

Latvian Human Rights CommitteeDzirnavu Str. 102a-4, Riga, Latvia, LV-1050 www.lhrc.lv lhrc@lhrc.lv**Submission**

for Human Dimension Implementation Meeting, 2014

(Working Session 1: Democratic institutions)**Democratic processes in Latvia in 2013-2014.****I. Citizenship**

Latvia keeps the first place in the OSCE region in statelessness. As of July 1st 2014 the number of the so-called non-citizens in Latvia (former USSR citizens and their descendants, who have no citizenship) was 276,797 or 12.74% of the population.¹ Meanwhile the naturalization process remains inefficient: in 2013 only 1,732 people naturalized.² Thus, the reduction in the number of non-citizens is mainly induced by their death or by acceptance of other states citizenship.

As early as in 2012 12,686 citizens put forward the popular legislative initiative Amendments Law on Citizenship, which stipulated granting citizenship of Latvia to all non-citizens except for those, who refuse from it. The initiative was blocked by the Central Election Commission, which refused the second stage of signature collection at the expense of the State.³ In case of successful implementation of this stage the legislative draft would be referred to the Parliament, where it might be approved on the merits without changes or put to a referendum.

On February 12th 2014 the Supreme Court of Latvia approved the resolution of the Central Election Commission, stating that the offered move on non-citizenship reduction would contradict the Constitution, more specifically Articles 1 ("Latvia is an independent democratic republic") and 2 ("The sovereign power of the State of Latvia is vested in the people of Latvia"). It appears that the people's power prohibits people to change the Law in favour of extending human rights. The sentence was passed pursuant to the doctrine of continuity of the Republic of Latvia founded in 1918. Even assuming that Latvia is not obliged to grant its citizenship to citizens of the former Soviet Union, it is not clear why it has no right to take such a noble step which would agree with its commitments on statelessness reduction.

Besides, it is worthy of note that Latvian Parliament immediately responded to the first stage of signature collection for this Legislative Draft by changing⁴ the Law on National Referendums, Initiation of Laws and European Citizens Initiative. The amendments which are coming into force on January 1st, 2015 require that private persons should collect 10% of signatures of adult citizens of Latvia under their Legislative Draft that is about 155 thousand signatures. Thus, the mechanisms of direct democracy in Latvia have lost most of their efficiency. Under the Law of 1922 initiation of a legislative draft by private persons required 1000 signatures. Then, up to the amendments of 2012,

¹ See the statistics of the Population Register of Ministry of the Interior of the Republic of Latvia http://www.pmlp.gov.lv/lv/assets/images/statistika/iedzivotaju%20reg.statistika%2001072014/ISVP_Latvija_pec_VPD.pdf

² <http://www.pmlp.gov.lv/lv/sakums/statistika/naturalizacija.html>

³ <http://cvk.lv/pub/public/30436.html>

⁴ <http://likumi.lv/doc.php?id=252963>

the required number of signatures was 10 000, in the transitional period between the end of 2012 and the end of 2014, 30 000 signatures were required. The Constitutional Court of Latvia did not see any constitutional abuse in this reform.

Non-citizens, who make up 12.7% of all the population, were not entitled to participate in European Parliament election on May 24th, 2014, nor will they be able to vote in Latvian Parliamentary election on October 4th, 2014.

Since 1991 these have already been the ninth Latvian Parliamentary election and the third European Parliamentary election in which Latvian non-citizens residing in its territory were not able to participate. Although non-citizens pay same taxes as citizens, they have no opportunity to have any influence on power including municipality power. About one third of all non-citizens were born in Latvia, most of others have been living here for about 40 years.⁵ However, the right to elect and be elected in the European Parliament elections in Latvia is granted to those foreigners who are the EU countries' citizens. The residence requirement for candidates is ten months, but for voters - three months.

Denial of right to vote in municipality elections to non-citizens, who make up about 40% of Latvian national minorities, conflicts the numerous international organizations recommendations including those of the OSCE High Commissioner on national Minorities, Report to the 868th Plenary Meeting of the OSCE Permanent Council of June 16th, 2011⁶, OSCE Parliamentary Assembly Resolution on National Minorities of July 2004⁷ and OSCE-ODIHR Limited Election Observation Mission Final Report of December 10th, 2010⁸.

II. Preamble to Constitution

On June 19th, 2014 the Saeima approved the new Preamble to the Constitution of the Republic of Latvia of 1922, which considerably changed the content of the Fundamental Law of the country.⁹

The Preamble emphasizes the obligations of the State to ethnic Latvians and their culture:

“The State of Latvia [...] has been established [...] on the basis of the unwavering will of the Latvian nation to have its own state and its inalienable right of self-determination in order to guarantee the existence and development of the Latvian nation, its language and culture throughout the centuries” (“Latvian nation” is a term for the ethnic group, distinct from the more inclusive „people of Latvia”, also used in the preamble)

The Preamble also claims that Latvia is a “national state” and one of the “foundations of a cohesive society” is the Latvian language as the only official language

Moreover, listing the traditions which formed the Latvian identity, the Preamble only mentions “Latvian and Liv traditions, Latvian folk wisdom, the Latvian language”

⁵Buzaev V. "Non-citizens of Latvia." Riga, Latvian Human Rights Committee, 2007, pages 12-13.

⁶<http://www.osce.org/hcnm/78915>

⁷<http://www.oscepa.org/pulications/declarations/2004-edinburgh-declaration>

⁸<http://www.osce.org/odihr/elections/latvia/74785>

⁹<http://www.saeima.lv/en/legislation/constitution>

Another cause of concern is the phrase about obligation of any individual, regardless of his or her age, health condition and other objective opportunities to take care of oneself" This statement may serve as a trigger for reduction of social projects which even now are rather tight.

III Attitude to human rights movement

Still another cause for concern is the subpoena of human rights activist Alexander Kuzmin to the Security Police as a witness in the case of the "rodina.lv" site. Not long before being subpoenaed and questioned by the Security Police the lawyer had won a headline-making case versus Latvian Government in European Court of Human Rights Petrov vs Latvia, appeared at court for NGO "Rodina", when it took review against ban on arranging a march in Riga. However, he has absolutely nothing to do either with the organization or the site. We see the interrogation as putting pressure on human rights defenders who defend democratic values in Latvia.

Recommendations:

1. Grant non-citizens of Latvia the right to vote in the municipality and European elections
2. Simplify and accelerate the naturalization procedure
3. Interpret the Constitution as non-prohibiting massive liquidation of the humiliating statelessness status
4. Interpret the Constitution statement about the special role of ethnic Latvians and the Latvian language as non-restricting the opportunity to use other languages along with the Latvian language in public education and in communication between residents and authorities
5. Restore the efficient mechanisms of direct democracy
6. Impose no pressure on the activities of human rights defenders who protect the interests of the most vulnerable population groups in accordance with the requirements of a democratic society.