

# CITIZENS OF A NON-EXISTENT STATE



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

*Riga, 2008*

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Statelessness  
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**The Greens | European Free Alliance**  
in the European Parliament



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### **Main Contributors**

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- © Tatjana Ždanoka

# 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 permanent residence 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 400,000 non-citizens of Latvia forming 17% of the whole population. They account for 40% of the ethnic minority population of Latvia.

### 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. 2.4. 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



**Photo, page 3:** Public demonstration in Riga against mass statelessness on 1 May 2004, i.e. on the day Latvia joined the EU



Council adopted the resolution entitled "On the Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalisation". 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.

#### 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".*



*The bearer of this passport is under the protection of the Republic of Latvia. The Government of the Republic of Latvia requests all those whom it may concern to allow the bearer to pass freely without let or hindrance and to afford such assistance and protection as may be necessary.*

*This passport is valid for travel to all countries. The bearer of this passport is entitled to depart and enter the Republic of Latvia.*

### 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 edition, 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 residents permits.

**Photo, page 4:** Non-citizen's/alien's passport

**Photo, page 5:** “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



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 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 sixty 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 12 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).

The problem of mass statelessness will remain an issue even in 2040, 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 is included into this edition).

The latest attempt to amend the law on local elections in order to grant non-citizens the right to participate in local elections on 6 March 2008 by the parliamentary group *"For Human Rights in a United Latvia"* was also unsuccessful as were a number of previous attempts.

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***

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**Photo, page 6:** 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!"



# 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 Latvian Soviet Socialist Republic on October 15, 1991, and, later on, in the Citizenship Law, which was adopted by Latvia's Saeima on July 22, 1994. Under these legislative acts only people who were citizens of the LR on the 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 the 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 the 4 May 1990, was formally aimed at reviving some sort of a community of citizens of the Republic of Latvia, proclaimed on the 18 November 1918. This does not appear to have been done on ethnic grounds but the final result is such that the granting of citizenship to the representatives of the ethnic 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 the 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, Byelorussians and Ukrainians materially increased."* (from the judgment of the Constitutional Court of Latvia, of the 13 May 2005).

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

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

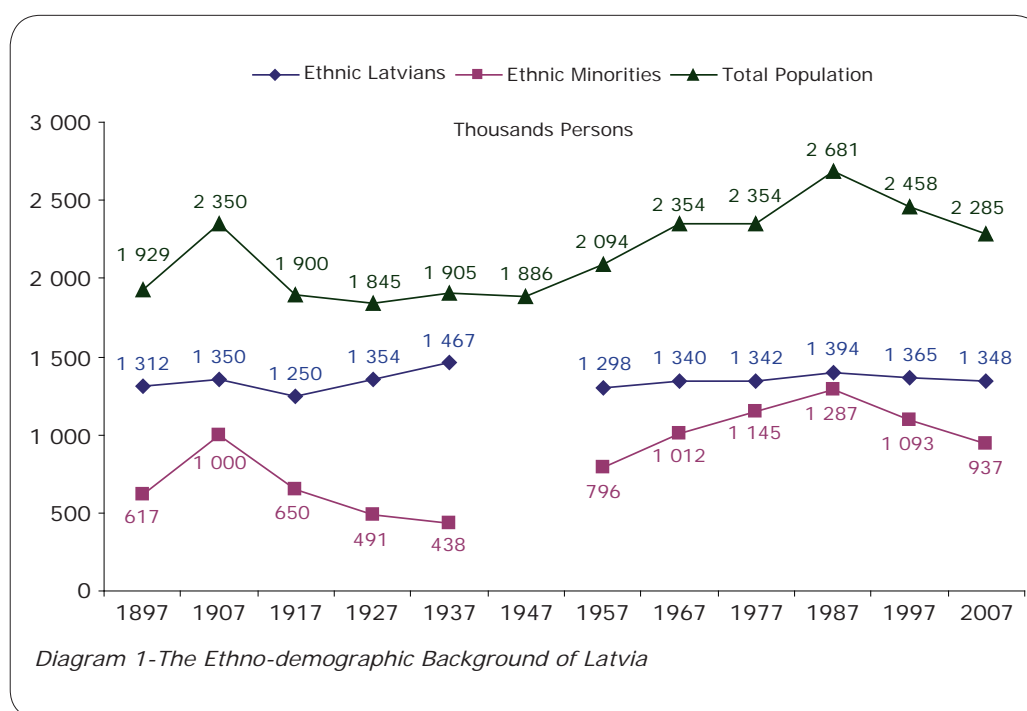


Diagram 1 shows that in the period of the purported "genocide against the Latvian nation by the USSR" a constant growth in the ethnic Latvian population can be observed, replaced by a similarly constant fall during the period of the independent country since 1990.

The periods of rapid population growth at the time of the Russian Empire and the USSR can be explained in full by the corresponding indus-

trial development of the region and the migration from other territories with high birth-rates, 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 among all the capitals of the union 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.

### 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 inhabitants". On the 11 December 1991 the law "On the Register of Population" was passed, which provided for the inclusion (Art. 11) in 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 Art. 11 of the law "will not apply to active servicemen of the armed forces of the USSR temporarily stationed on the territory of the LR, 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 "roundstamps" for short.

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

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 protest actions 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 heads 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 fixing facts of births in Latvia) bear witness to the fact that 214,387 (or 32%) of all non-citizens entered in the

Table 1  
*The Register of Inhabitants – Data as at the 9 August 1993*

	Total Population	Citizens	Registered Non-Citizens	"Roundstamps"
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*

\* - in percentage of population

Population Register were born in Latvia. From as recently as 1993 a further 12,716 children were born in Latvia, who, according to the Register's data as of the 1 January 2008, were counted as non-citizens.

According to the figures of the Population Register, in October 1993 the mother and father of 1,171,743 inhabitants were citizens of the LR. 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 the LR on the 17 June 1940 or a descendent 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 inhabitants with only one parent who was a citizen of the LR. Among all the descendants of non-citizens 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 both parents are citizens can be considered a citizen himself), then in 1993 there would be 1,217,593 non-citizens 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. 14 years ago, the average qualifying period for residence in the country for a non-citizens born outside Latvia was 26.4 years.

The largest number of non-citizens 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 2007 there remained in Latvia 4,004 non-citizens who were born in 1983.

In 1993 there were 1,655 non-citizens living in Latvia, having entered the country prior to 1940, and a further 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 a further 5,232 non-citizens, having entered the country during the period between 1941 and 1944. The overwhelming majority of these were inhabitants of the neighbouring regions of Byelorussia and the Russian Federation, having been forcefully re-settled here by the Nazi regime.

### The Dynamics of Changes in the Numbers of Non-Citizens

After 1993, when the initial census was completed, the appearance of new non-citizens, by stint of their very status, could only be possible on account of the "roundstamps", who had proved that they might have the status of non-citizen from the start, and also on account of newborns, who had been registered as non-citizens. The number of children remaining with the status of non-citizen between 1993 and 2008 is approximately 14,000.

On the other hand, over the period from 1993 to 1996, i.e. up until the start of the procedure for naturalization, as set down in the Citizenship Law, the number of non-citizens could only be reduced through emigration and death.

According to figures of the 1993 and 1996 Registers, the number of non-citizens has decreased by 154,000 people. This represented 82% of the total reduction in the population over this period, even though the proportion of non-citizens and "roundstamps" in the population amounted to 33%.

According to the figures of the 1996 and 2008 Registers, the number of non-citizens was reduced by 349,000 people. Of them, 143,000 became citizens of Latvia: 127,786 people un-



derwent the naturalization procedure together with their children, 7,089 children acquired citizenship separately from the parents, 8,027 people became citizens by registration. In addition, on the 1 January 2008, 46,000 foreigners were permanently resident in Latvia, the overwhelming majority of whom were the erstwhile "roundstamps" or non-citizens. Over the same period approximately 9,000 children were born, having been registered with the status of non-citizen.

Thus, over the period from 1996 to 2008:

$349 + 9 - 143 - 46 = 169,000$  people (48% of the total reduction in non-citizens) left for reasons that had nothing to do with the change in their legal status. Let us note here that the country's population had decreased over this period by 229,000, i.e. the decrease in the numbers of non-citizens for reasons other than a change in their status represented 74% of the reduction of the country's population.

The rate of the reduction in the numbers of non-citizens is reflected in the following graph (Diagram 2):

From 1993 up until 2008 the number of non-citizens was reduced 2.35 times, their proportion of the country's population decreased from 34% to 16%, whereas the proportion amongst ethnic minorities was reduced from 70% to 40% (or 45% including foreigners).

The absolute and relative numbers of non-citizens belonging to the main ethnic groups, as at August 1993, January 2000 and January 2007, are shown in table 3:

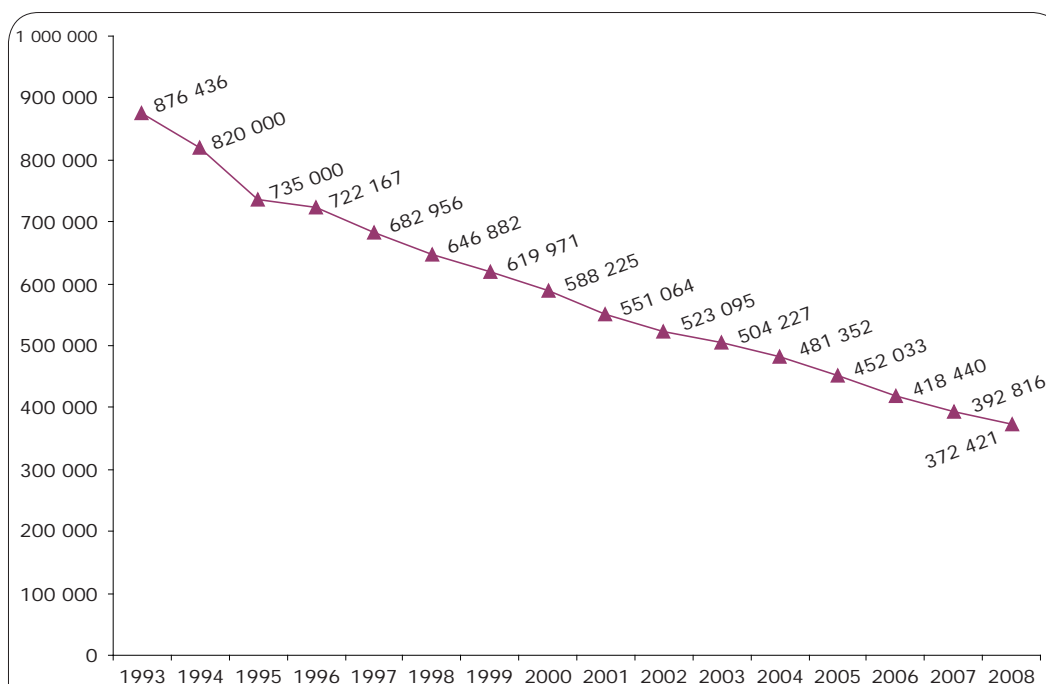


Diagram 2. The Reduction in the Number of Latvian Non-citizens

Table 3  
The Ethnicities of the Non-Citizens

Ethnicity	Total No. of Non-Citizens			Ethnicity of Non-Citizens as a percentage			Percentage of Non-Citizens in the Ethnicity		
	1993	2000	2007	1993	2000	2007	1993	2000	2007
Russians	505,486	393,190	259,651	64.24	66.84	66.10	60.9	55.61	40.16
Byelorussians	81,919	74,111	52,382	12.06	12.60	13.33	79.9	75.63	61.31
Ukrainians	70,555	54,705	37,171	8.62	9.30	9.46	93.7	85.54	64.32
Lithuanians	259,918	17,087	10,933	3.81	2.90	2.78	79.5	50.87	35.23
Poles	21,581	20,114	13,369	3.53	3.42	3.40	38.4	33.49	24.38
Latvians	21,745	4,712	1,851	3.20	0.80	0.47	1.57	0.34	0.14
Total within the population	876,436	588,225	392,816				33.6	24.6	17.20

It is clear from the table that the number of non-citizens amongst the ethnic Russians decreased 1.95 times, the proportion of non-citizens within that ethnicity falling from 61% to 40%. The corresponding figures for Byelorussians, Ukrainians, Lithuanians and Poles are respectively: 1.6, 80% and 61%; 1.9, 94% and 64%; 2.4, 79% and 25%; 1.6, 38% and 24%. It should also be taken into account that the table shows a lowered (by approximately 20%) absolute number of stateless persons for each ethnic group in 1993, as the data of the Population Register does not include "round-stamps" (see Table 1).

Incidentally, 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 2007 there remained only two of these groups: the Ukrainians and the Byelorussians.

The change in the distribution of non-citizens by age groups (1993 and 2007) is shown in table 4.

The change in the numbers of non-citizens in the six largest towns of Latvia and in the country as a whole over the last years is given in table 5.

Table 5  
*The Legal Status of the Population in the Largest Towns of Latvia*

Town	Year	All Inhabitants	Citizens	Ethnic Minority Citizens	Non-Citizens	Foreigners
Liepāja	2000	86,597	54,474	11,732	29,898	2,225
	2007	85,532	59,579	15,308	22,762	3,191
Riga	1993	874,172	431,991	127,901	442,181	
	2000	736,753	469,942	167,880	248,107	18,704
	2007	723,931	503,573	196,776	197,752	22,606
Ventspils	2000	43,971	28,903	6,223	13,970	1,098
	2007	43,693	31,777	8,148	10,246	1,670
Daugavpils	2000	111,878	77,191	59,338	32,540	2,147
	2007	107,083	78,359	59,634	25,675	3,049
Jurmala	2000	55,200	38,199	11,089	15,860	1,141
	2007	55,562	41,277	13,335	12,648	1,637
Jelgava	2000	65,577	46,961	13,539	17,641	975
	2007	66,034	51,256	15,198	13,555	1,223
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	32,377
	2007	2,284,871	1,850,616	505,253	392,816	41,439

Table 4  
*The distribution of Citizens and Non-Citizens of Latvia by Age Groups (in percentages)*

Age Group	Citizens	Non-Citizens	
	2007	2007	1993
0-14	14.65	3.66	13.75
15-17	4.74	2.01	3.16
18-30	21.57	12.61	13.88
31-40	14.43	11.53	17.25
41-50	13.86	18.45	15.30
51-60	10.97	20.40	15.27
>60	19.78	31.33	21.39

As can be seen from table 5, over the last 7 years amongst ethnic minorities residing in Daugavpils, citizens of the LR continue to dominate; in the communities of Liepāja and Ventspils – non-citizens; in Jurmala and Jelgava the proportion of ethnic minority citizens has started to exceed the proportion of non-citizens;

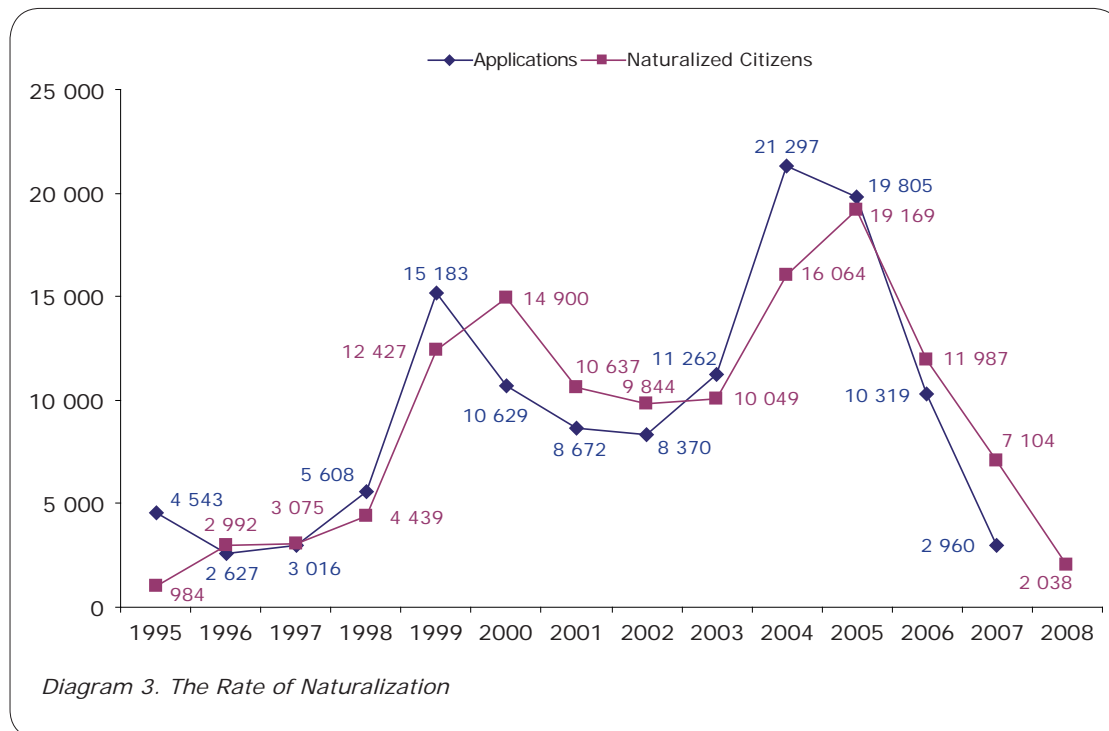
and in the country's capital a ratio of 50:50 has evolved.

In the Latgalian towns of Daugavpils, Rēzekne, in all the regions of Latgale (one of the five districts of Latvia, immediately adjacent to Russia and Byelorussia) and in a further eight regions there are more ethnic minority citizens than non-citizens. In 17 out of the 34 administrative regions non-citizens are pre-dominant within the Russian-speaking community.

### Naturalization

As has already been noted, the process of naturalization has over the past 10-12 years secured the reduction of only 128,000 out of 349,000 non-citizens, or 37%. Considering that the total number of non-citizens has decreased by 503,000 people since 1993, the coefficient of this process is even lower - 25%.

The dynamics of naturalization is shown in diagram 3.



The figures relating to the number of people becoming citizens in 2008 have been calculated from the number of applications made in 2007, taking account of the claimant sifting coefficient characteristic of 2006 and 2007.

The peaks of application submissions fall one year behind 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 “windows” for naturalization, 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 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 (except for United Kingdom and Ireland).

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. 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 from this country even the slightest recognition of national minority opinion.

The motivation for naturalization can clearly only be traced in the gender statistics of the Naturalization Board. The ratio between female and male applicants for the title of citizen has for many years been approximately two to one, reaching 2.5 in 2002 and even 2.7 in 2000, in favour of female applicants. And only when the issue of conversion to a profes-



sional army was resolved, did this coefficient start to approach a single unit – 1.8 in 2004, 1.3 in 2005 and 1.1 in 2006.

Let's attempt to answer the question, what factors hinder the process of naturalization?

***Perhaps the taxes are too high?***

The rules relating to the rates of state taxes have been revised four times. As a result, the basic rates of taxes have been reduced from 30 Ls to 20 Ls, and there has been some widening of the categories of different concessions, giving the right to pay tax of 10 Ls, 3 Ls or none at all.

The proportion of naturalized persons paying the full amount of tax fluctuates between 45% (in 2002) and 75% (in 2000). The number of people enjoying full exemption from taxes only came to 0.6% in 2006, but an entire 18% in 1997. These changes do not have any noticeable influence on the rate of naturalization (see Diagram 3).

***Perhaps an individual approach is needed to applicants from different ethnic backgrounds?***

Table 6 shows the figures relating to the ethnic composition of applicants set against the proportion of corresponding ethnicities amongst non-citizens.

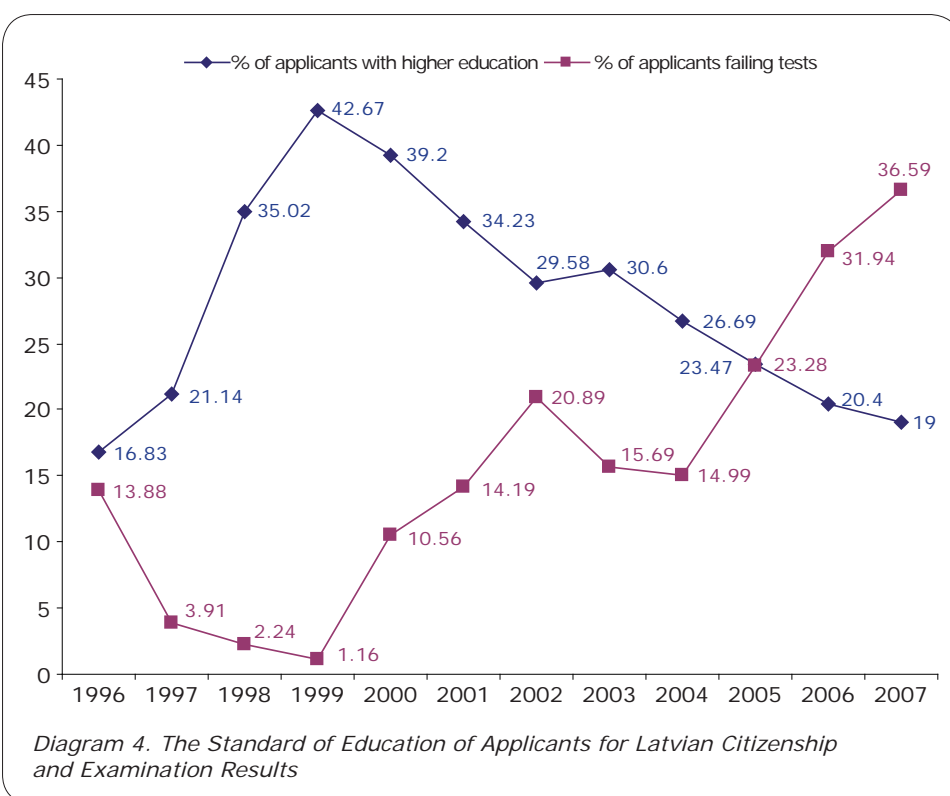
\*1 - Data relating to the ethnicity of non-citizens are given for 1993 and those relating to applicants – for 1996;

\*2 – Numbers of applicants are given together with Estonians, of whom the total figure of non-citizens is relatively small.

The disproportionately high number of Lithuanians and Poles among

Table 6  
*Data Relating to the Ethnicity of Applicants for Latvian Citizenship*

Ethnicity	1993/1996*1		2000		2007	
	Res	Nat	Res	Nat	Res	Nat
Russians	64.24	49.68	66.84	71.33	66.1	65.50
Byelorussians	12.06	8.03	12.06	9.61	13.33	10.40
Ukrainians	8.62	4.30	9.3	9.01	9.46	11.63
Lithuanians*2	3.81	25.77	2.9	2.11	2.78	3.92
Poles	3.53	8.30	3.42	3.55	3.4	3.88
Latvians	3.2	0.65	0.8	0.01	0.47	0.00



the 1996 applicants can be explained by the presence of groups having the right to submit applications without the need to be placed on a waiting list, and of "windows" for the main mass of applicants.

In principle, the ratio of applicants of a given ethnicity is almost proportionate to that of ethnicities amongst the non-citizens. Except perhaps that special measures are needed to attract the Byelorussians to the process of naturalization.

Of far greater substance, in our opinion, is the obvious connection between the number of people not being able to pass a test the first time, and the standard of education of the applicants (Diagram 4).

A mirror correlation between the two factors is obvious. It is also possible that the high educational potential of applicants has already been physically exhausted. It should not be forgotten that the number of people with a 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 three years has been steadily accompanied by a decrease in applications submitted (see Diagram 3).

In answer to an enquiry from the "For Human Rights in a United Latvia" parliamentary group on the 28 February 2007 on the comparative linguistic complexity of the tests used in applying for citizenship of Latvia and other countries of Europe, the Director of the Naturalization Board explains the problem as follows:

*In 2006 work was started in earnest, and continues today, on preparing for an audit, which is being carried out by the Association of Language Testers in Europe (ALTE). The Naturalization Board will in the near future have to send to the ALTE auditors a packet of standard documents used for monitoring examinations, as well as an Information Report. Following the audit, the Naturalization Board will submit an information report to the Committee of the Ministry of Justice for the attention of the Cabinet of Ministers, assessing the control mechanisms of tests and how the procedures for the naturalization tests meet the requirements of ALTE. We believe that only after the audit by ALTE and once the documents mentioned above have been prepared, will it be expedient to embark on an analysis of the procedures, contents and the legal documents relating to the tests for obtaining citizenship, as well as actions for optimizing them.*

There are clearly 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 the non-citizens:

Table 7  
The Rate of Naturalization of the Main Age Groups of Non-Citizens

Age Group	Total Number of Applicants in the Age Group over the Entire Period of Naturalization	Average Proportion of Applicants for Citizenship in the Age Group over the Entire Period of Naturalization	Average No. of Non-Citizens in the Age Group in 2007	Proportion of Non-Citizens in the Age Group in 2007
15-17	10,540	8.8%	7,896	2.09
18-30	37,917	31.5%	49,534	13.09
31-40	23,882	19.8%	45,292	11.97
41-50	24,779	20.6%	72,475	19.15
51-60	14,929	12.4%	80,134	21.18
>60	8,197	6.9%	123,069	32.52

The conclusion to be drawn from all the facts presented is obvious – the procedure for naturalization needs to be simplified radically, particularly for people over the age of 50. This conclusion also coincides with the recommendations of international experts (see the list of recommendations compiled by Aleksejs Dimitrovs below).

### The Children of Non-Citizens

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

- by becoming naturalized together with their parents by the age of 15;
- by being registered, on application by both parents by the age of 15 (provided they were born on Latvian territory after the 21 August 1991);
- 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 examination by achieving one of the three highest grades out of six.

13,572 children were naturalized together with their parents as of the 1 January 2008.

A further 7,089 children were registered as citizens of Latvia on application by their parents.

10,540 young people aged between 15 and 17 were naturalized independently.

In addition, the 8,027 people who received Latvian citizenship through registration in accordance with other articles of Law were partly children who had not come of age. If the same ratio between children and adults that is characteristic of the naturalization process were applied, then there would be another 858 people.



Thus, the total number of young people below age of 17 (at the point of application submission) having received Latvian citizenship is 32,060 people.

According to the figures of the 1993 Register, the number of non-citizens included 92,000 people below 15 years of age. Consequently, all of the possible means of acquiring citizenship described above were used by approximately one third of young people.

There are around 16.5 thousand children born after 21 August 1991 who still remain non-citizens, according to the Register's figures today in Latvia.

The international recommendations with regard to non-citizen children born in Latvia after 21 August 1991 are to accept them as citizens of Latvia on account of their birth. This would enable the "statelessness issue" to be resolved at least in terms of the lives of one generation.

### The Predicted Rate of Reducing the Number of Non-Citizens

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 can be calculated by using the formula:  $t = \ln(2)/v$ , where  $v$  is the annual relative rate of population decrease.



Let's assume that the population of non-citizens in 2007 numbered 400,000 people. The growth in the number of non-citizens as a result of the birth rate runs at around a thousand people a year. Let's assume that their loss through naturalization (see Diagram 3) is set at 2,000 people per year. A further 3,000 people per year leave through emigration (2002 figures). Assuming that the average age of non-citizens is 50 years the death rate is 10.8 per 1,000 people (statistics as at 2003).

Thus, the rate of population decrease is:

$$V = (10.8 \times 0.4 + 3 + 2 - 1) / 400 = 0.0208.$$

The population's "half-life", i.e. the reduction in the number of non-citizens to 200,000 people, amounts to:

$$0.693/0.0208 = 33 \text{ years.}$$

Thus in the event that legislation on citizenship does not change, the problem of mass statelessness will remain an issue even in 2040.

The number of non-citizens can be reduced almost three-fold by recognizing as Latvian citizens those non-citizens:

- born in Latvia (approximately 120,000 people);
- having attained the age of 60 (approximately 120,000 people);
- non-citizens with disabilities.

The parliamentary group "*For Human Rights in a United Latvia*" of which I am a member is campaigning for a "zero option" of citizenship – the recognition of all non-citizens as citizens of Latvia, i.e. the collective restitution to them of all political as well as a number of other rights, of which they were collectively deprived on the 15 October 1991.

As has been noted above, the Latvian authorities have already once assumed a "half-way" zero variant by recognizing as Latvian citizens all those with at least one parent who was a citizen of the LR. As a result of this one-off act, 395,928 people received Latvian citizenship. As at the 1 January 2008 there are 372,421 non-citizens living in Latvia.



**Vladimirs Buzajevs**

**Photo, page 16:** These children came with their parents to participate in the public demonstration in Riga against mass statelessness on 30 September 2005

# International recommendations concerning non-citizens in Latvia

## *European Union*

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 naturalisation rate in 2003 mainly due to the referendum campaign for the EU accession, even if the naturalisation 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.

## *United Nations*

1. 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, 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.

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

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.



**Photo, page 18:** 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"

**Photo, page 19:** 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



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.

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.

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.

### ***Council of Europe***

#### 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 naturalisation, 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 naturalisation, 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 naturalisation procedures more flexible in order to increase the rate of naturalisation 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;

#### The Congress of Local and Regional Authorities of Europe. Recommendation 47(1998) on local and regional democracy in Latvia. 28 May 1998

9. Considering the large number of Latvian residents who have no political or civic rights, reaching nearly 50% of the population in some cities, such as the capital, and having regard to the Preamble of the European Charter of Local Self-Government:



**Photo, page 20:** Protestors in Riga against mass statelessness on 4 May 2005, i.e. on the day of the 15th anniversary of the Declaration of Independence of Latvia

**Photo, page 21:** 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, NOT to Assimilation"



- a) Believes that it is important to integrate these residents into the country's democratic system and that local democracy offers a significant opportunity to achieve this;
- b) Recommends that the Latvian parliamentary and governmental authorities recognise the people's right to vote on issues within the competence of local authorities by acceding to the European Convention on the participation of foreigners in public life at local level.

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

31. The Department responsible for naturalisation, which operates under the authority of the Ministry of Justice, receives between 1 200 and 1 400 applications for naturalisation per month. It has conducted a number of activities to inform non-citizens of the formalities to be fulfilled for naturalisation: 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 naturalisation. 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 naturalisation 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.

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 naturalisation process for non-citizens. To this end, they should consider making the requirements for the existing naturalisation procedures more flexible. They should also continue encouraging the take-up of Latvian citizenship by non-citizens through the naturalisation 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.

### **OSCE**

OSCE Parliamentary Assembly. Resolution on National Minorities. 5-9 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.

OSCE Office for Democratic Institutions and Human Rights. Republic of Latvia: Parliamentary Elections. 8 February 2007

2. Consistent with previous recommendations by OSCE/ODIHR and other international organizations, the Saeima should give consideration to granting the “non-citizens” of Latvia the right to vote in municipal elections. In addition, the Government should further intensify its endeavours to encourage non-citizens to initiate and undergo the naturalization procedure.

**Aleksejs Dimitrovs**



**Photo, page 22:** 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



## 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 MARCH, 2008

### 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. Civil Servants (A)	The Law "On State Civil Service", adopted on 05.06.00, Art. 7
3. Constitutional Court Judges	The Law "On Constitutional Court", adopted on 05.06.96, Art. 4 (2)
4. Judges (A)	The Law "On Judicial Power", adopted on 15.12.92, Art. 51 (1)
5. Public Prosecutors (A)	The Law "On the Public Prosecutors Office", adopted on 19.05.94, Art. 33 (1)
6. State Security Officers (A)	The Law "On State Security Institutions", adopted on 05.05.94, Art. 18 (2)
7. Diplomatic and Consular Service (A)	The Law "On Diplomatic and Consular Service", adopted on 21.09.95, Art. 3 (6)
8. 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
9. 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
10. Members of the Councils of Regulators of Public Services (A)	The Law "On Regulators of Public Services", adopted on 19.10.00, Art. 37
11. Members of the Central Election Commission	The Law "On Central Election Commission", adopted on 13.01.94, Art. 2
12. Police (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)
13. 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)
14. 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)
15. Border guards	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)
16. Officials of the State Revenue Service	The Law "On State Revenue Service", adopted on 28.10.93, Art. 17 (1) (as amended of 25.10.01)
17. Officials of the Labour Inspection	The Law "On State Labour Inspection", adopted on 13.12.01, Art. 5

18. Workers of the departments of Records of Acts of Civil Status	The Law "On Acts of Civil Status", adopted on 17.03.05., Art. 3 (2)
19. 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>b) Private Sector</b>	
<b>Jobs reserved for Latvian citizens only:</b>	
20. Sworn Advocates and Advocate's Assistants (A) (B)	The Law "On Advocacy", adopted on 27.04.93, Art.14 (1) and 83
21. 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
22. Sworn Notaries and Notary's Assistants (A)	"The Notary Law", adopted on 01.06.93, Art. 9 (1), 147 (1)
23. Court Bailiffs (A)	The Law "On Court Bailiffs", adopted on 24.10.02, Art. 12 (1)
24. Heads of the detective agency (A) (B)	The Law "On Detective Activity", adopted on 05.07.01, Art. 4
25. The managers of security guards (A) (B)	The Law "On Security Guard Activities", adopted on 29.10.98, Art. 6
26. Professional patent official (A) (B)	The Patent Law, adopted on 15.02.07, Art. 26 (1)
27. 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.
28. Internal auditors in public institutions	The Law "On Internal Auditors", adopted on 31.10.02., Art. 14 (2)
<b>c) Public sector</b>	
<b>Only citizens have the right:</b>	
29. To participate in parliamentary elections	Satversme (The Constitution of the Republic of Latvia), Art.8 and 9
30. 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.
31. To be elected to Commissions and working groups of considerable part of municipalities	The Statute of Riga Municipality with amendment, adopted on 22.05.01 establishes this restriction only for Auditing Commission (para.26). In some other municipalities (for example, in Jelgava) the restriction is expanded to all commissions.
32. 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
33. To participate in state referenda	Satversme (The Constitution of the Republic of Latvia), Art. 80
34. In some municipalities only residents having Latvian or EU citizenship may initiate public referenda and participate therein (B)	The Statutes of Madliena (14.09.05, Art.97) and Seja (18.10.05, Art.89) Rural District Councils
35. 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)
36. To establish political parties	The Law "On Political Parties", adopted on 07.07.06, Art. 12 (1)
37. 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)

38. To be elected as Jurors	The Law "On Judicial Power", adopted on 15.12.92, Art. 56
39. To serve in the National Guard (Zemessardze)	The Law "On National Guard (Zemessardze)", adopted on 06.04.93, Art. 5 (1)
40. To be elected as the Ombudsman	The Law "On Ombudsman", adopted on 06.04.06, Art. 5 (2)
41. To be elected to the National Radio and Television Council	The Law "On Radio and Television", adopted on 24.08.95, Art. 42 (2)
42. 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
43. Only citizens of Latvia can become bishops, chaplains and military co-ordinators of the Catholic church	The Law "On the Treaty between the Holy God's Throne and Latvian Republic" adopted on 12.09.02., Art. 5, 24 and 25
44. Contacts with foreign citizens, access to cultural monuments and mass media are guaranteed to citizens only in some of the Agreements	9 Agreements signed from 7.08.92 to 16.04.03 (see Appendix 2, Para 2.1)
<b>II. Property Rights</b> <b>Only citizens have the right to:</b>	
45. 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 LR", adopted on 20.11.91, Art. 12 (1), (2) (as amended on 31.03.94, Art. 8)
46. 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)	The Law "On the Land Reform in the Cities of LR", adopted on 20.11.91, Art. 20 (as amended on 24.11.94, Art. 3)
47. Analogous to No. 48 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)
48. 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	The Law "On Finalising the Land Reform in the Cities", adopted on 30.10.97, Art. 3 (1)
49. 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
50. 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)
51. 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)
52. 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)

53. Protection of intellectual property abroad is guaranteed by some bilateral Agreements to citizens only	5 Agreements adopted within the period of 06.07.94 - 26.10.06. Out of them 3 Agreements lost their power after Latvia became a member of EU (see Appendix 2, Para 2.3)
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### III. Private enterprise

54. 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)
55. Non-discrimination regarding double taxation is guaranteed to citizens only	12 Agreements signed within the period of 17.11.93 - 14.05.04 (see Appendix 2, Para 2.5)
56. 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)
57. Commercial handling of weapons is allowed only for Latvian citizens and European Union citizens (A) (B)	The Law "On the Handling of Weapons", adopted on 06.06.02, Art. 36
58. 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)

### IV. Social Rights

59. Years of employment outside Latvia are not included into the non-citizen's employment record when calculating pension rates	Law "On State Pensions", adopted on 02.11.95, transitional regulations, Art. 1
60. The right to rent premises in the official hostels in Riga for non-restricted period of time have only those non-citizens whose length of residence as well as of work in Riga is more than 10 years	The Rules of Riga Municipality No. 52 "On the Order to Use the Official Hostels", adopted on 26.03.96, Art. 4
61. 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 citizen's 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

62. Latvian citizens may enter 82 foreign countries without visas. Non-citizens may enter, without visas, only 31 of them	See Appendix 2, Para 2.7 or web site of the Ministry of Foreign Affairs: <a href="http://www.mfa.gov.lv/en/service/4728/">http://www.mfa.gov.lv/en/service/4728/</a>
63. 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
64. 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.	The Law "On Criminal Process" of 01.10.05, Art. 697. Satversme (The Constitution of the Republic of Latvia), as amended of 15.10.98, Art.98
65. 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
66. 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)



67. 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
68. 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)
69. The invitation to receive visa is not needed if the person applying for visa is ethnic Latvian or Liv or if one of his parents is the citizen of Latvia	The Law "On Immigration", adopted on 31.10.02. Art. 12(2), p.5

## V. Other Rights and Freedoms

70. Only citizens have the right to study in certain higher education establishments	Statute (Constitution) of the Academy of Police, adopted by the Cabinet of Ministers on 17.06.98, Art. 69; 27.02.02., Art. 84. 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.
71. 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
72. 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
73. 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", adopted on 06.06.2002, Art. 19(6)
74. Only Latvian citizens are entitled to form collections of weapons (B)	The Law "On the Handling of Weapons ", adopted on 06.06.2002, Art. 34
75. 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)** those laws are marked which offend non-citizen's honour and self-respect because they equate non-citizens with incapable persons, criminals, enemies of the Latvian Republic and alcoholics;

2) according to the laws marked with **(B)** rights forbidden to non-citizens are ensured to foreigners, mainly to EU citizens.

## APPENDIX 2

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

### 2.1. General agreements (difference No. 44)

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 from 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 from 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

### 2.2. Agreements on the protection of investments (difference No. 52)

1. With Iceland of 26.08.91, Art. 4.
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
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 Egypt of 24.04.97, Art. 1 (2a)
27. With Italy of 11.07.97, Art. 1.3, 7.1.e
28. With Ukraine of 24.07.97, Art. 1.2.a
29. With Belarus of 17.06.1998, Art. 1c, 2, 3, 5
30. With Slovakia of 11.06.1998 Art. 1 (2)
31. With Hungary of 10.06.99. Art. 1 (2)
32. With Moldova of 22.09.99. Art. 1 (3)

### 2.3. Agreements protecting intellectual property (difference No. 53)

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

**2.4. Air traffic agreements (difference No. 54)**

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. 55)**

The Agreements preventing double taxation (anti-discrimination clauses apply to citizens only):

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

**2.6. Free trade Agreements (difference No. 56)**

1. With Ukraine of 29.11.91, Art. 12
2. With USA of 09.12.92, Art.2
3. With USA of 06.07.94
4. With Bulgaria of 16.10.02, Art. 5 (2)
5. With Hungary of 29.10.02, Art. 5 (2)

**2.7. Treaties on Visa-Free Regime (difference No. 64)**

**Latvian citizens may enter without visa 82 countries:**

Albania, Andorra, Argentina, Austria, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brunei, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Former Yugoslav Republic of Macedonia, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Hong Kong SAR, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Macao, Malaysia, Maldives, Malta, Mauritius, Mexico, Moldova, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Samoa, San Marino, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Spain, St.Vincent and the Grenadines, Swaziland, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela.

**Non-citizens may enter without visa 31 country:**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Poland, Portugal, Romania, Samoa, Slovakia, Slovenia, Spain, Sweden.

**2.8. Agreements on legal assistance (difference No. 66)**

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, 4% 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, 64% 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, 12% are ethnic Byelorussians.

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

\* Among non-citizens, 3.5% 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% are ethnic Ukrainians.

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

9. With Kirgizia of 10.04.1997, Art. 1, 17, 19, 41.

10. With China of 15.04.2004, Art. 16.