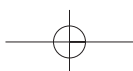
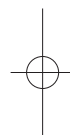
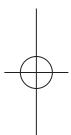
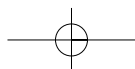
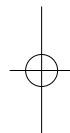
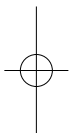


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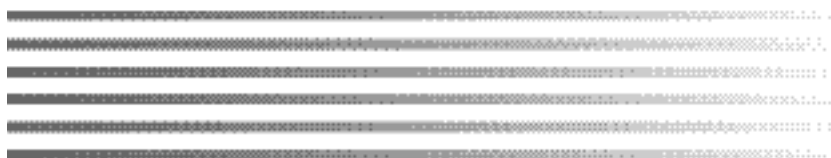


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# HOW DEMOCRATIC IS **LATVIA**

## MONITORING OF DEMOCRACY 2005 - 2007



 ZINÁTNE

UDK 323.1(474.3) (082)

Ho 910

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Cover design ILZE RAMANE

Facts and opinions reflected in the articles are responsibility of the authors

ISBN 978-9984-808-17-8

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## Contents

Introduction. From Audit of Democracy to Monitoring of Democracy. <i>Juris Rozenvalds</i> .....	7
<i>Ilze Brands Kehris</i>	
1. Nationhood and Identity .....	11
<i>Artūrs Kučs</i>	
2. The Rule of Law and Access to Justice .....	19
<i>Ilze Brands Kehris</i>	
3. Civil and Political Rights .....	29
<i>Feliciana Rajevska, Alfs Vanags</i>	
4. Economic and Social Rights .....	35
<i>Jānis Ikstens, Andris Runcis</i>	
5. Free and Fair Elections .....	43
<i>Daunis Auers, Jānis Ikstens</i>	
6. The Role of Political Parties in a Democracy .....	49
<i>Marija Golubeva, Iveta Reinholde</i>	
7. Efficiency and Accountability of Governance Structures .....	53
<i>Anhelita Kamenska, Atis Lejiņš</i>	
8. Civilian Control of the Military and Police .....	62
<i>Valts Kalniņš</i>	
9. Minimizing Corruption .....	69
<i>Ilze Šulmane, Sergei Kruk</i>	
10. Mass Media in a Democratic Society .....	75
<i>Zinta Miezaine, Māra Simane</i>	
11. Political Participation .....	83

6 CONTENTS

<i>Edvīns Vanags, Inga Vilka</i>	
12. Government Responsiveness .....	88
<i>Edvīns Vanags, Inga Vilka</i>	
13. Decentralization .....	93
<i>Žaneta Ozoliņa</i>	
14. International Dimensions of Democracy .....	98
Authors .....	103

## Introduction

### From Audit of Democracy to Monitoring of Democracy

The idea of democracy becoming progressively more widespread in the modern world, the various discussions that examine democracy are increasingly substituting the question of whether we do need democracy by the question of what kind of democracy we need, what it means in various spheres of social life, and how wide the social phenomena is where the criteria of democracy can be applicable.

It should also be taken into account that there exists a difference between democracy as an ideal and democracy as the characteristic trait of an existing political order. None of the actually existing contemporary democracies can boast being a complete embodiment of democratic ideals. At the same time democracy is not a monument which is timeless in its perfection and completeness. Democracy can never be fully finished, as the changing life of a society continuously poses new challenges for the old means of democratic participation and the principles of democratic governance. An essential trait of democracy is its ability to change both as the result of external influences and – this is particularly true of mature democracies – to evolve in accordance with the times, the changing world and societal needs.

The above considerations actualize the need for a multifaceted and detailed assessment of the level of democracy and the dynamics of the democratization processes, which would make it possible to reach conclusions about the quality of democracy and its development trends both in a comparative perspective and with regard to a given society in specific historical circumstances.

To assess the democracy status and dynamics, one needs robust guidelines, that is, a methodology which could be efficiently applicable both on a national and international level. However, prior to that there should be a political will, a research capacity and economic opportunities to carry out such a study. In Latvia, all these preconditions were successfully in place in 2004, when under the auspices of the newly established Strategic Analysis Commission a group of experts was formed, including well-known Latvia's political scientists, lawyers, economists, sociologists, media experts, human rights researchers, politicians, etc. Applying the internationally recognized

IDEA<sup>1</sup> methodology, this group carried out a stock-taking of the status of Latvia's democracy, the starting point being 2004 – the year that was particularly significant for our society. In this year Latvia became a full-fledged Member State of NATO and the EU. In the spring of 2005, the results of Latvia's democracy audit were published in a separate book in Latvian,<sup>2</sup> while several months later the publication was issued in English.<sup>3</sup>

The audit of Latvia's democracy carried out by our experts has met recognition both in Latvia and abroad. The results of the audit were presented to the factions of the 8th Saeima of the Republic of Latvia; its conclusions caused extensive commentaries in Latvia's media. The copies of the publication that appeared in bookstores did not stay on the shelves either. The results of the audit are widely used by researchers of Latvia's society both domestically and abroad, they are sought by students of various fields of study, as well as secondary school students; it is an important source of objective information about Latvia in the diplomatic missions of our country abroad, as well as a major source of enquiry for the foreign diplomats accredited in Latvia.

Two years after the publication of the extensive and detailed audit of Latvia's democracy readers are presented with a much more compact monitoring of democracy. What is the difference between audit and monitoring? In the case of assessing Latvia's democracy we defined audit as a systemic and analytical analysis of the development of democracy, whose goal was to identify and formulate the trends of democratization, provide a relatively extensive description of the situation, carry out a public opinion survey on the major issues of democratization, as well as to formulate practical proposals for the improvement of the situation. Such a many-faceted and profound assessment of democratization processes (or audit) should be carried out every six to eight years. However, the society is developing in a very dynamic way and there is a need to assess the course of democratization

<sup>1</sup> IDEA (Institute for Democracy and Electoral Assistance) – an intragovernmental organization whose goal is to promote the development of democracy world-wide. Its headquarters are located in Stockholm (Sweden).

<sup>2</sup> *Cik demokrātiska ir Latvija. Demokrātijas audits*. Rīga: LU Akadēmiskais apgāds, 2005.

<sup>3</sup> *How Democratic is Latvia. Audit of Democracy*. Rīga: LU Akadēmiskais apgāds, 2005.

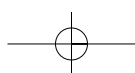
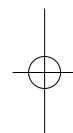
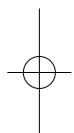


processes in a shorter time span, which is the objective of carrying out a monitoring exercise. It is based on the methodology of the democracy audit and it has been prepared by the group of Latvia's experts, most of whom accomplished the democracy audit of our country three years ago. It should be noted that the goal of democracy monitoring is less ambitious – we wished to identify the spheres where the level of democratization of Latvia's society has increased over the previous two or three years, as well as aspects that have remained on the same level or have seen a regress.

To make the comparison more illustrative, each chapter of the monitoring starts with a table where the reader can find the assessment of years 2005 and 2007 on each of the issues examined in the chapter, as well as a pointer to the trend of the process: ↗(improvement), = (same), ↘(decline). In certain cases the assessment of 2007 and 2005 is identical, however, in the opinion of experts a trend for improvement (or decline) is manifest, which is shown by an upwards or downwards arrow. The commentary that follows the table provides the explanation of the experts for the assessment reflected in the table. Taking into account the limited scope of the publication of the monitoring results, which was in turn prompted by the limited time available (results of a topical study should be published as fast as possible) the explanations of the authors address only the issues that necessitate extended commentary. The assessments proposed by the experts as well as the characterization of the development trends were discussed in the experts' retreat seminar in April 2007.

The IDEA methodology used for the monitoring is oriented towards a qualitative assessment of the democratization processes, and one should not expect of it quantitative measurements which would easily make it possible to determine Latvia's place (rating) among other democratic countries, or, for example, a measurement in per cent of democratization rate in a given issue area. This was not the goal of the working group. However, if the opinions of the experts reflected in this 'snapshot' as the result are conducive of discussions in Latvia's society on the issues touched upon in the monitoring – especially in the issue areas where the experts identified a decline or stagnation – the authors will consider their objective accomplished.

JURIS ROZENVALDS



**ILZE BRANDS KEHRIS****1. Nationhood and Identity**

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
1.1	How inclusive is the political nation and the state citizenship of all who live within the territory?	Poor	Poor	↘
1.2	How far are cultural differences acknowledged, and how well are minorities protected?	Satisfactory	Satisfactory	=
1.3	How much consensus is there on state boundaries and constitutional arrangements?	Satisfactory	Satisfactory	=
1.4	How far do constitutional and political arrangements enable major societal disparities to be moderated and eliminated?	Good	Good	=
1.5	How impartial and inclusive are the procedures for amending the constitution?	Good	Good	=

In the two years since January 1, 2005 the number of non-citizens has decreased by 59 200; however, on January 1, 2007 non-citizens still constituted 17.2% (392 816) of all permanent residents. Applications for naturalization have decreased dramatically: in 2006, 10 581 applications were received – half of the figure of the peak year 2004. In the first four months of the 2007, the number of applications dropped to the lowest level ever since the adoption of the amendments

to the Law on Citizenship which were passed as the result of the 1998 referendum (around 270–340 per month, compared to 1200–1300 in 2006 and over 2000 in 2005). The registration as citizens of non-citizens' children born after 1991 was also slow. The slightly over 6000 such children, who have been registered as citizens since it became possible after 1998, is a small figure compared with the remaining approximately 13 000 eligible non-citizen children. That the increase of naturalization activity during the pre-EU accession period did not last long is no surprise, and the process naturally slowed down over time, as many of those who were motivated to naturalize had already done so. Another factor commonly cited as reducing the motivation for naturalization is the possibility since 2006 for non-citizens to travel within the EU without visas. However, the process has also been negatively influenced by politicians proposals and discourse, which has contributed to creating an atmosphere not conducive to naturalization.

Several proposals related to **citizenship legislation** were proposed in the Saeima, foreseeing stricter requirements for naturalization, its slow-down or even discontinuation. Heeding the call of the Prime Minister to make the naturalization process stricter regarding loyalty requirements, after the issue was put on the agenda by the government's decision not to grant citizenship to Jurijs Petropavlovskis for allegedly being disloyal, even though he had fulfilled all the formal naturalization requirements, a working group was formed in 2005 at the Ministry of Justice tasked with developing a draft amendment to the Law on Citizenship. The proposed amendment included a large number of different norms, several of which were aimed at streamlining the legal requirements. The draft amendment included loyalty as a prerequisite for naturalization, which caused heated discussions on the interpretation of this notion. Minister of Justice Solvita Āboltiņa withdrew the draft in October 2005, arguing that because of the approaching elections discussions on citizenship could not be expected to be constructive. Another draft law was prepared by the Fatherland and Freedom/LNNK party, which envisaged discontinuing naturalization

and granting citizenship only in specific cases and by special decisions of the Saeima. This draft proposal also included the norm that non-citizens' children could be registered as citizens only if the children were being educated in Latvian-language schools. Although the draft law was rejected in a vote at the Saeima on June 8, 2006, only 20 parliament members voted against, while 10 were in favour, and 51 abstained. In September, Fatherland and Freedom/LNNK again proposed to the Saeima the draft Law on Citizenship, which was again turned down on September 28 with 21 votes against, 12 in favour and 51 MPs again abstaining. Similarly, the draft Repatriation Law proposed by Fatherland and Freedom/LNNK was turned down by 50 MPs abstaining from voting, while 19 were against and 8 in favour of it. As a result, liberal democratic citizenship legislation, whereby full inclusion as citizens in the state is accessible to permanent residents, was preserved. It is significant, however, that this benevolent outcome was achieved by parliament members remaining silent rather than publicly opposing and voting against the drafts. Thus a positive and inclusive discourse on citizenship and belonging to the state against exclusionary signals was missing. Such a passive stance does not generate trust in the official position of the government, which claims to promote naturalization of all non-citizens and their full inclusion in the state, including participation in political life.

In the period under review public discourse on citizenship issues has thus become harsher; voices in the Saeima explicitly opposing the naturalization process as being too easily accessible have been increasingly heard. This restrictive attitude towards naturalization, in contrast to the positive stand of official policy, created a negative atmosphere, which was compounded by scandals involving the Naturalization Board, related to alleged corruption of staff and dishonest actions of naturalization applicants in taking the naturalization examinations. Amendments to regulations made the naturalization process requirements stricter; in addition, Fatherland and Freedom/LNNK proposed a legal amendment whereby attempting to pass for another person during examinations would constitute

criminal fraud. This amendment to the Criminal Law was adopted in early 2007; however, by spring it was not in force, due to another article of the amendment, which caused the returning of the proposal for review.<sup>1</sup> Following the corruption and fraud scandals, the Naturalization Board developed an anti-corruption programme and in August 2006, video surveillance cameras were installed in the regional branches of the Naturalization Board.

In early 2007, the issue of non-citizens' political participation through voting rights at municipal elections reemerged on the agenda. It was initiated by Latvia's First Party/Latvia's Way, while counter-arguments were voiced by all other parties of the ruling coalition and right-wing opposition, as well as from the highest level officials – the President of the Republic of Latvia Vaira Vīķe-Freiberga, Prime Minister Aigars Kalvītis, and Saeima speaker Indulis Emsis. Gradually the initiators of the discussion modified their initial position, and Latvia's Way politicians argued that this issue should be settled by referendum. The fact that the long-standing issue, which has been perceived as controversial, was again put forward for discussion by a government party shows that there are possibilities to develop an agenda of inclusion, while the fast substitution of the position with a less 'difficult' one also indicates that the pressure against non-citizen participation in local level elections remains overwhelming.

An important and positive development in minority rights is the ratification by the Saeima in May 2005 of the Council of Europe Framework Convention on the Protection of National Minorities – ten years after the signing of the Convention. However, a Declaration specified that national minorities are citizens who have traditionally and for generations lived in Latvia. Regardless of an added-on sentence on non-citizens being able to enjoy these rights unless otherwise foreseen by law, this Declaration reduces the scope of persons who formally belong to a national minority, by not including non-citizens and naturalized citizens. The Declaration also implies that the Convention's norms on the use of minority languages with administrative authorities, as well as those related to topographic signs and

street names, will not be applied in Latvia, as this would be contrary to the legal norms in force. On a positive note, the government report to the Council of Europe in 2006 was submitted on time – a year after the Convention come into legal force, and the beginning of the Convention dialogue should serve to promote also the domestic dialogue between state authorities, majority and minority representatives. Therefore the ratification and coming into force of the Convention merits a positive assessment, regardless of the formally narrowed scope of its application.

In 2005 the Constitutional Court examined two cases relating to minority education: the 'reform' in secondary schools, which specified the minimum proportion of lessons to be taught in Latvian (ruling that it complies with the Constitution, provided that authorities respect flexibility in the application of the norms and ensure monitoring of the quality of education),<sup>2</sup> and the state financial support for private schools only when the language of instruction is Latvian (ruling that such practice constitutes unequal treatment and thus does not comply with the Constitution).<sup>3</sup>

During the period of analysis, awareness regarding the unfavourable situation of Roma in the society as compared to other ethnic groups increased and the Secretariat of Special Assignment Minister for Integration (SSAMI) elaborated a state programme for the improvement of the situation, which the Cabinet of Ministers adopted on October 17, 2006.<sup>4</sup> The court ruling in favour of a Romani woman who was refused employment<sup>5</sup> was a precedent when the courts applied the new anti-discrimination norms based on the EU equality directives with regard to ethnicity. These developments are positive even if improvement of the actual situation of Roma is not yet in sight and the level of effectiveness of the national programme remains to be seen.

There were negative developments with regard to racially motivated violent incidents and hate speech in the public space, especially on internet. This was reflected in the increased mass media attention to these issues, as well as the increased number of cases initiated by the Security Police in accordance with section 78 of the Criminal Law. Compared

to the preceding period when there were one or two cases annually, in 2005, the number of cases was 13, and the number continued to grow. In October 2006, the Saeima adopted amendments to the Criminal Law (without much discussion and relatively low fuss) which added racist motivation to the already existing thirteen aggravating factors listed in section 48. Notwithstanding these and other legal amendments which were under development throughout 2006 and in 2007<sup>6</sup> there are still shortcomings in legislation. At the practical level, law enforcement, prosecution and courts still lack sufficient knowledge about the identification, recording and investigation of criminal offences of this sort. This situation is assessed as negative.

The opportunities of minority participation in decision making on issues that directly relate to them remain unsatisfactory (as is participation among the general public as well), regardless of the establishment of a consultative council of minority NGOs by the SSAMI in September 2006, which constituted a precedent by a government institution by including a practice that all minority NGOs were invited to nominate their representatives themselves. However, the capacity of this council to actually influence any decisions is unclear. Simultaneously, the consultative council on minority education issues, which had for several years been meeting, with varying success, under the Ministry of Education and Science, ceased its work, and representatives of the Ministry expressed the opinion that minority education issues should be addressed within the general framework of the system, without singling them out. Previously participating minority education experts and NGO representatives were not invited to the new consultative Council of the Ministry.

The border agreement with Russia continued to be topical in 2005, when on April 26 Latvia's government adopted a unilateral Declaration on the Border Agreement in response to the belatedly discovered possible contradictions with the Satversme, provided that the *de facto* border be turned into *de jure* border, leaving undetermined the issue of whether the Satversme's delineation of state territory includes Abrene, which was part of Latvian territory before the Second World



War. If such were the case, the constitution requires a referendum to accept the new border. The solution proposed, reserving the right to return to this issue at a future point, precluded any likelihood of Russia signing the agreement. In 2007, the issue of the border agreement was again initiated, and after repeated impassioned debates on February 1, the Saeima conceptually endorsed the mandate of the Cabinet of Ministers to sign the treaty initiated in 1997. 26 MPs voted against, including the members from the New Era and Fatherland and Freedom/LNNK, as well as one member of the Farmers and Greens faction. On March 27, Latvia's Prime Minister and Russia's Prime Minister signed the Agreement of the Republic of Latvia and the Russian Federation on the State Border of Latvia and Russia. However, the party New Era handed an appeal to the Constitutional Court to assess its compliance with the Satversme. Individual Fatherland and Freedom/LNNK members backed up the initiative. On May 17, the Saeima ratified the agreement, 70 voting in favour and 25 against, while there was not yet any ruling of the Constitutional Court. Heated public debates went on throughout the process. Active protesters repeatedly gathered outside of the Saeima, when the border agreement was debated, but their number was limited to between 50 and 100 individuals, including representatives of national-radical groups like *Klubs 415* and *Visu Latvijai*, who expressed their unequivocal attitude towards 'giving up' Abrene. The issue of the theoretical threat to the continuity of the state, which was intensely debated initially, gradually ceased to be brought forth as an argument. Overall, the considerable number of those in favour of ratification, as well as the inability of the protesters to mobilize more extensive crowds, signals that the consensus over the state border is not as fragile as the confrontational tone of the discussions seemed to indicate. At the same time, up to the end of the period of analysis, the opinion of the Constitutional Court remained unknown, the party New Era and several other MPs remained categorically against, and Russia had not yet ratified the agreement. These factors left open certain opportunities for a repeated blocking of the process of border issue settlement,

while it is safe to say that there is not yet unanimous consensus regarding the border.

### References

- <sup>1</sup> The draft law by 8th Saeima, registration no. 1635, registered in the 9th Saeima as no. 128, is included in the draft law no. 15, adopted in the 3rd reading on May 17, 2007.
- <sup>2</sup> Constitutional Court case No. 2004-18-0106, judgment on May 13, 2005.
- <sup>3</sup> Constitutional Court case No. 2005-02-0106, judgment on September 14, 2005.
- <sup>4</sup> National programme Čigāni (romi) Latvija, 2007–2009. gadam, [Roma in Latvia 2007–2009] [http://212/70/165/51/doc\\_upl/valsts\\_programma\\_Cigani\(romi\)\\_Latvija.pdf](http://212/70/165/51/doc_upl/valsts_programma_Cigani(romi)_Latvija.pdf).
- <sup>5</sup> S.K. vs Palso Ltd., case reviewed on May 18, 2006 in Jelgava court.
- <sup>6</sup> Amendments to sections 78 and 150 of the Criminal Law, as well as amendments to the Code of Administrative Offences.

**ARTŪRS KUČS**

## **2. The Rule of Law and Access to Justice**

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
2.1	To what extent is the rule of law operative throughout the territory?	Good	Good	=
2.2	To what extent are all public officials subject to the rule of law and to transparent rules in the performance of their function?	Satisfactory	Satisfactory	↗
2.3	How independent are the courts and the judiciary from the executive, and how free are they from all kinds of interference?	Satisfactory	Satisfactory	↘
2.4	How equal and secure is the access of citizens to justice, to due process and to redress in the event of maladministration?	Very poor	Satisfactory	↗
2.5	To what extent do the criminal justice and penal systems observe due rules of impartial and equitable treatment in their operations?	Satisfactory	Satisfactory	↗
2.6	How much confidence do people have in the legal system to deliver fair and effective justice?	Poor	Poor	↘

The primary requirement of the rule of law is that the state is ruled in accordance with laws which in a certain procedure have been adopted by a parliament elected by the people, or other

normative acts, adopted within the limits of a proper authority. In the cases when the legislator acts unlawfully issuing legal acts that do not correspond to the Constitution (Satversme), the Satversme of the Republic of Latvia and other legal acts envisage the possibility for the courts institutions to prevent such actions, declaring legal acts or their sections not having legal power, if these do not fit the hierarchy of laws.<sup>1</sup> Another branch for the balancing of the legislator's power in the legislative process has manifested itself this year – the institution of the President of the Republic of Latvia, as on March 10, 2007 the President for the first time used the rights guaranteed in article 72 of the Satversme to suspend the law. This decision was made with regard to amendments to the State Security Authorities laws, which the Saeima adopted in a relief procedure, regardless of the fact that the president had passed them back to the Saeima for repeated discussion and several law experts and NGOs<sup>2</sup> had expressed doubt in the necessity of adopting such amendments in a relief procedure, as well as expressed concern over the negative influence of the draft law on the effectiveness of the work of security authorities.

As regards another element of the rule of law – the accessibility of laws, which is essential in order for any individual to be able to predict the rights and obligations following from legal acts, the situation is similar to that of the previous review period.<sup>3</sup> However, the issue of the accessibility of court verdicts remains topical. The court verdicts make visible the contents of the norms and the manner of their application in practice. Therefore access to all court verdicts is essential for any individual in order to comprehend the course of the court practice with regard to a certain legal institution or norm. However, at the time being it is possible only through the *Lursoft* database of Latvian court verdicts, for a fee, which for an average inhabitant precludes the possibility to use this resource.<sup>4</sup> However, the situation is improving gradually. For example, the courts portal [www.tiesas.lv](http://www.tiesas.lv) makes available the rulings of all administrative courts as of January 1, 2007. The accessibility of the practice of administrative courts is essential, as it is precisely these courts that in the absolute majority

of cases address disputes between the individuals and public administration institutions with regard to various infringements on individual's basic rights. The portal and the homepage of the Supreme Court make available also court verdicts on civil cases and criminal cases, which have caused a broader interest in the society. Improvements are manifest also with regard to accessibility of the verdicts of Constitutional Court, as the homepage of the Court currently makes available not only the verdicts but also decisions on the instigation of a case and its completion.

As regards the subordination of public officials to the law, it is necessary to emphasize the active work of courts, prosecutors and Corruption Prevention and Combating Bureau, especially in the previous two years, which demonstrates that in the case of an unlawful or questionable action public officials of any level of seniority may be subjected to investigation or penalty.<sup>5</sup> It is essential to note that the cases instigated have also led to the sentencing of public officials or influential business people, including actual imprisonment. The subjection of public officials to the rule of law is also ensured by the increased interest of mass media and NGOs in possible unlawful actions of public officials.

However, the same as in the previous period of review the attitude towards observing the principle of the rule of law is formal. It is manifested in attempts to adopt legal acts which would considerably influence the interests of individuals, without a broader discussion and providing the justification, thus creating suspicion of acting in the interests of certain groups of persons. An example of that is the hasty and critically regarded amendments to the laws pertaining to the state security authorities, and the amendments which the Saeima actualized in March 2007 striving to lift the restriction on the party pre-election campaign spending. The suspicion of possibly subjective interests in amending the order of party financing is caused by the fact that several parties represented in the Saeima might be punished for breaching the law currently in force during the pre-election campaign for the 9th Saeima elections.

The transparency of laws is also encumbered by the differences in their application and interpretation in court practice. However, in 2006, the Supreme Court started the formation of a database of judicature, aiming to 'assist judges in adjudicating analogous cases, decrease the duration of hearing a case, as well as promote a uniform and stable court practice'.<sup>6</sup> The transparency of the content of court norms is also fostered by the fact that the homepage of the Supreme Court makes available expert studies on court practice with regard to application of legal norms in specific areas of societal life.

When assessing the independence of courts from the executive power and other kinds of imposition, it is important to note that the key problem is the poor guarantees of the institutional independence of juridical power. First, the separation of the juridical power and the executive power in terms of planning the courts budget planning and administration has not been implemented yet. The administration and budget planning of the juridical branch, with the exception of the Supreme Court, is in the competence of courts administration, which acts under the Minister of Justice. It was planned to link the courts administration with the Council of Justice from 2005 onwards, however, it has not been formed so far. Second, the delay in forming the above Council causes deficiencies in the relationship of the juridical branch with other branches of state power, as there is no independent institution representing the juridical power.

The new draft Law on Courts Order envisages the formation of the Council of Justice as a [...] 'consultative and coordinating institution which takes part in the development of the policy and strategy of the juridical system and the improvement of the juridical system'.<sup>7</sup> The functions of the Council as reflected in the draft law are unclear; its role as a guarantor of the autonomy and independence of the juridical branch has not been ensured to a sufficient degree. In addition, the independence of the juridical branch should be linked with financial resources, whose administration should be taken over by courts themselves.<sup>8</sup> The concerns about the draft law weakening the independence of the juridical power and strengthening the domination of the

executive branch over the juridical have also been voiced by the Chair of the Supreme Court. For example, contrary to the currently existing order when regional court chairs and their deputies are appointed by the Saeima, the new draft law delegates this function to the Minister of Justice. The Minister is also given the right to take decisions on the number of judges in each court, while the Cabinet of Ministers has the right to reorganize and eliminate district (city) courts and determine their number.<sup>9</sup>

The ability of the legislator and the executive branch to influence the independence of judges can also be linked to the procedure of appointing of judges. For instance, the lack of precise criteria in legal acts with regard to the necessary requirements for new candidates for the judges of Constitutional Court caused speculation about the suitability and ability to act independently in their new position with regard to some candidates nominated and approved by the executive power and the ruling coalition of the Parliament. Another risk factor that can influence the work of individual judges is the procedure envisaged in the law that the Saeima passes decisions about the appointment of district judges without limitations of a term of service after the probationary period is completed.

Concerning the ensuring of impartial and timely trial for every individual, it is necessary to underscore that lengthy and delayed hearing of cases remains a serious problem. Statements and actions of court officials indicate that courts are aware of this problem. There have been several cases when disciplinary action has been initiated against judges because of untimely hearing of a case or a delay in referring a case to the appeals court.<sup>10</sup> A speedier hearing of criminal cases is also promoted by the new Criminal Process Law<sup>11</sup> which introduces several simplified modes of hearing a case.<sup>12</sup> The Criminal Process Law envisages assigning a priority to cases involving underage persons and cases when the person has been subjected to a measure of compulsion involving detention.

Improvements are manifest with regard to ensuring availability of justice to low income individuals. The Saeima has adopted the

Law on State-provided Legal Assistance, in accordance to which the above group has the right to receive legal assistance for resolving disputes outside of court and in court, as well as legal counsel for the protection of persons' rights when invaded or challenged, or the safeguarding of interests protected by the law.<sup>13</sup> To fulfil this function, Legal Assistance Administration has been established. However, there remains the problem of state-provided legal assistance during a criminal process. Although article 92 of the Satversme and the Criminal Process Law<sup>14</sup> envisages the right to legal defence, and the Legal Assistance Administration does provide assistance on criminal cases as well, the state guaranteed financing is not sufficient to involve the needed number of defence counsels. Therefore the state-provided defence is often insufficiently effective. One of solutions for the problem would be the formation of a state defence institution, guaranteeing individuals a high quality legal counsel in a criminal process regardless of their income level. In addition, the law does not envisage assistance to individuals who wish to plead a case at the Constitutional Court in relation to a possible invasion of basic rights. In this case the individual can turn for support only to non-governmental organizations or the Office of the Ombudsman.

The individuals' opportunities to receive compensation for mistakes of public administration are improved by the adoption of the Law on Restituting Losses Caused by Public Administration Institutions,<sup>15</sup> which specifies section 8 of the Administrative Process Law on the person's rights to request a restitution for the loss or moral damage which has been caused by applying an unlawful administrative act or actual action of an institution. The court practice testifies that individuals can effectively turn against public administration institutions, demanding the restitution of moral loss, which has been caused by unlawful action, by using the norms of the Civil Law as well.<sup>16</sup> The establishment of the Ombudsman institution will also enhance the protection of the people against the mistakes of public administration institutions, since alongside with overtaking the functions of the Latvian Human Rights Office the mandate of the



Ombudsman institution also includes the supervision of the implementation of principles of good governance in public administration.

Public trust in the courts system is currently even somewhat lower than during the period of the previous study,<sup>17</sup> as the data of the sociological survey carried out in the autumn of 2006 testifies that only 32% of respondents trust the legal system.<sup>18</sup> Recently mass media have provided information on several court hearings which had raised doubt about the impartiality of judges in examining the cases. However, a positive trend is manifested by the fact that juridical power and rights protection institutions themselves have taken active measures to respond to these cases to find out the grounds for suspicion. There has been a first precedent when the Corruption Prevention and Combating Bureau started a criminal persecution against two judges in relation to a possible fact of bribe-taking.<sup>19</sup> The Disciplinary Panel of Judges has also initiated examination of several instances when there has been information on possible personal stakes of judges in certain hearing of a case.<sup>20</sup> Hopefully, the disciplinary cases initiated by the juridical power officials on possible violation of their colleagues and court rulings applying harsh penalties to well-known business people and state officials, will become reflected in the ratings of public trust in courts. The trust in courts could also be promoted by active work of administrative courts on protecting the basic rights of individuals and vulnerable groups of society, as well as a broader accessibility of court rulings.

Factors continuing to hinder public trust in impartial and effective functioning of the courts system are related both to the lack of a unified judiciary and the fact that not in all courts the principle of randomness is observed in assigning cases.<sup>21</sup> Last but not least, the low trust in the courts system is also aggravated to the poor cooperation between courts and mass media. Although the judge has no right to comment on a case during its hearing, the explanation of the motives of taking a certain decision after the verdict is announced in cases affecting public interests would make it possible to understand the

validity of the verdict and dispel suspicion on being biased in hearing the case in question.

## References

- <sup>1</sup> For example, as of 2001 each individual has the right to submit a complaint to the Constitutional Court, arguing that the legal norm applied to his case violates the basic rights determined by the Satversme. General jurisdiction courts may also complain to the Satversme Court, should they have a well-grounded concern that the legal norm to be applied does not correspond to a higher ranking norm.
- <sup>2</sup> See for example the announcement of the Public Council of the Corruption Prevention and Combating Bureau on March 19, 2007. Accessible at [www.delna.lv](http://www.delna.lv) (last accessed on 19 April 2007).
- <sup>3</sup> *How democratic is Latvia. Audit of Democracy*. Rīga: Latvijas Universitātes Akadēmiskais apgāds, 2005, section 2 The Rule of Law and Access to Justice, pp. 35–43 (Latvian edition).
- <sup>4</sup> In accordance with the information in the homepages of rulings of Latvia's courts, the results of a search for a certain verdict costs 0.50 LVL, while the description of a verdict costs 1.18 LVL. Available at [www.lursoft.lv](http://www.lursoft.lv) (Last accessed on 19 April 2007).
- <sup>5</sup> For example, in the second half of 2006, the Corruption Prevention and Combating Bureau sent materials for starting criminal persecution with regard to 10 officials of local governments, including two chairpersons of parish councils and five officials of city councils, two judges, including a district court judge, an acting undersecretary of a ministry and other high-ranking public officials. More information: Korupcijas °C. Pārskats par korupciju un pretkorupcijas politiku Latvijā, nr. 4, 2006. gada otrais pusgads, 2007, p. 8. Available at [www.politika.lv](http://www.politika.lv) (last accessed on 19 April 2007).
- <sup>6</sup> Guļāns A. Runa Latvijas tiesnešu konferencē 2007. gada 9. martā. Available at [www.at.gov.lv](http://www.at.gov.lv) (last accessed on 19 April 2007).
- <sup>7</sup> Article 106 of the draft Law on Courts Order. Available at [www.saeima.lv/saeima9/mek\\_reg.fre](http://www.saeima.lv/saeima9/mek_reg.fre) (last accessed on 19 April 2007).
- <sup>8</sup> See Tiesu iekārtas likumprojektā Tieslietu padomes funkcijas neskaidras on 12 April 2007. Available at [www.tiesas.lv](http://www.tiesas.lv) (last accessed on 21 April 2007).

- <sup>9</sup> Augstākā tiesa neredz vajadzību pēc jauna Tiesu iekārtas likuma (The Supreme Court does not see the need for a new law on Courts Order) 03.05.2007., Available at [www.delfi.lv](http://www.delfi.lv) (Last accessed on 21 April 2007).
- <sup>10</sup> For example, at the meeting of April 4, 2007 the Disciplinary Panel of Judges inflicted a penalty (reprimand) on Daugavpils court Chair for failing to send a criminal case for an appeal court in a timely manner. Available at [www.tiesas.lv](http://www.tiesas.lv) (last accessed on 21 April 2007).
- <sup>11</sup> Published in *Latvijas Vēstnesis*, no. 74, 11 May 2005.
- <sup>12</sup> Part One of Article 385 of the Law on Criminal process 'Modes of pre-trial criminal process' envisages that 'in a criminal procedure the official advancing the procedure chooses one of the modes of pre-trial procedures: 1) advances the criminal procedure to end it, releasing the person from criminal charges on probation; 2) advances the procedure to apply the prosecutor's order on a penalty; 3) advances the criminal procedure in an urgent mode; 4) advances the procedure in a shortened procedure mode, 5) advances the procedure for the application of settlement procedure, 6) carries out investigation and criminal prosecution in a general mode'. Available at <http://pro.nais.lv/naser/text.cfm?&KEY=0103012005042132777&waiting=Yes&RequestTimeout=500> (last accessed on 21 April 2007).
- <sup>13</sup> Published in *Latvijas Vēstnesis*, no. 52, 1 April 2005.
- <sup>14</sup> Article 83 of the Law of Criminal Process envisages cases of obligatory defence, while article 81 determines the ensuing of defence in other cases, implementing specific procedural actions.
- <sup>15</sup> Published in *Latvijas Vēstnesis*, no. 96, 17 June 2005.
- <sup>16</sup> An example of such a case is the complaint of I. Jaunalksne against the Republic of Latvia which the court decided to satisfy, enforcing the payment in favour of the plaintiff of 100 000 LVL to be paid by the state. The court underscores that such a scope of compensation will hopefully carry out a preventive function and keep public administration institutions from similar actions in the future.
- <sup>17</sup> The data of the public survey carried out by the Baltic Institute of Social Studies in 2004 showed that 50.9% respondents did not trust the courts system, while a positive answer was given by 35.6% of respondents // Baltijas Sociālo zinātņu institūts. Jautājumi sabiedrības demokratizācijas dinamikas novērtēšanai, 26.7 tabula.
- <sup>18</sup> Available at: [http://ec.europa.eu/public\\_opinion/archives/eb/eb66/eb66\\_lv\\_nat.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_lv_nat.pdf) (last accessed on 21 April 2007).

28 ARTŪRS KUČS

<sup>19</sup> Ruks A. Sākta kriminālvajāšana pret tiesnesēm Poļikarpovu un Tāleri. LETA, 26.02.2007. Available at: <http://www.leta.lv/lat/arhivs> (last accessed on 1 June 2007).

<sup>20</sup> Tomsone D., Disciplinārkolēģija: Vrubļevskai vajadzēja izvēlēties: atteikt draudzenei-advokātei ciemošanos vai atteikties skatīt lietu. LETA, 15.05.2007. Available at: <http://www.leta.lv/lat/arhive> (last accessed on 1 June 2007).

<sup>21</sup> For example, see the explanation of the Chair of Liepāja court with regard to the disciplinary case instigated against him, where he indicates that they have given up the principle of randomness in assigning cases, as it seemed inefficient and cumbersome, therefore the cases are assigned by the Chair. Available: Izsaka rājienu Daugavpils tiesas priekšsēdētājam Ernerstam Jokstam un Liepājas tiesas priekšsēdētājam Ilgvaram Jaungelžem. 4.04.2007. [www.tiesas.lv](http://www.tiesas.lv) (last accessed on 21 April 2007).

*ILZE BRANDS KEHRIS***3. Civil and Political Rights**

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
3.1	How free are all people from physical violation of their person and from fear of it?	Satisfactory	Satisfactory	=
3.2	How effective and equal is the protection of the freedoms of movement, expression, association and assembly?	Satisfactory	Satisfactory	↘↗
3.3	How secure is the freedom for all to practice their own religion, language or culture?	Satisfactory	Satisfactory	=
3.4	How free from harassment and intimidation are individuals and groups working to improve human rights?	Good	Satisfactory	↘
3.5	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?	Satisfactory	Satisfactory	=

In the period under review the issue of the freedom of assembly became increasingly topical both in the sphere of legislation and in practice (permits to hold marches, as well as concerning the possible confrontation of demonstrators of opposite views as well as policing of such events).

A working group of the Ministry of the Interior developed amendments to the law On Meetings, Marches and Pickets that the Saeima

adopted in 2005, regardless of expert objections on their disproportionately restrictive nature. Opposition MPs submitted an application to the Constitutional Court, and on November 23, 2006, the Constitutional Court declared that most of the contested norms are not in compliance with the Satversme. The Court also decided that the existing norm requiring official permission by the local authority to hold activities of this kind violates freedom of assembly as guaranteed by the Satversme, concluding that the norm requiring requests for permits by organizers should be replaced by procedures for notification to the local authority about a planned march or meeting. The amendment that prohibits holding such activities closer than 50 metres from certain buildings (government, Parliament, local government premises, etc.) was also declared anti-constitutional. Although this Court judgement has to be considered as very positive, the Court indicated that new norms should be adopted by Parliament by June 2007, which entailed that Ministry of the Interior institutions resumed the elaboration of new draft amendments. The Saeima adopted new amendments on April 26, 2007, and these were proclaimed on May 11. The new amendments includes a norm that the local authority can issue binding regulations on the order and running of meetings, marches and pickets in specific places. Such broadly defined rights cause some concerns about future observation of freedom of assembly, as the lawfulness of decisions will depend on the level of understanding by local authority on what are legitimate and proportionate restrictions of this freedom. It seems likely that cases will continue to be contested in court, until a consensus understanding develops. The law also places responsibility on the organizers to submit information on the planned event to the local authority no later than ten days before the event (there are defined exceptions to this, when the term is twenty four hours). The local authority may prohibit the event no later than five days before the planned date, if the prohibition is one of the legitimate grounds, as defined in law and corresponding to the Satversme, and is proportional. It is, however, precisely the interpretation of these grounds that has been controversial in practice so

far. Any prohibition can be appealed at administrative district court, which has to review such a complaint within three days and whose decision comes into force immediately. Thus the law eliminates the possibility of situations that could previously happen, when the case was reviewed after the planned event date had already passed, or when the decision would not come into force immediately. However, there is an exception for the cases when the notification is submitted to the authorities no later than twenty four hours before the event. Since the right of judicial review is then difficult to fulfil, the event can take place at the planned time.

In the period under review, administrative courts increasingly often had to deal with complaints on disproportionate restrictions of freedom of assembly or on the sanctions imposed on participants of protest actions for various administrative violations during the events. Although the prohibitions to hold the March 16 marches were taken to court and the appeals were successful, particular attention of the mass media and general public was focused on the precedent cases of Riga Pride events in 2005 and 2006. In 2005, the organizers made a successful appeal at the administrative court, challenging the decision of Riga City Council not to issue a permit for such a march, while in 2006, the first level administrative court found that the ban was justified, based on various reports by security institutions, which were considered classified information and thus unavailable to the general public. However, on April 12, 2007, the regional administrative court declared the decision of Riga local government deputy executive director unlawful, ruling that the lower court decision was unlawful. The arguments of the judgement are concrete and detailed, and they point to the responsibility of both the local authority and the police to ensure the freedom of assembly. In cases when assembly is restricted based on any of the legitimate grounds envisaged by the Satversme, it is not sufficient to provide general arguments and refer to possible unfavourable consequences; for such restrictions to be lawful, the institutions have to assess the concrete situation carefully before prohibiting an event, as well as analyze the various potential

consequences. This development through court decisions doubtlessly promotes a growing understanding of fundamental freedoms in accordance with international standards, as well as observation of these freedoms in practice, therefore it has to be rated as positive. However, the court judgements do not guarantee the observation of rights either in further development of legislation or practice (including the actions of local authorities and law enforcement). The issue of whether and how local authorities will use the opportunities defined in the law to make special regulations for specific venues should be monitored closely. The process of developing a general consensus on the understanding of the freedom of assembly, as well as the observation of fundamental rights in practice will most likely take some time. Compared to 2005, the situation in the period under review initially became worse, but arguably, after court judgements and some developments putting in place new less restrictive legislation there is ground for expecting that the situation regarding the respect for freedom of assembly is starting to gradually improve.

As regards freedom of association, some problems have not yet been resolved, despite the positive development by recognising the right of the police to form trade unions in 2005, when corresponding legal amendments were adopted. However, border guards continue to be denied the right to join in a trade union, which merits negative evaluation. During the period under review there were several court cases relating to limits of freedom of speech, including cases on incitement of hatred, as well as alleged attempt to overthrow state power (through comments on the Internet), which also led to public debate. Proposals for law amendments were submitted to the Saeima envisaging criminalization of display of disrespect for the state or denial of occupation; however, these did not gain support in the legislature. Nevertheless, these debates and court cases indicate that the interpretation of the boundaries of freedom of speech lacks stability, and there were some attempts at restricting this freedom. Yet overall, the situation is not significantly different compared with the previous period.

There has been no noticeable change with regard to an individual's



right to practice one's religion, language and culture within the period of this review. The usage of languages other than the state language remains a sensitive issue, and the role of the state language is consolidated in law. The practice in the previous year indicates a possible intensification of inspections by the State Language Centre and resultant penalties imposed on individuals for insufficient proficiency in the state language, which brings to the surface again both the issue of proportionality of requirements of state language proficiency for certain occupations (in relation to the level required for the actual performance of the job), as well as the question of the effectiveness and proportionality of methods of control and punishment in promoting usage of the state language in the workplace.

The interpretation of the law that public institutions may not provide information in any language other than the state language, except for specific requests, remains in force. The Latvian Human Rights Office in 2006 challenged the fine imposed on September 18 for dissemination of brochures in Russian and English, and achieved a conclusion that this institution is considered one of those that may when needed communicate with its clients in other languages. This success was rare and limited, as an informative report on this issue recently developed by the Ministry of Justice undermines the prior arguments of the Human Rights Office.

Legal differences between the 'traditional' and other religions remain; in addition, the interpretation of which religions are traditional or not (for example, Islam) differs from the views established on a regional and global level, including that of the European Court of Human Rights in its application of the protection of freedom of religion.

Although when compared to many other (admittedly less democratic) countries, in Latvia, individuals and groups that work to improve the situation in human rights are not endangered and can carry out their work freely, it is nevertheless important to note disquieting cases when both individual politicians and negatively inclined activists have publicly called for limits to some activities of individuals and organizations and their funding opportunities. There have been

arguments in the press on the non-governmental organizations having received financing by George Soros and their allegedly murky goals, arguing that these should be examined by security services. For a certain period these often voiced arguments arguably created a less favourable environment for the development of civil society. Even more worrying is the development when individuals who support equal rights for LGBT people, as well as organizations defending LGBT rights have experienced both harassment and attempts at intimidation. The prohibition of the Rīga Pride in 2006 and the aggressive atmosphere which accompanied and restrained the supporting events that were organized is a very negative trend. The prohibition of the march, was officially justified by a possible safety threat, although it was admitted that the potential aggressors most probably belong to numerically very small, radically inclined groups. The very use of this argument to support the prohibition of the event in fact creates a basis for belief that methods of intimidation may be effective. In comparison with the previous year, Riga Pride in early June 2007 marked an improvement of the situation, mostly owing to the more adequate reaction of politicians and the police, rather than the disappearance from public space of radically inclined groups and their aggressive arguments.

Problems in the sphere of civic and political rights have gained considerable attention in mass media, possibly indicating an increased priority assigned to these issues. The submission of complaints to courts – especially to the Constitutional Court on freedom of assembly, as well as complaints to administrative courts for decisions of administrative and public institutions – is a trend that merits positive assessment, as the judiciary sets limits and rectifies unlawful action by the legislature, the government and state institutions as well as the local authorities. Nevertheless, it should be a rare exception for a law adopted by the parliament to be challenged in the Constitutional Court. That this may not be the case yet in Latvia attests to the shortcomings of the Saeima working procedures and the subsequent adoption of laws of insufficient quality.

*FELICIANA RAJEVSKA, ALFS VANAGS*

## 4. Economic and Social Rights

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
4.1	To what extent is access to work or social security available to all, without discrimination?	Satisfactory	Satisfactory	=
4.2	How effectively are the basic necessities of life guaranteed, including adequate food, shelter and clean water?	Poor	Poor	=
4.3	To what extent is the health of the population protected, in all spheres and stages of life?	Very poor	Poor	↗
4.4	How extensive and inclusive is the right to education, including education in the rights and responsibilities of citizenship?	Good	Satisfactory	↘
4.5	How free are trade unions and other work-related associations to organize and represent their members' interests?	Satisfactory	Satisfactory	=
4.6	How rigorous and transparent are the rules on corporate governance and how effectively are corporations regulated in the public interest?	Satisfactory	Good	↗

Social security without discrimination is available to everyone in Latvia. However, the amount of state social support benefit is not reviewed regularly, as required by the Cabinet of Ministers regulations<sup>1</sup> but is reviewed by the Cabinet of Ministers at

the request of the Minister of Welfare taking into account the capacity of the state budget, the economic situation in the state and the consumer price level as determined by the Central Statistics Bureau of the Republic of Latvia. In early 2006, the social support benefit was increased from 35 LVL to 45 LVL. In 2007, the benefit remained unchanged, at 45 LVL, despite the rapid rate of economic growth, inflation that was in excess of 8% and the increase of the subsistence minimum from 112 LVL in January 2006 to 122 LVL in December 2006 and 130 LVL by May 2007. Nor has the sum been changed for 2008 leaving it at 45 LVL or 64 EUR per month for the most vulnerable group in the society.

The lack of a regular review of the benefit significantly influences the welfare of both disabled persons and pensioners in Latvia. The minimum old age pension cannot be lower than the state social support benefit after applying the coefficient of 1.1, 1.3, 1.5 or even 1.7 depending on the number of years in employment.

The size of the state social support benefit significantly influences the welfare of almost all pensioners in Latvia. Only pensions that do not exceed three social support benefits, which is 135 LVL get indexed twice a year in accordance with the increase in prices. The April 2007 indexing included pensions received by 538 300 individuals, or 94% of all pensioners.<sup>2</sup> A majority of pensioners perceive themselves suffering from discrimination, which creates instability in society. The increase of salaries, social deductions and thus the social budget in 2006 and 2007 attests to the sufficiency of financial resources for considerable improvement, if not complete remedying of the situation.

The rules for increasing the minimum wage have been defined by the Cabinet of Ministers.<sup>3</sup> In accordance with this the minimum wage has to be gradually increased in the course of seven years until it reaches 50% of the average wage. Thus Latvia will approach the standards determined by the European Social Charter. In accordance with recommendations of the OECD the minimum income of an employed person should equal 68% of average wage in a country.<sup>4</sup>

The actual processes in our country are directly opposite: the minimum wage increasingly lags behind the average salary of the previous year: 41.6% in 2004, 37.9% in 2005, and 36.6% in 2006.<sup>5</sup> The minimum wage in 2007 (equaling 120 LVL) comprised 39% of the average salary in June 2006, which is 1 EUR per hour before taxes. The considerable scale of emigration to Ireland, Great Britain and other countries of the EU is not only a realization of the principle of the freedom of mobility; it is also a response to social insecurity in our country.

The basic principle of employment protection policy in the EU is the organization of preventive activities by employers, employees and the general public. The key change since 2005 has been the provision of information and opportunities for people learn about their rights. Compliance with labour protection requirements remains a serious problem. The situation has not changed much since 2005.

When assessing the efficiency and equality in ensuring the basic necessities of life, including adequate food, shelter and drinkable water, one has to conclude that the most favourable situation is in the sphere of providing water. Adequate food is increasingly related to healthy food, which is supported by the 2006 decision to prohibit the sale of unhealthy food in kindergartens and schools. Approximately 30% of general education institutions have joined the EU sponsored milk programme for schools. After joining the EU the prices of many food products have increased, which limits their accessibility for low-income population. Adequate food and nutrition is not ensured for the part of society which finds itself below the poverty threshold. The at risk of poverty coefficient in 2005 was 19%.

The right to accommodation is not consolidated in the Satversme. The Constitutional Court in late 2005 lifted the regulation on the upper limit of rents in denationalized houses as of January 1, 2007. The removal of the rent ceiling has caused additional tensions between landlords and tenants. Currently, about 3% of Latvia's population live in denationalized property. Riga City Council introduced a local government relocation benefit: 10 000 LVL per family plus 3000 LVL per each family member. A family of two can receive 16 000 LVL.

This has to be rated as very positive. However, only families with per capita income not exceeding 200 LVL per month are eligible for this benefit. Such income makes it very difficult to get a bank loan without additional guarantees, even if there is a down payment. A negative trend is the shrinking of the rate of construction of local government accommodation. State involvement in addressing the conflict is minimal and does not correspond to the gravity of the problem.

The protection of the health of Latvia's population is enshrined in various legislative acts. The principles of the flow of funds have been formulated in a clearer way; and the issue of the wages of doctors and nurses are being addressed. Since 2005, the number of doctors has increased from 3207 to 3314 specialists, the total number of out-patient care institutions has increased from 2991 to 3183,<sup>6</sup> while the number of hospitals has decreased from 109 to 106. The shortage of paramedical staff has become clearly visible.

Time has been too short to achieve an improvement of the health status of the population. The mortality of the population in 2005 was 14.2 (13.8 in 2004) and continued to be well above the average level of the EU. The average life expectancy in 2005 was 65.6 years for males (67.1 in 2004) and 77.4 years for females (77.2 in 2004).<sup>7</sup> At 3.68% of GDP funding of health care from the state budget remains low: in 2006.<sup>8</sup> Overall, 35% of Latvia's population admits that in 2005 they lacked the funds to visit a doctor. The largest proportion of such individuals (50%) is in the 60+ age group.<sup>9</sup> The problems with health protection in all life stages continue to be serious, and improvements in the last two years have been minimal.

Despite some positive trends in education, overall, the situation has become worse. The overall development in the sphere of secondary education can be described as 'critical'. 'In Latvia, certain groups of people have no access to the formal and informal education needed at each stage and sphere of life, including second chance education. The state has not so far ensured opportunities for lifelong education regardless of age, gender, prior education, place of residence, ethnic origin, income level and functional disorders. As a result, social stratification

increases., The limited opportunities for learning include numerous social groups: low-income families, people without basic skills, women who had provided extended care for children, young people especially in rural areas, over 50-year old individuals, individuals in prisons, people with unfinished secondary and basic education, vocational education and without a document certifying the level of education, individuals with functional disturbances, individuals with problems of integration in the labour market and the society, especially in rural areas'.<sup>10</sup> However, on February 23, 2007, the Cabinet of Ministers adopted a document on the Basic Guidelines of Lifelong Learning Policy for 2007–2013, whose long-term goal is to ensure lifelong education in accordance with interests and abilities of the population and the social-economic development needs of the regions. The basic guidelines determine actions that in Latvia will create a society that learns and improves democracy with the help of education, increases the welfare of this society and its competitive advantages in the international context.<sup>11</sup> Nevertheless it has to be pointed out that the interest of the Ministry of Education and Science in the problem has for years remained on the level of discussions and active work to implement the basic guidelines has not been carried out.

The crisis of the education system manifests itself in various dimensions: teacher salaries are considerably lower than these of other staff in the public sector, there is a lack of teachers, the workload of teachers is excessively heavy and they believe that their work is not appreciated either morally or financially. In April 2006, more than 6000 teachers signed an open letter to the authorities. Since then, there have been extensive protest actions and meetings. The possibility of a strike has been discussed, if the demands of teachers are not adequately met. In addition, there continues a leak of information in relation to centralized examinations in secondary schools. This in its turn decreases trust in secondary school diplomas.

The statistics on general education accessibility and education results (marks) are not disaggregated by ethnic groups. Thus for reasons of misplaced political correctness there is no adequate information

in the country on whether all ethnic groups have access to equally good quality education. The so-called second chance education, geared to those who have dropped out of basic education, does not ensure the teaching of general education subjects in adequate scope – which, in turn, precludes individuals from the opportunity to continue education in the future.

The overall situation of trade unions has not changed much. However, one notable freedom has been achieved, that is, on January 1, 2007 after a struggle of two years the police staff of the Republic of Latvia obtained the right to establish their own trade union. Thus on January 7, 2007, Latvian United Police Trade Union was formed. The overall number of trade union members has decreased. In 2006, Latvia's Association of Free Trade Unions represented only 165 000 employees, which is 13% less than in 2003, when the number of individuals represented was 180 000. In 1998, the number was even greater – 252 000 employees. The number of collective labour agreements is stable. While in 2001 the collective labour agreements were concluded in 2436 companies whose staff was in the Association of Free Trade Unions, in 2006, the number of such agreements was 2405. The practice of concluding collective labour agreements is particularly characteristic at the level of enterprises, however, recently there have been the beginnings of social dialogue on a regional level as well. By January 1, 2006, the member organizations of the Association of Free Trade Unions had concluded 59 regional labour agreements with Latvian local governments: the Trade Union of Education and Science Employees, the Trade Union of Public Administration, Local Government, Enterprises and Financial Sector Employees, and the Federation of Trade Unions of Culture Sector Employees.

On May 31, 2006, a cooperation agreement was concluded between the Latvian Association of Local Governments, the Latvian Confederation of Employers, and the Latvian Free Association of Trade Unions (see [http://www.lbas.lv/pdf/vienos\\_parsadarbibu.pdf](http://www.lbas.lv/pdf/vienos_parsadarbibu.pdf)). Social dialogue of such scope was promoted by ESF funding for capacity building. Within the project, the Latvian Association of Free



Trade Unions received 0.617 million LVL, the Employers' Confederation – 0.6 million LVL, and the Association of Local Governments – 0.416 million LVL.

In the sphere of corporate regulation an improvement has been observed as the relevant institutions have gained experience. The institutions are as follows: The Commission for Regulation of Public Services, The Commission for Finance and Capital Markets, and the Competition Council. The Commission for Finance and Capital Markets has invested considerable effort into introducing a new regulatory framework in the sphere of electronic communication. The goal of the framework is to achieve a lower regulatory burden than in the previous system. The prices of telecommunication services continue to fall, notwithstanding a rise in the overall level of inflation. The Competition Council has been actively researching possible cases of unfair and competition-hindering actions. The issue of unfair pricing at Rīga airport even reached the level of government discussions.

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- <sup>2</sup> [www.delfi.lv](http://www.delfi.lv), (last accessed on 31 March 2007).
- <sup>3</sup> Kārtība, kādā nosakāma un pārskatāma minimālā mēneša darba alga. Cabinet of Ministers regulation no. 415, issued on July 22, 2003 in Rīga, in accordance with the Part 3 of Article 61 of the Labour Law. At <http://www.likumi.lv/doc.php?id=77636> (last accessed on 21 November 2004).
- <sup>4</sup> Informatīvais pārskats par galvenajām sociālās politikas pārmaiņām 2002. gadā. LR Labklājības Ministrija. Rīga, 2004, 40 pages. <http://www.lm.gov.lv>
- <sup>5</sup> Source: Kārtība, kādā nosakāma un pārskatāma minimālā mēneša darba alga. Cabinet of Ministers regulation no. 415, issued on July 22, 2003 in Rīga, in accordance with the Part 3 of Article 61 of the Labour Law. <http://www.csb.lv>, calculations of the author.

- <sup>6</sup> Centrālā Statistikas pārvalde: veselības aprūpes pamatrādītāji 2006. gada beigās (basic data on health care), at <http://www.csb.gov.lv/csp/content/?cat=2310>
- <sup>7</sup> Centrālā Statistikas pārvalde: jaundzimušo paredzamais mūža ilgums (life expectancy of the newborn), at <http://data.csb.gov.lv/dialog/Saveshow.asp>
- <sup>8</sup> Veselības ministrija: Informācija par 2005. un 2006. gada budžetu. [http://phoebe.vm.gov.lv/faili/aktualitates/nozares\\_ak/prezentacijas/Informacija\\_par\\_2005gada\\_2006gada\\_budetu.pdf](http://phoebe.vm.gov.lv/faili/aktualitates/nozares_ak/prezentacijas/Informacija_par_2005gada_2006gada_budetu.pdf).
- <sup>9</sup> Pārskats par tautas attīstību 2004/2005. <http://www.politika.lv/index.php?id=3377>
- <sup>10</sup> Nacionālais ziņojums par Eiropas Komisijas programmas 'Izglītība un apmācība 2010' izpildes progresu Latvijā. IZM, Rīga 2007, p. 4.
- <sup>11</sup> *Ibid.*

*JĀNIS IKSTENS, ANDRIS RUNCIS***5. Free and Fair Elections**

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
5.1	To what extent 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?	Very good	Satisfactory	↘
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?	Good	Good	=
5.3	How fair are the procedures for the registration of candidates and parties, and to what extent is there fair access for them to the media and other means of communication with the voters?	Poor	Poor	=
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?	Good	Good	=
5.5	To what extent does the legislature reflect the social composition of the electorate?	Satisfactory	Satisfactory	=
5.6	To what extent do the political forces in and outside the country accept the electorate votes and the election results?	Very good	Very good	=

Although absolute majority of Saeima elections had taken place without serious infringements, the elections of 2006 were characterized by events that a number of political commentators and lawyers called violations of law. Obviously, these were caused by the limitations of pre-election campaign spending – 0.20 LVL per one voting citizen – introduced in 2004. As the result of introducing these limitations some political parties – People’s Party, the joint list of Latvia’s First Party and the association Latvia’s Way – received extensive third party positive publicity, which was paid for by non-governmental organizations formed by individuals closely related to these parties.

Although several parties which in the Saeima elections of 2006 did not make the 5% threshold challenged the results of the election in court, the judges of the Administrative Chamber of Supreme Court Senate, Veronika Krūmiņa, Dace Mita and Jautrīte Briede used tangled argumentation to dismiss the above complaint. However, the court took a side verdict, urging the Cabinet of Ministers to pay attention to the necessity to form an efficient mechanism of controlling the lawfulness of election procedure. It should be noted that the Saeima unanimously approved the mandates of the new deputies, while the Corruption Prevention and Combating Bureau will provide the assessment for the above practice of publicity in the second half of 2007.

The contestable results of the Saeima elections make it difficult to discuss the strengthening of the durability of the political preferences of the public. Nevertheless it should be pointed out that the core of the ruling coalition has remained unchanged after the election, and it includes People’s Party, The Union of Greens and Farmers, as well as the union of Latvia’s First Party and the association Latvia’s Way. However, this stability may turn out to be deceptive provided the criminal process against the long-lasting Chair of Ventspils City Council Aivars Lembergs confirms information on allocating extensive resources to parties and individual politicians over a number of years. The confirmation of such information would create a considerably different context for the previous conclusions on voter behaviour in Latvia and the government stability, whose level has not significantly

changed since 2004. However, the tradition of ignoring the opposition, which formed in the mid-90s, has not decreased.

Although it was planned to use the Voter Register introduced for electing the EU Parliament in 2004 for the Saeima elections as well, politicians gave up this idea for reasons of political competition – the use of the Register provides additional support to parties whose voters are older and more motivated.

Regardless of the activities of the Central Election Committee which were directed towards decreasing the influencing of voters, in the local government elections of 2005 several instances of vote-buying were documented, which necessitated the holding of repeated elections to Rēzekne City Council. In its turn, during the Saeima elections of 2006 the best-known instance of misrepresenting the voters' will alongside with the so-called third-person campaigning was the falsification of election results in Kubulu pagasts of Balvi district. Juris Boldāns (Fatherland and Freedom/LNNK) elected to Saeima is one of the key figures of this criminal case.

It is possible that in 2007 the Cabinet of Ministers will submit to the Saeima amendments which would allow confined elderly citizens, to realize their active voting rights in Saeima elections. These amendments stem from the October 6, 2005 verdict of the European Human Rights Court on the case Hirst against the United Kingdom.

While the registration procedures of parties and candidates did not cause discussions, the accessibility of mass media remains the focus of both legal and political discussions, and possibly has become even less balanced. It is attested not only by the involvement of courts, to confirm the rights of representatives of various party lists to participate in the Latvian TV pre-election debate programme *The Fighting of Giants*, but also the impressive scope of involvement of the so-called third persons in the 2006 campaign. Although there are certain parties, governed by a curious logic, which after the elections have proposed lifting the limitations on campaign spending, this proposal will most probably be dismissed as the result of both the public and specific public institutions.

It must be noted that the list of the association For Human Rights in United Latvia included the editor-in-chief of the newspaper *Čas*, Ksenija Zagorovska, and the head of the publishing house *Fenster*, Andrejs Kozlovs. It is hard to imagine in this context that the overwhelming frequency of mentioning For Human Rights in United Latvia in the national newspapers published in Russia, which has been documented by the public policy centre *Providus* is simply a coincidence.

Political representation in the Saeima has the parties that in all voting districts have received at least 5% of total votes. This system is not particularly advantageous for the small parties, which often gather only several tens of thousands of votes, and it is predominantly advantageous for the medium-sized parties through failing to ensure completely precise proportionate representation. Thus, for example, of the 19 party lists participating in the 9th Saeima elections 7 political parties or their associations overcame the 5% threshold, gathering a total of 804 107 votes, while 87 558 voters did not get political representation. This situation, as well as the considerable exceeding of the campaign expenditures made a proportion of voters dissatisfied with the election outcome.

First of all it should be noted that elections is an individual choice, however, it is characterized by a collective outcome and collective activity. The voter making his/her decision is guided by individual considerations. In the case of elections the individual choice turns into a collective one, and the winners are those who manage to obtain the largest collective support. Lack of awareness of this trait characteristic of democracy causes dissatisfaction with election results.

The pluses and minuses in the party ballot lists provide the voters with quite an efficient tool of influencing the arrangement of Saeima deputy candidates, formed by the leadership of political parties, since it is a way to change the priorities of party candidates. In the 9th Saeima elections the voters proved this – several well-known politicians, whose activity in the 8th Saeima had been overshadowed by scandals, did not get elected. Some of the most well-known examples

are Ingrīda Ūdre (Farmers and Greens) and Jānis Straume (Fatherland and Freedom/LNNK).

Elections in Latvia are direct, proportionate and equal. When discussing the outcome of the elections, it is often noted that the elections do not ensure proportionate political representation, mostly meaning that the party representation is not adequate to the number of votes obtained. However, these discussions do not pay attention to the fact that the elections also fail to ensure proportionate social representation in terms of gender, ethnic origin, religious belief, etc. A truly striking disproportion can be observed in gender representation, as women in the Saeima are represented to a much smaller degree than men. In addition, we can note the fact that several parties do not have women representatives in the Saeima at all. The issue of women representation on the lists of political parties merits special attention. A similar situation is obvious when analyzing the ethnic composition.

The 9th Saeima elections took place on October 7, 2006, and 60.98 of Latvia's eligible voters took part. The Election turnout in Latvia – 61.88%, while the activity abroad – 22.38 %. 19 lists were accepted, of which the mandates received 7 lists: People's Party – 23 mandates, Union of Farmers and Greens – 18 mandates, New Era – 18 mandates, Harmony Centre – 17 mandates, the Union of Latvia's First Party and the election association Latvia's Way – 10 mandates, Fatherland and Freedom/LNNK – 8 mandates, the association of political organizations For Human Rights in United Latvia – 6 mandates.

A cause of certain concern is the decline of voter activity, which to some extent can be explained by the fact that since the local government elections in 2001 Latvia's voters had to make a political choice every year: in 2001 – local government elections, in 2002 – 8th Saeima elections, in 2003 – the referendum on joining the EU, in 2004 – the elections to the EU Parliament, in 2005 – local government elections, in 2006 – the 9th Saeima elections. Such frequency and low activity may attest to certain political apathy, which is somewhat contravened by the high activity in gathering signatures on the issue of security institutions law amendments.

The elections to the Saeima of the Republic of Latvia have usually been in the centre of attention of the international community. Representatives of the OSCE and the EU Member States, as well as scientists from various countries have always participated as observers in the elections. The elections are usually assessed positively and recognized as free and democratic.



*DAUNIS AUERS, JĀNIS IKSTENS*

## 6. The Role of Political Parties in a Democracy

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
6.1	How freely are parties able to form, recruit members and campaign for office?	Good	Good	=
6.2	How effective is the party system in forming and sustaining governments in office?	Poor	Poor	=
6.3	How free are opposition or non-governing parties to organize within the legislature, and how effectively do they contribute to government accountability?	Good	Good	=
6.4	How fair and effective are the rules governing party discipline in the legislature?	Good	Good	=
6.5	To what extent are party members able to influence party policy and candidate selection?	Poor	Poor	=
6.6	To what extent does the system of party financing prevent the subordination of parties to special interests?	Very poor	Very poor	=
6.7	To what extent do parties cross ethnic, religious and linguistic divisions?	Poor	Poor	=

As in 2005, political parties in Latvia can form freely, enlarge their membership and run for office. Since January 1, 2007, the

law On Public Organizations and Their Associations that regulated the basic structure of parties and their legal activities has been replaced by the law On Political Parties. Existing political organizations (parties) and their associations have to re-register in the new register of political parties by the end of 2007. The most important reforms allow citizens of the EU to join Latvia's political parties (as envisaged in the law on the elections for the EU Parliament) and see parties discontinued if their membership falls below 150.<sup>1</sup> The number of parties continues to grow. In late 2004, the Latvian Enterprise Register included 63 political organizations and their associations, but by May 2007 this had risen to 70.

Table 1

**Membershp of parties represented in the Latvian Parliament  
in 1998, 2003/2004 and 2006**

Party	1998	2003/2004	2006 <sup>2</sup>
Latvian Social-democratic Workers' Party	2076	2700	2500
Social-democrats' Union	–	543	–
People's Party	1816	1800	1705
Fatherland and Freedom/LNNK	1703	2200	1908
Latvia's Way	890	1415	1104
New Party	400	–	–
For Human Rights in United Latvia	800	375	500
New Era	–	375	500
Latvia's First Party	–	1350	2488
The Union of Farmers and Green	–	352/1200	585/1500
Harmony Centre (unites the People's Harmony Party, New Centre, Socialist Party and Daugavpils City Party)	–	–	3000

No significant changes can be seen within the parties. The level of participation remains very low. Although Ainārs Šlesers, Chair of

Latvia's First Party, in January 2007 suggested the formation of a centrist party based on the union of Latvia's First Party/Latvia's Way and four regional parties, with a membership of 10 000 members,<sup>3</sup> he seems unlikely to achieve this utopian aim. Table 1 reveals that only New Era and Latvia's First Party have had significant change in their membership. Taking into account the fact that there is no unified register of party members in Latvia (thus the data provided by parties cannot be verified), and that a high number of members partly legitimates a party, the data provided by parties has to be taken with certain skepticism.

Since the publication of Latvia's Audit of Democracy in 2005, the country has had only one government (headed by Aigars Kalvītis). In contrast, between July 1993 and late 2004 there were ten governments in Latvia. By adding Fatherland and Freedom/LNNK to the ruling coalition, the government parties extended the continuity of the government after the parliamentary elections of 2006. The centre-right, economically liberal and partly nationalistic ideology that was the basis of all governments from 1993 to 2004 has not changed. Nevertheless, this stability is not entirely convincing, since governments are formed on untransparent economic and personal interests, rather than ideologies or programmes (this includes the government formed after the 2006 parliamentary elections).

Formally, the opposition has the opportunity to effectively organize itself, although it is very difficult to ensure the accountability of the government without the support of the mass media or the state President (as in the case of the amendments to state security institutions laws).

Legislation regulating party discipline in the parliament has not been significantly changed, regardless of the proposals of some parties to restrict the inter-faction mobility of deputies.

The Law on Political Parties adopted in 2006 took a step towards the homogenization of party governance structures; however, it has little influence over the sensitive issue of candidate selection. Therefore there is no reason to believe that there have been noteworthy

changes in this sphere. The influence of rank-and-file members on parties and party policies differs from party to party; it is determined by the financing model of the given party as well as the traditions of internal party democracy, and its model of communication with the public.

Although limits to election campaigning expenditures were introduced in 2004, there is no evidence of the weakening of the corporate link between politics and business. This is largely because of the disproportionately low ceiling of pre-election expenditures and the inflation of campaign costs, as well as insufficiently effective oversight of the funding of parties and campaigns, which precludes the possibility of rapid reaction to possible violations. In addition, the National Radio and Television Council, appointed according to party affiliation, continues to be inefficient, inadequately acting against private electronic mass media that violates existing legislation during pre-election campaigns.

Survey data from the *Nikolo* agency made after the 2006 parliamentary elections confirmed the well established trend of ethnically based support – Latvian and Eastern Slavic – for entirely different political parties. As a result, there is no consolidation of the ethnic gap in Latvian politics.

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- <sup>2</sup> Data from the archives of the news agency LETA. The data on the Harmony Centre from the article *Partijas: spēcīgas organizācijas vai interešu klubi?* by Elmārs Barkāns, magazine *Nedēļa*, June 12, 2006. Re-published in [www.tevnet.lv](http://www.tevnet.lv) (last accessed on 2 May 2007).
- <sup>3</sup> Šlesers aicina apvienot centriskās partijas un Latvijas sabiedrību. LETA, January 27, 2007.

*MARIJA GOLUBEVA, IVETA REINHOLDE*

## 7. Efficiency and Accountability of Governance Structures

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
7.1.	To what extent 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?	Satisfactory	Satisfactory	=
7.2.	How much public confidence is there in the effectiveness of government and its political leadership?	Very poor	Very poor	=
7.3.	How effective and open to scrutiny is the control exercised by elected leaders and their ministers over their administrative staff and other executive agencies?	Satisfactory	Satisfactory	=
7.4.	How extensive and effective are the powers of the legislature to initiate, scrutinize and amend legislations?	Poor	Poor	=
7.5.	How extensive and effective are the powers of the legislature to scrutinize the executive and hold it to account?	Poor	Satisfactory	↗
7.6.	How rigorous are the procedures for approval and supervision of taxation and public expenditure?	Satisfactory	Satisfactory	=
7.7.	How comprehensive is legislation giving citizens the right of access to government information?	Poor	Satisfactory	↗

The ability of elected politicians to control and influence politics depends on several factors, which include independence of politicians, the capacity of politicians and state officials, as well as capacity of public administration on the whole, and the existence of a strict and transparent legislation which regulates legitimate goals of policy planning and the control of public revenue and expenditure. In the sphere of political independence an important issue is restricting the influence of party sponsors, which theoretically ensured by the current legislation, determining the upper limits of donations and election spending, and which are relatively successfully circumvented by political parties. At the same time, the results of a public survey of Latvia's inhabitants show that 68.3% of population believes that 'the law should determine the maximum amount for one party to spend in one elections'. The capacity of the elected politicians (Saeima deputies) and public administration for policy planning and assessment remains low, which is attested by the inability of the legislators to critically assess important decisions taken by the government, as well as the inability of ministries to cope with the considerable scope of planning within the context of the EU Structural Funds. In its turn, legislation which regulates the work of government agencies, the structure of public service, access to information and other issues important for public administration, is being gradually improved; however, the scope and rate are insufficient to ensure democratic control and transparency of governance in all spheres.

In the previous review period the authors concluded that the public trust in the government and politicians is generally low. It must be pointed out that in the previous three years considerable changes have not occurred, the low level of trust has remained so, and it fluctuates by several per cent as influenced by political events. In accordance with *Eurobarometer* data in the autumn of 2005, only 29% of respondents in Latvia trusted the government, which is close to the average value in the EU, while the trust in the Parliament was expressed by only 25% which is the lowest level in the EU. However, the successive studies by *Eurobarometer* demonstrate a decline in

trust, as in the spring of 2006 only 21% trusted Latvia's Parliament and only 25% trusted the government.

As regards trust, the research carried out by the company SKDS demonstrates another interesting trend. A continuously decreasing number of Latvia's population believes that government decisions can be influenced by protest actions (demonstrations, strikes, pickets, petitions). In this case the data shows that in the summer of 2006, 54.4% of respondents believed that protests cannot influence government decisions, while in the summer of 1999 such an opinion was voiced only by 45.3%.

Analyzing the data on the low trust of the population in the context of the growing lack of belief of the society in the effectiveness of protest tools, it is necessary to mention the gathering of signatures initiated by the President of the Republic of Latvia to organize a referendum on the removal of amendments in the adopted State Security Institutions Laws, when the necessary number of signatures was indeed gathered. Mass media have voiced an opinion that the signing also indicated the society's lack of trust in the government.

One of the most urgent problems in the previous review period was public agencies and their unclear status. In 2001, the Saeima adopted the law on Public Agencies determining that agencies carry out their assigned functions in accordance with the law or the Cabinet of Ministers regulations and a performance agreement that the Minister concludes with the director of the Agency. However, in practice the effectiveness and control over the transparency of resource use depends on the ministry superior to the respective agency. The State secretary meeting in February 2007 proclaimed amendments to the law on Public Agencies, which actually equal public agencies with public service institutions. That means, the director of the agency is appointed and removed from the post in accordance with the State Civil Service Law and the director of an agency may receive disciplinary penalties in accordance with the law on disciplinary responsibility of civil service officials. It is not known at this time in what form the amendments will be approved by the Saeima, however,

they envisage a more strict control over agencies, which attests to the inability of Latvia's administration to act within the boundaries of the freedom of action allowed for it.

In Western democracies states are facing the decrease of the role of parliaments in the political process. The proportion of draft laws submitted to the Saeima unequivocally points to the increase of the scope of government's work in developing draft laws, while the proportion of the deputies and the Saeima commissions is decreasing. Thus the problem of the capacity of public servants who both ensure the development of normative acts and are actively involved in ensuring the member state commitments on the EU level, continues to be topical.

*Table*

**The proportion of submitted draft laws (%)**

Submitted by	During the 6th Saeima	During the 7th Saeima	During the 8th Saeima
Deputies	27.98	21.15	21.36
Saeima commissions	18.24	13.8	10.08
Cabinet of Ministers, incl. in the order of article 81	53.48	64.84	68.46
President	0.3	0.14	0.10
10% of voters	–	0.07	–
Total	100	100	100

S o u r c e: Documents Department of the Saeima Chancellery, [www.saeima.lv/Likumdosana/likumdosana\\_stat7.html](http://www.saeima.lv/Likumdosana/likumdosana_stat7.html) (last accessed on 13 September 2004); Statistics of the 8th Saeima, [www.saeima.lv/deputati/statistika\\_par\\_8.htm#22](http://www.saeima.lv/deputati/statistika_par_8.htm#22) (last accessed on 30 April 2007); Latvija. Pārskaits par tautas attīstību 2000/2001. Rīga: UNDP, 2001.

The opportunities of legislators to initiate, assess and improve legislation continue to be limited. The low capacity of policy making of the Saeima which is related to the insufficient analytical basis



(the small number or low involvement of consultants and assistants) is in contradiction to the legislators' wish to preserve the role of the Parliament as the key policy steering-wheel of the state.

The insufficient capacity of the Saeima in discerning serious deficiencies in the legislative initiatives of the executive branch is attested by the case of the State Security Institutions Law amendments which the Cabinet of Ministers adopted using article 81 of the Satversme giving them the legislative power, and Saeima approved these amendments in March 2007 notwithstanding the letter of the President of the Republic of Latvia which warned about the amendments' potentially harmful influence on democracy. Both the Saeima and the Cabinet of Ministers later admitted the problematic nature of the amendments, however, it was only after the President of the Republic of Latvia proposed that the people should be allowed to decide on the usefulness of the amendments and the gathering of signatures for a referendum started.

In addition to the low capacity for policy making, the independence of the legislators is hindered by the fact that legislators in most cases vote in factions in accordance with party line, thus ensuring that the majority almost always supports government initiatives on major political issues, rather than ensuring a critical assessment of draft laws.

In the period of the previous review, the authors concluded that the Parliament on the whole does not attempt to get an in-depth understanding of the work of public administration, although it has at its disposal such formal mechanisms as requests and questions for the government. Another conclusion was that in most cases the interest of the Parliament in the public administration was limited by approving or not approving of a new government. Overall, during the 8th Saeima the deputies asked the Cabinet of Ministers 154 questions, of which answers were provided to 153 questions; in addition, there were 22 requests of which 20 were declined. Doubtless, a part of the requests were transformed into questions, which can be answered in speaking or after the end of a regular meeting. In essence, the Parliament fails to use the mechanism of questions and requests to

obtain information which could be used to assess the work of the executive branch.

Nevertheless it is necessary to emphasize the positive changes in the previous two years. On May 3, 2007, the Saeima adopted amendments to the Satversme and eliminated article 81 from the Satversme. Thus the government is deprived of the right to adopt regulations having the force of a law in between the Saeima sessions. In addition, such a decision was made after the government accepted the amendments to the state security institutions law, national security law and the law on the State Secret, which had caused a considerable response in the society. Besides that, the amendments in the Satversme were made in a situation when the executive power had to some extent overstepped the admissible boundaries and the Parliament had the opportunity to affirm its power to control the executive power, albeit to a small degree.

The control over state expenditures is dependent not only on the success in restricting embezzlement of state resources; it also depends on the efficiency of the public administration on the whole. Efficient expending of the state resources within the state budget is hindered by the delayed introduction of mid-term budget and the gap between the policy planning and impact assessment from one side and budget planning and assessment of use, from the other side. The Evaluation Report of the Introduction of Policy Planning Basic Guidelines says the following: 'all institutions emphasize the lack of linkage between the policy planning and the formation of state budget, which undermines the policy planning system from the very foundations'. This certainly produces a negative attitude in public servants towards the necessity and usefulness of planning, which results in poor policy planning.

The control over the state expenditures on behalf of the legislators and the public is hindered also by the non-transparent remuneration system of public servants, which is pointed out by the State Audit Office reports on public servants' salaries in various subdivisions of public administration. As long as the system of salaries of those

employed in public administration does not comply with clear and unified regulations which would be linked to effectiveness of public administration and understood by policy makers and the society, it is premature to talk about democratic control over state expenditures.

The EU Structural Funds is a sphere of state expenditures which has particularly stringent control procedures with specific expenditure control and governance regulations. Owing to the participation of the non-government sector and the State Chancellery in the development of procedures, as well as the assessment and oversight of national programmes, currently the level of clarity and transparency in allocation of the EU SF resources is greater than in 2004/2005, which was the beginning of the process. However, the limited capacity of certain individual ministries hinders effective investing of Structural Funds' resources in the public sector.

In January 2007, the Ombudsman institution was formed on the basis of the Latvian National Human Rights Office, and the Ombudsman – a public official – was appointed. Thus the Ombudsman institution is established in Latvia – the institution that is habitual for countries of Western democracy. One of the Ombudsman institution's functions is assessing and promoting the observation of the principles of good governance in public administration. Since the candidate for the post of the Ombudsman is approved by the Saeima, the legislators in fact have another instrument for indirect oversight of the work of executive institutions. In the first three months of 2007, the Ombudsman institution received 1501 complaint from population, of which 120 were related to possible breaching of the principle of good governance.

The previous audit of democracy pointed out a number of improvements: the law on Access to Information is adopted in Latvia, representatives of the NGO Centre have the opportunity to participate in the meetings of state secretaries, ministries and numerous subordinated institutions have Internet homepages. In the period of review, several positive changes have occurred. First, normative acts are available on the Internet free of charge. Second, most public

administration institutions and agencies have homepages making available very extensive information about the institution, its functions and services provided. Third, the society has the opportunity to follow the drafts of legislative acts, starting with their proclaiming at the state secretaries' meeting and up until their adoption in the Cabinet of Ministers, as the homepage of the Cabinet of Ministers provides the opportunity to examine drafts of legislative acts, studies and publications. However, court verdicts still remain unavailable on the Internet.

The poor policy planning capacity in the public administration combined with the high turnover of staff in the sector creates a beneficial soil for manipulating the state policies: priorities can be changed when the minister is changed, yet the assessment of the policy impact is lacking. As the result, the society does not see a logical link between the policy goals and results and cannot assess the effectiveness of politicians' work.

The non-existence of mid-term budget restricts the efficiency of public administration and makes difficult democratic control over state expenditures. Therefore it is necessary to move to mid-term budget planning as soon as possible. The poor capacity of public administration hinders effective policy planning and implementation, as well as assessment of the impact of priority policies. It is necessary to rapidly increase the capacity of elected administration for policy planning and evaluation.

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*ANHELITA KAMENSKA, ATIS LEJIŅŠ*

## 8. Civilian Control of the Military and Police

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
8.1.	How effective is civilian control over the armed forces, and how free is political life from military involvement?	Good	Good	=
8.2.	To what extent are the police and security services publicly accountable for their activities?	Satisfactory	Satisfactory	↗
8.3.	To what extent does the composition of the army, police and security services reflect the social composition of the general society?	Good	Good	=
8.4.	How free is the country from the attempts of paramilitary units, private armies and criminal groups to form military cliques?	Satisfactory	Satisfactory	=

The amendments to the National Security Law and the Latvian State Security Services Law was a test of democratic maturity of the country. Late in 2006, the government, using the rights envisaged by article 81 of the Satversme, in emergency proceedings adopted the above amendments, which caused a political storm and disagreement between the President of the Republic of Latvia Vaira Vīķe-Freiberga, the Cabinet of Ministers and the Saeima. The coalition government, ignoring the opinion of the President, the opposition

and experts, adopted amendments which were unacceptable not only for a part of politicians, specialists and the general public, but also provoked doubt in the EU and NATO member states. All of these factors influenced the decision of the President of the Republic of Latvia to use the veto rights, thus stopping the amendments to come into force and opening up the road to holding a referendum on their dismissal or adoption. That was a unique case in Latvia's domestic politics, as 214 000 citizens signed in favour of holding a referendum. As the result of this pressure the controversial amendments were cancelled and the work on a new package of draft laws started, involving the opposition.

There remains an open question of why the government needed such faulty amendments of the security laws, why they had to be adopted in such haste, why the legislators were ready to accept the amendments without a critical assessment, and what was the basis for bypassing the National Security Council in preparing the amendments.

The future will show whether the events surrounding the amendments to the security laws should be regarded as manifestations of the trend of the executive branch strengthening its position at the expense of a controllable Parliament and an obedient President, which would inevitably disrupt the balance of the branches of power in the democratic organization of the country, or else this was merely a random episode.

The responsibility of the police towards the society has two primary dimensions: the responsibility of law enforcements institutions for the services provided – crime control, ensuring the order and various other services to the population and the local society, and the individual responsibility of police staff for interacting with individuals, especially with regard to using force, equal treatment of every group of society, etc. In a number of important aspects the dimensions of the institutional and individual responsibility coincide.<sup>1</sup>

Although some of the latest policy documents point out that the services of the Ministry of the Interior will be transformed from 'merely

repressive institutions to become service provision institutions that serve the society<sup>2</sup>, Latvia's police remain a militarized and repressive institution without a long-term vision of development, regarding the number of disclosed criminal offences the only measure of assessing the success of police work. Its activities are reactive and seldom preventive, lacking sufficient understanding of the necessity to balance the priorities put forward by the society, the police leadership and the political power, which is characteristic of the organization of police work in Western democracies. The openness and transparency of the police towards the society increases slowly, and the annual Action Plans of the State Police are considered information of restricted accessibility. Only in May 2007, for the first time there was a serious debate and planning in the country on introducing community policing in several pilot sites of Rīga municipal police.<sup>3</sup>

During the period of review, the trust of the public in the police has increased a little – in the autumn of 2006, more than a half – 51% of population did not trust the police, while 40% trusted it.<sup>4</sup> In Latvia, the trust in police is considerably lower than in the EU as a whole, where only 31% of population does not trust the police, while twice as many 64% do trust it.<sup>5</sup>

Within the review period, the Saeima adopted several normative acts that strengthen the rights of individuals under detention. On October 2005, the Law on Criminal Process came into force, shortening the time of detention in the police from 72 hours to 48 hours, details the rights of detainees, including the right to invite a defence counsel immediately, receive a list of defence counsels, demand that a third party is informed about the detention, receive a copy of the detention protocol and written information about the rights and obligations of the detainee, etc. These norms minimize the opportunities for possible mistreatment; however, it has not been examined so far, how these rights are realized in practice.

There have not been any discussions on creating an independent public institution that would examine complaints on unlawful actions by police staff, and the absolute majority of complaints are considered



by institutions that function under direct subordination to the State Police and the Ministry of the Interior. According to the statistical data of the State Police, in 2005–2006, there were 4567 complaints received, 2862 disciplinary checks conducted, of majority which were for failing to carry out official duties, comply with professional ethics and committing violence against a person. 289 disciplinary checks were caused by complaints on police violence against a person, however, only in 5 cases (1.7%) the fact of violence was confirmed and ten staff members received disciplinary penalties. Of these incidents, in Rīga, the fact of violence was confirmed only in one case out of 100 disciplinary checks.<sup>6</sup> Detailed statistics on the investigations and their outcomes is not available; no separate statistics on lethal outcomes in temporary police detention places is gathered. Overall, in Latvia's police the approach characteristic of the so-called 'rotten apple' theory continue to prevail with regard to unlawful actions by the police staff, when the guilty policeman is being punished, yet no systemic and organizational improvements are carried out.

There are few known cases when the individual who had suffered from the police violence received compensation; however, in 2006, albeit 11 years after the case, the Chamber of Civil Cases of the Supreme Court exacted almost 4500 LVL for giving a beating to a detained person in Daugavpils police precinct in January 1995.<sup>7</sup>

During the period of review, police violence cases with a lethal outcome remained to cause concern. In early June 2007, Rīga City Kurzeme District Court sentenced the former criminal policeman of Division 29 of Rīga Main Police Department to eight years in prison for murdering a detained 23 year old young man in the premises of the police precinct in February 2005.<sup>8</sup> In its turn, there has been a delay of 4 years since the appeal has been submitted to Rīga Regional Court on a case when four police staff members were accused of intentionally causing grievous bodily harm to a Roma man, which led to the death of the victim.

On October 21, 2005, the Law on the Order of Keeping the Detained Persons came into force, for the first time specifying the norms of

conditions in which the detainee is kept; however, simultaneously a transition period until December 31, 2008 is declared on the premises and conditions in short-term detention units. Until now, problems have been caused by the lack of an effective mechanism for examining complaints on conditions in police short-term detention units. In accordance with the data of the State Police in 2005 only 14 of the 28 short-term detention units met international standards.<sup>9</sup>

On May 4, 2006, the European Human Rights Court established that in the case of *Kadiķis* against Latvia the state had violated Article 3 of the European Convention of Human Rights and Basic Freedoms (prohibition of torture, inhuman and humiliating treatment) and article 13 (a right to effective defence) with regard to the conditions of detaining persons in the short-term detention unit in Liepāja City and District police department and that there is no effective mechanism of examining complaints for conditions in detention places, including short-term detention units in Latvia. Latvia had to pay 7000 EUR to the plaintiff for moral harm.<sup>10</sup> However, in the recent years one can observe a positive trend in gradual improvement of detention conditions in several police short-term detention units.

Independent supervision of police institutions is carried out by prosecutor's office, the Ombudsman office, the State Human Rights Bureau, as well as NGOs; however, it is not effective enough. In many places in Latvia the prosecutor's offices have a narrow understanding of the demand of the Law on Prosecutor's Offices, requesting supervision of short-term detention units.<sup>11</sup> In the past, the State Human Rights Bureau used to face difficulties in visiting specific police short-term detention units without informing about the intention in advance. However, the amendments to the Law on the Order of Keeping Detained Persons and the Law on Ombudsman adopted in the spring of 2007 authorize the Bureau to freely visit closed regime institutions. From 2004 to 2006, the NGO Latvia's Human Rights Centre conducted monitoring visits to almost 20 short-term detention units, later on publishing a Monitoring Report on Closed Institutions in Latvia which provides a detailed description of short-term detention unit conditions.

Of the 9972 staff of the State Police in June 2007, 6474 or 64.9% were Latvians, 2308 or 23.14% – Russians, 282 or 2.82% Byelorussians, 218 or 2.2% Poles, 209 or 2.2% – Ukrainians, 87 or 0.92% Lithuanians, etc. Thus in the period of review, the State Police had a considerable proportion of minority representatives – 35% of all police staff.<sup>12</sup> In 2006, the Ministry of the Interior and Daugavpils Secondary School No.16 signed an agreement on developing a general secondary education minority programme which would prepare young people for further studies towards the profession of a border guard, police staff and fire-fighter.<sup>13</sup> Notwithstanding the repeatedly voiced opinion of the highly specific skills needed to work with Roma people, no attempts in the State Police have been organized to involve representatives of Roma in police work; only one Roma person was employed.

Information on the ethnic composition in municipal police of various cities is limited, as officials maintain that data on the ethnic origin is not collected; however, in municipal police precincts the observable proportion of Latvians is greater than in the State Police. In early 2005, the majority of the 721 staff of Riga Municipal police – 575 persons or 79.75% was Latvians, 12.06% – Russians, 2.08% – Byelorussians, 1.39% Poles, 1.24 Ukrainians.<sup>14</sup> In Ventspils municipal police of the 75 police staff there were no minority representatives and no women.<sup>15</sup>

Since 2001, the proportion of women working in the State Police has increased by almost 8%, which in June 2007 comprised 2294 persons or 28.44% of the total number of personnel, and the number of women employed in the Criminal Police and the Civil Police has increased as well.<sup>16</sup>

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- <sup>11</sup> More details in Kamenska A., Independent Detention Monitoring in Latvia. Rīga: Latvian Centre for Human Rights, 2006, pp. 61–69.
- <sup>12</sup> The total number of police staff includes also employees on irregular contracts. According to the information provided by the Head of Personnel of the State Police, A. Velšs, on June 12, 2007.
- <sup>13</sup> 26 mazākumtautību skolēnus sagatavos robežsargu, policistu un ugunsdzēsēju profesijām, LETA, 06.09.2006.
- <sup>14</sup> A written reply of the Riga Municipal Police to the Latvian Centre for Human Rights and Ethnic Studies in February 2005.
- <sup>15</sup> From the meeting with the head of Ventspils Municipal Police J. Arājs on February 15, 2005.
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VALTS KALNIŅŠ

## 9. Minimizing Corruption

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
9.1	How effective is the separation of public office, elected and unelected, from party advantage and the personal business and family interests of office holders?	Poor	Poor	=
9.2	How effective are the arrangements for protecting office holders and the public from involvement in bribery?	Poor	Satisfactory	↗
9.3	To what extent do the rules and procedures for financing elections, candidates and elected representatives prevent their sectional interests?	Satisfactory	Poor	↘
9.4	To what extent 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?	Very poor	Very poor	=
9.5	How much confidence do people have that public officials and public services are free from corruption?	Poor	Poor	=

There exists functioning legal regulation in Latvia restricting conflicts of interests pertaining to all public officials. Since the Audit of Democracy of 2005 no significant amendments to the law On Prevention of Conflict of Interest in the Work of Public

Officials have been made and it has retained both its advantages and deficiencies.

The Corruption Prevention and Combating Bureau (KNAB) controlling the implementation of this law, has accumulated considerable experience; however, a number of problems remain unsolved. The law continues to limit the notion of conflicts of interest with regard to the closest relative of state officials. However, interpreted in a narrow manner, this normative act allows one go unpunished in a situation of conflict of interest, if the individuals involved are not close relatives of a public official yet have a common household with the person. It is also difficult to apply the law to prevent decisions of politicians that correspond to the notion of state capture, and its application in practice is unclear with regard to actions in conflict of interest situations by Saeima deputies, Cabinet of Ministers members, local government deputies, when they participate in political decision-making or adoption of normative acts, take decisions on appointing public officials or determining their salaries. No optimal control mechanism has been found so far regarding gifts accepted by public officials whose value outside of the execution of direct duties may not exceed one minimum wage per person per annum. In April 2007, the Saeima even adopted a draft amendment in the 2nd hearing, envisaging that restrictions are not applied at all to the above decisions of political officials and restrictions on the value of gifts are canceled.

In accordance with KNAB information, in the second half of 2006, 42 public officials were imposed administrative penalties for breaching the limitations determined in the law On Prevention of Conflict of Interest in the Work of Public Officials – mostly for breaching the regulation that the public official is prohibited ‘to take actions in which this state official, their relatives or business partners are personally or economically interested. The most characteristic offences by public officials – giving bonus remuneration to themselves or their relatives, carrying out control and supervision on issues where this public official, their relatives or business partners are personally or economically

interested (for example, hiring relatives to work under direct official's supervision, concluding contracts with a company owned by a relative or a business partner). (...) Public officials often tend to neglect that to simultaneously perform the duties in another position a public official needs to receive a written permission of the head or an authorized person of the respective state or local government institution'.<sup>1</sup> In the second half of 2006, a total of 30 public officials were requested to compensate the damage caused to the state for a total of 36 817.50 LVL, based on breaches of the law on preventing conflict of interest.<sup>2</sup>

The substance of criminal offences and the penalties envisaged by the Criminal Law overall correspond to international standards and Latvia's situation. In February 2006, the Saeima adopted amendments to the Criminal Law which allow imposing penalties for unlawful benefit-taking to individuals working in the private sector provided they are authorized to act in the interests of another person, as well as the staff of state and local government institutions who are not public officials. The detention of two judges for possible bribery in 2006 indicates that the legal regulation notwithstanding the immunity of judges determined in the law, allows taking action against judges involved in corruption.

According to the data of public policy centre *Providus* on criminal offences in state institutions, 79 persons have been found guilty in 2004, 132 persons in 2005 and 127 persons in 2006\*. In the same period 6 bailiffs, 3 prosecutors\*\*, 3 chairs of parish councils, 4 heads of education and childhood institutions, 2 directors of state/local government enterprises\*\*\*, 2 Saeima deputies, Director General of State Revenue Service, deputy director of the Customs Department of the State Revenue Service, and other public officials were found guilty.<sup>3</sup>

\* Another 10 persons went to trial in 2004 and 2005, no data on results available.

\*\* Another prosecutor went to trial, no data on results available.

\*\*\* Another director of a company went to trial, no data on results available.

In analyzing the issue of bribery, the Audit of Democracy emphasized as particularly problematic spheres the following: construction, state procurement, court system and health care. In the previous years, there has been no evidence of considerable changes in construction and state procurement. The regulation of the construction process remains to be nontransparent and controversial. In their turn, the procurement situations considerable risks of corruption (if not always corruption as such) are almost unavoidable, as public officials often are entrusted with taking decisions on extremely big sums of money. As to the courts system, the detention of two judges for possible bribe-taking, active work of the disciplinary chamber of judges, as well as the increase of salaries for judges in the previous years, the prestige and competition for the positions of judges, hopefully, minimize the risk of bribery.

In combating corruption two investigations are particularly noteworthy: one dealing with the activities of Ventspils mayor, and the other examining the so-called project of introducing digital television, where important persons have been pressed charges, and which, if these persons are found guilty, will be a significant step forward in fighting against the state capture. Of equal importance has been the uncovering of the bribery in the election of the mayor of Jūrmala, where there already is a convicting verdict.

Since the amendments (2004) to the party financing law which set stringent restrictions for donations, transparency of party finances and a ceiling on pre-election campaign spending, there have been elections to the European Parliament (2004, the ceiling did not refer to these), the local government elections in 2005, and the 9th Saeima elections in 2006.

Political parties in most cases observed the ceiling on expenditures during the local government election campaign in 2005. However, during the 9th Saeima elections, according to *Providus* data, People's Party exceeded the expenditure ceiling defined in the law five-fold – using Society for the Freedom of Speech for placing its own advertisements – spending a total of 1 438 447 LVL (the law permitted



279 053 LVL). Latvia's First Party/Latvia's Way, both placing its own advertisements and using other party-related persons, exceeded the ceiling of expenditure defined in the law, threefold – spending 902 988 LVL. In its turn, Latvia's Social Democratic Workers' Party, placing advertisements only in its own name, exceeded the limit 1.6 times.<sup>4</sup> These violations were acknowledged also by the Administrative Department of the Supreme Court Senate.<sup>5</sup>

Latvia has no direct regulation with regard to representation of private interests in political decision-making (lobbying). Only specific aspects of these relationships are being regulated, for example, restrictions for public officials in getting additional income and accepting gifts, procedures for involving non-governmental actors in the development of political documents and draft laws, etc. In early 2007, the KNAB developed a concept paper 'the need for legal regulation of lobbying in Latvia', which envisages as possible solutions the development of lobbyists' register, the demand for a written justification for proposals submitted for draft laws examined by the Saeima, strengthening of the transparency of the work of Saeima Commissions, determining basic principles of ethical lobbying and acceptable forms of influencing public officials in an ethical code separate for each state or local government institution or a common one for all subjects of public power, etc.

One of the most long-standing problems which hinders corruption control in Latvia is the considerable amount of money of unknown origin which public officials and economy as such have at their disposal. Some aspects of this problem have been addressed in the recent years, for example, by introducing the duty to declare money in cash from 10 000 EUR upwards, when taking it across the border.<sup>6</sup> In May 2007, the Saeima in the first hearing adopted the draft law on declaring the assets of physical persons; however, its effectiveness will be dependent on improvements of the draft until its final adoption.

The studies conducted by the World Bank in 1999 and 2000 attested to a high level of the state capture in Latvia. However, in 2005,

the third study at last showed that the enterprises interviewed point to a decrease of the influence of state capture.<sup>7</sup>

Since January 2005, there have not been public surveys on corruption in Latvia, comparable with previously conducted ones. In the international study of 2006, 81% of Latvia's inhabitants admitted that we live in a corrupt state; of the six spheres (government, health care, business, judiciary, public administration, political parties) – the greatest number of respondents – 17% pointed to the government as the sector where bribery is the most wide-spread. At the same time, 90% of respondents fully or partially agreed that the state (government) rather than the people have to fight against corruption and bribery.<sup>8</sup>

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*ILZE ŠULMANE, SERGEI KRUK*

## 10. Mass Media in a Democratic Society

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
10.1	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?	Satisfactory	Satisfactory	=
10.2	How representative are the media of different opinions and how accessible are they to different sections of society?	Satisfactory	Satisfactory	=
10.3	How effective are the media and other independent bodies in investigating government and powerful corporations?	Poor	Satisfactory	↗
10.4	How free are journalists from restrictive laws, harassment and intimidation?	Poor	Poor	=
10.5	How free are private citizens from intrusion and harassment by the media?	Good	Good	=

There have not been changes in media legislation in the period under review. In late 2005, the Saeima declined two draft laws on radio and television, while the Commission for Human Rights and Public Affairs repeatedly ascertained that subscription fees for television will not be introduced in Latvia.

In 2006, the Constitutional Court confirmed the right of the National Television and Radio Council to issue administrative acts regulating both commercial and public broadcasting organizations.

In the year prior to the Saeima elections as well as before the re-election of the President of the Republic of Latvia the political atmosphere was tense. The public discourse was influenced by the confrontation of two political groups and their supporting media. From one side, there are government coalition parties and the daily NRA (*Neatkarīgā Rīta Avīze*), daily *Latvijas Avīze*, commercial TV network LNT; from the other side – the party New Era, daily *Diena* and the newscast *Panorāma*<sup>1</sup> on public television LTV1. The Saeima majority and the government-supporting media accused their opponents – *Diena*, LTV and Latvian Radio newscasts – of biased news and supporting of George Soros's interests. Critic was not supported with the content analysis data and evidence of the violation of good journalism principles owing to the alleged linkage. The Saeima deputies publicly doubted the rights of journalists and NGOs to criticize the work of the legislative and executive branch.<sup>2</sup> The political elite dissatisfied with the media content attempted to restrict the public sphere, reducing it to the state authorities led political sphere. Legitimate rights of political communication are accorded to elected representatives of people. The political elite tried to restrict the rights of journalists and NGOs to communicate the public opinion and discuss politics. Equating the critical opinion of the public sphere with political lobbying or corruption, government coalition insists that only political parties have the rights of such communication. The society conceived by political elite consists of the private sphere where socially unorganized individuals operate, and the state sphere with public governance institutions.<sup>3</sup>

In election campaign the People's Party and the coalition Latvia's First Party/Latvia's Way circumvented the law on electoral advertising by disseminating messages on behalf of two ad hoc created non-political NGOs. The Corruption Prevention and Combating Bureau ascertained that both were directly related to parties and their

advertising campaigns should be considered an exceeding of the limitation of pre-election campaign expenditures.

Public access to information on the media **ownership** has not increased. Still it is not clear who owns the most popular daily *Latvijas Avīze*. In 2007, LNT was bought by News Corp Europe belonging to Rupert Murdoch's international News Corporation. In addition, Murdoch purchased 70% of the TV5. Thus in Latvia two national commercial TV networks controlled by foreign capital operate having two channels in Latvian and Russian each.

Taking into account the lack of the tradition of editorial independence, the debts of the LNT Director General and Board Chair Arturs Ēķis to Andris Šķēle – the founder and informal leader of the People's Party –, as well as the LNT's experience of political partisanship in late 1990s, the dependence of the LNT newscast from political influence causes concern.

The implementation of the digital television project stopped after the annulation of corruptive agreement with contractor KML. In 2006, the Government supported the conception of the development of terrestrial digital television. The switchover to digital broadcasting is planned in late 2010, however, concrete activities have not started yet (October 2007).

**Diversity of opinions and media accessibility** continue to be rated as satisfactory. The discussions and decisions of the government coalition and opposition parties on party financing have direct influence on the practice of journalists. For example, in the case of a less restricted pre-election campaign spending the media tended to rely on party-financed advertisements and not to form their own media policy for representation of various political powers before the elections. Excessive limitations on advertising in 2006 campaign (and shortcomings in legislation) engendered hidden advertising and reliance on party public relations. Journalists admitted they were directly involved in ensuring the publicity of parties and candidates.<sup>4</sup> Besides the editor-in-chief of the Russian-language daily *Chas* and the publisher of the daily *Vesti Segodnia* also run for the Saeima mandate.

In the press the support for certain parties became even more unmitigated, allowing the candidates positive publicity in the media. In mediated communication in general, it must be admitted, diversity of opinion does exist. However, the audience of each medium can obtain limited and emotional rather than analytical assessment of problems.

**The penetration of Internet** has increased. In 2006, the number of Internet users has grown by 12%, its penetration in households increased to 42%. The use of Internet in the regions has to some extent leveled out.<sup>5</sup> Penetration of broadband internet remains on low level – in July 2006 it was used only by 7%. According to the data of the Central Statistics Bureau 96% of population have used at least one media within a week. The population spends comparatively less time on reading newspapers and magazines, with more time allocated to Internet, radio or television. The circulation of newspapers has declined by 17% from 2002 to 2006, which is the most considerable decline in the EU Member States.

**The media effectiveness in investigating the operation of government and major corporations has increased**, which is attested by such examples as uncovering the vote-buying practiced by politicians in Jūrmala and Rēzekne, the investigative publications in the magazine *Nedēļa* by Sallija Benfelde, the coverage of the activities and detention of businessman and politician Aivars Lembergs. Journalists expose the cases of power abuse, corruption, embezzling funds, sometimes almost violating law and Code of ethics. This has demonstrated the courage of journalists to make public the unlawful deals of top level officials, yet not always their skill to carry out investigation, find and analyze information, as some of the cases uncovered are leak of the information used by politicians, rather than a weapon of political struggle and a testimony to journalists' professionalism.

The debates on the security amendments and discussions on the procedure of electing the State President have demonstrated both the desire of media to critically assess the work of the ruling coalition, and a diversity of opinion, as well as the differing understanding of journalists about their role and the nuances of its realization.

Like in the previous period, **the freedom of journalists from the restrictions of law** should be rated as poor. During the year before elections the confrontation of the media created a new phenomenon: the court demands to disclose sources of information. The first case was won by journalist – the court declined the request of the KNAB to disclose the sources of the daily NRA who provided information on the case of the leader of New Era Einārs Repše.<sup>6</sup>

In 2007, the court ruled that NRA journalist Uldis Dreiblats had to pay a penalty of 10 minimum salaries for refusing to disclose the source of information for a publication which features telephone conversations attesting to political links between a businessman and Saeima deputies. Dreiblats has filed a complaint to the European Court of Human Rights.

The court has also demanded that the LTV programme *De facto* disclose the sources of information for the news story on the search conducted by the Prosecutor's Office in the office of *Venstpils nafta* in Rīga within the criminal case against the mayor of Ventspils Aivars Lembergs.<sup>7</sup> Journalist Lato Lapsa volunteered to disclose himself to the court as a source of information.

In 2007, the court satisfied the complaint of the LTV journalist Ilze Jaunalksne against the state of Latvia, ruling that a restitution of 100 000 LVL be paid to the journalist. Transcripts of telephone conversations of Jaunalksne were published on the Internet by the journalist Lato Lapsa. The conversations were taped in accordance with the sanction of the Finance Police of the State Revenue Service. However, the Prosecutor General's Office admitted that the law had been breached, the judge had been misled, while the Ministry of Finance and the State Revenue Service had violated the private life of the journalist. Such facts may influence the motivation and opportunities of journalists to obtain the trust and information of valuable sources. It can also be seen that journalists of several media lack the sense of professional community and solidarity. Collective solidarity was not expressed in the case of the murder of Russian journalist Anna Politkovskaya in Moscow, either.

The journalists' freedom is closely related to self-organization. Media as actors of the public sphere have to construct the conditions of their legitimacy manifesting the journalists's compliance with principles of good practice.<sup>8</sup> In the period under review, the confrontation of media professionals continued. Journalists lack the ability to emancipate themselves from the political ideologies of their media, to jointly agree on professional standards, criteria of quality press, notion of objectivity, and ethics. Lack of tradition of editorial independence is a factor discouraging self-organization as well.<sup>9</sup>

The tension in the public television was marked by the conflict between the News department and the management. The LTV management presented budgetary arguments for reforming the News department while the journalists perceived it as an attack on editorial independence of weekly newscast *De facto*.<sup>10</sup> The newscast was accused of exaggerated and ungrounded criticism 'intentionally forming a negative image of Latvia in the world and depressing people'.<sup>11</sup>

The court verdicts state a fact of disseminating untrue information in the LTV news, while the analysis of four *De facto* broadcasts demonstrates a biased camera work, restricted information sources and unbalanced judgments.<sup>12</sup>

A proportion of journalists of dailies believe that they have to refer only to the principles of universal human morality, not professional ethics, therefore there is no need or there is no possibility in Latvia for a shared Code of ethics, owing to the competition or differing traditions of journalism. Interviewed journalists rather differently assess the blending roles of journalist and politician, as well as the necessity for a self-regulating organization of journalists.<sup>13</sup>

In the spring of 2007, after 15 years of inaction the new Board of the Journalists' Union was elected. The new Chair, professor of Communication Ainārs Dimants has expressed commitment to improving the professional environment. (Subsequently this congress was declared illegitimate and the new Board elected in October 2007 was reluctant to formulate the mission and tasks to be performed by this professional organization).



A complaint to the court by a spouse of a public person for intrusion into private life (publishing without authorization a picture of a private event in a public place nearby the Maternity Hospital) promoted a discussion on professional ethics. In 2006, the court ruled that a compensation of 3000 LVL be paid by the publisher of the newspaper *Subbota* for usage of humiliating expressions to describe residents of a poor village.<sup>14</sup>

Introduction of the Ombudsman institution has provided the citizens an opportunity to complain on intrusion into their private life or other mistreatment, without taking the complaint to court. These examples show that the opportunities of the citizens to fight against **media intrusion into their private life** may continue to be rated as good.

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ZINTA MIEZAINĒ, MĀRA SĪMANĒ

## 11. Political Participation

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
11.1	How extensive is the range of voluntary associations, citizen groups, social movements etc. and how independent are they from government?	Satisfactory	Satisfactory	=
11.2	How extensive is citizen participation in voluntary associations and self-management associations, and in other voluntary public activity?	Satisfactory	Satisfactory	↘
11.3	To what extent do women participate in political life and public office at all levels?	Satisfactory	Satisfactory	↗

The period of review in Latvia saw the conclusion of the NGO legislation reform. There are no considerable limitations of the freedom of association; one can freely establish both informal co-operation networks and formal (legally registered) voluntary organizations – associations, foundations, professional unions, trade unions and political parties. The Associations and Foundations Law which came into force on April 1, 2004 simplified the procedure of registering associations and foundations and decreased the costs, as well as liberalized the economic activities of non-governmental organizations. In April 2005, the procedure of obtaining the status of public benefit started to function. The decision is taken by a Commission which includes participants from various ministries, as well as representatives of NGOs.

The period of review also saw the completion of the re-registration of associations and foundations. In May 2007, approximately 3000 organizations are in the process of liquidation, as they have finished their actual functioning. Since the beginning of the reform a moderate increase of the number of newly established organizations is continuing. In 2004, 802 new organizations were established, 949 in 2005, while 1238 were established in 2007.<sup>1</sup> The data of the Register of Enterprises attests to activities of 7254 associations and 513 foundations as of May 2007 (which is approximately by 2200 more than in the year 2004).

Roughly 1/10 of the organizations has obtained the status of public benefit organizations and are active in spheres of public benefit work. (In May 2007, 896 organizations had the status of public benefit organizations).<sup>2</sup> The Public Benefit Organizations Law states that public benefit work is activities that provide significant benefit for the society or its part, especially if they are directed towards charity, protection of human rights and individual's rights, development of civil society, promotion of education, science, culture and health, prevention of diseases, support for sports, environment protection, assistance in cases of catastrophes and emergency situations, increasing the welfare of the society, especially the groups of low-income and socially vulnerable persons.

Although in Latvia there are no uniform principles for classifying organizations according to the sphere of their activity, it is known that NGOs work in almost all spheres and all over the country. However, their distribution is uneven – there is a greater number of NGOs in economically developed regions – Rīga, Vidzeme and Kurzeme regions.<sup>3</sup>

There are activities of informal interest groups in Latvia as well. The small local governments promote activities of informal groups (gathering for culture or sports activities, street or neighbourhood initiatives). Establishment of groups on the basis of geographic communities is characteristic for urban areas, too. In most cases people form them to address a concrete topical issue in the local society.<sup>4</sup> In

their turn, social movements are not currently a phenomenon characteristic of Latvia.

The income of NGOs has a tendency to increase.<sup>5</sup> The exception is the income from membership fees which in 2005 decreased both in terms of percentage and in absolute figures. This phenomenon in context with the trend to form small organizations with a small number – up to 20 – of members merits a serious evaluation with regard to independence of organizations' voices. Experts note that organizations are not motivated to attract a great number of members, as it encumbers the decision-making in the organization – according to the law, the quorum of the general meeting of members consists of the majority of members, and not of the number of members present.

The NGO income both from donations and economic activities is increasing. There exist financial preconditions for organizations' independence from a single funding source; however, there are no facts that would substantiate that on the level of individual organizations. Associations and foundations that work in the sphere of civil society development and democracy promotion, continue to be to a great extent dependent on foreign funding and have not transferred to other income sources (especially member fees and income from economic activities and service provision) which would ensure the independence of their voice.

Latvia's inhabitants are relatively active participants of elections yet their participation in the public life between elections is comparatively low. The data of 2006 attests to the decrease of the activity of the population and the decrease of their belief that it is possible to influence the decisions of national and local level government. Participation both in political parties and voluntary organizations has dwindled.

Although there is no data on involvement of the population in voluntary work, several experts argue that the situation in the voluntary sphere has improved. The supply of voluntary jobs to get involved with is broadening – especially this regards short-term projects

(for example, the NATO Summit, the Students' Song and Dance Festival, etc.). Considerable opportunities of voluntary work abroad have opened up owing to the involvement of Latvia's organizations in international cooperation networks. Although the understanding of the voluntary work and its value has increased considerably among politicians, as compared with 2004, however, after long debates in the government the draft Volunteer Work Law has not been adopted yet.

Overall, it can be concluded that in the previous two years the number of socially active individuals has decreased. There continues to be very low participation of the population in the spheres that are of considerable importance to the society as a whole – environment protection, social assistance, health protection, human rights. Of these spheres, the population is least of all inclined to financially support democracy-related goals. The belief of the population in their ability to influence decisions of the national and local level government has declined.

The role of women in the political life is continuing to grow, while the number of men in the executive branch, especially on the level of policy introduction and implementation (with the exception of Ministry of the Interior system) is reaching a critically low point. The situation on the policy making level has not changed notably. The number of women in the 8th Saeima has increased by one woman deputy as compared with the 7th Saeima. The Cabinet of Ministers is comprised by  $\frac{1}{4}$  of women – they are political heads of the traditionally 'female' spheres: culture, welfare, education and e-governance.<sup>6</sup> 42.3% women and 57.7% men became elected in the local government elections in March 2005.

The data of the State Public Service demonstrates that the public service is becoming feminized. In 2006, the proportion of men and women in the top range positions was equal. Within the two years the proportion of women – heads of institutions has significantly increased (by 20%), which fits the principles of gender equality; however, in 2006, only 27% of deputy heads of institutions and 32% of acting heads were men.<sup>7</sup>

The staff of public administration has to be competent in gender equality principles and capable of applying these principles in their work. A study done in 2005 shows that public administration staff is capable of recognizing only the simplest cases of discrimination, the understanding is insufficient and the self-assessment in this sphere is 'disproportionately high'.<sup>8</sup>

The funding of the European Union programmes on educating the society and public administration staff on issues of gender equality in 2005 and 2006 exceeded one million LVL. In the forthcoming years intensive work with the society and various target groups will be limited.<sup>9</sup>

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EDVĪNS VANAGS, INGA VILKA

## 12. Government Responsiveness

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
12.1	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?	Satisfactory	Satisfactory	=
12.2	How accessible are elected representatives to their electors?	Good	Good	=
12.3	How accessible and reliable are public services for those who need them, and how systematic is consultation with public over service delivery?	Satisfactory	Satisfactory	=
12.4	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?	Satisfactory	Poor	↓

The Satversme, laws of the Republic of Latvia, government regulations and other normative documents open up fairly broad opportunities for public participation in the work and decision-making of national and local level governments. Unfortunately, these opportunities are underused. Individuals very seldom participate in the meetings of local government councils and permanent committees. It can in part be explained by the fact that these meetings continue to be held in the regular working hours, and not in the evenings, as it is



in the majority of Western European countries and the US. Only a small proportion of the population has met their deputies.

In a similar way, a considerable proportion of the population does not know or does not understand their rights defined in the Law on the Order of Examining Applications, Complaints and Proposals in National and Local Government Institutions, and the Administrative Process Law.

Even when public hearings are mandatory, for example, in the cases of debating territorial (spatial) planning and in some cases of construction, they usually are held *pro forma*. In this regard a positive exception was the debating of the draft project of the National Development Plan, which the Ministry of Regional Development and Local Governments organized not only in Riga but also in other regions, inviting representatives of regional development agencies, local governments, higher education establishments, NGOs, as well as entrepreneurs and local population.

The annual public reports that local governments and national agencies develop, have failed to become an effective tool enhancing public participation opportunities. It is a rare report that alongside with formal information provides an assessment of the work done in the context of issues topical for the society.

Alongside with the above difficulties and shortcomings it is necessary to note several positive developments that have occurred within the previous two years.

In 2006, the National Public Service Disciplinary Responsibility Law was adopted. It determines the kinds of disciplinary offences, including unacceptable attitude towards an individual when being on a job, as well as defines exceeding the authority and disciplinary action.

In addition to the already existing 'one-stop agencies', several public administration institutions and local governments have introduced these, which provides considerable aid for clients who need to get their problems addressed. In future, officials dealing with the population should be governed by the motto 'There are no wrong doors', that is,

in all cases they need to be polite, helpful, approachable, even if the client has not come to the right address. The introduction of e-governance and e-services has begun on various levels of public administration. Quality management and personnel management are being introduced. The Cabinet of Ministers, ministries, national agencies and local governments have produced their homepages.

Since early 2007, Latvia at last has Ombudsman institution which protects the interests of the population against arbitrary and subjective actions of individual public officials.

It is important to note another positive result – an assessment of the impact of the 2001–2006 Public Administration Reform strategy on the development of public administration has been carried out in a timely manner and its quality is quite good (the study implemented by *Māras Sīmanes Konsultāciju birojs* Ltd.). However, the reform principles of lawfulness, integrity, transparency, a considerate attitude towards the individuals, effectiveness – remain to be insufficiently applied in the public administration.

It appears that few people distinguish lobbying (in a positive sense of the term) and elevating personal or political party interests above the interests of the society or the state. The issue of political and governmental responsibility remains topical. Some deputies treat political responsibility as providing various benefits to party members, for example, earmarked subsidies to local governments. A number of deputies and officials are not sufficiently familiar with the notions of political responsibility, government responsibility, political culture, and governance culture.

In the local government self-evaluation carried out in 2007 only 11% of respondents rated the level of political culture in the local government as high or very high; and 30% of local government leaders considered the governance culture as high. In two thirds of cases both were rated as average. Only one fourth of the total number of local government leaders expects that within the next two years the political culture might increase, and a half believes that the governance culture will increase.

The government is responsible not only towards the Saeima and the citizens in a traditional sense – for taking lawful, correct and timely political and government decisions and providing high quality services; it is also responsible for the formation of a civil society, that is, the involvement of the population in the public administration.

The simplest and also the broadest-based form of citizens participation is the elections to the Saeima and local governments. Unfortunately, the trend in this field in Latvia is negative. The activity of the voters decreased considerably from the local government elections in 2005 and the Saeima elections of 2006, as compared with the previous elections. The voters' turnout of 62% in the local government elections of 2001 dropped to 53% in the 2005 elections, that is by 9 per cent points, while the turnout for the 2006 Saeima elections was smaller even by 10 per cent points. The reason for such a considerable decline was the disillusionment of a proportion of citizens with the politics carried out by the state, and a lack of belief that it might improve. The trust of the population in the Saeima and the Cabinet of Ministers is very low. It is higher in local governments. Approximately a half of the total number of inhabitants have trust in their local governments (the same level as trust in the governing institutions of the EU); only one fourth of the population trusts the national level government, the trust in Saeima is even lower.

The passivity of the population and their weak interest in the activities of the local governments cause concern. Only 5% of the total number of local government heads in 2005 believed that the participation in the work of the local government had been active. In addition, in 2007 this proportion decreased to 4%. In the opinions of chairs of local government councils in the forthcoming year no improvement is to be expected in the sphere of population involvement in the work of the local government and decision-making. Even worse, they expect that the activity of the population will continue to decline.

It is difficult to talk about the formation of a civil society in such a situation.

A proportion of state officials consider that the reforms of the public administration in Latvia have been completed. It is impossible to agree with that. First, there is quite a lot of unsolved and unaddressed issues stemming from the implementation of 2001–2006 Public Administration Reform strategy, including the relations with society and the state. Second, public administration reforms both on the level of national and local government never end, as public administration is constantly improving and developing. The ideas of completion may only refer to completion of certain stages in reforms.

EDVĪNS VANAGS, INGA VILKA

**13. Decentralization**

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
13.1	How independent are the sub-regional tiers of government from the centre, and how far do they have the powers and resources to carry out their responsibility?	Satisfactory	Satisfactory	=
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?	Good	Good	=
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?	Satisfactory	Satisfactory	=
13.4	The regional level of governance	Poor	Very poor	↘

There is a justified belief that the more decentralization there is, the more democracy there is in the state. Local governments are the mirror of democracy.

Within the last two years no trend towards further development of decentralization can be observed in Latvia. It may even be said that the opposite is true – individual institutions and officials express the desire to strengthen centralization. For example, local governments

remain to have no free access to the capital market. They can take out loans in commercial banks only with the permission of the Minister for Finance. Latvia is the only EU Member State which has such a limitation. According to the level of financial autonomy of local governments Latvia occupies the bottom part of the EU Member States. Latvia continues to have only state taxes and no local government taxes. In the opinion of the authors, the real estate tax can be transformed into local government tax, giving local governments the right to determine its rates within the boundaries defined in the law.

Democracy and decentralization are a 'never-ending process, unfortunately, the process has its ups and downs.

Examining the local government systems in 28 European countries, as well as the US, Canada, Mexico and Japan, it can be concluded that the last three decades have seen a triumph of democracy and decentralization, and the trend for its further development continues. Several countries are exception to that (Great Britain, Norway).

Analyzing the local government laws of ten cities which have been in force in the territory of Latvia from 1878 to nowadays, it can be seen that democracy and decentralization are not static – within a certain time-frame its ups and downs are visible. It is possible to avoid the downs of democracy and decentralization, provided there is political will favourable for local governments, activity of local governments themselves, and development of civil society.

Further political, administrative, functional and economic decentralization is closely linked to administrative territorial reform on the level of local governments and the regional division reform. It is often believed that it is small local governments that promote decentralization. In fact, it is completely the opposite – precisely the small local governments are an obstacle to the development of decentralization, as their administrative capacity is insufficient to take up new functions. In their turn, the large local governments are capable to assume certain functions of the national government.

Research shows that there is a strong correlation between the number of inhabitants in a local government and the level of development of

the territory. In small local governments is it lower, in larger ones – higher.

The key advantages of the large local governments:

- Concentration of financial resources;
- Diversity and a higher quality of services provided;
- Increase of the administrative capacity;
- Employment of modern management methods;
- Introduction of efficient e-governance;
- Development and implementation of high quality development plans;
- Equitable cooperation, both international and domestic, with other local governments, public administration institutions, universities, business community;
- Increase of the social-economic development level in the whole of local government territory;
- Decreasing of unfavourable regional differences;
- Ability to promote innovation, productivity, creativity and cultural diversity.

Simultaneously, the large local governments have their own shortcomings – the deputies are further removed from the population, there is a possibility of the formation of backward outlying districts, sometimes the accessibility of services may be encumbered. However, these are not commensurate with the advantages and they can be diminished.

Regardless of the evident advantages, the merging of local governments in Latvia is taking place very slowly. The main reasons are a lack of political will, the change of the ministers in charge (currently – the Minister for Regional Development and Local Governments) and their differing attitudes towards reforms as such, the methods of implementing territorial reforms and the optimum number of local governments.

The results of local government self-evaluation show that in 2005 only 28% of the total number of chairs of local government councils

believed that the territorial reforms are useful and necessary, while in 2007, the respective number was 40%. Although the increase is manifest, the work of persuading local government leaders should be continued, paying special attention to learning from success stories and examples of good practice. Within this period, positive attitude of local government leaders towards the formation of regional governments has also improved from 49% to 61%.

Without denying the effectiveness of the large local governments and supporting their formation, in the opinion of authors, it would not be correct to get carried away by a technocratic approach and form all local governments in exactly the same way, like identical drops of water – not taking into account the historical development of each territory, its geographical position, cultural traditions, economic development, as well as the identity of the population. It is necessary to preserve beneficial regional differences, as it is precisely these that enrich each local government and Latvia as a whole. In the age of the priority of globalization, information society, major international institutions, innovation, intellectual capital and creativity it is important for Latvia as a small country not to lose the identity of its national and local territories.

The first step towards decentralization is often de-concentration. We mean by decentralization the transfer of functions from the central level of government to local governments, while de-concentration is defined as the transfer of functions from ministries to institutions subordinated to them. In this regard considerable expectations were placed on the establishment of state agencies, leaving to ministries only the functions of strategic planning and management, the service functions being delegated to state agencies, that is, separating the rowing from the steering. In addition, the idea included a much greater freedom and autonomy for state agencies as compared with other state institutions. Unfortunately, these ideas have not come true. In practice, the independence of state agencies does not exceed that of other state institutions. They too have to be involved with an enormous amount of paperwork. Local governments are in a similar situation,



and each year they have to submit an increasing number of reports and overviews to various organizations.

Further decentralization and hence democracy in Latvia is hindered by the long-overdue administrative-territorial reform on the level of local governments and the regional division reform. Currently, district governments are characterized by the following:

- Functional weakness – in accordance with the Local Government Law they have only four autonomous functions;
- Political weakness – the deputies of district councils are not elected in direct elections, while the council itself is automatically comprised by the heads of local governments of the district units – districts, cities and regions;
- Economic weakness – district governments have no independent tax base, their budgets are basically made from the payments from the local government finance balancing fund and targeted subsidies;
- Excessively small size – 26 districts and 7 major cities is an excessively small scope of territories to be able to provide the population with diverse and good quality services, balanced and sustainable development.

The above shortcomings determine the need and topicality of directly elected regional governments. Although the development trends demonstrate that it is unlikely that there will be regional level governments in Latvia, no legal act confirms that, thus there remains lack of certainty on the issue. The situation is often explained away by the delayed administrative territorial reform on the level of local governments. This argument is not acceptable, since the vagueness and lack of certainty on the issues of regional territorial division and regional governments in their turn to a great extent hinder the administrative territorial reform on the local level. In the opinion of the authors, both reforms have to be implemented simultaneously, at a mutually adjusted pace.

ŽANETA OZOLIŅA

## 14. International Dimensions of Democracy

	Questions	Year 2005 assessment	Year 2007 assessment	Trend
14.1.	How free is the governance of the country from subordination to external agencies, economic, cultural or political?	Satisfactory	Good	↗
14.2.	To what extent are government relations with external donors based on principles of partnership and transparency?	Good	Good	=
14.3.	To what extent does the government support UN human rights treaties and respect international law?	Good	Good	=
14.4.	To what extent does the government respect international obligations in its treatment of refugees and asylum seekers, and how free from arbitrary discrimination is its immigration policy?	Good	Good	=
14.5.	How consistent is the government in its support for human rights and democracy abroad?	Good	Good	=
14.6.	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?	Good	Very good	↗

The most important change that has occurred since the Audit of Democracy published in 2004 is the change of Latvia's international status. The three years' experience in the European Union and NATO makes it possible to outline trends which in the coming years will determine the country's further activities in the world politics and its entrance into domestic politics.

State governance in Latvia is not subjected to any direct pressure from external agents; wither in economy, politics or culture. After Latvia joined the EU and NATO the opportunities of other countries to influence Latvia's domestic politics have decreased. However, Latvia's geopolitical situation determines that external factors are always likely to have a certain role in defining Latvia's political orientations. It remains unanswered whether the country can use the external factors (EU, NATO) in situations when they provide opportunities for representing national interests and are necessary to minimize pressure from the outside (Russia) when it becomes unwelcome.

Latvia as a member state of the EU and NATO, progressing to the level of allies and partner states, the influence of external agents from Western Europe and Transatlantic space will decrease in the country, while simultaneously diverse activities of Russia will increase as a means to preserve its influence in the Baltic region, as well as in conducting relations with the EU. Direct and forcefully implemented influence is not to be expected, it will rather be using the weaknesses of Latvia in the name of its own interests (for example, social tension, the issue of minorities, faults in the work of security structures, boycotting individual sectors of economy). Therefore we cannot declare that the state governance is completely free from external agents.

In its turn, in the recent years, Latvia as an external agent has manifested itself as an exporter of democracy and this makes it possible to assess improvements in this sphere. Latvia is actively expanding the new dimension of its foreign policy – development cooperation policy. Since 2003, when the Basic Guidelines of Development Policy of the Republic of Latvia were developed (2003),<sup>1</sup> the defining of development cooperation policy plans is conducted regularly for

each year. The Ministry of Foreign Affairs of the Republic of Latvia has developed individual strategies for Georgia and Moldova, which are considered priority states of development cooperation. (Latvian National Strategy for Development Cooperation with Georgia for 2006–2008;<sup>2</sup> Latvian National Strategy for Development Cooperation with Moldova for 2006–2008).<sup>3</sup> A new supplementary document has been adopted – the Development Cooperation Policy Programme of the Republic of Latvia for 2006–2010.<sup>4</sup> The above programme is accompanied by a conception for the increase of funding from the state budget in 2006–2010 for the implementation of the development cooperation policy of the Republic of Latvia.<sup>5</sup> To implement the goals and objectives of the development cooperation, in December 2005 the Cabinet of Ministers formed the Development Cooperation Council.<sup>6</sup> It is important to note that the Council includes not only senior Ministry of Foreign Affairs officials, but also deputy undersecretaries of the Ministry of Economy, Ministry of Finance, Ministry of Regional development and Local Governments and the deputy director of the State Chancery, which ensures that other ministries are involved in the implementation and coordination of development cooperation policy.

Latvia has defined its proposed areas of expertise in various sectors.<sup>7</sup> However, it is excessively broad and obviously formed as a wish list, there was a lack of focus and inter-ministerial cooperation in identifying the proposals. For example, one can compare the lists of the Ministry of Justice (taking over, planning and coordinating EU legislation; formation of a national system of mapping and geographical information of the Land Service, creation of land information systems; National Data Inspectorate; courts administration; national probation service governance; courts development policy; naturalization; development of a register of commercial bonds) which is very general and the Ministry of Defence (humanitarian programmes geared towards strengthening of democratic values and formation of a democratic society; democratic control over Armed Forces; public relations; Divers' School; participation in international operations) which has been developed on the basis of the actual experience accumulated.

Latvia is the participant of all major international organizations (with the exception of ODEC, which it is preparing to join). The relationships with all international organizations are being formed on the basis of partnership and transparency. In the recent years, changes are manifest in that Latvia's obligations include not only developing relationships with international organizations, but also participation in defining their new roles in the situation when the nature of international relations and processes dominating in these are changing rapidly. Latvia provides its contribution to the transformation of NATO, as well as participates in discussing the EU future and policy reforms. A proof of Latvia's contribution to the formation of international agenda is appointing the President of the Republic of Latvia Vaira Vīķe-Freiberga a special envoy of the UN Secretary General on the issue of the UN reform and her running for the position of the post of the UN Secretary General, which actualized the issue of the observation of democratic principles in the section of candidates and the elections, as well as the role of the woman in global politics.

Latvia is consistent in supporting human rights and democracy worldwide. As a member state of the EU and NATO it takes the position that coincides with the position of the EU and NATO. Latvia's support for human rights and democracy is especially active in the states which are Latvia's priority from the point of view of national foreign policy: Belarus and Georgia. Latvia's participation in the mission in Iraq and the increase of the number of troops in Afghanistan are examples of its contribution to international security.

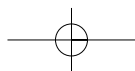
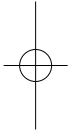
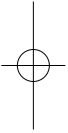
The dialogue of public administration with the society on issues of foreign policy has improved. In the recent years, representatives of the general public have participated in developing several major documents on Latvia's foreign policy and security policy. The Ministry of Foreign Affairs of the Republic of Latvia invited the Foreign Policy Council to participate in the development of Basic Guidelines of Latvia's Foreign Policy for 2006–2010. The Foreign Policy Commission of the Saeima invites experts to provide assessment on topical foreign policy issues. Public hearings in Latvia's regions were

conducted in preparing the informative report Latvia's Participation in the EU – Basic Principles, Goal, Priorities and Actions in 2007–2013. In preparing the NATO Summit in Rīga, the Ministry of Foreign Affairs and the Ministry of Defence paid considerable attention to activities of public diplomacy. In the recent years, there has been a growth of interest in academic studies on international issues and the application of this research in implementation of foreign and security policy.

It has become habitual practice to involve civil society in the realization of development cooperation policy in both organized and informal way. Organized participants of development cooperation policy include the European Movement in Latvia (*Eiropas kustība Latvijā, EKL*), Latvian Transatlantic organization (LATO), Latvian Platform for Development Cooperation (*Latvijas Platforma attīstības sadarbībai, LAPAS*). Higher education institutions and experts contribute specific activities on individual level.

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- <sup>3</sup> <http://www.mfa.gov.lv/lv/Attistibas-sadarbiba/pamatdokumenti/Moldova/>
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- <sup>6</sup> <http://www.likumi.lv/doc.php?id=124783>
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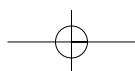
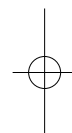
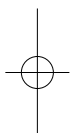
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## Commission of Strategic Analysis

Commission of Strategic Analysis under the Auspices of the President of the Republic of Latvia was established on April 2, 2004. Its founding resolution was jointly signed by the President and the Prime Minister. The Commission's main goal is to generate a long-term vision of Latvia's development through interdisciplinary and future-oriented studies.

The Commission of Strategic Analysis is a think tank that is seeking to consolidate Latvia's scholarly potential for the benefit of Latvia's future development. It has undertaken to research Latvia's opportunities as a member of the European Union and NATO, along with Latvia's place in global development processes. The Commission is also stimulating high-quality dialogue with the country's legislative and executive powers, as well as the general public, on matters that concern Latvia's development and the consolidation of democracy.

The research areas of the Commission of Strategic Analysis:

- Development of democracy in Latvia;
- Latvia's Economic Development;
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- Latvia in World Politics;
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In 2006, the Commission of Strategic Analysis, the Latvian Transatlantic Organization and the German Marshall Fund of the United States jointly organized a major international conference entitled *Transforming NATO in a New Global Era* (November 27–28, 2006, in Riga, Latvia). The conference was an accompanying event to the Riga NATO Summit.

The Commission is actively taking part in the formulation of various policy-making documents for Latvia. In 2005 and 2006, the Commission

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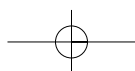
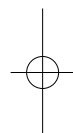
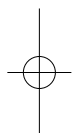
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Commission of Strategic Analysis  
under the Auspices of the President  
of the Republic of Latvia

**How Democratic is Latvia?  
Monitoring of Democracy  
2005–2007**

“Zinātne” Publishers  
Rīga 2007

Editor: *Regīna Jozauska*  
Layout: *Gundega Kārklīņa*

“Zinātne” Publishers Ltd.  
Akadēmijas laukums 1, Rīga, LV 1050.  
Registration no. 40003576967.  
Printed in Jelgavas tipogrāfija.

