

MASS STATELESSNESS IN LATVIA



“Non-citizens of Latvia” are 220 thousands Latvian residents, 11 % of the population, as at 2019. These are people made stateless by the restrictive citizenship law of Latvia in 1991 and their children, unless they obtained a citizenship later. Voteless “non-citizens” form 13% in the voting-age population. Latvia claims this legal status to be distinct from statelessness.



The shares of those affected by “non-citizenship” in various ethnic groups, 2019:

Ethnic Belarusians - 46.5%



Ethnic Ukrainians - 43.7%



Ethnic Russians - 27.3%



Ethnic Jews - 22.8%



Ethnic Germans - 18.3%



Ethnic Poles - 18.1%



Ethnic Romani - 4.6%



Ethnic Latvians - 0.04%



Data: Office of Citizenship and Migration Affairs, www.pmlp.gov.lv

Demographic portrait:

The share of “non-citizens” born in Latvia, 2016



Data: ACFC/SR/III(2016)001, p. 63

The share of “non-citizens” aged 65+, 2019.

The authorities are waiting for “non-citizens” to die.



Data: Office of Citizenship and Migration Affairs, www.pmlp.gov.lv

Naturalization: stalling

While applying for naturalization is allowed for most “non-citizens”, executive refusals may be final. The process includes paying a fee, taking an oath, passing history, Constitution and Latvian language exams.

	Persons naturalised by Latvia	Reduction of the number of “non-citizens”
2018	930	8,723
2017	915	9,167
2016	987	9,457
2015	971	10,605

Data: Office of Citizenship and Migration Affairs, www.pmlp.gov.lv

Current discussions

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

1. It does not concern thousands of children “non-citizens” already born. Their right to nationality, granted by the Convention on the Rights of the Child, remains denied.
2. Since 2013, almost all newborn children of “non-citizens” receive citizenship. There are just 33 babies born in 2018, who remained «non-citizens» as at January 2019.

Crucial rights denied to “non-citizens”:

- Suffrage and eligibility, even in local elections.
- Access to public service (civil and military) and free legal professions (lawyers, notaries, court bailiffs)
- Limited rights - those related to having worked in the former USSR (calculation of retirement pensions and unemployment benefits). See Andrejeva v. Latvia (ECHR)

Latvian Human Rights Committee recommendations for Latvia:

- to ratify the European Convention on Nationality and the Convention on the Participation of Foreigners in Public Life at Local Level;
- to withdraw reservations to the Convention relating to the Status of Stateless Persons;
- to allow naturalising activists of legal federalist organisations of 1991 and people who committed crimes of negligence and (while under 18) non-violent crimes;
- to ensure neutrality of naturalisation exams regarding interpretations of history;
- to limit the level of language exams for people lacking any citizenship – it shouldn't be higher than A2.

REPEATED INTERNATIONAL RECOMMENDATIONS:

Granting voting rights in local elections to “non-citizens”	Automatic granting of citizenship to newborn children of “non-citizens”
CoE, Congress of Local and Regional Authorities. Recommendation 47(1998), § 9. Recommendation 257 (2008), § 11. Recommendation 317 (2011), § 5. Recommendation 412(2018), § 5	UN, UNHCR. Submission for UPR on Latvia, 11.2010. Chapter “Right to nationality”
CoE, European Commission against Racism and Intolerance, Report CRI(99)8, § 12. Report CRI(2002)21, § 34. Report CRI(2008)2, § 132. Report CRI(2012)3, § 128	OSCE, High Commissioner on National Minorities, Statements to the 868th (16.06.2011), 1229th (23.05.2019) Permanent Council meetings
UN, Human Rights Committee. Concluding observations CCPR/CO/79/LVA. 01.12.2003. § 17	CoE, European Commission against Racism and Intolerance. Report CRI(2012)3, §122. Report CRI(2019)1, § 58
OSCE. Parliamentary Assembly, Resolution on national minorities. 07.2004. § 16	CoE. Commissioner for Human Rights “Governments should act in the best interests of stateless children”, 15.01.2013. Report CommDH(2016)41, § 83
CoE, Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/I(2008)002, § 207. Opinion ACFC/OP/II(2013)001, § 133. Opinion ACFC/OP/III(2018)001, § 30.	UN, Committee on the Rights of the Child, concluding observations CRC/C/LVA/CO/3-5, 29.01.2016. § 35.
OSCE, High Commissioner on National Minorities, Statements to the 868th (16.06.2011), 1026th (20.11.2014) Permanent Council meetings	CoE, Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion ACFC/OP/III(2018)001, § 38
	UN, Committee on the Elimination of Racial Discrimination. Concluding observations CERD/C/LVA/CO/6-12, 23.08.2018, § 21.