

## STATEMENT TO THE 2008 OSCE HUMAN DIMENSION IMPLEMENTATION MEETING

Working session 17

Democratic institutions

Latvian Human Rights Committee

### Situation of general democratic processes in Latvia in 2008

#### 1. Citizenship

##### 1.1. Elections

On the 6<sup>th</sup> of June 2009 there will be elections to local councils and European Parliament. All citizens of the EU member states can stand for election and vote. The term of residency in Latvia is 10 months for the candidates and 3 months for the voters. However, non-citizens won't be permitted to elect, despite the fact 1/3 of non-citizens were born in Latvia and the average term of residency in Latvia of other non-citizens is about 40 years.<sup>1</sup>

Refusal of voting rights in local elections for non-citizens, who are approximately 40% from Latvian ethnic minorities, contradicts the numerous recommendations of international organizations, including that given in 2008 by the Congress of Local and Regional Authorities<sup>2</sup> and the European Commission against Racism and Intolerance.<sup>3</sup>

Proposals to grant to non-citizens voting rights were rejected by the 9<sup>th</sup> Saeima (Latvian parliament) on the 22<sup>nd</sup> of March, the 31<sup>st</sup> of March and on the 26<sup>th</sup> of April in 2007, as well as on the 6<sup>th</sup> of March, the 31<sup>st</sup> of March, the 29<sup>th</sup> of June, the 7<sup>th</sup> of July, the 18<sup>th</sup> of September and on the 2<sup>nd</sup> of October in 2008. Besides, in 2008 the president of Latvia refused meeting with representatives of 55 public organizations who applied with a request on the legislative initiative from his behalf.<sup>4</sup>

It has to be noted that there were only 6% of representatives of national minorities among candidates in local elections in 1997 and 7.6% and 17.4% of deputies in elections in 2001 and 2005,<sup>5</sup> however, national minorities are 42.3% of the population, according to the census of 2000.<sup>6</sup> This fact shows that national minorities in Latvia are suspended from the process of decision-making even on the municipal level which contradicts the Framework Convention on Protection of National Minorities ratified by Latvia in 2005, and it doesn't facilitate the integration of the society.

We would also like to pay your attention on the fact that the number of places from Latvia in the European Parliament is proportional to the number of all its permanent inhabitants: Latvia gets 2 out of its

<sup>1</sup> Бузаев В. В. Неграждане Латвии – Рига: ЛКПЧ, 2007 – стр. 12-13 (RU)

<sup>2</sup> Integration and Minority Information Service, 16 April 2008 <http://www.humanrights.org.lv/html/29452.html>

<sup>3</sup> ECRI's Third report on Latvia CRI(2008)2 – see para. 132

<sup>4</sup> Ошибка президента? «Час», 18 апреля 2008 года [http://www.chas.lv/win/2008/04/18/1\\_044.html?r=30&](http://www.chas.lv/win/2008/04/18/1_044.html?r=30&) (RU)

<sup>5</sup> О допуске неграждан Латвии к выборам <http://www.shtab.lv/main.php?w2=doc&id=210> (RU)

<sup>6</sup> CIA's The World Factbook <https://www.cia.gov/library/publications/the-world-factbook/geos/lg.html>

9 seats for non-citizens account. If only citizens were taken into account during the seat division, Latvia would not have more places than Slovenia (7).

## 1. 2. Naturalization and differences in rights of citizens and non-citizens

There had been 372 000 non-citizens or 16.4% of population by 1 January 2008 in Latvia.<sup>7</sup> The decrease of the number of non-citizens is mostly connected with the surplus of deaths over the births and emigration. The share of naturalization in this decrease takes 25% (in 1993) till 37% (in 1996). The naturalization tempo has significantly decreased over the past two – three years (table 1).

Table 1  
Amount of applications for naturalization<sup>8</sup>

Year	2003	2004	2005	2006	2007	2008
Applications	11 268	21 297	19 807	10 581	3308	2844*

\* extrapolation for 8 months a year

As of 2008, some 16.5 thousand children of non-citizens, born after 21 August 1991, remain non-citizens.<sup>9</sup>

There were only 8000 people over 60 years old who managed to come through naturalization, or 7% from the number of non-citizens of this age at present.

There are no measures being taken to accelerate the naturalization process, and this is all despite of numerous recommendations of international organizations, including those received in 2008 from bodies of the UN<sup>10</sup> and the Council of Europe<sup>11</sup>.

15 October 2007, Latvian Human Rights Committee members have presented to the ombudsman a new version of the list of 80 differences<sup>12</sup> in human rights of citizens and non-citizens in Latvia. Among the differences – 31 bans on professions, including 9 – in the private field. 25 differences have a very offensive aspect for non-citizens – these restrictions are introduced for criminals, legally incapable people, drug-addicted and alcoholics, too. In 17 cases non-citizens don't have rights which have the foreigners – citizens of the EU. The deadline for the investigation initiated by the ombudsman is being

<sup>7</sup> Data from the Board for Citizenship and Migration Affairs <http://www.np.gov.lv/index.php?id=469&top=469>

<sup>8</sup> Data from the Naturalization Board [www.np.gov.lv/en/faili\\_en/naturalizacija\\_eng.pdf](http://www.np.gov.lv/en/faili_en/naturalizacija_eng.pdf)

<sup>9</sup> Latvijas Republikas kārtējais ziņojums par 1965.gada Konvencijas par jebkuras rasu diskriminācijas izskaušanu izpildi Latvijas Republikā laika posmā no 2003.gada līdz 2007.gadam [http://www.mk.gov.lv/doc/2005/AMzino\\_050608.doc](http://www.mk.gov.lv/doc/2005/AMzino_050608.doc) - sk. 10. pielikumu (LV)

<sup>10</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Addendum: Mission to Latvia A/HRC/7/19/Add.3 – see para. 88

<sup>11</sup> ECRI's Third report on Latvia CRI(2008)2 – see para. 117

<sup>12</sup> Бузаев В. В. Неграждане Латвии – Рига: ЛКПЧ, 2007 – стр. 88-95 (RU). An updated version (2008) is available in English in: Citizens of a Non-Existent State – Riga: Averti-R, 2008 – pp. 24-31

postponed several times. It is worth mentioning that the European Commission against Racism and Intolerance has expressed concern about these restrictions, especially in the professional sphere<sup>13</sup>.

### **1.3. Recommendations to Latvia**

1) To simplify naturalization, especially the language requirements for the elderly people. To grant citizenship at birth, to those children born to non-citizen parents, whose parents do not explicitly refuse from it.

2) To grant voting rights in local and European elections to non-citizens of Latvia.

3) To review the list of professions which are not available for non-citizens.

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<sup>13</sup> ECRI's Third report on Latvia CRI(2008)2 – see para. 118