

*Resolution of the 6th conference
of NGOs of Russia's compatriots in Latvia August 24, 2013, Riga*

*To the EU Agency for Fundamental Rights,
the UN Human Rights Committee, the Council of Europe,
the European Parliament, the Congress of Local and Regional Authorities,
the OSCE, international human rights organizations*

**On the non-compliance of the local elections in Latvia
held on June 1, 2013, with the European democracy standards**

The European Union, the part of which Latvia has already been for 9 years, spends lots of efforts to export the democratic ideals to neighbouring countries. However, such a basic element of democracy as the universal suffrage has not been available to a large part of members of national minorities in Latvia (38%) and Estonia (22%)¹ since 1991. In Latvia and Estonia, there are, thus, 70% and 22% of the stateless people² living among 500 million inhabitants of the EU.

Among the “non-citizens” (stateless) of Latvia there are 41% of locals, including 74%³ of persons younger than 50 years of age. 57% of “non-citizens” in Estonia are locals, including 22%⁴ of those in the third, fourth etc. generation.

In 2012, 1156 inhabitants of Estonia went through naturalisation, in Latvia – 2213 inhabitants⁵, which means, that for the rest of the “non-citizens” it should take 80 and 133 years to go through naturalisation. Judging by the pace of admission to citizenship per capita, Latvia ranks the 13th place, Estonia – the 20th place among the 33 EU countries, the EFTA and candidate countries⁶.

There are still 80 differences in the rights of citizens and “non-citizens” of Latvia, including bans on certain professions, public offices, property rights and social security restrictions etc. Besides, in 16 cases, those rights, which Latvian local “non-citizens” cannot enjoy, are exercised by the citizens of the EU⁷ temporarily living in Latvia. In particular, Latvian “non-citizens” do not have the right to participate in elections of any level (unlike the EU citizens, not even in local elections). “Non-citizens” of Estonia cannot stand in municipal elections as candidates, either.

In the past 20 years, there have been seven elections to the Saeima (the parliament of Latvia), two elections to the European Parliament. None of these elections could be considered as universal ones, which was pointed out by the OSCE finding the democracy deficit because of deprivation of the right to vote for a significant group of minorities. The local elections of the year 2013 have become the sixth in a row, and the third after joining the EU, again held without participation of “non-citizens”.

During the stay in the EU, Latvia hasn't reached any progress in expansion of political rights of ethnic minorities. Numerous international recommendations addressed to Latvia in this issue⁸ have been systematically ignored.

Moreover, Latvia has deviated from compliance with the earlier decisions of the UN Human Rights Committee⁹ and the European Court of Human Rights¹⁰ on the illegality of language requirements for candidates for deputies. Restrictions for the candidates, which were not in force on local elections in 2005 and 2009, regained force two months after elections in 2009 as a requirement to those councillors, who have won the mandate and taken the office¹¹.

As the result, the Latvian municipal elections of 2013 for the first time were held under such conditions, when the elected councillors not only were required to present the C1 level of Latvian language (the 5th level out of 6), but there was also a procedure introduced, which would make them lose mandate. Compliance of these requirements with the Constitution and Latvia's international obligations, including

¹ Data on the proportion of “non-citizens” among the national minorities from the population census in 2011 in both countries.

² UNHCR figures for 2011/12 are provided in the book of V. Buzaev “The legal status of Russian-speaking minorities in Latvia”, Riga, 2012, page 123.

³ The second national report on the implementation of the Framework Convention for the Protection of National Minorities in Latvia, 2012, Table 2.

⁴ Census data for 2011, table PC0529.

⁵ Data from migration departments of both countries for 2013.

⁶ Eurostat data for 2010, the source from the book of V. Buzaev, 2012, page 130.

⁷ Source from the book of V. Buzaev, 2012, appendix 1.

⁸ The list of 18 recommendations, given to Latvia by various EU institutions, the UN, the Council of Europe and the OSCE, is presented in the book “Citizens of a non-existent state», Riga, 2011. In 14 of them, it is recommended to allow the “non-citizens” to participate in local elections.

⁹ The case CCPR/C/72/D/884/1999, 2001.

¹⁰ Case 46726/99, 2002.

¹¹ Source from the book of V. Buzaev, 2012, appendix 2.4.3.

the Regulation 1994/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the EU residing in a member state of which they are not nationals, was contested before the Constitutional Court¹². From all the EU countries, language requirements on councillors are imposed only in Belgium, without the right to remove from office those who do not comply.

According to the data of representative surveys¹³ (2008), there are about 80% of citizens – non-Latvians, which is about 300 thousand people, who do not comply with language requirements set for local councillors. Another 260 thousand “non-citizens” in voting age are deprived of the right to vote, which means that the right to be elected is not available or significantly restricted for almost 90% of adult representatives of national minorities or 30% of the whole population of the country.

Long-term democracy deficit, manifested in non-correspondence of elections in local governments to the criterion of universal suffrage, has led to a sharp discrepancy between the proportion of candidates and members of ethnic minorities even with their proportion among persons formally exercising political rights (table 1)¹⁴.

Such disproportion is common for all Latvian statistical regions (table 2)¹⁵. In 70% of local authorities, there was not more than one representative of national minorities elected, in 49% of local authorities – there were none. At the same time, the number of ethnic minorities among citizens in these local authorities is fluctuating between 3% - 33%, and 4% - 42% among the population.

The situation in Latvia with the mass statelessness and disproportionate language requirements, as well as the situation with unfair municipal elections, which are very far from the criterion of universal suffrage, is a provocation to European democracy. We hope the European and international human rights organisations to be aware of this provocation and to take appropriate measures to resolve the situation in accordance with the proclaimed international standards on human rights.

Table 1

Percentage of candidates and councillors from ethnic minorities compared to their number in the population over the period from 1997 to 2013.

Year	candidates	councillors	voters	population
1997	6.02		21.7	43.4
2001	7.9	7.55	23.2	42.1
2005	11.14	9.72	25.4	41.2
2009	12.2	9.34	27.8	40.7
2013	13.72	10.5	27.7	39.5

Table 2

Percentage of councillors from ethnic minorities in statistical regions of Latvia after elections in 2013.

	councillors	voters	population
Major cities	30.81	41.5	56.0
Latgale	18.18	36.9	42.2
Vidzeme	6.61	14.5	22.6
Zemgale	5.63	14.6	23.0
Kurzeme	4.50	6.7	10.7

¹² The trial initiated on 13 December 2012 will begin on 8 October 2013.

¹³ The Baltic Institute of Social Research. Language. March-April 2008, Table 7.

¹⁴ Data on candidates for deputies and deputies for 2001-2009 - CBS, Table Pr10; for 2013 - CEC. From 1618 deputies elected in 2013, 411 did not specify their ethnicity to the CEC, and it is stated in our experts' review. The corresponding proportion is extended also for data of the years 2001 - 2009.

¹⁵ There is a combined data about nine major cities in the republican subordination. Thus, the data on cities is excluded from the 4 statistical regions.