

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## **Recommendation 257 (2008)<sup>1</sup> Local democracy in Latvia: the participation of non-citizens in public and political life at local level**

The Congress, bearing in mind the proposal of the Chamber of Local Authorities:

1. Refers to Article 2, paragraph 1.b, of Statutory Resolution (2000) 1 of the Congress, which provides that one of the objectives of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

2. Recalls that Latvia has been a member of the Council of Europe since 10 February 1995, signed and ratified the European Charter of Local Self-Government on 5 December 1996 which came into force on 1 April 1997;

3. Recalls that the situation of local democracy and the participation of non-citizens in public and political life in Latvia was already the subject of a Congress report in 2005, and a number of the articles of a Congress recommendation in 1998;

4. Refers to the decision of the Bureau of the Chamber of Local Authorities of 27 June 2008 to send, in the absence of any information from the Latvian Government since 2005, a fact-finding mission to Latvia to look into developments in the participation of non-citizens in public and political life at local level;

5. Takes note of the report of the Congress fact-finding mission to Latvia, 14-16 April 2008 (CPL(15)7REP), drawn up by Mr Jean-Claude Frécon (France, L, SOC), Vice-President of the Congress and member of the Institutional Committee;

6. Thanks the government authorities, the elected representatives of the municipalities of Latvia, the national association of local authorities, and the representatives of the non-governmental organisations for the information provided and comments made during their meetings with the delegation;

7. Bears in mind:

*a.* the sensitivity of integration issues in Latvia in the light of the history of the country;

*b.* that the question of political rights should be separated from that of naturalisation, and that political rights at local level should be granted to all non-citizens irrespective of whether they have been naturalised;

*c.* that participation in local political life is a means of fostering integration while excluding a significant part of the population from this process does not help them to integrate, but rather reinforce the psychological barriers which already inhibit their attempts to integrate;

*d.* that granting the voting right at local level would be a conciliatory gesture of good will towards the non-citizens on the part of the authorities and, still more, a sign of the vitality of Latvian democracy.

8. Recalls with regard to Latvia’s demographic situation that:

*a.* Latvia’s demographic situation is unusual, due to its multi-ethnic make-up and the fact that over 16% of the people living in the country do not have Latvian nationality, their numbers accounting in some municipalities to over 25% of the population;

*b.* the vast majority of Latvia’s non-citizens are long-term residents, in most cases born in the country and largely integrated in Latvian society and contribute to the social and economic development of the country;

*c.* naturalisations – as one way to obtain full political rights – are still relatively rare, partly due to the fact that some non-citizens regard the decision to refuse them automatic citizenship as a rejection and refuse out of principle to go through the naturalisation procedure.

9. Welcomes:

*a.* the ratification by Latvia, on 6 June 2005, of the Framework Convention for the Protection of National Minorities, which is a major step forward and reflects the government’s commitment to promoting the rights of national minorities, but, however, draws the Latvian authorities’ attention to Article 15 of the convention<sup>2</sup> and invites them to take the necessary measures to comply fully with this article, including measures with regard to non-citizens, irrespective of naturalisation.

*b.* the fact that the Latvian Government is well aware of the situation of non-citizens and has been making considerable efforts to integrate non-citizens into Latvian society, including the creation of a Special Assignment Ministry set up to deal specifically with social integration issues, which has implemented various integration policies intended to enable non-citizens to take part in local public life.

*c.* the fact that due to their status as permanent residents the vast majority of non-citizens are entitled to all citizens’ rights apart from voting and entry into the civil service.

*d.* the fact that in the daily work of municipalities, flexible solutions are often found to get non-citizens involved in local life and political debates and to address them in their own language if necessary.

*e.* the fact that, since 1999, the conditions for obtaining citizenship (including the arrangements for the examination and the amount of the fee to be paid) have been significantly relaxed.

*f.* the fact that Latvia's neighbour, Estonia, which has encountered much the same demographic problems and adopted more or less the same legislation on nationality, has agreed to grant non-citizens the right to vote in local elections, a measure which has not given rise to any particular problems.

10. Notes the following problems in the participation of non-citizens in public and political life at local level in Latvia:

*a.* the position of the Latvian Government remains very firm, it neither intends to grant voting rights in local elections to non-citizens in the near future nor does it envisage launching a large political debate on the subject;

*b.* this position is not in keeping with the spirit of the European Charter of Local Self-Government, as the Charter – particularly its preamble referring to the principle of local democracy – can be considered to imply, in principle, that the entire local population should be able to take part in local political life by electing local representatives.

11. *Recommends that the Latvian authorities:*

*a.* reconsider the recommendations made to Latvia previously by the Congress, which point out the importance of getting non-citizens involved in the country's democratic processes;

*b.* enact new legislation or amend existing laws, granting non-citizens the right to vote in local elections so as to foster their increased involvement in political life and hence their integration into Latvian society;

*c.* think initially about the possibility of granting automatic naturalisation to the elderly and those born in Latvia so as to rekindle the naturalisation process, which would create a spirit of reconciliation with the elderly who might not live to see a fully reconciled Latvian society;

*d.* reconsider the ratification of Protocol No. 12 to the European Convention on Human Rights, which establishes a general ban on discrimination (ETS No. 177), as well as the signature and ratification of the European Charter for Regional or Minority Languages (ETS No. 148);

*e.* consider signing and ratifying the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144);

*f.* open a new debate between the political parties in the government coalition, taking a courageous approach combined with a will to succeed, in an effort to build a cohesive society;

*g.* regardless of the difficulties linked to financial and economic crisis, keep in place state bodies in charge of society's integration.

12. *Recommends that the Committee of Ministers* transmit this recommendation to the Latvian authorities.

13. *Recommends that the Parliamentary Assembly* take account of the preceding observations and recommendations in the framework of its procedure of periodic reporting on member states not currently under a monitoring or post-monitoring procedure.

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1. Debated and approved by the Standing Committee of the Chamber of Local Authorities on 2 December 2008 and adopted by the Standing Committee of the Congress on 3 December 2008 (see Document CPL(15)7REC, draft recommendation presented by J.-C. Frécon (France, L, SOC), rapporteur).

2. "The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them".