



## Latvijas Cilvēktiesību komiteja Latvian Human Rights Committee

### ЛАТВИЙСКИЙ КОМИТЕТ ПО ПРАВАМ ЧЕЛОВЕКА

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#### **Democratic institutions in Latvia: 2016-2017**

*Submission for OSCE Human Dimension Implementation Meeting*

*September 12, 2017, Warsaw, Working Session 3: Democratic institutions*

#### **I Statelessness, foreigners and the right to vote**

The small Republic of Latvia continues to be the first in the EU by the absolute number of stateless persons (mostly those with the status of so-called “non-citizens of Latvia”<sup>1</sup>), not to speak about their relative share. This is a problem concerning almost exclusively ethnic minorities.<sup>2</sup> As at 1 January, 2017, there were 242,560 “non-citizens” residing in Latvia, or more than 11 % of the population. In addition, 176 more residents were issued stateless’ documents by Latvia under 1954 Convention.<sup>3</sup>

It has to be noted that OSCE bodies recommended six times to grant the right to vote in local elections to the “non-citizens”.<sup>4</sup> On June 3, 2017, local elections took place in Latvia – for the seventh time in a row, without participation of a large part of the population. Not only do the disenfranchised “non-citizens” form over 13 % of the voting-age populations<sup>5</sup>. Other permanent residents without the right to vote are the citizens of non-EU countries (mostly – from OSCE participating states), who form more than 3 % of the population.<sup>6</sup>

<sup>1</sup> A particular group of former USSR citizens and their descendants, who lack any citizenship now, while having right to reside in Latvia. They have no electoral rights.

<sup>2</sup> Less than 0.3 % of “non-citizens” are ethnic Latvians, as at 2017. [http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVN\\_Latvija\\_pec\\_TTB\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVN_Latvija_pec_TTB_VPD.pdf) (LV) See the row “Latvietis” (ethnic Latvian) and column “Latvijas nepilsonis” (Non-citizen of Latvia)

<sup>3</sup>[http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVP_Latvija_pec_VPD.pdf) (LV) See the row “Latvijas nepilsonis” (Non-citizen of Latvia)

<sup>4</sup> OSCE/ODIHR Final report on 2002 parliamentary elections in Latvia, part XI, para. 2; Parliamentary Assembly, July 2004, resolution on national minorities, para. 16; OSCE/ODIHR Final report on 2006 parliamentary elections in Latvia, part XV, para. 2; OSCE/ODIHR Final report on 2010 parliamentary elections in Latvia, part XV, para. 1; High Commissioner on National Minorities, statements to 868th and 1026th plenary meetings of the Permanent Council

<sup>5</sup>[http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVG\\_Latvija\\_pec\\_DZGada\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVG_Latvija_pec_DZGada_VPD.pdf) (LV) See the column “Latvijas nepilsonis” (Non-citizen of Latvia)

<sup>6</sup>[http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVP_Latvija_pec_VPD.pdf) (LV) See the rows “Krievijas pilsonis” (citizen of Russia), “Ukrainas pilsonis” (citizen of Ukraine), “Baltkrievijas pilsonis” (citizen of Belarus), “Uzbekistānas pilsonis” (citizen of Uzbekistan) etc.

The decrease in the number of “non-citizens” is notable (on 1 January, 2016, there had been 252,017 “non-citizens”<sup>7</sup>), but its causes are disturbing. In 2016, only 987 persons acquired Latvian citizenship via naturalization.<sup>8</sup> The number of “non-citizens” living abroad has grown by 301 only in 2016.<sup>9</sup> Thus, most of the reduction of the number of non-citizens is due to mortality (or accepting citizenship of other countries, but this is rare – the number of citizens of Russia, who form the majority of foreigners in Latvia, has even fallen in 2016).

There are some hopes of progress in one narrow issue – the President of Latvia has declared his intention to propose for the future granting citizenship to “non-citizens”’ newborn children, automatically.<sup>10</sup> However, most of those already get Latvian citizenship, upon parents’ application. Only 52 children born in 2016 have remained “non-citizens” on January 1, 2017.<sup>11</sup> So, the effect of the proposal, even if adopted, will be extremely limited, and its first beneficiaries would only be able to vote in 2037 (there are no elections scheduled for 2036 in Latvia).

## II Other constitutional law issues

On December 13, 2016, the Supreme Court dismissed a complaint by a councillor of Balvi Municipality, Mr Ivans Baranovs. Thus, he was deprived of his seat for “insufficient” proficiency in Latvian language.<sup>12</sup> The electorate, it should be noted, was satisfied with Mr Baranovs’ ability to work – he had been elected for three terms in a row.<sup>13</sup>

Complaints to the Constitutional Court, brought by Mr Baranovs<sup>14</sup>, have been dismissed without considering them on the merits. In June 2017, he was elected the fourth time in a row – and in August, the State Language Centre has warned him of their intention to check his Latvian language skills once again.<sup>15</sup>

The bill on local referendums (currently numbered 76/Lp12) remains under consideration in the Parliament for more than four years. Initially it was numbered 544/Lp11. The bill does not provide for participation of “non-citizens”.

<sup>7</sup> [http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD2016/ISVP\\_Latvija\\_pec\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD2016/ISVP_Latvija_pec_VPD.pdf) (LV)  
See the row “Latvijas nepilsonis” (Non-citizen of Latvia)

<sup>8</sup> <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html> (EN)

<sup>9</sup> See and compare the row “Kopā” (Total) in column “Latvijas nepilsonis” (Non-citizen of Latvia) in January 2017 <http://www.pmlp.gov.lv/en/home/statistics/naturalization.html> (LV) and in January 2016

[http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD2016/ISAG\\_Aarvalstiis\\_pec\\_DZGada\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/statistika/IRD2016/ISAG_Aarvalstiis_pec_DZGada_VPD.pdf) (LV). NB 4836-4535=301

<sup>10</sup> [http://president.lv/pk/content/?art\\_id=25183](http://president.lv/pk/content/?art_id=25183) (EN)

<sup>11</sup> [http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVG\\_Latvij\\_a\\_pec\\_DZGada\\_VPD.pdf](http://www.pmlp.gov.lv/lv/assets/documents/Iedzivotaju%20re%C4%A3istrs/07022017/ISVG_Latvij_a_pec_DZGada_VPD.pdf) (LV) See the column “Latvijas nepilsonis” (Non-citizen of Latvia) and the row “2016”

<sup>12</sup> <http://vesti.lv/news/nacobuedinenie-likuet-deputata-lishili-mandata-za-neznanie-gosyazyka> (RU)

<sup>13</sup> <http://vesti.lv/news/centr-gosyazyka-ustroil-ohotu-na-deputata-soglasiya> (RU)

<sup>14</sup> Complaints Nos. 15/2017 and 59/2017, rejected on February 17 and May 10, respectively.

Disclaimer: Mr -Baranovs was assisted by the Latvian Human Rights Committee.

<sup>15</sup> Letter No. R4-1.2/863 of August 14, 2017

The people who were active in the Communist party or certain other political organisations after January 1991 (the organisations were only prohibited in September, 1991), remain banned from running for national and local elections. More than 11 years ago, both the European Court of Human Rights<sup>16</sup> and the Constitutional Court<sup>17</sup> told that this prohibition needed to be lifted soon.

The option of popular legislative initiative remains efficiently frozen – after the amendments of 2012, not a single group has been able to gather enough citizens' signatures (10 % of all adult citizens) for launching the procedure.

The amendments to Section 9 of the Saeima Election Law<sup>18</sup> and to Section 9 of the Law on Elections of the European Parliament,<sup>19</sup> adopted in March 2016, exclude from parliamentary and European elections the parties and political alliances with less than 500 members. Taking into account that foreign citizens cannot be party members (although EU citizens can run for local elections) and that independent candidates are not allowed to compete, this step strongly undermines the political competition.

One more bill is under consideration in the Parliament, and was supported by its Legal Commission in September, 2017. Those are the amendments to the Administrative Violations Code (bill No. 901/Lp12). The bill raises fines for violations of linguistic legislation (manyfold), restricts dissemination of bilingual messages even for private actors, and introduces an additional punishment for some violations – a prohibition to serve as a state official (which includes municipal mayors and councillors). In this context, one needs to pay attention to the current mayor of the capital city of Riga having been fined in April 2017. His victimless “offence” was using Russian and English, alongside Latvian, on municipal social media accounts.<sup>20</sup>

### III Hate speech in political discourse

In May, 2017, co-ruling National Alliance party has published a pre-election newspaper “Nacionālas ziņas” (*National News*), in 370,000 copies.<sup>21</sup> Among many inaccurate and divisive statements there, the most extreme and shocking one was made in the article<sup>22</sup> by Mr Edvīns Šnore, the head of Latvian delegation to OSCE

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<sup>16</sup> *Ždanoka v. Latvia*, application No.58278/00 (Grand Chamber judgment of March 16, 2006), para. 135 – “the Latvian parliament must keep the statutory restriction under constant review, with a view to bringing it to an early end”. Disclaimer – the applicant in the case was a member of LHRC

<sup>17</sup> Judgment of June 15, 2006, in case No. 2005-13-0106, para. 17.3 - “The Constitutional Court repeatedly draws the attention of the Saeima to the urgent need to revise the necessity of this restriction in the nearest time”

<sup>18</sup> <https://likumi.lv/ta/id/280937-grozijumi-saeimas-velesanu-likuma> (LV)

<sup>19</sup> <https://likumi.lv/ta/id/280933-grozijumi-eiropas-parlamenta-velesanu-likuma> (LV)

<sup>20</sup> Mayor's complaint was dismissed by court on March 13, 2017

[http://www.mixnews.lv/ru/politics/news/218190\\_bez-apellyacii-ushakovu-okon4atelno-zapretili-obs4atsya-v-socetyax-na-russkom/](http://www.mixnews.lv/ru/politics/news/218190_bez-apellyacii-ushakovu-okon4atelno-zapretili-obs4atsya-v-socetyax-na-russkom/) (RU)

<sup>21</sup> [http://www.nacionalaapvieniba.lv/wp-content/uploads/2017/05/Latvija\\_A.pdf](http://www.nacionalaapvieniba.lv/wp-content/uploads/2017/05/Latvija_A.pdf) (LV)

<sup>22</sup> <https://twitter.com/EdvinsSnore/status/865495364370972672/photo/1> (LV) The original Latvian text at stake - *Kā savulaik teica sabiedrisko lietu ministrs Alfrēds Bērziņš, ja vienreiz ielaidīs krievu uti kažokā, ārā to dabūt būs grūti. Patiešām, redzam, ka PSRS laika krievvalodīgie iebraucēji lai arī*

Parliamentary Assembly. He wrote: “As a minister of public affairs, Alfrēds Bērziņš, told once, if one lets a Russian louse into a furcoat once, it will be difficult to get it out. Indeed, we see that the Russian-speaking immigrants from the USSR time, although reviling Latvia permanently, do not go away. At least, not in the amount the [ethnic] Latvians would like it to be. The contrary process is happening. New crowds of [ethnic] Russians continue to come to Latvia, looking for rescue from corruption and chaos in the neighboring country”. President Vējonis, when interviewed, avoided giving a specific evaluation of Šnore’s statements, saying “it would be wrong to stress this case” and comparing him to a different activist (not just opposition, but fringe and extra-parliamentary).<sup>23</sup>

Many activists and NGOs have asked the police to initiate a criminal case against Mr Šnore – their requests were refused.<sup>24</sup> Latvian Human Rights Committee wrote to the ethics committee of the Parliament, asking to condemn Mr Šnore, and to the Chapter of Orders, asking it to deprive him of the Order of Three Stars. The Chapter of Orders has not answered on the merits yet, and the ethics committee of the Parliament has only imposed the lightest possible punishment on Mr Šnore – an oral warning, and even that, not unanimously.<sup>25</sup>

#### IV Recommendations for Latvia

1. To grant to all permanent residents - including non-citizens of Latvia, stateless people recognised under 1954 Convention, and citizens of all OSCE participating states - the right to vote in local elections;
2. To grant citizenship, unconditionally and immediately, to all “non-citizens” under age of 18;
3. To simplify and accelerate the naturalization procedure;
4. To repeal the provisions for depriving local councillors and MPs of their mandates for allegedly insufficient command of Latvian language;
5. To be represented in the OSCE Parliamentary Assembly by people committed to OSCE values and to condemn on the highest level the attacks by politicians on those values;

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*pastāvīgi gāna un sunī Latviju, prom nebrauc. Vismaz ne tādā apjomā, kā latvieši to vēlētos. Notiek pretējs process. Uz Latviju plūst arvien jauni krievu pūļi, kuri meklē glābiņu no kaimiņzemē valdošās korupcijas un haosa.*

<sup>23</sup> <http://lr4.lsm.lv/lv/raksts/deystvuyuschie-lica/prezident-prizval-ne-obraschat-vnimanija-na-viskazivaniya-politi.a88484/> (RU)

<sup>24</sup> <https://ru.delfi.lt/abroad/global/v-latvii-reshili-ne-nachinat-ugolovnoe-delo-o-vyskazyvanii-deputata-o-russkih-vshah.d?id=75173812> (RU)

<sup>25</sup> [http://titania.saeima.lv/livs/saeimasnotikumi.nsf/0/0bacb6d50349337cc225813a0042b1af/\\$FILE/Nr.1\\_06\\_PR\\_2017\\_14\\_06\\_12\\_00\\_MEIK.doc](http://titania.saeima.lv/livs/saeimasnotikumi.nsf/0/0bacb6d50349337cc225813a0042b1af/$FILE/Nr.1_06_PR_2017_14_06_12_00_MEIK.doc) (LV) <http://rus.delfi.lv/news/daily/latvia/komissiya-sejmanakazala-shnore-za-slova-pro-russkuyu-vosh.d?id=48952999&fref=gc&dti=639212446248917> (RU) For the possible punishments, see Article 179 at <http://www.saeima.lv/en/legislation/rules-of-procedure?fref=gc&dti=639212446248917> (EN)

6. To allow all political parties to submit their lists to parliamentary and European elections.
7. To adopt without further delay a bill on local referendums, allowing all permanent residents to participate;
8. To cancel the prohibition for former activists of legal opposition organisations to run for elections;
9. To lower the threshold of signatures needed for popular legislative initiatives;
10. To reject the bill No. 901/Lp12.