

CITIZENS OF A NON-EXISTENT STATE



***The long-term
Phenomenon
of Mass
Statelessness
in Latvia***

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The Greens | European Free Alliance
in the European Parliament



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Latvian Non-Citizens

- Who are they?

Latvian non-citizens can be regarded neither as citizens, nor as aliens and stateless persons but as persons with "a specific legal status".

Constitutional Court of Latvia, judgment of 7 March 2005

Non-citizens permanently residing in one of the "old" EU Member States are mostly foreigners, i.e. people having nationality of another country. Their political rights in the country of residence may be different. Nevertheless, being nationals of a particular foreign country, they enjoy the full scope of political rights of citizens of that country. They also have the right to freely return to the state of which they are nationals. On the other hand, the state of residence retains the right to deprive them of residence permit under certain circumstances.

Non-citizens of Latvia have the right to freely return only to **Latvia!** No foreign country grants them this right. Moreover, they are under the legal protection of the Latvian state and have the right not to be expelled from Latvia. The only political right they enjoy is the right to be a member of a political party in Latvia.

There are about 320,000 non-citizens of Latvia forming 14% of the whole population. They account for 35% of the ethnic minority population of Latvia.



Public demonstration in Riga against mass statelessness on 1 May 2004, i.e. on the day Latvia joined the EU

How did the non-citizens of Latvia come to be?

All adult bearers of the status “non-citizen of Latvia” were permanent residents of the country during the early nineties. In 13 out of 15 former USSR Republics (Lithuania among them), registration of residence served as a sufficient basis to automatically receive citizenship of the independent state - via the so-called “zero option”. But it was not the case in Latvia and Estonia.

In the late eighties the leaders of Latvia’s independence movement promised citizenship to every permanent resident who wished to be a Latvian citizen (para. 2.5. of the pre-election program of the “Popular Front”, adopted in October, 1989). Many persons belonging to ethnic minorities believed this promise and voted in favour of an independent democratic Latvia at the referendum in 1991. However, these people were deceived.

On 15 October 1991, a month after the recognition of Latvia by most of the UN Member States, on the same day that the Chairman of the Supreme Council of Latvia signed the 1975 Helsinki Act, the Supreme Council adopted the resolution entitled “On the Renewal of the Republic of Latvia Citizens’

Rights and Fundamental Principles of Naturalization”. By this act, citizenship of Latvia was granted only to those residents who were citizens up to 17 June 1940 as well as their descendants.

One third of the population of Latvia were deprived of all political rights in spite of possessing these rights at the time of the previous elections. This is a unique case in parliamentary history: a parliament deprived its own voters of citizenship and, thus, voting rights.

The status of those residents who were not granted citizenship of Latvia after the adoption of the resolution mentioned above was not certain for a long time.

In June 1992 the Law “On Entry into and Residence in the Republic of Latvia of Aliens and Stateless Persons”, regulating the procedure for acquiring residence permits by its subjects was adopted by the Supreme Council. Only skilful work by MPs from the opposition group “For Equal Rights” stopped attempts to make all residents not granted Latvian citizenship subject to this law. The Supreme Council announced that the status of those who prior to this law taking effect (namely, 1 July 1992) would have acquired permanent registration of residence would be subject to a special law.

The law in question, entitled “On the Status of Former USSR Citizens, Who are not Citizens of Latvia or Any Other State” was adopted on 25 April 1995. Subjects of this law called “non-citizens of Latvia” were issued special Latvian non-citizen’s/alien’s passports.



“Last prisoners of the Cold War” are taking part in demonstration in Riga, in front of the Freedom Monument on 4 May 2005, i.e. on the day of the 15th anniversary of the Declaration of Independence of Latvia

What kind of legal status do non-citizens of Latvia have?

The Constitutional Court of Latvia in its judgment of 7 March 2005 declared: "After passing the Non-Citizen Law a new, and hitherto unknown category of persons appeared – Latvian non-citizens. Latvian non-citizens cannot be compared with any other status of a physical entity, determined in international legal acts, as the rights, established for non-citizens, do not comply with any other status. Latvian non-citizens can be regarded neither as citizens, nor as aliens or stateless persons but as persons with "a specific legal status".

What does "a specific legal status" mean?

The Constitutional Court of Latvia in its abovementioned judgment asserts: "The status of a non-citizen is not and cannot be regarded as a variety of Latvian citizenship".

On the other hand, the Constitutional Court declares "However, the rights and international liabilities, determined for non-citizens testify that the legal ties of non-citizens with Latvia are to a certain extent recognised and mutual obligations and rights have been created on the basis of the above. It follows from Article 98 of the Satversme (Constitution of Latvia), which inter alia establishes that everyone having a Latvian passport shall be protected by the State and has the right to freely return to Latvia".

But are protection by the State and the right to freely return to this state not essential characteristics of nationals? It is evident that judges of the Constitutional Court had to ask themselves this logical question. And they did give an answer in their judgment: "The fact, whether the Latvian non-citizens can be regarded as nationals in the understanding of international law is not only a juridical but mainly a political issue, which shall be reviewed within the framework of the democratic political process of the state".



What is the politics behind the creation of “non-citizens of Latvia”?

The authors of the book “The Last Prisoners of the Cold War. The Stateless People of Latvia in their own Words” (Riga, 2006), three of whom are also the main contributors to the present publication, gave the following answer to this question: “Twenty years have passed since the end of the Cold War. Fifteen years have passed since the USSR dissolved giving rise either to new or restored independent states... But still the discussion continues on who personally is guilty for the policy of communist governments and how they should be punished... Some nations found a local solution. The most radical of them was invented in the Baltic countries of Latvia and Estonia - the states punished their local Russian-speaking minorities... After sixteen years of independence, after Latvia joined the EU and NATO it is still holding 400,000 Cold War prisoners “liberating” them slowly and reluctantly”.

Some theoretical background for the concept of turning those Latvian residents who had arrived during Soviet times into second class people can be found in the thinking behind the restoration of the pre-war Latvian Republic. Though *de facto* non-existent, the state is presented as if in *de jure* existence during this period, and now it makes retrospective claims regarding those generations of people who have lived on its territory for 60 years. It does so whilst ignoring the logic that these people found themselves *de facto* living in the Soviet Union rather than in a Latvian state which was not able to have supplied them with entrance visas and residence permits.

Inventors of the “specific” status of non-citizens established in the title of the Law regulating their status make use of the odd notion of “phantom” citizenship of a non-existent state - the USSR. By stating that non-citizens are not stateless persons they aimed to help Latvia evade fulfilment



Demonstrators in front of the Parliament of Latvia on 15 October 2003, i.e. on the day of the 12th anniversary of the adoption of resolution dividing population of Latvia into citizens and non-citizens, are bearing poster with the slogan: “For How Long!?”

of a number of international obligations, in particular, under the UN Convention on the Reduction of Statelessness (1961) as well as under the European Convention on Nationality (1997). But in reality they have created nothing more than the entity of **second-class citizens of the country**.

It is clear that the rights of persons to be protected by the state and to freely return to Latvia which non-citizens enjoy by Law are essential characteristics of citizens. On the other hand, Latvian non-citizens do not have the right to participate either in national or local elections. Restrictions relating to more than thirty professions are still in force for Latvian non-citizens. Even when some of these restrictions are abolished, new ones appear, and the total has remained almost the same for past 15 years (see "Differences between rights of Latvian citizens and non-citizens" in Appendix 1 and "List of some bilateral and international agreements discriminating against non-citizens" in Appendix 2).



Hundreds of people took part in the rally «20 years without rights!» in the front of the Parliament of Latvia on October 14, 2011. In a sign of protest against mass statelessness they burned fake alien's passports.

The problem of mass statelessness will remain an issue even in 2025, since the number of non-citizens will even by that date only have halved, if the status quo persists: the dynamics of changes in the numbers of non-citizens can be found in the article by Vladimirs Buzajevs below.

Moreover, tens of thousands of non-citizens are deprived of the right to be naturalised. Citizenship Law adopted on 22 July 1994 excludes a large number of residents of Latvia from acquiring Latvian citizenship. According to Article 11 of the Law, citizenship of Latvia shall not be granted to persons who:

- 1) through the use of anti-constitutional methods opposed the Republic of Latvia's independence, its democratic parliamentary state system or the existing state authority in Latvia, if this has been established by a court decree;
- 2) after 4 May 1990, have propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or have stirred up ethnic or racial hatred or discord, if this has been established by a court decree;
- 3) are officials of institutions of a foreign state authority, foreign state administrative body or foreign state law enforcement body;
- 4) serve in the armed forces, internal forces, security service or the police (militia) of a foreign state;
- 5) after 17 June 1940, have chosen the Republic of Latvia as their place of residence directly after demobilisation from the USSR (Russian) Armed Forces or USSR (Russian) Interior Armed Forces and who, on the day of their conscription or enlistment, were not permanently residing in Latvia;
- 6) have been employees, informants, agents or have been in charge of conspiratory premises of the former USSR (LSSR) KGB or other foreign security service, intelligence service or other special service, if such a fact has been established according to the procedures established by law;
- 7) have been convicted in Latvia or another state to imprisonment for a term exceeding one year for an intentional crime which was considered as a crime in Latvia at the moment this Law comes into force;

8) after 13 January 1991, have acted against the Republic of Latvia through participation in the Communist Party of the Soviet Union (Latvian Communist Party), Working Peoples' International Front of the Latvian SSR, United Council of Labour Collectives, Organisation of War and Labour Veterans, or the All-Latvia Salvation Committee and its regional committees.

It has to be pointed out that the organisations mentioned in para. 8 had hundreds of thousands of members and acted legally in Latvia prior to September 1991 when, having been prohibited, they stopped their activities.

How can the problem of mass statelessness in Latvia be resolved?

A number of international recommendations concerning non-citizens in Latvia, including one to grant them rights to participate in local elections have been completely ignored (the full list of recommendations, compiled by Aleksejs Dimitrovs and Aleksandrs Kuzmins, is included into this book).

The numerous attempts to amend the law on local elections in order to grant non-citizens the right to vote by the parliamentary group *"For Human Rights in a United Latvia"* were unsuccessful.

For how long will the international community close its eyes to such complete rejection of such proposals?

Time is running out for the non-citizens of Latvia. In Latvia our appeals have fallen on deaf ears - the clock is ticking, but Latvia's political masters prefer to keep their heads buried in the sand. Such an approach is unsustainable and is not in keeping with a modern Latvia's duty and responsibility as a member of the European Union.



Tatjana Ždanoka, MEP

The Long-term Phenomenon of Mass Statelessness in Latvia

The non-citizens of Latvia form that section of the permanent population of the country, who are excluded from the community of Latvian citizens, as outlined in the Resolution "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization", adopted by the Supreme Council of the Republic of Latvia (transitional Parliament) on 15 October 1991, and, later on, in the Citizenship Law, which was adopted by the Saeima (Parliament) on 22 July 1994. Under these legislative acts only people who were citizens of the Republic of Latvia on 17 June 1940 and their descendents were admitted to this community. The legal status of stateless persons is determined by the law "On the Status of Former USSR Citizens who are not Citizens of Latvia or Any Other State" of 12 April 1995.

The division of the population into citizens and non-citizens, which had been a fundamental part of the state's formation of the Republic of Latvia proclaimed on 4 May 1990, was formally aimed at reviving some sort of a community of citizens of the Republic of Latvia, proclaimed on 18 November 1918. This does not appear to have been done on ethnic grounds, but the final result is such that granting citizenship to the representatives of national minorities has been selective.

Let's take one of the official grounds for the chosen criterion: "One has first of all to take into consideration that the above matter cannot be regarded as isolated from the complicated ethno-demographic situation, which was created as a result of the Soviet occupation... During the occupation of Latvia the USSR purposefully committed genocide against the nation of Latvia... As a result, the number of Latvians decreased but that of aliens, especially Russians, Belorussians and Ukrainians materially increased." (From the judgment of the Constitutional Court of the Republic of Latvia of 13 May 2005).

No convincing evidence has been found, however, of the "genocide against the nation of Latvia by the USSR".

Let's take an historical excursion into the ethno-demographic background of Latvia over the past 110 years.

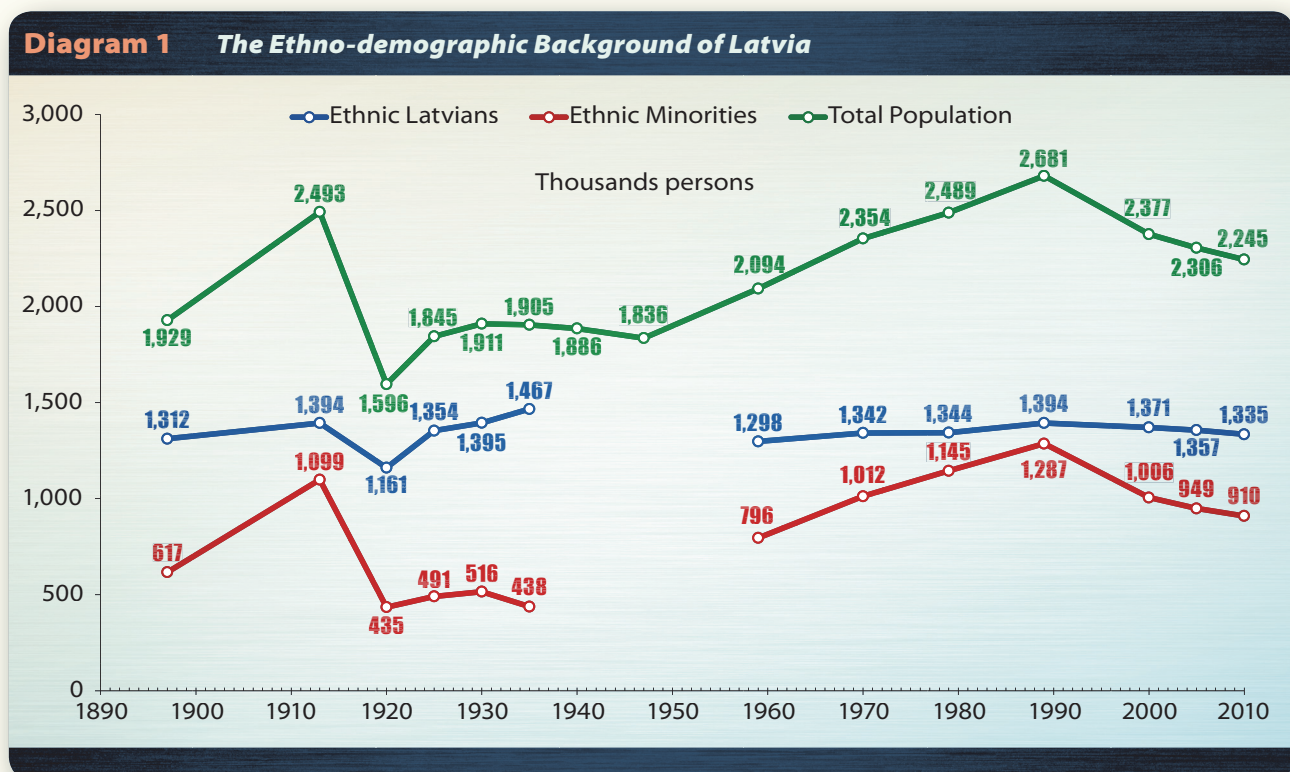


Diagram 1 shows that in the period of the purported "genocide against the nation of Latvia by the USSR" a constant growth in the Latvian population can be observed, replaced by a similarly constant fall during the period of the independent country since 1990.



Demonstrators in Riga on 1 May 2004, i.e. on the day Latvia joined the EU, are keeping banner with the slogan: "27% are Aliens in Latvia. Welcome to Europe"

The periods of rapid population growth at the time of the Russian Empire (35.2 thousands per year in the period from 1897 to 1914) and the USSR (19.6 thousands per year in the period from 1959 to 1989) can be explained in full by the corresponding industrial development of the region and the migration from other territories with high birthrates, which were part of a unified state.

According to the 1989 census of the population of the USSR, the population of Latvia increased by 6% over the previous 10 years, while the population of the USSR as a whole grew by 9%. The population of Riga grew by 10% during this period, and this was the smallest index amongst all the capitals of the Soviet republics (now sovereign states). On average during this period the population of those cities of the USSR with between 500,000 and one million inhabitants increased by 18%. Thus in this period, there was no deliberate change in the ethno-demographic situation but, on the contrary, a deliberate restraining of the natural demographic pressure.

Since 1991 the population of Latvia has decreased by almost 16%. For comparison, the Soviet Union during World War II lost about 14% of its population.

Only 12.5% of the population loss is at the expense of ethnic Latvians. The relative rate of reduction of ethnic minorities for the entire 20 year period was almost 8 times higher than of ethnic Latvians. During the period from 1989 to 2010 the Jewish population has decreased by 58%, Ukrainians – 40%, Belorussians – 33%, Russians – 32%, Lithuanians and Poles – 14%, Latvians – by only 4%.

Demographic history of this time period is clearly divided into two dissimilar decades – before and after the beginning of this century.

In the first decade (1990s) more than 2/3 of the population loss was suffered. However, 60% is due to emigration and 40% - is due to an excess of deaths over births. The relative decrease in ethnic minorities in this period was up to 18 times higher than that of ethnic Latvians.

In this century the main cause of population decrease has been the excess of deaths over birth, which accounted for about 82% of the loss. The number of ethnic Latvians during this period decreased by 2.6%, ethnic minorities – by 9.6%. The rate of loss of national minorities is almost four times higher, mainly due to the difference in the level of fertility and mortality.

Statistical Data of the Initial Registration of Non-citizens

The initial census in the newly created Population Register was chosen as an instrument for implementing the Resolution of the Supreme Council “On the Renewal of the Republic of Latvia Citizens’ Rights and Fundamental Principles of Naturalization” which provided for the division of the population into its citizens and simply “permanent residents”. On 11 December 1991 the law “On the Population Register” was passed, which provided for the inclusion (Article 11) into the Register of “people born on the territory of the Latvian Republic or having entered Latvia, [with the exception of] foreigners specially protected by international law”. Paragraph 2 of the Resolution, concerning the implementation of this outwardly democratic law, states that Article 11 of the law “will not apply to active servicemen of the armed forces of the USSR temporarily stationed on the territory of the Latvia, and persons registered as residents on ... military bases”.

The Citizenship and Immigration Department of Latvia (CIDL), set up to enforce the law “On the Population Register”, at this point embarked on creative interpretations of the terms “active serviceman”, “military base” and “permanent registration”. The concept of “active servicemen” included all retired officers together with their families. The term “registered as resident on a military base” would be understood to mean registered in ordinary homes built at some time by the Baltic Military District and remaining on their books. And residence in hostels was not considered to be permanent.

All persons who were subjected to these artificially (and illegally) enforced restrictions received in their Soviet passport a round stamp with the number of the registration division of the CIDL that they had visited, instead of the square stamp of the Population Register, with a personal number. They were known colloquially as “roundstamper” for short.

The total results of this initial census, for which 31 March 1993 was set as a deadline for completion, are shown in Table 1.

	Inhabitants	Citizens	Registered non-citizens	“Roundstamper”
Latvia	2,606,176	1,729,740	714,980	161,456
Riga	874,172	431,991	352,973	89,208
Latvia		62.9%	27.4%	6.2%
Riga		49.4%	40.4%	10.2%

The Latvian Human Rights Committee estimates that the number of people refused registration under the pretext that they were residing in homes built by the Baltic Military District amounted to 57 thousand, and under the pretext of their residing in hostels – 72 thousand people. Following a series of protests as well as a legal advice campaign organized by the Latvian Human Rights Committee aimed at explaining to residents of Latvia their rights to inclusion in the Population Register, and mass law suits brought against the CIDL for unlawful actions, the leadership of the department announced their decision in May 1994 to register residents of the homes built by the Baltic Military District and also of hostels.

The data of the Population Register as of October 1993 (having been subjected to mass falsification in terms of lowering the duration of residence and even of denying facts of births in Latvia) bear witness to the fact that 214,387 (or 32%) of all stateless persons entered in the Population Register were born in Latvia. Since as recently as 1993 a further 13,310 children were born in Latvia, who did not get the citizenship of Latvia or any other state, according to the Population Register data on 1 July 2011.

According to the data of the Population Register, in October 1993 the mother and father of 1,171,743 residents were citizens of the Republic of Latvia. In law, however, for a person to be considered a citizen of Latvia, it is sufficient for one parent to have been a citizen of Latvia on 17 June 1940 or a direct descendant of such a person. Over the 50 post-war years in Latvia a considerable number of mixed families have appeared. In October 1993, there were 395,928 residents with only one parent who was a citizen of the Republic of Latvia. Among all the descendants of stateless persons the proportion of those who were granted citizenship from one of the parent-citizens amounted in 1993 in Latvia to a total of 32.5%.

It is interesting to note that if Latvia were to adopt the model of the Athenian slave-state (whereby only a child whose two parents are citizens can be considered a citizen himself), then in 1993 there would be 1,217,593 stateless persons in Latvia, i.e. 4% more than citizens.

Among non-citizens born outside Latvia, the qualifying period for residence has been broken down as follows:

Table 2 *Qualifying Period for Residence in Latvia for Non-Citizens born outside the Country (Data as of October 1993)*

Qualifying period (years)	>10	>15	>20	>25	>30	>35	>40
Proportion (%)	91.5	80.0	69.4	56.7	45.0	33.1	20.9

In 1993, i.e. 18 years ago, the average qualifying period for residence in the country for a non-citizen born outside Latvia was 26.4 years.

The largest number of stateless persons born in Latvia – 6,749 – was in 1983. They started their studies at school in the year of the Declaration of Independence, and completed them in 2002. In 2011 there remained in Latvia 3,160 stateless persons who were born in 1983.

In 1993 there were 1,655 stateless persons living in Latvia, having entered the country prior to 1940, and 955 who were born in Latvia before that date, including 113 who had entered and 192 who had been born prior to 1918.

In 1993 there were registered 5,232 stateless persons, having entered the country during the period between 1941 and 1944. The overwhelming majority of these were inhabitants of the neighboring regions of Belarus and the Russian Federation, having been forcefully re-settled here by the Nazi regime.

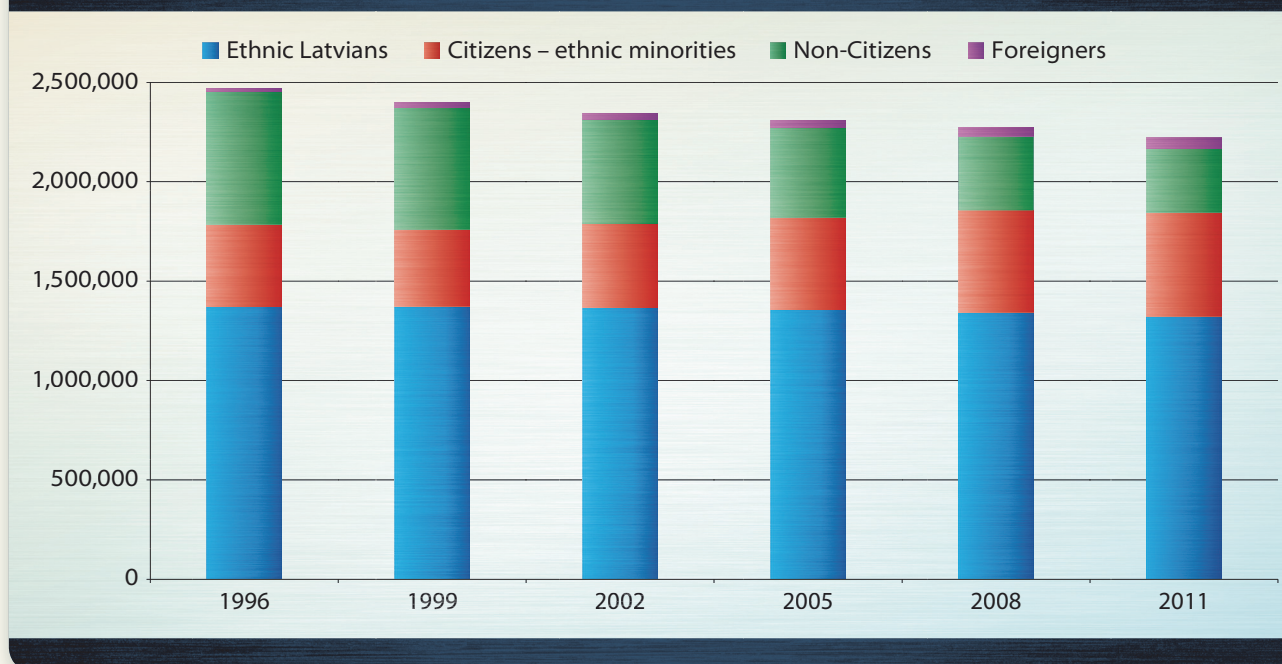
The Dynamics of Reduction in the Number of Non-Citizens

From the viewpoint of reducing the number of non-citizens historical periods since the adoption of the Resolution of the Supreme Council "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization" (15 October 1991) until the first reliable statistics (1 January 1996) and respectively from then until now, are of interest.

A rough evaluation of the first period gives the following results: loss of non-citizens – 131,805, of which the natural decrease is 21,303 (16.2%), obtaining citizenship of another state – 12,842 (9.7%), obtaining Latvian citizenship through the naturalization procedure – 984 (0.7%), emigration – 96,676 (73.3%). According to the CSB (Central Statistical Bureau) data in the period from 1991 to 1995 168,230 people left Latvia. At least 57% of them were non-citizens.

The rate of the reduction in the numbers of non-citizens and changes in the number of persons with another legal status during the second period is reflected in the following Diagram 2:

Diagram 2 Changes in the Number of Population of Latvia with the Different Legal Status



The absolute and relative numbers of non-citizens as of August 1993, January 2000 and July 2011, are shown in table 3:

Table 3 The Total Number of Non-Citizens

Total number of non-citizens			Percentage of non-citizens within the population		
1993	2000	2011	1993	2000	2011
876,436	588,225	319,267	33.6	24.6	14.3

The absolute and relative numbers of non-citizens belonging to the main ethnic groups, as of August 1993, January 2000 and July 2011, are shown in table 4:

Table 4 The Ethnicity of Non-Citizens

Ethnicity	Number of non-citizens			Ethnic distribution of non-citizens (%)			Percentage of non-citizens in the ethnic group		
	1993	2000	2011	1993	2000	2011	1993	2000	2011
Russians	505,486	393,190	209,934	64.24	66.84	65.75	60.90	55.61	34.59
Belorussians	81,919	74,111	43,172	12.06	12.6	13.52	79.90	75.63	55.31
Ukrainians	70,555	54,705	30,625	8.62	9.30	9.59	93.70	85.54	56.30
Lithuanians	25,918	17,087	8,412	3.81	2.90	2.63	79.50	50.87	28.83
Poles	21,581	20,114	10,845	3.53	3.42	3.40	38.40	33.49	21.28
Latvians	21,745	4,712	1,198	3.20	0.80	0.38	1.57	0.34	0.09

It should be taken into account that the table shows a reduced (by approximately 20%) absolute number of stateless persons for each ethnic group in 1993, as the data of the Population Register does not include "roundstamper" (see Table 1).

Incidentally, the more reliable data of the Population Register in 2000 show that if in 2000 non-citizens were pre-dominant in the 4 largest of the 5 groups of ethnic minorities, then by 2011 there remained only two of these groups: Ukrainians and Belorussians.

The number of non-citizens since 1995 decreased from approximately 700,000 to 326,735 on 1 January 2011, and their proportion among the ethnic minorities – from 60 to 36%. The reasons of this reduction are: obtaining of Latvian citizenship in various procedures – 40%, mortality – 32%, emigration – 17%, obtaining of citizenship of other countries – 11%.

In recent years obtaining of Latvian citizenship is no longer the main reason for the reduction in the number of non-citizens. In 2009 these reasons were respectively: mortality – 39%, obtaining of Latvian citizenship – 24%, emigration – 19%, obtaining of citizenship of other countries – 18%.

The decrease in numbers of any population, including non-citizens, can be described as an attenuating exponential, and the period over which these numbers are reduced twofold can be calculated by using the formula: $t = \ln(2)/v$, where v is the annual relative rate of population decrease.

As of 1 July 2010, 335,917, but as of 1 July 2011 - 319,267 non-citizens were living in Latvia.

Thus, the rate of population decrease is:

$$V = (335,917 - 319,267) / ((335,917 + 319,267) / 2) = 0.05083$$

The population's 'half-life', i.e. the reduction in the number of non-citizens to 160,000 people, amounts to:

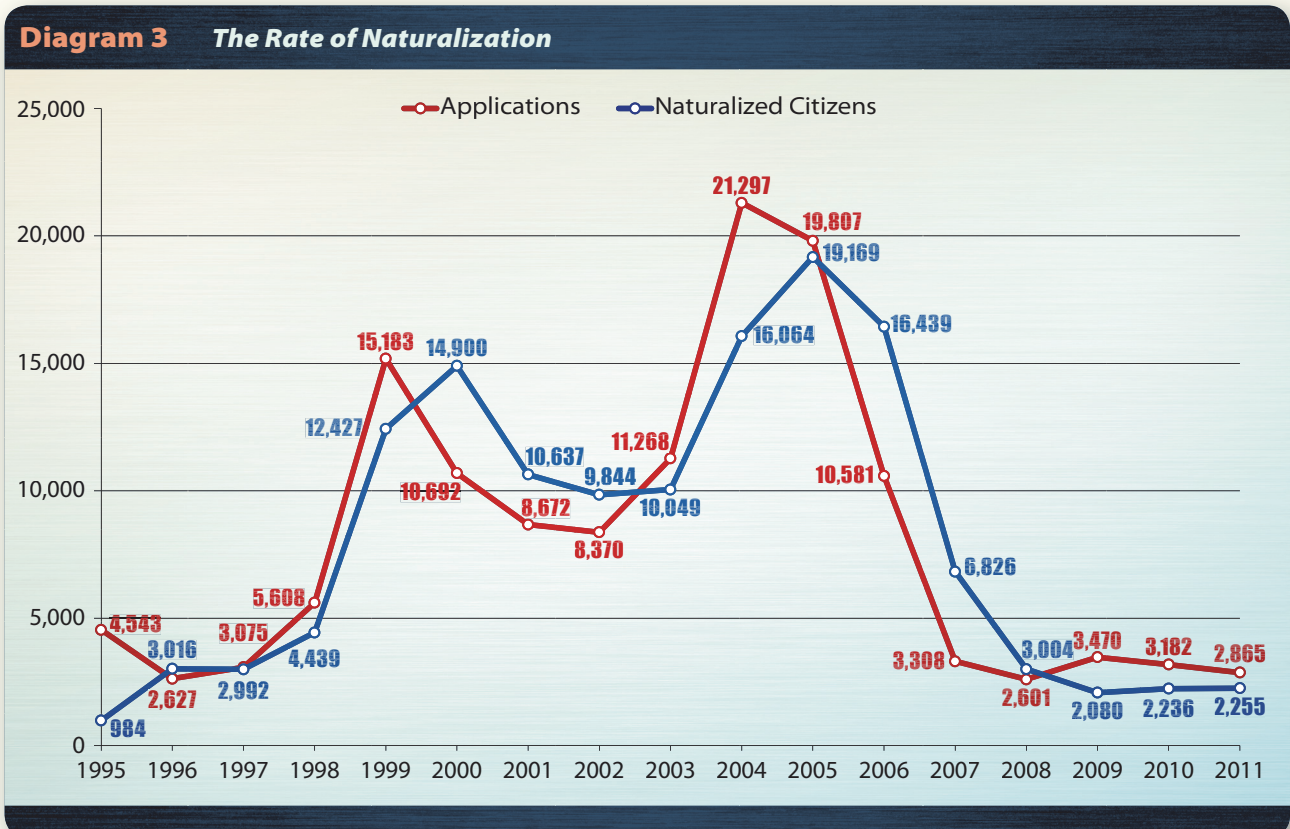
$$0.693 / 0.05083 = 14 \text{ years.}$$

Thus in the event that legislation on citizenship does not change, the problem of mass statelessness will remain an issue even in 2025.

As has been noted above, the Latvian authorities have already once chosen a "half-way" zero option by recognizing as Latvian citizens all those whose one parent was a citizen of Latvia. As a result of this one-off act, 395,928 people received Latvian citizenship. This number is greater than the 319,267 non-citizens living in Latvia at 1 July 2011.

Naturalization

The dynamics of naturalization is shown in Diagram 3.



The data for 2011 has been calculated by extrapolating from the first 9 months.

The peaks of application submissions fall one year before the peaks of the granting of citizenship, which is explained by the fact that it takes approximately one year to consider applications, including verifying that the biography of the person applying for naturalization satisfies legal requirements, and taking examinations.

The peak in 1999 is explained by the abolition of quotas for naturalization (postponing the right of elder non-citizens to apply for citizenship), which dramatically widened the circle of applicants.

The peak of 2004-2005 was not caused by any noticeable changes in legislation. The most popular explanation for this, appearing in the media, is the mass decision of non-citizens to emigrate to Europe as a result of Latvia's entry into the EU. And the following sharp fall is explained by the fact that MEP Tatjana Ždanoka managed to achieve the lifting of the visa requirement for non-citizens within the EU. Then non-citizens got the right to travel without visa to Russia as well.

We are not aware of any particular public opinion surveys that might confirm or disprove this conclusion. At any rate, the last part of it arouses some doubt as the lifting of the visa requirement for non-citizens only materialized in January 2007, whereas the number of applications had already decreased twofold in 2006. The right of visa-free travelling to Russia was obtained later – in June 2008.



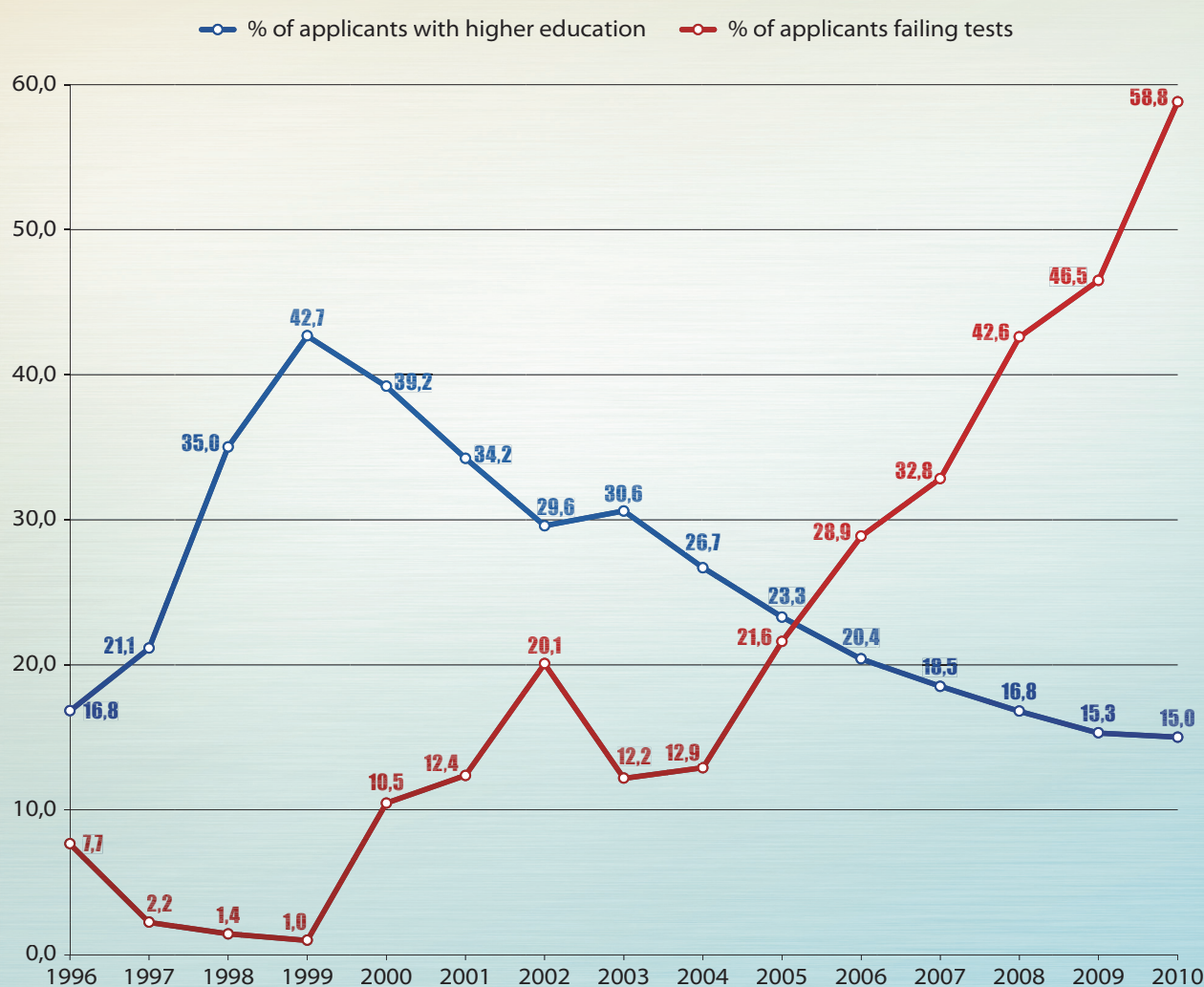
These children came with their parents to participate in the public demonstration in Riga against mass statelessness on 30 September 2005

An equally likely explanation for the dramatic rise in applications in 2004-2005 is the unprecedented revival of the Russian-speaking community, occasioned by the struggle against the "school reform"; and for the sharp fall – the realization just how difficult it is to achieve even the slightest recognition of national minority opinion.

Compared with the peak observed in 2005, the number of naturalized persons has decreased almost tenfold, constituting, respectively, 2080 and 2336 people in 2009 and 2010.

In our opinion the naturalization process slows down also by reason of the complexity of statutory checks. This is confirmed by the obvious connection between the number of people not being able to pass a test the first time, and the level of education of the applicants (Diagram 4).

Diagram 4 The Level of Education of Applicants for Citizenship of the Republic of Latvia and Examination Results



A mirror correlation between the two factors is obvious. It is possible that the high educational potential of applicants has already been physically exhausted. It should not be forgotten that the number of people with higher education throughout the population (the figures are from the 2000 census) only comes to 13.9%, i.e. an increased number of people not being able to pass examinations is to be expected.

The increase in the number of people unable to pass examinations in the last five years has been steadily accompanied by a decrease in applications submitted (see Diagram 3). In the 2010 exam more than half of the applicants failed on the first attempt.

Objective assessment of the level of complexity in language testing was conducted by the Naturalization Board in 2008. The research contains a comparative analysis of language tests for citizenship applicants in 36 countries. Out of 29 countries where the difficulty of the language tests is known according to the European classification ALTE, the only country in which the degree of complexity was higher than in Latvia (B2 – fourth level of complexity), was Denmark. Four countries (Great Britain, Latvia, Czech Republic and Finland) have requirements of the next lower level (B1). In five countries (Germany, Luxembourg, Slovenia, Russia and Estonia) the requirements are for a half-level below (A2/B1). In 10 countries (Australia, Austria, Bulgaria, Canada, Greece, Lithuania, Netherlands, USA, France and Croatia) requirements do not exceed the first or second level of complexity. In 9 countries (Belgium, Ireland, Iceland, Spain, Cyprus, Liechtenstein, Norway, Poland and Sweden) there are no language requirements for applicants at all. Furthermore, at least in 6 countries (Australia, Canada, Great Britain, Lithuania, Slovenia and USA), elderly people are exempted from a language examination.

Moreover, there are clear contradictions between the legal requirements relating to tests in Latvian – a working, everyday knowledge of the language – and the regulations of the Cabinet of Ministers, which stipulate that tests on the Constitution and history of Latvia must be done in Latvian.

The comparison of the distribution of applicants according to age with that of all non-citizens shows that the process of naturalization is absolutely ineffective for elderly people, who now form the majority of non-citizens:

Table 5 *The Rate of Naturalization of the Main Age Groups of Non-Citizens*

Age groups	Total number of applicants in the age group over the entire period of naturalization (1996-2010)	Distribution of applicants by the age groups over the entire period of naturalization (1996-2010)	Number of non-citizens in the age group in 2010	Distribution of non-citizens by the age groups in 2010
15-17	10,856	8.40%	2,691	0.87%
18-30	42,527	32.89%	31,126	10.05%
31-40	25,442	19.68%	37,732	12.19%
41-50	26,023	20.13%	53,004	17.12%
51-60	15,809	12.23%	69,491	22.44%
>60	8,634	6.68%	115,562	37.33%

An obvious conclusion may be drawn from all the facts presented: the procedure for naturalization needs to be radically simplified, particularly for people over the age of 50. This conclusion also coincides with the recommendations of international organizations (see the list of recommendations compiled by Aleksejs Dimitrovs and Aleksandrs Kuzmins below).

Recently the status of foreigner (mostly – a citizen of Russia) became more popular among non-citizens than the status of Latvian citizen. In the years 2008, 2009 and 2010 respectively, 3004, 2080 and 2336 persons obtained status of a citizen of the Republic of Latvia. Respectively, 2097, 2853 and 5889 persons renounced the status of a non-citizen by obtaining foreign citizenship.

The Children of Non-Citizens

In accordance with the Citizenship Law, children of non-citizens may obtain Latvian citizenship in three ways:

- 1) by becoming naturalized together with their parents before the age of 15;
- 2) by being registered, on application by both parents before the age of 15 (provided they were born on Latvian territory after 21 August 1991);
- 3) on reaching the age of 15, by undergoing naturalization independently.

The only privilege enjoyed by young people leaving school in Latvia is the exemption from the naturalization test in the Latvian language, provided that they have passed the general secondary school examination by achieving one of the three highest grades out of six.

In 2010, 105, 14 and 55 children obtained Latvian citizenship, respectively, through the first, second and third procedures. In the same year 478 newborn infants were registered as non-citizens. It is 2.75 times more than the number of persons under 17 years old, who obtained citizenship in the same period. On 1 January 2011 there were 13,550 minor non-citizens living in Latvia.

The international recommendations with regard to non-citizen children born in Latvia are to acknowledge them as citizens of Latvia from birth. This would enable the “statelessness issue” to be resolved at least in terms of the lives of one generation. The former President Zatlers introduced a draft law that meets international recommendations, but the Parliament had not adopted the law before its dissolution in view of early elections in September 2011.

Non-Citizens and Municipalities

The official position of Latvia regarding the large-scale statelessness is as follows: while non-citizens have a strong connection with Latvia, the status of a non-citizen is temporary and is not a kind of status of a citizen; the aim of the state is to reduce the number of non-citizens, not that of differences in rights between them and citizens (Judgment of the Constitutional Court of Latvia of 7 March 2005, in case No. 2004-15-0106, paras. 16,17, 20; Opinion of the Ombudsman of 30 September 2008, on the verification procedure on the differences in citizens' and non-citizens' rights, para. 1.1.2 of the concluding part).

The Latvian Human Rights Committee counts as many as 80 differences in rights between citizens and non-citizens (see Appendix 1), established by Latvian legislative acts or international agreements (see Appendix 2), including lack of access to professions, public service, property rights, social protection etc. Moreover, in 17 cases the rights denied to non-citizens (permanent residents) – are recognized for the citizens of EU Member States having lived in Latvia for a short time. In particular, the non-citizens are deprived of the right to participate in any elections, including (unlike the citizens of EU Member States) local ones.

Human rights activists calculated that during the period when the non-citizens were deprived of the right to participate in local elections, their integral income tax transferred to the municipalities' budget has resulted in 1,8 billion Lats (2,6 billion Euro).

The change in the numbers of non-citizens in the six largest towns of Latvia over the last 11 years and in the country as a whole over the last 18 years is given in Table 6.

Table 6 *The Legal Status of the Population in the Largest Towns of Latvia*

Town	Year	All Inhabitants	Citizens	Ethnic Minority Citizens	Non-Citizens	Non-Citizens and Foreigners
Liepāja	2000	86,597	54,474	11,732	29,898	32,123
	2007	85,532	59,579	15,308	22,762	25,953
	2011	82,812	61,066	16,96	16,577	21,737
Rīga	1993	874,172	431,991	127,901	442,181	
	2000	736,753	469,942	167,88	248,107	266,811
	2007	723,931	503,573	196,776	197,752	220,358
	2011	700,605	507,639	210,343	163,384	192,860
Ventspils	2000	43,971	28,903	6,223	13,970	15,068
	2007	43,693	31,777	8,148	10,246	11,916
	2011	42,195	32,079	8,852	7,885	10,114
Daugavpils	2000	111,878	77,191	59,338	32,540	34,687
	2007	107,083	78,359	59,634	25,675	28,724
	2011	101,552	77,620	59,592	18,796	23,928
Jūrmala	2000	55,2	38,199	11,089	15,860	17,001
	2007	55,562	41,277	13,335	12,648	14,285
	2011	56,005	43,164	14,815	10,503	12,836
Jelgava	2000	65,577	46,961	13,539	17,641	18,616
	2007	66,034	51,256	15,198	13,555	14,778
	2011	63,88	51,316	15,709	10,923	12,562
Latvia in total	1993	2,606,176	1,729,740	366,966	876,436	
	2000	2,374,124	1,797,234	454,112	494,319	526,696
	2007	2,284,871	1,850,616	505,253	392,816	434,255
	2011	2,224,230	1,847,618	523,905	319,267	376,435

On 1 July 2011 in these 6 biggest cities non-citizens and foreigners accounted for 26.2% of the total population, or 45.6% of the population belonging to national minorities.

In the big cities such as Rīga, Liepāja and Ventspils the number of participants in the 2009 local elections was comparable to the number of adult residents lacking the right to vote (see Table 7).

Table 7 *The Number of Disenfranchised People of Electoral Age in the Biggest Cities of Latvia at Municipal Elections in June 2009*

City/Region	The number of people of electoral age		
	in electoral list	de facto participated in elections	disenfranchised
Rīga	411,279	242,358	165,858
Daugavpils	63,472	35,063	20,545
Jelgava	40,545	21,070	10,575
Jūrmala	34,451	20,053	10,794
Liepāja	47,543	25,232	18,299
Ventspils	25,520	12,861	8,486
In total	1,489,629	801,348	321,345

There were only 6% of representatives of ethnic minorities among the candidates in local elections in 1997, 7.9% in 2001, 19.8% in 2005 and 20.8% in 2009. They constituted 7.6%, 17.4% and 20.3% of elected councillors in elections in 2001, 2005 and 2009. The share of ethnic minorities in the population went from 43.8% (1997) to 40.6 % (2009).

Starting from 1 December 1993 the MPs representing the interests of national minorities tried 37 times to introduce amendments granting non-citizens the right to participate in local elections, but unsuccessfully. In 2008, 28 organizations of national minorities of Latvia and 27 Russian communities in EU countries applied to the President of Latvia with a request to have a meeting with their representatives and to discuss a submission of a legislative initiative to the Parliament aimed at remedying the situation. The President has avoided meeting the representatives of national minorities.

In the same time the only government-ordered survey (2008) shows that 47% of those surveyed are in favour, and only 39% are against granting electoral rights to non-citizens.

If the 2013 local elections once again go ahead without the participation of non-citizens, this will be the sixth consecutive occasion, and the third since Latvia joined the EU, for this to happen. In that case, such elections can hardly be called universal.



Vladimirs Buzajevs

International recommendations concerning non-citizens in Latvia

European Union

1. European Parliament resolution on the comprehensive monitoring report of the European Commission on the state of preparedness for EU membership of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia. P5 TA(2004)0180, 11 March 2004

74. Welcomes the increase in the naturalization rate in 2003 mainly due to the referendum campaign for the EU accession, even if the naturalization process remains too slow; therefore invites the Latvian authorities to promote that process and considers that minimum language requirements for elderly people may contribute to it; encourages the Latvian authorities to overcome the existing split in society and to favour the genuine integration of "non-citizens", ensuring an equal competitive chance in education and labour; proposes that the Latvian authorities envisage the possibility of allowing non-citizens who are long-time inhabitants to take part in local self-government elections; welcomes the continuing dialogue between representatives of government and civil society regarding the ratification of the Council of Europe's Framework Convention for the Protection of National Minorities as well as the establishment of a specific subcommission on society integration in the Saeima's Human Rights Commission; recommends that the Latvian authorities quickly ratify this Framework Convention.

2. European Parliament resolution on the deliberations of the Committee on Petitions during the year 2008. P6 TA(2009)0239, 22 April 2009

15. Is concerned by the large number of petitions received by the Committee on Petitions seeking voting rights for resident "non"-citizens of Latvia in local elections; recalls that the United Nations (UN) Human Rights Committee, the UN Committee on the Elimination of Racial Discrimination, the Parliamentary Assembly of the Council of Europe, the Congress of Local and Regional Authorities of the Council of Europe, the Commissioner for Human Rights of the Council of Europe, the European Commission against Racism and Intolerance and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe have recommended that non-citizens should be permitted to participate in local elections; urges the European Commission to closely monitor and encourage the regularisation of the status of "non"-citizens in Latvia, many of whom were born in Latvia;

United Nations

3. Concluding observations of the Human Rights Committee: Latvia. CCPR/CO/79/LVA, 1 December 2003

16. While noting the measures taken by the State party to make the naturalization process more accessible and to increase the rate of naturalization of non-citizens, the Committee is concerned about the limited results of these policies, with many candidates not even initiating the procedure. The Committee takes note of the different reasons underlying this phenomenon, but considers that it has adverse consequences in terms of enjoyment of Covenant rights, and that the State party has a positive duty to ensure and protect those rights. Furthermore, the Committee is concerned at the possible obstacles posed by the requirement to pass a language examination.

The State party should further strengthen its efforts to effectively address the lack of applications for naturalization as well as possible obstacles posed by the requirement to pass a language examination, in order to ensure full compliance with article 2 of the Covenant.

17. The Committee is concerned at the low level of registration as citizens of children born in Latvia after 21 August 1991, to non-citizen parents (art. 24).

The State party should take all necessary measures to further encourage registration of children as citizens.

18. With regard to the status of non-citizens, the Committee notes the policy of the Government to further social integration through naturalization. However, the Committee is concerned about the large proportion of non-citizens in the State party, who by law are treated neither as foreigners nor as stateless persons but as distinct category of persons with long-lasting and effective ties to Latvia,



Demonstrators in Riga on 4 May 2005, i.e. on the day of the 15th anniversary of the Declaration of Independence of Latvia, are releasing balloons allegorizing aliens

in many respects comparable to citizens but in other respects without the rights that come with full citizenship. The Committee expresses its concern over the perpetuation of a situation of exclusion, resulting in lack of effective enjoyment of many Covenant rights by the non-citizen segment of the population, including political rights, the possibility to occupy certain State and public positions, the possibility to exercise certain professions in the private sector, restrictions in the area of ownership of agricultural land, as well as social benefits (art. 26).

The State party should prevent the perpetuation of a situation where a considerable part of the population is classified as “non-citizens”. In the interim, the State party should facilitate the integration process by enabling non-citizens who are long-term residents of Latvia to participate in local elections and to limit the number of other restrictions on non-citizens in order to facilitate the participation of non-citizens in public life in Latvia.

4. Concluding observations of the Committee on Economic, Social and Cultural Rights: Latvia. E/C.12/LVA/CO/1, 7 January 2008

11. The Committee regrets that it did not receive full and adequate information on the fulfilment of the obligation of the State party to guarantee the enjoyment of rights enshrined in the Covenant without discrimination, as stipulated in article 2, paragraph 2, of the Covenant, with respect to non-citizens with permanent resident status who make up some 20 percent of the population in Latvia.

37. The Committee urges the State party to ensure that the lack of citizenship of permanent residents does not hinder their equal enjoyment of economic, social and cultural rights, including employment, social security, health services and education. The Committee also requests the State party to provide, in its



Protestors against mass statelessness on 4 May 2005, Riga, i.e. on the day of the 15th anniversary of the Declaration of Independence of Latvia

next periodic report, detailed and comprehensive information on the enjoyment of all economic, social and cultural rights, disaggregated by citizen/non-citizen status.

5. Concluding observations of the Committee on the Elimination of Racial Discrimination: Latvia. CERD/C/63/CO/7, 10 December 2003

12. The Committee recognizes that political rights can be legitimately limited to citizens. Nevertheless, noting that most non-citizens have been residing in Latvia for many years, if not for their whole lives, the Committee strongly recommends that the State party consider facilitating the integration process by making it possible for all non-citizens who are long-time permanent residents to participate in local elections.

13. While noting the measures taken by the State party to increase the rate of naturalization of non-citizens, the Committee remains concerned at the limited results of these efforts. The Committee is concerned at the growing number of persons who fail the language examination and at the possible lack of availability or accessibility of Latvian language instruction for all those wishing to benefit from this facility. The Committee recommends that the State party further study the underlying reasons for the low level of naturalization applications with a view to devising strategies targeting specific groups of potential applicants. The Committee stresses that positive measures should be employed to attract non-citizens to the process, while ensuring that any measures taken do not adversely affect their current status. It also strongly urges the State party to ensure the availability of Latvian language instruction, to the extent possible, for those wishing to avail themselves of such opportunities.

6. Concluding observations of the Committee on the Rights of the Child: Latvia. CRC/C/LVA/CO/2, 28 June 2006

26. The Committee welcomes the various steps taken by the State party to expedite the naturalization process of non-citizen and stateless children. The Committee remains concerned, however, that despite the 1998 amendment of the Citizenship Law, which entitles children born in the period 1992-2005 to citizenship, and is granted upon application, a considerable number of children in Latvia still do not yet have Latvian citizenship or are stateless.

27. The Committee recommends that the State party strengthen its efforts to accelerate the naturalization process for those who wish to gain citizenship, with the goal of eliminating the transitional legal status of non-citizens. The Committee encourages the State party to provide more information and support to the parents of non-citizen and stateless children to ensure that all children in Latvia can easily acquire citizenship.

7. Concluding observations of the Committee against Torture: Latvia. CAT/C/LVA/CO/2, 19 February 2008

19. While noting a number of measures adopted by the State party, including the recent amendment to article 48 of the Criminal Law to include racial motivation as an aggravating factor for criminal liability, the Committee expresses its concern at report of acts of violence against and discrimination of vulnerable groups, including Roma and the lesbian, gay, bisexual and transgender (LGBT) community. The Committee is concerned at reports that the number of allegedly racially motivated crimes has recently increased and

that the number of reported hate crimes is underestimated due to the lack of an effective hate crime recording and monitoring system. Furthermore, while the Committee takes note of the efforts made by the State party in recent years in the process of naturalization, it remains concerned at the continued existence of the status of non-citizens and stateless persons, affecting a large group in Latvian society (art. 16). The State party should intensify its efforts to combat discrimination against and ill-treatment of vulnerable groups, in particular Roma and the LGBT community, including through the strict application of relevant legislation and regulations providing for sanctions. The State party should ensure prompt, impartial and thorough investigations into all such motivated acts and prosecute and punish perpetrators with appropriate penalties which take into account the grave nature of their acts, and ensure adequate training and instructions for law enforcement bodies and sensitization of the judiciary. The State party is encouraged to adopt the draft national programme to facilitate tolerance and to provide detailed information in its next periodic report on the effective measures adopted to prevent and combat such acts. The State party should simplify and facilitate the naturalization process and integration of non-citizens and stateless persons.

8. Addendum on the mission to Latvia of the report to Human Rights Council of the Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/7/19/Add.3 5 March 2008.

88. Insofar as citizenship regulations are concerned, the Government should revisit the existing requirements for naturalization with the objective of facilitating the granting of citizenship to non-citizens and implementing the commitments established by the 1961 Convention on the Reduction of Statelessness. In particular, the Government should consider appropriate measures to tackle the problem of the low level of registration as citizens of children born in Latvia after 21 August 1991 to non-citizen parents. These measures could include granting automatic citizenship at birth, without a requirement of registration by the parents, to those children born to non-citizen parents who do not acquire any other nationality. The Government should also relax naturalization requirements, in particular language proficiency exams, for elderly persons. Additionally, the granting of voting rights in local elections for non-citizens who are long-term residents of Latvia should be considered by the Government and the subject of broad discussion within Latvian society.

9. Submission by the UN High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Latvia. November 2010

The Right to a Nationality, IV.
Recommendations.

(..) The Government should revisit the existing requirements for naturalization with the objective of facilitating the granting of citizenship to "non-citizens." The Government should also revise legislation to provide automatic acquisition of citizenship by stateless children born after 21 August 1991. In addition, the Government should relax the language proficiency requirements for



Demonstrators in front of the Ministry of Education and Science in Riga on 2 June 2003 are keeping banner with the slogan: "YES to Integration, NO to Assimilation"

elderly persons. The Government should also conduct information and awareness-raising nationwide campaigns on citizenship and citizenship rights encouraging “non-citizens” and stateless persons to apply for Latvian citizenship.

Council of Europe

10. Parliamentary Assembly. Resolution 1527(2006): Rights of national minorities in Latvia. 17 November 2006

17. The Parliamentary Assembly therefore invites the Latvian authorities to:

17.5. consider all possibilities and explore all appropriate ways leading to the implementation of the pertinent recommendations made by the Assembly, the Council of Europe Commissioner for Human Rights, and by relevant OSCE and United Nations bodies, in order to grant voting rights at local elections to all permanent residents;

17.7. continue their awareness-raising campaign in order to further the policy for the acquisition of Latvian nationality by naturalization, particularly among the workforce and young people;

17.8. consider automatically naturalising people who are elderly, as well as those born in Latvia or having made a worthwhile contribution to the establishment of the newly independent Latvian state;

17.9. avoid requirements that can undermine the ethnic and cultural dignity of those applying for naturalization, by asking them to express convictions that are contrary to their reading of the history of their cultural community or nation;

17.10. consider making the conditions attached to the existing naturalization procedures more flexible in order to increase the rate of naturalization and to speed up the process;

17.11. devise and introduce means of encouraging and guaranteeing the civic integration of ethnic communities, including their integration in the political process and the public service, and, *inter alia*:

17.11.1. to amend legislation so as to make it possible to use the minority language in relations between national minorities and the administrative authorities in areas where they live in substantial numbers;

17.11.2. to review the existing differences in rights between citizens and non-citizens with a view to abolishing those that are not justified or strictly necessary, at least by providing non-citizens with the same rights as are enjoyed by nationals of other European Union member states within the Latvian territory;

11. The Congress of Local and Regional Authorities of Europe. Recommendation 257(2008). 2 December 2008

11. *Recommends that the Latvian authorities:*
(..)

b. enact new legislation or amend existing laws, granting non-citizens the right to vote in local elections so as to foster their increased involvement in political life and hence their integration into Latvian society;

12. Commissioner for Human Rights. Memorandum to the Latvian Government: Assessment of the progress made in implementing the 2003 recommendations of the Council of Europe Commissioner for Human Rights. CommDH(2007)9, 16 May 2007



Demonstrators in front of the Parliament of Latvia on 15 October 2003 are bearing poster symbolising division of Latvian population into citizens and non-citizens

31. The Department responsible for naturalization, which operates under the authority of the Ministry of Justice, receives between 1,200 and 1,400 applications for naturalization per month. It has conducted a number of activities to inform non-citizens of the formalities to be fulfilled for naturalization: Information Days organised in co-operation with voluntary associations and awareness-raising campaigns; a free hotline; on-line information on the Department's website; and some twenty booklets published over three years. Its budget has been constantly increasing since 2004, and an extra LVL 180,000 will be made available in 2007. This funding should be earmarked for an audit of the language test to be taken by applicants for naturalization. One of the Commissioner's recommendations has therefore been partly respected. However, there is still a huge number of non-citizens. The Commissioner invites the Latvian authorities to continue the efforts initiated in 2004 in the naturalization field.



Rally in front of the Parliament of Latvia on October 15, 2003 against division of Latvian inhabitants into citizens and non-citizens. NB. The current situation is not evaluated by the Latvian Human Rights Committee as apartheid.

However, there is still a huge number of non-citizens. The Commissioner invites the Latvian authorities to continue the efforts initiated in 2004 in the naturalization field.

33. According to official statistics, 38.1% of non-citizens are between the ages of 41 and 60, and 28.9% are over the age of 60. Information and awareness campaigns have been conducted for the elderly, who, as we have seen, account for a large percentage of the non-citizen population. Yet the language and history tests used have not yet been simplified. The fact is that above and beyond the lack of information and the lack of initiative in some circles, these tests are a serious obstacle to persons who speak little or no Latvian. The delegation was informed that the Cabinet of Ministers would shortly be considering a proposal to simplify these tests for the elderly and disabled. This proposal apparently has the backing of several ministries. The Commissioner hopes that it will be adopted and implemented as soon as possible to enable those who wish to become better integrated into Latvian society but consider themselves too old to engage in a new learning process to actually do so.

38. In fact, over 13,000 children are still non-citizens, and, children are still being born as non-citizens. This is a disturbing figure, and insufficient progress has been made, pointing to a lack of commitment to the issue on the part of the Latvian authorities. The Commissioner is in no way advocating systematic registration regardless of the parents' wishes. On the other hand, he does consider it vitally necessary to conduct intensive information campaigns, particularly targeting young parents, and to develop dialogue. Legislation should be amended to enable parents to choose the status they want for their children when they register their births.

43. The exclusion of non-citizens from political life does nothing to encourage their integration. The Commissioner stressed this point in the previous report, recommending that Latvia examine the possibility of granting them, among other things, the right to vote in local elections. It should be highlighted that the overwhelming majority of non-citizens belong to minorities, and that this status debars them from participating in the political life of their country. They can neither vote nor be elected, even at the local level. Although a bill has been drafted granting non-citizens the right to vote at the local level, the text has not yet been examined by Parliament. The Commissioner hopes that Parliament will soon adopt a law improving the participation of non-citizens in political and social life.



Rally in front of the Parliament of Latvia on October 14, 2011. Text on the banners: «20 years without rights» (right), «These elections are not legitimate! Since 350 thousands of Latvian inhabitants are deprived of voting rights» (left).

13. European Commission against Racism and Intolerance. Third report on Latvia. CRI(2008)2, 29 June 2007

117. ECRI urges the Latvian authorities to do their utmost to further facilitate the naturalization process for non-citizens. To this end, they should consider making the requirements for the existing naturalization procedures more flexible. They should also continue encouraging the take-up of Latvian citizenship by non-citizens through the naturalization process.

118. ECRI urges the Latvian authorities to look into the problem of the status of non-citizens with a view to finding rapid and humane solutions for persons who live under such a status. In particular, ECRI reiterates that the imbalance between the situation of non-citizens and the Latvians in a number of fields and for a number of rights should be addressed and remedied as a matter of priority. In particular, the Latvian authorities should review the list of professions which are not currently accessible to non-citizens.

132. Noting that most non-citizens have resided in the country for most or all of their lives, ECRI urges the Latvian authorities to confer eligibility and voting rights to resident non-citizens in local elections.

14. Advisory Committee on the Framework Convention for the Protection of National Minorities. [First] opinion on Latvia, 9 October 2008

181. The Advisory Committee *finds* that Latvia has opted for a flexible approach of the personal scope of application of the Framework Convention, which includes also “non-citizens” who identify themselves with a national minority. In the light of the Declaration submitted by Latvia upon ratification of the Framework Convention, it *considers* that the relevant national legislation should be interpreted and applied so as not to entail any disproportionate restrictions of the protection offered by the Framework Convention in respect of “non-citizens”.

186. The Advisory Committee *finds* that, from the point of view of the non-discrimination principle, the exclusion of Latvia's "non-citizens" from the application of certain key provisions of this Convention, by virtue of Latvia's Declaration upon ratification and as a result of exceptions relating to them in the Latvian legislation, is problematic. The Advisory Committee *considers* that, in view of the particularly large number of "non-citizens" and their long-standing links with Latvia, the citizenship criterion raises more problems than in other countries. The authorities should, therefore, consider other criteria, such as permanent and legal residence in the country, to define the scope of the rights provided to persons identifying themselves with a national minority. It *considers* that it would be useful to revise the relevant legislation, policies and practices in order to facilitate these persons' access to rights which would enable them to preserve and develop their identity and participate fully in public life, including with active and passive electoral rights at the local level.

187. The Advisory Committee *finds* that, in spite of the efforts made by the authorities to accelerate the naturalization process, the Latvian language proficiency requirements imposed in the context of the naturalization procedure are perceived as a major obstacle to the access to Latvian citizenship. The Advisory Committee *considers* that the authorities should examine the situation, including the practical conditions under which the language tests are held, and take all necessary steps to ensure that candidates for citizenship can effectively prove their knowledge of the Latvian language during the testing as well as their genuine desire to integrate in Latvian society. In addition, more resolute efforts are required to improve the accessibility and quality of Latvian language courses and to create, in society, a climate more favourable to naturalization.

190. The Advisory Committee *finds* that the Latvian society is, in general, characterised by a climate of tolerance and respect, in particular at the local level. It *finds*, however, that the full and effective integration of the Russian-speaking population, as well as of persons belonging to groups which have not been traditionally living in the country, including non-citizens, refugees and asylum-seekers, remains a challenge for Latvia. The rhetoric used by certain politicians and parts of the media is not conducive to an atmosphere of respect and mutual understanding between ethnic Latvians and persons belonging to minority groups. The Advisory Committee *considers* that the authorities should step up their efforts to raise awareness about human rights and promote respect for diversity amongst all those concerned.

191. The Advisory Committee *finds* that the domestic political atmosphere, including the political discourse about the language issue and public perceptions relating to the Latvian language testing process and its environment, deter people from making use of the naturalization procedure. It *considers* that the authorities should carefully examine this situation and in particular the factors influencing the naturalization process and to identify more suitable ways to promote its acceleration.

207. The Advisory Committee *finds* problematic that a large number of "non-citizens" who have longstanding links with Latvia and who are included in the protection provided by the Framework Convention, cannot exercise the right to participate effectively in decision-making on issues relevant to them, by voting or standing for election. Given the specific situation of Latvia and its minorities, the Advisory Committee *finds* this approach problematic from the standpoint of the Framework Convention. It *considers* that the authorities should take the necessary measures in order to provide "non-citizens" who identify themselves with national minorities with active and passive electoral rights at the local level.

15. Committee of Ministers. Resolution CM/ResCMN(2011)6 on the implementation of the Framework Convention for the Protection of National Minorities by Latvia, 30 March 2011

1. Adopts the following conclusions concerning the implementation of the Framework Convention by Latvia:
(..)

(2) The inclusion of "non-citizens" identifying themselves with a national minority in the personal scope of application of the Framework Convention is to be welcomed. It is important to underline that such an approach is in line with the spirit of the Framework Convention. Nevertheless, due to specific exceptions under the Latvian law, these persons regrettably do not benefit from the protection of a number of provisions of the Framework Convention, in particular those relating to effective participation in public life. Given the very large number of persons concerned, the authorities are encouraged to interpret and apply the relevant national legislation so as not to entail any disproportionate restrictions of the protection offered by the Framework Convention in respect of "non-citizens" identifying themselves with a national minority.
(..)

(6) Shortcomings relating to the effective participation of persons belonging to national minorities in the decision-making process need to be addressed. The participation through the Council for

Minority Participation or equivalent structures should be strengthened and made more efficient. A governmental structure in charge of national minority issues should be maintained, with an increased decision-making role on minority-related issues. The question of the participation in public affairs of “non-citizens” identifying themselves with national minorities, including the possibility for them to vote in local elections, remains a matter of serious discussion.

(7) In spite of the efforts made to accelerate the naturalization process and notwithstanding progress noted in this regard, the number of “non-citizens” remains high and the lack of citizenship continues to have a detrimental impact on the enjoyment of the full and effective equality and social integration. The considerable number of children born in Latvia after 21 August 1991 who are still ‘non-citizens’ is a matter of deep concern. Particular efforts are required in order to promote conditions more conducive to a genuine motivation for naturalization. Latvia should address this situation as a matter of priority, to identify its underlying causes and to take all the necessary measures, including further language training for the persons concerned, to promote naturalization.

2. Recommends that Latvia take appropriate account of the conclusions set out in paragraph 1 above, together with the various comments in the Advisory Committee’s opinion.

OSCE

16. Parliamentary Assembly. Resolution on National Minorities. July 2004

16. Strongly recommends that the Latvian authorities create conditions for participation of stateless persons in the political life of the country by granting them the right to vote in local elections.

17. Office for Democratic Institutions and Human Rights. Latvia: Parliamentary Elections. 2 October 2010. OSCE/ODIHR Limited Election Observation Missions Final Report, 10 December 2010

XV Recommendations (..)

A. Priority recommendations 1. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, consideration should be given to granting non-citizens the right to vote in local elections.

18. High Commissioner on National Minorities. Statement to the 868th Plenary meeting of the OSCE Permanent Council, 16 June 2011

The still significant number of non-citizens is an ongoing challenge to the integration of society. While the number of non-citizens has decreased, the naturalization rate is low. Campaigns encouraging citizenship and the extension of voting rights in local elections to non-citizens would send them a positive message. As during my previous visit, I encouraged Latvian lawmakers to ensure citizenship for newborn children of non-citizens unless the parents opt out, as President Zatlers proposed to the Parliament shortly before my visit. In fact citizenship should be granted to all children born in Latvia to non-citizen parents after 1991. Such a step is critical in halting the perpetuating of the problem of statelessness in the future.

Aleksejs Dimitrovs



Aleksandrs Kuzmins



APPENDIX 1

DIFFERENCES BETWEEN RIGHTS OF LATVIAN CITIZENS AND NON-CITIZENS - LATVIAN RESIDENTS

Data of the Latvian Human Rights Committee (F.I.D.H.) on October 2011

I. Prohibition to occupy certain state and public positions, to be employed in certain professions	
a) State Institutions	
Jobs reserved for Latvian citizens only:	
1. State office (Senior Public Service)	Satversme (The Constitution of the Republic of Latvia), as amended of 15.10.98, Art. 101
2. President	Satversme (The Constitution of the Republic of Latvia), as amended on 04.12.97
3. Member of the Cabinet of Ministers	The Cabinet of Ministers Structure Law, adopted on 15.05.08, Para. 12
4. Civil Servants (A)	The Law "On State Civil Service", adopted on 05.06.00, Art. 7(1)
5. Constitutional Court Judges	The Law "On Constitutional Court", adopted on 05.06.96, Art. 4 (2)
6. Judges (A)	The Law "On Judicial Power", adopted on 15.12.92, Art. 51 (1)
7. Public Prosecutors (A)	The Law "On the Public Prosecutors Office", adopted on 19.05.94, Art. 33 (1)
8. State Security Officers (A)	The Law "On State Security Institutions", adopted on 05.05.94, Art. 18 (2)
9. Diplomatic and Consular Service (A)	The Law "On Diplomatic and Consular Service", adopted on 21.09.95, Art. 3 (6)
10. State Controllers, Members of the State Control Council, Manager of the Auditing Department (A)	The Law "On State Control", adopted on 09.05.02, Art. 30
11. Workers and officials of the Corruption Prevention and Combating Bureau (A)	The Law "On Corruption Prevention and Combating Bureau" adopted on 18.04.02, Art. 4-6
12. Members of the Councils of Regulators of Public Services (A)	The Law "On Regulators of Public Services", adopted on 19.10.00, Art. 37
13. Members of the Central Election Commission	The Law "On Central Election Commission", adopted on 13.01.94, Art. 2
14. State policemen (A)	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
15. Municipal policemen (A)	The Law "On Police", adopted on 04.06.91, Article 21, as amended on 16.09.10
16. Port policemen (A)	The Law "On Police", adopted on 04.06.91, Article 21 ¹ , as amended on 28.10.10
17. Prison Guards (A)	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
18. State Fire Fighting and Rescue Service (A)	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
19. Border guards (A)	The Law "On Service of Persons having Special Service Degrees in the System of the Interior Ministry and Prison Administration", adopted on 15.06.06, Art. 4 (1)
20. Soldiers (including officers and cadets)	The Military Service Law, adopted on 30.05.02, Art. 2 un 16, as amended on 29.03.07. (switch to voluntary service)

21. Officials of the State Revenue Service (A)	The Law "On State Revenue Service", adopted on 28.10.93, Art. 17 (1) (as amended of 25.10.01)
22. Officials of the Labour Inspection	The Law "On State Labour Inspection", adopted on 13.12.01, Art. 5
23. Officials of the departments of Records of Acts of Civil Status	The Law "On Acts of Civil Status", adopted on 21.10.93., Art. 3 (2). The Law "On Acts of Civil Status", adopted on 17.03.05, Art. 3 (2)
24. Jobs related to access to information declared a state secret (A) (B)	Law "On State Secrets", adopted on 17.10.96, Art. 9 (2)
b) Private Sector Jobs reserved for Latvian citizens only:	
25. Sworn Advocates and Advocate's Assistants (A) (B) (C)	The Law "On Advocacy", adopted on 27.04.93, Art.14 (1) and 83
26. Defender in criminal proceedings (B). Non-citizen couldn't participate as a defender in a criminal action even if he/she has got advocate qualification in one of the EU countries	The Criminal Procedure Law, adopted on 01.10.05, Art. 79
27. Sworn Notaries and Notary's Assistants (A)	"The Notary Law", adopted on 01.06.93, Art. 9 (1), 147 (1)
28. Court Bailiffs (A)	The Law "On Court Bailiffs", adopted on 24.10.02, Art. 12 (1)
29. Heads of the detective agency (A) (B) (C)	The Law "On Detective Activity", adopted on 05.07.01, Art. 4
30. The managers of security guards (A) (B) (C)	The Law "On Security Guard Activities", adopted on 29.10.98, Art. 6
31. Professional patent official (A) (B) (C)	The Patent Law, adopted on 15.02.07, Art. 26 (4)
32. Only citizen of Latvia has the right to be employed in civil positions for army units	The Law "On Military Service", adopted on 30.05.02, Art. 16
33. Internal auditors in public institutions	The Law "On Internal Auditors", adopted on 31.10.02, Art. 14 (2)
c) Public sector Only citizens have the right:	
34. To participate in parliamentary elections (A)	Satversme (The Constitution of the Republic of Latvia), Art.8 and 9
35. To participate in local elections (A) (B)	Satversme (The Constitution of the Republic of Latvia), Art.101; the Law "On the Elections to City Domes, Regional and Rural District Councils", adopted on 13.01.94, Art. 5 and 8
36. To be elected to the Audit Commission of Riga municipality (B)	The Statute of Riga Municipality, adopted on 01.03.11, Art.26
37. To participate in the elections to the European Parliament (A) (B)	The Law "On the Elections to the European Parliament", adopted on 29.01.04, Art. 2 and 4
38. To participate in state referendums	Satversme (The Constitution of the Republic of Latvia), Art. 80
39. Citizens subjected to lustration may vote. Non-citizens subjected to lustration are not allowed to naturalise	Citizenship Law, adopted on 22.07.94, Art. 11
40. To be elected to the municipal election commissions	The Law "On City, Regional and Rural District Election Commissions", adopted on 10.05.95, Art. 6 (1)
41. To establish political parties	The Law "On Political Parties", adopted on 07.07.06, Art. 12 (1)
42. Political parties are allowed to operate if at least 1/2 of the members are citizens of Latvia	The Law "On Political Parties", adopted on 07.07.06, Art. 26 (3)
43. To serve in the National Guard (Zemessardze)	The National Guard (Zemessardze) Law, adopted on 06.05.10, Art. 14 (1)

44. To be elected as the Ombudsman	The Law "On Ombudsman", adopted on 06.04.06, Art. 5 (2)
45. To be elected to the National Electronic Mass Media Council	The Electronic Mass Media Law, adopted on 06.07.10, Art. 56 (3)
46. Only citizens of Latvia can become a Chancellor and Award Capitulars (who are dealing with items related to state awards)	The Law "On State Awards" adopted on 04. 03.04, Art. 43
47. Only citizens of Latvia can become bishops, chaplains and military co-ordinators of the Catholic church	The Law "On the Treaty between the Holy See and the Republic of Latvia" adopted on 12.09.02, Art. 5, 24 and 25
48. Contacts with foreign citizens, access to cultural monuments and mass media are guaranteed to citizens only in some of the Agreements	10 Agreements signed from 07.08.92 to 10.09.08 (see Appendix 2, Para 2.1)
II. Property Rights Only citizens have the right to:	
49. Obtain the land into ownership (paying with privatisation certificates) whether owning a building or a garden on it, if the land was not owned by them before 22.07.40	The Law "On the Land Reform in the Cities of the Republic of Latvia", adopted on 20.11.91, Art. 12 (1), (2) (as amended on 31.03.94, Art. 8)
50. Buy for a price guaranteed by the state (using privatization certificates) land plots necessary to ensure functioning of buildings owned by them, in the case if the land was returned to the former owner during denationalisation, but the buildings were bought from that former owner before returning the land to him	The Law "On the Land Reform in the Cities of the Republic of Latvia", adopted on 20.11.91, Art. 12 (1.1) (as amended on 31.03.94, Art. 8)
51. Persons being not citizens of Latvia or EU, as well as judicial persons in the case when less than a half of its statute capital belongs to citizens of Latvia or EU, have the right to acquire ownership of the land plot in the Latvian cities only by a special permission of City Council (B) (C)	The Law "On the Land Reform in the Cities of the Republic of Latvia", adopted on 20.11.91, Art. 20 (as amended on 24.11.94, Art. 3)
52. Analogous to No. 51 limitation for physical and judicial persons when buying land plots in rural areas (B)	The Law "On the Land Privatisation in Rural Regions", adopted on 09.07.92, Art. 28 (as amended on 08.12.94, Art.14)
53. Only close relatives of the citizens of Latvia enjoy the right to use privatisation certificates when acquiring ownership of the land with a building or garden through inheritance or gift (C)	The Law "On Finalising the Land Reform in the Cities", adopted on 30.10.97, Art. 3 (1)
54. Every citizen of Latvia is allotted 15 certificates more than a non-citizen. A non-citizen born outside Latvia gets another 5 certificates less. One certificate is an equivalent of state property volume, created during 1 year of a person's life	The Law "On Privatisation Certificates", adopted on 16.03.95, Art. 5
55. Non-citizens who arrived in Latvia after the retirement age (60 for men, 55 for women) and who had less than 5 years of hired employment receive no privatisation certificates	The Law "On Privatisation Certificates", adopted on 16.03.95, Art 5 (4)
56. A Latvian citizen is allotted with certificates if he lived in Latvia before 31.12.1992 and at any time was registered as permanent inhabitant. Non-citizen of Latvia is allotted with certificates since the last arrival to Latvia only and having purpose for the permanent living in Latvia.	The Law "On Privatisation Certificates", adopted on 16.03.95, Art 5 (3)
57. Only citizens and legal entities are guaranteed the protection of their investments abroad	32 Agreements adopted within the period of 05.03.92 - 22.09.99 (see Appendix 2, Para 2.2)
58. Protection of intellectual property abroad is guaranteed by some bilateral agreements to citizens only	5 agreements with 8 countries adopted within the period of 06.07.94 - 26.10.06. Out of them 4 agreements lost their force after Latvia became a member of EU (see Appendix 2, Para 2.3)

III. Private enterprise

59. Licenses for air transportation abroad are guaranteed, by bilateral agreements to the companies controlled by Latvian citizens. If such control is lost, the license is revoked	23 Agreements signed within the period of 01.07.92 – 18.10.99 (see Appendix 2, Para 2.4)
60. Non-discrimination regarding double taxation is guaranteed to citizens only	14 Agreements signed within the period of 17.11.93 – 20.02.06 (see Appendix 2, Para 2.5)
61. Only citizens of Latvia are guaranteed with state support in various cases if trading abroad	5 Agreements signed within the period of 29.11.91 – 16.10.02 (see Appendix 2, Para 2.6)
62. Commercial handling of weapons is allowed only for Latvian citizens and European Union citizens (A) (B)	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 43(1)
63. Only citizens of Latvia and the EU have the right to be company owners, directors, board members as well as those directly dealing with production, reparation, distribution, storage, transportation, rendering of services or guarding of the goods included into the common list of military goods of the EU (A) (B)	The Law "On Turnout of the Goods of Strategic Importance", adopted on 21.06.07, Art. 5 (4)
64. The participants, managers, persons who hold positions in administrative institutions, as well as employees (certified specialists), who are directly associated with the investigation of territory potentially polluted and polluted with explosive articles of a military nature and with unexploded ammunition and the search, identification, removal, collection and storage of unexploded ammunition, of merchants obtaining a licence to activities referred to, may be citizens of Latvia and EU member states only (A) (B)	The Law "On Pollution", adopted on 15.03.01, Article 44. ¹ , as amended on 25.10.07

IV. Social Rights

65. Years of employment outside Latvia are not included into the non-citizens' employment record when calculating pension rates	Law "On State Pensions", adopted on 02.11.95, transitional regulations, Art. 1
66. Unemployment benefit for non-citizens who had worked outside Latvia before 31.12.90, is calculated at a lower rate than for citizens	The Law "On Unemployment Insurance", adopted on 25.11.99, Art. 6.(1.2). Earlier – the law „On Mandatory Social Insurance for Case of Unemployment“, adopted on 05.10.95 Para. 4 of Transitional provisions
67. Only citizens have the right to receive different kinds of social aid on the territory of Finland. Years of employment on the territory of Finland are included only into the citizens' employment record when calculating social insurance	Agreement with Finland on social benefits of 11.05.99, Art. 4.1., 5.2., 16, etc.

V. Right to Entrance and Family Reunification

68. Latvian citizens may enter 94 foreign countries without visas. Non-citizens may enter, without visas, only 38 of them	See Appendix 2, Para 2.7 or web site of the Ministry of Foreign Affairs: http://www.mfa.gov.lv/en/service/4728/
69. Latvian non-citizen in order to receive the status of the permanent resident of the European Union must pass examination in the state language proficiency as well as prove his/her long-term residence in Latvia, demonstrate a sufficient level of income and to pay a state duty	The Law "On the Status of the Permanent Resident of the European Union in the Republic of Latvia", adopted on 22.06.06, Art.3
70. Non-refoulement to the other country is not guaranteed to non-citizens. Latvian citizens are guaranteed from non-refoulement with the exception of cases included into international treaties under condition that the fundamental rights guaranteed by the Satversme are not violated.	Satversme (The Constitution of the Republic of Latvia), as amended of 15.10.98, Art.98
71. The right on repatriation is enjoyed only by Latvian citizens as well as by persons whose ancestors are Latvians or Livs	Repatriation Law, adopted on 21.10.95, Art. 2
72. Only Latvian citizens and (in some cases) legal entities are guaranteed of legal assistance when being abroad	10 Agreements signed between 11.11.92 and 15.04.04 (See Appendix 2, Para 2.8)

73. Non-citizens who have received compensations when leaving Latvia (i.e. as compensation for apartments left behind) from any state institutions or from abroad, apart from losing their former legal status, also lose the right to enter Latvia for residency	The Law "On the Status of Former USSR Citizens who are not Citizens of Latvia or Any Other Country", adopted on 12.04.95, Art.1 (3); according to the Law "On Immigration", adopted on 31.10.02, they may enter, if they pay back the compensation
74. The right to reunification with an adult child having no Latvian citizenship reserved for Latvian citizen only	The Law "On Immigration", adopted on 31.10.02, Art. 24(1), 31(1)
V. Other Rights and Freedoms	
75. Only citizens have the right to study in certain higher education establishments	Statute (Constitution) of the National Academy of Defence, adopted by the Cabinet of Ministers on 30.06.98, Art. 22; 08.01.03, Art. 22. Rules of admission to the State Border Guard College, Fire Protection and Civil Protection College, State police College (specific documents adopted each year)
76. A citizen can be deprived of citizenship by court decision only. A non-citizen can be deprived of his status by decision of administrative authorities	The Law "On the Status of Former USSR Citizens who are not Citizens of Latvia or Any Other Country", adopted on 12.04.95, Art. 7 (compared with the Citizenship Law, adopted on 22.07.94, Art. 24)
77. Non-citizens can be acknowledged as politically repressed persons (by the Nazi regime), if only they were repressed because of their national identity or who were young children and were confined in prisons and concentration camps in the territory of Latvia at that time (B)	The Law "On Determining the Status of Politically Repressed Persons who are Victims of Communist and Nazi Regimes", adopted on 12.04.95, Art.4, pp. 1-3
78. The right to self-defence: to acquire and receive a weapon as a personal award is allowed only to citizens (A) (B)	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 16(6)
79. Only Latvian citizens are entitled to form collections of weapons (B)	The Law "On the Handling of Weapons and Special Means", adopted on 28.10.10, Art. 28(1)
80. Non-citizens are not considered as belonging to national minorities. Non-citizens who identify themselves with a national minority that meets the definition, shall enjoy the rights prescribed in the Framework Convention, unless specific exceptions are prescribed by law.	The Law "On Framework Convention for the Protection of National Minorities" of 31.05.05, Art. 2

Comments:

- 1) with (A) are marked those differences, which offend non-citizens' dignity and self-respect because they equate non-citizens with incapable persons, criminals, enemies of the Republic of Latvia and alcoholics;
- 2) according to the differences marked with (B) rights forbidden to non-citizens are ensured to foreigners, mainly to EU citizens;
- 3) with (C) are marked those differences, which are considered by Ombudsman's conclusion of September 30, 2008, to be disproportionate and are suggested to be abolished.

APPENDIX 2

LIST OF SOME BILATERAL AND INTERNATIONAL AGREEMENTS DISCRIMINATING AGAINST NON-CITIZENS

- 2.1. General agreements (difference No. 48)
1. With Hungary of 07.08.92, Art. 8, 14, 17
 2. With Ukraine of 23.05.95, Art. 9, 15, 18
 3. With EU of 12.06.95 (in force since 1998), Preamble, Art. 37-44
 4. With India of 01.09.95, Art. 3.1. Education in India is allowed to Latvian citizens only
 5. With Czech Republic of 10.05.99, Preamble
 6. With Mexico of 15.04.05, Art. 21. Scholarships to study in Mexico are allowed to Latvian citizens only
 7. With EU of 16.04.03 (in force since 01.05.04), Art. 45. Only Latvian citizens may be delegated to work in the European Commission
 8. With Canada of 25.09.2006. On exchange of young citizens
 9. Between EU and ACAT of 08.03.2007. Addendum to Cotonou agreement on assistance to contacts between young citizens
 10. With New Zealand of 10.09.2008. On working holiday scheme
- 2.2. Agreements on the protection of investments (difference No. 57)
1. With Iceland of 26.08.91, Art. 4, lost force since 11.06.98
 2. With Finland of 05.03.92, Art. 1 (1) 'c'
 3. With Sweden of 10.03.92, Art. 1(3)
 4. With Denmark of 30.03.92, Art. 1(3)
 5. With France of 15.05.92, Art. 1.2, 1.3
 6. With Norway of 16.06.92, Art. 1.3
 7. With Taiwan of 17.09.92, Art. 1.3, lost force since 10.03.05
 8. With Switzerland of 22.12.92, Art. 1. (1a)
 9. With Poland of 26.04.93, Art. 1. (1a)
 10. With Great Britain of 24.01.94, Art. 1(c)
 11. With Israel of 27.02.94, Art. 1.3
 12. With the Netherlands of 14.03.94, Art. 1(b)
 13. With Czech Republic of 25.10.94, Art. 1.2
 14. With Austria of 17.11.94, Art. 1(2)
 15. With USA of 13.01.95, Art. 1 (1c)
 16. With Canada of 26.04.95, Art. 1.
- * Canada, unlike Latvia, protects the interests of both its citizens and residents
17. With Greece of 20.07.95, Art. 1 (3)
 18. With Portugal of 27.09.95, Art. 1.3
 19. With Spain of 26.10.95
- * The only example, when Latvia equally protects the rights of its citizens and non-citizens. The only exception is Art. 7.1, by which the transfer of salaries and other compensations is guaranteed to citizens only
20. With Vietnam of 06.11.95, Art. 1 (1c)
 21. With Estonia of 07.02.96, Art. 1.2
 22. With Lithuania of 07.02.96, Art. 1.2
 23. With Belgium of 27.03.96, Art. 1.1 (1a)
 24. With Luxembourg of 27.03.96, Art. 1.1 (1a)
 25. With Korea of 23.10.96, Art. 1.2
 26. With Uzbekistan of 23.05.96, Art.1 (IV)
 27. With Egypt of 24.04.97, Art. 1 (2a)
 28. With Italy of 11.07.97, Art. 1.3, 7.1.e
 29. With Ukraine of 24.07.97, Art. 1.2.a
 30. With Belarus of 17.06.98, Art. 1c, 2, 3, 5
 31. With Slovakia of 11.06.98, Art. 1 (2)
 32. With Hungary of 10.06.99, Art. 1 (2)
 33. With Moldova of 22.09.99, Art. 1 (3)

2.3. Agreements protecting intellectual property (difference No. 58)

1. With USA of 06.07.94, part II
2. With Ukraine of 21.11.95, Art. 15.2, lost force since 01.05.04
3. With EFTA of 07.12.95, Art. 15.2, lost force since 01.05.04
4. With Slovenia of 22.04.96, Art. 15, lost force since 01.05.04
5. With Albania of 26.10.06, Art. 3 (Add.V)

2.4. Air traffic agreements (difference No. 59)

1. With Poland of 01.07.92, Art. 3.4, 4.1(a)
2. With Hungary of 09.03.93, Art. 3.2(a), 4.1(a), 5(c)
3. With the Netherlands of 25.03.93, Art. 4.4, 5(c)
4. With Israel of 03.11.93, Art. 3.4, 4.1(a)
5. With Finland of 29.11.93, Art. 4(a)
6. With Great Britain of 06.12.93, Art. 4 (4), Art. 5 (1)
7. With Belgium of 12.12.94, Art. 5.1(d)
8. With Estonia of 20.01.95, Art. 3.5, 4.1(c)
9. With Ukraine of 23.05.95, Art. 3.4
10. With Uzbekistan of 06.06.95, Art. 4.4, 5.1(a)
11. With Belarus of 07.09.95, Art. 4(1), Art. 5(3), Art. 13(3)
12. With Turkey of 15.09.95, Art. 3.4, 4.1(a)
13. With Lithuania of 09.09.96, Art. 3.5, 4.1(c)
14. With Thailand of 08.11.96, Art. 6.5, 7.1(a)
15. With Egypt of 23.04.97, Art. 6 (4), Art. 7 (1)
16. With India of 12.10.97, Art. 3.4, 4.1
17. With Slovakia of 09.04.98, Art. 3(2), Art. 5(1)
18. With Kazakhstan of 19.05.1998
19. With China of 04.03.1999, Art. 3.2, 4.1
20. With Morocco of 19.05.99, Art. 4 (1)
21. With Bulgaria of 19.05.99, Art. 3(5), Art. 4(1)
22. With Singapore of 06.10.99, Art. 3(2), Art. 4(1)
23. With Croatia of 18.10.99, Art. 3(4), 4(1), 6(2)

2.5. Taxation Agreements (difference No. 60)

The Agreements against double taxation (including residents), but citizens are given advantage.

1. With Poland of 17.11.93, Art. 3, 25
2. With Czech Republic of 25.10.94, Art. 25
3. With Canada of 04.06.95, Art. 24 (1)
4. With Belarus of 07.06.95, Art. 23.1
5. With China of 07.06.96, Art. 3.1 (h), 26
6. With Germany of 07.06.96, Art. 3.1(g), 24
7. With France of 14.04.97, Art. 24
8. With Italy of 21.05.97, Art. 26
9. With Singapore of 06.10.99, Art. 24
10. With Switzerland of 31.01.02, Art. 24
11. With Romania of 25.03.02, Art. 26
12. With Spain of 04.09.03, Art. 25
13. With Hungary of 14.05.04, Art. 24
14. with Israel of 20.02.06, Art 24

2.6. Free trade Agreements (difference No. 61)

1. With Ukraine of 29.11.91, Art. 12, lost force from 01.05.04
2. With Armenia of 07.12.91, lost force from 01.01.96
3. With USA of 09.12.92, Art.2
4. With Bulgaria of 16.10.02, Art. 5 (2), lost force from 01.05.04
5. With Hungary of 29.10.02, Art. 5 (2), lost force from 01.05.04

2.7. Treaties on Visa-Free Regime (difference No. 68)

Latvian citizens may enter without visa 94 countries:

Albania, Andorra, Netherlands Antilles, Antigua and Barbuda, Argentina, Aruba, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brunei, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Hong Kong, Iceland, Ireland, Israel, Italy, Japan, Kosovo, Liechtenstein, Lithuania, Luxembourg, Macao, Macedonia, Malaysia, Maldives, Malta, Mauritius, Mexico, Moldova, Monaco, Montenegro, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru,

Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Kitts and Nevis, Samoa, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Spain, St. Vincent and the Grenadines, Swaziland, Sweden, Switzerland, Taiwan, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela

Non-citizens may enter without visa only 38 countries including:

Albania, Netherlands Antilles, Aruba, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Estonia, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Italy, Kosovo, Lithuania, Luxembourg, Malta, Maldives, Netherlands, Norway, Poland, Portugal, Romania, Samoa, Slovakia, Slovenia, Spain, Sweden, Switzerland

Non-citizens may also enter Russia without a visa according to Russia's unilateral decision, which is their only advantage in comparison with citizens of Latvia.

2.8. Agreements on legal assistance (difference No. 72)

The Agreements envisage the following main advantages for Latvian citizens:

- a) equal rights with the citizens of the host country regarding legal assistance;
- b) free legal assistance and non-payment of court expenses;
- c) sending documents free of charge and (in many cases) without translation;
- d) consular assistance;
- e) recognition of marriages, sanity, adaptation etc. in accordance with the laws of another party to the Agreement;
- f) non-refoulement to the other country in case of criminal offences.

1. With Estonia and Lithuania of 11.11.92, Art. 1, 16, 17.1, 18, 21, 25

* Non-citizens are only mentioned in Art. 17.2. The parties must provide the following information: about convictions, instigation of criminal proceedings, recognition as chronic alcoholics, drug addicts and insane. Among non-citizens, 2.6% are ethnic Lithuanians.

2. With Russia of 03.02.93, Art. 1, 11, 16, 17, 19, 22, 26, 62.1

* Regarding non-citizens, (Art. 76, 77) information about convictions and instigation of criminal proceeding is transferred. Among non-citizens, 65.8% are ethnic Russians.

3. With Russia of 04.03.93, Art. 1

4. With Moldova of 14.04.93, Art. 1, 16, 17, 18, 61(1)

5. With Belarus of 21.02.94, Art. 1, 11, 16, 19, 21, 25, 60

* Regarding non-citizens, (Art. 75, 76) information about convictions and instigation of criminal proceedings is transferred. Among non-citizens, 13.5% are ethnic Belorussians.

6. With Poland of 23.02.94, Art. 1, 11, 18, 20, 22, 27, 49, 68.1

* Among non-citizens, 3.4% are ethnic Poles.

7. With Ukraine of 23.05.95, Art. 1, 11, 16, 17, 18, 21, 24, 44, 55(1)

* Among non-citizens, 9.6% are ethnic Ukrainians.

8. With Uzbekistan of 23.05.96, Art. 1, 11, 16, 17, 19, 22, 25, 44, 55

9. With Kyrgyzstan of 10.04.97, Art. 1, 17, 19, 41

10. With China of 15.04.04, Art. 16