



Opinion 183 (1995)¹

Application by Latvia for membership of the Council of Europe

Parliamentary Assembly

1. Latvia applied to join the Council of Europe on 13 September 1991. The Committee of Ministers asked the Parliamentary Assembly to give an opinion, in accordance with Statutory Resolution (51) 30 A.
2. With the Declaration of Independence of 21 August 1991 and the reinstatement of the 1922 Constitution, a framework for parliamentary democracy in Latvia was re-established.
3. Procedure in the Assembly was initiated by the Bureau's decision to commission a report on conformity of Latvia's legislation with general principles of the Council of Europe and the European Convention on Human Rights.
4. Following visits by the rapporteurs of the three committees concerned (21-24 April, 10-12 June and 20-21 December 1992) and observation of the parliamentary elections on 5 and 6 June 1993, it was agreed that there remained outstanding the question of a law on citizenship and the definition by law of the rights and status of "non-citizens".
5. Through the law on citizenship adopted by the Saeima (Latvian Parliament) on 22 July 1994, a major pre-condition for accession to the Council of Europe was fulfilled. Such was the conclusion of the rapporteurs following meetings in Riga from 3 to 5 August 1994. The law was approved by the President of the Republic of Latvia on 8 August 1994.
6. A commitment has now been made by the Latvian Government (exchange of letters with the Secretary General, September 1994) "... to continue its consultations and co-operation with the Council of Europe" in implementing the law on citizenship and in drawing up a law on the rights and status of "non-citizens": all laws and regulations, including notably those on the use of languages, must be applied without unacceptable pressures on individuals or unduly prolonged procedures.
7. The Assembly considers that this commitment also means that the relevant laws and regulations should very soon enter into force and will be in line with generally accepted principles of the Council of Europe - notably as set forth in Protocols Nos. 4 and 7 of the European Convention on Human Rights and in the European Convention on Establishment. In particular, it means that there must be no arbitrary and unjustified discrimination between citizens and "non-citizens". Decisions of an allegedly discriminatory character - whether taken under national, regional or municipal authority - must be subject to procedures of appeal and review.
8. The Assembly welcomes the setting-up of a special parliamentary committee within the Saeima for monitoring application of the law on citizenship. It welcomes the planned establishment of a council - independent of the government - for monitoring the observance of human rights, as an outcome of Latvia's national human rights programme.
9. On the basis of:
 - 9.1. Latvia's participation in various Council of Europe programmes;

1. Assembly debate on 31 January 1995 (2nd Sitting) (see [Doc. 7169](#), report of the Political Affairs Committee, rapporteur: Mr Espersen; [Doc. 7193](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Vogel; and [Doc. 7190](#), opinion of the Committee on Relations with European Non-Member Countries, rapporteur: Mr Toshev). Text adopted by the Assembly on 31 January 1995 (2nd Sitting).



9.2. Latvia's co-operation under several conventions and partial agreements; and

9.3. the participation of a "special guest" delegation from the Latvian Parliament in its proceedings since 18 September 1991, the Assembly considers that Latvia, in the sense of Article 4 of the Statute, is able and willing to fulfil the provisions for membership of the Council of Europe as set forth in Article 3: "Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council."

10. Accordingly, the Parliamentary Assembly, on the understanding that Latvia shares its interpretation of commitments entered into, as spelt out in paragraphs 6 to 8 above, and now intends:

- a. to sign the European Convention on Human Rights at the moment of accession;
- b. to ratify the European Convention on Human Rights and Protocols Nos. 1, 2, 4, 6, 7 and 11 within a period which, by the terms of Assembly [Resolution 1031 \(1994\)](#), should not normally exceed one year from the time of accession;
- c. to recognise, pending the entry into force of Protocol No. 11, the right of individual application to the European Commission and the compulsory jurisdiction of the European Court (Articles 25 and 46 of the Convention);
- d. to sign and ratify the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment;
- e. to study, with a view to ratification, the Council of Europe's Social Charter and to conduct a policy along the principles set forth in this Charter and in Assembly [Recommendation 1201 \(1993\)](#) on the question of an additional protocol to the European Convention on Human Rights on the rights of national minorities;
- f. to study, with a view to ratification, and to apply the central principles of other Council of Europe conventions - notably those on extradition, on mutual assistance in criminal matters, on the transfer of sentenced persons, and on laundering, search, seizure and confiscation of proceeds from crime;
- g. to sign and ratify the General Agreement on Privileges and Immunities (and its additional protocol);
- h. to seek to settle international disputes by peaceful means, as an obligation incumbent on all member states of the Council of Europe;
- i. to co-operate in the implementation of Assembly Order No. 488 (1993) on the honouring of commitments entered into at the time of accession to the Council of Europe on issues related to the Organisation's basic principles,

Recommends that the Committee of Ministers:

1. invite Latvia to become a member of the Council of Europe;
2. allocate three seats to Latvia in the Parliamentary Assembly.