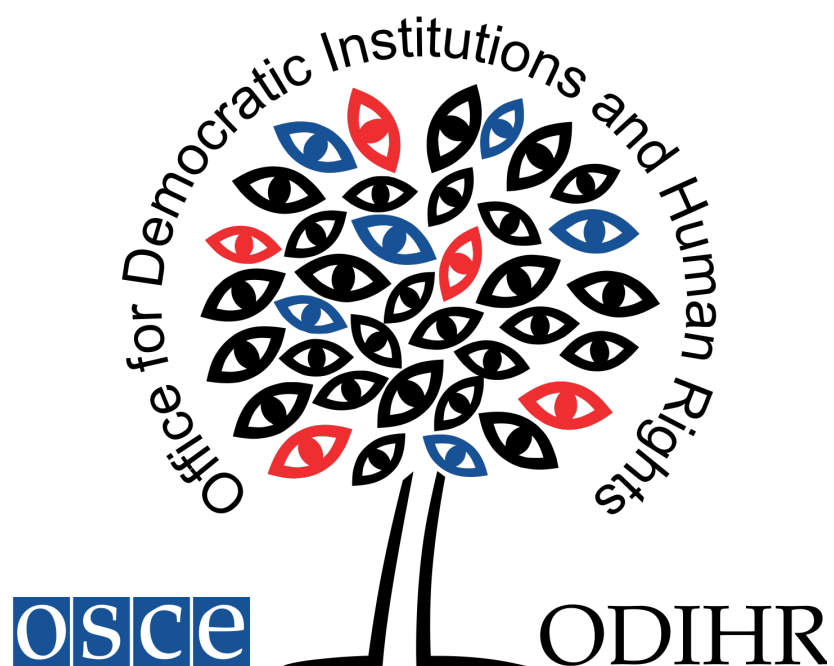
LATVIA

PARLIAMENTARY ELECTIONS

1 October 2022

ODIHR NEEDS ASSESSMENT MISSION REPORT

25 - 28 April 2022



Warsaw
28 July 2022

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Latvian authorities to observe the 1 October 2022 parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 25 to 28 April. The NAM included Ulvi Akhundlu, Deputy Head of the ODIHR Election Department, and Keara Castaldo, ODIHR Election Adviser.

The purpose of the NAM was to assess the pre-electoral environment and preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state and local institutions and with representatives of political parties, media, and civil society, as well as the resident international community. A full list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank each of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 1 October 2022, voters will elect new representatives to the unicameral parliament's House of Representatives. The parliamentary elections follow a regional-administrative reform in June 2020 as well as elections to the Riga City Council in August 2020 and to the new local government structures in 2021, which experienced low turnout. Some ODIHR NAM interlocutors raised concerns about the potential for low turnout rates in the upcoming parliamentary elections and a need for further efforts to encourage participation. Many interlocutors anticipated that the war in Ukraine and its regional impact would directly affect the pre-election and campaign discourse, and raised concerns related to the integrity of the information space. While stakeholders acknowledged that such matters should be taken seriously in order to safeguard public trust in the conduct of the elections, several raised concerns related to policies adopted or proposed since the start of the conflict which could impact the political participation of the ethnic-Russian minority.

Several substantive amendments were introduced to the electoral legal framework since the 2018 parliamentary elections, including the implementation of a central electronic voter register, in line with a previous ODIHR recommendation, and changes to the systems of political party and campaign financing. Certain ODIHR recommendations remain unaddressed, including related to candidate registration and on legal guarantees for international and citizen observers in the election process.

ODIHR NAM interlocutors generally expressed a high level of confidence in the professionalism of the election management bodies at all levels and in the conduct of election-day procedures. Representatives of election management bodies and other stakeholders did not anticipate major challenges in the administration of the parliamentary elections, apart from minor logistical concerns and long-standing budgetary restraints, and noted opportunities to test and implement certain novelties during the recent local and European Parliament elections. Stakeholders emphasized the inclusiveness of voting methods,

although a few indicated that additional measures should be taken to facilitate the autonomous participation of persons with disabilities.

Citizens of at least 18 years of age have the right to vote. No restrictions on the right to vote are imposed on the basis of intellectual or psychosocial disability or due to imprisonment. Interlocutors met by the ODIHR NAM supported the implementation of the centralized electronic system as further strengthening the inclusiveness and integrity of the voter check-in process and described an overall confidence in the accuracy of the register. Citizens residing abroad may apply for in-person or postal voting; some interlocutors suggested the system for allocation of votes cast abroad could be revised, but noted the administrative complexities.

ODIHR NAM interlocutors expressed satisfaction with the inclusivity and transparency of candidate registration procedures and available appellate mechanisms. Several parties described active youth fora within their parties and noted plans to prioritize the nomination of younger candidates; 51 per cent of members of the outgoing parliament are below 45 years of age. Only parties established at least one year prior to the elections may nominate candidates, and candidates may not stand independently, despite previous ODIHR recommendations.

The number of women in parliament significantly increased, from 18 to 31, following the 2018 elections; however, women remained underrepresented in national and local politics, representing only 2 of 14 ministers, 3 of 43 mayors, and some 30 per cent of municipal councilors. Most political parties met by the ODIHR NAM indicated that they consider gender representation as a factor when nominating candidate lists, and a few operate women's caucuses; however, none described party statutes or internal policies dedicated to ensuring the equal representation of women in candidates lists, and none provided specific plans to support the participation of women in election campaigns, including as candidates. No legal requirements exist for gender representation in the composition or order of candidate lists and public financing mechanisms for parties do not include any requirements related to promoting gender equality.

Political parties met by the ODIHR NAM generally expressed satisfaction with current campaign regulations and their ability to freely convey their platforms to the electorate. Amendments to the law on pre-election campaigning since 2018 provide for administrative sanctions, including warnings and fines, for certain campaign-related offenses. Interlocutors raised significant concerns related to potential disinformation campaigns, such as efforts to discredit the electoral process or contestants, as well as intolerant rhetoric. The government has established a working group comprised of several institutions to monitor the potential risk of foreign interference in the electoral campaign, including in online media and social networks, and provides guidance to political parties on measures to increase cybersecurity and related capacity.

Some political parties met by the ODIHR NAM described efforts to engage the electorate in an inclusive manner, while others claimed the campaign would be divided along ethnic lines, noting the non-citizen population without electoral rights. Some interlocutors noted that increased political polarization may impact the participation of ethnic and linguistic minorities, including the significant Russian-speaking population, and raised concerns with draft legislation seeking to prohibit the use of non-state languages by state-funded political parties in election campaigns, concerns which have previously also been raised by ODIHR and the OSCE High Commissioner on National Minorities in response to similar draft legislation. Interlocutors welcomed efforts by a few political parties to conduct more inclusive campaigns, but described recent challenges for candidates with disabilities to participate in political campaigns, including in broadcast media.

The framework for political party financing has been substantively revised since the previous parliamentary elections, including by substantially increasing state funding for political parties, revising

the eligibility requirements, and lowering limits on private donations. ODIHR NAM interlocutors welcomed the increased public funding for political parties as a step to reduce reliance on private donors and described an impartial oversight of campaign finance rules which includes pre-election monitoring; however, several noted that the transparency of sources of political party assets and income could be strengthened.

The media environment is pluralistic, and recent legislation introduced dedicated oversight mechanisms for public media intended to strengthen its operation. ODIHR NAM interlocutors assessed that public and private media provide sufficient independent coverage of elections to effectively inform voters about the process and contestants, although a few described instable funding of public media and some political biases among private broadcasters, and noted that coverage of small or emerging parties remains limited. Several expected that recent measures to regulate electronic media for national security purposes would impact the information environment during the pre-election period, and raised concerns about their implementation.

Interlocutors welcomed a potential ODIHR activity for the upcoming elections, underlining the value of an external review and recommendations. The ODIHR NAM noted a high level of stakeholder confidence in the integrity of the electoral process, including in election-day procedures and in the impartiality of the election administration, as well as in the competitiveness of the campaign and the ability to effectively convey political messages to the electorate. Certain prior ODIHR recommendations remain unimplemented, and some interlocutors identified specific areas that would benefit from an ODIHR observation activity. Considering recent substantial amendments to the legal framework as well as additional pending legislation, the ODIHR NAM sees benefit in undertaking a more in-depth assessment of the electoral process and legal framework, particularly regulations on election campaigns and their financing, as well as new and existing regulations on campaign financing and broadcast and online media. In addition, the participation of national minorities, women, and persons with disabilities in the electoral process would benefit from further analysis. On this basis, the ODIHR NAM recommends deploying an Election Assessment Mission for the upcoming parliamentary elections.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Latvia is a parliamentary democracy with a 100-member unicameral parliament (*Saeima*). Executive power is exercised by the government, which is led by a prime minister who is nominated by the president and elected by the parliament.¹ The 2018 parliamentary elections resulted in three parties – “Who owns the state?”, the New Conservative Party, and the Development/For! Party – gaining representation for the first time, while each of the previous ruling parties – the National Alliance, New Unity, and the Union of Greens and Farmers – received fewer seats than in the 2014 elections. Following protracted negotiations, five parties, including the three newly represented parties, formed a governing coalition, and Arturs Krišjānis Kariņš of the New Unity party was chosen as prime minister.²

In June 2020, in advance of the 2021 municipal elections, the parliament approved a regional administrative reform which replaced 119 local government structures (110 municipalities and 9

¹ The president is selected by parliament and may serve up to two four-year terms.

² The governing coalition comprised the “Who owns the state?” party (16 seats at time of election), the New Conservative Party (16 seats), Development/For! (13 seats), the National Alliance and New Unity. In 2021 the “Who owns the state?” party changed its registered name to “For a Humane Latvia”, and in 2022 the New Conservative Party changed its registered name to “The Conservatives”. Entering opposition, the Social Democratic Party “Harmony” earned 23 seats and the Union of Greens and Farmers earned 11 seats.

“regional cities”) with 43 local governments (36 municipalities and 7 “state cities”). Elections to the new structures were held on 5 June 2021 and experienced low voter turnout (some 34 per cent nationwide); extraordinary elections to the Riga City Council had previously been organized in August 2020, and experienced a voter turnout of some 41 per cent. Some ODIHR NAM interlocutors raised concerns about the potential for low turnout rates in the upcoming parliamentary elections and a need for further efforts to encourage participation.

The number of women in parliament increased from 18 to 31 following the 2018 parliamentary elections, 80 per cent of members of the presidium of the parliament are women, and the current speaker is a woman.³ Women remain underrepresented in public and political life; only 2 of 14 ministers are women,⁴ as well as only 3 of the 43 mayors and some 30 percent of municipal councilors.⁵

Many ODIHR NAM interlocutors anticipated that the war in Ukraine and its regional impact would directly affect the pre-election and campaign discourse, including parties’ electoral platforms, and described concerns related to the integrity of the information space and possible disinformation campaigns intended to influence or disrupt the political process. While stakeholders acknowledged that such matters should be taken seriously in order to safeguard public trust in the conduct of the elections, several raised concerns related to policies adopted or proposed since the start of the conflict which could impact the social and political participation of the significant ethnic-Russian and Russian-speaking minorities, such as the planned prohibition of instruction in the Russian language in public schools, the proposed demolition of Soviet-era monuments and temporary restrictions on assembly in proximity to these monuments, and proposed restrictions on minority languages in election campaigns (see *Election Campaign*).⁶

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Latvia is a party to major international agreements laying the basis for democratic elections.⁷ The legal framework for parliamentary elections has been amended several times since 2018 and some substantive changes have been introduced, particularly on the introduction of a centralized electronic voter register, in line with a previous ODIHR recommendation, and changes to the system of political and campaign

³ The Central Statistics Office publishes [data on gender equality in public decision-making](#). A total of 31 women were initially elected to parliament in 2018, and seats that became available were replaced according to the order of the respective candidate lists.

⁴ The ministers of education and science and of economics.

⁵ According to the [Inter-parliamentary Union](#) (accessed on 20 June 2022) and the [European Institute for Gender Equality](#) (accessed on 20 June 2022). In its [2020 Concluding Observations, the UN Committee on the Elimination of Discrimination Against Women](#) welcomed some progress in the representation of women in elected posts but noted that “women’s participation in political and public life and decision-making remains insufficient, in particular with regard to the most disadvantaged groups of women” and recommended that the authorities “[a]dopt and apply temporary special measures to promote the substantive equality of women and men in all areas in which women are underrepresented or disadvantaged, such as participation in political and public life [...] including requiring political parties to introduce quotas for women candidates, to increase the participation of women, in particular rural women, women belonging to ethnic minority groups, women with disabilities [...] and] Roma women”.

⁶ See also the [7 July 2022 statement](#) of the OSCE High Commissioner on National Minorities to the OSCE Permanent Council, which “took note of the ongoing debate on legislative initiatives in fields such as education and historical memory that, if confirmed, could restrict the space for minority rights”.

⁷ These include among others the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities. Latvia is also party to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the 1998 Framework Convention for the Protection of National Minorities (FCNM), and is a member of the Council of Europe’s European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

financing.⁸ Additional amendments transposed the new regional administrative divisions in the number and organization of territorial election commissions (TECs), clarified the status of applicants of lists of candidates, and introduced a minor revision to constituency boundaries.⁹ Draft laws which remain under consideration in the parliament would revise the Law on Political Organizations to prohibit parties whose activities are determined to support violations of international law or to deny war crimes and amend the Law on Pre-Election Campaigns to prohibit the use of non-state languages by political parties that receive public funding (see *Election Campaign*).¹⁰ ODIHR NAM interlocutors noted that the pending legislation could be adopted and implemented during the pre-election period. Certain ODIHR recommendations remain unaddressed, including related to candidate registration and on legal guarantees for international and citizen observers in the election process.

The parliament is elected for a four-year term through a proportional open list system in five multi-member constituencies. The number of members of parliament to be elected in each of the five constituencies is determined prior to each election by the Central Election Commission, in proportion to the number of voters in the constituency as registered in the register of natural persons four months prior to election day.¹¹ Voters residing abroad are included in the Riga constituency, although several stakeholders described plans to revise the system for allocation of votes cast abroad in future elections, such that the allocation would be determined based on the voter's permanent in-country address.

Voters can express a preference for a candidate by adding a plus mark opposite the name, or reject a candidate by crossing out the name. Voters can express support or reject as many candidates as they wish on the ballot of the party they vote for. The number of votes for each candidate within the list is calculated by adding the number of votes received by the list in that constituency to the number of positive marks minus the number of negative marks for the candidate. Candidates with the highest number of votes within the list win the seats allocated to that party list.¹² Party lists must pass a five per cent nationwide threshold to be eligible for seats, which are allocated on the constituency level according to the *Sainte-Laguë* method.

C. ELECTION ADMINISTRATION

The parliamentary elections will be administered by a three-tiered election management structure led by the Central Election Commission (CEC). ODIHR NAM interlocutors generally expressed a high level of confidence in the professionalism of the election management bodies at all levels and in the conduct of election-day procedures. Representatives of election management bodies and other stakeholders did not anticipate major challenges in the administration of the parliamentary elections,

⁸ Parliamentary elections are primarily regulated by the Constitution, the Law on Parliamentary Elections, the Law on Pre-Election Campaign and the Law on the Central Election Commission (CEC). The conduct of the elections is also guided by the Law on Financing of Political Organizations, the Law on Political Parties, legislation regulating administrative and criminal proceedings and the media, as well as by CEC decisions and instructions.

⁹ Amendments adopted on 20 January 2022 provided for the inclusion of Varakļāni municipality in the Vidzeme constituency, which the CEC indicated would change the allocation of some 2,500 voters. Amendments adopted on 8 April 2021 reference the new regional administrative divisions. A minor amendment was introduced on 23 May 2019 to clarify the status of applicants of lists of candidates.

¹⁰ The State Security Service issued a warning to the Latvian Russian Union party on 9 March 2022 and requested the party to ensure its members cease “activities aimed at justifying violations of international law”. On 19 April 2022, the parliament registered a draft amendment to Article 7 of the Law on Political Parties, which would prohibit political parties “from publicly praising, denying or justifying genocide, crimes against humanity, crimes against peace, war crimes, or from any act aimed at undermining the territorial integrity, sovereignty, independence or constitutional order of democracies”. On 11 May, the bill was approved in first reading by the Parliamentary Committee on Defense, Internal Affairs and Prevention of Corruption, which requested an urgent procedure.

¹¹ For these elections, 31 May. The number of deputies to be elected in each constituency was published in the official gazette by 23 June. The five constituencies comprise Riga, Kurzeme, Latgale, Vidzeme, and Zemgale.

¹² If two or more candidates receive an equal number of votes, they are ranked in the same order as on the ballot.

noting the opportunity to successfully test and implement novelties such as new electronic voter registries during the 2021 municipal and 2019 European Parliament elections. Some raised minor logistical concerns to the ODIHR NAM, related to the timely preparation and distribution of election materials, such as the decentralized printing of ballots and other paper materials, and noted certain funding limitations which prevent or delay additional improvements to polling station equipment and layout, and to the remuneration of election officials.

The CEC is a permanent body responsible for the overall conduct of elections and referenda, by overseeing the uniform application of electoral legislation, issuing instructions on the implementation of election procedures, co-ordinating the work of, providing trainings to, and allocating certain state funding to local election management bodies, and reviewing complaints and decisions of these bodies.¹³ The CEC may also develop proposals for the improvement of election processes and procedures. The CEC publishes information related to the electoral process on its website in the Latvian, Russian, and English languages, and provides content in adjustable text formats for users with visual impairments, as well as in easy-to-read language. The CEC informed the ODIHR NAM that insufficient budget allocation for voter information initiatives may lead to a reliance on public broadcasters in allocating time to educate citizens about the electoral process (see also *Media*). Several stakeholders noted that additional awareness raising initiatives on electoral processes should be introduced in educational institutions to target youth and promote their political participation.

In 2021, the election administration adapted to the country's administrative-territorial reform by reorganizing and reducing the number of Municipal Election Commissions (MECs) from 119 to 43. MECs comprise between 7 and 15 members who are elected by the respective local council following the municipal elections. Polling Station Commissions (PSCs) are temporarily established prior to each election by the respective MEC and comprise five to seven members. MEC and PSC members may be nominated by registered parties or coalitions, deputies of the respective local council (in the case of MEC members), or by a group of 10 voters. MEC members may also nominate members of the respective PSC. In the municipal elections, PSC members were required to demonstrate vaccination against COVID-19. ODIHR NAM interlocutors did not raise concerns related to the inclusion of underrepresented groups in decision-making roles in the election administration. No legal requirements exist for the gender or ethnic representation of election management bodies and no aggregated data is available on the composition of these bodies; according to the CEC, 33 of 43 MEC chairpersons are women.

D. VOTING METHODS

Eligible voters may cast a ballot on election day at polling stations in-country or abroad. A vote may be submitted for safe-keeping during three designated days in the week prior to elections, at one of 66 polling stations in-country, and this vote can be recast before or on election day.¹⁴ Possibilities exist to request mobile voting if a voter cannot arrive at the polling station for health reasons, must care for a sick person on election day, or if the voter is in pre-trial detention. Applications requesting the possibility of voting at polling stations abroad (for purposes of establishing polling stations abroad) can be filed from 3 June to 18 July 2022. Citizens abroad can also apply to vote by post. Precinct commissions may also be established to organize voting in prisons and on registered ships, and voting is organized for military personnel serving abroad. ODIHR NAM interlocutors approved of existing voting systems and policies, emphasizing the inclusiveness of the process, although a few interlocutors indicated that procedures for mobile voting could be improved, and some noted that additional

¹³ The CEC comprises 9 members, of whom 4 are women (including the chair). The current composition was established on 21 March 2019 for a four-year term. The parliament elects the chair and seven members within six months of its convocation, and one member is selected by the Supreme Court from among the judges.

¹⁴ The initial vote is not counted if the voter checks in at any polling station before or on election day and casts a new ballot.

safeguards could be considered to prevent the exploitation of voting procedures in prisons, where recent signature collection initiatives have experienced a high turnout rate, as well as in long-term care facilities.

The accessibility of the electoral process for persons with disabilities, including the accessibility of polling stations, is not obligatory under the electoral legislation. The election administration compiles a list of polling stations which meet certain accessibility criteria for autonomous access by persons with physical disabilities. In consultation with disabled persons' organizations, the CEC has developed trainings for election officials on improving the accessibility of the layout inside of polling stations and on better communicating with and facilitating the rights of voters with disabilities. ODIHR NAM interlocutors indicated that recent requests for additional funding to increase the number of physically accessible polling stations, such as through ramps and other temporary fixtures, were not approved by the parliament.

E. VOTER REGISTRATION

Citizens at least 18 years of age have the right to vote. Positively, no restrictions on the right to vote are imposed on the basis of intellectual or psychosocial disability or due to imprisonment.

Amendments to the law on parliamentary elections and the law on the voter register, adopted on 23 September 2021, provide for the use of the centralized electronic voter register in parliamentary elections. The Ministry of Interior's Office of Citizenship and Migration Affairs (OCMA) produces the electoral register, which contains data on all eligible voters, based on population data maintained in a new registry for natural persons finalized in June 2021.¹⁵ As of 31 May 2022, the centralized electronic voter register contained the records of 1,541,279 voters.

As in previous elections, voters may cast a ballot on election day at any polling station in the country. Voters are electronically registered in polling stations by scanning or manually entering the personal code or document number of the identification card or passport using a software on supplied smartphone devices.¹⁶ The software provides a live connection to a centralized electronic voter list, on which any voter who checks into a polling station is demarcated. The CEC is responsible for the procurement, maintenance and allocation of the software and devices, which are operated in polling stations by a trained member of the PSC. In case of a failure of the electronic registry on election day, either locally or systematically, voters are to be registered on paper lists and may cast provisional ballots, in secrecy envelopes in a separate ballot box, such that the registration can later be verified against the central voter register to safeguard against multiple voting.

The Ministry of Foreign Affairs establishes a number of polling stations at diplomatic representations and other locations abroad on the basis of applicable data in the electronic voter register. From 3 June to 8 July, citizens residing abroad could also submit proposals to the CEC or to their respective diplomatic mission, accompanied by 36 signatures of eligible voters, for the establishment of additional polling stations. Citizens residing abroad may also apply with their diplomatic representation in the period between 70 and 21 days prior to election day, or with the government e-service portal between 35 and 21 days prior, to vote by postal ballot. All votes cast abroad are allocated to the Riga constituency.

¹⁵ According to the OCMA, the new registry for natural persons, established on 26 June 2021, replaced the previous population register and was established in order to centralize and improve the quality of maintenance of population data, particularly for the inclusion of the new category of "foreigners".

¹⁶ In previous parliamentary elections, voters without a passport needed to collect a voter card from the Office of Citizenship and Migration Affairs before the elections.

A number of non-citizen persons reside permanently in Latvia, despite efforts taken by authorities to encourage naturalization, and these individuals do not have the right to vote or stand for election.¹⁷ Since 2021, the OCMA has launched additional online information tools and webinars, in addition to in-person outreach campaigns in cities with significant non-citizen or stateless populations, which reference electoral participation and the right to vote as benefits of citizenship. Some ODIHR NAM interlocutors highlighted the significant portion of the population without electoral rights, while others described a gradual increase in naturalization and related efforts.

F. CANDIDATE REGISTRATION

Citizens who are at least 21 years old may stand as candidates in parliamentary elections. Persons serving a prison sentence or who have been revoked of legal capacity by a court decision are ineligible to stand, as are persons who have been previously convicted of committing an “intentional crime” or a crime committed in a “state of mental incapacity or diminished mental capacity” which has not been expunged. Restrictions on candidacy also apply to persons with certain previous political affiliations.¹⁸ Although there are no linguistic requirements for candidacy, the rules of procedure of the parliament envisage a certain level of competence in Latvian, the only state language, and provide a mechanism to remove deputies who are ascertained to lack it.¹⁹

Candidate lists may only be submitted by registered parties established no later than one year before the elections (30 September 2021), with a minimum of 500 members. The tenure and membership requirements also apply to parties that submit lists as members of a coalition. While originally introduced with an aim to reduce political fragmentation, the one-year policy is contrary to a previous ODIHR recommendation and was criticized by several ODIHR NAM interlocutors as an unnecessary limitation on electoral participation. There is no possibility for candidates to self-nominate to stand independently, nor for nomination of candidate lists by voter initiatives, despite previous ODIHR recommendations.

ODIHR NAM interlocutors generally expressed satisfaction with the inclusivity and transparency of candidate registration procedures and available appellate mechanisms. The submission of candidate lists is scheduled to take place between 80 and 60 days prior to election day (from 13 July to 2 August), and decisions on registration are to take place from 14 July to 8 August (see also *Complaints and Appeals*). Persons holding certain public positions which the law identifies as incompatible with candidacy must submit documents to the CEC confirming their resignation from such a position within one month from

¹⁷ The [government's statistics portal](#) provides a resident citizen population of 1,630,747 at the start of 2022, as well as 182,375 resident non-citizens and 138 who are reported to be stateless. The UN Committee on the Elimination of Racial Discrimination noted in its 2019 Concluding Observations, that “such persons... do not have the right to vote or participate in political life”.

¹⁸ Citizens who have belonged to the salaried staff of the security, intelligence or counterintelligence services of a foreign country or of the former Soviet Union (or the Latvian Soviet Republic), as well as those who have been active members of the communist party of the Soviet Union or the Republic of Latvia after 13 January 1991, remain ineligible to stand. In 2006, the European Court of Human Rights (ECtHR) ruled that the restriction on former communist party members is in line with the ECHR, but held that “the Latvian parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end”. The Constitutional Court has reviewed the provision on three occasions (in 2000, 2005 and 2017) and has narrowed its application. In 2018, the Court found that the restriction remains constitutional, and prescribed that the CEC should verify whether a nominated candidate who is subject to this restriction continues to pose a threat to Latvia’s independence and the principles of a democratic state. The legal framework does not specify criteria for determining what constitutes such a threat. ODIHR has previously recommended that the necessity of continuing these restrictions be reviewed.

¹⁹ A group of 20 deputies may refer another for linguistic evaluation. If ascertained to lack the required level of language competence, the rules foresee that the member must demonstrate the required level within six months to retain their seat. All deputies must take an oath upon assuming office in which they recognize the Latvian language as the only official language.

the submission of registration documents.²⁰ Candidates may contest the elections on lists of parties of which they are not a member, a possibility which was raised as a concern by some ODIHR NAM interlocutors in relation to a possible lack of transparency and voter awareness of candidates' political affiliations.

No legal requirements exist for gender representation in the composition or order of candidate lists; some ODIHR NAM interlocutors suggested that requirements for vertical parity or a “zipper system” should be introduced to promote the inclusion of women. Most political parties met by the ODIHR NAM indicated that they considered gender representation as a factor when nominating candidate lists, and a few operate women’s caucuses; however, none described party statutes or internal policies dedicated to ensuring the equal representation of women in candidates lists or in party leadership positions, and none provided specific plans to support the participation of women in election campaigns, including as candidates. Several parties described active youth fora within their parties and noted plans to prioritize the nomination of younger candidates.²¹

G. ELECTION CAMPAIGN

Political parties met by the ODIHR NAM generally expressed satisfaction with current campaign regulations and their ability to freely convey their platforms to the electorate. The Law on Pre-Election Campaigns extensively regulates campaigning, such as the use of public spaces and on campaign materials and advertising and their pricing, including via the Internet.²² Political content must be marked to disclose the source, and hidden (or undisclosed) advertising is explicitly prohibited, as is the misuse of state resources for political advertising. Amendments to the law on pre-election campaigning since 2018 provide for administrative sanctions, including warnings and fines, for certain campaign-related offenses. Several interlocutors mentioned concerns related to potential disinformation campaigns, including related to the electoral process and contestants, as well as intolerant rhetoric.²³ As in the previous elections, the government has established a working group comprised of several institutions to monitor the potential risk of foreign interference in the electoral campaign, including in online media and social networks. The Information Technology Security Incident Response Institution (CERT), operated by the Ministry of Defense, provides guidance to political parties on measures to increase cybersecurity and related capacity.

The official campaign period began on 4 June, 120 days prior to election day.²⁴ Some political parties met by the ODIHR NAM described efforts to engage the electorate in an inclusive manner, while others claimed the campaign would be divided along ethnic lines. Some noted that increased political

²⁰ Namely, the president, the auditor general, a member of the Council of the State Audit Office, an ambassador extraordinary and plenipotentiary, a judge of the Constitutional Court, a prosecutor, a police officer, or a member of the military.

²¹ In the previous parliamentary elections, 51 (of 100) elected deputies were below 45 years of age, according to data of the [Inter-parliamentary Union](#) (accessed on 20 June 2022).

²² Public entities that allocate space to contestants to hold meetings with voters must provide equal conditions for all contestants. The law on pre-election campaigning includes prohibitions on the use of public resources for election campaigns, on paid advertising of government institutions during the 30 days prior to the elections, and on the placement of electoral advertising on government buildings or state-controlled entities. The Corruption Prevention and Combatting Bureau (KNAB) [publishes price lists](#) of entities providing commercial spaces for political advertising.

²³ Interlocutors described examples of xenophobic, homophobic and sexist rhetoric, and described related practices by online media to deactivate public comments. A few interlocutors pointed to instances from a previous election of violent rhetoric targeting a woman candidate who is a wheelchair user.

²⁴ It is prohibited to campaign on election day and the day prior, whether in person or in print and electronic media (including online, except for contestant websites). The placement of campaign advertising in electronic mass media is prohibited for 30 days prior to the elections, except to announce meetings with voters. These prohibitions do not apply to editorial programs of electronic media, nor to programs which are not sponsored by electoral contestants.

polarization may impact the participation of the Russian-speaking minority.²⁵ Several interlocutors raised concerns with draft legislation seeking to prohibit the use of non-state languages by state-funded political parties in election campaigns, which has been approved in a second reading in the parliament.²⁶ ODIHR, in previous election reports in Latvia, as well as the OSCE High Commissioner on National Minorities, have criticized similar previous bills which aimed at prohibiting the use of non-European Union languages in pre-election campaigns, as such policies could detrimentally impact the political participation of national minorities.

Neither strategies for outreach, nor policy issues pertaining to the political or socioeconomic empowerment of national minorities, women, persons with disabilities, or other underrepresented groups, were raised by most political parties when describing their anticipated electoral platforms. Political parties are not legally obliged to provide campaign materials and events in accessible formats or with sign language interpretation. ODIHR NAM interlocutors welcomed efforts by a few political parties to include persons with disabilities in party structures, but described overall challenges for candidates with disabilities to participate in political campaigns and in public debate, including in broadcast media, citing examples where organizers could not accommodate wheelchair users or were not familiar with accessibility needs.

H. CAMPAIGN FINANCE

Election campaigns may be privately and publicly financed. Political parties that receive at least two per cent of votes in the parliamentary elections are entitled to state subvention, which is allocated by the Corruption Prevention and Combating Bureau (KNAB) twice a year.²⁷ State subvention to political parties is not calculated on criteria other than electoral results, though some ODIHR NAM interlocutors indicated that additional criteria, such as mechanisms to promote the political participation of underrepresented groups, including in the period between elections, could be considered.²⁸ Parties may be privately financed through membership fees, donations from individuals, and income earned through parties' economic activities. Donations from legal entities are prohibited, as are donations from anonymous and foreign sources. Cash donations are permitted to a certain threshold. Only parties that receive public funding are required to open a dedicated bank account for receiving and spending electoral funds. The law provides for contestant expenditure limits for each constituency, calculated by the KNAB based on a quotient which includes the average monthly income and the number of registered

²⁵ See also the [2019 Concluding Observations of the UN Committee on the Elimination of Racial Discrimination \(CERD\)](#), which recommended the authorities to “Ensure that all reported incidents of racist hate crimes and hate speech, and incitement to racist violence are effectively investigated and, as appropriate, prosecute and punish acts of hate speech, including those committed by politicians during political campaigns” and to “take measures to prevent the use of hate speech on the internet”.

²⁶ The draft law was approved in a second committee reading on 8 June in second reading by the Parliamentary Committee on Public Administration and Local Government. The [2019 CERD Concluding Observations](#) raised concern at “reports that the current language policies discriminate against ethnic minorities in the fields of education and employment, public and political life” and recommended that the authorities “[t]ake concrete measures to ensure that persons belonging to ethnic groups are represented in public and political life, at all levels, and are not excluded on the basis of language”.

²⁷ In January 2022, nine political parties received a total of EUR 1.9 million in state funding: Harmony received EUR 400 000, New Conservative Party – EUR 319 570, Development/For! – EUR 293 482, National Alliance – EUR 286 628, the Union of Greens and Farmers – EUR 253 483, New Unity – EUR 221 241, Latvian Association of Regions – EUR 84 685, Latvian Russian Union – EUR 71 904, and Progressive party – EUR 53,806. The KNAB withheld EUR 646,303 in state funding to party For a Humane Latvia, based on its finding that the party had misspent its funding in excess of EUR 30,000, and suspended its funding for one year.

²⁸ See, for example, [May 2022 analysis by the organization Delna](#).

voters, which nationally totals EUR 708,053.30 per contestant.²⁹ The maximum permitted expenditures by third parties toward electoral campaigning in these elections is EUR 7,500.

The framework for political party financing has been substantively revised since the previous parliamentary elections. Amendments in 2020 to the Law on Financing of Political Organizations in November 2019 lowered the limit for individual private donations,³⁰ increased annual state funding to parties to EUR 4.50 per parliamentary electoral vote (from EUR 0.71), and revised the eligibility requirements for subvention (such as, funding based on the results of municipal and European Parliament elections). While the threshold of two per cent of votes for allocation of state funding remained in place, parties which received at least five per cent of votes in the parliamentary elections became entitled to an additional EUR 100,000 annually. Additional amendments proposed by the president in March 2022 would introduce a reduction in state funding for political parties whose parliamentary factions dissolve or the deputies of which decrease by two-thirds. ODIHR NAM interlocutors welcomed the increased public funding for political parties as an important step to reduce reliance on private donors; however, several described additional actions that could be taken to further improve the system of political and campaign financing. Interlocutors described a rushed legislative process for the most recent amendments, which lacked substantive public consultation.

The Corruption Prevention and Combating Bureau (KNAB) is mandated with oversight of campaign finance. Contestants are obligated to disclose donations within 15 days of receipt, and final reports on campaign income and expenditures must be submitted to the Bureau within one month after election day. Third parties are required to report expenditures on an *ad hoc* basis and do not submit an additional financial report after the elections. The Bureau conducts some pre-election monitoring, operates tools for public reporting of hidden or unmarked campaigning (including online), misuse of administrative resources, or other violations, and holds some sanctioning authorities, including to issue administrative fines and to prohibit further campaign activity if a contestant is found to have breached the expenditure limit. ODIHR NAM interlocutors generally expressed confidence in the professionalism and impartiality of the KNAB's campaign finance oversight, describing a reasonable approach to controlling infractions of campaign finance rules; however, several raised concerns about ineffective investigation of corruption cases, and about the transparency of sources of political party assets and income.

I. MEDIA

The legal framework for media provides guarantees for the freedoms of expression and of access to information, and prohibits censorship; defamation remains subject to criminal penalties, despite prior ODIHR recommendations, but interlocutors noted that the penalties are not frequently applied in practice.³¹ A new Law on Public Electronic Media and its Management, adopted in December 2020, was welcomed by ODIHR NAM interlocutors as strengthening the operation and oversight of public media and separating elements of its regulation (the functions of the holder of capital shares and supervision of public service remit) from that of private media. The media environment is pluralistic, although ODIHR NAM interlocutors raised longstanding concerns related to a concentration of media

²⁹ For these elections, the [contestant expenditure limit per constituency](#) is as follows: Riga, EUR 251,065.44; Vidzeme, EUR 179,322.53; Latgale, EUR 94,879.52; Kurzeme, EUR 85,371.13; Zemgale, EUR 97,414.69.

³⁰ Specifically, the permissible amount of individual private donations was revised as follows: (1) to parliamentary parties which are eligible to receive state funding, lowered to 5 minimum monthly wages (EUR 2500 in 2022); (2) to political parties which are eligible to receive state funding and received more than 2 per cent but not more than 5 per cent of votes in the parliamentary elections – 12 minimum monthly wages (EUR 6000 in 2022); (3) to political parties not entitled to receive state funding – 50 minimum monthly wages (EUR 25000 in 2022).

³¹ The Constitution provides for the freedom of speech and prohibits censorship, while the Freedom of Information Act guarantees the right to access public information and the Electronic and Mass Media Law provides for the principles of accuracy, objectivity, diversity and balance in reporting, as well as respect for the generally accepted principles of journalism and ethics. The Law on Pre-Election Campaign regulates media coverage of the elections.

ownership and noted a divide in content provided to Latvian- and Russian-language audiences and a need to address gaps in information quality. Media representatives generally described a free operating environment, although isolated cases of harassment or threatening rhetoric were described, including toward women journalists.

The public television and radio broadcasters, *Latvijas Televīzija* and *Latvijas Radio*, are obliged to provide a total of 40 minutes of free airtime to each party contesting the elections.³² During each electoral period, the public television develops and publishes a rulebook detailing its approach to covering electoral contestants.³³ Private broadcasters are obliged to provide equal conditions for paid political advertising. ODIHR NAM interlocutors generally assessed that the public and private broadcast media provide sufficient independent coverage of the elections to inform voters about the process and contestants; a few described instability of funding of public media and political biases among private broadcasters, and noted that coverage of small or emerging parties generally remains limited. A few interlocutors also raised concerns about statements by government officials which appeared to threaten the funding of public broadcasters in response to negative coverage.

The National Electronic Mass Media Council (NEPLP) is an independent authority with responsibility for the regulation and oversight of private and public broadcasts and other electronic media, including on-demand audiovisual services, and certain online content. During election periods, the NEPLP issues guidance and educational tools for electronic media, publishes outlets' price lists for political advertising, and conducts monitoring of the regulatory compliance of broadcast media and the content of political programmes.³⁴ ODIHR previously recommended that the appointment mechanism of the NEPLP could be strengthened to safeguard its independence and related perceptions. ODIHR NAM interlocutors welcomed the implementation of a new Public Electronic Mass Media Council (SEPLP) in August 2021, responsible for the regulation and oversight of public media, as well as a dedicated ombudsperson.³⁵

Several ODIHR interlocutors noted that recent measures to regulate electronic media for national security purposes would impact the information environment, including during the pre-election period. Provisions holding media accountable for "insufficiently accurate information", envisaged to limit the spread of false information that can cause public harm, were criticized by some stakeholders as overly broad. On 10 March, the parliament adopted legislation authorizing the NEPLP to suspend websites that disseminate false information and constitute a threat to national security; additional legislation adopted on 26 May permits the NEPLP to block the transmission of audio-visual and on-demand services originating in "a state which threatens the territorial sovereignty of another country". Under the revised legislation, the NEPLP has restricted more than 100 websites by denying access to the respective domain names and IP addresses, claiming that the distributed content of these sites posed a threat to national security and could incite hatred,³⁶ and has blocked the transmission of a number of

³² The public broadcasters comprise two national TV channels, *LTV1* and *LTV7*, one web TV channel and six radio stations. The public *LTV7* and radio channel 4 provide content in the Russian language.

³³ For example, for these elections, parties polling nationally at 4 per cent are invited to participate in debates.

³⁴ The NEPLP has [published the price lists](#) for political advertising in these elections in television and radio broadcasters as well as for on-demand video services and online portals. According to the NEPLP, the monitoring includes the selection and diversity of participants in political programmes; the monitoring does not currently include a gender component.

³⁵ The SEPLP consists of three members, one each nominated by the parliament, the president, and the Cabinet of Ministers.

³⁶ Representatives of the NEPLP informed the ODIHR NAM that all decisions on restricting websites were based on information or requests received from state institutions, such as the State Security Agency or state police. In total, 533 websites are [reported by the NEPLP as restricted](#) as of 10 June.

channels originating in Belarus and all channels originating in the Russian Federation,³⁷ in addition to previous bans and sanctions on certain broadcasters in 2021.³⁸ While some ODIHR NAM interlocutors supported these policies as an important and expedient national-security measure, several raised concerns that the suspensions, which do not require a judicial order, are not sufficiently regulated or transparent, and could create legal precedents which curtail media freedoms.³⁹ Interlocutors also described a rushed process for adoption which did not entail sufficient public consultation.

J. COMPLAINTS AND APPEALS

CEC decisions related to the registration or non-registration of candidate lists or specific candidates, as well as decisions related to polling station results protocols, can be appealed by contestants to the District Administrative Court within three days of the decision. CEC decisions on election results can be challenged only by contestants to the Department of Administrative Cases of the Supreme Court within three days. Applications may be filed electronically or by paper. Decisions by the respective Courts are due within seven days and are final. All other election-related complaints and appeals are regulated by general administrative procedures and are not subject to expedited procedures. ODIHR NAM interlocutors reported minimal numbers of cases filed and adjudicated in the previous parliamentary and municipal elections, and did not raise concerns related to the access or timeliness of remedy.

IV. CONCLUSIONS AND RECOMMENDATIONS

Interlocutors welcomed a potential ODIHR activity for the upcoming elections, underlining the value of an external review and recommendations. The ODIHR NAM noted a high level of stakeholder confidence in the integrity of the electoral process, including in election-day procedures and in the impartiality of the election administration, as well as in the competitiveness of the campaign and the ability to effectively convey political messages to the electorate. Some prior ODIHR recommendations remain unimplemented, and some ODIHR NAM interlocutors identified specific areas that would benefit from an ODIHR observation activity. Considering recent substantial amendments to the legal framework as well as additional pending legislation, the ODIHR NAM sees benefit in undertaking a more in-depth assessment of the electoral process, particularly regulations on election campaigns, including in broadcast and online media, as well as new and existing regulations on campaign financing and media. In addition, the participation of national minorities, women, and persons with disabilities in the electoral process would benefit from further scrutiny. On this basis, the ODIHR NAM recommends deploying an Election Assessment Mission (EAM) for the upcoming parliamentary elections.

³⁷ Initially, the NEPLP cited, *inter alia*, ownership by persons or entities under sanction by the European Union and the United States Treasury. On 30 April, in response to a challenge submitted by a distributor, a district administrative court overturned the NEPLP decision on certain channels, with its decision stating that the operation of directly and indirectly owned programmes “does not threaten the information space of Latvia”. The parliament subsequently revised the Law on Electronic Mass Media to allow the NEPLP to block all such channels. During a [meeting with Ambassador of Latvia to the UN, OSCE and other international organizations Katrīna Kaktiņa in 2021 in Vienna, the OSCE Representative on Freedom of Media](#) “underlined the need to enable all journalists to freely report on all matters of public interest in their country and abroad – in line with the international freedom of expression standards and the relevant OSCE commitments – adding that applying economic sanctions should not interfere with media freedom”.

³⁸ In February 2021, a ban on *Rossija RTR* for one year for “incitement of hatred and military conflict”, and 16 additional Russian channels were sanctioned for illegal retransmission. In May 2021, the European Commission determined that the suspension [complied with EU law](#).

³⁹ In 2016, the OSCE Representative on Freedom of Media [expressed concern in a letter to Latvian authorities](#) related to previous government actions that resulted in the closure of a website without a court order, and in 2021 raised concerns related to the [temporary detention of two journalists](#).

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Agnese Vilde, Head of the Department of International Organizations and Human Rights
Eduards Gailiņš, Senior Desk Officer

Ministry of Justice

Iveta Brinuma, Head of the Constitutional Rights Department

Ministry of Interior, Office for Citizenship and Migration Affairs

Uldis Apsītis, Deputy Director
Svetlana Biseniece, Director of the Department for the Processing of Personal Data
Sanda Cielēna, Head of the Persons' Status Control Division
Linda Vitkaua, Deputy Head of European Affairs and International Co-operation Section

Central Election Commission

Sigords Stradiņš, Vice-Chairperson
Tatjana Kastēna, Senior Specialist for Co-operation with Foreign Election Institutions
Ritvars Eglājs, Secretary
Edgars Baldunčiks, Member of the Commission
Valdis Verners, Member of the Commission

Corruption Prevention and Combatting Bureau

Karīna Poļanska, Acting Head of the Political Organization Violation Investigation Department
Olga Macujeva, Chief Inspector
Sanita Valaine, Senior Inspector

District Administrative Court

Kaspars Berķis, Judge

Riga City Election Commission

Māris Zviedris, Chairperson

Political Parties

Juris Puce, MP, Development/For!
Aivars Gaidans, MP, For a Humane Latvia
Didzis Smits, MP, Green Party
Vladimirs Buzajevs, Latvian Russian Union
Ritvars Jansons, MP, National Alliance
Atis Lejins, MP, New Unity
Normands Žunna, New Conservative Party
Igors Pimenovs, MP, Social Democratic Party "Harmony"
Edgars Tavors, MP, Union of Greens and Farmers

Media

Aurēlija Ieva Druviete, Vice-Chair, National Electronic Mass Media Council (NEPLP)
Dita Ciemiņa, Head of Monitoring Department, NEPLP
Māra Madara Lūse, Head of International Cooperation and Information Analytics Division, NEPLP
Sigita Roķe, Chief Editor, *Latvijas Televīzija*
Rudīte Spakovska, Producer, *Latvijas Televīzija*
Anita Brauna, Chief Editor, *Latvijas Radio*
Gunta Sloga, Executive Director, Baltic Centre for Media Excellence

Ilja Kozins, Chairperson, Latvian Association of Journalists

Civil Society

Olafs Grigus, Analyst, Delna – Transparency International Latvia

Anhelita Kamenska, Director, Latvian Centre for Human Rights

Natalya Jolkina, Latvian Human Rights Committee

Iveta Kažoka, Director, Providus Centre for Public Policy

Janis Cacs, SUSTENTO Coalition of Disabled Persons' Organizations

Ineta Ielīte, Women's NGOs Co-operation Network

International Community

Representatives of diplomatic missions of OSCE participating States⁴⁰

⁴⁰ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Latvia.