



CLSF Latvijas Cilvēktiesību komiteja
F.I.D.H. Latvian Human Rights Committee

МФПЧ Латвийский комитет по правам человека

Reg. No. 40008010632, address: 102a-15, Dzirnavu Str. Riga, LV1050, Latvia.

Phone +371 26420477, www.lhrc.lv, lhrc@lhrc.lv

Democratic institutions in Latvia, 2018-2019

Submission

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[1] The elephant in the room

The small Republic of Latvia remains the first in the EU by the absolute number of stateless persons, mostly those with the status of a so-called “non-citizen of Latvia”. These are former USSR citizens and their descendants with the unconditional right to residence in Latvia. As at January 1, 2019, this status is held by 224,670 people included in the Population Register, or almost 11 % of the population (13 % among voting-age population). Besides, 174 people have been recognised by Latvia to be stateless under the 1954 Convention. Virtually all members of the both groups belong to ethnic minorities. 43 % of the “non-citizens” have been born in Latvia, as at 2016, and 38 % are 65 and older, as at 2019.

These people remain voteless. This makes it simple to perpetuate exclusion of parties representing ethnic minorities from forming the government on national level. Votelessness applies even in local elections, contrary to recommendations of many international bodies including OSCE Parliamentary Assembly and High Commissioner on National Minorities

Their naturalization is stalling: in 2018, the number of “non-citizens” fell by 8,723, but just 930 people were naturalized by Latvia. Thus, mortality is the main reason of the reduction of the number of “non-citizens”.

[2] Imitation of Progress

As at September 2019, the Parliament of Latvia considers a bill (No. 274/Lp13) on granting citizenship to newborn children of "non-citizens". However, it is a "feel-good measure" only for two reasons:

1. It does not concern thousands of children "non-citizens" already born. Their right to nationality, granted by the Convention on the Rights of the Child, remains denied.

2. Since 2013, almost all newborn children of "non-citizens" receive citizenship. Just 33 babies born in 2018 were "non-citizens" as at January 2019.

It should be noted that automatic granting of citizenship to children has been recommended by many international bodies including OSCE High Commissioner on National Minorities.

[3] Other issues

UN Human Rights Committee currently considers two communications from Latvia on electoral issues: one on the requirement of high skills in Latvian language, *Baranovs v. Latvia*, (supported by our NGO) and the other - concerning prohibition of independent candidates, *Kvasnevskis v. Latvia*.

In 2019, the European Court of Human Rights has registered a complaint *Zdanoka v. Latvia No. 2* (with participation of our NGO) against the prohibition for activists of legal opposition of 1991 to run for elections. When the Court considered this prohibition to be permissible, in 2006 judgment *Zdanoka v. Latvia*, it had indicated that the ban must be lifted in the near future. However, the ban has been upheld by the Constitutional Court and applied in the 2018 parliamentary elections.

All the Latvian banks refuse opening an account to the Latvian Russian Union party. On this pretext, the political parties' watchdog refuses to pay to LRU the state funding it is entitled to based on 2018 elections result.

Many other problems remain unresolved: the procedure of popular initiatives made unrealistic; high electoral threshold of 5%; the bill on local referendum stalled in the Parliament and excluding "non-citizens"; country-selective approach to dual citizenship; prohibiting parties with less than 500 members from national and European elections, and independent candidates – from all elections; prohibiting all people with criminal record from naturalization; a possibility to refuse naturalization on vague grounds and without judicial review.

[4] Recommendations for Latvia:

1. To grant to all permanent residents - including "non-citizens of Latvia", foreigners and stateless people recognized under 1954 Convention, - 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 councilors and MPs of their mandates for allegedly insufficient command of Latvian language;
5. To adopt without further delay the bill on local referendums, allowing all permanent residents to participate;
6. To cancel the prohibition for former activists of legal opposition organizations to run for elections;
7. To allow all parties to submit candidates for elections, and to allow independent candidates to participate;
8. To lower the threshold of signatures needed for popular legislative initiatives;
9. To bring the electoral threshold in line with PACE resolution 1547 (2007) – not more than 3 %;
10. To provide political parties, on their request, with accounts in the State Treasury, in particular – for receiving state funding;
11. To ratify the European Convention on Nationality and the Convention on the Participation of Foreigners in Public Life at Local Level; to withdraw reservations to the Convention relating to the Status of Stateless Persons;
12. To allow naturalising people who committed crimes of negligence and (while under 18) non-violent crimes;
13. To ensure neutrality of naturalisation exams regarding interpretations of history;
14. To limit the level of naturalization language exams for people lacking any citizenship – it shouldn't be higher than A2.