



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION**

Fifth periodic reports of States parties due in 2001

Addendum

LATVIA*

[28 May 2003]

* This document contains the fourth and fifth periodic reports of Latvia, due on 14 May 1999 and 2001 respectively, submitted in one document. For the initial, second and third periodic reports of Latvia submitted in one document and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/309/Add.1 and CERD/C/SR.1348, 1349 and 1367.

**ADDITIONAL INFORMATION TO THE FIFTH PERIODIC REPORT
OF THE REPUBLIC OF LATVIA UNDER ARTICLE 9 OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION**

Paragraph 15

1. The Statute of the International Criminal Court was ratified by the Latvian Parliament on 20 June 2002. The Statute entered into force for Latvia on 1 September 2002.

Paragraph 27

2. In 1999, five criminal cases were initiated, four of which were filed on the basis of article 68.1, paragraph 1, (genocide) of the Criminal Code in force at the time. In all those cases charges have been brought against the person/persons concerned. One case was initiated on the basis of paragraph 1 of article 69 of the Criminal Code (inciting national discord) and is still being investigated. In 2000, three criminal cases were filed - one on the basis of article 71 of the Criminal Law (genocide), and two on the basis of paragraph 1 of article 78 of the Criminal Law (actions deliberately intended to cause national hatred or discord), out of which one case has already been forwarded to the court. In 2001, one criminal case was initiated under article 71 of the Criminal Law and another under article 78 of the same Law. Both these cases are being investigated. In 2002, one case has been initiated under paragraph 1 of article 78 of the Criminal Law.

Paragraph 53

3. On 9 May 2002 the Parliament, as a matter of urgency, adopted amendments to the Election Law. The said amendments deleted from the Law a provision according to which a person could not be nominated as a candidate for parliamentary election and could not be elected to Parliament if he/she did not master Latvian (the State language) at the higher (third) State language proficiency level. These amendments entered into force on 23 May 2002.

Paragraph 57

4. On 20 June 2002 the Parliament adopted the Declaration of the Place of Residence Law, which will enter into force on 1 July 2003. The purpose of this Law is to ensure that every person is reachable in terms of legal relations with the State or local government. The Law provides for the obligation of every person (citizen of Latvia, non-citizen, stateless person or refugee) to declare his/her place of residence. However, the fact of the declaration of the place of residence does not in itself create civil law obligations. The place of residence is to be declared at the respective institutions of city, county and parish local governments, providing personal data and lawful basis to reside in the particular immovable property (rental or leasing contracts, ownership, marriage, kinship, etc.). The local government will verify the information submitted and subsequently will issue a document certifying the fact of declaration of a place of

residence. The person also may provide in the declaration an additional address (addresses), indicating the time period during which he/she may be reached at such address (addresses). Declaration of the place of residence can also take place upon the initiative of the respective institution if immovable property (with an address) has been determined in which the person who has not him/herself declared this place of residence resides, or if the information on the actual place of residence of the person has been received from State or local government institutions, medical, educational and other institutions or persons.

5. The Cabinet has adopted several legal acts that will enter into force simultaneously with the above Law to ensure its implementation. These are:

- Regulations No. 82 of 18 February 2003 “On the procedures for the submission by the owner of the immovable property or the person to whom the immovable property has been transferred of information about the persons residing in the immovable property”;
- Regulations No. 121 of 18 March 2003 “On the amount of information necessary for the registration of an actual place of residence of a person and the procedures for the examination of this information”;
- Regulations No. 174 of 15 April 2003 “On the procedures for the completion and submission of the declaration, as well as procedures for the examination of information provided in the declaration”.

Paragraph 62

6. On 1 May 2003, the new Immigration Law entered into force. This Law, together with the Asylum Law, which entered into force on 1 September 2002, covers all issues related to the residence and movement of foreigners in the country, as well as issues concerning expulsion. The Law regulates more precisely the issuing of visas and residence permits, and responsibility of persons entering the country and those inviting foreigners. The Law stipulates that the spouse of a Latvian citizen, a non-citizen of Latvia or a foreigner with a permanent residence permit, provided they live together and have joined household, as well as their children, are granted first residence permit valid for one year; subsequent residence permit is valid for four years, and only after that the above-mentioned persons may receive permanent residence permits. Moreover, the parents of a Latvian citizen or a non-citizen of Latvia, if they have reached the pension age established in Latvia, may receive temporary residence permit. After 10 years these persons may receive permanent residence permits.

Paragraph 69

7. Article 3 of the Citizenship Law states that if, at the moment of the birth of the child, only one of his or her parents is a Latvian citizen, the child will be a Latvian citizen, if the child:

- (a) was born in Latvia; or

(b) was born outside Latvia, but at the moment of the birth of the child, the permanent place of residence of the parents, or that parent with whom the child is living, was in Latvia.

In the aforementioned cases, the parents may, by mutual agreement, choose the citizenship (nationality) of the other (not Latvian) State for their child. The said article also states that if, at the moment of the birth of the child, only one of the parents is a Latvian citizen and the permanent place of residence of both parents is outside Latvia, the parents will determine the citizenship (nationality) of the child by mutual agreement. If, at the moment of the birth of the child, one parent is a Latvian citizen, and the other parent is a stateless person, or is unknown, the child will be a Latvian citizen, irrespective of the place of birth.

Paragraph 74

| Year | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|---------------------------------|-------|-------|-------|-------|--------|--------|--------|-------|
| Applications for naturalization | 4 543 | 2 627 | 3 075 | 5 608 | 15 183 | 10 692 | 8 672 | 8 370 |
| Naturalized persons | 984 | 3 016 | 2 992 | 4 439 | 12 427 | 14 900 | 10 637 | 9 844 |

Paragraphs 82 and 83

8. The purpose of the study “On the way to civil society - 2000” was to determine the attitude of Latvia’s inhabitants towards democratization, integration, and readiness to participate in the formation of civil society, as well as to determine the dynamics of public attitude since 1997. Particular attention was paid to the opinion of non-citizens and examination of their behaviour concerning naturalization issues.

9. Compared with the results of the 1997 survey, the material well-being of people has improved, but the overall standard of living remains comparatively low, thereby impeding the formation of civil society and integration. However, the opinions of non-citizens and citizens are converging, except with regard to language issues where no major changes have taken place.

10. From the point of view of Latvia’s inhabitants, relations between the various ethnic groups are improving, which shows the positive attitude of the members of society towards other ethnic groups. Every second person expressed confidence that inter-ethnic relations will improve further. The opinions of non-citizens and citizens have also converged regarding the rights and freedoms, particularly regarding social rights; as concerns political rights, non-citizens consider them to be more important. Like results of the 1997 survey, the results of the 2000 survey also allow to conclude that daily contacts promote integration.

11. Comparison of the 1997 and 2000 surveys show that non-citizens have more tolerance and understanding regarding procedures for naturalization. The changes brought about by the 1998 referendums facilitated the formation of different models for the prospective behaviour of non-citizens. The first group (about 20 per cent) consists of persons who are planning to acquire Latvian citizenship within one year. Their choice is motivated by two considerations: civil (sense of belonging to Latvia; feeling of security; wish to exercise political rights), and pragmatic (wish to broaden professional and social opportunities). The second group (also

about 20 per cent) consists of non-citizens, who have postponed applying for Latvian citizenship, either because of their inability to pass the naturalization examinations or due to the lack of financial means. The third group (about 40 per cent) consists of non-citizens who do not wish to acquire the citizenship of any State, arguing that they already have the status of non-citizen, and also that it is difficult for them to pass naturalization examinations. The fourth group (2-3 per cent) wishes to acquire citizenship of another State. About 10 per cent of non-citizens do not have a clear position on the issue of political status. The surveys clearly show that the group of non-citizens is not homogeneous, but very differentiated - for some political participation is the most important issue; for others it is their personal interest; still others are resigned regarding their political status.

Paragraph 94

12. Regulations of the Cabinet of Ministers No. 277 "On the chaplain's service" were adopted on 3 July 2002. In 2003 the Administration on Places of Imprisonment established the Chaplain's service with 17 staff members, who currently are trained in the specifics of the chaplain's work and in the requirements of existing legal acts. The Administration on Places of Imprisonment has adopted several instruments regulating the work of the chaplain's service. Thus by the Order No. 25 of 4 March 2003 the Administration on Places of Imprisonment established the Consultative Board on Religious Affairs of the Administration on Places of Imprisonment, in order to strengthen the cooperation and mutual understanding between the Administration and various religious organizations involved in the spiritual care for prisoners. On 6 March 2003, by the Order No. 27 the Administration on Places of Imprisonment adopted the Code of Professional Ethics of the Chaplains in Places of Detention.

Paragraph 95

13. The Alternative Service Law was adopted on 30 May 2002 and entered into force on 1 July 2002. The purpose of this Law is to determine the procedures for the performance of alternative service and to guarantee freedom of human thought, conscience and religious beliefs by linking such freedom with the duty of a citizen towards the State. Alternative service is performed by persons to be conscripted for mandatory active military service for whom mandatory active military service has been replaced by alternative service in accordance with the procedures prescribed by the said Law. The duration of alternative service is 24 months. The duration of alternative service for persons who have obtained a higher education is 18 months.

14. The consequential amendments to other legal acts have also been adopted. The amendments to the Latvian Code of Administrative Offences provide for administrative responsibility for violation of several provisions of the Alternative Service Law and for failure to perform service duties, e.g., failure to arrive at the place for the performance of alternative service; for systematic failure to perform service duties; for being present at the place for the performance of alternative service being under the influence of alcoholic beverages, narcotic, psychotropic or other intoxicating substances.

15. The amendments to the Criminal Law provide for criminal liability for failure to arrive at the place for the performance of alternative service, if it has lasted for more than 10 days. These amendments to the Criminal Law have entered into force on 6 November 2002.

16. The amendments to the Compulsory Military Service Law provide for procedures for the adoption of a decision to replace mandatory military service with an alternative service, and for defining the consequences of such a decision in the context of compulsory military service. These amendments also contain improvements in the wording of the original Law and necessary details due to the adoption of the Alternative Service Law and the introduction of alternative service. The said amendments entered into force on 28 June 2002.

17. The amendments to the Law on State Social Insurance broaden the scope of persons subject to social insurance and include also those performing alternative service; the amendments also supplement the list of persons who have to be insured against unemployment and whose pensions have to be insured; the list currently includes those persons performing alternative service. These amendments were adopted on 6 June 2002 and entered into force on 21 June 2002.
