**Reply of the Republic of Latvia**

**Discrimination against women in nationality-related matters, including the impact on children[[1]](#footnote-1)**

Human Rights Council Resolution 20/4

**The laws and procedures relating to acquisition, change and retention of nationality upon marriage between a national and a non-national. Outline in particular if there are differences in treatment with regard to nationality between men and women who marry non-nationals. Are there any circumstances in which women automatically acquire or lose nationality upon marriage or dissolution of marriage?**

Latvia’s citizenship legislation corresponds to the general norms of democracy and human rights and it was enhanced taking into account recommendations of international human rights organisations such as the UN, the Council of Europe, and the OSCE. The acquisition, change and retention of nationality are regulated by the Citizenship[[2]](#footnote-2) Law of the Republic of Latvia.[[3]](#footnote-3) In the Citizenship Law, the term “person” is used, regardless of the sex of a person. In accordance with the Section 4 of the Citizenship Law, Latvian citizens have equal rights and obligations irrespective of the manner in which they have acquired citizenship.

In accordance with the Section 5 of the Citizenship Law, the marriage of a Latvian citizen to a foreign citizen or a stateless person, as well as the dissolution of such a marriage, does not effect a change in the citizenship of Latvian citizens and the citizenship of a spouse does not change upon acquisition or loss of Latvian citizenship by the other spouse.

The Paragraph 2 of the Section 24 of the Citizenship Law provides that the revocation of Latvian citizenship shall not affect the citizenship of the spouse, children or other family members of such person.

The Citizenship Law provides for more beneficial procedure of the examination of the citizenship application in accordance with the naturalization procedure for persons who are married to the citizen of Latvia not less than ten years, irrespective of the sex.

**The laws and procedures relating to conferral or nationality on children by men and women. Specifically, do children of female nationals acquire the nationality of their mothers in equal circumstances with men? If there are limitations on conferral of nationality by women on their children, please describe them with the reference to relevant legal provisions and procedures.**

Children of female nationals acquire the nationality of their mothers in equal circumstances with men. Citizenship of a child if one parent is a Latvian citizen is conferred in accordance with the Section 3 of the Citizenship Law, which provides:

*(1) If, at the moment of the birth of the child, one of his or her parents is a Latvian citizen, but the other is a foreign citizen, the child shall be a Latvian citizen, if the child:*

*1) was born in Latvia; or*

*2) 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.*

*(2) In the aforementioned cases, the parents may, having mutually agreed, choose the citizenship (nationality) of the other (not Latvian) state for their child.*

*(3) If, at the moment of the birth of the child, one of the parents is a Latvian citizen, but the other is a foreign citizen, and the permanent place of residence of both parents is outside Latvia, the parents shall determine the citizenship (nationality) of the child by mutual agreement.*

*(4) If, at the moment of the birth of the child, one parent is a Latvian citizen, but the other parent is a stateless person, or is unknown, the child shall be a Latvian citizen irrespective of the place of birth.*

The national legislation does not entail limitations on conferral of nationality by women (or men) on their children. The only exception is established in the Paragraph 2 of the Section 31 “Citizenship of a Child Born in Latvia after 21 August 1991 to Persons who are Stateless Persons or Non-citizens” which provides that until the moment a child has reached the age of 15 years, an application for acquisition of citizenship may be submitted by, *inter alia*, the mother of a child, if she is registered in the Population Register and is a stateless person or a non-citizen who has, until the time of submission of the application, been permanently resident in Latvia for not less than the preceding five years (for persons who arrived in Latvia after 1 July 1992, the five-year time period shall be calculated from the day a permanent residence permit is obtained), and if there is no entry regarding the father in the birth record of the child, or such record has been made on the instructions of the mother. Therefore this article is restricted to those cases when the child legally does not have a father.

**Best practices by States and other measures that eliminate nationality discrimination against women and avoid or reduce statelessness. Please carefully describe the process to achieve changes in legislation/policies specifying the role of particular national institutions and civil society organizations in the process.**

In line with international and European legal documents, anti-discrimination norms and gender equality are guaranteed in the legislation of Latvia. Women in Latvia enjoy equal rights as men in all areas of human rights, including in the judicial system, as prescribed by Chapter 8 “Fundamental Human Rights” of the Constitution of Latvia. According to the Article 91 of the Constitution, “*All human beings in Latvia shall be equal before the law and the courts. Human rights shall be realized without discrimination of any kind”.* Therefore equal rights are provided, irrespective of the gender.

There is a special regulation for women and their descendants in the Citizenship Law, which provides, that women and their descendants are declared as Latvian citizens if the Paragraph 12 of the Section 2 of the Citizenship Law is applicable to them. The Paragraph provides that Latvian citizens are, *inter alia*, women, whose permanent place of residence is Latvia and who, in accordance with Section 7 of the “Law on Nationality” of the Republic of Latvia, 23 August 1919, had lost their Latvian citizenship (nationality) and their descendants, if these persons have registered in accordance with the procedures set out in law, except for persons who have acquired the citizenship (nationality) of another state after 4 May 1990.

In January 2012, the Parliament’s Sub-commission on Changes to the Citizenship Law started debating more than 70 proposals for amending the Law. It is planned to introduce double citizenship for certain categories of countries. The amendments will extend the rights related to the citizenship.

**Stateless persons**

There are currently 175 stateless persons residing in Latvia. The Law on Stateless Persons of the Republic of Latvia was adopted by the Parliament of the Republic of Latvia on 29 January 2004. Section 2 of the Law on Stateless Persons provides the definition “stateless person” as defined by the Article 1(1) of the 1954 Convention[[4]](#footnote-4):

1. *A person may be recognised as a stateless person in the Republic of Latvia if some other state has not recognised the person as a citizen thereof in accordance with the laws of such state.*

Latvia ratified the 1954 Convention on the Status of Stateless Persons in 1999 and the 1961 Convention on the Reduction of Statelessness in 1990. The Convention on the Status of Stateless persons provides that the Contracting States shall accord the stateless persons the same treatment as is accorded to foreign citizens, that is, the scope of the rights of stateless persons is very close to the rights of foreigners. A stateless person who resides in Latvia legally has the rights specified in the Convention on the Status of Stateless Persons.

There is a formal procedure for determining the status of a stateless person as prescribed by the Section 4 and 5 of the Law on Stateless Persons which is distinct from other procedures (e.g. determination of a refugee or any other status). The status of a stateless person is determined by the Office of Citizenship and Migration Affairs (hereinafter – OCMA). OCMA also takes decisions concerning recognition of the status of a refugee, but each procedure for the determination of legal status is distinct. In order to recognize a person as a stateless person, he/she shall submit an application to the OCMA. Access to this procedure is provided if a person resides in Latvia legally or illegally.

Section 6 of the Law on Stateless Persons provides:

*(1) A stateless person shall reside in the Republic of Latvia in accordance with the procedures prescribed by the Immigration Law.*

*(2) A stateless person who resides in the Republic of Latvia legally is entitled to receive a travel document of a stateless person in accordance with the procedures prescribed in the Personal Identification Document Law.*

*(3) A stateless person who has immigrated into the Republic of Latvia and is not able to prove that his of her residence in this State is legal, may be issued a travel document of a stateless person in accordance with the provisions of the 28 September 1954 Convention relating to the Status of Stateless Persons.*

There are no restrictions concerning the deadline for the submission of the application.

If a person is recognized as a stateless person, he/she has a right to receive a long-term residence permit for five years, but after a five years term - to receive a permanent residence permit. A stateless person and a refugee have a right to naturalization five years after receiving the permanent residence permit.

A stateless person who has received a long-term residence permit has a right to work; he/she can apply for housing assistance in the municipality and acquire general education. This person is not provided with the state prepaid medical help and social benefits. A stateless person who has received a permanent residence permit has the same above mentioned rights, and additionally - has a right to receive the state prepaid medical help and social benefits. A stateless person has a right to receive a travel document which at the same time serves as an identification document.

The society “Shelter “Safe House”” was established on August 6, 2007 with the aim to develop support services to victims of human trafficking, legal immigrants, including asylum seekers, refugees and persons granted subsidiary protection status by ensuring the individual’s right to receive adequate assistance and defense; promoting rehabilitation and reintegration of victims of human trafficking into the society; creating interactive forms of training, and expanding cooperation with state and local government institutions, public and Christian organizations in Latvia and worldwide.

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1. Information has been prepared in the cooperation with the Ministry of the Interior and Ministry of Juctice [↑](#footnote-ref-1)
2. Term „citizenship” used as a synonym of the term „nationality” [↑](#footnote-ref-2)
3. The Citizenship Law of the Republic of Latvia, available at <http://www.likumi.lv/doc.php?id=57512> (also in English) [↑](#footnote-ref-3)
4. For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law. [↑](#footnote-ref-4)