

## LATVIA

### Follow-up - State Reporting

#### i) Action by Treaty Bodies, Including Reports on Missions

CCPR A/59/40 vol. I (2004)

### CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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260. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the following comprehensive table. Of the 27 States parties (detailed below) that have been before the Committee under the follow-up procedure over the last year, only one (Republic of Moldova) has failed to provide information at the latest after dispatch of a reminder. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

261. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State party</u>	<u>Date information due</u>	<u>Date reply received</u>	<u>Further action</u>
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*Seventy-ninth session (October 2003)*

Latvia	7 November 2004	-	-
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CHAPTER VII. FOLLOW-UP TO CONCLUDING OBSERVATIONS

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233. For all reports of States parties examined by the Committee under article 40 of the Covenant over the last year, the Committee has identified, according to its developing practice, a limited number of priority concerns, with respect to which it seeks the State party's response, within a period of a year, on the measures taken to give effect to its recommendations. The Committee welcomes the extent and depth of cooperation under this procedure by States parties, as may be observed from the comprehensive table presented below. Since 18 June 2004, 15 States parties (Egypt, Germany, Kenya, Latvia, Lithuania, Morocco, the Netherlands, the Philippines, Portugal, the Russian Federation, Serbia and Montenegro, Slovakia, Sweden, Togo and Venezuela) have submitted information to the Committee under the follow-up procedure. Since the follow-up procedure was instituted in March 2001, only six States parties (Colombia, Israel, Mali, Republic of Moldova, Sri Lanka and Suriname) have failed to supply follow-up information that had fallen due. The Committee reiterates that it views this procedure as a constructive mechanism by which the dialogue initiated with the examination of a report can be continued, and which serves to simplify the process of the next periodic report on the part of the State party.

224. The table below details the experience of the Committee over the last year. Accordingly, it contains no reference to those States parties with respect to which the Committee, upon assessment of the follow-up responses provided to it, decided to take no further action prior to the period covered by this report.

<u>State Party</u>	<u>Date Information Due</u>	<u>Date Reply Received</u>	<u>Further Action</u>
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*Seventy-ninth session (October 2003)*

Latvia	7 November 2004	15 November 2004	At its eighty-fourth session, the Committee decided to take no further action.
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**Follow-up - State Reporting**  
**ii) Action by State Party**

**CCPR CCPR/CO/79/LVA/Add.1 (2004)**

**Comments by the Government of Latvia to the concluding observations of the Human Rights Committee**

[16 November 2004]

**ADDITIONAL REPORT OF THE REPUBLIC OF LATVIA**

1. In this document the Government of Latvia submits its additional report pursuant to rule 71 (5) of the rules of procedure of the Human Rights Committee (CCPR/C/3/Rev.7) in response to the request by the Committee, expressed in the concluding observations (CCPR/CO/79/LVA, para. 23) adopted following the consideration of the second periodic report of Latvia (CCPR/C/LVA/2002/2) during the Committee's seventy-ninth session on 28 and 29 October 2003, to forward information within 12 months on the implementation of the recommendations contained in paragraphs 16, 18, 19 and 20 of the concluding observations.

**Paragraph 16**

**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.**

2. The Government of Latvia hereby would like to submit statistical data on the progress of the naturalization of non-citizens in order to demonstrate that the rate of applications is rapidly increasing. The table below shows the rate of naturalizations during the last three years:

Year	Number of applications	Average per month
31 August 2004 <sup>a</sup>	12 677	1 585
2003	11 268	939
2002	8 370	698

<sup>a</sup> It is forecast that by the end of 2004, the number of applications may exceed 19,000 - the largest number ever since naturalization began in 1995.

3. During the last year naturalization has been the most popular way of acquiring citizenship - from 1 November 2003 to 31 August 2004, 11,491 persons acquired Latvian citizenship. Of this number, 9,784 persons (2.1 per cent of the total number of non-citizens in Latvia) acquired citizenship by way of naturalization. The remaining numbers of new citizens were children of

stateless persons or non-citizens (1,072) and persons who acquired citizenship by virtue of registration (635).

4. During the same time period, 15,313 naturalization applications were received, of which only 34 were rejected, for the following reasons.

- In 17 cases the applicants were persons whose criminal record had not been erased;
- In 13 cases children of non-citizens who had already reached the age of 15 wished to become naturalized together with a parent, while under the legislative provisions they had to proceed on their own motion;
- Two persons did not observe the mandatory five-year residence term before applying for citizenship;
- One person was a former KGB collaborator and thus not eligible for naturalization;
- One person was not eligible as he arrived in Latvia as a result of his military service in the USSR armed forces and had no well-established personal ties with Latvia.

5. The most considerable increase in the pace of naturalization started in September 2003. In 2000-2002, on average 770 naturalization applications per month were received in the country in total. In the last four months of 2003 there were on average 1,290 applications per month, while in 2004 there have already been 1,580 applications received per month. The analysis has revealed four main factors having a positive impact on naturalization:

- There is the possibility to study the Latvian language free of charge after having submitted a naturalization application. In 2003, 3,300 applicants made use of this possibility. The funding (LVL 178,765<sup>1</sup> of which LVL 50,000 are provided from the State budget) has been increased for this purpose;
- Information campaigns organized by the Naturalization Board (for details please see paragraphs 7-8);
- The reduction in September 2003 of the fee payable for submitting a naturalization application, when a large part of the population of Latvia acquired the possibility to pay a reduced fee (LVL 3). From 1 January until 31 August 2003, 1,653 persons paid the reduced fee, while during the same period in 2004, 5,633 persons had already done so;
- The accession to the European Union and the North Atlantic Treaty Organization.

6. Nevertheless, there are still several factors which impede naturalization:

- Insufficient proficiency in the Latvian language for most non-citizens (approximately 200,000 out of 470,000 non-citizens), which prevents them from passing the Latvian

language proficiency examination. This is a difficult issue in several regions of Latvia, especially in Latgale (Daugavpils in particular) and Riga;

- Lack of motivation to acquire Latvian citizenship, especially among elderly people;
- The fact that the status of a non-citizen does not cause problems in everyday life.

7. In order to persuade non-citizens, decrease the impact of negative factors and enhance the overall awareness of the society, Latvian authorities, in cooperation with local non-governmental organizations, have implemented and continue to implement several long-term information campaigns:

- The regional branches of the Naturalization Board on a regular basis organize Information Days in educational establishments, self-government bodies and the largest enterprises of the cities and regions of Latvia. Within the framework of these activities the population is informed about the ways to acquire Latvian citizenship, the documents that have to be submitted and the tests to be passed, as prescribed by the Law on Citizenship. Visitors are offered the chance to pre-test their knowledge to see whether they meet the examination standard as prescribed in the naturalization procedure. In 2003 the Board organized 120 Information Days, but in the first eight months of 2004, 74 Information Days.

- The Methodology and Examination Centre of the Naturalization Board also organizes an Information Day on a regular basis. Visitors are informed about the process of acquiring Latvian citizenship in general, the procedure for the examinations as prescribed by the Law on Citizenship, as well as the methodological and teaching aids and literature. Visitors have the possibility to pre-test their Latvian language proficiency, as well as their knowledge of the basic principles of the Constitution of the Republic of Latvia and the history of Latvia by passing a sample test.

- Every year Citizenship Days dedicated to the Independence Day of the Republic of Latvia are organized in educational establishments all over Latvia. The administration of the Naturalization Board and the employees of the regional branches of the Board participate in this event informing students and the teaching staff about the possibilities of acquiring Latvian citizenship. According to the information at the disposal of the Board, at least 80 per cent of all educational establishments in Latvia organize Citizenship Days every year.

- From December 2003 until March 2004 the Naturalization Board, in cooperation with the NGO Latvijas Jaunatnes centrs "Ejam", implemented the project We are Different but United in Latvia. Within the framework of the project lectures were organized in 16 schools, where the question of the acquisition of citizenship is urgent. The employees of the Naturalization Board informed students about citizenship in general and the possibilities of acquiring it. Approximately 700 persons attended these lectures.

- In April 2004 the Minister for Special Assignments for Society Integration Affairs, in cooperation with the Ministry for Children and Family Affairs<sup>2</sup> implemented the campaign, whose target audience was non-citizen parents with children born in Latvia after 21 August

1991. During this campaign approximately 15,000 letters in both Latvian and Russian were sent to the families, informing them of the possibility of registering their children as Latvian citizens. A booklet prepared by the Naturalization Board on the procedure and necessary documents was enclosed. After this campaign the number of applications increased substantially - in May 2004, 354 applications to register a child as a Latvian citizen were received. That is more than in the first quarter of 2004 in total, when 234 such applications were received. The increase in the number of applications is stable - during the first eight months of 2004 a total of 1,436 applications were received. That is four times more than the number of applications received in 2003 (356 applications).

– Following the accession to the European Union on 1 May 2004, the Naturalization Board and its regional branches in a number of places organized special activities: information days and exhibitions on "Citizenship of Latvia and Citizenship of the European Union", knowledge competitions for students, seminars and discussions for young people and representatives of national minorities, as well as the solemn ceremonies of handing copies of the Cabinet of Ministers' decisions on granting Latvian citizenship through naturalization.

– The popularity of the Internet homepage of the Naturalization Board as a source of information increases gradually. In 2003 it had approximately 56,000 visitors. During the first half of 2004 approximately 52,000 persons visited the homepage. Visitors have the possibility to send their questions electronically directly from the homepage of the Naturalization Board. In 2003 this possibility was made use of by 372 persons, while in 2004 (as of 31 August) - by 553 persons.

– Since 2002 a toll-free Naturalization Board hotline has been functioning as a source of information to residents of Latvia on issues of citizenship. The residents have shown a great interest in this service: 6,690 persons contacted the hotline from November 2003 until 31 August 2004.

8. In addition to the information campaigns, the Naturalization Board prepares and publishes informative materials and guides for potential applicants to cover various topics related to the naturalization procedure:

– In 2003 a revised and extended edition of *Methodological Recommendations for Applicants of the Citizenship of Latvia while preparing for the Examination of the Knowledge of the Basic Principles of the Constitution of the Republic of Latvia*, the Text of the National Anthem and the History of Latvia was published;

– In March 2004 a revised and extended edition of the *Methodological Recommendations on Latvian Language Proficiency* was published;

– In August 2004 the third revised and extended edition of the book *The Basic Issues of the History of Latvia and Constitutional Principles of the State of Latvia* was published.

## **Paragraph 18**

**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 participation of non-citizens in public life in Latvia.**

9. The Government acknowledges that currently, a large proportion of the population are treated as a specific and distinct category of persons with long-standing and effective ties to Latvia. The Government regards them as potential citizens; therefore, the fostering of naturalization remains among its priorities.

10. The Government would like to reiterate its position that granting non-citizens the right to vote at the municipal level would seriously undermine the already weak motivation of many non-citizens to take the few steps required to acquire Latvian citizenship. According to the sociological survey data collected in 2001, many non-citizens already see little difference between the status of citizens and that of non-citizens. As mentioned above, this strong perception continues to be listed among the impediments to naturalization. When respondent non-citizens who were not planning to become Latvian citizens were asked to name the main reasons for not naturalizing, 43 per cent answered that they already were in possession of a non citizens' passport.

11. The dangers of granting excessive rights to non-citizens or third-country nationals have also been underlined by the European Parliament in the report on the proposal for a Council Directive concerning the status of third-country nationals who are long-term residents, which acknowledged that harmonization in the form of equal status would do away with any incentive to seek citizenship of the State, a step which third-country nationals should be encouraged to take with a view to fostering integration.

12. Therefore, the policy of the Government has been so far and still remains to encourage non-citizens to acquire Latvian citizenship through public appeals, direct mail campaigns, language training and various projects aimed at encouraging non-citizens to naturalize or register their children.

13. With regard to the restrictions on occupying certain positions in both the public and private sector, the Government would like to once again clarify that these restrictions are not indefinite, but are subject to periodic scrutiny, when different interests are examined and evaluated with regard to the proportionality of restrictions and their aims. As a result, the restrictions on several professions have already been lifted, as well as certain restrictions regarding ownership issues.

14. On 29 May 2003 the Maritime Code was adopted. It rescinded the previous restriction requiring that the master of a ship be a citizen. The new provision extends the right to occupy this position to non-citizens and foreigners. In addition, the Maritime Code establishes more restrictive ownership requirements, providing that only a citizen or non-citizen shall be in possession of a vessel flying the Latvian flag.

15. On 16 September 2004 the Law on Aviation was adopted. It rescinded the requirement of Latvian citizenship for pilots and members of the crew. On 21 September 2004, the Cabinet Regulation "On the Border-Crossing Procedure" was amended, stipulating that schoolchildren who are non-citizens will not need a visa to go to EU countries, providing they are members of a group of other schoolchildren accompanied by a teacher.

### **Paragraph 19**

**The State party should take all necessary measures to prevent negative effects of its language policy on the rights of individuals under the Covenant, and, if required, adopt measures such as the further development of translation services.**

16. The Government would like to submit that neither the State Language Law, nor other regulations issued pursuant to it, in any way restrict the exercise and enjoyment of the rights and freedoms envisaged in the Covenant.

17. The State Language Law provides that documents in a foreign language shall be accepted if a translation into the official language is attached, certified in accordance with the procedures laid down by the Cabinet or notarized. Furthermore, the Law authorizes the State and local government institutions, organizations and enterprises to accept and examine documents from foreign countries without a translation into the official language. With regard to the latter, State and local government institutions have shown even a greater degree of cooperation. For example, in several municipalities where non-Latvian residents are predominant or a large proportion of the population (Riga, Daugavpils), the translation services, mentioned by the Committee, are already available to persons not proficient in Latvian.

18. The requirement to communicate with State authorities in Latvian is not inviolable. In case of emergency, a person can contact the relevant emergency services in a language in which he is proficient. The same exception stands for written applications to the police, rescue and medical services.

19. Finally, the Government would like to reiterate once again that it is possible to learn the Latvian language free of charge after having submitted a naturalization application. In 2003, 3,300 applicants made use of this possibility.

### **Paragraph 20**

**The State party should take all necessary measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction. It should also ensure that if State subsidies are provided to private schools, they are provided in a non discriminatory manner.**

20. As the Committee has correctly pointed out, the transition to a bilingual system of instruction has been among the major subjects of concern for the Government.

21. The Government would like to inform the Committee that on 5 February 2004 the Education Law of 1998 was amended in order to introduce the bilingual system of instruction in the educational institutions using a language of instruction other than Latvian. As of 1 September 2004, in general educational institutions starting from the tenth form and professional educational institutions starting from the first academic year, the system of bilingual language of instruction has been introduced. The bilingual system of instruction provides that as of 1 September 2004 up to 40 per cent of the curriculum may be taught in a language other than Latvian, and that the State exams should be taken in Latvian only.

22. When deciding upon the transition to a bilingual system of instruction, the main rationale pursued by the Government and the legislator was to raise the competitiveness among non Latvian young people with regard to their future studies in the universities of Latvia, where the Latvian language is used in the entrance exams and as the language of instruction. This aim has been consistently pursued during the last years. The table below shows the gradual increase in the budgetary allocations to the Ministry of Education and Science to implement minority related school policies. All numbers are given in LVL.

	2001	2002	2003	2004
Surcharges	757 049	835 525	887 179	1 095 138
Additional grants for teaching aids	50 000	50 000	50 000	50 000

23. Following the adoption of the above-mentioned amendments to the Education Law, the Consultative Committee of the Ministry of Education and Science was reinstated, having as part of its mandate the monitoring and implementation of the educational reform itself. The Consultative Committee consists of the officials of the Ministry, representatives and experts from the local governments and NGOs and so far it has held four meetings.

24. To summarize and further develop various proposals being made by non-Latvian NGOs, as well as to find common interests with those opposing the introduction of bilingual instruction, a joint working group was established by the representatives from the Ministry of Education and Science and the Latvian Association for Support of the Schools with Russian Language of Instruction, which is one of the most influential NGOs in this area.

25. In addition, on 8 April 2004 the Ministry of Education and Science established a special working group to consult school administrations on how the bilingual system should be implemented in the most effective manner. In 2004, 20 meetings have been held with the school administrations, parents and schoolchildren.

26. To soften the initial impact of the transfer to the Latvian language of instruction in a number of subjects studied, the Ministry of Education and Science has recommended that the native language, in conjunction with Latvian, be used at the initial stage, so that the transition is more gradual - an approach which, to some extent, is similar to the methodology used in primary

education. As the information obtained by the Ministry of Education and Science shows, the educational institutions have made use of this possibility. Such a gradual approach has received the support of the school administrations and parents. The school administrations have developed a specific methodology for this purpose, which, however, is different from the one used during the primary education stages.

27. Regarding the concerns expressed by the Committee on whether the State subsidies provided to private schools are provided in a non-discriminatory manner, the Government would like to inform the Committee that the State subsidies provided for this year amount to LVL 38,180. There are 2,826 schoolchildren studying in private schools, of whom 1,161 study in the Russian language. Currently, no amendments to the provisions that provide for the State subsidies to private educational institutions are foreseen. Nevertheless, discussions in this regard will continue.

### **Notes**

<sup>1</sup> The exchange rate, as set by the Bank of Latvia on 11 November 2004, is LVL 0.5410 for US\$ 1.

<sup>2</sup> The former Secretariat of the Minister for Special Assignments for Children and Family Affairs.