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HOW DEMOCRATIC IS LATVIA?

AUDIT of DEMOCRACY 2005–2014



**LATVIJAS
UNIVERSITĀTE**
ANNO 1919

UNIVERSITY OF LATVIA



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2005–2014

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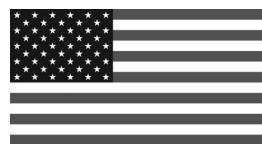


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INTRODUCTION

Juris Rozenvalds

Democracy at a crossroads

‘Democracy’ has been one of the most frequently used words in the political discourse for the last two centuries. Recognition of the value of democracy has become common in the modern world, and it has become a generally accepted standard in the West. In many countries of the world people wish to live in a democracy regardless of their cultural background. According to the World Values Survey (WVS) conducted between 2010 and 2014, the majority of respondents in Egypt (98.7 %), Germany (94.1 %), Sweden (93.1 %), Kazakhstan (87 %), Belarus and Ukraine (85.3 %), Estonia (79.2 %), China (70.5 %) and Russia (67.3 %) (see WVS) appreciate democracy as a political system (Latvia did not participate in this ‘sixth polling round’). When asked to evaluate the importance of democracy on a scale from 1–10, respondents from Sweden give it an average of 9.29 points, respondents from Egypt – 8.95 whereas the average evaluation given by respondents from Germany is 8.94, Kazakhstan – 8.62, China – 8.43, Estonia – 8.30, and Ukraine – 7.83 points. Respondents from Belarus and Russia give the lowest average points for the importance of democracy – 7.48 and 7.42 respectively.

Having said this, one must take into account that, more often than not, the respondents of such surveys tend to understand this highly appreciated democracy rather differently. Ranging from 9.25 points in Sweden to 7.52 points in China, the opportunity to elect political leaders in open elections is considered more or less equally in all of the aforementioned countries as an important element of democracy. Respondents from countries that are considered as mature and stable democracies give a relatively higher importance to the assurance of civic rights whereas respondents coming from countries which have significant room for growth in terms of achieving real democracy are more prone to emphasize the importance of democracy in the area of ensuring equal income. They also express willingness to sacrifice one of the fundamental values of liberal democracy, i.e. the right to dissent from and criticize those in power. For example, obedience to a leader as an important element of democracy is evaluated with 2.42 points in Germany, 3.55 points in Sweden and 4.83 in Estonia whereas the average points given for this statement by respondents in Russia is 6.53, with 6.59 in Kazakhstan and 6.60 in China. Similarly, when asked to what extent the special role of religious leaders in interpreting laws should be considered as important, responses differ greatly from one country to another: Swedish respondents give it 2.06 points, German respondents – 2.19 points, whereas the situation in Egypt is completely different, i.e. the role of religious leaders in democracy is evaluated with 6.19 points (WVS 2014).

‘Democracy’ is not only one of the most central notions in modern politics, it is also one of the most disputed and variously interpreted. One can find a wide variety of answers to the seemingly simple question ‘What is democracy?’ in everyday perceptions and academic literature. The various approaches to understanding democracy differ in at least three important areas.

Firstly, it is about opposition between recognition of the existing situation, on the one hand, and emphasis on the ideal – the perception of what democracy should be, based on certain moral or theoretical principles – on the other. In other words, the relation between the normative and empirical components of how one understands democracy. Clearly, no definition of democracy

can be completely free from either of these components; however, relations may differ greatly. Therefore, those who emphasize that complete democracy has not been preceded in the past, and that it can be found nowhere today, and who claim that all democratic systems are incomplete and only partial embodiments of the idea of democracy might be right. Similarly, those who stress that sufficiently clear and widely recognized criteria exist for distinguishing democratic political systems from non-democratic ones and for measuring how close (or far) they are from the ideal democracy may be equally right.

Secondly, various definitions of democracy can be distinguished by identifying how broad a range of matters can be considered to be subject to democratic procedures or, at least, falling within the scope of democracy. From this perspective, the minimalist understanding of democracy, emphasizing that the fundamentals of democracy are contestation and participation, as per Austrian American economist and political scientist Joseph Schumpeter during WWII, represents one 'approach'. It guarantees the public an opportunity to select representatives who will adopt the most important political decisions by means of competition and electoral choice. Such a definition of democracy can be referred to as 'formal democracy' because it focuses mainly on the 'form' of democratic processes, emphasizing the procedural features of democracy (the 'rules of the game'); it stresses the importance of fair and regular elections, a multi-party system, free mass media as well as freedom of speech, conscience, association and other fundamental freedoms (Schumpeter 1976, 270–271).

Within the scope of this approach, social equality and fair distribution of public benefit are honourable public ideals, yet they have little to do with the functioning of democracy. In the modern world, broader definitions are becoming increasingly popular. These definitions are based on the understanding that strengthening feedback between the bearers of power and the population as well as representing the interests of all groups within a society are the cornerstones of democracy. Alongside individuals' participation in selecting political leaders, this understanding also emphasizes the necessity to create such a set of circumstances in the society as makes political participation possible and full-fledged. This, in turn, provides for the elimination of excessive socio-economic inequality because severe inequality is not only anti-democratic, it also jeopardizes socio-economic development. Such type of understanding of democracy also provides certain guarantees for individuals in terms of their social welfare and educational opportunities. These guarantees in no way preclude discussion about the level of social aid necessary in order to provide individuals with opportunities for full-fledged participation whilst refraining from making them dependent upon public support and thus curtailing their self-initiative.

Thirdly, definitions of democracy differ according to the role given to ordinary citizens in implementing public administration. The intuitive understanding of democracy based on the literal translation of the ancient Greek compound word *demos + kratos* – 'the power of the people', 'people's government' – is widespread in modern society, especially in the context of everyday life. This 'etymological' understanding of democracy, based on the literal explanation of the compound word, was behind the famous words uttered by U.S. President Abraham Lincoln in his Gettysburg address of 1863 during the American Civil War. He characterized democracy as follows: 'government of the people, by the people, and for the people' (Lincoln 1863). In other words, democracy is described as *political power originating from the people, self-government of the people and government in the interest of the people*.

Despite the fact that this approach may seem self-evident, the attempt to turn it into a foundation for scientific analysis of democracy calls for additional explanations. Firstly, it is necessary to explain what the word 'people' means. Political scientist Giovanni Sartori discusses several meanings of the word 'people' (for example, 'people' as all members of a society, 'people' as the ordinary members of the society as opposed to the 'elite', etc.), and points out that only the notion of 'people' as the majority of the society which limits itself through observing the rights of minorities, is the relevant one for the modern perception of democracy (Sartori 1987, 21–22). In this sense, democracy

conflictively combines, on the one hand, procedures and mechanisms aimed at the majority in order to bring its will to life and, on the other, procedures and mechanisms which ensure the minority's rights to express its opinion and oppose the majority's arbitrariness. Such a conflicting combination cannot exist based only on formal rules. Democracy theorist Chantal Mouffe argues that, in the modern pluralistic society, democracy provides for a consensus on the ethical-political principles taking the shape of an agreement on the core principles of the relationships between social groups and individuals which are, first and foremost, freedom and equality (Mouffe 2000, 103). In other words, democracy is not merely a body of rules and procedures; to a no lesser extent, democracy is also about the prevailing mood in the society, openness towards the existence of various opinions and compromises between demands and viewpoints of different social groups. At the same time, the principles mentioned above are frequently interpreted differently; therefore, the ethical-political consensus is not free from conflict.

Furthermore, the notion 'power' leaves room for significantly diverse interpretations depending on the character of political participation and the framework of democratic governance. Moreover, attempts to interpret 'people's self-governance' as the direct engagement of ordinary citizens in solving all of the most important matters apparently does not match the opportunities and practices of modern complex societies. Thus, one of the key problems of democracy in the context of today's large-scale society is the relationship between the ordinary participants in the political process, on one hand, and the political, bureaucratic and intellectual elite, on the other.

The quality of the elite, its ability to formulate important matters for the society and to offer respective solutions is of immense importance in the democratic process. In their book dedicated to American politics (published 16 times), U.S. researchers L. Schubert, T. Dye and H. Zeigler write the following: 'Democracy is 'people's power' but the elite is responsible for democracy's survival. Elites must govern wisely so that 'people's power' can exist' (Schubert et al. 2013, 1). Modern democracy is forced to leap between the Scylla of elitism and Charybdis of ochlocracy (mob rule). In an era when general voting rights have become an obvious standard and any discussions about any type of qualification (property, education, etc.) seem to be inappropriate, the overarching task of modern democracy is to avoid a situation when citizens perceive rights as self-evident, when civic duty is put on the back burner in people's minds, and, instead of debating, all citizens rely on television which manipulates minds and feelings by means of one-way communication.

Several of the above-mentioned matters have been discussed in one form or another since the times when political theory evolved within ancient philosophy as a critical and rational view of politics; yet theoretical problems have been analysed extensively especially since the 19th century when democracy transformed from a more or less theoretical idea into part of the political routine in the Western countries. However, it is the last quarter of the 20th century in particular that stands out in this regard. This can be explained by the dramatic changes witnessed by a great part of the globe during this time period. The year 2014 marks the 25th anniversary since the collapse of the communist system. The collapse began with transformation processes in Hungary and Poland. In this context, it is especially important to mention the beginning of 'Round Table Talks' in Warsaw in February 1989 and the subsequent wave of revolutions in other countries of the so-called 'socialist camp'.

The restructuring of 1989 had its pre-history in Eastern Europe in the events that took place in the Soviet Union within the scope of the *glasnost* ('openness') and *perestroika* ('restructuring') policy initiated by Mikhail Gorbachev, in the 'singing revolutions' in Estonia, Latvia and Lithuania. Not only did the former Eastern European satellites break away from the Soviet Empire as a result, but the Soviet Union ceased to exist at the end of 1991 as well. If one observes the events of 1989 from this perspective, then the period between 1987 and 1991 may certainly be considered as the most important time of change in world history after WWII. The consequences of these events reached into all areas of people's lives, including the way they perceived democracy.

The most important feature of the bipolar world that had existed for 70 years was the contrast between the 'free world' and the 'socialist system'. The collapse of this bipolar world became one

of the key factors that fuelled a sharp increase of interest in the theoretical matters of democracy of the last 25 years of the previous century. A plethora of publications were written covering both traditional topics of the theory of democracy and matters that became topical only during the last decades – ranging from plurality of identities to democracy in the world wide web context.¹

This avalanche-like increase of interest in the topic can be largely explained by the fact that the negative example of the ‘real socialism’ served as a strong reason for legitimizing Western democracy among citizens of Western countries during the Cold War. Along with the collapse of ‘real socialism’, Western democracy required new arguments for substantiating itself. Against the backdrop of the events that took place in 1989, American democracy theorist Francis Fukuyama declared that ‘the end of history’ set in when the communist system collapsed (Fukuyama 1989). Fukuyama came up with quite a free interpretation of Hegel’s idea about the ‘goal of history’ (Hegel 1914, xxxix) which is the rising of the Spirit above the limited understanding of freedom (‘one is free’, ‘some are free’) up to a universal understanding of freedom which manifests itself in the idea that everyone is free (Hegel 1914, 58–59). Certainly, Fukuyama, similarly to Hegel, was not trying to claim that nothing considerable was going to take place in human lives from now on. Hegel argued that it is an accomplishment of modern society that, for the first time in history, political conclusions were drawn based on the Christian truth that all people are equal and free by nature and that freedom of spirit is the key feature of a human being. Fukuyama’s main idea (and hope) was related to unlimited domination of liberal democracy in people’s minds and in political practice since its last remaining principal opponent (following the collapse of totalitarianism as a result of WWII), i.e. Soviet-style communism, had been sent into oblivion.

Historically, democracy evolved in its non-liberal form. For example, ancient democracy considered equality of citizens and political participation as the highest values, viewing the ‘common good’ of the city-state (*polis*) as the highest manifestation of an individual’s moral perfection. However, the idea about citizens’ individual freedom and their inalienable rights was unfamiliar in ancient democracy. The brightest example of ancient democracy – Athenian democracy – was unsurpassed in terms of the political engagement opportunities the free citizens had. However, it provided no political rights for women, slaves or immigrants from other city-states. In other words, democracy was the instrument of power in the hands of the privileged minority. In the modern world, the dominant concept of democracy (at least in the West) closely links democracy with liberal values. Even though various perceptions of democracy (‘models’) exist in contemporary Western political theory, its point of departure is and will remain the inalienable rights of individuals as well as the totality of institutions which ensure these rights. In this sense, all influential modern models of Western democracy may be considered as subspecies of liberal democracy.

However, 25 years after Fukuyama came up with his prophecy one must acknowledge that it has not come true. Positions of liberal democracy nowadays do not seem all that imperturbable. Quite on the contrary, the list of threats to liberal democracy, compared to the situation at the end of the 20th century, has been significantly extended due to internal and external factors.

¹ Birch, A. H. (1993). *The Concepts and Theories of Modern Democracy*. London: Routledge; Christiano, Th. (ed.) (2002). *Philosophy and Democracy*. Oxford: Oxford University Press; Crouch, C. (2004). *Post-democracy*. Cambridge: Polity Press; Dahl, R. A. (2000). *On Democracy*. New Haven: Yale University Press; Gutmann, A., Thompson, D. (2002). *Why Deliberative Democracy?* Princeton: Princeton University Press; Halperin, M. H., Siegle, J. T., Weinstein, M. M. (2005). *The Democracy Advantage: How Democracies Promote Prosperity and Peace*. New York: Routledge (rev. ed. 2011); Held, D. (ed.) (1993). *Prospects for Democracy. North, South, East, West*. Cambridge: Polity Press; Hoeffe, O. (2002). *Demokratie in Zeitalter der Globalisierung*. Muenchen: C.H. Beck; Keane, J. (2009). *The Life and Death of Democracy*. London: Simon & Schuster; Nolte, P. (2012). *Was ist Demokratie? Geschichte und Gegenwart*. Muenchen: C. H. Beck; Ringen, S. (2007). *What Democracy Is For: On Freedom and Moral Government*. Princeton: Princeton University Press; Roemer, J. E. (1993). *The Idea of Democracy*. Cambridge: Cambridge University Press; Young, I. (1993). *Justice and the Politics of Difference*. Princeton, NJ: Princeton University Press.

In its Democracy Index 2008, the Economist Intelligence Unit indicated that a global ebb had set in after the optimistic predictions regarding the development of democracy made in the 1990s, the spreading of democracy has halted in the world, and the stagnation of democracy has been the dominant trend during the recent years (the Economist 2008, 1). Alongside the public discontent regarding austerity measures introduced due to the financial and economic crisis, democratic regimes are witnessing certain destabilization and political polarization whereas radical political groups are becoming increasingly popular in the West. The *Freedom House* democracy index 2012 pointed out that democracy was facing stagnation in the new EU countries (Nations in Transit 2012, 1).

Nowadays it is becoming increasingly apparent that liberal democracy is no longer as attractive outside the Western world as it used to be only some 20 years ago. Economic success achieved by authoritarian regimes (the most vivid examples are China, Singapore and several other ‘tigers’ of the Far East) during recent decades acquires a significant role here. Calls to act in a similar manner are voiced even at the EU member state level – the commitment of Viktor Orbán, the Prime Minister of Hungary, to consider the path taken by China, Singapore, Turkey and Russia as a role model has generated quite a wide range of responses.

The ‘competitive authoritarianism’ regimes, which frequently exploit democracy only as a slogan, have become rather common during recent decades. Elections take place but they change nothing in terms of the distribution of power. Several television channels are broadcast in the country but the government controls all of them and all channels report the same things. Integrated opposition exists within the system, however, it does not even attempt to threaten those who hold the actual power. In turn, the opposition that exists outside the system is weak and fragmented. Society is consolidated in a ‘top-down’ manner, but this does not take place based on democratic values.

Recent events in the Middle East and North Africa have challenged liberal democracy in yet another way. The widespread engagement of the people in the ‘Arab Spring’ events which started in Tunisia in December 2010, covering more or less the entire Middle East and North Africa, did not turn out to be the triumph of liberal democracy. Quite on the contrary: large masses of people engaged in political processes, however, it was not the values of individual freedom, social compromise and tolerance that they treasured, it was the belligerent religious fundamentalism that motivated them instead. The ‘Arab Spring’ was largely followed by the ‘Islamist Winter’, i.e. large-scale violence and general instability in the region, economic and demographic decline as well as religious wars between Sunnis and Shiites. In such a situation, the assuming of office by the armed forces turned out to be the lesser of all evils in several Arab countries.

Does this mean that liberal democracy is irreversibly losing its influence and appeal in the modern world? Paraphrasing the words of Mark Twain, one can say that reports of the death of liberal democracy are greatly exaggerated. Without doubt, liberal democracies are the leaders in the quality of life in the modern world – they have succeeded in ensuring this for the widest range of their citizens’ social groups. Moreover, and more importantly, they boldly assume leading positions in terms of scientific progress and, accordingly, in developing and introducing state-of-the-art technologies. This, in turn, is directly connected to individuals’ level of freedom, level of tolerance and critical self-assessment, which, in principle, only liberal democracy can ensure.

How does one measure and assess democracy?

Attempts to measure and assess the quality of democracy have become some of the most important forms of liberal democracy’s self-criticism in the modern world (Diamond, Morlino 2004, 20). Hardly anyone would disagree that, for example, the UK or Sweden in the 21st century are democratic countries whereas Nazi Germany or Franco’s Spain or, say, the ‘real socialism’ countries of the 1970s–80s were not democratic. Much greater challenges arise when such a juxtaposition is replaced with a task of assessing the level of a democracy’s development, the unsolved issues

and improvement opportunities in the modern developed democratic countries or countries that are in the process of consolidating their democracy. Therefore, assessments of the various levels of democratic development have become quite common during recent decades. These studies may be both comparative and directed at assessing a given society. They may also be focused on quantitative indicators or concentrated around emphasizing the priority of qualitative assessment of the democratization process. Considering the limited length of this Introduction, let us look at only a few of the most typical and well-known studies especially emphasizing the studies that focus on democratization processes in post-Communist countries, including Latvia.

The U.S. based NGO *Freedom House* publishes regular overviews: *Nations in Transit*, (www.freedomhouse.org/research/nattransit.htm) which assess the development of 27 post-Communist countries. In the *Freedom House* approach the democracy development level is assessed from the following aspects: elections and political parties, the rule of law, development of the civic society, the role of the media in the society, composition and the nature of operation of the government and public administration system, combatting corruption and the involvement of the general public in developing its democracy level. In other words, *Freedom House* assessments emphasize the relevance of political and civic rights, yet they do not include social and economic rights concerns despite the fact that the democracy assessments contain such elements as the existence of the free market institutions, which is considered to be a precondition of democracy rather than a feature. *Freedom House* overviews rank Latvia among the top countries of all of those included in its studies. For example, in the 2014 overview (1 being the highest mark and 7 being the lowest) our country scored 2.07 enabling only Slovenia (1.93) and Estonia (1.96) to rank higher, and leaving all the other post-Communist countries behind (see Table 1).

Latvia does not score equally high in overviews based on a broader understanding of democracy. For example, the Economist Intelligence Unit's Index of Democracy (<http://www.eiu.com/public/>), has become widely popular during recent years. This index assesses democracy in 167 countries, except for microstates. It evaluates the state of democracy according to 60 indicators: election process and pluralism, civic freedoms, functioning of the public administration, political participation and political culture. Alongside the quantitative assessment of democracy on a scale from 1–10, this index also evaluates the performance of countries by their affiliation to one of four types of regimes: full democracy, flawed democracy, hybrid regime and authoritarian regime.

Table 1. Democracy level in the post-Socialism countries and former Soviet Republics from 2006–2012 according to *Freedom House* 'Nations in Transit' assessment

(Scale: 1 [highest] to 7 [lowest])

	2006	2008	2010	2012	2014
Estonia	1.96	1.93	1.96	1.93	1.96
Latvia	2.07	2.07	2.18	2.11	2.07
Lithuania	2.21	2.25	2.25	2.29	2.36
Belarus	6.71	6.71	6.50	6.68	6.71
Russia	5.75	5.96	6.14	6.18	6.29
Ukraine	4.21	4.25	4.39	4.82	4.93
Poland	2.14	2.39	2.32	2.14	2.18
Hungary	2.00	2.14	2.39	2.86	2.96
Slovenia	1.75	1.86	1.93	1.89	1.93
Czech Republic	2.25	2.14	2.21	2.18	2.25

Table 2. Democracy level in separate countries from 2006–2012 according to the Economist magazine index (scale: 1–10, including ranking)

	2006	2008	2010	2012
Norway	9.55 (4)	9.68 (2)	9.8 (1)	9.93 (1)
Finland	9.25 (6)	9.25 (6)	9.19 (7)	9.06 (9)
Germany	8.82 (13)	8.82 (13)	8.39 (14)	8.34 (14)
Estonia	7.74 (33)	7.68 (37)	7.68 (33)	7.61 (34)
Latvia	7.37 (43)	7.23 (46)	7.05 (48)	7.05 (47)
Lithuania	7.43 (39)	7.36 (42)	7.24 (41)	7.24 (42)
Poland	7.30 (46)	7.30 (45)	7.05 (48)	7.12 (44)
Hungary	7.53 (38)	7.44 (40)	7.21 (4)	6.96 (49)
Ukraine	6.94 (52)	6.94 (53)	6.30 (67)	5.91 (80)
Russia	5.02 (102)	4.48 (107)	4.26 (107)	3.74 (122)

The index was first published in 2006 and it is updated once every two years. The most recent update of the index for 2012 – the *Democracy at a Standstill* study – states that there are 25 full democracies (where 11.3 % of the world’s population live), 54 flawed democracies (with 37.2 % of the world’s population), 37 countries are hybrid regimes (with 14.4 % of the world’s population), and 51 states, according to the assessment of the Economist magazine, are authoritarian regimes (37.1 % of the world’s population). The index for 2012 indicates a fall in the democracy level in Eastern Europe where 10 out of 28 of the assessed states have witnessed a decline in the previously achieved democracy level. The index also pointed to a gradual drop in the quality of democracy in all of the Baltic States, compared to 2006. The only fact that has remained the same is that Latvia typically receives a lower score for its achievements of democratic processes than Estonia, Lithuania and the majority of post-Communist countries (see Table 2).

Similar trends exist in another democracy assessment that has also become highly popular during recent years. This is the Munich University based Bertelsmann Transformation Index (BTI, <http://www.bti-project.org/bti-home/>). In the mid 1990s, a group of prominent experts developed a conceptual framework for assessing development and transition processes, including such factors as the initial stage of the transition process, its level of difficulty and the development status of individual countries. Altogether 128 countries were selected as the object of assessment; according to the authors, these countries were in the transition process from a centralized economy to a market economy, and from an authoritarian regime to a democratic one. BTI assesses the results of political and economic development as well as the management level of these processes. It applies three groups of criteria for this purpose in order to assess the implementation of the idea of the rule of law, the degree of social responsibility of the economy and the management level of transformation processes. The first group of criteria assesses the stability of statehood, the degree of political participation, the role of law in social processes, the stability of institutions as well as the degree of the society’s political and social integration. The socially responsible economy criteria group assesses the development level of a socially responsible economy and economic performance, market competition layout and protection of private property rights, currency and price stability, scope of individual social rights and the mechanism for protecting them, and, finally, the sustainability of social development. In the area of transformation processes, the degree of difficulty of transformations, the elite’s ability to determine the way towards development, the efficiency of using resources and the elite’s ability to reach public consensus regarding the ways and means for development are assessed. Last but not least, this group of criteria also assesses the state’s

international cooperation efficiency in terms of solving development-related matters. As a result of summarizing these assessments, two indexes – status (S) and management (M) – are shaped within BTI. The status index consists of political transformation and socially responsible economics criteria. The Baltic States, including Latvia, have ranked at the top of the list ever since this index has been published, however, our country typically finds itself in lower positions as opposed to our neighbouring countries (see Table 3).

Considering the fact that the various above-mentioned democracy indexes are based on different ideas of democracy and employ different assessment methods, attempts to provide more complex assessments of the quality of democracy based on combining the assessments acquired from various

Table 3. Assessment of the transformation processes which took place from 2003–2014; Bertelsmann Transformation Index (scale: 1–10, including ranking)

	2003		2006		2008		2010		2012		2014	
	S	M	S	M	S	M	S	M	S	M	S	M
Estonia	9.5 (6)	7.9 (1)	9.3 (2)	7.3 (7)	9.42 (3)	7.43 (2)	9.34 (4)	7.33 (3)	9.4 (3)	7.3 (4)	9.4 (7)	7.3 (4)
Latvia	8.7 (12)	6.3 (21)	8.2 (14)	6.8 (16)	8.6 (13)	6.86 (10)	8.51 (13)	6.68 (13)	8.4 (12)	6.8 (12)	8.4 (12)	6.8 (12)
Lithuania	9.6 (2)	7.7 (2)	9.0 (7)	7.0 (9)	9.16 (6)	6.76 (15)	9.04 (7)	6.91 (10)	9.0 (7)	7.1 (8)	9.0 (7)	7.1 (8)
Hungary	9.7 (1)	6.7 (12)	9.16 (5)	6.81 (15)	9.18 (5)	6.67 (18)	9.00 (8)	6.51 (20)	8.5 (12)	5.5 (48)	8.05 (16)	4.96 (65)
Poland	9.4 (7)	6.6 (14)	8.90 (9)	6.36 (23)	8.76 (11)	5.27 (53)	8.86 (10)	6.52 (19)	9.1 (6)	6.8 (13)	9.16 (5)	7.21 (6)
Ukraine	5.9 (41)	5.1 (39)	6.96 (32)	4.69 (65)	6.93 (35)	5.21 (55)	6.55 (37)	4.92 (66)	6.0 (55)	4.6 (76)	5.89 (57)	4.25 (87)
Russia	6.0 (41)	5.5 (31)	6.18 (47)	3.84 (87)	5.74 (59)	3.84 (98)	5.70 (65)	3.41 (107)	5.7 (60)	4.0 (99)	5.24 (77)	3.9 (104)

Table 4. Dynamics of the quality of democracy from 2008–2012 from the Global Democracy Ranking Project perspective

	2008–2009		2011–2012		Rank change 2008–2012
	Score	Rank	Score	Rank	
Finland	86.0	3	86.7	3	0
UK	80.1	10	79.9	14	-4
Estonia	73.3	22	73.2	22	0
Latvia	69.8	34	69.3	33	+1
Lithuania	71.1	28	71.3	28	0
Poland	70.3	30	71.1	30	0
Moldova	54.4	57	57.8	52	+5
Russia	45.0	90	45.8	95	-5
Ukraine	57.3	53	54.5	63	-10

indexes have evolved during the recent years. One of the most characteristic examples of this approach is the Global Democracy Ranking Project implemented by the University of Klagenfurt (<http://democracyranking.org/>). The index developed within the framework of this project combines evaluation of the state of freedom carried out by the Freedom House with the UN Human Development Index. The Global Democracy Ranking assesses six dimensions of human life from the democracy point of view, focusing on politics (50 % of the assessment) and simultaneously including five other areas of human life on a similar basis: equality, economic life, access to knowledge, health and environment protection. Each of these dimensions constitutes 10 % of the total assessment. The total assessment ranges in a scale from 1–100, where 100 is the highest number of points possible. The Global Democracy Ranking Project especially focuses on the changes in the quality of democracy within a period of one year. The Democracy Improvement Ranking is therefore an integral part of the Project for it ranks countries according to how quickly the quality of its democracy changes, for better or worse. Dynamics of the quality of democracy in Latvia and several other European countries from the Global Democracy Ranking Project perspective are given in Table 4.

The present Audit of Democracy (AoD) of Latvia offered to the reader is based on another methodology as opposed to indexes designed for measuring the quality of democracy mentioned above which are global (or include a very large number of countries) and quantitative. This AoD was developed applying International IDEA methodology that is used for assessing democratic processes in separate countries by means of employing qualitative assessment methods. This methodology was developed at the beginning of the 21st century as a result of British researchers' – David Beetham and Stuart Weir – cooperation with the Centre for Democratisation Studies of the University of Leeds and the Human Rights Centre of the University of Essex. It was pioneered for a democratic audit in the UK. The UK's Audit of Democracy has gradually evolved from a one-off publication to a network of mutually linked structures which continuously engages a wide range of experts and representatives of the society in the assessment of the state of democracy. DA methodology attracted international attention from the start, and it became the basis of the assessments of democracy performed and supported by the Stockholm-based intergovernmental organization the International Institute for Democracy and Electoral Assistance (International IDEA), established in 1995.

IDEA methodology has been applied for assessing the state of democracy in 25 countries since the mid-1990s. It has been used for evaluating the situation in countries which differ greatly in terms of historical traditions, cultural heritage, size and socio-economic development, such as Italy and Kenya, Peru and Bangladesh, Mongolia and New Zealand, El Salvador and India, etc.

IDEA methodology is based on four key premises:

- democracy is a continuous and endless process. Societies with long-standing democratic traditions and societies that have set out on the democratic development path recently have common orientation and values, and they face similar challenges. These challenges may be relevant in one country and more acute in others;
- a common idea of democracy exists and the level of its implementation can be determined according to several criteria that are relevant regardless of the level of a society's development and specific features of cultural traditions;
- local residents and experts are the ones who can judge the state of democracy in their country for they know and understand best its culture, traditions and thinking. The key aim of performing a democratic audit is to stimulate discussion amongst the public on democracy matters and thus facilitate democratization processes;
- in contrast to the methodologies mentioned above, this approach does not compare various societies and countries on the basis of some quantitative indicators. Instead, its aim is provide an 'insider's' assessment of democratic processes emphasizing quantitative evaluation, revealing both achievements and shortcomings in the society's democratic processes, as well as outlining the areas in which these processes are not taking place at a sufficient pace.

Criteria in this evaluation are of essential importance when making quality-oriented assessments. DA combines 'internal' and 'external' criteria. 'Internal' criteria in this case means the 'frame of references' which has been shaped within a society; it consists of a comparison with the situation that existed in the previous years, residents' hopes and expectations in relation to public institutions and procedures, as well as the goals for improving administration processes determined by authorities. 'External' criteria means the comparison with other countries where successful and internationally recognized policy is exercised in respective areas yielding convincing results, as well as criteria formulated in the documents of international organizations. The aim of the assessment is to both provide a 'snapshot' of the state of democracy and outline development trends.

AoD should not be considered as a purely academic activity since the key aim of the audit is to provide the general public and the people professionally engaged in politics with an insight into the challenges the particular society is facing in terms of its democracy's development, leaving the study of causes and effects to in-depth scientific research. Therefore, at the end of each chapter, experts evaluate all of the discussed matters in a scale from 1–5 (from 'very poor' to 'very good'), and give their summary on the set of the addressed issues, formulating their opinion about the greatest achievements and most serious problems as well as offering recommendations for improving the situation in the particular area.

The AoD 'How Democratic is Latvia' published a decade ago was the first systemic assessment of democracy to be performed in any of the post-Communist or post-Soviet countries during the period from the late 1980s to the fundamental transformations which took place in the early 1990s. Financially aided by the newly established Strategic Analysis Committee, an expert group formed back then under the auspices of the Advanced Social and Political Research Institute (ASPRI) of the Faculty of Social Sciences of the University of Latvia engaging well-known political scientists, human rights and media professionals, lawyers, economists and sociologists. A sociological survey was organized by prof. B. Zepa and carried out by the Baltic Institute of Social Studies within the scope of the audit. This survey served as an important source of information and support for the experts' needs. For the first time in our country's history, a systemic and analytic overview of the state of Latvia's democracy was performed within the scope of this AoD. Its aim was to establish and formulate democratic trends, provide a comparatively extensive description of the situation and to outline practical recommendations for improving the situation. Symbolically, this 'inventory' of democracy was launched during the year that was of crucial importance for our country: in 2004, Latvia became a fully-fledged member state of NATO and the European Union. The AoD results were published in a separate book in Latvian (Rozenvalds 2005a) in the spring of 2005 and several months later it was also published in English (Rozenvalds 2005b).

The Latvian DA carried out by Latvian researchers acquired recognition both in Latvia and abroad. Parliamentary groups of the eighth Parliament – *the Saeima* – of the Republic of Latvia were presented with the results of the audit; the conclusions made in the AoD received extensive comments in the Latvian media. Likewise, the copies of the published book did not stay on bookstore shelves for long. Results of the audit are widely used by Latvian social scientists locally and abroad and pupils as well as students in various fields take interest in them. The audit serves as an important source of unbiased information about Latvia in our country's diplomatic missions abroad and as substantial reference material for foreign researchers and diplomats accredited in Latvia.

Two years after publishing the unabridged and voluminous Latvian AoD, a significantly smaller democracy monitoring was carried out and published in Latvian (Rozenvalds 2007a) and English (Rozenvalds 2007b). The aim of this less extensive monitoring was to study the course of democracy processes in a shorter period, establish the areas in which the level of the society's democratization has increased, remained the same or deteriorated during the two years after publishing the AoD.

AoD methodology is continuously being developed along with the acquisition of experience in performing assessments. An international seminar took place in Stockholm in March 2007 and the author of this preface participated. The seminar encompassed discussion on the experience of several

of the countries which had carried out the assessment and the summarizing of recommendations for improving methodology. As a result, David Beetham, Edzia Carvalho, Todd Landman, and Stuart Weir prepared a new version of the assessment methodology published by International IDEA in 2008 (Beetham 2008). The new version of methodology maintained the guidelines set forth in the previous version, simultaneously replacing some chapters, and increasing the total number of chapters.

The new AoD methodology includes 75 questions on various areas of social life, and we have developed the Audit of Democracy of Latvia 2014 based on this methodology. Two fundamental principles shape the understanding of democracy applied in this assessment: people's control over socially significant decisions and political equality, i.e. individuals' opportunities to exercise their civic rights do not depend on their level of welfare, affiliation to one social group or another, sex or ethnic or religious background. In today's society, these principles are implemented through several mediated values (participation, authorizing elected representatives to act on behalf of individuals, representation, officials' accountability, openness, responsiveness of public authorities as well as solidarity between individuals and social groups). Corresponding procedures and institutions exist in democratic societies for implementing these values. In accordance with such an understanding of democracy, IDEA methodology provides for the assessment of the level of democracy in four interlinked blocks.

The first block 'Citizenship, law and rights' includes matters related to the political nation and citizenship (Chapter 1), rule of law (Chapter 2), civic and political rights (Chapter 3), and economic and social rights (Chapter 4).

The second block 'Representative and Responsible Governance' is dedicated to free and fair elections (Chapter 5), the role of political parties in democracy (Chapter 6), efficient and responsible governance (Chapter 7), democratic efficiency of the parliament (Chapter 8), civic control over the armed forces and police (Chapter 9) and integrity (honesty) in social life (Chapter 10).

The third block of the audit 'Civic Society and People's Participation' addresses matters related to the role of media in the society (Chapter 11), political participation (Chapter 12) and decentralization of public administration (Chapter 13).

AoD methodology is suitable for assessing the state of democracy in various countries with different histories, cultural traditions and different socio-economic development levels. However, its global applicability also presents threats: it is possible that certain matters important for a particular society are not reflected in this generalized approach. Such 'blind spots' were established during the course of our previous assessment and in later democracy studies. Therefore, the AoD of 2014 is supplemented with a Sub-Chapter on the totality of individuals' values, attitudes and convictions which shape the basis for the functioning of a political system and which are referred to as 'political culture' in literature (Chapter 14). Democracy is not only about democratic institutions and procedures. Democracy cannot function efficiently if it is not rooted in citizens' conviction. In other words, democracy is not viable without democrats, without people who are convinced that they are capable of influencing political processes in the society, who are willing to respect the rights of other individuals and who are ready for reasonable compromises. The relationship between the two large ethno-linguistic groups in Latvia, i.e. the groups which are mainly distinguished by the language used in everyday life (Latvian or Russian), goes beyond the question of the relationship between the majority of the society and the ethno-cultural, religious and other minorities traditional to democratic theory. Therefore, the Sub-Chapter dedicated to political culture focuses especially on how the reciprocal perception and attitudes of both these groups influence democratic processes in the Latvian state and society.

Considering the continuously increasing impact of international factors on democratic development, assessment of the democracy's international dimensions is an integral part of the AoD. It includes matters related to the influence of external factors on state policy and state support for democratic development abroad (Chapter 15).

A public opinion poll based on evaluation questions (carried out by public opinion research centre SKDS) was conducted within the scope of the project from March–April 2014 as a supplement to the expert assessment.

Funded by the National Research Program ‘National Identity’, an expert group was formed under the auspices of the Advanced Social and Political Research Institute (ASPRI) of the Faculty of Social Sciences (SZF) of the University of Latvia for preparing chapters of AoD 2014. In addition to researchers from the *SZF*, this group also included experts from the Latvian Centre for Human Rights, Centre for Public Policy PROVIDUS, Faculty of Economics and Management of the University of Latvia, and Vidzeme University of Applied Sciences.

Democracy in Latvia: a ten years balance sheet

AoD of 2014 assesses democracy in Latvia over the ten-year period spent as a member state of NATO and the EU. Today it is obvious that both international organizations played a decisive role in the democratization of Latvia’s society; this was most explicit when Latvia was still a candidate state and diligently working on implementing Western partners’ recommendations for improving democratic institutions and procedures. Today one can assert that one of the conclusions drawn in the first AoD of Latvia has been fully confirmed, i.e. that joining NATO and the EU has significantly decreased the influence of negative external factors on the domestic political processes taking place in Latvia. After joining the EU and NATO in 2004, the pace of democratization in Latvia has become significantly slower (the same also holds true for the other participants of the ‘big bang expansion’) for several reasons.

Firstly, the principal work in terms of laying the foundations of democratic procedures and establishing democratic institutions had to be completed before the ‘ribbon-cutting’ in 2004; Latvia succeeded in completing it.

Secondly, democratization requirements of the EU and NATO – such as the commonly known ‘Copenhagen criteria’² – are related to the procedural and institutional aspects of democracy. Latvia and other new member states of the EU and NATO still have a lot to do to transform their societies’ attitudes and value-orientation in order to adhere to Western standards. This process, in turn, is much slower and complicated.

Thirdly, joining of ‘the club’ inevitably changed the attitude of the political elite and of a large part of the society in Latvia towards suggestions from the outside and also reduced their openness to recommendations coming from Western partners.

According to expert assessments, during recent years Latvia has made progress towards democratization in several domains. Continuous progress is being made in terms of achieving greater openness on the part of the legislator, government and public authorities towards the society, which was emphasized ten years ago, thoroughly regulating the society’s opportunities to participate in public administration and ensuring people’s rights to receive information from public authorities. Courts in Latvia are independent from interference in administration of justice, and the lengthiness of court proceedings has ceased to be the uncontested weak spot of the entire judicial system. Slowly but surely, the society’s trust in courts is increasing. The population in Latvia does not encounter unreasonable restrictions in terms of freedom of assembly and expressing their opinions. This is strengthened by the positive judicial practice in these matters.

The state of Latvia has made significant progress in the field of aligning its legislation with the European standards in various areas of life: notable achievements have been made in improving the

² In 1993, the EU Summit in Copenhagen formulated the criteria that all the countries which wish to join the EU must meet. These rules, inter alia, provide for respecting stable democratic institutions, the rule of law, and human and minority rights. See: http://europa.eu/rapid/press-release_DOC-93-3_en.htm?locale=en

regulatory framework related to pre-election campaigns and political party funding; anti-corruption legislation has been designed in accordance with international standards. In general, Latvia has strong municipalities which enjoy a comparatively high level of trust from the society, and a wide, active and dynamic spectrum of NGOs. During recent years, important steps have been made towards strengthening civic ties with those residents of Latvia who were born in non-citizen families as well as towards permitting the acquisition of dual citizenship for those who have chosen to leave for Western countries in order to seek a better life.

Experts engaged in the assessment also identified a range of problems and shortcomings in the course of democratic processes. As already mentioned, Latvia has made significant investments during the recent years in strengthening the formal and institutional framework of its democracy as well as in strengthening the judicial system and the rule of law. However, there is still much room for growth. Certain shortcomings existing in the legislation enable political parties to circumvent the restrictions of activity set forth in laws using other organizations for purely political purposes. Unlawful aiding of political parties from abroad has not been eliminated. Police brutality against detainees and non-compliant conditions in outdated penal institutions are still current issues. Latvia still has not established an independent state authority for monitoring enforcement institutions and eliminating potential human rights violations within these institutions. The inability to litigate complicated criminal actions on corruption within a reasonable timeframe undermines the prestige of enforcement institutions. An excessively large regulatory framework on the autonomous competencies of municipalities exists, and it is constantly increasing. In general, assessments of the effects of policies and programming documents are carried out formally and insufficiently. As a result, policy shapers and the society do not have access to comprehensive information about the successes and failures the implemented policies have faced. Finally, disparities evolve in the relationships between the major Latvian state institutions. They take the shape of the Parliament's increasing dependence on the executive power which, as a result, decreases the legislator's autonomy.

During the ten years of being a member state of the EU and NATO, Latvia has still not made the expected progress in solving at least three fundamentally important issues for the society in Latvia.

Firstly, the disproportionately large socio-economic inequality, which has increased dramatically after the re-instatement of independence and resulted in only a small part of the society being able to fully enjoy the achievements of the Latvian society's modernization process. The state lacks strategic approach to solving social issues. Political decision making in terms of determining social benefits, minimum pensions and wages takes place in a situational and voluntary manner, instead of being based on methodologically grounded criteria. State funding in the field of public health protection is inadequate. Uncertainty about the funding mechanism in the healthcare system has persisted for a catastrophic length of time amongst both population and healthcare professionals.

Secondly, alienation between the holders of power and the general public still exists. Estrangement from democratic institutions is increasing in a significant part of the society. Participation in elections has decreased notably. This, in turn, gives rise to the question of the level of legitimacy of the political regime existing in Latvia. The effects of the recently completed administrative territory reforms which resulted in a significant decrease of the number of municipalities whilst simultaneously increasing their size, cannot be evaluated unequivocally from a democratic point of view. Polls suggest that the number of residents in Latvia who think they can influence the decisions adopted by municipalities has notably decreased during recent years. Relying on the influence of a strong leader generally dominates in the society, and, in relation to self-assessment in terms of the effectiveness of public participation, this manifests itself in the perception that democracy is exercised as an asymmetric communication process in which the public has vast opportunities to express its opinion, yet where no feedback follows from the political elite. Therefore, faith in one's abilities decreases and the residents' desire and willingness to participate in politics reduces accordingly. Only one tenth of the respondents who participated in the poll necessary for the assessment admitted

that, apart from voting in elections and referendums, they also engage in other attempts to influence political decisions.

Thirdly, the state has not succeeded in settling relations between the major ethno-linguistic groups in Latvia during the last ten years. The number of permanent residents who possess neither the Latvian nor another country's citizenship is disproportionately high in Latvia. Furthermore, the vast majority of these residents belong to the Russian-speaking ethno-linguistic group. Little has been done during the recent years to facilitate constructive political participation among the representatives of this group (for example, through participation in municipal elections, rights to collective applications, etc.). The state's insufficient attention to providing a flow of information aimed at the Russian-speaking residents of Latvia, in combination with the increase of the influence of private and state-controlled Russian media in the Latvian information space, deepens the formerly identified co-existence of two information spaces in Latvia. According to the results of the poll conducted for the purpose of the assessment, 77.8 % of the respondents who speak Latvian at home watch either only Latvian television channels or they watch Latvian television channels more frequently than Russian ones. Conversely, such a practice is characteristic of only 8.7 % of the Russian-speaking respondents. The poll suggests that 84.1 % of the Russian-speaking respondents watch only Russian television channels or they watch Russian television channels more frequently than Latvian ones. The proportion of Latvian-speaking respondents with such television watching habits is 15.2 % (DA 2014). Results of the poll also give grounds to claim that the society's mood in terms of mutual relations between the ethno-linguistic communities is more moderate and aimed towards compromise than the mood existing in the political elite. Use of the breakdown of the political spectrum according to ethnic features in order to achieve political goals has become regular practice in the political elite. This, in turn, raises the question of the political elite's accountability before the public regarding such an ethno-political arrangement in Latvia which would ensure preservation and development of the Latvian culture, simultaneously facilitating civic peace. Considering the recent events in and around Ukraine, implementation of such a task becomes a substantial condition in the context of Latvia's security.

To conclude this brief insight into the conclusions made by the experts of Latvia's Audit of Democracy 2014, one must point out two other sets of issues that are essential for successful development of modern democracy.

Firstly, it is the media which are sometimes referred to as 'the fourth estate': they play an important role in controlling the holders of power and keeping up a democratic discourse in the public. The authors of the audit point out that a broad range of opinions exists in the media system in Latvia. Meanwhile, several trends raise concerns. Information retrieved on the internet and especially *twitter* and social media, frequently lacks the depth of analysis and reliability of sources. Clashes between radically opposite opinions do not leave room for a rational dialogue based on arguments and deliberative discussions. Hate speech and informative noise reduce the opportunities to discuss and analyse issues and opposite opinions rationally. Simultaneously, existing changes in the structure of the media owners in Latvia and the decrease in the number of periodicals reduce the pluralism of opinions in mass media. It is difficult to cover the costs of creating high quality content and investigative journalism in the small market conditions that exist in Latvia, therefore active audiences do not have sufficient access to this type of content. Conversely, lack of high quality, socially active, political information may negatively influence the formation of 'enlightened understanding' (expression used by democracy theorist Robert Dahl who died this year at the age of 98) among voters, politicians and administrative bodies (Dahl, 1989, 111–112).

The next group of issues is the international dimension of democracy where the interlinked aspect of democracy assessments manifests itself in terms of how external policy decisions are accepted by the public, how important solidarity values are for the society and how willing it is to invest means and effort in supporting democracy in other countries. During the past ten years, substantial progress has been made in decreasing the gap between external policy makers and the

public and in reducing the external policy's isolation from other areas of life (economy, culture, social sphere). The Ministry of Foreign Affairs of the Republic of Latvia exercises public diplomacy and uses social media to inform the public about current foreign policy matters to a significantly greater extent than previously. Along with establishing the tradition of foreign policy debates, public discussions about foreign policy matters have become more regular thus informing the public and contributing to strengthening uniformity of the foreign policy. At the same time, it must be pointed out that although supporting democracy in other countries has become an important priority of the Latvian foreign policy during the last ten years, practical support has not always been sufficient and the bilateral development aid provided by Latvia substantially falls behind the performance of Estonia and Lithuania in this regard. The importance of supporting democracy in non-democratic countries where Latvian entrepreneurs have businesses is still under-valued. Acceptance of the authoritarian regimes' 'rules of the game' may result in a rebound in the long-run which may be harmful for both the entrepreneurs' interests and the image of Latvia as a democratic country.

The authors of the second Audit of Democracy of Latvia hereby deliver their study to the readers. Although this book has turned out to be voluminous, the experts are aware that it was impossible to include all nuances of the society's democratization process in Latvia. Moreover, at the end of the day, it is not necessary. We will consider our task accomplished if the chapters of the audit and the appended sociological survey materials encourage discussions, deepen awareness and facilitate synergies between citizens in order to promote democratization of the society in Latvia.

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Internet resources

Bertelsmann Transformation index website: <http://www.bti-project.org/bti-home/>

The Economist Intelligence Unit's Index of Democracy website: <http://www.eiu.com/public/>

Global Democracy Ranking website: <http://democracyranking.org/>

Nations in Transit website: www.freedomhouse.org/research/nattransit.htm

I

**CITIZENSHIP,
LAW AND RIGHTS**

1. NATIONHOOD AND CITIZENSHIP

Sigita Zankovska-Odiņa, Boriss Kolčanovs

Is there public agreement on a common citizenship without discrimination?

1.1. How inclusive is the political nation and state citizenship of all who live within the territory?

In Latvia, the Citizenship Law of 1994 sets forth the scope of citizens and the procedure for acquiring citizenship (through registration, naturalization or on special merit). The Law had not been amended since 1998 when, as a result of a referendum, amendments were introduced bringing an end to ‘naturalization windows’ and establishing the right of non-citizens’ children born after 21 August 1991 to be registered as citizens (LR Saeima (*Saeima of the Republic of Latvia*) 1998). Therefore, the amendments to the Citizenship Law adopted on 9 May 2013 are considered to be the most extensive ones in the history of this Law and, considering the development trends in Europe, they substantially expanded the scope of applicability regarding dual citizenship, and facilitated the registration procedure of non-citizens’ children.

The Law on the Status of Former USSR Citizens Who are not Citizens of Latvia or Any Other State establishes a special non-citizen status for the persons whose place of residence before 1 July 1992 was the territory of Latvia; the Law applied the same status to the children of these persons if they did not have any other citizenship (LR Saeima 1995). On 1 January 2014, the number of non-citizens was 282 876, i.e. 13.0 % of all of the population of Latvia (LR PMLP (*Office of Citizenship and Migration Affairs of the Republic of Latvia*) 2014a).

The Immigration Law defines the status of the persons who are not citizens of Latvia or who are non-citizens of Latvia and who have the right to permanent residence in Latvia. This law lays down principal procedural provisions for foreigners’ entry and residence. Passed on 22 April 2010, amendments to the Immigration Law introduced the following regulations: citizens of third countries are eligible for temporary residence permits of up to five years if they invest a certain amount of funds (in business ventures, real estate or credit institutions). These amendments caused considerable discussion among political actors. Altogether 72 581 foreigners were registered in Latvia as of 1 January 2014; 48,724 of them possessed permanent residence permits and another 23 857 had been granted temporary residence permits, including 7 367 persons who had used the opportunity to acquire temporary residence permits through making investments (LR PMLP 2014b). However, the Office of Citizenship and Migration Affairs (PMLP) points out that only 10–15 % of all investors stay in Latvia as permanent residents (Lukša 2014).

The rights of persons to claim asylum, acquire refugee status or alternative status, or receive temporary protection in the Republic of Latvia are set forth in the Asylum Law (LR Saeima 2009a). In turn, the Law on Stateless Persons defines the legal status of stateless individuals and lays down their rights and obligations (LR Saeima 2004). Of the 935 persons who had applied for asylum in Latvia during the reporting period (i.e., 2005–2014), 54 individuals were granted refugee status and 95 individuals were granted alternative status (LR PMLP 2014c). As of 1 January 2014, 176 individuals had been granted the stateless person’s status in Latvia (LR PMLP 2014a).

Amendments to the Citizenship Law

A working group from the Ministry of Justice (2005) and the political party TB/LNNK (in 2006) drafted proposals for the amendments to the Citizenship Law stipulating that citizenship would be granted only on individual basis and through individual parliamentary decisions. These amendments also specified that non-citizens' children would be registered as citizens only if they acquired education in the Latvian language. Still, the amendments to the Citizenship Law developed by the Ministry of Justice, stating that one of the criteria for assessing the persons who wish to acquire citizenship through naturalization must be loyalty towards the state, generated the most heated debates among lawyers, experts as well as minority population and Russian-speaking media. Similarly, these amendments prescribed that the government be the institution to decide upon the rejection of citizenship applications and that this decision would be considered as a political resolution, therefore not eligible for appeal in court. If such amendments were adopted, they would contradict the European Convention on Nationality adopted by the Council of Europe. According to the Convention, decisions on the rejection of citizenship must be substantiated in writing and appealable (EP 1997) thus reducing the role of subjective factors in terms of the executive power's institutions' influence on the content of decisions. None of the previously mentioned amendments was adopted. Importantly, the amendments were drafted when, in 2004, for the first time in the history of naturalization, citizenship was refused to Yuri Petropavlovsky, leader of the Russian School Defence Staff (political party 'For Human Rights in United Latvia'). The rejection was substantiated with the fact that 'Petropavlovsky's conduct does not comply with the oath of loyalty towards Latvia' (LETA 2004). Being unable to achieve revocation of the decision in Latvian courts (LR AT 2006), Petropavlovsky filed a complaint with the European Court of Human Rights which has not yet ruled on the case (ECHR 2008).

Along with mass emigration of the population and demographic changes in Latvia, the matter of maintaining and increasing the number of citizens became increasingly relevant. Considering that the Latvian Citizenship Law was based on the principle of prohibiting dual citizenship (LR Saeima 1994), the existing Law was incapable of ensuring maintenance of an efficient legal link between Latvia and emigrant citizens and their offspring who had been born abroad and acquired citizenship of another country (Krūma 2006). Several legal experts have stated that, in this regard, the Latvian Citizenship Law corresponded neither to the socio-economic reality nor to the developments of the regulatory framework in citizenship matters in Europe where the number of jurisdictions that provide for automatic loss of citizenship in the event of voluntarily acquiring citizenship in another country shows a steadily decreasing trend. Such a trend is especially clear in the countries that have witnessed mass emigration (Litvins, Pleps 2012). Similarly, in its judgement of 13 May 2010, the Constitutional Court expressed a positive stance towards admissibility of dual citizenship. However, it also pointed out that 'the issue of dual citizenship is essentially political and it is not an issue whose resolution can be based on legal considerations' (ST 2010).

Another issue that remained topical was the necessity to review the provisions which regulated the recognition of non-citizens' children born after 21 August 1991 as citizens. Organizations such as the Council of Europe, Organization for Security and Co-operation in Europe (OSCE), European Commission against Racism and Intolerance (ECRI) and the UN High Commissioner for Refugees have also pointed out to Latvia that tackling the issue of children who are non-citizens should be a priority. Automatic granting of citizenship to the children of stateless persons and non-citizens would comply with the requirements set forth in both the UN Convention on the Reduction of Statelessness and the UN Convention on the Rights of the Child; the latter specifies that children are entitled to acquire citizenship from the moment they are born (UNHCR 2012). Even though the UN Human Rights Committee has confirmed that the state does not have the responsibility to grant citizenship to every child born in its territory, countries are nevertheless obliged to employ any reasonable measures – internally or in cooperation with other countries – to ensure that children have citizenship after their birth (UNHRC 1989). Thus, children constitute a special group that is eligible to a more favourable treatment in terms of acquiring citizenship (NEP 2012, 8).

In 2011, in order to address both of these matters, Valdis Zatlers, the then president of Latvia, as well as two of the parliamentary parties (National Alliance 'All for Latvia!' – 'For Fatherland and Freedom/LNNK' (*Nacionālā apvienība „Visu Latvijai” – ‘Tēvzemei un Brīvībai’/LNNK*) and the Unity Party (*Vienotība*)), submitted amendments to the Citizenship Law to the *Saeima* (the Latvian Parliament). Unlike the parties' proposals which only provided for extending the list of cases when the state of Latvia permits its citizens to have dual citizenship, the amendments proposed by the president also included automatic granting of citizenship to the children of stateless persons and non-citizens born after 21 August 1991. The latter would thus replace the obligation to submit an application for citizenship with the right to give up another citizenship in accordance with the procedure established by the Cabinet of Ministers (LR Valsts prezidenta kanceleja 2011).

After two years of work, the amendments to the Citizenship Law were adopted by the *Saeima* on 9 May 2013 (LR Saeima 2013). The Law was supplemented with Article 1 laying down the aim of the Law that had previously not been defined before. Along with the adoption of amendments, the Citizenship Law became the first and, so far, the only Law which enshrines the concept of an *indigenous majority population*. Until then, the concept of the indigenous majority population was included in the Guidelines for National Identity, Civil society and Integration for 2012–2018 (Guidelines) adopted on 20 October 2011. In accordance with the Guidelines, the indigenous majority population is the 'nation which has established its nation-state and determines its national cultural identity. Latvians are the indigenous majority population of Latvia' (Guidelines 2011). Furthermore, the Guidelines state that the Latvian indigenous majority population form the Latvian nation together with minorities, and the Latvian identity – i.e. the Latvian language, culture and social memory – unify the entire Latvian nation (more information on Guidelines is provided in Section 1.2 *How far are cultural differences acknowledged, and how well are the minorities protected?*).

In the context of dual citizenship, these amendments allow for Latvian citizenship to be maintained for the citizens who acquire citizenship of a member state of the European Union (EU), the European Free Trade Association (EFTA), NATO, or of Australia, New Zealand or Brazil. Similarly, those citizens who acquire citizenship of a country with whom Latvia has concluded an agreement on the recognition of dual citizenship are eligible for dual citizenship. Despite the Harmony Centre Party (*Saskaņas Centrs*) proposing, during the review of the amendments, to replace EFTA with the Council of Europe, thus also including Russia, Ukraine and Georgia in the list of recognized countries, other parliamentary groups did not support this proposal (LETA 2012a). The persons who acquire citizenship of countries not mentioned previously would also be able to preserve Latvian citizenship if they receive a permission of the Cabinet of Ministers to maintain their citizenship in relation to substantial interests of the state. Likewise, the amendments detail that ethnic Latvians and Livs would also be recognized as citizens of Latvia if they can prove the following: 1) their ancestor permanently lived in the territory of Latvia in 1881 or later; 2) their Latvian language skills; 3) their affiliation to the indigenous majority population or autochthons population. Latvia's exiles and their offsprings can also register as citizens of Latvia.

As a result of the introduced amendments, non-citizens' children are not granted citizenship automatically. However, recognizing a child as a citizen of Latvia takes place simultaneously with the registration of the child's birth on the basis of the will expressed by one of the parents. This condition strengthened the procedure established in the Cabinet Regulations adopted on 5 July 2011; these Regulations stated that applications for the recognition of a child as a citizen of Latvia may henceforth be submitted with the territorial division of the Office of Citizenship and Migration Affairs (PMLP) as well as at the registry office when registering a child's birth (LR MK 2011a). If a child is not registered as a citizen on the basis of the will of one of the parents at the same time as its birth is registered, then it is still possible to register the child as a citizen up to its 15th birthday. This was the means of minimizing one of the major obstacles which had previously restricted children's opportunities to acquire Latvian citizenship where both parents are identified on the birth certificate but at least one of the following conditions exists regarding one of the parents: he/she

refuses to sign the application, is abroad or his/her place of residence is unknown. Conversely, after reaching the age of 15, children can apply by themselves to be recognized as citizens of Latvia.

Although the Reform Party (*Reformu partija*) and the Harmony Centre party initially attempted to achieve automatic granting of citizenship to non-citizens' children, the remaining three parties represented at the *Saeima* did not support this initiative. At the same time, the *Saeima* put an end to the requirement for non-citizens to 'confirm that they will commit to helping their children acquire the Latvian language as the official language and instil in them respect and loyalty towards Latvia' which had been approved in the second reading. The *Saeima* Legal Affairs Committee abrogated this requirement after receiving a request from the Minister for Foreign Affairs with respect to the letter received from Knut Vollebaek, High Commissioner on National Minorities (LETA 2012c). The Minister pointed out that 'the parents of these children face legally unverifiable requirements which no other group of citizenship applicants or citizens have to face' (TVNET 2012).

While the new amendments substantially ease registration of children, they do not lay down other measures for reducing the still substantial number of non-citizen children in the state. As of 1 January 2014, 9,000 non-citizen children under 18 years of age, i.e. 0.4 % of the population, were registered in Latvia. Conversely, the total number of non-citizen children born after 21 August 1991 was 12 600 as of 1 January 2014 (PMLP 2014). Although the data of the Naturalization Board suggests that the number of citizens among the non-citizens' new-born children has increased significantly following the introduction of the amendments (for example, during the first two months of 2014, 88 % of non-citizens' new-born children were registered citizens of Latvia [PMLP 2014]), the state should think about ways to facilitate the acquisition of citizenship for the more than 7000 children who are currently younger than 15 and who may be registered as Latvian citizens, provided that they permanently live in Latvia and that their parents wish to apply for it.

The amendments also clarify the procedure for revocation and renewal of Latvian citizenship, refusal of citizenship and naturalization. Likewise, the amendments lay down new naturalization restrictions and set forth broader governmental powers in relation to decisions that result in a refusal to grant citizenship. For example, it is stated that admission to Latvian citizenship is refused to persons if they have failed to settle their tax payments or other payment liabilities towards the state of Latvia, or if they are linked to money laundering. Conversely, the Cabinet of Ministers may refuse to grant citizenship to a person who 'by his or her behaviour or actions causes threats to the security of the State of Latvia and the public order, democratic constitutional order of the State, independence and territorial immunity of the state. The Cabinet decision shall not be subject to appeal' (LR Saeima 1994, Section 17, Paragraph 6). Thus, decisions on refusing citizenship, adopted by courts in accordance with the previous legislation, are now adopted by the government, and they cannot be appealed. The Advisory Committee of the Council of Europe expressed criticism towards such an approach (EP 2013, 15). In its recitals concerning the amendments to the Citizenship Law of Latvia, the International and European Legal Expert Council previously pointed out that Latvia has signed the European Convention on Nationality which lays down opportunities to appeal and specifies that decisions must be legally grounded, therefore 'the Citizenship Law should find balance between the freedom of action and individuals' abilities to defend their rights against arbitrary decisions' (NEP 2012, 4).

Referendum on the amendments to the Citizenship Law

In early 2012, the movement For Equal Rights (*Par vienlīdzīgām tiesībām*) started collecting residents' signatures in order to introduce amendments to the Citizenship Law that would provide for the granting of citizenship to all non-citizens. The amendments prepared by the movement stated that citizens who do not submit an application on the preservation of a non-citizen's status before 30 November 2013 in accordance with the procedure established by the Cabinet of Ministers shall be considered as citizens of Latvia from 1 January 2014 onwards. Likewise, the transitional provisions

declare that the Office of Citizenship and Migration Affairs shall send people special confirmations which certify that they have become citizens, and as of 1 January 2014 non-citizens' passports shall be treated as Latvian citizens' passports if their holders can present such certificates (CVK 2012a). The necessary number of signatures (12 686 signatures instead of the minimum requirement of 10 000) was collected by September, and the draft law was submitted to the Central Election Commission (CEC) on 4 September in order to organize the second round of collecting signatures.

This was not the first time that a political actor had attempted to obtain granting of citizenship to all non-citizens. On 11 December 2008, the *Saeima* rejected the draft law on recognizing non-citizens as Latvian citizens prepared by the political organization 'For Human Rights in United Latvia' („*Par cilvēka tiesībām vienotā Latvijā*”) (PCTVL). MPs from the PCTVL party called for recognizing as citizens those non-citizens who were born in Latvia or the non-citizens who had reached the age of 60.

The initiative on collecting signatures stirred up extensive discussions among politicians and experts about both – the compliance of the drafted amendments with Article 78 of the Latvian Constitution – *Satversme*,¹ which specifies that draft amendments to laws must be developed fully, as well as the compliance of the proposed amendments with the principle of Latvia's continuity and with the core of the Constitution. Being aware of the political sensitivity of this matter, subsequently amplified by the referendum of 18 February 2012 on the Russian language as the second official language (for more detailed information on this topic, see Section 1.3 *How much consensus is there on state boundaries and constitutional arrangements?*), and considering the discussions about the necessity to define the unamendable core of the Constitution, the Central Election Committee (CEC), having received the collected signatures, resolved to turn to several state institutions and universities requesting them² to provide an opinion on whether the draft law 'Amendments to the Citizenship Law' on granting citizenship automatically to non-citizens submitted by the voters should be considered as fully developed and whether there was due reason for initiating a collection of signatures.

This was the first time that the expression 'fully developed' was to be assessed not from a quality perspective, i.e. does it state clearly what should be changed in which law, but from a substance perspective, i.e. whether it jeopardizes Latvia's statehood and whether it contradicts the interests of Latvia. The majority of opinions stated that the draft law could not be regarded as fully developed, and thus it does not meet the requirements set forth in Article 78 of the Constitution. Similarly, several institutions pointed out that the submitted amendments are in conflict with the doctrine of continuity of state and, correspondingly, contradict Articles 1 and 2 of the Constitution as well as Latvia's international rights (CVK 2012b). Based on the opinions received, CEC made the decision to refrain from announcing the second round of signature collection on 1 November 2012 stating that the proposal 'has not been developed fully'. Another argument why amendments to the law were not submitted to referendum was that they were alleged to be non-compliant with Article 2 of the Constitution and with the Declaration of 4 May 1990; moreover, they would also substantially expand the scope of citizens and would prompt one to question the continuity of the Republic of Latvia (CVK 2012d). Several experts have admitted that the actions of CEC in assessing

¹ Article 78 of the Constitution lays down: 'Not less than one-tenth of the electors shall have the right to submit to the President of State a fully elaborated draft for the amendment of the Constitution or the draft law, which shall be submitted to the *Saeima* by the President. If the *Saeima* does not adopt this draft law without substantial amendments, it shall be submitted to a referendum.' Source: <http://www.likumi.lv/doc.php?id=57980>

² Chancery of the President, *Saeima* Legal Affairs Office, Ministry of Justice, Ministry of Interior, Ministry of Foreign Affairs, the Ombudsman, Constitutional Law Department of the Faculty of Law of the University of Latvia, International and European Law Department of the Faculty of Law of the University of Latvia, Faculty of Law of the Rīga Stradiņš University, Rīga Graduate School of Law, international law expert Mārtiņš Pāparinskis.

the submitted draft law on its merits (content) and the subsequently adopted decision have created a precedent that, in the future, may restrict any citizens' initiative that creates controversy in the society and among the politicians (LETA 2012b; BNS 2012).

Several individuals filed claims in court to contest the decision of CEC. On 12 February 2014, the Department of Administrative Cases of the Supreme Court passed a judgement dismissing the application requesting to render the resolution of the CEC of 1 November 2012 null and void, and recognizing non-conformity of the draft law with the Constitution and the doctrine of continuity. The court acknowledged that 'Latvia has, so far, abided consistently by the doctrine of continuity in terms of settling the matter on Latvian citizenship and on the status of the nationals of the occupying state who arrived in Latvia as a result of occupation, and remained there after the state had been restored. In other words, citizenship has been acknowledged regarding the individuals who belonged to the initial composition of Latvian citizens that continued to exist despite occupation. Conversely, citizenship was not granted to those residents (mainly citizens of the former USSR) who did not belong to the initial composition of Latvian citizens. However, they are granted a special and secure status which meets the international and Latvian human rights standards, as well as the right to be naturalized through a general naturalization procedure' (LR AT 2014).

The course of naturalization

According to the Population Register data, as of 1 January 2014, 83.6 % of Latvia's residents were Latvian citizens, whereas the number of non-citizens was 282 876, i.e. 13.0 % of the entire population of Latvia. For the sake of comparison – in 1995, when the naturalization process was launched, the number of non-citizens was approximately 730 000 (29 %). According to the information summarized by the Naturalization Board (NP), the number of non-citizens decreased by 15 000 per year between 2009 and 2014. However, only 19–29 % of them have become Latvian citizens. Considering that the largest proportion of non-citizens are aged 51 or older, one of the factors that has influenced the decrease of the proportion of non-citizens is death. Similarly, emigration and acquiring citizenship of another country has influenced the decrease in the number of non-citizens (PMLP 2014b). Thus, out of 5,972 residents who submitted their applications for renouncing their non-citizen's status in 2010, 5,763 had become citizens of Russia. Although the number of non-citizens who acquire citizenship of another country decreased during the following years, this trend still exists, and PMLP continues to review approximately 3,000 applications every year from individuals, including Latvian citizens, who have acquired citizenship of another country.³ Such a rapid increase mainly in the number of citizens of Russia raises questions on the efficiency of the naturalization policy and the influence of the recently dominant national political rhetoric about non-citizens' opting for the citizenship of another country. Likewise, the issue of the increase in the number of citizens of Russia, especially after the events in Ukraine, should be viewed in the context of national security.

Up to 1 January 2014, 141 618 persons, of which 14 288 of their underage children, had acquired Latvian citizenship through naturalization. Between 1999 and 2006, the number of naturalized individuals exceeded 10 000–15 000 per year (19 169 in 2005) whereas the number of citizens of the Republic of Latvia who acquired citizenship through naturalization reached its lowest point in 2013 when the number of naturalized persons was below two thousand (1 732). The number of applications received in 2013 was also by far the lowest at only 1 939 (PMLP (*Office of Citizenship and Migration Affairs – OCMA*) 2014c). Thus, insufficient motivation on the part of non-citizens to acquire Latvian citizenship should still be considered as a serious obstacle for addressing the

³ According to the data of PMLP, 3 134 persons had given up their status as a non-citizen of Latvia (incl. 2 884 who had acquired the citizenship of Russia) in 2011; 2 964 persons (incl. 2 964 who had acquired the citizenship of Russia) in 2012; 3 217 persons (incl. 3 068 who had acquired the citizenship of Russia). Source: Information provided to Latvian Centre for Human Rights by OCMA on 14 April 2014.

issue of citizenship. According to the study conducted by OCMA in 2014, non-citizens' contentment with their current status has increased, and non-citizens are still hoping that the naturalization process will be made easier (PMLP 2014d). Naturalization applications are mostly submitted by young people aged 18–30 (on average, 33.5 % of all applicants for citizenship; 39.5 % in 2013) whereas they are least frequently submitted by residents aged over 60 (on average, 6.6 % of all applicants for citizenship; 7.6 % in 2013). Similarly, women (an average of 63.1 % of all applicants for citizenship), Russians (an average of 68.1 % of all applicants for citizenship), and people who have acquired secondary education (an average of 50.7 % of all applicants for citizenship) have submitted significantly so far. Since launching the naturalization process, 830 persons have been refused Latvian citizenship mainly because they had been convicted for criminal offences.

In general, one must conclude that the legislation in Latvia in the field of citizenship complies with international standards and development trends existing in Europe, thus allowing for the population of Latvian citizens to remain stable in a climate of continuously increasing mobility. However, the notable number of non-citizens and the low prestige of citizenship (which, in separate cases, is not facilitated by the politicians' exclusionary rhetoric on the lack of loyalty among the new citizens) suggests that part of the society in Latvia is still denied fully-fledged political participation opportunities.

1.2. How far are cultural differences acknowledged, and how well are the minorities and vulnerable social groups protected?

The 2011 Census data shows that representatives of more than 170 nationalities live in Latvia, yet the majority of the population (96.7 %) belongs to the five largest ethnic groups: Latvians (62.1 %), Russians (26.9 %), Belarussians (3.3 %), Ukrainians (2.2 %) and Poles (2.2 %) (LR CSP (*Central Statistical Bureau of the Republic of Latvia*) 2012). Compared to the previous Census, Latvians are the only ethnic group whose proportion has increased from 57.7 % in 2000 to 62.1 % in 2011. Considering that Russian is the mother tongue of a large part of ethnic minorities, including Russians, Byelorussians, Ukrainians, Jews, etc., ethno-linguistic background frequently plays a much greater role than nationality in public integration and collective identity shaping processes. According to the data acquired during the Census, 62.1 % of the population mostly speak Latvian whereas 37.2 % speak Russian, and only 0.7 % speak another language (Belarusian, Ukrainian, Polish, Lithuanian, etc.) at home. In turn, the Latvian vernacular – Latgalian – is used by 8.8 % of the population in everyday life (LR CSP 2013).

The Council of Europe's Framework Convention for the Protection of National Minorities

Provisions for the recognition and guarantee of minority rights are included in both the Constitution (Article 114) and a special law adopted in 1990 (LR AP 1991). However, the Framework Convention for the Protection of National Minorities ratified by the Council of Europe in 2005 plays a greater role in protecting minorities' rights (LR Saeima 2005; the Latvian government signed the Convention on 11 May 1995).

The Convention is the first legally binding extensive document dedicated to the general protection of national minorities in the history of protecting national minorities' rights. The Convention includes program-type provisions that cannot be observed directly. Thus, countries enjoy freedom in terms of achieving pre-established goals as well as observing their specific conditions and needs. Since neither the effective legislation of Latvia nor the Convention defines the term 'national minorities', the *Saeima* resolved that only those citizens who have traditionally lived in Latvia for generations consider themselves affiliated to the Latvian state and society and wish to preserve and develop their culture, religion and language can belong to minority nationalities. This definition narrows

the range of people who formally belong to national minorities since it does not include non-citizens, and it distinguishes pre-war citizens and their offspring from those who acquire citizenship through naturalization. At the same time, the state recognizes that individuals who belong to national minorities, and identify themselves as national minorities in accordance with this definition, may exercise the rights stated in the Convention, unless the law lays down exclusions. Although the Advisory Committee responsible for the implementation of the Convention welcomed Latvia's flexible approach, it stated the following in its first report on Latvia: 'Given Latvia's historical and political background, the Advisory Committee is of the opinion that the citizenship criterion, which was introduced to define the scope of the rights granted to persons belonging to national minorities, raises more problems than in other national situations and could therefore be replaced by other criteria, such as permanent and legal residence in the country' (EP 2008, 16).

The Advisory Committee expressed a similar opinion about the declaration submitted by Estonia that, similarly to Latvia, acknowledged as national minorities only those Estonian citizens who maintain long-term and consistent links with Estonia. When ratifying the above mentioned Convention, the *Saeima* also adopted two declarations that Latvia shall consider binding: Article 10 Paragraph 2 (on the use of minority language in relations with the local administrative authorities) and Article 11 Paragraph 3 (displaying topographical indications and street names in minority languages), which regulate separate domains of the minority language use, only as far as they are not in conflict with Constitution and other laws and regulations on the use of the official language effective in the Republic of Latvia.

Up to now, Latvia has submitted two reports on the implementation of the Convention: in 2006 and in 2012. Both reports emphasize that 'Latvia's integration policy ensures full protection of national minorities' rights as well as implementation of their culture, language and traditions. Likewise, engagement of national minorities' representatives and implementation of their interests during policy shaping and decision-making processes are facilitated also through the currently existing five state-level consultancy boards' (EP 2014, 2). Conversely, in its second opinion on Latvia, the Advisory Committee stated: although Latvia 'provides considerable support to the cultural activities of minority communities' and 'minority language education continues to be benefit from state funding', 'the public debate related to national minorities has become more polarised in recent years. Discussions among the public related to the rights of national minorities, in particular language rights, is often linked to questions of loyalty towards the state and willingness, or lack thereof, to integrate, which is unhelpful for the formation of social cohesion' (EP 2013, Summary).

Institutional monitoring of the integration policy

In order to coordinate observation of minority rights and state policy in the field of integration, the Secretariat of the Minister for Special Assignments on Society Integration Affairs (SMSASIA) was established in 2002. Considering the broad interpretation of the social integration question, the priorities of the Secretariat differed considerably during the course of its existence. Frequently, the interests of the particular Minister and the political situation in the state defined the priorities. When the state faced an economic crisis, the utility of the Secretariat's existence was increasingly discussed. Finally, in the autumn of 2008, a decision was adopted to liquidate it despite opposition from several minority organizations (Zankovska-Odiņa 2008).

The functions of the Secretariat were split up between several ministries and one can claim that from then on integration matters rapidly disappeared from the political discourse. A large number of employees who had worked with integration matters were dismissed due to repeated reorganization and the funding necessary for performing the functions (including government budget funding for implementing integration projects) was significantly reduced. This seriously affected the implementation of the social integration policy. As Juris Rozenvalds concluded, 'integration policy in Latvia over the past 25 years has always been the 'unloved child' of the Latvian political elite: high

tides alternated with low tides. It was mainly due to external pressure the policy came into being despite the fact that the source and direction of the pressure substantially changed during the course of time' (Rozenvalds 2013, 60). Society consolidation matters re-appeared on the political agenda only after the parliamentary elections of 2010 when the Harmony Centre Party won the second largest number of seats in the *Saeima* and the governing coalition adopted the decision that development and implementation of the integration policy must be handed over to the Ministry of Culture.

Guidelines on National Identity, Civil Society and Integration Policy

Considering that the state program 'Society Integration in Latvia' approved in 2001 was still effective, and recognizing the need to adjust the integration policy, work on developing a new document was launched in 2005. However, none of the proposed drafts (three different versions of guidelines were developed from 2005 to 2010) was adopted due to various political and other reasons. In 2011, on the initiative of the then Minister for Culture, Sarmīte Ēlerte (Unity Party), work on new Guidelines on National Identity, Civil Society and Integration Policy (Guidelines) was started. Unlike in Estonia, where experts, representatives of various target audiences and the general public were engaged in the development of the new integration strategy through different participation channels (Asari 2013; Uus 2013), drafting of the document in Latvia was entrusted to authors selected by the Minister, and a special advisory board was set up for discussing it. The advisory board included separate representatives of national minorities. However, it did not include any minority organizations. The engagement of the advisory board itself in the preparation of the document was of a purely formal character. Public discussion of the document was organized in August 2011, which coincided with the pre-election campaign period. Many of the proposals or objections expressed by NGOs and state institutions were not included in the final version of the document (LCC 2013, 17). In order to ensure adoption of this document, its approval was included in the last meeting of the current government on 11 October 2011 (LR MK 2011b).

During the drafting and discussion phase of the document, several integration experts and NGOs expressed substantial objections towards the definition of terms used in the document. For example, *indigenous majority population (valstsnācija)* was perceived as putting ethnic Latvians in a privileged position; *immigrants* combined Latvian non-citizens, residents possessing permanent residence permits and the new immigrants who had arrived in Latvia recently (generally three separate groups of immigrants). Similarly, objections were voiced against the conceptual stance due to its explicitly ethno-centric approach 'putting an increasingly larger emphasis on the priority of the Latvian ethnic values as the key precondition for the development of the society's sustainability' (Rozenvalds 2013, 63). Unlike the integration program of 2001 which, emphasizing the importance of the Latvian language and culture, still focused on civic values, the new document largely concentrated on a strong national identity shaped through the Latvian language and Latvian cultural space, as well as on common social memory. Several experts pointed out that the document insists on the primary role of the indigenous majority population, i.e. Latvians, in determining values and cultural and historic memory (Kreile 2011). Thus, integration, which was mostly 'based on the Latvian ethnic values and civic engagement, did not become a substantial precondition for and an element of integration processes. Instead, it was a derivation of the integration that had already taken place' (Rozenvalds 2013, 63). For the first time, the Guidelines defined 'open Latvianness' as one of the core principles of the integration policy, laying down the following: 'The Latvian indigenous majority population is inclusive. Its obligation is to strengthen its identity whilst being open towards those who wish to join. This means that one may not only be born as a Latvian, but may also deliberately become one. It is the choice of every person as to whether they wish to preserve their national uniqueness, their minority identity alongside their Latvian identity and this is a common choice made (LR MK 2011b, 9).

A poll suggested that substantial differences exist between the views of Latvians and those of minorities regarding the central statement in the Guidelines about social integration: 'the unity of

the Latvian society must be based on the Latvian language and culture'. 90.9 % Latvians, 43.1 % Russians and 60.9 % of representatives of other nationalities supported this. When choosing between the three ethno-cultural development models for Latvia, 71.5 % respondents claimed that the state must ensure the development of the Latvian language and culture as a priority and provide support for the development of other languages and cultures at the same time. 8.8 % respondents supported the idea of a Latvian Latvia whereas 19.7 % supported the 'melting pot' model, which encompasses shaping a relationship between languages and cultures based on free competition (LU SZF 2013, 105–106).

Minority NGOs harshly criticized the elaborated document. References were made to the estranging and even insulting effect of the document that would facilitate fragmentation of the society, instead of consolidating it. Minority NGOs claimed that the program was aimed at complete assimilation of national minorities because, for the first time, the executive authority had proposed the integration of national minorities into the Latvian society, not the society of Latvia. Similarly, it was pointed out that the new integration program was excessively politicized and that it was too insensitive towards the national minorities (LCC 2013, 18). None of the integration policy documents had triggered such harsh public criticism so far. Unlike the document itself, its Action Plan is more consistent with the situation in Latvia and with the integration needs of various target groups. Although experts and representatives of national minorities have repeatedly called upon the Ministry of Culture to review the Guidelines and the terms used within, the Ministry has stated that the political stance in the document will remain unchanged and that the core principles set forth in the document comply with the EU's common basic integration principles (EP 2014, 11).

On 29 May 2012, in reaction to the 18 February 2012 referendum on Russian as the second official language and the subsequent discussions on the results of the integration policy pursued hitherto, the government approved the 'Informative Report on the Consolidation of the Society and Strengthening of the National Identity and the Position of the Official Language' (MK 2012a). Among other things, it outlined the priority measures for consolidating the society and strengthening national identity that are to be supported by the government budget. The priority measures were mainly aimed at securing common social memory and information space, learning the Latvian language and provision of access to Latvian culture and education for the children of the citizens who have left Latvia. Although the list of supportable priorities included shaping of a direct dialogue with national minority NGOs, the planned measures were aimed only at strengthening cultural identity. After several years of disruption, significant funding was allocated for society integration measures from the government budget (approximately 2 million lats for 2012–2013). However, one must acknowledge that the government is still unable to find the appetite and the opportunities for carrying out a serious assessment of what the referendum of 18 February 2012 was actually about. Several experts have pointed out that the referendum was not about the language; it was about recognition, affiliation and constructive dialogue through which the concerned parties could reach a reasonable compromise.

Minority education

The language referendum and the subsequent discussions about the desirable directions of the integration policy brought the issue of the curriculum language in national minority pre-schools and general education schools into the centre of political discussions. Immediately after the referendum, National Alliance All for Latvia! – For Fatherland and Freedom/LNNK (VL-TB/LNNK) came up with an appeal to create a unified system of pre-school education institutions and to announce that learning must take place in the official language in all kindergartens, while simultaneously retaining ethnic and cultural identity orientation in the groups which include children from families representing various ethnic backgrounds (DELFI 2012a). Considering the sensitivity of this matter and the potential consequences if the proposal were supported (the society 'Native Language' had already announced that it would organize mass protests in such a case), the Coalition Council

agreed to hold discussions with experts and parents thus ensuring that the possible changes would be scientifically substantiated, not politically. New Cabinet Regulations were adopted as a result of the discussions; they laid down substantial changes in the samples of minority pre-school curricula, including a significant increase in the number of playroom lessons in Latvian (LR MK 2012b).

In 2005, the Constitutional Court concluded (ST 2005) that the language proportion in secondary schools (60 % in Latvian and 40 % in minority languages) set forth in the Education Law ensured balance between society integration goals and national minorities' rights to preserve their identity. Nevertheless, in early 2014, the new government coalition, suddenly and without broader discussion, agreed to support the proposal of VL-TB/LNNK and to develop legislative framework in order to start delivering all education programs at municipal national minority educational institutions in Latvian as of 1 September 2018. As early as in 2011, the National Unity Party had attempted to introduce constitutional amendments through supplementing Article 112 of the Constitution with a precondition that 'the state shall provide the opportunity to acquire primary education and secondary education in the official language free of charge' determining that 'learning shall take place in Latvian at all state and municipal schools, starting from the first grade, as of 1 September 2012' (CVK 2012f). At that time, signature collecting was criticized by several parties represented at the *Saeima*, the President and the Prime Minister of Latvia as well as the existing and former ministers claiming that the then existing minority education system was well considered and that it served its purpose: Latvian language skills of 12th grade graduates were improving from year to year (Delfi.lv 2011). The results of the centralized secondary school exams also suggest that no significant differences exist in terms of the progress of Latvian and minority secondary school graduates. Similarly, experts point out that none of the officials who support the appeal for schools to switch to learning only in Latvian have provided data- and research-based substantiation for such an initiative (Kamenska 2014). Although Prime Minister Laimdota Straujuma and the Minister for Education and Science Ina Druviete have confirmed that no reforms are planned in minority education while the current government is in office (LSM.LV 2014), and that minority education programs will be preserved (LR IZM (*Ministry of Education and Science of the Republic of Latvia*) 2014), the resolution of the government coalition and its controversial and unclear interpretation in the public space has caused new protests which run a great risk of amplifying in certain political situations. Thus, political parties have repeatedly confirmed that decisions on sensitive and important matters for society integration are adopted subject to the political situation determined by the process of formation of the government and the proximity of elections, instead of through in-depth studies, research of target audiences' needs and discussion between the affected parties.

Overall, it can be concluded that the regulatory framework ensures recognition of the differences of minorities' cultures and guarantees their rights. However, no political dialogue with national minorities exists on the matters that are relevant to them, including the goals and means of integration, as well as on educational matters. Furthermore, Latvian ethnic values are increasingly emphasized as the basis of the society's integration. This polarizes the society and facilitates national minorities' estrangement from the state.

1.3. How much consensus is there on state boundaries and constitutional arrangements?

Agreement on the state border between Latvia and Russia

The issue of the border agreement between Latvia and Russia was settled more than 15 years after the restoration of independence. On 4 May 1990, upon the promulgation of the Declaration 'On the Restoration of Independence of the Republic of Latvia', continuity of the Republic of Latvia was emphasized: it was stated that the restored independent Latvia was the continuation of the Republic of Latvia established in 1918, being a subject of international law, and that its Constitution, adopted

in 1922, had never lost validity *de jure*. Thus, the transition period of restoration of independence of the Republic of Latvia was complete *de facto* along with the adoption of the Constitutional Law on the Statehood of the Republic of Latvia on 21 August 1991. However, the actual borderline of the restored independent state differed from the one that had existed before the war. In accordance with the Peace Treaty concluded between Latvia and Soviet Russia on 11 August 1920, Abrene was part of the territory of Latvia. In 1944, the town of Abrene and six of the 15 parishes of the district of Abrene were included in the territory of the Russian Federation.

On 27 March 2007, Prime Minister Aigars Kalvītis and Mikhail Fradkov, Prime Minister of the Russian Federation, signed the Latvian-Russian Border Treaty in Moscow (LR ĀM (*Ministry of Foreign Affairs of the Republic of Latvia*) 2007). The *Saeima* ratified this Treaty on 17 May 2007 by passing the ‘The Republic of Latvia and the Russian Federation Treaty On the State Border of Latvia and Russia’; the law became effective on 30 May 2007 (LR Saeima 2007b).

Several members of parliament filed applications with the Constitutional Court challenging the legality of the Latvian-Russian Border Treaty. After the *Saeima* opted to support the draft law on the ratification of the Latvian-Russian Border Treaty, all members of the *Saeima* (MPs) from the New Era Party (*Jaunais laiks*) and three coalition MPs filed a request with the Constitutional Court to review the conformity of the Treaty with Article 3 of the Constitution which states that ‘the territory of the State of Latvia, within the borders established by international agreements, consists of Vidzeme, Latgale, Kurzeme and Zemgale’. The Constitutional Court initiated another case on 17 July on the basis of an application received from 21 members of the Parliament (MPs) regarding the conformity of the ‘The Republic of Latvia and the Russian Federation Treaty On the State Border of Latvia and Russia’ with Article 3 of the Constitution and the compliance of the expression ‘considering the principle of invariability of borders adopted by the Organization for Security and Co-operation in Europe’ used in Article 1 of the ‘The Republic of Latvia and the Russian Federation Treaty On the State Border of Latvia and Russia’ with the Preamble and Article 9 of the Declaration ‘On the Restoration of Independence of the Republic of Latvia’ of 4 May 1990 (LR ST 2007a).

ST merged both cases, and announced judgement on 29 November 2007. The Court found that the loss of Abrene district did not affect the continuity of the state of Latvia, and conceded that the Cabinet of Ministers possessed legal authority to sign the draft Border Treaty. It also conceded that the Latvian-Russian Border Treaty and its Ratification law in Latvia was consistent with Article 3 of the Constitution. The Court also ruled that the expression ‘considering the principle of invariability of borders adopted by the Organization for Security and Co-operation in Europe’ used in the Ratification Law did not comply with the constitutional law of Latvia; therefore, the Court declared it invalid from the moment of the publication of the judgement (LR ST 2007b).

The Constitution

Since restoration of independence in the early 1990s, a certain consensus has formed in the Latvian society regarding the constitutional foundations of the state, particularly about the role of the Constitution of the Republic of Latvia of 1922. The Constitution that was adopted in 1922 laid down the foundations of the state system: general rules of the state, as well as provisions in relation to the forming of the *Saeima*, the President and the Cabinet of Ministers, and to their activity. Special laws regulate sectorial matters.

Since 2004, several attempts have been made to introduce new norms in the Constitution that would influence important determinations of the Latvian society.

In 2011, the representatives of the political union All for Latvia! (*Visu Latvijai!*) proposed to supplement Article 112 of the Constitution which lays down the rights of the residents of Latvia to education, with the words ‘in Latvian’. On 29 March 2011, a draft law ‘On Amendments to the Constitution of the Republic of Latvia’ was submitted to the CEC and appended with supporting

signatures of more than 10,000 voters. The draft law provided for the following wording of Article 112: 'Everyone has the right to education. The state shall ensure that everyone may acquire primary and secondary education in Latvian free of charge. Primary education shall be compulsory.' It also provided that 'learning shall take place in Latvian at all state and municipal schools, starting from the first grade, as of 1 September 2012'. The CEC organized signature collecting on proposing the draft law on Amendments to the Constitution of the Republic of Latvia from 11 May until 9 June 2011. According to the data of CEC, 120 433 Latvian citizens eligible to vote supported submission of this draft law to the *Saeima*. Thus, the draft law did not receive the number of voters necessary for pursuing submission to the *Saeima* (at least one tenth of the voters who participated in the most recent Parliamentary elections, i.e. 153 232 voters) (CVK 2011a).

Considering the protests that took place in 2003 and 2004 against the language reform in national minority schools, this draft law and signature collecting significantly increased tension in the society, especially among minorities. If the amendments proposed by 'All for Latvia!' were approved, they would affect 99 schools with Russian language of instruction, and 65 schools with two language streams (LCC 2013). The amendments were also criticized by the political parties represented in the *Saeima*, by the President and the Prime Minister, as well as by the existing and former ministers. It was pointed out that the existing national minority education system was well considered and that it served its purpose since Latvian language skills among 12th grade graduates improved gradually from year to year whereas the proposed amendments might lead to a reduction in the level of knowledge and deepen the divide in the society (LCC 2013).

The former National Bolshevik Vladimir Linderman made use of the tension that existed in the society in relation to the proposals tabled by All for Latvia! He declared that 'the chaps from Mr. Dzintar's team have overstepped the red line. This is an attack. I perceive it as a declaration of war,' and announced that Russians had no choice but to defend their interests and opportunities (Вести сегодня 2011).

In reaction to the initiative of All for Latvia!, the United Latvia organization as well as Vladimir Linderman and Yevgeny Osipov (the former Head of the Latvian Branch of the Russian Radical-Nationalist Movement) started collecting signatures in order to propose amendments to the Constitution (Articles 4, 18, 21, 101 and 104) which provided for granting official language status to the Russian language in Latvia. An organization Native Language (*Dzimtā Valoda*) was established with the goal of popularizing amendments and collecting signatures.

On 9 September 2011, activists from the organization 'Native Language' submitted signatures of 12 533 electors to the CEC in relation to the above mentioned draft law on amendments; the second phase of collecting signatures took place from 1 until 30 November 2011. 187 378 signatures of electors, i.e. 12.14 % of the number of electors who participated in the most recent Parliamentary elections, were collected during both phases of signature collecting in relation to the amendments to the Constitution (CVK 2011b). The *Saeima* rejected this draft law on 22 December 2011, and a referendum on granting the official language status to the Russian language took place on 18 February 2012. Altogether 1 098 921 electors (71.13 %) took part in the referendum, 821 722 (74.8 %) voted 'against' the proposal for Russian to become the second official language whereas 273 347 (24.88 %) voted 'for' this draft law (CVK 2012a).

The referendum on granting official language status to the Russian language significantly polarized the society along ethnic and linguistic lines. This was demonstrated most explicitly shortly before the referendum: newspapers published in Latvian language and politicians for whom mainly ethnic Latvians vote expressed opinions that differed considerably from the opinions expressed in newspapers published in Russian language and by politicians whose main electorate were national minorities. Ethnic division trends could also be clearly observed in the results of the referendum: the proposal on the Russian language as the second official language acquired greater support in districts inhabited by a greater proportion of minority electors. The only region where the majority of electors (55.57 %) voted for this draft law was Latgale (CVK 2012b). Similarly, in Daugavpils,

Rēzekne and five municipalities in the Eastern part of Latvia the majority of electors voted for the Russian language as the second official language.

Preamble / Introduction to the Constitution

In relation to the referendum on the Russian language as the second official language, which took place in February 2012, discussions evolved around the core of the Constitution, its values and its unamendable Articles. The President Andris Bērziņš asked the Constitutional Law Commission (KTK) to prepare an opinion on the foundations of the state of Latvia, and to assess whether certain Articles should be unamendable (Delfi 2012b). In September 2012 the KTK made its proposals public; one of them was to expand the Preamble of the Constitution and to include statements about the goals, purpose and, possibly, future vision of the establishment of the state. It was announced that wider public discussions are necessary before developing specific proposals to supplement the Preamble.

In September 2013, Egils Levits, honorary professor of the Riga Graduate School of Law and judge at the Court of Justice of the European Union, published his proposal on expanding the Preamble of the Constitution in the official journal *Jurista Vārds* accompanied by his comments on the draft (Levits 2013). MPs representing the *Saeima* Legal Affairs Committee were also presented with the proposal. The opinion of E. Levits was as follows: the Preamble of the Constitution must provide an answer to the question ‘What is the state of Latvia?’

One should point out that, contrary to the initial intentions, wider public debates never took place before developing the draft, and prof. Levits drafted the proposal for expanding the Preamble of the Constitution on his own. The proposals would have had greater legitimacy, had they been the product of Commission on Constitutional Law.

Many different opinions about the necessity to expand the Preamble, its drafting process, as well as its content, including the use of the term ‘indigenous majority population’ were expressed by the general public, amongst legal scholars and politicians. The process of developing the Preamble was criticized due to the fact that such an important document had been drafted hastily and by a narrow community of coalition politicians and experts, instead of through extensive public discussion. Concerns were also voiced about the draft introduction splitting the people in Latvia (*Jurista Vārds* 2014), being insufficiently inclusive and shaping ‘hierarchical, vertical’ relationships between communities (Hanovs, 30). The draft introduction was shortened and revised (for example, the term ‘indigenous majority population’ was replaced with a description of its concept) in early 2014 as a result of political discussion.

On 19 June 2014, the *Saeima* adopted the Preamble of the Constitution in the third and final reading. The Preamble lays down that the state of Latvia was established ‘upon the unamendable will of the Latvian nation for its own state and its inalienable right to self-determination in order to guarantee the existence of the Latvian nation through the ages, preservation and development of the Latvian language and culture, and prosperity of every human being and people of Latvia as a whole’. The Preamble perpetuates the historical experience of the 20th century and the restoration of independence; Latvia is characterized as a socially responsible national state that respects the principles of democracy and the rule of law which protects human rights and honours national minorities. The Preamble also emphasizes Latvian and Liv traditions, the Latvian life wisdom, the Latvian language, human and Christian values, as well as Latvia’s identity in the European cultural space.

On the whole, one can conclude that there are no controversies within the society regarding the state borders and the constitutional arrangements. Possible uncertainties regarding state borders were solved when the *Saeima* ratified the Border Treaty with Russia, and when the Constitutional Court adopted the decision on the Border Treaty’s conformity with the Constitution and the concept of the continuity of the state. Similarly, there are no current controversies within the society regarding the constitutional arrangements established in the 1920s.

1.4. How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?

The constitutional provisions of the Republic of Latvia and the political decision-making mechanisms are generally neutral and impartial. They neither increase nor reduce the society's schisms *per se*: they neither provide advantages for one ethnic group or another, nor do they facilitate the inclusion and influence of insufficiently represented groups in social and political processes.

At the same time, Latvia lacks efficient mechanisms for encouraging a constructive dialogue and ensuring the protection and realisation of the interests of various social groups – including minorities – especially in matters that directly affect them. In the beginning of 2013, four state-level advisory boards existed. Their goal was to facilitate national minorities' participation and to solve problems; several municipal-level integration boards or commissions also existed (LCC (*Latvian Centre for Human Rights*) 2013). After summarizing interviews with representatives of various state and municipal authorities and NGOs engaged in the functioning of these dialogue and participation mechanisms, it was concluded that the mechanisms were generally ineffective. The following were named as the weaknesses of the mechanisms: formal character, unclear principles of activity, functions and competencies, obscure criteria for selecting participants as well as lack of interest on the part of politicians and officials.

Two problems can be pointed out in relation to the functioning of the existing constitutional provisions and political decision-making mechanisms in practice: firstly, inadequate opportunities for the Latvian minority citizens and their representatives to influence decision-making, and secondly, the large number of Latvian non-citizens. These problems hinder the reduction of the divisions that exist in the society.

Inclusion of Latvian minority citizens and their representatives in the functioning of the state

Political representation in the *Saeima* does not correspond to the ethnic composition of the Latvian people; however, national minorities are adequately represented in the Latvian parliament, compared to the ethnic composition of the Latvian citizens. Ethnic divisions are still a typical characteristic of the political party system in Latvia, and parties that are mostly elected by the Latvian minority citizens usually end up in the opposition.

The Harmony Centre and For Human Rights in United Latvia (PCTVL) are the two parties that traditionally have received the largest support from the national minority electors; several members and deputies of these parties represent national minorities themselves. According to the election results available to CEC, the Harmony Centre acquired 17 seats whereas PCTVL acquired six seats in the 9th *Saeima* (2006); the Harmony Centre acquired 29 seats in the 10th *Saeima* (2010) and 31 seats (largest political group) in the 11th *Saeima* (2011). According to CSP data, 18 MPs counted themselves as national minorities in the ninth *Saeima*, whereas the number of national minority representatives in the 10th and 11th *Saeima* was 15 MPs.

A noteworthy fact: even when the 'Harmony Centre' became a formal winner of the 2011 elections, it was not included in the new governing coalition. The Unity Party and Zatler's Reform Party (ZRP) took the initiative of forming the coalition. On 1 October 2011, the Board of ZRP adopted a decision on forming a coalition with the Harmony Centre and the Unity Party (Reformu partija 2011). Several experts characterized this as a step towards consolidation of the society and emphasized that this would be the first time that the largest party representing national minorities was included in forming the government (TVNET 2011; LETA 2011). However, the Unity Party opposed the formation of such a coalition, and the discussions resulted in ZRP, Unity Party and National Union forming the government.

For many national minority electors, this came as a harsh blow. The reaction to such a decision took the form of a public announcement ‘No to ethnic discrimination!’ in the Russian-language media, and it called for the President of state to stop ethnic discrimination and to show that ‘all citizens of Latvia have equal rights’ (Apollo 2011).

Thus, one must conclude the following: representatives of national minorities in *Saeima* may participate in the legislative process, and publicly raise questions directly related to their electors’ interests. However, the votes of the MPs who represent national minorities typically cannot influence the decisions of the *Saeima*, and the governing coalition has every opportunity to ignore the interests of these electors because *Saeima*’s decisions are usually adopted through a coalition majority.

Non-citizens’ inclusion in social and political life

The fact that a considerable proportion of permanent residents of Latvia continues not to have citizenship creates additional challenges to the narrowing of the society’s divisions. Compared to citizens, rights and opportunities in several areas of life are prohibited for Latvian non-citizens:

- employment in the public sector (officials, judges, policemen, etc.) and partly in the private sector (mostly in matters related to the judiciary);
- political rights (the right to elect and be elected, establish political parties);
- other social rights (when calculating the length of service in order to determine the amount of earned pension) and economic rights (to property – a permit to acquire land is necessary; fewer privatization certificates are granted).

Latvian non-citizens’ voting rights in municipal elections

Unlike several other member states of the European Union, individuals who permanently reside in Latvia, but do not have citizenship of Latvia or another EU country, have no voting rights in municipal elections. Latvia and Estonia are similar in many ways (historical processes in the 20th century, proportion of national minorities, number of permanent non-citizen residents); however, permanently residing non-citizens of Estonia have the right to participate in municipal elections. Several international organizations have recommended that Latvia grant non-citizens the right to vote in municipal elections: UN Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, the European Parliament, the OSCE Parliamentary Assembly, Council of Europe Parliamentary Assembly, Council of Europe Commissioner for Human Rights, OSCE Office for Democratic Institutions and Human Rights, the Congress of Local and Regional Authorities of the Council of Europe and the European Commission against Racism and Intolerance.

The fact that Latvian non-citizens do not have municipal voting rights also has a negative effect on the existing divide because citizens of other EU member states do enjoy such rights in Latvia. As noted by the Advisory Committee on the Framework Convention for the Protection of National Minorities of the European Council, the ‘EU citizens’ rights in Latvia are simultaneously increased, including access to jobs in the public sector and participation in municipal elections. This enhances the feeling of inequality among non-citizens because they have a hard time understanding that Latvian citizenship is considered as a precondition for a steadily increasing number of positions and rights even though the same does not apply to other non-citizens who frequently have weaker links with Latvia and who have lawfully resided in the state for a shorter period’ (EP 2013, 15). The above-mentioned Committee encouraged Latvia to consider granting municipal election rights to non-citizens in both its first (2008) and second (2013) statement (EP 2008, 50-51; EP 2013, 40). However Latvia’s position regarding non-citizens’ municipal voting rights remains unchanged: ‘voting rights are part of being a citizen. Granting municipal voting rights to non-citizens would draw citizenship status closer to non-citizenship status thus reducing non-citizens’ motivation to go

through naturalization, and it would only prolong this indeterminate situation and the non-citizens' special legal status' (EP 2014, 2).

Non-Citizens' Congress

After the CEC adopted the decision not to launch the second round of collecting signatures concerning the amendments to the Citizenship Law which provided for granting citizenship to all non-citizens, the activist group announced the establishment of the social movement Non-Citizens' Congress (*Nepilsoņu congress* – NC). The aim of this movement was to represent non-citizens' interests at the local, national and international level, and to abolish the non-citizen status (NK 2012b). Up to May 2014, 7 867 persons had registered on NK's website www.kongress.lv the majority of whom represented Riga and Riga district (5 766). To become a member of NC, one must be of age, support the aims of NC and live permanently in Latvia, or be a Latvian citizen or non-citizen who lives abroad (NK 2013a). A summary of the data on the first 1 357 registered members of NC suggests that 64 % of them were non-citizens, 31 % were citizens, and another 5 % were citizens of other countries (NK 2012a).

Elections of the Non-Represented Parliament took place on 1 June 2013 simultaneously with the official municipal elections. According to the information provided by NK, 'Latvian citizens, non-citizens and permanent residents who possess a personal identity number and who have reached the age of 18 on the Election Day' could participate in these elections. People could vote online starting from as early as 25 May whereas voting at especially established polling stations took place from 1 until 11 June. Altogether 15 134 people participated in the elections of the Non-Represented Parliament; 30 out of 60 candidates were elected as Members of the Non-Represented Parliament (NK 2013b). The first session of the Non-Represented Parliament took place on 15 June 2013. 'Appeal to the President, Cabinet of Ministers and Municipalities of Latvia' was adopted during this session (NK 2013c). In its 'Appeal', NK announced that it had voluntarily assumed 'the duty of compensating the deficit of democracy' (exclusion of part of the population of Latvia from the state's political life), reminded that its aim was: 'to free the Latvian society of [...] the non-citizen status [...] and to create a united political nation of Latvia'. Additionally, NK emphasized that mass non-citizenship was a problem of the entire society: it lowered human rights standards and it needed to be solved for the sake of Latvia's successful development. It also called for 'launching constructive cooperation' and delegated 'its representatives to participate in governmental and municipal decision-making through civic society engagement mechanisms' (NK 2013c).

NK sessions encompassed discussing possible actions for achieving the movement's goals (including dissemination of information and public campaigns) as well as other topical matters for the national minorities, for example, the decision to support the proposal of VL-TB/LNNK on adopting the Latvian language as the curriculum language of state and municipal schools adopted by the governing coalition (NK 2014a). Protests were organized in front of the government building, the Ministry of Education and Science and the Ombudsman's Office. On 24 April 2014, Riga City Council prohibited NC from organizing a concert titled *We Want Changes* (*Mēs gribam pārmaiņas*) (NK 2014b) based on the opinion of the Security Police (SecP) that the aim of the concert was to encourage ethnic tension (LETA 2014). In the SecP's public annual report for 2013 (published in May 2014) the activity of NC was included in the section dedicated to the protection of the constitutional order, particularly pointing to the following activities: in order to promote the issue of non-citizens, NC has turned to several international organizations, established a website, visited several embassies, organized events and attempted to acquire support from the Latvian audience by means of disseminating information in Latvian and engaging in debates on domestic policy; according to the SecP's opinion, these actions are related to the interests of the Russian Federation (DP 2014). Images of NC's activists were also published in the SecP's public report. According to Elizabete Krivcova, NC Chairperson, the activity of the Congress should be considered as a democratic initiative and the protection of national minorities' rights (NK 2014c).

As a whole, Latvia's constitutional provisions are neutral regarding the schisms that exist in the society – they neither diminish, nor facilitate the divide. No steps are made to solve two current issues related to the fragmentation of the society. Firstly, minority citizens and their representatives cannot influence decision-making in Latvia, this includes matters that directly affect their rights and interests. Secondly, non-citizens of the Republic of Latvia form a substantial part of Latvian society. This part of the society is excluded from making decisions that are important for the public. Contrary to Estonia's successful experience and despite recommendations from international organizations, Latvian non-citizens do not have municipal voting rights. The Non-Citizens' Congress and the Non-Represented Parliament highlight this problem of exclusion.

1.5. How impartial and inclusive are the procedures for amending the Constitution?

Article 76 of the Constitution states that the *Saeima* may amend the fundamental law of the Republic of Latvia 'in sittings at which at least two-thirds of the members of the *Saeima* participate. The amendments shall be passed in three readings by a majority of not less than two-thirds of the members present.' Article 77 of the Constitution, in turn, establishes another special procedure in cases when fundamental principles of the state and democracy included in the Constitution, such as 'Latvia is an independent democratic republic' (Article 1), and 'The sovereign power of the State of Latvia is vested in the people of Latvia' (Article 2) are amended. The special procedure also applies to the Articles that define the territory of the state in accordance with international treaties (Article 3), the official language and flag (Article 4) that which sets forth general, equal, direct elections and by secret ballot based on proportional representation, as well as the Article that establishes this special procedure (Article 77). If Articles 1, 2, 3, 4, 6 and 77 of the Constitution are amended, then such amendments can become effective only through a national referendum. All citizens of Latvia who have the right to vote in elections of the *Saeima* may participate in national referendums (Article 80). At least than one-tenth of the electors have the right to submit to the President of State a fully elaborated draft for the amendment of the Constitution or the draft law, which the President must submit to the *Saeima*. If the *Saeima* does not adopt this draft law without substantial amendments, it must be submitted for a referendum (Article 78). An amendment to the Constitution submitted for a national referendum is considered adopted if at least half the electorate has voted in favour of it (Article 79).

Since 2004, the *Saeima* has passed amendments to the Constitution four times: in 2006, 2007, 2009 and 2013. The amendments set forth that marriage is a union between a man and a woman (LR Saeima 2005b), revoke the authority of the Cabinet of Ministers to pass regulations with the force of law between parliamentary sessions (LR Saeima 2007a), and grant the right to initiate a national referendum regarding recalling of the *Saeima* to at least than one-tenth of electors (considering the *Saeima* recalled if the majority of voters and at least two-thirds of the number of the voters who participated in the last elections of the *Saeima* vote for it in the national referendum) (LR Saeima 2009b). The most recent amendments to the Constitution revoked the election of the judges of the Constitutional Court through secret ballot at the *Saeima* (LR Saeima 2013b). The Constitution has been amended 13 times since the restoration of independence.

On 8 November 2012, *Saeima* adopted amendments to the Law on National Referendums, Legislative Initiatives and European Citizens' Initiative (LR Saeima 2012b). These amendments substantially changed the former procedure for the legislative initiatives proposed by the people. Starting from 1 January 2015, the initiative group will have to collect at least 10 %, or approximately 154 000 certified elector's signatures in the first round to initiate a national referendum. The law lays down a transition period: until 2015, initiative groups will need to collect 30 000 signatures themselves during the first round in order to initiate a national referendum. The number of necessary signatures that must be collected by initiative groups themselves to initiate recalling of the *Saeima*

will be 10 000. If the necessary number of certified electors' signatures is successfully collected during the first round, then CEC must organize voters' signature collecting at the state's expense in order to collect at least 10 %, or approximately 154 000, of the signatures necessary to initiate a referendum during both rounds.

These amendments were criticized for the fact that they substantially limit citizens' democratic participation opportunities.

Overall, one must conclude that procedures for introducing amendments to the Constitution are clearly defined, neutral and efficient. Citizens also have the opportunity to initiate amendments to the Constitution. At the same time, it needs to be pointed out that a 15-fold increase in the number of required signatures as early as in the first round has an adverse effect particularly on the ability of numerically small groups (including national minorities) and groups without significant financial or administrative resources to influence democratic processes.

Summary: progress during the past 10 years

	Very good	Good	Satisfactory	Poor	Very poor
1.1.		X*		X**	
1.2.			X		
1.3.		X***	X		
1.4.		X*		X**	
1.5.			X		

* Legislative framework.

** Actual situation.

*** Border matters settled with Russia.

Suggested improvements

Amendments to the Citizenship Law which in terms of procedures significantly ease the recognition of non-citizens' children as Latvian citizens and ensure preservation of the legal link between the state of Latvia and emigrated citizens and their offspring.

Most serious problem

The still disproportionately large number of permanent residents in Latvia who have no citizenship (neither Latvian nor of another country), and their lack of efficient political participation. The drafting process and content of the integration guidelines as well as discussions and initiatives on amendments to the Constitution (in the area of education and language) have polarized and radicalized the society thus significantly hampering the dialogue both between various social groups and between the political actors and the society.

Suggested improvements

Facilitate the acquisition of Latvian citizenship, especially among the parents of non-citizen children thus ensuring inclusive rhetoric on the part of politicians and media. Review political stances on social integration through strengthening civic values as the basis for integrating Latvian society. Shape a constructive dialogue, including minority groups, and ensure observation of various social groups' rights and interests when adopting decisions, especially regarding matters that directly affect these groups. This will prevent the society's estrangement from the state and potential further radicalization.

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2. RULE OF LAW AND ACCESS TO JUSTICE

Gatis Litvins

Are state and society consistently subject to the law?

2.1. How far is the rule of law operative throughout the territory?

The Constitution of the Republic of Latvia (*Satversme*) and other laws and regulations state that public authorities are obliged to abide by the law. However, public authorities must not only observe laws and regulations adopted in relation to their own foundation (Cabinet Regulations, binding municipality regulations, internal regulations) but also general principles of law (the principle of justice, equality, proportionality, a socially responsible state, etc.). After reinstatement of independence, Latvia renounced the concept of legal positivism, where law means only the effective laws and regulations adopted by the legislator in writing, replacing it with the concept of natural law, where law means laws and regulations adopted by the legislator in writing as well as general principles of law. Authorities and courts must not refuse to adopt a decision on a matter on the grounds that it is not regulated by law or other external legislation. For example, the Supreme Court has stated that it is the duty of the state to recognize a person's sex change regardless of whether legislation lays down, or does not lay down, criteria according to which the sex change can be established or lays down the procedure for establishing it. If legislation does not regulate the respective matter in detail, then authorities and courts must apply general principles of law. Thus, application of law in accordance with the concept of natural law is more complex because special methodological skills are required from the body applying the law (AT 2008).

Part of general principles of law are listed in Articles 4–14¹ of the Administrative Procedure Law, however the general principles of law not mentioned therein are disclosed, derived or developed through institutional practice or case law, as well as through jurisprudence. The science of law must *preventively* study and solve legal issues relevant to the state in order to channel subsequent state-level decisions as well as judgements and judicial decisions (jointly referred to as court rulings) in a legally correct direction. Sufficiently developed science *thus decreases the ratio* of erroneous state decisions and court rulings *and subsequently reduces the costs of compensation of losses* for the state (Levits 2010, 4).

The science of law in Latvia fails to perform its task fully due to lack of development plans and funding. As a result, authorities and courts are forced to solve matters characteristic of jurisprudence. Therefore, the decision of the President of State to discontinue the activity of the Constitutional Law Commission (founded in 2007) adopted on 28 October 2013, without offering any alternatives, should be regarded as a mistake. The Commission provided independent academic opinions on important constitutional law matters which public authorities and courts subsequently used for substantiating their decisions.

Similarly, law is the key tool for regulating the most important relationships between persons according to the concept of natural law. The rule of law is ensured by availability of laws and regulations, clarity and predictability of their content, consistence with the Constitution and by efficient court proceedings, availability of court rulings, and efficient enforcement thereof.

Progress has been made over the course of 10 years, and laws and other external regulations are available in *a comprehensible and convenient manner as a result*. The official publication ‘Latvijas Vēstnesis’ as been published electronically on www.vestnesis.lv website since 2012. Systematized legislation, including international laws to which Latvia is bound as of 1 July 2014, and updated information on amendments thereto is available free of charge on the www.likumi.lv website.

Provision of such availability did not take place in an obvious way. Entrepreneurs pushed for handing the official publishing of laws over to private individuals. The *Saeima* rejected this idea by adopting the Law on Official Publications and Legal Information because the state must have direct control over the execution of official publications, and this is not possible if a private individual carries out the official publishing (Jarinovska 2009, 15–17). Moreover, the Latvian national system of law has already been existing in parallel to that of the European Union (EU) for 10 years. EU legislation is published in the Official Journal of the European Union, and the www.eur-lex.europa.eu website provides access, free of charge, to EU legislation and other unclassified documents in the 24 official languages of the EU, including Latvian.

It is not only the accessibility of the legislation that is important – of equally great importance is the fact that individuals are able to get around the massive volumes of laws and regulations and understand their content. This is what determines how correctly and successfully individuals choose for their behaviour to remain within the bounds of law. The number of laws and regulations adopted in Latvia has increased over the last 10 years (see image 2.1).

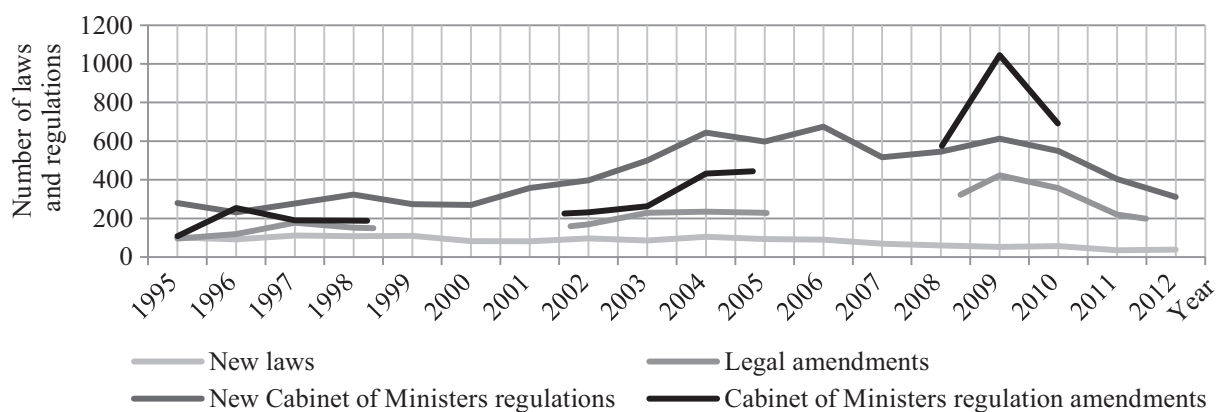


Image 2.1. Changes in the number of laws and regulations

Source: TM (Ministry of Justice) 2014.

For example, 1500 laws and 3700 Cabinet Regulations (excluding amendments to laws and Cabinet Regulations) were effective in 2014 (TM 2014). With the existence of such a number of laws and regulations, and amendments thereto, individuals’ ability to freely navigate the system of legislation and manage the content of the regulatory framework decreases. Such a situation is the result of the legislator’s choice to solve problems by adopting new laws and regulations, or amending the existing ones, instead of allowing those who apply the law to solve them through legal interpretation. A superfluous regulatory framework must be removed from the legal system, and amending laws and regulations upon first request should be avoided in the future. Educating those who draft and apply legislation in the field of law-making and legal interpretation is necessary (TM 2014). The legislator adopts a casuistic regulatory framework in order to compensate for the inability on the part of those who apply the laws to interpret laws on their merits, instead of through a formal interpretation. Therefore, lawyers with insufficient knowledge and skills for applying law undermine the rule of law. Unfortunately, discussions on the need to introduce a common state exam to law faculty graduates have yielded no results (Jurista Vārds 2012, 6–10).

Another important matter apart from the publishing and accessibility of laws is for laws and lower-ranking regulations to be consistent with hierarchically higher-ranking laws and regulations. The Constitutional Court controls the compliance of laws and other legislation with the Constitution. This is ensured through initiating court proceedings on the basis of applications filed by institutions and private individuals defined in the Constitutional Court Law. The role of the Constitutional Court has significantly contributed to strengthening the rule of law since publishing DA 2005. From 28 June 1996 until 1 November 2004 (i.e., for a period of eight years), the Constitutional Court had passed judgements in 69 cases, and adopted decisions on the termination of proceedings in 32 cases. Conversely, from 1 November 2004 until 18 March 2014 (i.e. for a period of approximately 10 years), the Constitutional Court passed judgements in 171 cases, and adopted 70 decisions on the termination of proceedings. The Constitutional Court especially strengthened its positions during the economic crisis (2007–2012) when it passed several substantial judgements in the area of social law, independence of the judiciary, budgeting procedures for independent authorities (Chancery of the President of Latvia, Supreme Court, Constitutional Court, State Audit Office and the Ombudsman) and legislative power of the people. The field of the Constitutional Court's activity should be extended in the future in order to be able to delegate the Court's competence to assess the consistency of supreme authorities' decisions or actions with the Constitution (for example, rulings of the Supreme Court in a case of doubt regarding their consistency with the Constitution), and to provide statements on the conformity of the senior state officials' conduct with the Constitution through impeachment processes (ECHR 2012). Extension of the Court's competence would require the state to grant additional funding to the Constitutional Court and increase its number of judges. Such changes, however, would trigger supremacy of law in the state.

The opportunity to turn to the Court in case of a breach of law is a strong mechanism for ensuring the rule of law. Lack of confidence in the judiciary and the lengthiness of court proceedings was a topical issue in 2004 and remains so in 2014. During the period of analysis, the legislator has sought solutions for improving the performance of courts. However, targets have not been fully reached (see Sections 2.4 and 2.6).

The practice of applying laws and regulations is of great importance in ensuring the rule of law. It is the courts that largely determine the content of laws and regulations in each particular case. In 2004, only the judgements of the Constitutional Court were accessible, and separate judgements of the Supreme Court were available on its website and in the annually published book of selected judgements. Accessibility of court rulings has increased over the past decade. In 2013, the *Saeima* passed amendments to the Law on Judicial Power, requiring courts to publish all judgements which are passed in open sessions. This has since become effective also in relation to their publication on the internet making them easily accessible and free of charge (www.tiesas.lv).

However, not only court judgements determine substantial rights of individuals, they are also determined by court rulings. It is specifically by court ruling that an individual is granted accessibility to the court (court proceedings initiated, suspended or terminated, or refused to be initiated, etc.). Court rulings are currently not available on the internet. Likewise, decisions of the Constitutional Court on rejection to initiate proceedings are not freely accessible on the internet. This prevents one from finding out how the Constitutional Court applies the statutory requirements the applicant must perform upon submitting an application, and why cases are initiated in only a few cases. The Constitutional Court received 404 claims in 2013, 164 of them were recognized as being obviously not within its jurisdiction; 240 claims were registered as applications and handed over for review in Constitutional Court Divisions, and the Constitutional Court initiated only 21 proceedings as a result (ST 2014a). The number of proceedings initiated by the Constitutional Court is low compared to the number of the claims received. Therefore, the rulings of courts and the Constitutional Court that address the matter of accessibility of the judiciary should be published in the future.

Similarly, the duty of the state is to ensure access to the rulings of the EU Court and the European Court of Human Rights (ECHR). The findings of both of these international courts should

be taken into account when interpreting the laws and regulations of Latvia and the international law it is bound by. The EU Court translates part of its rulings into Latvian, and the translated texts are available online (www.curia.europa.eu) whereas the rulings of the ECHR, even the ones that are directly related to Latvia, are not available in full in Latvian (Mits 2012).

Enforcement of court judgements is yet another substantial aspect of the rule of law. DA 2005 identified problems related to judgements on civil claims in criminal proceedings and enforcement of civil judgements. These problems still exist even 10 years later. The number of enforcement actions is increasing every year whereas the number of actions completed within one year is not high. The number of actions where enforcement has not been completed or has been terminated without recovery is comparatively significant. Activity of bailiffs, as well as circumstances independent of their activity, influence the efficiency of the enforcement process. Bailiffs are the most criticized professionals in the entire judicial system. The conduct of individual bailiffs in relation to ethics and conformity with the law is the subject of extensive discussion within the society. Bailiffs frequently show a lack of interest and even avoid cooperation in recovery actions where comparatively small sums of money are involved. In turn, bailiffs act promptly and show interest in financially significant recovery actions (Šņitņikovs, Kārklīņa 2013, 49). Similarly, dishonest behaviour on the part of debtors that may take the shape of concealment of income and acquiring undeclared income, which are difficult for bailiffs to establish, reduces the efficacy of debt recovery. Cases when individuals are deprived of their liberty during criminal proceedings also lead to difficult situations. Convicted individuals have limited opportunities to gain income during confinement and to channel part of it into compensation for their victims (Kronberga et al. 2013, 119–123).

In comparison to 2004, additional problems related to failure to enforce court rulings in administrative cases have evolved. Execution of sentences for road traffic offences is efficient because penalty default gives grounds for refusal to register motor vehicles or to undergo technical inspection (receive a public service), but unfortunately such a procedure is not applicable to other types of violations. An important reason for this is the high cost of enforcement that the state or municipal authorities must pay initially if they request bailiffs to execute court rulings; however, the chances are that the enforcement will be unsuccessful and enforcement costs will not be recovered. Moreover, the costs are frequently higher than the administrative fine that needs to be recovered.

The problems associated with the execution of administrative court judgements are not as substantial as the ones related to the execution of other court rulings. However, in practice, cases where public authorities ignore their statutory duty to enforce administrative court rulings do exist.

The general conclusion is that the rule of law is in force in the territory of Latvia. The situation has not changed significantly over the past 10 years. Only some of the problems identified in DA 2005 have been solved, and more problems have evolved.

2.2. To what extent are all public officials subject to the rule of law and to transparent rules in the fulfillment of their functions?

Subordination of public officials to the rule of law means that officials must act within the competence granted to them in legislation. Public officials must be open towards the society and towards private individuals, they must observe data protection, execution of fair procedures within a reasonable time frame as well as other provisions whose aim is to ensure that public administration observes private individuals' rights and lawful interests. Private individuals must be able to rely on lawful and consistent conduct of the state. Opposing assumptions cannot exist in a country where the rule of law exists. However, in practice, officials' conduct is not always lawful, and a range of cases exists (organizing public procurements, insolvency matters, Judicial Disciplinary Committee's unwillingness to punish judges for administrative violations) when public officials' actions undermine the authority of law in the society (Kalniņš 2011, 67). Several cases have been confirmed where policemen, whose task is to signal violations of the law, have failed to abide by

the law themselves. Some of the examples are as follows: running a cyclist over with a car and leaving him without assistance (LETA 2012b), falsification of blood test results in order to save a colleague from being held responsible for running over a child (Stirāne 2012), giving instructions to reduce an administrative penalty for particular individuals or to release them from it (LETA 2014b), drunk driving (LSM (*Latvian Public Media*) 2014a).

Given the above, the state has set up a monitoring system which aims to ensure that public officials are subject to the rule of law. Both authorities that adopt legally binding decisions, such as the Prosecutor's Office and the Corruption Prevention and Combating Bureau (CPCB), and institutions whose decisions are of an advisory character, i.e. the Ombudsman and the State Audit Office, monitor the lawfulness of public officials' conduct in Latvia.

Since 2004, the Administrative Court, which consists of the District Administrative Court, Regional Administrative Court and Department of Administrative Cases of the Senate of the Supreme Court, has contributed substantially to monitoring the subordination of public officials to the rule of law during their office. Over the past 10 years, the Administrative Court has significantly improved the protection of private individuals' rights, raised the quality of public officials' work, and reinforced their accountability. In 2005, 2 140 cases were completed in the District Administrative Court and private individuals' claims were satisfied in 690 cases (32 % of the cases) whereas in 2009, the number of completed cases increased to 3 704 and claims were satisfied in 846 cases (23 % of cases). In turn, 4 560 cases were completed in 2013, and claims were satisfied in 528 of them (12 % of cases) (Tiesu administrācija (*Court Administration*) 2014). In order for the monitoring to be even more efficient, the administrative court procedure must become quicker (in 2013, the average time of reviewing cases were as follows: District Administrative Court – 11 months, Regional Administrative Court – 13 months, Department of Administrative Cases of the Senate of the Supreme Court – 3 months) (Court Administration 2014), and disciplinary or even criminal liability must be imposed on public officials for violating the law.

Over the past 10 years, launching the activity of the administrative court has significantly improved awareness about accessibility of information and ensured availability of information in cases when public officials refused to provide it without due reason. The Department of Administrative Cases of the Senate of the Supreme Court has pointed to the society's rights to acquire information about corporations fully or partly owned by the state (AT (*Supreme Court*) 2014), the right to receive information about persons employed by the state (AT 2012), transparency regarding the procedure of granting access to state secrets (AT 2011). Administrative court judgements have shaped the basis for improving practices of authorities as well as laws and regulations.

The Prosecutor's Office monitors the lawfulness of public officials' conduct during criminal proceedings as well as through issuing warnings and submitting claims to public officials about decisions that are inconsistent with the law (LETA 2014a). Poor material supplies undermine the efficiency of the work of the Prosecutors Office. As is the case with other authorities, the Prosecutor's Office faces the problem of failure to ensure full staffing due to the poor skills of the candidates for positions. Public authorities are in an unenviable situation: they can either refrain from hiring candidates who do not meet the corresponding requirements and thus work at a slower pace, or risk failure to observe the principle of the rule of law by hiring such candidates in the hope that their skills will improve.

The activity of the CPCB has contributed to the rule of law in the state. At the same time, the cases that have repercussions in the society are investigated for long periods of time (Delna 2014). Furthermore, scandals within the CPCB have decreased the efficiency of its performance. The society's trust in the performance of this institution is low which, in turn, encourages some politicians to talk about liquidating the CPCB. Veronika Krūmiņa, Chairperson of the Department of Administrative Cases of the Senate of the Supreme Court, points out that the current situation where officials of the CPCB are in labour relations with the employer, instead of being civil servants, is inappropriate (Litvins 2014, 15–19). The employees of CPCB who perform public administration

tasks must be civil servants of the state. Civil servants are admitted to the civil service by means of a directive and in accordance with the State Civil Service Law. Laws and regulations that regulate labour relations do not apply to civil servants. For example, termination of employment does not require consent from trade unions. Currently, CPCB employees are hired on the basis of a labour agreement and in accordance with the Labour Law. The private law status of CPCB employees hampers efficient management of the institution.

Partial solving of the problems identified in DA 2005 related to transparency and control of political parties' funding and pre-election campaigning is a positive development. The regulatory framework lays down clear and comprehensive disclosure of information on political parties' income and expenditure, and parties prepare and submit this information on a regular basis.

The above-mentioned supervising authorities accept legally binding decisions regarding public officials whereas the Ombudsman and State Audit Office formulate their conclusions on particular matters in the shape of opinions and recommendations in order for public officials to improve their performance.

The Ombudsman's Office was established in 2007 to replace the National Human Rights Office, and it was given broader competence than the previous institution (LR MK 2005). According to the Ombudsman Law, the authority's core function is to monitor implementation of state power and to protect human rights. Initially, the activity of the Ombudsman was invisible to the public. Its work has become more visible since Juris Jansons was approved as the Ombudsman, however the procedure of appointing the Ombudsman and the way it communicates with public authorities and the society have failed to guarantee the institution the authority it ought to have (LSM 2014b). Unlike in other European countries, public officials in Latvia do not recognize legally non-binding opinions, in terms of authority and competence, as equivalent to judicial rulings (Tiesībsarga birojs (*Ombudsman's Office*) 2009; Кутрис 2007). Conversely, in advanced democratic societies, such as Sweden and Denmark, the Ombudsman's recommendations are implemented in almost all cases (ECT 1987). The Ombudsman in Latvia has been given the difficult task of ensuring that its legally non-binding recommendations are implemented in the society and in the legal system which, in the latter's case, is accustomed to observing only mandatory directives. Additionally, the economic crisis changed the Ombudsman's performance potential for the worse, as was the case for other law enforcement institutions. In order for the Ombudsman's Office to perform its functions efficiently, it must be provided with the necessary funding and human resources. It should be stressed that even the UN Human Rights Committee has indicated these shortcomings (HRC 2014).

The activity of the State Audit Office has been commendable throughout the past decade. In 2013, VK issued 439 recommendations, and authorities implemented 354 (81 %) of them. The positive indicator mostly reflects the level of introducing recommendations in ministries and other central authorities of the state. The attitude and willingness to improve has been lower among municipalities: local governments were able to implement only 42 % of the provided recommendations (Matule 2014b, 6–9). Therefore, solutions for strengthening municipal officials' subordination to the rule of law should be sought.

The State Audit Office has concluded that breaches of office were related to inefficient management, a superficial attitude towards state property, incompetent decision-making, and postponement or faulty execution of decisions. Whilst not all breaches were criminal offences, they nevertheless considerably influenced the society's trust in state power, and left a general impact on the state financial system and business environment. Decisions adopted by officials are 'untraceable', and they speak volumes for the politicians' and officials' inability to think about long-term consequences of their activity. Politicians put pressure on officials whose activity or inactivity is justified in such cases of influence. Furthermore, the State Audit Office has established that officials who hold higher positions are reluctant to evaluate the activity of their subordinates in cases of violation, inefficient activity or inactivity, and they seek justification and excuses instead of correcting mistakes (Matule 2014b, 6–9). Therefore, the State Civil Service Administration, reorganized in 2008, should be restored in the future.

In order to be able to acknowledge that the rule of law exists, society must be convinced that the process of passing laws takes place in its interests. The level of transparency in the *Saeima* is high; it is even higher than required by laws and regulations (Kalniņš 2011, 38). Engagement of NGOs' representatives and experts in legislative processes is commendable. Amendments to the Constitution transparency and to the legislator's accountability. On 19 January 2012, the *Saeima* adopted amendments to the Parliamentary Rules of Procedure which sets the rules for the election, approval, appointment, dismissal or termination, through open balloting, of office of the State Auditor, judges, Head of the Constitution Protection Bureau, Prosecutor General, Head of CPCB, Head of the Central Election Commission and other public officials. On 19 September 2013, amendments to the Constitution were introduced; they stipulated that judges of the Constitutional Court must also be approved in office through open balloting.

The fact that draft law summaries are prepared in accordance with the wording of the draft law, adopted by the *Saeima* in the first reading, whereas amendments to the draft law, introduced by the *Saeima* during the second and third reading, are not reflected in the summary deserves criticism. Therefore, the *Saeima* must either update the content of the summary or issue a separate explanatory note after passing a law in order for one to be able to clearly establish the legislative intent. Commissions' Minutes of Meeting reflecting discussions on draft decisions must be available on the *Saeima's* and municipalities' websites (Delna 2012b). One can follow the progress of draft laws and Cabinet Regulations online. Unfortunately, the same does not hold true for municipality draft regulations – the process of adopting these regulations lacks transparency. Still, traceability of draft legislation does not prevent adoption of laws and regulations, or attempts thereof, in the interests of separate individuals instead of the entire society. The bill on lobbying has still not been passed (Delna 2012a).

In general, officials are subject to the rule of law, and the situation has improved over the past 10 years. Public officials are still frequently prone to applying legislation formally due either to their acting in bad faith or to a lack of skills and knowledge. However, the Administrative Court, the State Audit Office and the Ombudsman's Office have requested public officials to improve the quality of their work. The legislative process has also become more transparent. In the future, pre-legislative or *ex ante* assessments, as well as post-legislative or *ex post* assessments, of legal provisions must be introduced into the legislative process in order to improve the quality of the content of legislation.

2.3. How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?

Articles 83 and 84 of the Constitution and Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms lay down the principle of the independence of judges. Institutional independence of the judiciary and judges means that the administration of justice is dissociated from other estates (for example, when determining the procedure for approving judges, as well as social and material guarantees) and from participants of the adjudicated case. The European Commission has acknowledged that the general indicator of the perception of independence of the judiciary has slightly decreased in Latvia: its global ranking was 61 in 2013 as opposed to 64 in 2014 (EC 2014).

DA (Audit of Democracy) 2005 evaluations indicated that government and parliament representatives periodically intervened or put pressure on courts regarding the adjudication of certain cases, thus influencing independent and objective administration (of justice). Similar situations have occurred less frequently during the course of the past 10 years; additionally, realisation that such conduct is inappropriate and inadmissible has evolved. No individuals have been punished for influencing the work of judges (Article 295 of the Criminal Law) during recent years. Therefore, external intervention in the reviewing of cases cannot currently be considered as a significant problem in our country.

Cases of external intervention in particular court proceedings are not known by the general public, however risks to independence in the field of court administration do exist. Some of the problems mentioned in DA 2005 are persist today. The problem related to the representation of the judiciary was solved in 2010 through establishing the Judiciary Council, a collegial body involved in policy-making and strategy development as well as in improving the operation of the judicial system. Furthermore, a system for selecting candidates for appointments as judges was established enabling the assessment of the professional aptitude of candidates prior to approval. Even though improvements have been made, the regulatory framework still permits excessive involvement of the executive and legislative powers in the work of the judiciary. Just as it was a decade ago, shortcomings in the independent character of courts are caused by systematic problems related to court budgeting and to the career advancement of judges.

Responsibility for staff record management, budgeting as well as planning and supply (administration) of material and technical resources for district (city) administrative courts falls to the authority subordinate to the Ministry of Justice, i.e. the Court Administration. The Supreme Court and the Constitutional Court, in turn, have established their own management institutions. The result is that there is no single management approach employed across the judicial system. The Democracy Audit published in 2005 predicted that the Court Administration would become an independent institution in 2005; however this never happened. Edvīns Balševics, the current Director of the Court Administration, indicates that by implication and according to the principle of the separation of powers, the Court Administration belongs to the judicial power, not the executive power. At the same time, there are currently no grounds for concluding that the present subordination prevents it from functioning efficiently and proficiently (Matule 2014a, 6–12). In practice, the status of the Court Administration does not currently cause problems; however, it must be shaped as an independent institution in order to ensure sustainable stability. This requires separating the judicial power from the executive power in terms of administrating all of the judicial system's institutions.

The Supreme Court and the Constitutional court presently organize their work independently of the executive power, and they submit their draft budgets for the next year to the Cabinet of Ministers. Despite this, risks to independence nevertheless exist in the Supreme Court's and the Constitutional Court's budgeting process. The Constitutional Court ruled in case No 2011-18-01 that the Supreme Court and the Constitutional Court cannot express a completely developed opinion about the funding necessary for their functioning because they cannot submit adjustments and corrections to the Minutes of Meeting of the Cabinet of Ministers. These Minutes would subsequently be appended to the explanatory note to the government budget draft law and be sent to the *Saeima*. Therefore, there is a risk that the *Saeima* may receive an incomplete opinion from both institutions regarding the funding that is necessary for performing their functions. During the trial, the *Saeima* agreed to introduce amendments to the legislation related to the procedure for developing the government budget; however, the Constitutional Court pointed to another problem, i.e. that the responsible officials who represent the executive power apply laws and regulations in bad faith.

As regards the budgeting for the judicial system, experts point out that failure to include improvement of courts in the National Development Plan prevents courts (the judiciary) from preparing new policy initiatives and planning the development of courts and their budgets (Tieslietu padome (*Judiciary Council*) 2012, 46). Experts also draw attention to the threats regarding judges' independence; these threats are related to the 'alignment' of judges' wages with the ones of public authority employees. In accordance with Article 4 Paragraph 9 of the Law on Remuneration of Officials and Employees of State and Municipal Authorities, monthly salaries of judges must be determined by using them as a benchmark to the monthly salary of highly qualified lawyers of public administration authorities and applying corresponding coefficients. In the case of such alignment, the remuneration system does not provide (and maintain) the actual value of judges' salaries. Furthermore, social guarantees for judges have been reduced (Tieslietu padome 2012, 46).

The executive power and the legislative power can also influence decisions regarding approval of judges and further advancement of their careers. There have been cases during the past 10 years when the *Saeima* did not approve the appointment of several candidates for appointment as judges regardless of the fact that they complied with the respective requirements and had successfully completed all phases of candidate selection (AT 2010).

The Law on Judicial Power stipulates that the Minister for Justice nominates candidates for appointment as judges, and the *Saeima* votes for their appointment or approval. Furthermore, the Minister for Justice adopts a decision on the appointment, dismissal and replacement of the Chairperson (and Deputy Chairperson) of the District (City) Court and the Regional Court. The executive power thus has an opportunity to directly influence the appointment of judges and the organization of the functioning of courts.

The risk regarding the independence of judges is due to the fact that the *Saeima* appoints district (city) court judges for a period of three years. After three years of service, judges are approved for an indefinite term or re-appointed for a period of up to two years. The problem related to the fact that a lifetime appointment of judges depends on the votes of politicians was already indicated in DA 2005. Therefore, either the three-year trial period applied to judges should be renounced or, if it is preserved, then the law should clearly stipulate that judges who are not nominated for a lifetime appointment have the right to appeal such a decision in court. The law should also provide that the *Saeima* only approves decisions on lifetime appointments of judges whereas the Judiciary Council adopts decisions related to further advancement of judges' careers, such as decisions on transferring judges to a court of a higher level. The *Saeima's* competence of approving the Chairperson of the Supreme Court should also be transferred to the Judiciary Council (Tieslietu padome 2012, 46).

Today, the decision to revoke the prohibition for judges to be members of political organizations would present threats to the judiciary's independence. In case No. 2012-16-01, the Constitutional Court found that the prohibition for judges to be engaged in political parties and other political organizations stated in the Law on Judicial Power guarantees the functioning of a fair, independent and impartial judiciary. The Constitutional Court also concluded that, in the future, the legislator should perhaps assess the need for such a prohibition in a democratic society. Various standards exist in other countries – ranging from the prohibition to engage in all political activities to quite a wide range of permitted activities in political parties. In Lithuania, (Seimas 1994, 44 (3); 48 (5)) and Estonia (Riigikogu 2002, 49 (2)) judges are prohibited, by law, from being members of political parties. In Canada 'all political activities must end when the judge acquires office'. Conversely, in Italy judges are permitted to engage in the functioning of political parties and to express their political opinions publicly (it is prohibited to take part in pre-election campaigns) (Kalniņš, Kažoka, Litvins 2008: 148). Also, in some USA states judges are permitted to be members of political parties (Forward 2010). Thus, the right of judges to be members of political parties in Latvia currently has the status of 'dormant right'. Judges might be permitted to be members of political parties if the political culture in Latvia did not jeopardize the functioning of a fair, independent and impartial judiciary.

Overall the independence of the judiciary is observed in Latvia. Nonetheless, problems with the independence of the judiciary exist in relation to the administration of the court system and the advancement of judges' careers. Some of the problems have existed since 2004. The situation has not changed significantly during the past 10 years.

2.4. How equitable and secure is the access of citizens to justice, to due process and to redress in the event of maladministration?

Latvian legislation and binding international agreements lay down the state's obligation to ensure equal and secure access to fair and timely trial as well as the right to receive compensation for public administration errors. Access to justice is one of the most fundamental elements of a fair trial; in its absence, other guarantees arising from the right to a fair trial, such as due process of

law, openness of proceedings, and the right to a reasoned judgement, become meaningless because individuals are not able to benefit from them if they do not have an opportunity to turn to the court (Briede et al 2011, 129).

State-provided legal aid guarantees equal access to justice. The Law on State Legal Aid became effective on 1 June 2005. Its aim was to provide state-guaranteed financial aid for receiving legal aid in cases when individuals would otherwise have no access to justice. The problem related to the failure on the part of the state to duly ensure legal aid to individuals was already identified in DA 2005. A similar problem exists now. Latvia provides legal aid in criminal cases and, to a comparatively limited extent, in civil cases whereas no assistance is offered in administrative cases (except for those relative to appeals for asylum). Compared to other countries, little funding is allocated to legal aid in Latvia. In 2010, public funding earmarked for legal aid in European countries was 6.8 euros per capita on average whereas the funds allocated for this purpose in Latvia was only 0.4 euros per capita (Council of Europe 2012, 76). Furthermore, doubts exist regarding the efficiency of the state-offered legal aid. Barristers do not wish to engage in providing legal aid because the number of remunerated consultation hours and procedural documents is insufficient. The state should increase the number of eligible types of legal aid and remuneration rates for those who provide legal aid.

The judgement in case No 2003-04-01, adopted by the Constitutional Court in 2003, was presented in DA 2005 as a success. In this case, the Constitutional Court recognized that the monopoly barristers enjoy in civil proceedings is in conflict with the right to fair trial. Therefore, in the courts of cassation, similarly to the courts of first instance and appeal, individuals must be permitted to conduct proceedings either themselves or through authorized representatives. Furthermore, any physical person may be the authorized representative. Ten years later, on 9 December 2013, the *Saeima* amended the Civil Procedure Law and determined that individuals may choose to conduct proceedings at the court of cassation themselves or through the intermediary of a barrister. Having analysed the arguments stated by the Constitutional Court in 2003 and the amendments to the Civil Procedure Law introduced in 2013, one must admit that these amendments were a positive development as they aligned the society's interests with individuals' right to be free to choose their representatives thus allowing for a better quality of proceedings at the court of cassation. Similarly, in its judgement in case No. 2013-04-01 adopted in 2014, the Constitutional Court recognized that the use of legal aid provided by a barrister facilitates optimum cost-efficiency of trials and promotes achievement of a fairer result. Therefore, where there is a favourable judgement, it is reasonable to request the other party to compensate only such proceedings-related expenses that are related to hiring a barrister instead of a regular attorney. Thus, the Constitutional Court ruled that barristers may be given advantages during civil proceedings, compared to other providers of legal aid, if such advantages have a legitimate purpose and proportionality is ensured between the interests of an individual and those of the society.

Such conditions as geographical distance between an individual's place of residence and the court also influence equal access to justice. Not all residents have personal means of transport, and the current public transport network does not ensure efficient access to courts. The administrative court began to adjudicate on administrative violation cases in 2004, and courts of general jurisdiction started to adjudicate on them in 2013. The Administrative District Court consists of five court buildings and there is only one Administrative Regional Court (in Riga); in turn, 34 district (city) courts of general jurisdiction and five regional courts of general jurisdiction exist. Courts of general jurisdiction cover the entire territory of the state. Thus, the access to justice in administrative violation cases has increased substantially since 2013 because courts are closer to individuals' place of residence. Similarly, jurisdiction from administrative courts to the courts of general jurisdiction, and vice versa, should be changed for several other categories of cases (Kalniņš et al 2013, 52–100).

Stability of court rulings ensures secure access to fair and timely justice, i.e. the number of appeal and cassation petitions satisfied (rulings of courts of lower instances amended or annulled, cases sent for repeated review). The proportion of appealed judgements and amended or annulled

judgements is comparatively high in Latvia (AT 2013a). The *Saeima's* resolution to liquidate the Chamber of Civil Cases (as of 2017) and the Chamber of Criminal Cases (as of 2015) of the Supreme Court, and to establish three 'pure' court instances instead, will ensure more secure access to justice. District (city) courts will hear all civil and criminal cases at the first instance, regional courts will deal with cases of appeal, and the Supreme Court will review cassation petitions. In practice, it is often not clear for individuals which of the courts is the court of first instance and at which court they should file their petitions – the district (city) court or the regional court.

Fair courts must not only be impartial and independent, they must also be knowledgeable. The European Commission has concluded that the training available for judges in Latvia is mediocre (EC 2014). Similarly to other member states of the Council of Europe (Jagland 2014, 23), training for judges must be a high priority and sufficient funds from the government budget must be allocated for this purpose.

Timely courts are courts that adopt their rulings within a reasonable time frame considering both the complexity of the case in question and the general workload of the court. Legislation does not lay down a time limit beyond which it is automatically recognized that the particular case was heard within an essentially unreasonable time frame. Circumstances and the acceptability of the length of proceedings are assessed separately in each case (Briede et al 2011, 140). The right to a hearing within a reasonable time frame (prompt and efficient process) is one of the core elements of the right to fair trial particularly emphasized in relation to criminal proceedings. The problem outlined in DA 2005, namely protracted proceedings and delayed hearing of cases, is still relevant today.

On average, court hearings in Latvia are lengthy compared to other EU member states. It is in Denmark where cases are reviewed most promptly – 15 days on average; 180 days are necessary in Latvia whereas in Portugal it is 810 days. On a positive note, currently Latvian courts hear more cases than they receive, thus they are able to reduce the number of accrued cases needing to be heard (EC 2014). Concerns regarding the timeliness of reviewing cases arise from the workloads of separate courts and the length of proceedings. During the first quarter of 2014, criminal cases at the court of first instance were reviewed within the following time periods: an average of 65.5 months at Kurzeme Regional Court, 44.7 months at Zemgale Regional Court, and 23.9 months at Vidzeme Regional Court. In the court of appeal, especially lengthy proceedings are reported at the Chamber of Criminal Cases of the Supreme Court (an average of 20.9 months) and Administrative Regional Court (an average of 18 months). In the court of cassation the lengthiest proceedings are reported at the Chamber of Civil Cases of the Supreme Court, i.e. 14.8 months on average (for the sake of comparison: at the Department of Criminal Cases – 1.3 months, and 2.6 months at the Department of Administrative Cases) (Tiesu administrācija 2014). Thus, the length of proceedings is not a problem in general. However, where there are unreasonably lengthy proceedings, solutions should be sought individually in each court.

Similarly, professors Ārija Melikaša and Kristīne Strada–Rozenberga indicate that, in general, positive trends are observed in terms of decreasing the lengthiness of criminal proceedings at Latvian courts. The circumstance that does raise concerns is the still comparatively large number of court hearings that have been postponed or have not taken place. The figures have not decreased during the recent years. This problem requires a complex solution that is mainly related to the improvement of managing court hearings (Meikališa, Strada–Rozenberga 2013).

Sufficient funding for the court to be able to implement its functions efficiently also influences access to timely justice. Of all of the EU member states, the Baltic States, Romania and Bulgaria are the countries that allocate the smallest government funds to courts. Latvia spends just over 20 euros per capita per year for courts' needs. The countries that spend the most for this purpose are Luxembourg (over 140 euros) and Germany (over 100 euros) (EC 2014). Similar problems exist in terms of the lack of resources at Latvian courts. Judges are overloaded with work, and salaries of judicial clerks do not correspond to their level of expertise and the amount of work they do (Kalniņš 2011, 60–61).

The law guarantees individuals' rights to receive compensation for the errors made by public authorities. The Law on the Compensation of Damages Caused by Public Authorities ensures the right to adequate compensation in the legally specified amount guaranteed to individuals in the Constitution and the Administrative Procedure Law. The Supreme Court has nevertheless recognized that, when determining compensation, courts must compare the compensation determined by the ECHR in similar cases and they must not only consider the economic opportunities in Latvia but also bear in mind that compensation for non-pecuniary damages must not be significantly lower than the minimum determined by the ECHR (AT 2013b). No clear and stable criteria for determining the amount of compensation have been established in judicial practice, and the amount of compensation determined by the courts does not always correspond to the practice of the ECHR.

No regulatory framework currently exists for regulating individuals' rights to compensation for damage caused by applying inadequate national or EU laws, or for not reviewing a case within a reasonable time frame. Only the Criminal Procedure Law lays down a partial compensation mechanism which provides that individuals may be released from criminal liability if it is established that their rights to completion of criminal proceedings within a reasonable time frame have been violated. Court rulings frequently show flaws in terms of reasoning as to whether, upon the completion of criminal proceedings, a given offence has been recognized within a reasonable time frame, and, if so, why the court acted in a particular way (Meikališa, Strada-Rozenberga 2013).

In general, the situation is better today than it was in 2004. However, the state still does not ensure sufficient legal aid, and court proceedings in separate courts are unreasonably long. Individuals are eligible for compensation for the errors made by public authorities. However, no regulatory framework exists regarding receiving compensation for the damage caused by courts.

2.5. How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?

National legislation (the Constitution, Criminal Procedure Law and the Sentence Execution Code of Latvia) as well as international human rights treaties to which Latvia is bound (European Convention on Human Rights, UN International Covenant on Civil and Political Rights, UN Convention on the Elimination of All Forms of Racial Discrimination, etc.) provide for impartiality and equal treatment of all parties regarding criminal proceedings and the penal system. Thus, the legislative framework is indubitably required to ensure impartiality and equal treatment.

The key goal, i.e. restoration of victims' rights and compensation for damages, is not fully observed in criminal proceedings and execution of sentence. Sentencing and penalization of the alleged offender is erroneously determined as the goal. The legal status of victims in criminal cases is such that the focus of facilitating the sentencing of the criminal offender rather than restoring the victims' rights to how they were prior to the offence is seen to be the purpose of the proceedings. Considering that facilitating the sentencing of the criminal is erroneously assumed to be the purpose of criminal proceedings, the alleged offender has more access to state-provided legal aid than the victim, whereas the process of compensating damages is bureaucratic and thus effectively unavailable to the majority of victims. Furthermore, the scope of victims' rights and obligations is defined only in the criminal proceedings up to the point when the conviction becomes effective; in addition to this, the regulation is of a rather formal character. The victim has no role during the process of execution of the sentence.

The remark made in DA 2005 regarding the absence of sufficient guarantees for ensuring legal aid during criminal proceedings is still of relevance (see Section 2.4).

Risks of an unequal and biased attitude towards one of the parties exist in all matters where courts have a relatively high degree of discretion. Courts enjoy a comparatively high degree of freedom in criminal proceedings and in the penal system. Criminal offences that correspond in content to an Article of the Criminal Law differ in terms of injuriousness and degree of guilt. Taking these differences into account, the law leaves determination of punishment up to the court.

Similarly, courts enjoy a rather high degree of discretion in terms of evaluating evidence. However, it will never be possible to eliminate the risks that arise from a flexible system of penal sanctions and evaluation of evidence through amendments to the law. If this were so, the courts' degree of freedom in imposing punishment and evaluating evidence would be considerably limited which, in turn, is incompatible with the principle of guilt and fair punishment. In order to establish whether the court uses its free discretion in determining punishment and evaluating evidence equally, it is necessary to analyse case law and identify what factors decrease or amplify individuals' responsibility and recognize standards for evaluating evidence. Currently such analyses are performed rarely; therefore it is impossible to claim that consistent and predictable judicial practice exists, ensuring equal treatment towards all parties.

The ECHR has recognized Latvia's liability in several cases when the prohibition on torture or cruel/humiliating treatment was violated. The violations were related to the poor state of the infrastructure in police stations and prisons as well as to insufficient professionalism on the part of officials. Therefore, in order to prevent similar violations, the state has committed to building new prisons (LR MK 2013). Special attention should be paid particularly to convicts who are serving lifetime imprisonment; effectiveness and pace of pre-trial criminal proceedings must also be improved. At present, there is an unreasonably long wait before judgements in criminal proceedings become effective (HRC 2014).

Another fact that contributes to unfair treatment is that no independent and impartial rights' protection mechanisms exist for assessing public officials' offences committed in psychiatric hospitals, police stations and prisons. Internal investigation authorities are not entirely independent, and investigations are inefficient. Officials' violations are investigated incompletely, and the responsible individuals do not always face prosecution (HEC 2014).

Similarly, cases have been established where information was unlawfully leaked from law enforcement institutions for the benefit of separate individuals, thus giving them advantages, without any grounds for doing so, as well as hampering the progress of criminal proceedings and the ascertainment of the truth (LETA 2012a, 2013a). Furthermore, the Constitutional Court has found that judges frequently fail to observe due diligence when assessing whether it is reasonable to take somebody into custody during pre-trial criminal proceedings and when evaluating parties' equal access to the criminal case files (ST 2014b). An order must be established where, on one hand, unlawful leakage of information is eliminated, and on the other, information may be given to individuals when the law provides for disclosure.

Different treatment is justifiable in individual cases during criminal proceedings. On 29 May 2014, the *Saeima*, based on good reasons, adopted amendments to the Criminal Procedure Law stipulating that criminal proceedings in which the defendant is a public official who holds a responsible position must have priority over other criminal proceedings in terms of ensuring proceedings within a reasonable time frame. The amendments to the law are justified by the legitimate aim of terminating a situation where the defendant is an official who in separate cases even preserves the right to adopt decisions in matters important for the society. Continuous uncertainty undermines the authority of public administration, judiciary and municipalities, and reduces people's trust in justice and the state. For example, judge of the Constitutional Court Vineta Muižniece was dismissed from her duties at the end of 2011 but the judgement on her case only became effective mid- 2014. Even though V. Muižniece did not take part in the work of the Constitutional Court during the proceedings, she maintained her position of judge and her salary, receiving a total of over 80 000 euros over the period during which she was suspended (LETA 2014c).

Generally speaking, one can conclude that restoration of victim's rights and compensation for damages have wrongfully not been determined as the key goal in criminal proceedings and in the penal system. By and large, the situation has not changed since 2004. Positive trends, facilitated in the main by the ECHR's report on the regulatory framework and judicial practice in Latvia, are nonetheless observed.

2.6. How much confidence do people have in the legal system to deliver fair and effective justice?

Courts cannot perform their tasks if the legitimacy and soundness of their rulings are questioned. People's distrust in the judicial system has been a continuous problem, already identified in DA 2005.

Several factors influence the society's trust and opinion regarding the fairness of courts. One of them is the society's negative attitude towards the political power in general because the sovereign has not enjoyed a continuous and high level of public trust. This has contributed to the formation of a negative attitude towards the judicial system. Nonetheless, exceptions exist: the society trusts separate public authorities. Unfortunately, courts are not one of these. A public poll conducted by the research agency Latvijas Fakti in 2012 reveals that 34.1 % of respondents characterized courts as 'very or rather unfair in terms of corruption' (Šņitņikovs, Kārklīņa 2013, 10). These indicators are better than the ones given for the *Saeima* and the Cabinet of Ministers (over 40 % of the population of Latvia questioned the fairness of these authorities' activity) whereas they were much lower than those of the State Audit Office (Šņitņikovs, Kārklīņa 2013, 10).

Laws and courts ensures that parties have equal opportunities to participate in the trial and prove their case. However the perception that the judicial system is inefficient, ponderous and slow is rooted deeply in the society. Not much evidence exists regarding corruption and acting in bad faith on the part of judges, however prominent scandals and various circumstances shape the general impression of the judicial system.

Possible telephone conversations between barristers and judges published in the book 'Tiesāšanās kā ķēķis' (*Litigation as a Kitchen*) influenced and still continue to influence the image of courts (2007). The Prosecutor General's Office established breaches in the conduct of several judges of the Supreme Court and the Riga Regional Court, however criminal proceedings never followed. Some of the judges related to the above-mentioned telephone conversations left their positions after the scandal, however this case has left a sense of incompleteness. The inability to find solutions to problems or the protracted seeking of solutions has left an impact on the society's attitude.

Conditions such as publicly known cases which in one instance lasted for several years, cases at the European Court of Human Rights being regularly lost, unethical behaviour of judges (being at work in a state of inebriation and aggressive behaviour towards journalists) (Libeka 2013), alleged dishonest and unlawful cooperation between judges and insolvency administrators (LETA 2013b), as well as proceedings on an increase in their salary launched at the Constitutional Court by judges and prosecutors while other public officials' salaries were being cut, negatively influence the image of the judicial system. Adequate and prompt explanations from the officials of the judicial system were necessary in these cases. Furthermore, the judicial system has been at the centre of public attention for the past five years. The judicial system's institutional authority has decreased, and journalists view the work of judges, politicians and other public officials equally critically.

One can conclude from public polls carried out throughout the past 10 years that honesty of court employees is appraised much more positively than the judicial system in general. Moreover, individuals who have had personal encounters with judicial authorities have a more positive attitude towards the judicial system than those who have never had any dealings with courts (Kalniņš, Austere 2010). In its poll conducted in 2012, SKDS concluded that almost half of those who have had encounters with courts 'fully trust' or 'quite trust' courts (48 %) whereas 44 % 'do not really trust' or 'have no trust' in courts. In the general public these indicators are in turn significantly different: only 30 % claim they trust ('fully trust' or 'quite trust') courts whereas almost a half the respondents were sceptical and admitted they do not trust courts (48 % 'do not really trust' or 'have no trust' in courts) (Šņitņikovs, Kārklīņa 2013, 11).

Nevertheless, positive changes are also observed: in 2007, 14 % of Latvia's population were of the opinion that courts are were honest (a similar proportion of favourable responses was reported in 1999 when 15.9 % of the population considered courts to be honest) whereas as many as 28.5 %

of the population shared this opinion in 2012 (Šņitņikovs, Kārkliņa 2013, 11). Public trust in courts has increased during the recent years. Similar trends were revealed in the poll conducted by the SKDS public opinion research centre in 2011: for the first time in the last decade courts had positive trust ratings, i.e. +1 point. This rating was much lower in 2010 (-12 points) and even lower in 2000 (-26 points) (Šņitņikovs, Kārkliņa 2013, 11). Improvements in ratings might be related to the fact that increasing the efficiency of court proceedings has been one of the legislator's priorities during recent years. The Judiciary Council launched its activity in 2010, and amendments to the Law on Judicial Power and other laws and regulations related to court proceedings were adopted.

Even though positive trends are observed and public trust in the judicial system has increased over the past 10 years, it is still at an insufficient level. Substantiating court rulings with clear and convincing arguments is the most effective way to increase the society's trust. Administrative institutions of the judicial system must explain the competence of courts and restrictions to their activity to the society, adopt decisions about judges' liability in a fair and transparent way in cases when they act unlawfully and unethically, as well as take the initiative to define challenges related to the judicial system and propose solutions to these challenges to the *Saeima*. Additionally, between 1 January 2013 and 1 January 2016, the Judicial Qualifications Committee must assess judges' professional activity and select the ones whose professional qualifications are below the level defined by law. Considering that assessments were launched only recently, it will be possible to analyse the results only after they are completed.

In general, society's trust towards the judicial system has slightly increased over the past 10 years. However, this trust is still at a low level, therefore, it is necessary to improve the performance of courts and to explain the role and specific character of courts to the public.

Summary: progress over the past 10 years

	Very good	Good	Satisfactory	Poor	Very poor
2.1.		X			
2.2.		X			
2.3.			X		
2.4.				X	
2.5.			X		
2.6.				X	

Best features

Courts are independent from intervening in the administration of justice and, albeit slowly, the society's trust in courts is increasing. Lengthiness of legal proceedings is not a general problem, it is a problem of individual courts.

Most serious problem

Applying laws formally and in bad faith on the part of public officials and other members of society as well as conditions in penal institutions and police stations; improper investigation of breaches of office.

Recommendations

1. Free online availability of the decisions adopted by the Constitutional Court must be ensured.
2. Independent and objective internal investigations concerning violations in psychiatric hospitals, places of detention and police stations must be ensured.

3. Victims must be provided with greater access to legal and other types of assistance during criminal proceedings.
4. More substantial funds and greater access to state-provided legal aid must be ensured.

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3. CIVIL AND POLITICAL RIGHTS

Anhelita Kamenska

Are civil rights and political rights equally ensured for all?

3.1. How free are all people from physical violation of their person, and from fear of it?

The prohibition of violence in Latvia is laid down at the constitutional level and in several domestic laws, including the regulation of the responsibility of the law enforcement authorities, if violence is used in the line of duty, and by prohibiting violence amongst civilians. This is also prescribed in international treaties ratified by the Republic of Latvia (RL) (Brands-Kehre, Pūce 2005, 45).

Over the last 10 years, criminal liability has been strengthened in several legal instruments for certain types of violence, including unlawful conduct by officials in the performance of their professional duties. On 19 November 2009, the *Saeima* included the definition of torture in the Criminal Law (CL),¹ by increasing the liability of officials for coercing testimony, exceeding the scope of their official powers etc. (LR Saeima (*the Saeima of the Republic of Latvia*) 2009).

The issue of police ill-treatment remains topical, along with the effective investigation of such offences and punishment against the perpetrators. The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment criticised Latvia about it in its 2007, 2009, and 2011 reports (CPT 2009; CPT 2013). However, since 2012, there has been an increase in the number of cases heard against Latvia, whereby the individuals have complained about the alleged ill-treatment by the police and prison staff lack of effective investigation into such complaints, and the number of cases in which the European Court of Human Rights (ECtHR) has found a violation of Article 3 of the European Convention of Human Rights (prohibition of torture).² In response to the criticism, in 2013 the Ministry of the Interior (MoI) drafted a policy document prescribing the transformation of the Internal Security Service of the State Police (key police complaints body) and its transfer under the authority of the Minister of the Interior (LR IeM (*Ministry of Interior of the Republic of Latvia*)) (see Chapter 9 for more information).

With regard to violence among civilians, the number of grave violent crimes (homicides, intentional grievous bodily injuries) between 2004 and 2013, compared to the preceding years, has decreased (LR CSP (*Central Statistical Bureau of the Republic of Latvia*) 2013). The average homicide ratio (per 100,000 inhabitants) in Latvia has decreased by half – from 6.22 (in 2002) to 3.11 (in 2010). Of all the European countries, this indicator is the highest in Russia (10.19), Lithuania (6.59), Estonia (5.22), whereas the indicator is considerably lower in Slovenia (0.76) and Sweden (0.97) (UN ODCIHS 2011). One of the reasons behind the decrease in homicides is a considerable decrease of the population due to emigration, especially during the economic crisis.

¹ Deliberate repeated or continued action or inaction of a person, by inflicting physical pain or psychological suffering upon another, or a deliberate one-off action or inaction of a person, by inflicting severe physical or psychological suffering upon another in order to affect the conscience or will of another.

² See Chapter 9 for a list of judgements of the European Court of Human Rights.

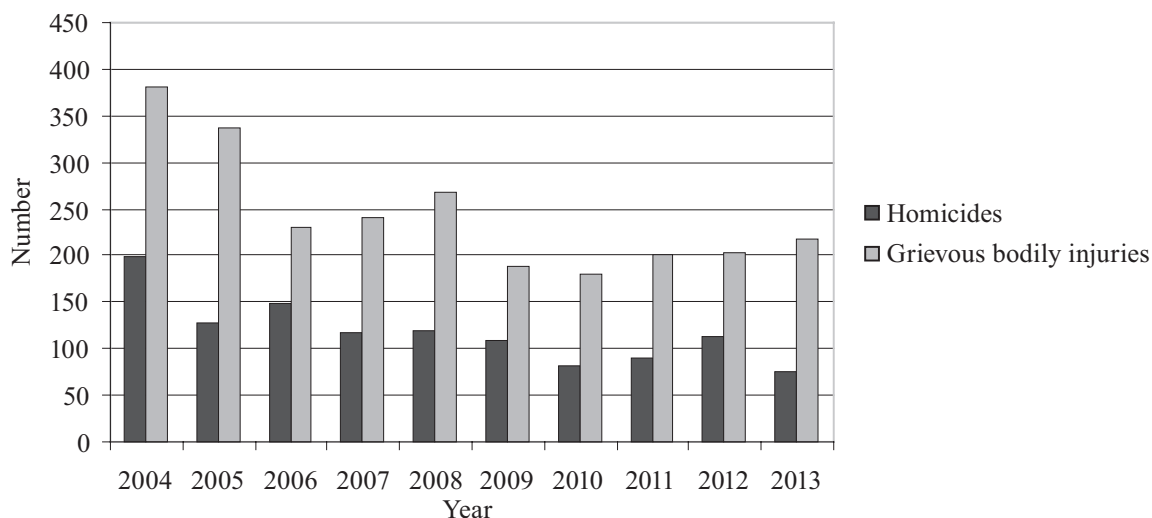


Figure 3.1. Number of registered offences, 2004–2013

Source: CSB 2013.

Victimisation surveys are amongst the sources of information that help determine the actual share of crime victims. In a 2000 survey, 16 % of respondents claimed that they had fallen victim to crime. Over the last decade, the annual proportion of crime victims on average has ranged from 8–12 % (SKDS 2012). A considerable percentage of victims do not report violence or threats of violence – 69 % did not report to the police if the perpetrator was somebody they knew, whereas in 81 % of cases the victim did not report when the perpetrator was unknown (Zavackis et al 2013). Thus, the surveys reveal a much higher proportion of crime victims than shown by the official statistics.

Human trafficking remains a concern in Latvia, and data on human trafficking is incomplete. However, in recent years, the most widespread form of human trafficking among the inhabitants of Latvia is brokered marriages with third country nationals abroad (LETA 2013b) – the marriage is entered into due to financial considerations, and it is not infrequent that the person is subjected to violence in the new family. On 13 December 2012, the *Saeima* amended the Criminal Law, whereby criminal liability was introduced for organising brokered marriages (Section 285²), if the aim is to obtain a residence permit in Latvia, another EU member state, in a country of the European Economic Area, or the Swiss Confederation (LR Saeima 2012b). Furthermore, several policy documents have been adopted to prevent human trafficking (LR MK (*Cabinet of Ministers of the Republic of Latvia*) 2014), and NGOs organise campaigns on a regular basis to raise public awareness about the risks of human trafficking (Patvērums 2011). As Latvian inhabitants leave the country to seek work in other EU member states, there have been an increasing number of reports of labour exploitation of women and men in the United Kingdom and Ireland (BT 2011).

In the 2013 report on human trafficking, the US Department of State identified Latvia as a country of origin and destination of victims of human trafficking. The report states that the government of Latvia does not fully comply with the minimum standards for the elimination of human trafficking, in spite of the considerable efforts invested in order to meet them. The report describes law enforcement authorities as the weakest sector in combating human trafficking – the number of adjudicated cases is low, and only few of the convicted individuals receive a prison sentence (US DS) 2013). During 2005–2013, there have been only few cases where the human trafficking provision was applied, when a person became a crime victim as a result of violence, threats, deception etc. Therefore, international organisations describe Latvia's performance as modest. In 2006, the Supreme Court (SC) recognised “the sending of a person for purposes of commercial sexual exploitation with person's consent” as a type of human trafficking (LR AT (*Supreme Court of the Republic of Latvia*)).

2006, 4), and in Latvia, unlike other EU member states, criminal liability is prescribed for such conduct. 31 criminal proceedings were initiated for this crime in 2009, 28 – in 2010, 21 in 2011 and 13 in 2012. Latvia is nevertheless criticised for sentences that are often too lenient.

Since 2006, victims of human trafficking are entitled to receive state-paid social rehabilitation, and the number of recipients of such services has increased from 2 in 2007 to 33 in 2013. Most often, the residents of Latvia have become victims of human trafficking in the United Kingdom, Ireland, the Netherlands, Greece, Italy, Belgium, Germany, Cyprus, Sweden, the USA, Switzerland, and Russia (LETA 2013).

In 2005, the issue of hate crimes became more topical in Latvia. For the first time, racially motivated violence (as well as threats of violence) was officially registered, including against the head of the NGO Afrolat, a staff member of the US embassy, the rabbi of the Riga Jewish Community. In 2007, the first racially motivated crime was registered against the Roma. In 2005, the first Riga Pride took place under close police supervision. An especially intolerant and aggressive attitude by the public was observed in 2006, when the Riga City Council banned the Pride. No racially motivated cases of violence were recorded by the law enforcement authorities from 2008 until 2012. According to unofficial sources, such cases nonetheless exist, but the victims do not report them.

In 2006, the *Saeima* included racist motive among aggravating circumstances. However, the CL does not criminalise offences against persons because of their sexual orientation, although various LGBT (lesbians, gays, bisexuals, and transgender) - related events, as well as surveys point to high levels of intolerance and there is anecdotal evidence of cases of violence against sexual minorities (LETA 2014a). In 2013, discussions started on the need to improve the legislation as Riga will host the Europride 2015. No initiative, however, had gained any support from the legislators by the spring of 2014.

After joining the European Union (EU), Latvia strengthened its legislation related to child safety concerning the rights and obligations of the competent authorities when the child's health, safety, or development is under serious threat. The definition of violence has been elaborated, the concept of emotional abuse of children has been expanded and all professional groups requiring special knowledge about the matters of the protection of children's rights have been discerned (LR Saeima 1998a). The *Saeima* has also raised sanctions for the sexual abuse of children (LR Saeima 1998b). The number of abused children who receive social rehabilitation has increased: in 2005 – 2,142 children, in 2010 – 2,646, in 2011 – 2,738 children (CSB 2013). Meanwhile, survey results indicate a high prevalence of violence in schools, and the number of complaints has steadily increased; every fourth child in Latvia has suffered from violence in school (Diena 2012). Even though the understanding about child abuse has increased among specialists, preventive measures and a timely and co-ordinated response remain inadequate.

A survey conducted by the EU Agency for Fundamental Rights suggests that Latvia has one of the highest incidences in the EU of violence against women. 39 % of women in Latvia (the EU average 33 %) have been subjected to sexual and/or physical violence, 31 % of women in Latvia (the EU average 20 %) have suffered from physical violence inflicted by their partner (EU FRA 2014). Changes with regard to domestic violence in Latvia have been very slow and have taken place only in recent years. Unlike in other countries, absence of a strong women's movement in Latvia has hindered awareness raising on domestic violence, and domestic violence has not been perceived as a human rights issue, but rather as a private problem to be addressed within the home.

The addressing of domestic violence has also been hindered by the narrow understanding of the concept of family. As a result, the police have often perceived domestic violence to be mainly violence between the spouses. On 21 October 2010, the Criminal Law was amended to include an expanded concept of family, comprising also unregistered partnerships, as well as common single

household.³ In March 2014, extensive amendments to the Civil Procedure Law (LR Saeima 2014a) and to the Law on Police took effect. They strengthened the protection of a victim in domestic violence cases namely, police powers were expanded to include authorisation to immediately separate the victim from the perpetrator, and prescribed the possibility for the courts to impose long-term obligations on the perpetrators, such as a restraining order, prohibition from contact etc. (2014b). Thereby Latvia has made a considerable step towards aligning its legislation for the protection of domestic violence victims with that in place in many EU countries.

Since mid-2006, the EU Directive on compensation to crime victims has enabled victims, who have suffered from intentional violent crimes in Latvia, to receive state compensation. It can be received, if, as a result of an intentional crime, a person has died, received grievous or serious bodily injuries, become a victim of sexual abuse, a victim of human trafficking, or they have been deliberately infected with HIV, hepatitis B or C. Even though the maximum statutory compensation was set at 10 times the minimum monthly wage, in reality, the biggest compensation to date has been half that amount.

For a long time, Latvia had no official statistics on the number of crime victims, as no register of crime victims existed. International organisations (including the UN) have pointed to a systematic lack of disaggregated data about crime victims (gender, age, nationality etc.). Since 1 January 2011, the Information Centre of the Ministry of the Interior has been operating a data base, which also includes detailed information about crime victims (LR MK 2010). In 2011, the number of victims in Latvia was 15,403, in 2012 – 12,600, and in 2013 – 11,789. Unfortunately, data about crime victims (anonymized) in general and disaggregated data are not publicly available, and are available for a fee only (LR IeM (*Ministry of the Interior of the Republic of Latvia*) 2012).

Latvia remains one of the six EU member states without a state-financed national crime victim support organisation for adults; support is provided mostly by NGOs, with foreign, and less often, state or local government funding. Social rehabilitation services for adult crime victims were to be provided from 1 January 2010, however, due to the economic crisis and, possibly, due to continued lack of political will, they were postponed until 1 January 2015.

The decade has seen the strengthening of legislation concerning different forms of violence, improved support to crime victims, and gradual improvement of data collection. However, problems remain concerning the training of law enforcement about different types of violence, such as domestic violence, hate crimes, as well as a timely and coordinated response from the responsible authorities in cases of child abuse. One of the most serious problems is the absence of an independent complaints body that would examine cases of ill-treatment by law enforcement representatives. The overall situation is assessed as **satisfactory**.

3.2. How effective and equal is the protection of the freedoms of movement, expression, association and assembly?

Freedom of movement

On 21 December 2007, the Schengen area was expanded, and border controls were removed at land and sea borders. In 2008, border control at airports was lifted for flights within the Schengen area. These changes affected Latvia as well.

³ Section 48 Aggravating circumstances. (1) The following may be considered to be aggravating circumstances: [...] (15) a criminal offence related to violence or threats of violence committed against a person, to whom the perpetrator is related in the first or the second degree of kinship, against a spouse or a former spouse, or against a person with whom the perpetrator is or has been in an unregistered marital relationship, or against a person with whom the perpetrator has a joint (single) household.

With the accession to the European Union on 1 May 2004, the EU labour market was gradually opened for eight Eastern European countries, including Latvia. On 1 May 2007, the Netherlands opened its labour markets for citizens of these countries, Germany and Austria following suit in May 2011. In 2012, 8.5 % of the Latvian nationals were working in one of the EU member states, and only Lithuanian, Romanian, Portuguese, and Spanish nationals were more active; the Latvian indicator was two and a half times higher than the EU average (3.1 %) (EC 2013). Some countries have introduced various administrative obstacles to accessing the labour market of member states, such as quotas of accepting foreign nationals, imposing various labour rules and conditions for foreign nationals, divergent access to social benefits, non-recognition of professional qualifications acquired in another country. Reports from the European Commission mention Latvia 'with regard to provisions of registering vehicles, which can lead to a practical obstacle of obtaining a job, as well as restricted access to educational establishment for foreign nationals' (LBAS (*Free Trade Union Confederation of Latvia*) 2013, 12).

Before joining the EU, there were considerable differences between visa requirements for the citizens and the non-citizens of Latvia. At times this has been perceived as an unjustified restriction to the freedom of movement, as the non-citizens enjoyed a visa-free regime with seven countries compared to 67 countries for the citizens. On 19 January 2007, the Council Regulation No 1932/2006 of 19 January 2007 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement came into force. Pursuant to the Regulation, the non-citizens of Latvia may travel without a visa to Norway, Iceland, and all EU member states, except for the United Kingdom and Ireland, who opted out of the Regulation (EU OV (*EU OJ*) 2006). In 2012, an agreement on this matter was concluded between the EU and Switzerland. The citizens of the Republic of Latvia now enjoy a visa-free regime with 77 countries, 30 of which the non-citizens can also enter without a visa, thus the differences have been reduced since the accession to the EU. Since 2007, non-citizens enjoy visa free travel to Russian Federation, while Latvian citizens require a visa.

One of the pressing issues in the European Union is the question of permanent residency in its member states of LGBT (lesbians, gays, bisexuals, and transgender) people. While the legal regulation of LGBT cohabitation varies within the EU, previously obstacles existed for LGBT partners to reside in Latvia. As from 30 August 2011, the government regulations prescribe the procedure of how EU citizens can travel to and settle in Latvia together with their family members. Pursuant to the definition of the EU Directive, these regulations recognise a partner, with whom an EU citizen has had at least a two-year long or registered partnership, as an extended family member, thereby also covering LGBT persons (LR MK 2011).

Freedom of assembly

Legal framework

Freedom of assembly is enshrined in the Constitution, in the Associations and Foundations Law, as well as in the Law on Political Parties passed on 22 June 2006. Any individual or legal entity may establish an association or a foundation (at least two founders), whereas to establish a party at least 200 citizens of Latvia are required. Latvian citizens, Latvian non-citizens, and EU citizens, who are not Latvian citizens, but reside in Latvia, may be party members. A party must have at least 200 members, but in a party of more than 400 members, at least half of the members must be citizens of Latvia (LR Saeima 2006).

The European Commission (EC) has criticised Latvia for allowing political parties to be established only by the citizens of Latvia. This is contrary to the EU laws and principle of non-discrimination on the grounds of nationality. According to this principle, EU citizens should be able to exercise their rights on the same conditions applicable to the citizens of the given country. In April 2014, the EC announced that it would send a reasoned opinion to Latvia (EC 2014).

Current situation

There have been only few cases, when the registration of an association or a political party has been refused or their activity has been suspended. In 2009, the Register of Enterprises (RE) refused to register the NGO the Communist Support Movement in Latvia (*Komunisma atbalsta kustība Latvijā*), whereas the notary public of the RE (UR (*Register of Enterprises*) 2013) refused to register the name of the political party Linderman's party – in support of the native language (*Lindermana partija – par dzimto valodu*) and changes in the party programme. In the former case, RE established that the name of the society and its aims indicated in the articles of the association “referred to a link with the popularisation of the criminal communist ideology” and is contrary to the law and the Constitution. In the latter case, the aims indicated in the party programme served as the grounds for refusal, according to the notary posing threat to what is known as the core of the Constitution (the fundamental values of the Republic of Latvia, including turning against the Latvian language as the only official language and territorial integrity of the state). As a result of the refusal to register the society for the support of the communist movement, two individuals filed a complaint with the ECtHR.

The ECtHR case law has set a high threshold for restricting the freedom of association, by justifying the restrictions only in a few cases, e.g., in cases where the protection of national security and territorial integrity of the state is concerned. Countries may restrict the activity of parties, whose leaders incite to violence, propose policy aimed at the destruction of democracy or the flouting of the rights and freedoms protected by democracy (ECtHR 2001). However, the ECtHR has also ruled that a party cannot be prohibited due to its name alone (ECtHR 1998a), a critical attitude towards the government's approaches in the matters of protection of minority rights (ECtHR 2002) or because it represents an opinion that is contrary to the law or constitution. Likewise, if the registration of an association is refused, the probability of an actual threat which might arise if it is registered should be considered.

Several social movements have refrained from official registration, including the Non-citizen Congress established in 2013 (Diena 2013). Regardless of the conflicting perceptions of the Congress' activities, public institutions in Latvia, as in the earlier case of the Headquarters for the Protection of Russian Schools, have not openly opposed this approach (Brands Kehre, Pūce 2005, 50), thus abiding by the principles of freedom of association.

Trade unions are developing, and since the accession to the EU, their engagement in the social dialogue with employer organisations has intensified. However, unlike in many developed countries, they are not sufficiently effective in protecting the interests of their members. Restrictions on the joining of trade unions in some professions were lifted – for fire-fighters (in 1999), police (2005), and in 2014, the Constitutional Court ruled that the ban for border guards to join trade unions was unconstitutional (LR ST (*Constitutional Court of the Republic of Latvia*) 2014).

Freedom of speech

During the reporting period, the number of cases when freedom of speech was restricted has increased. Most of them concerned media freedom – politicians and state officials filing claims against journalists for defamation in mass media in public interest cases, law enforcement authorities, referring to the protection of confidential information, attempted to compel journalists to disclose their sources of information, also in public interest cases. Several freedom of speech cases involving journalists reached the European Court of Human Rights (ECtHR), which on three occasions found the restrictions of freedom of speech as disproportionate. The Security Police overreacted in the case of academics who had voiced an alternative opinion on the national currency Lats during the economic crisis. Several times, there have been attempts to put forth the protection of the rights of others as the grounds for restricting the freedom of speech, especially in an attempt to restrict ‘homosexual propaganda’. Extensive discussions on disproportionate restrictions in relation

to freedom of speech were triggered by legislative amendments prescribing criminal liability for contesting certain historical facts, such as the occupation of Latvia.

Legal framework

During the decade, legislation was amended several times, which from the perspective of freedom of speech may be regarded as positive, as well as raise concern in terms of proportionality of restrictions.

Even though defamation is one of the legitimate aims for restricting the freedom of speech, there have been several cases in practice when criticism of politicians has led to a disproportionate restriction of the freedom of speech (see the ECtHR cases against Latvia). On 19 November 2009, the *Saeima* abolished the offence of intentional defamation under Article 156, and Article 158 of the Criminal Law on defamation committed through the mass media (2009).⁴ However, the provision prescribing criminal liability for bringing into disrepute via mass media (Section 157) was retained, providing for a punishment of short-term imprisonment (up to 3 months) or community service, or a fine. Claims of defamation in mass media may be initiated in a civil procedure.

In the spring of 2014, amendments to the CL prescribing punishment for public glorification, denial, justification, or gross trivialization of the crimes committed by the USSR and Nazi Germany generated widespread discussions (LR Saeima 2014c). The CL already envisaged criminal liability for the justification or denial of genocide (including the Holocaust), crimes against humanity and a number of persons had already been convicted for justifying deportations [of Latvian/Baltic residents to Gulag camps in Siberia]. Nevertheless, additional amendments were elaborated to condemn the denial of Latvian occupation, which, due to divergent interpretation of history can often be heard in sections of the Latvian society. However, the broad interpretation of the provision has raised concerns about possible restrictions of freedom of speech, which may lead to punishing persons for voicing any opinion about historical facts (Tralmaka, Kučs 2014). Even though the fact of occupation has been recognised by international society, the ECtHR in its judgements has stated that quests for historical truth are an integral part of freedom of speech, and it is not the duty of the court to resolve disputes about past events, which is part of ongoing debate among historians (ECHR 2004). It has also pointed out that the Holocaust must be considered as a clearly established historical fact, therefore challenging or justifying it is not protected under the right to freedom of speech (ECHR 1998b).

Current situation

Unfortunately, there have been several cases of violence against mass media representatives over the last decade. On 16 April 2010, the deputy mayor of Daugavpils, publisher of the *Miljons* newspaper of Daugavpils and owner of Million TV G. Ļemcovs was shot. The police suggested that it was a contract killing, possibly related to his political and social activities (Delfi 2010), as the newspaper was looking into the issue of corruption at the local government and G. Ļemcovs had previously received threats of violence and death threats (*RWB* 2012).

On March 29, 2012, the journalist of the website *kompromat.lv* L. Jākobsons was physically assaulted, and one of the versions recounted links the assault to his professional activities (BNS 2012). Earlier, in December 2011, the State Police (SP) arrested the journalist for 48 hours later charging him for having published the mayor of Riga N. Ušakovs' electronic correspondence with a staff member of the Russian Embassy after his e-mail account had been hacked. Journalists criticised his arrest as disproportionate (*LŽA (Latvian Journalist Association)* 2011).

There have also been other attempts to intimidate journalists for their investigative work, particularly on corruption cases. In 2005 and 2006, work-related and private telephone conversations

⁴ Intentional defamation in mass media was an offence punishable by deprivation of liberty for up to one year, custodial arrest, community service or a fine of up to 30 times the minimum monthly wage.

of the investigative journalist I. Jaunalksne were illegally tapped and later leaked in the media. The Supreme Court awarded moral compensation of 12,000 Lats (~17,000 EUR) in favour of the journalist, and in the spring of 2013, the Court pronounced four officials of the Finance Police guilty of abuse of official status, of failure to act by a state official, and in the case of two persons a fine of 26,000 Lats (~37,000 EUR) was imposed, while in the case of two others, 8,000 and 3,000 Lats (~11,400 EUR and 4,270 EUR) respectively, later reduced based on the grounds that the case was not heard within a reasonable time frame (LETA 2014b).

Several ECtHR judgements have been passed against Latvia regarding the boundaries of permissible criticism in relation to politicians. On a number of occasions, the assessment by the Latvian courts regarding the limits of criticism of politicians-state officials was deemed inconsistent with the guarantees of freedom of speech enshrined in the European Convention on Human Rights. According to the ECtHR case-law, politicians and officials must accept greater criticism than average private individual and even broader limits of criticism are acceptable with regard to the government. The ECtHR has also emphasised the duty of the press to impart information and ideas on political issues, just as those in other areas of public interest, and the right of the public to receive such information (ECHR 1986).

On 12 July 2007, the ECtHR delivered a judgement in the case *A/S Diena and Ozoliņš v. Latvia*, where it established the violation of freedom of speech. In a civil defamation case the courts in Latvia ordered A/S Diena to retract a number of articles concerning the activity of the minister of economics L. Strujevičs in the context of the privatisation process of JSC Ventspils nafta and to pay 6,000 Lats (~9,100 EUR) by way of compensation as well as litigation costs. The ECtHR found that the courts of Latvia, in ruling in favour of the minister, had placed his interests higher than the freedom of speech of the applicants and public interest. It ordered Latvia to pay compensation of 13,292 euros to the applicant in respect of pecuniary damages and litigation costs (ECHR 2007). In a similar case *V. Seleckis vs Latvia*, a friendly settlement was concluded between the journalist and the government of Latvia, which paid compensation for damages to the journalist in the amount of 25,000 euros (ECtHR 2010a).

Protection of journalist sources of information is one of the basic conditions for press freedom. Even though these rights are not absolute, however any compulsion by public authorities imposed on a journalist to reveal his source has to be limited to exceptional circumstances where vital public interests are at stake (ECHR 1996).

In 2013, in the case *Nagla vs Latvia* (ECHR 2013), the ECtHR found a violation of the right to freedom of speech when the State Police searched the home of the journalist I. Nagla, an act deemed by the Court as disproportionate. The case concerned a well-known investigative journalist in the broadcast of the TV program *De Facto*, informing the public of an extensive data leak from the State Revenue Service database about the income and taxes paid by officials and individuals. She received her information from an anonymous source *Neo*. The ECtHR ordered that Latvia was to pay the journalist moral compensation 10,000 euros in respect of non-pecuniary damages, as well as to cover the litigation costs. Even though the case of I. Nagla had already gained considerable publicity, in 2013 there was an attempt to initiate criminal proceedings against the deputy editor of the regional newspaper *Zemgales Ziņas* to compel him disclose the source of information after he had published the transcript of a public court hearing (LETA 2013c). In another case, the Security Police demanded that an LTV (Latvian Television) news service journalist produce a classified document used in a news story, which revealed the possible settlement in the state dispute with the former AirBaltic manager B. Flick, to the public (LSM (*Public Broadcasting of Latvia*) 2013). The journalists of the website *www.pietiek.com* have also reported about the activities of the law enforcement in relation to their investigative work.

During the economic crisis, the Security Police (SecP) intervened in several cases against individuals, on account of destabilising the financial system of Latvia, who had critically or in a humorous manner voiced their opinion on the national currency – the Lat. This occurred even

though many foreign economic experts had strongly suggested devaluation of the Lat at the same time. Cases included university lecturers and a pop star, and were widely discussed and criticised in Latvian (Presesbriviba.info 2008) and foreign mass media alike as restricting freedom of speech. In 2010, the SecP terminated both criminal proceedings as no *corpus delicti* was established.

The issue of the proportionality of restrictions to freedom of speech was raised in relation to various other forms of expression, such as the poster of the Latvian National Opera of “Puppet Opera,” where a naked child was depicted standing sideways and photographed from behind. Among the legitimate grounds for restricting freedom of speech is the protection of morals of others - banning child pornography by law. The State Police initiated criminal proceedings on the making and distribution of child pornography, however the proceedings were terminated four years later, as no *corpus delicti* was found (DELFI 2012). The definition of child pornography Latvian laws expressly point to pornographic material of a sexual nature rather than any material depicting a naked child irrespective of the context (LCC (*Latvian Centre for Human Rights*) 2008).

There have been a number of attempts to restrict ‘homosexual propaganda’ allegedly to protect the rights and morals of children. In November 2013, the NGO Protect our children! (*Sargāsim mūsu bērņus!*) began collecting the signatures for a national referendum on the amendments to the Children’s Rights Protection Law, prescribing a ban on homosexual propaganda at educational and child care establishments as well as the engagement of children in events popularising same sex marriages (CVK (*Central Election Committee*) 2012). Russia and Lithuania have implemented such laws, and similar attempts have been observed also in Ukraine and Moldova. The case law of the ECtHR has strengthened the rights of sexual minorities to freedom of expression to advocate the recognition of the rights of sexual minorities, and the Court has stated that it has no scientific evidence or sociological data at its disposal confirming that the mere mention of homosexuality or public debates about the social status of sexual minorities would adversely affect children or vulnerable adults (ECtHR 2010b).

The freedom of speech is enshrined in the Constitution, as well as in laws regulating the media. However, the broad interpretation of legal provisions with regard to denying certain facts of the history of Latvia can lead to the restrictions of freedom of speech. The increasing number of ECtHR and Latvian court judgements dealing with different aspects of freedom of speech, and in particular freedom of the press, determining the legitimate and legal limits of freedom of speech has had a positive impact. Nonetheless, in practice, law enforcement authorities still lack the understanding about the proportionality of restrictions and their need in a democratic society. There remains inadequate understanding, including in the court system, about the differences between freedom of speech issues and those of hate speech.

Freedom of assembly

Legal framework

Since 2004, a range of changes has been introduced in the key law governing freedom of assembly in Latvia – the Law on Assemblies, Processions, and Demonstrations. It was influenced by the judgement of the Constitutional Court (CC) of 23 November 2006 resulting in the revocation of eight legal provisions that had been hitherto limiting the rights to freedom of assembly. Considerable case law has evolved in interpreting different aspects of freedom of assembly and gradually facilitating the understanding of freedom of assembly among local governments and the general public as one of the political freedoms key for a pluralist democracy. The Court ruled that the system that required the authorisation from the municipality to organise assemblies was inconsistent with the Constitution. The system of authorisation was replaced with a system of notification. The restriction on organising events closer than 50 metres from specific buildings (the building of the *Saeima*, government buildings, etc.) was also lifted. The provision, which previously prescribed that a local government must issue a permit or a well-founded refusal for organising an event no

later than 48 hours before the beginning of the event, as a result of which the terms of appeal were often not met, was replaced to prescribe a longer term, namely, no later than four days before the beginning of the event. The Court also recognised as inconsistent with the Constitution such provisions according to which the organisers were required to have a written contract with security company, and more security personnel was required in cases when information was received about threats to the event, as well as the ban of voicing slogans during a picket (LR ST (*Constitutional Court of the Republic of Latvia*) 2006).

On a number of occasions (e.g., in 2006 and 2009), public officials, Riga City Council, and law enforcement authorities alike tried to have restrictions imposed on assemblies at places important for the public and at commemorative sites, including the Freedom Monument, if their aims were contrary to the symbolic importance of the specific place (Kovaļevska 2006). In 2006, a meeting at the Freedom Monument planned for 8 May to honour the victims of the Second World War was prohibited. The reason behind the ban was the inappropriateness of the event in relation to the symbolic significance of the Freedom Monument.

However, the restrictions were not introduced as they would have lacked a legitimate aim and considerably restricted freedom of assembly as the place of assembly, procession or demonstration is primordial in order to properly safeguard freedom of assembly as the participants wish their opinions to be heard by the public or specific groups.

Current situation

The vast majority of processions, demonstrations, and assemblies on different issues have taken place without any restrictions. In 2010, 202 events were notified in Riga, of which four were prohibited, the consideration of seven was rejected, and nine were withdrawn (Riga City Council 2010). Manifestations of freedom of assembly have served various aims, events have been organised by individuals, organisations representing various target groups, political parties, and the turnout has ranged from a couple of people to several thousands. Assemblies have been organised by ultra-national and far-left wing organisations. Even though discussions have often been heated and controversial, assemblies in Latvia, except for one case, have been peaceful.

In January 2009, for the first and only time since independence was regained in 1991, a protest rally turned violent. After a peaceful public assembly, around one thousand people headed for the *Saeima* and tried to force their way in. There were clashes between the protesters and the police, 40 people were hospitalised, fifteen police officers were injured, 126 people were taken into custody, and damage had been done to several government and local government establishments, as well as to private property (BNN 2012). After the event the organising of assemblies was restricted for several months. The ban was justified by considerations of public safety, whilst officials and law enforcement authorities again considered introducing restrictions to the law concerning venues near government and local government buildings. The amendments were not adopted as a result of public criticism and court judgements.

Restrictions on assemblies have most often been imposed in relation to events concerning historical dates that are subject to public controversy (16 March – the Day of the Latvian Legion, 9 May – Victory Day (end of the WWII celebrated in the former Soviet Union, etc.) or relating to the minority group – sexual minorities. As counter-protests have usually been planned, the key reasons for the prohibition have included considerations of public safety and morals. From 2006 to 2012, the Riga City Council regularly prohibited events notified for 16 March (in 2006 – four, in 2008 – five, in 2009 – three, in 2010 – two, and one in both 2011 and 2012). Riga Pride was also banned on several occasions (in 2005 and in 2006) and Baltic Pride (in 2009). Most of the bans were appealed in the administrative court, and in many cases the appeals were successful.

Since 2005, administrative court judgements on assemblies have generated significant precedents and have gradually facilitated and solidified the understanding of different aspects of freedom of

assembly. Although for a certain period local governments and law enforcement authorities failed to ensure that the right to peaceful assembly is respected in practice. The Riga municipality continued to ban events and charge the administrative courts with deciding on these matters. Often, the real reasons behind the bans were political, such as the proximity of local government elections (Baltic Pride in 2009, initially permitted, then prohibited by the Riga City Council, and then permitted by the Court).

Initially part of the cases in administrative district courts were heard in closed court sessions. This was explained by security considerations due to classified information at the possession of the Security Police. Therefore full court judgements with Court's reasoning, the parties' or other stakeholders' opinions were not made available. Appeals against the prohibition of certain assemblies continued in closed hearings at the Administrative District Court up until 2009.⁵

Administrative courts have provided the interpretation of different aspects of freedom of assembly: the positive duty of the state to ensure freedom of assembly, the duty to protect such assemblies, opinions voiced during assemblies which might anger or offend certain sections of society (LR AT (*Supreme Court of the Republic of Latvia*) 2007), counter-protests as part of freedom of assembly, proportionality of restrictions of fundamental rights, etc.. The courts have highlighted the need for the relevant institutions to examine closely whether the threat to public safety is real and not abstract. They have underscored that the information about possible threats must be regarded alongside the State's duty to prevent threats, i.e. whether the police has reasonable and suitable resources at its disposal (LR AT 2010). The courts have also emphasised that particular events must not be evaluated on their content, but that only specific, objective circumstances and facts must be assessed. Within the context of freedom of assembly, courts have specified the right of legal entities to compensation for losses inflicted by state institutions etc.

Even though courts have often lifted the ban imposed by the Riga City Council, only in very few cases have individuals or organisations demanded compensation for damages inflicted. In March 2013, pursuant to a court decision, Riga City Council made a public apology in five newspapers regarding the ban for the association Daugavas Vanagi to organise a procession in 2011 (LETA 2013a). However, the Court rejected the NGO's claim to compensation.

During the report period, the police capacity to guarantee public safety during controversial events has improved, and this has sometimes been recognised and appreciated by event organisers and general public. Unlike in other democratic states, a frequent sight at assemblies in Latvia is the large number of police officers deployed in contrast to a relatively (in rare cases up to several thousand) small turnout, which can have a chilling effect on the event participants. In 2010, after the Court revoked a ban imposed by the Riga City Council on a person to organise a procession to mark the 69th anniversary since the Nazi Germany's army entered Riga, the conduct of the SecP elicited a conflicting response. The SecP apprehended one of the organisers before the procession; as he was not present, the assembly was declared unsanctioned. Even though the Latvian officials criticised the court decision and praised the police, the general public criticised the conduct of the law enforcement authorities as they had snubbed the court judgement (Ir 2010), thereby creating a worrisome precedent.

There have not been many cases when banned Nazi or Soviet symbols have been used by assembly participants – a few individuals were detained and fined⁶ for the use of Soviet symbols.

⁵ Judgement adopted by the Administrative District Court on 8 May 2009 in the case No. A42766509/A 7665-09/14; Judgement adopted by the Administrative District Court on 13 March 2009 in the case No. A 42707509/A 7075-09/14.

⁶ On 8 September 2009, the Riga City Zemgale District Court imposed a fine of 200 lats on A. Ļebedeva according to Part 2 of Section 174³ of the Latvian Administrative Violations Code after a repeated violation of the procedure of organising and progress of assemblies, processions, and demonstrations, as well as public entertainment and celebratory events within one year after imposing an administrative punishment. The Court has also imposed a fine of 200 lats on the leader of the National Bolshevik party V. Lindermans.

At times, the Latvian courts have faced problems in interpreting the use of banned Nazi symbols (the swastika) by failing to assess the wider context of their use and have concluded that these are symbols of Latvian mythology.⁷

Overall, fundamental freedoms are well provided for in the Constitution and other laws, and in some cases provisions restricting fundamental freedoms (freedom of assembly, law enforcement representatives joining trade unions) have been revoked as a result of the Constitutional Court judgements. As a result of administrative court judgements, since 2012, there has been a positive trend in practice in restricting assemblies, including counter-protests on dates marking controversial historic events and events related to the protection of the rights of sexual minorities. Problems remain with spontaneous assemblies, which do not require the notification of municipality. The police have tended to disrupt these events by requiring such notification. Judgements adopted by the Latvian and international courts have facilitated the understanding of legitimate grounds for the restriction of freedom of speech, especially in defamation cases of politicians. At the same time, the conduct of law enforcement authorities in trying to compel the journalists disclose their sources of information, as well as in other situations demonstrates that the awareness and the grounds for legally restricting freedom of speech is unstable. Furthermore, the context of the Ukraine-Russia conflict has brought the issues of restrictions of freedom of speech and of assembly to the forefront. However, even in such situations, restrictions of these freedoms must be carefully assessed in terms of proportionality and need. Overall, freedom of movement can be assessed as **good**, whereas freedom of speech and that of assembly is assessed as **satisfactory**.

3.3. How secure is the freedom for all to practise their own religion, language or culture?

Legal framework

Besides the key UN and Council of Europe human rights instruments that Latvia acceded or ratified during the 1990s, in 2005, Latvia ratified the Council of Europe Framework Convention for the Protection of National Minorities which it had signed in 1995. Since the ratification of the treaty, the government of Latvia has submitted two reports, and the Advisory Committee on the Convention has issued two opinions – in 2008 and 2014 – on the implementation of the Convention in Latvia.

The issue of language use in Latvia remains sensitive, even though the protection of the Latvian language has been strengthened in laws, and in minority schools where the number of subjects to be acquired in the Latvian language has increased. The use of Latvian has increased in several spheres of life. In a 2009 survey on language skills, 75 % of Russians assessed their Latvian language skills as good or average, 16 % said they had basic knowledge, and only 8 % admitted that they did not know Latvian at all (in 2000, 52.3 % of Russians knew Latvian) (LVA (*Latvian Language Agency*) 2012). In a 2014 survey, 61.6 % of non-Latvians said that they can easily or with only minor difficulty speak about any topic in Latvian, whereas 30.3 % can converse only about simple topics in Latvian, and 7 % cannot speak Latvian at all. Latvian language proficiency has become more widespread among non-Latvian youth (18–24 yrs) – in this age group 89.4 % can easily or with only minor difficulty speak about any topic in Latvian. The proportion of Latvians who can easily or with only minor difficulty speak Russian remains high at 83.7 %. However, the percentage of youth (18–24 yrs), who speak little (26.2 %) or no Russian (11 %) is increasing (DA 2014).

On 21 June 2012, the *Saeima* adopted controversial amendments to the Labour Law prohibiting in a job vacancy ad ‘to require particular language proficiency except in cases when it is reasonably necessary for the performance of job duties’ (LR Saeima 2012a). Amendments were mainly aimed at restricting the requirement of Russian language proficiency, justifying it by the fact that many

⁷ Decision of the Riga City Zemgale Suburb Court on closing the file in case No P131037407.

young Latvians do not speak Russian and find it difficult to compete in the labour market. These amendments cannot be perceived as positive as state regulation of language use in the private sector should be restricted (Delfi 2011).

Several laws (the Law on Elections of the Republic City Council and Municipality Council, Rules of Procedure of the *Saeima*) were amended to prescribe the procedure of how elected municipal council members and members of parliament can be stripped of their mandate, if it is established that they do not have the highest level of Latvian language proficiency. These amendments were related to the insufficient knowledge of Latvian by the MP representing the Harmony Centre party (*Saskaņas centrs*) V. Kravcovs and the attempts to remove him from the Parliament. Even though an MP's insufficient knowledge of Latvian can serve as grounds for removing his/her mandate, the possible expulsion of an already elected MP was criticised by some experts as anti-constitutional and anti-democratic (BNS 2011).

Current situation

Pursuant to the Cabinet of Ministers regulations, dissemination of written public information prepared by public authorities in other languages (according to the Latvian legislation - foreign languages) is restricted to situations of epidemics, emergency and public safety situations, statistical surveys, etc. (LR MK 2005). The number of cases when the State Language Centre (SLC) has tried to restrict the distribution of information in Russian in situations where even the law permits this has increased. Furthermore, in cases when information must be freely accessible publicly, the SLC continued to interpret the law that public authorities may not disseminate information in any other language but Latvian except for cases when such information is specifically requested. The SLC filed a case against the Central Statistical Bureau because it encouraged the participation in the 2011 Population Census by distributing invitations also in Russian. In many other EU member states, information for population census is provided in languages widely used in the specific country – in the United Kingdom, information is available in 56 languages, in Ireland in 21 languages, in Lithuania also in Russian and Polish, whilst in Estonia it is also available in Russian (LR EM (*Ministry of Economics of the Republic of Latvia*) 2011). In late 2012, the SLC filed a case against the State Police about publicly available brochures (on cyclists' safety, safety tips against burglaries, how/where to complain about police misconduct, etc.) also in Russian. (TVNET/De Facto 2012).

In some cases, it should be assessed whether the prohibition imposed by the SLC on distributing information in other languages is consistent not merely with laws governing the use of languages but also the Constitution. In 2009 and 2013, the SLC prohibited the distribution of leaflets printed in Russian urging women to attend state-paid preventive check-up for breast and cervical cancer (Dzērve 2009; Kamenska 2013). In February 2013, anti-corruption posters in Latvian prepared by the Corruption Prevention and Combating Bureau (CPCB) were placed in publicly accessible places in medical establishments, whereas the SLC allowed placing the bilingual posters in Latvian and Russian, only in doctors' offices (Zariņš 2013). According to surveys corruption is most widespread in the health care, and it is important that the CPCB information reaches as many people as possible.

The Cabinet of Ministers regulations derived from the Official Language Law prescribe the required Latvian language proficiency level and scope for the performance of professional and job duties. These requirements are also applicable to the private sector. Initially, the list of private sector professions included 70–80 professions, however after the amendments introduced in 2006, the list was expanded to include more than 1,000 professions. In the private sector, Latvian language skills are required in professions linked to the performance of public functions or concerning legitimate public interest, however discussions have focused on language requirements in communication with consumers and the proportionality of these requirements.

The option to choose and use a person's name is also linked to the use of language in the private sphere. There are two principles determining the spelling of names: gender-specific endings must

be used and a personal name must be transcribed from another language into the Latvian language according to its pronunciation in the original language. Courts continue to hear cases dealing with the Latvianising of personal names from other languages, including those of national minorities. On 28 October 2010, the UN Human Rights Committee in the case *Raihman vs Latvia* ruled that the change of the name and surname of the applicant L. Raihmans (by adding an ending ‘s’) in official documents, thus spelling it according to the Latvian language rules, was an arbitrary interference with a person’s privacy. In 2012, the government of Latvia in a report to the UN Human Rights Committee explained that it did not believe that there was any need to introduce urgent measures to change the existing national regulation with regard to the spelling of personal names in official documents, at the same time stating that the government would take into account the opinion of the Committee in any further discussions arising at a national level with respect to this issue (LR MK 2012). Also in other matters examined by the Supreme Court, it has explained that the current regulations for spelling foreign personal names in Latvian meet the Constitution and international standards. However, experts have stated that the practice of Latvian and international institutions shows that in the adoption of decisions on the spelling of personal names, utmost care must be exercised with persons, whose form of personal names have for a longer time period or historically been previously accepted by the State. Thus, the change of a personal name is often both offensive and can lead to serious difficulty for a person. Moreover, the benefits gained by society due to such conduct of the state are difficult to prove. (Biksiniece-Martinova, Liepņa 2012, 56)

Even though the Latvian language has been strengthened in law and many spheres of life, its protection remains topical. Language legislation can be considered as consistent with international standards. However, certain restrictions embedded in the laws, as well as the tendency to expand them, show that the grounds for imposing restrictions and the need for such restrictions in a democratic society has not yet stabilised. Attempts to restrict the public distribution of written information prepared in Russian by public authorities, when the law permits it, as well as to regulate the language use in the private sector raise concerns. The situation in this sphere is assessed as **satisfactory**.

3.4. How free from harassment and intimidation are individuals and groups working to improve human rights?

During the decade, the number of NGOs dealing with various human rights issues such as the LGBT and their friends alliance *Mozaika* (2006), a resource centre for persons with mental and intellectual disabilities *Zelda* (2007), “*Patvērums. Drošā Māja*” (2007) working with victims of human trafficking and integration of asylum seekers, among others, has increased. Several umbrella organisations have been formed uniting NGOs dealing with the rights of specific target groups (individuals with a disability etc.). However, similar to the 1990s, the development of human rights organisations is taking place qualitatively rather than quantitatively. There are few human rights organisations dealing with a broad spectrum of human rights issues, such as the Latvian Centre for Human Rights. Although there are several NGOs working to reduce child abuse, there are no strong NGOs in Latvia dealing with a broad range of children’s rights issues.

Non-governmental human rights organisations operate on the same principles as other NGOs and their activity is governed by the Associations and Foundations Law adopted in 2003. As a result of transposing EU directives, the rights of NGOs established for the purposes of protecting human rights to represent the victims of discrimination as well as irregular immigrants, including their representation in court, were strengthened.

The funding that non-governmental human rights organisations can receive from the state has increased, but it predominantly forms part of co-financing (10–20 %) in projects supported by the European Commission.

Some NGOs, such as the Latvian Human Rights Committee, have been actively engaged in the protection of the rights of national minorities. It has successfully contested decisions of public

authorities in Latvian courts and at the European Court of Human Rights (ECtHR 2009). However, the links of this NGO with political parties (co-chairs of the NGO are party members, organisation members run for local and parliamentary elections on a regular basis, they remain active in the NGOs, once elected as members of the parliament or local government) questions their independence and impartiality.

In 2006, the Ombudsman Law was adopted, and the Ombudsman's Office was created on the basis of the formerly National Human Rights Office. The Office's powers and mandate were expanded along with consolidating its independence. The former judge of the Constitutional Court Romāns Apsītis was the first elected Ombudsman, and in 2007, the budget and the staff of the Office were increased significantly. This was linked to high hopes for expanding the operations of the Ombudsman's Office and to improving the effectiveness of its work. In the summer of 2009, as a result of a serious internal conflict between the Ombudsman and the staff, the effectiveness and even the existence of the institution was seriously questioned, as during the time of preparing the draft budget, the government, which has no mandate in deciding the issue with regard to independent institutions, even considered closing the Office. Following protests from several officials and civil society, the government abandoned the idea (BNS 2009). During the economic crises and due to crisis-related austerity measures, and the fact that advantage had been taken of the weakness of the institution, the budget of the Ombudsman's Office for 2010 was reduced by 57 % compared to 2008.

In March 2011, the *Saeima* elected the little-known Juris Jansons as the Ombudsman. The selection procedure of the Ombudsman was also controversial, as it was plagued by political squabbles, since the *Saeima* approved the weakest of the two candidates. In practice, reviewing complaints and applications remains the most important function of the Office. Due to the lack of financing, the possibility of performing other tasks (research, surveys etc.) was limited and started increasing only in the period after the economic crises (Delna 2011).

There are no data about persons or groups in Latvia working to improve the situation of human rights, who may have suffered from physical threats because of their public activity. However, these people or groups are frequently subjected to verbal insults and intimidation when advocate the rights of certain target groups, such as LGBT or asylum seekers. Websites related to LGBT persons have been hacked on a number of occasions – in 2008, a database from the website of the alliance *Mozaika* containing the members' private and contact information was stolen and published online, whilst in 2010, the server of the LGBT 'Gay.lv' portal was hacked and the database was copied.

Until recently, some politicians and activists have publicly encouraged restricting the activities of specific persons or organisations or their financing possibilities in various ways. Opinions about George Soros' organisations and their aims continue to be voiced in the media (although a downward trend may be observed) (Brands-Kehre, 31). Over the last few years, the issue of whistle-blowers and their legal protection has become more topical (Delna 2012).

The overall situation is assessed as **satisfactory**.

3.5. What measures are implemented to prevent publicly identified problems in the sphere of civil and political rights, and to what extent they are set as a political priority and offered public support?

The accountability of law enforcement authorities such as police before the public remains a topical issue. To a considerable extent, the readiness to solve these issues is impacted by the ECtHR judgements against Latvia, such as effective investigation of complaints about ill-treatment by the police and in prisons. The state has been ordered to pay compensation to the victims, and the amount of these compensations is increasing. The commitment of municipality (predominantly that of Riga City Council) to guarantee freedom of assembly – in particular after 2012 – has been influenced by administrative courts judgements. However, the understanding of freedoms (freedom of speech) and

the legitimate grounds for their restriction is unstable. Addressing certain issues (e.g. crime victims' rights) has been facilitated by transposing EU directives. In various areas, such as the addressing of rights of national minorities and integration, Latvia can still be described as 'reluctant democratizer' (Muižnieks, Brands-Kehris 2003, 30).

Public awareness about human rights and the fact that they refer not only to specific groups of people, but to every member of society has increased (though remains incomplete). Part of the political elite still perceives the addressing of certain human rights issues as criticism and defamation of the state and not as an inherent feature of democracy. At the same time, the readiness of public authorities and parliamentary committees to engage human rights NGOs in drafting the legislation and policy documents, and in evaluating government reports on the implementation of international human rights conventions has increased. The principle of co-financing from various EC and EEA funds raises awareness among the Latvian authorities about the urgency of different human rights issues (e.g. human trafficking, asylum seekers, restriction of hate speech). The overall situation is assessed as **satisfactory**.

Overall assessment: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
3.1.			X		
3.2.			X		
3.3.			X		
3.4.		X			
3.5.			X		

Best features

Over the last decade, the awareness of government and public authorities on the need to address legislative issues to reduce physical threat and ensure support measures for crime victims has increased. Case law on freedom of assembly and speech is a positive development.

Most serious problem

No independent public body has yet been established to monitor law enforcement bodies and prevent possible human rights violations.

Suggested improvements

Establish an independent body to monitor law enforcement bodies, increase law enforcement and court capacity on freedom of speech and assembly, elaborate laws criminalising hate crimes against sexual minorities and persons with disabilities.

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4. ECONOMIC AND SOCIAL RIGHTS

Feliciana Rajevska

Are economic and social rights equally guaranteed for all?

Introduction

Ensured and protected by the state, human rights are an opportunity to act and to implement one's intentions. The extent to which basic rights are exercised is determined by the economic, social, cultural and educational development, as well as the political regime of each individual country. Civil rights and political rights are prerequisite to liberty, and are first-generation human rights. Economic, social, and cultural rights ensuring human survival are second-generation human rights. Unlike political rights, which are based on the legal (or formal) equality of people, social rights are aimed at their real social equality. It would be more precise to say that social rules ensure the implementation of the principle of legal equality with regard to socially vulnerable groups of people.

After accession to the European Union (EU) in 2004, with the support of structural funds and various programs, Latvia strengthened the institutional capacity of the social security system. Between 2005 and 2007, Latvia experienced rapid growth, with the gross domestic product (GDP) growing at an average annual rate of 11 % (in 2007 – by 10.3 %). In 2007, the economy of Latvia had considerably overheated, and Latvia was among the first to be affected by the crisis – already in the 2nd quarter of 2008, the growth rates became negative, and later the GDP plummeted by a quarter. Latvia was subjected to the stringent monetary control of the International Monetary Fund and the European Commission. The key term used to describe Latvia's policy from 2009 to 2012 was budget consolidation. The ability of Latvia to overcome the crisis has even been referred to as a success story. The social security system of Latvia was able to amortise the initial consequences stemming from the economic recession. The government implemented radical reforms – a range of long-term and short-term changes were introduced in the field of social security and social assistance as well as in the health care sector. The actual household income per inhabitant according to the purchasing power parity standard in 2011, compared to the EU average, was at 51 % in Latvia, Estonia – 55 %, Lithuania – 64 %, Greece – 80 %, Ireland – 98 %, Spain – 95 % (EC 2013).

4.1. How far is access to work or social security available to all, without discrimination?

In a survey within the DNB Latvian barometer study No 68 performed by SKDS in March 2014 regarding the current assessment of a family's material standing, the respondents mostly assessed the situation as average (rather good – 10 %, average – 52 %, rather bad – 25 %, very bad – 10 %, difficult to tell – 2 %). Of the total, 44 % of respondents also forecast that the material standing of the family would not have changed within the next 12 months; however, 20 % found it difficult to venture any forecasts. As many as 6 % of the respondents believed that there are good chances of finding a decent job in Latvia, whereas 64 % believed that the chances are poor. Among the most significant aspects of satisfaction with life, the respondents mentioned good health (74 %), material

prosperity (61 %) and a good family (51 %). In assessing the most important factors in attaining welfare, it was considered that the person him/herself and his/her invested efforts determine the level of welfare (in 2011, 37 % of the respondents believed it to be true, whereas in 2014 – 46 %). In 2014, more than a half or 53 % of respondents expressed satisfaction with their own and their family's welfare, and this is a considerable increase in comparison with 28 % satisfaction ratio in 2011.

Unemployment

Unemployment emerges in all surveys as the biggest problem in Latvia (see the unemployment dynamics in Table 4.1). The percentage of officially registered unemployment increased from 5 % in early 2008 to 16.6 % in early 2010. Even though unemployment has been decreasing since the end of 2013, and no longer exceeds 10 %, it is still very high. The unemployment level differs in each region, and in February 2014, the situation was characterised with the following figures: unemployment in Riga was 6.2 %, Zemgale – 10.5 %, Vidzeme – 11.6 %, Kurzeme – 12.4 %, whilst Latgale – 19.5 % (NVA (*State Employment Agency*) 2014).

Table 4.1. Unemployment dynamics in Latvia

Year, month	Number of unemployed people	Number of people receiving benefits	Percentage of people receiving benefits among all unemployed
2008.01	53 325	29 293	54.94%
2009.01	90 436	42 479	46.97%
2010.01	186 295	82 092	44.06%
2010.12	162 463	38 005	23.39%
2011.12	130 296	31 423	24.11%
2012.12	104 052	25 324	24.33%
2013.12	93 321	34 304	36.75%

Source: Author's calculations based on the available data from the State Social Insurance Agency and from the State Employment Agency.

In September 2009, a special active labour market policy measure 'Work experience with a grant in local governments'¹ (hereinafter – WPGLG) was started with an aim to keep the unemployed active, while providing them with livelihood. The registered unemployed, who did not receive unemployment benefit and who were able to work 40 hours per week (younger than 18 years of age – 35 hours) were given a chance to engage in publicly useful, low-qualification, full time jobs in local governments (newly created work experience posts), by receiving a monthly grant of 100 lats. Overall, local governments created 82 305 work experience posts, and during the period from 1 September 2009 to end 2011, 122 937 were engaged through this measure (45 % participated more than once). Approximately 22 % of members found a job during their work experience or afterwards. The total funding of WPGLG was 54 23 419 lats (77 174 317 euro). According to the World Bank's evaluation, the measure reached the poorest part of the population, ensuring significant support during the crisis situation.

The dynamics of the number of people receiving benefits reveal an interesting situation. In 2009, the number of people receiving benefits rapidly increased, and since 2010, the opposite trend may

¹ The measure was implemented within the framework of the programme 'Human resources and employment', sub-activity No 1.3.1.5 'Support to the implementation of the plan for local employment promotion measures' under the European Social Fund project 'Ensuring work experience measures in local governments to acquire and maintain labour skills'.

be observed. This can be explained by the duration of unemployment benefits, namely, nine months. In 2011, 2012, and 2013, the number of people receiving benefits remained relatively stable. Along with the termination of WPGLG at the end of 2011, the implementation of paid temporary public works (PTPW) started in 2012. State Employment Agency (SEA), by using the funds from EU structural funds, offered a broad range of active employment measures, the duration of which ranges from a few weeks to several months: measures for improving competitiveness, career consultations, informal training, PTPW, youth guarantee measures, among others. In 2009, Cabinet Regulation No 212 was adopted, prescribing that the unemployed can also receive a stipend during training. The stipend was set at 99.60 euro per calendar month. If the unemployed person is absent from more than 10 % of classes without a justified reason, the payment of the stipend is terminated. In 2013, the Youth Workshops measure was established for those aged between 15 and 24, particularly focusing on young people who have not received previous professional education. The aim of the measure – to help young people make a choice about their future profession and facilitate finding a job: people were given a chance to try out three professional sectors in an education establishment, by spending three weeks on each of the sectors and during that time learning about the specific features of the particular field and about the skills necessary (*Ministry of Welfare of the Republic of Latvia*, 2013).

Discrimination in the labour market

In 2013, Project and Quality Management, Ltd.(PQM) conducted a study ‘Discrimination in the Latvian labour market’ with an aim to evaluate the manifestations and forms of discrimination in the labour market of Latvia, as well as to prepare suggestions to reduce discrimination and its risks. The study included five target groups – youth aged 15 to 24, pre-retirement age people 50 to 62 years, people with a disability, people with poor knowledge of the Latvian language, and women after maternity leave (up to three years after the maternity leave). The survey was conducted from January 2013 until April 2013. A number of this study’s most important findings concerning the situation from 2010 until 2012 follow.

Discrimination is manifested in interviews even before embarking upon professional relations in issues concerning private life, marital situation, and children. The study participants mentioned the following as discriminating conditions: very low salaries, inadequacy of salaries in comparison with the work load, absence of a lunch break, failure to give the statutory vacation, giving preference to people of the same ethnicity, lack of work experience, differences of salary within the framework of the same profession, as well as situations when adequate payment is not made for the work performed by managing to ‘cover it’ as work performed, during the trial period (at the end of which, the employee is fired as ‘having failed the trial period), unofficial salaries, delayed payment of salaries, lack of legal protection for pieceworkers (because short-term contracts do not provide for any social guarantees), unregulated work time, as well as unpaid night shifts and overtime, excessive work load, for instance, when objectives in the construction sector must be attained, people are forced to work thereby extending their physical capabilities to the maximum (PQM, 2014, 50–53). Such discrimination in a work place as that related to work relations, such as mobbing, harassment, is considered separately.

The study participants believe that the following groups are most significantly subjected to the risk of discrimination in the labour market: youth without work experience, young mothers with small children, women receiving a comparatively lower pay than men, even though they perform identical tasks; employees, who have moved from less developed regions, as their initial demands relative to working conditions and pay are comparatively lower; people with disabilities, ex-convicts, people of specific ethnic backgrounds, such as the Roma people, who, due to perceptions historically rooted in society, find it more difficult to get a job; sexual minorities, people affiliated with smaller religious groups, especially in cases where they are trying to engage others in their religious group; non-citizens and the Russian-speaking inhabitants of Latvia.

The respondents' answers give a certain idea of the legal literacy of society, when answering the question about the institutions that they would address for help if they had to deal with discrimination in a work place. Every fourth person finds it difficult to name any institution, and the least of them among young mothers (14.5 %). Most respondents (30.3–46.2 %) would seek help at the State Labour Inspectorate. Every fifth person would address top management in his or her work place. Additionally, friends and acquaintances are highly appreciated as sources of assistance. Trade Unions do not rate very highly as an authority to which one would turn for assistance. They rate the highest among the pre-retirement age group. Awareness of national law enforcement authorities is the highest among the youth and people with poor Latvian language knowledge. Overall, public and non-governmental law enforcement authorities would be addressed by 29.4 % of women after maternity leave (explained by the fact that more than one-third (37.4 %) of women after maternity leave have higher education, 47.9 % – secondary education (25.6 % – secondary professional education, 22.3 % – general secondary education)). The awareness of pre-retirement age people of the current activities of various institutions intended for improving competitiveness of pre-retirement age employees can be described as poor.

The annual reports of the Ombudsman of the Republic of Latvia have always dedicated a special section to the prevention of discrimination (LR Tiesībsargs (*Ombudsman of the Republic of Latvia*) 2013a, 111–124; 2013b, 102–108). The Ombudsman's report also states that the measures implemented by the Ombudsman's Office have promoted positive results – an increasing number of people are addressing the office for assistance. Thus, in 2011, 2246 written applications were received (i.e. 887 applications or 65 % more than in 2010), 355 investigation cases have been completed (i.e. 170 cases or 92 % more than in the previous year) (Ombudsman of the Republic of Latvia 2013, 132.). E-mails are answered, consultations are held at the office and over the telephone, and an increasing number of people are addressing the office.

Social security network strategy

The budget consolidation policy implemented during the crisis affected the entire society. However, it was particularly harsh on low-wage employees. In early 2009, the non-taxable minimum had already reached 90 lats and its significant reduction to 35 lats meant a reduction of the net minimum salary by 14.64 lats or from 146.82 lats to 132.18 lats, i.e. by 10 % (Rajevska, Ročāns, 73). The amount of the subsistence level estimated by Central Statistical Bureau (CSB) in June 2009 was 163.38 lats. In line with the recommendations of the International Monetary Fund, the World Bank, and the European Commission, a Social Security Network Strategy was drafted (approved by the Cabinet of Ministers on 8 September 2009, implemented from 1 October and concluded in three years – on 31 December 2012). The aim of the Strategy was to implement a set of extraordinary security measures to reduce the adverse social impact of the crisis. This strategy prescribed ensuring the guaranteed minimum income (GMI) to families in need, at the same time increasing the GMI and co-paying a housing allowance; ensuring work places in local governments to promote employment; ensuring the availability of pre-school education; availability of basic health care services and basic medicines to persons in need; ensuring transport services in the education system, as well as public transport services for those categories of passenger eligible for discounted fares (Kūla 2011).

The number of persons in need rapidly increased during the crisis.²The number of persons, who, for at least one month, had the status of a person in need, amounted to 176 100 in 2009, in 2010 – 282 100, in 2011 – 265 300, and in 2012 – 210 600. In the fall of 2009, the GMI level was increased, setting it at 40 lats for adults and 45 lats for minors. At the same time, it was prescribed

² Pursuant to Cabinet Regulation No 299 of 30 March 2010 'On recognizing a family or an individual living alone as in need', a family (an individual) is recognised as having the status of in need, if the average income for each family member per month over the preceding three months does not exceed 90 lats, as well as meets other criteria stipulated in these Regulations (LR MK 2010).

that a state must give support to local governments in ensuring a GMI allowance (50 % of funds used by local governments) and providing funds for a housing allowance (20 % of funds used by local government) (LR MK (*Cabinet of Ministers of the Republic of Latvia*) 2009). The State co-financed GMI allowance until 31 December 2012, but the housing allowance only up to 30 April 2012. During the crisis, all decisions were made expeditiously in response to the situation. Thus, on 1 April 2010, Cabinet Regulation No 299 'On recognizing a family or an individual living alone as in need' adopted on 30 March came into force, and this gave the rights to grant the status of a person in need also to individuals in debt; likewise, the period, for which the status of a person in need could be granted was extended from 3 to 6 months to a period of 6 to 12 months. Thus, accordingly, the period of awarding a GMI allowance was extended for 6 to 12 months. The level of lower income in society is also shown by the dynamics of the number of people receiving the GMI allowance: In 2009 – 62 900, in 2010 – 120 600, in 2011 – 121 800, in 2012 – 92 500, and 26 300 in 2013. The active state involvement in solving the people's problems from 2009–2012 perceptibly reduced social tensions.

As shown by the data of 2009–2013, the highest deprivation level was observed in the age group above 65 years. Although the senior citizens' income is stable, their pension is inadequate for covering basic needs. The State still has not resolved the issue of the minimum pension. According to the law, the minimum pension may not be lower than the state social security benefit. In Latvia, there is no legal regulation indexing this benefit to increases in the cost of living and income increase. The state social security benefit has not changed since 2006 (45 lats or 64.3 euro), irrespective of whether they were years 'of plenty' or crisis years. Therefore, the minimum pension after working for 20 years is only 70 euro. Mostly those who worked before the reform (i.e. pre-1996) receive this pension. The amount of pension is directly depending on each person's contributions since 1996. If there have been no contributions or if they have been kept to the minimum, no other state-guaranteed provisions are envisaged for the elderly and people must rely on social support given by the local authority.

In a 2014 survey, the respondents were asked a question as to what the minimum state-guaranteed pension should be. Rather small amounts were proposed: 70, 100, 150, 200 euro, and more than 200 euro. The proposed amounts were determined by the condition of the country's economy, salary scales, as well as the idea that these sums must form a standard basis, to which a pension, calculated on the grounds of contributions made, would be added for each individual. This approach would ensure that all persons receiving a salary would always be motivated to make pension contributions. Only 8 % of respondents agreed to a basic pension of 200 euro, whereas the others – irrespective of their current income – chose in favour of an amount over 200 euro. And indeed, if the amount of social security benefit is not changed and remains the point of reference for calculating the minimum pension, then the respondents' proposal of $200 + 70 = 270$ EUR is very close to the sum of subsistence level invalidated in 2014.

People who retired in 2010–2013 (altogether 83 972) had to face the reality of a pension capital index and what effect it has on the calculated pension. The pension capital index is calculated each year. It is done by calculating the overall society's salary and dividing it by the respective amount of the preceding year. When the economy is growing and the number of the employed along with their salaries is increasing, then the result is always more than one, and this is the number used for multiplying the pension capital. As soon as there is unemployment, people emigrate, salaries decrease, the total amount of the whole society's salaries both in absolute numbers and in comparison with the preceding year also decreases, the respective parameter is lower than 1, and the capital of all pension system participants is thereby reduced. The crisis helped the inhabitants of Latvia to finally better understand the principles of operation of the pension system of notional defined contributions, ensuring the stability and sustainability of the system. It is undoubtedly the strength of this system, and the State of Latvia is a pioneer in introducing this system. Whatever the severity of recession and the unemployment level, expressed in double digits affecting the national economy, the pension system will be able to adjust with the help of the pension capital index. Each year, the

capital accumulated over the preceding years is multiplied by this index, by either increasing the capital (as it was in the years ‘of plenty’ or sharply reducing it in the individual account of each client of the system. This is the self-adjustment mechanism of the system, guaranteeing resistance and not demanding any efforts on the part of the state. All risks of operations are simply diverted to the individual, instead of distributing the risks between the state and the individual. While the economy was booming and the number of employed and their salaries were increasing, people were not particularly interested in such an abstract thing as the pension capital index. The crisis clearly illuminated not only the positive aspects of this approach, but also its unfairness with regard to those, whose pension, given the same level of contribution, is recalculated at 15–25 % lower for the rest of their lives. Other countries have already anticipated the possibility of such unfairness and have integrated adjustment mechanisms into their laws, such as a provision determining that the pension capital index may not be lower than 1 or that the pension capital index is calculated taking into account not one-year indicators, but those of the last three years, thus levelling out any rapid changes in the index. The Minister for Welfare Uldis Augulis has publicly promised to review possible solutions to the problem. Hopefully, it was not merely a pre-election campaign move. Furthermore, the Ombudsman of the Republic of Latvia Juris Jansons has pointed out this aspect of unfairness.

4.2. How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?

Within the framework of the audit of democracy, in April 2014, a popular survey was conducted, and the respondents were asked the same questions about their level of material wellbeing before and after Latvia joined the European Union. The answers of the respondents about the inability to pay for services and goods of primary necessity in 2004 and 2014 are distributed in the same sequence with nearly the same improvement of the items on average by 8 per cent. It points to a certain, though rather slow improvement of the welfare level, as well as to the professional activity of social services and local governments.

To ensure the basic needs of the people, there are two equally important conditions: they must have daily access to food, and it must be of good quality. The availability of food products has improved, and 55 % of population have never had to give up food products. The responses of the rest are divided as follows: rarely – 16 %, sometimes – 19.6 %, often – 8.6 %.

Table 4.2. Has your family been forced to give up the following items within the last 12 months (answer ‘never’ %)

	2004	2014
Heating, electricity	72.5	80.2
Food products	48.6	55.0
Medicines, medical aid	44.2	52.2
Primary clothing or footwear	38.0	45.5

Source: DA (Audit of Democracy) 2005, DA 2014.

The rather modest level of material welfare of our country’s inhabitants is clearly demonstrated also by a comparison of the dynamics of the Latvian situation with the neighbouring states, 12 new EU member states, and the EU-27 average. There are numerous explanations, however the most important of them is related to low pay and an inadequate minimum salary, too low to meet the basic needs of the working population, as well as the total absence of any link between social security benefits and the poverty threshold indicators. (See Rajevska, Ročāns 2011). Since 2014, the government has decided to give up calculating the subsistence minimum, up to now done on a monthly basis by the CSB.

Table 4.3. Material deprivation in countries of Europe in 2009–2012

Country	2009	2010	2011	2012
EU-27	17.3	17.7	18.4	19.6
12 EU new member states	34.6	34.9	34.1	34.9
Estonia	17.1	22.3	21.5	21.3
Latvia	40.2	46.6	49.0	44.6
Lithuania	27.4	36.3	35.1	34.4

Note. The indicator describes the part of the population, who are not able to buy at least three of nine goods or services.
Source: Eurostat.

The Food and Veterinary Service (FVS) under the supervision of the Ministry of Agriculture implements food monitoring ‘from the field to the table’. There are 11 administrations operating within FVS, ensuring veterinary monitoring and control of food circulation. The Consumer Rights Protection Centre (CRPC) ensures the implementation of the Consumer Rights Protection Law, Unfair Commercial Practice Prohibition Law, Law on the Safety of Goods and Services, Law on Information Society Services, as well as of other laws and CM regulations governing consumer rights in Latvia (PTAC (*Consumer Rights Protection Centre*) 2013). In March 1999, non-governmental consumer organisations existing in Latvia united and formed the Latvian National Association for Consumer Protection. In 2014, the Association represented a range of members from various regions of Latvia. Over the last decade, the control over the quality of food that children receive at schools has improved considerably.

Water quality monitoring is performed in Latvia on a regular basis. As it was pointed out in the 2014 report of the Health Inspectorate, since 2008, the chemical quality of drinking water has improved each year, and in the recent years, the proportion of people who receive quality drinking water meeting the regulations has increased to 81%. In Kurzeme and Latgale, this indicator exceeds 95 % (Veselibas inspekcija (*Health Inspectorate*) 2014, 28–29).

Housing

The housing price bubble introduced crisis to Latvia facilitated by easy access to loans, the rapid increase in wages, and the absolute illiteracy of population concerning loan commitments. When the bubble burst, it was very painful, and its consequences can still be felt. Latvia ranked second on a list of five EU countries with the steepest decline in housing prices in the period of 2007–2012. Ireland (2007–2010) (-49.5 %), Latvia (-35.7 %), Estonia (-30.2 %), Spain (-28.0 %), Romania (2009–2012) (-26.1 %) (EC 2013). Since the reinstatement of independence, the housing stock in Latvia has increased significantly; also the total area per permanent resident has increased, with the average in Latvia being 35 sq. m in 2012.

Table 4.4. Number of newly built apartments in Latvia

2004	2005	2006	2007	2008
2 821	3 807	5 865	9 319	8 084
2009	2010	2011	2012	2013
4 187	1 918	2 662	2 087	2 201

Source: Central Statistical Bureau.

The table shows the dynamics of the number of newly built apartments, the rapid growth in the pre-crisis periods, the painful bursting of the bubble, and the slow recovery from the crisis.

During period 2009–2014, the highest number of apartments was commissioned in Riga since the reinstatement of independence. Since 2009, the housing issue for 4168 families in Riga has been resolved with the help of the local government.

The burden of rent and utilities constitutes a considerable part of the household budget, and utilities debtors are mostly mortgagors with low payment ability. The Social Services and Social Assistance Law prescribes that local governments pay a housing allowance to families in need and to low-income families (persons). The binding regulations of the local government regulate the amount, payment procedure and persons who are eligible to receive this benefit. Therefore, assistance provided by local authorities in some local governments in this field can vary significantly. The housing allowance is of a seasonal nature. From 1 October 2009 to 30 April 2012, the state co-financed local governments to the extent of 20 % of funds used for housing benefits. Along with the termination of state co-financing, the number of families receiving housing allowances is decreased at a disproportionate rate: in 2010 – 209 200, in 2011 – 211 500, in 2012 – 185 100, and 33 000 in 2013.

In May 2014, the Riga City Council increased the income threshold for tenants in denationalised buildings so that these could be included on the list of municipal flats. Now, income after taxes may not exceed 400 euro in the case of single tenants and 320 euro per household member. However, the tenants of flats in denationalised buildings are still less protected in comparison with other groups of tenants.

Due to the lack of regulation in the land denationalisation process, many apartment owners, whose property is located in a multi-storey building, found, over the last decade, that they have had to pay a rather large rent to the landowner for the land on which the building is constructed. The search for a solution has dragged on for some time now. As is evident from the LETA announcement of 5 June 2014, there is hope that the legal mechanism of coordinating the interests of both parties is finally on the table.

4.3. To what extent is the health of the population protected, in all spheres and stages of life?

Legal framework

Article 25 of the UN Universal Declaration of Human Rights provides as follows: ‘Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services [...]’ Whereas Article 12 of the International Covenant on Economic, Social and Cultural Rights proclaims that ‘The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the creation of conditions that would assure to all medical service and medical attention in the event of sickness. Article 11 of the European Social Charter recognises ‘the right to protection of health’, whereas Article 13 – ‘the right to social and medical assistance’. Article 111 of the Constitution of the Republic of Latvia claims: ‘The State shall protect human health and guarantee a basic level of medical assistance for everyone.’ However, there is no clear understanding of the minimum content even at the top level.

Actual situation

Along with the onset of the economic crisis in 2009, the issue on the availability of healthcare was brought to the forefront. Over the period 2004 to 2014, the government of Latvia has reduced expenditure on health care (in 2004 –3.3 % of the GDP, in 2012 – 3.06 % of GDP), however the European Union has increased expenditure on average from 6.6 % to 7.3 % of the GDP. The health indices of the Latvian population are among the lowest, whereas its mortality rates among the

highest in the European Union, however funding for providing health care has not been increased. Under the given conditions, it is rather complicated to ensure access to health care services, along with continuity and stability thereof (LR VM (*Ministry of Health of the Republic of Latvia*) 2013). In the concept of the model of funding the health care system, the plan is to gradually work towards a state health care budget of 4.5 % of the GDP. The health care system has also undergone a number of important reforms aimed at more effective use of funds.

- 1) The number of hospitals has been abruptly reduced, reaching one of the lowest ratios of hospitals per 100 000 inhabitants in the European Union.
- 2) As from 1 July 2009, the duration of sick-leave benefits was steeply reduced, i.e. from 52 weeks to 26.
- 3) For the purposes of budget consolidation, sick-leave benefits were subjected to a ceiling: 350 lats per month plus 50 % of the remaining amount in 2010–2014.
- 4) From 1 March 2009, new patient contribution rates were established, and most of them underwent multiple increases (Amendments to the Law on Maternity and Sickness Insurance, 2009).

Cabinet Regulation No 1046 of the year 2006 ‘Procedure of organising and financing health care’ were amended six times in 2009 by both increasing and decreasing contributions. Thus, for instance, the payment for a day spent in a hospital, which had been increased from 5 lats to 12 lats, at the beginning of 2010 was reduced to 9.50 lats, to make health care more easily accessible to low-income individuals. According the last changes since January 2015 the payment for a day in a hospital was reduced to 10 euro. From 30 January 2010, those individuals and their family members whose income per family member over the last three months did not exceed 120 lats per month were fully exempt from patient contributions. Patient costs for people with an income of up to 150 lats per month were covered up to 50 %. Moreover, the co-payment for surgery performed during a single hospital stay did not exceed 15 lats (Rajevska, Demme 2010). Since 1 January 2012, the relief on patient contributions and co-payments for the said groups of people have been abandoned, by maintaining exemption from patient contributions for people in need.

Table 4.5. State-subsidised outpatient visits and cases of hospitalisation (01.10.2009–31.12.2012)

	Out-patient visits (family physician and specialist)	Cases of hospitalisation
2009	27909	2140
2010	547641	23425
2011	858866	33200
2012	396852	16602
Total	1831268	75367

Source: LM 2014, 15.

During the crisis period (39 months), the state-subsidised outpatient visits approached the near 2 million mark, and the cases of hospitalisation exceeded 75 thousand, pointing to how important this financing was for the life and health of people. This is also shown by the situation after the relief was lifted. Patient co-payments for a considerable percentage of patients are too high. According to statements by the Chairman of the Board of Riga East Clinical University Hospital, unpaid patient contributions at the hospital in early 2014 had reached 3.2 million euro. Over the last three years, 50 000 people have failed to settle their accounts with the hospital (TVNET 2014).

Financial factors, as well as people’s habits have facilitated the increase in the number of those patients who are hospitalised in the late stage of an illness. The problem could be resolved,

by increasing the ratio of these health care services available to the population and which would be consistent with costs that the State and society can afford. Thus, the number of patients who seek health care services in a timely manner would increase (LR VM 2010a). The sad outcome of neglected illnesses is clearly illustrated by figures on the malignant tumour morbidity rate among the population. The number of patients with first onset diagnosis has increased from 10 600 cases in 2010 to 11 476 cases in 2012.

The data from sociological surveys point to a conclusion that traditionally one of the biggest causes of concern among the population is the opinion that ‘if I become ill, I will not be able to pay for treatment’. This awareness was even more aggravated by the tendency, which has developed over the last few years, to abruptly increase the proportion of individual contributions, thereby reducing public expenditure. Further consolidation of this tendency, given the current purchasing power of the population, endangers the implementation of the direction of action of the National Development Plan ‘A healthy person capable of work’, especially bearing in mind that about one third of all deaths are premature when people of working age pass away.

4.4. How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?

The laws of the Republic of Latvia prescribe that all citizens of the Republic of Latvia and permanent residents who are eligible to hold a non-citizen passport of the Republic of Latvia, as well as all individuals who have received a permanent residency permit, and citizens of European Union member states who have received a residence permit (and their children) are equally entitled to obtain education in Latvia. The National Development Plan prescribes an important goal: ‘up to 2020, all children and young people must be ensured a quality elementary and secondary education, as well as access to extracurricular activities that broaden experience, create opportunities to discover and nurture ones talents. Indirectly, professional education must be improved by creating employment opportunities and by having weight in the enhancement of the nation’s economic structure. A broad experience in early life gives competences for flexible adjustment to the changing labour market.’ Good education is a part of the most important resources of each individual and the entire society.

The EU 2020 Strategy in the education and training sphere proposes several quantitative targets (indicators), which the member states, including Latvia, should meet before 2020:

- to ensure that 95 % of children (4 years old and older) are engaged in pre-school education programmes;
- to bring the percentage of fifteen year old school-children who have poor achievements in reading and maths down to no more than 15 %;
- to reduce the number of early school leavers to 10 %;
- to increase the percentage of the population (30–34 year old) who possess higher education to 40 % (in Latvia in 2013 – 27 % of the population)
- to ensure that at least 15% of 25–64 year olds participate in adult lifelong learning.

A support policy for families with children is being implemented in Latvia. In the 2012/2013 academic year pre-school education was provided by 1006 educational establishments (in the academic year of 2010/2011 – 974 educational establishments). According to the data of the Ministry of Education and Science, in the academic year of 2012/2013, 93 293 children aged 1.5 years and above were involved in pre-school education programmes, including 42 084 children aged five years and older. Thus, for instance, from 2009 until 2014, 112 new kindergarten groups were opened in Riga alone, and in the near future, the Riga City Council has promised to open 45 more.

Furthermore, a special type of education – special pre-school education for children with special needs – has also been implemented. In the 2012/2013 academic year, special pre-school education programmes were implemented at 40 special pre-school educational establishments, as well as general educational establishments implementing special pre-school education programmes.

The number of schoolchildren in general education schools has decreased considerably. In the 2012/2013 academic year, the number of schoolchildren was 28.8 % lower than in the 2005/2006 academic year. In the 2012/2013 academic year, general education programmes were implemented in 807 general education day schools, of which 109 educational establishments were implementing only national minority education programmes (99 schools in the Russian language, four in Polish, two in Hebrew, and one each in – Ukrainian, Belorussian, Estonian, and Lithuanian), whereas 66 educational establishments implement both Latvian and national minorities education programmes, as well as two private education establishments, which implement general education programmes in English (one school) and in French (one school). There are 25 evening study, study by correspondence, and further education establishments, of which 14 implement both Latvian and national minority education programmes. Several educational establishments provide education to Gypsy (Roma) children. There are 56 000 schoolchildren or 27.9 % of all schoolchildren studying in education programmes for national minorities (LR LM 2012a, 55).

The decrease in the number of schools and teachers in 2008 and 2009 was fostered by the reshuffling in the funding of the education system according to the principle ‘money follows the child’. The organisation *Glābiet Bērnus* and *Velki Society* have pointed out that the unification of schools has hampered access to education not only for children with special needs, but also for healthy children.

The laws of Latvia guarantee free elementary and secondary education. However, in practice, educational costs borne by the family needed to be covered by detailed regulatory texts, especially at the beginning of the academic year. In 2012, the Ombudsman drew particular attention to the accessibility of education; he pointed out that the real situation does not correspond to the situation envisaged in regulatory enactments: parents are buying textbooks, notebooks, and other learning materials at their own expense. This is contrary to the principle of free education enshrined in Article 112 of the Constitution, Section 55(1) and (3) of the Education Law, and Part two of Section 11 of the Children’s Rights Protection Law (CRPL) (LR Tiesībsargs 2013b, 7; LR Tiesībsargs 2013c). Amendments were introduced in the Education Law prescribing that as of 1 September 2013, costs for school books/learning materials were to be completely covered by the state budget funds and earmarked subsidies. The new regulation offers a definition of the term learning materials used in the law and provides clarity as to who – the State, the local government, or in certain cases the parents – is responsible for buying the specific learning materials.

Access to education is related to the inalienable right of each child to grow up in a family (Section 26(1) of BTAL (*Children’s Rights Protection Law*)), as it is a natural environment for the child to develop and grow up. A child with physical and mental disabilities also has the right to everything that he/she needs for meeting his/her special needs. Even though the number of schoolchildren in the country has dropped, the number of schoolchildren with special educational needs has increased: in the 2008/2009 academic year, there were 9 057 (4.8 % of all school children) and in 2011/2012 – 9 726 (5.8 %) of such children. The organisation *Glābiet Bērnus* points out that there are special education establishments, and that special programmes have been developed. However, they are not accessible to most children with intellectual development disabilities for various reasons. Several programmes have been implemented for resolving this problem. Up to the end of 2011, schoolchildren with motor disabilities (altogether 6 899) had access to 27 general education establishment and 29 special education establishments. In the 2011/2012 academic year, 40.8 % of schoolchildren with special needs were studying in these 29 modernised special education establishments. Schools are equipped with elevators, adapted classrooms, new flooring, adapted doors in hallways and rooms, sanitary facilities, walking paths, pavements, thus resolving many daily issues of these youth and their parents in relation to access to and presence in the school (LR LM 2012b, 26–27). Children with intellectual development disabilities in 35 special education establishments are offered professional elementary education. Five programmes have been developed: carpenter’s assistant, bookbinder, domestic staff, chef’s assistant, maintenance worker.

Children and youth with learning difficulties, behavioural and emotional disorders constitute a special group of schoolchildren. A teachers' and students' survey conducted in Latvia (grades 6–12, 686 correctly filled in questionnaires) about schoolchildren's learning activities and behaviour showed that, according to the teachers, the number of children having learning difficulties, behavioural and emotional disorders is rather high: 36 % of schoolchildren showed an insufficient level of results in at least one subject, 14 % had behavioural and emotional problems, and only 50 % had no problems (Rančevska et. al. 2010, 26) Therefore, it is important to identify this contingent as early as possible and start targeted work to make sure that, if necessary, a suitable support system is employed to promote the chances of a child's level of success and reduce those of him/her dropping out of the educational system.

Schoolchildren not having acquired elementary education

The percentage of early school leavers in Latvia has been continuously decreasing. According to *Eurostat* data, in 2011, the percentage of people in the 18–24 age group who have not completed school was 11.8 % (LR LM 2012b, 25), whereas in 2012, this parameter decreased to 10.6 % and was better than the EU average (12.8 %). Education development guidelines envisage that in 2020 this number should go down to 10 % (LR IZM (*Ministry of Education and Science of the Republic of Latvia*) 2013a, 39–40). At the end of the 2011/2012 academic year, the percentage of students who received a school progress report upon completing elementary education was 3.2 % of all elementary school graduates, whereas in 2007/2008, this parameter had reached 4.7 % (LR IZM 2013a, 67).

As evidenced by the 2011 census data gathered by the CSB, 594 children have not been registered in the mandatory educational system, have not acquired elementary education and are not attending school. The highest proportion of children not registered in the educational system is among seven year olds, and the reason for absence from school in one half of all cases is the health condition of the children concerned (LR IZM 2013a, 67). The monitoring report of education policy initiatives 'Education reforms and access to education' (2012) recommends updating the education reform agenda (and the government's Plan of Action) by including measures that increase accessibility to quality education for children. It also recommends updating the Plan of Action with measures whose direct aim is to reintegrate unsuccessful schoolchildren and 'drop-outs' into the educational system, by critically assessing the existing correctional class system and, possibly, giving it up in favour of a system that does not separate the unsuccessful schoolchildren from the rest (Golubeva 2012, 17).

The problem of access to inclusive education largely is linked to the reduction in the number of schoolchildren in rural areas and sparsely populated territories. In 2014–2020, the secondary education establishments will be faced with a significant decrease in the number of students. It is necessary to assess the peculiarities and development models of each region and planning region. The Education Development Guidelines for 2014–2020 envisage a new approach to the offer of educational establishment services. 1) pre-school education – as close to the place of residence as possible; 2) primary school education (grade 1–6) – as close to the place of residence as possible, ensuring availability of services near major local roads. It is important to consider the integration of pre-school (five to six year old children) education in these establishments; 3) general secondary education (grade 10–12) – with a main focus in the area of towns of regional importance and regional centres, and near major highways of regional importance; 4) in accordance with the development scenarios of each region, the integration of professional education programmes into the general education should also be considered by consolidating the administration and costs of establishments. The founder of such establishments is the local government; 5) professional secondary education – mainly focused in towns of regional importance and regional centres, implemented by professional education centres of national importance and other professional education establishments, the subordination of which is expected to be mainly entrusted to local governments.

The percentage of 30–34 year olds with higher or equivalent education in their age group has increased in Latvia from 17.3 % in 2002 to 27.0 % in 2008, and 32.3 % in 2010. The main problem here is the content and orientation of higher education.

As regards the participation of the Latvian population in adult education, which is a mandatory prerequisite for stable employment, the numbers have reduced from 8.4 % in 2004 to 5 % in 2010, and reaching the planned 15 % level in 2020 will require considerable efforts not merely on the part of the State Employment Agency, but also from many state and local government institutions and the non-governmental sector.

4.5. How free are trade unions and other work-related associations to organise and represent their members' interests?

The Free Trade Union Confederation of Latvia (FTUCL) brings together 20 trade unions and professional employee trade union associations from various sectors. The total number of trade union members in 1998 was 252 000, and it has now reduced by more than half. According to FTUCL estimates, in late 2011, there were approximately 110 000 members in trade unions that have united in a confederation. Moreover, independent trade unions operate in the country as well (BNS 2011; Delfi.lv 2011). In 2006, 16.1 % of employees were members of trade unions, whereas in 2013 this number was only 5.8 %. In 10 years, the trust in trade unions has considerably decreased as well.

Table 4.6. Trust in trade unions

	2004	2014
Trusting	36.4	28.8
Distrusting	32.3	41.0
Difficult to tell	31.2	30.3

Source: DA 2005, DA 2014.

There are nevertheless also plenty of positive examples about the active and influential stance of trade unions in several sectors, such as education, medicine, transport and communications, etc. The Latvian Trade Union of Education and Science Employees (LTUESE), among the most active, in 2014 organised a protest campaign of education and science employees, with demands of financial nature. The existing financing model 'Money follows the child' does not ensure a fair, motivating remuneration for teachers and equal opportunities for every student to acquire quality education. No additional funds are envisaged in the draft national budget of 2015–2017 for the approbation, implementation of a new funding model for teachers' salaries or for increasing the teachers' salary. The government is not observing Section 78(7) of the Law on Institutions of Higher Education and Section 33(2) of the Law on Scientific Activity prescribing an annual increase of funding (LIZDA (*Latvian Trade Union of Education and Science Employees*) 2014).

In the spring of 2014, the Latvian Trade Union of Health and Social Care Employees (LTUHSCE) started a social campaign with an aim to increase the ability of employees to receive quality and timely medical care. The Trade Union of Railway Transport of Latvia (TURTL) can undoubtedly be described as a good practice example for trade union activities. The trade union has more than 16 000 members, activities are mainly directed towards increasing salaries, maintaining jobs and the employment level in the transport sector. The trade union is developing social co-operation principles. A general agreement has been concluded with the union of employers of the railroad transport sector, as well as collective agreements with several companies in the sector. The said agreements determine the pay of employees, indexation, bonus system, as well as additional social guarantees for employees, such as additional vacations, additional days off, and similar.

In the spring of 2014, the Free Trade Union Confederation of Latvia organised a letter campaign with the aim of preventing amendments to the Labour Law and voiced the following demands: to keep the additional payment for overtime prescribed in Section 68 of the Labour Law to a full extent; to keep Section 110 of the Labour Law stipulating that the employer must coordinate its actions if it wishes to make a trade union member redundant.

Some time ago, the Strike law was rather strongly criticised by international experts. The legal specialist in trade union matters of the European Trade Union Confederation, Stefan Clauwaert in his opinion has indicated several significant shortcomings in the Latvian law and inconsistencies in international law among which, a lengthy pre-strike procedure, excessive voting quorum standards for making a decision on applying for a strike. The law prescribes that a decision on applying for a strike can be made at the general meeting of trade union members, where at least 3/4 of all members are participating, and the decision is deemed adopted only if 3/4 of all members present vote in favour of it. This is contrary to the norms of trade union articles of association. Moreover, solidarity strikes are in effect banned. Section 23 of the Strike Law fully prohibits the strikers to put forward any kind of political requirement or voice political protests. According to the expert, solidarity strikes are lawful, if they support a lawful primary strike, just like strike participants may not be forbidden to criticise the economic and social policy of the government (Katlaps 2002). However, given the existing arrangement of political powers, such amendments to the laws of Latvia are not envisaged.

4.6. How rigorous and transparent are the rules on corporate governance, and how effectively are corporations regulated in the public interest?

The fundamental principle of the functioning of capitalism is the free market, and its functioning is determined by relations of supply and demand. However, the question still remains of how freely the free market should be allowed to operate, taking into account the interests of society.

There are three market surveillance authorities in Latvia corresponding to the EU practice. The task of the Public Utilities Commission (PUC) is to ensure that companies' operations are regulated in the interests of society. Among the many functions of the Commission, feature the following: (1) to protect the users' interests and promote the development of public utilities providers; (2) to determine the methods for calculating rates; (3) to set the rates unless special laws in each sector prescribe a different procedure for setting the rates; (4) to licence the provision of public utilities services; (5) to resolve disputes in cases provided for by and in procedures established in the said law; (6) to foster competition in regulated sectors and monitor the conformity of public utilities to the conditions of the licence, established quality and environmental protection requirements, technical regulations, standards, as well as contract provisions; (7) upon the request of ministries in charge of the regulated sectors, to provide information about matters of regulating public services; (8) to inform society about its activities and those of public utilities providers in the field delegated to them; (9) to monitor the operations of power suppliers' facilities and other power supply facilities in line with regulatory enactments of the power industry. The PUC takes important decisions in controlling and determining the justification of electricity and heat energy rates for persons and legal entities. However, the PUC website is quite unfriendly for users and gives little information. There is no explanation provided about the widely debated electrical power rates.

The Financial and Capital Market Commission (FCMC) is a unitary financial services authority conducting surveillance of all financial service sectors, including the monitoring of commercial banks, a function taken over from the Bank of Latvia. Society voiced severe objections against the activities of FCMC, since its control over the bank Parex was ineffective allowing to this private bank borrow money on a short-term basis from Western banks, and then lend it further for long-term crediting Latvian residents. The management of FCMC was replaced and hopefully the lesson has been learnt, and society will not have to tighten its belt to repay private debts.

The purpose of the Competition Council is to provide the opportunity for all market participants to perform economic activities in an environment of free and fair competition, as well as to promote the development of competition in all sectors of the economy in the interest of the public. Among the many tasks of the Council, are the following: to monitor how the prohibition of abuse of a dominant market position and prohibited agreements between market participants are observed, as prescribed in the Competition Law and in the Treaty on the Functioning of the European Union, to review filed reports about mergers of market participants and to make decisions on them, to restrict market concentration, by making decisions on mergers of market participant shares. Competition analyses are regularly posted on the Competition Council's website, such as, the Report on the competition situation in the (wholesale and retail) market of publishing and selling study literature (2007–2013), Franchise agreement fuel market (2011–2013), Auto gas market (2005–2012) among others. The Competition Council's website provides good information and is user-friendly; it informs and educates society.

The stringent surveillance to which the IMF and the European Commission subject public authorities, as well as the evaluation to which the operations of all public authorities are subjected due to the application of Latvia to join the Organisation for Economic Co-operation and Development (OECD), are measures to achieve greater transparency of work of these authorities.

Overall assessment: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
4.1.			X		
4.2.			X		
4.3.					X
4.4.			X		
4.5.			X		
4.6.			X		

Best features

Because of the crisis, the level of inequality in Latvian society has been reduced, though it is still among the highest in the European Union. The involvement of the State in ensuring social assistance manifested as a co-financing for GMI and housing allowances (2009–2012) was an important factor in stabilising the situation. The social security system established in Latvia is comprehensive, and social workers are well prepared. Therefore, the existing system can absorb the impact of the crisis to a considerable extent. Real improvements were achieved in the care of pre-school age children. The number of social housing flats in Riga increased considerably.

Most serious problem

Political decision making in determining the amount of social benefits, minimum pensions and minimum salaries transpires arbitrarily and the methodologically justified poverty threshold was disregarded till now. Reforms and budget consolidation procedures led to a significant deterioration and erosion of the human capital. Uncertainties about the mechanism of funding the health care systems have lasted for a catastrophically long time; the public funding in the health care sector is inadequate.

Suggested improvements

1. In 2003, the overall tax burden (as a percentage of the GDP) in Latvia was 29.1 %, in 2011 – 28.1 %, and it is among the lowest in the EU. The tax policy is favourable to the well-off members

of society. The labour force tax burden is higher than the EU average. The recommendation is to reduce the proportion of the labour force tax and to increase the proportion of the real estate tax.

2. To maintain social stability, the minimum wage, the non-taxable minimum and the state social security benefit, which has not been changed since 2006, must be increased.
3. The existing pension system in Latvia has almost no redistribution mechanism in place and therefore is inadequate for countries with a relatively big wealth gap; material stratification is not levelled out in senior age, and in combination with the low replacement rate, it leads to widespread poverty. The 18 years during which the new pension system has been operating give it grounds for introducing certain redistribution mechanisms. There is an urgent need to determine the minimum base pension financed by the State, as the current system with the minimum pension of 70 euro imposes a disproportionate burden on municipal budgets.
4. The Ministry of Education and Science, in co-operation with the Ministry of Economy, Ministry of Agriculture, and the State Employment Agency, must foster the introduction of work experience for schoolchildren and professional training in all regions of the state.

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Electronic resources

Website of the Ministry of Welfare (informative reports): <http://www.lm.gov.lv/text/2381>

Website of the Trade Union of Railway Transport of Latvia (TURTL): <http://www.ldzsa.lv/lat/par-ldzsa/>

Website of the Latvian Trade Union of Education and Science Employees (LTUESE): <http://www.lizda.lv/lv/aktualitates>

Website of the Latvian National Association for Consumer Protection (LATLIT): http://www.pateretajs.lv/index.php?option=com_content&view=article&id=9&Itemid=2&lang=lv

Website of the Latvian Trade Union of Health and Social Care Employees (LTUHSCE): <http://www.lvsada.lv/>

Website of the State Employment Agency (SEA): <http://www.nva.gov.lv>

Website of the State Social Insurance Agency (SSIA): <http://www.vsa.lv>

II

**REPRESENTATIVE
AND ACCOUNTABLE
GOVERNMENT**

5. FREE AND FAIR ELECTIONS

Jānis Ikstens

Do elections give the people control over governments and their policies?

5.1. How far is appointment to governmental and legislative office determined by popular competitive election, and how frequently do elections lead to change in the governing parties or personnel?

Legal framework

The Constitution of Latvia (*Satversme*) stipulates that the *Saeima* (Latvian Parliament) shall be composed of 100 representatives of the population who are elected in general, equal and direct elections by secret ballot based on proportional representation. Only political organizations or their associations that are registered in Latvia are entitled to submit candidate lists for such elections. Voters have the opportunity of expressing individual attitude towards each candidate of the selected ballot by either striking them out or marking them with a '+'. Since 2010, one person can be registered as a candidate in only one electoral district. The *Saeima* Election Law provides that the candidate lists that receive less than 5 % of the total number of votes across Latvia do not participate in the distribution of mandates.

The Cabinet of Ministers is composed of the Prime Minister and ministers appointed by him or her. The President designates the Prime Minister candidate; that is, the person who forms the government. In order to fulfil their duties, the Prime Minister and other ministers must pass a vote of confidence in the *Saeima* and they are accountable to the *Saeima* for their actions. The Prime Minister and other ministers are not required to be members of parliament or municipal councils; however, pursuant to the Law on the Structure of the Cabinet of Ministers, since 2008 persons who, in accordance with the *Saeima* Election Law, cannot be registered as parliamentary deputy candidates must not be nominated and approved as Members of the Cabinet of Ministers.

Actual situation

Since 1993 all parliamentary elections have taken place in accordance with the existing legislation and internationally accepted standards for free and fair elections; evaluations provided by international observers evidence this.

Results of the parliamentary elections show that high volatility exists in terms of voters' political preferences in Latvia; this exceeds average indices in both consolidated and new democracies by far (Sikk 2005).

The number of elected candidate lists did not change in the 2002 parliamentary elections; however, two parties lost their parliamentary representation. Two other parties replaced them. The number of elected parties did not change in 2006, but rapid changes took place as a result of party consolidation in 2010 and 2011. A significant number of persons who had not worked in the previously convened parliaments entered the *Saeima*. Such instability is associated with rapid changes in social status and personal identity due to economic reforms as well as the election system

and procedures for political party funding in Latvia. Discontentment with the results of policies implemented by political parties and the rather simple procedure for establishing and registering new parties also facilitates the entry of new political actors in parliamentary circulation.

Table 5.1. Number and stability of candidate lists

	Number of candidate lists registered for elections	Number of candidate lists elected in the <i>Saeima</i>	Incumbent members of the <i>Saeima</i>	Pedersen's (Pedersen 1979) volatility index (according to number of seats in <i>Saeima</i>)
2002	20	6	49	71.5
2006	19	7	52	27
2010	13	5	40	65
2011	13	5	64	30

Source: CEC data and author's calculations.

Even though fluctuations have been quite dramatic and, as a result, several previously influential parties have disappeared from parliamentary circulation, society has largely accepted the results of elections; and transition of power from one political actor to another has taken place peacefully. However, in 2006 several less popular political organizations that had taken part in the parliamentary elections disputed the results of the elections claiming that the People's Party (*Tautas partija*) and LPP/LC (Latvia's First Party/Latvian Way) party had substantially violated the election campaign financing restrictions. Applying peculiar reasoning, senators of the Supreme Court Veronika Krūmiņa, Jautrīte Briede and Dace Mita did not find sufficient violations in order to recognize the 2006 *Saeima* elections as unlawful.

High instability characterizes the work of the Cabinet of Ministers. Latvia has had 20 governments since its independence was reinstated. The average statistical life expectancy of a government is approximately 13 months; nevertheless, for example, Valdis Dombrovskis' government worked uninterruptedly for 27 months from October 2011 to January 2014. The average life expectancy of Latvian governments is the lowest in Central and East European countries (Conrad, Golder 2010).

Politicians themselves admit that the reason for government collapse is disagreement on economic matters related to the privatization of large objects in the 1990s, while later struggles were related to the political supervision of large-scale investments. Similarly, the parties' motivation to obtain positions, which dominates their activity, as opposed to the motivation to achieve ideological goals, must be emphasized. The state's general political course has remained unchanged despite government instability. At the same time, it must be pointed out that the tradition of ignoring the opposition has shaped in the *Saeima*: nearly all draft laws submitted by the opposition are rejected without due reasoning and representatives of opposition parties rarely acquire leading positions in the *Saeima*.

5.2. How inclusive and accessible for all citizens are the registration and voting procedures, how independent are they of government and party control, and how free from intimidation and abuse?

Legal framework

The Constitution grants voting rights to all citizens of the Republic of Latvia who are legally capable and have reached 18 years of age. This principle is also observed when drafting legislation that regulates the parliamentary election process. Participation in elections is not mandatory.

Participation in parliamentary elections is simplified to the maximum extent possible: citizens who possess voting rights need only to present their valid passports, and they can vote at any polling station. The Electoral Register did not exist until the 2004 elections of the European Parliament (EP). It was established because of the abolition of the residence registration system in Latvia and because of the need to ensure citizens of other EU member states the opportunity to participate in EP elections in the territory of Latvia. The Electoral Register Law governs the functioning of the Register. The Register is used for organizing EP and municipal elections.

The Electoral Register is developed using data from the Population Register maintained by the Office of Citizenship and Migration Affairs (OCMA) subordinated to the Ministry of Interior. Citizens are not required to perform any special actions in order to be included in the Electoral Register. The Central Election Commission (CEC), the composition of which is approved by the *Saeima*, provides the OCMA with information on all established polling stations, and the OCMA, in cooperation with local governments, enters data on all legally capable Latvian citizens who have reached the age of 18 on the election day in the Electoral Register. The CEC, in turn, includes in the Register, data on the citizens of other EU member states who, according to legislation, have the right to participate in EP elections in Latvia. At least 70 days before elections, the OCMA sends information by post to all voters at their residential address in Latvia detailing which polling station list they are registered at. Citizens have the right to change polling stations at their discretion.

The CEC traditionally broadcasts information in the mass media to remind people of the upcoming elections and the basic principles of the election procedure several weeks before the election day. Since 2014, citizens who plan to be abroad on election day have the opportunity to vote by means of depositing their votes earlier at one of the polling stations. This option is not available in municipal or EP elections. However, it is possible to vote via post or by appearing at a polling station abroad in the elections of all three institutions.

Parliamentary elections take place on a single day, and polling stations are open from 07:00 until 20:00. The chairperson of each constituency's Election Commission is in charge of ensuring order inside and outside of the polling station in question. Any political agitation at polling stations is prohibited. No more than two observers from each political organization, or association thereof, which has submitted its candidate list in the respective constituency, may be stationed at a polling station provided that they do not interfere with the election process. Observers may also observe vote counting and seal parcels of election materials at the respective polling station; this fact is recorded in the minutes of the election process. Advance voting is also available.

Actual situation

Despite the fact that the *Saeima* approves the composition of the Central Election Commission and parties' representatives are included in it, few complaints have been received about the operation of the CEC. The transparency of the election organizers' work is considered one of the factors that influences the quality of their performance; this is also ensured through the active participation of observers from various political organizations in the processes of the election day.

No large-scale protests related to the organizing of the parliamentary elections have occurred since 2004. Sufficient financial and human resources have been provided to organize elections at various levels adequately. However, the Security Police has initiated nine criminal proceedings on vote buying during parliamentary and municipal elections during recent years (Rozenbergs, Vīksne 2013); several people have been convicted of this offence. For example, the results of Rēzekne City Council elections were annulled and repeat elections were announced in 2005 because the court established that vote buying had occurred; two persons were convicted of this crime. Juris Boldāns (TB/LNNK (For Fatherland and Freedom/LNNK party)), in turn, was convicted of forging ballots at the 9th *Saeima* elections and imprisoned for eight months. He received an additional punishment in the form of a prohibition to participate in elections as a candidate.

Discussions among politicians about using the Electoral Register also in parliamentary elections have restarted in 2010; advocates of the idea substantiate the need for this with changes in the range of personal identity documents (ID cards have also become identity documents) and the opportunity for voters abroad to vote for candidates outside of the Riga constituency. However, such a proposal had not acquired broad support in the *Saeima* until the middle of 2014 because parties are aware of the potentially negative impact on the level of participation and support for parties. Analysis of the experience of other countries suggests that correlation exists between the more complicated voter registration procedures and lower turnout rates; besides, separate types of creating Electoral Registers may influence the totality of the citizens who have voting rights, thus providing structural advantages to certain political parties (Burden, Neiheisel 2011; Highton 1997; Jackman 1987). Similarly, a poll conducted among Latvian citizens after the 2004 EP elections suggested that participation in elections was higher among those respondents whose registered place of residence coincided with their actual place of residence, which turned out to be a structural contribution to the success of TB/LNNK. Conversely, a poll conducted in April 2014 suggested that 58 % of the polled citizens had a negative attitude towards the potential introduction of the Electoral Register for parliamentary elections. Besides, the younger respondents were the ones who were more sceptical about this novelty.

5.3. How fair are the procedures for the registration of candidates and parties, and how far is there fair access for them to the media and other means of communication with the voters?

Legal framework

The *Saeima* Election Law stipulates that only political organizations and their associations registered in Latvia are entitled to submit their candidate lists. The CEC carries out the registration after verifying that the submitted documents comply with legislative requirements. Each candidate list must pay a security deposit of 1,400 euros along with submitting a pre-election programme of no more than 4,000 characters, signed by all candidates included in the list. The programme is published free of charge and made available to citizens at polling stations. Likewise, each candidate must submit a self-assessment of their official language proficiency and a written statement that the statutory restrictions on passive election rights (including participation in the Communist Party of the Soviet Union and its satellite organizations after 13 January 1991, or operation in foreign intelligence or security services) do not apply to them. CEC decisions on candidate registration may be appealed in court.

Passive election restrictions have been challenged in court several times; however, the Constitutional Court has upheld the lawfulness of these restrictions. Nevertheless, while generally recognizing the justifiability of the restrictions in 2006, in the case of the former KGB officer Juris Bojārs, the Constitutional Court ruled that these restrictions are disproportionate considering his actions – his actions demonstrated his ‘loyalty to Latvia as an independent and democratic republic’.

Since 2010, a single individual may be registered as an MP candidate in one electoral district only.

The current wording of the Law on Financing of Political Organisations (Parties) lays down restrictions for pre-election campaign spending. The spending must not exceed 0.04 % of the average gross monthly salary per voter who took part in the previous parliamentary elections. The Corruption Prevention and Combating Bureau (CPCB) is entitled to monitor each party’s campaign spending and stop their campaign if it deems that the respective party’s spending limits are exceeded. No limits on the total amount of parties’ income have been defined; however, it has been determined that one natural person can donate no more than a sum that equals 50 minimum monthly salaries a year per political organization.

The Law on Pre-election Campaigning before the *Saeima* Elections and Elections to the European Parliament lays down that each registered candidate list is entitled to 20 minutes of free

airtime on Latvian Television and 20 minutes of free airtime on the Latvian Radio for the purposes of the pre-election campaign. In addition, political organizations as well as natural persons and legal entities have the right to purchase airtime on public and private mass media for pre-election campaign advertising. However, since 2011 paid pre-election campaign advertising is prohibited for a period of 30 days before the parliamentary elections. In reaction to the egregious violations established in the 2006 pre-election campaign, legal restrictions were determined for unrelated or third party actions during the pre-election campaigning. Unrelated persons may use a sum which does not exceed 15 minimum monthly salaries for pre-election advertising. Any agitation on the election day and the day before elections is prohibited.

Actual situation

Sluggish discussions about the opportunities for associations of citizens to submit their candidate lists for the parliamentary elections have continued taking place among the public. Half the respondents who took part in a poll conducted in April 2014 supported such an idea (see Annex 2, question B1). The residents of Riga and individuals who have acquired higher education are more positive regarding this matter. However, it has not acquired the legislative's support so far. The opposite trend seems to be more apparent: due to administrative territorial reforms that took place in 2009, only registered political parties, or their organizations, may submit candidate lists for municipal elections in an increasing number of municipalities.

One of the most disputed matters related to registering candidate lists is the loss of some candidates' passive voting rights due to their activities in the past. The CEC adopts decisions regarding these matters based on information provided by public authorities; however, no grounds exist for claiming that the CEC has applied this statutory requirement selectively. Such passive election restrictions are not applied to EP candidates. A poll conducted among the citizens of the Republic of Latvia in 2014 suggests that more than half (53 %) of respondents support that the prohibition on former employees of the Committee for State Security from applying as candidates for parliamentary elections be maintained during the next decade (see Annex 2, question B1). Citizens with higher education and persons aged between 25 and 54 mostly supported such an opinion.

The access of various parties and candidates to the mass media has constantly been the topic of discussion in society and among politicians. Although the Pre-election Campaigning Law provides opportunities for all candidate lists registered for the parliamentary and EP elections to inform the public about their political platforms free of charge, this option is deliberately restricted to prevent the elections from turning into an opportunity for marginal political actors to carry out excessive advertising. Besides, mass media (including public mass media) exercise their editorial autonomy to create as interesting pre-election broadcast programs as possible for their target audiences, and in many cases, this means more frequent invitations to representatives from the more popular parties to these programs. In 2006, several political organizations challenged such mass media practices in the courts; however, the Department of Administrative Cases of the Senate of the Supreme Court ruled that such mass media activity is substantiated with reasonable and rational argumentation. Still, such a ruling does not reflect the opinion of a large part of society. In April 2014, 44% of the polled citizens of the Republic of Latvia stated that they do not support the practices of the mass media in terms of pre-election discussions that encompasses engaging in discussions with the representatives of those parties who have larger chances of acquiring seats in the *Saeima*. Only 1.5 % of respondents supported such practices (see Annex 1, question B3).

Lengthy reforms in the field of political party funding and pre-election campaigning that have been taking place since 2004 have resulted in developing a more advanced legal framework, including regulation of covert pre-election campaigns and campaigning exercised by third parties. Supplemented with the observation of pre-election campaigns carried out by NGOs, these reforms have contributed to a substantial decrease in covert campaigning during the past 10 years. However, this trend is more common in the mass media that operate in Latvian. The Russian-speaking media

have proven to be more immune towards the civic society's efforts to promote lawfulness and consolidate the traditions of liberally democratic journalism. This can be partly explained with the concessive attitude of the audience, media concentration (Rožukalne 2010) and a closer link between politicians and Russian-speaking media as evidenced by the leaked e-mail messages of Nils Ušakovs (representative of the Harmony Centre (*Saskaņas centrs*) party), which contained instructions for journalists on reflecting events in a particular way.

The prohibition to carry out paid campaigning on TV during the 30-day run-up to the elections should be regarded as a very substantial turning point. This has made parties review their communication strategies by replacing intensive campaigning on TV with other types of communication. However, it will be possible to judge what the impact of these restrictions on campaigning budgets only after the 2014 parliamentary elections. Nevertheless, such prohibitions provide certain advantages for the parties that form the leading coalition because the media expresses increased interest in their representatives right up to the election day. The CPCB observes the progress of pre-election campaigning and keeps society regularly updated on how political parties comply with restrictions for pre-election campaign spending.

Broad use of the internet in Latvia has created beneficial conditions for parties and candidates to communicate with the public in a more direct manner; this partly makes it possible to compensate for the effective campaigning restrictions. Parties as well as separate politicians have communicated via social networks increasingly actively in recent years. Similarly, campaigning materials have frequently been uploaded on popular websites (such as YouTube), thus enabling a wide audience to become acquainted with them.

Processes that have taken place during the past 10 years show that the court has recognized the media-generated unequal access of parties to publicity as reasonable, substantiating it with the interests of the audience; however, the rapid development of the internet has opened up unprecedented opportunities for parties as well as individual candidates to reach out to the public by circumventing the restrictions generated by the media, and their political arrangement. Citizens have simultaneously acquired a new and increasingly used source of information on politics with a high degree of interactivity.

5.4. How effective a range of choice does the electoral and party system allow the voters, how equally do their votes count, and how closely does the composition of the legislature and the selection of the executive reflect the choices they make?

Legal framework

The Constitution of Latvia stipulates that the *Saeima* shall be composed of 100 representatives who are elected in general, equal and direct elections by secret ballot based on proportional representation. An electoral threshold was introduced after the reinstatement of independence in order to decrease the fragmentation of the composition of the *Saeima*; since 1995 the threshold is set at 5 % of the total amount of valid votes. Citizens of the Republic of Latvia who have reached the age of 18 on the election day possess active voting rights.

Citizens who have reached the age of 21 on the election day and whom none of the passive voting restrictions apply to, possess passive voting rights; that is, the right to be elected in the *Saeima*. The following individuals cannot stand as candidates for the parliamentary elections: (1) persons for whom the court has established guardianship; (2) persons who are serving a sentence in a penitentiary; (3) persons who have been convicted for intentionally committing a criminal offence, except cases where persons have been vindicated or their conviction has been expunged or vacated. Similarly, citizens who have committed an offence in the state of mental incapacity or, after committing an offence, have developed a mental disorder preventing them from controlling their

behaviour do not possess passive electoral rights. The following are not eligible to be MP candidates: (1) persons who are permanent staff of the state security, intelligence or counterintelligence services of another country; (2) after 13 January 1991 have been active in the Communist Party of the Soviet Union (the Communist Party of Latvia), the International Front of the Working People of the Latvian SSR, the United Council of Labour Collectives of Latvia, the Organisation of War and Labour Veterans, the Latvian Society Salvation Committee or its regional committees; or, (3) have belonged to the permanent staff of the state security, intelligence or counterintelligence services of the USSR or the Latvian SSR, except persons who have been employed in the Planning, Finance or Administrative Departments of the Committee for State Security of the USSR or the Latvian SSR.

Since the Voter Register is not used in the elections of Latvia's legislature, all citizens who possess the right to vote are entitled to cast their ballot at any of the polling stations in any of the five constituencies. Citizens who live abroad vote for the candidate lists registered for Riga district through mail voting or by appearing at one of the polling stations established abroad.

All voters are entitled to vote for a particular candidate list and to express nuanced attitude towards each of the candidates on the list of their choice by striking out the undesired candidates or marking their preferred candidates with a '+' sign.

Actual situation

Electoral legislation sets moderate requirements for political parties that wish to nominate their candidates for the parliamentary elections. These requirements have largely remained unaltered since 1995. However, the number of registered candidate lists has decreased from 20 in 2002 to 13 in 2011. Such a decrease in number should, firstly, be regarded as the result of the electoral threshold because 5–7 candidate lists acquire representation in the *Saeima* due to it.

It seems important for some voters to vote for a candidate list that stands a greater chance of clearing the 5 % threshold instead of voting for a candidate list that matches their views best. Despite this phenomenon, a certain amount of votes is still given to candidate lists that do not clear the electoral threshold. The proportion of such votes has decreased in a linear manner from 15.8 % in 2002 to 5 % in 2011.

The number of registered candidate lists has decreased; however, voters still have diverse political options to choose from. Given the deep ethnic cleavage in Latvian politics, political parties whose key priorities include identity policies actively participate in elections. Alongside these organizations, citizens have had the opportunity to vote for social democratic, conservative and liberal parties in all parliamentary elections. Agrarian parties acquire notable results in elections whereas Christian parties have seen ebbs and flows of their success. Flexible lists are perceived to be a substantial achievement in elections: nearly $\frac{3}{4}$ of Latvian citizens polled in April 2014 gave positive responses about the options such lists provide (see question B1 in Annex 2).

The Sainte-Laguë method is used for allocating seats in the *Saeima*; this method encompasses calculating the acquired mandates in a constituency separately and only for those parties which acquire at least 5% of the total number of valid votes in the country. This method is more advantageous for medium-sized parties (Lijphart 2003). The public does not criticize this method for being excessively disproportionate.

In recent years, politicians and experts have been discussing the opportunity of the citizens who vote abroad to vote outside of the Riga constituency. Even though this should be viewed in the context of broader discussions on the need for an electors' register, its topicality was increased by the condition that one candidate is permitted to run for election in only one constituency.

Partly in reaction to society's discontentment with the 'roaming' of MPs, or, in other words, their migration from one party parliamentary group (PPG) to another, or the establishment of a new one, amendments have been made to the Rules of Procedure of the *Saeima* in order to reduce such migration. In 2009, it was set forth that "members elected from the same candidate list may

form only one party parliamentary group and must not join other PPGs". These provisions have not significantly influenced the MPs' mobility in terms of migrating from one PPG to another. This is one of the ways to explain the society's wish to limit the MPs' opportunities to leave one parliamentary group for another: two thirds of the polled Latvian citizens supported such restrictions in April 2014. Similarly, two thirds of respondents think that MPs who leave their political groups should give up their mandates (see question B1 in Annex 2).

Regardless of several institutional reforms during the past 10 years, no fundamental changes have been observed in terms of the effectiveness of the political choice available for citizens and embedding electors' wishes in the legislature's structure.

5.5. How far does the legislature reflect the social composition of the electorate?

Legal framework

MP candidates must be at least 21 years old and legally capable citizens of the Republic of Latvia who have not taken active part against Latvia for the purposes of the *Saeima* Election Law. Information about the registered candidate lists as well as the candidates included in them, their sex, age, education and occupation is available on the CEC website as well as at each polling station at least five days before the elections. Since 2006, candidates are obliged to specify their nationality and marital status.

The legislation of Latvia does not set quotas or other instruments for ensuring representation of any social groups in the legislature's structure. However, voters have the opportunity to express an individual attitude towards each candidate specified in the ballot list they choose to vote for.

Actual situation

Disproportions as well as decreased representation of separate groups exist among the running and elected MP candidates; moreover, these differences existed both before and after 2004.

A disproportionately large number of men (approximately 70 %) and persons with higher education (approximately 80 %) exist among candidates. The average age of candidates (44.7 years in 2011) has gradually decreased, and the number of candidates aged over 60 is disproportionately low. The proportion of candidates who run for election in the constituency where they are registered as permanent residents significantly increased after the restriction for one person to run as a candidate in only one constituency became effective.

Analysis of the composition of parliamentary deputies suggests that men are represented in the legislature in a greater number than women; however, the proportion of women in the Latvian parliament has increased gradually. Latvians (in accordance with the information voluntarily provided by MPs) and persons with higher education dominate the body of deputies. Parties tend to take into account their candidates' regional background when forming candidate lists; however, this background does not always mean it is their actual place of residence. In general, one can claim that the composition of the *Saeima* during the past 10 years has reflected the structure of Latvia's society somewhat more accurately.

5.6. What proportion of the electorate votes, and how far are the election results accepted by all political forces in the country and outside?

Legal framework

Citizens of the Republic of Latvia who have reached the age of 18 on the election day have voting rights. Participation in elections is not mandatory. Political organizations and their associations registered in Latvia are entitled to submit their candidate lists in accordance with the procedure

established by law. Representatives of the political parties that have submitted their candidate lists, persons authorized by the election commissions (including foreign observers) and media representatives are permitted to observe the progress of elections and vote counting. Submitters of candidate lists are entitled to appeal the CEC resolution on the confirmation of election results within three business days after the adoption thereof.

Actual situation

Participation in parliamentary elections reflects the same trends that can be observed in many other democratic regimes (Blais, Rubenson 2013), and the participation activity has decreased by approximately 10 percentage points since 2002.

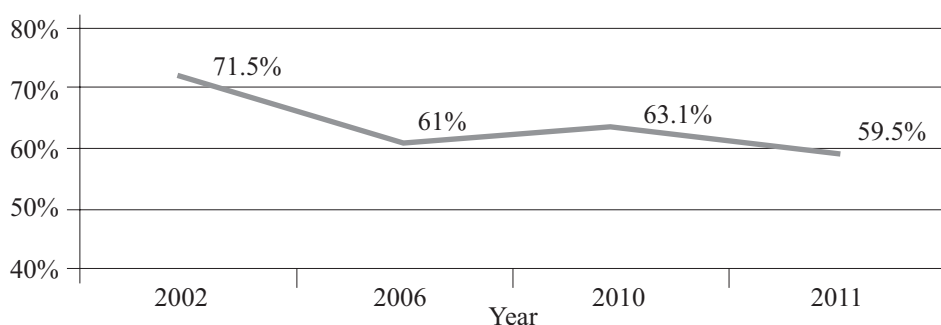


Image 5.1. Participation in parliamentary elections in 2002–2011, per cent of the citizens who have voting rights

Source: CEC data.

Beside low interest in politics and discontentment with the results of the government's performance, the decline in participation is also related to the data used for calculating this statistic. Data summarized by OCMA is used for determining the number of citizens who have voting rights; however, this data is based on individuals' registered place of residence. Conversely, many citizens who have actually emigrated have maintained Latvia as their registered place of residence. Election results show that the number of persons who voted in such emigrant host countries as the UK and Ireland is very low compared to the data on immigrants from Latvia provided by these countries. People aged over 50, persons who have increased interest in politics and citizens with medium and high income levels tend to participate in elections more actively.

The idea of introducing mandatory participation in elections was voiced publicly after the 2014 European Parliament elections when only 30 % of eligible voters chose to participate. However, 59 % of the polled Latvian citizens were against such an idea before the EP elections (see question B1 in Annex 2).

Despite public discussions about the regulatory framework for parliamentary elections and some violations of pre-election campaigning rules, all of the most significant political actors have accepted the *Saeima* election results. The 2006 *Saeima* elections whose results were disputed in the court on the grounds of violation of pre-election campaigning rules are an exception to this. However, all parties that had cleared the electoral threshold accepted the court's decision to refrain from annulling the election results. The public also accepted this decision: this was evidenced by the lack of public protests.

International community has been keen to monitor parliamentary elections in Latvia; this was related to the way of solving citizenship matters at the end of the 20th century. Representatives of the OSCE, EU Member States and scholars from various countries have continued observing the *Saeima* elections in the 21st century. Elections have generally received positive evaluations, and they have complied with the principles of free and democratic elections.

Summary: progress during the past 10 years

	Very good	Good	Satisfactory	Poor	Very poor
5.1.		X			
5.2.	X				
5.3.		X			
5.4.		X			
5.5.		X			
5.6.		X			

Best features

Significant progress has been achieved in improving the regulatory framework for pre-election campaigning through defining the role of third parties in pre-election campaigning and reducing covert campaigning.

Most serious problem

One can observe a decline in the level of participation in elections; the continuation of this decline will raise the issue of the regime's legitimacy.

Suggested improvements

Substantive, non-institutional, methods to increase the society's political participation should be sought firstly and foremostly.

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6. THE DEMOCRATIC ROLE OF POLITICAL PARTIES

Jānis Ikstens

Does the party system support democratic processes?

6.1. How freely are parties able to form and recruit members, engage with the public and campaign for office?

Legal framework

The Constitution (*Satversme*) of the Republic of Latvia guarantees a number of human rights, including the right to form and join associations, political parties and other non-governmental organisations, and the freedom of speech. These core principles form the basis of the Law on Political Parties adopted in 2006. This law regulates some functions of political parties and partly substitutes the 1992 Law on Public Organizations and Associations Thereof.

According to the Law on Political Parties, political parties must be registered in the Register of Political Parties. Registration gives them the status of a legal entity and the right to perform their various functions, including nominating candidates for elections at various levels and organising pre-election campaigns/rallies. A political party can be established by a founding assembly of at least 200 citizens of the Republic of Latvia who have reached legal age. This assembly must be observed and verified by a sworn notary public. The decision to register a political party is made by the Enterprise Register (ER) after careful consideration of the minutes of the assembly, party's programme and by-laws. The law establishes minimum governance standards applicable to political parties: rights and obligations of party members, basic management structure, procedures for restructuring and disbanding a party.

Parties must submit information about their members to the Enterprise Register. The Register must then check whether at least half of the party members are Latvian citizens. It must also make sure that there are no fewer members in the party than 150, or otherwise the party has to be either suspended or even disbanded.

Financial management of political parties is subject to the Law on Financing of Political Organizations (Parties). The law establishes the main sources of political party funding: membership fees, income from party's entrepreneurial activities, private donations and direct contributions from the state budget. This law also contains the maximum threshold of annual contributions made by individuals to the same political party. The total amount of contributions must not exceed 50 minimum wages.

Adopted in 2012, the Law on Pre-election Campaigning regulates the pre-election activities of political parties. This law prohibits hidden campaigning and introduces restrictions on third-party campaigning activities, limiting the costs of such to the total of 15 minimum wages. Political parties and groups, having submitted candidate lists for parliamentary, municipal or European Parliament elections, may use free broadcasting time on public media. In addition, this law stipulates equal political advertising unit rates, applicable to all parties participating in elections. Paid political TV campaigns must stop 30 days before the election date. According to the law, the Corruption

Prevention and Combating Bureau (CPCB) is responsible for monitoring pre-election campaign spending and may suspend election campaigns that violate funding restrictions.

Parties compete for seats in the parliament, local governments and the European Parliament on the basis of their candidate lists. National parliament and European Parliament candidate lists may be submitted only by functioning political parties and groups. Municipal election candidate lists may be submitted only by political parties standing in the municipalities with a population over five thousand. An important feature of the election system is the possibility to rank the candidates included in the selected party list. Since 2010, candidates are not allowed to run for election in more than one constituency in parliamentary elections.

Actual situation

The formation of political parties in Latvia had been a very dynamic process affected by the existing institutional framework that gives political parties the leading role in the election process. From 2009, when re-registration of political parties was completed based on the Law on Political Parties of 2007, until 2013, the number of registered parties and political groups rose from 35 to 64 (with four other parties going for liquidation). Since 2007, registration of several political parties has been suspended (Platace: 2012), and in March 2013, the Enterprise Register rejected the registration application of the political party 'For Mother Tongue' (*Par dzimto valodu*). The application was rejected due to the political goals identified in the party's programme, which contradicted the founding principles of the Republic of Latvia.

Contrary to the 1992 Law on Public Organizations and Associations Thereof, the Law on Political Parties does not prohibit officials from becoming members of political organizations. However, restrictions of this sort are set out in other laws and regulations. Some claim this is Soviet era heritage and that it is necessary to get rid of political influence on key government bodies. For instance, Article 86 of the Law on Judicial Power prohibits judges from joining political parties or other similar organisations. And Article 15 of the Military Service Law states that military personnel are not allowed to engage in political activities.

Prohibition for judges to join political parties was appealed in the Supreme Court (SC) in 2012, claiming this restriction on human rights disproportionate. However, the SC established that the legitimate aim of the restriction is to protect the democratic system in the country and the rights of other groups of society. As for the public benefits of such restrictions, according to the SC such benefits are significantly greater compared to the harm resulting from such limitations. The court eventually decided that such restrictions are constitutional.

Nevertheless, parties have the power to apply other criteria on potential members of their organisation. One of the most popular criteria is references from existing members. It is usually the board of the party that decides to admit new members. After joining, members of political parties are supposed to pay membership fees. However, this requirement is poorly implemented.

The number of political party members has increased quite rapidly (see Image 6.1).

According to information provided by parties themselves, in 2013 some 24 732 persons were listed as party members. This means that 1.7 % of the population with voting rights had joined political parties. Estimates show that in 2004 parties had around 15 000 members or 0.9 % of voters (Auers, Ikstens: 2005). Increasing political party membership in Latvia is in stark contrast to the declining political activity of the people in European democracies, where average membership rate among voters has slid to 4.7 % (Van Biezen, Poguntke: 2014; Van Biezen et al. 2012).

However, the official figures are far from the actual situation. For instance, great doubts existed about the membership of the crumbling Reform Party (*Reformu partija*), as many challenged its claims of having 2000 members (LETA 2014). It is important to remember that most parties operating at the local level, within one municipality, have close-to-minimum membership – little over 200 members.

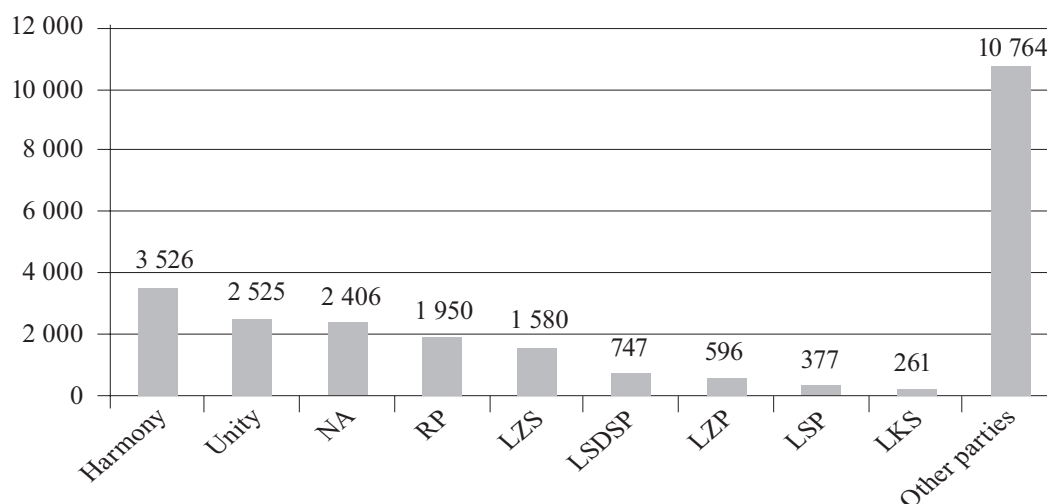


Image 6.1. Political party membership in 2013

Source: Enterprise Register and party data

Public debate has often focused on the need to increase the minimum membership requirements for registering a political party, as it would reduce the political fragmentation and strengthen the capacity of parties. An opinion poll conducted in April 2014 shows that almost half or 46 % of voters support the idea of a serious increase of the minimum membership requirements for registering a political party (see B1 in Annex 2).

Generally speaking, the share of membership fees in political party budgets is miniscule. Membership fees generate 10–15 % of political party election year budgets. In 2013 the total amount of membership fee revenues across parties reached LVL 299 172. That means that one party member paid an average of LVL 13 (EUR 19) per year.

Political parties are the main contenders for various elected positions at national, supranational and subnational level. Candidate lists for the parliamentary elections and European Parliament (EP) elections, as well as local government elections in municipalities with populations over 5,000, may only be submitted by registered parties. It must be underlined, however, that the number of lists submitted for the *Saeima* elections has shrunk significantly since 2002 (see Chapter 5), whereas the decline in the number of lists submitted for EP elections from 2004 to 2014 had not been as sharp. On the other hand, preferential voting has become increasingly popular, which means that voters are keener to evaluate the activities of individual candidates.

One of the prerequisites for registering a political party is an election programme. The programme must not exceed 4000 characters. Such volume restrictions preclude political parties from vague and excessively detailed resolutions. On the other hand, a ‘short’ programme may also be used as an excuse for a lack of real targets. However, exit polls conducted over the past decade suggest that voters pay very little attention to what political parties promise, focusing on their track record and leaders instead.

The election campaign is still one of the main tools political parties use to vie for power. Parties often hire communication and advertising professionals for their election campaign planning and activation, and mostly structure these campaigns on opinion poll results. A comparison of campaign budgets for election years and non-election years clearly shows how significant these campaigns are. For example, in 2012 the total amount of donations to political parties reached LVL 720 000, whereas in 2011, when extraordinary parliamentary elections were held, political parties amassed LVL 2.142 million in donations, and in 2013, when municipal elections were organised, political parties received support in the amount of 2.243 million lats. The victorious 2014 EP election campaign of Iveta Grigule (ZZS (Union of Greens and Farmers)) is a vivid proof of the importance of election campaigns.

In general, there are very few limitations on founding and registering a political party in Latvia. The rapid increase of the number of political parties after the 2007 re-registration of political organizations and with the adoption of the Law on Political Parties and a significant number of newly established political forces competing for seats in parliamentary elections and municipal elections is a clear evidence of the above. However, political party funding restrictions have forced some activists to resort to establishing NGOs to promote different ideologies and transforming those civic groups into political organizations before the elections.

6.2. How effective is the party system in forming and sustaining governments in office?

Legal framework

Formally, the formation of a government begins with the President's official announcement of the next potential Prime Minister who would set up the Cabinet and supervise the drafting of the declaration of the government. Since 2008, the State Chancellery is formally responsible for supporting the Prime Minister candidate in setting up the Cabinet and developing the government declaration.

Ministers do not have to be members of the *Saeima* or a political party, nor do they have to have run for the parliament. However, potential ministers must meet requirements applied to candidates of the *Saeima* (age, citizenship, non-applicability of passive electoral rights restrictions, etc.).

The Cabinet of Ministers must receive a vote of confidence from the *Saeima* before it can commence its work. The government is approved in the *Saeima* by a majority of members present at voting, which means that a minority government can also be formed. Since adoption of the Law on the Structure of the Cabinet of Ministers in 2008, the vote of confidence is held only on a complete cabinet.

The government is dismissed when the Prime Minister resigns or passes away, or the *Saeima* rejects the state budget proposal or adopts a motion of censure.

Actual situation

Ten governments have succeeded each other in Latvia from June 2004 to June 2014.¹ The average lifespan of a government is 12 months. All governments have been supported by coalitions consisting of several political parties.

Although the formal government formation process starts with the President nominating a candidate to the post of Prime Minister, the actual coalition and government formation process starts much earlier. Sometimes a potential post-election government setup is discussed and agreed in the pre-election period, based on forecasted election results. In Latvia, coalition formation is a free-style bargaining process among a number of parties and political alliances trying to come up with the best government structure and allocation of Cabinet posts. The President's decision to nominate a particular candidate for the post of the Prime Minister is a mere reflection of this bargaining process, a process that is partly shaped by the position of the President regarding particular candidates. For instance, Vaira Vīķe-Freiberga during her tenure made it very clear that she will not nominate Aivars Lembergs, Mayor of Ventspils City, charged with several serious offences, and Andris Bērziņš refused to nominate Artis Pabriks (Unity Party (*Vienotība*)) at the end of 2013.

The negotiations and bargaining process is usually led by a few select party leaders. No specific mandate is given to them. Nevertheless, since the party leaders are in charge of the intra-party

¹ A new government is a new cabinet setup led by a different prime minister or formed by a different coalition. Therefore, Aigars Kalvītis has led two governments from December 2004 to November 2006 because when the New Era Party (*Jaunais laiks*) broke away from coalition, a new government was formed.

position debate, they tend to know quite well what party members think of one or another proposal. On the other hand, Zatlers Reform Party is a vivid example of the lack of such expertise and its impact. The Reform Party collapsed in less than two months, following its own mistakes in the government formation process. Moreover, Latvian political parties are primarily looking for posts (Budge, Laver 1986), not the possibility to implement policies. That is due to the party funding model and election campaign methods. Holding public offices provide parties with resources for maintaining party organization (Ikstens 2009).

Coalition parties have the discretion to nominate potential Cabinet members, but the candidate for Prime Minister, selected by the President, may reject ministerial candidates proposed by the political parties, on reasonable grounds. When a party withdraws its candidate, it maintains the portfolio and identifies a new candidate.

Given the average government lifespan that has remained constant since the restoration of independence, there has been a lot of public debate on government stability. Therefore, the introduction of a constructive vote of no confidence has come to the fore in the last 4–5 years. The initiative is supported by Andris Bērziņš, the President of the Republic of Latvia. However, this idea has not been supported by the politicians so far. On the other hand, the reasons for government collapse have also changed in the past decade. Prior to 2004, the Cabinet of Ministers mostly resigned over conflicts regarding economic policy, whereas over the last 10 years governments have most probably disintegrated because of party manoeuvres driven by possible election outcomes.

Although government stability has been low, the overall political orientation of the country has remained unchanged. The main reason for that is the composition of the coalitions. The ruling coalitions have been dominated by centre-right political parties that support a relatively liberal economic policy, pro-European foreign policy and policies strengthening the ethnic identity of Latvians. However, emigration driven by inadequate quality of life and the economic crisis of 2008 has shifted the government's focus to social challenges and solutions that are more characteristic to centre-left parties. Coalitions have frequently been used to evade political accountability, as political parties blame coalition partners for not supporting the commitments they have made prior to elections.

It should be noted that the centre-left pro-Russian parties have never been official coalition partners. The main reason for that is the fear that ethnic Latvian parties might lose popularity as a result of including pro-Russian parties in the coalition. For instance, the Latvian Social Democratic Worker's Party lost the support of its voters after a longer period of cooperation with pro-Russian parties in the Riga City Council between 2001 and 2005, whereas Zatlers Reform Party fell out of favour with its voters after the extraordinary parliamentary elections of 2011 when some of its leaders tried to get the Harmony Centre Party (*Saskaņas centrs*) into the coalition. Scepticism among Latvian voters towards pro-Russian parties is rooted in the fear of endangering their national identity. Such a fear is fuelled by announcements by pro-Russian party leaders on domestic and foreign policies, and their behaviour in signing cooperation agreements with ruling parties of authoritarian regimes, accepting support from Russia and actively supporting the referendum on a second official language in 2012.

6.3. How freely can opposition and non-ruling parties form alliances within legislature; can they provide efficient oversight of the government to ensure its accountability?

Legal framework

The parliamentary activities of political parties and individual parliamentarians are subject to the Rules of Procedure of the *Saeima*. According to the Rules, parliamentary groups formed in the *Saeima* must consist of at least five parliamentarians. However, in 2010 a new requirement was introduced – parliamentary groups can be formed only by parliamentarians elected from the

same candidate list. Moreover, same list candidates can form only one parliamentary group in the *Saeima*. Several groups may join together to form a political bloc. Parliamentary groups, blocs and the Presidium of the *Saeima* nominate their representatives to the Council of Parliamentary Groups, which is responsible for the review of the *Saeima*'s operational decisions.

Affiliation to a particular parliamentary group enhances the legislative role of parliamentarians and assumes additional financial/administrative support (additional offices within the *Saeima*, larger administrative staff, access to an official car, etc.).

At least three MPs may form a group of *Saeima* Members for expressing some other interests related to their work in the *Saeima*. However, such groups have no particular organisational status and their activities are not funded by the *Saeima*.

A vote of confidence is the most powerful tool for holding government accountable. There is no particular procedure for invoking a vote of confidence. At least five MPs may submit questions in writing to the Prime Minister, a Deputy Prime Minister, a Minister or the Governor of the Bank of Latvia. Answers to these questions are provided outside the plenary meeting of the *Saeima*, in a specially arranged session. At least ten MPs may submit in writing inquiries to members of the Cabinet. These inquiries are addressed during a plenary meeting and may result in a vote of no confidence to the whole Cabinet or one of its members. Members may also create parliamentary inquiry committees to investigate various specific matters.

Standing committees of the *Saeima* dealing with various legislative initiatives may exercise scrutiny over the government and request line ministries to report on sectoral developments or undertake a legislative review and suggest changes to legislative proposals submitted by the Cabinet.

According to the Constitution, in some specific cases, citizens or NGOs may ask the President to not endorse a law adopted by the *Saeima* and request it to be reconsidered. Another, more time-consuming tool for holding government accountable, is lodging a claim with the Constitutional Court regarding the constitutionality of a *Saeima* or Cabinet decision.

Actual situation

Members of the *Saeima* elected from the same list of candidates may create a parliamentary group irrespective of their affiliation to the ruling coalition. All parliamentary groups have access to administrative support (parliamentary group consultants, official cars, offices, etc.) funded from the *Saeima* budget. The amount of such funding depends on the size of the particular parliamentary group. This funding allows MPs to hire aides/assistants (one full-time equivalent), and it helps political parties achieve their goals. However, opposition parties receive no extra funding.

Majority rule, almost an absolute disregard for opposition initiatives, became the decision-making style of the *Saeima* already at the turn of the last century (Ikstens 2010). Some changes have taken place in the 11th *Saeima*, as opposition members have been elected to chair two legislative commissions, allowing them to influence the legislative process. Nevertheless, the general trend has been the same over the past decade.

The National Security Committee of the *Saeima* operates on the parity basis whereby all political groups have one representative, whereas quantitatively the largest committee, the European Affairs Committee of the *Saeima*, ensuring the *Saeima*'s involvement in EU affairs according to the Rules of Procedure, must have at least one representative from each political group in the parliament. There is usually also one opposition representative appointed to the Presidium of the *Saeima*. Opposition members have also been included in the few parliamentary inquiry committees that can only be established with the support of ruling coalition parties.

Opposition parties have several ways of influencing the legislative process and ensuring government accountability. Committees and legislative proposals are the most common ways. However, coalition agreements, stipulating the cooperation between ruling parties in the Cabinet and the *Saeima*, have traditionally been against supporting opposition initiatives that are not prompted

by the coalition upon prior agreement. Therefore, such initiatives have rarely been efficient. The opposition may make enquiries or submit requests to the Cabinet members, but they almost never get past the initial stages due to the *Saeima* approval that is required. In the past 10 years, the opposition has never been able to reach a vote of confidence for an already-formed government.

A slightly more efficient way for the opposition to monitor the ruling coalition is a plea to the President. Such a plea is submitted to make the President refrain from promulgating a particular law and ask him/her to return a legislative proposal to the parliament for reconsideration. Moreover, according to the Constitution, a third of parliamentarians may ask for the promulgation of a law to be suspended and initiate a popular vote on the matter. However, the opposition has not made use of this tool in the past decade. The opposition has been most influential in cases when the minority governments have been formed, as well as cases when conflicts inside the coalition have erupted over one or another matter. Most often such differences have led to decisions going the way of the opposition (for instance, the appointment of Juris Jansons to the Ombudsman's position in 2011).

Parliamentarians elected from the Harmony Centre, which has always been formally left out of the ruling coalition, have rather actively appealed in the Constitutional Court against the constitutionality of some legal norms. Their claims have been linked to political and civil rights. None of the political claims have been supported by the Constitutional Court. That said, the opposition can still be proud of some claims on social matters that have been supported by the court.

6.4. How fair and efficient is legislation regulating political party discipline in the *Saeima*?

Legal framework

Political parties play a prominent role in elections and the competition for government seats. This role, however, is weakened by preferential voting that allows voters to influence the election of candidates. Moreover, according to the Constitution, once elected, parliamentarians cannot be recalled.

The work of political parties elected to the *Saeima* is regulated by the Rules of Procedure of the *Saeima*. The Rules of Procedure determine the process for formation and the basic principles behind the work of parliamentary groups, blocs and bodies. However, neither the Constitution, nor the Rules of Procedure determine any disciplinary rules for parties elected to the parliament. Parliamentary group integrity from the voting point-of-view is a matter decided by the groups themselves.

Nevertheless, legislation does contain provisions to reduce the split of political parties and strengthen their organisational integrity within the *Saeima* and beyond it. In 2010 a new requirement was introduced – parliamentarians elected from the same candidate list can create only one parliamentary group. Members of the parliament who decide to leave parliamentary groups may join other existing groups or continue working in the parliament as unaffiliated MPs. In cases where a party funded from the state budget according to the Law on Financing of Political Organizations (Parties) decides to split, public funding is still paid to the legal entity initially designated to receive the funding.

Actual situation

The Latvian institutional framework is very vague about the relationship between political parties, whose main task is to compete for power, compile and submit candidate lists, organise election campaigns, and individual candidates, whose activities from public perception point-of-view may significantly change the set of candidates elected to the *Saeima*. Although the common perception is that the popularity of a candidate, quite often gained as a result of working in an important public position, may help in the elections, there have been a number of cases when high-ranking officials fail to make it into the *Saeima* despite the success of parties represented by them. Some of the best-known instances include former Minister of Culture Sarmīte Ēlerte (in 2011), ex-Speaker of the *Saeima* Jānis Straume (in 2006) and others. There have also been cases where candidates from relatively

low-ranked positions have garnered greater voter support and won seats in the parliament ahead of their fellow candidates. This raises a legitimate question: does an MP really represent his/her party and does he/she have to stick by one's parliamentary group discipline, or he/she must rather represent the voters who have elected him/her, even if the interests of voters contradict with the party line?

Public trust in political parties has been very low for many years (see Eurobarometer data). Moreover, over the last five years there has been a growing public concern that Latvia is not developing the way it should. For instance, in April 2014 almost half of Latvia's population (46 %) claimed that Latvia is heading in the wrong direction (see Q-B5 of Annex 2). This is a strong signal that Latvians are expecting a different kind of representation and looking for ways of creating a more individualized bond between themselves and their elected representatives. On the other hand, people are clearly against roaming MPs who abandon their parliamentary groups. In April 2014 poll, almost 2/3 of respondents claimed that MPs who leave their group should resign from the parliament altogether.

The Saeima responded to this public attitude by adopting amendments to the Rules of Procedure of the *Saeima* and the Law on Financing of Political Organisations (Parties) in 2010. Changes introduced by the parliament were meant to solidify the political parties and their parliamentary groups. And, although parliamentary groups could still be established only by at least five MPs, and new parliamentary groups could still be established only by MPs elected from the same list, the experience of the 11th *Saeima* shows that these changes had very little effect on MPs deciding to abandon their group and join a different one.

Affiliation to a particular parliamentary group does not imply any binding obligations of an MP towards a parliamentary group in terms of voting. However, parliamentary groups are entitled to expel MPs, and therefore, deprive them of administrative resources and positions in the *Saeima*. A study conducted by Jānis Ozols in 2012 shows that although MPs do leave or change parliamentary groups, parliamentary group discipline in the *Saeima* is relatively strong, even compared to the rest of Europe. Not much has changed in this respect in the last 10 years. That is obviously due to the consolidation of Latvian political parties and the perception of party leaders who have a strong influence on the individual status of MPs in the current legislature and their re-election chances in the future. There is, however, no information as to how parties have ensured internal discipline in the past decade by means of methods favoured by the People's Party (*Tautas partija*) or the New Era Party (*Jaunais laiks*) who requested their members to reimburse part of the election campaign expenses or give an oath in church (Auers, Ikstens 2005).

6.5. How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?

Legal framework

The Law on Political Parties adopted in 2007 outlines the key organisational structural features and management tools of political parties: rights and obligations of members, creation of different party bodies and defining of their responsibilities, terms of operation, etc. However, neither this law nor any other external laws and regulations contain specific procedures for nominating and approval of candidates for the *Saeima*, local or EP elections. Therefore, Latvia does not apply any mandatory gender, age or ethnic quotas on candidates. Neither have any of the parties introduced any voluntary quotas. Candidate approval procedures for different elections are mostly regulated by party by-laws.

Actual situation

As far as municipal elections are concerned, there are two types of parties: national and local. The main role of the local parties is to provide a legal platform for local leaders to run in the municipal elections. This way a local leader can avoid national parties whose ups and downs in the

Saeima elections are described in Chapter 5. National parties mostly have decentralised procedures for nominating and approving municipal election candidates. Therefore, it is up to the local chapters of national parties to decide on candidates. The only exception is the elections in Riga, candidates for which are often approved by parties at the council or board level. Local parties mostly approve their candidates at the general meeting or board level.

Appointment and approval of candidates for the *Saeima* and European Parliament elections is much more centralised and exclusive. However, party leaders try to promote intra-party democracy and good governance approaches in the selection of candidates. Studies conducted so far show that Latvian parties have room for improvement in terms of intra-party democracy (Aylott et al 2014).

It is generally accepted that election candidates are chosen from the party ranks. However, the elections in recent years show that this is not a universally-accepted principle – some of the best-known examples include the Unity Party list for the elections of the 10th *Saeima* and Zatlers Reform Party candidate list for the 11th *Saeima*. More institutionalised parties are much more sensitive towards non-partisan candidates, requiring leadership support and solid reasoning to include non-partisans in the final list.

Although candidates can usually be nominated by any member or local chapter of the particular party, party leaders put a lot of effort into getting certain candidates nominated that would guarantee the success of a party in elections. More and more local parties rely on opinion polls in deciding who gets listed and which place in the list he/she gets. The same rationale is also used by some of the politicians when deciding the preferred constituency.

Since 2010, the law prohibits candidates from being listed in several constituencies at once. This restriction has forced parties to consider the polling results and individual performance of candidates in previous elections very carefully. Although party representatives claim that candidate lists are created with a view to gender and age equality, such a balance is by far not the main criteria for selecting candidates (Aylott et al. 2014).

Approval of the candidate list is the prerogative of the party council and board. When the candidate lists are proposed by an alliance of political parties, organizations merging together define the number of candidates from each party and their position in the list in advance. Candidates from each party in the group are nominated by the board of the represented party or alliances thereof.

Interviews with party representatives show that regular members have little *de facto* influence in the selection of candidates. One of the reasons for that is the comparatively little financial contribution of regular members to party wellbeing and the fact that party performance in elections is mainly a responsibility of its leaders. The candidate selection process largely reflects the tendency towards a concentration of intra-party power driven by considerations of efficiency.

All in all, there is no reason to say candidate selection has undergone a major change in the past 10 years. Party leaders still have strong influence on the process, but decisions are increasingly based on opinion poll results.

6.6. How far does the system of party financing prevent the subordination of parties to special interests?

Legal framework

The funding of political parties has been regulated by the Law on Financing of Political Organisations (Parties) (LFPOP), amended several times. Some funding aspects are also regulated by the Law on Pre-election Campaigning.

According to the wording of the LFPOP effective as of June 2014, political parties may raise funds for their activities from the following sources: 1) membership fees; 2) individual contributions (donations); 3) state budget allocations; 4) commercial revenue; 5) other legitimate sources.

Political parties have been funded from the state budget since 2012. Budget funding is available to parties that have received at least 2 % of the votes in recent parliamentary elections. As in many other countries, Latvia provides budget funding per votes received by the political party. Each vote is equal to EUR 0.71 per year. This approach is considered beneficial for large political parties.

To counteract political party efforts to disguise their income by increasing revenues from membership fees and decreasing the share of donations, the law introduced a limit for contributions: annual individual aggregate contribution to a political party may not exceed 50 minimum monthly wages regardless of the form of the contribution – donation or membership fee. Donations must come from taxable income generated in the last three years. Parties can accept donations only from Latvian citizens or individuals with the right to a non-citizen passport. Donations from anonymous sources, bank loans, guarantees or credits, or third-party donations are strictly forbidden. Parties must report each donation to the CPCB within a maximum of 15 days after receiving the donation. A list of donations is made public by the CPCB on its website.

The legal framework for pre-election campaigning has also undergone major changes. The framework law for pre-election campaigning is the Law on Pre-election Campaigning adopted on 1 January 2013. Any political advertising or campaigning the day before and on the day of the elections is prohibited to limit the influence of political advertising and funding on the election outcome. It is also prohibited to publish party or candidate support ratings on the day of the elections. Paid pre-election TV campaigns are not allowed 30 days before the election date. It is also illegal to use administrative resources in campaigning. Candidates registered for the *Saeima*, European Parliament and Riga City Council elections are entitled to 20-minute free broadcasting slots on public television and radio.

LFPOP sets down restrictions for party funding and pre-election spending. Each party, with its registered list of candidates, may spend an amount that does not exceed the average gross monthly wage registered by the Central Statistics Bureau two years before the elections on its pre-election campaign. This amount is rounded off to full euros, using the multiplier 0.0004 for each vote of previous parliamentary elections. According to the law, parties must submit their pre-election financial reports (for the period from 120 days before the elections to election date), as well annual reports once a year. All of these reports are available on the CPCB website.

Financial activities of registered political parties are monitored by the CPCB. The Bureau also has investigative power, allowing closer monitoring of political parties, including declarations submitted by them. To avoid the CPCB's delayed response to pre-election campaigning violations, the Bureau is entitled to terminate any political campaign, if there is reasonable suspicion that election funding restrictions have been violated.

Actual situation

Party funding has been the most reformed area of political party activity. LFPOP has been amended 9 times in the past 10 years. Amendments have mainly been adopted as a response to various violations. Changes have also promoted transparency of political parties and their independence from private donors. Independence from private donors was the main reason for the introduction of the budget-funded system in 2010. However, the economic crisis delayed the implementation of the budget-funded system until 2012.

It is difficult to assess the effect of the budget-funded party financing system after such a short period since its introduction. Moreover, there have not been parliamentary elections after the implementation of the scheme. Elections have traditionally been the most capital-intensive activity of political parties. However, public attitude towards state budget-funded party activity is distinctly negative.

Half of the respondents polled in April 2014 claimed that state budget funding has failed to reduce the influence of private donors on political parties. More than $\frac{3}{4}$ of Latvian citizens are certain that state budget funding has not had any positive effect on political corruption. Almost

$\frac{3}{5}$ of people think that state budget funding had not made political parties more emphatic towards society's needs. A little more than $\frac{1}{4}$ of respondents agree that state budget funding has improved political party management. A little more than 50 % of people were confident that state budget funding has not helped political parties raise public awareness on their decisions. Therefore, it is not surprising that $\frac{2}{3}$ of respondents consider state budget funding a waste of money (DA (*Audit of Democracy*) 2014).

Analysis of financial declarations submitted by political parties shows that in 2013 the share of state budget funding in the overall budget of political parties amounted to 20 %. A comparison of state budget allocations and election campaign spending/operational expenditure for 2010 shows that budget funding would cover only 12 % of party spending in 2010.

The lion's share of political party income still comes from private donations. According to the CPCB financing database, private donations mostly come from the same range of individuals who mostly donate more than 500 euros at once. It may be considered a significant amount, raising questions regarding the origin of the funds. Although legal entities were prohibited from making political donations in 2002, donors include many company owners, managers and their family members. This means that the plutocratic party financing model is still alive. Furthermore, society largely distrusts political parties, and income inequality is still high. So, it would be precarious to expect donations coming from a large circle of donors. On the other hand, in the case of Latvia, party funding restrictions diminish the transparency in this area despite the best efforts of responsible authorities to verify party declarations.

One must also stress that substantial shortcomings exist in terms of funding political parties. First of all, a whole range of political parties of the past decade have been luring supporters and promoting their political plans under the legal disguise of NGOs to avoid any restrictions of financial or commercial nature. Secondly, in recent years there has been an increasing number of cases of Russia's support for Latvian political parties being exposed. Support has come in the shape of funding and know-how. Responsible authorities, however, have failed to prevent such collaboration, raising doubts about how level is the playing field.

A summary of trends observed over the last 10 years shows that the legal framework for political party funding has improved significantly, eliminating some of the key challenges detected previously (validity check of declarations; covert advertising; incomplete financial statements, etc.). The introduction of the state budget funding scheme for political parties has been a major change. However, some of the fundamental problems, such as the dependence of parties on a limited number of donors and origins of funds are still among the burning issues. Moreover, new problems have emerged from restrictions imposed through legislation.

6.7. What kind of support do parties receive from different ethnic, religious and linguistic groups?

Legal framework

Latvian legislation contains no quotas on representation of social groups in candidate lists or elected bodies. The amount of the security deposit (1,400 euro) is paid irrespective of the number of constituencies in which the list of candidates for the *Saeima* elections is presented. Naturalisation has increased the number of Latvian citizens able to vote and strengthened the political participation of East Slavic minorities.

Actual situation

According to the statistics of the Office of Citizenship and Migration Affairs (OCMA) of the Ministry of Interior, Latvia's population reached 2.18 million at the beginning of 2014. The Central Statistics Bureau offers a different number; however, the OCMA data is much more useful for

analysing political party figures and election outcomes since it is also used by the Central Election Committee in organising and running elections.

Table 6.1. Changes in the ethnic structure of the population (residents and citizens): 2004–2014, %

	Residents		Citizens	
	2004	2014	2004	2014
Latvians	58.7	59.6	74.9	71.2
Russians	28.8	26.9	18.3	19.7
Belarusians	3.9	3.4	1.5	1.7
Ukrainians	2.6	2.4	0.6	1.0
Poles	2.5	2.2	2.2	2.0
Lithuanians	1.4	1.3	0.9	1.0
Other	2.1	4.2	1.5	3.4
TOTAL	100	100	100	100

Source: The Office of Citizenship and Migration Affairs.

The population and ethnic structure of Latvian society has changed in the last 10 years. The share of Latvians in the total population has increased by around one percentage point, but the share of Latvians among citizens has gone down by almost 3.5 %. This can be attributed to active naturalisation – 72 330 individuals have acquired Latvian citizenship between January 2004 and January 2014.

From the political behaviour point-of-view, there are two distinct ethno-linguistic groups – on the one hand, people who mostly speak Latvian at home and mostly identify themselves as Latvians, and on the other hand, those who mostly use Russian at home and identify themselves as East Slavs (Russians, Ukrainians, Belarusians). This division is well-reflected in election results as each of the groups has a different favourite political party.

The opinion poll conducted in April 2014 shows that the support to political parties clearly differs due to the ethnic background of the respondents. Those who consider themselves Latvian strongly favour the National Alliance (*Nacionālā apvienība*), ‘Unity’, Union of Greens and Farmers, and the newly-created For Latvia From the Heart (*No sirds Latvijai*) of Inguna Sudraba. East Slavs, including Russians, in turn, are more in support of Harmony Centre. It must be noted, however, that the share of Latvians supporting the largest East Slavic political force has increased by 8–10 % since 2004. One of the reasons for this is targeted campaigning of that political group to attract more Latvians. Campaign tools included positioning Harmony Centre as the only alternative to the right-wing nationalist parties. Socially responsive politics exercised by the party leaders in Riga City have also helped raise the appeal of the party among Latvians.

Table 6.2. Political party support: breakdown by ethnic groups, %

	Latvians	Russians	Other	TOTAL
Harmony Centre	27	62	11	100
Unity	92	4	4	100
Green and Farmers Union	82	13	5	100
National Alliance	99	1	0	100
For Latvia from the Heart	84	7	9	100

Source: DA 2014.

Official election results also indicate similar trends. Support for Harmony Centre has traditionally been very high in Riga and Latgale, constituencies with the largest share of ethnic minorities. The EP election outcomes show a similar picture of East Slavic representatives such as Harmony Centre Party, For Human Rights in a United Latvia Party (*Par cilvēka tiesībām vienotā Latvijā*) and Latvian Russian Union Party (*Latvijas Krievu savienība*) getting most of their votes from regions and constituencies with larger shares of ethnic minorities.

Statistics are a clear indication of the ethnic cleavage in political party support. This, however, is not unique to Latvia; similar trends can also be observed in a number of Europe's democracies. Based on the ethnic structure of supporters, there are distinctly *Latvian* parties and *East Slavic* parties. Moreover, there are no indications that the ethnic cleavage might play a less important role in elections in the nearest future if we look at the domestic policy line and foreign policy discourse of political parties.

According to the cleavage theory by Seymour Lipset and Stein Rokkan, such cleavages largely reflect the existing political stratification of the society that began shaping at the end of 1980s and early 1990s. Bridging of these gaps is a long-term effort, closely linked with the efficiency of social integration policies and changes in the international environment.

6.8. What initiatives have been implemented to overcome the well-known challenges? Are these initiatives a priority? Are they supported by the society?

The funding of political parties still remains the biggest challenge for the political system in Latvia. Politicians have become aware of that and significant legal changes have been taking place in the past decade – party support has become more transparent in terms of intensity, more appropriate spending thresholds have been set according to economic conditions, state budget funding of political parties has been introduced, and more rigorous and immediate penalties have been adopted. Although party membership has expanded, which may be a sign of parties taking root in the society and greater trust in the parties; political formations are still struggling with a poor image, one of the worst among all institutions in Latvia. Moreover, initial assessments of the efficiency of state budget funding are rather negative; society does not see the benefits of such an arrangement. This means that the image of the political parties does not depend only on the party funding system and dependence on narrow interest groups.

The negative image of political parties is probably a reflection of the overall assessment of the nation's development. Results of the public opinion poll conducted in April 2014 show that half of Latvian people think Latvia is not developing as it should. That, in turn, may be explained by a lack of intellectual prowess and capacity in party ranks. In the age of information when the representative function of political parties is no longer their primary task, political parties seem to have failed to reach the required governance capacity. It is difficult to develop such capacity due to public disdain.

The general public is highly suspicious of *roaming* MPs who switch from one *Saeima* group to another. Quite many voters see this as a sign of political weakness and sometimes even feel betrayed by such steps. Politicians tried to solve the problem by changing the parliamentary group formation rules and the introduction of a state budget funding system with clear eligibility criteria. However, the work of the *Saeima* and its public assessment shows that these steps have not led to the desired result.

Overall assessment: progress in the past decade

	Very good	Good	Satisfactory	Poor	Very poor
6.1.		X			
6.2.				X	
6.3.		X			
6.4.		X			
6.5.				X	
6.6.					X
6.7.				X	
6.8.		X			

Best features

The legal framework for political party funding has been improved and is now covering areas unregulated or partially regulated in the past. There have been measures aimed at reducing the capital intensity of pre-election campaigns and introduce a state budget funding system supporting most popular parties.

Most serious problem

Some legislative loopholes still exist that do not preclude the use of various non-political organisations for political purposes, thereby making it possible to circumvent the restrictions applicable to political parties. Illegitimate external support to parties has not been dealt with either.

Suggested improvements

It is necessary to impose more stringent measures against parties violating funding rules, thus reducing the illegitimate support from abroad to parties registered in Latvia. It is also necessary to build public confidence in political parties by strengthening their intellectual prowess and capacity.

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7. EFFECTIVE AND RESPONSIVE GOVERNMENT

Iveta Reinholde

Is government accountable before the people and its representatives?

7.1. How far is the elected government able to influence or control those matters that are important to the lives of its people, and how well is it informed, organized and resourced to do so?

Legal framework

Since the 1990s, Latvia has attempted to reform its public administration. Times of success have replaced less successful periods. In the mid 1990s, the widespread use of employing the methods of the private sector to modernise the public sector in Latvia ended in failure, and the phenomena that describe this approach best, namely, public contracts and government agencies, emerged in the press from time to time with larger or smaller public scandals. Back then, the failures occurred mostly because the government did not have access to sufficiently effective instruments for how to monitor the introduction of policies and the economic expenditures of state budget funds. Therefore, problems in public administration and the need to meet the criteria for joining the European Union (EU) served as an incentive for establishing a legal and institutional framework for the functioning of the public administration.

In the early 21st century, the *Saeima* (Latvian Parliament) adopted several modern laws for the functioning of public administration: State Civil Service Law (2000), Administrative Procedure Law (2001), Public Administration Structure Law (2002). The State Civil Service Law prescribes the role of a professional civil service in the country, whereas the Public Administration Structure Law defines the institutional system of the public administration of the executive arm (i.e. authorities subordinated to the Cabinet of Ministers) and the fundamental principles of their activity. The aim of the Administrative Procedure Law is to ensure that the fundamental principles of the rule of law are observed in relations between private individuals and the State. Therefore, by early 21st century, a legal and institutional framework relevant for the functioning of public administration was created, and this was an important factor in the negotiations leading up to accession to the EU, as well as in the further modernisation of the public administration.

Actual situation

The actual ability of the government to introduce the policies that it had developed and to render quality public services is described in the Government Effectiveness Index (GEI) developed by the World Bank, and is formed based on surveys of companies, the population, and experts, and therefore, it can offer a complex assessment of the work of the public administration.

In the GEI assessment, Latvia ranks relatively well. The highest number of points – 100 – means the best possible work of the executive arm, which Finland has earned for the last three years. According to the classification of the World Bank, Latvia, like Lithuania, fall in the group ranging from 50 to 75, whereas Estonia falls in the next highest-ranking group (75–90) (World Bank 2013).

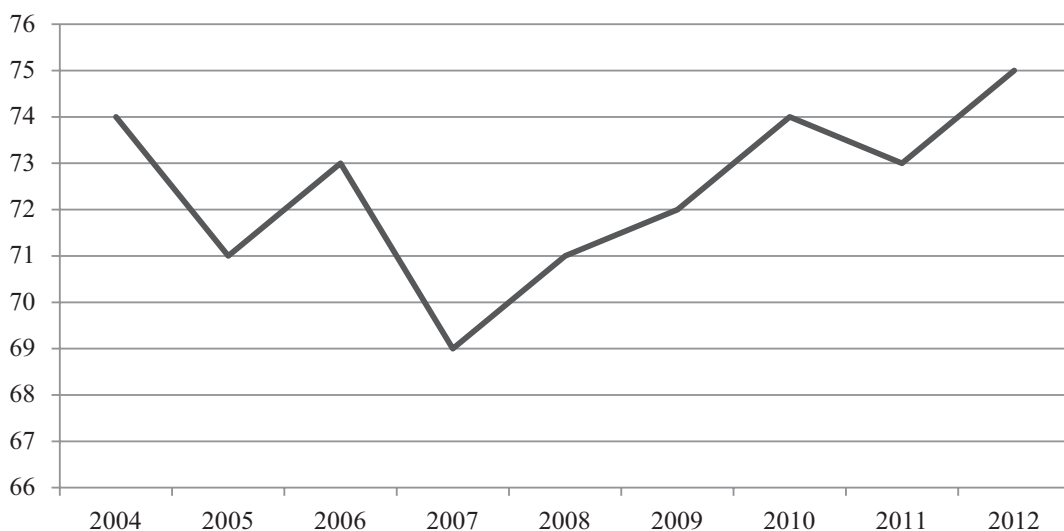


Figure 7.1. Latvian government's ability to implement policies (ranked according to percentiles between all countries; with 0 as the lowest score and 100 as the highest rating)

Source: World Bank 2013.

The international assessment of the Latvian government's ability to implement its policies allows us to draw several conclusions. Firstly, its ability decreased at a time when Latvia was experiencing rapid economic growth. This can be explained by the fact that the government did not try to slow down the rapid growth rate, in order for all social groups to benefit from this growth at the same level. The public administration had insufficient knowledge and skills to introduce the necessary changes in policies and laws and to adapt them to the changing conditions during the time of economic growth.

Secondly, 2009 and 2010, which were marked by budget austerity measures and attempts to balance state budget revenues with expenditures under the circumstances of the economic crisis, also showed that the government's abilities had grown and confirmed that under certain conditions the politicians and public administration alike were able to act consistently to introduce reforms and make well-considered decisions. In response to the economic recession, the number of employees was reduced in public administration, an audit of functions was performed, and taxes were increased. The economic stabilisation and growth programme of Latvia, on which the negotiations between the government of Latvia and international financial institutions were based, did not only envisage a stabilisation of the financial sector, but also financially demanding policy reforms (for instance, in the fields of education and health protection) (Reinholde 2012, 180). During the crisis, i.e. in a complicated economic situation, the government's commitments to introducing reforms in public administration, without a clear view of the direction that the reforms must take, offered a unique opportunity to implement previously postponed activities (such as decreasing the number of employees in public administration). However, the long-term question of the goals of reforms and the overall capacity of the public administration will become ever more topical both in the context of the Latvian presidency of the Council of the European Union and with regard to ensuring public services in the context of negative population growth.

The ability of the government to implement policies also influences its knowledge about the successes and failures of implementing policies. Unfortunately, the assessment of the consequences of policies and the following implementation thereof is encumbered by the complicated system of updating development planning documents; therefore, the assessments are either performed only formally or are not performed at all (BSZI (*Baltic Institute of Social Sciences*) 2013, 64–67).

In general, Latvia has done a lot over the last decade to ensure that its public administration functions according to traditions established in the European Union Member States. At the same time, the public administration will have to deal with several future challenges: the simplification of the policy planning system and the performance and use of assessments of the consequences of policies.

7.2. How effective and open to scrutiny is the control exercised by elected leaders and their ministers over their administrative staff and other executive agencies?

Article 58 of the Constitution (*Satversme*) prescribes that public administration institutions are under the authority of the Cabinet of Ministers. This means that the Cabinet of Ministers must assume responsibility for the activity of executive agencies, namely, must ensure control over these institutions.

However, there are several parliamentary control instruments, which enable the deputies to control the work of the civil service. Section 119 of the Rules of Procedure of the *Saeima* (Latvian Parliament) prescribe that ‘At least five Members may submit questions in writing to the Prime Minister, Deputy Prime Minister, Minister or Governor of the Bank of Latvia concerning matters which fall within the competence of these officials’. During a regular *Saeima* session, time will be set for answering questions. This means that the members of the *Saeima* are given a chance to ask questions to the senior executive branch representatives about the progress of implementing policies and about the conduct of the civil service.

Another mechanism for the politicians to exercise control over the executive branch, offered in the Rules of Procedure of the *Saeima*, is the inquiries. Section 124 of the Rules of Procedure states: ‘At least 10 Members may submit in writing inquiries to members of the Cabinet’. All questions from the deputies must be answered, and as regards the inquiries, the *Saeima* has established an inter-sitting period – the Inquiries Committee first reviews the inquiry and deems it acceptable. According to the conditions of the Rules of Procedure of the *Saeima*, the addressee must give written answers to the inquiries from a group of deputies within seven days.

The number of inquiries during the last four convocations has not been high. Moreover, there has been a prevailing tendency for the Inquiries Committee to reject them. The Rules of Procedure of the *Saeima* prescribe the possibility of changing an inquiry into a question, so that the information

Table 7.1. Dynamics of inquiries and questions over the last four convocations of the *Saeima*

	8th <i>Saeima</i> (elected on 5 Oct 2002)	9th <i>Saeima</i> (elected on 7 Oct 2006)	10th <i>Saeima</i> (elected on 2 Oct 2010)	11th <i>Saeima</i> (elected on 17 Nov 2011*)
Inquiries	20 (18 of which rejected)	36 (35 of which rejected)	3 (2 of which rejected)	11 (11 rejected)
Questions	136	253	22	161

* Statistics for a period until 1 May 2014.

Source: 8. *Saeima*. Statistika. Retrieved from: http://Saeima.lv/arhivs/8_Saeima/statistika_par_8.htm (all materials referred to were viewed on 02.05.2014); 9. *Saeimas* statistika. 07.11.2006.–01.11.2010, retrieved from: http://helios-web.Saeima.lv/deputati/stat_9/Kopeja_statistika_9Saeima.pdf; 10. *Saeima*. Deputātu pieprasījumi. Deputātu jautājumi. Retrieved from: http://titania.Saeima.lv/LIVS10/SaeimaLIVS_LmP.nsf/WEB_questions?OpenView&Count=30; 11. *Saeima*. Deputātu pieprasījumi. Deputātu jautājumi. Retrieved from http://titania.Saeima.lv/LIVS11/Saeimalivs_lmp.nsf/WEB_requests?OpenView&Count=30

that the deputies want to find out is still provided in a regular parliamentary session. The short hand reports of open *Saeima* sessions, along with the enclosed written answers to the deputies' questions are published in the official gazette 'Latvijas Vēstnesis'. Questions and inquiries serve as tools for the deputies to control the work of public administration; however, due to various reasons these tools are not particularly well received and are not effectively employed, as it is rather difficult to use questions and inquiries to boost political popularity. However, over the last decade, the popularity of inquiries and questions among the deputies has increased compared to the Audit of Democracy published in 2005.

According to the Rules of Procedure of the *Saeima* (Section 150), an inquiry lodged by one third of the deputies forms grounds for the establishment of a parliamentary investigation committee. The Rules of Procedure of the *Saeima* additionally prescribe that the members of the established committee are entitled to perform audits in public administration and local government authorities. A public procurement is a reason for performing such an audit in a private company as well. This means that the parliamentary investigation committee can serve as an influential tool if the deputies have an objective reason to believe that funds from the state budget have not been used accordingly.

Unfortunately, the deputies are not eager to employ this tool, like many other tools created for the control of the administrative apparatus of the executive branch, preferring to respond to current issues and complaints raised by the public, rather than acting proactively. Consequently, in late 2011, a parliamentary investigation committee was created to assess the impact that the surveillance of Latvijas Krājbanka, as well as the termination of its operations and the insolvency process has on the financial system of Latvia; however, the work of this committee was not as intensive as was initially intended (LR Saeima (*Saeima of the Republic of Latvia*) 2012). In 2013, a parliamentary investigation committee was established to assess the difficult situation that had developed in relation to the administration and the privatisation process of the Ķemeri Health Resort. As a result, the committee merely concluded that a fast solution is necessary to prevent the destruction of the cultural and historical legacy that comes with the resort building (LR Saeimas mājaslapa (*website of the Saeima*) 2014).

In 2007, the ombudsman's institution was created. In 2008, the Rules of Procedure of the *Saeima* were updated to include a chapter on ombudsman's reports: it prescribes that the ombudsman submits an annual written report to the *Saeima* about the work of the Ombudsman's Office (LR Saeima 2008b). Since one of the duties of the ombudsman is to monitor respect for human rights and the principle of good governance and that respect for the principle of governance is closely related to the work of institutions, then this provides the deputies with another way of obtaining information on the work of public administration.

Already in 2007, the ombudsman received 441 complaints about violations of the principle of good governance, whereas in 2008, 463 complaints about the inappropriate conduct of officials and about inadequate operations of local governments (LR tiesībsargs (*Ombudsman of the Republic of Latvia*) 2007, 62; LR tiesībsargs 2008, 71). In the report of 2012, the ombudsman stated that, upon receiving the ombudsman's notifications of breaches of the principle of good governance, the authorities have excused themselves by either denying the problem or by pointing out that a legal framework must be introduced to resolve the problem (LR tiesībsargs 2013, 101). In the report, the ombudsman lists the key violations of good governance principles (discourteous attitude by public administration officials, not replying on merits, distinct practices of providing public services in different regional departments of one and the same authority, failure to provide clear and objective information) (LR tiesībsargs 2013, 101). Therefore, by reviewing the ombudsman's reports, the members of the *Saeima* receive enough information about the work of establishments in order to make decisions on the necessary improvements in statutes, upon analysing the provided information.

In 2008, the Rules of Procedure of the *Saeima* were updated by adding a section ‘Reports of the members of the Cabinet of Ministers’. It prescribes that every year by 1 March the Prime Minister files a report to the *Saeima* about the CM’s achievements and plans (LR Saeima 2008b). Likewise, the amendments provide for an annual report on the work in foreign policy to be filed by the minister for foreign affairs by 16 January of each year.

Overall, there are many more tools available to the members of the *Saeima* than there were a decade ago. The conventional tools – deputies’ inquiries, questions, and parliamentary investigation committees – have been supplemented with new tools: the ombudsman’s report, reports by the minister for foreign affairs, and the annual reports by the Prime Minister. Therefore, the members of the *Saeima* have an opportunity to study detailed information on processes in various sectors and policies. However, no significant changes in the use of conventional tools are observed in practice – the elected representatives are showing little enthusiasm and they are rather cautious. Furthermore, the new tools are not yet being fully used.

7.3. How open and systematic are the procedures for public consultation on government policy and legislation, and how equal is the access for relevant interests to government?

Legal framework

Article 101 of the Constitution provides that all citizens of Latvia are entitled to participate in the work of the State and of local governments. This means that the public participation in public administration is established as one of the democratic values, by emphasising the role and importance of society in the work of public administration. Moreover, the participation of society in public administration is envisaged in several other laws; therefore, forming a relevant legislative framework. For instance, the Public Administration Structure Law provides for the public administration to engage representatives of public organisations and individuals in its work, by including them in work groups, advisory councils, or by asking for opinions (Section 48). The Development Planning System Law enshrines the principle of participation, whereby all stakeholders are entitled to participate in the drafting of a development planning document (LR Saeima 2008a, Section 5).

Cabinet Regulations No. 970 ‘Procedure of public participation in the process of development planning’ offer a detailed regulation of public participation in public administration, by describing the procedure of public participation in the development planning process of the legislature and executive branch (at the *Saeima* and CM), as well as of authorities, planning regions, and local governments (LR MK (*Cabinet of Ministers of the Republic of Latvia*) 2009). These provisions are flexible and allow for applying the procedure of public participation described therein not only for preparing a development planning document, but also for resolving any other issue. The public can participate in all stages of the development planning process, starting with identifying the problem and ending with introducing, updating, and assessing the solution. Moreover, it must be stressed that these Cabinet Regulations are equally applicable to associations and foundations (officially registered as NGOs), individuals and NGOs without registered legal status. Therefore, the regulation for public participation prescribed in the law provides for the possibility of participation of all members of society.

Cabinet Regulations No. 970 provide for many forms of public participation, thereby giving an opportunity to the people and NGOs to choose the method of participation that they see best fit, such as voicing opinions directly or indirectly at inter-institutional work groups and advisory councils, participating in public debates and public discussions, as well as participating in discussion groups and forums (LR MK 2009). The inhabitants can also use the opportunities to give a written opinion or conclusion on a development planning document during the drafting process, including

the preparation of an opinion about a document that has been announced in a meeting of State Secretaries or about a document drafted by a local government.

Pursuant to Cabinet Regulations No. 970, individuals and NGOs can also submit their objections and proposals during the decision-making process. Individuals and NGOs can participate in person at CM committee meetings, CM sessions, local government council and committee sessions. These regulations prescribe that everybody can also make their objections known at other public administration authorities in line with the procedure established in internal regulations of the authority, insofar as such internal regulations are established within the authority and are known to the people. On 1 July 2013, amendments to the Cabinet Regulations No. 970 entered into force. With these amendments, a new method of public participation was introduced in Latvia, namely, discussion documents. Discussion documents outline the conceptual idea and vision of an authority about the possible solution to a problem. Discussion documents are known abroad as 'green papers', thus, it can be claimed that the good international practice has now been introduced in Latvia as well.

In order to guarantee the control over whether public participation has indeed been ensured, the said regulations prescribe that the participation process must be described in the development planning document or in the abstract of the legal enactment. At the same time, all information about public participation initiatives must be posted on the websites of the respective authorities, in a section 'Public participation'. For instance, information on public discussion and the reviewed documents must be posted on the website at least 14 days before the event, thus ensuring that the people and NGOs can prepare to voice their views and that as many public representatives as possible could participate (LR MK 2009). The discussion documents introduced and the opportunities for the public to get involved in the early stages of document development serve as evidence of the achieved progress; therefore, Latvia, for instance, has outpaced Estonia, who in its planning documents recognises the need to ensure public access to draft documents in the early stages of development (CSDP 2011, 23).

Finally, the Action Direction No. 5 of the Guidelines of Development of Public Administration for 2008–2013 prescribed a more active civil participation in public administration (VPAP (*Public Administration Development Guidelines*) 2008). The Guidelines intended to achieve the involvement of NGOs in the drafting process of various projects, laws, and documents at as early a stage as possible, thereby increasing the chances for the public to influence decisions and making the decision-making process more open. The Guidelines view public participation as a bilateral process, in which, on the one hand, it is necessary that public representatives get involved in the drafting of documents and projects as early on as possible, but, on the other hand, it is also necessary to increase the capacity and understanding of the public administration staff about the importance of public participation. The Guidelines also defined the objectives attainable in the public participation field: to ensure that in 2013 at least in 75 % of cases NGOs have participated in the drafting of policy planning documents and in 89 % of cases public discussions have taken place and NGOs were involved in the drafting of territorial planning documents (VPAP 2008, 44–45). These objectives clearly also outline the fact that policy makers are trying to achieve the maximum possible public engagement.

Actual situation

It must be pointed out that significant progress has been achieved over the last decade in terms of public participation. In 2005, a memorandum of cooperation between NGOs and the CM was signed, and this was an important step in engaging NGOs in public administration decision-making. Initially, 57 NGOs had signed it, but now this number has increased to 352 (LR MK 2014b). Later on, a council was established for the implementation of the CM and NGO memorandum on

cooperation. It oversees the implementation of the memorandum on cooperation and promotes public participation. In a study conducted in early 2013, NGO representatives stated that overall they were well informed about the opportunities for public participation, and added that educational measures are necessary to raise public interest and motivation to participate in various public participation procedures (Konsorts, Baltic Consulting 2013, 22). This conclusion points to a tendency that some NGOs are very active, while the activity and willingness of others to participate depends on the capacity and level of awareness of their members. Moreover, it must be taken into account that NGOs tend to specialise in specific matters; therefore, these specialised NGOs are more interested in cooperating in the development of such issues that directly affect the relevant sphere of the NGO's work. The study conducted in 2013 also identified the concerns of NGOs. Namely, the possibility for NGOs to follow-up with the further development of the suggested proposals is encumbered, as abstracts are rarely updated; likewise, it is difficult to track the development of a draft project in various versions of the project, because there is no single site or platform, where the respective document stays for the entire duration of its development (Konsorts, Baltic Consulting 2013, 23). Overall, the NGO's capacity, knowledge, and understanding of the opportunities to participate have increased considerably over the decade, although new NGOs might require a rather considerable period to learn about and understand the possibilities of participation and to master the participation instruments in practice.

Over time, NGOs have accumulated skills and experience in participation; however, people are still somewhat sceptical about the possibility of participating and their ability to influence processes. In the 2014 survey conducted for the purposes of the Audit of Democracy, only 17 % of respondents agreed, while 75.3 % disagreed with the statement 'Overall, the government is taking public opinion into account' (DA (*Audit of Democracy*) 2014, I1. tabula). This means that less than one fifth of the respondents believed that the government is taking public opinion into account, which is accordingly transferred to the government's selected policy priorities, aims, and documents. In the survey, 78.1 % of respondents agreed to the statement 'Everybody must observe the laws, even if they appear unfair', and this result points to the fact that the inhabitants of Latvia are willing to accept a seemingly unfair and imprecise statute, instead of using the numerous participation methods to change the respective statute (DA 2014, Table I1). This stance is confirmed by responses to another question in the public opinion poll. The respondents were asked: 'Do you think that you would have any possibilities to act if the government makes decisions inconsistent with the public interest?' (DA 2014, Table I2). The responses show that 67.8 % of respondents believe that they could not do anything. The results have not changed significantly in comparison with the 2004 survey, as also at that time 67.9 % of respondents recognised their inability to influence decisions made by the government (Rozenvalds 2005, 226).

Therefore, it is important to understand the reasons for why people are not certain of their ability to participate and accordingly influence the decisions, even though a regulatory framework has been introduced and laws provide for various forms of public participation. The 2014 survey data also show that only 5.9 % of respondents recognise that they are accordingly informed of how to participate in the drafting and discussion of regulatory enactments. This means that the inhabitants are not even aware of the numerous public participation mechanisms and opportunities. Public scepticism and the increased role of NGOs in the decision-making process leads to the conclusion that the key factor is the low level of engagement of the people in the work of public organisations. In 2004, 61.9 % of respondents did not participate in the work of any organisation (Rozenvalds 2005, 227). In 2011, the data did not substantially differ from those of 2004 – only 39.8 % of respondents had participated in a non-governmental organisation (Latvijas fakti 2011, 5).

7.4. How accessible and reliable are public services for those who need them, and how systematic is consultation with users over service delivery?

Legal framework

All services provided by the public administration and local governments in Latvia are referred to as ‘public services’. However, the understanding of the concept of ‘public services’ differs between various sectors and from one institution to another. The laws include several definitions of ‘public services’, and these differences portray the non-homogeneous development of the public service sphere and understanding.

Section 10 of the Public Administration Structure Law adopted back in 2002 prescribes that ‘Public administration in its activities shall regularly examine and improve the quality of services provided to the public’ (LR Saeima 2002). Later on, in the Law on Information Society Services adopted in 2004, the understanding of ‘public services’ is closer to how the private sector interprets services. This law prescribes that services ‘include the electronic trade of goods and services, the sending of commercial communications, the possibilities offered for searching for information, access to this and the obtaining of information, services that ensure the transmission of information in an electronic communication network or access to an electronic communication network, and storage of information’ (LR Saeima 2004). The Law on Regulators of Public Utilities adopted in 2000 describes services as the ‘manufacture of goods, provision of services and infrastructure services (the complex of engineering structures or engineering solutions, as well as the complex of resources related to the use thereof necessary for the manufacture of goods or provision of services) in the regulated sectors according to the special regulatory enactments of the sectors’ (LR Saeima 2000). The differing interpretation and definitions of public services did not only cause confusion among the population as to what services they can receive, but also among the institutions as to what services they are rendering.

The Guidelines on the Development of Public Administration for 2008–2013 ‘Better governance: quality and efficiency of management’ (approved in 2008) primarily emphasised the services rendered by public administration authorities (VPAP 2008, 20). The direction of the Guidelines ‘Improving the quality of services provided by institutions’ prescribed the development of a normative and methodological regulation for service provision to serve as grounds for a further decentralised approach in service development.

In January 2014, the CM reviewed a draft Law on Public Utilities, whereby it is planned to promote the development of a public services system, thus attempting to create a uniform understanding to define public services and a common approach to the implementation of public services, as well as to lighten the administrative burden originating due to the disparate practices of institutions (Cabinet of Ministers of the Republic of Latvia 2014a). The draft law stipulates that principles of e-governance, time savings, and a one-stop-shop must be consolidated and implemented in practice. Therefore, along with the adoption of the Law, an important stage will have concluded in the administrative reform process, as already in the late 1990s, documents of public administration reform prescribed the direction towards the introduction of client-oriented communication and a one-stop-shop. At the same time, the draft law responds to the challenges of the last decade – the need to introduce e-governance and ensure the availability of services in areas depending on population size.

The methodology, which elaborately explains the preparation of public services catalogues, defines public services as follows ‘tangible or intangible goods as prescribed in or deriving from regulatory enactments that the institution or individual, who is performing the public administration task (hereinafter – the institution), is giving to an individual in relation to a public administration function and performance of tasks falling within its competence’ (VRAA (*State Regional Development*

Agency) 2011, 4). In order to determine what can be considered a public service of an institution, the methodology for preparing public service catalogues offers a set of five features typical of a public service:

- a) service provision is established as a public administration function for the institution (regulatory feature);
- b) gathering information about and satisfying the specific needs of the service receiver (i.e. the individual), receiving a specific benefit (public benefit feature);
- c) the service is either fully or partially publicly funded (funding feature);
- d) there is an interaction between the service provider and service receiver (interaction feature);
- e) there is a regular demand for the service (feature of regularity) (VRAA 2011, 4).

Actual situation

In order to practically help the public administration authorities to implement public services, the Public Service Catalogue was prepared already in 2006, and it is available on the portal www.latvija.lv – the single access point for public services.

The establishment and development of the portal www.latvija.lv depicts the dynamics of the development of e-services and e-governance. In 2010, there were 20 public services fully (100 %) available electronically, which in the EU have been recognised as services forming the basis for creating an information society. In 2012, already 88.7 % of companies were corresponding with public administration authorities online, and 85.4 % of companies filed completed forms electronically (VARAM (*Ministry of Environmental Protection and Regional Development*) 2014). It must be pointed out that private persons are much less eager to use e-services. In 2005, people most frequently sought information about services at the relevant institution (61.6 %), and only afterwards tried calling them, whereas using e-services in an electronic environment was the last resort (ĪTUMEPLS (*Secretariat of Minister for Special Assignments on Electronic Government Affairs*) 2005, 6). In 2012, 63.7 % of inhabitants used the internet to communicate with public institutions, and only 22.3 % filed electronically completed forms (VARAM 2014). The most popular e-services were the residential income tax reports, applications for social insurance benefits, registration of vehicles, and registration of domicile (E-practice.eu 2012).

In order for individuals and companies to be able to use e-services, an e-signature is necessary; its implementation is linked to many uncertainties in regard to the costs of an e-signature and the necessary technical infrastructure. In 2011, the number of electronically signed documents exceeded 73 000 per month, whereas in 2009 this number was three times lower (eParaksts 2012). Even though the use of state-of-the-art technologies is available, most services in public administration are still provided conventionally – ‘on paper’ – because the inhabitants do not know where the e-signature can be used or that they can receive the necessary e-services via online banking (website of VARAM 2013).

Although considerable progress has been achieved over the last decade in the introduction of e-governance, in practice, a different rate of development of public services is observed because, due to the lack of a definition of a public service, institutions treat all functions that they perform or those activities included in the paid services price list as public services. The level of detail in describing services also differs – some services are described in great detail and are available online at www.latvija.lv, whereas about others only a laconic reference can be found on www.latvija.lv. Even though the portal www.latvija.lv was created as a single public services portal, in practice (in 2014) it was used only by 12.8 % of respondents, of whom more than a half use this portal for private needs. However, the database of laws www.likumi.lv is used for work (60.4 %) and for private needs (49.9 %) by about the same number of people (DA 2014, 29-30).

As of now, there are approximately 2000 services at the central administration level and about 700 services at the local government level in Latvia (LR MK 2013); therefore, the definition and structuring of these services is necessary for the inhabitants and entrepreneurs to lighten the administrative burden related to the service provision approach that has developed historically. Furthermore, the organisation of service provision in regional Latvia currently reflects the mutual detachment of public administration and administrative-territorial reform, and as a result, the ministries have reorganised the structure of their respective regional institutions based on considerations that are relevant for each ministry; however, during the merging of local governments, they have attempted to balance the physical availability of services and available resources. Despite the numerous challenges, over the last decade, Latvia has achieved substantial progress in defining and electronization of public services, leading to a reduced administrative burden.

7.5. How comprehensive and effective is the right of access for citizens to government information under the constitution or other laws?

Legal framework

Opportunities for NGOs and the people in the field of public administration decision-making and the quality of participation depend on the availability of information. If the people and NGOs have ways of obtaining information about the work of the institutions and their planned activities, then the public can decide on a convenient form of participation and voice their views on a particular matter.

Article 104 of the Constitution prescribes the entitlement for everybody to address the state and local government institutions with applications and receive replies on merit (LR Satversme (*Constitution of the Republic of Latvia*) 1922). Thus, the rights to receive information from the public administration are enshrined in the form of a constitutional principle. The Freedom of Information Law, which was adopted in 1998, prescribes that information that an institution has or which the institution must disclose must be publicly available. This law introduced a specific joint procedure, whereby information can be obtained from public administration authorities. Section 10 of the Public Administration Structure Law prescribes that ‘The duty of Public administration is to inform the public of its activities. This especially applies to that section of the public and to those private persons whose rights or lawful interests are or may be affected by the implemented or planned activities’. Thus, the Public Administration Structure Law establishes two important conditions for information availability. Firstly, the information of society is the duty of institutions, and it is not an expression of good will or special benevolence. Secondly, in planning their activities, the institutions must foresee that special attention will have to be devoted to those groups of people, which can be affected by the planned activity (for instance, new regulatory enactments or infrastructure development projects); therefore, attempts must be made to seek compromises and the consequences of various projects in the future must be planned.

In 2007, the Law on Submissions was adopted; its objective is to urge private persons to participate in public administration. The law covers a dual process: an individual files a printed or electronic submission (for the purposes of the law also a complaint, request, proposal, or question), and the institution has a duty to review it and issue a reply (LR Saeima 2007). However, the Law on Submissions does not cover such requests for information, which must be reviewed according to the Freedom of Information Law, as well as laws that are subject to a different procedure of review (LR Saeima 2007). Unfortunately, the individual might not know how an application can differ from other requests for information within the meaning of the Law on Submissions. At the same time, the Law on Submissions prescribes that institutions introduce a procedure for accepting visitors, namely, the institution will have to offer an opportunity for the people to resolve their problems outside regular working hours. Moreover, the law establishes that the procedure of accepting visitors must

be published on the website of the institution and posted on site at the institution, thus instructing institutions to be more client-focused.

More than fifteen years have passed since the adoption of the Freedom of Information Law, and now people are more often trying to find information using modern technologies. Within the context of informing society and access to information, the CM Regulation No. 171 adopted in 2007 'Procedures by which Institutions Place Information on the Internet', whereby all institutions had to create a special section titled 'Public participation' on their website, thereby urging institutions to be active in sharing information, and offering another tool to society, encouraging it to be interested in decision-making and participation. This CM regulation also envisages a single approach to creating the websites of institutions by prescribing that the section 'Public participation' must include information about how the institution cooperates with NGOs, about work groups and advisory councils, as well as information about development planning documents and draft laws that are currently in the process of being drafted and harmonised (LR MK 2007). To encourage the people and NGOs to participate in preparing and discussing documents, the said Cabinet Regulations prescribe that information about the planned and already held public debates and public discussions must be included in the section 'Public participation', along with indicating the options for participating in them. Moreover, the CM regulation imposes an obligation on the institutions to update information on their websites at least once per week, thus ensuring that the posted information is up to date.

Actual situation

Significant progress has been achieved in the area of access to information since 1998, and, in general, the stance of institutions regarding the provision of information and public participation has changed considerably. In the late 1990s, the attitude of institutions towards initiatives focusing on public participation was rather cautious; however, now provision of information and cooperation with the public has become an integral part of the administrative culture.

An assessment of the rights of individuals to address institutions was performed in 2011. It was found that the citizens use the Law on Submissions to obtain generally available information or to find out the institution's opinion in a specific matter, which burdens the institutions with reviewing unjustified submissions (PWC 2011, 5). However, the people might not be aware of or might not understand nuances and legal subtleties, because the institutions regard letters submitted by citizens within the perspective of one law or another. Moreover, with the growing importance of electronic mail in day-to-day life, institutions must handle a great volume of correspondence with citizens; therefore, the institutions are forced to develop internal working procedures (PWC 2011, 10). In addition, approaches of institutions to responding to electronic mail transmissions can differ from one another.

Besides electronic communication, there is still the option of calling the institution or writing a letter. For instance, over the last three years, only 2.5 % of respondents have addressed (electronically, over the telephone, or in writing) the Cabinet of Ministers or the State Chancellery, 5.1 % have addressed ministries, 1.4 % the Ombudsman's Office, 26.4 % the State Revenue Service (SRS), 0.4 % the Corruption Prevention and Combating Bureau (CPCB) (DA 2014, Table K1) – 41.9 % had not sought information in any institution. These data show that the people are very inactive in looking for information and help from institutions, whose direct task is to protect the rights and interests of the people (CPCB, State Audit Office, Ombudsman's Office). The more active communication with the SRS is explained very simply by the frequent and regular changes in taxation regulations, which forces the people to address the institution by visiting, calling or writing to them (57.8 % of respondents) or to look for information on the SRS website (56.3 %), to understand complicated taxation questions which are often very important to them.

Information can also be obtained in many databases. The most popular is the database of regulatory enactments (it is used by 16.3 % of respondents) (Audit of Democracy 2014, Table K4).

Whereas the policy planning, research, and publication databases <http://polsis.mk.gov.lv> or <http://petijumi.mk.gov.lv/ui/>, the database of State Direct Administration Institutions <http://tpi.mk.gov.lv/ui/> and the database of Parties' Finances (<http://www.knab.gov.lv/lv/finances/db/>) are very rarely visited (less than 2 % of respondents). This indicates that these databases are either not important for them, or that a significant part of society are not even aware of them. It is peculiar that 69.9 % of respondents pointed out that they do not use any of the databases, including databases, which have gained popularity, namely www.likumi.lv and www.latvija.lv.

In evaluating access to information, not only must the option of addressing an institution to receive information be borne in mind, but also the option of receiving this information. The respondents' answers show that only 52.8 % have received complete information that they needed from the CM and State Chancellery, 59.6 % from the ministries, 47.5 % from the Ombudsman's Office, 81.0 % from the SRS, 23.8 % from the CPCB, and 27.1 % from the State Audit Office (DA 2014, Table K3). Other respondents have not received information or have received incomplete information. The SRS results must be commended, as it shows that the SRS has managed to organise the internal information exchange process and communication with society in a way that the majority of respondents have been satisfied with the answers that they have received. In regard to the other institutions, they are often unable to give complete information to inhabitants because they simply do not have that information or additional resources are necessary to prepare the information. Overall, the achievements of the last ten years prove that Latvia is approaching the model of open and transparent public administration providing the public with broad opportunities to participate and to obtain information. Although, in regard to the latter, it must be pointed out that it is important for the citizens to know exactly what information they are looking for to avoid 'bureaucratic football'.

7.6. How much confidence do people have in the ability of government to solve the main problems confronting society, and in their own ability to influence it?

The indicator from spring 2004 depicting the trust of the Latvian people in the government was 28 %, placing Latvia in the group of countries with a low level of trust, whereas the same indicator was higher in Lithuania and Estonia: Lithuania fell within the group 30–44 % and Estonia in the trust level group above 44 % (Eurobarometer 61 2004, 19). At the peak point of economic growth during what were known as the wealthy years in late 2007, the level of public trust had reached 34 %, thus confirming public support for the government during times of rapid growth (Eurobarometer 68 2007, 5). However, already in early 2009, public trust in the government had dropped to 10 %, which is partly explained by unpopular decisions that the government was forced to adopt in response to the economic recession (Eurobarometer 71 2009, 7). Afterwards, trust levels resumed a slow increase reaching 20 % by the autumn of 2010, remaining at this level also in 2013 (Eurobarometer 74 2010, 7). Public trust in the government goes hand in hand with the economic welfare of the people and it portrays the general public assessment of economic processes in the country.

The government's work results also depend on how successful the public administration is in resolving pressing public issues, namely in proposing amendments to regulatory enactments and developing new policy tools. The fact that the people show a consistently negative attitude towards the work of the public administration is nothing unusual; however, if we look back at the last 10 years, positive changes can also be observed. Therefore, in 2004 and in 2014, people were asked to describe the civil service, and they responded as follows: 20.1 % (2004) and 27.3 % (2014) said that it is 'operating according to the laws, professionally', which shows that public opinion is that public administration staff are still following regulatory enactments more than relying on individual interpretations (Rozenvalds 2005, 215; DA 2014, Table C1). This means that classical values of the sphere such as professionalism, impersonality in decision-making, are becoming stronger in

public administration. It is positive that the influence of business on decision-making in public administration has weakened — 32.6 % (2005) and 30.2 % (2014) agreed with the statement that the civil service's 'activity depends on the influence of the business sphere' (Rozenvalds 2005, 215; DA 2014, Table C1).

However, not everything has seen a positive development. Upon comparing the data of surveys conducted in 2004 and 2014, it can be concluded that there has been an increase in the number of inhabitants that agree with the statement that public administration 'staff are often incompetent, their work is ineffective' from 34.2 % (2004) to 49.5 % (2014) (Rozenvalds 2005, 215; DA 2014, Table C1). Even though other parameters show that, in general, public administration is becoming more professional and that institutional memory and experience is accumulating, the people, when they receive public services and are in day-to-day communication with representatives of the public administration, have, possibly, wished to receive the services faster or, without having thoroughly examined the functions and responsibilities of institutions, have wished to receive a service that the institution is not able or is not authorised to render. At the same time, these data can be indicative of high staff turnover in the public administration and the reduced salaries during the economic recession have also had an impact: many employees (often the most professional) have left public administration and this has reduced the overall level of professionalism in this sector.

Public opinion suggests an increase of salaries and pensions (44 % of respondents), reduced corruption (40 %) and fewer bureaucratic obstacles (38 %) would be key means for increasing the trust of the people in the public administration (DNB Latvijas barometrs 2014). These tools of public trust are regularly included in development planning documents and in political promises. Before Latvian society has reached the preferred level of well-being, its trust in government, most likely, will be closely related to the inhabitants' economic means — possibly, one of the reasons for the low level of trust in politicians and the limited ability of public administration to respond to problems in society. However, an equally important condition for strengthening the public trust is communication with society by explaining the adopted decisions and by outlining the development priorities in a mutual dialogue.

Overall assessment: Progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
7.1.		X			
7.2.			X		
7.3.	X				
7.4.		X			
7.5.		X			
7.6.			X		

Best feature

There is a detailed regulation in Latvia opening up possibilities for public participation in public administration and prescribing the rights for the people to receive information from public administration institutions.

Most serious problem

The overall assessment of the consequences of policies and development planning documents is only carried out as a formality and insufficiently, and as a result, policy makers and the public have no access to comprehensive information about the successes and failures of policies.

Suggested improvements

- Simplify the system for how development planning documents are updated in order to ensure the assessment of the consequences of policies and successive implementation.
- Prepare a training seminar for NGOs and citizens about the mechanisms of participation in public administration. This could increase societal interest and motivation to engage in various public participation procedures.
- Ensure regular updates of abstracts of regulatory enactments in order to enable tracking the development of the document.

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8. THE DEMOCRATIC EFFECTIVENESS OF PARLIAMENT

Visvaldis Valtenbergs

Does the legislature contribute effectively to the democratic process?

8.1. How independent is the parliament or legislature of the executive, and how freely are its members able to express their opinions?

Legal framework

Latvia is a parliamentary republic, where the Constitution (*Satversme*) has granted rather broad powers to the *Saeima* (the Latvian Parliament). The *Saeima* decides on the approval of the Cabinet of Ministers, it can call a vote of no confidence towards the Cabinet of Ministers and towards individual ministers separately. The ministers may not be members of the legislature. The *Saeima* adopts the state budget, in an open vote approves senior state officials, and ensures the openness of political debates. The Latvian voters cannot recall individual members of the *Saeima*, however they can call for dissolution of the *Saeima* (Article 14 of the Constitution of the Republic of Latvia). Latvia has a proportional representation election system, which means that the interests of various groups of society in the Latvian legislature can have a broader representation than in majority election systems. To obtain parliamentary majority in the proportional representation system, the formation of a coalition by several political parties is inevitable. Under certain conditions, it can increase the strategic impact of small parties in the political process. Therefore, the opposition parliamentarians in parliamentary systems consisting of several parties have greater chances of affecting political decisions than in majority systems.

The Constitution of the Republic of Latvia particularly consolidates the personal freedoms of the legislature's members so that the parliamentarians cannot be persecuted due to their standpoints. Article 28 of the Constitution prescribes that a member of the *Saeima* cannot be called to justice in an administrative or disciplinary procedure for voting or voicing opinions. To protect the personal freedoms of a parliamentarian, the Constitution prescribes guarantees of a parliamentarian's immunity against criminal persecution, arrest, search, or other restrictions of personal freedom, and these guarantees can be withdrawn only with the vote of the *Saeima* (LR *Satversme* (*Constitution of the Republic of Latvia*), Articles 20–31).

Parliamentarians must nevertheless take into account certain restrictions that are imposed on voicing opinions. The Constitution prescribes that the members of the *Saeima* can be called to justice if they spread defamatory information, which they know to be untrue, as well as offensive information about private family life (LR *Satversme*, Article 28). The rights of the *Saeima* members to make public statements are governed by Rules of Procedure of the *Saeima*, prescribing various formats, time, and sequence of addresses (LR *Saeima* (*Saeima of the Republic of Latvia*) 1994a, Section 5). In order to ensure a culture of debate, in 2006, the Rules of Procedure of the *Saeima* was updated to include also the Code of Ethics of the *Saeima* members prescribing certain rules of communication, such as urging the parliamentarians to refrain from using words and gestures that might be offensive, inviting them to not use insults or statements that are incompatible with the dignity of the *Saeima*. The Code of Ethics prescribes that the parliamentarian must respect human

rights and on account of this, they may not make references to the opposing party's race, gender, skin colour, nationality, religion, social background, or health. The parliamentarian does not have to disclose confidential information that they have obtained in an official capacity. The parliamentarian also must refrain from inappropriate pretention on the *Saeima* podium. The Code of Ethics also stipulates that a parliamentarian may not justify their vote contrary to their conscience on the pretext of pressure from government representatives, parties, or other persons (LR Saeima 1994a, Section on the Code of Ethics). A violation of the Code of Ethics is reviewed at the *Saeima* Mandate, Ethics, and Submissions Committee. Ethics violations are infrequent, however the parliamentarians' behaviour during plenaries generates widespread public response, such as was the case, for instance, with the 11th *Saeima* member Nikolajs Kabanovs (LR Saeima 2012).

In 2011, the Rules of Procedure of the *Saeima* were updated to include a section on referring parliamentarians for a state language test if at least twenty parliamentarians have voiced doubts about the respective parliamentarian's knowledge of the language at a level that is necessary for the performance of his/her professional duties. If it is found in the test that the parliamentarian's language knowledge is not at the level prescribed in the regulatory enactments, the Mandate, Ethics, and Submissions Committee submits a draft decision to the *Saeima* to exclude the parliamentarian from the *Saeima* (LR Saeima 1994a, Section 131). The above-mentioned regulations followed the refusal by an opposition member Valērijs Kravcovs (Harmony Centre Party (*Saskaņas centrs*)) to speak to media in Latvian. It must be added that in 2002, following criticism from the Organisation for Security and Co-operation in Europe, the mandatory requirement included in the *Saeima* Election Law stipulating that a parliamentary candidate must know the Latvian language at the best (third) language knowledge level was cancelled. Instead, a parliamentary candidate must give a self-assessment of his/her Latvian language skills (LR Saeima 1995a, Section 11). In 2012, the *Saeima* introduced considerable amendments to the Rules of Procedure, by giving up secret voting in the practice of electing officials. Now, the *Saeima* openly elects several senior state officials, including the president of the Supreme Court, the president of the Bank of Latvia, the Auditor General of the State Audit Office, the head of the Corruption Prevention and Combating Bureau, the Ombudsman, and the head of the Constitution Protection Bureau.

Actual situation

Open voting can improve the transparency of the election of officials, however they can increase the pressure of party leadership on parliamentarians, precluding a vote of conscience. The proponents of open voting suggest that even though legislatures of various European countries have a practice of secret election of officials, in Latvia, the range of people to be elected in a secret ballot is too broad. However, it must be pointed out that there are no uniform guidelines established in this field. Thus, every legislature can choose to determine the most suitable way of electing officials (European Parliament 2005). Parliamentary candidates need language skills, however there are concerns among the opposition parliamentarians that the tests organised by the *Saeima* might be manifested as political revenge towards those parliamentarians whose native tongue is not Latvian.

Even though, at a constitutional level, Latvia has a clear distinction between the legislature and the executive power, relationships formed between the parliamentarians and members of the executive power shift the 'centre of gravity' of decision-making closer to the Cabinet of Ministers. Before the most important issues are considered in legislature, they are reviewed at the coalition council led by the prime minister. The status of the coalition council is not enshrined in statutes, however it has an important influence in determining the mandatory coalition votes on the most important issues. The coalition council also decides on the tasks entrusted to the Cabinet of Ministers.

Since the coalition holds the decisive power in creating the political agenda, the opposition is left with the podium in parliament for use as a forum, to be active in submitting questions and requests or to wait for disagreements in the coalition. The opposition not only actively speaks from the podium, but also participates in the legislative work. This style of parliamentary work is referred

to as the working parliament. The opposition members actively submit requests and questions; it can be said that they are also, within reasonable limits, performing their 'guard dog' function. However, the Latvian legislature's practice shows that the majority of proposals from the opposition is rejected, in particular those that refer to the state budget. The polarised relations between the coalition and the opposition are guided in a constructive direction by collegiality and mutual experience in committee work with less politicised issues.

Extensive discussions have been held about limiting parliamentarians' immunity so that they are not able to avoid statutory accountability. The most important reasoning for limiting the immunity status of parliamentarians was the decision made by the 10th *Saeima* to refuse a search at the parliamentarian Ainārs Šlesers' places of residence. The refusal of the *Saeima* was one of the reasons why the then incumbent President Valdis Zatlers proposed the dismissal of the 10th *Saeima*. However, the *Saeima* has also supported the cancelling of a parliamentarian's immunity in other cases. A broad public response was generated by the cancellation of parliamentary immunity of the head of the Legal Committee of the *Saeima* Vineta Muižniece in October 2011, on the grounds of charges brought against her regarding falsification of minutes of the Legal Committee in 2009. The court found V. Muižniece guilty of falsifying documents (LR AT (*Supreme Court of the Republic of Latvia*) 2014). Limiting the immunity of parliamentarians would necessitate amendments to the Constitution, possible only with a majority of 2/3 of the members of the *Saeima*. It would mean an agreement between the coalition and opposition members, which is not always easily attainable. In the meantime, public discussions in this matter are continuing.

Overall, the restrictions of voicing the opinions of the Latvian legislature can be viewed as proportionate. A positive factor to mention is the improvement of the parliamentarians' culture of discussion and the introduction of an open ballot system for electing officials. However, a negative factor that must be mentioned is the reduced autonomy of the parliamentarians as the importance of the coalition council and the party discipline increases.

8.2. How extensive and effective are the powers of the parliament to initiate, scrutinize and amend legislation?

Legal framework

The Constitution prescribes vast powers for the legislature. Unlike legislatures that enjoy limited autonomy, such as in the United Kingdom, Spain, Ireland, Greece, France, the Constitution of Latvia does not prescribe special spheres, in which the legislature's initiative is not possible for modifying government proposals. The opportunities for proposing draft laws are vast. The President of the State, the Cabinet of Ministers, committees of the *Saeima*, no less than five parliamentarians, and at least 1/10 of the electorate can submit draft laws to the *Saeima* (LR Satversme, Article 65).

The most important work in the field of legislation takes place in the *Saeima* committees. They prepare questions for review at plenaries of the *Saeima*. The committee considers draft laws, proposals, and submissions on the grounds of a *Saeima* decision or submits them itself. A committee can form no more than two sub-committees for preparing work or undertaking special tasks. In order to undertake specific legislative tasks, the *Saeima* can create special committees, as well as parliamentary investigative committees.

Actual situation

Along with the expansion of the central state administration functions, the key resources in the development and analysis of legislation and action policies have ended up in the hands of the executive branch. Therefore, the legislature finds itself in the shadow of the Cabinet of Ministers. The summary of proposals submitted since the 5th *Saeima* shows that the majority (on average 65.1 %) of draft law proposals was submitted at the *Saeima* by the Cabinet of Ministers. The next

most active were the parliamentarians (with 19.9 %) and *Saeima* committees (14.6 %). Since the 6th *Saeima*, the number of proposals filed by the Cabinet of Ministers increased rapidly, whereas since the 9th *Saeima*, it has not changed significantly. Overall, the number of draft laws filed at the *Saeima* has increased. The biggest number of draft laws was received during the 9th *Saeima* (1993) and the 8th *Saeima* (1934) (see Table 8.1).

Nowadays, the shaping of a policy based on evidence and best practice is no longer possible without a quality research support. The question is whether the capacity of the *Saeima* is sufficient, taking into account that when the Lisbon Treaty came into force, it became mandatory for the *Saeima* to also give opinions on the draft European Union (EU) laws, by assessing whether the EU legislative initiatives correspond to the national interests. Assessment of the impact of EU laws often requires a timely involvement of stakeholder groups, ministries, and industry experts. Since only a few interest groups in Latvia have the resources necessary to keep track of the EU laws in sectors that they are interested in, the result of the European Affairs Committee of the *Saeima* is very important for the representation of state interests.

Table 8.1. Draft laws submitted at the *Saeima*

Draft laws submitting body	5 th <i>Saeima</i> (1993–1995)	6 th <i>Saeima</i> (1995–1998)	7 th <i>Saeima</i> (1998–2002)	8 th <i>Saeima</i> (2002–2006)	9 th <i>Saeima</i> (2006–2010)	10 th <i>Saeima</i> (2010–2011)	11 th <i>Saeima</i> (17.10.2011–21.07.2014)
Cabinet of Ministers	472	717	935	1324	1405	334	810
<i>Saeima</i> committees	177	244	199	195	292	78	159
State President	8	4	2	2	2	3	7
10 % of electorate	0	0	1	0	0	0	1
Parliamentarians	182	374	305	413	294	75	191
TOTAL submitted draft laws	839	1339	1442	1934	1993	490	1168

Source: *Saeima* of the Republic of Latvia 2014.

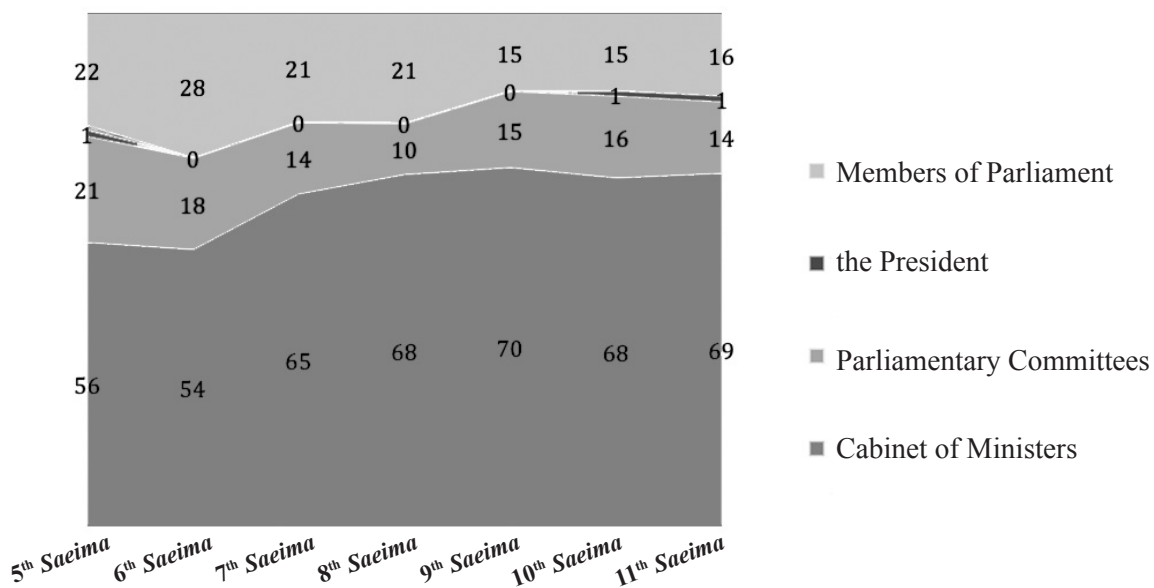


Figure 8.1. Draft laws submitted at the *Saeima*, %

Source: *Saeima* of the Republic of Latvia 2014.

Experts are invited to the *Saeima* committee hearings on a regular basis, however there are no consistent ties between the legislature and the research community. In 2009, a rather extensive comparative study was published on the legislatures of 158 countries, which were assessed according to four criteria: impact on the executive branch, institutional autonomy, specific competences, and institutional ability. The Latvian legislature with 0.78 points out of 1 in this study ranked 10th, lagging behind in the criterion ‘institutional ability’ (Fish, Kroenig 2009). Currently, the parliamentarians are receiving substantial support from the Legal Office of the *Saeima*. However, higher quality policies could be facilitated by a structural unit under the legislature’s supervision, having research functions, or by close co-operation with research institutions, which would give advice and ensure expertise to the members, committees, and parties of the *Saeima*. The party consultants are not fully performing this function, whereas the job description and competences of parliamentarians’ assistants are rather different – they are more engaged in providing administrative support. It must be noted that in Estonia and Lithuania there are special research support structures created specifically for the parliament. The consolidation of the legislature’s research capacity is directly related to their autonomy and ability to promote improvements in proposals submitted by the government. Currently, the information and expertise in shaping evidence-based policy is focused in government institutions.

Even though the Constitution of Latvia has prescribed vast powers to the legislature, its abilities regarding legislative work are currently restricted by the limited research capacity in legislative preparations and in the assessment of legislative EU initiatives.

8.3. How extensive and effective are the powers of the parliament or legislature to oversee the executive and hold it to account?

Legal framework

Pursuant to the Constitution of the Republic of Latvia, the government jointly and each minister severally are politically accountable before the *Saeima* (LR Satversme, Article 59). The *Saeima* is entitled to a vote of no confidence against the ministers and the prime minister. The prime minister gives an annual report at a *Saeima* hearing about what the Cabinet of Ministers has achieved and what it plans to work on. The *Saeima* elects several senior officials of the State, such as the president of the Supreme Court, the president of the Bank of Latvia, the Auditor General of the State Audit Office, the head of the Corruption Prevention and Combating Bureau, the Ombudsman, and the head of the Constitution Protection Bureau in an open ballot. Furthermore, the *Saeima* committees also have an important role in the assessment of government and public authorities by organising regular meetings with ministers or representatives of the respective authorities. They can give their recommendations and suggestions for the improvement of operations of the executive branch. A committee is entitled directly, without the intermediation of the *Saeima* Praesidium, to request the information necessary for its work and explanations from the relevant ministers and the institutions under the minister’s subordination (subordinated or supervised), as well as from local governments, and invite the relevant officials to give their explanations (LR Saeima, Section 172). Additionally, individual parliamentarians have tools at their disposal for the control of the executive branch. At least five parliamentarians can submit questions to the prime minister, ministers, or the president of the Bank of Latvia. Special hearings dedicated to reviewing the parliamentarians’ questions are organised. If the parliamentarians wish to receive more detailed information about the work of a certain sector, they can submit a request to the government. The *Saeima* decides on whether to accept or reject the request (LR Saeima 1994a, Section 126).

Four parliamentary investigation committees existed during the time of the Audit of Democracy reporting period. In 2006, a committee was established to review the financial activity of Einārs Repše. The longest-working parliamentary investigation committee was the committee reviewing the possible lawlessness and unethical conduct in the judicial branch (2007–2009). The work of

other committees was related to investigating the possible lawlessness in the financial sector. In 2011, a parliamentary investigation committee was established due to the possible illicit operations in the process of taking over and restructuring JSC 'Parex banka'. In 2011–2012, a parliamentary investigation committee worked to determine the impact of ensuring supervision, terminating operations, and the insolvency process of the bank Latvijas Krājbanka on the financial system of the Republic of Latvia.

Actual situation

The powers of the parliament as prescribed in the Constitution relative to the supervision and evaluation of the work of the executive power are substantial. However, in practice, parliamentary supervision, unfortunately, can be exploited in order to settle disputes between narrow interest groups. The quality of parliamentary supervision in Latvia is diminished by political fragmentation and corruption scandals, which can easily permeate and thus destabilise the government's work. An example: the stepping down of the cabinet led by Einārs Repše (New Era Party (*Jaunais laiks*)) along with the Latvia's First Party (*Latvijas Pirmā partija*) leaving the coalition in 2004. The subsequent government of Indulis Emsis (Union of Greens and Farmers Party (*Zaļo un Zemnieku savienība*)) was forced to step down at the end of the same year, because the *Saeima* did not back the budget of 2005. Overall, four of the eighteen governments formed after the restoration of independence have worked for less than one year, even though over the last decade the life of governments has become longer. The political powers elected to parliament find it difficult to agree within a short time period on the composition of the coalition. This has forced the President of the State to assume a stricter position towards the political forces engaged in negotiations by more categorically urging agreement on the coalition composition.

During the Audit of Democracy reporting period, the decisions made by the legislature were such that they received a conflicting public response. The aim of this could be to influence the judiciary, bearing in mind that the institutions of the judiciary were investigating several representatives of the political elite. In 2007, the President of the State, Vaira Vīķe-Freiberga, refused to proclaim amendments to the National Security Law, which would enable legislatures to access information about the work of intelligence services and potentially affect the investigation of political corruption cases as well. The legislature refused to approve judges of the Supreme Court as well as a candidate to the prosecutor general post, even though they all had backing from the judiciary institutions. In 2007, the *Saeima*'s planned dismissal of the director of Corruption Prevention and Combating Bureau (CPCB) Aleksejs Loskutovs led to significant protests in some parts of the public. Furthermore, in 2010, the prosecutor Jānis Maizītis, who led the prosecutor's office when it worked on high-level corruption cases, unexpectedly failed to receive the support of the parliament to be elected as a prosecutor general. At the same time, the chair of the People's Party (*Tautas partija*) Vineta Muižniece was approved to assume the post of judge at the Constitutional Court, even though she had scant experience with court work.

The work of the parliamentary investigative committees helps draw the legislature's attention to specific issues. The establishment of these committees is usually linked to vast publicity, however the public does not always learn about the results of the commission work or the results of their work are not convincing. Thus, after two judges had been convicted of taking bribes, a parliamentary investigative committee was established in 2007. However, a year later it, issued an unconvincing report on corruption in the court system. As a result, three judges resigned, but no specific cases were initiated. The legislature's unpredictable decisions and the attempts of specific representatives of the elite to affect the judiciary, as well as increasing public pressure encouraged the President of the State Valdis Zatlers to give an ultimatum to the *Saeima* and the government on 14 January 2009. Thereby, it was requested that the electoral law be amended to prevent the so-called locomotive law, to limit the possibilities for parliamentarians to change the party affiliation within one convocation, as well as to create a supervisory body for the development of a plan to stimulate the economy and for

the use of international loan, as well as fulfil other conditions (Delna 2011). Not all political parties represented in the legislature received the President's ultimatum with understanding. Scepticism was voiced by the party leaders of People's Party, Latvia's First Party, and Union of Greens and Farmers Party, whereas the leadership of Unity Party (*Vienotība*) regarded the President's conduct as rather positive (Delna 2011). On 31 March 2009, Valdis Zatlers announced that most of the ultimatum's requirements proposed to the legislature had been met. The Constitution prescribed the rights of the people to initiate the dismissal of the *Saeima*, the 'locomotive law' in elections was eliminated. The *Saeima* had approved a new head of CPCB, and the government of Valdis Dombrovskis had started its work, which, following the demand of the President of the State, included also new ministers. However, the *Saeima* had not yet agreed on the structure for determining the rights of the President of the State to dismiss the *Saeima* (Delna 2011). The ultimatum given by the President of the State to the legislature, his active role in the process of shaping the government, and the legislative initiatives prove that the influence of the President of the State on the legislature's work is increasing (Pleps 2011).

The ability of the legislature to provide a review of the executive branch's work can be regarded as positive in cases where the government and the parliament are working constructively and the *Saeima* committees assume the main role in the supervision of the executive branch. A special case, when the legislature should ensure an overview of the government's work, is the forming of the government. Upon assessing the process of forming a government up to now, it must be concluded that it has moved into a grey zone: it is not governed by laws or constitutional traditions. It must be emphasised that there is no established practice in Latvia for the State President to entrust the formation of the government to the leadership of the party that has obtained the highest number of votes in elections. Likewise, there are no clear qualification requirements for the prime minister or the ministers. In a sense, it can also be perceived as a restriction of parliamentary control that most often those minister-technocrats, who are not elected to the *Saeima* are invited to work in the government. As there are no universally approved guidelines for the forming of a government, public confusion and distrust in political processes might increase.

Box 8.1. Should Latvia introduce a rationalised parliamentarianism model?

The expert group created by the State President Andris Bērziņš in its proposals for the improvement of governance of Latvia suggested moving towards what is known as the rationalised parliamentarianism model (Bāra et al 2013). In European constitutional tradition, rationalised parliamentarianism originated as a recipe for overcoming the failures of parliamentary regimes during the interwar period – the legislature's fragmentation, the inability to ensure stable work of the government, frequent government changes and the inability to establish a new government for a long period of time. In its report, the expert group recommended that Latvia establish a constructive no confidence vote existing in a number of EU countries and carry out other measures that would limit the legislature's shortcomings that are typical of parliamentarianism. Along with the constructive voting practice for the dismissal of government, the experts also recommend increasing the prime minister's possibilities to create their team (Bāra et al 2013). This would help the prime minister better implement the strategic vision. The candidate to the prime minister's post would name the ministers, who would then be assigned by the State President rather than the *Saeima*. Currently, it is the *Saeima* that assigns ministers to their posts, however, with regard to the tensions between the parties, changes of ministers often cause instability in the leading coalition. On the one hand, this proposal would reduce the legislature's possibility to control the government's work, but on the other the availability of a constructive no confidence vote would increase the co-accountability of the *Saeima* in the creation of the government, as it would have to propose its candidate for the prime minister's post. Therefore, it is possible that the introduction of rationalised parliamentarianism could help improve the effectiveness of the government and the legislature.

Currently, the legislature of Latvia has the opportunity of a vote of no confidence in the government or a minister, not supporting a government's proposed budget project. If the *Saeima* exercises these rights, the government falls. Unlike Estonia, Germany, Poland, and Hungary, it is not mandatory

for the *Saeima* to hold what is known as the constructive no confidence vote in the government, which would impose the duty on the parliament to first confirm its trust in the prime minister and only then dismiss the government. In parliamentary systems, a strong prime minister's institution or integrated party work in the parliament helps ensure the legislature's effectiveness, by agreeing on disputable matters within the coalition, preventing the vote of some coalition members to support the opposition. The Latvian legislature's practice lacks elements enabling parliamentarianism to be stabilised: there is no strong prime minister institution and the discipline of political parties is weak.

Upon analysing the legislature's possibilities of assessing the executive power and requesting a report of its work, a negative aspect to mention is the tendency to use parliamentary supervision in the interests of small groups. It can be claimed that, in certain cases, the legislature's influence in the political process is even excessively uncontrolled. Likewise, the legislature, in its votes on officials, has tried to influence the judiciary.

8.4. How rigorous are the procedures for approval and supervision of taxation and public expenditure?

Legal framework

Even though the government prepares and submits the draft state budget in Latvia, extensive possibilities have been envisaged for the legislature to influence the budget. The vote on the state budget is also a vote of confidence in the government. If the budget is not approved, there is a vote of no confidence in the government and the new government must prepare the budget again. The central role in approving state taxation and public expenditure is played by the *Saeima* Budget and Finance (Taxation) Committee (BFC), which implements supervision of the Ministry of Finance and public authorities related to the financial sector – the State Revenue Service, the State Treasury, etc. (LR Saeima 2013b). The said authorities provide information that is necessary for forming the budget and report on the process of forming and implementing the state budget. Likewise, these establishments also provide information to the committee about other finance-related matters that the legislature has set as a priority. The government submits the annual draft budget to the *Saeima*. The annual draft state budget for the upcoming economic year must be submitted to the *Saeima* before 1 October (LR Saeima 1994b, Section 21). There are special provisions which apply to the adoption of the budget in an election year. Since Latvia is a eurozone country, the budget plan project must also be submitted to the European Commission for its opinion.

The *Saeima* approves the budget in two readings. After the budget is submitted, the *Saeima* BFC discusses it conceptually and forwards it for review in the first reading. The *Saeima* first votes on the recognition of each draft law as urgent and during that time, debate is permissible regarding the entire draft budget law. After a positive vote on the first version of the budget, the *Saeima* sets a deadline by which proposals are to be submitted for the first reading. The BFC summarises the received proposals and forwards them for review to the government for its opinion on the parliamentarians' proposals. If the government does not give a specific opinion on the proposals, the assumption is that it backs the proposals. The BFC prepares a table of proposals, which shows the proposals filed by the *Saeima* and the opinions of the government, and then the state budget is reviewed in the second and final reading, during which the *Saeima* votes on each submitted proposal individually. After the review of all proposals and government's opinions, a vote is held on the draft budget law in its entirety. The *Saeima* can significantly influence the budget redistribution pursuant to the Law on Budget and Finance Management. Each year, before 1 June, the Cabinet of Ministers gives a report to the *Saeima* about the financial standing of the state and evaluates the macroeconomic development forecast and assumptions used in approving the budget (LR Saeima 1994b, Section 28¹). The minister for finance regularly informs the *Saeima* BFC about the development of the budget and about the fulfilment of the adopted budget. The committee closely co-operates with the most significant entrepreneurs' associations.

The Public Expenditure and Auditing Committee of the *Saeima* also plays an important part in financial matters, as it implements parliamentary supervision over public expenditure and also performs audits in parliament.

Actual situation

The discussion and adoption of the budget is one of the issues considered to be the most lengthy and most debated at the *Saeima*. The draft budget law consists of a voluminous document package, which includes the budget itself, amendments to the related laws, as well as a draft medium-term budget framework for the following three years to ensure the relevance to the medium-term programming documents, including the National Development Plan. To ensure the possibilities of introducing extensive austerity measures, the legislature had to introduce a record high number of amendments to various laws and seek new solutions in the spheres of taxation and social security, among many others. The biggest draft state budget package was considered in June 2009, when, by introducing amendments to the state budget, amendments were simultaneously introduced in 113 related laws. The committee had to review a relatively big draft law package also in 2010 and 2011 (LR *Saeima* 2013b). Before the global financial crisis, the legislature received signals from the Bank of Latvia and the International Monetary Fund, however failed to consider them and, as the state's financial standing seemed safe, did not introduce relevant budget adjustment measures. The budget of 2008 was planned without a deficit and with a 1 % surplus. Along with the planned decrease in revenues, the *Saeima* was forced to introduce considerable adjustments, which had a particularly severe effect on the budget of 2009. One of the most painful decisions to the budget was the takeover of JSC 'Parex banka'. To stop the outflow of capital, in December 2009, the state purchased 85.15 % of stocks, by investing a total 1 218 billion lats in the bank.

Even though the decisions adopted by the *Saeima* have often been unpopular, the expenditure and revenues of the state, in comparison with other countries that were severely affected by the global crisis, were balanced out in a short time, and the state regained the trust of international market players. Taking into account the context of a crisis and the need to act swiftly, the legislature expanded the authorisation of the minister for finance to make decisions on restricting costs if, during a crisis, it became necessary to prevent the fiscal and economic risks caused by the crisis. Affected by the supervision of international lenders and by the route taken by the government towards austerity, the procedures determining the adjustments in public revenues and expenditure were strictly regulated. At the same time, the role of the *Saeima* in budget adjustments is respected. The most important post-crisis items on the legislature's agenda have been as follows: the fulfilment of the Latvian convergence programme, the introduction of a microbusiness tax, the procedure of paying out state allowances, battling shadow economy, relief for economic operators, among other issues. From 2008 until 2011, the Public Expenditure and Audit Committee carried out the supervision of the financial and economic stabilisation and restoration process, and controlled the fulfilment of the international loan programme. In May 2012, the *Saeima* approved the EU Fiscal Stability Treaty, which prescribes a balanced budget creation and fines imposed on those member states which allow a high deficit level. Along with the role of the European Commission in the supervision of member state budgets, the governments and parliaments of these countries are no longer the only decisive players in the financial sector. The Budget and Finance (Taxation) Committee includes both the coalition and opposition parliamentarians, and the style of work of the committee, irrespective of difficult decisions, is constructive, even though the opposition has consistently objected to the government's implemented policy of austerity.

The legislature helps to guarantee the supervision of public expenditure. However, due attention must be paid to ensuring that the legislature, unlike other public institutions, is not subject to the scrutiny of utility of expenditure implemented by the State Audit Office. The *Saeima* Rules of Procedure establishes that the *Saeima* is financially independent (LR *Saeima* 1994a, Section 181¹). The Public Expenditure and Audit Committee of the *Saeima* examine its accounting, utility of

expenditure, lawfulness, and annual accounts. Such a remit has been contested by Latvian non-governmental organisations (NGO) (Delna 2013), and also within the context of the Audit of Democracy, this should be regarded as one of the shortcomings. Furthermore, the ignoring of proposals from the parliamentary oppositions in the process of forming the budget should be considered as a negative aspect. The most positive feature is the legislature's ability, after the global financial crisis, to rapidly agree on introducing budget consolidation measures aimed at stabilising the financial situation of the State.

8.5. How freely are all parties and groups able to organise within the legislature and contribute to its work?

Legal framework

The election system in Latvia is established in such a way as to ensure that the representation in the legislature is organised according to the party principle, therefore the candidates cannot participate in the election individually (LR Saeima 1995a, Section 9). Political fragmentation is diminished with the election threshold preserved from the 5th *Saeima* election, preventing small parties from entering the parliament LR Saeima 1995a, Section 138). The *Saeima* Rules of Procedure establishes that a parliamentary party has to consist of at least five parliamentarians. Parties can then unite in political blocks (LR Saeima 1994a, Part 8). The possibilities of parties and groups to organise within the legislature can be assessed as free. However, in 2009 and 2010, the legislature consolidated the role of parties by reducing the possibilities of the elected parliamentarians to change political parties or engage in what is known as 'wandering' between the parties. A parliamentarian, who has left one group, cannot join another group, and he/she is regarded as an independent member. To be aware of and harmonise the work of parties and political blocks, the praesidium of the *Saeima*, the parties, and the political blocks create a Group Council which includes the *Saeima* praesidium and one member from each party and political block. The opinions of the Fraction Council are of an advisory nature. Since 2012, the parties elected to the *Saeima* receive a budget for financing or subsidies for ensuring their operations (LR Saeima 1995b, Section 7). Besides the fractions, the legislature also includes several parties of parliamentarians, in which they unite to promote co-operation with the parliaments of other countries or to meet other interests related to the parliamentarians' work.

Actual situation

During the report period, the number of parties represented at the *Saeima* has diminished. In the 8th *Saeima* (2002–2006), there were six parties working after election, in the 9th *Saeima* (2006–2010) – seven after the election, but nine overall, in the 10th *Saeima* (2010–2011) – only five, whereas in the 11th (since 2011) – five as well. The number of parties in the legislature is in the first instance determined by the election results. However, in between elections, it is affected also by the relatively frequent decisions of the members to leave a party/group and create independent parties both before and immediately after the election. Thus, for instance, in 2008, four members left the party New Era Party, whereas two left the party For Fatherland and Freedom/LNNK Party (*Tēvzemei un Brīvībai/LNNK*) and formed the Civic Union Party (*Pilsoniskā savienība*). However, the prohibition to change parties did not reduce the 'wandering' of the members. Several parliamentarians left their parties and became independent members. Shortly after the election, six of the elected members of the party Zatler's Reform Party (*Zatlera Reformu partija* – ZRP) left the group, the motivation behind their decision being the undemocratic decision-making in the party. These parliamentarians created their own independent parliamentary group known as The Olšteins' six (*Olšteina sešinieks*). The number of independent parliamentarians in the *Saeima* has fluctuated considerably. At the end of the 10th *Saeima*, there were no independent parliamentarians, whereas in 2007, the 9th *Saeima*, there were eight independent parliamentarians, in 2008 – three, in 2009 – five, but in 2010 – six independent parliamentarians.

Even though it appears that ‘the wandering parliamentarians’ could be one of the reasons why the public distrusts the legislature’s work, the public opinion in this matter is rather contradictory. The survey conducted within the framework of the Audit of Democracy shows that on the one hand the majority supports the introduction of a stricter party discipline, but on the other, it has a high consideration for manifestations of representatives’ individual autonomy. Most respondents agree that the possibilities for members of the *Saeima* to move from one group to another during a *Saeima* convocation should be curtailed (68.5 %) and a member of the *Saeima*, who leaves his/her group, should give up his/her mandate (65 %). However in the matter of how a member of the *Saeima* should vote if his/her personal opinion does not match that of the party, the majority (66.9 %) said that the parliamentarian should be voting according to his/her own opinion (DA (*Audit of Democracy*) 2014, Tables B1 and E2).

In terms of gender, the composition of the legislature is disproportionate to the gender composition of the population of Latvia, however the proportion of women in the legislature is increasing. In the 8th *Saeima*, there were 18 women, whereas in the 9th and 10th already 19, and in the 11th already by two more. Since 2010, the Speaker of the Parliament has been a female.

The number of groups organised by parliamentarians is also increasing. In the 9th *Saeima* there were 65 groups of parliamentarians, in the 10th *Saeima* – 58, whereas in the 11th – even 80 groups. The number of groups of parliamentarians for co-operation with parliaments of other countries has increased; this is explained by the fact that the diplomatic and economic relations of the country are expanding. It must, nonetheless, be noted that not all groups actively co-operate. The representative function of the Parliament abroad is ensured by six permanent delegations – the Baltic Assembly delegation, the Parliamentary Assembly delegation to the Organisation for Security and Co-operation in Europe, the Parliamentary Assembly to the Council of Europe, NATO Parliamentary Assembly delegation, the Latvian National Group of Inter-parliamentary Union, and the Parliamentary Assembly Delegation of the Union for the Mediterranean. There were also five groups working in the 11th *Saeima*, in which the parliamentarians had gathered according to their interests: the group for the support of preserving the lat, for the support of the Occupation Museum, on the co-operation of female parliamentarians, on the co-operation with the European Parliament forum in matters of community and development, on support for Tibet. The sixth group unites independent parliamentarians. The groups of parliamentarians must consist of at least three members. The groups of parliamentarians do not receive separate funding.

Overall, the legislature allows free organisation of parties and groups, by prescribing the possibility of creating independent parliamentarian groups and groups dedicated to various causes. The restriction of moving between parties can be viewed as disciplining the legislature’s work, even though it does not fully resolve the problem of ‘the wandering parliamentarians’, and could be linked to the ‘life cycle’ of Latvian political parties.

8.6. How extensive are the procedures of the legislature for consulting the public and relevant interests across the range of its work?

Legal framework

The public has opportunities to participate in the legislature’s work both individually and collectively. Once per month, the Public Relations Office of the *Saeima* gathers information on the submissions of individuals and prepares a report for consideration at the *Saeima* Mandate, Ethics, and Submissions Committee. Reports are also published on the committee’s website. An important improvement in the effectiveness of consulting the public is the introduction of a collective application in 2012. The *Saeima* Rules of Procedure prescribes that the collective application must be signed by at least 10 000 citizens, who have reached the age of 16 years at the time of application. The collective application can be signed electronically, if the identification of the signatories and the protection of personal data are ensured (LR *Saeima* 1994a, Section 131). Following the receipt of a

collective application, the *Saeima* can decide on taking it forward (for instance, establishing a special committee of the *Saeima* for preparing a relevant draft law, forwarding the collective application for consideration to a specific institution, handing it over to the Cabinet of Ministers for preparing a concept or a draft law). The legislature has also responded to collective applications. Thus, for instance, the collective application, which had more than 10 000 signatures ‘Liability for violating the oath of a member of the *Saeima*’ was handed over to the Ministry of Justice with the task of preparing and submitting an evaluation at the *Saeima* about the regulation of the ceremonious oaths of parliamentarians in the EU countries. However, not all collective applications are taken forward. They are not allowed include a claim that is clearly unacceptable in a democratic society or is openly offensive (LR Saeima 1994a, Section 131). Electronically signed collective citizens’ initiatives are a supplementary democratic participation tool in the majority of the European countries. However, the Latvian ManaBalss.lv initiative is special in that the collection of electronic signatures is ensured by a platform independent of the state, created and maintained by the citizens and recognised by the legislature, whereas most of the collective application portals operate under the supervision of the executive power, parliaments, or the ombudsmen’s institution (Riehm, Böhle, Lindner 2011).

A new procedure was developed in 2012 on how the electorate can propose laws and amendments to the Constitution. Amendments to the Law on National Referendums and Legislative Initiatives prescribe giving up the two-tier system in collecting signatures, by establishing that all signatures of the tenth of the voters required for proposing a law are collected by an initiative group established for this purpose. The procedure of collecting signatures is also made easier, by determining that the signatures can also be collected electronically free of charge, as well as approved not only by a sworn notary, but also at other establishments (LR Saeima 1994c).

Actual situation

The opportunities for the civic society to participate in the making as prescribed in the laws are guaranteed, however they are not as broad as at the executive branch level. If the draft law is handed over to the responsible committee of the *Saeima*, organisations can make attempts to meet the parliamentarians in person. They can use lobbying opportunities, by providing information to the decision-makers. Assessments of co-operation between NGOs and the *Saeima* show that the most frequently employed type of co-operation is meeting the parliamentarians in person. The meeting is followed up by the preparation of applications and letters, and only then – participation in the committee and sub-committee work (Latvian Civic Alliance (LPA) 2011).

It must be emphasised that the introduction of collective applications in Latvia did not take place on the initiative of the state, but rather on the initiative of the civic society, owing to the founders of the portal ManaBalss.lv. Electronic signatures necessary for collective applications are collected on this portal. According to the data provided by its founders, the portal is used by about 300 000 inhabitants. Last year, the chance of signing an initiative on the portal was taken by 5 % of inhabitants (DA 2014). In June 2014, there were 40 initiatives posted on the portal, of which 12 had received more than 10 000 signatures.¹ It must be added that the number of regular applications from the public for proposals to improve laws and current affairs in the country has increased. On average, the Parliament receives about 6000 applications each year, and they are an important source of information for the day-to-day work of committees and parliamentarians.

¹ On 29 June 2014, the initiatives having obtained 10 000 or more signatures on the portal ManaBalss.lv were: ‘Liability for violating the oath of a member of the *Saeima*’ (17 192), ‘To determine the reduced VAT rate on food products’ (13 639), ‘Speed cameras 15+’ (12 666), ‘Open up the *Saeima*!’ (12 105), ‘Restoring the true Victory Square of Riga’ (11 940), ‘Open up the off-shores’ (11 933), ‘No additional compensations for a dismissed *Saeima*’ (11 879), ‘On determining equal fares for non-Riga residents’ (11 744), ‘STOP ACTA’ (10 966), ‘On preserving the lat as the currency of Latvia’ (11 886), ‘Elections online’ (10 863), ‘On the protection of fur bearing animals’ (10 531).

Since the beginning of the work of the 9th *Saeima*, there have been reasonable grounds to speak of significant improvements in the sphere of parliamentary democracy, as the accessibility and transparency of the *Saeima* no longer stop at formal recognition. On 30 March 2006, a declaration was signed in relation to the co-operation of the *Saeima* with non-governmental organisations. This declaration expects to jointly evaluate the co-operation of the *Saeima* and NGOs at least once a year and to streamline the formats of involvement and informative co-operation for the development of civic society. The declaration prescribes that a coordinator be ensured in each *Saeima* committee for co-operating with NGOs, to engage representatives from non-governmental organisations in the committee work, to hear the opinions and suggestions of NGOs and society with regard to the matters falling within the competence of the relevant committee, to continuously improve the website of the *Saeima*, and to take other measures to engage civic society (LR Saeima 2013a). The co-operation prescribed in the declaration between the *Saeima* and NGOs is also implemented in practice. In the forum of the *Saeima* and NGOs organised each year, proposals are discussed for the improvement of co-operation. The State Administration and Local Government Committee holds an important role in this dialogue, as it can initiate law making for the development of the NGO sector. Each committee of the *Saeima* has formed a circle of public organisations, interest groups, and experts. However, it should be expanded and updated.

The publicly open decision-making in parliamentary practice will always be associated with a certain grey zone, in which the organised interest lobbies will hold an important role. The introduction of a comprehensive parliamentary lobbying regulation in Latvia has been delayed up to now due to the variations in the understanding of what lobbying is, how the disclosure of lobbyists should be guaranteed and to what extent lobbying should be regulated with a special statute, bearing in mind that several lobby-related provisions are partially included in other statutes (Delna 2012). Currently the draft law on lobbying transparency developed by CPCB has been put on hold. The draft law prescribes the lobbyist's duty to identify themselves and the organisation they represent, as well as to disclose the person, in whose interests the lobbying might be performed. The procedure for how a meeting with a lobbyist must be recorded and made public is determined (KNAB (*Corruption Prevention and Combating Bureau*) 2013). The commenced work on a regulatory system for lobbying should be continued. Additionally, it is necessary to improve the knowledge of younger parliamentarians concerning communication with organised interest groups and their proposed solutions – this would reduce the possibility of these parliamentarians being so easily influenced.

The increased opportunities for the public to participate through collective applications, as well as a more focused involvement of the organised civic society must be mentioned as the main improvements in the legislature's consultations with the public. The yet incomplete regulation has to be regarded as an obstacle impeding the transparency of the legislature's work and the accessibility for various social groups.

8.7. How accessible are elected representatives to their constituents?

Legal framework

The constituents have an opportunity to meet with their representatives subject to a prior arrangement. At the *Saeima* building, visitors must comply with the regulations in relation to passes and visiting the *Saeima* building, as well as to the rules of safety, order, virtue, and generally accepted behavioural norms (LR Saeima 1994a, Section 23). The visiting procedure and presence in the *Saeima* building are determined by the *Saeima* Praesidium. Parliamentarians also go on visits to their constituents and are entitled to request that related transport costs be covered.

Actual situation

In addition to the formally prescribed possibilities, focused measures have been initiated to inform the public about the work of the *Saeima*. Since 2009, the Visitors' and Information Centre has been operating at the *Saeima*. Information gathered by the centre shows that the number of *Saeima* visitors has increased considerably from the initial 149 visitors in 2005 to 3124 visitors in 2012. At the Visitors' and Information Centre, people can learn about the work of the *Saeima*, how to file applications to the *Saeima*, obtain contact information for the *Saeima*, meet with parliamentarians and officials, as well as consult informative materials on site. Targeted measures are implemented to learn about the work of the *Saeima*, including the school programme 'Get to know the *Saeima*, I and II', as well as 'The youth *Saeima*', where every year, authors of 100 of the most supported ideas participate in a parliamentary simulation game. The range of informative materials on the *Saeima* has increased considerably: the *Saeima* website offers various videos, fact sheets, presentation pamphlets, and infographics. The most frequently visited sections are the *Saeima* news, video transmissions of *Saeima* hearings, the legislation database, the calendar of events of the *Saeima*, and informative materials. The survey performed within the Audit of Democracy revealed that the most popular ways of how the public learns about the processes in the legislature are the radio broadcast 'Frakciju viedokļi', transmission of the *Saeima* hearings, and the *Saeima* website (DA 2014, Table E1). The system for searching draft laws has been improved considerably and it offers insight into the parliamentarians' votes. However, in July 2014, a systematic portrayal of information on the websites of *Saeima* committees was not yet available.

The use of modern information and communication technologies is ever increasing in communication with the elected representatives. The survey conducted within the Audit of Democracy showed that 11.4 % of respondents have also followed politicians on social networks (*twitter*, *Facebook*, *Draugiem.lv*), and just as many had been reading a politician's personal blog or website (DA 2014, Table E1). Even though these parameters may seem low, one must bear in mind that often, among the politicians' followers, there are also journalists using this material or preparing and supplementing their publications. The parliamentarians and candidates of the *Saeima* are well aware of this fact and are more concerned about their online image. The parliamentarians' assistants help maintain the websites, but parliamentarians have also been known to post content independently on social networks. In the survey conducted by the author after the 2011 *Saeima* election, it was found that 38 % of parliamentarians had active *Draugiem.lv* profiles, 32 % had a profile on *Facebook*, and 28 % on *Twitter*. 13 % had their own blog. A comparatively lower number, i.e. 2 %, kept an active *YouTube* profile. At the time of publishing the audit, the number of parliamentarians, who use social network platforms, may have increased.

As the contents published in social media platforms are very fragmented, they are collected and clearly presented on the platform for communication between inhabitants and parliamentarians *Guđrasgalvas.lv*. Here, you one may ask questions to politicians at the *Saeima* and members of the Cabinet of Ministers, as well as keep track of their media and social network contents mentioning the specific politician. The platform was established and is maintained by the public policy centre (think-tank) 'Providus.' This organisation has also created another platform – *Musuvalsts.lv*, which offers an opportunity to organise public discussions on matters of action policy or legislation in the idea generation phase, by allowing the organisers of the discussion to obtain an evaluation of already approved ideas.

The most active NGOs have played an important role in 'opening up' the parliament, including the NGO Transparency International – 'Delna', which has created a database *Deputatiuzdelnas.lv*, where people can read data about the parties represented at the 10th and 11th *Saeima*, candidates and their reputation and involvement in events that have been rated as controversial. The information about parliamentarians is based on materials published in the mass media. The portal also offers an opportunity to obtain data about the parliamentarians' session participation and their votes on specific issues. In addition, 'Delna' maintains the portal *Kandidatiuzdelnas.lv*, which is aimed at refreshing

the constituents' and parties' memory before *Saeima*, European Parliament, or local government elections. To increase the clarity of publicly available information and its use for analytical purposes, the recommendation would be to publish the information in easy-to-read data formats (CSV, XML), so that this information could be reviewed and analysed from various viewpoints, similar to the site, where votes by MPs of the European Parliament are analysed Votewatch.eu.

In July 2014, the legislature decided to establish a domestic security service, aimed at monitoring the work of the *Saeima* pass office, the department of special record-keeping, as well as taking care of the information system security measures. The decision led to concerns that this measure could reduce the transparency of the parliament's work and obstruct access to the decision-makers – which, up to now, had been based on the principle of neutrality (Delna 2014). Public attention has been drawn to the information about the unreasonably high transport compensations of some parliamentarians, requested to cover the travel costs to their place of residence or to the places of meetings with the constituents, which usually take place on Fridays. Thus, for instance, in 2013 these costs amounted to a total of about 2.5 million euros (TVNET 2014). Fuel receipts are the only proof that these trips actually occurred. Parliamentarians, who live more than 40 km away from Riga, can also receive a compensation for the rent of a residence (LR *Saeima* 1994a, Section 14). There is no mechanism at present for controlling the day-to-day itineraries of parliamentarians and for finding out whether meetings with the constituents have actually taken place.

Overall, the legislature has improved information accessibility. Focused measures of involving the public are also being implemented. Even though meetings between parliamentarians and constituents in person should be encouraged, it is necessary to introduce a reasonable mechanism for monitoring parliamentarians' transport compensation.

8.8. How well does the legislature provide a forum for deliberation and debate on issues of public concern?

Legal framework

The Rules of Procedure of the *Saeima* provides that the *Saeima* regularly hears the reports from the members of the Cabinet, including the prime minister's report on what has been achieved, the planned work, as well as the report from the minister for foreign affairs (LR *Saeima* 1994a, Section 118).

Actual situation

The legislature is still the central forum for political discussions, in which various political parties openly debate the current issues of the political process. Due to the dominant position of the executive branch in this process, political decision-making takes place in formats that are closed off to the public. Therefore, the importance of the Parliament in educating the public and portraying differing opinions is increasingly relevant. The legislature as a forum is largely dependent on the issues that the political parties have brought to the forefront and that are closely related to the political agenda. However, there are regular, more broadly positioned conferences, discussions, and other events (6–12 events per year) taking place at the *Saeima* in co-operation with public authorities and NGOs. Since 2010, the conference materials have been made available on the *Saeima* website. The *Saeima* can also provide live broadcasts of various events.

Apart from its formally established functions, the legislature also has a symbolic function. As an institution elected directly by the people, the legislature can be the final bastion of defence against a course of action taken by the executive branch that is contrary to the interests of the majority of population. An opposite process was observed in some countries during the global economic and financial crisis. The lawmakers approved drastic austerity measures proposed by

governments. Parliament buildings, where the public had gathered for collective support at times that were crucial for the nation suddenly turned into edifices to be invaded by dissatisfied crowds. Even though the unanimity of coalition partners helped with implementing stability and austerity measures, the fulfilment of the government agenda and the acceptance of recommendations from international lenders to a great extent put an end to discussing alternative scenarios for overcoming the crisis at a political level.

Public trust in the legislature

Decreasing parliamentary sovereignty and the inability to make decisions on the part of the lawmakers when implementing austerity-related policies have reduced public trust in lawmakers in several European countries. In 2005, 38 % of EU population trusted their legislatures, whereas in the fall of 2013, only 25 % (EK (*European Commission*) 2013). The lower trust indicators were observed in Slovakia, Spain, and Romania, whereas in Sweden, Denmark, and Finland, the trust in the legislature was the highest. It must be noted that lawmakers in Nordic countries enjoy a greater autonomy in decision-making and policy-making.

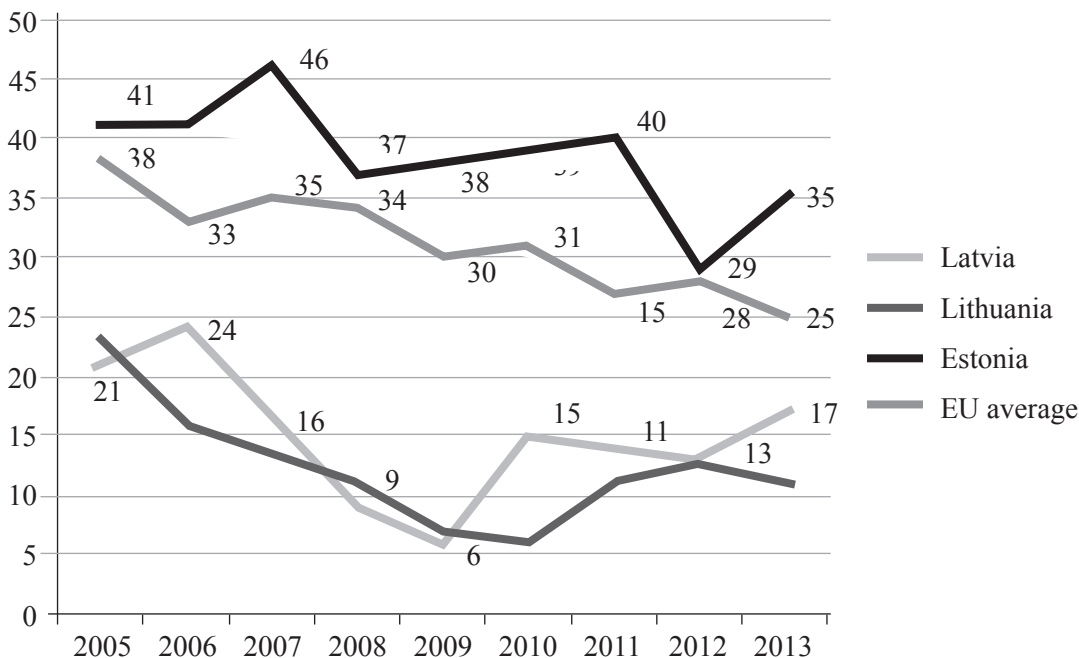


Figure 8.2. Population of the Baltic States who trust/trust to a certain extent the parliament of their respective countries, %

Source: EC standard Eurobarometer surveys (2005–fall of 2013). Question: ‘To what extent do you trust the parliament of Latvia?’

One of the biggest shortcomings of the Latvian parliamentary democracy, is the low trust that the public has for its legislature, and it has not improved significantly over time. It was found during the survey conducted within the framework of the Audit of Democracy that 2.2 % trust the *Saeima*, 71.4 % do not trust its work, whereas 6.4 % could not give an answer (DA 2014, Table P4). In the survey conducted within the previous Audit of Democracy, 22 % trusted the *Saeima*, 67 % distrusted, and 11 % could not give an answer (Rozenvalds 2005, 229). Relatively more distrust in the *Saeima* was voiced by senior citizens, whereas less was expressed by non-Latvians. When considered in a broader context, the level of public trust in the Latvian legislature is lower than the EU-28 average, but higher than in political parties. Nevertheless, it must be noted that significant

differences are observed between the European countries. Thus, for instance, in a Eurobarometer study in Estonia, the level of trust was much higher, even up to 35 %, whereas in Lithuania it was even lower than in Latvia only at 11 % (EK 2013).

Since 2012, the trust in the legislature has once again started to show an upward trend.. It can perhaps be explained by the stabilisation of the country’s economic situation, however it might also be related to the dismissal of the 10th *Saeima*. The dismissal of the *Saeima* created a precedent in the history of Latvian parliamentarianism, where uninterrupted work for four years in parliament is no longer guaranteed. The key reasoning behind the extraordinary elections was the recovery of the rule of law, including the reduction of the ‘oligarch’ influence. The battle of active public groups against oligarchs was manifested as public criticism to those parties that had developed patronage and clientelism ties with narrow interest groups and influential individuals. Even though the Latvian voters convincingly voted in favour of dismissing the *Saeima*, 63 of the former parliamentarians continued the work in the 11th *Saeima*.

During the report period, the legislature has achieved specific improvements in the fields of anti-corruption and rule of law. Considerable improvements have been accomplished in the legislature’s communication with respect to co-operation. Opportunities for involvement of the population have been increased by means of collective applications, using modern communication technologies. Therefore, the work of the legislature during the final part of the report period of the Audit of Democracy can be considered as satisfactory to good.

Total result: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
8.1.			X		
8.2.			X		
8.3.			X		
8.4.		X			
8.5.		X			
8.6.			X		
8.7.		X			
8.8.			X		

Best feature

The legislature’s improved communication with the public and its openness to public proposals.

Most serious problem

The legislature’s increasing dependence on the executive branch, resulting in diminished autonomy of the former.

Suggested improvements

1. To continue the work on regulations promoting the rule of law and transparency of the legislature.
2. To strengthen the institutional and investigational capacity of the *Saeima* for the development of evidence- and best practice-based policy and assessment of EU laws.

3. To prescribe the possibility of a constructive no confidence vote against the government and ministers, as well as to consider the introduction of other elements of rationalised parliamentarianism in the Constitution.

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9. CIVILIAN CONTROL OF THE MILITARY AND POLICE

Anhelita Kamenska

Are the police, security services, and armed forces under civilian control?

9.1. How publicly accountable are the police and security services for their work?

In order for the police, in the fulfilment of its professional duties, to be able to ensure the rule of law and public order, it is entitled to detain persons, and in some situations, to use force. It is important that individual police officers and authorities, who are granted these powers, are accountable for their work – not only to prevent the abuse of power, but also to foster more public trust in police forces.

Legal framework

The last decade has seen continued improvement of legislation concerning the public accountability of the police and security services, particularly for compliance with human rights standards in this work. On 1 October 2005, the Criminal Law entered into force, which, besides other provisions, also strengthened the rights of the detainees. On 19 November 2009, following repeated recommendations of the UN Committee against Torture (see UNCAT 2005), the definition of torture was included in the Criminal Law (CrimL) (LR Saeima (*Saeima of the Republic of Latvia*) 2009; see also Chapter 3). Accountability of officials for torture is stipulated in several sections of CrimL, for instance, in Section 294 (Compelling of Testimony), Section 301 (Compelling the Giving of False Testimony, Statements and Translation) and Section 317 (Exceeding Official Authority).

The Law on the Procedure of Holding the Detained Persons adopted in the autumn of 2005 for the first time prescribed the introduction of specific standards and meeting certain requirements to improve conditions at police short-term detention facilities by 31 December 2008; however, due to lack of funding, implementation was postponed for another five years. In 2010, the Constitutional Court concluded the following: taking into account that poor conditions at these places of detention have been existing for a long time and no considerable improvements have been made, the postponing of implementation is not in compliance with the Constitution, and early 2012, this provision has become null and void (LR ST (*Constitutional Court of the Republic of Latvia*) 2010).

Actual situation

More than fifteen years ago, discussions began in Latvia about an independent police complaints body. In recent years, the discussions have intensified due to criticism by international organisations. In 2007, 2009 and 2011, the Council of Europe Anti-torture Committee (CPT) criticised Latvia for the lack of an independent complaint mechanism (see, for instance, CPT 2011; CPT 2013). On 21 December 2010, the European Court of Human Rights (ECtHR) pronounced judgment in the case *Jasinskis v. Latvia*. The Court found a violation of Article 2 of the European Convention on Human Rights and Fundamental Freedoms (right to life, duty to perform effective investigation of

the circumstances of death) with regard to the circumstances of death of the deaf-mute son of the applicant A. Jasinskis at the police detention facility in Balvi in February 2005. The Court pointed to the lengthy investigation at the district police department and the State Police (SP) Internal Security Office (ISO), which had dragged on due to the inactivity of the police and ineffective supervision on the part of the prosecutor's office, and awarded 50,000 EUR to the applicant in respect of non-pecuniary damage (ECtHR 2010). The SP ISO is directly subordinated to the Chief of the SP and investigates crimes committed by employees of SP structural units.

Since 2012, the number of cases heard before the ECtHR against Latvia has increased whereby individual; claimed ill-treatment by the police and prison staff,¹ about the lack of effective of investigation of such complaints, and in several cases the ECtHR has found a violation of Article 3 of European Convention on Human Rights and Fundamental Freedoms (prohibition of torture).² The ECtHR has criticised the lack of independence of ISO, poor documentation of bodily injuries, delayed forensic medical examination, as well as insufficient supervision by prosecutors among other violations (MoJ of the Republic of Latvia 2013). In such cases, the ECtHR has emphasised the duty of the State to carry out effective investigation independent of persons implicated in the events under investigation (police officers).

In response to criticism, in 2012, the Ministry of the Interior (MoI) established a working group on the creation of an independent institution to investigate violations by employees of the Ministry of Interior (police, border guards, etc.), municipal police, and the Prison Administration in the performance of duties and that are related to violence (LR TM (*Ministry of Justice of the Republic of Latvia*) 2013). In July 2013, the Cabinet of Ministers (CM) approved the framework document prescribing the re-organisation of ISO and its transfer from direct subordination to the Chief of the State Police to that of the Ministry of the Interior (LR IeM (*Ministry of Internal Affairs of the Republic of Latvia*) 2013a). This would minimize the possible interference of the senior police leadership in an investigation conducted by a subordinate. ISO would be responsible for the detection, investigation and prevention of criminal offences committed by representatives the State Police, State Border Guard, and the State Fire and Rescue Service having special official ranks. In cases of criminal offences committed by the Prison Administration staff, municipal and port police, ISO will be responsible for investigating the criminal offences committed in the performance of work duties and related to violence (LR Iem 2014).

Both the ECtHR and the UN Human Rights Committee have pointed out that cruel, inhuman and degrading treatment and punishment includes conduct that is related to intensive or regular infliction of physical or moral suffering upon a person, even if it does not inflict actual bodily injuries. It can also refer to conditions of detention.

Even though new short-term detention facilities have been opened over the course of the last decade (in Riga Region, Liepaja, Daugavpils), and old places of detention have been either renovated or shut down due to unsatisfactory conditions (in Ventspils), the poor condition of many detention centres for extended periods has resulted in court proceedings at Latvian courts and in the European Court of Human Rights. After 1999, the Council of Europe Anti-torture Committee has on numerous occasions pointed out in its reports that the conditions of detention can be considered as amounting to inhuman and degrading treatment. In regard to the Daugavpils police detention facility opened in

¹ In early 2012, the Office of the Representative of the Cabinet of Ministers before International Human Rights Institutions informed that 14 cases are currently pending on alleged violations of Article 2 of European Convention on Human Rights and Fundamental Freedoms (prohibition of torture, duty to carry out effective investigation) related to complaints about alleged abuse for the part of public authorities officials.

² Judgment of 2 October 2012 by the European Court of Human Rights in the matter of *J. Dmitrijevs v Latvia*, judgment of 11 December 2012 in the matter of *Timofejevs v Latvia*, judgment of 11 December 2012 *Vovruško v Latvia*, 28 May 2013 judgment in the matter of *Sorokins and Sorokina v Latvia*, judgment of 2 July 2013 in the matter of *Holodenko v Latvia*, judgment of 11 February 2014 in the matter of *Cēsnieks v Latvia*, judgment of 11 February 2014 in the matter of *Sapožkovs v Latvia*.

2013, the Committee has pointed out that it can serve as a model for other police detention centres. In 2006, the ECtHR ruled in the case *A. Kadiķis v Latvia*, where it found that the overall conditions at the Liepāja police detention centre do not meet the requirements of Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Court awarded compensation to the claimant in the amount of EUR 7,000 for the inflicted damages (ECHR 2006). In 2012, in the case of *Petriks v Latvia* regarding conditions degrading to human dignity at the place of detention at the Saldus District Police Headquarters, the ECtHR awarded compensation to the complainant in the amount of EUR 6,000 (ECtHR 2012). Since the time when administrative courts started operating in 2006, the number of complaints about conditions of detention at national level has increased, and courts have recognised them as degrading on numerous occasions, by awarding compensation.³

In its reports, the CPT has pointed out various other possible risks of ill-treatment by the police: holding the detainees at police short-term detention facilities for extended period of time before transferring to a prison after the investigating judge has remanded them in custody; frequent and repeated return of persons to the police short-term detention centres for investigative purposes or to a court hearing; the lack of legal time limit for the repeated detention. Likewise, references are made to delayed access to a lawyer.

Since 2007, the Committee has on several occasions found that the situation is also improving. In comparison with the preceding visits, when the detainees often alleged ill-treatment and the severity of cases was confirmed, the Committee concluded that there are fewer cases of this sort; however reiterated that there remains the risk of being subject to ill-treatment by the police in Latvia. Over the course of recent years, several leading lawyers have acknowledged that there are fewer cases of coercing testimonies than there were before (MIXNEWS 2014).

Complaints about police ill-treatment and the conditions at police short term detention facilities are also reviewed by the Ombudsman's Office, which, besides other duties, also conducts monitoring visits to police detention centres. However, since the Ombudsman's Office does not have the authority to conduct investigations, it can only point to possible shortcomings in an investigation conducted by the police. On average, the Ombudsman's Office visits four police short-term detention facilities per year (LR ĀM (*Ministry of Foreign Affairs of the Republic of Latvia*) 2011) and in annual reports points out the main problems found; however, no elaborate reports on the results of visits and recommendations to the competent authorities have been published.

The issue of conditions of detention was also brought up in the discussions commenced in 2012 regarding the abolishing of administrative detention as a form of administrative punishment. In 2013, the Ministry of Justice prepared the Draft Administrative Violations Procedure Law, which prescribes abolishing administrative arrest. This was inherited from the Soviet times and could be imposed for up to 15 days; it was widely imposed in cases of drunk-driving. The duty of the State is to ensure that the administrative arrest is imposed under due circumstances (Līce 2013) and if it is abolished, the number of complaints about conditions at police detention centres could also decrease.

In early May 2014, an agreement was concluded in Latvia on the implementation of a large-scale project aimed at the improvement of standards at State Police short-term detention facilities, abolishing the former practice of administrative detention, changing the practice of returning remand prisoners for further investigation, and ensuring relevant training for the custodial staff at temporary places of detention. The project also provides for exchange of international experience

³ For example, the judgment of 11 July 2012 adopted by the Regional Administrative Court in the case No A42583206 (AA43-3027-12/11). The Regional Administrative Court imposed an obligation to pay moral compensation of 3000 lats and reimbursement of personal damages of 5000 lats to a person, who had complained about degrading conditions at Ventspils TPD, where the person had been held for 182 days. See, the judgment of 8 January 2013 adopted by the Regional Administrative Court Jelgava Court House in the case No A42042012 (A4209-12/37).

and learning best practices with regard to police detention centres, analysis of the current legal framework with regard to detention centres, and the preparation of proposals for improvements; organising training for SP staff. From 2014 until 2016, the project aims at reconstructing or renovating 10 police short-term detention facilities – in Gulbene, Cesis, Aizkraukle, Jekabpils, Jelgava, Bauska, Rezekne, Saldus, Liepaja, Ogre, and in 11 temporary placement centres within the SP Riga Regional Department, as well as equip 12 police detention facilities and 14 temporary placement centres. The project is financed within the framework of the EEA and Norwegian Grants Mechanism and co-financed by the government of Latvia, and implemented in partnership with Council of Europe experts. (VP (*State Police*) 2014a). This is the largest project since the restoration of independence of the Republic of Latvia, and once completed, police detention sites and practices will have moved considerably closer to conformity with international human rights standards.

Structural reforms have also been introduced during the report period. In 2009, the regional reform of the SP was enacted. As a result, five regional departments were established (regional department of Riga, Kurzeme, Latgale, Vidzeme, and Zemgale) on the former basis of 27 district police stations, and districts of three categories were introduced. One of the reasons behind the reform was to streamline the police institutions and functions. As a result of the reform and the economic crisis, the number of police officers decreased significantly, both as a result of redundancies and people leaving jobs due to the low salaries and reduced social guarantees. This process transpired in a situation that from the start was rather dramatic – as of 1 July 2013, out of 7,849 jobs, only 7,030 were filled in the State Police; there was a substantial shortage of patrol officers, which is the part of the police that is most visible to the public (VP 2014b, 4).

Earlier due to the economic crisis, the Police Academy of Latvia was closed down in 2010, and its functions were handed over to the University of Latvia. A number of senior law enforcement officials believed that the move was a mistake, because, without ensuring the continuation of a specialist programme and a development strategy for further training the changes have influenced the quality of staff – and with that the quality of investigations – in the police and the prosecution alike (Orupe 2014).

Since the restoration of independence in 1991, the SP had not adopted any long-term police development strategy, and some experts have viewed this as a possible obstacle for a purposeful and systematic development of the SP away from a militarised police in the direction of a democratic police. SP work was planned for a period of one year, and up until the territorial reform of 2009, local level plans were classified. The lack of a long-term strategy has been impacted by the frequent changes of the minister of the interior (16 ministers over a 23-year period). The lack of political commitment and the lack of government support has regularly resulted in the allocation of insufficient funding to law enforcement agencies, including the police (Avota 2007).

The development of a draft SP strategy was started in 2012, and was adopted in January 2014 at the meeting of State Secretaries. The strategy is based on the introduction of community policing manifested predominantly as a partnership between the police and society, in resolving problems related to crime and public order offences. Four main components are emphasised in the police work: close co-operation with the public and local authorities; a complex approach to problem solving; assessing feedback or public ‘demand’ and public satisfaction; increasing police visibility and accessibility. The concept provides for focusing extensively on crime prevention, and for the first time since the restoration of independence, an important role is given to police work with victims (VP 2014b).

The draft concept also provides for introducing new police work assessment criteria. Until now, the greatest emphasis in evaluating police work has been placed on conventional quantitative criteria, i.e. registered and solved crimes. According to these criteria, those who have solved more than 30 % of cases, have been working well, but those with less than 10 % of cases solved have been working poorly; however, qualitative assessment criteria have not been taken into account. The emphasis on quantitative criteria has led to a situation where police officers infrequently try

to avoid taking crime reports to avoid decrease in the proportion of solved cases (Mukha 2012). The implementation of the new concept will depend on the national and regional commitment of the SP, on new training programmes for police officers, as well as on the development of different assessment criteria for police work.

The development of the concept was fostered by the implementation of a project supported by the European Commission ‘Pilot project at the Talsi District Police Station – community policing’ (2009–2012). This was the first attempt in Latvia to adopt community policing methods within a specific territory. For several decades now, these methods have been successfully implemented in many EU member states, such as the United Kingdom and the Netherlands, where they are recognised as being most effective in managing local communities with diverse needs. Some of the reasons for launching the pilot project included the low level of public trust in the police, mutual distrust between the police and society, the inability of the police to conduct preventive work, the weak support offered to the victims of crime, focusing on quantitative parameters, lack of public understanding about the day-to-day objectives of the police, the public perception of the police as a military authority, low visibility of back-office police officers, among others (Mukha 2012, 6–7).

Several emergency situations, which have affected the SP prestige, have occurred during the report period. In early 2011, there was an attempted armed robbery at a gambling establishment in Jēkabpils. During the assault, one policeman was killed and two injured; among the offenders, there were two current operatives of the SP special tasks unit ‘Alfa’ and two former officers of the Tukums police station. Service investigations were initiated at the SP Riga Regional Department and Zemgale Regional Department. After the event the minister of the interior Linda Mūrniece resigned. In relation to this occurrence, the special task force ‘Alfa’ underwent a psychological aptitude test; 12 out of 120 police officers did not pass the test and had to leave the unit. Insufficiently strict selection, including psychological evaluation for the work in a special tasks unit, the low salary, and the absence of a strong control mechanism were named as the main deficiencies (TVNET 2011).

Despite some extraordinary occurrences – the police reform and the economic crisis — the public trust in the SP is gradually increasing, and traditionally people trust police more than the government, the *Saeima*, or political parties.

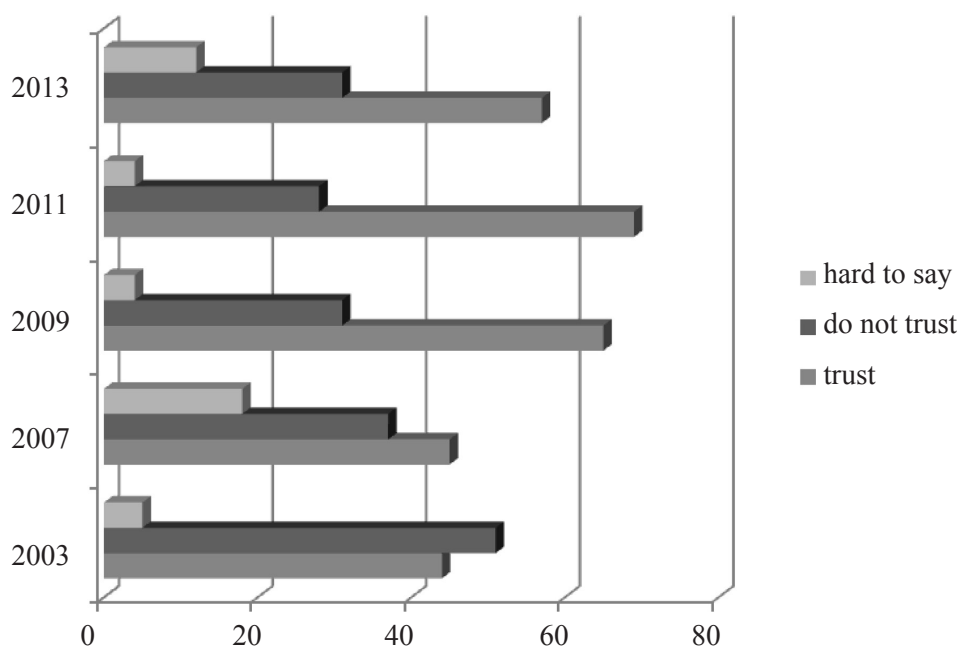


Figure 9.1. Trust in the State Police

Source: SKDS (2013), Factum (2011, 12), Fieldex (2009, 10).

At the same time, the surveys point to a contradictory public attitude towards the SP. Even though the trust indicators are increasing, 57 % of the population in 2009 and 56 % in 2013 would avoid any contact with the police, if possible. People take this stance irrespective of whether they have come into closer contact with the police or not. (Fieldex 2009). One of the possible reasons for this opinion is that the public still believes that the police are a repressive institution.

Security institutions

The role of state security services unavoidably creates tension between the need to ensure that their work is carried out with utmost secrecy and the requirement that the authorities granted these powers are accountable before elected officials (Wilks-Heeg, Blick, Crone 2012).

Legal framework

The Constitution Protection Bureau (CPB), the Security Police (SecP) and the Military Intelligence and Security Service have the status of a state security institution (SSI) in Latvia. The amendments introduced in the Law on State Security Institutions in 2005 prescribe that the responsible minister exercises control over the state security institution under their subordination in all areas, except for the operative work, intelligence and counterintelligence activities of state security institutions and the State secret protection system, which falls within the competence of the Prosecutor General or prosecutors with special authorisation to perform the task. The amendments also prescribed the disciplinary liability of SSI employees in cases of illegal or unethical conduct (LR Saeima 2005). Parliamentary control over an SSI is performed by the *Saeima* National Security Committee.

Actual situation

Civilian control over SSIs, exercised by various institutions within the framework of their respective powers, has been strengthened over the last decade; however, people in Latvia still harbour concerns about the lawful exercise of powers bestowed upon security institutions and about the effectiveness of their oversight mechanisms. Concerns have been raised after several attempts to introduce changes in the laws; for instance, in the National Security Law, Law on State Security Institutions, which envisaged the increased control of the executive arm over SSIs and reduced parliamentary control. A strong response about the proportionality of SSI intervention was triggered by the CPB's drafted amendments to the Law on Scientific Activity, which prescribed the entitlement for security institutions to suspend research, if they consider that it contains threats to national security (LR Saeima 2013). These amendments were later rejected.

At the same time, more information about SSI operations has become publicly available, a website of the CPB was created, CPB annual reports have been made available for nearly a decade now and in recent years, Security Police reports have also become publicly accessible.

Already before joining NATO and the EU, there were concerns that when the security institution system was reformed, senior state officials of Latvia, as well as institutions, instead of striving for the overall effectiveness of the SSI system, were often battling to ensure that other officials did not gain access to more data at the disposal of security institutions (Kamenska, Kristovskis 2005, 118).

After accession to the European Union, amendments to the National Security Law and the Law on State Security Institutions of Latvia caused the most controversy. In late 2006, the coalition government, disregarding the opinion of the incumbent President of the State Vaira Vīķe-Freiberga, the opposition, and experts, in an urgent procedure, exercising the rights envisaged in Article 81 of the Constitution, adopted amendments that raised confusion in EU and NATO member states and triggered political turmoil in Latvia (Kamenska, Lejiņš 2007, 57). Concerns were voiced that the amendments to the laws are based on the oligarchs' wish to influence the progress of an investigation instigated against them. The amendments provided for an increased role of the Prime Minister and a

reduced role of the President of the State and of the *Saeima* in decision-making in matters of national security. The amendments proposed to expand the circle of people, who would have unhindered access to operative information about the security institutions. The President, by employing veto rights, prevented the amendments from entering into force, and 214,000 citizens gave their signatures in favour of organising a referendum. As a result of public pressure, the controversial amendments were called off (Deputatiuzdelnas.lv 2007).

During the report period, there have been numerous allegations in Latvia claiming that state institutions are tapping telephones for purposes other than those stipulated in the law. According to the Investigatory Operations Law, state institutions are entitled to engage in investigatory operations, including telephone tapping. There were concerns both about the large number of institutions that are authorised to perform investigatory operations, as well as about the capacity of Prosecutor's Office (Prosecutor General and prosecutors specifically authorised by them) to conduct the oversight and supervise the lawfulness of investigatory operations. There are 13 institutions in Latvia, which are subjects of investigatory operations; besides the SRS, these also include the Corruption Prevention and Combating Bureau (CPCB) and the State Police, among others (Krautmanis 2012). The CPB has equipment, which is used by law enforcement and state security and intelligence services to control mobile telephones. The area of competence and responsibility of the CPB includes the lawful control of telephone conversations and protection of the obtained information against unauthorised disclosure.

One of the most scandalous cases within this area is the case of Ilze Jaunalksne – for purposes of research investigation, the journalist had obtained information about possible corrupt transactions on the part of officials. In 2005 and 2006, the Finance Police of the State Revenue Service unlawfully tapped her work and private telephone conversations, which were later leaked in media. In the spring of 2013, the court found four officials of the Finance Police guilty of malicious abuse of authority, failure to act in the capacity of a public official, and two of them were fined in the amount of 26,000 lats, and the other two, 3,000 lats and 8,000 lats respectively. The Chamber of Civil Cases of the Supreme Court imposed a fine of 12,000 lats to be paid to the journalist (LETA 2013). The Supreme Court (SC) judge, who had authorised the tapping, received a written reproof (lowest of disciplinary sanctions).

This case positively influenced further requests to tap mobile phones. The number of requests in 2007, in comparison with 2006, decreased by 44 %, and the Director of the CPB Jānis Kažociņš referred to this as 'the Ilze Jaunalksne effect' (Zālīte-Kļaviņa 2008). For several years now, the reports of the CPB offers information about public institutions – subjects of investigatory operations – which most frequently request mobile telephone tapping (CPB 2010, 2013). Several cases related to tapping reached the Constitutional Court (CC), the Supreme Court, as well as the ECtHR, thus actualizing the problems of the lawfulness of investigatory operations and options for legal remedies against human rights infringements.

On 12 May 2011, the CC recognised that the provisions of the Investigatory Operations Law, which make it possible to perform extraordinary investigatory operations (such as telephone tapping) without first receiving a judge's permission, allowing permission to be obtained later, are consistent with the Constitution. The challenged provisions of the law provide that in cases when immediate action is required to prevent a serious or especially serious crime, as well as in cases when there are real threats to the life, health or property of a person, measures of investigatory operations may be taken without the approval of a judge. The prosecutor must be notified within 24 hours, and the judge's approval must be received within 72 hours. Otherwise, the measure of investigatory operations must be terminated. One claimant M. M. believed that the challenged provisions allow for arbitrary and uncontrolled interferences with a person's private life, because institutions can listen in on a person's telephone conversations without the court's approval, but in cases where the investigative operations are completed before the end of the 72-hour period, the court is not even informed of the occurrence of the tapping. The CC held that measures of investigatory operations

performed in order to prevent criminal offences provided for under the law are to be recognised as proportionate and consistent with the Constitution only if, irrespective of the time the measures are completed, an approval is received from the President of the SC or of a duly authorised SC judge (LR ST (*Constitutional Court of the Republic of Latvia* 2011)).

In early 2014, there were two cases pending against Latvia at the ECtHR: *G. Antoms v Latvia* and *M. Meimanis v Latvia*. In the first case, on 31 March 2008, conversations were covertly recorded at the Matīss Prison between a lawyer and his client; the CPCB was recording the conversations. The Investigatory Operations Law prohibits public institutions from collecting investigatory information at a time when sworn attorneys are performing professional duties unless they are subjects of operative work. In both cases, the claimants are referring to a violation of their right to a private life and family life, as well as to a violation of correspondence confidentiality and access to effective legal remedies in Latvia (Globe 24h 2009; Globe 24h 2011).

Complaints about the lawfulness of the conduct of state security institutions and subjects of investigatory operations are reviewed by an authorised prosecutors' unit at the Prosecutor General's Office. In 2010, it received 44 applications and complaints, in 2011 – 23 applications, in 2012 – applications 26, and in 2013 – 27 applications and complaints (Prosecutor's Office of the Republic of Latvia 2010–2013). More elaborate information about the contents of the complaints is not publicly available; however, the annual reports of the Prosecutor's Office mention institutions (e.g. CPCB, State Revenue Service (SRS) Customs Criminal Board, etc.), in which the Prosecutor's Office has performed inspections on the lawfulness of certain measures of investigatory operations. Inspection results are classified; however, the officials of these institutions are urged to take measures in order to strictly and consistently adhere to the Investigatory Operations Law.

Over the last few years, there have been increasing discussions about the need to introduce extensive amendments to the Investigatory Operations Law or to start drafting a new law, as several parts of the law adopted in 1993 have become obsolete and do not correspond to international human rights norms. In April 2014, amendments to the Investigatory Operations Law were announced at the Meeting of State Secretaries, drafted, among other things, to ensure better respect of human rights in the course of conducting investigatory operations. Pursuant to the case-law of the ECtHR, in order to guarantee due protection of a person's rights in cases where investigatory operations are carried out resulting in substantial interference with the person's private life, the law must ensure sufficient protection against possible arbitrary activity. The amendments envisage a new Section 23¹, to determine a more detailed procedure of how approval is received from the judge or prosecutor for performing the necessary investigatory operations measures, as well as a new Section 24¹, determining the cases where, upon completing an investigatory operations process (such as tapping, video surveillance), the subject of investigatory operations informs the person against whom the measure of investigatory operations performed according to the special procedure has been performed, about the investigatory operations that have been performed, and about the time it was performed against the person (LR IeM 2013b).

Trials about alleged unlawful tapping have not lessened the concerns of the Latvian public about the lawful exercise of powers bestowed upon security institutions or about the adequate effectiveness of the functioning of oversight mechanisms (SC, Prosecutor General's Office, National Security Committee of the *Saeima* etc.). Furthermore, the large number of institutions authorised to perform investigatory operations is also worrisome. The existing laws do not guarantee sufficient protection of individuals against possible arbitrary operations. Further discussions might be encouraged by judgments by the ECtHR against Latvia; however, the practices of other European countries, such as the Netherlands, must also be examined in effectively controlling state security institutions and other subjects of investigatory operations.

In the last decade, the guarantees of detainees against the unlawful conduct of the police have been strengthened in the laws. As a result of the ECtHR judgments against Latvia concerning ineffective investigations of police violence and recommendations of other international organisations

plans are under way to strengthen the independence of police complaints body. Following extended criticism by international and Latvian human rights organisations about the conditions at short-term police detention facilities, considerable foreign funds have been attracted to improve the human rights standards in these facilities. For the first time after the restoration of independence, a long-term strategy of the State Police was adopted; it emphasises the introduction of community policing in Latvia. The effectiveness of the commenced extensive measures will depend on genuine commitment on the part of politicians (including the allocation of adequate financial resources) and on the momentum of the officials in charge.

Overall, the accountability of the police and state security institutions is assessed as **satisfactory**.

9.2. How far does the composition of the army, police and security services reflect the social composition of society at large?

Legal framework

Only citizens of the Republic of Latvia can work in the State Police and in security and intelligence services; they must be proficient in the official [Latvian] language, have no criminal record, have not been tried, and have to meet a range of other criteria. For a long time, these requirements did not apply to municipal police which could also employ non-citizens. However, in several larger local governments, such as Riga and Daugavpils, only citizens were entitled to work for the municipal police. Local governments may establish a municipal police force for ensuring public order and for compliance with binding rules of the local government, and they are part of the local government. On 16 September 2010, the Law on Police was amended, prescribing that only citizens of Latvia are allowed to work for the municipal police (LR Saeima 2010b). The amendments were justified by the need to harmonise the legal requirements for carrying a firearm, which only citizens of the Republic of Latvia are entitled to (LR Saeima 2010a). After these amendments were adopted, non-citizens working for municipal police could stay on if they underwent naturalisation within a specific period. The requirement for the police to be nationals of the country is a mandatory requirement in most countries.

As the public becomes more diverse, occurring as a result of active migration processes, in some countries, such as the United Kingdom, citizens of other EU, European Economic Association member states, and of the Commonwealth of Nations are eligible to become police officers subject to having resided in the country for several years (Police Recruitment 2014).

Actual situation

During the years under Soviet rule, work in the militia was considered a prestigious profession among many national minorities; however, due to the negative associations with the Soviet regime (their relation to repressive authorities) and due to the Russian language requirement, there were relatively few Latvians working in the militia (Pabriks 2002, 28–30). Therefore, upon reorganising the Soviet militia in the 1990s, besides the demilitarisation and democratisation of the police, another challenge was to encourage the representation of the majority population – Latvians – in the police force.

At the same time, international organisations recommend that the police composition – at local, regional, and national level, and including ranks, and also civilian personnel – should reflect the diversity of the population. The public image of the police as an ethnically representative body needs to be actively promoted (OSCE 2006). The lack of representation of some social groups can lead to distrust of the police as non-representative and can add to tensions in the communication between the people and these services.

In the 1980s, there were around 35 % Latvians in the Soviet militia (in Riga 10 %), whereas in 2001, 65.8 % (Kamenska, Kristovskis 2005, 119–120) and in 2007, 64.9 % (Kamenska, Lejiņš 2007, 61). Since the restoration of independence in 1991, the proportion of Latvians in the State

Police had increased considerably, and this was partially influenced by the legal requirement to be a Latvian citizen, know Latvian, as well as introduction of Latvian as the language of instruction at the Latvian Police Academy. A notable proportion of representatives of national minorities has remained in the State Police, and should be regarded as a positive trend. Unfortunately, more recent data about the current ethnic make-up of the police is unavailable.

Data about the number of employees and the social composition of security and intelligence services are not available, as this is classified information.

Even though knowledge of Latvian among the police has significantly improved, on occasions, it remains a problem. In 2010–2011, during Latvian language proficiency inspection by the State Language Centre and the Ministry of the Interior it was identified that out of approximately 7,000 police officers, 219 police officers and 19 senior staff members did not know Latvian at the level prescribed by the law (Diena.lv 2010). The police officers were tasked to improve their Latvian by 1 October 2011, and 24 % or 53 employees passed the Latvian language exam within the established period. The Minister of the Interior L. Mūrniece instructed the SP to resolve the issue by terminating employment relations with those officials that were not taking any steps to improve their Latvian to a level that is necessary for performing their duties and is prescribed by law (Fahretdinova 2011). The *Saeima* adopted vaguely worded amendments to the Law on Career Course of Service of Officials of MoI institutions and of the Prison Administration having special service ranks, by prescribing that a person can be dismissed due to unsuitability to the position, if the official does not agree with a transfer to a different position or if there are no other positions to offer in the respective institution, the requirements of which the official fulfils (LR Saeima 2011). This opened up the possibility to dismiss a police officer with insufficient Latvian language skills. At the same time, it has been recognised that knowledge of Latvian is not a problem for younger police officers who belong to national minorities (LETA 2010).

Ethnically diverse societies require police officers to be proficient in different languages. These can be necessary in emergency situations (victims, witnesses), they can help establish rapport and more effective communication with different minorities. Moreover, international human rights instruments also guarantee the right to speak minority languages in situations related to person's detention and case proceedings. Even though the recruitment of persons belonging to national minorities into the police will provide the police organisation with the necessary language knowledge, also members of the majority group are encouraged to learn minority languages (OSCE 2006).

The law does not prescribe that police officers must know other languages; however, taking into account the ethnic composition of the Latvian population, the police officers often need to know Russian. Most ethnic Latvian police officers have no problems in communicating in Russian; however, the issue became relevant after a case whereby a police officer had refused to speak Russian in an emergency call. The police officer had pointed out to the caller that since they live in Latvia they should be speaking Latvian. He received a disciplinary punishment – a warning about non-compliance with the post for a period of one year for failing to take and record the call. He appealed the punishment, but the District Administrative Court (DAC 2011) and the Regional Administrative Court (RAC 2012) upheld the decision. The Court concluded that the police officer's Russian language skills were sufficient, but at the same time pointed out that in the case of insufficient Latvian language skills, there was an option of forwarding the call to a competent colleague. Likewise, the Court found that the police officers' conduct was deliberate and contained signs of discrimination on the basis of language use and ethnicity; the disciplinary breach was serious and essential, as people were refused help.

Even though some politicians have criticised the need for mandatory Russian language knowledge for police officer (LETA 2011a), the police management have emphasised the need for police officers to know Russian (LETA 2011b).

In many countries, especially with the introduction of community policing, the role and number of female police officers has increased. In the past, women were usually delegated to performing

the so-called women's tasks – dealing with paperwork, juvenile matters, and crime prevention. It was thought that by engaging women in patrols, they will be subjected to violence. Oftentimes, the police leadership doubted the ability of women to manage violent situations. Studies conducted in the USA (Martim, Jurik 2007) and in Europe (Prenzler, Sinclair 2013) have confirmed that gender is not a substantial reason for not delegating women to the patrol service, and women perform in this job just as well as men do, and often are even better in resolving conflict situations. Furthermore, the attitude of society is equally positive towards police officers of both genders.

In the discussions in 2006 in Estonia, where women made up 33 % of the police force (the highest proportion of women in police in Europe at that time), several senior police officers expressed concerns about security; while other officials pointed to the increase of the proportion of women in police forces in most European countries, with some Scandinavian countries even setting a target of 40 % proportion of women in the police (LETA 2006).

Over the last decade, Latvia has also seen an increase in the proportion of women in the State Police: 23.56 % of police officers were women in 2006, 28.25 % in 2011 (SP 2012, 37), and 34 % at the end of 2013 (SP 2014). In the Riga Municipal Police, which is the largest municipal police force in the country, the proportion of women has decreased from 43 % in 2006 (Riga Municipal Police (RPP) 2007) to 35.3 % in 2013 (RPP 2014). Unfortunately, no detailed data are publicly available about the representation of women in various ranks and at various levels, which prevents from identifying whether women face any obstacles in their career path. Sometimes, lower proportion of men in the police is also explained by low salaries.

International experience (e.g. in the USA) shows that the armed forces can also foster social integration (Muižnieks 2010, 12). When mandatory military service existed in Latvia, the number of new recruits belonging to national minorities in some drafts often reached 25–30 %, and from time to time the issue of poor knowledge of Latvian was brought up. Thus, in 2004, 30 new recruit groups (about 500 people) were enrolled in Latvian language courses (LETA 2005). Even though some officials in Latvia refer to the armed forces as one of the integrating factors (see Līcītis 2012), since the creation of a professional army in 2006, data about ethnic make-up of the army are available only for 2008, while the social role of the army has not been a subject of research.

During times of peace, the National Armed Forces (NAF) consist of active duty personnel (approximately 4,500), national guards (8,000 in active service and 830 National Guard veterans (Zvirbulis (2014)), military and civilian staff, as well as the NAF reserve. Candidates for the professional military service must be Latvian citizens, must know Latvian at the highest level if the candidate has not acquired education in the Latvian language, has not graduated from a school with Latvian language of instruction or has not studied in the Latvian language group in a school with two language sections (usually Latvian and Russian).

Along with the considerable decrease in the population resulting from emigration and the demographic crisis, the NAF recruitment base has also decreased (every year 500 individuals must be recruited) (LR AM (*Ministry of Defence of the Republic of Latvia*) 2012); which can jeopardise the establishment of an adequate professional army.

Public information about the ethnic composition of the NAF in recent years has not been available. According to data from 2008, there were 5,025 servicemen in the NAF, including 4,559 Latvians, 358 Russians, 41 Lithuanians, 35 Poles, 31 Belarussians, 21 Ukrainians, and seven belonging to other national minorities (NAF 2008). Therefore, the proportion of national minorities in the National Armed Forces was only 10.83 %. In 2014, the proportion of national minorities among the citizens of Latvia was nearly 30 % (CSB, 2014).

The National Guard accepts Latvian citizens aged between 18 and 55 years on a voluntary basis. Similarly, no data are publicly available about the ethnic composition of the National Guard; however, e.g., 386 national guards were enlisted in the 34th artillery battalion of the National Guard stationed in Daugavpils, including 170 Russians, 138 Latvians, 65 Poles, 8 Belarussians,

2 Lithuanians, and 3 Ukrainians (Sargs 2012a), and these data reflect the diverse ethnic composition in the region.

The opportunities for female soldiers in the armies of NATO member states have grown as countries are gradually lifting various restrictions; for instance, for assuming military posts, which prescribe the use of firearms, in submarines, etc. Following a judgment of the Court of Justice of the European Union (Eiropas Savienības Tiesa (*Court of Justice of the European Union*) 2010), since 2001, women in Germany can serve in combat units, whereas in 2014, the first women started service in submarines in the United Kingdom. At the same time, studies point to various obstacles that women must face when integrating in the army, incl., unwanted attitudes (e.g. sexual harassment) from fellow servicemen (DW 2014).

Women in the Latvian professional military service are accepted on general conditions, except for physical fitness requirements, which are not as stringent as they are for men. In the service, women and men are subject to the same requirements for education, assuming a post, or rank promotions. The NAF has not set a mandatory number or a proportion of women, and there are no units, specialist fields, or positions, in which women could not serve (Sargs 2012b). However, no surveys or studies are available about the possible obstacles that women are faced with in the army.

According to the NATO data, in 2010, Latvia had the second highest proportion of women (17.44 %) in the military (followed by Hungary with 20 %). In the Polish army, the proportion was considerably lower at 1.8 %, in Denmark 5.2 %, Luxembourg 5.8 %, Belgium 8.02 %, Norway 8.6 %, the United Kingdom 9.5 % and Germany 8.9 %, whereas in Bulgaria the proportion of women in the military is 13 %, the Czech Republic 13.6 % and Slovenia 15.4 % (Sargs 2012c). The proportion of women in the NAF over the last decade has ranged between 17 and 19 %, and in the National Guard, the proportion of women has ranged between 12 and 15 %.

Table 9.2. Female soldiers in the National Armed Forces

Year	2003	2006	2009	2010	2011	2013
Total number	742	758	833	887	801	765
Proportion, %	18.95	17.25	18.19	17.44	16.98	16.3

Source: Data of the Ministry of Defence of the Republic of Latvia.

As many as 119 women, or 5.2 % of the total number of soldiers having participated in operations, have been on international operations. In 2013, out of 177 NAF troops serving in operations 7 were women. In 2011, 838 women served in the National Guard, which is slightly more than 10 % of all national guards (Pļavniece 2011).

In the study conducted in late 2008 ‘Opinion of Latvian population and leaders about professional service in the NAF’, 30.3 % of respondents believed that there are too many women in the NAF, whereas 76.1 % of the military disagreed with that statement. It was found in the study that soldiers and opinion leaders recognise that the army is a suitable place for women to work, and they also concur with the opinion that women can assume equal positions in combat units and go on international operations (Sargs 2012d).

Even though the proportion of Latvians has grown in the State Police, a considerable part of the police is represented by national minorities. Compared to the mandatory military service, where up to 30 % of recruits belonged to national minorities, there are only 10 % of national minorities in the professional army, which is less than half the proportion of national minorities among all citizens. To gain a more comprehensive picture of the representation of national minorities and women in the police and army, disaggregated data should be collected on a regular basis, including the representation at various levels of commanding ranks. Overall, the situation is assessed as **good**.

Summary: Progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
9.1.			X		
9.2.		X			

Best feature

The ethnic composition of the State Police generally corresponds to the ethnic composition in the country. Unlike other public authorities, the State Police has maintained a considerable proportion of personnel representing national minorities.

Most serious problem

Police ill-treatment of detainees remains a concern, along with ensuring effective investigation of such offences, as well as the establishment of an independent police complaints body.

Suggested improvements

- Adopt and implement the concept envisaging a transfer to community policing, ensure funding necessary for the transformed Internal Security Office.
- Adopt amendments to the Investigatory Operations Law to strengthen human rights standards when performing investigatory operations.
- Promote higher enrolment of national minorities in the NAF.
- Gather data about the ethnicity of the police and military personnel ensuring their anonymity.

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10. INTEGRITY IN PUBLIC LIFE

Valts Kalniņš

Is the integrity of conduct in public life assured?

10.1. How effective is the separation of public office from the personal business and family interests of office holders?

Legal framework

A rather strict regulation for the separation of public office from personal interests is in place in Latvia. Since 2002, the fundamental principles and regulations have been enshrined in the Law on Prevention of Conflict of Interest in Activities of Public Officials (hereinafter – the Law on Prevention of Conflict of Interest).

The law elaborates on the broad range of people, who are subject to the law (starting with the President of the State to all persons authorised to issue administrative acts, perform supervisory, control, notification, or penalising and similar functions). Public officials must observe various restrictions and prohibitions. Public officials, in principle, may combine their posts with an additional job; however, some categories of office holders are subject to detailed restrictions. For instance, members of the *Saeima* and of the Cabinet of Ministers (CM) may combine their positions only with very few types of additional jobs, such as a position in a trade union, an association or foundation, political party, association of political parties, or a religious organisation, as well as with work as a teacher, scientist, doctor, professional athlete, and creative work (Section 7(2)).

The law still contains a large part of the deficiencies detected within the Audit of Democracy of 2005. The complex system of restrictions and prohibitions urges to formally comply with the requirements rather than avoid conflicts of interest as such. A previously reached conclusion in this regard is still relevant, namely, that the law ‘refers only to lineal relatives, but does not directly apply to cousins and relatives in-law (daughter-in-law, son-in-law, mother-in-law, father-in-law, etc.). In determining the thin boundaries of such situations of conflict of interest, the existing law excludes a potentially vast circles of persons, upon making decisions on which an official can end up with a conflict of interest’ (Čigāne, Kārklīņa 2005 127).

In comparison with 2005, the regulation applicable to the President of the State, members of the *Saeima*, CM members, and members of local government councils is even weaker. The Audit of Democracy drew attention to the risk of the state capture, because the prohibition of conflicts of interest was not applicable to cases when members of the *Saeima* and CM members are participating in issuing administrative acts. The difficulty of ensuring control served as a justification for the 2007 decision to also apply the exception to cases when the said persons are participating in, for instance, the adoption of external regulatory enactments or in political decision-making.

A positive development that must be mentioned is the 2011 prohibition introduced on disclosing information about the state or a local government official, who has informed of conflicts of interest, and, without an objective reason, to create unfavourable consequences to this person (Section 20(7)). This is an important element in the generally deficient whistle-blower system in Latvia.

Actual situation

Significant results have been achieved in the practice of applying the Law on Prevention of Conflict of Interest. The Corruption Prevention and Combatting Bureau (CPCB) has ensured a generally uniform practice of preventing conflicts of interest across state and local government administration. In regard to conflicts of interest, as well as violations of restrictions and prohibitions, the CPCB holds a large number of public officials administratively accountable every year. In 2011, 81 officials were brought to account, in 2012 – 47, but in 2013 – 77 officials. In the second half of 2013, officials of state institutions had mostly violated restrictions on combining positions, whereas among the violations committed by local government officials, there is a high proportion of cases where the official functions are performed in a situation of a conflict of interest (KNAB (*Corruption Prevention and Combatting Bureau*) 2014b, 9–10).

The practice of the *Saeima* in deciding on the authorisation to hold parliamentarians accountable for violations of the Law on Prevention of Conflict of Interest shows that in practice the law is also applied to senior officials (during the period from 2003 until 2013, the *Saeima* has decided to authorise holding a deputy administratively accountable on 32 occasions upon a request by the CPCB, and only once (in 2005) was this request rejected) (LR Saeima (*Saeima of the Republic of Latvia*)).

One of the problems encountered in the practice of preventing conflicts of interest is insufficient supervision within state and local government institutions (KRSVPIP (*Draft Concept on the Reduction of Corruption Risks in Public Administration and Local Government Institutions*) 2012, 29). Furthermore, a rather considerable part of violations of the Law on Prevention of Conflict of Interests reviewed by the CPCB are relatively insignificant. Due to this, the CPCB has proposed to consider the possibilities of expanding the power of heads of state and local government institutions in preventing conflicts of interest (KNAB 2014c). In order to assess the existence of a conflict of interest on merit, complete information is necessary about the duties to be performed by an official and about the related risks. This information is most easily available to the head of each institution about their respective subordinates. However, the persisting practice of the control of conflicts of interest, which has seen largely centralised supervision, leads to many heads of institutions not perceiving this area as a priority.

Negative indicators

Even though the CPCB is conducting constant control of officials' activities, some signs point to problems that are present in the area of separating public office from private interests. In the public opinion, conflicts of interest are still an important problem, which is proven in the entrepreneurs' survey conducted in 2011, in which 71.7 % of respondents recognised that it is a widespread occurrence in Latvia for heads of state or local government institutions to have a conflict of interest, for instance, an official has made a decision favouring a relative or a business partner (SKDS 2011).

From time to time, mass media reports on seeming conflicts of interest or situations, when private interest is manifested indirectly, and therefore, pursuant to the provisions of the Law on Prevention of Conflict of Interest, the case is not qualified as a conflict of interest or the conflict of interest is seeming and as such is not subject to strict regulation. There was a case of this sort in 2013, when information became available about a situation where several companies operating in an area supervised by the Ministry of Economics (MoE) had donated large funds to a society managed by the wife of the Secretary of State of the MoE with the main directions of operation being the implementation of cultural projects. The donors included construction companies, Rietumu banka, which was interested in a state policy of granting residency permits for people, who invest large sums of money in Latvia, a company offering short-term loans, and others. One of the donors is a company, which participated in the construction of biogas stations. Such stations depend on MoE decisions on awarding mandatory procurement quotas (Delna 2013a). The media have also reported cases where the formal provisions of the Law on Prevention of Conflict of Interest prevent the

detection of allegedly apparent conflicts of interest, as was the case, for instance, in the situation when the former minister for environmental protection and regional development gave a money prize of 1 400 lats to the head of the office – his girlfriend (LETA 2013b).

The development of stable practices of applying the Law on Prevention of Conflict of Interest deserves a positive evaluation, including with regard to members of the *Saeima*. Even though there is no accurate data, it can be assumed that most state officials are aware of and are performing their duties deriving from this law. Therefore, the situation in this area can be assessed as satisfactory.

10.2. How effective are the arrangements for protecting office holders and the public from involvement in bribery?

Legal framework

The Criminal Law prescribes a penalty for giving bribes (unlawful benefits) and taking bribes in relations with state officials (Section 320 and 323), employees of state or local government institutions, who are not officials (Section 326² and 326³), and private sector employees (Section 198 and 199). By significantly expanding the range of persons from the private sector the bribing of whom is a punishable offence, as well as by determining accountability with regard to state and local government employees, who are not state officials, the legislator has practically resolved the problem stated in the Audit of Democracy of 2005, namely, of impunity over bribing doctors or bank employees (see Čigāne, Kārklīņa 2005, 129). As a result of multiple amendments to the Criminal Law, Latvia has now approximated international standards.

However, there are still problems related to the accountability of officials regarding abuse of office, namely, there are difficulties in determining whether ‘activities have caused material damage to state authorities or administrative order, or to person’s interests protected under the law’ (Criminal Law, Section 318). In 2012, the Supreme Court Senate reviewed a criminal case, in which State Police staff were tried and acquitted in the deliberate conduct of using their office to protect another police officer from accountability for driving under the influence and running over a pedestrian, who died as a result of injuries. As there was no dispute as to the facts of the case, the court ruled that the allegations ‘on the existence of material damages are general and unspecific, worded in a form of an assumption’ (AT (*Supreme Court*) 2012).

Legal protection for whistle-blowers reporting corruption (i.e. situations that are not merely a conflict of interest) at their work place is relatively weak in Latvia. The Labour Law prohibits ‘applying sanctions on an employee or to otherwise directly or indirectly cause adverse consequences for him or her because the employee, within the scope of legal employment relationships, exercises his or her rights in a permissible manner, as well as if he or she informs competent institutions or officials regarding suspicions with respect to the committing of criminal offences or administrative violations in the workplace’ (Section 9(1)). However, the law does not prohibit disclosing the whistle-blower’s identity, does not refer to situations when a person has leaked information to the media, and does not provide for penalties to officials, who have unlawfully dealt with whistle-blowers. Moreover, in the case of an infringement of a whistle-blower’s rights, they would have to demand compensation in a possibly expensive and lengthy court process. In 2013, a study by *Transparency International* found that legal regulation for the protection of whistle-blowers is well-developed in four EU member states, partially developed in 16 member states (incl., Latvia), and that such regulation is almost or practically non-existent in seven member states (Transparency International 2013b, 8).

Actual situation

In comparison with other EU countries, assumptions of alleged bribes are widespread in Latvia. In a survey of 2013, 25 % of respondents said that they know somebody personally who is taking or has taken bribes (there were only three countries, including Lithuania, where these results

were worse). The comparison sheds a slightly better light on Latvia in the assessment of actual personal experience with regard to, for instance, additional payments or valuable gifts to a doctor or a nurse, or donations to a hospital (7 %). There are seven countries with worse results, including Lithuania. Estonia in both indices ranks in the mid-range among the EU member states (European Commission 2014, 70, 89).

Over the period from 2004 until 2012, the number of officials convicted for criminal offences while serving in a public institution has fluctuated; however, showing a general tendency of decreasing (criminal cases heard in the first instance reached a peak in 2005 with 96 officials involved, whereas in 2012, this number was the lowest with 34 cases; see Table 10.1). Furthermore, the number of criminal cases heard in the first instance regarding giving and/or taking bribes has decreased from 49 cases in 2006 and 2007 to 24 and 27 cases in 2010 and 2011 respectively. The rise to 47 cases in 2012 is explained by the State Police activity in a part of Latvia, where detained drivers are trying to avoid accountability for traffic violations by offering bribes (28 of the said 47 cases) (Providus 2013). Due to the covert nature of corruption, it is difficult to tell whether the overall decrease has been achieved owing to reduced crimes of this type, weakened attention of law enforcement authorities, or the employment of more sophisticated and more difficult to detect corruptive schemes.

Table 10.1. Individuals tried for criminal offences committed during service in state institutions

	2004	2005	2006	2007	2008	2009	2010	2011	2012
Criminal cases	73	78	82	79	72	48	45	49	57
Number of accused persons for criminal offences committed during service in state institutions (crimes of office)	104	142	125	130	111 ¹	67	75 ²	85	104 ³
incl., public officials	79 ⁴	110	96	85	72 ⁵	49	54 ⁶	71	42
Convicted	87	128	114	109	91	54	66	63	86
incl., public officials	63	96	85	68	57	36	47	49	34
incl., conviction entered into force (data as of 19.08.2013)	87	128	112	106	86	48	60	52	58
Acquitted	15	15	12	18	18	12	4	22	16
incl., public officials	14	14	11	17	13	12	4	22	8
incl., acquittal entered into force (data as of 19.08.2013)	15	15	12	16	16	9	4	19	0

Source: Providus 2013.

One of the least favourable features in Latvia's battle against corruption is the long time that is necessary for hearing complex cases in court. Since 2007, a criminal case has been under court review in the matter of possible fraud in the project of implementing digital television, which was started in 2000. The partner company engaged in the process of digitalisation Kempmayer Media Limited had no experience in implementing such projects and was most likely a front for Latvian entrepreneurs, whose participation in the project was concealed. There are 20 persons accused in this case, including some, who have been in close association with Andris Šķēle – an individual, who

¹ Incl., criminal proceedings with regard to two persons have been terminated.

² Incl., criminal proceedings with regard to two persons have been terminated.

³ Incl., criminal proceedings with regard to one person have been terminated.

⁴ In the case of one official, the trial result is unknown.

⁵ Incl., criminal proceedings with regard to two persons have been terminated.

⁶ Incl., criminal proceedings with regard to two persons have been terminated.

has been traditionally regarded as one of the oligarchs of Latvia (Delna 2011–2012a). The criminal case against the mayor of the city of Ventspils, Aivars Lembergs, for offences such as bribing, violations of regulations of prevention of conflicts of interest, among other criminal offences, has been under court review since 2008 (Walker 2011, 12–13). In none of these cases has a first instance judgment been passed as of early 2014. The lengthy proceedings of such complex cases can lead to impunity, especially in the light of updates to the Criminal Law, introduced in 2010, enabling extenuation of punishment, if rights to completing a criminal proceeding within a reasonable period are not respected (Section 49¹).

Negative indicators

Since the accession of Latvia to the European Union, the most positive tendency that can be backed up with data is the reduced administrative corruption in many areas. Of all respondents to surveys who had had encounters with the Traffic Police, informal payments or connections were employed by 69.8 % in 1999, 59 % in 2005, 31.9 % in 2007, and 28.8 % in 2012. In obtaining permits and licences, this tendency has developed as follows: 59.8 %, 46.1 %, 31.2 %, and 13.6 % respectively. In registration or technical inspection of a vehicle: 29.9 %, 20.4 %, 11.5 %, and 7.3 %. There have been significant improvements in nearly all spheres covered in the surveys (LF & KNAB (*Latvian Facts and CPCB*) 2012). However, in international comparisons, several results are still alarming. According to the Global Corruption Barometer data for 2013, 25 % of respondents in Latvia themselves or members of their household had given a bribe to a police officer in the last 12 months (in Estonia 2 %), 24 % had given a bribe to medical and health care services (in Estonia 7 %), and 14 % to a court (in Estonia 2 %) (Transparency International 2013a). It is almost impossible to detect changes in political corruption and in the corruption of small professional circles, such as judges. Some data lead to the assumption that problems exist in these sectors; however, the data are insufficient to discuss the extent of the problems quantitatively (see Box 10.1).

Box 10.1 Non-transparent insolvency administration system

In the autumn of 2012, the magazine *Ir* published a range of studies about corporate insolvency processes and voiced suspicion of the existence of corrupt schemes in the system. Upon performing insolvency cases over the course of three years, it was found that several dozen companies, by making sure that their cases ended up with the same administrators and judges, with their help have, possibly, fictitiously gotten rid of extensive debt commitments, resulting in losses for large creditors. The non-transparent insolvency administration system is linked to the interests of the National Alliance All For Latvia! – For Fatherland and Freedom/LNNK (*Visu Latvijai! – Tēvzemei un brīvībai/LNNK*), namely, current and former administrators, the integrity of the actions of which has been questioned, were among its members and the most generous donors.

Change of address in order to fall within the competence of the right administrator

The magazine *Ir* found 45 cases where companies facing financial hardships, before applying for insolvency or legal protection proceedings, have changed addresses. In most cases, the court districts in the jurisdictions these companies moved to, and the names of the judges reviewing these cases, were the same. Additionally, the electronic system for allocating court cases has ‘randomly allocated’ mutually related companies to certain judges. The magazine wrote about several companies, who were deep in debt, and who, following a change of address, managed to make sure that a favourable result was achieved; this was possible because claims of related companies were recognised as the primary or even the sole claims to assets in insolvency proceedings or legal protection processes, whereas bank creditors’ claims were rejected.

Banks pointing to possible corruption

Swedbank representatives have pointed out that the insolvency regulation in Latvia is used ‘to create schemes’ and ‘systematically defraud’ investors’ funds; moreover, this process is occurring with ‘the help of dishonest and, most likely, corrupt officials (insolvency administrators and judges)’. The representative of the state-owned Reverta bank, Rolands Neilands, has also linked the changing of address to make sure that a case is heard by a specific judge with possible corruption (Delna 2013–2014).

In regard to battling the corruption of public officials, one of the least favourable features is the continuing conflicts in relations between the CPCB and the Prime Minister, as well as within the CPCB. The early stages of the operations of the CPCB were dominated by conflict between CPCB officials and politicians; the conflict could be perceived in the decision by the *Saeima* to reject the candidacy of Jūta Strīķe for the post of director of the CPCB in 2003, who later assumed the post of a deputy director of the Bureau. This was followed by verbal assaults on the part of the Prime Minister, Aigars Kalvītis, attempts to hold disciplinary liable and to dismiss the CPCB director Aleksejs Loskutovs (2005–2008), as well as the unconvincingly founded attempt by the government to dismiss him in 2007. The work of the subsequent CPCB directors Normunds Vīlnītis (2009–2011) and Jaroslavs Streļčenoks (since 2011) has been conflict-ridden with regard to relations between senior level officials and a large part of their staff. The height of the conflicts was reached when Jūta Strīķe was dismissed from the post on several occasions in late 2013 and early 2014, following an enduring conflict between her and the director of the CPCB.

It appears that according to quantitative parameters, such as the number of initiated criminal proceedings and cases referred to the prosecutor's office to initiate criminal prosecution, the effectiveness of CPCB operations has not diminished (in 2013, 16 cases were transferred for criminal prosecution, which roughly corresponds to the level seen since 2007) (KNAB 2010, 19; KNAB 2014b, 11). These cases included several important corruption cases. In 2013, a criminal case initiated against two judges was referred for criminal prosecution (KNAB 2013c), a criminal case in the matter of defrauding the joint stock company 'Ceļu pārvalde' under the supervision of the Riga local government of approximately 73 000 lats, and the case of receiving more than five million EUR in bribes related to buying Mercedes-Benz buses for Riga city (KNAB 2013d). Ever new suspicions emerge about cases of large-scale corruption. For example, in 2013, KNAB started criminal proceedings on suspicions of large-scale bribery occurring over a long period, involving officials of the State Revenue Service (KNAB 2013e).

Taking into account the improvements introduced in the Criminal Law and the reduced administrative corruption, the situation in terms of bribery has seen positive changes in comparison with 2007. However, overall, this problem is still rather severe.

10.3. How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?

Legal framework

Already before accession to the European Union, Latvia started amending the system of financing political parties, to decrease the influence of some large sponsors in politics and to promote transparency. In 2002, the legislature reduced the permissible amount of donations and introduced significant transparency requirements with regard to party donors and expenses (Čigāne 2003, 48–54). In addition, important subsequent changes have been implemented on a number of occasions, and in 2014, the European Commission has recognised that 'financing of political parties and pre-election campaigns are relatively transparent' in Latvia (Eiropas Komisija (*European Commission*) 2014, 4).

Currently, the Law on Financing of Political Organisations (Parties) and the Pre-election Campaign Law establish comprehensive regulations for the sphere. According to the laws, information about enrolment and membership fees of political parties exceeding the amount of one minimum wage, as well as about donations (names and surnames of payers or donors, amounts) must be published in an online database maintained by the CPCB, one individual may donate no more than 50 minimum wages, namely, 16 000 EUR to a political party (as of early 2014), several

campaign expense categories (placement of advertisements, funding charities) are restricted with expense caps, and paid pre-election campaigns on television are not allowed within a 30-day period before the elections.

To curtail dependence on private sponsors, parties, which have received more than 2 % of the electorate's votes in parliamentary elections, receive public funding. Additionally, the rights of all parliamentary candidate lists to free-of-charge broadcasting time granted by the state constitute an indirect state aid. Moreover, state budget funds are earmarked for creating pre-election broadcasts on television.

Actual situation

Before joining the European Union, it was a common occurrence in Latvia to have extremely expensive election campaigns – in 2002, 3.9 lats per one person with the right to vote, compared to amounts ranging from 0.4 lats to 2.0 lats in the United Kingdom, Sweden, France, and Austria (Čigāne 2003, 54). The parliamentary election campaigns became more expensive up until 2006, but in 2010, the expenses plummeted.

Table 10.2. Estimates on total expenses of parliamentary election campaigns

Year	Sum (LVL)
1998	1 699 999 (according to parties' reports)
2002	6 325 000 (according to NGO monitoring data). The officially reported sum also exceeded five million
2006	6 635 546 (according to NGO monitoring data)
2010	3 607 411 (according to parties' reports)

Source: Kažoka 2011, 28.

Upon analysis of the situation covering a two-month period before the local government elections in 2005, 2009 and 2013, some parameters lead to the conclusion that the range of party donors has become broader and the predominance of large donors has slightly diminished. The average donation for the 2009 elections was 608 lats, while before the 2013 elections, only 463 lats. The proportion of large donations (exceeding 5000 lats) decreased from 43 % to 23 % (Kažoka 2013).

Taking into account the numerous restrictions and prohibitions, the Latvian system of funding parties and elections can be effective, if sufficiently strict control is exercised and penalties for breaches are imposed. The control of party funding falls primarily within the competence of CPCB. On several occasions, the CPCB has demonstrated their supervisory ability. During the 2006 election campaign, non-governmental organisations implemented a campaign to promote People's Party (*Tautas partija* – TP) and the alliance between Latvia's First Party (*Latvijas Pirmā partija*) and the Latvia's Way Party (*Latvijas ceļš* – LPP/LC). By adding the respective costs to the total amount of the TP pre-election campaign, the CPCB imposed an obligation on the party to transfer the exceeded pre-election costs and the unlawfully accepted donations in the amount of nearly 1.03 million lats to the state budget. TP challenged the CPCB decision in court. In 2011, when the judgment came into force, the party was already dissolved. LPP/LC had to transfer 528 870 lats to the state budget. By the time the proceedings in this case ended in 2012, the successor of LPP/LC – Šlesers' Reform Party (*Šlesera reformu partija LPP/LC*) – had been dissolved (Delna 2011–2012b).

Over time, CPCB has found many relatively small breaches of party funding regulations. However, in general, in recent years, election participants have been trying to keep in line with the law at least insofar as it concerns compliance with formal procedures.

Negative indicators

Even though parties avoid outright breaches, unfair practices in campaigns are far from over, and such problems as native advertising in media and advertisements corresponding to the needs of specific party campaigns posted by local governments continues (Kažoka 2011, 7). Indirect indicators point to on-going hidden party funding and activities of elected politicians to further limited, hidden interests.

Within the context of party funding, attention has been drawn to cases where individuals having modest income have been donating large amounts (Eiropas Komisija 2014, 4–5), causing suspicion of intermediation in party funding (i.e. the original source of money is a third party), party funding from income earned in the shadow economy or transactions where the donation is given in exchange for a benefit ensured by the respective party. For instance, in 2012, a party had received a donation of 2000 from a person whose income in 2011 had only been 4 396.93 lats and debt commitments constituted 4685 lats. The donation appears to be linked to the fact that the donor obtained a better-paid job in a municipal capital enterprise (TVNET/LTV De Facto 2013; VID (*State Revenue Service (SRS)*). In 2010, several individuals had paid relatively large sums – ranging from 1000 to 2498 lats – to a certain party, even though according to data they had reported, they did not own any property and their savings did not exceed 500 lats. Their publicly known amount of income in the position of an assistant to a member of the *Saeima* was relatively low, and they would have had to spend several months' worth of income to cover the respective payments (DELFI 2011).

From time to time, a shadow of suspicion is cast on some members of the *Saeima* or parliamentary groups in relation to protecting limited interests in the decision-making process, even though these cases often cannot be linked to dependence on funders. For example, in early 2012, the President of the State, Andris Bērziņš, handed over the amendments to the State Boarder Law to the *Saeima* for a second review; the amendments provided for entrusting the creation of an electronic border crossing system to a specific society. The publicly voiced concerns pointed to the possibility that this society will achieve that lorries are forced to enter a paid parking lot, which, was constructed using European Union co-financing by a company related to *Parex* bank (LTV Panorāma 2012). Later on, the legislator charged the State Border Guard with the task of registering the queuing vehicles. When the National Alliance in late 2013 requested that the minister for justice Jānis Bordāns be dismissed from his post, some media representatives and experts explained this with the minister's attempts to reform the insolvency sphere, thereby endangering the interests of the party's sponsors (among sponsors, which included also insolvency administrators) (LETA 2013a; Sprance 2013).

An analysis of donations to parties shows that there are many individuals among the sponsors, whose business activity depends on public procurements. In 2013, journalists reported extensive donations given to the party Unity Party (*Vienotība*) by persons who are related to information technologies and construction companies handling procurements of public institutions or capital enterprises. Among donors to the Harmony Centre Party (*Saskaņas centrs*), there were several builders, who had completed procurements for Riga local government institutions (DELFI 2013). Therefore, there are suspicions of favouring such companies in awarding procurement contracts, which are related to party funders. There are also concerns about the still high overall dependence of parties on private sponsors. Since 2012, six parties and alliances have earned the right to receive annual state funding for the total amount of 442 322.50 lats (629 368.22 euros) (KNAB 2014d), but the permissible level of expenditures for each party before the *Saeima* elections of 2014 is set at 422 997.09 euros (besides, not all expenditures are included in this amount) (KNAB 2014a).

Court judgments that sustained the large penalties for parties, which had breached campaign funding rules, the introduction of state funding for parties, ever more stringent restrictions, and the reduced total expenditure allows concluding that the situation has improved considerably in comparison with 2007. However, the suspicions of hidden advertising in the media, intermediation in donations and the influence of party sponsors' limited interests on the conduct of politicians lead to assessing the situation merely as satisfactory.

10.4. How far is the influence of powerful corporations and business interests over public policy kept in check, and how free are they from involvement in corruption, including overseas?

Legal framework

There is no direct lobbying regulation in Latvia, and any attempts to promote the adoption of a lobbying law have ended with a fiasco. There are some regulatory enactments, which touch upon certain lobbying-related aspects. For instance, with regard to transparency, the requirement of including information about public participation and consultations held during the drafting process in the explanatory reports of draft laws must be emphasised (Paragraph 3 of the Rules of Procedure of the Cabinet of Ministers; Paragraph 60–62 of the Procedure of Initial Impact Assessment of Draft Laws; Paragraph 6 of part five of Section 85 of the Rules of Procedure of the *Saeima*). Nevertheless, the laws in general do not stipulate the gathering and publishing of detailed information about the interaction of lobbyists and decision-makers.

In addition, regulatory enactments include individual provisions governing the relations between public officials and private entities in general (incl., possible lobbyists). The Law On Prevention of Conflict of Interest in Activities of Public Officials prohibits officials from accepting gifts when fulfilling duties of office (with some exceptions), and determines the restrictions for cases when the official must perform certain official activities with regard to the provider of the gift (Sections 13, 13¹ and 13²). Paragraph 9 of the Code of Ethics of the Members of the *Saeima* prescribes that ‘a deputy shall not accept a private invitation and shall not participate in an event or shall avoid such situations, if, as a result of that, suspicions may arise about a conflict of interest, or the prestige of the *Saeima* may suffer’.

The public can receive a partial insight in the private interests of a public official by examining data provided in reports submitted by public officials. In the reports, the officials provide the following details: place of residence, spouses, siblings and children, public office held and other positions and jobs; real estate owned, held in possession, or used by the official; capital shares, stocks, and securities, vehicles owned, savings, transactions, debt commitments and issued loans if they exceed 20 minimum monthly wages, and all types of income (Section 24(1) of the Law On Prevention of Conflict of Interest in Activities of Public Officials). In January 2014, the *Saeima* expanded the range of data to be indicated in the reports, by establishing the obligation to report if the public official is the true beneficial owner of assets owned by another person. The reported information is available publicly, apart from some exceptions established in the law.

However, adequate control of the material standing of public officials is impossible in circumstances where unlawfully acquired assets can be easily hidden under the name of other physical persons. By referring to the CPCB, the Audit of Democracy of 2005 stated that ‘no reliable system for declaring the income and savings of the inhabitants is created in Latvia to enable obtaining information about the funds that are available at the disposal of the inhabitants and keeping track of the circulation of these funds’ (Čigāne, Kārklīņa 2005, 132). The most important attempt in the legislature to resolve this issue was the adoption of the Law on the Declaration of Assets of Physical Persons and Undeclared Income. According to this law, the residents of Latvia, who met certain criteria, had to file a declaration of assets until 1 June 2012. The idea was that a public official or any other inhabitant could no longer refer to past savings that cannot be checked where the State Revenue Service has doubts about the correspondence of the person’s expenses with legal sources of income. The declaration of assets was a one-off measure, and its effectiveness, at least in publicly available sources, has not yet been comprehensively evaluated.

To intensify the control in cases where the openly reported owners of companies are not the true beneficial owners, the *Saeima* amended the Commercial Law in 2011, and prescribed an obligation for capital enterprises to submit a statement to the commercial registry authority about the true

beneficiaries (Section 17¹). A similar requirement was established also with regard to founders and owners of mass media (Section 10² of the Law on the Press and Other Mass Media). Thereby, the possibilities for dishonest officials to hide their actual participation in capital enterprises should be curtailed. However, the effectiveness of these amendments to the law is not yet clear.

Over the last decade, the political will of the Latvian legislature to achieve more transparency of and control over relations between politicians and private economic interests has not been steady. Nevertheless, the general tendency shows gradual improvements.

Actual situation

At the time that Latvia joined the European Union, within the context of corruption, there were special concerns about what is known as state capture – influencing laws, regulations, decisions, and other government action policies, by unlawfully and non-transparently offering private benefits to public officials. These concerns were fostered by the state capture index published in 2000 by the World Bank, expressed as a proportion of companies influenced by state capture, which in the case of Latvia was 30 % (Lithuania – 11 % and Estonia – only 10 %) (The World Bank 2000, XV, 13). Repeated studies showed improvements in the case of Latvia, but the progress was not sweeping. In recent years, new data about the state capture index for Latvia are not available; therefore, recent tendencies cannot be measured quantitatively. Taking into account the improvements achieved in the area of party funding, it might be expected that the situation has also improved in the case of state capture. Following the parliamentary election of 2011, the so-called influence of oligarchs in the Latvian legislature appears to have diminished (Dreifelds 2013, 319–320). At the same time, the merits of typical state capture cases as mentioned in the Audit of Democracy of 2005 (the three million case of Latvenergo, the economic interests of the mayor of Ventspils, and the introduction of digital television) have not been fully clarified (litigation is still pending in the latter two cases).

An indirect indicator of the extent to which public institutions are acting in public rather than limited private interests is the appointment of public officials. Whether state secretaries stay on after ministers have been replaced also serves as an approximate indicator of professionalism/level of politicisation of the civil service, especially in cases where the incoming minister's party affiliation is different to that of their predecessor. In March 2013, out of 13 state secretaries, one had seen the replacement of four ministers, one worked with three, four with two, two with only one replacement, but five with none (i.e. they had been appointed during the current minister's tenure). Certainly not all replacements meant that the minister's party affiliation changed as well, although all state secretaries, who had 'lived through' a replacement, had also experienced at least one change of the minister's party affiliation (Kalniņš 2014, 8). Although some signs of politicisation are observed, the civil service at least partially preserves stability in the context of political change.

The study by the Centre of Public Policy 'Providus' conducted in 2010 looked at a sample of 13 public enterprises. The boards of directors of six enterprises included individuals related to political parties. These six boards of directors included 19 members, of whom 10 were related to parties (Kalniņš, Litvins 2011, 59–61). The frequent changes of board members due to changes in the government, as well as lack of professional selection criteria point to the fact that the risk of the abuse of public assets invested in the enterprises is very high. Information about politically motivated appointments regularly reaches the public. For instance, in February 2014, the appointment of the former head of the Prime Minister's office to the board of the 'Rīga' international airport reached the news (DELFI 2014), whereas in April, the appointment of the deputy chair of the board of the Reform Party (*Reformu partija*) to the board of the Freeport of Ventspils Authority (LETA 2014).

Protests from the public flaring up from time to time against political corruption and the power of oligarchs (such as campaigns in 2007 against the dismissal of Aleksejs Loskutovs and in 2011 against the oligarchs), it appears, to a certain extent restrict political corruption. However, direct

attempts to combat state capture have led to rather modest results, even though there have been numerous attempts to do so since 2004.

Negative indicators

Leaked materials from what has been referred to as the oligarch criminal trial gave an unusually detailed insight into how limited interests have influenced officials' decisions. One of the episodes referred to the year 2010, when the deputy chair of the Riga City Council and the chairman of the board of directors at the Freeport of Riga Authority, Ainārs Šlesers, was elected to the *Saeima*, and, according to the law, he had to leave the previous posts outside the *Saeima*. A. Šlesers tried to make sure that the position at the Freeport of Riga Authority was assumed by his then fellow party member Andris Ameriks. A. Šlesers allegedly had agreed with Aivars Lembergs that the latter would ensure that A. Ameriks is backed for the position at the Freeport of Riga Authority by the representative of Union of Greens and Farmers Party (*Zaļo un Zemnieku savienība*). As compensation, Šlesers had undertaken to ensure an advertising contract with SIA Mediju Nams, which was under the control of A. Lembergs. The advertisements would be bought by the Freeport Authority or the airline AirBaltic through the Riga municipal foundation 'Live Riga', including covert advertising for the political party of A. Šlesers (Pietiek 2011; Delna 2013b). A. Ameriks was indeed elected to the post of the chairman of the Freeport, and he is still in that position at the time of preparing this report.

Following the collapse of the Maxima supermarket in Riga in November 2013, allegations were made in the public space (including by the minister for economics) claiming that the pressure of the construction industry was one of the causes for delaying increased safety and quality standards in construction (Lēvalde, Ķirsons 2013). Nevertheless, these claims do not confirm the existence of corruption, although they do constitute grounds for concerns that limited economic interests can influence government policy to such an extent that can even cause threats to public safety.

Since it has not been possible in Latvia up to now to lawfully establish the merits of several of the largest alleged cases of state capture and final decisions in several important litigations cannot be expected in the foreseeable future, the non-transparent exercise of interests and ineffective judicial processes force us to assess the situation as poor (which, nevertheless, is better than the extremely critical assessment of 2005 and 2007).

10.5. How much confidence do people have that public officials and public services are free of corruption?

The opinions among the population of Latvia are rather diverse regarding what political corruption is. In 2008 and 2014, surveys were conducted (SKDS 2008; DA (*Audit of Democracy*) 2014) asking respondents to select from given situations that they believe to be political corruption. Moreover the situations proposed in the survey covered not only typical situations corresponding to narrow definitions of corruption (such as when a politician accepts or asks for an unofficial payment to make a certain political decision), but also breeches of party funding regulations and manifestations of nepotism (for instance, appointing persons affiliated with the party to advantageous state paid positions), symptoms which could point to corruption (such as expensive gifts (trips, vehicles) given to politicians), but could also be explained otherwise, and signs of bad governance (such as making a political decision without engaging the general public in the discussions).

At least one third of the population of Latvia would categorise all of these cases as corruption. Many tend to use this term to refer to cases that most experts would not call corruption. Moreover, the predominance of this opinion has increased with regard to all of the aforementioned situations. Overall, the tendency to refer to various negative occurrences in politics as corruption has been increasing. In regard to the seven situations in the survey, the increase has reached even ten percentage points. If the use of the concept 'corruption' is interpreted as a manifestation of intolerance, it

Table 10.3. Various views exist as to what constitutes political corruption. Please indicate which of the below-mentioned situations could be considered as political corruption, in your opinion, %

	2008	2014
The situation when a politician takes or asks for an unofficial payment to make a political decision	71.2	77.7
Appointing a person close to one's party to a lucrative, official, government-paid position	52.7	70.2
Expensive gifts (trips, cars, etc.) for politicians	52.5	65.3
The inexpedient use of government property (resources)	48.7	58.2
Greater financial support from the state budget to local governments that are led by people who are connected with a specific party	48.1	57.0
The support or adoption of political decisions that benefit companies belonging to people who are close to a specific party	46.9	61.1
The acceptance of illegal donations to finance a party's activities	44.9	60.4
The situation when a decision that benefits only a part of society is supported	44.0	48.9
Political decision-making that is influenced by lobbyists	41.8	52.4
The allocation of state funding without clear criteria	36.1	46.8
The expenditure of funding for pre-election campaigns that exceeds the sum permitted by law	34.5	47.7
Political decision-making without discussions with the general public	30.9	35.8
The adoption of a controversial political decision that is not sufficiently justified	28.6	35.6
Other	0.7	0.1
None of the above	0.6	1.9
Difficult to tell	6.1	4.7

Source: SKDS (2008; published partially for the first time in: Kalniņš 2009); Audit of Democracy 2014, Table F1

has increased the most (by about 14–17 percentage points) with regard to appointing individuals affiliated with the party to posts, acceptance of unlawful donations to fund the party's activity, and backing political decisions favourable for companies of individuals affiliated with the party. Therefore, condemnation of situations related to the dishonest conduct of parties has increased considerably.

However, the public not only condemns, but also tolerates corruption. This tolerance is manifested as the attitude towards allegations, which indirectly justify the need to live with it, voicing incapacity or indifference. Since 2008, the proportion of people that believe that a situation where politicians are thieves can be acceptable as long as they take care of the rest of society, has decreased (from 31.3 % to 26.2 %) (in 2014, about the same number of respondents believed that a politician's professional competence is more important than their honesty). Still more than half of the respondents agree to statements voicing a certain fatalism, namely, that everybody is corrupt in politics, nobody is better than the rest and that everybody, upon becoming a politician, would try to use the position for personal good. Moreover, the highest increase has been seen in the proportion of respondents that consider information about cases of political corruption as too biased and unreliable to understand who is and who is not guilty. This answer was given by more than two thirds of

citizens, and that could point to difficulties in distinguishing between corrupt (and hence not to be backed) election candidates from candidates who are not corrupt. Overall, about one quarter of the people of Latvia are rather tolerant of corruption.

Table 10.4. Please choose to what extent you agree with these statements, %

	Year	Agree	Do not agree	Difficult to tell, no answer
Information about cases of political corruption is too complicated to tell who is and who is not guilty.	2008	60.1	23.9	16.0
	2014	70.7	18.4	10.9
Information about cases of political corruption is too difficult to tell who is and who is not guilty.	2008	64.0	24.6	11.4
	2014	71.1	20.4	8.5
Everybody, upon assuming a political office, would try to use the position for personal good.	2008	56.1	29.5	14.3
	2014	58.9	30.8	10.3
Everybody in politics is corrupt, nobody is better than others.	2008	53.2	35.4	11.4
	2014	54.9	37.1	8.0
It is OK to back a politician, who is a thief, as long as they are taking care of the rest of society.	2008	31.3	58.4	10.3
	2014	26.2	69.5	4.3
Politician's professional competence is more important than their honesty.	2008	26.5	58.4	15.1
	2014	26.3	60.7	13.0
I am not particularly concerned about breaches in political party funding.	2008	28.8	55.7	15.5
	2014	33.1	56.1	10.8
There are countries, where there is practically no political corruption.	2008	27.0	41.0	31.9
	2014	26.6	43.9	29.5

Source: SKDS (2008; published partially for the first time in: Kalniņš 2009); Audit of Democracy 2014, Table F4.

Even though the attitudes are rather diverse, unanimity is reached only with regard to the general question about the prevalence of corruption. According to the Eurobarometer survey, 83 % of respondents recognised that corruption is widespread in Latvia. Therefore, Latvia ranked 16th out of 28 European Union Member States (Eiropas Komisija 2014, 20 (European Commission)). Within the global context, Latvia is slightly above the average. Furthermore, the situation has changed since 2003. According to the World Bank's corruption control indicator, Latvia, within the global comparison, has ranged between 60th and 66th percentile (the higher the percentile, the better the corruption control). At the time of accession to the European Union in 2004, the indicator for Latvia was +0.14 (on a scale of -2.5 to +2.5), whereas in 2012, it reached +0.15 (the best result for Latvia was 0.32 in 2005 shortly before the crisis; a significant decrease down to +0.13 was recorded in 2008) (The World Bank Group 2013).

Nevertheless, upon comparing the survey data of 2007 and 2012, it can be concluded that the trust of the people in the integrity of public institutions within the context of corruption has

increased. Though, it must be noted that the assessment of specific institutions is notably different. The best assessment of integrity in 2012 was given to the State Fire and Rescue Service (1.13 on a scale from -2 to +2; in 2007 it was 0.74), out of public institutions followed by the State Audit Office (0.72; in 2007 it was 0.34), and the State Social Insurance Agency (0.63). The lowest assessment results were seen in the case of the Privatisation Agency (-0.17; in 2007 it was -0.57), CM (-0.27; in 2007 it was -0.75) and the *Saeima* (-0.34; in 2007 it was -0.66) (LF, KNAB 2012).

In comparison to 2005, the importance of the topic of corruption in the mass media has diminished; however, it has not disappeared altogether (Kalniņš, Ķirse 2012, 158–159). Therefore, for instance, the weekly magazine *Ir* and some television broadcasts still regularly prepare materials about possible corruption in public and local government authorities, and about some party funding cases. It is paradoxical that it may be the weakened media coverage that can have led to increased public trust in the institutions. However, the survey data allow us to assess the current situation as satisfactory.

Summary: Progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
10.1.			X		
10.2.			X		
10.3.			X		
10.4.				X	
10.5.			X		

Best feature

The overall comprehensive legal regulation in the area of anti-corruption, corresponding to international standards.

Most serious problem

Impossibility to complete complex corruption criminal cases within a reasonable period.

Suggested improvements

- Consolidate the responsibility of heads of institutions for the control of conflicts of interest and promote considering conflicts of interest on merits.
- Encourage reporting on corrupt criminal offences and create a comprehensive whistle-blower protection system.
- Continue looking for ways to make criminal proceedings more effective.
- Increase public funding to political parties.
- Improve the management of public and local government enterprises.

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III

**CIVIL SOCIETY AND
POPULAR PARTICIPATION**

11. THE MEDIA IN A DEMOCRATIC SOCIETY

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Do the media operate in a way that sustains democratic values?

Introduction

In the Audit of Democracy for 2005, upon examining the role of media in a democratic society (Kruks, Šulmane 2005), a well-organised regulatory framework and the diversity of the media were recognised as **the best features**. Whereas **the most serious problems** were recognised as the existence of two information spaces with differing orientations, the dependence of public electronic media on state funding, insufficient information about media owners, weakness of analytical and investigative journalism, lack of a uniform understanding of the role and functions of journalism, difficulties experienced by specialist and high-quality publications in staying afloat under the circumstances of commercialisation and the limited media market, as well as the lack of an organisation to review citizens' complaints about ethical breaches on the part of journalists.

Over the last decade, the media system has experienced trends typical of other democratic countries – reduced number of daily newspapers, difficulties funding and maintaining investigative journalism, reduced audiences for public electronic media and the rapid entry of new media. The **economic crisis** experienced in Latvia in 2008–2010 has also affected the media. Because of the crisis, the purchasing power of the population decreased, and many gave up subscriptions of printed press; furthermore, the ad market also shrank – for newspapers and journals by 59% (Ruduša 2009). The Latvian media has lost nearly half of the funds they once gathered from advertising, resulting in a reduction in media and decreased volumes of original content (Rožukalne 2013, 22).

The **influence of politics** on journalism has remained as parallelism of the editorial line of the media and the activity of political parties, leaving also a certain positive impact on the processes of the formation of civic society. In interviews, newspaper journalists have openly confirmed their direct involvement in ensuring publicity for parties and candidates (Šulmane, Kruks 2007, 72).

In the assessment of the media role performed within the framework of the **integration audit** of 2010 (Šulmane 2010a, 252–253), the external pluralism of the media and good accessibility to media in Latvian and Russian are stated as the greatest achievements, whereas commercialisation of media and political parallelism were mentioned as factors that delay the guarantee of the internal diversity of information.

11.1. How independent are the media from government, how pluralistic is their ownership, and how free are they from subordination to foreign governments or multinational companies?

Legal framework and public media policy

In addition to the Constitution (*Satversme*) of the Republic of Latvia, and in particular Chapter VIII on fundamental rights, the work of the media in Latvia is primarily governed by three

framework documents: The Law on the Press and Other Mass Media of the Republic of Latvia adopted in 1990 (LR AP (*Supreme Council of the Republic of Latvia*)/ LR Saeima (*Saeima of the Republic of Latvia*) 1990/2014), the Electronic Mass Media Law adopted in 2010 (LR Saeima 2010/2014), and the Audio-visual Media Services Directive of the European Parliament and of the Council adopted in 2010 (AVMSD 2010). There are three other laws that are important for the work of the media in Latvia, namely: the Pre-election Campaign Law (LR Saeima 2012/2014), Advertising Law adopted in 1999 (LR Saeima 1999/2014) and the Electronic Communications Law adopted in 2004 (LR Saeima 2004/2014). The Law on the Press, which has undergone nine amendments, does not employ the concept 'democracy', and the wording of provisions is dominated by vagueness. Owing to this law, censorship in the Republic of Latvia is not prohibited but rather 'is not allowed', just as the 'monopolisation of mass information media' is not allowed. Subjects of the freedom of the press are persons or groups of persons, public authorities, enterprises and organisations, who 'are entitled to freely voice their views and opinions, issue statements' and 'receive information' through the mass media; however, agreements in civil law only prescribe 'the duty of the editorial board to publish the founder's or publisher's materials' (LR AP/ LR Saeima 1990/2014). Even though the law in terms of its contents can be considered inadequate for the age of new information and communication technologies, the legislator of Latvia does not wish to radically modernise it or replace it with a new legislative enactment.

These problems of inadequacy are partially resolved with the Electronic Mass Media Law, which was adopted during this audit period. The legislator has proclaimed that the aim of the law is 'to ensure the freedom of speech and voicing opinions, universal access to socially important information, and unhindered maintenance and development of a free, democratic discussion, by opening up opportunities for all inhabitants of Latvia to form opinions independently about the processes taking place in the country, and thereby, foster individual participation as a citizen of a democratic society in the development of decisions related to these processes' (Saeima 2010/2014). In defining the general regulations for creating electronic mass media (EMM) broadcasts, the law prescribes that EMM 'while respecting the multitude of opinions, protects the idea of an independent, democratic, and judicial State of Latvia, respects human rights, and acts in the interests of the public of Latvia' (Saeima 2010/2014). Even though, this deals only with 'the idea' rather than with practice, the law can be regarded as a step in the direction of codifying the democratic role of the media.

The law governing the public EMM contains some contradictions. In describing 'a public order' as 'financed and supervised' by the public, the law points out that 'the funding required' for the performance of functions of the National Electronic Mass Media Council (NEMMC) and 'to ensure the fulfilment of public commissions is allotted from the state budget' (Saeima 2010/2014). In regard to the activities of public EMMs, emphasis is not placed on democratic participation, but rather on the formation of 'a well-founded and free opinion', 'patriotic attitude', 'educating' the population, and promoting 'a civic understanding' in the population (*ibid*). The law prescribes the establishment and activities of NEMMC, by assigning an important role to the national strategy for developing the electronic mass media sector.

The Directive of the European Parliament and of the Council is important for a number of ideas and goals aimed at the future. This, firstly, refers to measures intended to 'enable and ensure a transfer from domestic markets to a single market for creating and distributing broadcasts', and 'the growing social and democratic importance' of audio-visual media services as 'a service of culture and economy' in an information society, in particular 'by ensuring freedom of information, diversity of opinions, and media pluralism, as well as education and culture' (AMPD 2010). The Directive is aimed at 'completing the formation of an internal market and facilitating the introduction of a single information space', while preserving the co-existence of 'private and state' service providers, modernising the legal framework, not affecting the independence of Member States 'in developing the union culture and preserving cultural diversity', governing only those forms of mass media that 'inform, entertain, and educate broad audiences', ensuring 'a free flow of information and audio-

visual broadcasts on the domestic market', and calling upon the Member States to ensure protection against 'the formation of a dominant position that would lead to restrictions of pluralism and freedom of television information or to restrictions of freedom of the information sector in general', including situations when 'a broadcaster located in the territory of one Member State broadcasts content that is fully or predominantly intended for the territory of another Member State' (ibid).

State media policy issues that up until 2014 had traditionally included such spheres as domestic freedom of press, private and public media (dual structure), division of competences in the field of media, changes in the media sector brought about by the development of new media (Hesse, Ellwein 2012, 249–250), had been largely ignored but lately have seen a rapid increase in attention due to the massive pressure by Russia's foreign policy propaganda on the Russian-speakers of Ukraine and other post-Soviet countries with the aim of achieving support for Russia's activities – the annexation of Crimea forming a part of Ukraine and co-operation with the proclaimed 'republics' in the southeast of Ukraine.

Media owners

The most significant changes in the sphere of media owners are linked to changes in the ownership of **daily newspapers**. Investors, whose interest is the media business and not political influence, cannot afford extensive long-term losses; understandably, the large foreign investor Bonnier left the Latvian media market, and as a result the newspaper *Diena* was sold and rapidly lost its influence and readership. Interviews with the former leaders and journalists of *Diena* show that the new owners instructed them not to criticise A. Šķēle, A. Šlesers, and A. Lembergs (Šulmane 2011a). Likewise, the newspaper *Neatkarīgā Rīta Avīze Latvijai* (NRA) still has an unclear editorial policy, in many spheres demonstrating diverse opinions, but with the assistance of certain staff members providing support to the influential mayor of Ventspils A. Lembergs.

The *Telegraf* newspaper has turned into a liberal centrist-inclined weekly publication of little importance, whereas the *Čas* newspaper, which fought over readership with the best-selling daily newspaper in Latvia *Vesti segodnja*, was incorporated with the latter, and as the most successful newspaper, continues to be published with a circulation of 12 500–13 000 copies.

The names of offshore companies appear as the Russian newspaper publishers, and the lists of company leaders change so frequently that it is difficult to keep track of these changes; however, with the increasing influence of Russia, and as Russian-speaking parties consolidate and the 'Saskaņas centrs' party is actively trying to get a place in government, Russian investors have become more active.

There is no newspaper among the largest newspapers in Latvia, about which should not be any doubt concerning the owners and true beneficiaries (Rožukalne 2013, 148).

Regional newspapers find it difficult to compete with publications established by local governments that are placing ads, thus encumbering the financial circumstances of alternative publications (Jelgava is one example). Therefore, the boundaries between journalism and public relations are made increasingly vague.

The re-broadcasting of Russian radio channels or their co-operation with Latvian channels broadcasting in Russian is observed in the field of **private radio**.

By the later stage of the audit period, all of the largest Latvian news portals ended up owned by Estonian media companies. In the fall of 2013, the Scandinavian media group Schibsted sold the Tvnet portal to Eesti Meedia, while in the spring of 2014, this Estonian company bought the *Apollo* portal from SIA Sanoma, which is owned by a Finnish media group. The Delfi portal has been owned by the Estonian Ekspress Grupp since 2007.

During the period of the report, the ownership of national **electronic media** has also changed. The independence of LNT from the owners' political interests was questioned when the co-owner

of the channels, A. Ēķis, assumed the post of a council chair at the Par labu Latviju union. In early 2012, the Modern Times Group announced the purchase of LNT and TV5, which meant that two of the largest commercial television channels – LNT and TV3 – were now in the hands of one owner. The conditions for the merger established by the Competition Council are an important contextual factor that creates a precedent, including the obligation to preserve independent and unaffiliated news editorial boards and the provision of news to at least the same extent as up to now, as well as including an item in the job description of programme editors that would consolidate editorial independence from the media owner.

In terms of regulations, independence from media owners is one of the advantages of **public media**. To promote the ties to the owner of the public media, namely, society, the model of administering and funding public media is important. In the case of Latvia, after the adoption of the Electronic Mass Media Law, the public media funding also depends on annual political decisions, and this promotes the possibility of political pressure. The national strategy for EMM sector development for 2012–2017 does not envisage the implementation of ‘a change in the legal status of public media’ or the introduction of ‘a public co-payment to ensure the financial independence of the public media’ (EPLNANS 2014).

The Electronic Mass Media Law still prescribes that NEMMC member candidates are put forth by the *Saeima* Human Rights and Public Affairs Committee and elected by the *Saeima*. Therefore, the direct link between NEMMC members and political parties is weakened. During the report period, the potential for a pluralism of opinions among the NEMMC has decreased because the number of council members has been reduced from nine to five.

Amendments were introduced to the Law on the Press and Other Mass Media in September of 2011, prescribing changes in the procedure for registering media, by establishing that more detailed information about the owners must be given; furthermore, the concept of editorial independence was also introduced to the law.

In the national strategy for the development of the EMM sector, it has been reasonably concluded that ‘as a result of an unregulated free market, two different (in the sense of language, geopolitics, democratic traditions and culture) information spaces have developed in Latvia’ (EPLNANS 2014). According to the representative SKDS survey data, 24.1 % of respondents agreed and 23.0 % partially agreed with the statement that journalists in Latvia are serving the interests of the owners and not those of society. At the same time, 41.3 % fully agreed that the contents are what matter and the owner’s persona is irrelevant, and an additional 19.9 % rather agreed with this viewpoint (DA (*Audit of Democracy*) 2014, Table G4).

Foreign influence

No balance has been achieved in the electronic media sphere between purchasing cheap mass-produced (US and Russian movies) products in various channel packages, on the one hand, and, on the other hand, the inclusion of European and local cinematographic works and channels in the content. There is a considerable amount of Russian channels – information, entertainment, cinema and culture programmes – included in TV cable operator packages. Only recently, in response to intensive Russian foreign policy propaganda and the dissatisfaction of the public, such Western channels as BBC, CNN, RTL, Sat1, Euronews and ARTE were also included.

The study by J. Juzefovičs shows that the younger non-Latvian generation is less interested in the processes taking place in Russia; however, broadcasts from Russia, including material about Latvia, are consumed by the older family members. The Russian-speaking audiences does not trust Latvian public TV, seeing it as official state propaganda; therefore, they prefer Russian news (Latvijas Laiks) on PBK and news on channel TV5 (Juzefovičs 2013, 174–191).

The possible influence and concerns about this became particularly topical as the Russia-Ukraine conflict started and the annexation of Crimea took place. However, this was already in the national

strategy of the development of the EMM sector, where it was stated that ‘Russia is employing electronic media with the purpose of exercising soft power and shaping the public opinion of the inhabitants of Latvia in order to promote its geopolitical interests’ (EPLNANS 2014). What counter measures are observed in the media space?

Firstly, activities related to the establishment of the media policy department under the supervision of the Ministry of Culture must be mentioned. Secondly, there have been active discussions about and implementation of several measures to restrict the impact of foreign information for a fixed time, such as a three-month prohibition on re-broadcasting the television channel Rossiya RTR, and the initiation of administrative violation proceedings after alleged violations in a PBK broadcast Laiks about the events in Ukraine. Thirdly, financial support and enhancing the public media news programme and the LPM (Latvian Public Media) online version in Russian has been suggested, as has holding discussions at the government level about a single channel for the Baltic States in the Russian language.

It must be added that in March 2014, in comparison with February, PBK viewership saw the biggest increase, and in April, due to deteriorated availability of TV3 resulting from the conflict between Lattelecom and *MTG*, it became the TV channel with the biggest viewership in Latvia. In late June 2014, TV3 was once again included in Lattelecom’s basic cable TV package.

Currently, 14.4 % of the inhabitants of Latvia watch mostly or only Russian TV channels, whereas another 28.2 % watch Russian TV channels more often than Latvian TV channels. However, 23.7 % watch mostly Latvian TV channels, but 26.0 % watch Latvian TV channels more often than Russian TV channels. Further, 29 % of Latvian citizens and 61.2 % of respondents without Latvian citizenship fully or rather trust the Russian official power mouthpieces NTV Mir, RTR Planeta and REN TV. In addition, 38.9 % of inhabitants, 42.5 % of Latvian citizens, and 20 % of respondents without Latvian citizenship agreed to the suggestion that there has been an increase in the influence of Russian political propaganda, whereas 28.8 % of inhabitants of Latvia, 25 % of Latvian citizens and 48.5 % of respondents without Latvian citizenship disagreed with that suggestion (DA 2014, Tables G2, G3).

The survey data also show that most of the inhabitants of Latvia without Latvian citizenship fall within the coverage of Russian soft power, along with Russian-speaking households. Since there is no reason to consider this portion of the inhabitants as a united group of opinion and the efforts of Russia to maintain its influence is not going to diminish, the situation from the viewpoint of a functioning political democracy might be regarded as satisfactory. However, it must be pointed out that the influence of Russian propaganda is massive and cannot always be recognisable; by intensively criticising the State of Latvia and its internal affairs, Russian propaganda also affects a part of the Latvian audience. Therefore, taking into account the fact that information about media owners and true beneficiaries has also not been made easily available to the public, as well as due to the reduced diversity of opinions resulting from takeovers of newspapers and the concentration of commercial TV channel owners, the overall the situation in this field must be viewed as deteriorated in comparison with the previous report period.

11.2. How representative are the media of different opinions and how accessible are they to different sections of society?

Legal framework

The Law on the Press and Other Mass Media interprets the freedom of the press as the ‘right to free expression of views and opinions, making statements’, thereby ‘receiving information through them’ (LR AP/LR Saeima 1990/2014); however, the diversity and availability of views is left without due attention. The Law on Electronic Mass Media is considerably more democratic, as it prescribes ‘maintaining and developing a free, democratic discussion’ as its objective and provides

for ‘respecting the diversity of views’, ‘promoting opinion exchange’, ‘observing the diversity of Latvian society in the social, economic, regional, educational, cultural, and religious sense’, ‘for each member of society to be able to shape a well-reasoned and free opinion’, but at the same time ‘the idea of an independent, democratic State of Latvia, subject to the rule of law, must be protected’ (Saeima 2010/2014). The national strategy for the development of the sector of electronic mass media as the practical policy document is limited to the commitment of ‘promoting democracy, rule of law and civil participation in Latvia’; however, the need to ensure ‘diversity of opinions’ is mentioned only when referring to the Directive of the European Parliament and of the Council (EPLNANS 2014).

However, the lack of a thoroughly considered state media policy can also be perceived as a factor which has *de facto* fostered a great diversity of opinions both in Latvian media and in the public space, in particular in its virtual manifestation. The extreme forms of this diversity sometimes borders on politically extreme views or can be regarded as such. The legal framework of Latvia in the field of media has also to a great extent facilitated the formation of this situation.

Accessibility

The Latvian press structure includes the availability of various types of newspapers and journals in Latvian and Russian. Overall, the accessibility of the **press** is ensured; however, due to increased costs, the growing popularity of internet news portals, and digital versions of newspapers, as well as the influence of changes in the delivery conditions, subscription figures have decreased. According to data from Latvijas Pasts (*Latvian Postal Service*) – the largest press distributor in Latvia – in January 2006, there were 616 621 press subscriptions, of which 38.12 % were subscriptions for magazines. Only about 445 000 press subscriptions were made in 2014, of which 61 % were subscriptions for magazines; in addition, 78 % of all subscriptions were taken out in rural areas, whereas Riga and the largest cities of Latvia experienced only 22 % of all press subscriptions (Latvijas Pasts). The circulation of a single publication of the three daily newspapers issued in Latvian has decreased from 141 200 copies in 2006 to 79 900 copies in 2012, whereas the number of Russian daily newspapers from four has come down to three, and the circulation of a single edition from 76.3 thousand copies in 2006 to 30 420 copies in 2012 (Gailīte et al 2007, Līce et al 2013).

Starting from 1 January 2012, Latvijas Pasts no longer delivers press on Saturdays, and the editorial offices of newspapers and the readers must adapt to this situation. People in rural areas receive daily newspapers with delays.

The data from TNS Latvia show that the availability of the **internet** has increased significantly during the report period. In the fall of 2005, 19 % of the population aged 15 to 74 had an internet connection at home, but already in 2006, internet availability in households had increased to 42 %, and in 2012, to 67 % and more (TNS Yearbook 2006, 2012/2013).

The biggest problem is accessibility to **television**. The exclusion of TV3 from the *Lattelecom* package (albeit for a short period) and the soon expected termination of the agreement with LNT (MTG) aggravate the issue of the rights of Latvian viewers to consume TV products made in Latvia and the guarantee that these rights be respected in a situation, when the economic interests of commercial channels and service providers clash. The problem of accessibility also arose due to the fact that on 1 June 2010, Latvia stopped analogue terrestrial broadcasting. As proven by data and journalistic research, people residing in the border area still live in the information space of Russia and Belarus, which is perceived as a social problem by most of these people. Nevertheless, it is a matter of national information security, and the state should be investing every effort to guarantee access to national broadcasting channels and programmes across the territory of Latvia.

Overall, the media structure ensures bilingual functioning of all channels and types of media. There are problems with regard to (1) the offer in other national minorities’ languages and guaranteeing quality news broadcasts about Latvia in Russian on public TV; (2) the provision of

national channel broadcasts across the territory of Latvia and for all groups of inhabitants; (3) cable operators offering balanced TV packages including original broadcasts and Latvian movies in the minimum offer.

Radio broadcasts show a better situation, although the radio channel Klasika is not available in equally good quality everywhere in Latvia. The availability of LR4, however, is best ensured for urbanites, who are the absolute majority of the audience for that channel.

Use

Access to media does not imply their use; as evidenced by studies, in the majority of cases people choose to consume the media they trust.

Daily newspaper consumption has decreased rapidly. In 2011, the readership of daily newspapers reached 24 % of the Latvian population aged 15 to 74 years, and this is a decrease by 23 % in comparison with 2005 (TNS Latvia 2006, 2012/2013). Magazines are still popular, especially lifestyle and women's weekly magazines *Ieva*, *Privātā Dzīve*, *Kas Jauns*. Upon comparing the circulation of these magazines with the circulation of the social political magazine *Ir* and the magazine for intellectuals *Rīgas Laiks*, it must be concluded that the consumption of quality press has decreased in Latvia.

Upon comparing radio channels, it is evident that the Latvian music channel LR2 still enjoys popularity, no changes are observed in the public radio audience: the channel still attracts relatively older audiences, whereas the share of viewers of the public channel LTV1 in overall TV viewership is decreasing. Among audiences of ethnic minorities, LTV is often described as a television for Latvians about Latvians in the Latvian language (Juzefovičs 2012, 35).

Use of the internet is still increasing, even among the older groups of the population. As evidenced by TNS data, the most frequent online activity in the spring of 2012 was browsing search engines. The second most popular activity online among the population of Latvia is reading online news portals. In the spring of 2012, browsing social networking sites moved up from fourth position to third (TNS Latvia 2012/2013).

As mentioned before, the use of media is related to trusting the media and also journalists, and this trust overall has decreased since 2006 (when trust in internet was first measured) (see Table 11.1).

Table 11.1. Trust of Latvian citizens in mass media

Year \ Mass media	Television	Radio	Press	Internet
2006	65	61	50	39
2013	60	61	46	46

Source: Eurobarometer 66, 2006; Eurobarometer 80, 2013.

It must be added that 24.1 % of the Latvian population does not trust any mass media, and they value their personal experience higher than any media source (DA 2014, Table G4). However, trust in mass media is considerably higher than in Latvian political parties, government and the Parliament.

Diversity and representation of opinions

In a study of representative political communication culture, which took place in eight countries of the European Union (EU) and in Switzerland and was published in 2014, it was pointed out that

three broad democratic ideals united by core values translate to three specific media functions in a democratic society: (1) the elite democratic model, where power is entrusted with the elite, but the most important function of media is transparency; (2) the electoral-representative model of a pluralistic democracy, which relates to group representation as the media function; (3) democracy preferring the participation ideal and in which the primary media function is enabling citizens (Håkansson, Mayerhöffer 2014, 128).

According to this division, the opinions of the population of Latvia were sought in a survey conducted by SKDS, asking the respondents to state how much they agree with these descriptions of the role of media. The results show that irrespective of nationality, language used at home, or citizenship status, the role of the media as the party explaining the elite's decisions is fully supported by 68.9 % of respondents, the representative model was supported by 42.3 % overall, but more (58,3 %) by people of other nationalities and those who are speaking Russian at home; and by people without Latvian citizenship (51,3 %). Only 39.8 % of the Latvian population fully agreed with the suggestion that the task of the media is to encourage the users' ability to participate in political processes in person; however, also in this case 8–10 % of other nationalities, Russian-speakers and non-citizens of Latvia gave an affirmative answer (DA 2014).

The pluralism of opinions in Latvian media is rather widespread, and it does not necessarily serve the purposes of democracy – it is often hostile towards the policy of the continuity of the state, contrary to the key foreign and internal affairs policy guidelines of the state and to the official discourse of the history of Latvia (recognition of the occupation and the continuity of the state). This is practically manifested as the spread of distrust in the EU and, in particular, in NATO, by means of provincial populism, a narrow understanding of Latvian national interests, and a rather overt anti-Americanism.

TV and radio

Since commercial television channels are also creating news programmes and their own original social political broadcasts, in general, this ensures the pluralism of opinions. In this respect, some concerns are raised in relation to the MTG group, which now owns several TV channels, and this means that they now are in a situation that is not far from a dominant position.

The public commission related to the introduction of new channel offers, as channel TV3 has left broadcasting, has not proven to be particularly successful, as one of the television channels is not receiving funding, and the ratings of the rest are low (NEMMC 2014).

The fact that a markedly commercial approach on the part of the cable operators is observed in preparing their packages of channels rather promotes the dominance of opinions instead of diversity, and this is also indicative of the lack of a national regulatory policy and indifference towards meeting the cultural needs of low-income viewership.

Among the public media, Latvijas Radio (*Latvian Radio*) is more successful, as it appeals to audiences speaking differing languages and to special target groups (Radio Klasika, LR2). LR4 in the Russian language is one of the positive examples in the sphere of public media confirming the ability of its creators to speak to its audiences. As regards the management of Latvian public television channels, the agenda includes ensuring constant broadcast times for the most important programmes, such as newscasts in Russian; promoting the creation of new original broadcast formats, as well as finding attractive and trust-building hosts and efforts to keep them on public television. The channel LTV7, offering sports broadcasts and interesting documentary programmes, deserves the most criticism for the fact that due to inconsistency of programmes it cannot attract permanent audiences that are loyal to the channel. Public TV channels must be more active in advertising in media consumed by audiences that are not yet the viewers of these channels.

Internet

Communication researchers have emphasised the positive impact of the internet on **the quality** of democracy, for instance, the potential for diversifying civil participation formats and promoting the civil participation of youth, fostering access to media content and diversifying interactivity possibilities are stressed (Dahlgren 2005; Coleman, Gotze 2001; Ostman 2012; Howard 2006).

When relating the quality of democracy to the level of awareness among citizens, one of the aspects is the increased amount of information originating from new media. However, this trend is not necessarily linked to increased awareness, as the increased quantity of information and the speed of information flow are linked to certain risks, which specifically affect the new media – this applies to distributing information that has not been verified (and is often false). The expansion of unverified and imprecise information in the public space can have several adverse effects, including a lack of trust in professional journalism, and this adversely affects democracy. Even though **reading the news** is one of the most popular online activities, the search for and consumption of news of primarily entertaining nature is not necessarily linked to positive effects as far as the quality of democracy is concerned. Furthermore, it must be taken into account that practically only commercial organisations are operating online and their primary aim is to earn profits.

Likewise, an important aspect is that **blogs** are not ranking highly among the most popular internet sites. A tendency can be observed in Latvia that blogs with the highest readership are blogs that are dedicated to a specific thematic niche and various lifestyle topics (such as technologies, cooking, fashion), but not to social political themes (Gemius blog ratings, see: www.audience.gemius.lv).

In regard to the potential of internet democratisation, the **aspect of interactivity** must be emphasised, as interactivity, in turn, leads to the potential for dialogue and conflict alike. In this sense, the growing popularity of social networking sites during the audit period must be emphasised. As proven by TNS data, browsing the contents of social networking sites is one of the most popular online activities. Even though in the international communication research environment this is a broadly discussed issue, there are currently no convincing data from studies conducted in Latvia about whether there are any democratic effects from social networking sites and what these might be.

The internet is a productive environment for the pluralism of opinions. This is especially stressed in the portal *ir.lv*. From the very start, it was positioned as ‘a terminal of communication’, the function of which is not merely journalism, but also ‘communication for the community’. One of the reasons for a different commenting culture on this portal (*ir.lv*) is the requirement to log in in order to leave comments. The *Delfi.lv* portal has also introduced the option of logging in; however, an absolute majority of comments are still left by unregistered users. Within the context of the democratic effect of the internet, anonymity is an important aspect because the boundaries of expression of the commentators are much more smudged if they do not need to disclose their identity. On the one hand, this can be a positive factor because it facilitates the freedom of speech, but on the other hand, it does not guarantee a democratic and rational discourse (Papacharissi 2002). This statement is linked to discussions on the boundaries of the freedom of speech – to whether the freedom of speech is absolute. The subject of discussions among researchers in this context is also what is known as ‘radical pluralism’ (Cammaerts 2009), which also includes the use of the internet for voicing extreme views and delivering hate speech; therefore, in fact, it is also effectuating the anti-democratic potential. Aggressiveness in online commentaries in Latvia is measured using the aggressiveness index developed by RSU researchers, and has led to the conclusion that the aggression intensity fluctuates and is mostly in response to certain news pieces, of which most are about politics or about the people related to politics (see RSU 2011; research conclusions have not yet been offered in academic publications).

The opinion voiced by the editor in chief I. Bērziņš of the Delfi portal serves as valuable grounds for critical arguments in discussions about the link between online commentaries and public opinion: '[...] At a time of scandalous court cases or political tensions, commentaries to news articles, which touch upon these processes, continue 'the debate' by involving users with internet connection addresses, which are registered to the name of public relations agencies that work with law offices representing the respective litigants, to the respective political party offices, or companies involved in the respective processes' (Bērziņš 2006, 222). He also points to another important fact, which enables the reassessment of the democratic potential of online commenting, namely, these commentaries are written only by a small percentage of readers. Moreover, a rather small share of users engages in further debate (Juzefovičs 2011, 37). There are also other aspects to be taken into account, such as that the possibilities offered by digital technologies do not guarantee mutual understanding between people or that opinions voiced virtually will have any impact or social value – rather a deceiving understanding can originate with regard to the actual impact of the opinion (Papacharissi 2002).

As regards the encouragement of civil activity in the digital environment, the initiative of the ManaBalss.lv portal deserves special mention. It enables the citizens to propose initiatives, and once these have obtained the support of at least 10 000 citizens, they can later be put to a vote in the Parliament.

Even though there have been other isolated seeds of civil activity, overall the effect of these activities has been short-lived.

Press

Journalists in interviews confirm the tendency of the printed press 'to turn yellow', as it is difficult to pay for quality and investigative journalism under crisis circumstances. Press journalists also recognise the tendency towards an increasing proportion of public relations material, commercialisation of press and the loss of quality (Šulmane 2011b, 29).

As a result of the change in ownership of the *Diena* newspaper, a high-quality liberal newspaper was practically destroyed, and this fact is lamented even by representatives of the direct competitors of the newspaper – *Latvijas Avīze* and *Neatkarīgā Rīta Avīze* (Šulmane 2011a). *Diena* has lost its reputation and clearly defined editorial values, as well as its role as the actor dictating the agenda to other media.

As has been confirmed on multiple occasions in interviews with Russian daily newspaper journalists, instead of well-reasoned analysis and criticism, now the newspaper shows uncritical support for political parties backed by these publications; during election campaigns, it offers the readers complimentary interviews with the supported parties' representatives, instead of an analysis of what has been achieved, or of programmes and promises. The journalists are, in fact, serving the parties (Šulmane 2010b, 43, 52).

To sum up the section on the diversity of opinions in the media and access to the media for various groups of society, it must be pointed out that freedom of speech in Latvia is often abused, by publishing insulting statements and allegations that incite hatred – 49.9 % of the surveyed inhabitants of Latvia agreed with this statement, and 16.4 % did not agree. To a certain extent, these data do contradict the high levels of trust as presented by the Latvian mass media. However, it is positive that 69.8 % are in favour of the mass media promoting the consolidation of shared democratic values in Latvia and in the EU, and only 6.6 % of the surveyed inhabitants of Latvia think the opposite. A similar situation is also observed in the matter of portraying all opinions within society, including those that are not acceptable by many. As much as 65.6 % of respondents admitted that this should be the task of the mass media, and only 7.4 % thought the opposite. These figures point to the willingness of the majority of Latvian inhabitants to make sure that democratic values and unacceptable opinions are protected and represented in tolerant forms. Survey data showing

that 74.4 % of Latvian inhabitants agree with the statement – to be able to find your way around social political processes, it is necessary to follow various sources of information – is indicative of the willingness to overcome the trend of political parallelism in the Latvian media system (DA 2014, Table G4).

Journalist education, self-regulation, the role of professional organisations, links to advertising and public relations

The quality of journalism can be increased via mechanisms of reporting and accountability, both external-formal, such as media laws, codes of ethics, and complaints from the public, and external-informal, such as public opinion, pressure groups, the media market, journalist education and media criticism, whereas internal reporting mechanisms include management control, editorial policy, research, journalist socialisation, peer assessment of colleagues and audience feedback (McQuail 2013, 161–163).

There are diverse education opportunities and competition between the higher education establishments offering training for communication specialists in journalism, public relations, and advertising, as well as in new professions. Moreover, from time to time, media players also announce courses, in which the participants can learn certain skills, for instance in radio-journalism. The disappearance of boundaries between professional journalism and the activities of users and citizens in the media can decrease the quality of journalism and its role in democratic discussion if the interviews or discussions are held by amateur journalists, who are in fact controlled by public relations professionals.

The unclear borders between **public relations and journalism** and the practically non-existent co-operation between professional organisations do not contribute to more trust in journalism, but decrease the performance of its democratic functions, as it generates grounds for doubting its professionalism. This is happening both in public and private television, as well as in the press. Ministry funds are allocated to creating materials in media about the work of the institutions – these are, essentially, public relations materials or advertising, but they are presented as journalism. Furthermore, municipal administrative resources are used, which, in addition to informing the people, also create an image of the respective authorities and their leaders in the newspapers. Therefore, for instance, we can mention the free bilingual newspaper of the Riga City Council, of which a large number of high-quality print copies have already been published. During the report period, the practice could be observed whereby political commentators in newspapers turn into public relations specialists or public television journalists switch these professions several times.

In recent years, **politicians working in journalism** and journalists in politics has become a regular practice. This practice is condemned mainly by representatives of Latvian newspapers and the journalists of the Telegraf; however, some staff members of Vesti Segodnja consider it an advantage (Šulmane 2011a). The laws allow these jobs to be combined for parliamentarians, but journalists do not eliminate this conflict of interest or the loss of professional identity, as it is not clearly prescribed in their codes of ethics. This is indicative of the weak self-regulation mechanisms in journalism, as journalists often become a part of the authorities and at the same time serve as a tool rather than a watchdog.

The field of **self-regulation** demonstrates the peculiarities of the divided media space in Latvia, as several relatively separate journalist communities are involved in self-regulation processes. Journalist surveys and interviews show that the Latvian Union of Journalists (LUJ) lacks authority, and the number of its members is insignificant. Some of the members of the LUJ, along with other peers, established an alternative professional organisation in the media environment – the Latvian Journalist Association (LJA), which, unlike the LUJ, is not registered as a trade union. The LJA also has a small number of members, and the establishment of the new organisation has not promoted

unity between Latvian and Russian journalists, as the proportion of members from among Russian media journalists in the LJA is very small.

One of the means of media self-regulation is the code of ethics. The LUJ code of ethics has not been updated since the time it was created in 1992, even though the media environment has changed. The members of the LJA are bound by the code of ethics of this organisation. The work of some media journalists (TV and press) is regulated by the codes of ethics and/or conduct of the respective media. These facts indicate that the journalists of Latvia cannot agree on the most general common criteria, which would be binding upon all professionals. Professional ethics is predominantly practiced in the form that is known as declarative ethics, which does not prescribe any specific sanction mechanisms, not to mention how these ethics are applied. During the report period, suggestions have been proposed in public discussions to establish the institution of a media ombudsman; however, no actual initiatives have followed these discussions.

Furthermore, interviews by press journalists have repeatedly shown that journalists have different professional values, which is also manifested in the form of disparate attitudes towards separating fact from opinion, as well as different understandings of the roles and functions of journalism (engaging in propaganda *versus* providing information and promoting discussion), and attitudes towards relations with media owners (maximum possible independence *versus* voicing the owners' interests) (Šulmane 2011a).

The laws governing the media, its use and accessibility, and its diversity, as in the previous audit, can, in general, be viewed as satisfactory, as some negative tendencies have not changed (e.g., being aware of a journalist's professional identity, self-regulation), and new negative features have emerged related to the reduced supply and demand of quality press; however, also positive tendencies can be observed, such as, the rapidly increasing availability and growing use of the internet. The function of the media as promoters of representation and participation still has fewer proponents than for that of the function of the media as an informer, mentor and mobiliser, which can be explained via the economic and political dependence of the media, the post-Soviet heritage, and the fragility of the democratic-political communication culture.

11.3. How effective are the media and other independent bodies in investigating government and powerful corporations?

It is possible that the fragmentation of the audience does not permit the sufficiently open proposition of certain requirements for journalism. This creates the impression that only cheap entertainment and sensational news are in demand, and these, along with the lack of responses to criticism on the part of the authorities, as well as the restricted time and financial resources, continue to delay the journalists' willingness and possibilities for engaging in investigative work.

The economic crisis adversely affected the content of the media, editorial boards lost experienced journalists, who left the editorial staff because of the 'in their opinion' reduced pay and increased workload. A study on how the largest Latvian and Russian newspapers depicted the economic crisis points to the insufficient investigative and analytical capacity of the media, which was evidenced by, for instance, a rather simplified approach, blaming only the politicians for the crisis, and passively reflecting the solutions proposed by politicians, which indicates that the media are not on top of specific events, without looking at the processes in a broader context (Dreijere 2013).

One of the most noteworthy examples of investigative and analytical journalism, on which the effectiveness of media is greatly dependent, in the investigation of the work of government and powerful corporations, is the Baltic investigative journalism centre established in 2011 – Re:Baltica, a non-profit organisation, which focuses on extensive research. Journalists from other Baltic States are also involved in some of its research. Media co-operation projects have also been implemented on the basis of Re:Baltica. For instance, by using the crowd-sourcing method, which means that

representatives from the general public are engaged in developing journalistic materials, mostly in the information gathering stage, shortcomings were found in the methodology of calculating heating costs.

The ability of the public television to analyse problems at various power levels has not been stable during the audit period. This also relates to changes in staff at LTV. However, the trends in 2014 show that the replacement of journalists at television channels may have brought about a positive result as well – more versatile content in the informative-analytical broadcast niche of public media and commercial television. Namely, alternative analytical broadcasts have been created at LTV. With the stabilisation of the current teams for the *Nekā Personīga* and *De Facto* programs, competition has been created between the informative-analytical Sunday night broadcasts, and this may also lead to positive pressure to improve the quality of their content.

Some studies that have brought about public responses have been conducted by the weekly magazine *Ir*, which in 2010 was established by a number of people who left the newspaper *Diena*. However, the fact that daily newspapers in Latvia, following changes in ownership, are not regularly conducting investigative work or serious analyses of social, economic and political processes, as well as the indiscriminate support of Russian newspapers for political parties that they are affiliated with, the weak effect of investigative material aimed at exposing (no response from the authorities), and the unsafe social and economic status of journalists, due to which the pressure of the owners restricts the possibility of voicing criticism, leads to recognising media effectiveness in the supervision of authorities as low.

11.4. How free are journalists from restrictive laws, harassment and intimidation?

During the report period, there have been discussions of several cases, which could be categorised as threats to the rights of journalists not to disclose their sources of information. One such example involved the illegal tapping of journalist I. Jaunalksne's telephone conversations. The European Court of Human Rights imposed the duty on Latvia to pay compensation of EUR 20 000 to journalist I. Nagla, because the journalist's freedom of speech and rights not to disclose source of information were violated during a search at her place of residence.

During the audit period, there has also been a physical assault on a journalist: journalist L. Jākobsons of the *kompromat.lv* portal was stabbed in the stairwell of his building; he had previously written about several scandalous facts, including publishing e-mail correspondence of the mayor of the City of Riga N. Ušakovs. Another method of exerting pressure on the media that has been used is to initiate court proceedings; for instance, within a period of four months, four claims have been raised against the journal *Ir*. A special case worthy of mention is the claim initiated by a member of the European Parliament against the former journalist of the newspaper *Diena*, G. Sloga: the politician addressed the court in a criminal proceeding with claims raised directly against the journalist, and he initially demanded compensation of half a million lats from the journalist for publishing information that was unpleasant for him. The journalist was acquitted at all court instances.

A positive feature observed during the audit period is the exclusion of Section 158 on defamation in the media from the Criminal Law (CrimL). This means that there are fewer possibilities of starting criminal proceedings against journalists for their professional work. CrimL, nevertheless, still contains one section on libel in the mass media; therefore, there still is one way of attempting to affect the professional work of journalists, by turning against them with criminal proceedings.

Changes in the ownership of daily newspapers in both languages led to financial problems (salaries not paid to journalists) and at times drastic layoffs of journalists or provocations resulting in resignations, thereby demonstrating the poor understanding of the owners about the role of the

journalist's persona and reputation in preserving the image, recognisability, and reliability of a newspaper, as well as sending a certain message to those that remained on staff.

As can be observed, the small media market is endangering the journalists' freedom because the threat of redundancy makes them especially dependent on the owners; furthermore, the extent and form of remuneration do not promote the social security of journalists. Even though the crisis, changes in media owners and political parallelism does not foster the independence and professionalism of journalists, the said changes in laws and the litigation outcomes in favour of journalists can be, in general, assessed as satisfactory.

11.5. How free are private citizens from intrusion and harassment by the media?

During the report period, there have been no controversial trials in Latvia, in which the media has been accused of violations of citizens' rights or freedoms, the illegal use of their personal data, or other violations related to the failure to observe human rights. This can be partially explained via the development of social media and the arrival of new information and communication technologies in the daily lives of people, since this opens up unprecedented opportunities for self-presentation and voicing one's own opinions. Another aspect, which cannot be assessed unequivocally, but is mostly related to the protection of personal and private life, is the comprehensive commercialisation of the media world and tabloidization of a major part of it. This is also fostered by the Latvian media market, and especially its Latvian counterparts, the small scale of the market, and the fierce competition for the attention of media consumers.

The situations where the media are intensively and persistently working to achieve negative publicity about certain individuals, most often officials, must be regarded slightly differently. A serious problem that the legislature should resolve is hate speech *ad hominem* in the commentaries of various internet media users, where usually the manifestations of poor culture are intertwined with radical political views. The problem should be resolved by imposing sanctions that are already provided for in the law, as well as by introducing relevant changes in laws and requesting that media owners and editors act consistently to restrict the activities of these media users. Since the media criticism is mostly aimed at those in power and there are no specific published cases known where citizens have complained about media harassment, the situation overall must be regarded as good.

Conclusions

The model of the Latvian media system can be described as a hybrid, which suffers from a lack of a dominant paradigm. The fact that a medium-term media policy has still not been developed, that the free market is primarily the regulating force and no support is given to professional competing and cultural publications, points to features of a *liberal model*. Weak media professionalization trends, activities of some pro-West media and attempts to consolidate public electronic media confirms the activities of the proponents of a *democratic corporate model*. However, *political parallelism* in the media environment and *the considerable impact of political public relations* on media content points to explicit features of a *polarised pluralistic model*.

The public space has seen a tendency, which shows that the differences in ideological and geopolitical orientations, social and historical memory, as well as value orientations are not only determined depending on ethnic affiliation. They are related to the West-East orientations, attitude towards Latvia as a nation state, the Soviet heritage and its post-Soviet legacy.

The audit data show that there is potentially a shift away from *the polarised elite democracy model* – which features a fragmentation of the political and business elite, and the relevant public

opinion and understanding of the media system functioning – in the direction of a *mixed representation and participatory model*.

Overall assessment: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
11.1.				X	
11.2.			X		
11.3.				X	
11.4.			X		
11.5.		X			

Best features

Opinions of the broadest variety are represented; however, mostly via internet media, user commentaries and social networks. Diversity in the field of electronic media has increased, possibly because the unification of abilities will result in better quality products.

In the sphere of public media, positive trends can be observed in the public media; however, public radio channels are still more successful.

The national development strategy for electronic mass media aims at creating a single, journalistically powerful public medium. There might be some economic gains from combining the resources; however, they cannot be extensive. The successful functioning of the radio is causing concern among the employees about the possible negative consequences of unification.

Most serious problems

1. Overlapping of political communication and journalism, as politicians and parliamentarians are working in journalism, and journalists become politicians. This points to the fact that instead of a journalist elite supervising the authorities, they are fusing with them or serving them. This tendency, as shown by the surveys, is accepted by the less active majority of society.
2. Changes in the ownership structure of the Latvian press and in its supply are narrowing the diversity of opinions and at the same time decreasing their representation; the internal and external diversity of Latvian daily newspapers, as well as their reputation and influence has dropped; whereas, upon the merger of two Russian daily newspapers, *Vesti segodnja* has become even more dominant, by preserving an explicit parallelism with the political parties that it supports.
3. Decreased diversity, influence and audiences for quality press, as well as the orientation of electronic media towards entertainment are raising concerns about the lack of quality social and political information; this can result in poorly informed and thoughtless voting in elections.
4. Increased influence of public relations professionals on journalism, use of local government administrative resources to influence the media and enhance their image.
5. The increased influence of private and state-controlled Russian media in the information space of Latvia.
6. Information retrieved from the internet (and especially twitter and social networks) often lacks analytical depth and reliable sources, collisions between opinions representing extreme opposites does not leave a forum for a rational, well-reasoned dialogue or deliberations. Hate speech and

informative noise reduces the possibility of rational discussion or analysis of problems and opposing views.

7. The costs of creating quality content under the circumstances of a small media market does not provide the active audiences with quality media content and investigative journalism.

Suggested improvements

1. To support local media competition by establishing regulation that governs the involvement of local governments in the media business.
2. To adopt regulation that governs consumer rights to choose the most suitable TV channels, minimum/maximum cable operator packages and their content in terms of diversity and price.
3. The structural unit of the Ministry of Culture dealing with the media policy should assume responsibility for ensuring the availability of radio and TV signals across Latvia and for ensuring the availability of alternative quality journalism Russian programmes/channels and active advertising in the relevant audiences. To envisage financing for the support of quality press publications.
4. To improve the public portal *lsm.lv*, by offering the opportunity to comment in several languages, create sections for programmes/news for national minorities, to activate viewer evaluations of programmes and hosts, to increase the visibility of the activity of the public advisory board of electronic media.
5. To promote ideas about the implementation of establishing a common multimedia platform for all Baltic States in Russian and English with specific projects to support the transfer of the Baltic States from national audio-visual media service markets to creating and distributing broadcasts on a common market, thereby facilitating the introduction of a single EU information space.
6. To promote the involvement of Latvia's Russian-speaking intellectual elite and organisations of national minorities and of their representatives in creating and distributing the content of public broadcasters, public media, by ensuring freedom of information, diversity of opinions and media pluralism.

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12. POLITICAL PARTICIPATION

Ivars Ijabs

How extensive is the participation of citizens in public life?

12.1. How extensive is the range of voluntary associations, citizen groups, social movements, and how independent are they from government?

Laws regulating the registration, administration and membership in voluntary organisations, non-governmental organisations and self-management organisations

Article 102 of the Constitution (*Satversme*) of Latvia guarantees the right to everybody to unite in societies, political parties and other public organisations. Article 108 of the Constitution establishes that the State protects the freedom of trade unions. These freedoms can be restricted only in cases provided by law to protect the rights of other individuals, to safeguard the democratic system of the country and public safety, welfare, and morality (Article 116 of the Constitution). Likewise, Latvia has joined a range of international instruments guaranteeing the right of association, such as the UN International Covenant on Civil and Political Rights (ANO 2003 (UN)).

The principal legal document governing the operations of non-governmental organisations (NGO) in Latvia is the Associations and Foundations Law (*Biedrību un nodibinājumu likums*) adopted in 2004. This document elaborately regulates the operations, registration, and economic activity of associations and foundations (or funds). The minimum number of people, who can establish an association in Latvia is two. Members of an association can be legal entities, and the association is managed by an executive body or the board. The foundation must have a certain amount of assets intended for achieving the set aim; it is administrated by the board. The registration of an NGO usually takes about two weeks and costs EUR 11.38.

Besides the Associations and Foundations Law, the legal regulation in Latvia also includes the Public Benefit Organisation Law, which establishes a special status for organisations operating to achieve objectives of public benefit (charity, human rights, education and art, etc.). The key benefits of this status are related to tax allowances when receiving donations; moreover, it is often a pre-requisite for attracting assets from EU funds. This status can be granted to associations and foundations, and about one tenth of public organisations registered in Latvia currently hold this status. A Public Benefit Committee approved by the Cabinet of Ministers decides on granting and removing the status of public benefit; the Committee is made up of an equal number of representatives from public administration and the NGO sector. Lately, some NGO representatives have been showing discontent with the lack of clear guidelines for granting the status, and as a result, sports organisations are clearly the most numerous among the registered public benefit organisations.

Besides the aforementioned laws, a range of other regulatory enactments affect the work of the public organisations of Latvia, including the Accounting Law, Freedom of Information Law, taxation laws and others. Specific laws and particular articles regulate the work of certain types of associations; for instance, the Law on Trade Unions, Medical Treatment Law, Advocacy Law of the Republic of Latvia, Law on Religious Organisations, etc.

In regard to the most significant changes in recent years in the NGO legal framework, the amendments to the Associations and Foundations Law adopted by the Saeima in 2011 must be commended. These amendments simplify accounting procedures for associations and foundations whose revenues from economic activities do not exceed LVL 25 000. These organisations are allowed to implement the single-entry bookkeeping system. In 2013, the said amount was increased to EUR 40 000.

Number of public organisations, areas of operations, and prevalence

Since the publishing of the last audit (Rozenvalds 2005), the number of public organisations registered in Latvia has significantly increased. In September 2004, there were 8 232 organisations registered in Latvia (Miezaine, Šimane 2005), but over the following ten years, the number more than doubled, with 18 707 associations and foundations registered as of 24 May 2014. Over the last five years, the average number of newly established public organisations per year was about 1 600, peaking in 2011, when 1 739 new organisations were registered. The dissolution of associations is occurring at a slower rate: over this period, around 80 associations were dissolved each year. A bigger wave of dissolving associations was observed in 2007, when 2 544 organisations were dissolved. This is explained by the fact that the registration renewal period was drawing to an end (the period started in 2004 along with the adoption of the Associations and Foundations Law) (Lursoft 2014).

As we will see, the dynamics of the growing number of organisations is, unfortunately, not representative of an increase in the number of active population. Accordingly, it is only logical to ask how many of these organisations are active and how many are merely empty shells existing only on paper. It is impossible to answer this question with absolute certainty. However, the approximate proportion of shell organisations can be guessed from annual reports filed at the State Revenue Service (SRS), because the fact that they are filed points to at least a minimum level of mobilisation of the organisation. According to SRS data, annual reports for 2012 were filed by 14 138 organisations or 78 % of the total number of registered organisations. This allows us to make a cautious assumption that the number of shell organisations does not exceed one quarter of all registered organisations (Šimanska etc. 2013, 48).

If we consider the NGOs of Latvia from a regional viewpoint, a rather marked disproportion between various regions of Latvia is observed. About 60 % of NGOs are registered in Riga or in the region of Riga, and among other cities of Latvia, Liepaja (5 %), Daugavpils (2.5 %) and Jelgava (2 %) stand out. The average density of NGOs per 1 000 inhabitants is the highest in Riga, and the lowest in the Zemgale region.

No comprehensive data are available about the division of NGOs in Latvia in areas of activities/interests. According to *Lursoft* data for 2011, 39 % of NGOs in Latvia are operating in culture and sports, 21 % in development and management, 11 % in the sphere of legislation, promotion of interests, and politics, 10 % are entrepreneurial and professional associations, 5 % are working in education and research, and the number of associations is smaller in the spheres of social services, philanthropy, health, spirituality, religion and others (Šimanska 2012). The lack of uniform methodology and a system of categorisation in studies conducted up to now makes it extremely difficult to analyse the spheres of activities of Latvian NGOs, because trade unions, religious organisations and farmers' interest groups might or might not be considered NGOs (Rūse 2012).

The number of organisations, which has rapidly grown over the last decade, is in stark contrast with the opposite tendency of the people participating in organisations of various types – trade unions, professional and religious organisations, women's movements, sports and health protection associations. Most of the abovementioned organisations have become less popular among the inhabitants. Furthermore, the proportion of people not participating in any of these organisations has increased from 61.9 % in 2004 to 71.7 % in 2013. This strongly suggests the conclusion that most organisations have a rather small number of members, many of the socially engaged people are members of several organisations, and these organisations do not prioritise increasing the number of members.

Table 12.1. In the activities of which of the following organisations are you engaged or a member?

	2004	2008	2014
Religious and church organisations, congregations	10.3	8.8	7.6
Trade unions	6.9	9.6	6.9
Political parties and groups	1.4	1.2	1.5
Sport, recreation organisations and clubs	7.4	6.1	7.2
Amateur artistic groups (choir, theatre, folk and ballroom dancing, rock band or other)	8.3	7.7	4.3
Youth clubs, organisations, student corporations	4.6	2.8	1.5
Professional unions, associations	3.3	3.4	25
Senior citizens' organisations			1.3
Environmental protection organisations	1.0	1.4	1.6
Women's movements	1.4	1.5	1.2
Non-governmental organisations offering help to improve the level of welfare of the poor and socially vulnerable groups	2.5	0.9	0.6
Non-governmental organisations participating in resolving domestic problems at home	2.1	0.6	1.1
Non-governmental organisations participating in resolving human rights problems	1.1	0.5	0.4
Volunteer health promotion associations	0.7	1.1	0.9
Ethnic minorities' organisations	1.1	0.7	0.3
Other organisations, incl. informal	0.2	0.5	1.1
Not participating in any organisations	61.9	65.8	71.7

Source: Rozenvalds 2005, p. 227, Tab. 21; TAP (Human Development Report) 2009; TAP 2013.

As the variations of responses in most of the abovementioned organisations are within statistical error, it would be premature to speak of a significant decrease in participation in Latvian NGOs. We can rather speak of stability or stagnation with regard to the level of civic participation. At the same time, previous optimistic expectations of the expert community, linking the quality of democracy in Latvia to the increasing participation in NGOs, have turned out to be false.

Dependence on domestic and/or international funders

Non-governmental organisations and foundations are essentially non-profit organisations, and gaining material benefits should not be their primary task. However, it is clear that in order to function, any organisation needs funds – to cover the rent of premises and office equipment and to pay the hired employees. In Latvia, NGOs have access to a range of funding sources, and they are being used in different proportions.

Firstly, NGOs can use internal resources – membership fees and donations from their members. However, in most cases, active NGOs are also using other sources of funding. They attract private and corporate donations, receive earmarked state and local government subsidies, participate in project tenders, as well as deal with entrepreneurship. Overall, over the last five years, the structure of the income of NGOs has changed: the role of revenues from economic operations has become

more important, while the contribution of membership fees and other annual payments to the NGO budget has decreased. The total NGO income in 2012 was 232 million lats or on average 14 677 lats per organisation. Of these, the income of public benefit organisations accounted for 102 million lats. Overall, the NGO sector is experiencing an increase of income annually, which can at least be partially explained by the increased number of organisations (Šimanska et al 2013).

A relatively vast range of public funding is available for NGOs in Latvia, including state and local government funds, European Economic Area (EEA) instruments and EU funds. In Latvia, NGOs have a number of options for obtaining state and local government funding. Earmarked state and local government subsidies (include also the attracted financing from EU funds) are among the most frequently used sources of obtaining funds. According to the data at the disposal of the association 'Latvijas Pilsoniskā alianse' (Civic Alliance – Latvia), in 2012, 17 % of the total Latvian NGO budget was made up of earmarked state and local government subsidies; 41 % was income from economic activity, 5 % donations and gifts; 1 % consisted of membership fees and other annual contributions; while 36 % was other income. As much as 73 % of organisations, which have used any external funding, have used earmarked local government subsidies; 29 % consider this a rather easy way of attracting funds. Furthermore, 66 % of the said organisations have attracted funds from local government project tenders, and 33 % consider this a rather easy way of attracting funds. The process of obtaining earmarked subsidies from the centralised state apparatus has been more complicated. Only 33 % of organisations using external financing have these types of funds, and only 4 % consider it an easy way of attracting funds. The situation is better in the case of tenders organised by ministries and EU funds, within the framework of which funds have been attracted by 63 % of organisations, of which 20 % consider it an easy way of attracting funds (BISS 2012, 64 (Baltic Institute of Social Sciences)). Overall, it cannot be claimed that the Latvian NGOs were financially dependent on state or local government funding. Besides attracting the said funds, NGOs gladly accept donations from private companies and individual members, as well as engage in economic activities.

Organisations can obtain state delegation for the performance of certain functions, as stipulated in the laws or in a government decision, and receive remuneration from the budget for performing those functions. For instance, the Student Union of Latvia has received such a delegation with regard to representing the interests of students at the Council of Higher Education and elsewhere; another example is the association *Brāļu kapu komiteja* (War Grave Committee), to which the Ministry of Defence has delegated certain functions. The State can also establish earmarked subsidies and subsidies for organisations, the operations of which in the representation of the respective sector is recognised as important; for example, the Ministry of Agriculture is extensively engaged in funding farmers' NGOs. Likewise, a State can organise procurement tenders for the provision of certain services.

Local governments also play an important role in funding NGOs. The work of local governments is closer to the needs of specific individuals and a particular place; therefore, local governments are often the most important co-operation partner of an organisation, and sometimes they also get involved in the establishment of NGOs in spheres like education and culture, social care, child protection, sports, environment, among others. In regard to local government funding, it must be pointed out that the support is often provided with specific resources, such as rent of premises, payment of public utilities services. At the same time, local governments are also organising their own project competitions with the objective of improving quality of life for their inhabitants.

This does not necessarily mean that there are no problems with the role of the State in the funding of NGOs. Even though some ministries are providing funds to NGOs in their respective sectors, there are, however, no uniform principles for how the available funding is distributed. Likewise, NGO activists often feel confused about the distribution of support provided by some state enterprises (for instance, the SJSC 'Latvijas valsts meži'), when considerable funds are donated to the Latvian Olympic Committee. The 'democratic' quote system is no less problematic; within the system, members of the Saeima, upon adopting the annual state budget law, provide support via the relevant line ministries to NGOs representing a certain sector. Even though the wish of

the parliamentarians to strengthen the operations of specific public organisations as such should be viewed positively; nevertheless, here we cannot talk of equal opportunities or a transparent procedure of granting the funding.

Traditionally, Latvian NGOs have received significant financial support from international sources. In recent years, activities within projects of the European Social Fund have played a particularly important role in strengthening the administrative capacity of non-governmental organisations and social partners over the period from 2007 to 2013. From 2012 to 2014, the ‘NGO fund’ created within the framework of the EEA financial instrument has been operating to provide support to activities of democratic development, fostering participation, eliminating discrimination and other activities. Both of these programmes were managed by the Society Integration Foundation. Several Latvian NGOs have gotten involved in international co-operation networks in the relevant sector, and these networks open up options of collective funding attraction at European and global level. Apart from these sources of funding, Latvian NGOs have access to a range of other public and private foundations.

In the 2012 the USAID Civil Society Sustainability Index states that, apart from the public image, the financial sustainability of NGOs poses an important problem for the future of the sector (USAID 2012). This is linked to the inconsistent state policy concerning NGOs, which results in the overall lack of NGO sustainability, inability to accumulate competence and fully protect their interests. Public funding for NGOs greatly depends on foreign (EU ESF, EEA) programmes, which run until 2013 (ESF) and 2014 (NGO fund). This significantly endangers further development of the sector.

Considering the overall development of the NGO sector, the situation can be assessed as *satisfactory*.

12.2. How extensive is citizen participation in voluntary associations, self-management organizations, and non-governmental organisations and in other voluntary public activity?

Voluntary citizen participation in public life: trends

A range of studies have previously found that in terms of voluntary participation, the people of Latvia are relatively passive. Therefore, for instance, the Eurobarometer data show that Latvia is below the EU average in terms of volunteering (Eurobarometer 2011). On average, only about one quarter of Latvian inhabitants have been involved in voluntary work. In a study ordered by the Ministry of Education and Science on volunteering opportunities in Latvia, in 2011, 25 % of respondents said they had done some volunteering work; in 2013, 28 % of respondents had done volunteering work. Of the types of indicated volunteer work, the most popular were participation in environmental protection and cleaning measures (mostly during the annual clean-up, 55 %), organisation of culture and arts events (29 %), and in educational events (27 %). A typical volunteer in Latvia is either a young person (18–24 y. o.) or pre-retirement or retired person (55 years and older). The most frequently mentioned reasons for why people choose not to volunteer are: ‘I have a job’ (41 %) and ‘I have no/little time’ (35 %). The value of volunteering, by applying the cost replacement method, is estimated at about 83 million lats per year (APSL 2011). Overall, it could be assumed that activity in the area of volunteering might increase as generations are replaced, when the youth, who have acquired volunteering skills early on, will replace the middle generation, which does not have such skills. Simultaneously, the popularity of volunteering is affected by several other factors, such as tradition and prestige, as well as the relatively long duration of work-time and low productivity during that time, which leaves little time for volunteering.

When considering other ways for how the people of Latvia are voluntarily getting involved in public life, stark differences can be observed between forms of institutionalised participation

and social solidarity demonstrated individually. Thus, for instance, in a survey of 2013, 58.2 % of the Latvian population stated that they had donated to charity (TAP survey, C6.11 (Human Development Report)). This is also confirmed by a range of organisations collecting donations and supporting various underprivileged social groups. The most popular of such organisations is *ziedot.lv*, which is implementing a range of various charity projects, ‘Gaišie spārni’, who are taking care of children from poor families, ‘Paēdušai Latvijai’, which is providing poor families and senior citizens with food packages, the charity organisation ‘Varonis’ etc. Various religious organisations are also successfully working with collecting funds.

The significant number of donors and the donated amounts are indicative of a considerable presence of social solidarity. At the same time, social participation in Latvia, which mostly takes place in a private and non-governmental format, is separated from political participation. If we compare the processes in Latvia and in other EU countries, then it is undoubtedly clear that the people of Latvia are alienated from the State and are rather inactive in terms of political participation. The Eurobarometer survey of 2013 shows that the inhabitants of Latvia are among the most passive in Europe in terms of civil participation.

Table 12.2. Political participations of the inhabitants of Latvia

Over the period of the last two years, have you...	In Latvia (%)	EU-27 average (%)
...signed a petition (online or in paper format)?	17	34
...voiced your opinion on socially important matters online or in social media?	27	28
...voiced your opinion on socially important matters to an elected official at a local or regional level?	14	24
Do you agree with this statement: Voting in local/regional elections is an effective way of influencing political decisions.	59	73
Do you agree with this statement: Voting in national level elections is an effective way of influencing political decisions.	54	70
Do you agree with this statement: Voting in the European Parliament elections is an effective way of influencing political decisions.	32	54
Do you agree with this statement: NGOs are an effective way of influencing political decisions.	36	54

Source: Flash Eurobarometer 373 (2013).

These figures show the relative passivity and scepticism of Latvian citizens regarding their political influence. People sense the link and feel more capable of influencing the power at local government level; this sense of capability is lower at the national – Saeima and government level – and the same applies to participation in the European Parliament elections. Furthermore, only one third of the inhabitants of Latvia consider the work of NGOs as an effective way of influencing policy.

Increasing inactivity is also reflected in some, though not all, parameters of participation in elections. Over the last decade, decreased participation has been observed in local government elections (in 2005, 51.85 %, in 2013, 45.99 %) and in European Parliament elections (in 2004, 41.34 %, in 2014, 30 %). The turnout in the Saeima election has stabilised at around 60 % (in the elections of the 9th Saeima in 2006, it was 60.98 %; the 10th Saeima elections in 2010, 63.12 %; the 11th Saeima elections in 2011, 59.45 %). Nevertheless, these figures must be interpreted critically, bearing in mind the vast emigration of Latvian citizens – these processes particularly intensified along with the onset of the economic crisis in 2008/2009. In regard to the people’s attitude towards

types of conventional participation, we can speak of definite stability or stagnation. The number of people participating in the life of political parties has also remained practically unchanged. In the last decade, various surveys have shown that a small number – around 1.2–1.5 % – of inhabitants are political party members.

Since 2007, Latvia has seen an increasing interest in various forms of direct democracy – referenda, citizen initiatives, collecting signatures, dismissing public officials. Possibly, the main reason behind this tendency is public discontent with the functioning of the representative democracy and the wish to ‘compensate’ for it in a peculiar way, by employing instruments of direct democracy. In general, contradictory tendencies can be observed in this process over the course of this period – on the one hand, there is the will of the political elite to expand the possibilities of direct participation, in order to promote their own legitimacy; on the other hand, there is the tendency of narrowing these opportunities, to prevent them being used for potentially destructive purposes. The turning point in this sense was the referendum of February 2012 about Russian as the second official language, which set off alarms for many members of the Latvian political elite in regard to these types of possibilities offered by direct democracy.

The Constitution of the Republic of Latvia from the outset has provided for relatively broad opportunities of direct participation. Moreover, some of them, such as citizen initiatives with the mandatory subsequent referendum (Article 78–79 of the Constitution), at the European level are nearly unique. It must be pointed out that before 2007, these instruments were used relatively rarely. The year 2007 brought some changes, when the President of the State Vaira Vīķe-Freiberga proclaimed a referendum under Article 72 of the Constitution regarding amendments adopted by the Saeima in the legislation on national security agencies, which prescribed to considerably increase the role of politicians in the control of special services, and which, according to the opinion of the President of the State, caused significant threats to national security (CVK (Central Election Committee) 2007). The following fact is also of importance: even though the Saeima had essentially already repealed the laws, 23 % of the citizens of Latvia still participated in the referendum, thereby demonstrating a symbolic protest against the actions of the political elite. In 2008, two new signature collection initiatives took place with the objective of introducing amendments to the Constitution to envisage the rights to the people to dismiss the Saeima, as well as to introduce amendments to the pension legislation. The former draft law was initiated by the Free Trade Union Confederation of Latvia with informal support from opposition parties, whereas the latter, by the Latvian Pensioners’ and Senior Citizens’ Party (*Latvijas Pensionāru un senioru partija*) in co-operation with the ‘Society for different politics and the rule of law’ created predominantly by the former members of the People’s Party (*Tautas partija*). Even though in none of these cases was the necessary quorum reached, referenda during this period caused broad public response and later became an important reasoning used in political battles.

In early 2009, the only mass riots in the last decade took place in Riga Old town; they were caused by the inadequate response of the government to the economic crisis and in particular the collapse of *Parex* bank and the government bailing it out. As a result of these riots, the President of the State gave an unofficial ultimatum to the Saeima, threatening it with dismissal. One of the items of the ultimatum was the demand to supplement the Constitution with the rights of the citizens to initiate the dismissal of the Saeima – rights which had not been passed by referendum. This was done on 8 April 2009, although, setting a rather high quorum for this kind of referendum (at least 2/3 of the participants of the last Saeima elections voting in favour), as well as restrictions as to the time before and after parliamentary elections, when the referendum can take place. The adopted provision (Article 14 of the Constitution) is in a way unique among modern-day political systems, by entitling one tenth of the citizens to initiate a referendum on the dismissal of the parliament in the middle of the electoral cycle. The adoption of this provision in 2009 was undoubtedly fostered by the public wish to control the politicians and further subject them to the influence of public opinion, as well as by a severe lack of legitimacy of the political elite (which accepted this idea without much discussion).

Citizen initiatives and demands following the referenda over the following years gained even more popularity. In 2010, the Latvian radical political party 'All For Latvia!' (*Visu Latvijai!*) initiated a collection of signatures for the liquidation of Russian schools. This initiative did not succeed, but retaliation followed from the Russian-speaking extremist group led by Vladimirs Lindermans and Jevgeņijs Osipovs, and they managed to initiate a referendum on amendments to the Constitution, which would make the Russian language the second state language in Latvia. The referendum took place on 18 February 2012. Taking into account the importance of the language issue across all ethnic groups in Latvia, as well as the fact that 'the said initiative was supported by the most popular Russian-speaking party 'Harmony Centre' (*Saskaņas centrs*), the turnout for this referendum was the third largest since the restoration of independence with 71.13 % of voters participating (CVK 2012) (Referendum of 18 February 2012 on the draft law 'Amendments to the Constitution of the Republic of Latvia', <http://cvk.lv/pub/public/30256.html>).

This referendum generated widespread concerns about the potential for citizens to manipulate the constitutional bedrock of the State of Latvia through instruments of direct democracy (especially in the ethnically divided society of Latvia). Even before the referendum, the State President's Commission of Constitutional Law (CCL) proposed an Opinion, which focused on the attempt to define the unchangeable core of the Constitution (see KTK 2012 (Commission of Constitutional Law), which could not be changed with a referendum. The ideas proposed in this document were enshrined in the Preamble of the Constitution adopted in 2014. Likewise, without emphasising it formally, the said referendum served as a trigger for introducing a range of amendments to the laws governing the initiation and process of referenda. On the one hand, on 8 November 2012, despite protests by various activists and by a part of the politicians, the Saeima adopted amendments to the Law on National Referendums, Legislative Initiatives, and European citizens' initiative, prescribing that the initial signature collection phase for the citizens' initiative now be cancelled. Before, it was necessary to collect merely 10 000 notarially certified signatures, and then the duty of collecting signatures had to be assumed by the Central Election Committee; after the amendments entered into force, 30 000 signatures are necessary to this end, and as from 1 January 2015, the Central Election Committee (CEC) is fully released from the duty to collect signatures in citizen initiatives; however, an option of electronic signature collection is provided for.

The question of whether such legislative amendments infringe the democratic principles is theoretically rather complicated. In any case, the Constitutional Court of the Republic of Latvia has ruled that the said amendments are consistent with the Constitution (see LR ST 2013 (Constitutional Court of the Republic of Latvia). The fact that since the said amendments entered into force (11 December 2012), the CEC has received applications for signature collection from nine initiative groups indirectly points to the fact that the impact of the aforementioned amendments on citizen participation in initiating laws might not be expressly negative. Instead, this points to an increased popularity of initiatives rather than to the existence of significant encumbrances (see: CVK 2013).

However, by restricting the institutional support of the state in organising national (and in particular, constitutional) level referenda, the legislature has made steps towards organising lower level voting and signature collection. Thus, for instance, on 19 January 2012, the Saeima adopted amendments to its Rules of Procedure. These amendments provide that 10 thousand citizens of Latvia, aged at least 16 years, are entitled to address the Saeima with a collective petition that the Saeima must review. This initiative also provides for the option of submitting a signature electronically. The public initiatives platform *manabalss.lv* established back in mid-2011 played a crucial role in promoting this initiative; more than 50 initiatives have already been applied for on the platform since it was established. Following lengthy discussions, the Saeima adopted these amendments to the Rules of Procedure, moreover, by doubling the number of the necessary signatures from the original five thousand to ten thousand. As of May 2014, 13 initiatives had collected the set amount of signatures. The fate of these initiatives differed after they were submitted to the Saeima. We can see that the participation platform itself has served as a positive stimulus to engage the citizens in

determining the political agenda, by bypassing the complex and categorical (yes/no) referendum mechanism.

Overall, it must be pointed out that the various political participation opportunities online are gaining ground, especially among the younger generation of the Latvian population. Political discussion groups are formed in social networking sites and around the websites of parties; politicians are using *twitter*, *facebook*, *instagram* and other communication platforms to communicate with their electorate with increasing frequency. Primarily under the guardianship of the centre for public policy *Providus* and the Society for Transparency 'Delna', attempts have been made to create innovative models for the direct communication of politicians with the electorate online – these include the communication platform for members of the Saeima *gudrasgalvas.lv*, the platform for assessing the reputation of election candidates *kandidatiuzdelnas.lv* and the political discussion platform *manavalsts.lv*. Even though the effectiveness and political neutrality of these initiatives has often been questioned, they still outline evident attempts to increase political participation.

Factors influencing participation in public life

There are very many factors affecting participation in public life, and here we cannot even give a summary of these factors. The most important participation factors expressly manifested in Latvia over the last five years are stressed here. The economic crisis has played a significant role in people's public activities. Its impact has been twofold – simultaneously positive and negative. Within studies of human security conducted in 2012, many respondents pointed to an increasing tendency to associate, which was caused by the economic instability, loss of job and income. Bearing in mind that the ability of the State to resolve people's day-to-day problems is decreasing, the need for self-management in people is increasing significantly. The following are the opinions of some respondents.

Romāns, employed, Russian-speaker, Riga. Mid-range self-management groups that are higher than the family but lower than the State are emerging. Social networks of this type are emerging.

Vera, employed, Russian-speaker, Daugavpils. It is very important to find something to occupy yourself with, even if you are not officially employed. Not a long time ago, we established an organisation for this – a volunteer movement. If you are out of work, it is better not to stay at home. It is better to be involved even if you are not getting paid for it. Somebody might take notice of you, or something of the sort.

Andis, employed, Latvian, Riga. We need to engage as many people as possible; I am speaking to my neighbours – intentionally and purposefully. The main thing is not to be indifferent. If you rely on the idea that there will be somebody, who will help you, it is one of the ways of managing fear. The people of Latvia harbour excessively high expectations towards the State where there should be no expectations at all. And where there should be, there is no response whatsoever. An example: the tax policy and distribution of the burden. And how does a post-Soviet individual react? They do not go out on the streets and protest, but instead avoid the situation altogether by evading taxes. This is a typical situation, which in a long-term will be causing problems. This is our Soviet legacy – muffling any initiative. A global approach would be to teach initiative, to teach people what they can expect from the State (Ijabs, Reinholde, Ozoliņa 2012).

Along with the economic crisis, emigration must be recognised as an ever-growing problem: a considerable number of civically active people simply leave the country instead of establishing lasting ties with the local community.

Since this chapter is dedicated specifically to forms of political participation, particular attention must be paid to attitudes towards the State and its institutions. It is that attitude, which determines whether people will want to get involved in political life and whether they will feel that it makes sense to participate in political activities.

Table 12.3. Attitudes towards the State and political participation

Agree with the statement	2004	2014
Overall, the government is taking into account public opinion	31.7	17.0
People, who assume important public posts, usually are thinking of their own rather than the public good	87.8	81.2
Some strong leaders will do more for the good of our country than all laws and negotiations	58.5	60.7
Do you think that you would be able to do something if the government made decisions inconsistent with the public interests? (definitely would be able + maybe would be able)	26.1	21.5
Do you think that you would be able to do something if local government institutions made decisions inconsistent with the public interests? (definitely would be able + maybe would be able)	40.7	29.4

Source: Rozenvalds 2005, p. 223, Tab. 16.1, 16.2, 16.3; p. 226, Tab. 19, 20; DA 2014 (Audit of Democracy).

From these attitudes, we can perceive a growing alienation of the public away from the State, a consistently high support for authoritarian alternatives, as well as growing uncertainty of the public's own abilities to influence political processes. Despite the activities of individuals and many non-governmental organisations, the public activity of the inhabitants of Latvia is not channelled into the work of democratic institutions. These institutions are often perceived as alien, imposed from the outside, untrustworthy and ineffective. In this case too, the recently announced forecasts on inevitable consolidation of democratic institutions and increased legitimacy have not proven to be correct. From the viewpoint of political participation, a range of indicators rather shows the opposite tendency.

Taking into account the aforementioned, the situation with regard to civil participation in volunteering, self-management and non-governmental organisations, as well as in other volunteering work over the last five years can be regarded as **poor**.

12.3. How far do women participate in political life and public office at all levels?

Gender equality in political life and public office at all levels

From the viewpoint of political participation, the disproportion is not as marked in Latvia as it is in some other countries, where a strong prevalence of men is observed in politics. However, Latvia too has certain problems with regard to the public understanding of gender equality – in the public opinion, politics is still perceived as a markedly masculine occupation. This is also reflected in the attitude towards female politicians, who often have to jump through much higher hoops than male politicians. It is not possible to speak of a single, clearly manifested tendency with regard to the attitude of the Latvian political environment towards gender equality. Nevertheless, slightly simplifying the issue, it could be worded as follows. Women in Latvia are not prohibited from assuming *governance functions and responsibility*; however, widespread representation of women in the most important *decision-making* bodies is regarded as undesirable. This especially applies to political parties, in which the representation of women is very small. The European Institute of Gender Equality (EIGE) in the report published in 2013 points out that a peculiar situation can be observed in Latvia in terms of female influence: the index of female political influence in Latvia is considerably lower than the EU average (38.9 and 49.9 respectively), whereas in terms of economic influence, it is considerably higher than the average (38.3 and 29.0 respectively) (EIGE 2013 (European Institute of Gender Equality)).

Latvia is among the few EU countries, in which female and male representation in the parliament and in local governments is not governed by any quotas, whether legally stipulated or voluntarily accepted by political parties. It is one of the reasons why we cannot speak of significant improvements in this sphere. The proportion of women in the Saeima of Latvia among the elected parliamentarians remains constant – already starting with the 7th Saeima, on average 18–22 % of the parliamentarians are women. At the local government level, the situation is closer to equal gender representation: in the election of 2013, 31.3 % of parliamentarians are women. At the same time, it must be pointed out that this tendency is more prevalent in the regions, and less in cities under state jurisdiction, where the female proportion in councils is rarely higher than 20 %. A marked exception from this tendency is the city of Jūrmala, where the proportion of women in the City Council is at 53 %. However, there are no chairwomen in any of the councils of cities under state jurisdiction (LR LM 2013, 6 (Ministry of Welfare of the Republic of Latvia)).

Nevertheless, in the medium-term, the situation of gender equality in some administrative institutions has developed positively. Female representation has gradually increased in the executive branch. In the 1990s, most governments did not have any women ministers, whereas in the government approved in January 2014, five out of 14 ministers are women, in the posts of the prime minister, minister for culture, minister for health, minister for justice, and the minister for education and science. Statistics show that female representation in the governments of Latvia overall has been increasing over the last decade, though not in a linear progression. It is indicative of that gender equality considerations are not set as a priority in the process of shaping governments. Most likely, gender considerations do not dominate the division of spheres of the responsibility of ministers. In general, a certain tendency of traditionally ‘feminine’ ministries can be observed – most explicitly in the sphere of culture, but also welfare; over the last decade, these ministries in seven governments have been led almost exclusively by women. However, female ministers in Latvia have been in charge of defence, internal affairs and agriculture as well.

A less positive situation in regard to gender equality is observed in the boards of the leading political parties. A relative exception from this tendency is the Unity Party (*Vienotība*), in whose board seven out of 15 members are women; furthermore, the party leader is a woman (Solvita Āboltiņa). The board of the National Alliance (*Nacionālā apvienība*) has 14 members, of which only two are women, whereas there are no women in the boards of Harmony Centre and the Union of Greens and Farmers (*Zaļo un Zemnieku savienība*).

A different situation is observed in civil service. Overall, there is a high proportion of women in the civil service of Latvia compared to the EU average, and this is particularly marked in the lower level positions of the civil service. Out of 13 positions of state secretaries, five (or 38.5 %) are filled by women, whereas in the category ‘specialists’, out of 8 847 positions 6 862 or 78 % are filled by women. The feminisation of the civil service is obviously not only linked to the attitude towards women in public administration, but also to other factors, such as payment, which was significantly reduced due to the crisis.

The attitude of the political elite towards the participation of women in a democratic society is rooted in the public perception. Even though it would be wrong to view Latvian society as highly patriarchal; nevertheless, the view of strictly separated social roles for women and men is clearly perceptible. In the survey conducted in the fall of 2013, 82 % of respondents answered that the professions ‘a politician’, ‘a minister’ and ‘a civil servant’ are equally suitable for both men and women. At the same time, when asked about professions that are suitable specifically for women, only 1 % said ‘a politician’, whereas, when asked to determine most suitable male professions, 17 % named ‘a politician’. Likewise, 20 % of respondents from both gender groups agreed that men are better politicians than women. Men are more sceptical than women with regard to female participation in politics: 29 % of men and 12 % of women respondents agreed to the statement ‘a job, where important decisions must be made, is more suitable for men’, and 43 % of men and 19 % of women respondents agreed with the statement ‘in a senior level position a woman loses her femininity’ (GfK 2013). A similarly patriarchal attitude among the elite, possibly, serves as a

reason for not reforming the currently undeniably male-dominated political structures to achieve increased gender equality. To sum up, it must be pointed out that these patriarchal attitudes remain alongside relatively egalitarian and modern attitudes in other social spheres. For instance, women are widely represented in entrepreneurship and top-level management, where, apparently, patriarchal attitudes have fewer ways of being actually, institutionally manifested. This probably is evidence of the need to reconsider the issue of gender equality at the level of democratic representation as well, including from the perspective of introducing quotas. To include this topic on the agenda, serious initiative should be expected from women represented in the political elite; however, nothing of the sort has been observed up to now, even though two out of three of the highest level state officials of Latvia are women. Even the party *Vienotība*, which is represented by women in many important positions at the Saeima, the government and in the European Parliament, does not even mention gender equality in its programme. This proves that the patriarchal perception of the role of a woman in politics in today's Latvia is not typical of men only.

Gender equality in policy-making

Along with the integration of Latvia in the EU and other international organisations, the notion of gender equality has developed into an important argument in policy formation. Already in 2001, the government of Latvia adopted the Concept on the Implementation of Gender Equality, which served as the grounds for drafting a range of related short-term planning documents, for the Programme of Implementation of Gender Equality for 2004–2006 and 2007–2010, as well as the currently active Plan for the Implementation of Gender Equality for 2012–2014. The Ministry of Welfare is to issue its report about the results of implementing the latter planning document in mid-2015. The priorities outlined in the plan include reducing the gender roles and stereotypes, promoting a healthy and environmentally friendly lifestyle for women and men, promoting economic independence and equal opportunities for women and men in the labour market, as well as the political supervision and assessment of gender equality (LR MK 2013 (Cabinet of Ministers of the Republic of Latvia)).

The main institution ensuring public engagement in policy formation in terms of gender equality is the Gender Equality Committee created in 2010 by the Ministry of Welfare to replace the former Gender Equality Council. This committee includes representatives of ministries and local governments, as well as a number of NGOs. The most influential of the represented NGOs in terms of protecting gender equality and women's rights is the association 'Resursu centrs sievietēm "Marta"', which, besides active operations in various areas related to women's rights and the quality of life (prevention of abuse, combatting human trafficking, etc.) are also involved in policy formation and influencing public opinion.

During the 8th Saeima (2002–2006), there was a Gender Equality Subcommittee at the Saeima. A number of parliamentarians voided their position in the matters of the gender role and equality issues in the fall of 2012, when the Ministry of Welfare in co-operation with the Nordic Council of Ministers published the children's book by Louise Windfeldt 'Diena, kad Kārlis bija Karlīna' (*transl.* 'The day when Carl was Carly') and 'Diena, kad Rūta bija Rihards' (*transl.* 'The day when Ruth was Richard') and the learning material for pre-schools 'Pirmsskolas, kurās ir vieta PepijPrinčiem un PirātPrincesēm' (*transl.* 'Pre-schools where there is room for PippyPrinces and PiratePrincesses'). In February 2013, 36 members of the Saeima – both from ruling and opposition parties – signed a letter urging the Ministry of Welfare not to distribute these books and review the aforementioned Plan for the Implementation of Gender Equality for 2012–2014, which speaks of integrating the principle of gender equality in pre-schools. This case proves that the transfer of various action policies from other EU countries in the sphere of gender equality is not always successfully accepted across all social groups of Latvia.

The Ombudsman's Office is responsible for the introduction of gender equality principles in Latvia from the perspective of preventing discrimination. Since gender discrimination is still one of the most widespread types of discrimination, the need to address this will remain also in future.

All in all, the situation with regard to female participation in political life and in public office at all levels over the last five years is assessed as **satisfactory**.

12.4. How equal is access for all social groups to public office and how fairly are they represented?

No reliable statistics is available about how social groups are employed in public office due to data protection regulation. Therefore, the situation in this sphere can be assessed merely from approximate data. It is estimated that the proportion of non-Latvians in public office is not lower than 20 %. This shows that the representation of national minorities in public office is less than half of what it is in Latvian society in general. An overall prevalence of Latvians is observed in the public sector as well. In 2007, out of all employed Latvians 36.9 % were employed in the public sector, whereas only 24.0 % of non-Latvians were employed in the public sector (Hazans 2010).

A pilot study (of limited level of representation), conducted in 2011, similarly showed a lower level of representation of non-Latvians. Only about 12 % were non-Latvians in the institutions included in the study (Golubeva, Kažoka, Rastrigina 2011). Furthermore, 29 % of respondents from the civil service do not consider that attempts should be made to attract more employees representing national minorities, whereas 49 % believe that such policy would be preferable.

Summary: Progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
12.1.			X		
12.2.				X	
12.3.			X		
12.4.			?		

Best feature

Latvia has a broad, active, and dynamic spectrum of non-governmental organisations.

Most serious problem

A considerable part of Latvian society is becoming more alienated from democratic institutions.

Suggested improvements

In the sphere of non-governmental organisations: establishment of a transparent system for granting public funding to NGOs.

In the sphere of public participation: complex solutions for ‘a restart’ of interaction between the citizens and the State, by paying particular attention to the effectiveness of the State’s activity.

In the sphere of female participation: commencing discussion of potentially establishing quotas in party election lists.

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13. DECENTRALISATION

Inga Vilka

Are decisions made at the level of government that is most appropriate for the people affected?

13.1. How independent are the sub-national tiers of government from the central government, and to what extent do they have the power and resources to carry out their responsibilities?

The European Charter of Local Self-Government (adopted by the Council of Europe (CoE) in Strasbourg in 1985; hereinafter referred to as – ‘the Charter’) can be considered as the safeguard of local autonomy. It is an international document ratified by 45 of the 47 COE Member States. Latvia has ratified 29 of the 30 principles included in this Charter. The Preamble of the Charter, *inter alia*, states that the local authorities are among the main foundations of any democratic regime, that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen, and that the safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralisation of power (EP (*Council of Europe*) 1985).

The CoE Congress of Local and Regional Authorities regularly carries out monitoring of local and regional democracy in the countries which have ratified the Charter, and it prepares recommendations for improving the situation according to the Charter’s merit and principles. Moreover, the new procedure, which lays down that monitoring must be carried out in each member state at least once in five years, became effective in 2010. The first democracy monitoring in Latvia was performed, and a report was prepared accordingly, in 1998, while the most recent monitoring report, and recommendations, were drafted and approved in 2011. A monitoring on a separate matter (municipal elections) was carried out in 2008 between these reporting periods. In its 2011 recommendations for Latvia, the CoE recognized that generally the local government system in Latvia has been developed in accordance with modern European local government standards (CLRA 2011), simultaneously providing several recommendations (incorporated in the text below).

The *Saeima* (the Parliament of the Republic of Latvia) adopted the Law on Local Governments as the key legislative document which governs local governments in 1994. Amendments to this law have so far been adopted more than 20 times. This law defines local government as a local administration which, through bodies of representatives elected by citizens – city or municipality council – and authorities and institutions established by them, ensures the performance of the functions prescribed by law, as well as the performance of tasks assigned by Cabinet of Ministers according to the procedures specified by law, and local government voluntary initiatives, observing the interests of the State and of the residents of the relevant administrative territory (LR *Saeima* (*Saeima of the Republic of Latvia*) 1994b). Local governments are also mentioned in the State Administration Structure Law (passed in 2002), which grants local authorities the status of derived public entities that have been conferred their own autonomous competence by law which includes also establishing and approval of their own budget (LR *Saeima* 2002).

Local governments have extensive competence in Latvia. Amendments to the Law on Local Governments made in 2005 encompassed changing the groups of local governments' functions and introducing the concept of local governments' autonomous functions. This law and other legislative documents lay down the functions and responsibilities of local governments. The competence of each local government includes a range of matters, which the private individuals (physical individuals and legal entities subject to private law) located in its territory deal with in their everyday life and activity. For example, local governments must organise the following autonomous functions for their residents: utility services, public facilities and cleanliness, education for inhabitants, cultural activities, social aid for their inhabitants, social services and access to healthcare, the promotion of a healthy lifestyle and sports among its inhabitants, assistance in solving housing matters, the reduction of unemployment and facilitate economic activity in their territory, etc.

A comparison of the proportion of Latvian local government budget expenditures in the Latvian general government consolidated budget to the indices of other EU countries evidences the comparatively extensive competence and importance of local governments in the public sector. *Eurostat* data shows that Latvian indices are slightly above the EU average. In 2004, the indicator for Latvia (27.9 %) was the 10th highest in the EU 27 (EU average: 24.4 %), whereas in 2012, this indicator for Latvia was the eighth highest (27.1 %) among the 28 EU Member States (EU average: 23.9 %). The dynamics of this indicator points to centralization trends in Latvia and in the EU in general; this trend is mainly related to the stabilization measures carried out centrally in the Member States due to the economic downturn.

In 2009 the administrative territorial reform was completed in Latvia; currently there are 119 local governments in the country, nine of them are republic cities (hereinafter referred to as cities) and 110 are *novads* municipalities (hereinafter referred to as municipalities). All local governments possess an equal local government status and competence. A two-tier local government system with more than 500 local governments existed in Latvia before the reform (at the beginning of 2009 there were 7 republic cities, 50 towns, 41 *novads* municipalities and 424 rural municipalities (*pagasts*) in lowest level and 26 districts (*rajons*) in second level).

In general the competencies of local governments were extended within the reforms because the vast majority of functions of second level local governments, i.e. districts, was handed over to *novads* municipalities. Other cases of extending local government competencies can also be observed in practice (e.g. several local governments have taken over professional educational institutions) through voluntary initiative. However, certain areas exist where it would be desirable for the engagement of local governments to increase. Recently local governments have raised discussions regarding the necessity to extend their opportunities to solve housing matters (including issuing guarantees to young families) and facilitate business activity in their territories.

In its informative report on the Assessment of the Administrative Territorial Reform, the Ministry of Environmental Protection and Regional Development (MEPRD) states that the diversity of and access to municipal services provided to inhabitants has increased in the amalgamated municipalities, and local governments use the infrastructures at their disposal to a greater extent (VARAM (*Ministry of Environmental Protection and Regional Development – MEPRD*) 2013). The Concept of Local Government Reform (1993) set forth the following: 'The territorial division reform must be carried out for the purpose of decentralising state administration;' however, this has not been achieved in practice. The MEPRD report points out that the administrative territorial division lacks the capacity to decentralise state functions as a result of the reform (the population in some of the municipalities is smaller than stated in the law requirements (4 000) even after the reform) (VARAM 2013) thus indicating that it might be necessary to continue implementing the reform.

The scope of local government competencies reflects some kind of progress towards decentralisation whereas the regulatory framework regarding the functions that fall within local government competence indicates a refraining from moving towards decentralisation. The trend to increasingly regulate the implementation of local government functions (processes, procedures,

institutional framework, requirements towards staff, wages, funding, etc., sometimes even coming up with regulations which cannot be implemented due to lack of funding) exists in Latvia. The increase of unification and normativism has been a long-term trend in Latvia even though during certain periods it justified itself by the necessity to resolve matters related to the economic crisis. At times, the provision of sufficient quality of local government functioning in all places and the protection of inhabitants against arbitrariness were used as an excuse for these trends.

Local government leaders point out in local governments self-assessments that excessive bureaucracy is one of the key factors that hinder the high quality performance of local governments. For several years (2007–2009, 2011, 2012) local government leaders mentioned excessive bureaucracy as the most hindering factor for effective performance (e.g. 77.3 % of local government leaders mentioned bureaucracy as the most obstructive factor in 2011; moreover, 24 % of them considered it as a very obstructive factor; in 2010 it was mentioned as the second most hindering factor whereas in 2013 it was mentioned as the third most cumbersome) (Kraštinš, Vanags, Valodiņš 2012; CSP (*Central Statistics Bureau*) 2013). The decrease in the importance of this obstructive factor was not related to the solution of this problem, or, in other words, the reduction of bureaucracy; instead, it was related to the exacerbation of problems linked to other obstructive factors (in 2013 the most obstructive factor was the poor state of roads, and the runner-up was lack of funding in local governments (CSP 2013). On the one hand, local governments are discontent with limitations whereas, at the same time, the ministry in charge of these matters points out that sometimes it is the local government employees who call for stronger regulation in certain matters, or, mention the lack of regulation as the reason for refraining from tackling certain issues locally (EGPP (*Expert Group on Improvement of Governance*) 2013).

In its report published in 2013, the expert group for improving governance established by the President of Latvia stresses that inconsistently determined competence or functions of local governments and the increasing regulation are currently substantial issues in the area of local governance. When shaping a regulatory framework for local government autonomous functions in laws and regulations, one should take into account the reference made by the Constitutional Court in its judgment in case No 2008-03-03, which states that the performance of local governments in terms of implementing autonomous functions may be regulated by law; however, it must not completely deprive local governments of a certain freedom of discretion (LR ST (*Constitutional Court of the Republic of Latvia*) 2008). Similarly, to other matters related to self-governance guarantees, local governments must maintain the core of these functions, in other words, the local governments' opportunities to perform at least their basic functions and assume responsibility for them. This would also facilitate the implementation of decentralisation as well as efficient consolidation of the principle of subsidiarity in the legal system (EGPP 2013).

The opportunities to implement voluntary functions are treated ambiguously in practice, and state authorities express the opinion that local governments are permitted to carry out only the functions that are prescribed by the law. The Law on Local Governments provides for voluntary initiatives. Therefore, no doubts should exist regarding the fact that local governments can carry out functions that are not defined by laws, and such an approach deserves support (EGPP 2013).

In response to the question of whether insufficient independence of local governments is a factor that impedes their performance, 77.4 % of local government leaders responded that this was not an obstructive factor (CSP 2013). However, local government leaders have unalterably indicated a lack of funding as one of the top three issues throughout the years (e.g. 77.3 % mentioned this as an obstructive and very obstructive factor in 2011, whereas in 2013 such a response was received from 66.4 % of respondents) (Kraštinš, Vanags, Valodiņš 2012; CSP 2013).

Summarizing data from general government and local government budget reports published by the Treasury (see Table 13.1), the dynamics of local governments financial resources on a year-by-year basis show that a significant increase in local governments' resources existed until 2008, when the proportion of local governments' funds in the consolidated government budget increased

accordingly. Conversely, after the crisis – in 2009 and 2010 – local government resources decreased substantially, and their share in the general government consolidated budget contracted respectively. In 2011, local government resources started increasing in comparison to the previous year, whereas in 2013 their proportion increased also in the general government budget. In 2013, local governments expenditures exceeded the expenditures level of 2007; however, it did not reach the expenditures level that was in 2008.

Table 13.1. General government consolidated budget expenditures and local government consolidated budget expenditures in Latvia, 2004–2013

Year	General government consolidated budget expenditures	Local government consolidated budget expenditures	General government consolidated budget expenditures	Local government consolidated budget expenditures	Share of local government expenditures in the general government consolidated budget expenditures, %
	Million LVL		Million EUR		
2004	2599.6	687.5	3698.9	978.22	26.4
2005	3297.8	823.4	4692.3	1171.59	25.0
2006	4070.9	1038.5	5792.4	1477.65	25.5
2007	5255.4	1457.5	7477.8	2073.84	27.7
2008	6266.5	1787.3	8916.4	2543.10	28.5
2009	5626.3	1394.9	8005.5	1984.76	24.8
2010	5401.8	1264.6	7686.1	1799.36	23.4
2011	5540.2	1403.8	7883.0	1997.43	25.3
2012	5718.4	1427.0	8136.6	2030.40	25.0
2013	5980.1	1537.8	8508.9	2188.13	25.7

Source: State Treasury Reports.

The results of the local government self-assessment poll of 2013 show that in 2012 the financial situation had improved for 50.4 % of local governments compared to the previous year. Only 9.2 % of local government leaders claimed that the financial situation had deteriorated. The majority of local government leaders (62.5 %) recognized that the financial situation of their municipalities was mediocre at the beginning of 2013, whereas 28.6 % claimed that the situation was good, 0.8 % stated that the situation was very good, and another 8.4 % were of the opinion it was poor (CSP 2013). However, the majority of local government leaders recognized that funds were insufficient for performing autonomous local governments functions as opposed to 30.2 % who claimed that the funds were sufficient. The proportion of local government leaders who considered that funds were insufficient had increased compared to the previous year. One must take into account however that substantial differences exist among local governments in terms of the financial resources at their disposal. A system of local government finance equalization has been in place since the mid-1990s, nevertheless differences are significant even after leveraging.

Improvements in local government finance equalization system has been on the government's agenda since 2009, yet the matter has still not been resolved, even though the deadlines for submitting the new draft law have been stated in the law, and several governments have stressed the importance of solving this issue in their declarations.

The only principle of the Charter that Latvia has not ratified is related to funding; this principle lays down that for the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law. The CoE has recommended Latvia increase the financial autonomy of local governments through diversifying their sources of income and increasing the proportion of such financial resources whose tax base and rates local governments can influence (CLRA 2011). The responsible ministry (back then – the Ministry of Regional Development and Local Governments – RAPLM) reviewed the methods of resolving this matter as early as in 2010 by means of submitting a respective informative report to the government (RAPLM 2010). Since 2013, local governments are entitled to determine real estate tax rates within the limits defined by the law. During the recovery from the economic crisis, the COE encourages decreasing the central government's supervision over local government finances (CLRA 2011).

Considering the significant differences between the number of residents and the scope of functions of the Riga city and other local governments, the CoE suggested determining a special status for the capital city. Since 2005, the Law on Local Governments lays down state and city's shared responsibility functions for Riga as the capital city. The practice of adopting a special law for the capital city, which may also provide for special funding for it, exists in several European countries. Riga city attitude towards the need for a special law has altered in recent years, and currently it does not insist on it. This might be explained by a certain cautiousness on the part of Riga city: the risk exists that a government run by the political opponents of those who manage the local authority may draft a disadvantageous law for the city. The campaign on the differentiation of public transport ticket prices, distinguishing between declared residents and other passengers, launched by the city of Riga in the autumn of 2013, was a manifestation of Riga city discontentment and protest against the existing local government funding system.

The matter of regional level government has still not been resolved, and thus remains topical in the context of decentralisation in Latvia. A two-tier local government system existed in Latvia until the end of 2009. The second level, or, the government level between local and central government, consisted of 26 district governments, and seven cities simultaneously functioned as both local level and second level administrative territorial units that were not included in district territories. The competence of district governments was comparatively narrow. The key law adopted in the area of district administration was the Law on Local Governments; however, in its judgment in case No 2007-21-01, the Constitutional Court stated that district councils, for the purposes of the principle of local governments, should not be regarded as a fully-fledged independent local government; instead, it should be mainly considered as a form of cooperation between rural municipalities and towns, as prescribed by the law, which is aimed at the implementation of certain functions (LR ST 2007).

The Administrative Territorial Reform Law adopted in 1998, alongside the reform of the administrative territorial division of local governments, also provided for the reform of district local governments stating that a separate law is to be drafted for this process. Amendments to the Law on the Establishment of Administrative Territories of the Republic of Latvia and Definition of the Status of Populated Areas of the Republic of Latvia (1991) passed in 2006 provided for the inclusion of counties (*apriņķis*) in the administrative territory of Latvia, setting forth that they will be formed before 2010. The Law on Administrative Territories and Populated Areas in its currently effective wording still distinguishes counties as a type of administrative territorial unit in the Republic of Latvia (LR Saeima 2008b).

District administration level was abolished as a result of the administrative territorial reform, which was completed in 2009. The Law on Reorganisation of District Local Governments adopted in 2008 governed this process (LR Saeima 2008a). It stated that all district councils must develop and adopt their reorganisation plans before the end of 2008. Analysis of district reorganisation plans reveals that all district institutions, property, funds, rights and liabilities were handed over to new local governments, and planning regions assumed the responsibility for managing agreements with

public transport service providers (for services provided in municipal territories); in a few cases the property of districts was handed over for privatization. District council powers expired on 1 July 2009, and the implementation of reorganisation plans was completed on 31 December 2009 (VRAA (*State Regional Development Agency*) 2010).

In the late 1990s, when districts still existed, planning regions started to form in Latvia according to local government initiative. Based on the Regional Development Law (2002) the Cabinet of Ministers established five planning regions (in accordance with the proposals received from local governments) for planning and coordinating regional development and ensuring cooperation between local governments. Since 2006, planning regions possess the status of derived public entities whose development councils, consisting of representatives of local government councillors, make up their decision-making bodies. The Regional Development Law defines the key competencies for planning regions. In general, the competence of planning regions is narrow, and recently it has been prone to shrinking even more (since 2014, planning regions are no longer responsible for planning and controlling passenger transport functions, which they took over from districts; currently they only take part in this process). The 2010 amendments to the law set forth that planning regions may be assigned administrative tasks, which fall under the competence of direct state administration. This option has rarely been applied in practice – examples exist only in the field of culture; discussions about these options are taking place in other fields. Government budget subsidies are the permanent funding source for planning regions; the amount of granted subsidies is small, and the largest part of activity is related to the implementation of various projects funded by the EU and other programmes.

The 2011 CoE local democracy monitoring and its subsequent recommendations stated that, ‘regional development is unbalanced in Latvia. The five planning regions lack the characteristics of genuine autonomous regional administrations, and their representative bodies are not elected through direct general elections.’ It is recommended to clarify the regulatory position of the five planning regions and to grant them an adequately autonomous status. Similarly, it is recommended to apply principles included in the CoE Reference Framework for Regional Democracy in forming genuine regional government (CLRA 2011).

In its January 2014 report, the State Audit Office’s evaluation stated the following: ‘Due to the lack of vision on the part of the Ministry of Environmental Protection and Regional Development, the efficiency of the performance of Latvian planning regions is currently questionable. Such a situation is caused not only by errors in the functioning of the planning regions, but also by gaps in legislation, insufficient funding and inadequate support and supervision from the responsible ministries’ (VK (*State Audit Office*) 2014). The State Audit Office has recommended the MEPRD assess further development of the planning regions. If a decision is adopted on continuing their activity, the State Audit Office indicates the necessity for developing a relevant regulatory framework – a procedure for the permanent funding and activity of the planning regions.

An unclear and volatile stance regarding regional matters has become a characteristic feature of the Latvian public sector. The summary given in Table 13.2 illustrates the situation; that is, the commitment expressed in the last five government declarations regarding regional administration in Latvia. This matter is still waiting for a solution. Similarly, completion of the administrative territorial reform at the local level (formerly incompleteness served as an excuse for postponing the solution of the matter at the regional level) has failed to provide clarity about the future of the regional administration.

The opinions of the local governments regarding regional governance differ. The results of local government leaders’ self-assessments show that the number of those who support formation of regional governments is smaller than the number of those who support this necessity; support for the necessity for regional governments has decreased during recent years compared to the situation 10 years ago (see Table 13.3).

Table 13.2. The government position regarding regional administration expressed in declarations by the Cabinet of Ministers

Head of the government, period	Commitment stated in government declaration regarding regional administration
Ivars Godmanis, July 2007 – March 2009	We will ensure the completion of the regional reform through consultations with the Latvian Association of Local and Regional Governments. We will ensure balanced development of the entire state territory by de-concentrating public administration, developing the regional administration level, increasing the role of regional and local administrative institutions when determining and implementing priorities in line with the National Development Plan.
Valdis Dombrovskis, March 2009 – November 2010	We will establish a regional administration level before 2010 that will serve as the basis for forming counties. We will ensure the passing of a law on counties. We are going to decentralise state administration by increasing the role of regional and local administrative institutions when determining and implementing priorities in line with the National Development Plan.
Valdis Dombrovskis, November 2010 – October 2011	We are going to decrease the number of administrative levels by eliminating planning regions, and we will split up their functions between regional municipalities and respective public administration authorities.
Valdis Dombrovskis, October 2011 – January 2014	We will continue arranging and improving the administrative territorial structure in order to finish with the administrative territorial reform. We are going to evaluate and hand over those public administration functions to local governments and planning regions that they can implement more efficiently and in a more financially feasible manner.
Laimdota Straujuma, January 2014	We will carry out measures to strengthen the role of local governments and planning regions in facilitating entrepreneurship and socio-economic development. We will strengthen the capacity of planning regions through developing and implementing strategies and programmes for regional development.

Source: Information retrieved from RL CM website www.mk.gov.lv

Table 13.3. Local government leaders' responses to the question 'Are the second level local governments necessary in Latvia?'

Year	Yes		No, not necessary
	Directly elected	Indirectly elected	
2005	48.7		45.3
2008	42.7	13.3	38.5
2011	32.8	10.9	55.5
2012	24.4	22.7	52.9

Source: Krastiņš, Vanags, Valodiņš 2012

One can conclude that currently neither the central administration, nor local governments support the strengthening of regional administration; therefore, instead of nurturing illusions about regional governments, an agreement should be sought on the most optimal level of cooperation and coordination in the level between the central administration and local governments.

Even though the competence of local governments is extensive in Latvia, and the administrative territorial reform has been completed, which might serve as a precondition for increasing decentralisation, the existing excessive regulation of local governments as well as the local governments' inadequate financial autonomy (regarding income) and unresolved regional administration matters (unclear and volatile stance regarding regional issues due to which the activity of planning regions is insufficiently effective) makes it possible to evaluate the situation within the scope of this chapter no higher than 'satisfactory'.

13.2. How far are these levels of government subject to free and fair electoral authorization, and the criteria of openness, accountability and responsiveness in their operation?

The core of a local government is the local council. It is a representative authority of a local community and it is its key decision-making body. In accordance with the Law on Elections of the Republic City Council and Municipality Council (adopted in 1994), city and municipality councils are elected for four years in equal and direct elections by secret ballot based on proportional representation. Number of amendments have been introduced to the law that was passed two decades ago; therefore, each new municipal election possesses characteristics that make them different from the previous elections.

Local elections in Latvia have taken place six times since the reinstatement of independence: in 1994, 1997, 2001, 2005, 2009 and 2013. Local governments are also elected for a period of four years in the majority of other European countries. The term of office for local councillors is shorter only in one country – Andorra – where local governments are elected only for three years. In several other countries, such as Italy, Cyprus, Ireland, Ukraine, Turkey, some Swiss cantons, some parts of Belgium, Austrian states and German federal states, local councils are elected for five years. Conversely, the local council term of office is six years in such countries as Luxembourg, France, and some parts of Germany (Bavaria), Austria and Belgium. In the future, changes are planned in Greece and Hungary: these countries plan to switch from a four year to a five-year term of office (Vilka 2013). In its congress resolution of 30 May 2014, the Latvian Association of Local and Regional Governments encourages the organisation of municipal elections once every five years, simultaneously with European Parliament (EP) elections. Such a proposal is in line with the changes that are taking place in Europe, and they would significantly contribute to the voter turnout at EP elections. However, one should bear in mind: a transitional period with the extension of the currently convened councillors' term of office (by two years) would be necessary in order to align these periods.

Local government election principles were included in the Constitution (*Satversme*) with amendments introduced to it in 2002. Initially Article 101 of the Constitution was supplemented with Paragraph 2: 'Local governments shall be elected by Latvian citizens with voting rights,' whereas after the 2004 amendments this Article lays down the following: 'Local governments shall be elected by Latvian citizens and citizens of the European Union who permanently reside in Latvia.' In its judgment No 2007-21-01, the Constitutional Court ruled that 'Article 101 of the Constitution not only lays down the fundamental right of individuals to elect local governments and their deriving the right to participate in the administration of public matters through elected local governments, it also stipulates the general status of a local government as an elected self-governance authority, observing the laconic style of the Constitution' (LR ST 2007).

In Latvia, persons aged over 18 possess municipal voting rights in the city or municipality where their registered place of residence is or where they own real estate. Generally, in Europe persons acquire municipal voting rights at the age of 18; however, in Austria, some federal lands in Germany and in one Swiss canton people can participate in municipal elections from the age of

16. In Hungary, persons can participate in elections from the age of 16 if they are married whereas in Slovenia, Croatia, Bosnia and Herzegovina, Serbia and Montenegro persons are allowed to vote from the age of 16 if they are employed (Vilka, 2013). Since the 2005 elections, persons aged at least 18 possess the right to be elected in a local government council (previously one had to be at least 21) in administrative territory where is their registered place of residence is, where they own real estate or where they are employed. In European countries, persons can run for election in local governments starting from the age of 18, 20 or 21.

In terms of municipal elections, non-citizens' rights to participate in them generate the most heated discussions in Latvia. In this regard, the CoE prepared special recommendations for Latvia in 2008 (CLRA, 2008), and this matter was also mentioned in the 2011 recommendations about local democracy in Latvia. The CoE pointed out the following: 'Regardless of the endeavours carried out by Latvian institutions in terms of facilitating social cohesion, restrictions exist regarding the participation of those non-citizens who identify themselves with national minorities in public affairs. One such restriction is their inability to vote in municipal elections'. The CoE also recommends 'granting non-citizens the right to vote in municipal elections in order to accelerate their integration into Latvian society, which has already begun' (CLRA 2011). In all EU Member States, citizens who are registered in the respective country as residents possess the right to vote in municipal elections. Yet the solutions vary regarding other citizens who are not citizens of the respective country. In some European countries (Sweden, Denmark, Finland, Norway, Lithuania, the Netherlands and Slovakia), non-citizen residents, having lived in the country for a certain period, have the right to vote and be elected in municipalities. In other countries (Belgium, Estonia, Hungary and Luxembourg), non-citizen residents have only the right to vote, but not to run for election (CLRA 2009). In some countries, including Latvia, residents who are not citizens of the respective country or of another EU member state have neither of these rights. Non-citizens of Latvia have the opportunity to be naturalized and become citizens of the Republic of Latvia.

Currently, registered political parties or their associations have the right to submit their local government candidate lists in all cities and municipalities where the number of residents exceeds 5 000. In smaller municipalities, where the number of residents does not exceed 5 000, electoral associations may submit their candidate lists alongside political parties or their associations. Cities have been subject to such rules since the introduction of the law in 1994, whereas in other local municipalities with the number of residents exceeding 5 000 the opportunities for electoral associations to run as candidates were gradually eliminated starting from the 2001 elections. On 10 January 2014, the Constitutional Court passed a judgment on launching a case for the application requesting the recognition of the inconsistency of the part of the Law on Elections of the Republic City Council and Municipality Council, insofar as it prohibits electoral associations to submit their candidate lists in cities and municipalities where the number of inhabitants exceeds 5 000, with the fundamental human rights stated in Articles 91 and 101 of the Constitution (LR ST 2014). The Constitutional Court's judgment in this matter is still pending.

Altogether 686 097 voters participated in the 2013 municipal elections; they elected 1 618 deputies out of 8 725 deputy candidates (CVK (*Central Election Committee*) 2013). The voter turnout in these local government elections reached their lowest point in the history of Latvia after its reinstatement of independence (see Table 13.4).

Table 13.4. Voter turnout in municipal elections in Latvia

Year	1994	1997	2001	2005	2009	2013
Voter turnout	58.5 %	56.84 %	61.98 %	52.85 %	53.75 %	45.99 %

Source: LR CVK data.

The comparatively highest voter turnout in municipal elections was registered in 2001. The Electoral Register was introduced during the run-up to the 2005 municipal elections; a sharp decline in the turnout was registered that year. The voter turnout slightly increased in 2009 despite the forecast that it might change as a result of the administrative territorial reform; the turnout decreased in 2013. A 50 % voter turnout in municipal elections is considered a European standard; with a turnout of 46 % Latvia joined the group of those countries where the turnout is lower than the European average. It is true that such a technical issue as the data on the number of residents (the CEC uses data from the Population Register of the Office of Citizenship and Migration Affairs which differs from the data of the Central Statistics Bureau which are based on census results) also influences the calculation of the Latvian indicator (Vilka, Brēķis 2013). The post-election poll ordered by the CEC shows that the actual voter turnout was higher (SKDS 2013). Citizens who did not take part in the 2013 elections indicated that they did not see any sense in it (18 %), had no faith or trust in anything (12 %) or were not present in the area of their registered place of residence on the election day (10 %) as the main reasons for not participating (SKDS 2013).

Voter turnout in municipal elections is traditionally lower than in parliamentary elections. At the same time, people's trust in local governments is significantly higher than their faith in the *Saeima* and the government. Eurobarometer studies suggest that faith in local governments in Latvia increased during the past year – it is higher than the EU average; moreover, the proportion of the population that trusts local governments is higher than the proportion of those who do not (it is the opposite in the EU) (Eurobarometer 2013).

Participation in elections is not the only opportunity for people to take part in local administration, and local government leaders indicate that participation tends to increase among the population. According to local governments' self-assessment data from 2013, in 31 % of cases participation in local government activity and decision-making continued to increase during 2012 compared to the previous year. However, more than half of the local government leaders (53.0 %) evaluated resident participation as average, 27.7 % claimed that participation is passive, and only 19.3 % recognized participation as active (CSP 2013).

Chairpersons who are elected amongst council councillors run the work of local government councils. Before 2013, elections of council chairpersons were closed but starting from 2013 these elections are open. In Latvia, council chairpersons are the actual heads of the decision-making authority and executive power. In Europe, when implementing measures that ensure an increasingly broader engagement of the population, the trend for residents to entrust both the election of the decision-making authority (council) as well as the head of the executive power (mayor) exists. Local government leaders, often referred to as mayors, are elected directly by residents in Italy, Greece, Portugal, Poland, Bulgaria, Hungary, Slovakia, Slovenia, Romania, Cyprus, Albania, part of Germany's federal lands, some of the counties in the UK and some municipalities in Norway (Vilka, Brēķis 2013). A pilot trial is planned in some Finnish municipalities; Sweden is actively debating this matter, and active discussions are taking place in Lithuania (parliamentary majority has supported it; however, the majority was not large enough to introduce amendments to the Constitution, a separate section of which also includes municipal provisions).

The 2013, the local government self-assessment poll included the question whether local government leaders should be elected directly; 40.3 % of local government leaders supported this idea whereas 35.3 % considered that leaders should not be elected directly. The remaining 24.4 % of respondents did not have a clear opinion in this matter (CSP 2013). A public poll was conducted in Latvia regarding this matter at the beginning of 2014. Results of the poll suggest that the majority of respondents (65.7 %) would be ready to support the idea of entrusting voters to select their local government leaders, i.e. to elect local government leaders along with deputies in municipal elections. The proposal to elect local government leaders in direct elections is fully supported by 32.2 % of respondents, 33.5 % rather supported, 10.4 % rather did not support, 7.9 % did not support at all whereas 16.0 % of respondents did not have an answer to this question (Lasmanis 2014).

The development and broader introduction of information and communication technologies in the functioning of local governments facilitates transparency: the openness and public awareness of the work of local governments is continuously increasing. The Law on Local Governments sets forth that councils meet in open sessions unless the law provides otherwise; announcements on the time, place and agenda of regular council meetings must be posted in conspicuous places in or by council buildings and published online on the respective local authority's website; council decisions and minutes of meetings must be made publicly accessible. In accordance with amendments to the law introduced in 2013, audio recording of council meetings must be ensured by 1 July 2014, and records must be made publicly accessible on the respective local authority's website. The 2014 amendments to the law postponed this deadline by another year.

Establishing the extent to which the functioning of a local government complies with responsibility and responsiveness criteria is a more difficult task.

Local government councils adopt decisions at their meetings. The Law on Local Governments stipulates that draft decisions are considered supported if more than half of the present councillors vote in favour of them. Three types of voting for draft decisions have introduced themselves in regular local government practice: voting for, against, and abstaining (such an option is also provided by responsible ministries in their decision templates). The Expert Group established by the President of State is of the opinion that local government councillors, acting as decision-makers for local economic life, must be able to decide for or against a proposed solution, instead of making political manoeuvres and deluding voters with their decisions to 'abstain' which turn out as votes 'against' in the end. Therefore, the group has proposed the elimination of the option of 'abstaining' (EGPP 2013).

In 2008, an article on the option of conducting local municipal referendums was introduced in the Law on Local Governments. Initially, these amendments provided that the government will submit a draft law on local referendums at the *Saeima* before the end of 2009, but this deadline was cancelled later on. The law has not been passed up to now. The COE has recommended Latvia to sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (2009) (CLRA 2011).

Legislation requires mandatory organisation of public discussions during the course of drafting and approving territorial development planning documents, and publishing their results accordingly. In practice, the local population participates in other cases and ways as well. Good practice examples of responsiveness are the local governments which have set up residents' advisory councils, organise residents' forums where residents are regularly polled to clarify their needs, wishes and opinions, and engage in an active dialogue with their residents also in other ways.

The positive assessment of this matter created by such things as the increase of transparency and openness in local government functioning, expansion of opportunities for residents to participate and be active is diminished by the fact that voter turnout in municipal elections has decreased and that the matter of local referendums still remains unresolved.

13.3. How extensive is the cooperation of government at the most local level with relevant partners, associations and communities in the formation and implementation of policy, and in service provision?

Chapter XIII of the Law on Local Governments is dedicated to cooperation between local governments. In order to resolve matters in which several local governments hold a stake, local governments have the right to cooperate as well as establish or join associations.

The MEPRD proposes the following model of cooperation and grouping of institutions: contract-based types of cooperation (delegation agreements, collaboration agreements, and partnership agreements), common institutions (associations, joint institutions, cooperative groups,

public-private enterprises and private enterprises), informal cooperation networks (events, work groups, etc.) and cooperation with foreign institutions (Šults 2011). From another point of view, inter-municipal cooperation between local governments can be conditionally divided into four basic groups: cooperation for defending mutual interests, cooperation for implementing certain functions (services), cooperation for development (projects) and cooperation as fellowship.

Local governments in Latvia make maximum use of cooperation opportunities in order to defend their interests. This is also provided for in the Law on Local Governments, which consolidates the status of an association that represents all local governments during the consultancy process. Government provisions arising from the law provide for the necessity of consulting during the legislative drafting and approval processes as well as in the annual negotiations between the government and local governments (EGPP 2013). Founded in 1991, the Latvian Association of Local and Regional Governments (LALRG) represents the interests of all local governments in Latvia. Shortly after the reinstatement of independence, local governments succeeded at reaching an agreement of establishing a single organisation – which represents local governments of all levels, types and regions. This organisation should be regarded as one of the most powerful of its type in European countries; it participates in negotiations with the government and the parliament (EGPP 2013). The organisation stresses that, compared to similar associations in other countries, the Latvian Association of Local and Regional Governments has developed the most advanced system of formal negotiations, one of the most advanced mutual consultation systems, which engages local government politicians and employees, and the administration of the LALRG enjoys the highest level of recognisability compared to the administration of other countries' associations. The CoE has also recognized that the LALRG plays a central role in facilitating local democracy (CLRA 2011). When assessing the positive impact of the consulting process on the functioning of democracy, it must be pointed out that the relationship between the central authority and local governments has been witnessing a certain crisis for the past couple of years; the negotiations between the government and local governments lost constructivism and their role decreased accordingly. Even the Memorandum of Agreement and Disagreement, which traditionally forms an integral part of the annual Government Budget Draft Law document package, was not signed between the LALRG and the Cabinet of Ministers in 2013. In June 2014, as the next year's budget matters approached the government's agenda, Andris Jaunsleinis, the long-standing Chairman of the LALRG, publicly expressed the opinion that one of the reasons why the government of the former Prime Minister Valdis Dombrovskis collapsed were explicit disagreements with the LALRG regarding the drafting of the government budget (LETA 2014).

Local governments have established various associations for specific groups, for example, Association of *Novads* Municipalities, Association of Coastline Municipalities, Association of Selonian Municipalities, and associations for representing specific areas, such as Association of Executive Directors, Association of Municipal Social Care Institutions, and so on, within the scope of the LALRG.

The Association of the Major Cities of Latvia (founded in 2001) must also be mentioned in the context of defending local government interests. It represents local governments of one group, and actively engages in representing this group's interests. Even though this association does not have the same status recognized by law as the LALRG, the government has signed several cooperation agreements with it.

The law provides opportunities for various options regarding cooperation for ensuring local government functions (including provision of services). Legislation principally enables local governments to cooperate; however, the forms and procedures of cooperation are at the discretion of the local governments (Bite 2012). The most common types of cooperation between local governments are related to culture, sports, construction supervision as well as implementation of methodological management functions in the area of education. In a study dedicated to cooperation between local governments (Bite 2012), it is concluded that cooperation has been an insufficiently

used resource so far; cooperation that is more extensive would facilitate regional development and enable local governments to benefit economically, socially and politically. The study showed that in reality local governments disassociate themselves from cooperation with other territories and sometimes even compete with them. Institutional integration among local governments is low in Latvia. Cooperation costs are too high in order to enable higher cooperation forms to develop between local governments (Bite 2012). Cooperation between local governments is basically an instrument for small municipalities to improve the quality and capacity of services to be provided to residents. Cooperation between large municipalities for implementing mutually substantial municipal functions is not taking place (VARAM 2013).

Unsettled funding arrangements can be regarded as the key reason why competition and isolation exists between local governments (Bite 2012), which results in a lack of cooperation. The financial crisis in Latvia has not facilitated cooperation; on the contrary – it has encouraged competition between local governments.

Regional Policy Guidelines adopted in 2013 and EU funds planning for 2014–2020 show a trend towards forcing cooperation in a top-down manner through providing funds for cooperation-oriented projects. Cooperation initiatives should not be imposed; instead, local governments should come up with them and cooperation must be related to their needs and harmonized development.

All local governments carry out cooperation forms such as fellowship with the local governments of other countries; this type of cooperation is most likely to take place in the field of culture, but is not limited to it, and it is valuable in terms of exchanging experience. Within the scope of the ‘Smart governance and performance improvement of Latvian municipalities’ project funded by the Norway Grants programme and launched by the LALRG in 2013, a cooperation network is being developed for exchanging experience. This project simultaneously offers local government politicians a new approach, the key idea of which is as follows: municipalities compete amongst themselves and with public sectors, and cooperation is not an aim in itself, it is an instrument that helps outperform competitors (Klismeta 2013).

Latvian local governments have significant and, in general, successful experience in terms of cooperating to defend their interests; however, cooperation for ensuring functions requires improvement.

Summary: progress during the past 10 years

	Very good	Good	Satisfactory	Poor	Very poor
13.1.			X		
13.2.			X		
13.3.		X			

Latvia has witnessed manifestations of both centralization and decentralisation during the past 10 years. An orientation towards decentralisation is usually advocated verbally whereas actual developments evidence the opposite. The economic crisis in Latvia, as in other European countries, was a reason for certain decentralisation. If a country is recovering from a crisis, then this should be evidenced with actual orientation towards decentralisation.

Best feature

In general, local governments in Latvia are strong, and they enjoy a comparatively high degree of people’s trust.

Most serious problem

An excessively large regulatory framework on the autonomous competencies of local governments exists, and it is prone to increase continuously.

Suggested improvements

It is necessary to bring the regulation of local government functions to order by determining consistent groups of local government functions and significantly decreasing the regulatory framework. It is also necessary to facilitate the citizen participation in municipal matters.

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14. POLITICAL CULTURE AND DEMOCRACY

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To what extent does the political culture of the Latvian population promote democratic processes?

Introduction. What is political culture and how is it measured?

In political science, there is a generally recognised assumption – in order for democracy to function successfully in a country, it must have an adequate political culture. Political culture is defined in various ways, but the contents of the definitions are similar. The International Encyclopaedia of the Social Sciences defines political culture as ‘the set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system’ (IESS 1968, 218). Whereas, political culture in the Gabriel Almond’s and Sidney Verba’s classic piece *The Civic Culture* is defined as political orientation or attitudes towards the political system and its components, as well as towards the individual’s role in a system, respectively, a set of these attitudes (Almond, Verba 1989, 12). Ellen Dran, Robert Albritton, and Mikel Wyckoff identify three components in political culture: perceptions of an adequate role of the government and the sphere of interference, the individual’s attitude towards the political system, and the opinions as to who should be in power (Dran, Albritton, Wyckoff 1991, 17). Thus, **the democratic political culture is perceived as values that attribute the meaning to the observation of political process norms and the recognition of its outcomes.**

Political culture is multi-dimensional; therefore, the idea of covering all of its dimensions cannot be implemented within the framework of one chapter. In the Latvian context, it would be interesting to conduct a study of the three aspects of political culture from both the theoretical and empirical viewpoint. The first is what political science refers to as political competence, or efficacy, namely, to what extent do the people of Latvia believe that they can influence the decisions made by the political elite, and to what extent is this belief turned into actual activities of influence. The other aspect is orientations or attitudes towards the values of democratic culture and political processes describing political culture, as well as differences in the fundamental characteristics of the political culture existing between the two largest ethnolinguistic communities of Latvia – Latvians and non-Latvians (further in the text sometimes – Latvians and Russians/Russian-speakers/aliens; depending on how the ethnolinguistic communities are defined in surveys in which the analysis is rooted). And finally, we will be looking at issues of how the mutual understanding by ethnolinguistic groups influences the democratisation processes in Latvia.

14.1. According to the population of Latvia, what is the extent of the politicians’ and officials’ responsiveness and the people’s ability to influence political decisions in the country?

Political efficacy is perceived as the belief of an individual that his/her political activity can influence political processes (Campbell et al. 1954, 187); other authors refer to it also as political competence (Almond, Verba 1989, 138–139). According to the political scientists David Easton

and Jack Dennis, political efficacy can be manifested in three ways: as a norm, as disposition, and as behaviour (Easton, Dennis 1967, 25–26). The normative dimension of efficacy corresponds to expectations that under the circumstances of a political regime, the people will be politically capable to act and will be aware of the elected politicians' accountability before the nation. Disposition is explained as the self-assessment of the political skills of each individual separately. Finally, the behavioural dimension refers to the conduct of the individual, namely, whether the conditions of the order and the self-assessment of an individual's political skills are transformed in political participation, namely, in attempts to influence political decisions.

To empirically study the political efficacy of the inhabitants of Latvia, it is necessary to operationalise its theoretical definition, by adjusting it to the survey needs. Keeping in line with the aforementioned efficacy dimension classification by Easton and Dennis (normative, disposition, and behavioural), we have formulated questions for measuring the dimensions of political efficacy. The **normative** dimension refers to the responsiveness and impressionability of Latvian national and local (local government) politicians and officials, and the politician's and official's response and an individual addressing them with an important problem was used as a criterion for determining this. **Disposition** is manifested as the inhabitants' expressed willingness to protect their interests themselves, by influencing political decision-makers. To measure the normative and disposition dimension, questions from the political efficacy scale by Sidney Verba, Kay Schlozman and Henry Brady were used (Verba, Schlozman, Brady 1995, 556). The **behavioural** dimension of political efficacy is examined using questions about participation in various political activities: elections, referenda, election campaigns, various protests and conversations with politicians or officials with the intention of addressing their attention to a problem. Bearing in mind the 2014 European Parliament election (in May) and the Saeima election (in October), questions were asked also about the intention of voting or not voting in the planned election.

As was pointed out and substantiated above, political efficacy is to be studied as an important measure and manifestation of political culture. To determine the overall level of political efficacy, it is useful to construct a uniform performance index out of the relevant four questions. The Cronbach's alpha (Cronbach 1951) for these questions is $\alpha = 0.77$, which is indicative of a sufficiently high reliability in that the questions to be included in the scale are measuring one and the same phenomenon, and therefore, can be combined in an index. Taking into account that the focus of analysis is the comparison of Latvians and non-Latvians, alpha levels for both of these sub-groups also have to be determined. It is found that they are sufficiently high and similar ($\alpha_{\text{Latvians}} = 0.78$; $\alpha_{\text{non-Latvians}} = 0.77$), and this enables us to also use the efficacy index in comparing groups.

The political efficacy index (PEI) is constructed, firstly, by summing up the answers to four questions – on the responsiveness of a local government politician and official (namely, taking into account or ignoring a requirement or an application), the responsiveness of a member of the Saeima or a government official, as well as responses to analogous questions on how a respondent evaluates their possibilities of affecting the decisions made by representatives of the relevant authorities. The sum obtained in the second step is divided by the number of questions included in the index, namely, by four. Therefore, it was achieved that the index range is similar to the range of each question (ranks of 1 to 4). An additional benefit is as follows: even if one of the efficacy questions was left unanswered, it does not affect the value of the index. The middle point of this scale is 2.5; therefore, the values that are lower than the middle point are interpreted as a lower political efficacy, but those above the middle point, as a higher political efficacy.

As evidenced by the parameters of Table 14.1, the total value of the political efficacy index is 1.81, which can be interpreted as relatively low. The Latvian and non-Latvian index values do not differ significantly (for Latvians – 1.83, non-Latvians – 1.77). Bearing in mind that the index is a combined parameter, we must descend lower by one level and study whether there are any differences between index components (such as, whether the efficacy dimension has higher parameters than others), as well as must address the role of components in each ethnolinguistic group.

Table 14.1. The average political efficacy index values for Latvians and non-Latvians

	Average PEI value	Respondent base
Total	1.81	947
Latvians	1.83	535
Non-Latvians	1.77	412

Note: level of statistical significance $p = 0.15$ (greater than 0.05, which is indicative of that there is no difference between groups).

Source: DA (*Audit of Democracy*) 2014.

As seen from the parameters given in Table 14.2, the levels of all the dimensions of the political efficacy index are assessed as low, as they do not reach the middle point of the scale (2.5). The highest value is attributed to the belief that a councilperson or an official of the local government will take into account the resident's request with regard to a problem (the average value – 2.40), whereas the lowest, the belief that the respondent can influence the decisions of the parliament or the government (the average value – 1.34). It must be pointed out that only in one PEI dimension, namely, the ability to influence local government decisions, statistically significant differences are observed between Latvians (1.73) and non-Latvians (1.56); however, both values are too low to underline the efficacy of either group from this perspective.

Table 14.2. Average values of political efficacy indicators

	Average value	Respondent base
Responsiveness of a local government councilperson/official	2.40	801
Responsiveness of a parliamentarian/government official	1.92	766
Ability to influence local government decisions	1.66	903
Ability to influence the Saeima/government decisions	1.34	908

Source: DA 2014.

Differences in political efficacy in Latvia are observed among differing types of residential settlements (the capital Riga, other towns of Latvia, and rural areas). Table 14.3 shows that the responsiveness of a local government council person/official is most positively assessed in rural areas, where the value of the parameter (2.53) is slightly higher than the middle point of the efficacy scale. Whereas, in the capital, there is a larger belief in the responsiveness of a parliamentarian/government official and the individual's ability to influence the Saeima/the government decisions.

Table 14.3. Average values of political efficacy indicators in various types of residential settlements

	Average value			Respondent base
	Riga	Other town	Rural areas	
Responsiveness of a local government councilperson/official	2.33	2.35	2.53	801
Responsiveness of a parliamentarian/government official	2.18	1.90	1.71	766
Ability to influence local government decisions	1.62	1.65	1.71	903
Ability to influence the Saeima/government decisions	1.50	1.33	1.23	908

Note: statistically significant differences (at a level of at least $p = 0.05$) are emphasised in **bold**.

Source: DA 2014.

Upon interpreting these results, it must be concluded that residents of rural municipalities have a closer and better communication with elected officials; therefore, the assessments of the responsiveness and impressionability of local government councilpersons' is higher. Whereas in Riga, where the central authorities are located, there are relatively higher values for the impressionability of parliamentarians and government officials. Living in Riga contributes to the perception that the individual is 'close' to the state power hubs and can influence them more successfully than those living in the regions. Due to the same reason, the residents of Riga, more often than those not living in Riga, indicate that they have participated in protests (Nikišins 2011). Overall, PEI parameters in Latvia range from medium low to low, and the normative and disposition dimension of political efficacy in the section of ethnolinguistic groups does not differ, whereas in the section of types of residential settlements differs insignificantly. The inhabitants do not perceive the political elite as being responsive and subject to influence via democratic means, and voice apparent scepticism about their abilities to influence the decisions of the political elite.

14.2. To what extent are the inhabitants of Latvia certain of their ability to influence political decisions?

A rather exhaustive list of questions was prepared for the survey of democracy audit for 2014 concerning *engagement* in various political activities, starting with participation in elections at various levels (local government, the Saeima, the European Parliament (EP)) down to donating funds to a party or a candidate. Questions about political engagement were asked for the period of

Table 14.4. Forms of political participation in Latvia

Form of political participation	Total participated %	Latvians %	Non-Latvians %	Number of respondents*
EP elections, 2009	66.8	68.4	63.4	741
Municipal elections, 2009	73.0	75.0	68.8	753
10 th Saeima Elections, 2010	73.7	75.0	70.9	758
11 th Saeima Elections, 2011	75.4	76.6	72.7	768
Municipal elections, 2013	75.9	76.0	75.5	800
Voted in a referendum	52.4	54.3	48.1	779
Signed a petition for a referendum	24.8	24.1	26.1	779
Attempted to persuade others to vote for a certain party/candidate	9.8	11.4	7.4	1000
Volunteered as an assistant for an election campaign	2.2	3.3	0.7	1000
Donated money to a party/candidate	0.4	0.2	0.7	1000
Contacted a politician/official	2.6	3.1	1.8	1000
Taken part in a protest	5.6	6.7	4.0	1000
Signed a petition	4.3	4.8	3.6	1000
Boycotted/deliberately bought products from a specific country or manufacturer	5.5	7.4	2.7	1000

* For election and referendum activities the total number of positive response given by citizens with voting rights indicated, including those who answered "hard to say".

the last five years (2009–2014). Likewise, questions were asked about possible participation in the EP election in May in 2014 and in the Saeima election in October. These questions offer particularly good information, as, besides the possibility to find out the people's thoughts and intentions, offered by studying the normative and disposition dimensions of efficacy, they enable ascertaining the level of actual political engagement.

In questions about participation in the last five elections, starting with the EP election in 2009 down to the local government election in 2013, only the answers given by citizens with voting rights were taken into account (see column 'Respondent basis' in Table 14.4). It must be pointed out that the answers about participation in elections were often problematic, as a considerable part of the respondents, who have not in fact voted, tend to point out that they have participated in the election (Norris 2002). Latvia is not an exception in this sense: The data of the Central Election Committee (CEC) show that 59.45 % of citizens with the right to vote participated in the 11th Parliamentary election (CEC of the Republic of Latvia 2014a). However, the turnout claimed by the surveyed respondents was 75 % (76.6 % – ethnic Latvians, 72.7 % – ethnic non-Latvians). If we assume that both Latvians and non-Latvians equally 'exaggerate' their voting participation, it can be concluded that non-Latvians slightly less frequently (1–7 percentage points) than Latvians use the opportunity to elect representatives in the Saeima and the European Parliament. However, much fewer citizens with the right to vote admitted that they participated in a referendum (52 %) than recorded in the 2012 referendum on amendments to the Constitutions (71 %) (CEC of the Republic of Latvia 2014b), but more than, for instance, in the 2011 referendum on the dissolution of the Saeima (45 %) (CEC of the Republic of Latvia 2014c). Taking into account that 2–3 years have passed since both referenda, some respondents may have failed to accurately remember the fact of participating or not participating in the vote. Fewer than 10 % of respondents reported having engaged in other activities – agitating to vote in a certain way, protests, communication with politicians and officials and so on (see Table 14.4).

Overall, it must be concluded that for the majority of the inhabitants, participation in elections is still not only the main, but also the only method of political engagement. Ranking second is referenda participation, which, unlike elections, are not regular, but to a great extent dependent on the initiative of the inhabitants themselves (mostly – a certain stakeholder group). Only a few per cent are engaged in other activities expressing political influence – protests, signing petitions, contact with a politician or an official, etc., also including attempts to convince peers to support a certain party or candidate. This picture, together with the marked distrust towards politicians, lead to a sort of a vicious cycle, with the negative image of the leading elite and the overall political situation not having any prospects of changing, bearing in mind that the distrust towards and dissatisfaction with politicians does not translate into active participation to encourage politicians to pay more attention to the people and the quality of the decisions that they make.

14.3. To what extent do the basic tendencies of political culture in Latvia create a favourable environment for democratisation processes?

The third aspect that we addressed within the context of the 2014 Democracy Audit was the *orientations* describing political cultures. The study of orientations will enable us to determine the most typical features of the political culture of the inhabitants of Latvia, and how they differ between Latvians and non-Latvians/aliens. Comparisons with the 2005 Democracy Audit data will offer an understanding of the most typical changes that have affected the political culture of the inhabitants over the last decade.

In the preparation of the theoretical grounds of this study, we, firstly, used the conceptual framework of Almond and Verba (Almond, Verba 1989), within which political culture is perceived as political attitudes, political orientations, values, knowledge, and expectations in regard to the

political system. The authors' devised typology distinguishes between an individual's attitude towards the overall political system and their place in the political process; it distinguishes between emotion- and knowledge-based and action-oriented attitude. In developing the political culture models, the researchers indicate various stages in political processes: the initial investment stage (the input), policy implementation and policy result (the output). Based on this conceptual framework, the researchers involved in the Democracy Audit project devised a renewed set of indicators for studying the political culture orientations in Latvia. To assess the attitudes towards political processes, the following indices and question wording were employed in the survey of the inhabitants: press freedom, opinion pluralism ('there must be various press publications in a country representing differing political opinions', 'newspapers criticising the government are more valuable to a free society'), equality in political rights ('all permanent residents of Latvia must enjoy all citizen rights'), observing the laws ('everybody must observe the laws, even if they appear unfair'). The authors of this research considered a positive attitude towards 'possibilities of influencing a decision made by the government or a local government inconsistent with the public interest' as a reference to input in the political process (Gamson 1968). Two other indicators – 'overall, the government is taking into account the public opinion' and 'everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations' – enable us to determine the overall attitude towards the implementation of democracy in the country.

Secondly, we study political culture by employing the dimension of political alienation/engagement. We use the conclusions reached by researchers, who are studying political alienation, juxtaposing it against the engagement orientation. Respecting the conclusions of Seeman and Finifter (Seeman 1959; Finifter 1970), we explain political alienation as (1) political powerlessness, (2) political meaninglessness, (3) failure to meet political norms in power structures due to their inefficiency (political normlessness), and (4) political isolation, which implies ignoring those political norms that are observed by other members of society.

We measured *political powerlessness* by employing a negative answer to a question on the possibilities for influencing a decision made by the government or a local government that is inconsistent with the public interest. The attitude towards the statement 'The conduct of Latvian politicians is unpredictable' served as the measure of *political meaninglessness*. *Political normlessness* in power structures was discovered by determining the attitude towards the statement 'People, who assume important public posts, are usually thinking of their own rather than the public good', whereas *political isolation* was unveiled via a negative attitude towards the statement 'Everybody must observe the laws, even if they appear unfair'. The question about attitudes towards the possibilities of a strong leader was included among the indicators of political alienation, juxtaposing it against such democratic values as laws and negotiations: 'Some strong leaders will do more for the good of our country than all laws and negotiations'. Our aim was to find out in which orientation structures the said indicator is most closely integrated. We look at a positive attitude towards 'the possibility of influencing decisions made by the government or local government inconsistent with public interests' as an indicator describing inclusive orientation. In the analysis of survey results, we will first look at the main types of orientation, and then move on to a comparison of the prevalence of certain attitudes, using the survey data obtained for the democracy audits of 2004 and 2014 (DA 2005; DA 2014).

Political culture orientations: An analysis of results

In the statistical data analysis, using confirmatory factor analysis (CFA), the groups of mutually related features (a specific indicator corresponding to each feature), which can be referred to as political culture orientations, were determined. Each of these orientations describes a more expressed feature of an individual's political culture: in our case, we discovered three most significant orientations: (1) pluralistically open, (2) participation-oriented, and (3) closed alienated orientation. The orientations of each group of features are depicted in the factor chart (Fig. 14.1), and we have

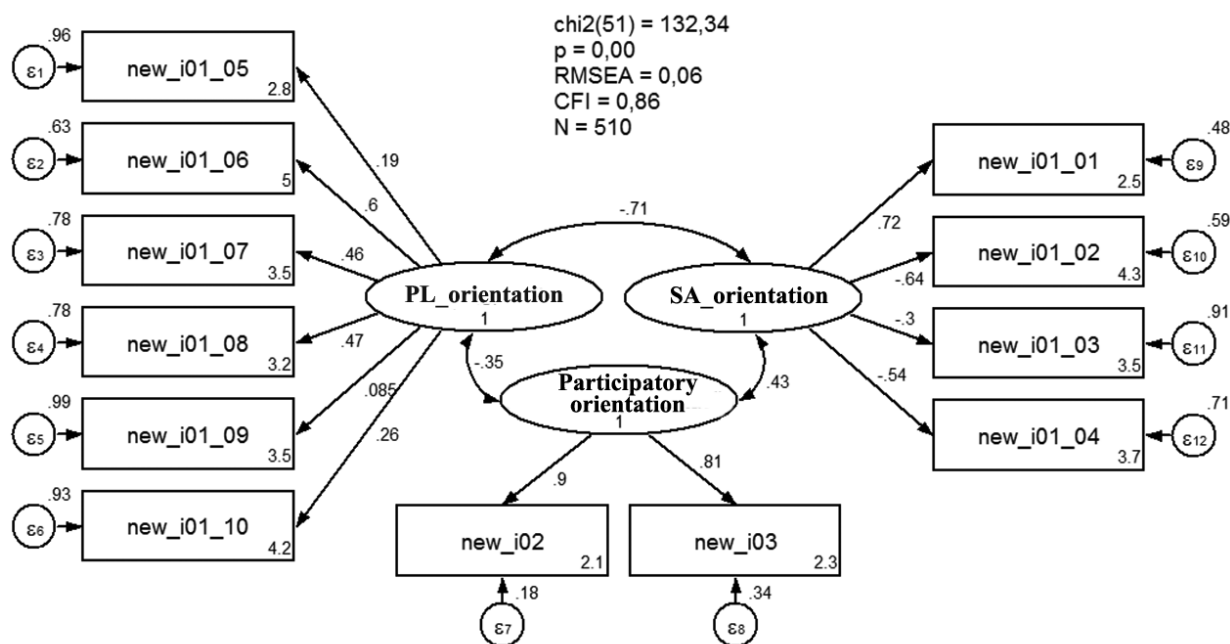


Figure 14.1. Results of confirmatory factor analysis: orientations of political culture

Table 14.5. Indicators included in confirmatory factor analysis

Indicator name	Indicator interpretation
new_i01_01	Overall, the government is taking into account the public opinion
new_i01_02	People, who assume important public posts, usually are thinking of their own rather than the public good
new_i01_03	Some strong leaders will do more for the good of our country than all laws and negotiations
new_i01_04	The conduct of Latvian politicians is unpredictable
new_i01_05	The country's leading newspapers must support the government's opinion
new_i01_06	There must be various press publications in a country representing differing political opinions
new_i01_07	Newspapers criticising the government are more valuable to a free society
new_i01_08	All permanent residents of Latvia must enjoy all citizen rights
new_i01_09	Everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations
new_i01_10	Everybody must observe the laws, even if they appear unfair
new_i02	Would you be able to do something if the government made decisions inconsistent with the public interests?
new_i03	Would you be able to do something if municipal authorities made decisions inconsistent with the public interests?

Source: DA 2014.

formulated the names as follows: (1) *pluralistically legitimising orientation (PL)*, (2) *participatory orientation* and (3) *sceptically alienated orientation (SA)*.

These orientations are not mutually exclusive; they can mutually correlate. For instance, quotients in Figure 14.1 above the straight arrows point to the relation between individual indicators (in rectangles) and orientation type (in ovals) determining the extent to which the type of orientation influences a specific feature. Whereas the quotients above the bent arrows depict the correlations between orientation types. In cases where the quotient is higher, the links are stronger, and vice versa – if the quotient is lower, the link is weaker. A negative quotient (<0) points to an inverted relation, namely, the more expressed a specific political orientation, the less expressed a specific feature.

(1) The *pluralistically legitimising orientation* includes the following indicators: ‘there must be various press publications in a country representing differing political opinions’, ‘newspapers criticising the government are more valuable to a free society’, ‘all permanent residents of Latvia must enjoy all citizen rights’, ‘everybody must observe the laws, even if they appear unfair’, ‘everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations’, ‘the country’s leading newspapers must support the government’s opinion’. From the standardised factor loadings presented in the factor chart, it is evident that the pluralistically legitimising orientation correlates the most with the indicators ‘there must be various press publications in a country representing differing political opinions’ (0.6), ‘newspapers criticising the government are more valuable to a free society’ (0.46), ‘all permanent residents of Latvia must enjoy all citizen rights’ (0.47). Of these indicators, the first two refer to press freedom as pluralism of opinions, whereas the third, to the legal equality of inhabitants.

On the one hand, this orientation includes features (press freedom, pluralism of opinions, equality of political rights, observing the laws), describing the attitude of an individual towards the political process as pluralistic and democratic. If we compare the extent to which Latvians and non-Latvians agree with these statements, it is evident that the majority (84 %) support the opinion that ‘there must be various press publications in a country representing differing political opinions’. This opinion is equally widespread among Latvians (83 %) and non-Latvians (85 %). The opinion that ‘everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations’ is widespread among Latvians and non-Latvians alike. With this orientation, the belief that democratic processes in Latvia are occurring successfully is clearly voiced. The majority of society (70 %) believes that ‘everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations’. However, Latvians agree with this statement more (77 %) than the ethnic minorities (59 %). In our society, there is a widespread opinion that ‘everybody must observe the laws, even if they appear unfair’ (78 %). This opinion is popular both among Latvians (76 %) and ethnic minorities (81 %). In Finifter’s opinion, a negative attitude towards norms observed by most other members of society is described as *political isolation* (Finifter 1970). Our survey data show that this manifestation of political alienation in Latvian society is observed less frequently than, say, views on the failure to observe political norms (see *Sceptically alienated orientation*).

On the other hand, the pluralistically legitimising orientation also includes agreement with such a statement as ‘the country’s leading newspapers must support the government’s opinion’. This, possibly, describes the complexity of the process of the formation of a political culture in society; it is clear that democratic values in the minds of the people cohabit with the wish to control opinions and their prevalence. Perhaps, this relates to Castells’ proposed interpretation of the concept *legitimising identity*: the well-known Spanish sociologist explains the construction of identity as the mutual interaction of political power and civic society, in which society accepts the aim of the authorities to maintain support for the existing power structures and the reproduction of order determined by them (Castells 2009).

If we compare how the agreements with statements describing the pluralistically legitimising orientation have changed over the last decade, we see that support for such democratic values

as ‘freedom of press’ and ‘pluralism of opinions’ has weakened – in particular among Latvians. As evidenced by survey data, in 2004, 66 % of Latvians supported the opinion that ‘newspapers criticising the government are more valuable to a free society’, whereas in 2014, 53 %. At the same time, the number of people believing that ‘the country’s leading newspapers must support the government’s opinion’ has increased.

Table 14.6. Statements describing the pluralistically legitimising orientation: Dynamics of attitudes (2004–2014), %

Pluralistically legitimising orientation	Latvians 2004	Others 2004	Latvians 2014	Others 2014
There must be various press publications in a country representing differing political opinions.	92	88	83	85
Newspapers criticising the government are more valuable to a free society	66	59	53	59
Everybody must observe the laws, even if they appear unfair	–	–	76	81
Everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations	72	48	77	59
The country’s leading newspapers must support the government’s opinion	29	20	34	30

Source: DA 2005, 2014.

(2) The *participatory orientation* includes the following indicators: ‘would you be able to do something if the government made decisions inconsistent with the public interests?’ (standardised factor loading = 0.9) and ‘would you be able to do something if municipal authorities made decisions inconsistent with the public interests?’ (standardised factor loading = 0.81). The only indicator to which these statements are positively related is the conviction that ‘the government is taking into account the public opinion’. However, further analysis shows that this statement to a greater extent relates to features describing the pluralistically legitimising (though passive) orientation ‘everybody has equal rights’ and ‘newspapers must support the government’s opinion’. The prevalence of features characterising *participatory orientation* in our society is not high. As few as 25 % of Latvians and 16 % of people belonging to ethnic minorities gave a positive answer to the question ‘would you be able to do something if the government made decisions inconsistent with the public interests?’; to the similar question of the possibilities of affecting local government decisions, a positive answer was given by 33 % of Latvian and 24 % of non-Latvian respondents. The participatory orientation allows judging the individual’s readiness to take part in the political process and contribute to it. We see that a considerably greater number of respondents have expressed a negative opinion of their ability to influence political decision-making: 64 % of Latvians and 73 % of non-Latvians believe that they could not do anything if the government adopted decisions contrary to the public interest. If the political culture is explained by employing the dimension of political engagement/alienation, then we can conclude that alienation from political processes, instead of engagement in them prevails in our society.

A rather disappointing view is unveiled upon comparing the data from the 2004 and 2014 surveys. There has been a considerable decrease in the number of people who believe that they could influence a decision made by a local government. Between both democracy audits, administrative-territorial reform has taken place in Latvia. The question of how democratic is the co-operation of local government institutions with the public is well-founded. In regard to the possibilities for affecting government decisions, the expectations of non-Latvians have decreased, whereas the Latvians’ opinions have not changed considerably.

Table 14.7. Statements describing participatory orientation: Dynamics of attitudes (2004–2014), %

Participatory orientation	Latvians 2004	Others 2004	Latvians 2014	Others 2014
Would you be able to do something if the government made decisions inconsistent with the public interests?	27	25	25	16
Would you be able to do something if local government authorities made decisions inconsistent with the public interests?	52	35	33	24

Source: DA 2005, DA 2014.

(3) *Sceptically alienated orientation* includes the following indicators: ‘people, who assume important public posts, usually are thinking of their own rather than the public good’ (standardised factor loading = -0.64), ‘some strong leaders will do more for the good of our country than all laws and negotiations’ (-0.3), ‘the conduct of Latvian politicians is unpredictable’ (-0.54). This orientation also includes the indicator ‘overall, the government is taking into account the public opinion’ showing a positive factor loading of 0.72 . Agreement with this statement negatively correlates to the other three indicators, as evidenced by the minus signs. It is peculiar that support for the capabilities of a strong leader is closely correlating with indicators that describe a rather alienated attitude towards the State, such as, the selfishness of the political elite and unpredictability of its conduct. If we assess the popularity of these attitudes in our society, it is clear that they are equally popular among the Latvians and ethnic minorities: the opinion ‘people, who assume important public posts, usually are thinking of their own rather than the public good’ is supported by 81 % of Latvian and 81 % of non-Latvian respondents; the opinion that ‘some strong leaders will do more for the good of our country than all laws and negotiations’ is supported by 60 % of Latvians and 61 % non-Latvians, whereas the opinion that ‘the conduct of Latvian politicians is unpredictable’ is supported by 71 % Latvians and 70 % non-Latvians. It must be pointed out that alienation from political processes and simultaneously shifting accountability onto the shoulders of some strong leaders is equally widespread in both of the largest ethnolinguistic groups in Latvian society. If we compare the agreement to statements forming the sceptically alienated orientation in 2004 and 2014, it is evident that the opinion that ‘the government is taking into account the public opinion’ has weakened. At the same time, there has been a decline in the number of people, who believe that ‘people, who assume important public posts, usually are thinking of their own rather than the public good’. This could be explained by the weakened direct influence of what are known as the oligarchs in the legislative process and increased trust in specific honest and successful politicians.

Table 14.8. Statements describing sceptically alienated orientation: Dynamics of attitudes (2004–2014), %

Sceptically alienated orientation	Latvians 2004	Others 2004	Latvians 2014	Others 2014
Overall, the government is taking into account the public opinion	39	22	19	15
People, who assume important public posts, usually are thinking of their own rather than the public good	88	86	81	81
Some strong leaders will do more for the good of our country than all laws and negotiations	59	58	60	61
The conduct of Latvian politicians is unpredictable	-	-	71	70

Source: DA 2005, 2014.

Overall, upon assessing the above orientations, it is evident that on the one hand, our society widely supports such democratic values as pluralism and competition of opinions, but at the same time, the orientation describing an active position, readiness to act in case of decisions made deliberately inconsistent with the society's interests, is relatively weak. At the same time, it must be emphasised that our society widely supports attitudes that are typical to *sceptically alienated orientation* (selfishness of the political elite in decision-making, unpredictability of political processes, and at the same time relying on a strong leader). This orientation describes an alienated, sceptical attitude towards the political processes taking place in the country. It is equally widespread among Latvians and non-Latvians alike. There is no doubt that strong leaders are necessary to facilitate political processes; however, it is important to understand the context, in which society holds such expectations towards such leaders. In this case, we observed reliance on leaders with respect to distrust in democratic procedures. As proven in comparative studies, such as the EVS (European Values Survey), Latvia is among those European countries where society assigns an important role to 'strong political leaders'. For instance, the results of a 2008 survey showed: the opinion that 'a strong leader who does not need to take into account the Parliament or elections' to govern a country is more often supported by people of post-Soviet and post-communist countries. Thus, 74–62 % of people in Romania, Macedonia, Serbia, Ukraine, Bulgaria do not support the idea

Table 14.9. Agreement with the statement 'a strong leader who does not need to take into account the Parliament or elections is necessary to govern a country' (answers 'very good' and 'good' are included)

	1999	2008	Dynamics (in percentage points)
Romania	67	74	+7
Macedonia	–	72	–
Serbia	–	68	–
Ukraine	–	67	–
Latvia	58	62	+4
Bulgaria	48	62	14
Russia	49	58	+9
Lithuania	56	52	-4
Belgium	31	40	+9
Czech Republic	16	29	+13
Hungary	21	27	+6
Estonia	18	26	+8
France	35	26	-9
Poland	22	21	-1
Norway	–	18	–
Germany	16	18	+2
Italy	16	16	0
Sweden	21	16	-5
Denmark	14	15	+1
Finland	17	15	-2

Source: EVS 2010; EVS 2012.

of a strong leader. Furthermore, a considerable part of the Latvian population (62 %) support the idea of a strong leader, and this idea is also popular in Russia (58 %) and Lithuania (52 %). This opinion is less prevalent in Western countries: in the Netherlands and Belgium, this idea is supported by 40 %, whereas in Scandinavian countries, 15–17 % of the population. In other European countries, this value does not exceed 30 %. It is peculiar that the idea of a strong leader in Estonia is supported by a mere 26 % of the population. If we compare the data from the EVS of 1999 and 2008, it can be concluded that the attitude in the Scandinavian countries has not changed; however, in a range of Eastern European countries (Romania, Bulgaria, the Czech Republic, Hungary), support for the idea of a strong leader has increased.

It is evident that in Latvia the expectations with regard to the capabilities of *a strong leader* are similar to most post-communist countries; however, they significantly differ from the stances of inhabitants in Western countries. We can propose various assumptions to explain this fact, by pointing to the historical context and today's discourse; however, it must be undeniably admitted that this issue has not received sufficient attention from academic research because up to now the debates on this topic were more associated with specific discussions, such as political debates about the consolidation of the authority of the institution of president.

If we look at the above orientations as a whole, another interesting correlation is unveiled. It turns out that fewer than 20 % of respondents have voiced agreement with the statement 'the government is taking into account the public opinion' (Latvians – 19 %, non-Latvians – 15 %). At the same time, 77% of Latvians and 59 % of non-Latvians believe that 'everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations'. What we see here is that, on the one hand, people perceive 'the presence' of democracy and the opportunities it offers; however, on the other hand, society is not confident about a successful feedback for the part of the political power. We can conclude that this disparity unveils the viewpoint in our society of democratic processes in the country as an asymmetric communication, in which one party – society – has rather many opportunities for voicing its opinion; however, the level of expectations towards the other party – the political power – to engage in communication is rather low.

It can be claimed that the attitudes towards these indicators describe the attitude towards the political process as such – on the one hand, the democratic society has typical opportunities; however, on the other hand, the feedback on the part of the authorities is weak. The comparison of survey results from 2004 and 2014 shows that this asymmetry in the public eye has increased because the number of respondents who believe that 'everybody in Latvia has equal opportunities to voice their opinions, organise protests, demonstrations' has increased, meanwhile, the number of those, who believe that 'the government is taking into account the public opinion' has decreased. Overall, the main directions of political culture in Latvia create a favourable soil for processes of democratisation, and society strongly supports democratic values.

14.4. To what extent does the mutual perception between the largest ethnolinguistic groups in Latvia facilitate the processes of democratisation in Latvia?

Society in Latvia has historically taken an ethnically diverse form – there are representatives of about 170 (according to other data, about 150) ethnic groups. However, the percentage of only six ethnicities exceeds 1 % in the total number of the residents of Latvia. And namely, these are Latvians (59.6 %), Russians (26.9 %), Belarusians (3.4 %), Ukrainians (2.4 %), Poles (2.2 %) and Lithuanians (1.3 %). Yet another four ethnicities are represented to the extent of about 0.1 % to 0.4 %. Among them, are the traditional minorities of Latvia, such as Jews (0.4 %), Roma or Gypsies (0.4 %), Germans (0.2 %) and Estonians (0.1 %) (CSB of the Republic of Latvia; OCMA of the Republic of Latvia 2014).

The respect and protection of differences of the culture of various ethnic groups in the national laws and action policy of public authorities of Latvia in this field are regarded in the first part of this assessment, in particular in the second chapter. In this section, attention is primarily paid to the fact that the democratisation processes in Latvia are very significantly affected by the division of society into two large ethnolinguistic groups depending on the language used in daily life and by the mutual relations between these groups. Among the non-Latvians of Latvia, the Russian language prevails: 58 % of non-Latvians who do not consider themselves Russian point out that their native tongue is the Russian language, and 82 % of them mostly speak Russian at home. Therefore, the dominance of the Russian language among other ethnicities serves as the grounds for the sociolinguistic division into Latvians and Russian speakers (BISS (Baltic Institute of Social Sciences) 2005, 13). According to the 2011 census, 56.3 % of Latvians speak Latvian on a daily basis, whereas 33.8 % – Russian (CBS 2013). The Russian-speaking community in Latvia, in comparison with the Russian-speaking communities in Estonia and Lithuania, stand out for having relatively the greatest confidence in their power and influence in society. If the self-assessment of a group is placed on a scale of 0 to 1, where 0 is complete lack of influence, but 1 is a completely dominating influence, the Russian-speakers of Latvia give a self-assessment of 0.51, and that is higher than the Russian-speakers' self-assessment in Lithuania (0.49) and Estonia (0.45) (Эхала, Забродская 2011, 30).

Successful progress in democratisation processes in the context of relations between ethnolinguistic groups to a great extent depends on the ability of Latvian society to ensure favourable conditions for the development of the Latvian language and culture and strengthening the sense of belonging to Latvia in the people of other ethnic origins living in Latvia, in other words, integrating, uniting the community. In this respect, it is important to emphasise that integration in a modern understanding is closely linked to the democratic arrangement of society, and it refers to individuals and large ethnolinguistic groups alike.

In the book 'How integrated is Latvian society?' (*Cik integrēta ir Latvijas sabiedrība?*), published in 2010 by the Advanced Social and Political Research Institute (ASPRI) of the Faculty of Social Sciences of the University of Latvia, integration is construed as the process of the consolidation of ethnically versatile societies, based on intercultural contact, engagement and non-discrimination. With regard to intercultural contact, knowledge of the official language has a particular importance as a fundamental intercultural competence – the bedrock of successful communication between the ethnic groups and a significant prerequisite of socially political inclusion of national minorities. Engagement as an important component in the integration process is based in intercultural communication and competence; this is closely related to non-discrimination, which prevents people being treated differently depending on their ethnic background, language, religious affiliation, skin colour or other feature. All of the aforementioned fosters equivalence as well as representation, which must provide group representatives with social, economic, cultural, and political influence (Muižnieks 2010, 28–30).

Several factors can be mentioned with regard to the relations between the largest ethnolinguistic groups of Latvia, acting in the direction of stabilisation and normalisation.

- (1) In comparison with, for instance, Estonia, where the ethno-linguistic structure of the population is similar to that of Latvia, the non-Latvians are more evenly spread across the territory of the country, and this objectively promotes mutual communication possibilities between the representatives of different ethno-linguistic groups.
- (2) no sharp differences exist between the communities in Latvia in the sense of social and economic standing (Hazans 2010, 141).
- (3) mixed marriages have been a traditional feature in Latvia. Mixed marriages not only link individuals, but also broader social groups, to which the individuals belong. Traditionally, the number of mixed marriages in Latvia has been relatively high, and it has not decreased significantly after the reinstatement of independence. Quite the contrary – the proportion of

Russians, who have married Latvians, has increased significantly: from 16 % in the early 1990s to 25 % nearly fifteen years later (Monden 2005, 334). In 2012, of all marriages, more than 20 % of Latvian men and women married non-Latvians (13.6 % of Latvian men and 12 % of Latvian women married respectively a Russian woman/man).

- (4) There are no major differences between Latvians and non-Latvians of Latvia in regard to civil values.
- (5) From the viewpoint of social integration, it is important to take into account that the bilingual segment of society's culture in Latvia is significantly greater than that in the neighbouring Lithuania and Estonia. According to Ehala, currently in Lithuania and Estonia it covers about 18 % of people, whereas in Latvia, more than 40 % of population (Ehala 2012).

However, it must be borne in mind that there are also several consistent factors in Latvia that promote the disassociation between the large ethnolinguistic communities. The central role among these factors is attributed to the different perception and assessment of events of the Second World War, as well as the traditions for commemorating these events. Furthermore, there are differences in opinions concerning the issues of language use (including the language of education). As pointed out in the first chapter of the assessment, initiatives to introduce amendments in the Constitution in regard to education and language issues and – as paradoxically as it may seem – the process of guidelines of social integration adopted by the Cabinet of Ministers in 2011 and the contents of these guidelines, where paternalism and ethnocentricity clearly dominated, have promoted public polarisation and radicalisation of views. The differences of opinions existing in society were clearly demonstrated by the referendum of 18 February 2012 about a draft law 'Amendments to the Constitution of the Republic of Latvia' prescribing that the Russian language be established as a second official language. The 24.88 % of referendum participants, who voted in favour of this proposal, approximately correspond to the proportion of the Russian-speaking citizens of Latvia in the total number of citizens (CEC of the Republic of Latvia +2012). As pointed out by researchers, there is 'a conflict of ethnopolitical attitudes' in Latvia, which, nevertheless, is restricted to two important aspects: 'firstly, the ethnopolitical issues are not on the daily agenda of the respondents; secondly, if steering clear of the ethnopolitical problems, the opinions of Latvians and non-Latvians about today's public profile are not significantly different. Social and economic problems are identical for Latvians and Russians alike' (BISS 2005). The situation is complicated by the divide in the political elite of Latvia – elite groups oriented towards ethnolinguistic groups are taking advantage of the existing discord in order to achieve their political aims. Furthermore, there is a perceptible significant influence of the mass media of Russia.

However, despite the aforementioned, the results of the survey conducted for the purposes of the audit show that overall both Latvians and the Russian-speakers of Latvia view the inter-ethnic relations in Latvia as satisfactory – this is the view of 59.3 % of Latvian respondents and 57.2 % of Russian-speaking respondents, whereas 21.2 % of Latvians and 23.6 % of non-Latvians view them even as good. When asked about how, in their opinion, relations between Latvians and Russian-speakers have changed over the last decade, more positive in their assessment were those respondents, who speak Russian at home – from among them, nearly three quarters (71.7 %) believed that the relations have not deteriorated. Even though most Latvians agree with this opinion, they were more cautious in their assessment – from among those speaking Latvian at home, 63.6 % agreed with the opinion that the inter-ethnic relations in Latvia over the last decade have not worsened (DA 2014).¹

If the assessment of mutual relations between the ethnolinguistic groups according to representatives of these communities is taken into account, then the situation in Latvia is interpreted

¹ The survey data refer to the situation effective in April 2014. Currently, the authors have no data at their disposal which would allow drawing conclusions as to how the different perceptions of the aggravation of the Ukrainian crisis, the events in Ukraine and of the roles that Russia is playing in these events have changed the mood and mutual relations between the main ethnolinguistic groups of Latvian society.

as the most complicated in comparison with other Baltic States. According to the data from Ehala and Zabrodskaya, the 'small' minorities of the Baltic States (the Lithuanian Russians and Poles) assess the legitimacy of inter-ethnic relations formed in their country respectively with 3.77 and 3.90 points, namely, above the average on a 6 point scale (where 1 means low, but 6 means high legitimacy). Meanwhile, the 'large' minorities of the Baltic States – the Russian-speakers of Estonia and Latvia – regard the legitimacy of these relations as much lower – with 2.78 and 2.31 points respectively. From among the Baltic States, Latvia also shows the highest value of mutual distrust between the ethnic groups. Latvians assess their distrust at 3.29 points, which is significantly more than the assessment given by Estonians (3.06) and Lithuanians (2.76). The Russian-speakers of Latvia show a similar attitude. They assess their mutual distrust at 3.37, which differs significantly from the assessment given by the Russian-speakers of Lithuania and Estonia (2.76 and 3.16 respectively) (Эхала, Забродская 2011, 36).

Both of the larger ethnolinguistic groups of Latvia show insecurity, collective ethnic fear (BISS 2005, 6) and a sense of threat to their ethnolinguistic identity. This is proven, for instance, by the Latvians' self-assessment, which, according to the data from Ehala and Zabrodskaya, is 0.66 on a self-assessment scale of 0 to 1 and is considerably lower than that of Lithuanians (0.74) and Estonians (0.72). There are also similar differences with regard to the assessment of the title nation on the part of the Russian-speaking minority in the respective state. Lithuanians are assessed the highest (0.78), followed by Estonians (0.74) and only then Latvians (0.70) (Эхала, Забродская 2011, 30). Furthermore, in the sense of the relative ethnic potential of title ethnic groups (which is calculated by comparing the title nation's self-assessment with the Russian-speaking minority's ethnic potential in its assessment), Latvians attribute to themselves only a small predominance over the Russian-speakers of Latvia (0.10), and in this respect they significantly lag behind Estonians (0.23) and Lithuanians (0.20) (Эхала, Забродская 2011, 30).

This relatively low self-assessment, a peculiar 'minority complex' is manifested in the tendency of Latvians to disassociate themselves from the Russian-speakers as the second largest ethnolinguistic group (see BISS 2005, 12). Based on this approach, the excluding political culture is widespread in Latvia manifested in the belief popular in the Latvian part of society and in the political elite that the post-war immigrants are not entitled to make decisions in strategic matters of Latvian development. Only in the early 1990s, 49 % of Latvians believed that only pre-war citizens and their posterity should be allowed to participate in the elections of the restored country. For comparison, 44 % of Estonians and only 12 % of Lithuanians gave the same answer. This clearly points to the link between the level of 'cultural trauma' (which in this case is inversely proportional to the proportion of the title nation in the total number of population in the final years of the Soviet reign) and the support for excluding political culture (Rose, Maley 1994).

Such orientations of casual beliefs turned out to be viable. For instance, in 2013, 60.3 % of Latvian respondents agreed to the statement that the identity and culture of national minorities should be supported and strengthened in Latvia. At the same time, only 37.5 % of Latvian respondents agreed to the statement that more active participation of other ethnic minorities in state administration would promote the development of Latvia (Human Development Report (HDR) 2013). Such dispositions only deepen the divide in the Latvian political spectrum due to ethnic features and legitimises the inability of Latvian electorate-aimed parties to engage the masses of electorates of other ethnicities, as well as pushing the Russian-speaking political representatives back 'in eternal opposition'.

At the same time, the considered 'Latvian' and 'Russian' political actors' model of relations leads to adverse consequences with respect to social-political processes in society as a whole. Firstly, an inherent decrease of political competition must be mentioned. The narrow range of political actors forming the government and the lack of a real alternative to create a government necessarily leads to the 'irreplaceability' of certain political actors in the processes of forming and functioning of governments, as well as to a disproportionate influence on the government's decisions. This becomes one of the causes for instability in the work of governments and impedes the implementation of a

consistent, strategically oriented policy. A low level of political competition is also mentioned as one of the key causes of the relatively high level of corruption, which, according to the opinion of international organisations, in Latvia is by now traditionally higher than that in neighbouring Estonia and Lithuania. And finally, weak political competition in combination with the identification of 'the left' and 'leftist' typical for the political culture of Latvia have significantly restricted the possibility of the creation of civilised left political actors as an alternative for right wing political actors, and the right wing has, for more than 20 years now, dominated the politics of the once more independent Latvia. This has become one of the main causes for a disproportionate increase in the social and economic inequality during the post-Soviet transformations, which our neighbours have not experienced to such a great extent, not to mention such post-communist states as Slovenia, the Czech Republic and Slovakia.

One of the most typical recent tendencies in the political and intellectual elite of Latvia (originating as a response to the ever increasing success of political actors supported by Russian-speaking voters' in the parliamentary and local government elections over the last decade) is an increasing emphasis on the priority of Latvian ethnic values as the determinant prerequisite of social unity. This is shown, for instance, by differences in the wording of the integration programmes of 2001 and 2011. The wording of the 2001 integration programme, by justifiably emphasising the importance of the Latvian language and culture, nevertheless, brought civil values to the forefront (*Sabiedrības integrācija Latvijā* ('Integration of society in Latvia') 2001, 4). According to 'The guidelines for national identity, civic society and integration policy for 2012 –2018' adopted in 2011, integration of society, as proposed by the authors of this document, is essentially based in Latvian ethnic values, and civil engagement may not be an important pre-requisite or component of democratisation and integration processes, but rather a derivative of the integration of people of other ethnicities into the Latvian cultural space (*Pamatnostādnes* ('Guidelines') 2011, 6).

Most inhabitants of Latvia, irrespective of ethnic background, are convinced of the need to know the Latvian language and assume that supporting the Latvian language and culture is one of the most important tasks of the State of Latvia. In a survey of 2013, 89.7 % of respondents (97.1 % Latvians and 76.5 % Russians) agreed to the suggestion that every citizen of Latvia should know the Latvian language (HDR 2013, 105; calculations according to the data of a 2013 survey conducted by the Faculty of Social Sciences (FSS) of the University of Latvia). However, in regard to the Latvian language and culture as the foundation of unity in the society of Latvia, opinions were rather disparate. For instance, in a 2013 survey, 90.9 % of Latvian respondents but only 43.1 % of Russian respondents agreed to that suggestion. This raises concerns that the introduction of the 2011 Guidelines can lead to a completely different result than that expected by the authors of the document – disassociation of the communities and consolidation of a two-community society.

As shown from history, an emphasis on civil values is a rather effective way for the State to include and integrate ethnic minorities, as well as – in the longer term perspective – a much more effective measure for approximating the minorities to the majority ethnos than forced measures. In today's context in Latvia, this would lead to a new, more favourable climate between both ethnolinguistic communities. Latvia has good pre-requisites for this. The data from the survey conducted for the purpose of the audit (DA 2014) show that overall a positive perception of the other community dominates in both the Latvian and the Russian-speaking community: 69.3 % of respondents answering questions in Latvian believe that they can trust the local Russians, 67.6 % believe that the local Russians treat the Latvians well, 62.9 % agree with the suggestion that the local Russians wish to co-operate with Latvians. The opinions are similar also in the Russian-speaking community of Latvia – 74.4 % of respondents answering questions in Russian believe that they can trust Latvians, 63.8 % say that Latvians treat Russians well, whereas 64.9 % believe that Latvians wish to co-operate with Russians. Only 22 % of those giving answers in Latvian and 17 % of those giving answers in Russian consider the representatives of the other community as aggressive.

These data are confirmed also by the answers given in a 2013 survey, where the respondents were asked to choose one of the three scenarios of ethnocultural development of Latvia: the idea of ‘a Latvian Latvia’ that would include the restriction of other languages and cultures; the integrative model that would propose priority development of the Latvian language and culture and at the same time providing support for the development of other languages and cultures, and finally ‘the melting pot’ model, where relations between languages and cultures would form on the grounds of free competition. A convincing majority of respondents having an opinion in this question (71.5 %) were in favour of the integrative model; only 8.8 % supported the idea of ‘a Latvian Latvia’ and 19.7 % saw the future of Latvia in a free competition of languages and cultures. Moreover, the moderately inclined respondents are in an obvious majority both among the Latvian respondents, where this model is supported by 78.0 %, and among the respondents of Russian ethnicity (62.4 %) (FSS of the University of Latvia 2013). In other words, the sense of society is dominated by an orientation towards communication and co-operation between the ethnolinguistic groups. It is important that this direction is consistently implemented also at the level of the media and political elite, by promoting a dialogue between ethnolinguistic communities and strengthening the internal security of Latvian society.

Overall assessment: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
14.1.				X	
14.2.				X	
14.3.		X			
14.4.			X*	X**	

* At the level of society

** At the level of the political elite

Best features

A positive feature of the political culture of our society is the *pluralistically legitimising orientation* characterising an individual’s attitude towards the political process as pluralistic and democratic: press freedom, pluralism of opinions, equality of political rights and observing the law is supported. At the same time, it must be admitted that over the last decade this orientation has slightly weakened, and a desire for the control of freedom of opinions has strengthened, for instance, by agreeing to the statement that ‘the country’s leading newspapers must support the government’s opinion’. The attitudes between the two largest ethnolinguistic groups of Latvian society – Latvians and Russian-speakers – are essentially favourable towards communication and co-operation between the groups.

Most serious problem

Among problematic features of political culture, we can mention, firstly, the fact that *participatory orientation* confirming an individual’s readiness to engage in a political process and to give their contribution has become less frequent in our society. It must be stressed that over the last decade, the number of inhabitants who believe that they could affect the decisions made by the local governments has considerably decreased. Secondly, society is dominated by relying on the influence of an individual strong leader; however, in relation to the low assessment of participation effectiveness, that forces us to draw the conclusion that society is becoming more inclined to shift the accountability onto the shoulders of a strong leader. Thirdly, there is a widespread perception

in Latvian society of the implementation of democracy as an asymmetric communication process, in which society has extensive opportunities to voice their opinion; however, no feedback from the political elite follows. This is a rather alarming fact, because in a situation where society does not see the results of its actions, it starts losing faith in its efficacy, and accordingly, interest in political participation decreases. Fourth, the *sceptically alienated orientation* is rather widespread in society, characterised, on the one hand, by support for a strong leader's abilities, but, on the other hand, by the opinion that the political elite is selfish and its conduct unpredictable. This orientation in society can facilitate the desire to disassociate oneself from political processes as being something unclear and unpredictable. These attitudes are transformed also in a rather scanty spectrum of political participation: only one tenth of respondents point out that they try to influence political decisions in some other ways as well, apart from elections and referenda. The sense of political powerlessness, the wish to shift the accountability to the political leaders, at the same time distrusting them, leads to an inefficient alienation from politics, which reduces the prospects of the formation of a developed democratic political culture. Latvian political elite groups use the ethnic divide in the political spectrum to achieve their political goals.

Suggested improvements

It is necessary to increase participatory effectiveness, especially at the municipal level, as well as by activating the local community activities. This would allow people to see the positive results of their political initiative. It is important to strengthen the feedback of communication between society and the political elite, which would ensure the increased efficacy of society. Specific steps are necessary for stimulating a broader engagement of individuals and society in political processes; it is recommended to establish and develop a municipal referendum institution and prescribe measures to facilitate broader opportunities for public debate. It is important to develop and improve the existing mechanisms of implementing political participation online (petitions, addressing politicians and officials). It is necessary to change the current situation, where, in the matter of relations between the largest ethnolinguistic groups of Latvia, the sentiments in the political elite and mass media are more radical than those of society as a whole. Mutual trust and a co-operative discourse between the ethnolinguistic groups must be developed in society, by stressing civil values and political engagement. In this process, particular accountability rests with the political leaders and the mass media.

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IV

**DEMOCRACY
BEYOND THE STATE**

15. INTERNATIONAL DIMENSIONS OF DEMOCRACY

Žaneta Ozoliņa and Toms Rostoks

Are the country's external relations conducted in accordance with democratic norms, and is it itself free from external subordination?

Introduction

In assessing the international dimension of democracy for Latvian foreign policy, answers to three questions were sought. The first: To what extent is Latvia independent of external agents in achieving its foreign and domestic aims and to what extent are the external and internal policies implemented without unwarranted intervention by external actors? The second question: To what extent does Latvia take public opinion into account when creating and implementing its foreign policy; are there mechanisms in place which enable society to influence foreign policy? The third question: To what extent is Latvia supporting the spread of democracy across the globe?

One must note that there is no unanimity in the literature devoted to the study of international relations concerning the influence of democracy on the foreign policy of a country. Without a doubt, most attention has been devoted to research on justifying why liberal democracies have not fought among themselves (Doyle 1983; Owen 1994; Layne 1994; Oneal, Russett 1997). Likewise, there is no unanimity among researchers when looking into the many links that exist between foreign policy and democracy. However, it would be difficult to deny that democracy has a significant influence on the foreign policy of liberal democratic states due to the tension that often exists in their relations with non-democratic states and to the fact that liberal democracies tend to support democratisation processes in non-democratic states.

Manifestations of democracy in Latvia's foreign policy after joining the European Union (EU) have been affected by several factors. The identification of these factors will serve as the point of reference for further analysis when assessing the international dimension of Latvian democracy. Firstly, since 2005, the consolidation of Latvia's statehood, and further integration into the EU and within the framework of NATO have continued. It means that Latvia has enjoyed greater foreign policy autonomy. It must nevertheless be noted that participation in international organisations, in which great effort is invested to reach unanimity, and the readiness of states to reach compromises have strongly influenced the foreign policy of Latvia. Thus, there is a simultaneous trend to shape a more autonomous foreign policy, as well as the need to coordinate this foreign policy with other EU and NATO member states. Latvian foreign policy is still heavily influenced by external conditions, as Latvia is not only a small country, but it is also included in the group of 'new' member states. Furthermore, its location next to Russia increases the risk of external influences.

Secondly, the economic crisis has left a considerable impact on Latvia's foreign policy primarily affecting domestic policy and social economy. The extreme reduction of funding for defence and foreign affairs has affected the ability of Latvia to achieve its foreign policy aims, such as its wish to support democracy in other countries. The public demand to employ foreign policy as one of the instruments for overcoming the economic crisis has also increased. Affected by the economic

recession, the interest of entrepreneurs to use the foreign affairs services to protect their interests has increased significantly.

Thirdly, the accession to the EU and NATO has encouraged Latvia to integrate the democracy support component in its foreign policy. For instance, at the time when Latvia joined the EU and NATO, its development co-operation policy was still relatively young, however in 2014 it is already 10 years old. Therefore, there are grounds to believe that over the last decade, the element of spreading democracy Latvia's foreign policy has become more pronounced, and therefore more attention is paid to it than in the previous audit in 2005.

15.1 How free is the governance of the country from subordination to external agencies, economic, cultural or political?

This section primarily deals with economic, political, and cultural relations with Russia, including soft power and public opinion elements. The previous assessment of the international dimension of Latvia's democracy looked at two of the most important aspects of external influences. Firstly, the external pressure exercised by Russia upon Latvia with the aim of fulfilling Russia's own interests was assessed. Secondly, external pressure from international organisations (the UN, EU, OECD, NATO, the World Bank, etc.) aiming at fostering the process of consolidation of democracy in Latvia was assessed. Since the previous audit of democracy, the pressure exercised by Russia has, to a certain extent, even increased, and this is looked at in more detail later in this section. Pressure exercised by international organisations, however, has decreased. This can be explained by the fact that Latvia is a fully-fledged member of the EU and NATO, and in 2014, negotiations were underway on the accession of Latvia to the OECD – the economic organisation bringing together the most developed countries of the world. Therefore, external actors have fewer possibilities of setting various conditions for Latvia, which, if not fulfilled, would jeopardise Latvia's integration into the said organisations. As the influence of international organisations on the development of democracy in Latvia has decreased since 2004, this matter is not looked into in such detail.

Contrary to what was expected, after joining the EU and NATO, Latvia has still been dominated over the last decade by concerns about the impact Russia has on Latvia. Before joining the EU and NATO, the priority issues in the relations between Latvia and Russia were related to differing interpretations of 20th century history, energy matters, as well as the rights of the Russian-speaking population of Latvia (including the non-citizen issue). After 2004, these issues were supplemented with concerns about the soft power exercised by Russia on Latvia. It must be noted that, even after accession to the EU and NATO, concerns about the external influence of Russia on Latvia, and in particular on the Russian-speakers living in Latvia, have not diminished. The Russia–Georgia war in August of 2008 and the Ukraine crisis in the spring of 2014 have once again aggravated the concerns about the vulnerability of Latvia in the face of attempts by Russia to influence the views of the inhabitants of Latvia using the information space. Moreover, the academic community is experiencing an ever increasing interest about relations with Russia, resulting in a range of publications, which have been prepared since the previous audit of democracy, on which the assessment of Latvian and Russian relations to a great extent are based.¹ Furthermore, mass media interest in the influence of Russia has increased considerably.²

¹ Without striving to offer an exhaustive list of academic publications, we are going to mention a few of the most important ones: Muižnieks 2006, 2008, 2011; Lerhis, Kudors, Indāns 2007; Ozoliņa 2007; Sprūds 2012. Relations with Russia have also been discussed in many other publications issued in Latvia and abroad, analysing Latvia's foreign and defence policies.

² Some examples include the weekly TV shows *De Facto* and *Nekā Personīga*, the weekly publication 'Ir', as well as broadcasts and publications of the Baltic investigative journalism centre *Re:Baltica* about the interests and influence of Russia in Latvia.

The fields of economy and politics function independently, for the most part. However, economic means can sometimes be used for achieving political goals. Latvia's economic relations with EU member states are mostly non-politicised, however in their economic relations with Russia and Belarus, the risk of politicisation is greater. Already in the 1990s, Russia used economic instruments against Latvia (Drezner 1999) and it has also widely employed economic instruments against other neighbours, such as Lithuania and Ukraine in the second half of 2013, i.e. at a time when Lithuania held the presidency of the Council of the EU.

Unfavourable external impact can be restricted, provided that the intensity of economic relations with countries, in which the economic sphere is subject to the risk of political interference, is curtailed; however in democratic countries, decisions of this type are to a great extent left to the discretion of entrepreneurs. It was emphasised in the international dimension assessment of the democracy of Latvia conducted in 2005 that in 2003, 80 % of Latvian export and import was linked to the EU (both EU-15 and candidate states), whereas the Russia's percentage in external trade was only 8 % (Ozoliņa, Ziemele 2005, 184). Ten years on – in 2013 – the situation has slightly changed, namely, the importance of Russia as an external trade partner has slightly increased (to 10 %), whereas external trade with the EU countries has decreased (down to 71 %). It must nonetheless be noted that in absolute numbers, the external trade volume with the EU countries has increased, whilst trade with Russia has grown faster. Trade with CIS countries increased rapidly in 2012, when it grew by 22 %, and this growth continued in 2013 (an increase of 4 %) (LR EM (*MoE of the Republic of Latvia*) 2013, 24–26). One must also take into account that the rapid growth of the Latvian economy during the post-crisis period is linked to a rapid increase in its exports – since 2009, the export volume has seen a nearly twofold increase.

As far as foreign direct investments accumulated in Latvia are concerned, investors from EU countries are prevalent, as 71 % of all accumulated foreign direct investments are either from the EU-15 or from the relatively new EU member states. In the economic development report prepared by the Ministry of Economics, it is said that 42 % of the accumulated foreign direct investments consist of investments by entrepreneurs from Denmark, the Netherlands, Germany, Estonia, Norway, Finland, Russia, and Cyprus (LR EM 2013, 67–69). Lursoft data show that from 1991 until the end of 2013, Russia was the fifth largest investor in Latvia (total investments reaching nearly 300 million lats); however, investments from this country form only slightly more than 6 % of the overall investment amount. It must nevertheless be pointed out that in 2013, Russia was the third largest investor with investments worth 44 million lats, followed by Cyprus (43 million), and Malta (27 million); in 2013, the USA with investments worth 99 million and Lithuania with 55 million ranked first and second respectively. The accumulated foreign direct investments last year reached 4 849 billion lats (Lursoft 2014a). It must be noted that Russia is conclusively the largest foreign investor in Latvia in terms of the number of investors – from 4 March 1991 until 2 June 2014, 5 156 investors from Russia had made their investments in Latvia (Lursoft 2014b).

However, the economic, political, and cultural influence of Russia does not stop at what is publicly visible and numerically calculated. Over the recent years, interest in the economic and soft power exercised by Russia in Latvia has considerably increased. In this context, it is worth mentioning a range of issues, in which discussions in the Latvian public space have not resulted in unanimous conclusions. Firstly, as a result of the economic crisis, discussions increased about the growing economic presence of Russia in Latvia. There were announcements in the public space giving the information that due to the economic crisis several Latvian companies had been sold to Russian investors. In 2011, for instance, the companies Rīgas Piena Kombināts and Valmieras Piens were bought by the Russian entrepreneur Andrey Beskhmel'nitsky (Diena 2014). The presence of Russian entrepreneurs in Latvia can increase the possibilities for these companies to export products to Russia. However, should relations between Russia and the EU deteriorate, orientation towards the Russian market might lead to significant losses. Moreover, the imposition of economic sanctions on Russia within the context of the Ukrainian crisis could decrease the potential of sales or finding

investors for several Latvian companies of such as the airline AirBaltic, as the potential buyers and investors are from Russia.

The economic relations of Latvia with Russia are like a double-edged sword. On the one hand, weak economic relations with Russia reduce the economic gains that Latvia would have by being linked to an economy that ranks among the world's top ten. However, on the other hand, intensive economic relations raise concerns about economic ties turning into political dependence on Russia. Faced with this choice, there have been attempts in Latvia's foreign policy to establish a balanced approach in relations with Russia, however they are not always successful. At the very least, the differing orientations of the foreign policy makers and entrepreneurs can potentially cause problems as well. The entrepreneurs' typical view of Russia as an economic opportunity from time to time contradicts the view of Russia that is typical for the foreign policy and defence policy makers, who see it as a potential threat, and therefore consider that it is important to strive for mutual understanding through dialogue. As a result of the economic crisis, significant progress has been achieved in this respect. It is possible that this is one of the reasons why, within the context of the Ukrainian crisis, the entrepreneurs have, at least initially, received the information about imposing economic sanctions on Russia with understanding.

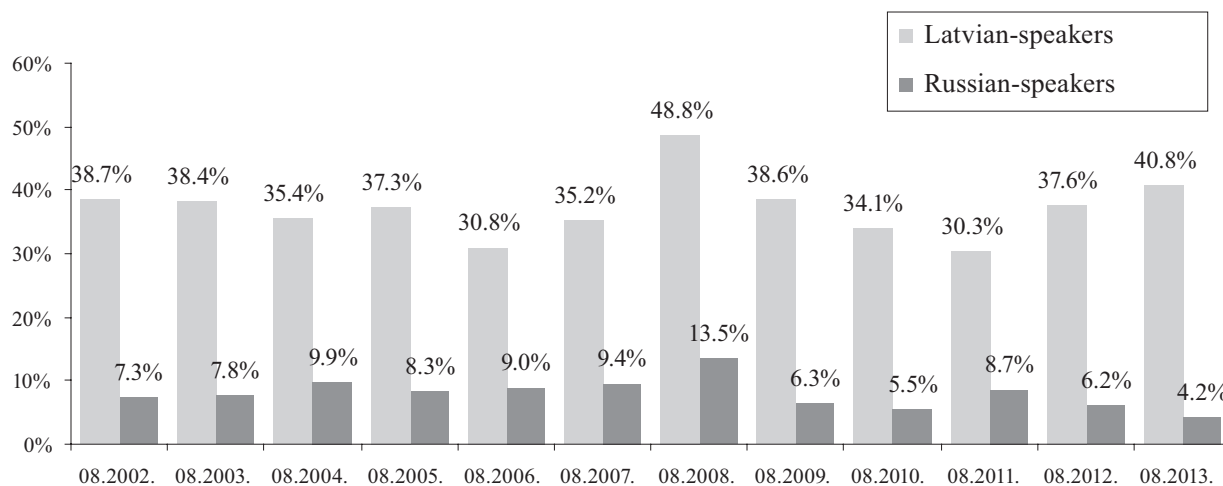
Secondly, after joining the EU and NATO, discussions about Russia's soft power have intensified in Latvia. This is not surprising, because, as the interest of Russia in soft power increases, their neighbours' concerns are also increasing about the influence of this soft power on the opinions of inhabitants of these countries, including Latvia. Additionally, there have been extensive discussions on Russia using sport as a tool of soft power. The discussion on this element of soft power was related to the establishment of the ice-hockey club Dinamo Riga in 2008 and its participation in the Kontinental Hockey League. Much greater concerns have been raised by the issue of the absence of protection of Latvia's informative space, however the discussions up to now have not ended with clear conclusions on the measures to be taken in order to better protect this space.³ It must be noted that before Latvia joined the EU and NATO, these discussions were primarily about the split in Latvia's domestic informative space. At that time, concerns were already being voiced about the presence of Russia in Latvia's informative space. However the potential consequences, once mass media is under state control in Russia, were not apprehended at that time.

After the accession of Latvia to the EU and NATO, decision-makers had increasingly to come to the conclusion that the opinion of Russian mass media on many matters of international relations and domestic policy issues is radically different from the interpretation offered by Western mass media.⁴ Thus, over recent years, the concerns among decision-makers about the influence that Russian mass media has on the opinion of the Russian-speaking part of society in Latvia have increased. The regular references to a rebirth of the Nazi ideology in Latvia in relation to the events of 16 March, the war between Russia and Georgia in 2008, as well as the Ukrainian crisis in the spring of 2014 have served as a strong impulse for bringing this issue to the fore. The results of the survey conducted in April 2014 (DA (*Audit of Democracy*) 2014) show that a considerable percentage of Latvian inhabitants receive information from Russian TV channels. 50 % of respondents watch primarily Latvian TV channels, whereas 43 % watch primarily Russian TV channels.⁵ It must be

³ From time to time, there have been attempts to bring the issue of the protection of Latvian informative space to the forefront by the former defence minister Artis Pabriks. This issue has been addressed by the National Electronic Mass Media Council (NEMMC). Thus, in April 2014, NEMMC made a decision to request that the relay of the Russian TV channel Rossija RTR in Latvia be stopped. See: NEMMC 2014. As a result of the events in Ukraine, the company Lattelecom also included the TV channels CNN and BBC World in its economy package, in order to increase the representation of Western mass media in the Latvian informative space.

⁴ See more information about this issue: Muižnieks 2008.

⁵ 24 % watch mostly or only Latvian TV channels. 26 % watch Latvian TV channels more often than Russian TV channels. 28% watch Russian TV channels more often than Latvian TV channels. 14 % watch mostly or only Russian TV channels (DA 2014, Table G3).



* – combined answers: *fully agree* and *rather agree*

** – respondents divided according to the language of conversation used within the household

Figure 15.1. Percentage of respondents agreeing* to the statement that ‘Russia can be perceived as a threat to the independence of Latvia’ among Latvian and Russian-speaking inhabitants, 2002–2013**

Source: SKDS data

noted that inhabitants trust Latvian mass media more (in particular the Latvian public radio and public television); nevertheless, the level of trust in Russian media is only slightly lower.⁶ The inhabitants of Latvia trust independent Russian media even to a lesser extent than state-controlled TV channels of Russia.

What has been the impact of Russia’s soft power on the attitudes of the inhabitants of Latvia; are there significant differences between the opinion of Latvians and Russians in matters of international relations? There are undoubtedly differences in attitudes between Latvians and Russians; however, it is difficult to tell whether they have formed as a result of influence by mass media or if other factors are at play, such as an uncritical attitude towards their country of origin. It is worth mentioning at least four examples of how the attitudes of inhabitants create grounds for concerns about the current and potential impact of Russia on Latvia. Firstly, considerable differences in opinion between Latvians and non-Latvians crystallised in the context of the Georgia-Russia war in 2008. The results of a study conducted by SKDS showed that 43 % of Latvian respondents sided with Georgia, whereas 49 % of Russian-speakers sided with Russia.⁷ These data show considerable differences between Latvians and Russians in the interpretation of the Georgian–Russian war. Secondly, there are significant differences between Latvians and Russians in the issue of whether Russia is a threat to the independence of Latvia. Between 2002 and 2013, a sizeable percentage of Latvians – about 30–40 % – have at some point considered that Russia is a threat to the security of Latvia. The percentage of Russians thinking the same ranged from 5–10 % (see Fig. 15.1). A higher percentage

⁶ On a scale from 1 (fully distrust) to 5 (fully trust), the level of trust in Latvian public radio and public television is accordingly 3.68 and 3.66, whereas the level of trust in Russian TV channels (NTV Mir, RTR Planeta, REN TV) is 3.12. The level of trust in Western media (CNN, BBC, ARD, ZDF, RTL) is only slightly higher – 3.20. The level of trust in independent Russian media (Radiostancyja Eho Moskvj, Telekanal Dozjd, Radio Svoboda) is 2.94 (DA 2014, Table G2).

⁷ It must be added that 10 % of Latvians supported Russia in this conflict, whereas 14 % of Russians supported Georgia. 38 % of Latvians and 27 % of Russians did not side with either belligerent (SKDS 2008). A more detailed analysis of this issue is available also in the article published by Viktors Makarovs in 2009 about the integration of Latvian society in the context of the Georgia-Russia war (Makarovs 2009, 20–21).

Question. “Is your opinion of ... very positive, rather positive, rather negative, or very negative?”

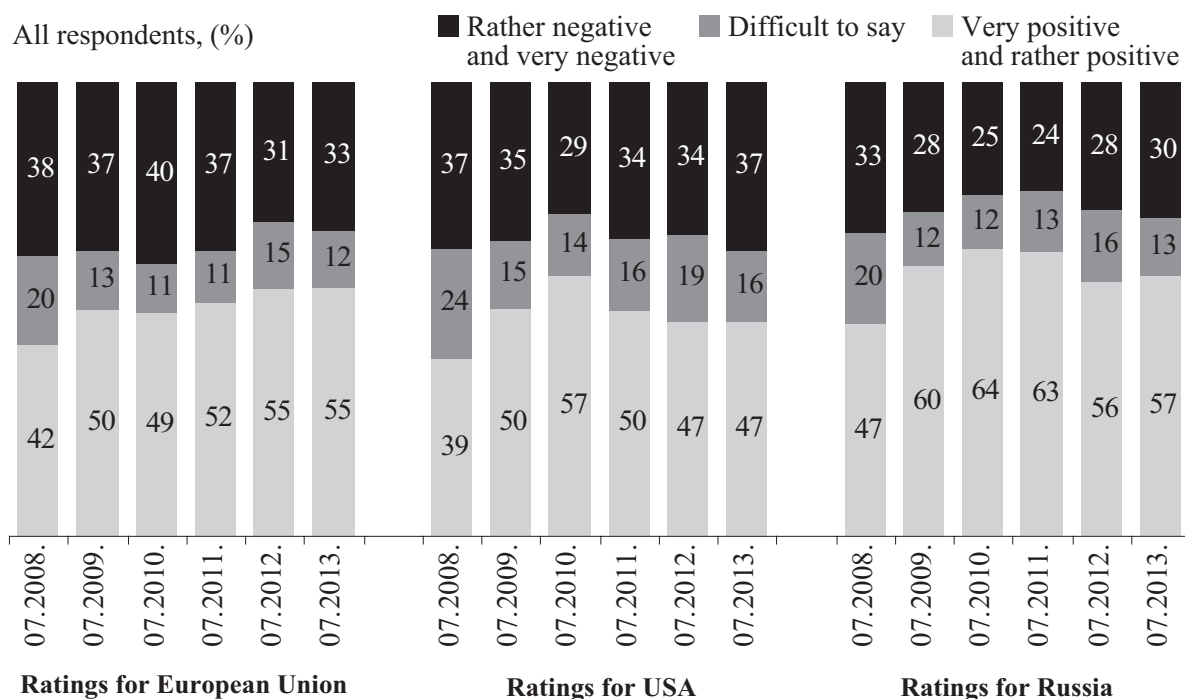


Figure 15.2. Latvian inhabitants' evaluations of the European Union, the USA, and Russia, 2008–2013.

Source: SKDS 2008–2013

of Latvians and Russians – 49 % and 14 % respectively – agreed to this statement in the SKDS survey conducted in August of 2008. The total number of respondents, who do not perceive Russia as a threat to the independence of Latvia, during the report period fluctuated between 57 % and 70 %, ⁸ furthermore, during the period 2010–2013, it was higher than before the Russia–Georgia war (SKDS 2002–2013).

Thirdly, the public opinion poll shows that the inhabitants of Latvia have a positive attitude towards at Russia and believe that Latvia's foreign policy should concentrate more on shaping relations with Russia. Taking into account the fact that Latvia is a part of the EU and NATO, the data of 2008–2013 on the assessment by the inhabitants of Latvia about the EU, USA, and Russia are paradoxical. The data summarised in Table 15.2 show that Latvian residents' attitude towards Russia is more positive than their attitude towards the EU and USA. It is also significant that the given negative assessment of Russia is on average lower than the negative assessment of the EU and USA. ⁹ Furthermore, SKDS data from the public opinion polls show that up until the Ukrainian crisis in the spring of 2014, a higher percentage of respondents believed that Latvia should concentrate more on shaping relations with Russia and the CIS countries than with Western countries. The data

⁸ Only in the August 2008 survey was this indicator lower – at that time, 52 % of respondents believed that Russia was not a threat to the independence of Latvia.

⁹ It is worth mentioning that the inhabitants of Latvia do not trust the European Union: according to the data of a survey performed in 2011 by SKDS, 78 % of respondents believe that Latvia is a lower grade EU member state. 74 % of respondents believe that the EU leadership does not care what Latvian inhabitants feel. 71 % of respondents believe that the Western countries are using Latvia for their own benefit, and 56 % of respondents admit that the accession to the EU has fostered economic recession in Latvia. 65 % of respondents believe that a closer co-operation with Russia and other CIS countries can save the economy of Latvia. 54 % of respondents believe that Latvia, when it was part of the USSR, was rather well off. These data prove that the majority of Latvian society distrusts the West (the EU and the USA).

obtained during the March 2014 survey show that the percentage of those preferring Russia and the CIS countries as the Latvia's foreign policy priority has fallen to 30 %, whilst 39 % of respondents prefer the Western countries. Thus, for the first time since 2008, a higher proportion of respondents has chosen Western countries as the foreign policy priority instead of Russia or the CIS countries (SKDS 2008–2014).

Fourth, there are substantial differences in opinion between Latvians and Russians with respect to the annexation of Crimea in the spring of 2014. When asked 'In your opinion, is the armed intervention of Russia in the events taking place in Ukraine justified or not?' 61 % of respondents answered that armed intervention by Russia is not justifiable, whereas 22 % believed that it is justifiable. Overall, the majority of respondents believed that the conduct of Russia is not justifiable, however there are substantial differences in opinion on this issue between Latvian and Russian-speakers. Only 8 % of Latvian-speakers believed that the activities of Russia are justifiable, whereas the support for the conduct of Russia was much higher among the Russian-speaking respondents – 43 % (SKDS 2014).

The potential of external influence is evidenced not only by the view through rose-coloured glasses that a large part of Latvian society has of Russia, but also by the dominant perception in Russia of Latvia as a hostile state. It must, however, be noted that the attitude of the inhabitants of Russia towards Latvia is not unanimous and over time it has experienced significant changes. According to the data of the analytical centre Levada (Russia), since 2005, the number of Russian inhabitants who perceive Latvia as a hostile state has considerably decreased. In 2005, 49 % of Russian inhabitants considered Latvia to be a hostile state, whereas in 2013 – only 21 % of inhabitants. However, Latvia is still regarded as the third most hostile country in the world for Russia, after the USA (38 %) and Georgia (33 %). Latvia is followed by Lithuania (17 %) and Estonia (16 %). Furthermore, the answers of Russian inhabitants to the question about the groups of countries that are considered hostile show that former Soviet Union republics are considered as hostile with a constantly decreasing intensity. In 2008, 27 % of Russian inhabitants believed that former USSR republics were hostile, whereas in 2012 – a mere 14 % (Levada Center 2013).

It can be concluded that integration into the EU and NATO has reduced the potential of impact from external agents on Latvia. However, at the same time, the interest of Russia in influencing Latvia using economic and soft power instruments has increased. Where Russia is concerned, an intensive use of instruments of soft power in Latvia is observed, however it is still difficult to judge the results. It is a positive sign that by 2014 the Russians' perception of Latvia as a hostile country has decreased. In Latvia, however, two stable trends can be observed. Firstly, the opinions of Latvians and Russians on various issues of Latvian foreign policy and international relations are significantly different. Furthermore, these differences become aggravated under circumstances of geopolitical unrest (the war between Russia and Georgia, annexation of Crimea). Secondly, there is lack of unanimity in Latvian society with regards to the most important foreign policy vectors. Latvians believe that foreign policy should be directed more towards the West, whereas the Russian-speakers tend to believe that Latvia's foreign policy should be more active in relations with Russia and former Soviet Union republics. It must be added, though, that these circumstances of geopolitical unrest can lead to considerable shifts in the inhabitants' opinions (SKDS 2014).

15.2. To what extent are government relations with international organisations based on the principles of partnership and transparency?

As Latvia is a member of all of the major international organisations (EP, EU, IMF, NATO, OSCE, UN, WB), as well as having started accession talks to join OECD, it can be concluded that the State has taken roots in the network of international institutions and has moved on from the accession stage to fully-fledged participation in organisations and to the positioning of its interests

therein. Therefore, government relations with international organisations are based on principles of partnership and transparency fully abiding the regulations and agendas of these organisations. Over the last decade, several significant trends in Latvia's relations with international organisations have developed.

The first trend is related to the financial and economic crisis in Latvia which started in 2008 and necessitated external aid in order to minimise economic consequences. The programme to counter the crisis was developed jointly by the International Monetary Fund (IMF), the European Commission, the World Bank (WB), the European Bank for Reconstruction and Development (EBRD), several EU member states in co-operation with the government of Latvia. The agreement reached with the international lenders prescribed the opportunity for Latvia to borrow up to 7.5 billion euros. This amount was primarily aimed at re-financing the sovereign debt, ensuring stability of the public financial sector and financing the state budget deficit. The terms of agreement envisaged a substantial reduction of public expenditure and structural reforms without which the international loan would not be made available to Latvia. Even though the requirements set forth by the international lenders for Latvia were undoubtedly political, as they entailed certain ideas of state governance and reforms to be implemented, they nevertheless were coordinated with the government, as well as approved at the highest political level.

The adopted programme envisaged reducing public expenditure also in the fields where there would be a direct impact on an international dimension, namely, in the sector of foreign affairs and defence. Even though the budget reduction was significant, it did not lead to fundamental changes in Latvia's foreign policy. As the negotiations between the international lenders and the government of Latvia were not easy and the mutually approved reforms rather harsh, they affected the public attitude towards the IMF and the WB. The public attitude, in turn, held an important role in the Latvian public space during the process of these negotiations. Allegations claiming that the introduction of the painful structural reforms was imposed by external bodies became popular within the society, who disregarded the government's role in the development of a mutual programme. The influence of these allegations is manifested in public opinion polls: out of all international organisations, people trust these two institutions the least – 29.2 % trust the IMF, and 29.5 % of the population trust the WB (DA 2014, Table L1).

The second trend was determined by the political processes in Ukraine and the annexation of Crimea. Following a direct intervention by Russia in the internal affairs of Ukraine, the issue of whether NATO and the EU would be able to aid Latvia in stabilising the security situation in crisis conditions became a matter of relevance. Latvia's geopolitical decision to join the EU and NATO is seen by the public eye to be a positive one and it is not questioned. Overall, the people believe that the interests of Latvia in these organisations are respected. Trust in these organisations is high – 48.9 % of the population trust the European Union, and 52.3 % trust NATO (DA 2014, Table L1). Moreover, with regard to the protection of Latvia's interests within both organisations, the inhabitants of Latvia gave favourable answers: 72.6 % believe that the EU fully or partially protects the interests of Latvia, and 71.8 % believe the same with regard to NATO (DA 2014). Public opinion poll data prove that Latvia's experience over the last decade as a member state of the EU and NATO has improved the perception of these organisations in the eyes of the residents.

15.3. To what extent does the government support UN human rights treaties and respect international law?

The observation of UN human rights instruments and mechanisms is one of the reference points of Latvian foreign policy and activities in this field are conducted in several directions. Firstly, Latvia has not only adopted a range of important conventions and established institutions, but has also ensured, in practice, the implementation of human rights. The ambassador of Latvia to the UN Jānis

Mažeiks said in an interview: ‘Since the restoration of independence, there has been considerable progress in observing human rights. The most important measure to mention is that Latvia was one of the first Eastern European countries to have established institutions for the protection of human rights. The Constitutional Court has been established, and the fundamental human rights section has been included in the Constitution. Latvia has joined the European Convention on Human Rights and has been able to meet political conditions laid down before joining the EU. The European Convention on Human Rights is particularly important, as its conditions are binding. In justifying its judgements, the Constitutional Court actively employs international agreements and the European Convention on Human Rights’ (Mažeiks 2014).

Secondly, within the UN, Latvia has intensified its work with issues related to human rights. For instance, the UN Economic and Social Council (ECOSOC) elected Latvia to the Executive Board of the UN Entity for Gender Equality and Empowerment of Women – UN Women for the period 2012–2015. Thereby achievements by Latvia in the field of gender equality are recognised, manifested both in normative regulations and the adoption of specialised programmes, as well as the representation of women in the leading public and private institutions. Since 2003, Anita Ušacka has been working at the International Criminal Court. For two years (2011–2012), she was the presiding judge of the Appeals Chamber of the Court. Thirdly, Latvia has applied for membership of several UN institutions which are directly related to human rights issues. Latvia has proposed its candidacy to the UN Human Rights Council, for which the election will take place in 2014 for a term of 2015–2017, as well as for the UN Security Council non-permanent membership in 2025 for the period 2026–2027. Fourthly, the UN-defined human rights principles are observed by instigating and implementing development co-operation projects in Latvia’s priority countries, such as the EU Eastern Partnership and Central Asian countries (see Section 15.5).

15.4. To what extent does the government respect its international obligations in its treatment of refugees and asylum seekers, and how free from arbitrary discrimination is its immigration policy?

Compliance with international commitments with regard to refugees and asylum seekers became current shortly before Latvia joined the EU, and it was triggered by two factors. Firstly, Latvia had to prepare itself for joining the Schengen area and performing the associated obligations. To ensure the conformity of the migration policy to EU provisions and the transfer of national institutions to the introduction of a relevant EU procedure in their further development, the government prepared and adopted a programme for the development of a single asylum and migration management system (2006–2009) (LR IeM (*Ministry of Internal Affairs of the Republic of Latvia*) 2006). Secondly, forecasts have indicated a possible increase of migrant influx which would require the country to be legally and practically prepared, and could also lead to dissatisfaction among the people. The results attained over the last ten years prove that Latvia is observing binding international laws referring to the 1951 Geneva Refugee Convention as well as to the provisions enshrined in EU legal regulation applicable to the determination of the status of asylum seekers, refugees and subsidiary protection status (criteria, procedures) and rights guaranteed to these persons.

In the field of immigration policy, EU laws determine the requirements for the development of Latvian domestic laws and their practical implementation. One of the fundamental principles is not to permit any discrimination and to treat all groups of persons equally. Among the most important EU laws determining the progress of asylum policy is the Council Directive 2001/55/EC (determining the minimum EU standards for giving temporary protection of displaced persons); Council Directive 2003/9/EC (laying down the minimum standards for the reception of asylum seekers); Council Directive 2004/83/EC (determining the minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international

protection); Council Directive 2005/85/EC (on minimum standards on procedures in member states for granting or withdrawing refugee status); Council Regulation (EC) No 343/2003 (establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of the member states by a third-country national) (LR PMLP (*Office of Citizenship and Migration Affairs of the Republic of Latvia*) 2014a). On a national level, the Asylum Law was adopted in 2009, which, by transposing EU laws, prescribes the duties and obligations of the State of Latvia with regard to refugees and asylum seekers.

Up until now, Latvia has not had to face large flows of uncontrolled refugee and asylum seekers, which would have led to problems at a national or EU level. Between 2005 and 2012, several trends crystallised. Even though the number of applications filed in a year is increasing, compared with the overall EU situation it remains low – only 935 applications have been received over a period of ten years. Furthermore, the number of people having received refugee status has not significantly increased either if compared to the total number of applications (see Table 15.1).

Table 15.1. Asylum seekers and refugees in Latvia¹⁰

Year	Number of asylum seekers	Refugee status granted as per Geneva Convention	Protection status granted due to humanitarian and other grounds, equivalent to asylum
2005	20	-	-
2006	8	2	8
2007	34	5	3
2008	51	2	1
2009	52	5	6
2010	61	7	18
2011	335	9	18
2012	189	10	20
2013	185	14	21
Total:	935	54	95

Source: LR PMLP 2014b.

Public attitude towards refugees and asylum seekers is critical, as there are concerns about possible mass refugee flows that the state would not be capable of receiving financially or materially and that would lead to the overall deterioration of the quality of life among the population. Such an attitude could potentially cause problems to the government when making decisions at the EU level. In one of the first studies conducted after the accession of Latvia to the EU ('The attitude of Latvian inhabitants, state officials, and NGOs towards asylum seekers', 2005), it was concluded that 52 % of respondents would not want to live next to refugees or asylum seekers (BSZI (*Baltic Institute of Social Sciences – BISS*) 2005, 58). This trend has not changed in subsequent years. The study performed by the Advanced Social and Political Research Institute of the University of Latvia indicates that 51.5 % of Latvians and 14.2 % of Russian-speakers perceive immigration from Russia, Ukraine, Belarus, Moldova as a threat to identity and the development of Latvia (answers 'threatened' and 'very threatened' are included). 51.2 % of Latvians and 42.2 % of Russian-speakers

¹⁰ OCMA website: <http://www.pmlp.gov.lv/lv/sakums/statistika/patveruma-mekletaji.html> (viewed on 27.04.2016)

perceive immigrants from Central Asia countries as threatening, and accordingly immigrants from the Middle East and North Africa would cause concerns in 46.4 % of Latvians and 55.1 % of Russian-speakers, and a labour force from the Far East (China, Southeast Asia) would make 51.5 % of Latvians and 51.3 % of Russian-speakers feel threatened (LU SZF (*Faculty of Social Sciences of the University of Latvia*) 2013).

15.5. How consistent is the government in its support for human rights and democracy abroad?

In the Audit of Democracy published in 2005, the attempts of Latvia to support human rights and democracy abroad received a decidedly critical evaluation, namely, it was maintained that 'Latvia has not been systematically involved in supporting human rights and democracy abroad' (Ozoliņa, Ziemele 2005, 192). This is not surprising, since Latvia's main task prior to its integration into the EU and NATO was to improve democracy at home. However, it could have been predicted that along with the consolidation of democracy and membership in the EU and NATO, the element of democracy in Latvia's foreign policy would become more pronounced. This is what has happened to a certain extent, however this element in Latvia's foreign policy has been unstable and dependent on the international environment and the interpretation of Latvia's national interests. Latvian foreign policy makers have been aware of that democracy and human rights form only one aspect of foreign policy and its presence in the relations of Latvia with other states depends not only on Latvia's stakes, but also on the readiness of other countries, such as Azerbaijan and Central Asian countries to discuss these issues and accept help, when Latvia has been ready to give it. As could be expected, after joining the EU and NATO, Latvia started to shape relations with the countries outside these organisations much more actively (especially with the countries of the post-Soviet space) (see: Ozoliņa, Rostoks 2006).

In Latvia's first fundamental foreign policy document, adopted after joining the EU and NATO, 'consolidation of democracy, eradication of global poverty and diseases' was one of the five most important foreign policy aims (see: LR ĀM (*Ministry of Foreign Affairs of the Republic of Latvia*) 2006 Section three 'Fundamental principles and aims of policy'). With regard to this, along with accession to the EU, Latvia started to provide aid more extensively and systematically to countries on a multilateral basis (contributions to the EU budget) and on a bilateral basis. After 2004, a considerable increase can be observed in the volume of aid provided and aimed at the consolidation of democracy and the eradication of poverty in other countries.¹¹ It must be noted that an indistinct line between provision of development aid and support for the reform process in EU eastern neighbour states has been observed. Even though the development co-operation policy of the EU member states and the European Neighbourhood Policy (ENP) are two separate policies, because the EU eastern neighbours are not among the poorest countries in the world, this division, where Latvia is concerned, is not exactly relevant, and the support given to such countries as Moldova, Georgia, and Ukraine is interpreted as provision of aid. Besides these endeavours, Latvia also got involved in the US-led Iraq and Afghanistan operations, which to a certain extent can be perceived as support to the spreading and consolidation of democracy.

Even though the consolidation of democracy in other countries was determined as one of the fundamental goals of Latvia's foreign policy, Latvia's approach towards this issue, however, has been rather pragmatic. Latvia has tried to provide support to those post-Soviet countries which have shown readiness to introduce democratic reforms. Therefore, in Latvia's relations with these countries, support for democracy is an important component. However, in relations with countries

¹¹ However, it must be noted that more than 90 % of aid provided by Latvia has been in the form of mandatory contributions to the EU budget, whereas the peak of financing available for bilateral co-operation projects, the sum of 580 000 lats, was reached in 2008, shortly before the beginning of the economic crisis.

that have not expressed willingness to strengthen democracy, the democracy component in Latvia's foreign policy is practically imperceptible. In relations with these countries, emphasis is placed on the implementation of Latvia's economic interests. This trend is clearly presented in Table 15.2, which summarises the development co-operation projects from 2005 until 2010 financed (fully or partially) by the Ministry of Foreign Affairs of the Republic of Latvia. The distribution of the implemented projects by country and by year points to the fact that Latvia has mostly provided aid to those eastern neighbours – Georgia and Moldova – which have progressed the most in their relations with the EU. Within the framework of the development co-operation policy Latvia has predominantly tried to implement projects related to providing support for implementing state governance system reforms and for civic society. The large number of development co-operation projects in Georgia and Moldova is indicative of providing support towards the democratisation of these states.¹² Belarus is the only non-democratic state in this group of four countries, where a rather large number of development co-operation projects have been implemented. However, the reason for this is the fact that Belarus is a neighbour, with whom Latvia shares a border. If Belarus chose the route of democratisation, it can be assumed that Latvia would be implementing the largest number of development co-operation projects in this country.

Table 15.2. Development co-operation projects financed by the Ministry of Foreign Affairs of the Republic of Latvia, 2005–2010¹³

Year	Number of implemented development co-operation projects				
	Georgia	Moldova	Ukraine	Belarus	Other country
2005	3	8	0	0	0
2006	6	9	0	1	0
2007	10	15	9	6	2
2008	8	9	9	6	6
2009	2	0	1	0	0
2010	0	2	0	0	1
Total	29	43	19	13	9

Source: LR ĀM 2014.

What concerns those Eastern Partnership group countries, which up to now have not taken convincing steps in the direction of democratisation or which have chosen to stay within the sphere of influence of Russia (Azerbaijan, Armenia, Belarus), is that in these countries the Ministry of Foreign Affairs of Latvia has financed development co-operation projects either to a limited extent (Belarus) or has not financed any at all (Armenia, Azerbaijan). However, this does not mean that Latvia has not tried to shape active relations with these countries (apart from Belarus, which due

¹² The participation of Moldova and Georgia in the Eastern Partnership policy resulted in an arrangement to sign Association Agreements with the EU during the Vilnius summit in November 2013. The Association Agreement was signed in June 2014.

¹³ The section 'Other country' mostly includes development co-operation projects implemented in Afghanistan, since Latvian soldiers are participating in the ISAF mission in this country. No development co-operation projects financed by the Ministry of Foreign Affairs of Latvia have been implemented during the report period in Armenia or Azerbaijan (both countries fall within the EU Eastern Partnership policy). It must be noted that the table includes only those development co-operation projects, which are fully or partially financed by the Ministry of Foreign Affairs of Latvia. Development co-operation projects implemented by other state administration authorities and local governments are not included in the table.

to the political repressions exercised by the authoritarian regime has found itself in partial political isolation). On the contrary – Latvia has tried to intensify relations, based on mutual economic interest, with Armenia, and in particular with Azerbaijan (after Latvia joined the EU), as well as with Central Asian countries (slightly later).

Latvia’s interest in intensifying relations with the EU eastern neighbours has been proven with the visits of Latvian top state officials (the President, the prime minister, ministers, the speakers of the *Saeima*) to such countries as Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan. Top state officials of these countries have also come on official visits to Latvia. Latvia’s relations with Azerbaijan have been shaping particularly intensively after integration into the EU, with the number of top state officials’ visits significantly exceeding the number of visits to any other of the aforementioned countries. It must nevertheless be pointed out that efforts to develop more intensive relations with Central Asian countries have resulted in awkward situations for Latvian politicians, because journalists and political analysts have inevitably raised questions about whether such conduct by Latvia, as a democratic state, is justifiable. It is this context, within which the unfortunate statement by the President of the State Andris Bērziņš should be interpreted, namely, that people in Turkmenistan are free, because they are free to move between the mountains and the Caspian Sea (see: Latvijas Radio (*Latvian Radio*) 2013).

Public support is important in implementing democracy aid measures, however the opinions of Latvian society on the issue of aiding democracy around the globe are not unanimous. Data from the 2014 survey by SKDS (see Table 15.3) show that the respondents are, at best, willing to support processes of democratisation in Eastern Partnership states, although even in this issue the division between those *in favour* and those *against* is similar. In the matter of supporting democracy in Central Asian countries, the opinion of the respondents is much more sceptical, and people of Latvia are even less ready to support democracy elsewhere in the world. It is difficult to determine the reasons why support for aiding democracy in some countries is so low, however there are three possible explanations. Firstly, Latvia is a small country; therefore its inhabitants might feel sceptical about its capabilities of aiding the spread of democracy around the world. Secondly, Latvia is one of the poorest EU countries. Since aiding democracy in other countries is associated with additional expenses, the people might be sceptical in relation to the utility of such costs. Thirdly, since the Iraq war in 2003, the efforts to spread democracy have been to a certain extent discredited in Latvian society, therefore people feel sceptical about them. Hence, democratisation is perceived as a domestic process and any support given from the outside should be approached with caution.

It can be concluded that there is a clear division between two types of neighbour states in Latvia’s foreign policy. The first group includes some of the Eastern Partnership policy countries, which have taken steps towards democratisation (Georgia, Moldova, Ukraine). In relations with these

Table 15.3. The support of inhabitants for Latvia’s involvement in spreading democracy in the world

Question: To what extent do you support Latvia’s involvement in spreading democracy in the world?

	I support it	I do not support it	Difficult to tell/ no answer
Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine)	39%	39%	22%
Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan)	28%	45%	27%
Elsewhere in the world (Asia, Africa, Latin America etc.)	21%	52%	27%

Source: DA 2014, Table L2

countries, the element of democratisation is very important, though not always adequately supported financially. The second group includes Central Asian countries and Azerbaijan, where the transfer to democracy has not yet taken place. Since democratisation of these countries is not expected in the foreseeable future, Latvia has decided not to emphasise the element of democracy in its relations with Central Asian countries, instead focusing on strengthening political and economic relations.

15.6. What measures (if any) are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?

The interaction between foreign policy makers and society is usually indirect, and political parties and various stakeholder groups, as well as foreign policy experts act as intermediaries. The influence of public opinion in matters of foreign policy is usually limited. For instance, the government chose to support the US invasion of Iraq, even though more than 80 % of Latvian inhabitants believed that this war should not be supported.¹⁴ However, the fact that the inhabitants' opinion does, to some extent, influence the state's foreign policy is proven by the cautious support given by Latvia's inhabitants to the provision of aid to developing countries. It can be claimed that it was simpler for policy makers not to grant bigger financing for the implementation of bilateral development co-operation projects, as the public opinion on this issue was split. From 2004 to 2009, the number of respondents, who believed that Latvia should give systematic aid to developing countries, increased from 38 % to 45 %. However, in 2009, there were still 38 % of respondents who did not agree to this approach.¹⁵ Therefore, it can be claimed that the public opinion background to increasing financing for bilateral development aid has been unfavourable.

Even though the engagement of society in the shaping of foreign policy is usually rather limited, since 2005, considerable progress has been observed in the interaction between the government and society. There are two reasons behind this. Firstly, changes have affected the development of fundamental foreign policy documents and organising reports. Within the first few years following the restoration of independence, Latvia had not yet developed its foreign policy concept, substantiating this with the changing international environment (see: Ozoliņa 1994). The first foreign policy concept was developed in 1995, and it marked the foreign policy priorities of Latvia for the upcoming 10 years. In the following years, the period of validity of Latvia's foreign policy documents tended to decrease. In 2006, the fundamental foreign policy directions were planned for a five-year period, whereas in 2011, the foreign policy planning and reporting was ensured with annual foreign policy debates in Parliament, initiated by a report about Latvia's foreign policy issued by the minister for foreign affairs. It must be noted that such annual foreign policy reports do not exclude the possibility of determining long-term priorities. This is clearly evidenced by the four reports, which have been prepared since 2011. Latvia's preparation, for instance, for the presidency of the Council of the EU in the first half of 2015 has already been mentioned in several previous reports.

The publication of the annual report of the minister for foreign affairs and foreign policy debates in the *Saeima* ensure closer ties with society and perform several other important functions. As regards the engagement of the wider public, it must be pointed out that the report of the minister for foreign affairs is discussed during its drafting with foreign policy experts and representatives of non-governmental organisations, whereas the *Saeima* debates about foreign policy ensure a broader publicity, and therefore better public awareness about the current issues in foreign policy. The foreign policy debates at the *Saeima*, besides guaranteeing the important function of strengthening

¹⁴ The survey conducted by *Latvijas Fakti* showed that the support of Latvian inhabitants for the Iraq war was just below 20 % of respondents, whereas the survey conducted by SKDS showed that slightly less than 10 % of respondents were in favour of the Iraq invasion. Newspaper *Diena*, 2003, 6 Feb.

¹⁵ SKDS 2004–2009. See more about this topic: Rostoks 2012b.

the ties with society, also promote the uniformity of foreign policy, keep the diplomatic staff of other countries informed, and ensure government reporting to parliamentarians. The foreign affairs debates and the annual report, which give an exhaustive account of what Latvia has done and plans to do in foreign policy, enables a broader public to better understand that foreign policy is not one-dimensional.¹⁶ Latvia is establishing relations with very diverse countries, and it participates in many international organisations. Moreover, relations with other countries are not only economic and security-related, but are also related to culture, sport, and various other areas. Therefore, regular reporting on Latvia's foreign policy helps to better educate society about the processes and the situation in this field.

Secondly, the experience of an economic crisis has increased entrepreneurs' interest in how the foreign affairs service could promote Latvian exports. Progress in two important matters must be mentioned here.

Since 2009, co-operation between entrepreneurs and the Ministry of Foreign Affairs has improved. One of the measures rolled out in 2009 was a co-operation format 'Foreign affairs service for Latvian exports'; it was planned in the form of regular meetings between the Latvian ambassadors with representatives of the most significant sectors of the economy, interested in export markets outside Latvia. This format of discussions continued also in 2014 under the name 'Export ABC'. The Ministry of Foreign Affairs gathered the biggest export-oriented Latvian businesses and informed them about the Ministry's possibilities of offering assistance in finding partners outside Latvia. Overall, the Ministry of Foreign Affairs has opened up to co-operation with entrepreneurs.

Since the Ministry of Foreign Affairs is only one of the state administration institutions, whose task is to promote foreign economic relations, the issue of coordinating representation of foreign economic interests is of importance. The Investment and Development Agency of Latvia (IDAL) operating under the subordination of the Ministry of Economics and the Ministry of Foreign Affairs deals with the representation of economic interests. The economic crisis created pre-conditions for closer practical co-operation between the Ministry of Foreign Affairs and IDAL and for the establishment of a more harmonised coordination mechanism. In the spring of 2012, the Foreign Economic Policy Coordination Council (FEPCC) was established, chaired by the minister for foreign affairs, whereas the vice-chair is the minister for economics. The Council also includes ministers from other sectors, representatives from public authorities (including a representative from IDAL) and entrepreneurs' organisations. The goal of FEPCC is 'to ensure harmonised co-operation between state administration institutions and entrepreneurs' organisations in the development and implementation of a successful foreign economic policy for the promotion of economic competitiveness and consolidation of exportability of Latvia', as well as 'to prevent the fragmentation in foreign economic policy support measures in the process of information exchange, as well as in the process of making and implementing decisions' (LR ĀM 2014).

Latvian exporters have greatly contributed to the recovery of Latvia from the economic crisis. Even though it is difficult to determine the extent to which this process was encouraged by closer ties between entrepreneurs and the foreign affairs service, it can, nevertheless, be assumed that the strengthened co-operation and the establishment of a more effective coordination mechanism for representing the foreign economic interests has had a positive impact on Latvia's economic development. It must nevertheless be pointed out that in the long term, the economisation of foreign policy¹⁷ can turn out to be problematic. The implementation of economic interests in, for instance, Central Asian countries, can, in the long term, lead to the typical dilemma between (democratic) values and (economic) interests, thereby complicating the relations between Latvia and the West, as well as with Central Asian countries.

¹⁶ See more on the functions of the foreign policy debates in the *Saeima*: Rostoks 2012a.

¹⁷ This mostly refers to the non-democratic states of the post-Soviet space, in which Latvian entrepreneurs are rather interested.

Overall assessment: progress over the last decade

	Very good	Good	Satisfactory	Poor	Very poor
15.1.			X		
15.2.		X			
15.3.		X			
15.4.		X			
15.5.			X		
15.6.		X			

Best feature

Closing the gap between foreign policy makers and society. Since accession to the EU and NATO, Latvia's foreign policy has undergone significant changes, and many of them must be assessed positively. The disassociation of foreign policy from other sectors (economy, culture, social spheres) has decreased. Nowadays, Latvian entrepreneurs consider, to a much greater extent, foreign policy as a resource to be used for achieving business interests. The Ministry of Foreign Affairs of Latvia more actively implements public diplomacy and uses social media to inform society about foreign policy current affairs. Along with the introduction of the *Saeima* foreign policy debates, public discussions on foreign policy matters have become more regular, and thereby they not only inform Latvian society, but also contribute to strengthening the uniformity of foreign policy. Co-operation between the Ministry of Foreign Affairs and the non-governmental sector has also improved.

Most serious problem

Insufficient support for democratic reforms in other countries. Even though aiding democracy in other countries over the last decade has become an important priority for Latvia's foreign policy, practical support to this priority has been insufficient, and as a result Latvia is significantly lagging behind Estonia and Lithuania in terms of provided bilateral development aid. At the same time, the element of protecting entrepreneurs' interests has been consolidated in Latvia's foreign policy. Even though the representation of economic interests in foreign policy as such is not condemnable and can even be perceived as positive, there are concerns, however, about the fact that the importance of aiding democracy in non-democratic countries, with which Latvian entrepreneurs are co-operating, is not properly assessed. Accepting the rules of game proposed by authoritarian regimes over a longer time period can backfire, which could harm not only the interests of entrepreneurs but also the image of Latvia as a democratic country.

Suggested improvements

More support to measures of promoting development co-operation and democracy in other countries. Even though the financing of the Ministry of Foreign Affairs earmarked for bilateral development co-operation projects has increased, it is still insufficient. Latvia has few practical instruments available, which it could use to strengthen democratisation and good governance in its partner states. The positive role that the implementation of development co-operation projects could have in such post-Soviet countries, in which Latvian entrepreneurs are interested, is not duly appreciated. The democracy component should also be included in such projects. It must nevertheless be recognized that further consolidation of democracy within the domestic policy framework is also very important. It is important for Latvia to achieve economic growth, social stability, to promote social integration, to develop the sector of education and science. It would make the inhabitants more

confident in Latvia as a successful state, and thereby democracy would be consolidated in terms of domestic policy and preconditions would be created for aiding democracy in other countries.

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Appendix 2

Comparison of the 2005 and 2014 Latvia Audit of Democracy and the 2007 Latvia Monitoring of Democracy findings

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
1 Nationhood and citizenship					
1.1 How inclusive is the political nation and state citizenship of all who live within the territory?	4 ¹ , 2 ²	2	4 ¹ , 2 ²	↗	=
1.2 How far are cultural differences acknowledged, and how well are the minorities and vulnerable social groups protected?	3	3	3	=	=
1.3 How much consensus is there on state boundaries and constitutional arrangements?	4 ³ , 3 ⁴	3	4 ³ , 5 ⁴	=	↗
1.4 How far do constitutional and political arrangements enable major societal divisions to be moderated or reconciled?	4	4	4 ¹ , 2 ²	↘	↘
1.5 How impartial and inclusive are the procedures for amending the Constitution?	4	4	4	=	=
2 Rule of law and access to justice					
2.1 How far is the rule of law operative throughout the territory?	4	4	2	=	↘
2.2 To what extent are all public officials subject to the rule of law and to transparent rules in the fulfillment of their functions?	3	3	3	=	=
2.3 How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?	3	3	3	=	=
2.4 How equitable and secure is the access of citizens to justice, to due process and to redress in the event of maladministration?	1	3	2	↘	↗

¹ Legislation.

² Actual situation.

³ Constitutional arrangements.

⁴ Boundaries.

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
2.5 How far do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?	3	3	3	=	=
2.6 How much confidence do people have in the legal system to deliver fair and effective justice?	2	2	3	↗	↗
3 Civil and political rights					
3.1 How free are all people from physical violation of their person, and from fear of it?	3	3	3	=	=
3.2 How effective and equal is the protection of the freedoms of movement, expression, association and assembly?	3	3	3	=	=
3.3 How secure is the freedom for all to practise their own religion, language or culture?	3	3	3	=	=
3.4 How free from harassment and intimidation are individuals and groups working to improve human rights?	4	3	4	↗	=
3.5 What measures are implemented to prevent publicly identified problems in the sphere of civil and political rights, and to what extent they are set as a political priority and offered public support?	3	3	3	=	=
4 Economic and Social Rights					
4.1 How far is access to work or social security available to all, without discrimination?	3	3	3	=	=
4.2 How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?	2	2	3	↗	↗
4.3 To what extent is the health of the population protected, in all spheres and stages of life?	1	2	1	↘	=
4.4 How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?	4	3	3	=	↘
4.5 How free are trade unions and other work-related associations to organize and represent their members' interests?	3	3	3	=	=

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
4.6 How rigorous and transparent are the rules on corporate governance, and how effectively are corporations regulated in the public interest?	3	4	3	↘	=
5 Free and fair elections					
5.1 How far is appointment to governmental and legislative office determined by popular competitive election, and how frequently do elections lead to change in the governing parties or personnel?	5	3	4	↗	↘
5.2 How inclusive and accessible for all citizens are the registration and voting procedures, how independent are they of government and party control, and how free from intimidation and abuse?	4	4	5	↗	↗
5.3 How fair are the procedures for the registration of candidates and parties, and how far is there fair access for them to the media and other means of communication with the voters?	2	2	4	↑	↑
5.4 How effective a range of choice does the electoral and party system allow the voters, how equally do their votes count, and how closely does the composition of the legislature and the selection of the executive reflect the choices they make?	4	4	4	=	=
5.5 How far does the legislature reflect the social composition of the electorate?	3	3	4	↗	↗
5.6 What proportion of the electorate votes, and how far are the election results accepted by all political forces in the country and outside?	5	5	4	↘	↘
6 The democratic role of political parties					
6.1 How freely can political parties be formed, attract new members and compete for posts?	4	4	4	=	=
6.2 How effective is the party system in forming and sustaining governments in office?	2	2	2	=	=
6.3 How freely can opposition and non-ruling parties form alliances within legislature; can they provide efficient oversight of the government to ensure its accountability?	4	4	4	=	=

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
6.4 How fair and efficient is legislation regulating political party discipline in the <i>Saeima</i> ?	4	4	4	=	=
6.5 How far are parties effective membership organizations, and how far are members able to influence party policy and candidate selection?	2	2	2	=	=
6.6 How far does the system of party financing prevent the subordination of parties to special interests?	1	1	1	=	=
6.7 How much support do parties receive from various ethnic, religious, and linguistic groups?	2	2	2	=	=
6.8 What measures have been implemented to prevent publicly identified problems in party operations? Are these measures a priority, and do they have public support?	3	No answer	4	-	↗
7 Effective and responsive government					
7.1 How far is the elected government able to influence or control those matters that are important to the lives of its people, and how well is it informed, organized and resourced to do so?	3	3	4	↗	↗
7.2 How effective and open to scrutiny is the control exercised by elected leaders and their ministers over their administrative staff and other executive agencies?	3	3	3	=	=
7.3 How open and systematic are the procedures for public consultation on government policy and legislation, and how equal is the access for relevant interests to government?	3	3	5	↑	↑
7.4 How accessible and reliable are public services for those who need them, and how systematic is consultation with users over service delivery?	3	3	4	↗	↗
7.5 How comprehensive and effective is the right of access for citizens to government information under the constitution or other laws?	2	3	4	↗	↑
7.6 How much confidence do people have in the ability of government to solve the main problems confronting society, and in their own ability to influence it?	1 ⁵ , 3 ⁶	1 ⁵ , 2 ⁶	3	↗	↗

⁵ Government.

⁶ Municipalities.

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
8 The democratic effectiveness of parliament					
8.1 How independent is the parliament or legislature of the executive, and how freely are its members able to express their opinions?	Not asked in the following form	Not asked in the following form	3	-	-
8.2 How extensive and effective are the powers of the parliament to initiate, scrutinize and amend legislation?	2	2	3	↗	↗
8.3 How extensive and effective are the powers of the parliament or legislature to oversee the executive and hold it to account?	2	3	3	=	↗
8.4 How rigorous are the procedures for approval and supervision of taxation and public expenditure?	Not asked in the following form	Not asked in the following form	4	-	-
8.5 How freely are all parties and groups able to organize within the parliament and contribute to its work?	Not asked in the following form	Not asked in the following form	4	-	-
8.6 How extensive are the procedures of the parliament for consulting the public and relevant interests across the range of its work?	Not asked in the following form	Not asked in the following form	3	-	-
8.7 How accessible are elected representatives to their constituents?	4	No answer	4	-	=
8.8 How well does the parliament provide a forum for deliberation and debate on issues of public concern?	Not asked in the following form	Not asked in the following form	3	-	-
9 Civilian control of the military and police					
9.1 How publicly accountable are the police and security services for their activities?	3	3	3	=	=
9.2 How far does the composition of the army, police and security services reflect the social composition of society at large?	4	4	4	=	=
10 Integrity in public life					
10.1 How effective is the separation of public office from the personal business and family interests of office holders?	2	2	3	↗	↗
10.2 How effective are the arrangements for protecting office holders and the public from involvement in bribery?	2	3	3	=	↗
10.3 How far do the rules and procedures for financing elections, candidates and elected representatives prevent their subordination to sectional interests?	3	2	3	↗	=

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
10.4 How far is the influence of powerful corporations and business interests over public policy kept in check, and how free are they from involvement in corruption, including overseas?	1	1	2	↗	↗
10.5 How much confidence do people have that public officials and public services are free from corruption?	2	2	3	↗	↗
11 The media in a democratic society					
11.1 How independent are the media from government, how pluralistic is their ownership, and how free are they from subordination to foreign governments or multinational companies?	3	3	2	↘	↘
11.2 How representative are the media of different opinions and how accessible are they to different sections of society?	3	3	3	=	=
11.3 How effective are the media and other independent bodies in investigating government and powerful corporations?	2	3	2	↘	=
11.4 How free are journalists from restrictive laws, harassment and intimidation?	2	2	3	↗	↗
11.5 How free are private citizens from intrusion and harassment by the media?	4	4	4	=	=
12 Polical participation					
12.1 How extensive is the range of voluntary associations, citizen groups, social movements etc. and how independent are they from government?	3	3	3	=	=
12.2 How extensive is citizen participation in voluntary associations and self-management organizations, and in other voluntary public activity?	3	3	2	↘	↘
12.3 How far do women participate in political life and public office at all levels?	3	3	3	=	=
12.4 4 How equal is access for all social groups to public office and how fairly are they represented?			?		
13 Decentralization					
13.1 How independent are the sub-central tiers of government from the centre, and how far do they have the powers and resources to carry out their responsibilities?	3	3	3	=	=

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
13.2 How far are these levels of government subject to free and fair electoral authorization, and to the criteria of openness, accountability and responsiveness in their operation?	4	4	3	↘	↘
13.3 How extensive is the cooperation of government at the most local level with relevant partners, associations and communities in the formation and implementation of policy, and in service provision?	3	3	4	↗	↗
14 Political culture and democracy					
14.1 According to the population of Latvia, what is the extent of the politicians' and officials' responsiveness and the people's ability to influence political decisions in the country?	Not asked in the following form	Not asked in the following form	2	-	-
14.2 To what extent are the inhabitants of Latvia certain of their ability to influence political decisions?	Not asked in the following form	Not asked in the following form	2	-	-
14.3 To what extent do the basic tendencies of political culture in Latvia create a favourable environment for democratisation processes?	Not asked in the following form	Not asked in the following form	4	-	-
14.4 To what extent does the mutual perception between the largest ethnolinguistic groups in Latvia facilitate the processes of democratisation in Latvia?	Not asked in the following form	Not asked in the following form	3 ⁷ , 2 ⁸	-	-
15 International dimensions of democracy					
15.1 How free is the governance of the country from subordination to external agencies, economic, cultural or political?	3	4	3	↘	=
15.2 To what extent are government relations with international organisations based on the principles of partnership and transparency?	4	4	4	=	=
15.3 To what extent does the government support UN human rights treaties and respect international law?	3	4	4	=	↗

⁷ Society level.

⁸ Political elites level.

2014 Audit of Democracy questions	2005 findings	2007 findings	2014 findings	2014 in comparison with 2007	2014 in comparison with 2005
15.4 To what extent does the government respect its international obligations in its treatment of refugees and asylum seekers, and how free from arbitrary discrimination in its immigration policy?	3	4	4	=	↗
15.5 How consistent is the government in its support for human rights and democracy abroad?	3	4	3	↘	=
15.6 What measures (if any) are being taken to remedy publicly identified problems in this field, and what degree of political priority and public support do they have?	Not asked in the following form	Not asked in the following form	4	-	-

Appendix 3

Information about the survey of Latvian residents for the “Audit of Democracy 2005–2014”

Technical information about the survey

SURVEY PERFORMED BY	Research Centre SKDS
GENERAL POPULATION	Permanent residents of Latvia aged between 18 and 74
PLANNED SAMPLE SIZE	1000 respondents (sample representative of the general population)
ACHIEVED SAMPLE VOLUME	1000 respondents (incl. 825 citizens of the Republic of Latvia)
SAMPLE METHOD	Stratified random sampling
STRATIFICATION FEATURES	Administrative territorial
SURVEYING METHOD	Direct interviews at respondents' homes
GEOGRAPHICAL COVERAGE:	All regions of Latvia (125 sampling points)
SURVEY CONDUCTED	4–16 April 2014

COMPARISON OF ACHIEVED SAMPLE WITH POPULATION STATISTICS

	The number of respondents in the sample (%) before weighing	Number of respondents in the sample (%) after weighing	LR Min. of Int. Off. of Cit. Mig. Aff. Pop. Reg. data as of 07.02.2014.
KOPĀ	100.0	100.0	100.0

REGIONS

Rīga	31.3	32.3	32.3
Rīga region	18.1	17.8	17.8
Vidzeme	11.3	10.1	10.1
Kurzeme	12.6	12.9	12.9
Zemgale	11.1	12.2	12.2
Latgale	15.6	14.7	14.7

SEX

Male	43.1	47.5	47.5
Female	56.9	52.5	52.5

ETHNICITY

Latvian	56.4	58.3	58.3
Other	43.6	41.7	41.7

Age

18 - 24 g.v.	11.8	11.9	11.9
25 - 34 g.v.	17.9	20.6	20.6
35 - 44 g.v.	17.5	18.7	18.7
45 - 54 g.v.	19.5	19.1	19.1
55 – 74 g.v.	33.3	29.7	29.7

EMPLOYMENT STATUS

Unemployed	57.3	59.6
Employed	42.7	40.4

Education

Primary education	11.4	11.2
Secondary, vocational	64.6	64.3
Higher	24.0	24.5

Citizenship

LR citizen	82.5	83.7
Respondents without LR citizenship	17.5	16.3

The questionnaire and socio-demographic groups distribution information is available from the LU Faculty of Social Sciences website www.szf.lu.lv

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The Advanced Social and Political Research Institute (ASPRI) of the Faculty of Social Sciences (SZF) was established in 2004 at the University of Latvia to

facilitate high quality research of essential social development issues and to promote cooperation of Latvian social scientists and their participation in international research networks. In 2004–2005 *Democracy Audit* was the first significant project executed by the ASPRI using the methodology of the International Institute for Democracy and Electoral Assistance (IDEA). This assessment was prepared within the framework of the National Research Programme “National Identity”. An expert group was formed under the auspices of the ASPRI. In addition to researchers from the SZF, this group also included experts from the Latvian Centre for Human Rights, Centre for Public Policy PROVIDUS, Faculty of Economics and Management of the University of Latvia, and Vidzeme University of Applied Sciences. *Audit of Democracy 2005–2014* assesses democracy in Latvia over the ten-year period spent as a member state of NATO and the EU.



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