

DIFFERENCE IN STATUS AND RIGHTS BETWEEN CITIZENS AND PERMANENT RESIDENTS (NON-CITIZENS) OF LATVIA

by Boris Tsilevich, Alexander Ruchkovsky (INSIGHT Ltd)

Introduction

On October 15, 1991, Latvian Parliament passed a Resolution "On The Renewal of the Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization" which divided until then equal residents of Latvia into two major groups: citizens (about two-thirds), and non-citizens (over a third of all residents). The criterion for citizenship was whether one or both of one's parents were Latvian citizens in 1940. The difference in formal political status is leading to increasing difference in political rights, rights to social security, property, employment and other rights. The table below lists - as of March 31, 1994 - differences already established by Latvian legislation as well as prospective differences according to draft laws introduced by the ruling coalition and debated in the Latvian Parliament. Most of the latter have gone through the first reading and will soon be adopted.

1. Employment

Jobs reserved for Latvian citizens only:

State office	Constitutional law "On the Rights and Responsibilities of Citizens and People" adopted on December 10, 1991, Art. 8.
Service in the Police	The relevant "Law on the Police" states that any permanent resident has the right to join the police. The Minister, however, declared in July 1993 that from then on only citizens would be employed. The relevant amendments to the law on the police were approved by the Government and submitted to Parliament in November 1993. Amendments to the "Law on the Police" were adopted by the Cabinet of Ministers on January 11, 1994, Rules 19, point 1.5, based on Article 81 of the Constitution.
Note: Art. 81 of the Constitution states that the Cabinet of Ministers has the right to adopt rules and resolutions with the force of laws, when the Saeima (Parliament) is not in session.	
Judge in court	Law "On the Judicial Power" adopted on December 15, 1992, Art. 51.1.
Barrister and assistant barrister	Law "On the Bar", adopted on April 27, 1993, Art. 14.1 and 83.
Notary and notary assistant	Law "On Renewal of the Republic of Latvia 1937 Notary Law and its Amendments" adopted on June 1, 1993, Art 9.1, 147.1.
Certain categories of Civil Service	The draft law "On State Civil Service" passed its first reading on March 23, 1994.
Diplomatic and consular service	Law "On the Republic of Latvia Diplomatic and Consular Service", adopted on May 11, 1993, Art. 2.

Private detective activities	Law "On Operative Activities" adopted on December 16, 1993, Art. 25.3. Changes in "The Rules of Detective Activities and Its Licensing in the Republic of Latvia", Order #74 of the Ministry of the Interior on March 28, 1994.
Armed guard (watchman) as well as director (manager) of an enterprise employing armed guards (watchmen)	"Temporary Regulations on Purchase, Possession and Use of Firearms and Special Means of Defense", instruction of the Ministry of the Interior, adopted in December 1993.
Crew member of any commercial airline registered in Latvia	Law "On Aviation" adopted on February 23, 1993, Art. 35.
Lecturer or researcher of Latvian Medical Academy	Statutes of Latvian Medical Academy, Art. 5.3, II approved by a Resolution of the Supreme Council (Parliament) of Latvia on February 23, 1993 (exception is made for highly-qualified foreign experts temporarily employed on a contract basis). II
Authorized representation of individuals or companies leasing municipal houses in Vidzemes district of Riga.	Resolution 818 of the Board of People's Deputy II Council of the Vidzemes district of Riga adopted on September 28, 1993. II

2. Property rights

Only citizens have the right to own land and other natural resources	Constitutional law "On the Rights and Responsibilities of Citizens and People" adopted on December 10, 1991, Art. 9. II
Only citizens have the right to purchase housing from state and municipal authorities.	Law "On State and Municipal Assistance Solving II the Problem of Housing" adopted on May 11, 1993, Art. 3.
Purchase of privatized "cooperative" apartments	The law "On Privatization of Cooperative Apartments", adopted on December 4, 1991, Art. 7, specifies that they can be bought by non- citizens if they have resided in Latvia for the last 16 years. But a number of municipalities (for example, Vidzemes and Ziemeļu in Riga) restrict this right to citizens only.
Purchase of apartments in denationalized and restituted houses.	The laws "On Restitution of Houses to Lawful II Owners", and "On Denationalization of Houses in the Republic of Latvia" adopted on October 30, 1991 do not set any norms concerning the sale and purchase of apartments in such houses. In practice, however, local authorities such as in Ziemeļu and Vidzemes districts of Riga interpret Art. 7 of the law "On Privatization of Cooperative Apartments" adopted on December 4, 1991 to restrict purchase of apartments to citizens only.
Only citizens are entitled to use land owned by local authorities, with the right to inherit the use of the land. Non-citizens are entitled to such land without the right to inherit.	Amendments to the law "On the Land Reform in Cities of the Republic of Latvia" adopted on March 31, 1994, point 4.

Citizens receive 15 additional privatization certificates (vouchers).	Law "On Privatization Certificates" adopted on November 4, 1992, Art. 4, p. 2,4.
Note: According to the law, the number of certificates equals the number of years of residence in Latvia. Besides, citizens get 15 additional certificates, but non-citizens not born in the country get five less than non-citizens born in Latvia with the same number of years of residence.	
Citizens receive 15 additional certificates for each child born in the period between December 31, 1992 and December 31, 1996. Non-citizens receive no additional certificates for children born in the above mentioned period.	Clarifications by Government representatives based on the interpretation of the law "On Privatization Certificates" of November 4, 1992, Art. 4.2. The interpretation is widely applied.

3. Private enterprise

Establishment of joint-stock companies is not allowed to citizens who have lived less than 21 years in Latvia.	Law "On Joint-Stock Companies" adopted on May 18, 1993, Art. 10.1.
Membership of non-citizens on the board of a commercial bank is restricted.	"Resolution of the Board of the Bank of Latvia N 10/7" adopted on September 16, 1993 demands that the majority of members of the Board be citizens.
The right to receive a license to carry out commercial cargo shipment, transportation of mail and passengers by air.	Law "On Aviation" adopted on February 23, 1993, Art. 78, 79.
Participation in privatization of objects owned by local public authorities is allowed to non-citizens only if they have lived in Latvia no less than 16 years.	Law "On Privatization of Small-Size Trade Centres..." adopted on November 5, 1991, Art. 11.

4. Social Rights

The difference in retirement pension (10%) is little more than a signal showing the attitude of the authorities. All rights concerning rent and tenancy contracts, on the other hand, have vital importance for the day-to-day existence of residents of Latvia. In the absence of a real housing market, all housing is controlled by the government or at least the municipal government. No access to that means no housing. Moreover, the right to purchase housing is also severely restricted (see above).

Allotment of land for individual housing construction, low interest loans, etc. envisaged for citizens only.	Law "On Assistance of State and Local Authorities in Solving Housing Problems" adopted on May 11, 1993, Art. 3.
Citizens only are registered to receive assistance from state and local authorities if they have lived for more than 40 years in an apartment without modern facilities (central heating, water, hot water) or live in a "communal" apartment (several families forced to share one apartment).	"On the Rules of Registering Persons (Families) to Receive State or Local Authorities' Assistance..." Nr. 17, adopted by the Cabinet on November 23, 1993, Art. 8.6.
Pensions of non-citizens are 10% lower than those of citizens.	Law "On Interim Rules of State-paid Social Security Benefits" adopted on October 27, 1993, Art. 5.2.

Local authorities in several districts allot state-owned lodging to citizens only.	E.g. Resolution of Jurmala Town Council (Session 20, Convocation 15) adopted on March 12, 1992. The resolution was suspended by the Procurator, but in practice remained in force, with some alterations in wording. A number of other local district authorities adopted similar provisions.
Apartments are allotted only to citizens when dormitories are closed down.	E.g. Resolution N 82 of Board of Latgales District Council of Riga adopted on February 25, 1993.
Special (lower) rents and tariffs are only available to citizens.	E.g. Resolution N 82 of Board of Salaspils' City People's Deputy Council (Session 16, Convocation 20) adopted on February 9, 1993. A number of other local authorities have adopted similar decisions.
Tenancy contracts are renewed with citizens only in certain districts. That means, in fact, that a non-citizen family loses its tenancy right in case of an exchange of apartments, death of the formal signatory of the previous tenancy contract or change of the owner, in accordance with Resolution 818 of Vidzemes District of Riga. Loss of tenancy right leads to a loss of residence registration.	E.g. Resolution N 783 of Board of Vidzemes district People's Deputy Council adopted on September 21, 1993.

5. Other issues

The right to self-defence and the possession of firearms is restricted to citizens.	Constitutional law "On the Rights and Responsibilities of Citizens and People" adopted on December 10, 1991, Art. 11, and law "On Firearms and Special Means of Self-defence", adopted on February 23, 1993, Art. 3, 4.
Free choice of residence in Latvia is guaranteed to citizens only.	Constitutional law "On the Rights and Responsibilities of Citizens and People" adopted on December 10, 1991, Art. 10, 29. J
Free return to Latvia after a stay abroad is guaranteed to citizens only.	Constitutional law "On the Rights and Responsibilities of Citizens and People", adopted on December 10, 1991, Art. 10, 28.
Only citizens can participate in local elections.	The law "On Local Elections", adopted on January 13, 1994.
The amnesty of March 1994 for a number of categories of convicted persons applies only to citizens.	"Law on Amnesty", adopted on March 24, 1994, point 5.4.

6. Discrimination by Other Countries Based on the Difference of Legal Status

The right of entry without a visa based on bilateral treaties (Hungary, Czech Republic, Great Britain, etc.) In the case of Great Britain, for example, although there is a British Embassy in Latvia, non-citizens are required to go to Moscow to obtain a visa.	E.g. treaty with Hungary adopted on October 1, 1992.
--	--

Opportunity to work in Germany according to a bilateral agreement.	Intergovernmental agreement concluded on June 2, 1992
--	---

Concerning grants, assistance, opportunities of study abroad many countries, international organizations (eg. NATO) stipulate that they are available for citizens of the former Soviet Union which excludes legally stateless residents of Latvia.