

Latvian Human Rights Committee

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Submission

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I The one specific issue of minority rights, where Latvia, sadly, keeps the first place in the OSCE region, in statelessness. As at July 2013, more than 290,000 residents of Latvia (13.27 %) are so-called “non-citizens” – lacking citizenship of any country and electoral rights even at the local level, although having permanent residence rights and in almost a half of cases born in Latvia.

The naturalization of “non-citizens” remains stagnating – not more than 2500 people a year (in 2009-2012). Even more disturbingly, hundreds of newborn get this status every year. There are more than 9000 of stateless minors.

In a troubling way, a popular initiative to offer citizenship of Latvia to “non-citizens” was stopped by the Central Election Commission in 2012, alleging that such a generous move would contradict the Constitution.

The amendments to the Citizenship Law, adopted in 2013, offer some relaxing of the prohibition of dual citizenship, to be welcomed. However, it will remain impossible for three out of four biggest groups of foreign citizens – those of Russia, Ukraine and Belarus, being countries of origin for most representatives of ethnic minorities in Latvia. The prohibition remains in force in respect of citizens of for Israel, Moldova, Central Asia and South Caucasus states etc., too.

II A persistent source of concern for those who speak minority languages as native ones (mostly Russian language – a family language of more than one third of the population, according to the 2011 census) are the initiatives to switch to Latvian-only education in public schools and kindergartens, enjoying significant support in the Parliament, as shown in the spring of 2013.

The State Language Centre (under the Ministry of Justice) widely uses its competence to impose fines for violating the standards of using Latvian language (which were made applicable to more professions during the last few years, combined with increasing the fines). Besides, on some occasions the activities of SLC are questionable even with regard to the existing standards. It has prevented several public bodies from effective use of a minority language in information campaigns, and launched several cases against officials of NGOs and businesspersons for allegedly not using Latvian language well enough.

There is some progress (achieved in 2012 by a LHRC-led litigation) in that currently it is possible to have a record of a patronymic in one’s passport. However, the Office of Citizenship and Migration Affairs avoids this recognition of a minority identity in respect of those born in the independent Latvia and therefore lacking records of their patronymics in their documents.

The issue of using minority languages in the communication with local authorities is stagnating, despite the criticism expressed in 2011 by the Committee of Ministers of the Council of Europe regarding implementation of the Framework Convention for the Protection of National Minorities (hereinafter FCNM).

III Another issue connecting the themes of language and statelessness is the reluctance to implement decisions of international human rights bodies. Notably, the 2009 judgment delivered by the ECtHR in case *Andrejeva v. Latvia*, concerning discrimination of “non-citizens” in

calculating pensions in respect of time they worked in most of the republics of the former USSR, is only partly addressed. It is, however, claimed by the government to be fully implemented, since an *ex nunc* remedy for those who worked in Russia, like Ms. Andrejeva, is provided.

In a UN Human Rights Committee case on Latvianizing minority names and surnames in documents (*Raihman v. Latvia*, decided in 2010), the reluctance is even stronger. In 2012, the government has denied the need to change legislation, despite a clear HRC request to do so.

Recommendations:

For Latvia:

To swiftly implement the judgments of the European Court of Human Rights and views of the UN Human Rights Committee, as well as to allow bringing individual communications under the International Convention on the Elimination of All Forms of Racial Discrimination;

To withdraw the restrictive declarations to Articles 10 and 11, made while ratifying FCNM;

To expand the possibility of dual citizenship, at least, to all OSCE participating states;

To make the requirements for naturalization more flexible, in particular for those elderly, born in Latvia or married to Latvian citizens; to open it as a possibility for those excluded on basis of belonging to organizations dissolved in a non-judicial way.

To grant voting rights in the local elections to all permanent residents;

To reconsider the language policy based on wider use of minority languages as a medium of instruction in public education and as a means of communication with local authorities,

To affirm the leading role of individual choice in the writing of personal names in documents, as long as Latvian alphabet is used;

To ensure proportionality of government-imposed professional Latvian language requirements and to avoid their interference with the freedom of association and freedom to conduct business, regarding the private sector, including NGOs.

To recognize that a requirement by an employer for an employee to have a command a minority language can be justified, if there is a demand to services in that minority language (for jobs implying work with customers) or a need to use it in the own affairs of an enterprise.

For OSCE:

To reaffirm its commitment to the use of minority languages in education, as expressed in the Hague Recommendations Regarding the Education Rights of National Minorities of 1996;

To invite all participating states to swiftly implement the decisions of international human rights courts and quasi-judicial bodies in individual cases, as well as to join the communications procedures of human rights treaty bodies, if they have not already done so;

To express recognition that, in order not to be discriminatory, professional language requirements, be they established by employers or governments and be they related to official or non-official languages, should respect proportionality; as regards those working in the private sector, governmental requirements should also respect freedom of association and freedom to conduct business, as well as be limited by public interests.