

LATVIA

Follow-up - State Reporting Action by State Party

CERD A/54/18 (1999)

Annex X

Comments of the Government of Latvia on the concluding observations* adopted by the Committee on the Elimination of Racial Discrimination on the initial, second and third periodic reports of Latvia

With regard to the Committee's observation (paras. 395 and 404) that there are residents who are in a discriminatory position in applying for citizenship, the Government of Latvia once again wishes to stress that it is important to examine the question of citizenship within the context of the forcible and illegal incorporation of Latvia into the USSR, as a consequence of which its statehood for a limited time existed only de jure.

The persons who settled in Latvia during the period of its existence only de jure are not deprived of the right to citizenship. Latvia has recognized it in the sense of the right to acquire citizenship through naturalization.

The Government challenges the observation that the naturalization procedure may not be easy enough. The OSCE High Commissioner for National Minorities, Mr. Max van der Stoep, was one of the Government's main counterparts in dealing with the question of naturalization tests and other specific issues. On 11 January 1999 he publicly expressed his satisfaction with the current state of affairs as to the citizenship issue and stated that no recommendations in that respect would follow.

The Government's view is supported by the statistics, which are self-explanatory □ 95.6 per cent and 96 per cent, respectively, of the applicants for naturalization pass the language and the country's history test at the first attempt. The State party wishes the Committee to take note of this fact.

The Government wishes to draw the attention of the Committee to the contradiction between paragraph 389 and paragraphs 397 and 406 of the concluding observations. In one the Committee notes that restrictions that had been applied to non-citizens have been lifted, but in the others refers to reports which allege the existence of unjustified differences between citizens and non-citizens. Under the provisions of general recommendation XI of the Committee, the Government accepts the debate on the question of non-citizens and has shown its good will in doing so during the presentation of the report. Nonetheless, the Government wishes to stress that such a discussion should be based upon reliable information. Therefore, the Government challenges the validity of the source of information the Committee is referring to.

* See paragraphs 384-414 of the present report.

The Government wishes to stress that former USSR passports will become null and void in Latvia as from 1 January 2000. To the contrary of what is suggested in the general comments (para. 398),

they are still valid in Latvia, so that the holders of former USSR passports can freely travel to those countries that recognize this passport as valid for travel and they can also freely return to Latvia.

It should also be emphasized that, contrary to what is suggested in the Committee's observations, the pace of issuance of the new internationally recognized travel documents to Latvian non-citizens cannot be considered slow, since at the time of the session of the Committee 72 per cent of all non-citizens in Latvia had already received passports. The remaining non-citizens are constantly encouraged through the prime public information media to apply for the new passports.

CERD A/58/18 (2003)

Annex VII

COMMENTS OF STATES PARTIES ON THE DECISIONS AND CONCLUDING OBSERVATIONS ADOPTED BY THE COMMITTEE AND REPLIES OF THE COMMITTEE

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The fourth and fifth periodic report of Latvia *

The following comments were sent on 30 September 2003 by the Permanent Representative of Latvia to the United Nations Office at Geneva concerning the concluding observations adopted by the Committee following the consideration of the fourth and fifth periodic reports submitted by the State party:

□ The Government of Latvia appreciates the constructive dialogue with the Committee which allowed the Government to present its views and exchange opinions with the experts on various issues. At the same time, the Government regrets that the positive spirit and tone of the discussion has not been fully reflected in the concluding observations, and that some issues that were touched upon in the concluding observations were not discussed during the consideration of the Government's report.

□ With regard to paragraph 7 of the concluding observations, the Government would like to point out that there has been a mistake of fact. The ruling that the Committee refers to was made by the Constitutional Court of Latvia (*Satversmes Tiesd*).

□ As to paragraph 9 of the concluding observations, the Government notes that, as stated during the examination of the report, the aim of the legislature when adopting the State Language Law was to establish a strict framework for the use of the Latvian language in the public sphere, as well as in the private sphere, when the public interest so requires. An important principle behind the Law, the formulation of which was recognized by international organizations as being in compliance with Latvia's international obligations, is to prevent unjustified interference with the right of every individual or group of individuals to use the language of their choice. In this light, the Committee's concern with the possible narrow interpretation of the Language Law seems irrelevant, as, in the given case, only a narrow interpretation can ensure broad recognition of the individual's right.

□ The Government notes that the Committee's recommendations contained in paragraphs 12 and 13 of the concluding observations are conflicting. The Government would like to draw the Committee's attention to the number of studies already conducted that showed that the reasons for the relatively low level of naturalization is the lack of motivation based on the insubstantial differences in rights between citizens and non-citizens. However, as the Latvian delegation stated during the consideration of its periodic report, the Government's policy is to encourage naturalization by all available means in order to ensure that the overwhelming number of Latvia's residents are citizens. The Government is also surprised at the growing number of persons who fail the language examination as there are no statistical data available to support

this statement. It would therefore appreciate clarification on this matter.

□ With respect to paragraph 15 of the concluding observations, the Government notes that international human rights standards allow States to limit the right to work in certain professions, in the public as well as in the private sector, only to its nationals. Such restrictions are not discriminatory since they have the legitimate aim of protecting national security, public order and the rights of others. The restrictions on working in certain professions that exist in Latvia concern jobs in both the public and the private sector related to the judicial branch (e.g., sworn attorneys, notaries) and State security considerations (e.g. manager of a security company) and are therefore seen to be in compliance with the above-mentioned principle. The Government would therefore appreciate the Committee's clarification on this matter.

□ The Government is surprised to learn the Committee's concerns over educational reform and its implications on the rights of linguistic minorities, since there are no linguistic minorities, in the traditional sense of the term, in Latvia. At the same time, the Government notes that the reform is being implemented gradually and with great caution, and it ensures the right of national minorities to have their own education programme should they wish to do so.

□ Finally, the Government has the pleasure to inform the Committee that it has decided to establish a working group, chaired by the Secretariat of the Minister for Special Assignments for Societal Integration Affairs, with the mandate to evaluate whether any, and which, adjustments to the legislation and State policy are necessary in combating racial discrimination in the light of the Committee's concluding observations.□

*/ See paragraphs 437-462 of the present report. The comments refer to the unedited version of the concluding observations.